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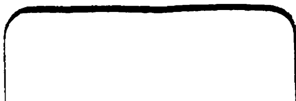

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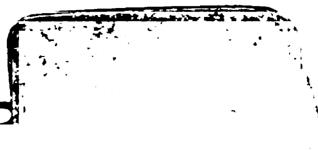

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IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

A WEEKLY NEWSPAPER,

AND

GAZETTE OF LEGAL POSTINGS.

Pro Rege, Grege, Lege.

VOLUME I.—1867-8.

DUBLIN:
PRINTED AND PUBLISHED BY
JOHN FALCONER, 53, UPPER SACKVILLE-STREET.
1868.

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Rec. Sept. 30, 1889.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. I.] SATURDAY, FEBRUARY 2, 1867. {Single Copy, 6d. By Post, 7d.}

TO SUBSCRIBERS AND ADVERTISERS.

Annual Subscription to the IRISH LAW TIMES (*payable in advance*)—*Town*, £1 1s.; *Country*, £1 6s. *These payments include the expenses of delivery.*

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, and addressed to THE EDITOR, IRISH LAW TIMES, *Temporary Office*, 53, *Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, IRISH LAW TIMES, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, FEBRUARY 2, 1867.

WE now issue the first number of this Journal fully relying on the many assurances we have received of cordial support and co-operation; and our confidence in this respect is not the less when we bear in mind that this publication was first conceived solely with a view to the advancement of the interests of the profession in this country, and is now undertaken in the same spirit, and with the same paramount object, and not merely as a speculation that will be profitable to the promoters. For this reason, too, our first number, though not purely experimental, cannot be expected fully to satisfy the proposed object of this Journal, but must be regarded as chiefly intended to entitle us to receive that full measure of support, which is an essential condition of its more complete organization and success.

Although the prospectus already issued fully explains the objects proposed to be attained, the present appears to be a fitting occasion to place before our readers, in a more permanent form, the motives which have induced us to embark in this undertaking, and the principles on which we propose to conduct it.

The want of a publication exclusively devoted to the interests of our profession has never been so much felt as at the present time, when new powers and privileges of vast extent and importance have been, by a recent legislative enactment, conferred on the representatives of the general body of the attorneys and solicitors of this country.

THE IRISH LAW TIMES AND SOLICITORS' JOURNAL has been undertaken to supply this want, with the view of aiding the Incorporated Law Society in the faithful and satisfactory discharge of its duties; and affording, at the same time, to every member of the profession the means of fully and freely discussing all subjects of importance to the general body.

Although mainly designed, in the first instance, for the legal public, this Journal will be found to embrace a far more extended sphere of utility. It will contain much that will prove interesting and important to the general public, but more especially to the mercantile community.

The plan we have proposed to ourselves is to supply early and accurate information, obtained from the most authentic official sources, as to the particulars and progress of the various matters pending in the several courts and offices, besides the earliest intimation of any circumstance in connexion with such proceedings which may be of general interest and importance. And this information is not intended to be limited to a mere list of names and cases, as an arrangement has been effected, under the sanction of the Council of Law Reporting in

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Ireland, with the gentlemen of the Bar now engaged in reporting (for that body) in the several courts of law and equity, by which the subscribers to this Journal will be furnished with short notes of current decisions in the shape of weekly notes, which will be found by both branches of the profession to form a most useful supplement to the Irish reports now in progress.

Each number will contain short comments upon current and general topics of legal interest; and in each will be given, so far as same may have been fixed for the ensuing week, the business of the courts, especially of the Landed Estates' Court and the Court of Bankruptcy and Insolvency.

It is also intended to publish, from time to time, reports of points of practice decided at the Assizes, and such decisions of Courts of Quarter Sessions as will prove valuable to the practitioners in these courts.

It will be our especial care to supply to Law Students the earliest and fullest intelligence as to examinations and lectures.

While we freely open our columns to correspondents it must be understood that every communication shall be carefully excluded from our pages which is of a purely personal nature, or calculated in any way to disturb that good understanding between the different branches of the legal profession, which is so essential to their well-being.

Our subscribers will thus be furnished with information upon all public matters connected with the profession which can either serue or interest them.

WE publish in another column the particulars of the prizes which the Council of the Incorporated Society of Attorneys and Solicitors propose to establish, to be competed for both at the preliminary and final examination of apprentices. It is gratifying to see that the Society are prepared so soon to redeem the pledges given to the public in their statement in support of the Attorneys' and Solicitors' Act of last session. They then insisted with great force on the claims of the profession to an improved and higher test of education, and urged that much might be effected in that direction when the interest of those most directly concerned were allied with powers of self-government and proper and fitting inducements to higher exertion held out to candidates. It is obvious that the very great advantages which must result, both to the profession and the public, from the educational tests now required, will be largely enhanced by making the examinations competitive, and thus creating among the candidates a healthy spirit of emulation and anxiety for distinction. Of the utility of an examination (immediately previous to admission to practice) in subjects exclusively professional we do not believe any one has ever expressed a doubt; objections have, however, occasionally been urged against the expediency of requiring from candidates for apprenticeship a certain degree of proficiency in the elements of a liberal education. These objections are two-fold, and, indeed, opposite: one class of objectors urge that the required standard is so low as not to be a sufficient test of general education and capacity. Now, although we should much prefer to see the standard higher, and believe the move made by the Incorporated Law Society to be a step in the right direction, yet we cannot admit that the fact of the present test not being in every respect perfectly satisfactory is any valid reason for its total abolition. To the other class of objectors, who urge that the required standard is so high as to prevent many deserving young men, who fail to qualify, from entering the profession, the answer is plain—such is the very object of the examination, to exclude from the ranks of a profession that requires a high degree of intelligence men who do not possess faculties capable of mastering the very rudiments of a liberal education, or who have not the energy and perseverance sufficient to enable them to do so, whose admission would bring little credit to the profession, and who would be by no means fitted for its varied and responsible duties. This whole subject was, in the year 1846, very fully considered by a select committee of the House of Commons. We extract from their excellent report the following remarks upon the subject of the qualifications then proposed, and which were much higher than those at present required:—"If the requirements demanded are somewhat higher than what might be expected from opportunities at present within the reach of the generality of young clerks—they assuredly are not higher than what are found to be indispensable in after-life for even a decent discharge of professional duties." And the committee go on to say, that the conclusion at which they had arrived, after the most careful consideration, was, that "The establishing thus, at the outset, a high standard of education for apprentices would effect in a marked manner the entire remainder of their course—it would enable them to profit by such instruction as might be within their reach—it would lay a foundation on which they might build future acquisitions, which, without such foundation, might probably never have been thought of; and though not of itself synonymous, with those gentlemanly principles and conduct upon which so much stress was laid, it would at least furnish a high probability that they had not been neglected." On the passing of the Act of 1861, conferring on law clerks of ten years' standing the privilege of admission after three years' service, it was sought to introduce clauses which (had they passed into law) would, in a great degree, have

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rendered the rules regarding these examinations inoperative; but this intention was defeated by the exertions of the Law Society; and such clerks were, by that Act, expressly required to be examined in pursuance of the Benchers' rules. Subsequently the law clerks presented a memorial to the Benchers, seeking to have these rules relaxed in their case; but the Benchers wisely and properly made no concession in their favour, nor did they in any instance, that we are aware of, dispense with the preliminary examination. We earnestly hope that the judges who themselves, as Benchers, were the first to sanction these rules, and to whom is now reserved a discretionary power of controlling the action of the Incorporated Law Society, will adhere to these principles on which they have hitherto acted, and will warmly support the efforts of the Council to raise the intellectual and social status of the profession, and thus secure its true efficiency and influence.

SOLICITORS' BENEVOLENT ASSOCIATION.

We publish elsewhere the Report which has just been adopted at the Annual Meeting of this Association; it deserves the attention of our readers The Association has been in existence some three or four years, and appears to have been enabled, even in that short time, to afford considerable relief. It is, however, to be regretted that the funds at the disposal of the Committee have been insufficient to admit of their granting aid in very many instances where the circumstances were such as to call for it; but which, in the exercise of their trust—administering a very limited fund—they were forced to refuse. We trust this will not be so in future; and we are happy to have the opportunity afforded us in this, our first number, of making known to such of the profession as may have been in ignorance of it, that such a society is in operation. It can scarcely need anything we could say to recommend it; and we refer those who feel an interest in its object to the Report itself.

CURRENT TOPICS.

At the inaugural dinner at the Mansion house on New Year's Day, the Right Hon. William L. Joynt, Lord Mayor, signalized the occasion by giving as a toast "The Attorneys and Solicitors of Ireland." We take the report of his remarks from *Saunders*:—

"He was sure it was not too much to ask them to drink the health of the honoured profession to which he belonged. Possibly, as they were unaccustomed to the toast, they were a little surprised at his audacity in proposing it. Any success that he himself had had in life he owed to that profession. Fifteen years ago he began in its humblest walks; and by patience, perseverance, and honourable attention to his duties, he had found himself able to realize the best and proudest hope that any man could have in this life, as far as worldly prosperity went—the proud privilege of being independent. He was very glad to see many distinguished gentlemen belonging to his profession in the room. He could not ask them all to respond; but he would join with the toast the name of one of them, Mr. Durdin, an alderman of the city, a gentleman of considerable attainments, of very high personal character, and, probably, whose proudest boast was that he did not share a single political principle in common with himself. He was all the prouder to see him there that night; and he called on them to drink prosperity to him, and to the solicitors, who on a late occasion had obtained a charter for themselves, and had escaped from the protecting care of a body who thought much more of themselves than they did of the solicitors."

It is, we understand, the intention of Sir Colman O'Loghlin, M.P., to re-introduce into Parliament at the earliest opportunity, a Bill for the abolition of arrest for debt on final process. By this measure the *person* of the debtor will be altogether freed from attack, but it is probable that his property, income, &c., will at the same time be rendered more assailable. We cannot but think, however, that the laws which should regulate the important relations between debtor and creditor ought not to be dealt with crudely, or by piecemeal, or, we may add, by private legislation. It is a matter requiring comprehensive treatment, and deserving the attention of the Government.

In the address of Mr. Vance, M.P. for the borough of Armagh, when returning thanks to the electors, the following observations occur with reference to the law of Bankruptcy in Ireland:—

"There are some other measures likely to engage the attention of Parliament in the next session, and one is upon the subject of bankruptcy. It is not generally known that we have different systems in the Three Kingdoms as regards bankruptcy. Besides which, there is a different law of debtor and creditor in each country (hear, hear.) It would be very desirable to assimilate them, and it is because I feel the necessity of such a measure that, as a mercantile man, I was particularly anxious to be placed in Parliament this session. In any measure that passes I trust the most tender consideration will be given to men who by sheer misfortune have been driven into the court. At the same time, I should be willing to see a severe punishment enacted for those who should be proved to have fradulently dissipated the property of their creditors. It is also extremely desirable that the assets should be promptly and inexpensively divided. At present they are generally frittered away in law courts and proceedings in which the creditors have no interest. I trust (with due regard, of course, to vested interests) that the creditors will be first consulted in any arrangement of the sort that may be made"

ENGLAND.

LAW SOCIETIES AND LEGAL REFORMS.

At a meeting of deputations from the undermentioned law societies in England, held at the Westminster Palace Hotel, 11th Jan., 1867; present from Liver-

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pool—Mr. Bateson and Mr. Lowndes; Manchester—Mr. Baker and Mr. Bunting; Birmingham—Mr. Ryland, Mr. Beale, and Mr. Allen; Hull—Mr. Roberts and Mr. Thorney; Sunderland—Mr. Robinson.

Mr. Bateson, president of the Liverpool Law Society, in the chair.

Letters were read from several of the provincial law societies concurring in the general objects of the meeting. After a lengthened discussion the following resolutions were passed unanimously:—

1. That in the opinion of the meeting the increasing business of the country urgently demands the appointment of additional common law judges.

2. That the number of additional judges should be five; and that a fourth common law court should be constituted, to consist of a chief justice and four puisne judges.

3. That it would facilitate the administration of justice if each of the puisne judges were appointed a judge of all the common law courts.

4. That instead of the present mode of disposing of business at chambers, the following changes be recommended: that all summonses not attended by counsel or special pleader shall be heard by one of the masters, subject to appeal to a court, to be called "The Practice Court," and that all summonses attended by counsel or special pleader shall be heard by that court; and that such practice court be presided over by one of the puisne judges, who shall have jurisdiction in all matters of practice and pleading arising in any of the courts, subject to an appeal to the full court, as at present existing, from chambers.

5. That a provision should be made for holding a third or Winter assize for the trial of civil causes throughout the country; and that in those circuits where the business is not sufficiently large to justify a separate assize for each assize town, it is desirable that a central town should be fixed upon where the third assize for the whole circuit shall be held.

The following re-arrangement of the legal year was recommended:—

Michaelmas Term, to begin 24th Oct.; to end 22nd Nov.; number of days 30.

Sittings after Michaelmas Term, to begin 23rd Nov.; to end 21st Dec.; number of days 29.

Christmas Vacation, to begin 22nd Dec.; to end 6th Jan.; number of days 16.

For the Winter Circuits, to begin 7th Jan.; to end 14th Feb.; number of days 39.

Easter Term, to begin 15th Feb.; to end 16th March; number of days 29.

Sittings after Easter Term, to begin 17th March; to end 13th April; number of days 28.

For the Spring Circuits, to begin 14th April, to end 18th May; number of days 35.

Easter Vacation, to begin 19th May; to end 26th May; number of days 7.

Trinity Term, to begin 27th May; to end 25th June; number of days 30.

Sittings after Trinity Term, to begin 26th June; to end 23rd July; number of days 28.

For the Summer Circuits, to begin 24th July; to end 27th Aug.; number of days 35.

Long Vacation, to begin from end of Circuits; to end 23rd Oct

The following resolutions were also agreed upon:—

That in the opinion of this meeting, it is desirable that the number of Judges in Chancery should be increased; and that the best mode of making such increase of Judges available would be by assigning two Judges to each court, one to sit in court while the other is sitting in chambers; each Judge to work out his own decrees in conformity with the policy of the Acts of 1852.

That a deputation from this meeting do wait upon the Lord Chancellor for the purpose of presenting him with a copy of the above resolutions.—*Law Times.*

LAW REFORMS FOR THE SESSION.

We learn that the Government is actively engaged in the preparation of important measures of law reform, which will be introduced to Parliament early in the ensuing session. Foremost among them is a reconstruction of the law of Bankruptcy. The law of master and servent is to be amended The Merchant shipping law will be revised and improved. Considerable changes will be proposed in the administration of the Poor-law. The law of landlord and tenant in Ireland will give to the latter better security for positive improvements. Some amendments, suggested by the recent experience of its working, will be made in the law of joint-stock companies. The provisions of the Factories Acts are to be extended to the protection of women and children in all other employs. A Bill will embody the principal recommendations of the Capital Punishment Commission. The promise is magnificent, out experience proves how far short of it performance usually falls. It is one thing for a Government to produce an imposing array of good measures, it is another thing to carry them through the multiplied obstacles that thwart their passage through the Legislature. Least of all is it permitted to us to be sanguine, now that Reform threatens to engross the attention of Parliament, whether adopted by the Government, or used for its overthrow.—*Law Times.*

IMPORTANT RAILWAY CASE.

COURT OF QUEEN'S BENCH, WESTMINSTER.

(Sittings in Banco, before the LORD CHIEF JUSTICE, MR. JUSTICE BLACKBURN, MR. JUSTICE MELLOR, and MR. JUSTICE LUSH.)

In the Matter of an Attorney.

This was an application against an attorney, under these circumstances. A person named Hill had brought an action against the Great Western Railway Company to recover damages for injuries alleged to have been received while a passenger on their line. The jury found for the company, and almost immediately afterwards the plaintiff went through the Bankruptcy Court at Birmingham upon his own petition, and on that occasion the circumstances were disclosed which were now stated as the ground for the present application. He stated that the attorney who had taken up his case had done so on an arrangement that he should receive £20 on every £100 that might be given by the jury as damages, the attorney stating that he had brought nearly 50 actions against railway companies, and had recovered in all but one of them. Upon these facts—

Mr. Huddleston (with him Mr. H. James) now moved, on the part of the company, for a rule calling on the attorney to show cause why he should not be struck off the roll for misconduct. Such an arrangement, the learned counsel said, was clearly illegal, for it was champerty in its grossest form, and such corrupt agreements were calculated to produce the most pernicious and mischievous consequences, fostering, as they did, a system of speculative litigation, which there was reason to believe had produced already most grievous results.

The Court granted a rule *nisi.*

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF CHANCERY.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

Gore v. *O'Grady*.

Jan. 16, 17, 22.—*Injunction—Waste—Bog—Cutting Turf for Sale—Renewable Leasehold Conversion Act.*

This was a cause petition filed by Colonel Knox Gore to restrain the respondent, Richard O'Grady, from cutting turf for sale on the lands of Carrowkerribly, in the county of Mayo. The lands, which were described as containing "310 acres profitable land, together with the Great Bog, containing 633 acres," were demised in 1782 by Sir Richard Steele to Edmund Moore, for lives renewable for ever, and this lease was converted into a fee-farm grant in 1854, under the provisions of the Renewable Leasehold Conversion Act. The estate of the grantor was now vested in the petitioner, and that of the grantee, in the respondent; and the latter had been for many years in the habit of cutting turf for sale on the bog in question, and claimed the right to do so from an alleged uninterrupted user since the date of the original lease of 1782, and from the legal operation of the fee-farm grant of 1854. It appeared that a bill had been filed in Chancery in 1849, to restrain the then tenant of these lands and his under-tenants from committing similar waste; and that a conditional order for an injunction was made absolute in March, 1850. Upon behalf of the respondent, however, it was alleged that the tenant had never been served with notice of these proceedings, and that there was no cessation of cutting turf for sale in consequence.

The *Solicitor-General*, *Warren*, Q.C., and *Owen*, for the petitioners.

Sullivan, Q.C., *Flanagan*, Q.C., and *Romney Foley*, for the respondents.

The LORD-CHANCELLOR said, that as to the question of user, the presumption which the parol evidence might possibly warrant was defeated by the absolute order negativing the right claimed. That it appeared that the agent of the tenant had been served in the injunction proceedings; and it was fairly presumable, therefore, that the tenant himself had notice of them. With respect to the effect of the conversion of the lease into a fee-farm grant, the policy of the Renewable Leasehold Conversion Act was to leave all pre-existing rights just as they were; and, as a tenant under a lease of lives renewable for ever would have been impeachable for waste for cutting turf for sale, his rights and liabilities in that respect would remain unaltered upon the execution of a fee-farm grant under the provisions of the Act. The petitioner was therefore entitled to the injunction prayed.

Solicitor for the petitioner, *R. Peyton.*

Solicitors for the respondent, *Dillon & Hart.*

Sinnot v. *Kehoe*.

Jan. 16.—*Evidence—Memorial—Settlement—Search.*

The petitioners in this case claimed each a share of certain lands, as not having been duly appointed under a deed of 1843, purporting to carry out a power of appointment contained in a marriage settlement of 1817. By this indenture of settlement, executed on the marriage of Bryan Murphy with Dorothea Murphy. Catherine Murphy assigned to trustees certain lands upon trust, amongst other purposes, to provide for the issue of the marriage. In the year 1843, Bryan Murphy appointed to the respondents a portion of these lands; but the petitioners contended that this appointment was invalid, as being in excess of the power given by the settlement.

The original settlement was not produced, nor was there any satisfactory proof of a search having been made for it. The power of appointment, was, however, recited in the deed of 1843, and the memorial of the settlement of 1815, which was executed by Catherine Murphy, was offered as evidence of the contents of the deed.

Lawson, Q.C., and *J. A. Byrne*, on behalf of the respondents, objected to the admission in evidence of the memorial, on the ground that it was only secondary evidence, and that there had not been any proof of a search for the original deed.

Sullivan, Q.C., and *Ryan*, for the petitioners, submitted that, as against Catherine Murphy and those claiming under her, the memorial was primary evidence of the contents of the deed.

The LORD CHANCELLOR allowed the memorial to be read in evidence.

Solicitor for the petitioners, *Laurence W. Corcoran.*

Solicitor for the respondents, *Chas. Thorpe.*

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

Vacating Receiver's Recognizance—Notice of Motion.

Grogan v. *Pierce*.—A motion *exparte* having been made to vacate a receiver's recognizance, dated in 1846, His Honour said that several motions to vacate old recognizances had been made before him, and he should in all cases where applications were made to vacate recognizances dated more than ten years ago, require notices of the motion to be served.

Mr. J. A. Byrne, for the motion.

Solicitor, *Mr. Malcolmson.*

Funds in Court—Change of Investment.

Jan. 16, 23.—*In re Boyces, minors.* A petition was presented in behalf of three ladies formerly wards of Court, who were entitled for life to the dividends of certain funds, which stood to their separate credits in New Three per cent. Stock, to change the investment of them into Bank Stock. The Court, following *Cockburn* v. *Peel*, 3 D. F. & J. 170, M. 3, refused to change the investment as to two of the petitioners, as to whom no special reason, except an increase of income, was assigned; but made an order for the change of investment in the case of the other petitioner, in whose case a special ground for the change existed, which was satisfactory to the Court.

Mr. M. B. Smyth, for the petitioner.

Solicitor, *Mr. M. Bourke.*

Attorney—Admission as Solicitor—Solicitors' Act.

In the Matter of James Riordan.

Jan. 18.—*Mr. James Riordan* had passed his examination for admission as an attorney in July last. On the 6th of August, 1866, the Attorney and Solicitors' (Ireland) Act, 29 and 30 Vic., c. 84, received the Royal assent, and it became necessary, under that act, that he should, before admission, pass an examination according to the regulations prescribed by the 19th section. Having already passed, he made an application for admission without further examination, which was complied with; and on the 15th of January, 1867, he was sworn in an Attorney of the Court of Common Pleas, and his certificate was signed by the Lord Chief Justice of the Common Pleas and enrolled in that Court. He now desired to be admitted a Solicitor of the Court of Chancery.

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Mr. Exham, Q.C., applied to His Honour. He referred to the 21st section of the Act, which required that "the oath now required by law to be taken by persons requiring to be admitted as Attorneys and Solicitors" should be taken; "and after such oath taken" the party applying is to be admitted, if he has served his apprenticeship, and has obtained a certificate of the Examiners that he is fit and competent. Before the late Act there was a form of affidavit which stated that the applicant had served his apprenticeship—that he had a fixed residence in Dublin—that he had been admitted and sworn in as an attorney of one of the Courts of Common Law, and that while he was a solicitor of this Court he would not suffer any other person to practise in his name. On that affidavit being filed, and a copy of it produced to one of the Masters, he signed his certificate, which was countersigned by the Registrar, and the name of the applicant was entered in the Solicitors' Book. No form of affidavit had been yet prepared under the late Act, although the 26th section provided for the appointment of persons before whom it was to be taken. Many other gentlemen were in the same position as Mr. Riordan, and it was of great importance to them to be admitted without delay, as under the 38th section they must be admitted solicitors of the Court of Chancery before they could practice in Bankruptcy.

The MASTER of the ROLLS said that he would speak to the Lord Chancellor about the matter, and mention it again.

A form of affidavit has since been settled.

COURT OF QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

Cadiz and Oporto Wine Company (Limited) v. *Cunningham.*

January 11. *Motion for Security for Costs.* The action was brought on the Summary Procedure Act, to recover £64 10s. 6d., amount of a promissory note. Defendant served the preliminary notice for security on the 3rd of January. On the 5th plaintiff replied by notice, stating that if liberty was given to defend he would be ready to give security. On the 8th defendant obtained leave to defend for £32, he bringing the residue of the amount of the note into Court. He then at once and before lodging the £32 10s. 6d., served notice of the present motion, grounded on the order of the 8th, but not on any affidavit.

H. O'Neill Bourke, for defendant.

William M. Johnson, for plaintiff, referred to the 52nd G. O. and the 44th rule, under the Process and Practice Act, to show that the motion could not be carried except on an affidavit mentioned in the notice.

Per curiam.—Defendant undertaking to bring in the £32 10s. 6d., and the plaintiff offering to let it remain in Court as security. So be it; costs of the parties to be costs in the cause.

Attorney for plaintiff, *W. N. Copinger*.

Attorney for defendant, *J. D. MacDermott.*

Byrne v. *Doyle.*

January 11. — *Slander — Particulars.* — This was a motion, in an action for slander, for particulars of times when, and places where the alleged slander was spoken. The words complained of were, "He is constantly stealing my bricks," without any averment of time or place of speaking the words. Defendant's affidavit stated that he had never used the words. On the 7th of January notice was served on the plaintiff asking for particulars. Plaintiff replied, stating that the words were spoken, "as nearly as he could specify them," in certain streets named, "about" certain months mentioned.

Coates, for defendant.

Palles, Q.C., and *Keogh*, *contra.*

The Court held that the case came within *Early* v. *Smith* (12 W. C. & A. app. xlv.), that the particulars given were insufficient, and that the defendant was entitled to more specific information, and granted the motion. Costs, costs in the cause.

Attorney for plaintiff, *D. Nolan.*

Attorney for defendant, *Archer Coates.*

Manning v. *The Gresham Hotel Company.*

January 12, 16.—*Obstruction of Light—Setting aside verdict as being Against Weight of Evidence.* Motion to set aside a verdict as being against the weight of evidence. The action was for obstruction of light by raising certain buildings which darkened the windows of plaintiff's wareroom. The defences were a traverse of the right to the light, a plea of leave and licence, and a traverse of the obstruction. It was upon the issue on the last traverse that the present question arose. The jury found for the defendants, there being evidence on the part of the plaintiff that the light of his wareroom was sensibly diminished; and there being evidence on the part of the defendant that the diminution of light was not sufficient to injure plaintiff in his business. The jury found for the defendant upon the issue. The jury had viewed the premises, and the learned judge was satisfied with the verdict.

Dowse, Q.C., and *Byrne*, for plaintiff.

Palles, Q.C., and *S. Walker*, for defendant.

The Court granted a new trial, being of opinion that if the plaintiff proved a sensible diminution of light, and that his enjoyment of his premises was so interfered with, he was entitled to succeed, even though he was not injured in his business. The Court also held that the fact of the jury having viewed the premises did not entitle defendant to succeed on this motion. Defendant's costs of first trial to be costs in the cause.

No costs of this motion.

Attorney for plaintiff, *William Hitchcock.*

Attorneys for defendant, *Casey and Clay.*

COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-law.

Guinea v. *Allen.*

Taxation.—This was a motion to review taxation. The defendant had pleaded to cause of action, an accord and satisfaction by acceptance of a promissory note. To this plaintiff filed, by leave of the Court, two replications, one traversing the acceptance of the note as accord and satisfaction, the other alleging fraud; and issues were knit upon these two replications.

At the trial the issue on the non-acceptance was found for the plaintiff, and that on fraud for the defendant. The plaintiff succeeding in the action. The taxing master had allowed plaintiff the costs of the motion, &c., for leave to file the replications.

The Court held that as the jury had found against the plaintiff on the replication alleging fraud, and as plaintiff could have taken issue on the acceptance in accord and satisfaction without any replication, that the costs of the motion to file the replications should not have been allowed to the plaintiff.

Counsel for plaintiff, *J. Murphy*, Q.C., and *D. O'Reirdon;* Attorney, *C. J. Daly.*

Counsel for defendant, *R. Dowse*, Q.C., and *J. Collins;* Attorney, *G. Allen.*

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Tisdall v. *Humphrey*.

Setting aside Judgment for Want of Service of Summons and Plaint. In this case judgment was marked on the 4th December, 1866, on the affidavit of the process server, alleging service under the 32nd sec. of the Common Law Procedure Act, by leaving a copy of the summons and plaint with defendant's servant, at his residence, he being then within the jurisdiction. There was no affidavit on the part of the defendant of merits, or denial that the process had come to the hands of the defendant.

It appearing from the affidavits of the defendant and his wife, that he was not within the jurisdiction at the time of the alleged service, the Court set aside the judgment.

Motion granted with costs.

Serjeant Barry and *J. Munroe*, Counsel for defendant; Attorney, *T. Mathews*.

W. Boyd, Counsel for plaintiff; Attorney, *B. Booth*.

COURT OF EXCHEQUER.

Reported by J. Lowry Whittle, Esq., Barrister-at-law.

Riddell v. *Crawley*.—Jan. 12.

Before Fitzgerald, Hughes, and Deasy, B.B.

Judgment by Default—Compromise pending. Action for balance of an account.—On the 22nd November, A., a relative of defendant, called on plaintiffs, and urged a settlement; plaintiffs offered to take £25, which A. declined to give. On the same day A. sent a cheque for £20, which was returned on the day following, plaintiffs saying, if you send £27 and costs, and get us a dividend out of B.'s estate we will withdraw our writ; if not judgment will be marked. On the 24th November A. sent £25, which was returned on the 26th, plaintiffs saying it was too late to stop further proceedings. On the 28th A. wrote, offering to pay in full, but judgment had been marked in the meantime.

Harrison, Q.C., and *J. Monroe*, for the defendant, now moved to have the judgment set aside as marked, compromise pending.

Falkner and *Seeds*, contra.

Motion refused.

Attorneys for plaintiffs, *H.* and *W. Seeds*.

For defendant, *James Murphy*.

Cassidy v. *Firman*.—Jan. 16.

Before Fitzgerald, Hughes, and Deasy, B.B.

Statute of Limitations—Acknowledgement. Action for balance of an account. Plea, the Statute of Limitations. Plaintiff gave in evidence two letters of the defendants. In the first defendant said, "I should be very sorry that Mr. Cassidy or anyone else should lose by me; and if I can get hold of the groom I had then, and can prove satisfactorily to myself that he is due anything, I should be very sorry that he should not get it, but if he chooses to take me to Court he may do so, and do his worst." In the second letter defendant said he would appoint some third person to confer with plaintiff's attorney, and added, "but at the same time I might repudiate the account, as I know nothing of it; but if Mr. Cassidy has any claim on me, which I much doubt, I would wish the matter arranged."

The jury found for the plaintiff, and the judge directed a verdict to be entered for the defendant, reserving leave to move to have the verdict entered for the plaintiff. A conditional order having been obtained pursuant to the leave reserved.

Palles, Q C., for defendant, now showed cause.

Battersby, Q.C., *Hemphill*, Q.C., and *F. L. Dames*, for the plaintiff, relied on *Holmes* v. *Smith*, 8 Ir. C. L. R., 424; *Leland* v. *Murphy*, 16 Ir. C. L. R., 500; and *Lee* v. *Wilmot*, C. L. R., *Ex.* 364.

The Court held that these letters were not sufficient to establish an acknowledgement to take the case out of the statute.

Attorney for plaintiff, *Robert Courtenay*.

For defendant, *John E. Roach*.

COURT OF PROBATE.

Reported by W. R. Miller, Esq., LL.D.

Fry v. *Draper*.

Jan. 24.—*Will—Revocation—Insanity—Onus probandi*.

In the case of a testator becoming, after the execution of his will, which he kept in his own custody, of unsound mind, and at his death the will not being forthcoming, the onus of showing that it was destroyed animo revocandi by the testator when of sound mind, lies on the party who opposes the will; and in the absence of such evidence the contents of the will, if clearly proved, will be established.

The declaration propounded a will of C. E. D., dated 16th December, 1865, that it was not forthcoming, but was not revoked; and alleged the contents as set forth in a script B.

The defendants pleaded a revocation by destruction of that will by the testator when of sound mind.

Replication—that the will was not revoked, and that if revoked, it was revoked by the testator when of unsound mind.

The evidence, on the hearing before the Court, showed clearly that the will was made when the testator was quite competent, and on the day of its date; and that in March following he showed symptoms of derangement, and in April became quite insane, and continued so to his death.

His delusions were that he was robbed, and would be a pauper, and that his firm would be unable to meet its engagements—all of which were clear delusions. The will had been left in the custody of the deceased, and he told his solicitor in April that he had destroyed it. It could not be found on his death, but the solicitor had the draught.

Dr. Ball, Q.C., and *Price*, cited *Harris* v. *Berrill*, 1 S. & Tr., 153.

Dr. Miller, for the defendants, offered no opposition—the case having been compromised.

Keatinge, Judge.—There are materials in this case proved to enable me to make the decree asked for, establishing the will as set forth in script B.

The *onus* lies on those opposing the will to show that the revocation was at a time when deceased was of sound mind.

Decree accordingly.

In the Goods of *Lawrence Kelly*.—31st Jan.

Heir-at-law—citing—suit pending.

In order to get an order for leave to cite an heir-at-law, there must be a suit actually instituted to try the validity of a will affecting the real estate.

E. Gibson moved for liberty to cite the heir-at-law.

[Keatinge, J.—Is there any suit pending on which you move?]

No; we are about to issue a citation on the next of kin to see the will proved specially.

Keatinge, J.—The 65th section of the 20 & 21 Vic., c. 79, is, that where proceedings are taken for proving a will in solemn form, or for revoking a probate, or where in any other contentious cause or matter the

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validity of the will is disputed, the heir-at-law shall be cited in the manner there provided.

In England the judge has held that a plea impeaching the will must be on the file. I do not go so far as that, but I hold that there must be at least a citation issued calling on the next of kin to see the will proved.

Solicitor, *Thomas Boyd.*

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

(Before JUDGE BERWICK.)

IN INSOLVENCY.

In re Hannon.

Future acquired property. Policy of insurance effected for the benefit of the children of the party effecting it, of whom the insolvent is one, and to whom by the terms of the policy it is made payable, subject to a parol trust.

Where the mother of an insolvent effects a policy of insurance on her life for the benefit of her children, share and share alike, the amount at her death to be paid to her son, who in the meantime becomes insolvent, and nothing with regard to the policy of insurance appears in his schedule. Upon the death of the mother the assignees are not entitled to receive the amount.

Kernan, Q.C., applied to the Court to have a sum of £223 paid into Court, being the amount of a policy of insurance effected on the life of Elizabeth Hannon, the mother of the insolvent. It appeared that the insolvent had obtained his discharge two or three years previously, and that nothing whatever was stated in his schedule about the policy of insurance, or his right to receive the amount—in fact, all notice of it was omitted. The policy was effected in the year 1857, on the life of the insolvent's mother, and to be payable at her death to the insolvent, his heirs, executors, administrators, and assigns. Now if the insolvent had a right to receive it, his assignees had the same right—the insolvent claimed the amount, and the assignees also claimed it; and the company were ready to pay it into Court, and there let the rights of the parties be dealt with. In the first place, the assignees had a right to receive it. In the second place, as regarded the insolvent's share of it, according to an alleged parol trust, it clearly came under the head of future acquired property, and the Court had a right to deal with it; and upon those admitted facts he believed he had a right to ask the money to be brought into Court, and then let the parties claiming it establish their right to it as best they could.

Mr. John M'Mahon opposed the motion on the part of the insolvent. He relied upon an affidavit made by the insolvent, in which he stated that his mother, at the time of effecting the policy, had four children, of whom he, the insolvent, was one—that it was in trust for herself and children, and payable to the insolvent at her death, to be divided amongst them equally. The premium on the policy was always paid by Mrs. Hannan, during her life, and the proceeds of the policy were of course liable to her debts, the amount of which had not been clearly ascertained. It was known that she owed £50 at least, but how much more did not at present appear. The motion was wholly untenable—the proceeds of the policy should be regarded as assets of the deceased, subject to her debts, and also to the trusts that were created by her.

JUDGE BERWICK said he thought the motion ought not to be granted, but as to costs there was no fund out of which they could be paid, and he thought the application was *bonâ fide* on the part of the assignee. There was no doubt but the proceeds of the policy were to be regarded as assets of the deceased, and were subject to her debts, and also to the trusts with regard to her children. Suppose he were to consider the insolvent's share (if there should be any) as future acquired property, the present application was not made under the section to make future acquired property available—it was made to compel the payment into Court of a sum of money to which the assignees were not entitled, or if entitled to anything it could only be to the distributive share of the insolvent when it was ascertained, and then that would be subject to the insolvent's subsequent debts.

Before JUDGE MILLER.

IN INSOLVENCY.

Re Conroy.

Bringing an unfounded action. Debt fraudulently contracted.

Where party brings an action that appears of a very frivolous character, and the plaintiff, when the case is in the list for trial, withdraws the record. He is afterwards arrested for the costs of the day, for which he seeks to be discharged by the Insolvent Court. Will not be deemed a debt fraudulently contracted.

Graves, Solicitor, opposed the discharge of the insolvent on the ground of having contracted the debt fraudulently, by bringing an action which, on the face of the pleadings, appeared of a most frivolous and unfounded character. The action was against his landlord for alleged trespass, and when the case was ready for trial, and the briefs given out, he then withdrew the record. The costs of the day were taxed to £12, for which he was arrested, and he now sought to be discharged. Besides the costs for which the insolvent was arrested, the defendant would have about £30 in addition to pay for his general costs. In the case of *Dunne* v. *Couts* it was held that the costs of an action of that kind was a debt fraudulently contracted, and the insolvent got a long remand.

Mr. Levy, for the insolvent.—The case of Dunne *v.* Couts had no analogy to the present case.

JUDGE MILLER said that, under the circumstances of the present case, he could not hold that it was a debt fraudulently contracted. No action had been tried, and he could not tell what the verdict might have been. There were many causes or accidents which made it necessary to withdraw a notice of trial, but even if it had gone on, and that there was a verdict against the plaintiff, the case should be of a very peculiar character where it would be held that the costs of an unsuccessful action would be deemed a debt fraudulently contracted. In the present case no action was tried, and he could not for a moment hold that the mere costs of the day was a debt fraudulently contracted.

The insolvent was discharged.

The "Black List."—An action was tried yesterday in the Court of Queen's Bench, which is of interest from its connexion with the publication known as the "Black List." The plaintiff, a trader in the County of Waterford, complained that he had been libelled by the publication, in *Stubbs's Weekly Gazette*, on the 28th of March, 1866, of a statement that a certain judgment had been obtained against him by default. The defendant, Mr. M'Govern, is a solicitor, residing in this city, and is the agent for the publication in question. It appeared that no such judgment as that alleged had been obtained against the plaintiff, and the error had been corrected in the next ensuing publication of the *Gazette*. The jury found for the plaintiff, and gave him £150 damages. The Chief Justice observed that the Court did not pronounce any opinion on the abstract question as to the legality of the "Black List."

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SOCIETIES AND INSTITUTIONS.

SOLICITORS' BENEVOLENT ASSOCIATION.

A general meeting of the members of this Association was held, on Friday, the 18th January, in the Solicitors' Hall, Four Courts.

R. J. T. Orpen, Esq., the President, in the Chair.

There were also present—Messrs. P. M'Evoy Gartlan, Arthur Barlow, William Roche, Charles Gaussen, Graves C. Colles, Wm. Milward Jones, E. D. Atkinson, George H. Belas, A. D. Kennedy, Henry J. P. West, Henry T. Dix, John H. Nunn, J. F Goodman, George Beamish, George W. Shannon, Edward De Moleyns, &c.

The Secretary read the report, as follows:—

It is now three years since the establishment of the Solicitors' Benevolent Association.

The idea of such a provision for the necessitous members of the profession and their destitute and helpless families had long been felt and frequently suggested, but until the testimonial to the late Richard Meade took that shape there never had been any practical attempt to realize it. The necessity for such an association must be painfully evident to everyone who has any experience of professional life. The incessant mental toil and the unavoidable anxiety incident to the laborious and responsible duties of a solicitor are every year thinning the ranks of the profession. In many cases those who thus fall leave a wife and family partly, and often wholly, unprovided for. Some one will, perhaps, say that improvidence, in not providing by insurance for such a contingency, is the real cause of this melancholy result; but those who are acquainted with the difficulties attendant upon success in the profession of a solicitor well know that it often requires all the capital a man of small means can command to forward his business, any failure in the prosecution of which would result in immediate ruin, and that this circumstance often renders any or substantial insurance out of the question.

If any one is sceptical as to the existence of real distress such as we have referred to, we could speedily satisfy him as to its bitter reality. It has been our painful duty to consider applications from the near and dear relatives of those who once held a high and honourable place in the profession, and who have been obliged, from the dire necessity that cannot be evaded, to apply for help to this association.

We will mention one or two instances. The widow of a solicitor of many years standing, practising in Dublin, died, leaving four children totally unprovided for. Two of the sons have gone to Australia in search of employment, one of them died, and the other is unable to contribute anything to his mother's support. Two daughters, one in wretched health, and the other earning a scanty livelihood as a governess, are left dependent on their mother for support, she herself being in most delicate health. The widow of a solicitor, thirty years practising in the profession at Cork, left by his death with two sons totally destitute and unprovided for. One of these sons went to Australia and has not been heard of for eight years, and the other is imbecile, and consequently left a burden upon his mother for support. Widow of a solicitor 40 years practising in his profession, left by his death with three daughters totally unprovided for; applicant is herself confined to her bed with spinal disease, and requires constant attendance, while two of her daughters are in a most precarious state of health, and the third is hopelessly blind. The daughter of a solicitor 30 years practising in his profession, and who was for many years Clerk of the Peace for a county; applicant is a single woman and advanced in years, was left by her father's will £500, charged upon his property, which was sold in the Incumbered Estates' Court for payment of his debts, for which purpose it proved insufficient, and consequently the £500 were lost. It has been with feelings of deep regret that we have been obliged, from want of funds, to refuse many such applications, and to leave cases of real distress unrelieved; for while some members of the profession have come forward with most commendable generosity to assist the association, we regret to say many others have not as yet afforded us any support. The present amount of our annual subscriptions is £213 8s., which, with £37 5s. 2d., dividends upon part of our funds invested in stock, forms the entire income placed at our disposal by our professional brethren for the benevolent purposes of this association and the relief of such cases as we have mentioned. Such harrowing cases of poverty are worthy of the generous aid of the general public, but how much more of the profession of which the bread-winner thus unhappily cut off was a member. We are aware that our professional brethren have to meet cases of charity from various quarters, but surely if there is any professional *esprit de corps* among the solicitors of Ireland they should not allow an association which has such special claims upon their benevolence to drop for want of support. If God has spared them to their families, and blessed them with means to support them in comfort and prosperity, surely they will not turn a deaf ear to the claims of those whom the removal of less prosperous members of their profession has cast upon the bounty of their brethren.

On the motion of Mr. Belas, seconded by Mr. Jones, the report was unanimously adopted.

The statement of accounts showed the receipts for the year, including an arrear account from the previous year, to be £348 5s. 9d.

Mr. Kennedy, one of the auditors, explained why they put in the account of arrears as a separate account. He said that they had found those arrears occurring from year to year, and it was now thought better to leave them out of the general balance sheet and put them in a separate account, by which means their exact income might be more clearly seen. He also expressed his regret that the society was not more liberally supported. He found that on the roll of practising attorneys there were 1,250 names. Of these only 200 subscribed to the society, and of the 200 who did subscribe 38 were in arrears. Their report brought forward instances of extreme distress. Yet, during the past year they had only been able to extend relief amounting to £75. It was a great pity that the profession at large was not more alive to the importance of the society. He thought that the directors should, even if it were to give them some personal trouble, take steps to get in more subscriptions. He believed an appeal to the country practitioners would be attended with success.

Mr. Gartlan concurred with Mr. Kennedy in thinking that the society was not receiving that support which they had a right to expect. He found by the report that the annual income of the society did not much exceed the sum of £200. It had been stated that the profession reckoned amongst its working members upwards of 1,200 persons. He, therefore, thought that the number of annual subscribers to this association bore an undue disproportion to the number of men earning money in their profession. He thought that the sum of £213, subscribed during the past year, should have been trebled. It was not unreasonable to expect that from a profession like theirs at least £600 per annum should be subscribed for the benevolent purposes for which that association was founded. (Hear, hear).

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The members of the profession generally should be called on to render more active assistance to the association, and he thought there was no man connected with the profession, or who had derived benefit from it, who should turn a deaf ear to the claims which this association had on him. It was no answer for a man to say, "I am no longer a member of the profession." Every man who had benefited by it was called on to subscribe to an association founded for the relief of its poor members, their wives, and families. It had been suggested that an application should be made to the Judges, and to all the officers connected with the law. This was a matter worthy of their serious consideration. (Hear, hear.) He hoped that there was not on the Irish bench a single Judge who would not most gladly, if the matter were brought before him, give substantial assistance in the good work which they had in hands. There were men in the profession many of whom very rarely entered that hall, or only upon an occasion like the present. He saw there Mr. Gaussen, who, he believed, was in advance in every good work connected not only with the profession but with the public at large, and he thought that when such men as Mr. Gaussen came forward in this good cause the members of the profession scattered over the country should not forget the poor members of the profession to which they belonged. He confessed that he was disappointed in finding that the association did not meet with more encouragement from the profession at large. Mr. Gartlan concluded by expressing a hope that when they should next meet they would be able to give an account of the great success of the society.

The Chairman said that the Lord Chancellor and Baron Fitzgerald were already subscribers to the association.

Mr. Henry Dix moved that the report should be printed and circulated amongst the members of the profession in town and country.

Mr. Jones seconded the motion, which passed.

Mr. Jones said that this society was got up as a memento of one of the most respected members of their profession, Mr. Meade; and he was afraid that, owing to that name being wholly omitted from their report, it would be lost sight of and forgotten.

Mr. West said that the committee of the association never lost sight of the respected name of Mr. Meade, for they had it under consideration whether the association should not bear his name. They, however, decided, in accordance with the course adopted by the profession in England, to call the association by the name by which it was at present known.

Mr. William Roche said that the name of Mr. Meade would be handed down with respect to their children's children. He regretted that the association did not meet with that support which the association in England obtained. He thought that their income ought to reach £600 a year; for that amount was fully required to meet the pressing claims that daily came under their notice. The society had a strong claim on the Judges of the land, and he hoped that a majority of them would become subscribers to it. He was perfectly sanguine that they would respond to a call in a manner which would enable the association to extend relief towards their distressed brethren. So late as the previous day a gentleman who was not aware of the existence of this association waited on him to ask for a subscription for the daughter of a solicitor, a lady, who, twenty years ago, drove her own carriage. That lady was now in such want that she had to get a person to beg a subscription of five shillings for her. Her case would, he believed, be immediately considered by this association.

Mr. West begged to suggest that at the Summer Assizes of this year the association should hold its next half-yearly meeting in Cork, and that during the next year they should hold it in Belfast. He had no doubt the solicitors of Cork and Belfast would give their hearty support to the association. The association had a special claim on the Cork solicitors, for within the last few weeks they extended considerable relief to the widow and family of a solicitor of that city.

The Chairman, in reference to the remark made by Mr. Jones, pointed out that the report of last year stated that the association was founded in memory of Richard Meade.

Mr. Barlow having been moved to the second chair, Mr. Gartlan proposed a vote of thanks to the president.

Mr. Shannon, in seconding the motion, begged to say that he believed the Lord Chancellor would place the money-box of the Court of Chancery at their disposal, if it could be shown to him that he might hand it over to them. The Box-money of the Court of Chancery, he believed, amounted to about £400 annually.

A vote of thanks to the Press having been passed, the proceedings terminated.

THE LAW STUDENTS' JOURNAL.

RESOLUTIONS OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY AS TO PRIZES TO BE GIVEN ANNUALLY AT PRELIMINARY AND FINAL EXAMINATIONS.

That with a view to encourage an advanced standard of answering in the subjects prescribed for the preliminary examination of apprentices, prizes be given annually to be competed for by gentlemen who may have exhibited a satisfactory degree of proficiency at such examination.

That such prizes shall be as follows:—

For the best answerer, a gold medal, together with a sum of £10.

For the second best answerer, a silver medal, together with a sum of £5. No candidate to be given a prize unless the examiners shall be of opinion that he has answered sufficiently well to entitle him thereto.

That a special examination for these prizes be held in or about Michaelmas Term in each year, at such times and in such manner as may be approved of by the Court of Examiners for the time being.

That in addition to the course prescribed for the preliminary examination, candidates for prizes shall be examined in the following:—

Virgil's Æneid, 4th and 5th books.
Horace's Odes and Satires.
Livy, 1st three books.
Dr. Smith's Grecian History.
Liddell's Roman History.

That at each preliminary examination the Court of Examiners do recommend such of the candidates as from their superior answering may be deemed qualified to compete for these prizes.

That the candidates so recommended from the four examinations preceding the month of June in each year, be at liberty to compete for prizes at the examination for prizes so to be held in the Michaelmas Term following.

FINAL EXAMINATION.

That at each final examination a gold medal be awarded to the best answerer, provided, in the opinion of the Court of Examiners, such answering shall be sufficiently good to entitle him to such premium.

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HILARY TERM, 1867.

At the examination of applicants seeking admission as ATTORNEYS, held on the 11th and 12th of January, the following were adjudged by the Court of Examiners to have passed the examination. Their names are arranged in order of merit:—

Gerald Fitzjames Barry, Thomas Kelly—equal, Thomas Perry; Messrs. Barry and Kelly to rank in equal merit, and to have special certificates of merit awarded to them.

At the examination of applicants seeking to become APPRENTICES to attorneys, held on the 9th and 10th of January, the following were adjudged by the Court of Examiners to have passed the examination. Their names are arranged in the order of merit:—

David M. Fitzgerald, Thomas T. Loughran, Hugh H. Orr, William Gallagher, William D. Whelan, William B. Proctor, Joseph Loughrea, W. H. Robinson, jun., Charles H. Craig, John Charles Ennis, and Wm. Croker.

Mr. Fitzgerald, Mr. Loughran, and Mr. Orr to be at liberty to compete at the ensuing examination for prizes.

ADMISSION OF ATTORNEYS.

HILARY TERM, 1867.

The following gentlemen have been duly enrolled and admitted, to practice as Attorneys and Solicitors:—
James Riordan, 24, Dame-street.
G. Fitzjames Barry, 69, Middle Abbey-street.
Peter Macauley, 18, Middle Gardiner-street.
Whiteside Godfrey Nelson, 44, Mountjoy-street.
Thomas Perry, 11, Bachelors'-walk.
Josias Tresillian Sullivan, 14, Upper Ormond-quay.
Thomas Kelly, 17, Middle Gardiner-street.
Simon Creagh, junior, 40, Lower Ormond-quay.

UNIVERSITY INTELLIGENCE.

TRINITY COLLEGE—HILARY TERM, 1867.

SUPPLEMENTAL EXAMINATION FOR THE B. A. DEGREE.—(COMPLETE LIST.)—The names of candidates are arranged according to the order of merit. Respondents—Wm. Graham, William Edwin Coughlin, Henry O'Hea. Second Class—Charles Dowman, Augustus Wm. Atkinson, James Bottomley, Oliver Brighton, John Carter, Eramsus Harper Goodwin, Richard W. H. Dawson, James Thomas Kennedy, Charles Hardy Little. Third Class—Benjamin F. M'Dowell, Robert Siddon, Thomas J. S. Casey, Samuel Edward Burns, Hon. Robert St. John F. W. Butler, Charles Minchin, James Stewart Levett, George Henry.

UNCLASSED CANDIDATES, WHO HAVE BEEN ALLOWED THE EXAMINATION.—John C. Bailie, Duncan Brownlow, Edward William Doyle, John B. Hutton, Thomas M'Clelland, Samuel Law Popham, John Thomas Read.—Andrew S. Hart, Senior Lecturer.

SENIOR SOPHISTERS.—Honors in Classics—First rank, John Gibson, scholar; second rank, none awarded

HONORS IN MATHEMATICAL PHYSICS.—Senior Sophisters—First rank, James Latham, James Wilson, Thomas Murphy; second rank, A. Murphy.

MISCELLANEOUS.

CALLED TO THE BAR.

Although an examination in professional knowledge has been established by the Council of Legal Education for candidates for the bar, the preliminaries to a call still consist chiefly in dining and paying for dinners. The examination is optional, and students can evade it by attending a specified number of lectures. But the dinners *must* be eaten—there is no escape from that, although the period during which the condition is enforced is in some instances shortened. In price and quality the dinners vary at the different inns. On the whole, those of the Middle Temple are said to be about the best. At Gray's Inn, however, where the number of members is comparatively limited, not only barristers but sometimes even students, it is said, are invited to the bencher's table, and there is a tradition of apoplexy having befallen one unhappy youth who had too frequently been subjected to this tremendous ordeal. Having kept his terms, paid his fees, and found a couple of benchers to vouch for his good character, the student is ready to be called. Here again there is a difference in the ceremonies at the various inns. At the Inner Temple after dinner the benchers retire to their room, and the candidates, forthwith donning a pair of bands rather larger in dimensions than those used by the clergy, and a gown of serge, are conducted to the Parliament Chamber where sit the benchers over their wine and nuts. Their conductor, or "whipper in," marshals them in order of seniority, and a glass of wine is given to each. The senior bencher rises, and, addressing them (the wine cups being in their hands the while) in a few grave and courteous sentences welcomes them to the bar and wishes them success in their profession, concluding by drinking their health. The senior of their number having returned thanks, they bow and retire. They leave the room full-blown and "utter" barristers. The speeches made by senior students vary in quality of necessity, and are not always graceful. There is a tradition that a student once replied in the following manner:—"Gentlemen, whilst I on the part of my compeers thank you for the honour you have done us, I cannot conceal from myself the fact that when we shall be raising in our professions, *you* will be rotting in your graves." At the Middle Temple the candidates, dressed in wig, gown, and bands, enter the hall with the benchers, and, standing at the high table, take an oath; they afterwards retire to their separate "messes" for dinner. At Lincoln's Inn the "proposed" are "introduced" to the bar present in hall on three separate occasions previous to the call. The name, parentage, and description are read out by an official at the head of the bar tables upon these occasions, and the nominee walks up, bows to the bar, and, so to speak, runs the "gauntlet" of them down the hall. On the day of the call the new barristers are admitted to take wine with the benchers in their private room, and thither they adjourn with the benchers. To this party each has the privilage of inviting two guests. The benchers, having drunk the health of those present, soon retire and leave the wine-bowls to the younger members. These parties serve in the place of "call" suppers, and are often as noisy.—*Pall Mall Gazette.*

THE COURTS AND COURT PAPERS.

SPRING ASSIZES, 1867.

MUNSTER CIRCUIT.

Ennis—Tuesday, February 19th, at four o'clock.
Limerick—Friday, February 22nd, at ten o'clock.
Tralee—Thursday, February 28th, at three o'clock.
Cork County—Monday, March 4th, at two o'clock.
Cork City—Tuesday, March 7th, at ten o'clock.

Judges:—

Mr. Justice O'BRIEN and Mr. Justice FITZGERALD.

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SUPERIOR COURTS OF COMMON LAW.

HILARY VACATION, 1867.—CONSOLIDATED CHAMBER SITTINGS.

Dates	Judge
Tuesday, 5th February, Friday, 8th February,	JUDGE KEOGH.
Tuesday. 12th February, Friday, 15th February,	BARON FITZGERALD.
Tuesday, 19th February, Friday, 22nd February,	JUDGE FITZGERALD.
Tuesday, 26th February, Friday, 1st March,	JUDGE CHRISTIAN.
Tuesday, 5th March, Friday, 8th March,	BARON HUGHES.
Tuesday, 12th March, Friday, 15th March,	JUDGE GEORGE.
Tuesday, 19th March, Friday, 22nd March,	JUDGE O'HAGAN.
Tuesday, 26th March, Friday, 29th March,	BARON DEASY.
Tuesday, 2nd April, Friday, 5th April,	JUDGE O'BRIEN.
Tuesday, 9th April, Friday, 12th April,	JUDGE KEOGH.

COMMON PLEAS.

31st January.

Before MASTER BURKE and a Jury.

Maria Jane Remmer v. *George Farmer.*

This was an action to recover the amount of £319 due on foot of I O U's and promissory notes. One of the promissory notes had on it the following rather novel endorsement:—"The condition on which the within note is passed is that said Maria Jane Remmer is not to enforce payment without first giving one month's notice of her intention to do so, nor as long as she shall board and lodge with the said George Farmer; and said Maria Jane Remmer agrees to accept for interest on said note her board and lodging as above, and George Farmer agrees to give same." Judgment was allowed to go by default. Mr. Falkner, instructed by Messrs. Findlater and Collins, stated plaintiff's case; and, after the learned Master had summed up, the jury found for the plaintiff £319, with 6d. costs.

POINTS OF PRACTICE.

COMMON LAW COURTS.

Substitution of Service of a Summons and Plaint, or Writ of Revivor, where the Defendant is within the jurisdiction of the Court, but cannot be served personally, or as required by the 32nd Section of the Common Law Procedure Act.—The affidavits of the process server in a case of this nature must set forth the efforts made to effect personal service, or the service required by said section. And the affidavits of the plaintiff or his attorney should aver that the cause of action, or a portion thereof, arose in Ireland, and clearly show the agency or privity with the defendant of the party or parties on whom substitution of service is sought. An averment that A. B., attorney, *was* acting for defendant is too general; it should be so positive and precise that the judge, before whom the application be made, shall to some extent be satisfied that as an attorney, the duty is cast upon him of attending to defendant's interests. In cases of this nature absolute orders are sometimes granted, with the direction that same shall be forthwith served.

Substitution of Service—Defendant out of the Jurisdiction.—When the defendant is out of the jurisdiction no effort to effect service on an agent, &c., in the first instance need be made, as conditional orders only are granted, as a general rule. Consequently any such service would be valueless, and should be repeated. The affidavit, however, should aver the agency, &c., and be precise, if substitution of service be sought upon an attorney; as before mentioned, with the additional averment that defendant is more than temporarily out of the jurisdiction.

Conditional Orders.—As all conditional orders must be served within one week from the date thereof (133 General Orders, 1854), an application should be made to have the time extended if difficulty in effecting any of the required services be anticipated—to effect a service within the week will not keep the order in force, if another or others thereon directed to be made be not effected within that time; nor can the officer under such circumstances make the order absolute. And the invariable directions in cases of this kind of the learned judges who in rotation preside at the Consolidated Chamber Sittings, have been, that new orders should issue, usually upon the production of an affidavit averring that no change has taken place in the circumstances of the case since the first order was made.

In an action against a corporate body when substitution has been directed, the order is made absolute without reference to the *Gazette* or newspaper notices, but the proper officer will not mark judgment on production of the order marked absolute (as he would in other cases), without an affidavit of the due insertion of said notices. The plaint may be filed after the services have been made, or within eight days from the order being made absolute. If the *Gazette* notice be not inserted until after the order is made absolute the time to plead, of course runs from the period of the due insertion.

LANDED ESTATES' COURT.

Sales during the past Week.

Before JUDGE LYNCH.

COUNTY OF LONGFORD.

Estate of G. R. Jones, owner;
A. J. Montgomery and another, petitioners.

The lands of Annadamble, 456a. 3r. 6p., held in fee, net rent of £58 18s. Sold to Mr. James Murtagh for £1,420. Solicitor having carriage of sale, John Swanzy.

COUNTY KILDARE.

Estate of Thomas Wogan Browne, owner;
Arthur French, petitioner.

Lot 1—The life estate of the owner, aged 62, in the lands of Ballinaboula, 1,369a. 2r. 14p., net rent of £945. Sold to Mrs. Anna C. Peile for £2,570. 2—The owner's life estate in the lands of Portgloriam, 1,091a. 1r. 25p., net rent of £859. Same purchaser, for £2,650. Solicitors having carriage of sale, Joseph Hone and Sons.

QUEEN'S COUNTY.

James Nolan and another, petitioners.
Estate of James L. Nolan and another, owners;

Part of the lands of Killeany, 219a. 1r. 10p., held for three existing lives, or thirty-one years, from 1840, net rent of £50 17s. 6d. Sold to Mr. George Mowbray for £570. Solicitors having carriage of sale, Molloy and Watson.

The sale of the estate of Samuel Ward was adjourned.

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PETITIONS FILED, *from 7th to 31st January.*

DATE	OWNER	PETITIONER	SOLICITOR	JUDGE
1867 Jan. 7	John Curry	*Rev. J. Simpson*	J. and J. Cramsie	Lynch
"	John M'Ilween and others	*Same and J. C. Hyndman*	William Collins	Dobbs
"	The Corporation for Preserving and Improving the Port of Dublin	*Same*	James Howe and Son	Lynch
"	Joseph Tibeaudo	*H. Odlum*	John Roe	Dobbs
"	John Irwin and others	*Same*	Anderson and Lee	Lynch
"	Edward Morgan	*Rev. J. H. Power and another*	J. W. Bond	Dobbs
"	Thos. Perrier Davies and others, trustees of J. Birch Kennedy	*Same*	M. Larkin	Lynch
"	Alfred Dockrell	*Same*	Hamilton and Craig	Dobbs
"	Thomas Walsh	*R. Ring*	Edward O'Connor and Son	Lynch
" 9	John Ormesby	*Catherine Daly and others*	George Riddick	Dobbs
" 11	Erwin Harvey Wadge and others	*Erwin Harvey Wadge and Wm. Lewis*	Henry Mills	Lynch
"	Edmond Lavery and others	*John Kennedy*	Alexander O'Rorke	Dobbs
" 12	Edward L. Griffin a vendor of land		P. J. Murphy	Lynch
" 14	Michael Walsh	*Mary Doyle*	Thomas Boyd	Dobbs
"	John Keown	*James M'Creight and another*	A. J. M'Creight	Lynch
" 15	John Lawson Cross and others	*Robert Knipe*	W. A. Simpson	Dobbs
" 16	James M'Ilwrath	*William M'Ilwrath*	John Dinnen	Lynch
"	Hugh Martin Beck	*Philip Johnston and another*	Johns, Hewitt, and Johns	Dobbs
" 17	Anne Clancy or B. Bloomfield	*Joseph Wm. Deane*	H. and J. Watson	Lynch
"	Chas. Moorhead and others	*Robert Little*	Joseph Alexander	Dobbs
" 18	Robert Ralph Smyth	*William Gibson*	Thomas H. Mecredy	Lynch
"	Donatus Albert O'Callaghan	*James O'Shaughnessy*	W. K. O'Shaughnessy	Dobbs
"	Arthur Robert Tisdell	*John Rooney*	Mark C. Bentley	Lynch
" 19	John Patton and Esther Elliott	*David Park*	William Martin	Dobbs
"	Michael Brennan	*Same*	J. C. O'Meagher	Lynch
"	Hugh O'Beirne and another, trustees of the will of H. G. Byrne and others	*Same*	L. Morrogh	Dobbs
" 21	Louisa Thompson	*Same*	George R. Magrath	Dobbs
" 22	Douglas Hamilton	*John Fallon and another*	J. Cassimer O'Meagher	Lynch
" 23	Rev. John Callon and another	*Same*	Patrick Joseph Kelly	Dobbs
"	Richd. F. Macnamara	*H. E. Chatterton*	A. J. Chatterton	Lynch
" 24	Sarah Furlong and others	*Same*	H. L. Keily	Dobbs
" 25	H. B. O'Connor and Richd. Martin, trustees of Wm. Dargan	*Same*	Barrington and Jeffers	Lynch
"	Thomas Wilson	*Elizabeth M'Donnell*	John Fleming	Dobbs
"	Charles Launcelot Charles Sands	*Same*	S. Boxwell	Lynch
" 26	John Davis	*For Declaration of Title*	W. R. O'Shaughnessy	Dobbs
"	George Carleton L'Estrange	*Same*	Carroll and Brown	Dobbs
" 28	John Hogan Burke	*James Heron*	H. Oldham	Dobbs
"	Charles Henry Echlin	*Same*	S. F. Adair & Co.	Lynch
"	Southcote Manseragh	*Same*	Joseph Hanley	Lynch
"	Thomas P. Power and another, trustees of Thomas Bourke	*Same*	Crookshank Brothers, and Knox	Dobbs
"	Michael Mullarkey and another	*Same*	A. Bate	Lynch
" 29	Rev. Coote C. Molloy	*Same*	S. Gerrard	Dobbs
" 31	The Earl of Kingston	*Same*	L. W. Hartstonge	Lynch

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Sittings for the week ending Saturday, 9th inst., so far as at present appointed.

Monday—Before JUDGE DOBBS.
Trustees of S. Walker, from 30th January.

Before JUDGE LYNCH.
J. D. Fitzpatrick, cause against order.

Before the EXAMINER.
S. Smith, to vouch.

Before MR. URLIN.
T. Connolly, rental; S. Smith and others, proofs.

Tuesday—Before JUDGE LYNCH.

SALES.

Assignees of George and P. Scott, 5 lots—Cork.
H. Griffiths, 9 lots—Sligo.
E. M'Donnell. 1 lot—Westmeath.
George S. Wybrants, 3 lots—Carlow.

Before MR. URLIN.
J. and M. Rawson, rental.

Wednesday—Before JUDGE DOBBS.
Henry Alymer, from 30th January.

Before the EXAMINER.
M. A. S. Witherington, proofs; John Smith, do.

Before JUDGE LYNCH.
Assignees of Daniel Wilson, final schedule.

Before the EXAMINER.
Trustees of Wheatley, rental.
Lord Valentia, amend maps.
Rev. J. H. N. Thomas, rental, from 30th January.
P. M'Cay, do., do.
Mary Carroll and others, to vouch.
J. G. Curtis, do.

Before MR. URLIN.
H. C. Hastings, proofs.

Thursday—Before JUDGE LYNCH.
C. M. Dillon, from 31st January.
A. T. Cantwell, objections.
John Snow, schedule.
G. W. Ward, proposal.

Before MR. URLIN.
W. B. Gardiner, rental.

Friday—Before JUDGE LYNCH.
J. T. O'Reilly, explain delay.

Before the EXAMINER.
A. M. Kerr, rental.
D. O'Callaghan, do.
Assignees of Wm. Stewart, do.

Before MR. URLIN.
James Egan, rental.
P. C. Lynch, do.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Sittings for the ensuing week.

Monday, 4th February—12 o'clock.
(Before MR. BRADY, Chief Registrar.)

Power, to tax costs,	Scallan.
M'Cormick, do.	Perry.
Clarke, do.	Perry.
Kingston, do.	Meldon.
Toner, do.	Kennan.

Tuesday, 5th February—11 o'clock.
(Before the Court.)

Arrangement, first private sitting	Leachman
Do. second do.	M'Gough.
Do. do. do.	Perry
Dl. Magrath, final examination	Perry.
P. W. Power, do.	Scallan.
Patk. Reilly, do.	Casey and Clay.
Jas. Heally, charge and discharge	Barry.
J W. Reilly, surrender, prove debts, and choose assignee	Perry.
John Boland, do.	Perry.
Jas. Wm. Marks, do.	Barry.
H. and R. Thomas, charge and discharge	Barry.
Peter M'Cann, audit mortgagee's account	Sinnott.
Dl. Magrath, examination of witnesses	Larkin.

12 o'clock.
(Before MR. BRADY, Chief Registrar.)

S. Bradley, reference	Murray.

Friday, 8th February—11 o'clock.
(Before the Court.)

John Griffin, final examination	M'Gough.
Saml. Shaw, do.	Larkin.
James Alexander, surrender, prove debts, and choose assignee	Molloy and Watson.
Jas. O'Reilly, do.	Casey and Clay.
Skinner and M'Kee, do.	Lynch.
Pk. Nolan, prove charge	M'Gough.
Arrangement for first private sitting	Perry.
Do. do.	M'Farland.

Dividends under Bankrupts' Estates.
(The Official Assignees are given, to whom apply for Dividend.)

J. J. Farrell, Wicklow-street, Dublin, veterinary surgeon, and livery stable keeper—1st dividend 2s. 1d. in £, on £1,926 M. Murphy, assignee.

Michael Murphy, Robertstown, County Kildare, tea and spirit merchant—1st and final dividened, 3s. 3d. in £, on £324. M. Murphy, assignee.

H. H. Rochford, Clonskea Ironworks, County Dublin, ironfounder—1st dividend 2s. 6d. in £, on £2,157. M. Murphy, assignee.

Samuel Crawford, 27, Henry-street, Belfast, contractor, and builder—1st dividen, 7s. 9¾d. in £, on £5,131 C. H. James, assignee.

Joseph M'Cloy, 27, Victoria-street and Dunedin-terrace, Belfast, carpet dealer and general furnisher—1st dividend 1s. 8d. in £, on £827. C. H. James, assignee.

IN INSOLVENCY.

Cases disposed of during the Week.
(Before JUDGE BERWICK.)

Wednesday, 30th January.

Margaret White, James Walsh, Charlotte Matilda Sheperd.—Discharged.

Daniel O'Toole, Peter Browne, Peter Neill, Richard Segrave.—Adjourned to Wednesday, the 13th of February instant.

Thursday, 31st January.

James Henry Casserly, Martin Cullinane, Frederick Clarke.—Adjourned to Wednesday, the 13th February instant.

Insolvents who have been discharged on bail until the day of hearing their Petitions.

Patrick Head, County Galway, farmer, publican, and shopkeeper.

Francis M'Sweeny, County Kerry, shoemaker, publican, and baker.

Thomas Reid, Kingstown, rope and twine maker.

Michael Rourke, Athy, grocer and spirit dealer.

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Sittings for the Ensuing Week.

NOTICE.—In consequeuce of the change of offices, and removal of documents now taking place, there are no Sittings before the Chief Clerk fixed for this week.

Wednesday, 6th February—11 o'clock.
(Before the Court.)

John Long—Audit and Dividend. J. B. Mulhall.
John Gleeson—Choice of Assignee. G. W. Allen.
John Pinkerton—Choice of Assignee. W. Bloomfield.
John Dillon—Notice of Motion. J. Macnally.
John Hoare—Hearing of Petition. J. Macnally.
Thomas Reid—Hearing of Petition. R. Graves.
William Peake—Adjourned Hearing. W. H. Batt.
Ralph Crofton Lawrenson — Adjourned ditto. G. S. Murray.
John Taaffe—Adjourned ditto. J. T. O'Dowd.
Michael Francis Barry—Adjourned ditto. J. G. Rynd.
Catherine Nolan—Adjourned ditto. J. Macnally.

Friday, 8th February—11 o'clock.
(Before the Court.)
Sitting in Insolvency for Bail motions only.

Dividends under Insolvent's Estates.
(The Official Assignees are given, to whom apply for Dividends.)

January 16th—John Shaw Peake—1st dividend of 2s. in the £, on £213. J. Macnally, solicitor; C. H. James, assignee.

January 23rd—William Morris—1st dividend of 7s. 6½d. in £, on £90. J. J. Dodd, solicitor; C. H. James, assignee.

January 30th—James Young—1st, and final dividend of 15s. 3½d. in £, on £709. T. Lynch, solicitor; C. H. James, assignee.

DUBLIN STOCK AND SHARE LIST—JANUARY 26.

GOVERNMENT FUNDS.

Three per Cent. Consols - - - 90⅝
New Three per Cent. Stock - - - 89⅛ ¼
Ditto for Account, 7th February - 89¼ ⅛
Ditto for New Account - - - 8¾ ⅝

FOREIGN AND COLONIAL FUNDS.

India Five per Cent. Stock - - - 107⅛

JOINT-STOCK BANKS.

Munster Bank (Limited), £3 10s pd - 4⅛ ¼
National Bank, £30 paid (Ac) - - 67¼ 67

STEAM.

City of Dublin, £100 paid - - - 100

MINES.

Carysfort (Limited), £2 10s paid - - 12s 6d
Connorree (Limited), 20s paid - - 18s
Mining Co. of Ireland, £7 paid (Ac) - 18⅝
Wicklow Copper, £2 10s paid - - 24 24⅛
Ditto for Account - - - - 24⅛ 24

RAILWAYS.

Cork and Bandon, £50 paid - - 11½
Great Southern and Western, £100 pd 93 92⅛

RAILWAY PREFERENCE.

Gt. South. and West., 4 p c pp, £100 pd 94¼

RAILWAY DEBENTURES.

Dublin and Kingstown - - - 97

28TH JANUARY.

GOVERNMENT FUNDS.

Three per Cent. Consols - - - 90⅜
New Three per Cent. Stock - - 89⅛ ¼
Ditto for Account, 7th February - - 89¼
Ditto for New Account - - - 89¼ ⅜

FOREIGN AND COLONIAL FUNDS.

India Five per Cent. - - - - 107¼

JOINT-STOCK BANKS.

National Bank, £30 paid - - - 67 67¼
Ditto for Account - - - - 67
National of Liverpool (Ltd.), £15 paid - 16½
Royal Bank, £10 paid - - - 33¾

MINES.

Gen. Min. Co. (Limited), £5 paid - 2¼
Mining Co. of Ireland, £7 paid - - 18½ ⅜
Wicklow Copper, £2 10s paid - - 24 24⅛ 24

MISCELLANEOUS.

Alliance and Consumers' Gas, £5 paid 5¼ ⅜

RAILWAYS.

Dublin, Wicklow, and Wexf'd, £100 pd 35
Great Southern and Western, £100 pd 92⅛
Midland Great Western, £100 paid - 60¼
Waterford and Limerick, £50 pd - 12

RAILWAY PREFERENCE.

Cork and Bandon, 4 p c pl, £5 pd - 3⅛
Dub., Wick., and Wex., 5 p c, £50 pd rd 45¼
Portdwn., Dungn., &c., 6 p c, £25 pd - 25

29TH JANUARY.

GOVERNMENT FUNDS.

Three per Cent. Consols - - - 90⅜
New Three per Cent. Stock - - 89⅛ ¼ ⅛
Ditto for Account, 7th February - 89⅛ ¼
Ditto for New Account - - - 89¼ ⅜ ¼

JOINT-STOCK BANKS.

Hibernian Bank, £25 paid - - - 37
National Bank, £30 paid - - - 67 66⅞
Ditto for Account - - - - 67 67¼ 66⅞

STEAM.

British and Irish, £50 paid - - 48
Dub. & L'pool St. Ship Build., £50 pd 52
Dundalk (Limited), £10 pd - - 7 7⅛

MINES.

Mining Co. of Ireland, £7 paid - - 18¼
Ditto for Account - - - 18¼

RAILWAYS.

Cork and Bandon, £50 paid - - 11
Great Southern and Western, £100 pd 92¾

RAILWAY PREFERENCE.

Cork and Bandon, 5½ p c pl, £6 5s pd 6⅛
Gt. South. and West., 4 p c pp, £100 pd 94

JANUARY 30.

GOVERNMENT FUNDS.

New Three per Cent. Stock - - 89⅛
Ditto for Account, 7th February - - 89⅛ 89
Ditto for New Account - - - 89⅛

JOINT-STOCK BANKS.

Hibernian Bank, £25 paid - - - 37
National Bank, £30 paid - - - 65 ex div
Ditto for Account - - - - 65⅜ ex div
National of Liverpool (Ltd.), £15 pd - 16½
Provincial Bank, £25 paid - - - 84

STEAM.

Dub. and L'pool St. Ship. Build., £50 pd 52

MINES.

Connorree (Limited), 20s paid - - 17s
Mining Co. of Ireland, £7 paid - - 18¼

MISCELLANEOUS.

Alliance and Consumers' Gas, £5 pd, B 5⅛ ¼ ex'int.
Alliance and Consumers' Gas, £4 pd, 2 C 4½
Dublin Exhibition Palace (Ltd.), £5 pd 1½

RAILWAYS.

Dublin and Belfast Junction, £100 pd 68¾
Dublin, Wicklow, and Wexf'd, £100 pd 35
Midland Great Western, £100 paid - 60

31ST JANUARY.

GOVERNMENT FUNDS.

Three per Cent. Consols - - - 90¼
New Three per Cent. Stock - - 88⅞ 89 88⅞
Ditto for Account, 7th February - 88⅞ 89
Ditto for New Account - - - 88⅞ 89

JOINT-STOCK BANKS.

Bank of Ireland, £100 paid - - 232
Hibernian Bank, £25 paid - - - 37½
National Bank, £30 paid - - - 64¾
National of Liverpool (Ltd.), £15 paid 15¾ ex div
Royal Bank, £10 paid - - - - 34
Union Bank (Limited), £22 paid - 14⅛ ex div

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FOREIGN AND COLONIAL FUNDS.	
India Five per Cent. - - - -	107
MINES.	
Carysfort (Limited), 30s paid - -	4s 6d
Mining Co. of Ireland, £7 paid - -	18¾ ½ ⅝
Wicklow Copper, £2 10s paid - -	24 23⅞
MISCELLANEOUS.	
Alliance and Consumers' Gas, £4 pd, 2 C	4¼
RAILWAYS.	
Midland Great Western, £100 paid -	60
RAILWAY PREFERENCE.	
Portadown, Dungannon, &c., 6 p c £25 pd	25
LOCAL DEBENTURES.	
City Debentures, £92 6s 2d - -	77½
1ST FEBRUARY.	
GOVERNMENT FUNDS.	
New Three per Cent. Stock - -	89 89⅛
Ditto for Account, 7th February -	89 89⅛
Ditto for New Account, 7th March -	89⅛
JOINT-STOCK BANKS.	
Hibernian Bank, £25 paid - - -	37¾
National Bank, £30 paid - - -	64½
Nat'l of Liverpool (Lmtd), £15 pd -	15½
Provincial Bank, £25 paid - - -	84
Royal Bank, £10 paid - - -	34
STEAM.	
Dundalk (Limited), £10 pd - - -	7⅛ 7
MINES.	
Carysfort (Limited), 30s. paid - -	4s 6d
Mining Co. of Ireland, £7 paid - -	18½
Wicklow Copper, £2 10s paid - -	24
MISCELLANEOUS.	
Alliance and Consumers' Gas, £5 pd, B(Ac)	5¼ ⅜
Dublin Exhibition Palace (Ltd.), £5 paid	1½
RAILWAYS.	
Dublin and Drogheda, £100 paid -	80
Great Southern and Western, £100 pd.	92¾
Midland Great Western, £100 - -	60¼
Ditto for Account - - - -	60¼
Waterford and Limerick, £50 pd - -	12
RAILWAY PREFERENCE.	
Dub. and Drogh., 5 p c, rd, 1868, £25 pd	24
Dub., Wick., and Wex., 5 p c, £50 pd rd	45¼
Gt. South. and West., 4 p c pp, £100 pd	94
LOCAL DEBENTURES.	
Ballast Office Debentures, £92 6s 2d -	83½

Name Days—13th and 27th February. Account Days 14th and 28th February.

On Saturdays business commences at Twelve, and the Stock Brokers Offices close at One o'clock.

BIRTHS AND DEATHS.

BIRTHS.

GRAY—On the 29th January, at 44, Prince's-square, London, the wife of John Wilson Gray, Esq., Barrister-at-law, eldest son of Sir John Gray, M.P., of a daughter.

GREENE—On the 30th January, at 2, Islington Avenue, Kingstown, the wife of Edward Greene, Esq., of H.M. Court of Common Pleas, of a daughter.

DEATHS.

HASLETT—On the 29th January, at Castlereagh-road, Mountpottinger-road, Belfast, Mary Anne, wife of Wm. Haslett, Esq., Solicitor.

WALKER—January 29, at 2, Rutland-square, east, the infant son of Samuel Walker, Esq., Barrister-at-law.

WILSON—On the 28th January, at 4, Lower Gloucester-street, Harriett, relict of the late Joseph Wilson, Esq., Barrister-at-law, of Drumcondra, co. Dublin.

THE HON. H. SUGDEN.

The late Hon. Henry Sugden, who died at Stapeley-house, Cheshire, on the 20th Dec., was the eldest son of Lord St. Leonards, by Winifred, only child of Mr. John Knapp, and was born in 1811. He was educated at Harrow and Eton, and at St. Alban's Hall, Oxford, where he took his degree of B.A. in 1834; was called to the Bar at Lincoln's-inn in 1837; and for many years held the appointment of joint-registrar to the Court of Chancery in Ireland. He married, in 1844, Marianne, second daughter of the late Lieut.-Col. James Cookson, of Neasham Hall, co. Durham, by whom he has left a family of nine children.

DUBLIN GAZETTES.

TRUST DEEDS OF ASSIGNMENT FOR BENEFIT OF CREDITORS.

GAZETTE, FRIDAY, JAN. 11, 1867.

M'Sherry, Thomas, Ballybay, co. Monaghan, Grocer. Dec. 24, 1866. Trustee, Michael Gallagher, Cavan, Commission Agent. Solicitor, Kennedy, Cavan.

GAZETTE, TUESDAY, JAN. 15.

Brown, James Lamont Morgan; Samuel John; trading as "Brown, Morgan, and Co." Gunswater Mills, co. Down, Tow Spinners. Trustees, Thomas Cousins, James Johnston, and John Jamieson, Belfast. Solicitor, Carson, Victoria-street, Belfast.

GAZETTE, TUESDAY, JAN. 29.

Cherry, John, Butcher-street, Londonderry, Boot and Shoe Manufacturer. Dated Jan. 18, 1867. Trustees, George P. Cotton, High-street, and Joseph Parsons, Westmoreland-street, Leather Merchants. Solicitor, W. Bloomfield, Eustace-street, Dublin.

BANKRUPTS.

GAZETTE, TUESDAY, JAN. 8, 1867.

Reilly, Patrick, No. 88, Lower George's-street, Kingstown, Grocer and Italian Warehouseman. Pet Jan 1. Sur Jan 18 at 11. O. A. James. Solicitors, Bloomfield and Leahy, Kildare-street.

Magrath, Daniel, Clarence-street, Cork, Merchant. Pet Dec 27. Sur Jan 18 at 11. O. A. Murphy. Solicitors, Cronhelm and Lett, Eustace-street.

Power, Patrick Whittaker, Tarbert, co. Kerry, Grocer. Pet Dec 27. Sur Jan 18 at 11. O. A. Murphy. Solicitor, Scallan, Fleet-street.

GAZETTE, FRIDAY, JAN. 11, 1867.

Griffin, John, Clonmel, Tobacconist. Pet Jan 8. Sur Jan 22. O. A. Murphy. Solicitor, Eyre, Lower Ormond-quay.

GAZETTE, TUESDAY, JAN. 15, 1867.

Calvert, John, Rostrevor, co. Down, Publican. Pet Jan 10. Sur Jan 25 at 11. O. A. James. Solicitors, Carey and Buckley, South Frederick-street, Dublin.

GAZETTE, FRIDAY, JAN. 18.

Burroughs, George, Athy, co. Kildare, Corndealer and Farmer. Pet Jan 14. O. A. James. Sur Feb 1. Solicitor, Mulhall, Lower Dominick-street.

Weir, Thomas, Lisnabreen House, co. Down, and of Chichester-street, Belfast. Pet Jan 10. O. A. James. Sur Feb 1. Solicitors, H. and W. Seeds, and T. Lynch, Middle Gardiner-street.

GAZETTE, TUESDAY, JAN. 22.

M'Swiney, Patrick, No. 76, Grand-parade, Cork, Draper and Merchant Tailor. Pet March 5, 1866. O. A. Murphy. Sur Feb 1. Solicitors, Meldon and Son, Upper Ormond-quay.

GAZETTE, FRIDAY, JAN. 25.

Boland, John, Maryboro', Queen's co., Grocer and Spirit Dealer. Pet Jan 15. O. A. James. Sur Feb 5. Solicitor, J. Perry, Bachelors'-walk.

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Marks, James William, Youghal, co. Cork, Corn Merchant, trading as "William Marks and Son." Pet Jan 16. O. A. Murphy. Sur Feb 5. Solicitor, J. Barry, North Great George's-street.

Reilly, James William and John, Bridgefoot street, Dublin, Ironmongers, trading as "Andrew Reilly and Co." Pet May 5, 1865. O. A. Murphy. Sur Feb 5. Solicitor, J. Perry, Bachelors'-walk.

GAZETTE, TUESDAY, JAN. 29.

Alexander, James, High-street, Dublin, Grocer. Pet Jan 21. O. A. James. Sur Feb 8. Solicitors, Molloy and Watson, Eustace-street, Dublin.

O'Reilly, James, 113, North King-street, Dublin, Forage Contractor. Pet Jan 24. O. A. James. Sur Feb 8. Solicitors, Casey and Clay, St. Andrew-street, Dublin.

Skinner, Thomas, and M'Kee, James, Clady Print Works, Ballymather, co. Antrim, Linen Printers, Bleachers, and Finishers, trading under the style and firm of "Thomas Skinner and Company." Pet Jan 22. O. A. James. Solicitors, H. and W. Seeds and Thomas Lynch, Middle Gardiner-street, Dublin.

CERTIFICATES ALLOWED.

Unless Appeal filed within 31 days from date.

GAZETTE, TUESDAY, JAN. 1, 1867.

M'Cloy, Joseph, Victoria-street and Dunedin-terrace, Belfast, Carpet Dealer and General Furnisher.

GAZETTE, TUESDAY, JAN. 15, 1867.

Burke, John, 91, James's-street, Dublin, Baker.

Butt, Frederick William, Portadown, Agricultural Implement maker.

Kennedy, Robert, Arthur-street, Belfast, Cabinetmaker and Upholsterer.

GAZETTE, FRIDAY, JAN. 18.

Kirkman, George Frederick, No. 14, Merrion-row, and 6, Moore street, Dublin, Grocer and Italian Warehouseman.

INSOLVENTS.

GAZETTE, TUESDAY, JAN. 1, 1867.

To be heard in Dublin.

Conroy, James, Tighe-street, Dublin, Druggist's Porter. Jan. 23.

To be heard in the Country.

Annesley, William, Portadown, Innkeeper and Grocer. Belfast, April 9 at 3,

Doherty, John, Drawbridge, Cork, Dyer. Cork, April 15 at 19.

Murray, Hugh, Great George's-street, Belfast, Ale, Wine, and Spirit Dealer. Belfast, April 9 at 3.

Pinkerton, John, High-street, Carrickfergus, Grocer, Wine, and Spirit Dealer and Millwright. Belfast, April 9 at 3.

Wheatley, Henry Miller Hewett, Cook-street, Cork, previously Ballymona, co. Cork, and formerly Brewsterfield, co. Kerry, Gentleman. Cork, April 15 at 10.

GAZETTE, FRIDAY, JAN. 4, 1867.

To be heard in the Country.

Taylor, Frederick, South Mall, Cork; previously Pembroke-street, Cork, House Painter and Decorator. Cork, April 15 at 10.

GAZETTE, TUESDAY, JAN. 8, 1867.

To be heard in Dublin.

Nolan, Catherine, Marlborough-place, Dublin; previously Liverpool, England, Widow, not in business; formerly Marlborough-street, Dublin, Livery Stable-keeper and Farrier in Thomas's-lane, Dublin. Jan 23 at 11.

To be heard in the Country.

Blakely, Agnes, Carrickmadyroc, co. Down, Widow, Downpatrick, March 30 at 10.

Stephens, Robert, Ballymoney, co. Down, Farm Assistant. Downpatrick, March 30 at 10.

Walshe, John, Patrick-street, Limerick, Grocer. Limerick, April 9 at 10.

GAZETTE, TUESDAY, JAN. 15.

To be heard in Dublin.

White, Margaret, St. David's, North Circular-road, Phibsborough, Dublin, Widow, not in business. Jan 30, at 11.

GAZETTE, FRIDAY, JAN. 18.

To be heard in the Country.

Sheehan, James, of Watercourse-road, Cork, Provision Dealer; previously of Snowhill, London, in no business; formerly of Pump-lane, Cork, Traveller; and heretofore of Cattle Market, Cork, Victualler. At Cork, April 15 at 10.

GAZETTE, TUESDAY, JAN. 22.

To be heard in Dublin.

Hoare, John, Grafton-street, Dublin, not in business; previously one of the Directors of the East Holyford Mining Company in Ireland; formerly of Howth, co. Dublin, and Scarborough, England, Exporter of Fish. Feb 6 at 11.

Reid, Thomas, Lower George's-street, Kingstown, co. Dublin; previously of Nicholas-street, Dublin, Rope and Twine Maker. Feb 6 at 11.

GAZETTE, TUESDAY, JAN 22.

To be heard in the Country.

Larymore, Andrew, Marlborough-street, Cork, no business; part of years 1865 and 1866, Clerk to Co. Cork Crown Office. At Cork, April 15 at 10.

M'Sweeney, Francis, Killarney, co. Kerry, Boot and Shoemaker, Shopkeeper, Publican and Baker. At Tralee, April 4 at 10.

GAZETTE, FRIDAY, JAN. 25.

To be heard in the Country.

Head, Patrick, Tynagh, co. Galway, Farmer, Publican, Shopkeeper, and Relieving Officer for electoral divisions of Portumna Union. At Galway, April 8 at 10.

Mansergh, Edward, Lahinch, co. Clare, Esq. At Ennis, April 1 at 10.

Rogers, Thomas, Trim, co. Meath, Woollen Draper and Tea Merchant. At Kells, March 28 at 9.30.

Sutcliffe, George Gilbert Angel, Thomas-street, Portadown, co. Armagh; previously Temple-street, Dublin; and formerly Gosforth, Cumberland, in England, Physician and Surgeon. At Armagh, April 6 at 10.

Travers, Mathew, Tuam, co. Galway, Shopkeeper and Draper; formerly of Claremorris, co, Mayo. At Galway, April 8 at 10.

GAZETTE, JAN. 29.

To be heard in the Country.

Broady, Patrick, of Cragroe, co. Clare, Yeoman. At Ennis, April 1 at 10.

Coogan, John, of Graigue, Queen's Co. Grocer. At Carlow, April 2 at 4.

Comerford, Timothy, of Springhill, Queen's Co. Dealer in Cattle. At Maryborough, April 3 at 10.

Crowly, Ellen, of Fair-lane, Cork; previously of Quarry-lane, said city, Widow, not in business. At Cork, April 15 at 10.

Kelly, Daniel, of Rathnamanagh, Queen's Co. Assistant Steward or Labourer. At Maryborough, April 3 at 10.

GAZETTE, FRIDAY, FEB. 1.

To be heard in Dublin.

Rourke, Michael, of Leinster-street, Athy, co. Kildare, Grocer and Spirit Dealer. Feb 20 at 11.

To be heard in the Country.

Heneberry, Walter, of the Quay, Waterford, Flour Dealer. At Waterford, April 4 at 10.

M'Neice, William John, of Newry, co. Down; previously of Banbridge, in said county, Commercial Traveller and Draper's Assistant. At Downpatrick, March 30 at 10.

CREDITORS' PETITION FILED AGAINST.

GAZETTE, FRIDAY, JAN. 11, 1867.

Reid, Thomas, 31, Nicholas-street, Dublin, Ropemaker.

GAZETTE, JAN. 29.

Scully, John, late of Lad-lane, Dublin, Cab-owner, a prisoner in the Four Courts, Marshalsea.

GAZETTE, FEB. 1.

Mathews, Frances, of Creighton street, Dublin; formerly of Vavasour-square, co. Dublin, Spinster, a prisoner in the Four Courts Marshalsea.

PAUPER DECLARATIONS,

Filed for discharge of Prisoners unless Creditors' Petitions filed within 21 days from date.

GAZETTE, FRIDAY, JAN. 11, 1867.

Curran, Arthur, detained by James Kavanagh.

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GAZETTE, TUESDAY, JAN. 15.

Mathew, Frances (arrested as "Mathews"), detained by Robert Doyle.

GAZETTE, TUESDAY, JAN. 22.

Scully, John, detained by Michael Kappock.

GAZETTE, FRIDAY, JAN. 25.

Brennan, Christopher, detained by John Hoey.

GAZETTE, JAN 29.

Clinch, Philip, detained by James Toole.

GAZETTE, FRIDAY, FEB. 1.

Schürr, Felix, arrested as the Rev. Felix Schure, detained by Samuel Dean and Roper S. Dean, trading as "T. P. Lloyd and Co."

Scully, jun., John, detained by Michael Kappock.

LANDED ESTATES' COURT.

In the Matter of
RICHARD OLPHERTS and FRANCIS MONTGOMERY OLPHERTS, Trustees of F. CORYTON, Owners and Petitioners.

TO BE SOLD, before the Honourable Judge Lynch, on TUESDAY, the 5th day of MARCH, 1867, at the hour of Twelve o'clock Noon, at the Landed Estates' Court, Inns'-quay, Dublin,

IN ONE LOT,

Part of the Lands of Stramore and part of Loughans, containing by survey, 46a. 1r. 15p., statute measure, held in fee-farm, situate in the Barony of Lower Iveagh, and County of Down, producing a net yearly rental of £36 6s. 4d.

Dated 22nd January, 1867.

R. DENNY URLIN, Examiner.

The Lands of Stramore and part of Loughans, to be Sold in this Matter, are situate in a flourishing part of the County of Down. The soil consists of some arable and rich alluvial meadow lands. The Tandragee and Gilford Stations of the Dublin and Belfast Junction Railway are within five minutes' walk.

The towns of Gilford and Tandragee are severally within one mile, Portadown within three miles, and Banbridge within five miles.

For Rentals and further particulars apply at the Registrar's Office, Landed Estates' Court, Dublin; or to

HENRY F. DIX, Solicitor having carriage of Sale, 9, Upper Gardiner-street, Dublin.

LANDED ESTATES' COURT.

JUDGE DOBBS.

In the Matter of the Estate of
STANHOPE WILLIAM FENTON KENNY, Owner and Petitioner.

THE Court having ordered a SALE of the FEE-FARM RENT of £125 8s. 4d., issuing out of the Three Quarters of Drumbrick, known as Carrowleckan, Knockatemple, and Carrownecrossy, and the Quarter of Land of Ara, situate in the Barony of Gallen, and County of Mayo, held under Grant from the Ecclesiastical Commissioners for Ireland, and the Bishop of Tuam All Parties objecting to a Sale of the said Lands are hereby required to take notice of such order; and all persons having claims thereon may file such claim, duly verified, with the Clerk of the Records.

Dated this 31st day of January, 1867.

C. E. DOBBS, Examiner.

READ & CRAWFORD, Solicitors, 35, Dame-street, Dublin.

LANDED ESTATES' COURT.

FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of
MARGARET ANNE MURRAY, Executrix of GERVAS MURRAY, deceased, Owner;
Exparte GEORGE WILSON, and SARAH JANE WILSON, his Wife, Petitioners.

TAKE NOTICE that the Schedule of Incumbrances affecting the Plot of Ground situate at Dollymount, in the Barony of Coolock, and County of Dublin, and the Plot of Ground adjoining same, held under Lease dated the 20th day of June, 1843, for a term of 200 years; and the house and premises known as No. 61, Great Britain-street, in the City of Dublin, held under Lease for residue of a term of 90 years, from 29th September, 1793, is lodged with the Clerk of the Records of this Court; and any person having any claim not therein inserted, or objecting thereto, either on account of the amount or the priority of any charge therein reported to him or any other person, or for any other reason, is required to lodge an objection thereto, stating the particulars of his demand, and duly verified, with the said Clerk, on or before the 28th day of February, 1867, and to appear on the following Wednesday, March 6th, at Eleven o'clock, before the Honourable Judge Dobbs, at his Court in Dublin, when instructions will be given for the final settlement of the schedule.

And further Take Notice, that any demand reported by such schedule is liable to be objected to within the time aforesaid.

Dated this 28th day of January, 1867.

C. E. DOBBS, Examiner.

JOHN T. HINDS, Solicitor having the Carriage of Proceedings, 28, Westmoreland-street.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of JAMES ALEXANDER,
Of High-street, in the City of Dublin, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, No. 3, Lower Ormond-quay, Dublin, on FRIDAY, the 8th day of FEBRUARY, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to take Notice. All persons indebted to the said Bankrupt in any sum whatever, or who have any of his Estate or Effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee. And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 28th day of January, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
NICHOLAS PETERSON, a Bankrupt.

TO BE SOLD, by Order of the Court, at Marsh's Auction Rooms, in the City of Cork, on SATURDAY, the 23rd day of FEBRUARY, 1867, at the hour of One o'clock.

LOT 1.

Dwelling Houses and Premises at Blackrock, Cork, held under Lease dated 12th April, 1861, for a term of 14 years, renewable, producing a profit rent of £31 5s. 3d. per annum.

LOT 2.

Dwelling Houses at Lower Glanmire-road, Cork, held under Lease dated 29th October, 1801, for three lives and a term of 59 years from the death of the survivor, and producing a well secured net profit rent of £11 15s. 7d.

For Rentals and particulars as to title, apply to

MICHAEL MURPHY, Official Assignee, 33, Upper Ormond-quay, Dublin; or to

Messrs. NOBLETT & SON, Solicitors having Carriage of the Sale, 47, South Mall, Cork; or to

Messrs. WEST & FITZSIMONS, 33, North Great George's-street, Dublin.

Dated this 25th day of January, 1867.

CHEYNE BRADY, Chief Registrar.

STATUTORY NOTICE.

In the Goods of
JAMES JOSEPH GRAHAM.
Late of No. 18, Denmark-street, in the City of Dublin, Cabinetmaker and Upholsterer, Deceased.

NOTICE is hereby Given, that pursuant to the Statute 22nd and 23rd Vic., chap. 35, entitled "An Act further to Amend the Law of Property, and to relieve Trustees," all persons claiming to be Creditors, or to have any Claims or Demands against the above-named deceased, who died at No. 9 Denmark-street, on the 8th day of January, 1867, are hereby required, on or before the 10th day of APRIL next, to furnish the particulars, in writing, of such Claims to THOMAS REGINALD CRAWFORD, at No. 55, Dame-street, Dublin, Solicitor of Louis Morel, the Executor of the Will of said James Joseph Graham, to whom Probate thereof was granted forth of the Printed Registry of Her Majesty's Court of Probate in Ireland, on the 30th day of January last. And, take notice, that after said 10th day of April, 1867, the said Executor will proceed to distribute the assets of the said deceased, according to the rights of the parties interested, and having regard only to the Claims of which he, the said Executor, or his Solicitor, and shall have notice.

Dated 1st February, 1867.

THOMAS REGINALD CRAWFORD, Solicitor for the said Executor. 35, Dame-street, Dublin.

STATUTORY NOTICE.

In the Matter of the Goods of
EDWARD BROWN,
Late of Wilton, Rathkeale, Esquire, deceased.

NOTICE is hereby Given, pursuant to the Statute made and passed in the 22nd and 23rd years of the reign of Her Majesty Queen Victoria, cap. 35, entitled, "An Act to further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors, or otherwise to have any claims against the Estate of the late EDWARD BROWNE, late of Wilton, Rathkeale, deceased—who died on the 21st day of May, 1866—are hereby required, on or before the 1st day of APRIL next, to furnish to L. G. KIGGELL, Esq., the Executor, at the Office of Messrs. NUNN & JONES, his Solicitors, No. 6, Dawson-street, Dublin, the particulars of all such claims, or in default thereof, the said L. G. KIGGELL, the Executor, will distribute the assets of the said EDWARD BROWN, deceased, among the parties entitled thereto.

Dated this 11th day of January, 1867.

JOHN HENRY NUNN & WILLIAM MILWARD JONES, Solicitors for said Executor, No. 6, Dawson-street, Dublin.

Printed and Published, for the Proprietors, by JOHN FALCONER, at 53. Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, February 2nd*, 1867.

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 2.] SATURDAY, FEBRUARY 9, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office, 53, Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, *53, Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, FEBRUARY 9, 1867.

AMONG the various measures proposed for the consideration of Parliament during the present Session, as indicated in the Speech from the Throne, there are several of peculiar interest to the legal profession.

The attention of the legislature is particularly called to the amendment of the Law of Bankruptcy; to the consolidation of the Courts of Probate and Divorce, and Admiralty; and to the means of disposing, with greater despatch and frequency, of the increasing business in the Superior Courts of Common Law, and at the Assizes. It is evident from this portion of the Speech that it is contemplated that England alone shall, for the present, at least, have the advantage of these measures of legal reform. This fact, however, should not prevent us from scrutinizing with the utmost care the changes proposed to be made in these respects, as it is known from past experience, and from the growing desire to assimilate the laws of both countries, that measures once passed in England are likely to be, as far as possible, extended to us.

With regard to the amendment of the Law of Bankruptcy, an assimilation of the law throughout the United Kingdom would be peculiarly acceptable to the mercantile community; but the subject is a large and comprehensive one, involving questions of serious importance, and well worthy the careful attention of those most familiar with the working of the Acts at present in force; and we trust that when the matter comes under the notice of Parliament, the entire subject of the laws regulating the relations between debtor and creditor, and especially the state of the law with respect to Insolvency, will be maturely and anxiously considered.

In the Probate Act of Ireland is contained a provision which will, we believe, eventually have the effect of consolidating the Courts of Probate and Admiralty in this country; grave doubts are entertained by many as to the expediency of doing so, but we think it a matter of much more pressing importance that the jurisdiction and practice of the latter Court, which were, in 1864, considered and reported upon by a Special Commission appointed for that purpose, should receive the early attention of the Legislature. It was then suggested that the practice of this Court should be assimilated to that of England, and there is no reason why this desired reform should be any longer delayed.

The proposed amendment of the law regulating the relations between landlord and tenant in Ireland, is a subject which we do not conceive to be exactly within our province to discuss, especially as this vexed question has been on every side so thoroughly investigated.

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But, in considering any measure regulating the law of landlord and tenant, the practical working of the Act of 1860 should be taken into consideration, as many of its provisions have met with very general condemnation.

We trust that, in addition to the foregoing measures, our law officers will find time to devote some attention to the very important questions of the reform of the Procedure of the Courts of Chancery and Common Law in this country.

THE RECORD OF TITLE ACT.

In another column we have published the first of a series of letters upon this subject from one of the warmest supporters of the system. As we desire that this Journal should be open to the expression of independent opinion upon all topics of interest to the legal profession, we have gladly placed our columns at the disposal of our correspondent, and have given him the opportunity of discussing the merits of the system in our pages. We beg expressly to be understood as offering no opinion of our own upon the question at the present time. Without doing so, however, we think it right to add that, to our judgment, the Council of the Law Society were perfectly justified in the opposition which, on grounds of public policy, they gave to the measure when passing through Parliament. The reasons urged in the printed observations which, on that occasion, the Council published on the subject, while they led, we believe, to very many amendments of considerable importance in the Bill, amply justified the Council in such opposition. It is unnecessary for us to add that as we have opened our columns to an advocate of the system, our pages are equally open to its opponents.

CERTIFICATE DUTY.

We are gratified at being enabled to announce that a Bill will be introduced early in the present Session for the abolition of the Stamp Duty, at present payable on the annual certificate of an attorney, and in lieu thereof to impose in respect of every such certificate a nominal duty of five shillings. It is to be hoped that the efforts so persistently made by the Law Society to get rid of this unjust, degrading, and oppressive tax will now, at length, be crowned with success. No exertion should be spared in the endeavour to accomplish so desirable an object; and with this view we would earnestly impress upon the members of the Profession throughout the United Kingdom the necessity of bringing all possible local and other influence to bear upon their various Representatives in Parliament, in order that the Bill may be successfully carried through both Houses during the present Session.

ENGLAND.

Opening of Parliament—Tuesday, Feb. 5.

THE QUEEN'S SPEECH.

My Lords and Gentlemen,

In again recurring to your advice and assistance, I am happy to inform you that my relations with Foreign Powers are on a friendly and satisfactory footing.

I hope that the termination of the war in which Prussia, Austria, and Italy have been engaged may lead to the establishment of durable peace in Europe.

I have suggested to the Government of the United States a mode by which questions pending between the two countries, arising out of the civil war, may receive an amicable solution, and which if met, as I trust it will be, in a corresponding spirit, will remove all grounds of possible misunderstanding, and promote relations of cordial friendship.

The war between Spain and the republics of Chili and Peru still continues, the good offices of my Government, in conjunction with that of the Emperor of the French, having failed to effect a reconciliation. If either by agreement between the parties themselves, or by the mediation of any other friendly Power, peace shall be restored, the object which I have had in view will be equally attained.

Discontent prevailing in some provinces of the Turkish Empire has broken out in actual insurrection in Crete. In common with my allies, the Emperor of the French and the Emperor of Russia, I have abstained from any active interference in these internal disturbances, but our joint efforts have been directed to bringing about improved relations between the Porte and its Christian subjects, not inconsistent with the sovereign rights of the Sultan.

The protracted negotiations which arose out of the acceptance by Prince Charles of Hohenzollern of the government of the Danubian Principalities, have been happily terminated by an arrangement to which the Porte has given its ready adhesion, and which has been sanctioned by the concurrence of all the Powers, signataries of the Treaty of 1856.

Resolutions in favour of a more intimate union of the provinces of Canada, Nova Scotia, and New Brunswick, have been passed by their several Legislatures, and delegates duly authorized, and representing all classes of colonial party and opinion, have concurred in the conditions upon which such a union may be best effected. In accordance with their wishes a Bill will be submitted to you which, by the consolidation of colonial interest and resources, will give strength to the several provinces as members of the same empire, and animated by feelings of loyalty to the same Sovereign.

I have heard with deep sorrow that the calamity of famine has pressed heavily on my subjects in some parts of India. Instructions were issued to my Government in that country to make the utmost exertions to mitigate the distress which prevailed during the Autumn of last year. The blessing of an abundant harvest has since that time materially improved the condition of the suffering districts.

The persevering efforts and unscrupulous assertions of treasonable conspirators abroad have, during the last Autumn, excited the hopes of some disaffected persons in Ireland, and the apprehensions of the loyal population; but the firm, yet temperate exercise of the powers entrusted to the Executive, and the hostility manifested against the conspiracy by men of all classes and creeds, have greatly tended to restore public confidence, and have rendered hopeless any attempt to disturb the general tranquillity. I trust that you may consequently be enabled to dispense with the continuance of any exceptional legislation for that part of my dominions.

I acknowledge with deep thankfulness to Almighty God the great decrease which has taken place in the cholera, and in the pestilence which has attacked our cattle; but the continued prevalence of the latter in some foreign countries, and its occasional reappearance in this will still render necessary some special measures of precaution; and I trust that the visitation of the former will lead to increased attention to those sanitary measures which experience has shown to be the best preventive.

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Estimating as of the highest importance an adequate supply of pure and wholesome water, I have directed the issue of a Commission to inquire into the best means of permanently securing such a supply for the metropolis, and for the principal towns in densely peopled districts of the Kingdom.

GENTLEMEN OF THE HOUSE OF COMMONS,

I have directed the estimates for the ensuing year to be laid before you. They have been prepared with a due regard to economy and to the requirements of the public service.

You will, I am assured, give your ready assent to a moderate expenditure calculated to improve the condition of my soldiers, and to lay the foundation of an efficient army of reserve.

MY LORDS AND GENTLEMEN,

Your attention will again be called to the state of the representation of the people in Parliament; and I trust that your deliberations, conducted in a spirit of moderation and mutual forbearance, may lead to the adoption of measures which, without unduly disturbing the balance of political power, shall freely extend the elective franchise.

The frequent occurrence of disagreements between employers of labour and their workmen causing much private suffering and public loss, and occasionally leading, as is alleged, to acts of outrage and violence, has induced me to issue a Commission to inquire into, and report upon, the organization of trades unions and other associations, whether of workmen or employers, with power to suggest any improvement of the law for their mutual benefit. Application will be made to you for parliamentary powers which will be necessary to make this inquiry effective.

I have directed bills to be laid before you for the extension of the beneficial provisions of the Factory Acts to other trades specially reported on by the Royal Commission on the Employment of Children; and for the better regulation, according to the principle of those Acts, of workshops where women and children are largely employed.

The condition of the Mercantile Marine has attracted my serious attention. Complaints are made that the supply of seamen is deficient; and the provisions for their health and discipline on board ship are imperfect. Measures will be submitted to you with a view to increase the efficiency of this important service.

I have observed with satisfaction the relaxations recently introduced into the Navigation Laws of France. I have expressed to the Emperor of the French my readiness to submit to Parliament a proposal for the extinction, on equitable terms, of the exemptions from local charges on shipping, which are still enjoyed by a limited number of individuals in British ports; and his Imperial Majesty has, in anticipation of this step, already admitted British ships to the advantage of the new law. A Bill upon this subject will forthwith be laid before you.

A Bill will also be submitted to you for making better provision for the arrangement of the affairs of Railway Companies which are unable to meet their engagements.

Measures will be submitted to you for improving the management of sick and other poor in the metropolis, and for a redistribution of some of the charges for relief therein.

Your attention will also be called to the amendment of the law of Bankruptcy; to the consolidation of the Courts of Probate and Divorce and Admiralty; and to the means of disposing, with greater despatch and frequency, of the increasing business in the Superior Courts of Common Law, and at the assizes.

The relations between landlord and tenant in Ireland have engaged my anxious attention, and a Bill will be laid before you which, without interfering with the rights of property, will offer direct encouragement to occupiers of land to improve their holdings, and provide a simple mode of obtaining compensation for permanent improvements.

I commend to your careful consideration these and other measures which will be brought before you; and I pray that your labours may, under the blessing of Providence, conduce to the prosperity of the country and the happiness of my people.

HOUSE OF LORDS—THURSDAY, FEB. 7.

Their Lordships met at five o'clock.

COURTS OF CONCILIATION.

Lord ST. LEONARDS laid upon the table a Bill for the establishment of courts of conciliation and arbitration. He explained that the bill was similar to one which he had introduced last session, and its object was to provide for the settlement of disputes between masters and workmen. Courts of conciliation already existed in France, and had been found to work satisfactorily. He believed that the establishment of similar institutions in this country would tend greatly to put a stop to strikes.

The Bill was read a first time.

HOUSE OF COMMONS—THURSDAY.

INSOLVENT RAILWAY COMPANIES.

Sir S. NORTHCOTE, in moving for leave to bring in a Bill to make better provision for the arrangement of the affairs of Railway Companies unable to meet their engagements, pointed out the importance which this question had recently attained, and said there were not only the interests of individual creditors to consider, but those of the public at large and of society, whose convenience was mixed up with the efficient working and continuance of the railways. It was only reasonable that railway companies, when insolvent, should resign the charge which they were unable to manage into more competent hands, which might not be necessarily those of their creditors, for railways were not only private but public undertakings, to which special privileges were granted for the public advantage. In many cases it would be found that the public had a greater interest in the maintenance of the line than the creditors, and for this reason railway companies could not be wound up like ordinary joint-stock companies, but must obtain an Act of Parliament. It was extremely unlikely that Parliament would concede to the Court of Chancery powers to provide for the future arrangement and working of the lines of insolvent companies; and, in his opinion, that court would not be able to prepare schemes of the kind, involving the accommodation and safety of the public. It would be almost impossible to provide for all cases by an Act of Parliament. The popular idea was that the debenture-holders could foreclose, and carry on the railway; but he could not agree to this view, for Parliament had a right to provide that the purposes for which the line was authorized by it were adequately carried out; for it was not likely that where the original company had failed, a body constituted as the debenture-holders usually were would be more successful. He objected to the proposal that the Government should take up the charge of insolvent lines, and pay up the creditors. It was not the duty of the Government, at least in this country, to take upon itself to discharge the liabilities of railway companies, and carry on their duties. The present method was by private bills, but there was no power to compel the insolvent company to apply for a bill, and if it did many parties interested. probably, would not be represented before the committee, or the public heard at all, in addition to the other evils of private bill legislation. Under these circumstances it would be desirable (to a certain extent) to call in the aid of the Executive, and the method proposed was as follows:—The Board of Trade would, when any railway company committed an act of bankruptcy, on the application of a certain number of shareholders and creditors, be empowered to appoint inspectors. If a *prima facie* case were made out, the latter would have full power to institute an investigation into the whole of the affairs of the company. Acting on their report, it would be the duty of the Board of Trade to bring in a public bill for which the head of that department would be responsible, and for this purpose he indicated certain alterations in the mode of passing bills of this kind, which it would be desirable to effect.

Mr. WATKIN felt that all the evils arose from Parliament having sanctioned ill-advised schemes. He objected to the principle laid down by Sir S. Northcote, and said that if Parliament would make debentures really debentures, any railway would be able to retrieve its position.

Mr. MILNER GIBSON considered it would be unwise to trust such important judicial functions to the Board of Trade.

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Sir R. PALMER was of opinion that the proposed measure was utterly inadequate to meet the case, and would give no real security to the creditors of railways.

Sir S. NORTHCOTE deprecated a discussion until the bill was before the House, for he believed that its provisions would be found to obviate the objections now raised.

Leave was then given to bring in the bill, which was subsequently read a first time.

THE NEUTRALITY LAWS.

(*From the London Gazette of Tuesday Evening.*)

WHITEHALL, FEB. 2.—The Queen has been pleased to appoint the Right Hon. Robert Monsey, Baron Cranworth; the Right Hon. Richard Monckton, Baron Houghton; the Right Hon. Sir Hugh M'Calmont Cairns, Knt., a Judge of the Court of Appeal in Chancery; the Right Hon. Stephen Lushington, Doctor of Civil Law, Judge of the High Court of Admiralty; the Right Hon. Sir William Erle, Knt.; Sir George William Wilshire Bramwell, Knt., one of the Barons of the Court of Exchequer; Sir Robert Joseph Phillimore, Knt., Doctor of Civil Law, Her Majesty's Advocate-General; Sir Roundell Palmer, Knt.; Travers Twiss, Doctor of Civil Law; William George Granville Venables Vernon Harcourt, Esq., one of her Majesty's Counsel; Thomas Baring, Esq., William Henry Gregory, Esq., and William Edward Foster, Esq., to be her Majesty's Commissioners to inquire into and consider the character, working, and effect of the laws of the realm available for the enforcement of neutrality during the existence of hostilities between other States with whom her Majesty is at peace; and to inquire and report whether any and what changes ought to be made in such laws, for the purpose of giving them increased efficiency, and bringing them into full conformity with international obligations. The Queen has also been pleased to appoint Francis Phipps Onslow, Esq., Barrister-at-Law, to be Secretary to the Commission.

From the Law Times.

THE SOLICITORS' ACT.

A new question under this Act has been decided by the Admiralty Court. In the case of *The Phillipine*, Mr. V. Lushington, on behalf of Messrs. Howard and Co., the solicitors in the suit, applied for a declaration by the Court that they were entitled to a charge for their costs on the amount recovered as wages. Dr. Lushington held that, by the terms of the interpretation clause of the Attorneys and Solicitors' Act, it applied to this Court; that property had been recovered or preserved by the suit, and therefore the solicitors were entitled to their charge upon the property so recovered.

LAW OF MASTER AND SERVANT.

Last week we announced that, among the many law reforms to be submitted during the coming session, an amendment of the Law of Master and Servant held a prominent place. This has now been confirmed by the Government. We understand that the Bill will adopt all the suggestions of the committee which reported upon it in the last session.

LAWYERS OUTLAWED

A telegram from the United States reports that Congress has passed a Bill disabling all lawyers in the Southern States who took part in their struggle for liberty and independence from henceforth practising their profession. As every Southern lawyer then in practice falls within this category, the entire practice of the law, with all its profits and dignities, must pass to immigrants from the North. Even amid the fury of the French Revolution, no such tyrannical measure as this was devised. And yet is this but one of a series equally despotic—another specimen of democracy in its full development.

THE JAMAICA PROSECUTIONS.

APPLICATION TO ARREST COLONEL NELSON AND LIEUTENANT BRAND.

An application was made at Bow-street, London, on Wednesday, before the chief magistrate, Sir Thomas Henry, by Mr. Fitzjames Stephens, for warrants for the apprehension of Colonel Nelson and Lieutenant Brand, on the charge of the wilful murder of Mr. Gordon, at Morant Bay, in the county of Surrey, in the island of Jamaica, in October, 1865.

Mr. Stephens, with whom was *Mr. J. Horne Payne*, was instructed by Messrs Shaen and Roscoe. He stated that the actual prosecutors were Mr. John Stuart Mill, the member of Parliament for Westminster, and Mr. P. A. Taylor, the member for Leicester, both now present. The name of Governor Eyre was not at present included, because that gentleman was not at the present moment within the jurisdiction of the court. There was no doubt, however, that he would be ready and willing to meet the charge, and they had an intimation from his solicitor that he would attend upon due notice. He was desirous of doing perfect justice to all parties, and must therefore state that Mr. Eyre had shown the most honourable and courageous determination to meet most fully and fairly every responsibility properly devolving upon him. He (Mr. Stephens) was sorry that the great questions at issue could not be decided on a less grave charge than that of murder, the parties who instituted the prosecution being actuated solely by motives of public justice, and not by any petty party or personal ill-feeling. But he should contend that the act, if, as he alleged, illegal, was an act of murder, and not of manslaughter. The deliberate putting of a man to death illegally was murder, and was not excused either by the good faith or ignorance of the parties, or that they acted under order of superiors. Mr. Stephens went into an elaborate statement of the motives of the prosecutions, the facts and the law of the case, contending that the question at issue was whether the law of England was supreme, or whether the Sovereign had power in time of rebellion to suspend all laws, and set up a military despotism with absolute power over the lives of the subjects of the realm.

Dr. Alexander Fiddes, examined by *Mr. Horne Payne*—I am a medical man, residing at Kingston, in the island of Jamaica, and was medical adviser to the late Mr. George William Gordon; the last time I saw him before the outbreak at Morant Bay was on the 26th September, 1865; he called at my house very sick; I did not see him again, to the best of my recollection, till the day of his arrest, the 17th October, but on the 16th I received a letter from him; on the 17th October I went to seek for him, and found him in the house of his cousin, in the parish of Kingston; with him was his wife, a male friend, and the inmates of the house; I informed him that Government had issued a warrant against him, and he concurred in the propriety of going to the Government.

Sir Thomas Henry—You can hardly go into that unless they were present.

Mr. Payne: Did you go anywhere?

Witness: I went to General O'Connor's, when Governor Eyre told him to apprehend him, as it was his duty, and take him into custody; I saw him taken from the house with Dr. Bowerbank; a few mounted Volunteers accompanied the carriage; there was not any disturbance at all in Kingston at that time; the general's house, in which Mr. Gordon was arrested, was in the parish of Kingston; I knew Mr. Gordon; he was not in the military service nor in the militia.

Mr. Andrew Henry Lewis: I was in Jamaica in 1865; I was a member of the Assembly and Justice of the Peace in three parishes; I was summoned to attend a Council of War to be held on the 12th of October, 1865, at the King's house—(correcting himself)—at the general's house; the Council decided to proclaim martial law, and I was an assenting party on the representation of Governor Eyre of the state of that part of the country; martial law was proclaimed in the county of Surrey, with the exception of Kingston; copies of the proclamation were printed at Fort Morant, in the parish of St. Thomas-in-the-East; I accompanied Governor Eyre and General Nelson on board the French steamer the Garroelle, and proceeded to Morant Bay, where we arrived, I think it was on the 13th of October; Govenor Eyre afterwards went back to Kingston, leaving General Nelson in command at Morant Bay; I did not see Mr. Gordon land at Morant Bay; I saw him on board the Wolverine several days after I arrived at Morant

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Bay; he was then in custody; when he left the Wolverine he was landed at Morant Bay; I saw him there; there were several other prisoners; on the following day, about the 21st, I was present at the court composed of Lieutenant Brand, R.N., Lieutenant Errington, R.N., and Ensign Kelly; Mr. Gordon Ramsay was provost marshal: had attended the court; witnesses were examined and documents produced.

Mr. Stephens: Was he called upon to plead?

Witness: I saw him tried, but I was not there at the commencement.

Mr. Stephens: Was he called upon for a defence?

Witness: He made a defence; Mr. Brand was president; at the close of the evidence the court was closed, and I did not hear the sentence of the court until very shortly before it was carried into effect; I saw Mr. Gordon hung, under the orders of the provost marshal, who was present; it was done by sailors to whom he gave the orders; the body hung for a considerable time, there can be no doubt until he was quite dead; he was not a soldier; I do not know whether he had ever been in the militia, but that force had not been called out for some years; I was at Morant Bay from the time I arrived until the execution, and during that period there was no armed resistance to the authorities, or breach of the peace.

Charles Saville Roundell: I was secretary to the Jamaica Royal Commission, and was present at their sittings; I have custody of the documents which were produced before them, and have them here.

Mr. Roundell being called upon to produce those documents, stated that as they came into his possession as secretary to the Commission, and for public purposes, he wished to produce them only on proper authority, and therefore asked the magistrate if he was bound to do so now.

Sir Thomas Henry said he was.

The documents were then put in.

Mr. Roundell here explained that the documents which he had put in were the notes of the evidence taken before the Court-martial, and that he had also other documents in his possession which he could produce if called upon.

Mr. Stephens said these included the whole of the evidence before the Court-martial.

Mr. Beaumont, of Chancery-lane, shorthand writer—I was present and took notes of a great portion of the proceedings of the Jamaica Royal Commission in 1866; I took the evidence of Mr. Brand; the transcript, as printed in the Blue Book produced, is correct; I have compared it with my notes.

Mr. Stephens was then proceeding to read the evidence given by Lieutenant Brand before the commission.

Sir Thomas Henry observed that it would appear that Lieutenant Brand was appointed President of the Court-martial by General Nelson.

Mr. Beaumont, jun., who assisted his father as shorthand writer, produced the notes of the evidence of Colonel Nelson (acting as Brigadier General at the time of the insurrection in Jamaica) before the Commission; the transcript was correct; heard the witnesses cautioned by the Court that they were not bound to answer any questions to their own prejudice.

Mr. Stephens then read over from the Blue Book the evidence of Colonel Nelson.

Mr. Roundell produced the letter of Colonel Nelson reporting to the governor the sentence of the Court-martial.

In answer to Mr. Stephens, Mr. Lewis stated that General Nelson was present at the execution.

Mr. William Wallett West, clerk to Messrs. Shaen and Roscoe, the solicitors in the case—I have made inquiries, and from information I have received, General Nelson may be found within the jurisdiction of the court, at the United Service Club.

Sir Thomas Henry thought that was too vague.

Mr. Stephens submitted that it was sufficient to show that the person was known or suspected to be within the jurisdiction.

Sir Thomas Henry said that he could not apply under the 24th and 25th Vic., under which alone he could act.

After some discussion, Mr. Stephens applied for an adjournment, in order to produce witnesses who had actually seen Brigadier Nelson going in and out of the United Service Club, and Lieutenant Brand in Regent-street.

Sir Thomas Henry consented to this course, and adjourned the proceedings till Thursday.

London, Thursday.—Warrants have been ganted by Sir Thomas Henry, chief magistrate of the Bow-street Police-court, London, for the arrest of Colonel Nelson and Lieut. Brand for the murder of Mr. Gordon, executed by sentence of Court-martial in Jamaica.

Mr. Roebuck on the Bankruptcy Law.—At the annual meeting of the Sheffield Chamber of Commerce, in the Cutlers' Hall, Sheffield, Mr. Roebuck, M.P., addressed the assemblage, in response to a vote of thanks carried to him on account of his services in the House of Commons. He observed, in the course of his speech:—"Nothing could be worse than our original bankruptcy law. It was a great improvement that Lord Brougham brought in, but there were great mistakes in his Bill; but the most mischievous thing ever done to trade by legislation, excepting the protection, was Lord Westbury's Bankruptcy Bill. That has been found out, and you well know, sir, that the mercantile world were up in arms at the present state of the bankruptcy law of England; we shall now have to make another experiment, and we are going to try the Scotch system. I hope the Scotch system may succeed. My belief is that it will not. I shall take the opportunity, which I suppose will be afforded me, of stating my views upon the bankruptcy laws whenever the matter comes before the House of Commons."

False Economy.—There is the State extravagance that wastes on sinecures taxes wrung from the resources of wealth, or the scanty providence of the struggling middle classes, and while almost fictitious offices, even in courts of justice, have been within the earlier period of the present century paid by £8,000 and £10,000 a year, the circle had so enlarged itself that Hood tells us he knew a baby who already drew a pension as a superannuated postman, while boys at school drew their pay as officers in regiments of the line. But while these gross abuses existed, many practical and useful branches of the public service were starved out; and Sydney Smith was not more truthful than indignant when he remarked that he often found payment made in State departments in an inverse ratio to the amount of the work done. The law declares that in its eye all men are equal—that every man has a right to be tried by his peers; and this principle is carried to so great an extent that even a foreigner accused of a crime has a right to have half the panel of foreigners. But while this is the theory, what is the practice? At the assizes there are two counsel instructed by the Crown Solicitor to prosecute, and two additional counsel, designated supernumeraries, but all nominated by the Attorney-General, to act with them in a heavy case, or in the second court should the record judge have disposed of his especial business. But while it might be presumed that all her Majesty's subjects would have an equal claim to have a protection of their property or an attack on their persons prosecuted by some of the staff, a selection is made, and the Crown Solicitor, while he gives his intelligence and has the aid of Crown counsel as to prosecutor A and B, leaves unfortunate C and D to drift along, collecting his witnesses as best he may, and having an indictment drawn up by a rural functionary from some precedent of Archbold entombed in a legal Nineveh, and as useless as would be a postal guide of 1800 to tell when a railway train first started in the morning. This paltry economy, only leading to ultimate expense—this shabby distinction in the administration of justice, has been not more emphatically than indignantly commented on by the Judges of the Queen's Bench in the case of the Queen *v.* O'Brien, reported in another part of our Journal, and the sooner this anomaly be removed the better.—*Saunders's News-Letter.*

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

MACNAMARA *v.* CAREY.

Jan. 14, 1867.—*Trustee—Registration—Breach of Trust—Recitals—Omission.*

This was an appeal from a decretal order of the late Lord Chancellor, dismissing the cause petition in this matter without costs. The petition was filed by Richard F. Macnamara, the son of Connell W. Macnamara, charging Henry Carey, one of the trustees of the settlement executed on the marriage of Connell W. Macnamara and Esther J. Carey, with breach of trust, for omitting to register this settlement, and for allowing certain premises mentioned in the recitals of the deed to be omitted in the granting part, and neglecting to take any steps to have the deed reformed.

The settlement was prepared by Connell W. Macnamara, who was a solicitor, no other solicitor being employed either on behalf of Esther J. Carey or the trustees; and the deed remained, after the marriage, in the possession of Macnamara, who took advantage of its non-registration to incumber some of the premises put in settlement.

Henry Carey, who was the brother of Esther J. Carey, was a practising barrister at the date of the marriage, but did not act professionally, or interfere in any way in the preparation of the settlement. He stated in his answering affidavit that Connell W. Macnamara expressly undertook to register the deed, and that he believed that it had been so registered until four years after the execution of the deed, when he learned for the first time of Connell W. Macnamara's dealings with the property. Connell W. Macnamara had died long prior to the commencement of the present suit; and the petitioner's title was derived under an appointment made to him by his mother, pursuant to the provisions of the settlement. The petitioner sought to make Henry Carey answerable for the loss which the trust estate had sustained in consequence of the incumbrances created by Connell W. Macnamara, and affecting not only the premises actually settled, but also those which, although recited as being intended to be put in settlement, had been omitted in the operative part of the deed.

Warren, Q.C., *Ormsby* Q.C. (with them *R. W. Gamble*) for the appellant, Richard W. Macnamara.

Sullivan, Q.C., and *Palles*, Q.C. (with them *S. Walker*) for the respondent, Henry Carey.

W. Barlow, for the respondent, Esther J. Macnamara.

The COURT* held that without laying down any general rule as to the duty of a trustee to register the deed creating the trust, there was special circumstances in the present case which rendered the non-registration of the settlement a breach of trust on the part of Henry Carey. As to the denominations omitted from the granting part of the deed, they were not bound by the trusts of the settlement, and the trustees, therefore, were exempt from all liability in respect of them. The order of the Court below should be reversed in part, but without costs.

* BLACKBURNE, C., and CHRISTIAN, J. The LORD JUSTICE OF APPEAL had been engaged in the case while at the Bar.

Solicitor for the appellant, *John M. Williamson.*

Solicitors for the respondent, Henry Carey, *Taylor, Mackesy, and Mortimer.*

Solicitor for the respondent, Esther J. Macnamara, *Samuel Hobson.*

COURT OF CHANCERY.

Jan. 26.—*Practice—Lunacy—Court of Appeal Act.*

The LORD JUSTICE OF APPEAL (who sat for the LORD CHANCELLOR) refused to entertain motions or petitions in lunacy, upon the grounds that although under the 18th section of the Court of Appeal Act (19 & 20 Vic., c. 92) he was empowered to sit for the Lord Chancellor "for the hearing and determining of causes and matters," yet he had no jurisdiction to act in matters of lunacy, as in these the Lord Chancellor's authority was exercised not by virtue of his office as Lord Chancellor, but by a warrant from the Crown, under the sign manual.

Feb. 2.—*Practice—Reference under the 15th section of the Chancery Regulation Act*, 1850.

The LORD JUSTICE OF APPEAL (who sat for the LORD CHANCELLOR) refused, in several instances, to refer cause petitions, under the 15th section of the Chancery Regulation Act, upon the ground that there were serious questions of law, such as the construction of wills and deeds, involved in these cases, and that these points ought to be decided by the Court, in the first instance, before any reference was made to the Master.

HODSON *v.* LYSTER.

Feb. 4.—*Practice—Costs of the day—Objection for want of Parties.*

This was a cause petition, filed by Ed. M. Hodson, and Octavia Hodson, his wife, to compel Anna S. Lyster to make good waste alleged to have been committed on the lands of Fairymount, in the County of Roscommon, and to restrain her and Augusta Daly, her tenant, from using and otherwise injuring the said lands. Anna S. Lyster was tenant for life, in possession of these lands, under the will of Edward Mills; and the petitioner, Octavia Hodson, and the respondent, Augusta Daly, were tenants for life in the remainder of the said lands, under the same will. Augusta Daly, by her answering affidavit, objected that the inheritor of the land should have been made a party to the suit, but no such objection was raised by the answering affidavit of Anna S. Lyster.

When the cause came on for hearing, the COURT held the objection good, and directed the case to stand over until the necessary amendment should be made. His Lordship having some doubt as to whether Anna S. Lyster was entitled to the costs of the day, as she had not raised any objection for want of parties by her answering affidavit, the question of costs was fully discussed on a subsequent day, when the COURT held that Augusta Daly was entitled to the costs of the day, and that Anna S. Lyster was entitled to these costs, as costs in the cause, as she was willing to have the case disposed of on the merits, without taking advantage of the objection.

Counsel for the petitioners: *Lawless*, Q.C.; and *Roper*. Solicitor, *Joseph Burke.*

Counsel for the respondent, Anna S. Lyster: *Butt*, Q.C.; *W. Bourke*, Q.C.; and *W. Hickson.* Solicitor, *William Jameson.*

Counsel for the respondent, Augusta Daly: *Walsh*, Q.C.; and *Richey*. Solicitors, *Findlater and Collins.*

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ROLLS COURT.

Reported by Edward S. Trevor, Esq., Barrister-at-law.

In the Matter of the Hollyford Mining Company, Limited, and the Joint Stock Companies' Act, 1862.

Paid-up Shareholders—Contributories—Joint Stock Companies Act, 1862.

January 16, 1867.

Messrs. Smyth and Cash, the petitioners at the time of the formation of the Hollyford Mining Company, in 1863, were lessees of the Hollyford Mine, and they agreed to sell their interest to the projected Company in consideration of 2,000 shares each, which were to be considered as paid up shares, and £400 in cash. The nominal capital of the Company consisted of 24,000 shares of £1 each. The Company went into possession, and worked the mine until the 10th of January, 1866, when it was resolved at a general meeting that it should be voluntarily wound up under the authority of a clause in their memorandum of association. An official liquidator was appointed, and the interest in the lease and the plant, &c., were sold. The liabilities of the Company in December, 1865, considerably exceeded the assets. Calls had been made, from time to time, on the other shareholders, amounting to 6s. 3d. per share. The liquidator having omitted the names of the petitioners from the list of contributories, they presented a petition under the Companies Act, 1862, charging that the sale of the lease was at an undervalue, and praying that he might be ordered to place their names on the list as contributories whose shares were fully paid up, and that their rights might be ascertained, and that he might be ordered to make a call on the other shareholders of such amount as would be sufficient for the purpose of adjusting and equalizing the rights of the paid up shareholders and the other shareholders, so that the former might be recouped the excess of capital which they had subscribed.

The petition was supported by the case of *In re Anglesea Colliery Company*, L. R. 2, E. 379, S. C. an appeal, L. R. 1 Ch., Ap. 555, and resisted by the official liquidator on the ground that the petitioners had on interest in the winding up of the Company—being under no liability as their shares were paid up—and likely to derive no benefit, as the Company was insolvent. *In re Lancashire Brick and Tile Company*, 34 Beav. 330; *In re Artificial Stone Company*, 34 Beav. 185; *In re National Savings' Bank Association*, L. R., 1 Ch., Ap. 547.

His Honour directed the names of the petitioners to be placed on the list of contributories as members of the Company; but declined, on the materials before him, and in the absence of the other shareholders, to make any order or to express any opinion on the rest of the petition.

F. W. Walsh, Q.C., and *S. Walker*, for the petitioners.
Solicitor, *W. K. Clay*.
Palles, Q.C., and *Carton*, for the official liquidator.
Solicitor, *M. Larkin*.

In the Matter of the Belfast Central Railway Company and the Railways' Acts, 1851-1862.

Money Lodged on Security under the Railways' Act, 1862—To whom to be Paid Back.

January 23.

A sum of £171 was lodged in court by the Belfast Central Railway Company, under Sec. 2 of the Railways (Ireland) Amendment Act, 1862, to enable the Company to enter into certain lands in Ballymacarrett, in the county of Down. The arbitrator, made his final award, fixing the price at £171, which the owner accepted, and conveyed the lands to the Company. The Company presented a petition praying that the sum lodged might be paid to the owner, founded on a consent signed by him, and by an incumbrancer.

The Master of the Rolls declined to make an order to pay the money to the owner, but directed it to be paid back to the Company, they undertaking that it should be applied according to the consent.

Wm. Crozier for the Company.
Solicitor, *Mr. Johnstone.*

Ex parte Foynes and Limerick Railway Company.

January 24.

It having become necessary to amend the petition in this matter by intituling it in the Railways' Acts, his Honour did not require the affidavit verifying the petition to be resworn, but directed a short affidavit to be sworn under the new title referring to the verifying affidavit.

Robert Reeves for the petitioner.
Solicitors, *S. S.* and *E. Reeves and Sons.*

COURT OF QUEEN'S BENCH.

Reported by William Woodlock, Esq., Barrister-at-law.

Nolan *v.* Brennan.

Jan. 12.—*Costs—Motion to Refer for Taxation.*

Shekelton, for defendant, moved to refer the bills of costs, the subject of the action, for taxation, and then that it should be referred to the Master of the Court to take the account between the parties; and that in so doing he should have regard to whether portion of the work was done without or against defendant's instructions, and should also have regard to the amount due by plaintiff to defendant for goods sold and money paid. The motion was made before plea pleaded.

O'Driscoll, for plaintiff.

The order was made that the costs should be referred for taxation, and that within one week after certificate obtained, the defendant should plead as he might be advised. No rule on rest of the motion. Costs, costs in the cause.

Attorney for plaintiff, *D. Nolan.*
Attorney for defendant, *James Burke.*

Jones *v.* M'Govern.

Jan. 12.—*The Black List.—Embarrassing Pleadings.*

Motion to set aside the fourth, fifth, and sixth counts of the summons and plaint as embarrassing. The action was brought to recover damages for a publication in the *The Black List.* The first three counts were in libel. The fourth complained of a false and malicious publication that a judgment had been marked against the plaintiff, whereby special damage had accrued. The fifth complained of a false publication by printing the matter contained in *The Black List* (setting out the matter *verbatim*), whereby special damage had accrued. The sixth stated the existence of *The Black List*—the object with which it was published—its being sent to subscribers—and that defendant, conspiring with others, had sent it, containing among other matters, the matter complained of, to certain persons contrary to law. The objection to the fourth count was that it was uncertain whether it was an informal count for slander or libel, or a count for false representation; that if it was the former, the actual words complained of should have been given—while if it was the latter, it was a form of action unknown to the law. The fifth count was objected to on the ground that it

was uncertain whether it was a count in libel or for false representation—that if it was the latter it was demurrable; but that the defendant could not safely demur, as on demurrer it might be held to be a good, though informal, count in libel. The sixth count was objected to as uncertain.

For the plaintiff it was argued that both were counts for false representation, and that such an action would lie for a publication in *The Black List*. *M'Nally* v. *Oldham* (8 Ir. Jur., N. S., 86; S. C, 16 Ir., C. L. R.), was referred to to establish this, and the observations of Lefroy, C. J., in that case, were particularly adverted to, as warranting counts in the form used. The sixth count was abandoned.

Butt, Q.C., and *Webb*, for the plaintiff.

The Attorney-General and *Roper*, for the defendant.

The Court decided that the fourth and fifth counts were clearly counts for false representation, and were not embarrassing; and that the defendant, if so advised, would be safe in demurring to them. The language of Lefroy, Q.C., in *M'Nally* v. *Oldham*, appeared to warrant these counts. As to the sixth it was plainly embarrassing, and indeed, until abandoned, had been treated in two different senses by the two counsel for the plaintiff. As the motion had succeeded in part and failed in part, costs to be costs in the cause.

Attorney for plaintiff, *Parkers*.

Attorney for defendant, *M'Govern*.

THE GRESHAM HOTEL COMPANY *v.* MANNING.

Jan. 12th, 16th.—*Evidence—Declarations of Third Parties in Connexion with Acts.*

Motion for a new trial on the ground of the reception of illegal evidence. The action was for obstruction of plaintiffs' light. There was no allegation of special damage in the summons and plaint. On the trial plaintiffs produced evidence to show that persons had refused to take certain rooms in hotel, which had been darkened, and had given the darkening as a reason for not taking them. The late Lord Chief Justice admitted the evidence.

Counsel for plaintiffs, *Palles*, Q.C., and *S. Walker*.

Counsel for defendant, *Dowse*, Q.C., and *Byrne*.

The Court held that the declarations of third parties refusing to take the rooms could not be received, and set aside the verdict.

Attorney for plaintiffs, *Casey* and *Clay*.

Attorney for defendant, *William Hitchcock*.

COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-law.

DELACHEROIS *v.* DELACHEROIS.

This was a motion on behalf of James and Robert Strain that a writ of restitution should issue, commanding the Sheriff of the County Down to restore them to the possession of a farm from which they had been evicted in July last, under a writ of habere in this cause. The summons and plaint, which was issued so long back as 1856, had been served on one William Graham, who was then in possession of the farm, and whose assignee the Strains were; subsequently the plaintiff served a notice on Graham informing him that he had been served with the summons and plaint by mistake, as his farm was not included in the lands sought to be recovered, and requiring him not to take defence to the action. The judgment when made up contained a statement that Graham had been served with the summons and plaint by mistake. In 1866, the plaintiff being of opinion that the farm was included in the lands to which he had established his right by the judgment, executed the writ of habere against the Strains, who were then in possession. On the part of the plaintiff who opposed the motion it was urged that the farm in question did form part of the lands sought to be recovered in the ejectment.

The Court directed a writ to issue to the Sheriff to restore the lands, the plaintiff to pay the costs of the motion, and £10 in satisfaction of any damages the Strains might have suffered—the Strains to bring no action; and liberty was also reserved to the plaintiff to bring a fresh ejectment, the Strains to avail themselves of no defence of the Statute of Limitations, or otherwise, which would not have been open to them in 1856, when the former ejectment was served.

Counsel for the Strains—*Samuel Ferguson*, Q.C., *Law*, Q.C., and *Bruce*. Attorney, *Mr. Cassidy*.

Counsel for Mr. N. Delacherois, the plaintiff—*Harrison*, Q.C., *Dowse*, Q.C., and *Andrews*. Attorney, *R. Kelly*.

COURT OF EXCHEQUER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

THE ULSTER RAILWAY COMPANY *v.* THE NEWRY AND ARMAGH RAILWAY COMPANY.

(Before the full Court.)

Jan. 15.—*Parliamentary Costs—Special Procedure.*

The 28th and 29th Vict., c. 27., provides that where a Parliamentary Committee has declared a party entitled to certain costs, and said party shall have obtained a certificate of the amount as therein mentioned, he may recover the same by action of debt, and in such action it shall be sufficient in England and Ireland for the plaintiff to declare that the defendant is indebted to him in the sum mentioned in such certificate; and the said plaintiff shall, upon filing the said declaration together with the said certificate and an affidavit of such demand as aforesaid, be at liberty to sign judgment as for want of a plea by *nil dicit*, and take out execution, &c. Plaintiffs had been declared entitled to certain costs against the defendants pursuant to the provisions of the act.

A. M. Porter moved that the officer of the Court be directed to mark judgment for the plaintiffs on the plaintiffs filing a writ of summons and plaint, a certificate of the sum found due, and an affidavit of demand. Since the Common Law Procedure Act there is no such thing as a declaration in an action of debt. If we serve our plaint in the ordinary way there may be a defence filed which is contrary to the object of the act.

The Court were of opinion that they had no power to comply with the application, but suggested that plaintiffs should serve the writ of summons and plaint in the usual way. They declined, however, to express any opinion as to what course they should adopt if defendants put in defence.

No rule on the motion.

Attorney for the plaintiffs, *Newtons and Armstrong*.

CONSOLIDATED CHAMBER.

WALSH *v.* HOPKINS.

Feb. 6.—*Change of Venue—Delay.*

O'Moore, on behalf of the defendant, moved to change the venue from Naas to Dublin. The action was for slander; and the defendant's affidavit stated that the plaintiff was an insolvent; that all the witnesses resided in Dublin; that one of defendant's witnesses would be Mr. O'Donnel, the police magistrate, and that it would be difficult to procure his attendance at Naas without inconvenience to the public. There was generally a great number of records at Naas.

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J. A. Curran, senior—The plaint in this case was served in November, the defence was filed on November 27th. The defendant had lain over a whole term. Naas is so near Dublin that it would be more convenient to have a trial there than to be waiting day after day for one in town. Proximity is of importance in these motions, *Doyle* v. *Hammond*, 6 Ir. Jur. O. S. 306.

Deasy, B.—The dates are against the application. A whole vacation and term have been lost, and if this motion were granted now, the plaintiff could not have a trial before the Easter after-sittings. The plaintiff should not be exposed to this delay in a matter affecting character.

Attorney, for plaintiff, *Stafford A. Curran.*
For defendant, *M'Cormack*

Holmes v. Waterford and Passage Railway Company.

Vacating Judgment marked by mistake.

P. Martin, for plaintiff, moved to vacate the judgment in this case, under the following circumstances detailed in the affidavit of plaintiff's solicitor. That judgment was entered in this cause on the 29th June last, but no writ of execution has been issued on foot of said judgment, nor any subsequent proceeding taken thereon; that an arrangement was being made by the plaintiffs with the defendants, whereby the plaintiffs agreed to stay judgment for some time; that when said judgment was entered, deponent was not aware of such arrangement; plaintiffs have written to their attorney requesting him to cancel said judgment, so as to enable plaintiffs to complete the arrangement.

Deasy, B.—Have you served notice?

No; it is our judgment, and we seek to have it vacated in order to settle with defendant.

Deasy, B.—Even so, you must serve notice. It might be defendant's interest to keep the judgment. For instance, he might want to plead it to another action for the same cause.

Motion refused.

Attorneys for plaintiff, *D.* and *F. Fitzgerald.*

COURT OF PROBATE.

Reported by W. R. Miller, Esq., LL.D., Barrister-at-law.

Grogan v. M'Connell.

Jan. 26.—*Issues—Codicil—Alleged Mistake in Reference to Will—Amendment.*

A codicil referred to a will of Nov., 1863, which were propounded by the plaintiff.

Some defendants pleaded a will of Jan., 1864, as the last will which had revoked the former, and averred that the codicil was intended to be a codicil to it, and that the testator did not intend by the codicil to declare an intention to confirm and revive the first will.

Other defendants, in addition to a similar plea, pleaded undue execution of the codicil and undue influence as to it.

Held that the proper issue was whether the will of Nov., 1863, was revived by the codicil, and also that the special plea should be amended by omitting the latter branch of it.

This was a motion to amend one of the pleas filed to a declaration propounding a will of Margaret Hollywood, dated 23rd November, 1863, and a codicil dated 9th June, 1864, and also to settle the mode of trial.

The plea was, that the said M. H., did not, by the said codicil, declare her intention to confirm or revive the said will, as alleged; and it never was her wish or intention, by said codicil, to confirm or revive that will. With that plea were also added the usual pleas of undue execution and of undue influence as to the codicil.

Some other defendants pleaded another will, made in January, 1864, as the last will of M. H., and that the codicil was a codicil to it and not to the will of November, 1863, which was revoked.

Harrison, Q.C., for the motion.

Dr. Ball, Q.C., for some defendants.

Dr. Townsend, Q.C., for others, asked for separate issues on the plea.

[*Goods of Stovell*, 7 I. J. N. S. 325. *Goods of Whattmann*, 10 Jur. N. S. 1,242. *Cock* v. *Cooke*, 36 L. J. Pr. 5 were cited.]

Keatinge, J.—The plea must be amended by omitting the last branch of it, which is involved in the first. And the proper issue on all the pleas will be whether the will of the 23rd November, 1863, was revived by the paper-writing dated the 9th June, 1864.

Order accordingly.

Solicitors—for plaintiff, *H. Milford;* for the defendants M'Connell, *Andrews and M'Laine*; for defendants, Harnan, *Newtons and Armstrong.*

Eastwood v. Eastwood.

Jan. 30.—*Legitimacy—Evidence of Marriage—Letters—Reputation—Acts—Costs.*

Letters from the alleged husband to the alleged wife, and from other members of the alleged husband's family, and statements in the will of the alleged husband and of other members of the family, in all of which the alleged marriage was recognized, were not considered sufficient, per se, to prove a marriage; there was no record, in any shape, of a marriage, and the acts of the issue being inconsistent with a valid marriage; and no intimacy was proved between the alleged wife and the husband's family, but the reputation in his family was against a marriage.

This was a case which arose on a declaration of interest, filed by the defendant and intervenient, alleging that Samuel Eastwood, the father of the intervenient and the grandfather of the defendant (the daughter of James Robert Eastwood, the eldest son of Samuel) had been lawfully married to Margaret Javoux, by whom he had issue the said James Robert Eastwood, and George Joseph Eastwood (the intervenient) and other children.

The plaintiff pleaded and traversed the fact of the alleged marriage, and alleged that at the time alleged M. J. was the lawful wife of a man named Morrin, who was then alive.

The case came on for hearing before the Court. Parol and also written evidence was given of the fact of the parties having been living and cohabiting together as man and wife, and being considered as married; and numerous letters of the alleged husband were read, in which he described her as his wife. His will also did the same, and several other wills of other members of his family also did so. There was no record whatever of any marriage in fact. S. E. was an attorney in practice. Evidence was given of the reputation in the family of S. E. of no valid marriage.

Keatinge, J., held that the evidence relied on was not sufficient to establish a marriage in law. The letters that were proved showed that Samuel Eastwood lived on the most affectionate terms with Margaret Javoux, and that he would, if he could, make her his

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lawful wife; and his will confirms that; and the only bar that can be conceived was that Moran was alive; but these, or the other letters or wills referred to, do not, *per se*, constitute evidence of a marriage in fact. It is a most important fact in the case, that James Robert Eastwood, the father of the defendant, Maria Louisa Eastwood, would have been, if legitimate, absolutely entitled, under his uncle, the Rev. James Eastwood's will, to a legacy of £3,000 on his father's death. And yet it was proved that after his father's death, his mother being alive, he sold that legacy and all interest then due—in all about £5,100—for a sum of £300. That proved that he was not in a condition to prove the marriage, although his mother, a competent witness, was alive. Then there is no proof of an intimacy with the alleged husband's family; on the contrary, the reputation in the family is that there was no marriage in fact, and there was some evidence that Morrin was alive and had been married to Margaret Javoux. On the whole, his Lordship decided that as there was no legal evidence of any marriage in fact, and referring to the fact that Samuel Eastwood, a solicitor, never had any record made of a marriage; and on the acts of the parties, which were inconsistent with the fact of a valid marriage, the parties, defendant and intervenient, were illegitimate, and he dismissed the caveat and ordered the costs to be paid by them.

Counsel for the plaintiff—*Serjeant Armstrong*, Q.C.; *Brady*, Q.C.; and *Fetherston H.*

Counsel for the defendant and intervenient—*Dr. Ball*, Q.C.; *Butt*, Q.C.; and *O'Driscoll.*

Solicitors—For the plaintiff—*Allan Nesbitt.* For the defendant and intervenient—*Wm. Moorehead.*

LANDED ESTATES' COURT.

***Reported by* J. Field Johnston, Esq., Barrister-at-law.**

In the matter of the Estate of Robert Forster, *Owner;* and J. Gunn and M. R. Gunn, *Petitioners.*

Before Judge Dobbs.

Jan. 22.—*Claim of Purchaser to be Discharged—Compensation.*

Leslie, for W. G. Browne, the purchaser of the lands sold in this matter, applied that the sale might be set aside, or that the purchaser should be compensated on the following grounds. The rental, which was prepared for previous occasions on which the lands were set up for sale, described one Samuel Goode, jun., as tenant of two of the denominations of (about) 16 acres and (about) 3 acres, at the rents respectively of £20 and £3, and his tenure was stated to be, "tenant for one year; tenancy determinable 1st November, 1865." The descriptive particulars contained the following:—"The out-offices consist of dairy, coach-house, stabling for 4 horses, and out-houses for 30 head of cattle. There is also a large and productive fruit garden, surrounded by a ten feet wall, and a flower garden running down to the river. The entire of the lands, with the exception of 10 acres, is laid down in grass." The lands were sold to the purchaser by private sale, on the 8th November, 1866. The affidavit made by the purchaser to ground this motion stated that Samuel Goode had never been a tenant, but a labourer in the owner's employment; that the lots of which he was stated to be tenant could not be identified, and if identified could not be of the value stated in the rental; that there was no dairy; that the coach-house was partly unroofed and much dilapidated; that there was only stabling for 8 head of cattle; that instead of the garden wall, stated to be 10 feet high, there was only a partial wall, varying in height from 4 to 7 feet, while the garden itself contained very little; that there was no flower garden; and that a crop of oats had been taken out of a portion of the lands, containing between 30 and 40 acres, without any manure having been laid out on it; and no grass seeds planted.

Flanagan, Q.C., for the solicitors having the carriage of the proceedings.

Leslie replied.

Dobbs J. considered that the purchaser had no claim to be discharged, as he got the number of acres the rental professed to give, and as there was nothing to lead the purchaser to suppose that Goode was a tenant at the time of the sale. With reference to the question of compensation, his Lordship directed the motion to stand over, to give the owner an opportunity to bring forward evidence as to the dairy, the coach-house, the accommodation for cattle, and the garden.

Feb. 2nd.—The motion was renewed, and affidavits having been read on the part of the owner and the purchaser,

Dobbs, J. observed that there was no statement in the rental as to the state of repair of the premises, or of any portion of them, and disallowed the purchaser's claim to be compensated in respect of any of the matters complained of, except the garden wall. With reference to this, he said that the solicitor having the carriage of the proceedings ought not to have stated that there was a garden surrounded by a ten feet wall, when part of the garden had no wall at all, and part of it a low wall; and he allowed the purchaser £25 as compensation, with the costs of the motion.

The solicitor for the owner applied that these costs should be paid, not by the owner, but by the solicitor having carriage of the proceedings.

Dobbs, J. said he could not alter the ruling he had made, but if the owner could bring forward a case of misdescription, he would make the solicitor pay the costs; adding that it was difficult for an incumbrancer to describe the exact state of the premises.

In the matter of the Estate of the Assignees of E. R. Hunt, Widow, an Insolvent, *Owners;* J. Jackson and W. Jackson, *Petitioners.*

Before Judge Dobbs.

Feb. 4.—*Rescission of Absolute Order for Sale.*

In this case an absolute order had been made on the 17th January, 1867, for the sale of one undivided third part of the house known as No. 34, Westmoreland-street, and one undivided third part of the house known as No. 22, Fleet-street. The petitioners had obtained a judgment against E. R. Hunt for £38 14s. 1d., which was registered as a statutable mortgage against the premises.

Flanagan, Q.C. (with him *Wheeler*), for J. E. Hunt, applied to have the order for sale discharged. His client had been in partnership with the late husband of E. R. Hunt, and subsequently to his death had become the purchaser of the interest in the premises, though the widow had not executed the conveyance to him, and had since died. The petitioners' judgment had been obtained after the death of the husband of E. R. Hunt, and upon a debt due by herself personally.

Macdermott for the petitioners.

Dobbs, J. said that in the course of the discussion a circumstance had turned up which rendered it contrary to the rule of the Court to sell this property. The creditor being a judgment mortgagee stated all he knew, and said he was unable to state who was in receipt of the rents and profits. It turned out that a person was in receipt of them who claimed adversely as to title, and therefore the Court could not sell the premises. He would stay proceedings till the party

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named as owner got possession, or till the petitioner (if he could) amended his petition by stating who was in possession as owner, and proving that he had an incumbrance affecting the property of such owner. A new conditional order should then be obtained and served on the owner. The order would be that the proceedings be stayed, inasmuch as the nominal owner was not in possession of the rents and profits; and if the petitioner asked it he would give him liberty to amend his petition by stating as owner the person who was in possession of the rents and profits; and the question of costs should be reserved.

BANKRUPTCY.

Reported by John Levy, Esq., Barrister-at-law.

Before Berwick, J.

February, 1867.—*Re* Beck *an arranging trader—Arrangement Clauses of the Bankruptcy Act—mortgaging Property Supplied by one Particular Creditor—Discretionary Power of the Court.*

An arranging trader has an overwhelming majority of creditors to sanction the proposal for a composition offered by him, but it turns out that property to a very large amount, in the shape of machinery, which was erected by a particular creditor, had been mortgaged by the trader at the very time that such machinery was in process of erection without giving the slightest intimation to that creditor, the Court will, notwithstanding that majority, and without speculating whether more or less will be had in bankruptcy, adjudicate the trader bankrupt, and adjourn the proceedings into the open Court, and give the creditor opposing his costs.

The 353rd section of the Bankruptcy and Insolvency Act provides, that if at any time after the filing of any petition for protection of a trader, it shall be shown that the affidavit filed with the petition was wilfully untrue, so far as concerned the assets ready to be produced by him, or that he has not made a full disclosure of his debts and credits, estate and effects, and is not desirous of making a *bona fide* arrangement with *all* his creditors, or that his proposal to that effect is not reasonable or proper to be executed under the direction of the Court, &c., it shall be lawful for the court to adjudge the petitioner bankrupt, and to adjourn all further proceedings in the matter into the public Court.

In this case *Heron*, Q.C., was for the trustees, by whom the arrangement was to be carried out.

Kernan, Q C., was for the petitioner, and *Serjeant Barry* and *Doctor Seeds* were for creditors, named Musgrave, to oppose the arrangement. Their opposition rested on two grounds—first, because the proposal made was not reasonable or proper to be executed under the directions of the Court; in fact, that it would be paying a composition to the general creditors partly at the expense of one particular creditor; secondly, that the conduct of the petitioner, as far as Messrs. Musgrave were concerned, was such as to amount to legal, if not actual fraud. It was stated on the part of Messrs Musgrave that in September, 1865, Beck entered into an agreement with them for the erection of two steam engines to move the machinery of his flax mill, for which they were to get a sum of £360. In pursuance of this agreement the Messrs. Musgrave proceeded to make the engines, and in June, 1866, had done work upon Beck's premises to the amount of £4,700. On the 18th of June, 1866, Beck executed a mortgage to Johnson and Carlisle of the entire mill premises, including the machinery put up by the Messrs. Musgrave, and all machinery to be erected. Beck never informed the Messrs. Musgrave of the mortgage, and they continued to erect the machinery and expend considerable sums of money up to the very day upon which Beck presented his petition under the arrangement clauses of the Act. The value of the work done by the Messrs. Musgrave from the 16th of June until the petition was presented was £5,100. There was paid to the Messrs. Musgrave altogether a sum of about £1,300, and that was for work done previous to the execution of the mortgage. It was contended that Beck must have known that he was in insolvent circumstances when he made the agreement with the Messrs. Musgrave to erect the machinery, and that he then permitted them to expend large sums of money upon works that he was about to pledge, and that he knew they had no prospect of being paid; this was fraudulent conduct within the meaning of the Act. It was contended that the proposition was unreasonable because it admitted the validity of the mortgage to Johnson and Carlisle, upon which a question might arise on the ground that if the mortgagees entered into possession of the mortgaged property Beck would not have been able to carry on his trade, and that therefore the execution of the mortgage was an act of bankruptcy, and such a question should not be decided in a summary way; for if the mortgage were set aside there would be a large fund for distribution amongst the general creditors. It was part of the proposed arrangement that Beck should be allowed to retain his furniture, value £250, and get a bonus of £300 over and above the allowance a bankrupt would be entitled to receive in case of bankruptcy, and in addition to get an immediate certificate. On the whole, it was contended that the proposal was not only unreasonable, but fraudulent, as regards the Messrs. Musgrave, and the case ought to be turned into bankruptcy.

Kernan, Q.C., for Beck.—The petitioner, had an overwhelming majority of the creditors to vote for the arrangement, and was entitled to carry it. No good could arise from turning it into bankruptcy; the creditors would not get as much as they would get under the arrangement, and as to the mortgage to Johnson and Carlisle being an act of bankruptcy, that was out of the question, as it was more than six months since it was executed. The case of the Messrs. Musgrave was not one of the peculiar hardship represented, they had got considerable sums of money on foot of the work they had done, and, on the whole, they were not worse off than other creditors.

Judge Berwick said the case was a very important one, as regards that portion of the Bankruptcy Act that came under the head of the Arrangement Clauses, and as regarded creditors sought to be made parties to such arrangements. In the present case it was admitted that there was an overwhelming majority to entitle the trader to carry his arrangement under the statute, and the question for the Court was, notwithstanding that majority, whether the proposal was reasonable or proper as regarded *all* his creditors, to be sanctioned by the Court. Now, he was of opinion that it was not a reasonable proposition, as regarded the opposing creditors. On the contrary, he thought it was most unjust, with regard to them; and whether creditors got more or less in bankruptcy, he believed it was a case where the Court ought to exercise the discretionary power given to it by the 353rd section, and turn the case into bankruptcy (his Lordship read the section). It could not be said that Mr. Beck was desirous of making a *bona fide* arrangement with *all* his creditors when one creditor was to be

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subject to very gross injustice. It could not be said that the proposal was reasonable or proper where the property of one creditor to a very large amount was taken by the trader and pledged, to raise money, not for the purpose of paying the creditor who supplied it, but to put it completely out of his reach. It could not be said to be reasonable or proper that a man in evidently insolvent circumstances should contract for the supply of property of a very valuable description, and then as soon as it was supplied and before it reached his possession at all pledged it, for he not only mortgaged the machinery erected but all that was to be erected, and this without the slightest intimation to the firm supplying that property to him. He (Judge Berwick) could not believe that the Legislature intended that the Arrangement Clauses could be turned to a purpose that would work such injustice to even one particular creditor; and although he was always anxious to meet the wishes of the majority of creditors in every case, he was forced to come to the conclusion in the present case that the proposal was not reasonable or proper to be sanctioned by the Court, and he would adjudicate the petitioner bankrupt, and adjourn all further proceedings into the public Court. His Lordship gave the Messrs. Musgrave their costs of the opposition.

Solicitor for the arranging trader, *R. H. Irvine.*

Solicitor for the trustees, *M'Clean.*

Solicitors for Messrs. Musgrave, *Seeds and Lynch.*

CORRESPONDENCE.

To the Editor of the "Irish Law Times."

THE RECORD OF TITLE ACT.

SIR—I propose to consider shortly the Registration of Title question—the circumstances which led to the creation of a permissive Register or Record of Indefeasible Title in Ireland (partly modelled on that existing since 1862 in England), the objections urged against the measure, and its probable effects as regards the profession and the public.

Few persons are now indisposed to admit that it is a positive advantage to the owner of land to be able to sell any portion of it, or to grant a valuable lease or annuity, or to procure a loan, in a short time and at a slight expense. The impediments to dealings with land in the United Kingdom have, for a long series of years, been such as to diminish its value to the owners, and to limit the number of persons bound by ties of property to the cause of order and loyalty. In this inquiry I will take it as an axiom, that all artificial hindrances to dealings with land ought to be removed.

To Mr. R. R. Torrens, and to Mr. Vincent Scully is chiefly due the credit of effectually calling public attention to this question. They demonstrated that existing systems might safely be applied to landed property in this country. Registration of Title is no new invention. In this country the title to Government Stock has been registered for more than a century; and there has been a perfect system as regards shipping property in operation for many years. Mr. Torrens actually applied the method to landed property in our colonies. Lord Westbury and Sir H. Cairns—the two greatest lawyers of our time—saw that the method was applicable to landed property at home; and they framed measures for so applying it. The public mind was unprepared for compulsory measures; and therefore permissive ones only were passed, mainly through the influence of those two most eminent jurists. The English Act was passed in 1862, and the Irish Act in 1865; the latter applying only to titles conferred by the Landed (or Incumbered) Estates' Court. Such is very briefly the history of the Registration of Title question in this country.

There are, however, intelligent critics who are in the habit of regarding the Registry of Deeds in Ireland as an institution calculated to accomplish every useful object. With more careful supervision, and a larger staff, the Registry might (they say) be kept free from arrear, the indexing and entering might be done every day, the searches might be completed in a short space of time. There is reason for supposing that the inherent defects of the Registry are such as to render those results impossible. The best Registry of Deeds that ever existed supplies but very partially the place of a Registry of Title. Could a "Registry Search" be obtained at a day's notice, and at a trifling expense, it would still, as an evidence of title, be unsatisfactory for the following reasons:—The search against names discloses acts by all other persons of the same name as the person searched against; but even when limited to certain lands there remain the "general acts," or deeds not affecting a particular denomination of land. Thousands of deeds on the Registry affect in general terms "all the lands of the grantor" in the County of L——, or in Ireland, as the case may be. Even supposing all these acts to be satisfactorily explained (and this cannot be done without delay and additional expense) a search does not demonstrate a perfect title unless carried back to the coming of age of the person searched against—for before acquiring the property the person in question may possibly have covenanted to settle all his after acquired lands, or to charge all the lands he may die possessed of. And the ordinary search directed by counsel would not disclose a deed of this nature. When to these objections it is added that a search of the safest kind, *i.e.*, that against both names and lands, is very expensive and takes a long time to complete; and that solicitors who wish to complete transactions speedily are every day obliged to rely on "hand searches" and "common searches," and thereby incur considerable risk, which has not unfrequently led to their personally losing considerable sums of money; when to all this is added the remote position of the Registry Office, at the northerly extremity of the city, and the fact that other searches have also to be made in another office for judgments, recognizances, and Crown debts—when it is also remembered that all projected measures for improving and reforming the Registry of Deeds have failed by reason of the difficulty and complexity of the subject, and are likely to fail—it appears to me to have been a simpler and completer reform to withdraw, at least lands held under Parliamentary Title, from the old Registry of Deeds, and to register them *in such a way that a search shall disclose all that affects the estate, and nothing but what does affect the estate.* In these words is summed up the essence of the "Record of Title."

An incidental benefit, of no slight importance, is conferred by the existence and powers of the Landed Estates Court, which is enabled by the Act to correct any error that may happen to be discovered in the Record of Title. This power of rectification is one which does not exist as regards the Registry of Deeds; and one which perhaps could not exist conveniently, excepting in the case of titles created by the Court, and remaining under the charge of its own officer. Other critics have objected that the Record of Title is not a register of simple ownership, like that kept by the Bank as regards Government Stock, but one that may be complicated by trusts and limitations. The objection, if admitted as having some force, can hardly be urged by the owner of land, for the answer to him would be conclusive—"You are not required to encumber the Record with trusts in any case. The

Act merely allows you to do so." As the measure was prepared in 1864, property could only have been recorded in the names of absolute owners, or of trustees having power of sale. The late Judge Hargreave, as is well known, strongly approved of this scheme; and he expressed his regret when a number of landowners procured the alteration of the measure in this particular, by representing to the Government their partiality for settlements, and their wish to be able to record the interests under them. But the common sense of the proprietors of recorded estates may be trusted to, for telling them that a Record of Title can be of little use unless it enables a transfer or other dealing to be at once effected. And, in point of fact, nearly all the estates now placed on the Record (about 120 in number*) are recorded in the names of persons who are legally capable of transferring or mortgaging at once. So far little use has been made of the power of putting trusts on the Record; and therefore that objection to the measure practically falls to the ground. The first legal effect of recording an estate, is to withdraw it completely from the operation of the Registry Acts, which no longer affect it. Consequently no act by the recorded owner of an estate is registered in Henrietta-street; and no search need be made against him.

The next effect is, that no judgment recognizance or Crown debt of any kind affects the estate unless specifically entered on the Record under the title. If a person possessed of some common name (as Wilson, Johnson, Murphy, &c.) wishes to show title under the old system, he must furnish a Judgment Search on which, probably, one hundred or more items may appear, as to all of which he has to show that they are satisfied or paid off, or that they are against other persons similarly named. Where the name is a more unusual one the inconvenience is less heavily felt. In all cases the necessity of *preserving* the various Searches in safe custody, so that they may be available in case of a future transaction, and that their loss may not involve the expense of making them over again, is a minor grievance of which few professional men have not had experience. Another incidental advantage, therefore, is that no documents have to be preserved excepting one—the Duplicate or Certificate of Title—which is, by the Act, rendered perfect evidence of the title as of its date. This instrument, although its issue is not compulsory, is, in point of fact, taken out by all owners of recorded property, for their own satisfaction. Its production is called for whenever any act or dealing by the owner is to be put on record; and a note of every act or dealing is entered (in precisely similar terms) on it, and on the original Record, before it is handed out. This is the machinery by which a Record of Title is maintained.

I am, Sir,
Your obedient servant,
LEGULEIUS.

* It is worthy of mention that of the recorded owners, nine are solicitors who have placed their own property under the Act.

NORTH EAST BAR.—The members of this circuit, in accordance with ancient usage, entertained the going Judges of assize, the Right Hon. Barons Fitzgerald and Deasy, at a grand banquet on Tuesday evening, in the hall of the King's Inns, Henrietta-street. Amongst the guests present were the Lord Chief Justice, the Right Hon. J. Napier, Mr. Justice O'Hagan, &c. About forty members of the Bar sat down. The chair was occupied by Thos. M'Donnell Esq., Q.C., and the vice-chair by John Norwood, Esq., M.A., in the unavoidable absence of David Pigott, Esq., the steward of the circuit. The dinner was supplied by Mr. Seymour, the caterer for the Inns, and the wines from the cellars of Messrs. Thompson and D'Olier.

THE LAW STUDENTS' JOURNAL.

THE FOLLOWING IS A COPY OF THE EXAMINATION PAPER GIVEN TO CANDIDATES UPON THE FIRST DAY OF THE PRELIMINARY EXAMINATION HELD PREVIOUS TO LAST HILARY TERM, AT THE SOLICITORS' BUILDINGS, FOUR COURTS.

HISTORY.

1. Who were the Saxons? write a brief account of their occupation of Britain.
2. Enumerate the Danish kings of England.
3. Who were the "Justices in Eyre?" when first appointed?
4. Give some particulars of the events which led to the signing of "Magna Charta," its date, and mention some of its most important provisions.
5. On what grounds did Edward III. lay claim to the throne of France?
6. When and between whom was the Treaty of Troyes concluded?
7. Who were the Lollards? the Nonjurors?
8. On what grounds did Lady Jane Grey lay claim to the throne?
9. What reasons are assigned for the increased power of the Crown during the dynasty of the Tudors?
10. Give the dates and particulars of the two Jacobite rebellions.
11. What was the origin of the Seven Years' War? Give some account of its progress. By what peace was it concluded?
12. State what particulars you know respecting
    The provisions of Oxford,
    The Solemn League and Covenant,
    The Bill of Rights.
13. Enumerate the Sovereigns of England between 1485 and 1688, and mention some remarkable events in the reign of each.

GEOGRAPHY.

1. On what circumstance chiefly does the climate of a place depend? What other circumstances modify climate, and how?
2. How does our Zenith distance from the Celestial Equator give us our Latitude?
3. What is the difference in the length of a degree of Longitude at the Equator and at the Poles?
4. What is the altitude of the Polar Star at 45° North Latitude?
5. Explain the cause of the "Trade Winds." Why so called?
6. What are the boundaries of Europe? Name the principal rivers that flow into the Black Sea.
7. Name those of the United States that border on the Atlantic.
8. What are the principal subdivisions of the Indian Ocean? What channel separates Madagascar from the coast of Africa?
9. Where are the following situate?—The Sea of Aral, Cook's Straits, The Maldive Islands, Gulf of Lepanto, Smyrna, Aden, Rochelle, Toronto.
10. Mention the principal bays on the west coast of Ireland. Name the counties on the eastern and southern coast with the principal towns in each.
11. What are the chief towns of the following counties?—Warwickshire, Suffolk, Essex, Hampshire, Devonshire.

ARITHMETIC.

1. Express the result of the following:—
    £7,950 11*s.* 9¾*d.* × 53.
    £713,202 13*s.* 4*d.* ÷ 576.
2. Find the price of 29cwt. 2qrs. 14lbs. at £4 19*s.* 11*d.* per cwt.
3. What is the annual premium payable on a policy of insurance for £2,475 at £2 2s. 4*d.* per cent?

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4. What is the interest of £160 15*s.* 6*d.* for 53 days at 7 per cent.?

5. If 5 men receive £4 10*s.* for 12 days' work, how much should 32 men receive for 24 days' work at the same rate?

6. What is the income of a person who pays £52 5*s.* 7½*d.* Income Tax, at 5½*d.* in the pound?

Book-keeping.

1. Explain the difference between the systems of "single entry" and "double entry," and mention some of the advantages of the latter method.

2. What are "real" accounts?

3. What is a "trial balance?"

4. What entry is made in the journal in the following cases:—

a. When cash is received in payment of a personal account?

b. When a bill of exchange is paid?

5. Open a cash account, enter the following transactions, and balance the account:—

	£	*s.*	*d.*
May 9th—Cash in bank, - - - -	43	12	0
" " Do. in band, - - - -	24	9	6
" " John Brown paid me, - -	163	8	11
" " Paid John Smith, - - -	57	5	3
" 11*th*—Paid, house-rent, - - -	34	12	8
" " Paid, taxes, - - - -	8	4	2
" 12*th*—Johnson's bill, due this day, paid by me, - - - -	63	9	8
" " Received of Henry Williams,	94	8	7
" " James Williams paid to my account at bank, - -	54	3	2
" " Paid James Robinson, -	101	9	6

Attorneys Apprentices who have duly Enrolled their Indentures pursuant to the 29th & 30th Vic., cap. 86, sec. 15.

Date of Enrolment	Name and Abode of Apprentice	To whom bound
1866		
Nov. 24th	W. H. R. Mossop, 1, Leinster-road. Co. Dublin	William Whitton, 18, Middle Gardiner-street
Dec. 1st	Wm. James M'Coy, Tritonville, Sandymount	R. Gethin Jones, Upper Gloucester-street
" 1st	Richard Downes, 37, Mount-pleasant-square	George Bernard, 8, Inns-quay
" 14th	Wm. M'Cune, Tandragee, Co. Armagh	Edward D. Atkinson, 9, Suffolk-street
" 19th	John Noble, jun., 45, Capel-street	Francis Morgan, 35, Dawson-street
" 19th	Charles Grew, Portadown, Co. Armagh	Alexander M'Combe, 9, Upper Ormond-quay
" 24th	William Glass, Strabane, Co. Tyrone	Robert Wilson, Strabane, Co. Tyrone
1867		
Jan. 4th	Samuel B. Tincler, 9, Upper Gloucester-street	Francis Green Tincler, 9, Upper Gloucester-street
" 4th	Charles Robert Thorp, 39, Kildare-street	Daniel Thorp, 39, Kildare-street
" 21st	John J. Joyce Foley, A.B., Q.U., Cork	Sylvester Gillman, 15, Bachelor's-walk
" 21st	Walter L. Mulville, Gort, Co. Galway	Peter Lambert, 4, Lower Ormond-quay
" 23rd	Conly Dickey, Ballyclare, Co. Antrim, A.B., Q.U.	Samuel Black, 8, Inns-quay
" 23rd	David Martin Fitzgerald, 22, Fitzwilliam-place	David Fitzgerald, 20, St. Andrew-street
" 23rd	Thos. Robert Gage, Trinity-College, Dublin, Sch. T.C.D.	Samuel F. Adair, 24, Fitzwilliam-square
" 25th	Wm. Henry Robinson, jun., 16, Vesey-place, Kingstown	Henry Watson, 18, Eustace-street
30th	John Given, Aughnacloy, Co. Tyrone	Hugh Simpson, 2, Inns-quay
" 30th	William Gallagher, Omagh, Co. Tyrone	Thomas D. Dickie, 24, Nelson-street
Feb. 6th	Henry Frederick Martley, Sherrington, Co. Dublin	Thomas Tighe Mecredy, 26, South Frederick-street (Note.—*This is a registration of the assignment of the apprentice's indentures from William Gibson, Esq. to Thos. Tighe Mecredy, Esq.*)
" 6th	Richard Pilkington, 53, Rutland-square	Thomas Tighe Mecredy, 26, South Frederick-street (Note.—*Registration of assignment from Wm. Gibson, Esq. to Thomas T. Mecredy, Esq.*)

UNIVERSITY INTELLIGENCE.

TRINITY COLLEGE, DUBLIN.

HONOURS IN CLASSICS—SENIOR SOPHISTERS.

First Rank.—Gibson, John (Sch).
Second Rank.—None.

JUNIOR SOPHISTERS.

First Rank.—Hetherington, George (Sch).
Second Rank.—O'Grady, Standish.

SENIOR FRESHMEN—SUPPLEMENTAL LIST.

The names of the classed candidates are arrnged according to the order of merit.

First Class—J. C. Coen, R. Palmer.

Second Class—E. Morphy, G. W. Crowe, W. L. Edge, siz.; B. Maley, siz.; J. Appleyard, A. Stoker, S. W. Stenson, W. Gyles.

Third Class—J. H. Fry, H. W. Joynt, H. C. E. Lambert, J. C. Hogan, H. Alexander, S. De Haviland, A. L. Mease, Mr. Alexander West, W. G. Toomey, W. Greene, H. G. Harris

Unclassed candidates who have been allowed the examination, arranged alphabetically:—Atkinson, W. R.; Bradshaw, S.; Browne, M. B.; Russell, F. G.; Donnelly, J.; Ferguson, W. C.; Frazer, W. H.; Garde, T. H.; Gardiner, W. B.: Hill, R.; Langley, J. N.; Lloyd, S. W.; Mills, J. R.; Mayberry, F.; Nicolls, T.; Pope, F.; Sutton, W.; Thompson, W.; White, P. H.; Mr. Bigger, Mr. Knox, O'Dell, T. A.; Thompson, T. M. L.; Wright, W. D.

JUNIOR FRESHMEN RECOMMENDED FOR HONOURS IN CLASSICS.

Hughes, Burton, Cavanagh, Dickson, Disney, Evans, Fawcett, Gabbett, Hisst, Lindsay, MacIvor, M'Mahon, M'Neill, Mills, M'Neely, Madden, Oulton, Thornhill, Hayman, West, Bindon, Leeper.

JUNIOR FRESHMEN RECOMMENDED FOR HONOURS IN SCIENCE.

Hughes, Adair, Auchinleck, Brodie, Burton, Cavanagh, Daly, Deacon, Dickson, Donovan, Downing, Fawcett, Fitzgerald, Hobson, Hudson, Irvin (Henry), Lindsay, Leonard, MacIvor, M'Adams, M'Corkell, Mills, M'Nulty, Mallins, Moxly, Odlum, Oulton, Roche, Rogers, Simpson, Singleton, Sparks, Orm, St. George, Tagart, Thornhill, G.; Todd, Chas.; Vesey, J. S.; Walton, White, H. C.; Winn, Woods, A. S; Bindon.

THE COURTS, AND COURT PAPERS.

SPRING ASSIZES, 1867.

LEINSTER CIRCUIT.

County of Wicklow, at Wicklow, on Monday 25th February, at 11 o'clock.

County of Wexford, at Wexford, on Thursday, 28th February, at 10 o'clock.

City and County of Waterford, at Waterford, on Monday, 4th March, at 3 o'clock.

County of Tipperary (South Riding), at Clonmel, on Friday, 8th March, at 10 o'clock.

City and County of Kilkenny, at Kilkenny, on Thursday, 14th March, at 2 o'clock.

County of Tipperary (North Riding), at Nenagh, on Monday, 18th March, at 10 o'clock.

Judges:—

Mr. Justice O'Hagan and Mr. Justice George.

CONNAUGHT CIRCUIT.

County Leitrim—At Carrick-on-Shannon, 25th Feb., at two o'clock.

County Sligo—At Sligo, 28th Feb., at four o'clock.

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County Roscommon—At Roscommon, 2nd March, at two o'clock.
County Mayo—At Castlebar, 6th March, at four o'clock.
County Galway—At Galway, 12th March, at ten o'clock.
Town of Galway—At Galway, same day and hour.

Judges:—

The Hon MR. JUSTICE CHRISTIAN and the HON. BARON HUGHES.

MUNSTER CIRCUIT (*as Revised*).

County of Clare, at Ennis, on Tuesday 19th February, at 4 o'clock.
County and City of Limerick, at Limerick, on Friday, 22nd February, at 10 o'clock.
County of Kerry, at Tralee on Thursday, 28th February. at 1 o'clock.
County of Cork, at Cork, on Tuesday, 5th March, at 11 o'clock.
City of Cork, on Friday, 8th March, at 10 o'clock.

Judges:—

MR JUSTICE O'BRIEN and MR. JUSTICE FITZGERALD

COURT OF QUEEN'S BENCH.

THE "BLACK LIST."
Friday, Feb. 1.

Before the LORD CHIEF JUSTICE and a Special Jury.

GEORGE WILSON JONES *v.* THOMAS M'GOVERN.

This was an action to recover damages for libel and for falsely representing that Sir John Arnott and Company had, in March, 1866, recovered a judgment against the plaintiff, who is a trader, for the sum of £60 12s. 2d., with £7 4s. 11d. costs. The plaintiff declared that no such judgment had been recovered, and the defendant pleaded that he did not publish the statement in question, and also that the names of Sir John Arnott and Company had been inserted by mistake in *Stubbs' Weekly Gazette* instead of those of Messrs. Parker, solicitors, and that the mistake had been corrected in the next number of the *Gazette*.

Butt, Q.C., and *Webb* for the plaintiff. The ATTORNEY-GENERAL, *Heron*, Q.C., *Dowse*, Q.C., and *Roper* for defendant.

The case of the plaintiff was that he carried on business as a general dealer, in Tallow, in the county of Waterford, and having been engaged in litigation with the Duke of Devonshire, in reference to the right of possession to a toll-house, the plaintiff was furnished with a bill of costs by his own solicitor, the amount of which he controverted. A judgment was, however, given in blank, afterwards filled up for £60 12s. 2d., and registered, and this judgment was afterwards published in what is popularly known as the "Black List," as having been recovered by Sir John Arnott and Company. The result, as the plaintiff alleged, was that his credit had been most seriously injured by this false statement of a judgment recovered by a firm engaged in trade, and not by a solicitor for unascertained costs, and the result was that he had been called on to pay large sums of money by parties who previously carried on business with him on credit.

The plaintiff was examined, and stated that after the publication in question in the "Black List," he received letters from wholesale houses requiring a settlement of their accounts, or an explanation, and the reason why he did not pay the amount of the judgment recovered against him by Arnott and Co.

Heron, Q.C., objected that these letters were not evidence, as the writers of them ought to be produced.

The plaintiff swore that he has been called upon to pay up £1,741 1s. 7d. since his name appeared in *Stubbs' Gazette*.

Mr. Alexander Parker, Mr. Thompson, manager of the late firm of Lyons and Company, and Mr. Bradley were examined in order to show that the result of the publication was either to lead them to call for an explanation or to ask for a remittance.

On cross-examination Mr. Parker said that the explanation given by the plaintiff as to the judgment being for a controverted bill of costs was considered as perfectly satisfactory.

The publication by the defendant being strenuously denied, Mr. White was examined and deposed to printing the *Gazette* in question. The defendant, Mr. M'Govern, he knew very well. The number printed was usually from 1,400 to 1,800. He always got the copy to set up from the defendant, or messenger from the office in Dame-street. He always returned the copy to Mr. M'Govern. It never remained in his office.

Cross-examined—There were boys in Stubbs' office who used to come to him. Printers were not infallible, and mistakes might be made in the copy sent. The defendant used to make corrections in the lists.

Heron, Q.C., addressed the jury for the defendant, and submitted that there was no proof of the publication by his client. He was employed to do what could only be done by an attorney or solicitor, obtain a list of the judgments entered up against individuals in the superior courts, and he was no more answerable for the subsequent publication in *Stubbs' Gazette* than a reporter who furnished copy which was afterwards printed and published by the proprietor of a newspaper. The plaintiff had failed to fix liabilities upon Mr. M'Govern, and it was his duty to prove his case before the other party was called upon to answer it. It was by a mere mistake, in the next issue corrected, that the name of the creditor of Mr. Jones was stated to be Sir John Arnott, instead of Messrs. Parker, and the witnesses examined failed to prove that the plaintiff had been in any respect injured in his credit by the publication in question.

The defendant was examined, and deposed that he was an attorney, and had offices in 54 Dame-street, which were paid for by the proprietors of *Stubbs' Gazette*, but nothing was done in his office but his own business. *Stubbs' Gazette* was published in the same house. Mr. Thorpe was the manager of the publication in Dublin, and had four or five clerks employed, but now had no control over them. Defendant was feed for searching the records of the court for judgments against parties.

On cross-examination, the defendant said that in printed announcements he was mentioned as a person to be consulted at the office of *Stubbs' Gazette* in Dublin. It was not true that his entire attention was to be given to the communications of the subscribers to the *Gazette*—they might consult him.

Dowse, Q.C., spoke to evidence for the defendant. *Webb* replied.

The LORD CHIEF JUSTICE charged the jury with his wonted clearness, and, in the course of the trial, when the legality of the publication of the "Black List" was assumed by defendant's counsel, intimated that the Court was not to be considered as pronouncing in this case an abstract opinion that such a publication was protected.

The jury found a verdict for the plaintiff, with £150 damages and 6d. costs.

Parker, attorney for plaintiff. *Defendant*, attorney in person.

COMMON PLEAS

In Re RICHARD DAVOREN AND THE ATTORNEYS' (IRELAND) ACT, 1866.

Palles, Q.C., on behalf of Mr. Davoren, moved the Court that he should be permitted to present himself at the final examination, to be held in Trinity Term next, and that, upon passing it, and producing the necessary certificates, he might be sworn in an attorney in Trinity Term. It appeared that Mr. Davoren was bound an apprentice for five years to Mr. Larkin, on the 10th January, 1863, but claimed that he would have served 20 full terms in June

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next, because he had served Mr. Larkin from the commencement of Michaelmas Term, 1862, and the Benchers had granted his petition to be taken as an apprentice in that term. The indentures, however, were not executed until the 10th January, 1863. Counsel contended that Mr. Davoren would have served 20 terms at the end of Trinity Term next; that, but for the recent Act, he would have been entitled, under the Benchers' rule, to be admitted an attorney on the last day of that term; and that the court should now exercise its discretion in his favour, so as to place him in the same advantageous position that he would have occupied if the late statute had not been passed.

W. Barlow, on behalf of the Law Society, stated that they would not oppose an application to be admitted in Michaelmas Term next, but that, even under the Bencher's rule, this application should be refused, since the terms were to be reckoned from the date of the indentures, so that the 20 terms would not expire until the end of Michaelmas Term.

The Court were of this opinion, but permission was given to the applicant to be admitted as an attorney on the last day of Michaelmas Term, 1867, if he passed the necessary examination.

Wednesday.—Before MASTER BURKE.

FITZGIBBON *v.* O'BRIEN.

R, W. Shekleton, for plaintiff.
W. O'Brien, for defendant.

This case came before the Master pursuant to an order of reference to take an account of all matters in controversy between the parties in an action for costs between attorney and client. The chief question that arose was, whether the following letter from defendant to plaintiff took the plaintiff's case out of the Statute of Limitations.

"Mount Eagle, 7th December, 1858.

"My dear Michael,

"You will oblige by furnishing me with your bill of costs between us to the present day. I have already received the costs in civil bill cases, and only now require any other law costs that you may have against me, 'as short accounts make long friends.' Let me have this account, at all events, before Christmas next. Please also to have the accounts relating to Condon *v.* King sent to me, as I require them, and you will oblige by letting me have them within the next ten days, to remain in my custody. Let me have a few lines on the foregoing from you."

The learned Master held, upon the authorities, that such was its effect, and ruled accordingly.

Attorney for the plaintiff, *Thos. Ware.*
Attorney for the defendant, *Carroll and Barry.*

Yesterday.

Before the RIGHT HON. the LORD CHIEF JUSTICE in Chamber.

Re JOHN GRAHAM, WM. GIBSON, and ROBERT ARMSTRONG, all of Enniskillen,

Seeking to be appointed Commissioners under 4th and 5th Wm. IV., c. 92, for the County Fermanagh.

On hearing counsel for the respective parties—the SOLICITOR-GENERAL for Mr. Graham; *Sullivan*, Q.C., for Mr. Gibson; and *Dowse*, Q.C., with *J. H. Monahan*, for Mr. Armstrong—and it appearing from the testimonials and certificates produced, that the applicants were well and equally qualified—and it also appearing that there were originally four Commissioners resident in Enniskillen, his Lordship was pleased to grant the three several applications as aforesaid.

Before MASTER BURKE—Yesterday.

BERGIN *v.* ROCHE.

This was a reference to the Master to take an account under the provisions of the Solicitors' Act, 12 and 13 Vic., cap. 53, of the credits to be given the defendant.

The learned Master, after hearing the case, found the Plaintiff entitled, after all deductions, to £121 8s. 10d. Counsel for the defendant stated his intention of applying to the Court to stay proceedings in the cause. Thereupon the Master ruled to withhold his certificate of sum due, till Tuesday next.

Counsel for plaintiff, *E. T. Bewley*, instructed by *Daniel J. Bergin.*

Counsel for defendant, *P. M'Kenna*, instructed by *Michael Macnamara.*

COMMON LAW COURTS.

POINTS OF PRACTICE.

(Continued from page 12.)

Substitution of Service.

Although the defendant has twelve days to plead from the time the conditional order to substitute service is made absolute, yet he has no intimation given him of this precise time, and consequently is compelled to make frequent searches, which are often fruitless, always attended with expense.

Settlement of Debt with Costs pursuant to General Order. 22nd January, 1856.

That a defendant can settle the action, pursuant to the foregoing order, within six days from the order to substitute having been made absolute—reason and analogy warrant us in asserting, though we believe the point is so far new that it has not yet received the sanction of a Court or Chamber decision.

Personal Service—Written Undertaking to Appear.

In cases where regular service has not been effected, such as, "where the plaintiff's attorney, through courtesy, encloses a copy of the writ by post to defendant," or gives an intimation that a writ has been issued, and lies ready for service should the defendant give an undertaking to appear, and not fulfil it, the only remedy will be to effect service in the ordinary way. But if an attorney give an undertaking, for himself or client, its performance can be compelled, or leave to mark judgment obtained by motion; the Court having power over its officer which it has not over a defendant not in Court. As no affidavit of service of the writ could be made, no judgment could be marked without such a motion.

The Summary Procedure in Bills of Exchange and Mesne Process.

It cannot be assumed for a moment that the Legislature intended to give to a plaintiff two summary modes of procedure against a defendant at one and the same time. Consequently the Judges may have some difficulty in allowing a plaintiff to avail himself of them; and there is no portion of the practice of the Courts on which the Judges have more discretionary power than in granting or refusing Fiats. Indeed in a recent case, one of our most eminent judges endorsed on the affidavit to hold to bail. That in itself it was sufficient; but the plaint having issued under the beforementioned Summary Procedure Act, he should refuse the fiat for the reason aforesaid. The proper course for the plaintiff would, therefore be (time being of consequence) to strike the notice, required by said Act, out of the plaint before issuing it; or rather issue a plaint without notice; or, if issued, to apply to the Judge for leave to strike it out, should he be pressed by the difficulty alluded to.

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Law Courts' Guide so far as relates to the Marking of Judgment by Default.

FEBRUARY, 1867.

Plaint Served on			Filed not later than	Last Day to Plead	Entitled to Judgment
Friday,	1st	FEBRUARY.	11 Feb.	15 Feb.	16 Feb.
Saturday,	2nd	"	12 "	16 "	18 "
Monday,	4th	"	13 "	18 "	19 "
Tuesday,	5th	"	14 "	19 "	20 "
Wednesday,	6th	"	15 "	20 "	21 "
Thursday,	7th	"	16 "	21 "	22 "
Friday,	8th	"	18 "	22 "	23 "
Saturday,	9th	"	19 "	23 "	25 "
Monday,	11th	"	20 "	25 "	26 "
Tuesday,	12th	"	21 "	26 "	27 "
Wednesday,	13th	"	22 "	27 "	28 "
Thursday,	14th	"	23 "	28 "	1 Mar.
Friday,	15th	"	25 "	1 Mar.	2 "
Saturday,	16th	"	26 "	2 "	4 "
Monday,	18th	"	27 "	4 "	5 "
Tuesday,	19th	"	28 "	5 "	6 "
Wednesday,	20th	"	1 Mar.	6 "	7 "
Thursday,	21st	"	2 "	7 "	8 "
Friday	22nd	"	4 "	8 "	9 "
Saturday,	23rd	"	5 "	9 "	11 "
Monday,	25th	"	6 "	11 "	12 "
Tuesday,	26th	"	7 "	12 "	13 "
Wednesday,	27th	"	8 "	13 "	14 "
Thursday,	28th	"	9 "	14 "	15 "

OFFICE HOURS.

Hours of attendance to be observed in the several Offices of the Superior Courts of Common Law, as fixed by the Masters, in pursuance of the Act 7th and 9th Vic., c. 107, sec. 21.

During Term time and the Nisi Prius Sittings, from half-past 10 a.m. to 4 p.m.

During the short Vacations, from 12 noon to 3 p.m.

During Circuits, from 12 noon to half-past 3 p.m.

During long Vacation, from 11 forenoon to 1 p.m.

A. BUSHE, M.Q.B.
C. G. BURKE, M.C.P.
R. HITCHCOCK, M.Ex.

THE MAGISTRACY.

COUNTY OF LOUTH.—The Hon. Hungerford H. Skeffington, of Oriel Temple, has been appointed to the commission of the peace for the county of Louth, on the recommendation of Lord Bellew, the late Lord Lieutenant of the county.

BOROUGH OF BELFAST.—The following gentlemen have been appointed to the commission of the peace for the borough of Belfast:—Sir Edward Coey, of Mervlle, Belfast; Samuel Gibson Getty, Esq., M.P., of Belfast; James Thomson, Esq., of Low-wood, Belfast; John Mulholland, Esq., of Craigavad, Hollywood; Jonathan Richardson, Esq., of Glenmore, Lisburn; William Ewart, Esq., of Glenmachan House, Belfast.

LANDED ESTATES' COURT.

PETITIONS FILED, *from* 1st *to* 8th *February*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	VALUE	SOLICITOR	JUDGE
					£ s. d.		
Feb. 1	3701	Richd. Graves Brinkley	*Theobold Billing*	Sligo (*fee-farm rents*)	150 0 0	T. Billing	Lynch
"	3702	Same	*Same*	Sligo	137 18 6½	T. Billing	Lynch
"	3703	Joseph Bourke	*The Owner*	Mayo	1723 16 0	W. J. Bourke	Dobbs
"	3704	William Henry Greene	*Patrick Lyndon*	Dublin	40 0 0	G. W. Thompson	Lynch
"	3705	John Judge	*Richd. O'Shaughnessy*	King's County	Not known	W. K. O'Shaughnessy	Dobbs
" 4	3706	James Cleary and Michael Cleary	*James Bolger*	City of Dublin	—	Wm. P. M'Evoy	Lynch
"	3707	Rev. J. W. Rynd	*Samuel Walker*	Kildare	—	Samuel and R. C. Walker	Dobbs
"	3708	Wm. H. Rathborne	*The Owner*	Cavan	1369 0 11	Hamilton & Craig	Lynch
"	3709	Joseph Wm. White	*James Eaves*	City of Dublin	—	R. J. Jones	Dobbs
"	3710	Robert Scott	*Anne Buchannan and others*	Tyrone	31 10 0	Thomas C. Dickie	Lynch
"	3711	George B. Rawson and others	*The Trustees of The Second Equitable Permanent Benefit Building Society, Liverpool.*	Kildare	210 6 11	J. D. Meldon & Son	Dobbs
" 6	3712	Arthur M. Downing, a vendor of land	*The Owner*	Carlow	368 13 0	J. E. Tarleton	Lynch
" 8	3713	Charles Chambers	*Owner*	Clare	70 19 11½	J. Frost	Dobbs
"	3714	Trustees of Will of James M'Fadden	*Owners*	Leitrim & Longford	276 2 1	W. K. O'Shaughnessy	Lynch
"	3715	Richd. Graves Brinkley and his Trustees	*Wm. L. Hooper*	Sligo	150 0 0	Wm. M. M'Cay	Dobbs
"	3716	John Lyons	*Owner*	Meath	370 5 2	J. D. Meldon & Son	Lynch

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LANDED ESTATES' COURT—*continued.*

Sales during the past Week.

(Before JUDGE LYNCH.)

COUNTY WESTMEATH.

Estate of Æneas M'Donnell, Esq., Owner and Petitioner.

The lands of Cartronbel, &c., containing 572a., held for 999 years; profit rent, £255 2s. 10d. Mr. R. S. Barber purchased, in trust, for Mr. J. Murtagh, for £300,300. F. B. Falkiner, solicitor.

TOWN OF SLIGO.

Estate of Henry Griffith, Esq., owner and petitioner.

Lot 1—Plot of ground and premises in Stephen-street, Sligo, held for £55 yearly. Mr. Prendeville purchased, in trust, for Colonel Cooper, Markree, for £500. 2—Adjourned. 3—Plot of ground and premises, in Bridge-street, held in fee; yearly rent, £16. Mr. Wm. Nevin, of Sligo, purchased for £180. Sale of lots 4 and 5 adjourned. 6—Plot of ground and premises in New Bridge-street, held in fee; yearly rent, £5 17s. Mr. Charles Sedley purchased, in trust, for Mr. Anderson, for £70. 7—Sale adjourned. 8—Plots of ground and houses in Radcliffe-street, held in fee; yearly value, £27. Mr. Stokes, of Sligo, purchased for £310. Sale of lots 9 and 10 adjourned. W. H Brownrigg, solicitor.

COUNTY CORK.

Estate of Assignees of George Scott and others, owners and petitioners.

Lot 1—Part of the lands of 'Castlerow, held for 99 years, from 1854, and part of Foreshore, held in fee, containing 8a. 1r. 37p.; net annual profit rent, £253 6s. 6d. Mr. G. F. Barry purchased, in trust, for Messrs. Tracey and Nagle, at £2,600. 2—The lands of Ballynacrussy, held for 900 years, containing 97a. 1r. 11p.; net profit rent, £110 11s. 9d. Mr. Dealy purchased, in trust, for Mr. Auster, for £150. 3—The lands of Kilgarvan, with houses and stores in King-street, Queenstown, held for three lives and 21 years from the death of the survivor (the lives are dead since the 17th May, 1864); net yearly profit rent, £107 5s 3d. Mr. Michael Crehan purchased for £1,900. 4—Harbour Hill House, Queenstown, held for 21 years from the 17th May, 1864; profit rent, £55 9s. 3d. Mr. Darcy purchased, in trust, for Philip Scott, Esq., for £510. 5—Part of the lands of Ballyvoloon, with stores, wharf, and premises; net profit rent, £312. Mr. Chatterton purchased, in trust, for Mr. James W. Scott, for £3,005.

COUNTY CARLOW.

Estate of G. S. Wybrants, owner and petitioner.

Lot 1—Sold previously. 2—The lands of Balloghaclay, held for lives renewable for ever, containing 82a. 2r. 17p.; profit rent, £31 15s. 6d. Mr. Perry purchased for £620. 3—Part of same, containing 29a. 0r. 20p.; profit rent, £20 1s. 4d. Mr. Malcolmson purchased, in trust, for Archdeacon Stopford, for £450. 4—The lands of Ballyleon, containing 71a. 2r. 7p.; profit rent, £29 11s. 9d. Mr. Watson purchased, in trust, for £460. J. D. Vanston, solicitor.

Sittings for the week ending Saturday, the 16th inst., so far as at present appointed.

Monday—Before JUDGE DOBBS.

M. A. S. Wetherington, allocation. John Smith, do. James Symes, motions (2 notices). J. T. Armstrong, as to costs. Assignees of E. Burke, rental. Rev. William A. Scott, do.

Before the EXAMINER.

Charles G. Malone, rental.

Before JUDGE LYNCH.

John D. Fitzpatrick, to examine witnesses, Robert D. Spedding, to declare purchaser.

Before MR. UBLIN.

Edward Finch, rental, M. Thompson, do.

Tuesday—Before JUDGE DOBBS.

John S. Kirwan, payments.

Before JUDGE LYNCH.

SALES.

John Conry, 2 lots, in fee—County Westmeath, profit rent £86 18s.

William S. Wolfe, 2 lots, fee farm and reversion—County Tipperary, profit rent £436.

John N. Farrell, 12 lots, in fee, &c.—County Mayo, profit rent £1336 1s. 7d.

William Bruce, 1 lot—Dublin, profit rent £30 perpetuity.

Before MR. UBLIN.

Cantwell, administratrix of Lynch rental.

Wednesday—Before JUDGE DOBBS.

Henry Aylmer, allocation. Joseph Lipsett, dispense with partition.

Before JUDGE LYNCH.

S. Hanna, final schedule. S. W. Ward, do. G. S. Wybrants, do. Daniel O'Donoghue, allocation.

Before the EXAMINER.

W. H. Gregory, vouch. Assignees of Maurice Connor, do.

Thursday—Before JUDGE DOBBS.

Henry Nesbitt, from 8th inst.

Before JUDGE LYNCH.

Robert Rutledge, as to consideration of residue of estate. Oliver W. Mason, tenant's objections.

Friday—Before JUDGE DOBBS.

SALE.

James G. Holmes, 1 lot—County Down.

Before JUDGE LYNCH.

F. Brew, title. J. T. O'Reilly, explain delay. Assignees of R. Edwards, do. J. Beck, do., from 8th inst. R. Taylor, do., do. R. Taylor, do., do. E. Philips, do., do. M. Bribona, do.

Before MR. UBLIN.

James Egan, rental.

Saturday.

SALE AT COLERAINE.

J. Boyce and another, 7 lots—County Londonderry, profit rent, £471—in perpetuity.

Before the EXAMINER to JUDGE DOBBS.

Luke Joseph Shea, rental.

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COURT OF BANKRUPTCY AND INSOLVENCY.

EASTER SESSIONS, 1867.

Courts for the Hearing of Petitions of Insolvency will be held on the days named before the Chairmen for the respective Counties.

County	Sessions Town	Hours of Sitting	Day of Hearing	Last Day for Filing	Chairmen
Antrim,	Belfast,	3	Tuesday, 9th Aptril,	Saturday, 23rd March,	John Hastings Otway, Q.C.
Armagh,	Armagh,	10	Saturday, 6th April,	Thursday, 21st March,	Hans Henry Hamilton, Q.C.
Carlow,	Carlow,	4	Tuesday, 2nd April,	Saturday, 16th March,	Thomas Rice Henn, Q.C.
Cavan,	Cavan,	1	Tuesday, 9th April,	Saturday, 23rd March,	Loftus Henry Bland, Q.C.
Clare,	Ennis,	10	Monday, 1st April,	Thursday, 14th March,	Michael O'Shaughnessy, Q.C.
Cork,	Cork,	10	Monday, 15th April,	Thursday, 28th March,	(E.R.) Daniel Ryan Kane, Q.C. (W.R.) David Richard Pigot.
Donegal,	Letterkenny,	10	Saturday, 13th April,	Wednesday, 27th March,	James Gibson.
Down,	Downpatrick,	10	Saturday, 30th March,	Wednesday, 13th March,	Robert Johnston.
Co. of Town of Drogheda,	Drogheda,	10	Wednesday, 3rd April,	Saturday, 16th March,	John Chute Neligan.
Fermanagh,	Enniskillen,	3	Wednesday, 3rd April,	Saturday, 16th March,	Patrick Joseph Blake, Q.C.
Galway,	Galway,	10	Monday, 8th April,	Saturday, 16th March,	Wm. Westropp Brereton, Q.C.
Kerry,	Tralee,	10	Thursday, 4th April,	Saturday, 16th March,	William Newell Barron.
Kildare,	Naas,	10	Tuesday, 9th April,	Saturday, 23rd March,	Thomas Lefroy, Jun., Q.C.
Kilkenny,	Kilkenny,	10	Wednesday, 3rd April,	Saturday, 16th March,	Thomas De Moleyns, Q.C.
King's,	Tullamore,	10	Saturday, 6th April,	Thursday, 21st March,	Hewitt Poole Jellett, Q.C.
Leitrim,	Ballinamore,	10	Tuesday, 9th April,	Saturday, 23rd March,	Charles Hare Hemphill, Q.C.
Limerick,	Limerick,	10	Tuesday, 9th April,	Saturday, 23rd March,	John Leahy, Q.C.
Londonderry,	Londonderry,	10	Tuesday, 26th March,	Saturday, 9th March,	James Charles Coffey, Q.C.
Longford,	Longford,	10	Wednesday, 10th April,	Saturday, 23rd March,	Charles Kelly, Q.C.
Louth,	Dundalk,	10	Saturday, 6th April,	Thursday, 21st March,	John Chute Neligan.
Mayo,	Castlebar,	10	Friday, 29th March,	Wednesday, 13th March,	John Henry Richards.
Meath,	Kells,	9½	Thursday, 28th March,	Saturday, 9th March,	Echlin Molyneux, Q.C.
Monaghan,	Monaghan,	10	Saturday, 6th April,	Thursday, 21st March,	James Major, Q C.
Queen's	Maryborough,	10	Wednesday, 3rd April,	Saturday, 16th March,	Joshua Clarke, Q.C.
Roscommon,	Castlerea,	16	Monday, 8th April,	Thursday, 21st March,	Francis William Brady, Q.C.
Sligo,	Sligo,	10	Thursday, 11th April,	Saturday, 23rd March,	Hartstonge Robinson.
Tipperary, North Riding,	Thurles,	11	Monday, 8th April,	Thursday, 21st March,	Charles Rolleston, Q.C.
Do., South Do.,	Clonmel,	11	Thursday, 28th March,	Saturday, 9th March,	Ditto,
Tyrone,	Omagh,	10	Friday, 5th April,	Saturday, 16th March,	James Robinson, Q.C.
Waterford,	Waterford,	10	Thursday, 4th April,	Saturday, 16th March,	Bartholomew C. Lloyd, Q.C.
Westmeath,	Mullingar,	12	Tuesday, 2nd April,	Saturday, 16th March,	John O'Hagan, Q.C.
Wexford,	Enniscorthy,	12	Tuesday, 26th March,	Saturday, 9th March,	Henry West, Q.C.
Wicklow,	Wicklow,	12	Tuesday, 9th April,	Saturday, 23rd March,	James Wm. J. Lendrick, Q.C.

IN BANKRUPTCY.

Sittings for the ensuing week.

Monday, 11th February—11 o'clock.

(Before MR. BRADY, Chief Registrar.)

Robt. Armstrong, proof of debts - - Lynch.
Wm. M'Cormick do. and to vouch assignee's account - - - Leachman.
Private arrangement do. do. - Perry.
Do. do. do. - Larkin.

Tuesday, 12th February—11 o'clock.

(Before THE COURT.)

John Boland, composition - - Perry.
Pk. Nolan, charge and discharge - Langan.
John Orr, final examination - Johnston.
Adjudication - - - Bloomfield & Leahy.
Private arrangement, first sitting - Goff.
Do. do. - Larkin.
Do. do. - Walsh.
Do. do. - Courtney.
Do. do. - Batt.
Trader Debtor sitting - - Hamilton & Craig

12 o'clock.

(Before MR. BRADY, Chief Registrar.)

Private arrangement, costs - - M'Namara.
Do. do. - - O'Dowda.

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Thursday, 14th February—12 o'clock.
(Before MR. BRADY, Chief Registrar.)

Private arrangement, proof of debts and to vouch account - - O'Dowda.
T. and S. Brannigan, do. do. Larkin.

Friday, 15th February—11 o'clock.
(Before THE COURT.)

John Calvert, final examination - ———
Thos. M'Cartney, do. - Larkin.
Hugh M. Beck, surrender, proof of debts, and choose assignee - ——— Lynch.
Jas. Morrissy, do. - - Meldon.
Anthony Carroll, do. - - Larkin.
Fras. Reynolds, final examination and examination of witnesses - Hamilton & Craig.
Private arrangement, second sitting - Campbell.
Do. do. - Sanders.

Assignees appointed to Bankrupts' Estates.
6th February.

John William Reilly, Bridgefoot-street, Dublin, ironmonger. Alfred Henshaw, of Christ Church Place, Dublin merchant.
John Boland, of Maryborough, Queen's County, grocer. Thomas Robert White, of Mountmellick, Queen's County, miller.
James William Marks, of Youghal, County Cork, corn merchant; trading as William Marks and Son. J. B. Adams, of City of Cork, merchant.

Dividends under Bankrupts' Estates.
February 5th.

Mary Ryan, of Ballinakil, Queen's County, baker and grocer—1st and final dividend of 4s. 6d. in the £, on £879 9s. 2d. C. H. James, official assignee.

IN INSOLVENCY.

Cases disposed of during the Week.
(Before JUDGE MILLER.)
Wednesday, February 6th.

John Taaffe. }
Michael Francis Barry. } Discharged.
Catherine Nolan. }

William Peake.—Discharged. The insolvent undertakes to pay £70 a year out of his salary to the Official Assignee for the benefit of the creditors.
Ralph Crofton Laurenson.—The Petition of Insolvency in this matter filed 27th April, 1859, is dismissed.
John Hoare. Adjourned to Wednesday, February 20th, 1867. Reference to the Chief Clerk to investigate the insolvent's accounts.
Thomas Reid.—Adjourned to Wednesday, March 6th, 1867.

Insolvents discharged on bail until the day of hearing their Petitions.

Broady, Patrick, County Clare, yeoman.
Comerford, Timothy, Spring Hill, Queen's County, dealer in cattle.
Coogan, John, Graigue, Queen's County, grocer.
Mooney, Christopher, Loughstown, County Wicklow, farmer.
Montgomery, Hugh, Lyons Westland-row, Dublin, attorney-at-law.

Sittings for next week.
Monday, February 11th, at 12 o'clock.
(Before MR. FARRELL, Chief Clerk.)

John Daly, to prove debts, - - Macnally.
Rev. L. Dowdall, to inquire if debts paid, Batt.

At 1 o'clock.

Hugh Stewart, to proceed on reference, - Vogan.

Wednesday, February 13th at 11 o'clock.
(Before THE COURT.)

John Kinsella, audit and dividend, - Dillon and Hart.
John Drake, adjourned dividend, - Glass.
John Pinkerton, adjourned choice of assignee, - - - - W. Bloomfield.
John Gill, adjourned notice of motion, Barrett.
Richard Segrave, adjourned Hearing of petition, - - - - C. F. Mullhall.
Peter Neill, ditto, Batt.
Peter Browne, ditto, Macnally.
Daniel O'Toole, ditto, ditto.
John Lamb, ditto, ditto.
George John Lanauze, ditto, Rynd.
James Henry Casserly, ditto, Macnally.
Martin Cullinane, ditto, ditto.
Frederick Clarke, ditto, Graves.

Friday, February 15th at 11 o'clock.
(Before THE COURT.)
Sitting *in Insolvency* for bail motions only.
Saturday, February 16th, at 12 o'clock.
(Before MR. FARRELL, Chief Clerk.)

Robert Barklie, William Paulett, Martin Crean, John Charles Walsh, — to vouch accounts of C. H. James, official assignee in these matters — Macnally, solicitor.

Creditors' assignees appointed to Insolvents' Estates.
January 4th.

Patt Flanagan. Edward Gamble, Enniskillen. Graham.

January 7th.

Wm. R. Lockwood. Wm. Hannah, Bangor, County Down, grocer. Dinnen.
James Wilson. James Wilson, Belfast, County Antrim, wine and spirit merchant. Dinnen.
John M'Intyre. Wm. Gardiner, Tullyglush, Keady, County Armagh, manager of bleach works. Archer.

DUBLIN GAZETTES.

BANKRUPTS.

GAZETTE, TUESDAY, FEB. 5.

Beck, Hugh Martin, Jennymount, near Belfast, co. Antrim, Flax Spinner, trading as "Hugh M. Beck and Company." Pet Nov 8, 1866. Sur Feb 15 at 11. O. A. James. Solicitors, H. and W. Seeds, and T. Lynch, Middle Gardiner-street, Dublin.
Morrissey, James, Kilrush, co. Clare, Draper, Pet April 24, 1866. Sur Feb 15 at 11. O. A. Murphy. Solicitors, J. D. Meldon and Son, Upper Ormond-quay, Dublin.
Carroll, Anthony, Kilfinane, co. Limerick, Draper. Pet Jan 28, 1867. Sur Feb 15 at 11. O. A. Murphy. Solicitor, M. Larkin, Merchant's-quay, Dublin.

GAZETTE, FRIDAY, FEB. 8.

Cahill, Edward, 23, Aungier-street, and 17, Golden-lane, Dublin, Builder, Hosier, and Haberdasher. Pet April 20, 1866. O. A. Murphy. Sur Feb 19 at 11.
Saunders, John, Victoria Nursery, Western-road, co. Cork, Nurseryman. Pet Feb 5, 1867. O. A. Murphy. Sur Feb 19 at 11.

CERTIFICATE ALLOWED.

Unless appeal filed within 31 days from date.

GAZETTE, TUESDAY, FEB. 5.

Bradley, Samuel, Patrick-street, Cork, Draper. Feb 1.

INSOLVENTS.

GAZETTE, TUESDAY, FEB. 5

To be heard in Dublin.

Clarke, Patrick, Lad-lane, Dublin, not now in business; formerly Cab and Car Owner. Feb 20 at 11.

To be heard in the Country.

Kilbride, John, Binghamstown, co. Mayo, Farmer. At Castlebar, March 29 at 10.
Mooney, Christopher, Loughstown, co. Wicklow, Farmer and Stone Cutter. At Wicklow, April 9 at 12.
Salmon, Thomas, Queen street, Limerick, Shopkeeper. At Limerick, April 9 at 10.

GAZETTE, FRIDAY, FEB. 8.

To be heard in Dublin.

Egginton, Edmund, Berkeley-street, Dublin, Ironmonger's Assistant—arrested as "Edward Egginton." Feb 27 at 11.
Montgomery, Hugh Lyons, Westland-row; previously of Hardwicke-street, having a registered residence at Lower Sackville-street, all in Dublin; and formerly of Kesh, co. Fermanagh, Attorney-at-Law. Feb. 27 at 11.

To be heard in the Country.

Flight, Thomas, Claremount, co. Wicklow, Slater. At Wicklow, April 9 at 10.

CREDITORS' PETITIONS FILED AGAINST.

GAZETTE, TUESDAY, FEB. 5.

Clinch, Philip, 17, Clare-street, Dublin, Grocer—a prisoner in the Four Courts Marshalsea. Dated Feb 2.
Scully, John (junr.), Lad-lane, Dublin, Car Owner—a prisoner in the Four Courts Marshalsea. Feb 4.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850."

In the Matter of the Estate of
DAVID TROTTER, Executor of THOMAS WALSH, deceased.
Petitioner;
ELIZA WALSH, THOMAS WALSH, and SAMUEL WALSH,
Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of THOMAS WALSH, late of Phepotstown House, Kilcock, in the county of Meath, Esq., deceased, on or before the 18th day of February next, to furnish (in writing) to DAVID TROTTER, of Summerhill, in the county of Meath, Medical D.ctor, Acting Executor, or to WILLIAM GEORGE BRADLEY, No. 11, Lower Ormond-quay, in the city of Dublin, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Claims affecting the real and freehold Estate of the said Thomas Walsh, to file same at my Chambers, Inns-quay, in the city of Dublin, on or before the 18th day of February next, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1857.

Dated this 19th day of January, 1867.

EDWARD LITTON, Master in Chancery.
WILLIAM GEORGE BRADLEY, Solicitor for the Petitioner,
No. 11, Lower Ormond-quay, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1856."

In the Matter of
CATHERINE ANNE M'DONALL, a Minor.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of the Rev. GEORGE LIDWILL SHANNON, late of Patrick-street, county of the city of Kilkenny, and Ranelagh-road, county of Dublin, Clerk, deceased, on or before the 6th day of MARCH next, to furnish in writing to JOHN JAMES, of the city of Kilkenny, Surgeon, Executor of the said Rev. GEORGE LIDWILL SHANNON, or ARTHUR JOSHUA BOYDE, of No. 60, Lower Dominick-street, Dublin, and Patrick-street, Kilkenny, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having claims affecting the real and freehold estate of the said Rev. George Lidwill Shannon, to file same, at my Chambers, Inn's quay, in the city of Dublin, on or before the 6th day of March next, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1857.

Dated this 6th day of February, 1867.

EDWARD LITTON, Master in Chancery.
ARTHUR JOSHUA BOYD, Solicitor for the Petitioner, 60, Lower Dominick-street, Dublin; and Patrick-street, Kilkenny.

LANDED ESTATES' COURT.

JUDGE DOBBS.

In the Matter of the Estate of STANHOPE WILLIAM FENTON KENNY,
Owner and Petitioner.

THE Court having ordered a SALE of the FEE-FARM RENT OF £125 8s. 4d., issuing out of the Three Quarters of Drumbrick, known as Carrowleckan, Knockatemple, and Carrownecrossy, and the Quarter of Land of Arn, situate in the Barony of Gallen, and County of Mayo, held under Grant from the Ecclesiastical Commissioners for Ireland, and the Bishop of Tuam. All Parties objecting to a Sale of the said Lands are hereby required to take notice of such order; and all persons having claims thereon may file such claim, duly verified, with the Clerk of the Records.

Dated this 31st day of January, 1867.

C. E. DOBBS, Examiner.
READ & CRAWFORD, Solicitors, 35, Dame-street, Dublin.

IN THE COUNTY OF LONDONDERRY AND TOWN OF COLERAINE.

In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of
JAMES BOYCE and SAMUEL BOYCE,
Owners and Petitioners.

TO BE SOLD, BY PUBLIC AUCTION, by Order of the Honourable Judge Longfield, at the Town Hall, in the Town of Coleraine, in the County of Londonderry, by Mr. JOHN HALL, Auctioneer, on SATURDAY, the 16th day of FEBRUARY, 1867, at the hour of One o'clock in the afternoon, the following valuable Lands, Houses, and Premises, situate in and near the Town of Coleraine, in the County of Londonderry: –

No. of Lots	Denominations	Quantity of Land, Statute Measure			Head Rent and Tithe Rent Charge			Net Rent			Tenure of Owner
		A.	R.	P.	£	s.	d.	£	s.	d.	
1	Kirkistown, called Brook Hall	120	3	32	24	16	11½	247	3	0½	Lease for ever.
2	Harpur's Hill (part of)	36	2	20	40	15	5	26	3	6½	Fee-farm
3	Harpur's Hill (part of)	25	1	37	3	15	2	71	8	6	Fee-farm
4	Premises in Church-street	Two Houses, Store, and large Yard			—			32	6	2	Fee-farm
5	Highland-row ..	Dwelling-houses, Stores, &c.			—			20	16	3	Fee-farm
6	Gate End	7	0	39	0	16	3	33	1	2	Fee-farm
7	Tullans (part of) ..	31	1	10	2	3	0	40	2	5	Fee-farm
		221	2	18	72	6	9½	471	1	1	

LOT 1 will be sold subject to two annuities of £20 and £30, for a life aged about 64 years, and to an annuity of £17 10s. 0d., for a life of about 56 years, and to a contingent annuity of £40 a year for life of a lady, aged about 47 years, to commence from death of her husband, now aged about 51 years, should she survive him, as particularly mentioned in printed rental.

The Biddings will be taken by the Auctioneer, on the day and at the place above mentioned, commencing exactly at One o'clock in the afternoon, and will be submitted to the Honourable Judge Longfield, at his Chambers, Inn's-quay, Dublin, on Wednesday, the 20th day of February, 1867, at Eleven o'clock in the forenoon, without further notice to any person.

Dated this 24th day of December, 1866.

HENRY ROBERT GREENE, Chief Clerk.

DESCRIPTIVE PARTICULARS.

LOT 1, KIRKISTOWN OR BROOKHALL.

Mr. Cooper, the tenant, holds all the farm (with the exception of a small portion); the houses thereon are all in the best order, and the land could not be surpassed for quality and situation. The Railway Train passes Coleraine several times daily, from Belfast to Derry and Portrush. The portion held by owner comprises the dwelling-house, office houses, lawn, plantings, and garden; the houses on which are also in the best order. The dwelling-house is large, fronting towards Coleraine, and commanding a most extensive prospect, two storeys, with cellars, parlour, drawing-room, breakfast parlour, five bed-rooms, servants' apartments, &c., &c., &c.; altogether the situation could not be exceeded, and the plantations add much to the beauty of the place. The lands are situated two miles from Coleraine, on the North East side, and three and a-half miles from Portrush. There is a large supply of the best spring water on the premises.

LOTS 2 AND 3, HARPUR'S HILL.

These Lots are quite close to the town of Coleraine and Railway Station; the lands are of the best description, and are all let as town parks; when the tenants' leases expire there will be considerable advance.

LOT 4. CHURCH-STREET.

The houses comprised in this Lot are in the centre of the town of Coleraine, and in the principal street; from this it will be observed that they are most valuable.

LOT 5, HIGHLAND-ROW.

This Lot comprises a block of buildings between the Railway Station and Coleraine, just facing the station and quite close thereto, and yields a well-secured yearly rent.

LOT 6, GATE END.

The Premises are quite close to the town of Coleraine and Railway Station; the land is of the very best quality, and no doubt will be more valuable after some time, when it i[illegible] likely it will be used for building purposes, being so near the Railway Station, and the town is extending very much in that d[illegible]ection.

LOT 7, TULLANS.

This Lot is situat[illegible] about one and a-quarter or one and a-half miles from Coleraine, on the road leading to Ballymoney. The tenants' houses are all in goo[illegible] order, and the land of prime quality; the situation could not be bett[illegible], being quite close to the public road.

For Rentals, Maps, and further particulars apply at the Landed Estates' Court, Dublin;

Messrs. CROOKSHANK, BROTHERS, & KNOX, Solicitors, Coleraine;
JOHN M'FARLAND, Esq., Solicitor, Coleraine;
The AUCTIONEER, New-row, Coleraine; or to
FLETCHER & MEADE, Solicitors having Carriage of Sale,
No. 6, Foster-place, Dublin.

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LANDED ESTATES' COURT.

In the Matter of
Richard Olpherts and Francis Montgomery Olpherts, Trustees of F. Corryton, Owners and Petitioners.

TO BE SOLD, before the Honourable Judge Lynch, on TUESDAY, the 5th day of MARCH, 1867, at the hour of Twelve o'clock Noon, at the Landed Estates' Court, Inns'-quay, Dublin,

IN ONE LOT,

Part of the Lands of Stramore and part of Loughans, containing by survey, 46a. 1r. 15p. statute measure, held in fee-farm, situate in the Barony of Lower Iveagh and County of Down, producing a net yearly rental of £36 6s. 4d.

Dated 22nd January, 1867. R. DENNY URLIN, Examiner.

The Lands of Stramore and part of Loughans, to be Sold in this Matter, are situate in a flourishing part of the County of Down. The soil consists of some arable and rich alluvial meadow lands. The Tandragee and Gilford Stations of the Dublin and Belfast Junction Railway are within five minutes walk.

The towns of Gilford and Tandragee are severally within one mile, Portadown within three miles, and Banbridge within five miles.

For Rentals and further particulars apply at the Registrar's Office, Landed Estates' Court, Dublin; or to
HENRY T. DIX, Solicitor having Carriage of the Sale,
9, Upper Gardiner-street, Dublin.

LANDED ESTATES' COURT, IRELAND.

FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of
JAMES LOUIS NOLAN and SEYMOUR MOWBRAY, Owners;
Exparte, JAMES NOLAN and JAMES PERRIN, Petitioners.

TAKE NOTICE, that the Schedule of Incumbrances affecting that part of the Lands of Killeany, otherwise Springmount, and known on the ordnance survey as Killeany, containing 219 acres, 1 rood, and 10 perches, statute measure, situate in the Barony of Maryborough, West, and Queen's County, held for a term of three lives, all in being, or thirty-one years, from 25th March, 1840, is lodged with the Clerk of the Records of this Court, and any person having any claim not therein inserted, or objection thereto, either on account of the amount or the priority of any charge therein reported to him or any other person, or for any other reason, is required to lodge an objection thereto, stating the particulars of his demand, and duly verified, with the said Clerk, on or before the 6th day of March, 1867, and to appear on the following Wednesday, at Eleven o'clock, before the Honourable Judge Lynch, at his Court, in Dublin, when instructions will be given for the final settlement of the schedule.

And further Take Notice that any demand reported by such schedule is liable to be objected to within the time aforesaid.

Dated this 7th day of February, 1867.

JAMES M'DONNELL, Examiner.

MOLLOY & WATSON, Solicitors having the Carriage of Proceedings, 18, Eustace-stteet, Dublin.

LANDED ESTATES' COURT.

FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of
Margaret Anne Murray, Executrix of Gervas Murray, deceased, Owner;
Exparte George Wilson and Sarah Jane Wilson, his Wife, Petitioners.

TAKE NOTICE that the Schedule of Incumbrances affecting the Plot of Ground, situate at Dollymount, in the Barony of Coolock, and County of Dublin, and the Plot of Ground adjoining same, held under Lease dated the 20th day of June, 1843, for a term of 200 years; and the house and premises known as No. 61, Great Britain-street, in the City of Dublin, held under Lease for residue of a term of 90 years, from 29th September, 1793, is lodged with the Clerk of the Records of this Court; and any person having any claim not therein inserted, or objecting thereto, either on account of the amount or the priority of any charge therein reported to him or any other person, or for any other reason, is required to lodge an objection thereto, stating the particulars of his demand and duly verified, with the said Clerk, on or before the 28th day of February, 1867, and to appear on the following Wednesday, March 6th, at Eleven o'clock, before the Honourable Judge Dobbs, at his Court in Dublin, when instructions will be given for the final settlement of the schedule.

And further Take Notice that any demand reported by such schedule is liable to be objected to within the time aforesaid.

Dated this 28th day of January, 1867.

C. E. DOBBS, Examiner.

JOHN T. HINDS, Solicitor having the Carriage of Proceedings, 28, Westmoreland-street.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
The BANBRIDGE EXTENSION RAILWAY COMPANY, having an Office at No. 5, Donegal-square, South, Belfast, in the County of Antrim, Bankrupt.

A PUBLIC SITTING will be held in this Matter, before me, at my Office, Four Courts, Dublin, on Monday, the 18th day of February, 1867, at the hour of Twelve o'clock noon, for admission and proof of debts.

All creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 30th day of January, 1867

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay Dublin.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY

IN BANKRUPTCY.

In the Matter of
NICHOLAS PETERSON, a Bankrupt.

TO BE SOLD, by Order of the Court, at Marsh's Auction Rooms, in the City of Cork, on SATURDAY, the 23rd day of FEBRUARY, 1867, at the hour of One o'clock.

LOT 1.

Dwelling Houses and Premises at Blackrock, Cork, held under Lease dated 12th April, 1861, for a term of 14 years, renewable, producing a profit rent of £31 5s. 3d. per annum.

LOT 2.

Dwelling Houses at Lower Glanmire-road, Cork, held under Lease dated 20th October, 1801, for three lives and a term of 59 years from the death of the survivor, and producing a well secured net profit rent of £11 15s. 7d.

For Rentals and particulars as to title, apply to
MICHAEL MURPHY, Official Assignee, 33, Upper Ormond-quay, Dublin; or to
Messrs. NOBLETT & SON, Solicitors having Carriage of the Sale, 74, South Mall, Cork; or to
Messrs. WEST & FITZSIMONS, 33, North Great George's-street, Dublin.

Dated this 25th day of January, 1867.

CHEYNE BRADY, Chief Registrar.

STATUTORY NOTICE.

In the Goods of
JAMES JOSEPH GRAHAM,
Late of No. 18, Denmark-street, in the City of Dublin, Cabinetmaker and Upholsterer, Deceased.

NOTICE is hereby Given, that pursuant to the Statute, 22nd and 23rd Vic., chap. 35, entitled "An Act further to Amend the Law of Property, and to relieve Trustees," all persons claiming to be Creditors, or to have any Claims and Demands against the above-named deceased, who died at No. 9, Denmark-street, on the 8th day of January, 1867, are hereby required, on or before the 10th day of APRIL next, to furnish the particulars, in writing, of such Claims to Thomas Reginald Crawford, at No. 55, Dame-street, Dublin, Solicitor of Louis Morel, the Executor of the Will of said James Joseph Graham, to whom Probate thereof was granted forth of the Printed Registry of Her Majesty's Court of Probate in Ireland, on the 30th day of January last. And, take notice, that after said 10th day of April, 1867, the said Executor will proceed to distribute the assets of the said deceased, according to the rights of the parties interested, and having regard only to the Claims of which he, the said Executor, or his Solicitor, shall have notice.

Dated 1st February, 1867.

THOMAS REGINALD CRAWFORD, Solicitor for the said Executor, 35, Dame-street, Dublin.

STATUTORY NOTICE.

In the Matter of the Goods of
EDWARD BROWNE,
Late of Wilton, Rathkeale, Esquire, deceased.

NOTICE is hereby Given, pursuant to the Statute made and passed in the 22nd and 23rd years of the reign of Her Majesty, Queen Victoria, cap. 35, entitled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors, or otherwise to have any claims against the Estate of the late Edward Browne, late of Wilton, Rathkeale, deceased who died on the 21st day of May, 1866—are hereby required, on or before the 1st day of April next, to furnish to L. G. Kiggell, Esq., the Executor, at the Office of Messrs. Nunn & Jones, his Solicitors, No. 6, Dawson-street, Dublin, the particulars of all such claims, or in default thereof, the said L. G. Kiggell, the Executor, will distribute the assets of the said Edward Browne, deceased, among the parties entitled thereto.

Dated this 11th day of January, 1867.

JOHN HENRY NUNN & WILLIAM MILWARD JONES, Solicitors for said Executor, No. 6, Dawson-street, Dublin.

Printed and Published for the Proprietors, every Saturday, by John Falconer, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, February* 9, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 3.] SATURDAY, FEBRUARY 16, 1867. {Single Copy, 6d. By Post, 7d.

TO SUBSCRIBERS AND ADVERTISERS.

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Subscribers and Advertisers are requested to make Cheques and Post-office Orders payable to MR. JOHN FALCONER, 53, *Upper Sackville-street, Dublin.*

TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office,* 53, *Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, FEBRUARY 16, 1867.

WE do not believe that amongst those sincerely interested in the welfare of the profession of an Attorney and Solicitor there was one person who was not favourable to the establishment of the literary examination, such as now exists, previous to admission as an apprentice to that profession. When, at the instance of the Council of the Law Society, the Benchers, in whom was then vested the control of admission to the profession, determined upon establishing such an educational test for candidate apprentices, every one felt that a step had been taken eminently calculated to elevate the social status and improve the general tone of the profession.

One of the results which followed this reform was the passing of the Act of 24th & 25th Victoria, cap. 68, by which it was enacted, that law clerks who had *bonâ fide* served ten years to an attorney might be admitted into the ranks of the profession on a three years' apprenticeship, *provided they first passed the preliminary educational examination.* The Bill which introduced this measure met the approval of the Law Society, on behalf of the Irish solicitors, because the condition precedent to apprenticeship, imposed by the Act, was the very best protection against the admission into the profession of ignorant and objectionable persons. To any well-conducted and intelligent law clerk, who could lift himself above his fellows and qualify himself to pass the preliminary examination, the Act was a great boon, while those who were incapable of preparing themselves for this educational test remained at their natural level. Thus, while the illiterate and ignorant were excluded from the profession, an opportunity was given to law clerks to raise themselves to a higher grade in society by self-improvement and education, of which opportunity some have gladly availed themselves.

We regret to say that an attempt is now being made to do away with the benefits thus conferred upon the profession and upon the law clerks, by members of the latter body, who are too illiterate to pass the very moderate literary examination we have mentioned, trying to force their way into the profession without being subjected to this educational test.

By a provision in the 19th sec. of the recent Solicitors' Act (29th & 30th Vict., cap. 84), in which is embodied the 24th & 25th Vict., cap. 68, the Lord Chancellor, Chief Justices, Chief Baron, and Master of the Rolls are empowered, "*under special circumstances,*" to dispense with any of the regulations respecting the examination of candidate apprentices. Under this section some law clerks, seeking the benefit of the Act in admission on a three years' apprenticeship have applied to the judges, by memorial, accompanied by certificates of good character

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for liberty to be bound without passing the preliminary examination on the ground of "special circumstances," which generally consist in the fact that their employment does not leave them time for the study necessary to acquire such a moderate education as will enable them to pass it. Notwithstanding the remonstrance of the Council of the Law Society we are informed that the judges have in one instance exercised the discretion conferred upon them by the proviso we have referred to, and (as might be reasonably expected) the consequence has been that a number of law clerks, finding their "circumstances" to be very "special," have memorialized the judges to dispense with any educational requirement in their cases. In fact, judging from the number of applicants, we may say, "more Hibernico," that the law clerks, in "*special circumstances*," seem likely to form the rule to which those not so placed are to be the exceptions. However, the fact that several law clerks, who have the ability and industry to qualify themselves for the examination by diligent self-improvement and mental culture, have passed that ordeal with the highest credit to themselves, demonstrates at once that such qualification is not impossible to persons fully engaged in the duties of their calling. Such men, who prefer overcoming the educational difficulty in the way of their admission into the profession to which they aspire, to creeping into it under the shadow of the proviso we have mentioned, will, no doubt, do credit to themselves and their profession; and it is a gross injustice to them to dispense with the examination in instances such as we have mentioned.

It requires no very powerful logic to prove that if such applications are granted, all that the Council of the Law Society have been doing for years towards raising the social status of their profession will be undone. If the exception to the rule respecting the requirements of the educational test is to be the case of the person who, from deficiency of education, is unable to comply with them, then the sooner the examinations at the Solicitors' Hall are abolished the better. If the sons of gentlemen who desire to enter the profession are obliged to be educated at considerable expense, to enable them to pass the preliminary examination, ought this barrier against the admission of illiterate persons into its ranks to be lowered in the case of law clerks? Is it, we would ask, common justice to the gentlemen who are subjected to this educational ordeal to exempt from it those who are their inferiors in social position merely because they have attained to some knowledge of the purely mechanical details of a solicitor's office? We have no hesitation in saying that we do not believe it ever was contemplated by the 19th section of the Solicitors' Act to dispense with the preliminary examinations in cases such as we have referred to; and we feel assured that to do so will be not only deeply injurious to the profession in whose interests we write, but to the general administration of the law in this country.

CERTIFICATE DUTY.

THE Hon George Denman has given notice that he will, on Tuesday, the 26th inst., move for leave to bring in a Bill to reduce the annual duty upon the certificates of attorneys and solicitors to the nominal sum of 5s.

IN another column will be found an abstract of an able and highly interesting paper read before the Royal Irish Academy on the evening of the 11th inst. The subject selected by the lecturer was "The Rudiments of the Common Law Discoverable in the Published Part of the *Senchus Mor.*" The subject was treated with great ability; and will prove interesting not alone to the mere lovers of the curiosities of ancient literature, but to every Irishman who knows anything of the history of his country, as affording conclusive evidence of early superior civilization.

ENGLAND.

HOUSE OF COMMONS.

LIBEL.

A Bill to Amend the Law of Libel, and thereby to secure more effectually the Liberty of the Press. (Prepared and brought in by Sir Colman O'Loghlen and Mr. Baines).

Whereas it is expedient to amend the law of libel, and thereby to secure more effectually the liberty of the press: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—AS TO SPEECHES AT PUBLIC MEETINGS.

1. In any action or prosecution for an alleged libel in any public newspaper or periodical publication, proof that the alleged libel was a true report of a speech or part of a speech spoken at any public meeting lawfully assembled for a lawful purpose, open to reporters for the press, and that the report was published in the newspaper or other periodical publication *bona fide* without actual malice and in the ordinary course of business, shall amount to a defence, unless it shall be proved that the defendant declined or omitted, if required so to do, to publish in his newspaper or other periodical publication, and in a portion of the same as conspicuous as that in which the said alleged libel was published, an explanation or contradiction of the alleged libel of not unreasonable length, immediately after such contradiction or explanation shall have been furnished to the said defendant by or on behalf of the party complaining of the alleged libel.

2. Any person who shall speak at a public meeting lawfully assembled for a lawful purpose, open to reporters of the press, any defamatory matter of any other person, which, if written, would amount to a libel, shall be liable, if the same shall be reported in any public newspaper or periodical publication, to be proceeded against by indictment, information, or action in the same manner and to the same extent as if he had written and published the same; and on such indictment or information, or in such action, the proceedings shall be in all respects the same as to defences, pleadings, and costs as if the defamatory libel complained of had been written and published by the defendant.

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3. Nothing herein contained shall be deemed or taken, held or construed, directly or indirectly, by interpretation or otherwise, to affect the privilege of Parliament or of courts of justice, or of any other public body entitled to privilege, in any way whatever.

PART II.—AS TO ACTIONS FOR LIBEL.

4. In actions for libel the defendant shall be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into court shall be of the same effect, and available in the same manner and to the same extent, and shall be subject to the same rules and regulations as payment of money into court is now available and subjected to in other personal actions.

5. If the plaintiff in any action for libel, where money shall have been lodged in court, shall decline to accept the sum paid into court in satisfaction of his action, the court or a judge may, on the application of the defendant, at any time order that the plaintiff shall give to the defendant security for the payment of the defendant's costs, and that all further proceedings shall be stayed in the cause until such security shall be given.

6. In all actions for libel, unless the jury shall give damages exceeding five pounds, the plaintiff shall not be entitled to more costs than damages.

PART III.—AS TO PROSECUTIONS FOR LIBEL.

7. It shall be lawful for a private prosecutor, without the sanction of her Majesty's Attorney-General, or, in case that office be vacant, of her Majesty's Solicitor-General, to prefer an indictment for the publication of any defamatory libel other than a libel published with intent to extort any money or security for money, or any valuable thing from such private prosecutor or any other person, or with intent to induce such private prosecutor or any other person to confer or procure for any person any appointment or office of profit or trust.

8. On the trial of any indictment or information for a defamatory libel the defendant shall be allowed, if he or she shall so think fit, to offer himself or herself as a witness on his or her behalf, and the husband or wife of such defendant shall be allowed, if he or she shall so think fit, to offer himself or herself as a witness on behalf of the defendant.

PART IV.—AS TO PLEADINGS IN CASE OF LIBEL.

9. In all cases, civil or criminal, where a defendant is or shall br allowed to plead the truth of the matters charged in the defamatory libel, as a justification or otherwise, it shall be sufficient for the defendant to plead that the said alleged libel is true in substance and matter of fact, to which plea the plaintiff or prosecutor shall be at liberty to reply generally.

10. When a defendant shall plead the truth of the libel in the form allowed by this Act, a court or a judge may, if they or he shall so think fit, on the application of the plaintiff, order the defendant to give a bill of particulars of the facts, circumstances, or acts on which he intends to rely in proof of his plea, and on the trial the defendant shall not be at liberty to prove other facts, circumstances, or acts than those mentioned in his bill of particulars.

PART V.—GENERAL PROVISIONS.

11. This Act shall not extend to Scotland.

12. For all purposes this Act may be cited as "The Libel Act, 1867."

IRISH ESTATES.—In the House of Commons, on Tuesday, Mr. O'Beirne gave notice that on Tuesday, the 19th March, he should move that the House resolve itself into a committee to consider an address to be presented to her Majesty, praying that she will take into consideration the expediency of recommending to the House to grant a sum, by way of loan, not exceeding one million sterling, to be employed in the purchase of estates which may be offered for sale in the Landed Estates Court in Ireland, such estates to be resold in subdivided farms of not less than 10, or more than 100, acres each to the occupying tenants of such estates, or, in the event of such tenants declining to become purchasers, to such other persons as may be willing to purchase the same in such subdivided farms, the purpose being to assist and encourage an independent proprietary of small freehold estates in Ireland.

THE JAMAICA PROSECUTIONS.

Mr. FITZJAMES STEPHEN has published the following skeleton of his argument on the question of martial law as applied to the Jamaica Prosecutions.

My propositions, right or wrong, were these:—

1. The legality of the proceedings depends upon the meaning of the Jamaica Acts.

2. The Jamaica Acts do not define martial law.

3. The common law prevails in Jamaica except in so far as it is altered by the island legislation.

4. Therefore we must resort to the common law to ascertain the meaning of the expression "martial law" in the Jamaica Acts.

5. Martial law may mean one of two things:—

(a) It may mean a system of rules enforced by sanctions of their own which can be substituted for the common law by proclamation when anything happens which the Government chooses to call rebellion, the common law being, for the time, altogether abolished.

(b) It may mean the exercise of military power for the purpose of suppressing armed resistance, such exercise of power being authorized and limited by the common law.

6. If the first meaning is the true one, those who execute martial law are not responsible for any excess which they may commit, except to their own officers, because the common law being suspended, no offence against it can be committed.

If the second meaning is the true one, then those who execute martial law are responsible for any excess which they may commit, for they are acting as ministers of the common law, and in discharge of a duty imposed upon them by it, and excess in the discharge of such a duty is a crime.

7. Martial law is legal in England only in the second and not in the first sense, and therefore by propositions 1 to 4, it is legal in Jamaica, also, in the second sense only, and not in the first.

8. Therefore the proposition that those who put Mr. Gordon to death have a right to rely simply on the fact that they acted under martial law without proving before a jury that what they did was necessary in fact, involves the proposition that the Crown may suspend the common law at pleasure, and substitute for it a different system, called martial law in cases of rebellion.

9. But, if this be true, the Sovereign is above the law, and is able to suspend it when he thinks such a step necessary for his own safety; and this is absurd.

(*From the Law Times.*)

It is reported that Mr. DUDLEY FIELD, so well known to many of our readers personally, and to all of them by his speeches and addresses on law reform, and by his admirable code for New York, is about to be appointed to the American Embassy in London. He knows England and the English well, and his appointment to this post would be heartily welcomed here, and largely tend to maintain friendly relations between the two great Saxon families on either side of the Atlantic.

NOTES OF NEW DECISIONS.

(*From the Law Times.*)

OFFICE COPY ORDER.—An office copy of an order is for all practical purposes the same as the original order (*Davenport* v. *Townsend*, 15, L. T. Rep. N. S. 528. V. C. W.)

MARRIED WOMAN—NO APPEARANCE ON PLEA OF COVERTURE.—A married woman pleaded coverture to an action upon a bill of exchange, but did not appear at the trial. She was taken into custody upon judgment and execution. An application was made for her discharge on the ground that she was a married woman without separate estate. It was held that, as she had allowed judgment to go against her by default, she could not claim to have it set aside upon her affidavit (*Poole* v. *Canning*, 15, L. T. Rep. N. S. 537. C. P.)

WRONGFUL DISMISSAL—NOTICE.—Where a written agreement to employ a person as an advertising and canvassing agent contained no provision as to the notice which should determine the agreement, a month's notice was held a reasonable and proper one for that purpose (*Hiscox* v. *Batchellor*, 15 L. T. Rep. N. S. 543. N. P.)

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF CHANCERY.

Reported by EDMUND BEWLEY, Esq., Barrister-at-law.

TALBOT *v.* TALBOT; TALBOT *v.* KENNEDY.

Feb. 2.—*Taxation—Costs as between Attorney and Client—Costs against Fund.*

This was a motion on behalf of Mrs. Charlotte Talbot, that the taxing master might be directed to review the taxation of her costs in these matters.

It appeared that there had been a long litigation between the different members of the Talbot family in reference to their respective claims on the Castle Talbot estate, in the county Wexford, in the course of which Mrs. Charlotte Talbot sought to establish her right to a jointure, and an annuity *in præsenti*, and a reversionary interest expectant on the death of Mr. John Talbot, a minor. This litigation was ultimately brought to an end by a decree, dated the 18th of June, 1864, the result of a compromise between all the parties, by which Mrs. Charlotte Talbot's right to her jointure was established, she relinquishing all claim to the annuity and the reversionary interest The decree declared that Mrs. Charlotte Talbot and certain other parties were entitled to the costs incurred by them in these suits, and also in the matter of *Rorke* v. *Talbot*, "all said costs to be taxed between party and party, save the said Charlotte Talbot's costs, which are to be taxed between solicitor and client;" and the decree further declared Mrs. Charlotte Talbot entitled to her costs in these suits as between solicitor and client, and a provision was thereby made that these costs should be paid from a fund to be raised by a mortgage of the Castle Talbot estate.

The taxing master, upon the taxation of the costs under this decree, refused to allow Mrs. Charlotte Talbot a larger sum for the costs of a motion in *Rorke* v. *Talbot* than a fixed sum, which, upon the hearing of the motion, had been ordered to be paid to her, by the receiver in the cause, for these costs. He also taxed her costs in these suits as costs between solicitor and client, against a fund belonging to an adverse party, and not as full costs between solicitor and client, as they would be taxed when payable by the client.

Pierce Creagh and *G. O. Malley* in support of the motion.

O'Hara, Q.C., and *J. Harris* contra.

The COURT* held that the taxing master had taxed the general costs upon a correct principle, but that in taxing the costs of the motion in *Rorke* v. *Talbot* the same principle should have been observed, and that the amount of these costs was not restricted to the sum fixed by the order. As it would not be worth while to refer back the costs to the taxing master upon this point only, Mrs. Talbot should be declared entitled to the difference between this fixed sum and the amount which those costs would have been properly taxed to, which could be settled by agreement between the solicitors for the parties.

Solicitor for Mrs. Talbot, *Simon Creagh.*

Solicitor for the other parties, *W. C. Hogan and Sons.*

CLARKE *v.* CLARKE,

Feb. 6.—*Practice—Partition—Reference to Master.*

This was a cause petition for the partition of certain leasehold interests in the lands of Thomastown and Ballymacwilliam, in the King's County, to which the petitioner, John Clarke, and the respondent, Daniel Clarke, were entitled in equal moieties under the wills of John Clarke and Thomas Clarke.

Buchanan and *Shekleton* for the petitioner.

Ormsby, Q.C., and *E. Gibson* for the respondent.

The COURT, following the cases of *Clarke* v. *Clayton* (2 Giff. 333) and *Kirk* v. *Flood* (not reported), instead of directing a commission of perambulation to issue, made a declaration that the lands should be divided into equal moieties, and referred it to the Master to make such partition, with liberty to receive proposals and to adopt any of them he should think fit, the parties to enjoy the moieties in severalty, according to such allotment, and to execute mutual assurances.

Solicitor for the petitioner, *Henry C. Stephens.*

Solicitor for the respondent, *Thos. T. Mecredy.*

* BREWSTER, L. J., who sat for the LORD CHANCELLOR. The motion had been made in the first instance in the Rolls, but the MASTER OF THE ROLLS refused to entertain it, as he had been engaged as counsel in these suits when at the Bar,

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

LYLE *v.* SANTA CROW.

Jan. 14, 1867.—*Practice—Petition of Revivor and Supplement—Notice of Motion.*

J. B. Murphy having moved, without notice, for leave to file a petition of revivor and supplement,

His HONOUR said that whenever a petition contained supplemental matter notice of a motion for leave to file it should be served. He had found the practice so, and he should adhere to it.

Solicitor, *J. B. Kennedy.*

FINLAY *v.* BARTON.

FINLAY *v.* WESTENRA.

Feb. 4, 1867.—*Practice—Service out of the Jurisdiction—Statutes, 2 Wm. IV., c. 33; 3 and 4 Wm. IV., c. 82—Administration Suit.*

These were administration suits. Part of the assets in *Finlay* v *Barton* consisted of chattels real and Government Stock, in Ireland. Part of the assets in *Finlay* v. *Westenra* were lands in Ireland. The petitions were referred under the 15th section of the Chancery Regulation Act.

Leech moved for an order to serve several of the respondents in each suit, who resided in England, under the 2 Wm. IV., c. 33, and 3 and 4 Wm. IV., c. 82.

The Master of the Rolls took time to consider, and after reviewing the authorities here and in England, which were conflicting, was of opinion that the preponderance of authority was in favour of the applications, and accordingly made orders in each case.

The practice hitherto established by *Freeman* v. *Freeman* (4 Ir. Ch. R., 39) may, therefore, be considered as changed in accordance with *Cohen* v. *Alcan* (1 D. J. and S., 398).

T. W. Hardman, solicitor for petitioners.

COURT OF QUEEN'S BENCH.

Reported by WILLIAM WOODLOCK, Esq., Barrister-at-law.

COPELAND *v.* HUMPHRY.

Jan. 15.—*Practice—Nullity of Service of Summons and Plaint—Setting aside Judgment.*

This was a motion to set aside a judgment on the ground that the summons and plaint had never been served upon the defendant. The action was brought upon bills of exchange. Previous to the issuing of the writ a correspondence had passed between the defendant and the attorneys for the plaintiffs. In this corres-

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pondence the defendant dated his letter from "4, Brighton-terrace, Bray," and directed plaintiffs' attorneys to write to him, "Care of Mrs. Humphry," at that address. On the 17th November the writ was left by the process-server at the house in Bray, and on the same day Mrs. Humphry wrote to the plaintiffs' attorneys apprising them that Mr. Humphry did not reside at the house, and was not then in this country. Notwithstanding this letter, judgment was marked on the 7th December. There was an affidavit that the house at Bray belonged altogether to Mrs. Humphry, and not to her husband.

Monroe, for the defendant.

S. Walker, for the plaintiffs.

The Court held that it was a clear case to set aside the judgment. The service was utterly null and void, and after Mrs. Humphry's letter of the 17th November, the plaintiffs' attorneys had acted at their peril in marking judgment. There ought to have been a motion either to substitute service or to have the service deemed good. The marking of the judgment had been done in good faith, but as plaintiffs' attorneys had chosen to go on with what was an *ex parte* proceeding after the letter of the 17th, without mentioning the letter to the officer, the plaintiffs should pay the costs of the motion.

Attorney for plaintiffs, *Orpen and Sweeny*.

Attorney for defendant, *J. Mathews*.

THE QUEEN *v.* MULCAHY.

November—January 17.—*Writ of Error.*

The prisoner was indicted for treason-felony at the Special Commission in Green-street, in November, 1866, and was tried on the 19th January, 1867, the Commission having been adjourned from time to time to the latter day.

The indictment contained three counts, each count being supported by twenty overt acts. The first nine of the overt acts charged the prisoner with "conspiracy," with others, to do certain unlawful acts. When called on to plead the prisoner demurred to the indictment, on the ground, amongst others, that an allegation of a bare conspiracy without an allegation of acts done in pursuance of it, was not sufficient to support an indictment for treason or treason-felony. Upon this demurrer judgment of *respondeat ouster* was given against the prisoner, who then pleaded not guilty. Upon the Court directing a jury to come the prisoner challenged the array, upon the ground that the panel was made out from the jurors' book of 1866, there being a jurors' book of 1867 in existence. To this challenge the Crown counterpleaded that the panel was made out in pursuance of a precept of the justices of Oyer and Terminer issued at the commencement of the Commission, and that the commission had been duly adjourned. To this the prisoner demurred, and judgment was given for the Crown. Upon the jury being called, one juror, Mr. James Booth, was challenged as being above the age of sixty years. To this the Crown demurred, and judgment was given for the Crown. Another juror, Mr. Henry Fry, was challenged upon the ground that his name did not appear upon the jurors' book for 1867, there being a book for 1867 in existence. Counterplea and judgment as in the case of the challenge to the array. The prisoner was found guilty, and sentenced upon each count of the indictment, and error was now brought upon the record.

The *Attorney-General* and *Lawson*, Q.C., argued the case on behalf of the Crown.

O'Loghlen and *Butt*, Q.C., (with them *Molloy*) for the prisoner.

The Court gave judgment for the Crown, holding unanimously that the overt acts objected to were sufficient, and that the challenges on the points as to the jurors' book were bad, and (O'BRIEN, J., dissenting) that over-age in a juror was not a ground of challenge.

O'BRIEN, J., while concurring on the other points, held that the challenge to Mr. James Booth was good.

Attorney for the Crown, the *Crown-Solicitor*.

Attorney for the prisoner, *John Lawless*.

COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-law.

THOMSON *v.* MILLER.

Jan. 18, 19, 25.—*Award — Communication — New Trial—Terms.*

This was a new trial motion. The case had been tried before O'HAGAN, J., at the Monaghan Summer Assizes. At the trial it appeared that disputes having arisen between the plaintiff and defendant, all matters in dispute between them were referred to the arbitration of Thomas Harrison; the submission did not require that the award should be in writing or should be published. The summons and plaint stated an award for £222 16s. 10d. The parol award relied on comprised two sums, one of £122 16s. 10d., for the value of certain stock, the other of £100, compensation for the giving up of a shop in Castleblaney, by the plaintiff to the defendant. Harrison, the arbitrator, swore that on Saturday, October 18, after the submission had been made and the arbitration gone into, he communicated to the defendant the substance of his award. The defendant said that what occurred on the occasion referred to was this—that Harrison came to his shop in the evening, half drunk, and told him he intended to make him pay £100 in addition to the £122 16s. 10d. which had been arrived at as value of stock. On Monday, October 20, plaintiff revoked arbitrator's authority.

At the close of the case it was submitted on behalf of defendant that there was no evidence of an award to go to the jury. His Lordship refused to hold that there was no such evidence, and in charging the jury, told them that no publication of the award to anybody was necessary, and that if the arbitrator had made up his mind conclusively and finally before his authority was revoked it was sufficient to make the award good. There was no objection taken to the charge.

The Court held that the mere mental act of a single arbitrator not communicated to any one would not be a good award, but that he should evidence his having made up his mind by some external act, and as the jury might possibly have been misled by a portion of the charge, that, to prevent the possibility of injustice being done, there should be a new trial, but inasmuch as the objection had not been specifically taken at the trial, on the terms of the defendant paying all the costs of the former trial.

Counsel for plaintiff, *Harrison*, Q.C., and *Falkiner*. Attorney, *H. Swanzy*.

Counsel for defendant, *Ferguson*. Q.C., and *Kaye*. Attorney, *T. Persse*.

CALLISHER *v.* MASON.

Infant Defendant—Security for Costs.

This was an action on a bill of exchange. The plaintiff resided in London. The motion before the court was to compel the plaintiff to give security for costs. It appeared from the affidavit of the defendant, who had not appointed any next friend, that he was still a minor.

Martin, for the plaintiff, objected to the defendant

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being heard, as an infant could not appear by attorney, and no next friend had been appointed.

The Court, in the absence of any authority that an infant could not appear on interlocutory motion, and referring to the words of Sec. 51, C. L. P. Act, 1853, requiring proceedings to be taken to appoint a guardian for a minor "before filing any defence," were of opinion that an infant could appear without a next friend, on a motion of this nature, which should be prior to filing any defence.

Counsel for plaintiff, *Martin*. Attorney, *R. M'Donnel.*

Counsel for defendant, *O'Driscoll.* Attorney, *D. W. Nolan.*

LANDED ESTATES COURT.

Reported by J. Field Johnston, Esq., Barrister-at-law.

Before Judge Lynch.

In the matter of the Estate of C. M. Dillon, *Owner;* D. M. Davis, *Petitioner.*

Feb. 8.—*Ability of Receiver to become the Purchaser of Incumbrances upon the Property over which he is Receiver—Application for Inquiry as to Sums Paid for such Incumbrances by such Receiver—Want of Notice to Parties affected.*

This was a motion on behalf of the petitioner that the Examiner, in proceeding under an order which had been made by the Court, do inquire and report what sums had been paid by Theobald Dillon as and for the consideration for the incumbrances numbered respectively 7, 8, 9, and 10 in the schedule, and when the said Theobold Dillon became the purchaser of said incumbrances respectively, and what were the sums now due on said respective incumbrances, having regard to the said inquiry, and that it might be declared that the said Theobald Dillon was only entitled, on foot of said incumbrances respectively, to such sums as should be found to have been paid by him on foot of said respective incumbrances, with interest, from the time of such payment.

Theobald Dillon was the brother of the owner of the lands sold in this matter, and under the will of a former owner had a reversionary interest in them. He had also been appointed receiver over these lands by the Court of Chancery in the matter of *Ennis* v. *Dillon*, and when they were sold in the Landed Estates Court he became the purchaser. The motion, however, was not made in reference to the purchase of the lands, but only in reference to the purchase of the incumbrances. The purchase money for the lands had not been paid, nor had any assignment of the incumbrances been executed. The affidavit of Theobald Dillon stated that the owners of these incumbrances had consented to afford him such accommodation in respect of their said incumbrances as would facilitate him in effecting the purchase of the owner's life estate in said lands in the event of his being enabled to obtain a loan sufficient for the completion of the purchase upon the security of the said life estate and of his own reversionary interest, with such other security as might be necessary and available; and with such object he made such arrangements with them as he was advised and believed would entitle him to absolute credit for the amount due on foot of said incumbrances, or so much thereof as would be requisite to enable him to make up the surplus of said purchase money over the amount which he should otherwise procure; and in reliance on such arrangements he entered into an agreement with other parties to obtain a loan of the sum requisite to make up such amount of purchase money as he should bid for said estate; and upon the faith of the said several arrangements he bid for the said estate the sum of £6,020.

Sherlock, Q.C., for the motion, contended that a receiver who purchased judgments in this way must be looked on in a fiduciary capacity, and could be a creditor only for the sums he had paid; that a receiver could not purchase, and that that could be taken advantage of not only by the person from whom the property was bought, but by a creditor also. He cited *Fox* v. *Mackreth* (White and Tudor's Leading Cases), *Eyre* v. *Macdonnell* (15 Ir. Chanc. Rep. 534), *Rowan's Estate*, before Hargreave, J. (13 I. Chanc. R., 434).

G. Fitzgibbon, for the trustees of the Patriotic Insurance Company, who had had carriage of the proceedings, and who were the principal incumbrancers, contended that the Court ought not to decide the question till the purchase money was brought into Court, or enough to pay the claim of the Patriotic Insurance Company.

Flanagan, Q.C., and *Palles*, Q.C., opposed the motion. 1. There is no pretence of fraud. 2. The general doctrine as to a receiver in the Court of Chancery does not apply to the case of a purchase in the Landed Estates Court. 3. Sec. 47 of the Act expressly disqualifies certain persons from purchasing, and therefore all others may purchase. 4. Both the transactions are *in fieri*, and if one be impeached the other must be set aside. 5. The motion is irregular in point of form, because it is without notice to parties who have a better equity.

Sherlock, Q.C., replied.

Lynch, J., said that he ruled the schedule in this case on the 17th Jan., and found he declared as to these particulars charges, "allow, compute, and vouch," and then this motion was instituted, not by way of objection to the schedule as it was settled, but as between the petitioner and the purchaser, asking him, in the absence of these parties, to direct an inquiry which could be advantageous to the petitioner only if it resulted in ignoring the rights of these parties already declared on the face of the schedule; that the motion had been brought forward on a general equity that no receiver who had been a receiver in another case could ever be a purchaser in that court; that it seemed a strong proposition to hold the reasons which applied to a receiver in the Court of Chancery applicable to the Landed Estates' Courts; but it was unnecessary to decide that; that it would be unjust to the purchaser to say, "I will hold you to one part of the bargain; you made a bargain with other persons to procure the money to purchase, and I ask to have that money appropriated to a different purpose;" but it was unnecessary to decide even that; that the petitioner's case was, that by virtue of an equity he was entitled to oust the right of parties as settled upon the schedule in their absence, and without giving them notice; and that the motion should be refused, with costs.

Solicitor for the petitioner—*J. D. Rosenthal.*

Solicitor for T. Dillon—*R. M'Namara.*

Solicitor having carriage—*Cathcart and Hemphill.*

Before Judge Dobbs.

J. T. Armstrong's Estate.

Feb. 12.—*Directions as to Costs.*

This was a motion that the petitioner be declared entitled to credit upon the schedule for a further sum of £42 18s 7d. The petitioner had filed his petition on foot of an equitable mortgage to sell the *owner's* estate on the 10th March, 1865. A conditional order was made on the 29th April. On the 7th June the owner filed an affidavit as cause against making the order absolute, which alleged that the petitioner owed

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him a large sum for untaxed costs, and that he believed upon their being taxed no sum would be found due by the owner to the petitioner. On the 19th June the order for sale was made absolute, with a stay of proceedings till Jan. 11th, 1866. The costs were not certified within the appointed time, and the stay was taken off. The costs were subsequently certified. Of £369 costs in equity £219 was taken off, and of £52 law costs £44 was deducted on taxation. About one-third of the sum claimed as costs was allowed upon taxation. The petitioner made an affidavit stating that of the amount certified £42 18s. 7d. was barred by the Statute of Limitations.

Warren, Q.C., and *Dames*, for the petitioner.

No one appeared for the owner.

It appeared that this sum was barred by the Statute of Limitations before the petition was filed in the Landed Estates' Court.

His Lordship made the order applied for.

Solicitors for the petitioner—*Nunn and Jones.*

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

Before BERWICK, J.

In re SAMUEL BRADLEY.

February, 1867. — *Certificate — Reckless Trading— Marriage Settlement—Priority of certain Creditors— Claims by Accountants appointed by English Creditors.*

This was a meeting for final examination, and to consider the granting of the bankrupt's certificate. The case had been frequently before the Court, and all the facts fully investigated.

His Lordship said he had fully considered the facts of the case, and his conclusion was that he ought, besides passing the final examination, to grant a certificate to the bankrupt. No doubt his conduct had been characterized by a great deal of carelessness and ignorance; and, in particular, there was the fact of his executing a settlement for £3,000 on the occasion of his marriage—an act which, were it not for other instances in the case, he would have marked his condemnation of by postponing the certificate for a lengthened period. However, no charge had been made by any creditor that the bankrupt had made away with any property, and he had given every assistance to the official assignee in the bankruptcy proceedings, which were circumstances in his favour. In 1865 he had, no doubt, laid before his creditors what turned out to be a very delusive statement of his affairs, but he (his Lordship) believed the bankrupt had done it honestly and in ignorance; and the reason he so concluded was this, that the accountants who were employed by the creditors to examine the bankrupt's affairs, after a very lengthened investigation, came to the conclusion that the statement made by the bankrupt was substantially correct; and therefore, though no doubt the estimate of the value of the property made by the bankrupt was delusive and incorrect, there was fair ground to believe that the bankrupt made the statement honestly and in good faith. His conduct in executing a marriage settlement, settling £3,000 for the use of his wife, was a very improper act. He had got no fortune with her, though her family was in a position to give her one had they pleased, and the result of the bankrupt executing the settlement was to take out of the pockets of the creditors a great deal of their honest property. The reason the Court did not punish the bankrupt for it was this, that in 1865 he brought the fact fully before the creditors, yet they did not then make it a ground of opposition; on the contrary, they adopted his statement, and allowed him to go on in trade under an arrangement with themselves. No doubt that arrangement was one under which the creditors would get 20s. in the pound, and consequently they might have supposed that the marriage settlement would not affect their interests; and he (Judge Berwick) saw circumstances in the case leading him to believe that the trader was himself under the same impression, and that when he executed the marriage settlement he did so under the belief that he could afford it. In 1866 the bankrupt's affairs were again before his creditors, but even then they did not make the marriage settlement a ground of opposition, and in fact the only reason why the case was turned into bankruptcy instead of (as the trader proposed) settling it under the arrangement clauses, was for the purpose of, in concert with the bankrupt, putting an end to the priority which the banks sought to obtain. He was of opinion, therefore, that the affair of the marriage settlement had been condoned by the creditors, and that the Court need not, so far as that was concerned, withhold the certificate. The bankrupt had acted carelessly and improperly, but his conduct arose from the erroneous estimate he formed of the extent of his property; and bearing in mind the good character he had hitherto borne, and the fact that he had honestly given up every shilling of his property to his creditors, he did not think it was a case in which he was called on to withhold the certificate. His Lordship then alluded to the fact of a letter having been written to Messrs. M'Laren and Co., creditors of the bankrupt, containing statements calculated to mislead them, and said if it had appeared that the letter had been written with the bankrupt's knowledge or consent he would certainly have severely punished him; but on an investigation of the matter it turned out that the letter was written without the bankrupt's knowledge by an over officious clerk, and that the bankrupt was not responsible for it. He would, therefore, pass the final examination and grant a certificate. His Lordship also directed the assignee to take immediate steps to try the question as to the priority claimed by the bank. He also referred it to the assignee to investigate the claim of Messrs. Harvey and Humphries, the accountants who had investigated the bankrupt's affairs by direction of the English creditors, and that their reasonable expenses should be paid them.

Solicitor for the bankrupt, *Mr. Larkin.*

For the assignees and the English creditors, *Mr. Kernan*, Q.C., instructed by *Mr. Oldham.*

PROVINCIAL COURT OF ARMAGH.

Before JOHN THOMAS BALL, V.G., LL.D., and Q.C.

Reported by W.R. MILLER, Esq., LL.D., Barrister-at-law.

PULLMAN, *Appellant;* RAWLINS, *Respondent.*

Pews in Parish Churches—Allocation of by Churchwardens—Evidence of Appointment of Churchwardens, and their Rights—Vestry Act—Declaration.

This was an appeal by the appellant, who had been the respondent below, from a sentence pronounced on the 1st day of August, 1866, by the Rev. Dr. Carson, V.G. of the United Dioceses of Kilmore, Elphin, and Ardagh.

The suit was instituted on the 31st May, 1866, by Rawlins, by way of petition against Pullman, in respect of an alleged perturbation of a right to a pew, No. 7, in the Parish Church of Templemichael, in Longford.

The facts will sufficiently appear from the judgment.

Dr. Miller, for the appellant, contended—1st. That

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the respondent had not any beneficial interest in the parish, and was not in law an *inhabitant* of it, and therefore not eligible to the office of churchwarden; and that his acts were void (Prid. Churchw. 5). 2nd. That no declaration under the 5 and 6 Wm. IV., c. 62 had ever been made by any of the churchwardens (*Somer* v. *Bray*, 2 Best. and Sm. 374). In that case it was held in England that until the new churchwardens made that declaration, the old churchwardens continued, in law, in office even after the expiration of their year of office. And the canon 118 in England is the same as the 89 in Ireland. So also *Dr. Stephens* lays down the law that until that declaration is taken every act of the churchwardens is illegal and void (1 Steph. Ch., 341). 3rd. That the petitioner had served the office of churchwarden the year before, and it was proved that the rector, and curate, and churchwardens knew that many other persons were at the vestry competent and willing to act, and in fact the rector had canvassed for votes to oppose some of them (7 Geo. IV., c. 72, s. 49). 4th. There never was any instance in which the pew in question was filled by the petitioner's family. In the case of *The Cathedral of St. Columb, Derry* (8 Ir. Jur., N.S. 115) it was held the churchwardens could only allot *sittings*, and not pews, unless the parties could fill them; and in that case all the English cases on the subject are cited.

Browne, for the petitioner, argued that the sentence below was correct. The Ecclesiastical Court could not inquire into the validity of the appointment of the churchwardens. The Vestry Act (7 Geo. IV., c. 72, s. 44) makes the entry in the vestry book complete evidence of the election, and any objection to it is only ground for applying to the Queen's Bench. The allocation, however, was made on the 7th Dec., 1865, and on the 24th Dec., 1865, the appellant had full notice of it; and the letters of the Bishop amount fully to an adoption and ratification of it.

As to the declaration, in Ireland it is not necessary to be made, since the abolition of parish cess and rates. The oath under the 7 Geo. IV., c. 74, was expressly made applicable to such rates, and the Act of 5 and 6 Wm. IV., c. 62, should be read in like manner.

The circumstance of having been a churchwarden for the previous year cannot affect the allocation, no proceedings having been taken at law to question the appointment.—*Cur. Adv. Vult.*

2nd Jan.—*Dr. Ball*, Q.C., V.G.—The suit is what is technically termed "a suit for perturbation of seat," and the facts, or at least such of them as are relevant to a suit of that character, appear to be very clearly ascertained.

Both Mr. Rawlins and Mr. Pullman reside in the parish of Templemichael, the church of which is in the town of Longford. Mr. Pullman resides in the town, and Mr. Rawlins, who is governor of the county gaol, in a house adjacent to the town. and which is appropriated to his office. Upon the 17th of April, 1865, at a vestry then held, Mr. Rawlins and Mr. Brunskill the local manager of a branch of the Bank of Ireland, were elected churchwardens, and they acted as such, but without ever making the statutable declaration substituted for the oath required by the Vestry Act, 7th Geo. IV., ch. 72. About December of the same year, Mr. Brunskill removed from Longford to Wexford. Until that period Mr. Brunskill and his family sat in pew No. 7; Mr. Rawlins in pew No 27; and Mr. Pullman in pew No. 10, in the parish church. Previous to leaving Longford, Mr. Brunskill, with the assent of Mr. Rawlins (and, as he says in his evidence) also with the concurrence of the Rector of the parish, allotted to Mr. Rawlins the pew No. 7; and soon after the sexton removed into this pew cushions and hassocks belonging to Mr. Rawlins. The pew affords accommodation for six persons, and Mr. Rawlins' family consists of five. For some Sundays (Mr Pullman says three) after the departure of Mr. Brunskill, no person occupied pew No. 7. On Sunday, 24th December, Mr. Pullman, accompanied by two daughters, before the service began, took possession of pew No. 7; and they were in possession when Mr. Rawlins and his wife, at a somewhat later period, arrived at the church. To prevent a repetition of this, Mr. Rawlins caused the sexton to give notice to Mr. Pullman that the pew had been allotted to him; but Mr. Pullman not acquiescing, attempted again, on Sunday the 31st December, to obtain admittance, although Mr. Rawlins and his wife were seated in the pew; and then and subsequently by letter, Mr. Rawlins informed Mr. Pullman that he claimed the pew as assigned to him, and that if Mr. Pullman required sittings he should apply to the churchwardens. On Sunday, the 7th January, the pew was locked, in order to prevent Mr. Pullman seating himself before service commenced; but Mr. Pullman obtained access by climbing in from the next pew. Again, on the 14th, he entered in a similar way. On the 19th, the Bishop of Kilmore wrote to the local surrogate a letter, which was shown to Mr. Pullman, and in which he distinctly intimates his opinion that the latter had no right, as the two churchwardens had agreed otherwise to dispose of the pew. For some time afterwards Mr. Pullman seems to have desisted from his claim; but on the 11th March he again took his seat in the pew, notwithstanding the opposition of Mr. Rawlins. On the 2nd April (Easter Monday) Mr. Rawlins and Mr. Addey were elected churchwardens at a Vestry then held, and an entry was made in the vestry book recording, among other matters, that during the last year pew No. 7 had been allotted to Arthur Rawlins and family. The two churchwardens then elected, appear, like their predecessors, to have acted without making the statutable declaration. On the 7th April, the new churchwardens allotted to Mr. Pullman sittings in pew No. 10; but he notwithstanding, upon the 22nd April, and thence to the institution of this suit, persisted in sitting in pew No. 7. Mr. Rawlins in his evidence states that his children have not sat in the pew since the dispute arose; but that this was lest anything unpleasant should occur.

The general principles applicable to the case have not been disputed. Pews in a parish church belong to, and are for the use and accommodation of the parishioners; and as far as there is room, every parishioner has a right to be seated. But how he is to be seated, and the order and distribution of sittings among those who attend divine worship, are to be determined by the ordinary, and unless and until he interferes, by the churchwardens, who for this purpose are viewed as his officers. It is usual to consult the incumbent; it is also not unusual to pay attention to the wishes of the parishioners in vestry; but neither the incumbent nor the vestry can control the discretion of the churchwardens. Should the exercise of that discretion be such as to create dissatisfaction, the parishioner who feels himself aggrieved, can by a proper proceeding bring his claims before the diocesan court, and obtain its decision upon them. But he cannot be allowed to take the law into his own hands, and intrude himself into a seat, which by a competent authority has been conferred upon another.

Mr. Rawlins founds his title upon the allocation of pew No. 7 to himself and his family, originally made by the churchwardens for 1865; subsequently affirmed by the churchwardens for 1866; and recorded by the

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Act of Vestry at the time of their election. Mr. Pullman does not allege any title. What he relies upon is not his own right, but a supposed infirmity in the title of the party complaining.

The principal ground of objection put forward to Mr. Rawlins' title is, the omission (which I have already mentioned) by both sets of churchwardens, those elected in 1865 and those elected in 1866, to make the declaration which, by the Act for the abolition of unnecessary oaths (5 & 6 Wm. IV., c. 62), has been substituted for the oath formerly required from churchwardens. The canon, 118 English and 87 Irish, declares "that the office of churchwardens and sidesmen shall be reputed to continue, until the new churchwardens, that shall succeed them, be sworn." In consequence of this canon, in England where its operation has not been affected by legislation, the authorities hold that a person elected to the office, is not *de jure* churchwarden, until he has made the proper declaration; and one decision has gone the length of affirming a fine imposed by magistrates upon a churchwarden of a previous year, as being responsible until a successor shall make the proper declaration. I refer to *Rex* v. *Inhabitants of Whitchurch*, 7 B. and C. 584; Bray, *appellant*, Somers, *respondent*, 8 Jur. N.S. 718; *Bremner* v. *Hull*, in the current number of the Common Pleas Reports, 749.

It is, however, by no means clear, even upon these authorities, that the acts of persons who being duly elected take upon themselves to discharge the duties of churchwardens without making the requisite declaration (especially when, as here, they relate to and are in aid of order in the church, and have the approval of the Bishop) are absolutely invalid. There are instances of the acts of officers *de facto* although not *de jure* being supported. But these considerations in my opinion need not be further pursued, because in Ireland it is in the provisions of the Vestry Act (7 Geo. IV., c. 72), and not in the canon, that the law applicable to the office of churchwardens is to be found.

The 44th section of this statute enacts that a vestry shall be called on the Monday or Tuesday in Easter week, for the election or nomination or appointment of churchwardens, and that such election or nomination or appointment shall be duly entered in the vestry book; and, that every person who shall be so elected, nominated, or appointed (and not being exempted or disqualified under the Act), shall be deemed, and taken to be, and is thereby declared to be a legal churchwarden of such parish, to all intents and purposes, and shall be compelled and compellable (unless in cases exempted by the Act) to take upon him such office, and to perform its duties. These latter words appear to me to have been introduced in order to remove the doubts, and obviate the inconveniencies arising from the canon, and to have had in view to protect the public from the necessity of inquiring into anything except the fact of election or appointment in order to ascertain with whom to deal as the proper officers. And, taking this view, I cannot regard the force of these words as at all abridged by the language of the 46th section, which requires every churchwarden to take and subscribe an oath of office, in the form there prescribed; for this, it appears to me, is to be considered as a mandatory direction, but not as constituting a condition precedent.

Other objections of less importance, and affecting the title of one only of each set of churchwardens, namely of Mr. Rawlins, have also been made. That he was not duly qualified for the office; and that he was illegally elected a second time in 1866. In the first I cannot at all concur. His being employed in the public service, and having a residence provided by the public, may form a ground on which he himself might claim exemption; but neither in the statute nor the general law do I find anything making these disqualifications. As to the second—the title to the pew was conferred before the election of the second set of churchwardens, and for the decision of the case, its consideration becomes unnecessary. But, as the point has been argued, I take the opportunity to express my opinion, that the section of the Vestry Act (49) which prohibits the same person being elected a second time in succession, was intended to give an exemption, and not to create an incapacity; and that if, as here, no other candidate being proposed, he chooses to assume the office, there is nothing to render his acts invalid. Besides, the section enjoins as a condition to its application, that "it shall be made appear to the satisfaction of the vestry, that there is any other person liable to serve and duly qualified to exercise such office in the parish;" and the evidence in the present case, does not, in my judgment, establish as a fact that this was done at the vestry.

It only remains to notice one other suggestion, which was made in the course of the argument for the appellant—that, as pew No. 7 holds six persons, and Mr. Rawlins' family consists of but five, the vacant place cannot be claimed by Mr. Rawlins. But a matter of this kind is a matter of discretion for the distributors of seats, with which, in a proceeding like the present, I have not jurisdiction, and if I had, I should decline to interfere. Were I to express any opinion upon the subject, it would be that it was by no means an unwise exercise of discretion to place Mr. Rawlins and Mr. Pullman in different pews.

For these reasons I am of opinion that either set of churchwardens had authority to allocate pew No. 7 to Mr. Rawlins and his family, so as to confer title on him and them good against a mere disturber; and that as they have done so, and as no right has been shown, or indeed even alleged, in Mr. Pullman, he was properly monished and ordered to pay the costs by the Court below. I therefore affirm the decision of the diocesan court of Kilmore, and order the costs of the appeal to be paid by the appellant.

Solicitor for appellant, *L. M. Fleming*.

Solicitor for respondent, *J. Wilson*.

CORRESPONDENCE.

RECORD OF TITLE ACT.

To The Editor of "The Solicitors' Journal."

12th February, 1867.

Sir—Observing in the Solicitor's Journal of 9th instant an appeal for that support hitherto denied to "the Record of Title" by the Irish solicitors, it appears but proper that a profession which rarely takes, or omits to take, action, on legal changes without good reason, should have a few words to say in explanation of that neglect under which this Registration Office pines, as does its English sister, Lord Westbury's pet, of 1862.

Those who considered the observations of the Law Society by its Council, dated 16th May, 1865, could have little doubt that the prediction of failure would be fulfilled, and those who did not see that print need only to read the elaborate anatomy therein, to learn how disregard of professional suggestions produced its usual result—when on the Shipping Acts and Mr. Torrens' Australian experience was founded an Irish Land Act.

Ask any eminent solicitor in the hall whether he "records" his client's conveyances, and the answer will be almost invariably that he has never done so; and,

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although each may give a different reason, the result is the same.

It may be asked, whence comes it that any titles have been recorded, and the answer is supplied by the 7th Section of the Act, taken with the General Order, that unless within a very short time registration of a conveyance is stopped, it must be impounded to be recorded, and every mistake thereafter becomes indefeasible, which being unknown to many of us, and especially of our country brethren, several deeds were caught in the meshes of the Act before the practice was adopted of lodging the prohibitory notice at once on execution by the Court; but so careful have been some of our ablest members in this matter that the execution of a conveyance has been known to be delayed for six months, while the purchaser from absence or ill-health was unable to sign this "stop" notice.

I need not dwell on "the meddling and muddling" of inexperience which produced a statute uncalled for while we possess a system of registry in Henrietta-street so perfect now as to leave little to desire, nor the additional expense occasioned by having to register there an entire conveyance with its schedule of tenants, running to the same or even a greater length than the deed itself, besides the trouble entailed by that strange direction for compulsory record unless stayed by the party, but leaving those who wish to learn wherefore the twin offices have failed in London and here to the solicitor's reasons of May, 1865.

I am, Sir,
Your obedient Servant,
A SOLICITOR.

FINAL EXAMINATION OF APPRENTICES.

To THE EDITOR OF "THE IRISH LAW TIMES AND SOLICITORS' JOURNAL."

SIR—I was very glad to see, in the first number of your new journal, with which I hope you may have every success, that the Incorporated Law Society had determined to award certain prizes to distinguished answerers at the examinations of attorney's apprentices, by whom I am sure they will be highly valued and eagerly contended for. But I would like to call attention to one circumstance, which I fear will prove a serious obstacle to the very laudable objects of the Law Society in this matter, if it do not entirely defeat them; but which I think they may be able to overcome if they think proper to do so. At present an attorney's apprentice is kept employed during almost the whole day in his master's office; so that, no matter how willing or desirous he may be of studying his profession more deeply and acquiring an amount of sound legal knowledge, he has really no time to do so except during an hour or two, snatched after he leaves his office, when he is fatigued with his day's work, and perhaps scarcely able to work his mind as hard as is necessary; and which, sir, takes, as you doubtless well know, a greater amount of resolution than some men possess. Now this does not arise merely from his master insisting on his time being so spent, for I am sure there are very few gentlemen in the profession who, from a mere greedy desire of gain by their labour, would object to their apprentices occupying a reasonable portion of their time in so proper a manner; but the affidavit required to be taken by both the master and his apprentice, before the admission of the latter, is so strict that it seems to me that no conscientious man would like to take it, if the apprentice had spent much of his time out of the office. Although this affidavit is enjoined by the late Attorneys and Solicitors' Act, still both by it and some of the other Acts passed from time to time for the regulation of the profession, some, at least, of the powers formerly possessed by the judges are reserved to them. I do not know whether these powers as affected by the Act are such as to enable them to alter the rule as to this affidavit, though if unrestrained by it I have no doubt they are; however, there can be no doubt that an additional Act of Parliament can do so. Now it ought not surely to be a difficult thing to frame an affidavit, such that it would allow of an apprentice spending a reasonable portion of his time in the study of those parts of his profession which it is quite beyond the province of his office to impart, and which indeed never can be acquired in an office, or in any way but by hard labour and hard reading, but which at the same time would secure evidence that his time had been really spent in acquiring a knowledge of his profession, and not in following other pursuits, which can be the only object of any affidavit, and as has indeed been said to be the object of the Legislature by a learned judge in a certain case.

It seems to me that if the Incorporated Law Society are really desirous, as I believe they are, that the apprentices, and therefore the profession itself, which is recruited from them, should possess a high standard of legal knowledge, they will find their power and influence such as will enable them to effect so desirable a reform; and even if the judges should not possess the power, or not deem it advisable if they do, to make such an alteration as I have proposed, I think it would be found not impossible to obtain a supplementary Act of Parliament amending the Attorneys' Act in this important particular. Doubtless, there are many young men apprenticed to the profession not devoid of ambition, who, if they were given moderate encouragement, would show themselves possessed of both energy and resolution to master the difficulties of the law, and who would prove an honour not only to themselves but to those who had afforded them an opportunity of doing so; but it is impossible for any man to work unless he has time to do so.

I merely venture to offer these suggestions, and to draw the attention of the proper persons to the matter, leaving it to them to consider the question more thoroughly; but as I stated in the beginning of this letter, I fear the efforts of the Law Society will hardly have as much success as they would deserve until some amendment is made in this respect. It should be remembered that I do not propose any radical change of the system of education as it at present exists, though that may possibly be found necessary in the course of time, but merely that the apprentice should be allowed a moderate and reasonable time for the study of the law, as, for instance, a few months in the middle of the long vacation, when in most offices business is generally somewhat slack. If the Law Society should deem this question worthy of their consideration, I would earnestly hope that they would proceed to do so at once, as there are many men to whom it would otherwise be useless. I have not time now, as I fear I have already trespassed too much upon your space, to attempt to excuse my apparent boldness in proposing to change a rule, which has sufficed for the profession, I suppose ever since it was a profession, but if I had, I feel sure that I could satisfactorily show, not only the propriety, but the absolute necessity, of some such change as is here proposed, if the profession is to fill that rank and perform those duties to society which it should.

Hoping that the importance of the subject will prove my excuse for trespassing on you with so long a letter, I beg to subscribe myself,

Your obliged and obedient Servant,
AN ATTORNEY'S APPRENTICE,
Who would like to raise both his own position and that of the profession.

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SOCIETIES AND INSTITUTIONS.

ROYAL IRISH ACADEMY.

Feb. 11th.

A paper was read by SAMUEL FERGUSON, Esq., LL.D., on "The Rudiments of the Common Law discoverable in the published part of the *Senchus Mor.*" The following is an abstract:—

After remarking on the indisposition of English jurists to accept any element of the social constitution of Britain from the Britons themselves, and the grounds on which the traces of manorial jurisdictions, and of an incipient feudal polity in the early Welsh laws have been supposed to have been borrowed from the Anglo-Saxons, the lecturer cited as the latest and most matured judgment of English cultivated opinion the conclusion of Mr. Hallam—that any resemblances between the Irish Brehon law and the law of England arose from the degenerate Anglo-Norman families of the fourteenth and fifteenth centuries having imported the traditions of a superior civilisation into the native customs to which they conformed. The material for forming an estimate of the real value of the Brehon code was fragmentary and imperfect before the recent publication by the Brehon Law Commission, and several volumes still remain to be published. The commissioners' present volume comprises part of the *Senchus Mor*, treating of the law of distress. This work claims to be of the fifth century, and is frequently cited in "Cormac's Glossary," a compilation not later than the twelfth. The internal evidences of its antiquity arise from the absence of any reference to writing, or to any person or event later than the ninth century. The legal system contained in it, while corresponding in a remarkable manner with the common law processes of distress and replevin, has no resemblance in its technical terms to any other European code. Hence it was concluded that it presents us with the fragments of laws unmodified by Anglo-Saxon or Norman influence, and that such rudiments of the common law as it contains, if not referable to Roman origin, are at least the common property of the insular Celts and their conquerors. A singular tale of the stratagem by which the first lapdog was brought into Ireland was cited from "Cormac's Glossary," to show that one of the laws of the twelve tables, as known in Britain, was regarded as something extraneous by the early Irish, who possessed a law of their own on the same subject; and other examples of such differences between analogous Roman and Irish laws as displace the theory of a Roman origin were adduced. The course of distress described in the *Senchus Mor* was for the claimant, whatever was his demand, after notice, and in some cases fasting against his debtor (as is the practice to the present day in India), to lay on a lien or attachment on the debtor's cattle; and, after a given time, to drive them to pound, where, if the debt and costs of keeping were not paid, the cattle, after another space of time, became forfeited according to a certain scale of value. The party distrained on might, at any time before forfeiture, regain the possession of his goods by giving security to try the validity of the distress at law. It was pointed out that traces remain from which it may be inferred that the sale or forfeiture of the distress was originally a part of the common law, and that the Irish Parliament, as late as the 18th Edward IV., in effect re-enacted the Irish custom by permitting the landlord to take the distress at an appraisement; that the owner was first excused from the costs of keeping by statute 51st Henry III.; that various species of actions were commenced by distress at common law in England and Scotland down to the 13th and 14th centuries; that it was not until after the 11th century in England that the right of the plaintiff to take the law to this extent into his own hands was confined to distress for rent, and the execution of process committed to the hands of ministerial officers; that the Irish course corresponded with the summons, attachment, and distress, which were the regular process of the common law; and that by inattention to the distinction between *districtio*, an attachment, and *distractio*, a sale, Lord Bacon and succeeding law writers had been led to suppose the law of distress and replevin to have been borrowed from the civil law, and to be of post-feudal origin; that the action of replevin, constituting part of the old Irish code, has been supposed to be the invention of Glanvil, Chief Justice of Henry II.; that though Spelman supposes the native British to have derived their knowledge of the use of a pound from the Ripuarian Franks through the Saxons, the older Irish system required seven open pounds in each district; and that the provisions of the statute of Marlbridge, prohibiting the driving of distresses out of the county, and of the Scottish statutes of Robert I., by which a distrainer not exhibiting the cattle to witnesses at the border of the lordship might be treated as a thief, are in effect anticipated by the rules of the Brehon code. "How shall we account," said the lecturer, "for the Irish of the eighth or ninth century having had a law against removing distresses from the districts in which they were taken, and for the English and Scotch having remained without regulations of such obvious convenience until the thirteenth and fourteenth centuries? The explanation of so strange an appearance of superior social arrangements in this country is doubtless to be found in the declaratory nature of these English and Scottish statutes; and we must suppose the historians to be mistaken who from the introductive appearance of such enactments have concluded that, before their passing, no law existed against the mischief which they profess to remedy." The lecturer then proceeded to examine in detail the story of the case of the lands of Inbher Ailbhine, as stated in the original text of the *Senchus Mor.* The legal processes and principles indicated by the text, as explained by the gloss, were—Entry, ouster, prescription, time of memory, acknowledgement of title, distress, constructive rescue, fresh pursuit, taking in *withernam*, replevin, sureties in replevin, account, set off, Welsh mortgage, and ultimate recovery of possession by the real claimants. On this singular case the lecturer observed—"The received idea of the origin of actions of trespass and ejectment is that they were invented by the judges in the reigns of the Edwards, and it is said that it was some time in the reign of Edward IV. that possession of the land was first recovered in a proceeding of this kind. When we consider that one of the manuscripts of the *Senchus Mor*, still in existence, was transcribed from older documents more than a century before the accession of Edward IV., and when we find there the story of a case having all the substantial elements of an action of trespass and ejectment alleged to have been adjudicated on more than sixteen hundred years ago, and find the text of that story regarded as a record of authentic antiquity prior to the twelfth century, the mind is filled with amazement at the vast obscurity which still overshadows the origin of the English common law, and the hopelessness of penetrating which has caused men of the utmost learning and candour to ascribe to the invention of judges of the fourteenth and fifteenth centuries modes of proceeding and methods of attaining justice which, if they existed in Ireland, must have been equally in existence in Britain more than a thousand years before." The third part of the paper was directed to show the analogies between the early English manorial system and the Irish lordship or chiefery. The resolutions of the Irish

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judges in the reign of James I., from which it has been inferred that by the native system of gavelkind the whole country was subjected to an annual hotch-potch which prevented any permanent habitations or enclosures, should be understood as applying only to the commons or Folkland, there being numerous traces in the published volumes of the commissioners of settled and inheritable possessions in the other parts of each territory corresponding to the *Boc* land of the Anglo-Saxon manor. Possessions of this kind were necessary to give the right to take distress, and those so qualified were also the judges of the court, to which they were compellable to give suit. Numerous other instances were cited of social arrangements, in all respects similar to what we may conceive to have existed in the early manor, while the Folkland continued still so far unappropriated to exclusive ownership as to afford room for common tillage as well as for common pasture. The paper concluded thus:—"If these observations shall have disclosed a substantial resemblance between the ancient Celtic law of Ireland and some considerable portion of the common law as it existed before the doctrine of continental feuds had altered its simplicity, candid legal minds will not rest satisfied with the traditions of the sixteenth and seventeenth centuries, but will examine for themselves these fresh fountains of legal and historic knowledge, now in part laid open, and which we may hope will soon be wholly unsealed by this commission; and if the result of a careful consideration of these be to confirm the views which I have ventured to put forward, it will become the duty of those who can speak with authority to teach our countrymen the wholesome social and political lesson that all our insular populations have a common inheritance in the common law."

On the motion of Mr. Harding, seconded by Chief Baron Pigot, in a complimentary speech, the paper was referred to council for publication.

THE LAW STUDENTS' JOURNAL.

KING'S INNS

GENERAL EXAMINATION:

Easter Term, 1867.

The Education Committee *of the Benchers of the King's Inns in Ireland have approved of the following Rules for the Public Examination of the Law Students.*

The attention of the Students is requested to the following Rules of the Society adopted by the Benchers on the 15th April, 1864:—

"That Students shall be eligible to be called to the Bar, who, without qualifying by attendance at Lectures, as heretofore required, shall have satisfactorily passed a General Examination.

"That as an inducement to Students to propose themselves for such Examinations, Prizes of Ten Guineas, and Five Guineas, shall be awarded to the two best answerers at the General Examination, and a list of the Students who have passed the Examination shall be prepared by the Examiners, placing them in the order of merit according to their answering at such Examination.

"That to the Student whose name shall appear first on the list at such General Examination, there shall be awarded a Prize of Ten Guineas, and he shall also be entitled, if so recommended by the Members of the Education Committee attending at such Examination, to be excused from keeping two of the Terms in Ireland, and which would otherwise be required for his admission to the Bar.

"That to the Student whose name shall appear second on the list, there shall be awarded a Prize of Five Guineas, and he shall also be entitled, if so recommended by the Members of the Education Committee attending at such Examination, to be excused from keeping one of the Terms in Ireland, and which would otherwise be required for his admission to the Bar.

"Provided however, that the Examiners or the Education Committee shall not be obliged to confer any such Prizes or Privileges unless they shall be of opinion that the Examination of the Students has been such as entitles them thereto. And provided also, that the Examiners may give special Certificates of Honor to Students failing to obtain the first or second Prize, where the Examination of any Students may merit such distinction.

"That the list of all the Students passing the General Examination and arranged in the order of merit, and stating the Prizes, Privileges, and Distinctions conferred on them, respectively, shall be placed in the Hall of the Four Courts, in the Law Library, and in the Lecture Room of the King's Inns.

"That at any call to the Bar, those Students who have passed a General Examination, and who have obtained Prizes thereat, shall take rank in seniority over all other Students who shall be called on the same day, and those who have obtained Prizes shall take rank respectively in seniority, according to the rank and date of the Prizes obtained by them.

"That the Students intending to present themselves at the General Examination shall give in their names at the Under Treasurer's Office, seven clear days before the day of holding such examination."

Rules for the Public Examination of Students for Prizes and for Certificates entitling them to be called to the Bar.

An Examination will be held before next Easter Term to which any Student of the King's Inns who is desirous of becoming a Candidate for Prizes, or of obtaining a Certificate of fitness for being called to the Bar, will be admissible.

Each Student proposing to submit himself for Examination will be required to enter his name at the Under Treasurer's Office, King's Inns, Henrietta-street, on or before the *1st day of April next*, and Students merely seeking to qualify in one subject will be required to state in writing their intention so to offer themselves in one subject for a Certificate of Fitness, specifying same.

The Examination will commence on *Monday, the 8th day of April*, and will be continued on *Tuesday, the 9th day of April*.

It will take place in the Hall of the King's Inns, and the doors will be opened half an hour previous to the hour, and closed at the hour appointed for the Examination, and no Student can be admitted after the doors have been so closed.

The Examinations will be conducted by the Members of the Education Committee and the King's Inns Professors, and will be in the following order:—

On Monday the 8th of April, from the hour of 10 o'clock in the morning till 12 o'clock, on the Law of Personal Property and Evidence; and from 2 o'clock, afternoon, to 4 o'clock, on Equity.

On Tuesday, the 9th of April, from the hour of 10 o'clock, a.m., to 12 noon, on Constitutional and Criminal Law; and from 2 o'clock, p.m., to 4 o'clock, on Real Property.

Printed Questions on the respective subjects for Examination will be given to the Students at the commencement of the two hours sittings, to be handed up by them to the respective Examiners before leaving the Hall, at the conclusion of the two hours sittings.

Oral Examinations will be conducted in the same order, at the respective hours, and in the respective subjects appointed for those hours.

The Oral Examination of each Student will be conducted apart from the other Students, and the character of the Examination will be varied so as to test the fitness for merely gaining the Certificate for call to the Bar, or the proficiency in the subject entitling the Candidate to a Prize.

The Oral Examination and Printed Questions will be founded on the books mentioned below; but the Student merely desirous of obtaining a Certificate of Fitness for Call to the Bar, may select any one of the four subjects of Personal Property and Evidence, Equity, Real Property,

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and Constitutional and Criminal Law, together with the four volumes of STEPHENS' *Commentaries.*

The Examination for Prizes will be in all the branches; and in order to obtain a Prize, the Candidate must answer so as to qualify in two courses at least out of the four appointed.

A Student may present himself at any number ef Examinations until he shall have obtained a Certificate of Fitness.

Any Student obtaining a Certificate of Fitness for Call to the Bar, may, at the next succeeding General Examination, but not afterwards, present himself for competition for a Prize.

1st.—EXAMINATION IN PERSONAL PROPERTY AND EVIDENCE.

The Books whereon the Examination will be founded, are:

TAYLOR *on Evidence*, last Ed., Part I., Chaps. 1, 2, and 3; Part II., Chaps 1 to 13, and 18 and 19.

The following Cases and Notes contained in the first and second volumes of SMITH's *Leading Cases*, last Ed.:—Twyne's Case; Coggs *v.* Bernard; Ashby *v.* White; Cumbor *v.* Wane; Lampleigh *v.* Braithwait; Lickbarow *v.* Mason; Waugh *v.* Carver; Collins *v.* Blantern; Cutter *v.* Powell; Manby *v.* Scott; Seaton *v.* Benedict; Montague *v.* Benedict; Paterson *v.* Gandasequi; Addison *v.* Gandasequi; Thompson *v.* Davenport; J'Anson *v.* Stuart.

SMITH *on Contracts;* STEPHEN *on Pleading*, 2nd Ed., 1827; Mr. JELLETT'S *Statement on the Practice and Procedure of the Courts of Common Law in Ireland.*

2nd.—THE EXAMINATION IN EQUITY.

MITFORD *on Pleading*, 4th Ed., 1827, Introduction; Chapter I., pp. 1 to 61; Chapter 2, Sec. 1, Sec. 2, Part I., first three pp.; Part II., first two pp.; Part III., Chap. 3.

The following Cases and Notes, contained in the first and second volumes of WHITE and TUDOR'S *Leading Cases*, last Ed.:—Ackroyd *v.* Smithson; Elibank *v.* Montolieu; Ellison *v.* Ellison; Fox *v.* Mackreth: Glenorchy *v.* Boswell; Hulme *v.* Tenant; Keech *v.* Sandford; Streatfield *v.* Streatfield; Strathmore *v.* Bowes; Basset *v.* Nosworthy; Huguenin *v.* Baseley; Stapilton *v.* Stapilton; Ryall *v.* Rowles.

HAYNE'S *Outlines of Equity;* Mr. JELLETT'S *Statement on the Practice and Procedure of the Court of Chancery in Ireland.*

3rd.—THE EXAMINATION IN CONSTITUTIONAL AND CRIMINAL LAW.

HALLAM'S *Middle Ages*, Part III., Chap 8; HALLAM'S *Constitutional History*, 1st Vol., Chaps. 1 to 9—2nd Vol., Chaps. 13, 14, and 15; ARCHBOLD'S *Consolidated Statues.*

4th.—THE EXAMINATION IN THE LAW OF REAL PROPERTY.

WILLIAMS (JOSHUA) *on Real Property;* HAYES *on Conveyancing;* FEARNE *on Contingent Remainders; An Act to Consolidate and Amend the Law of Landlord and Tenant in Ireland, 23rd & 24th Victoria, Chap.* 154.*

In addition to the above Four Courses, every Student will be liable to be examined in Four Volumes of STEPHEN'S *Commentaries.*

By order of the Education Committee,

JOHN D. O'HANLON,

Under Treasurer.

KING'S INNS,
2nd January, 1867.

* LITTLETON *On Tenures* will be substituted for 23rd and 24th Vic., c. 154, at the Examination to be held before next Michaelmas Term.

ACTS OF PARLIAMENT.—The office for Sale of Acts of Parliament in Ireland has been transferred from Her Majesty's Stationery Office in Merrion-street to the Dublin Gazette Office, 87 Middle Abbey-street.

UNIVERSITY INTELLIGENCE.

TRINITY COLLEGE, DUBLIN.

SENIOR FRESHMEN—HONOURS IN LOGIC.

FIRST HONOURS.—Malet, John (Sch.); Keene, Chas. H. (Siz.); Stack, Thomas; Fleetwood, Thos.; Hart, Henry; Newtown, Andrew; Callinan, Thos.

SECOND HONOURS.—Gayer, Edmund R.; Stack, Richard; Dixon, Henry; Lynch, William; Carleton, James G.; Vesey Fitzgerald, James F.; French, John; (Mr. Burke Martin; Boulger, E. V. (Siz.)—equal); Bluett, George; Woodhouse, Stewart; Little, Mark (Sch.); Berry, Edward; M'Kenzie, Gordon; Sheehan, James.

JUNIOR FRESHMEN—HONOURS IN MATHEMATICS.

FIRST HONOURS.—Keene, James B. (Siz.); Edgar, Hugh (Siz.); Bryan, James; M'Nulty, Thomas; O'Sullivan, Daniel (Siz.); Warren, Isaac.

SECOND HONOURS.—Martin, Robert; Downing, Arthur; Hart, John; Fawcett, John; Mr. Hughes, J.D.; Adair, H. K.; Simpson, Maxwell; Lynch, George; Cavanagh, J. C.; Todd, Charles; St. George, Arthur J.; Apjohn, Richard.

THE COURTS, AND COURT PAPERS.

SPRING ASSIZES, 1867.

HOME CIRCUIT.

County of	Serve Notice of Trial on
Meath, at Trim, Thursday, 28 February, 11 a.m.	16 Feb.
Westmeath, at Mullingar, Monday, 4 March, 11 a.m.	20 "
King's County, at Tullamore, Wednesday, 6 March, 1 p.m.	22 "
Queen's Co., at Maryborough, Saturday, 9 March, 11 a.m.	26 "
Carlow, at Carlow, Tuesday, 12 March, 11 a.m.	28 "
Kildare, at Naas, Thursday, 14 March, 11 a.m.	2 March.

Justices:
The Right Hon. THE LORD CHIEF JUSTICE.
The Right Hon. THE LORD CHIEF JUSTICE, Common Pleas.

Registrars:
WILLIAM J. NAPIER, Esq., 4, Merrion-square, South.
HENRY MONAHAN, Esq., 5, Eitzwilliam-square, East.

NORTH-WEST CIRCUIT.

County of	Serve Notice of Trial on
Longford, at Longford, Tuesday, 5 March, 1 p.m.	21 Feb.
Cavan, at Cavan, Thursday, 7 March, 3 p.m.	23 "
Fermanagh, at Enniskillen, Monday, 11 March, 1 p.m.	27 "
Tyrone, at Omagh, Friday, 15 March, 1 p.m.	4 March.
Donegal, at Lifford, Wednesday, 20 March, 12 noon.	8 "
City and County of	
Londonderry, at Londonderry, Saturday, 23 March, 10 a.m.	12 "

Justices:
The Right Hon. THE LORD CHIEF BARON.
The Right Hon. MR. JUSTICE KEOGH.

Registrars:
JONES Q. PIGOT, Esq., 52, Stephen's-green.
WILLIAM KEOGH, Esq., 38, Trinity College.

NORTH-EAST CIRCUIT.

County of the Town of	Serve Notice of Trial on
Drogheda, at Drogheda, Monday, 4 March, 11 a.m.	20 Feb.
County of	
Louth, at Dundalk, Tuesday, 5 March, 11 a.m.	21 "
Monaghan, at Monaghan, Thursday, 7 March, 2 p.m.	23 "
Armagh, at Armagh, Monday, 11 March, 11 a.m.	27 "
Down, at Downpatrick, Friday, 15 March, 4 p.m.	4 March.
Antrim, at Belfast, Wednesday, 20 March, 12 noon.	8 "
The Town of	
Carrickfergus, at Belfast, same day and hour.	

Justices:
The Hon. BARON FITZGERALD.
The Right Hon. BARON DEASY.

Registrars:
JOHN ALLEN SHONE, Esq., 24, Middle Gardiner-street.
JOHN WM. CLERKE, Esq., 27, Merrion-square, North.

CONNAUGHT CIRCUIT.

County of	Serve Notice of Trial on
Leitrim, at Carrick-on-Shannon, Monday, 25 Feb., 2 p.m.	13 Feb.
Sligo, at Sligo, Thursday, 28 February, 4 p.m.	16 "
Roscommon, at Roscommon, Monday, 4 March, 2 p.m.	20 "
Mayo, at Castlebar, Thursday, 7 March, 4 p.m.	23 "
Galway, at Galway, Tuesday, 12 March, 10 a.m.	28 "
The Town of Galway, at Galway, same day and hour.	

Justices:
The Hon. MR. JUSTICE CHRISTIAN.
The Hon. BARON HUGHES.

Registrars:
FRANCIS EDWD. THOMAS, Esq., 83, Harcourt-street.
EDWARD TREVOR HUGHES, Esq., 64, Harcourt-street.

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LEINSTER CIRCUIT.

County of	Serve Notice of Trial on
Wicklow, at Wicklow, Monday, 25 February, 11 a.m.	13 Feb.
Wexford, at Wexford, Thursday, 28 February, 10 a.m.	16 "
City and County of Waterford, at Waterford, Monday, 4 March. 3 p.m.	20 "
County of Tipperary (South Riding), at Clonmel, Friday, 8 Mar., 10 a.m.	25 "
City and County of Kilkenny, at Kilkenny, Thursday, 14 March, 2 p.m.	2 March.
County of Tipperary (Nth. Riding), at Nenagh, Mond., 18 Mar., 10 a.m.	6 "

Justices:

The Right Hon. Mr. Justice O'Hagan.
The Right Hon. Mr. Justice George.

Registrars:

Charles H. Teeling, Esq., 6 Mountjoy-place.
Henry Philip Woodroofe, Esq., 30, Upper Mount-street.

MUNSTER CIRCUIT.

County of	Serve Notice of Trial on
Clare, at Ennis, Tuesday, 19 February, 4 p.m.	7 Feb.
Limerick, at Limerick, Friday, 22 February, 10 a.m.	11 "
City of Limerick, at Limerick, same day and hour.	
Kerry, at Tralee, Thursday, 28 February, 1 p.m.	16 "
Cork, at Cork, Tuesday, 5 March, 11 a.m.	21 "
City of Cork, at Cork, Friday, 8 March, 10 a.m.	25 "

Justices:

The Hon. Mr. Justice O'Brien.
The Right Hon. Mr. Justice Fitzgerald.

Registrars:

Peter O'Brien, Esq., 28, South Frederick-street.
Thomas Fitzgerald, Esq., 20, St. Andrew-street.

By the Rules of the Munster Bar Record Briefs cannot be received by Counsel after the sitting of the Court on the second day of the Assizes for each County on the Munster Circuit, except the County of the City of Cork, for which Briefs must be given out at latest on the day before the opening of the Commission.

COURT OF CHANCERY—Monday.

(Before the Lord Chancellor.)

Re John Graham, Wm. Gibson, and Robert Armstrong, all of Enniskillen.

Seeking to be appointed Masters Extraordinary for Taking Affidavits for the County Fermanagh.

On hearing council for the respective applicants—the Solicitor-General for Mr. Graham, Solicitor; *Dowse*, Q.C., with *Richardson*, for Mr. Armstrong, brewer; and *Sullivan*, Q.C., with *S. Y. Johnston*, on behalf of Mr. Gibson, the Petty Sessions Clerk of the Town of Enniskillen.

His Lordship was pleased to appoint Mr. William Gibson, who had already been selected by the Court of Queen's Bench as Commissioner for taking Affidavits for the three Superior Courts of Common Law.

LANDED ESTATES COURT—Tuesday.

Sales.

Before Judge Lynch.

COUNTY WESTMEATH.

Estate of John Conry, owner; *ex-parte* Joseph Galloway, petitioner.

Lot 1—Part of Streamstown, containing 53a. 1r. 33p., statute measure; yearly rent, £30; held by lease dated April, 1848, for twenty-one years. Sold to J. J. Clarke in trust for John Longworth, for £840. *Galloway and Connor*, solicitors, 17, Merchants'-quay.

Lot 2—Part of Streamstown, containing 99a. 3r. 30p., statute measure; yearly rent, £60; tenant from year to year; tenancy determinable 1st November in each year; net rental, £56 18s. Sold for £1,600 to J. J. Clarke in trust for John Longworth,

COUNTY OF MAYO.

Estate of John Nolan Ferrall, Esq., owner and petitioner.

Part of the lands of Kilduff, known as Knockbane, situate in the Barony of Gallen, county Mayo, held in fee simple.

The sale of Lots 1, 2, 4, 5, 7, 8, 9, 10, 11, and 12 adjourned to a future day.

Lot 3—Containing 188a. 0r. 23¾p.; yearly rent, £53 12s. 5d.; net yearly rental, £53 6s. 1d. Sold for £1,200 to Mr. D. Keane.

Lot 6—The lands of Bolleboy, containing 64a. 0r. 30p., statute measure, situate in the Barony of Gallen, and held in fee simple; net yearly rental, £31 9s. 11d.; held under leases for 21 years, dated 1st May, 1824. Sold for £630 to William Maude, of Swineford. *Patrick Nolan*, solicitor, 17, Merchant's-quay.

COUNTY OF TIPPERARY.

Estate of Wm. Standish Wolfe, owner; Cæsar George Otway, petitioner.

The lands of Ballinivera.

Lot 1—Sale adjourned.

Lot 2—Ballyanny, containing 304a. 3r. 22p.; yearly rent, £251 18s.; held under leases for twenty-one years, dated 25th April, 1859. Sold for £1,500 to Mr. T. K. Wolfe, Nenagh. *George Bolton*, solicitor, 6, Ely-place, Dublin.

CITY OF DUBLIN.

Estate of William Bruce, owner and petitioner.

The house No. 33, Upper Sackville-street, held under lease dated 31st December, 1765, for three lives renewable for ever; yearly rent, £30 4s. 6¾d.; tenement valuation, £60. Sold for £585 to Mr. William Tyndall, 66, Grafton-street. *Jeffrey Browning*, solicitor, 24, Dame-street, Dublin.

Sittings for the ensuing week, so far as same are at present appointed.

Monday—Before Judge Dobbs.

James Symes, from 11th inst. Meredyth Thompson, rental. George Irwin, judgment.

Before Judge Lynch.

James Carnegie, compensation. Thomas Mackie, schedule from 16th Jan. Samuel M'Clintock, payment. Waldron Burrowes, final schedule.

Before the Examiner.

Assignees of M. J. Riordan, vouch.

Tuesday—Before Judge Dobbs's Examiner.

J. S. Kirwan, proofs.

Wednesday—Before Judge Dobbs.

Henry Aylmer, from 12th inst. H. B. O'Grady, from 13th inst. William Williamson, do. E. H. Croker, proofs.

Before Judge Lynch.

J. Bogue, confirm sale. Assignee of Daniel Harnett, final schedule. Rev. William Crawford, do. Lord Valentia, amend map.

Before the Examiner.

Edward Pollock, rental. W. H. Gregory, vouch. S. Hanna, do.

Before Mr. Urlin.

Cantwell, administratrix of Lynch, rental.

Thursday—Before Mr. Urdin.

T. Connolly, rental.

Friday—Before Judge Dobbs.

SALES.

J. B. Kennedy, 4 lots.
William Wright, 5 lots.
John Duffy, 1 lot.
Thos. Denneby, 2 lots.
Baptist Kernaghan, 1 lot.
Daniel O'Hara, 1 lot.
J. T. Armstrong, schedule.

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Before the EXAMINER.

Michael Metcalf, rental.

Before JUDGE LYNCH.

Joseph Furlong, explain delay.

Before the EXAMINER.

Lord Valentia, rental. J. Pierce, do. T. Kirby, do John Henry Leonard, do.

Before MR. URLIN.

Thomas Mackie, rental. P. C. Lynch, do.

Saturday—Before JUDGE DOBBS.

Rev W. A. Scott.

Before the EXAMINER.

Assignees of the Hon. G. French, rental. Trustees of the will of John Legg, do.

Before JUDGE LYNCH.

A. A. Kerr, objections.

LANDED ESTATES' COURT.

PETITIONS FILED, *from 9th to 15th February*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
Feb. 9	1872A	Henry Cadogan Hastings	*Supplemental Petition for Appointment of Trustees*	—	—	Galloways and Connor	Lynch
"	3717	David Fielding Jones	*The Owner*	Meath, Cavan, and Fermanagh	1473 6 1	John Tatlow	Lynch
"	3718	Catherine Hayden and M. A. Hayden	*John Cleary*	Tipperary	38 18 1	John Thos. Luther	Lynch
"	3719	Hester Littler and others	*The Owners*	Armagh	34 10 8	Orpen, Sons, and Sweeny	Dobbs
"	3720	John Gamble	*W. J. Foster & another*	Londonderry	19 3 4	Forrest Reid	Lynch
" 11	3721	H. Archbold Burrowes	*The Owner*	Wicklow	66 4 0	Casey and Clay	Dobbs
"	3722	Margaret O'Meagher	*Eliza Mulcahy*	Tipperary	36 14 7	Edmond Power	Lynch
"	3723	Joseph Eaton	*John Wilson*	Tyrone	*Not given*	W. E. Armstrong	Dobbs
"	3724	Richard O. Aldworth and others	*Thomas W. Corker*	Cork	92 16 1	Thos. W. Corker	Lynch
"	3725	Michael Murphy, Charles Henry James, and George Cooke, Assignees of John Carroll, a Bankrupt	*Patrick Bulfin, and Patk. MacCabe Fay*	Carlow	*Not given*	James Ptk. Madden	Dobbs
" 12	3726	Richard John Mathews	*Sir John Ennis, Bart.*	Westmeath	21 11 2	Robert Murdock	Lynch
"	3727	Catherine Cronin and another	*Charles Hegarty*	Antrim	56 11 0	Louis G. O'Neill	Dobbs
"	3728	Burton Irwin	*The Owner*	Donegal	285 9 5½	Samuel F. Adair	Lynch
"	3729	John Paget Sweny	*Luke Connolly and another*	City of Dublin	191 5 0	W. H. Brownrigg	Dobbs
" 13	3730	Charles Gerald Gibbons, and others	*Daniel Hannan*	Cork	245 1 0	S. Gillman	Lynch
"	3731	John Hutton	*J. J. Scallan*	City of Dublin	40 9 6	C. Loughnan	Dobbs
" 14	3732	James Glancy, and his Trustees *for Declaration of Title*	*The Owners—for Declaration of Title.*	Roscommon	616 5 6	T. T. Mecredy	Lynch

COURT OF BANKRUPTCY AND INSOLVENCY.

Monday, February 18th—11 o'clock.

(Before THE COURT.)

IN BANKRUPTCY.

The Bagnalstown and Wexford Railway Company, charge and discharge - Perry.

12 o'clock.

(Before MR. BRADY, Chief Registrar.)

J. E. Anderson, proof of debts - Black.
Banbridge Extension Railway Company do. - - - - - - Perry.
Barry and Rumly, do. and to vouch assignee's account - - - Oldham.
Arrangement, do. - Meldon.

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Sittings for ensuing week, so far as at present fixed.

Monday, Feb. 18th—12 o'clock.
(Before MR. FARRELL, Chief Clerk.)
IN INSOLVENCY.

John Dunne, proof of debts, - - Macnally.
1 o'clock.
Rev. Launcelot Dowdall, to inquire if debts paid, - - - - - Batt.

Tuesday, 19th February—11 o'clock.
(Before THE COURT.)
IN BANKRUPTCY.

Geo. Burroughs, final examination Fottrell.
Thos. Weir, do. Johns, Hewett, & Johns.
Patk. M'Swiney, do. and appointment of assignees Meldon.
Edwd. Cahill, surrender proof of debts and choose assignee Perry.
John Saunders, do. do.
Joseph Clarkin, final examination O'Rorke & Neilson.
Patk. Nolan, charge and discharge Langan.
Jas. Joseph Farrall, do. Morgan.
Thos. Toner, final examination ———
John Cullen, do. ———
John Orr, do. ———
Arrangement, second private sitting Fay and M'Gough.
Do. first do. Goff.
Wm. M'Cormick, audit and dividend Leachman.
Arrangement, motion Newton & Armstrong.
12 o'clock.
(Before MR. BRADY, Chief Registrar.)
John Burke, prove debts, and vouch assignee's account Molloy & Watson.

Tuesday, Feb. 19th—12 o'clock.
(Before MR. FARRELL. Chief Clerk.)
IN INSOLVENCY.

Robert Blake, to tax costs, - - - Macnally.
William Paulett, do. - - - - do.
Martin Crean, - - - - - do.
John Charles Walsh, - - - - do.

Wednesday, February 20th—11 o'clock.
(Before THE COURT.)

William Paulett, Audit and dividend. Macnally.
Robert Barklie, ditto. ditto.
Joseph Coley, ditto. Sharpley.
John Charles Walsh, ditto. Macnally.
Martin Crean, ditto. ditto.
Patrick Clarke, Hearing. ditto.
Michael Rourke, ditto. ditto.
Michael Joseph O'Brien, adjourned hearing. Rynd.
John Hoare, ditto. Macnally.

Friday, 22nd February—11 o'clock.
(Before THE COURT.)
IN BANKRUPTCY.

John Boland, final examination Poe.
J. W. Reilly, do. Larkin.
Thos. Berry, surrender, prove debts and choose assignee do.
Chas. Longford, do. Irvine.
Arrangement, first private sitting M'Grath.
Do. do. Larkin.
Do. do. Mathews.
Do. do. Stuart.
Do. motion. Oldham.

Friday, Feb. 22nd—11 o'clock.
(Before THE COURT.)
IN INSOLVENCY.
Bail motions only.

Saturday, Feb. 23rd—12 o'clock.
(Before MR. FARRELL, Chief Clerk.
IN INSOLVENCY.

John Daly, to vouch account - - Macnally.

Cases disposed of during the week.

Wednesday, 13th February, 1867.
(Before JUDGE BERWICK.)

Peter Browne, Peter Neill, Daniel O'Toole, James Henry Casserly, Richard Segrave, — Discharged.

Martin Cullinane, remanded at suit of Edward Lube, a creditor, for 6 months and 18 days, from 26th Nov., 1866, the date of the filing of the petition of insolvency.
George John Lanauze, remanded at suit of Thomas Perrier Davies, a creditor, for 6 months and 13 days, from 28th August, 1886, the date of the filing of the petition of insolvency.
John Lamb, adjourned to Wednesday, 27th February, inst.
Frederick Clarke, ditto.

Insolvents discharged on bail until the hearing of their petitions.

Egginton, Edmund, Dublin, ironmonger's assistant.
Fitzpatrick, Stephen, County Wexford, labourer.
Moules, William, ditto, farmer.
Salmon, Thomas, Limerick, shopkeeper.
Walsh, John, ditto.
Kelly. Daniel, Queen's County, assistant labourer.
M'Neice, William John, County Down, commercial traveller.

Creditors' Assignees appointed to Insolvents' Estates.

January 16th.

M'Cafferty, John. John Fletcher, of Loughill, Stranorlar, County Donegal, Farmer. Solicitor, R. Mease.

January 23rd.

Reilly, Edmund. John Burke, Sackville-street, Dublin, Auctioneer. Solicitor, J. J. Dodd.
Sherlock, John Joseph. George P. Cotton, 17 and 18, High-street, Dublin, Merchant. Solicitors, Byrne and Lambert.
Newman, Richard Cole. David Hadden, Skibbereen, County Cork, Doctor of Medicine. Solicitor, M'C. Downing.

Dividend under Bankrupt's Estate.

Sam. Davis, of Middle Abbey-street, Dublin, 6 1/16d. on £5,436. Larkin, agent. M. MURPHY, official assignee.

Trade Assignees appointed to Bankrupts' Estates.

February 15.

James Morrissy, of Kilrush, co. Clare. George Brown, of Dame-street, Dublin, Merchant. Pery.
Anthony Carroll, of Kilfinane, co. of Limerick, Draper. James O'Connor, of Cork, Merchant. Larkin.
H. M. Beck, of Jennymount, Belfast, Flax Spinner. James Preston, of Belfast, Merchant. Meldon.

DUBLIN GAZETTES.

Bankrupts.

GAZETTE, TUESDAY, FEB. 12.

Berry, Thomas, 79, Great Britain-street, and Thomas-lane, Dublin, Draper and Horse Dealer. Pet. July 17, 1866. O.A. M. Murphy. Sur. Friday, Feb. 22, at 11.
Longford, Charles, Wellington-place, Belfast. co. Antrim, Upholsterer and Cabinetmaker- Pet. Feb. 7, 1867. O.A. C. H. James. Sur. Friday, Feb. 22, at 11.

Certificates Allowed.

unless appeal filed within 31 days from date.

GAZETTE, TUESDAY, FEB. 12.

M'Connell, Robert, Brooklawn, Donnybrook, co. Dublin, Vintner and Builder. Date, Feb. 8.
Power, Patrick Whittaker, Tarbert, co. Kerry, Grocer. Date, Feb. 5.

Trust Deed of Assignment for Benefit of Creditors.

GAZETTE, TUESDAY, FEB. 12.

Taylor, Alexander O'Driscoll, Belfast, co. Antrim, Linen and Yarn Merchant. Trustees, John Lowry, William Clarence Smith, and William Johnston, of Belfast, Merchants. Dated Jan. 25. Solicitor, W. Carson, Victoria-street, Belfast.

Insolvents.

GAZETTE, TUESDAY, FEB. 12.

To be heard in Dublin.

Raymond, James, North King-street, Dublin, Grocer and Provision Dealer, not now in business. Wednesday, Feb. 27, at 11.

To be heard in the Country.

Kane, Francis, Belfast, co. Antrim, Credit Draper, trading as "Kane and Taggart." At Belfast, April 9, at 3.
M'Gowan, Michael, Keadue, co. Roscommon, Grocer and Spirit Dealer, formerly Butter Dealer. At Castlerea, April 8, at 10.

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Ryan, Thomas, Ballyhust, co. Tipperary, Farmer. At Clonmel, March 28, at 11.

Williams, Edward, Athlone, co. Roscommon, Coach and Car Builder. At Castlerea, April 8, at 10.

BANKRUPTS.

GAZETTE, FRIDAY, FEB. 15.

Duggan, Thomas, 14, Upper Abbey-street, Dublin, Brush Manufacturer. Pet. Jan. 2, 1867. O. A. C. H. James. Sur. Feb. 26, at 11. Solicitor, Batt, Fleet-street.

INSOLVENTS.

GAZETTE, FRIDAY, 15.

To be heard in Dublin.

Doyle, John, Clondalkin, co. Dublin, Coal and Provision Dealer. March 6, at 11.

Higginson, Charles, 11, Haddington-road, co. Dublin, not now in business; previously of 17, Haddington-road, co. Dublin; and formerly of 1, Upper Abbey-street, Dublin, Provision Dealer. March 6, at 11.

To be heard in the Country.

Carlin, Francis, Drumnaforbe, otherwise Drumquin, co. Tyrone, Grocer, Spirit Dealer, and Labourer. At Omagh, April 5, at 10.

Carson, Agnes, Ballymena, co. Antrim, Publican and Grocer, and Widow of Robert Carson, late of Ballymena aforesaid. At Belfast, April 9, at 3.

Connell, Elizabeth, Ballinvolan, near Bantry, co. Cork; previously of Crosshaven, in the said co., and of George's street, Cork; formerly of Coolkerky in said co., Widow, Farmer, Grocer, and Shopkeeper. At Cork, April, 15, at 10.

Conran, Robert Ronayne, Summerhill, Cork; previously of Knocknacarrig, Carrigaline, co. Cork, Gent., Farmer.

Creditors' Petition filed.

GAZETTE, FRIDAY, FEB. 15.

Against The Rev. Felix Schurr, Catholic University, Stephen's-green, Dublin, Clerk—a Prisoner in Four Courts' Marshalsea. Dated Feb. 12.

DUBLIN STOCK AND SHARE LIST.

FEBRUARY	2	4	5	6	7	8	9	11	12
GOVERNMENT FUNDS.									
New Three per Cent. Stock, ...	89 89⅛	89⅛	89⅛ ⅛	89⅛ 89 88⅞	89⅛ 89 89⅛	89	89⅛ ⅝	89⅛ ⅝ ⅛	89
Ditto for Accont, 7th Feb.	89	89⅛ ¼	89⅛ ¼	—	—	—	—	—	—
Ditto for Account, 7th March	89 89⅛	89⅛	89⅛ ⅛	89	89⅛	89⅛ 89	89⅛ ⅝	89⅛ ⅝	89⅛
Three per Cent. Consols	—	90⅛ ⅝	90⅜ ⅛	90⅛	90⅛	90⅛	—	90⅛ ⅛	90⅛
FOREIGN AND COLONIAL FUNDS.									
India Five per Cent. Stock	—	107	—	107⅛	107⅛	—	—	107⅛	107⅛
JOINT-STOCK BANKS									
Bank of Ireland, £100 pd	—	231	—	231	231	—	—	230½	231
Hibernian Bank, £25 pd	37¾	37¾	37¾	—	37½	37½	—	—	—
Munster Bank (Lmtd.), £3 10s pd ..	—	—	4½ ⅝	—	—	—	—	—	4½ ⅝
National Bank, £30 pd	64 63⅞	63⅞ 63 63½	63½ 63	63½ 64 64½	64¾ 65	65 65½	65½ ½ ¾ 66 66½	66½ ¾ ½	66
Ditto for Account	64½	—		—	—	—	—	66½ ¾ ½	66 5⅞ ⅞ ⅞ ¾ ¾ ½
National of Liverpool (Lmtd.), £15 pd ..	15	14⅞ ¾ ⅞ ⅞	14⅞ ⅞	14⅞ ¾	14⅞ ⅞	14⅞ ⅞	14⅞ 15	15 15⅛	15⅛
Provincial Bank, £25 pd	84½	—	84½	84½	84	—	84	—	84
Royal Bank, £10 pd	34	34	34	34	34	34	34	34	34 33⅞
Ditto for Account	34	—	—	—	—	—	—	—	—
Ulster Banking Company, £2 10s pd ..	—	—	9½	—	—	—	9½	—	—
Union Bank, £22 pd (Ac.)	—	—	—	—	9½	14½	—	—	—
STEAM.									
British and Irish, £50 pd	—	—	—	—	—	46½ ex div	—	46½	—
City of Dublin, £100 pd	—	—	—	—	—	—	—	—	98 97½ 97
Dub. & L'pool St. Ship Build., £50 pd rd ..	—	52	52	51¾	51¾	51½	—	51½	51½
Dub. and Glasgow, £50 pd	65 ex div	65 ex div	—	—	64½	—	—	—	—
Dundalk (Limited), £10 pd	7½	—	—	7 7½	7	—	—	—	7
Peninsular and Oriental, £50 pd ..	68½	—	—	—	—	—	—	67½	—
MINES.									
Carysfort (Lmtd.), 30s pd	—	—	—	5s	—	5s	—	—	—
Ditto for New Account	—	—	—	—	—	5s	—	—	—
Connorree M. Co. (Lmtd.), 20s pd ..	16s 6d	—	—	17s 17s 3d 17s 6d	—	17s 6d	17s 6d	—	17s
Gen. M. Co. (Lmtd.), £5 10s pd ..	—	—	—	—	—	2⅞	2⅞	—	—
Ditto for Account	—	—	—	—	—	—	2⅞	—	—
Killaloe Slate Co. (Lmtd.), £1 pd ..	—	—	—	—	15s	—	—	—	—
Mining Co. of Ireland, £7 pd	18⅞	—	18⅞	18⅞	18½	18⅞ ½	—	18½	18½
Ditto for Account	18⅞	—	—	—	—	18½ ⅝	—	—	—
Wicklow Copper, £2 10s pd	24	24 24½	24½	24½	24 24½ 24	24	24	24 24½	24½
Ditto for Account	—	—	—	—	—	—	—	—	—
MISCELLANEOUS.									
Alliance and Consumers' Gas, £8 pd A ..	9⅞	9⅞ ⅞	9⅞	9⅞	—	—	9⅞	—	—
Alliance and Consumers' Gas, £5 pd B (Ac)	5½ ⅝	—	5½ ⅝	5½	—	—	5½ ⅝	—	—
Ditto for Account	5½ ⅝	—	—	—	—	—	—	—	—
Alliance and Consumers' Gas, £4 pd 2 C ..	—	—	4½ ⅝	—	—	—	—	—	—
Dub. Exhib. Palace (Lmtd., £5 pd ..	1½	—	—	—	—	—	—	—	—
Grand Canal, £100 pd	—	—	—	—	—	—	—	45	45
Patriotic Insurance, £10 pd	—	—	—	—	8	8½	—	8½	—
RAILWAYS.									
Belfast and Northern Counties, £50 pd ..	—	—	—	—	—	—	—	—	—
Cork and Bandon, 50 pd	—	—	—	—	—	—	11	—	—
Dublin and Belfast Junction, £100 pd ..	68½	—	68½	—	—	—	68½	68½	68½
Dublin and Kingstown, £100 pd ..	—	—	—	—	—	—	—	191	—
Dublin and Drogheda, £100 pd ..	81	—	—	—	—	—	—	—	80½
Dublin, Wicklow, and Wexford, £100 pd ..	—	35	35	—	—	35	—	—	35
Ditto for Account	—	35	—	—	—	—	—	—	—
Great Southern and Western, £100 pd ..	—	92½ ⅝	92⅝	—	92⅝	—	—	—	92½
Midland Great Western, £100 pd ..	60½	60⅝	60½	60½	—	61	—	61	—
Ditto for Account	60½	—	—	—	—	—	—	—	—
Waterford and Limerick, £50 pd ..	—	—	—	—	—	—	—	—	12½
RAILWAY PREFERENCE.									
Belfast and N. Counties, 4 p c pp, £100 pd	—	—	—	—	—	—	—	89	—
Cork and Bandon, 5½ p c pl £6 5s ..	—	6½	—	6½	—	—	—	—	—
Dub., Wick., and Wex., 4 p c pr, £100 pd ..	—	—	—	—	—	—	—	113	—
Dub., Wick., and Wex., 5 p c £50 pd rd ..	—	—	45½	—	45	—	—	45	—
Gt. South. and Westn. 4 p c pp £100 pd ..	—	—	94	—	94¾	—	95	95	—
Irish N. Western, 5 p c pp, £10 pd, A ..	—	—	—	—	—	—	3½	—	—
Midland Great Western, 5 p c, £100 pd ..	—	—	—	—	—	—	—	100	102
Portadown, Dungannon, &c., 6 p c, £25 pd	—	—	—	—	—	—	25½	—	—
Watfrd. and Limk. 5 p c pd £50 ..	45½	45½	—	45½	—	45½	—	—	—
RAILWAY DEBENTURES.									
Gt. South. and Wn., 4½ per cent., ..	—	—	—	—	—	—	—	—	—
Midland Great Western 5 per cent., ..	—	—	100	—	—	—	—	—	—
Ditto 4½ per cent	99	—	—	—	100	—	—	—	—
LOCAL DEBENTURES.									
Ballast Office Debentures, £92 6s 2d ..	—	—	—	—	—	—	—	83½	—
City Debentures, £92 6s 2d	77½	—	—	—	—	—	—	—	—

Name Days—13th and 27th February. Account Days—14th and 28th February.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

BERNARD—February 2, at Laranda, Grosvenor-road, Rathmines, the wife of George Bernard, Esq., solicitor, of a son

MARRIAGES.

HODGES and PARK—February 12, at the Parish Church, Stone, Kent, by the Rev. J. Hindle, assisted by the Rev. F. Murray, T. A. Hodges, Esq., solicitor, of Dublin, only son of the late Captain Alexander Hodges, to Marion, eldest daughter of Colonel A. Park, late of Porchester-square, London.

PERRY and ROCHE—February 5, at St. Peter's, Nenagh, by the Rev. Martin Cleary, V.G., assisted by the Rev. Edward Matthews, C.C., Thomas, second son of Jeremiah Perry, Esq., of this city, solicitor, to Maggie, eldest daughter of James Roche, Esq, Norwood House, county Tipperary.

DEATHS.

BARTON—February 3, at 13, Ryder-st., St. James's, London, Edward G. Barton, Esq., barrister-at-law.

DAY—February 5, at Blackrock, county Dublin, Mary, youngest daughter of the late Thomas Day, Esq., of the city of Dublin, solicitor.

DRYSDALE—February 4, at William-street, Limerick, John Drysdale, Esq., solicitor, in the 34th year of his age.

GRAY—February 3, at Prince's-square, London, aged four days, Alice Anna Martha, only child of John Wilson Gray, Esq., barrister-at-law.

KELLER—February 13, at Herbert-terrace, Blackrock, Harriet, youngest surviving daughter of the late Jeremiah Keller, Esq., barrister-at-law.

M'NEILL—February 12, at Larne, Mary, second daughter of the late William Walsh M'Neill, Esq., solicitor.

MINCHIN—January 30, at Grayfort, Clonmel, the residence of her son-in-law, Joseph Honner, Esq., solicitor, Louisa Prüdentia, relict of the late Boyle Minchin, Esq., of Wilton, county Tipperary.

MONCK—February 3, at her residence, 77, Rathmines-road, Mary, the wife of Thomas Monck, Esq., of H. M. Court of Common Pleas.

RYAN—February 7, at his residence, 67, Prussia-street, John Ryan, eldest son of the late James Ryan, Esq., solicitor, Castlepollard.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
THOMAS DUGGAN, of No. 14, Upper Abbey-street, in City of Dublin, Brush Manufacturer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on Tuesday, the 26th day of February, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to Charles Henry James, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 12th day of February, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

WILLIAM HOLMES BATT, Agent to the Bankruptcy,
No. 50, Fleet-street, Dublin.

LANDED ESTATES' COURT.

FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of
Margaret Anne Murray, Executrix of Gervas Murray, deceased, Owner;
Exparte George Wilson and Sarah Jane Wilson, his Wife, Petitioners.

TAKE NOTICE that the Schedule of Incumbrances affecting the Plot of Ground, situate at Dollymount, in the Barony of Coolock, and County of Dublin, and the Plot of Ground adjoining same, held under Lease dated the 20th day of June, 1843, for a term of 200 years; and the house and premises known as No. 61, Great Britain-street, in the City of Dublin, held under Lease for residue of a term of 90 years, from 29th September, 1793, is lodged with the Clerk of the Records of this Court; and any person having any claim not therein inserted, or objecting thereto, either on account of the amount or the priority of any charge therein reported to him or any other person, or for any other reason, is required to lodge an objection thereto, stating the particulars of his demand and duly verified, with the said Clerk, on or before the 28th day of February, 1867, and to appear on the following Wednesday, March 6th, at Eleven o'clock, before the Honourable Judge Dobbs, at his Court in Dublin, when instructions will be given for the final settlement of the schedule.

And further Take Notice that any demand reported by such schedule is liable to be objected to within the time aforesaid.

Dated this 28th day of January, 1867.

C. E. DOBBS, Examiner.

JOHN T. HINDS, Solicitor having the Carriage of Proceedings,
28, Westmoreland-street.

IN THE COUNTY OF LONDONDERRY AND TOWN OF COLERAINE.

In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of
JAMES BOYCE and SAMUEL BOYCE,
Owners and Petitioners.

TO BE SOLD, BY PUBLIC AUCTION, by Order of the Honourable Judge Longfield, at the Town Hall, in the Town of Coleraine, in the County of Londonderry, by Mr. John Hall, Auctioneer, on SATURDAY, the 16th day of FEBRUARY, 1867, at the hour of One o'clock in the afternoon, the following valuable Lands, Houses, and Premises, situate in and near the Town of Coleraine, in the County of Londonderry:—

No. of Lots	Denominations	Quantity of Land, Statute Measure	Head Rent and Tithe Rent Charge	Net Rent	Tenure of Owner
		A. R. P.	£ s. d.	£ s. d.	
1	Kirkistown, called Brook Hall	120 3 32	24 16 11½	247 3 0½	Lease for ever.
2	Harpur's Hill (part of)	36 2 20	40 15 5	26 8 6½	Fee-farm
3	Harpur's Hill (part of)	25 1 37	3 15 2	71 8 6	Fee-farm
4	Premises in Church-street	Two Houses, Store, and large Yard	—	32 6 2	Fee-farm
5	Highland-row ..	Dwelling-houses, Stores, &c	—	20 16 3	Fee-farm
6	Gate End	7 0 39	0 16 3	33 1 2	Fee-farm
7	Tullans (part of) ..	31 1 10	2 3 0	40 2 5	Fee-farm
		221 2 18	72 6 9½	471 1 1	

Lot 1 will be sold subject to two annuities of £20 and £30, for a life aged about 64 years, and to an annuity of £17 10s. 0d., for a life of about 56 years, and to a contingent annuity of £40 a year for life of a lady, aged about 47 years, to commence from death of her husband, now aged about 51 years, should she survive him, as particularly mentioned in printed rental.

The Biddings will be taken by the Auctioneer, on the day and at the place above mentioned, commencing exactly at One o'clock in the afternoon, and will be submitted to the Honourable Judge Longfield, at his Chambers, Inn's-quay, Dublin, on Wednesday, the 20th day of February, 1867, at Eleven o'clock in the forenoon, without further notice to any person.

Dated this 24th day of December, 1866.

HENRY ROBERT GREENE, Chief Clerk.

DESCRIPTIVE PARTICULARS.

Lot 1, Kirkistown or Brookhall.

Mr. Cooper, the tenant, holds all the farm (with the exception of a small portion); the houses thereon are all in the best order, and the land could not be surpassed for quality and situation. The Railway Train passes Coleraine several times daily, from Belfast to Derry and Portrush. The portion held by owner comprises the dwelling-house, office houses, lawn, plantings, and garden; the houses on which are also in the best order. The dwelling-house is large, fronting towards Coleraine, and commanding a most extensive prospect, two storeys, with cellars, parlour, drawing-room, breakfast parlour, five bed-rooms, servants' apartments, &c., &c., &c.; altogether the situation could not be exceeded, and the plantations add much to the beauty of the place. The lands are situated two miles from Coleraine, on the North East side, and three and a-half miles from Portrush. There is a large supply of the best spring water on the premises.

Lots 2 and 3, Harpur's Hill.

These Lots are quite close to the town of Coleraine and Railway Station; the lands are of the best description, and are all let as town parks; when the tenants' leases expire there will be considerable advance.

Lot 4, Church-street.

The houses comprised in this Lot are in the centre of the town of Coleraine, and in the principal street; from this it will be observed that they are most valuable.

Lot 5, Highland-row.

This Lot comprises a block of buildings between the Railway Station and Coleraine, just facing the station and quite close thereto, and yields a well-secured yearly rent.

Lot 6, Gate End.

The Premises are quite close to the town of Coleraine and Railway Station; the land is of the very best quality, and no doubt will be more valuable after some time, when it is likely it will be used for building purposes, being so near the Railway Station, and the town is extending very much in that direction.

Lot 7, Tullans.

This Lot is situate about one and a-quarter or one and a-half miles from Coleraine, on the road leading to Ballymoney. The tenants' houses are all in good order, and the land of prime quality; the situation could not be better, being quite close to the public road.

For Rentals, Maps, and further particulars apply at the Landed Estates' Court, Dublin;
Messrs. CROOKSHANK, BROTHERS, & KNOX, Solicitors, Coleraine;
JOHN M'FARLAND, Esq., Solicitor, Coleraine;
The AUCTIONEER, New-row, Coleraine; or to
FLETCHER & MEADE, Solicitors having Carriage of Sale,
No. 6, Foster-place, Dublin.

Printed and Published for the Proprietors, every Saturday, by John Falconer, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, February* 16, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 4.] SATURDAY, FEBRUARY 23, 1867. {Single Copy, 6d. By Post, 7d.

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Annual Subscription to the IRISH LAW TIMES AND SOLICITORS' JOURNAL (*payable in advance*)—*Town*, £1 1s.; *Country*, £1 6s. *These payments include the expenses of delivery.*

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Subscribers and Advertisers are requested to make Cheques and Post office Orders payable to MR. JOHN FALCONER, *53, Upper Sackville-street, Dublin.*

TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office, 53, Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, *53, Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, FEBRUARY 23, 1867.

THE County Courts of Ireland, originally founded as Courts for the recovery of small debts in a summary way, have steadily grown in public estimation and importance, and, from various causes, their nature has entirely changed. Small debts have nearly ceased to exist; and where they do, the Acts for abolishing imprisonment for debt, and transferring the levying of decrees to the sheriff have rendered them irrecoverable. The first Act was a wise and humane one; the second was (we think) a mistake, aggravating what it was meant to cure; however, from these causes, coupled with the tide of emigration, the original vocation of the County Courts has gone, and they are now the *Record Courts* of Ireland, in which the vast majority of the rights of the people are decided, and their civil wrongs redressed; they are courts eminently adapted to the people, and prized by them, and they possess a body of practitioners enjoying, because most justly deserving, the confidence of the public.

There are some measures of reform urgently required for perfecting the operation of these Courts which we would desire to see carried into effect. The first and most important of these is to confer upon the local Courts a moderate equity jurisdiction in partnership cases. The existing state of the law is a disgrace to the legislative powers of this country. At present, if an industrious man, who has saved a couple of hundred pounds, enters into partnership with a clever dealer in any of the staple products of the country—corn, cattle, flax, &c.—he is wholly at the mercy of the active partner; should any difference arise in their accounts, or should the active partner be dishonest, the unfortunate co-partner has no remedy open to him except a suit in Chancery, which would, in most cases, be worse than the loss of his capital.

This is a case of every-day occurrence in every part of Ireland, and trading is greatly hindered by it. At every quarter sessions, in every county, there are cases brought forward where the chairman is obliged to say:—"I am sorry that I have not any jurisdiction, as this case arises from a partnership dealing, and there cannot be any remedy except in Chancery." One would think that so great a general evil as this would have long since been redressed; but, unfortunately, the parties who suffer from this defect in the law are poor and humble, and, although very numerous, have not power to make their voice felt in the Legislature.

The remedy is as simple as the necessity for it is obvious. All that is required is to give the local courts authority (where the capital engaged shall not exceed

£200) to decree for the same amount to which their jurisdiction at present extends in other cases.

It may be asked what is the difficulty in getting such an Act passed; the answer is, the difficulty of getting any reform.

Measures upon great and exciting subjects will always command extensive support, but a really simple reform, such, for example, as the penny postage, which comes home to the daily life and business of every man, has to battle its way, year after year, before it can be accomplished; and it is only after it is accomplished that people wonder why it was not done long before. We venture to say that there are few simple measures that would give greater relief to honest creditors, or more encourage general trading in Ireland, than that now suggested. And if the local practitioners bring their united energies to bear upon it, it must be carried.

The Council of the Incorporated Law Society have had the matter under their consideration, and unanimously concur in the necessity and value of such a measure, but they consider that it is not within their province to originate legislation upon any subject that does not directly affect the profession they represent, and that they could not apply the funds at their disposal for the purpose of carrying such an Act of Parliament They have, however, respectfully called the attention of Her Majesty's Attorney-General to the subject, in the hope that he may find time to render a great service to his country by introducing and carrying this simple measure.

The only parties whom we have heard raising any objection to it are the recorders of boroughs and chairmen of counties. They will all, if you ask them, admit the existence of the evil, and the necessity for a remedy, but many of them honestly say that they do not want to have more work thrown on their hands than they have at present. This objection is really an argument in favour of such a measure, and is only a matter of detail between these gentlemen and the Chancellor of the Exchequer; but we are happy to say it is not the universal feeling. On the contrary, a member of the Council of the Law Society—whose signal abilities, a just source of honourable pride to that branch of the profession which they have for many years adorned, are now zealously exerted for its welfare and advancement—has furnished to us the outline of a Bill to carry out the reform required, drawn by the chairman of a county, who fully feels the necessity of the measure, and who is second to none in experience in such matters. The draft Bill (which we will publish in our next number) is short and simple, and would, without any cumbrous machinery, give effectual relief in all such cases.

The next amendment required in the local courts is to give plaintiffs a right of appeal from decrees where they consider the amount decreed inadequate. In this respect there appears to have been an oversight in the last Civil Bill Amendment Act which frequently works great injustice. A single clause in an Act of Parliament will correct it, and remove the excuse which parties now have for not proceeding in the local courts.

The only other amendment urgently required to make the county courts all that we could wish them, is to provide a satisfactory mode of levying decrees instead of the very inconvenient method established by the last Sheriffs' Act; it can be very easily done; and should a Civil Bill Amendment Act be introduced, we are confident a plan will be submitted for levying decrees, which will effectually answer the purpose, and give satisfaction to the creditor without, in any way, oppressing the debtor.

A NOVEL and important point arose in the Court of Probate in this country some days since, a report of which will be found in our legal reports of this number, respecting the effect of a protection order granted by the judge of the Divorce Court in England, by which he, under the Acts of Parliament authorizing him to do so, granted an order to protect the earnings of a wife, deserted in England, from her husband or his creditors.

The difficulty in the case arose from the fact that the wife, having been deserted *in England*, came *to Ireland*, and by her separate industry acquired earnings here, which the husband, on her death, intestate, sought to appropriate to himself. There is, no doubt, considerable difficulty in giving the Acts of Parliament referred to in the discussion of the case a suitable construction. But it is plain that if the order for protection made in England does not apply to earnings made in Ireland, when the desertion occurred in England, there is a *casus omissus* which it behoves the Legislature promptly to remedy; more especially, as the converse case—of a wife deserted *in Ireland*, and acquiring, after a protection order there, under the 28 & 29 Vic., c. 40, earnings *in England* would stand on the same grounds. The case is of considerable importance to married women; and we would be glad that the proper authorities would direct their attention to it, and the more especially as the learned Judge of the Court of Probate evidently had great doubts on the point, as he declined to decide the point on motion.

CERTIFICATE DUTY.

WE are glad to see that the Waterford Law Society have already taken action in this matter. We publish in another column resolutions passed by them on the subject. We called attention in our last number to the fact, that on the 26th inst. the Hon. George Denman

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will move for leave to bring in a Bill, sanctioned by the Incorporated Law Societies of this country and of England, for reducing the duty to 5s.; and we cannot too strongly impress upon the profession the necessity of prompt and vigorous action to ensure the success of this measure.

ENGLAND.

NOTES OF NEW DECISIONS.

(*From the Law Times.*)

CHANCERY DECREE—BANKRUPTCY—COSTS.—Where a decree made in favour of the plaintiff had been carried into effect, but the plaintiff had become bankrupt before the taxation and payment of costs, the Court granted an order for the revival of the suit. (*Farrall* v. *Davenport*, 15 L. T. Rep. N. S. 559. V. C. S.)

PRACTICE—PARTITION.—Where an estate had been devised to twelve persons (four of whom were infants) as tenants in common, and there was evidence to show that there would be great difficulty in making partition, and that a sale would be greatly for the advantage of all parties, the Court ordered a sale instead of a partition. (*Rickards* v. *Rickards*, 15 L. T. Rep. N. S. 562. V. C. W.)

MALICIOUS PROSECUTION—EVIDENCE.—Plaintiff had advertised his farming stock and effects for sale; he was arrested at the suit of B. on a judge's order to hold to bail, made upon the affidavit of C. that plaintiff had stated his intention to go to Jersey to avoid his creditors; he was discharged upon paying the amount to the officer. On the day following he was arrested at the suit of the defendants upon a like order made upon the affidavit of their London agent, which was to the effect that he had read and believed C.'s affidavit to be true. It turned out that it was untrue, and plaintiff was discharged. It was held by the court that there was reasonable and proper cause for the arrest, and that there was no duty on the defendants or their agent to make inquiry into the truth of the facts stated in C.'s affidavit before making an application based thereon for an order to hold plaintiff to bail. (*Gibson* v. *Veasey*, 15 L. T. Rep. N. S. 586. Ex.)

FALSE IMPRISONMENT—NOTICE OF ACTION.—Where a statute requires a month's notice to be given to a defendant before commencement of an action, a letter written to defendant six weeks before action threatening proceedings is not such a notice as required. (*Winyard and wife* v. *Marks*, 15 L. T. Rep. N. S. 591. Nisi Prius.)

DIVORCE PRACTICE—COMPROMISE.—If an order be made that the damages be paid to the petitioner in a suit there is nothing to prevent him from coming to terms with the co-respondent, and accepting a less sum than that assessed. (*Dale* v. *Dale*, 15 L. T. Rep. N. S. 595. Div. & Mat.)

ALIMONY—PRACTICE.—A suit was instituted by the wife for restitution of conjugal rights. She also filed a petition for alimony, and then applied on the ground of present distress and destitution that the respondent be ordered to pay her a small sum of money pending its hearing. The Court declined to entertain the application. (*Forde* v. *Forde*, 15 Rep. N. S. 595. Div.)

ARBITRATOR—APPOINTMENT OF.—It is not illegal to choose an umpire by lot; and where the appointment of an umpire is signed by two arbitrators at different times and places the appointment is good. (*Wrighson* v. *Hopper*, 15 L. T. Rep. N. S. 566. Q. B.)

COMPULSORY REFERENCE—FRAUD.—Although a question of fraud may incidentally arise in the settlement of an account, the judge yet has discretionary power to order a reference. (*Imhof* v. *Sutton*, 15 L. T. Rep. N. S. 578. C. P.)

AWARD—MATTERS UNNOTICED.—The silence of an arbitrator in his award upon some of the minor matters referred is no evidence that they were disregarded, and such an award was held good. (*Jewell* v. *Christie*, 15 L. T. Rep. N. S. 580, C. P.)

INTERROGATORIES.—The plaintiff in an action for malicious prosecution and false imprisonment had been tried and acquitted on a charge of stealing books from the defendants. Evidence was given at the trial that certain books, with the defendant's mark upon them, were found in the plaintiff's house. Held, that an interrogatory desiring the plaintiff to state the time when, and the places where, and the persons from whom he obtained these books, was within the rule laid down in *Zychlinski* v. *Maltby*, 10 C. B., N. S., 838, and might be served under the 51st section of the C. L. P. A. 1854. (*Stewart* v. *Smith*, 15 L. T. Rep. N. S. 580. C. P.)

(From *The Globe.*)

NEW LAW LORDS.—Three months ago we intimated that the Government had been urged to strengthen the Judiciary Court of the House of Lords, and that, in the event of her Majesty's Ministers yielding to the demand for an efficient appellate tribunal, there was little doubt that, from their acknowledged ability and profound legal erudition, the honours would fall upon Lord Justice Sir Hugh Cairns, and Lord Chief Baron, Sir Fitzroy Kelly. But the *Times* then met us with the contradiction that no such promotions were intended. It seems, however, that, after all, our contemporary was less correct than *The Globe;* for this morning it announces that "it is the intention of her Majesty to confer the dignity of the peerage on two eminent lawyers," one of them being Sir Hugh Cairns, whom we named, and the other the Right Hon. Duncan M'Neill, Lord Justice General of Scotland. The *Times* has also come to acknowledge the necessity which we formerly pointed out of strengthening the Supreme Court of Appeal. For the present session, when there is a large number of appeals, it appears that, excepting the new legal peers, and with Lord Westbury abroad, and four law lords incapacitated by age and infirmities from taking part in legal business, there is only Lord Cranworth, with the Lord Chancellor, to compose the tribunal; and, with the many appeals of standing waiting to be decided, it is still considered by the legal profession whether, even with the two additional Law Lords, seeing that Mr. M'Neill has nearly attained a patriarchal age, the Government would not also be justified in calling to the supreme judiciary that eminent lawyer the Lord Chief Baron of the Exchequer.

HOUSE OF COMMONS.

NOTICES OF MOTION.

MR. SOLICITOR GENERAL FOR IRELAND.—Bill to amend the constitution, practice, and procedure of the Court of Chancery in Ireland.

Bill to amend the pleading, practice, and procedure of the Courts of Common Law in Ireland.

Bill to consolidate and amend the laws relating to Petit Juries in Ireland.

Bill to amend the law of charitable Donations and Beqests in Ireland.

GENERAL DUNNE.—To call attention of the House to the Act constituting the office for the Registration of Deeds in Ireland, and the application of the surplus fees collected by virtue of that Act.

For Tuesday, 26th Feb.

MR. DENMAN.—Bill to reduce the annual Duty upon the Certificates of Attorneys and Solicitors and others,

For Thursday, 28th Feb.

MR. ATTORNEY GENERAL (for England).—Bill to consolidate and amend the Acts relating to Insolvent Traders, and Non-Traders in England; and for other purposes connected therewith.

Friday, 22nd Feb.

The SOLICITOR-GENERAL for IRELAND obtained leave to bring in a bill to consolidate and amend the law relating to petit juries in Ireland; to amend the constitution and practice and procedure of the Court of Chancery in Ireland; to amend the pleading, practice, and procedure of the Court of Common Law in Ireland; and to amend the law of charitable donations and bequests in Ireland.

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THE JAMAICA PROSECUTIONS.

The proceedings in this case were resumed on Tuesday before Sir Thomas Henry, at Bow-street.

Mr. Fitzjames Stephen and Mr. Horne Payne, instructed by Messrs. Shaen and Roscoe, conducted the prosecution; and Mr. Bristowe, solicitor to the Admiralty, defended Mr. Brand as before. On behalf of the War Office, Mr. Poland now attended to defend Colonel Nelson.

Colonel Nelson and Lieutenant Brand, on entering the court, were accommodated with seats on the floor of the court, in front of the prisoner's box.

Mr. Poland observed that he had been instructed to appear with Mr. Hannen, who, however, was not able to attend. He should proceed as far as he could to-day, and he trusted the case might be again adjourned for the attendance of Mr. Hannen. He wished now to put a few questions in cross-examination to Mr. Lewis.

Mr. Fitzjames Stephen said it would be necessary to put some further questions to Mr. Lewis in chief.

Mr. Lewis was then recalled and examined by Mr. Horne Payne. He said that in Jamaica the parishes were, he would not say analagous to the counties in England, but under the control of a custos, who corresponds with the custos rotulorum in England. In his absence the senior magistrate takes his place. Witness was a member of the Legislature for the parish of St. Katherine's. He remembered the issue of the document spoken of in the evidence at the court-martial as the Queen's advice to the people of Jamaica. He saw the placards posted about the town of St. Ann's previously to May.

Cross-examined by Mr. Poland—was present at the counsel of war, which was attended by more than thirty persons. The council was called for the express purpose of proclaiming martial law. Witness was summoned to attend that counsel in his capacity as a member of the Legislature, as a magistrate, and also a colonel of militia. Under the Act 9th Vic., c 35, the proclamation of war was agreed to unanaimously. It was originally proposed to proclaim the whole county of Surrey, but the Governor thought it unnecessary to include Kingston. Went to Morant Bay as a full colonel of militia. Was present at several courts-martial, and was president of several. The court-martial on Gordon consisted of Lieutenant Brand, Lieutenant Errington, and Ensign Kelly. Ensign Kelly, is from thirty-five to forty years of age.

Mr. Stephen cautioned the witness that he was not bound to answer these questions.

Upon the qusetion whether persons were hanged in consequence of the decisions of these courts-martial,

Mr. Lewis said he would answer that question at a proper time, but must now oject.

Sir Thomas Henry said he was at liberty to decline, but to qualify the refusal.

Mr. Lewis—Then I will answer the question. Several persons were hanged—men and women—murderers. The first I attended was at Fort Antonio, on the 14th of October; and I attended another the same day at Morant Bay. The first I presided at was also at Morant Bay. I attended courts-martial up to the 20th. In most cases the other members of the courts-martial were persons connected with the Island. I cannot recollect whether Colonel Nelson said that he appointed to the court-martial on Gordon the members of whom it consisted, because he thought that Gordon ought to be tried by independent officers rather than by persons connected with the island. I cannot say that I did, or that I did not, hear that said. The court was held in a large building on the wharf or landing place. I was presiding over another court in the same building, and during intervals of adjournment I was in and out of the court held on Gordon. I was present at Gordon's defence. I heard a person named Portead examined for him. I had seen him in the town, sick. I did not hear Gordon apply to have the trial postponed. I knew Gordon as a member of the Assemby, but I knew nothing of his affairs. I don't know that he lived at Cherry Garden. I don't recollect tne date of the last court martial. I tried Paul Bogle. I do not remember whether it was before or after the trial of Gordon. I do not know that he was not taken till after the trial of Gordon. I sat at courts-martial after Gordon's trial. Bogle was the leader of the insurrection. He was brought to Morant Bay. It might have been the 23rd or 24th that I tried him, but I will not swear. It may have been after Gordon's execution. I think it was.

The witness was much pressed on the question whether he had any doubt of it, to which he could give no answer but that he thought it was. Bogle was brought to the court-martial in custody of the Provost-Marshal. I don't recollect the date of the execution, but it was the same evening he was tried, or the next morning. I saw both the Bogles hanged. Bogle's brother, William Bogle, was executed after Gordon's trial. They were both tried together, and executed at the same time.

Here he was again pressed as to whether he had any doubt that both were hanged after Gordon's trial, but would not give any more direct answer than that he thought it was. The last court-martial he held was a few days after that. He then obtained leave of absence. Was present in the Legislature, and proposed a vote of thanks to Colonel Nelson for his services in putting down the insurrection, which was carried unanimously. Also proposed that he should have a sword of honour, of the value of 200 guineas, presented to him for his services rendered in the colony. That also was carried unanimously. Witness believed he had the money from the Colonial Fund. The vote was a sword, but it was left to him to say if he preferred plate or anything else.

By Mr. Bristowe—Mr. Brand was not present at the council. I held the courts-martial by order of Colonel Nelson.

Re-examined by Mr. Fitzjames Stephen—The prisoners who were tried before me and executed were convicted of murder, burglary, arson, and been seen at Morant Bay taking part in the murders committed there.

Mr. Stephen—In short, for taking part in the actual insurrection?—Witness—Yes. I satisfied myself of that by examining witnesses, allowing them to put any questions, to make any statements, and to call any witnesses, and offering to adjourn the case to call further witnesses. Paul Bogle was hanged for murder and being present at the riot and burning at Morant Bay, taking part and giving orders, and being concerned in the murder of Baron Kettleholdt and the Rev. Mr. Herschel. William Bogle was also present at the murders at Morant Bay. The council of war was held at the suggestion of Governor Eyre. The secretary to the Executive Committee was present, but I cannot say whether any minutes were taken or not. The proceedings were chiefly verbal, communicated round the table. Gordon, as a member of the Legislature, was entitled by law to be summoned to the council of war. I can't tell whether he was summoned or not. He was not there. I cannot say whether there was an outbreak at Torrington, or whether that place was attacked by Maroons. Cannot say whether I did or did not try persons for any acts of rebellion at Torrington. I tried prisoners brought from all parts of the country.

Mr. Augustus Walter Howitt Lake, reporter, recalled—I remember the placard about the state of the island being put in evidence at the court-martial. It was produced, to the best of my recollection, by the Provost-Marshal. It is my impression that the document contained the date. One was put in, and one was read aloud. I think the one that was read aloud did contain the date—the 29th of July—as the day of the meeting to be held.

Much discussion arose on the admissibility of this evidence, Mr. Poland contending that the document put in was the evidence before the court-martial, and Mr. Stephen maintaining that anything said at the trial was admissible. The copy put in did not contain the date.

Mr. Lake read portions of his notes containing the evidence of James Gordon and others before the court-martial. It was understood that the object of this evidence was to vary on some points of detail the minutes as returned by the court-martial.

The witness was cross examined at considerable length, and afterwards Mr. Lewis was recalled, and Dr. Fiddes.

Other evidence was given, and the proceedings were adjourned till this day (Saturday).

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by EDMUND T BEWLEY, Esq., Barrister-at-law.

MASSY *v.* HAYES.

Jan. 14.—*Will—Construction—"Sole Use"—Separate Estate.*

Joseph Evans, by his will, devised all his real and leasehold estates to trustees, upon trust to pay thereout certain annuities to his sister and his son; and the will then proceeded to declare that as to the residue and remainder of the rents and the other lands to which the testator should be entitled, the trustees should stand seized thereof in trust for the *sole* use of the testator's daughter, Hannah Evans, and her assigns, subject to the annuities charged thereon. This was followed by a trust that his executors should, within twelve months after his death, pay to the trustees £2,000, to be invested by them, and the interest paid to the testator's daughter, Bess Massy, for her life, "and her receipt to be a sufficient discharge for the same."

At the date of this will Bess Massy was married, and Hannah Evans unmarried; and the question for the decision of the Court in the present case was whether the language of the gift to Hannah Evans was sufficient to create separate estate.

Sullivan, Q.C, and *Ryan*, for the appellant.

Sherlock, Q.C., and *R. Ferguson*, for the respondent.

The Court,* reversing the decree of the late Lord Chancellor, held that the mere use of the word "sole" did not sufficiently indicate an intention that Hannah Evans should have a separate estate, to the exclusion of the marital right, and that a comparison of the language used in the two bequests to the testator's two daughters showed a difference in the nature of the interests intended to be conferred.

Solicitor for the appellant, *Daniel Thorp.*

Solicitor for the respondent, *William D'Alton.*

COURT OF CHANCERY.

BEECHER *v.* DOWNING.

Feb. 11.—*Setting aside Sale—Solicitor—Suppression of Facts.*

This was a cause petition to set aside a sale of certain lands, sold to the respondent, M'Carthy Downing, in the Landed Estates' Court, in the year 1854, upon the grounds that the lands had been sold at an under value; that the late Edward B. Beecher, the father of the respondent, who was tenant for life of the land at the time, had received large sums of money from the respondent for consenting to the sale; and that material facts had been suppressed from the Judge of the Landed Estates' Court on the occasion of the sale. The first two of these charges were not substantiated by evidence at the hearing.

Counsel for the petitioner, *Lawson*, Q.C., *Warren*, Q.C., and *J. S. Townsend.*

Counsel for the respondent, the *Solicitor-General*, *Sullivan*, Q.C., and *Jackson.*

The LORD CHANCELLOR set aside the sale, on the grounds that Judge Hargreave, when directing that M'Carthy Downing's offer should be accepted upon the consent of the owner, Edward B. Beecher, had not been made aware of the fact that Downing was then the solicitor of Beecher, and that the latter was a man in needy and embarrassed circumstances.

Solicitor for the petitioner, *H. Fitzsimons.*

Solicitor for the respondent, *the Respondent in person.*

* BLACKBURN, C., and CHRISTIAN, J.

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law

TOBIN *v.* REDDIN.

Feb. 19.—*Practice—Notices—Liberty to Sue in Forma Pauperis.*

Keys, for the petitioner, moved for leave to continue the proceedings in this matter *in forma pauperis.*

The MASTER OF THE ROLLS said that the 8th General Order of 1843 required such an order to be made on special motion, and that notice of the motion would therefore be served.

Petitioner's solicitor, *J. Mathews.*

BLAKE *v.* BLAKE.

Feb. 19.—*Practice—Bill to Perpetuate Testimony—Order to Examine a Witness* de bene esse.

This was a suit by bill to perpetuate testimony. A conditional order had been obtained for substitution of service of the subpœna. The time for showing cause had not expired.

Oliver Burke (with him *P. J. Blake*, Q.C.) moved for an order to examine a witness *de bene esse*, on an affidavit stating that the witness was 85 years old, and was ill; and that her life was very precarious.

The MASTER OF THE ROLLS made an order to examine the witness *de bene esse.* The order to be served on the person on whom the service of the subpœna was directed to be substituted by the conditional order, or on the solicitor entering the appearance if the defendant appeared.

E. Stapleton, solicitor for the petitioner.

COURT OF QUEEN'S BENCH.

Reported by WILLIAM WOODLOCK, Esq., Barrister-at-law.

PICKERING *v.* DUNNE.

Jan. 21.—*Liberty to Defendant to Proceed—Stet Processus—178th G. O.*

Motion to make absolute a conditional order that the defendant should be at liberty to take down a cause for trial, plaintiff not having proceeded. It appeared that the defendant was a retail tobacco dealer, and had been in the habit of buying tobacco from a Mrs. Murray, a wholesale dealer, in Belfast, whose agent Pickering, the plaintiff, was. Plaintiff's attorney, in March, 1865, applied, by letter, for payment of a particular sum then due; and payment of that sum was made on the 5th April, 1865; but defendant did not, with the amount, forward the costs of the letter applying for payment. On the 6th April, plaintiff's attorney again wrote demanding payment of the costs of the previous letter, and also putting in a claim for any amount due by defendant to Mrs. Murray. To that letter no answer was given, and on the 10th April, 1865, a writ was issued in the present action, in the name of Pickering, for the sum of £9 0s. 8d., for goods sold and delivered on the 21st March, 1865. That writ was served on the 12th April. After the service defendant forwarded the £9 0s. 8d. to Mrs. Murray, and on the 25th April put in a defence to Pickering's action, simply traversing the sale and delivery of the goods. On the 17th May, 1865, notice of trial and issues were served. On the 30th May plaintiff served a notice calling upon defendant to consent to withdraw his defence, and pay the costs of the action. This was refused, defendant stating that the action had been wrongly brought in the name of Pickering. On the 2nd June plaintiff served another notice similar to the

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first, which notice was also met with a refusal. Notice of trial was withdrawn, and nothing was further done until the 6th December, 1866, when defendant entered a rule that he should be at liberty to proceed, unless cause shown, in eight days; and it was this rule which it was now sought to make absolute. Defendant stated in his affidavit that he had never dealt with plaintiff except as agent for Mrs. Murray, and submitted that the action should have been brought in the name of the latter. He also stated that by the course of dealing he had always had a month's credit, and that the credit had not expired when the action was brought. For the plaintiff it was contended that the action had been rightly brought in the name of the agent, and that defendant had acted wrongly in paying Mrs. Murray behind plaintiff's back. All the circumstances of the case, it was contended, showed that the defendant knew that he could have safely paid, and ought to have paid, the plaintiff.

P. Martin for the defendant, in support of the motion.

M'Gusty for the plaintiff.

The COURT granted the motion, holding that the defendant had a right at all events to have the question tried; and by consent it was ordered that plaintiff should be at liberty to enter a *stet processus.* The defendant to get his costs of the defence, of the notice of trial, and £3 for the costs of the present motion.

Attorney for plaintiff, *W. Hayes.*
Attorney for defendant, *Mulhall.*

THE QUEEN v. O'BRIEN.

Jan. 24, 27.—*Previous Conviction—Form of Indictment.*

Writ of error. The prisoner was indicted, at Waterford, on an indictment containing three counts. The first stated a previous conviction of the prisoner for larceny, and a subsequent larceny by him. The second was for larceny. The third was for receiving. The record stated that when the prisoner was arraigned, so much only of the first count as charged the subsequent felony was read to him, and that he pleaded guilty thereto, and to the second count. That then so much of the first count was read as stated the previous conviction, and that he pleaded guilty thereto also. He was then sentenced to five years' penal servitude on the second count, and judgment was given that a *nolle prosequi* should be entered on the third. On this record the Crown brought a writ of error, assigning as error that as it appeared that there had been a previous conviction the sentence of five years' penal servitude was wrong, and that that sentence should now be increased to seven years' penal servitude.

Monroe, assigned as counsel for the prisoner, contended that the record was bad in consequence of the position of the statement as to the previous conviction, and that the fact of there being a good count for larceny did not make the sentence good.

Longfield, Q.C., for the Crown.

The COURT held that the indictment, as it appeared on the record, was wrongly framed, and that in these cases, since the Criminal Law Consolidation Acts, the count alleging the previous conviction should follow, and not precede the others. However, the sentence which had been passed was a sentence upon a good count, and should stand; but the Court recommended an application to the Executive, to have the sentence, under the circumstances, reduced to two years; the Crown to consent now to have a *nolle prosequi* entered on the third count.

Attorney, *The Crown Solicitor* for Waterford.

CONSOLIDATED CHAMBER.

Reported by R. R. KANE, Esq., Barrister-at-law.

SHEA v. SEYMOUR.

Feb. 15.—*Practice—Consent to refer to Arbitration.*

O'Riordan moved to make a consent to refer this case to arbitration a rule of Court. He stated that it was not a consent to refer the case generally, but only the amount of damages, and it was provided that the award should have the effect of a verdict of a jury. Under those circumstances he thought that, under the 139 *Gen. Ord.*, 1854, it could not be made a rule of Court by side-bar rule, or that at all events it was safer to move it in Court.

FITZGERALD, J.—Take the order.

B. Franklin, attorney for plaintiff.
A. H. Allen, attorney for defendant.

TISDAL v. HUMPHRIES.

Irregularity in Notice.

Boyd moved for a garnishee order on a debtor of the defendant in this case.

Monroe, for defendant, took a preliminary objection that the notice of motion was for Friday, the 12th February, and that there was no such day.

FITZGERALD, J.—I think that this is a good preliminary objection. The notice of motion is not for to-day, but for another and an impossible day. Let the motion stand till Tuesday.

B. Booth, attorney for plaintiff.
J. Matthews, attorney for defendant.

GOGGIN v. O'DRISCOLL.

134 G. O.—*Power of Judge sitting in Consolidated Chamber.*

On the part of the plaintiff, *P. Keogh* moved in this case to make absolute a conditional order for liberty to proceed, no steps having been taken for more than a year and a day.

O'Riordan, for defendant, objected that this was under the 134 Gen. Ord., 1854, a motion which could only be made before the full Court.

P. Keogh, in reply.—The judge sitting in Consolidated Chamber is clearly empowered by the 4th and the 238th sec. of the Common Law Procedure Act.

FITZGERALD, J.—I think that under these sections of the Act, I am empowered to decide on this motion here.

M'Carthy Downing, attorney for defendant.
Gardiner, attorney for plaintiff.

COURT OF EXCHEQUER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

KENNEDY v. WOODS.

Jan. 15.—*Ejectment—Adverse Possession—Landed Estates' Court Conveyance.*

Lease of September, 1817, expired 25th March, 1838. Defendants were then in adverse possession. A new lease was made, 30th August, 1838. The lessee's interest in this lease was conveyed to plaintiffs by Landed Estates Court Conveyance of June, 1861. No enjoyment was ever had under this lease, and defendant's adverse possession continued uninterrupted down to the bringing of the action.

The Court held that defendant's title by adverse possession having accrued previous to the conveyance of 1861, the lessee's interest could not be revived by that conveyance, as the Landed Estates Court was only empowered to convey "the interest then remaining unexpired"—21 & 22 Vic., c. 72, sec. 61.

Palles and *S. Walker* for plaintiffs. Attorney, *Thos. Franks.*

O'Driscoll and *P. Martin* for defendant. Attorney, *George Riddick.*

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LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Before JUDGE LYNCH.

In re SMALLMAN'S Estate.

Feb. 14th.—*Application to Set Aside Leases.*

This was a motion on behalf of Catharine Kennedy, a simple contract creditor of the late W. Smallman, that certain leases made by his widow of portions of the premises ordered to be sold in this matter might be set aside, and the lands sold discharged of them. By the affidavit made to support the motion, it appeared that W. Smallman, who died on the 22nd March, 1863, by his will devised all his property to his wife for life, and after her decease unto and amongst his children as she should appoint, with power to her to make leases. The property in question consisted chiefly of houses and premises near Roscrea, part of which the testator held under a fee-farm grant. He left debts behind him to the amount of £14,349, and to Catharine Kennedy (for whom he had been acting as agent) he owed £1,900 on the foot of promissory notes and rents unaccounted for. E. Smallman, the testator's widow, proved the will, and on the 7th January, 1864, in execution of the power, made three leases of portions of the property to her three daughters, Anne, Eliza, and Dora Smallman for 999 years, from the 1st November, 1863, respectively. On the 14th January, 1864, E. Smallman filed a petition to administer the assets of her deceased husband, in which matter the charge of Catharine Kennedy was taken as proved. On the 25th January, 1864, a petition to sell the premises was filed in the Landed Estates' Court; the affidavit alleged that these leases were made at an undervalue; and an affidavit made by a land valuator and surveyor stated the value of a portion of the premises; adding, that the estimate was based on the assumption that immediate possession was to be given. The three daughters made three affidavits, which were all to the same effect, that the rent reserved in these leases was as much as any solvent tenant would give; and on their behalf two surveyors made affidavits as to the value of the lands. Other portions of the testator's property had been already sold under the order of the Landed Estates' Court, and it was alleged on behalf of Catharine Kennedy that the entire fund, when realized, would be insufficient to pay the testator's debts. The motion had been made previously before Longfield, J., and he directed the parties to go to the Court of Chancery and get leave from the Master to make the application to the Landed Estates' Court. Master Litton, when the matter was brought before him, made an order that the party should take such proceedings as she might be advised.

Brady, Q.C., in support of the motion, contended that it was prejudicial to the estate to make these leases, whether at an undervalue or not—that they were made at an undervalue—that they were made fraudulently—that, whether E. Smallman was devisee or executrix her character as a trustee was the same—that these lands were assets for the payment of the testator's debts—that it was incumbent on the lessees to show that these leases were for the benefit of the creditors, and that they were purchasers with notice. He cited *Williams on Executors*, Vol. ii., p. 874.

F. Walsh, Q.C., for the lessees, contended that Catharine Kennedy, being a simple contract creditor, had no more lien on these leases than any other person in the community, and proposed that she should file a cause petition in the Court of Chancery to set them aside as fraudulent; this portion of the property, in the meanwhile, to remain unsold. He cited *Simpson's case* (2 Kay and J. 71).

LYNCH, J., said he would act on that suggestion.

Mahon, for the Bank of Ireland, who were creditors to the amount of £4,000, stated that the Bank did not mean to question these leases, provided that the fund was sufficient to pay them; but in a contrary event he wished to have the right to do so reserved to them, as these leases were made under suspicious circumstances.

F. White, for the petitioner, did not object to the course proposed, but desired to have the order without prejudice to the rights of the mortagees to impeach these leases if they should think fit.

LYNCH, J., made an order that the other portions of the property should be sold first, and that, within one month after the sale, Catharine Kennedy should take such proceedings, by cause petition or otherwise, as she should think necessary to have these leases set aside without prejudice to the rights of the mortagees, if any, to seek to set them aside. If not taken within one month after the sale, this motion to stand refused, with costs.

Mahon applied for costs.

LYNCH, J., reserved the question of costs.

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law.

IN THE GOODS OF MRS. ARABELLA MUNROE, DECEASED.

Feb. 16.—*Protection Order from English Divorce Court. Quere, Does it Operate to Protect the Wife's Earnings in Ireland, the Desertion having occurred in England?*

Dr. Miller, for Jane Kemp, the mother of Mrs. Munroe, and one of her next of kin, moved, on notice to Mr. Munroe, the husband of the deceased, for letters of administration of the goods of the deceased. She had, when resident at Northampton, in England, been deserted, in 1854, by her husband; and in 1860 she got an order from the late Sir C. Cresswell, protecting from her husband and his creditors, her earnings since the time of the desertion. The words of the order were general, and did not specify any locality in which the earnings might be made. After that order was made, Mrs. Munroe removed to Ireland, and settled in Dublin, where, as a hotel keeper, she acquired, by her own industry, about £500, as was alleged, and she died in 1866, leaving her husband surviving, but no issue or father, and leaving Jane Kemp, her mother, and also a brother, her sole next of kin.

The 20 & 21 Vic., c. 85, s. 21, was the first act which authorized protection orders, and the words of that section are, as to locality, quite general:—"Any money or property she may acquire by her own lawful industry, and property which she may become possessed of after such desertion," and also enacts that after such order, she shall be in the like position as to property as if she had obtained a decree of judicial separation. Then the 25th section defines what the effect of such a decree is, viz., that the wife shall, as to property, be considered a *feme sole*, and that if she should die intestate, her property should go as if her husband were dead.

The 21 & 22 Vic., c. 108 (the Amending Divorce Act) s. 6, creates the difficulty, by enacting that every wife deserted by her husband, wheresoever resident in England, may get an order to protect "any money or property *in England*, she may have acquired or may acquire by her own lawful industry, and any property she may have become possessed of, or may become possessed of after such desertion, against her husband and his creditors," and then the act expressly gives the judge ordinary all the powers conferred on him by the former act. Counsel contended that there was nothing in the latter act to prevent the order operating on Irish

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earnings; and as there was at the time of the wife's death, no corresponding Irish act, if the construction relied on by the other side prevailed, the greatest injustice would result, when the desertion occurred *in England*, but the earnings were realized here. The 28 and 29 V., c. 40, follows the words of the early English act, so far as when the desertion occurs in *Ireland*, but even that act would not have aided the case, as the desertion here was not *in Ireland* but *in England*.

The *Goods of Farraday* (2 S. and Tr., 369), the *Goods of Stevenson* (15 L. T., N.S., 269), were cited.

George Keys, for the husband. The statutes referred to clearly apply only to earnings realized in England, and do not deprive the husband of his marital rights as to any other property accruing to the wife.

KEATINGE, J.—I do not like to dispose in a summary way, on motion, of so very important and novel a point as arises here. If the parties insist on the point being ruled I will require the caveat to be warned, and an appearance to be entered, and so a suit will be before me, and the parties may appeal from my order; but, under the circumstances, I would recommend to the parties to come to an amicable arrangement.

(The case was afterwards arranged. One-third of the net assets when realized being allowed to the husband; the mother to take the grant.)

Solicitor for Jane Kemp, *Edward M'Gauran*.

Proctor for S. Munroe, *George Beatty*.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

Before MILLER, J.

Re PATRICK GREHAN.

Order and Disposition — Reputed Ownership — Scrip Certificates of Shares—The Lodgement of the Scrip Certificates of Shares in a Joint Stock Company will not take them out of the Order and Disposition of the Owner, whilst they still Remain Registered in his Name in the Books of the Company, and in case of his Bankruptcy they will Pass to his Assignees.

JUDGE MILLER, in delivering judgment, said:—This case has come before me upon the charge of the Royal Bank, and the discharge of the assignees. The facts appear to be as follows:—On the 24th of December, 1857, before any act of bankruptcy had been committed, the bankrupt had deposited with the Royal Bank, by way of equitable mortgage, the certificates of three shares of the capital stock of the Derwent Mining Company (Limited), and standing in the name of the bankrupt, and also handed over to the Royal Bank a written memorandum of the same date, and signed by the bankrupt, stating the purposes for which the deposit had been made. The Royal Bank, upon these instruments, opened an account with the bankrupt, and at the date of the bankruptcy there was a balance due to the Royal Bank, on foot of that account, of about £200. The title alleged by the Royal Bank, as against the assignees of the bankrupt, to the three mining shares, is that of equitable mortgagee thereof; and in support of that case they allege that, according to the rules of the Company, the scrip certificates handed over to them gave no valid transfer of such shares. That no party would be recognized as the owner of such shares by whom such certificates were not produced. The assignees of the bankrupt, in their discharge, put the Royal Bank upon proof of the rules of the Mining Company, as alleged by the charge, denying that any notice of the title of the Royal Bank as alleged, as equitable owners or mortgagees of the three mining shares, was given to the Mining Company previous to the filing of the petition in this matter. Secondly, that the three mining shares stood, up to and at the time of filing the petition, in the name of the bankrupt, and that up to and at the time of filing the petition, the bankrupt was the registered owner of these shares, and that such shares were in the order and disposition of the bankrupt, with the consent and permission of the Royal Bank, who did not give notice of these claims before the bankruptcy. I may here observe that no proof was, in fact, given that any such rule existed as regarded the Mining Company, as of the nature alleged by the Royal Bank, although the assignees by their discharge, put the Royal Bank distinctly upon proof of the existence of such rules; but that is not of much importance in the view which I take of the case. The first question raised before me was as to the party upon whom the onus of proof lay, as to the fact that notice of the claim by the Royal Bank, as equitable mortgagees, had or had not been given to the Mining Company; there not having been any positive proof, in fact, given by either party, in any way, either in support of the charge or discharge. I have, however, upon this question been relieved from all difficulty by the admission most properly made by the solicitor for the Royal Bank of the fact (which was known to both parties to be capable of proof), namely, that no notice, in fact, had been given by the Royal Bank of their alleged claim as equitable mortgagees of those mining shares, prior to the bankruptcy in this case. The only question that remains on that state of facts for my decision is, whether, under the circumstances stated, the bankrupt had, at the time he became bankrupt, those shares in his order and disposition, with the consent of the true owner, he being at the time the registered owner. There is no law authorizing the legal transfer of the scrip certificates of shares apart from the shares of which they are evidence, or making such scrip certificates, of themselves, negotiable instruments. It may also be stated as a general rule, before considering the facts of the case, that in order to take out of the reputed ownership of a bankrupt within the meaning of the 313th section of the Bankrupt Act, such chose in action or chattel which was once in the possession of such bankrupt as against his assignees in bankruptcy, it would be necessary that the change of possession should be made as complete as it is capable of being made, and that in order to take it out of such ownership, order, and disposition of the bankrupt, notice of any transfer thereof should be given to the debtor, or person liable to pay, and that until such notice should be given to the debtor, a payment made by him to the bankrupt would be a good discharge to the debtor as against any transferree who had omitted to give notice of the transfer to the debtor. That being the general rule, is there anything in the nature of the claim of the Royal Bank to exempt them from its operation? The legal title in the three mining shares consists of being the registered owner of those shares upon the books of the company, whilst the scrip certificates issued to such owner cannot be regarded otherwise than as the evidence of such legal title, and which may be said to be the mere incidents to that title, and follow it as a shadow. It is alleged that by the rules of the Mining Company, with which the Royal Bank never put themselves into privity, or in respect of which they never incurred any liability, no transfer of any share could be made without the production of the scrip certificates, it seems to me enough to say that it is not alleged that such rules were in the nature of bye-laws, made under the authority or in pursuance of any pro-

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vision of the company's act; or that such rules, if any, were more than rules for the convenience of the directors and managers of the company.

His Lordship, after delivering an elaborate judgment, decided that those mining shares were, at the time of the bankruptcy, within the order and disposition of the bankrupt within the meaning of the 313th section of the Bankrupt Act, and consequently the property of the assignees; and that the mere lodgement of the scrip certificates with the bank gave them no valid claim to the shares.

Walker was for the National Bank.
Attorney, *Orpen and Sweeny.*
Kernan, Q.C., for assignees.
Attorney, *J. D. Meldon and Son.*

We have completed our arrangements for supplying Notes of Circuit Cases, including Civil Bill Appeals, and Points Decided in Crown Cases, and upon the Grand Jury Acts.

CIRCUIT CASES.

MUNSTER CIRCUIT.

Reported by W. GRIFFIN, Esq., Barrister-at-law.

CLARE ASSIZES—*February* 20, 1867.

CIVIL BILL APPEAL.

M'INERNY, *appellant;* GRIFFIN, *respondent.*

This was an ejectment under the title (79) section of the Civil Bill Act (14 & 15 Vic., c. 57).

The facts of the case were these:—In 1790 Mr. G. Stackpoole made a lease of the lands, which were the subject of the ejectment to Michael M'Inerny, grandfather of the appellant, and his heirs for three lives, of which one was still in being. The eldest son of the original lessee, who was long since dead, went to America nineteen years ago, taking his eldest son, Michael, with him. His wife and daughter, and his two younger sons, Francis and Mortimer, remained in Ireland. After his departure his wife managed the farm, and paid the rent. He died in America shortly after his arrival. In 1857, on the occasion of the marriage of her daughter with the respondent, Griffin, Mrs. M'Inerny executed a marriage settlement, by which she gave half the farm to respondent at once, and the remainder to him at her death, respondent paying for her a sum of £15. Soon after the marriage Francis, the second son, went to America, and had been heard of as lately as 1865. Respondent went into possession of his half of the farm, and on the death of the widow, Mrs. M'Inerny, in June, 1866, claimed possession of the other half; the claim was resisted by appellant, Mortimer M'Inerny, and respondent brought an ejectment. The ejectment was originally framed claiming the interest under the lease of 1790, but was amended by the Chairman, and, as altered, claimed a tenancy from year to year under the eldest brother of appellant, created by implication from the widow's payment of the rent after her husband's death. A decree was given by the Chairman; from this decree M'Inerny appealed.

Serjeant Barry, with him *Cleary*, in support of the decree, submitted that payment of rent by the widow after her husband's death, made her tenant from year to year to her son, that she could not have been evicted without notice to quit.

O'Loghlen, with him *Fitzgibbon*, for the appellant.

FITZGERALD, J., held that if the elder son came home he could have gone in and taken possession without any notice to quit. That there was no tenancy created by implication between Mrs. M'Inerny and her son; that whatever title at will she had was determined by her death, if not previously, by her attempted assignments, and his Lordship reversed the decree.

Counsel for appellant, *M. O'Loghlen* and *G. Fitzgibbon.*
Attorney, *M. Molony.*
Counsel for respondent, *Serjeant Barry* and *A. P. Cleary.*
Attorney, *J. Frost.*

CORRESPONDENCE.

RECORD OF TITLE ACT.

To THE EDITOR OF "THE IRISH LAW TIMES."

SIR—As you have opened your columns to free discussion upon the above subject, I avail myself of the opportunity thus afforded to make a few observations upon the letter of your correspondent "Leguleius" which appeared in your second number.

The first part of his letter is, I may say, in the nature of a "preamble" to an Act of Parliament; and is intended to lay a foundation for the measure of which your correspondent is so warm an advocate. His first proposition, that every owner of land desires to deal with it by sale or mortgage with economy and rapidity is, I take it, a self-evident one, and needs no argument to support it. Whether this great facility in dealing with land which is the *desideratum* of supporters of the Record of Title system, would be a benefit to the landed and agricultural interests of the country is another question. It may be sought to establish an analogy between Government Stock, or even between ships and landed property, but a little consideration will show that it fails in most essential particulars, one of which, however, is sufficiently important to destroy the fabric built upon this uncertain foundation The relation of landlord and tenant, which has been of late absorbing so much public attention both in and out of Parliament, and on the right condition of which hangs the welfare not only of the agricultural interests but of society itself in this country, has no counterpart in the funds or in shipping property. The man who buys Government Stock takes it with no obligation, legal or moral. What Iago says of cash in currency may be as truly said of money in the funds—"'Twas mine, 'tis his, and has been slave to thousands." Not so the purchaser of land. He takes his purchase not only burdened with more duties, which he must be insensible to all principle to neglect, but also with legal obligations which he cannot evade. What, I would ask, Sir, would be the condition of a country in which land in the hands of occupying tenants was transferred from one person to another with the frequency of transfer of Government Stock, and in which a tenant might have a dozen different landlords between May and November? Nor has the relation of landlord and tenant any counterpart in the shipping interest. The ship's crew are seldom the same for two voyages; and the sailor has no tie binding him to any ship longer than the voyage for which he is engaged. Another distinction between funded and landed property is, that the latter is subject to the creation of various interests which are unknown in the former. Land may be held in fee by one man, subject to a contingent jointure to his wife, a charge for younger children, mortgages, annuities redeemable and perpetual, and be also subject to leases for lives renewable for ever, or long terms of years, which in their turn are subject to like incumbrances, or it may be also to sub-leases. Now what analogy has property capable of being made the subject of such varieties of

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interests to Government stock, which is in fact but security equivalent in value to a variable market price, and therefore capable of the most simple transfer.

The second part of your correspondent's "preamble" is certainly rather strong in statement. He says, that the impediments to dealings with land for a long series of years have been such as to *diminish its value to the owners*, and to *limit* the number of persons bound by ties of property to the cause of *order and loyalty*. Now I would like to know how your correspondent proposes to prove this very strong proposition. Does he mean to contend that if the "artificial hindrances" and impediments he refers to were totally removed, and land could be as easily bought and sold in the market as Government Stock, that the *price* of land would be increased? Common experience teaches us otherwise, and tells us that the greater facility of transfer would affect the land market, by thrusting a quantity of property into it, and that the price of land would thus be depreciated rather than enhanced. But by what principle of ratiocination can "Leguleius" prove that the absence of such facility "limits the number of persons bound by ties of property to the cause of order and loyalty." If the tie of property binds to the cause of order and loyalty, then are the present proprietors of land so bound, and if by the greater facility of transfer their estates are sold to others, the *number* of persons bound to the cause of order and loyalty remains the same. If the facility of transfer has any affect upon the cause of law and order, I would say it would be to make the proprietor sit looser to the land, and view it rather as a mercantile commodity which he could readily dispose of to a purchaser in the market. Perhaps (and I really see no other solution of his meaning) your correspondent intends that by this greater facility the land is capable of being cut up into *small* parts, and that thus a numerous proprietory may be attained. If this is his meaning I think he will find few of the gentry, at least, to agree with him, or to believe that such sub-division of property would be a national benefit.

So much for your correspondent's "preamble." Had he made it a little more moderate, and merely stated that it was desirable, so far as practicable, to reduce the expenses and delays in connexion with the transfer of landed preperty, I for one could not have differed from him; but when he makes such very startling assertions one is disposed to question them, and to declare his "preamble" as not proved.

Passing by his historical sketch of the Registration of Title—upon which, however, I think some cross lights might be thrown—I now come to his strictures upon the Registry of Deeds in Ireland, and the "inherent defects" in that system, which render it "impossible" that searches could be completed in a short space of time, or the useful objects of that institution be carried out. The first of these defects is what is known by the profession as "general charges," that is, deeds in which the lands intended to be affected are described in general terms, as, for instance—"All the lands of the grantor in the County of Leitrim." Now any one who will take the trouble to read the Act of 2nd and 3rd Wm. IV., cap. 87, will, I think, see that it was never contemplated that such deeds should be received in the Registry Office, and that, on the contrary, it was intended that every deed to be registered there should state the barony or parish in which the land comprised in it are situated. The practice of receiving such general charges has been adopted; but were conformity to the Act enforced, or a new stature passed forbidding the reception of such deeds, this difficulty would be overcome, and I cannot, therefore, consider it an "*inherent* defect" in the Registry of Deeds. The real objection, namely, that you have to search from the coming of age of the person searched against, seems to me scarcely worth referring to, as it merely makes the search a few years longer, which, if the Registry of Deeds system were properly carried out would be comparatively nothing in the way of trouble. As to the ordinary search directed by counsel not disclosing "post obit" deeds, I must beg to differ from your correspondent, and can appeal to the experience of your numerous professional readers, who, I am sure, are quite familiar with direction of search from the attaining of age of the party searched against. I apprehend the counsel must be a novice in "title" who would omit such a necessary direction. I cannot look upon this objection of your correspondent as disclosing an "inherent defect" in the registry system. The delay in obtaining searches I believe to be capable of removal, at all events, as regards modern searches, *i.e.*, for more recent periods. I made suggestions to this end in a paper I read at the Social Science Congress here, in 1861; but of course, any reform in the registry system should be fully carried out, and a liberal expenditure allowed for that purpose, to bring it at all near perfection. Your correspondent's last objection to the Registry of Deeds, if novel, is not certainly very weighty, namely, that it is situated at the northerly extremity of the city, this "northerly extremity" being about ten minutes' walk from the Record of Title Office. It seems to me, then, upon the whole, that if there be "inherent defects" in the Registry of Deeds system, your correspondent has failed to expose them.

Having trespassed so much on your space, I must reserve the discussion of the Record of Title, which your correspondent "Leguleius" would substitute for the Registry of Deeds, to another letter, and

Remain, Sir,
Yours faithfully,
Henry T. Dix.

9, Upper Gardiner-street.

SOCIETIES AND INSTITUTIONS.

At a Meeting of the Waterford Law Society, held on the 18th February, 1867, the Vice-President in the chair, the following resolutions were unanimously adopted:—

"That the petition for the abolition of the Annual Certificate Duty now read, be, and the same is hereby, adopted by the society, and that our secretary do forward same to Sir H. W. Barron, Bart., M.P., for presentation to the House of Commons, and that his colleague, J. A. Blake, Esq., and our county members, John Esmonde, Esq., Charles R. Barry, Esq., and Edmond de la Poer, Esq., be earnestly requested to support the prayer thereof."

"That our secretary be directed to communicate with the Incorporated Law Society of Ireland, and the other Provincial Law Societies, and inform them of the adoption of the petition and foregoing resolution, and request their co-operation in making arrangements for a deputation of solicitors, from the respective law societies, to proceed to London, to urge upon the attention of the Chancellor of the Exchequer and the members of the House of Commons, the immediate abolition of this Certificate Tax, so very obnoxious in principle, and degrading to us as members of a learned profession."

John O'Brien, V.P., Chairman.
Joseph W. Howard, Hon. Secretary.

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THE LAW STUDENTS' JOURNAL.

THE FOLLOWING IS A COPY OF THE EXAMINATION PAPER GIVEN TO CANDIDATES FOR ADMISSION AS ATTORNEYS AND SOLICITORS ON THE FIRST DAY OF THEIR FINAL EXAMINATION HELD FOR LAST HILARY TERM.

[*Every answer is to be accompanied by reasons concisely stated.*]

Common Law.

1. What is the meaning of a deed working a merger of a simple contract liability? Give instances.
2. What is an escrow? May a deed be delivered to a party to it to hold as an escrow?
3. Define accurately a legal "consideration."
4. Is consideration necessary to support a covenant?
5. Illustrate the maxim, "Ex nudo pacto non oritur actio."
6. A and B being joint debtors, the acceptance by the creditor of the sole and separate liability of A was held to be a good consideration for an agreement to discharge B from liability, and it was remarked that the sole security of A might be a better thing than the joint security of A and B.
Explain the reason of this and the grounds of the decision.
7. A country attorney sends a sum of money belonging to a client to his town agent who misapplies it. Can the client sue the town agent? Why?
8. Are any and what words necessary to constitute a warranty? What is the distinction between warranty and representation?
9. What contracts in restraint of trade are enforceable?
10. What are the provisions of the 17th section of the statute of frauds?
11. Can an auctioneer sign as agent for both parties, so as to satisfy the statute?
12. What is a patent and what a latent ambiguity? Are both, or is either, and which of them, allowed to be explained by oral evidence?
13. Can evidence be given of an agreement antecedent to a written contract for the purpose of varying it? Can a written contract be varied by a subsequent oral one?
14. State in what particulars bills of exchange and promissory notes differ from other simple contracts?
15. Mention some of the provisions of the Common Law Procedure Act conferring on the courts of law an equitable jurisdiction?
16. What steps are necessary to render a bill of sale available against creditors of the person who gives the bill of sale?
17. What are the provisions of "The Summary Procedure on Bills of Exchange Act?"
18. In what class of ejectments can the plaintiff require the defendant to give security for payment of costs and damages, and what steps must plaintiff take to avail himself of that privilege?

Real Property and Equity.

19. Can a voluntary conveyance of land made *bonâ fide* be disturbed by the act of the grantor?
20. If one of three joint tenants in fee simple die, how does his interest go? If one of three tenants in common?
21. What is the principal use in practice of a joint tenancy in fee simple?
22. What estates in land may now be created without writing?
23. What estate should a man have in land to entitle his wife to dower?
24. What is a reversion? What a remainder?
25. What is the best form of taking a mortgage of a leasehold, and why?
26. In case of the death of a mortgagor leaving personality to A and the mortgaged estates to B, out of what fund is the mortage debt to be paid? Was this always the law? When was the change made?
27. What is the proper form of a clause to increase the rate of interest on a mortgage debt, if not punctually paid?
28. In an assignment of a mortgage by the mortgagee, should the mortgagor be made a party to the deed? Why?
29. What is an "equity of redemption?" Is a mortgagor barred of his equity of redemption by any and what length of time?
30. What is the meaning of a devise "lapsing?" Who takes lapsed devises or bequests?
31. In what cases does the devise remain unaffected by the death of the devisee in testator's life time?
32. Mention some of the principal heads of equitable jurisdiction?
33. What is the distinction between succession "per stirpes" and "per capita?"
34. In a devise of real estate to A without words of limitation, before the Wills Act, what estate does A take? What estate if the devise were after the Wills Act?
35. Do the contracts of a married woman, neither referring to her separate estate, nor professing to bind it, bind her separate estate?
36. How is a guardian *ad litem* appointed when a respondent is under disability?
37. Who are the necessary parties in the first instance to a cause petition—
   (a) for foreclosure?
   (b) by a creditor for the administration of personal estate?
   (c) for the appointment of a receiver?

THE COURTS, AND COURT PAPERS.

SPRING ASSIZES, 1867.

HOME CIRCUIT.

County of	Serve Notice of Trial on
Meath, at Trim, Thursday, 28 February, 11 a.m.	16 Feb.
Westmeath, at Mullingar, Monday, 4 March, 11 a.m.	20 ,,
King's County, at Tullamore, Wednesday, 6 March, 1 p.m.	22 ,,
Queen's Co., at Maryborough, Saturday, 9 March, 11 a.m.	26 ,,
Carlow, at Carlow, Tuesday, 12 March, 11 a.m.	28 ,,
Kildare, at Naas, Thursday, 14 March, 11 a.m.	2 March.

Justices:
The Right Hon. The Lord Chief Justice.
The Right Hon. The Lord Chief Justice, Common Pleas.

Registrars:
William J. Napier, Esq., 4, Merrion-square, South.
Henry Monahan, Esq., 5, Eitzwilliam-square, East.

NORTH-WEST CIRCUIT.

County of	Serve Notice of Trial on
Longford, at Longford, Tuesday, 5 March, 1 p.m.	21 Feb.
Cavan, at Cavan, Thursday, 7 March, 3 p.m.	23 ,,
Fermanagh, at Enniskillen, Monday, 11 March, 1 p.m.	27 ,,
Tyrone, at Omagh. Friday, 15 March, 1 p.m.	4 March.
Donegal, at Lifford, Wednesday, 20 March, 12 noon.	8 ,,
City and County of	
Londonderry, at Londonderry, Saturday, 23 March, 10 a.m.	12 ,,

Justices:
The Right Hon. The Lord Chief Baron.
The Right Hon. Mr. Justice Keogh.

Registrars:
Jones Q. Pigot, Esq., 52, Stephen's-green.
William Keogh, Esq., 38, Trinity College.

NORTH-EAST CIRCUIT.

County of the Town of	Serve Notice of Trial on
Drogheda, at Drogheda, Monday, 4 March, 11 a.m.	20 Feb.
County of	
Louth, at Dundalk, Tuesday, 5 March, 11 a.m.	21 ,,
Monaghan, at Monaghan, Thursday, 7 March, 2 p.m.	23 ,,
Armagh, at Armagh, Monday, 11 March, 11 a.m.	27 ,,
Down, at Downpatrick, Friday, 15 March, 4 p.m.	4 March.
Antrim, at Belfast, Wednesday, 20 March, 12 noon.	8 ,,
The Town of	
Carrickfergus, at Belfast, same day and hour.	

Justices:
The Hon. Baron Fitzgerald.
The Right Hon. Baron Deasy.

Registrars:
John Allen Shone, Esq., 24, Middle Gardiner-street.
John Wm. Clerke, Esq., 27, Merrion-square, North.

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CONNAUGHT CIRCUIT.

County of	Serve Notice of Trial on
Leitrim, at Carrick-on-Shannon, Monday, 25 Feb., 2 p.m.	13 Feb.
Sligo, at Sligo, Thursday, 28 February, 4 p.m	16 ,,
Roscommon, at Roscommon, Saturday, 2 March, 2 p.m.	19 ,,
Mayo, at Castlebar, Wednesday, 6 March, 4 p.m.	22 ,,
Galway, at Galway, Tuesday, 12 March, 10 a.m.	28 ,,
The Town of Galway, at Galway, same day and hour.	

Justices:
The Hon. Mr. Justice Christian.
The Hon. Baron Hughes.

Registrars:
Francis Edwd. Thomas, Esq., 83, Harcourt-street.
Edward Trevor Hughes, Esq., 64, Harcourt-street.

LEINSTER CIRCUIT.

County of	Serve Notice of Trial on
Wicklow, at Wicklow, Monday, 25 February, 11 a.m.	13 Feb.
Wexford, at Wexford, Thursday, 28 February, 10 a.m.	16 ,,
City and County of Waterford, at Waterford, Monday, 4 March. 3 p.m.	20 ,,
County of Tipperary (South Riding), at Clonmel, Friday, 8 Mar., 10 a.m	25 ,,
City and County of Kilkenny, at Kilkenny, Thursday, 14 March, 2 p.m.	2 March.
County of Tipperary (Nth. Riding), at Nenagh, Mond., 18 Mar., 10 a.m.	6 ,,

Justices:
The Right Hon. Mr. Justice O'Hagan.
The Right Hon. Mr. Justice George.

Registrars:
Charles H. Teeling, Esq., 6 Mountjoy-place.
Henry Phillip Woodroofe, Esq., 30, Upper Mount-street.

MUNSTER CIRCUIT.

County of	Serve Notice of Trial on
Clare, at Ennis, Tuesday, 19 February, 4 p.m.	7 Feb.
Limerick, at Limerick, Friday, 22 February, 10 a.m.	11 ,,
City of Limerick, at Limerick, same day and hour.	
Kerry, at Tralee, Thursday, 28 February, 1 p.m.	16 ,,
Cork, at Cork, Tuesday, 5 March, 11 a.m.	21 ,,
City of Cork, at Cork, Friday, 8 March, 10 a.m.	25 ,,

Justices:
The Hon. Mr. Justice O'Brien.
The Right Hon. Mr. Justice Fitzgerald.

Registrars:
Peter O'Brien, Esq., 28, South Frederick-street.
Thomas Fitzgerald, Esq., 20, St. Andrew-street.

By the Rules of the Munster Bar Record Briefs cannot be received by Counsel after the sitting of the Court on the second day of the Assizes for each County on the Munster Circuit, except the County of the City of Cork, for which Briefs must be given out at latest on the day before the opening of the Commission.

LANDED ESTATES COURT—February 15th.

Sale.

Before Judge Dobbs.

COUNTY OF ARMAGH.

Estate of James Gustavus Hamilton Holmes and others, owners and petitioners.

The lands of Munlurg, containing 191 statute acres, situate in the barony of Lower Fews, held under lease dated February, 1863, for 21 years, with *toties quoties* covenant for renewal, and producing a net annual profit rent of £173 12s. 2d., subject to an annual renewal fine of £23 10s. Sold to Mr. Arthur R. Kaye in trust for William Gillis, Esq., of Market Hill, co. Armagh, at £3,950. *George Bolton*, solicitor.

Sales at Coleraine, held in the Town Hall on Saturday, the 16th inst.

COUNTY LONDONDERRY.

Estate of James Boyce and Samuel Boyce, owners and petitioners.

Lot 1—Kirkistown, called Brook Hall, containing 120a. 3r. and 32p.; net annual rent, £247 3s. 0½d.; held by lease for ever. Sold to James Orr, of Londonderry, in trust for the Rev. John Alexander, of Ballysally, for £4,850.

Lot 2—Part of Harpur's-hill, containing 36a. 2r. and 20p.; net annual rent, £40 15s. 5d.; held in fee. Sold to Robert Sharpe, of Coleraine, Esq., for £1,000.

Lot 3—Part of Harpur's-hill, containing 25a. 1r. and 37p.; net annual rent, £71 8s. 6d; held in fee. Sold to Henry Hill, of Coleraine, Esq., for £1,610.

Lot 4—Premises in Church-street, Coleraine, consisting of two houses, store, and large yard; net annual rent, £32 6s. 2d.; held in fee. Sold to Mr. Robert Given, of Coleraine, merchant, for £560.

Lot 5—Highland-row, Coleraine, consisting of dwelling houses, stores, &c.; net annual rent, £20 16s. 3d.; held in fee. Sold to Mr. Joseph Irwin, of Coleraine, miller, for £450.

Lot 6—Gate End, Coleraine, containing 7a. and 39p., with houses, &c., erected thereon; net annual rent, £33 1s. 2d.; held in fee. Sold to James Cramsie, of Londonderry, solicitor, for £835.

Lot 7—Part of Tullans, containing 31a. 1r. and 10p.; net annual rent, £40 2s. 5d.; held in fee. Sold to Mr. William Curry, of Cloghan, in the County of Londonderry, farmer, for £1,000. Solicitors having carriage of the sale, *Fletcher* and *Meade*, 6, Foster-place, Dublin.

Sittings for the ensuing week, so far as same are at present appointed.

Monday—Before Judge Dobbs.

J. S. Kirwan, schedule. George Irwin, allocation. Robert Watson, schedule. O. Wm. Mason, allow objection. Patience Noble, consolidated proceedings. Jane Rawson, fix day of sale. Thomas Byrne, dismiss petition. Osborn Kidd, payment.

Before the Examiner.

J. S. Kirwan, rental. Thomas M'Carton, do. F. J. Foster, do.

Before Judge Lynch.

Rev. W. Crawford, as to building lease. Lord Valentia, amend rental. C. M. Wilson, from 22nd instant.

Tuesday—Before Judge Dobbs.

John Delany, charge and discharge, from 22nd January. John T. Cleary, payment.

Before the Examiner.

J. T. Armstrong, proofs.

Before Judge Lynch.

SALES.

Rose Anne Nicholls, 1 lot, Town of Cavan, profit rent, £19 10s.

John Allen, 1 lot, Dublin, profit rent, £46.

W. Burrowes, allocation.

Before Mr. Urlin.

M. Mullaly, settle rental. Cantwell, administratrix of Lynch, rental. G. S. Wybrant, as to recognizances.

Wednesday—Before Judge Dobbs.

Margaret Connell, from 20th inst. James Young objections. John Brian, from 22nd inst.

Before the Examiner.

Emily Francis and others, rental. J. Richardson and others, do.

Before Judge Lynch.

George Ellis, final schedule. Assignees of John Driscoll, do. John Reddan, do. Trustees of M'Dowell, do.

Before the Examiner.

George S. Stokes and another, rental. S. Hanna, to vouch, from 20th inst. Rev. W. Crawford, do.

Before Mr. Urlin.

Sir William Palmer and another, draft schedule.

Thursday—Before Judge Dobbs.

James Symes, from 18th inst. Same, for judgment. J. T. Armstrong, allocation. Hugh Thomas Norcott, schedule.

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Before JUDGE LYNCH.

J. W. Burmester, confirm partition.

Before MR. URLIN.

D. and W. Loughnane, as to survey.

Friday—Before JUDGE DOBBS.

SALES.

Sir William Palmer, 5 lots.
Earl of Cavan, 13 lots.
Assignees of Jos. Comiskey, 1 lot.
Benjamin Plowman, 2 lots.

R. O'Neill, allocation.

Before the EXAMINER.

Nicholas S. May, rental.

Before JUDGE LYNCH'S EXAMINER.

C. Wilson and another, rental.

Before MR. URLIN.

Thomas Neale, rental. Julia Mulligan, do.

Saturday—Before JUDGE DOBBS' EXAMINER.

John Joyce, rental. Assignees of Morgan Condon, do.

LANDED ESTATES' COURT.

PETITIONS FILED, *from 16th to 22nd February*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
Feb. 16	3733	Patrick Moran	*The Owner*	Meath	*Not known*	*George Riddick*	Dobbs
„	3713A	Charles Chambers	*Supplemental Petition, for Partition.*	—	—	*John Frost*	Dobbs
„	3734	Richard Rawson	*The Owner*	Mayo, Wicklow, and Kildare	283 15 8	*Richard Rawson*	Lynch
„	3735	Simon Duffy	*James O'Gorman*	Dublin	*Not given*	*Samuel Boxwell*	Dobbs
„ 18	3736	Thomas Fraser	*E. A. Smith*	Tipperary	72 15 0	*John Julian*	Lynch
„	3737	Robert Scott	*Margaret Andrews*	Tyrone	128 6 3	*A. Elliott*	Dobbs
„	3738	Anne E. La Barte	*The Owner, for Sale and Partition*	Waterford	137 16 11	*Mathew Kenny*	Lynch
„ 19	3739	Frederick W. Connor and Wife	*The Owners, for Sale and Partition*	Cork	169 10 6½	*Mathew Kenny*	Dobbs
„ 20	3740	Charles De Bassyn Fox and another	*James O'Shaughnessy*	Cavan	1504 1 5	*W. K. O'Shaughnessy*	Lynch
„ 21	3741	John Joseph Doyle and others	*The Owners*	City of Dublin	49 13 10	*John P. Hartford*	Dobbs
„	3742	James J. French	*Pk. Gilbert O'Loughlin*	Mayo	339 18 0	*R. H. Irvine*	Lynch
„ 22	3743	Assignees of H. M. Beck, a Bankrupt	*The Owners*	Antrim	*Not given*	*J. Meldon and Son*	Dobbs

COURT OF BANKRUPTCY AND INSOLVENCY.

Sittings for ensuing week, so far as at present appointed.

IN BANKRUPTCY.

Monday, Feb. 25th—12 o'clock.

(Before MR. BRADY, Chief Registrar.)

Arrangement—proof of debts. - - - *Rosenthal.*
Do. do. - - - *Lynch.*
Wm. John Hill, do. and vouch assignee's account. - - - - „

Tuesday, Feb. 26th—11 o'clock.

(Before THE COURT.)

Jas. W. Marks, final examination. *Sullivan.*
John Goodwin, do. and examination of witnesses. *Larkin.*
Jas Alexander, final examination. *Molloy & Watson.*
Jas. O'Reilly, do. *Batt.*
Skinner & M'Kee, do. *Lynch.*
Patk. Reilly do. *Casey & Clay.*
Nicholas Peterson, confirm sale. - *Noblett.*
Anthony Carroll, composition. - *Creagh.*
Thos. Duggan, sur. p. d. and choose assignee. - - - *Batt.*
John Orr, ex. witnesses. - - *Johnston.*
Barry & Rumley, audit and divd. *Oldham.*
Arrangement, 1st p. sitting. - *M'Combe.*
Wilson & Bean, motion. - - *Kelly.*
Trader debtor summons. - *Johns, Hewett, & Johns.*
Do., do. - *Kelly.*
Do., do. - *Larkin.*

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Thursday, Feb. 28th—12 o'clock.
(Before MR. BRADY, Chief Registrar.)

Arrangement, prove debts.		*Larkin.*
Do.,	do.	*Campbell.*
Emanuel Nuel,	do. and vouch assignee's account.	*Larkin.*
Michael Cleary,	do.	,,
Thos. M'Cartney,	do.	,,
G. F. Kirkman,	do.	,,

Friday, March 1st—11 o'clock.
(Before THE COURT.)

Arrangement, 1st p. sitting.		*Hone.*
Do.,	do.	*Irvine.*
Do.,	do.	*Moore & Barlow.*
Do.,	do.	*Leachman.*
Do.,	2nd p. sitting.	*Perry.*
Do.,	do.	*Rosenthal.*
Do.,	adjd. 1st p. sitting.	*Dodd.*
H. M. Beck, final examination.		*Meldon.*
Jas. Morrissy,	do.	*Perry.*
Anthony Carroll,	do.	*Larkin.*
John Griffin,	do.	*Fay & M'Gough.*
John Calvert,	do.	*Carey & Ruckley.*
J. C. North, ex. debtors.		*Bloomfield & Leahy.*
John Doyle, sur.—p. debts—choose assignees.		*Hamilton & Craig.*
Michael Sullivan,	do.	*Perry.*
Pk. Bingham,	do.	*Bloomfield & Leahy.*
C. Nolan, judgment.		*Molloy & Watson.*

IN INSOLVENCY.

Monday, February 25th—12 o'clock.
(Before MR. FARRELL. Chief Clerk.)

J. J. Williams,	To prove debts.	*Tyrrell.*
Martin Hannan,	do.	*Moran.*

1 o'clock.

Peter Neill,	Examination of witness.	*Henegan*

Tuesday, February 26th—12 o'clock.

John Daly,	To tax costs.	*Macnally.*

Wednesday, Feb. 27th—11 o'clock.
(Before THE COURT.)

John Daly,	Audit and dividend.	*Macnally.*
John Kinsella, Adjourned	do.	*Dillon and Hart.*
Mathew Browne, Notice of motion.		———
Hugh Lyons Montgomery, Hearing of petition.		*Graves.*
Edmund Egginton,	do.	*do.*
James Raymond,	do.	*Rynd.*
John Lamb, Adjourned	do.	*Macnally.*
Frederick Clarke, do.	do.	*Graves.*

Friday, March 1—11 o'clock.
(Before THE COURT.)
11 o'clock.
Bail motions only.
Saturday, March 2nd—12 o'clock.

J. J. Williams,	To vouch assignee's account.	*Tyrrell.*
John Dunne,	do.	*Macnally.*
Martin Hannan,	do.	*Moran.*

Cases disposed of during the week.

Wednesday, February 20th, 1867.
(Before JUDGE MILLER.)

Michael Rourke, discharged forthwith, if certain amendments to schedule be filed; in default thereof, adjourned to Wednesday, the 27th instant.

Patrick Clarke, remanded for one year and six months, fron 26th November, 1866, at suits of James Doyle, Humphrey and Son, and Patrick O'Driscoll, creditors.

John Hoare, remanded for one year, from 21st January, 1867, at suits of Catherine Connell, executrix of Robert Connell, deceased; Brown and Nolan; and Fritz Rothschild, creditors.

Michael Joseph O'Brien, adjourned to Wednesday, 24th April, 1867. Reference to Chief Clerk to inquire if debts due to creditors have been discharged.

Insolvents discharged on bail until the hearing of their petitions.

Carson, Agnes, co. Antrim, publican and grocer.

Connell, Elizabeth, co. Cork, widow, farmer and shop-keeper.

Higginson, Charles, Dublin, provision dealer.

Kane, Francis, Belfast, credit draper.

M'Gowan, Michael, co. Roscommon, grocer and spirit-dealer.

Ryan, Thomas, co. Tipperary, farmer.

Williams, Edward, co. Roscommon, coach and cab builder.

Byrne, James, Newry, spirit dealer.

Carolin, Francis, co. Tyrone, grocer.

Conran, Robert Ronayne, co. Cork, gentleman farmer.

Gaskin, James John, Dublin, professor of music.

Murphy, Denis, Cork, huxter and shop-keeper.

M'Elroy, Joseph, co. Tyrone, farmer.

DIVIDENDS DECLARED.

IN INSOLVENCY.

The Official Assignees are given, to whom apply for Payment.

FEB. 20.

Robert Barklie, 1st dividend of 1s. 11¾d. in £ on £1,147. *Macnally* and *Graves.* O. A., James.

William Paulett, 1st dividend of 1s. 9¼d. in £ on £191 *Macnally.* O. A., James.

John Drake, 1st and final dividend, 5¾d. in £ on £257. *Leachman.* O. A., James.

IN BANKRUPTCY.

Robert Armstrong, of North-street, Belfast, County Antrim, Grocer, 3s. 6d. in the pound, on £1,165 10s. 5d. *Lynch.* O. A., James.

Creditor's Assignees appointed in Bankruptcy.

February 19th.

Edward Cahill, of 23, Aungier-street, and Golden lane, Dublin, Builder, Hosier, and Haberdasher. George Brown, of Dame-street, Dublin, Merchant, Assignee. *Larkin.*

John Saunders, of Victoria Nursery, Western Road, Cork, Nurseryman. Thomas Mills, of Victoria Cross, County Cork, Vintner, Assignee. *Perry.*

February 22nd.

Thomas Berry, of 79, Britain-street, Dublin, and Thomas Lane, of said City, Draper and Horse Dealer. James Rafter, Ash-street, Dublin, Merchant, Assignee. *Larkin.*

Charles Longford, of Wellington-place, Belfast, County Antrim, Upholsterer and Cabinet Maker. George Tickell, of Mary-street, Dublin, Furniture Dealer, Assignee. *Dodd.*

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Creditors' Assignees appointed to Insolvents' Estates.

February 13.

In the matter of Peter Brown, Glasnevin, co. Dublin, formerly stonecutter. Patrick Regan, No. 107, Capel-street, city of Dublin, architect. *Magrath.*

PETITIONS FILED.

BANKRUPTS.

Bingham, Patrick, Patrick-street, Limerick, grocer. Pet. Feb. 4, 1867. Sur. March 1, at 11. O. A., M. Murphy. *Bloomfield and Leahy,* Kildare-street.

Doyle, John, 4, Lower Dorset-street, Dublin, grocer. Pet. Feb. 13, 1867. Sur. March 1, at 11. O. A., M. Murphy. *Hamilton and Craig,* South Frederick-street, Dublin.

Sullivan, Michael, Miltown Malby, co. Clare, grocer and spirit dealer. Pet. Feb. 16, 1867. Sur. March 1, at 11. O. A., M. Murphy. *J. Perry,* Bachelors'-walk.

Pickering, Samuel, 22, Lower Ormond-quay, and 22, Capel-street, Dublin, Tobacco and Snuff Manufacturer. Pet., Feb. 16. Sur., Mar. 5. O. A., Murphy. *Bradley.*

Sheehy, James, King-street, Cork, Hotel-keeper, also carrying on business as Wine and Spirit Merchant at Patrick-street, Cork. Pet., Feb. 18. Sur., Mar. 5. O. A., Murphy. *Cleary.*

INSOLVENTS.

To be heard in Dublin.

Gaskin, James John, Great Brunswick-street, Dublin, Professor of Music. March 6th, at 11. *Rynd.*

To be heard in the Country.

Byrne, James, Canal-street, Newry, co. Armagh, Spirit Dealer and Vegetable Dealer. At Armagh, April 5, at 10. *Cochrane.*

Magevrin, James, Largey, co. Antrim, Farm Assistant, previously Farmer. At Belfast, April 9, at 3. *Macnally.*

Murphy, William, Ballycanew, co. Wexford, Shopkeeper. At Enniscorthy, March 26th, at 12. *Waddy.*

Murphy, Denis, Hanover-street, Cork, Huxter and Shop-keeper; previously of New York, America, Labourer. At Cork, April 15, at 10. *Collins.*

Myles, David, Leitrim-street, Cork; previously Clarence-street, in said City, Cooper. At Cork, April 15, at 10. *W. J. Pickering.*

M'Elroy, Joseph. Augharonan, co. Tyrone, not now in business, arrested as Farmer; formerly Builder, Joiner, Contractor, and Farmer. At Omagh, April 6, at 10. *Dickie.*

Gormley, James, Woodmount, co. Roscommon, Labourer. At Castlerea, April 8, at 10. *Harkan.*

To be heard in Dublin.

Schurr, Rev. Felix, Catholic University, Stephen's green, Dublin, Clerk. March 13, at 11. *Dillon and Hart.*

Certificate Allowed,

Unless Appeal filed within 31 *days from date.*

Feb. 15.

Thomas M'Cartney, of Irishtown, co. Dublin, Grocer and Italian Warehouse-keeper. Solicitor, *M. Larkin.*

Pauper Declarations,

For discharge of prisoners, unless Creditors' Petitions filed within 21 *days from date.*

Feb. 19.

William Connell, detained by John L. Jones. *C. Fitzgerald.*

Feb. 22.

Alexander Milligan, detained by John Byrne. *E. Ennis.*

William Shea, detained by James Doyle. *J. Doyle.*

COURT OF BANKRUPTCY AND INSOLVENCY.

Office Hours.

Ordered—That the Offices of the Court shall, until the 15th April, 1867, be open for business from 12 o'clock noon to 3 o'clock p.m., and further when the Court is sitting.

APPOINTMENTS.

The Right Hon. Frederick Shaw, Recorder, Judge of the Record Court of the Borough of Dublin, has been pleased to appoint John Shaw Peake, Esq., Marshal of said Court, in the room of John Judkin Butler, Esq., resigned.

THE MAGISTRACY.

The Lord Chancellor has been pleased to appoint Major Richard D. Pennefather, of Kilbracken, to the commission of the peace for the county of Leitrim, on the recommendation of the Earl of Granard, Lieutenant of the county.

County Fermanagh.—John Crozier, Esq., of Gortra House, Newtownbutler, has been appointed to the commission of the peace for the county of Fermanagh.

County of Galway.—The following gentlemen have been appointed to the commission of the peace for the county of Galway William Daniel Kelly, Esq., of Turrock Park, Ballyforan; Colin H. Thomson, Esq., of Sabruck, Letterfrack, Clifden; Mitchell Henry, Esq., of Kylemore. Letterfrack.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

FALKINER—Feb. 19, at 57, Mountjoy-square, the wife of Frederick R. Falkiner, Esq., barrister-at-law, of a daughter.

LYONS—February 15, at Maryborough, the wife of Joseph Lyons, Esq., solicitor, of a son.

WALKER—Feb. 22, at Blakeny-parade, the wife of Chamberlain R. Walker, Solicitor, of twins, a son and daughter.

MARRIAGES.

STEPHENS and M'LAUGHLIN—February 14, at Monkstown Church, by the Rev. Joseph F. Peacocke, Piers, second son of Piers Stephens, of Morehampton-terrace, Esq., to Elizabeth, relict of John M'Laughlin, Esq., late Marshal of the High Court of Admiralty.

TWIGG and VANCE—Feb. 19, at St. George's Church, by the Rev. G. Blacker, Samuel Knox, youngest son of the late John Twigg, formerly captain 80th Regt., to Frances Matilda, eldest daughter of the late Andrew Vance, Esq., barrister-at-law.

DEATHS.

CLAY—Feb. 20, at Myrton, Seapoint, co. Dublin, Englice Lily, youngest child of Robert K. Clay, Esq., solicitor.

PORTER—February 15, at No. 15, Upper Merrion-street, aged 21 years, Austin Duggan, third son of Frank Thorpe Porter, Esq., J.P.

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DUBLIN STOCK AND SHARE LIST.

FEBRUARY	13	14	15	16	18	19	20	21	22
GOVERNMENT FUNDS.									
New Three per Cent. Stock, ...	89⅛ 89 88⅞	88⅞	98 89⅛	89⅛ ¼	89⅛ ¼	89⅛ —	89⅛ ¼	89⅛ ⅛ ¼	89⅛ —
Ditto for Accont, 7th Feb.	—	—	—	—	—	—	—	—	—
Ditto for Account, 7th March	88⅞ 89	88⅞ 89	98⅛	89⅛ ¼	89⅛ ¼	89⅛	—	89⅛ ⅛ ¼	—
Three per Cent. Consols	—	90⅜	—	—	90⅜	90⅜	90⅜ ⅜	90⅜	90⅜
FOREIGN AND COLONIAL FUNDS.									
India Five per Cent. Stock	107½	107	—	—	107½	—	107	—	—
JOINT-STOCK BANKS									
Bank of Ireland, £100 pd	—	232	232	—	232½	233	233½	234	—
Hibernian Bank, £25 pd	—	37	—	—	—	36½	36½	—	36⅝
Munster Bank (Lmtd.), £3 10s pd ..	—	—	—	4½ ex div	—	—	—	—	4½
National Bank, £30 pd	66 66½ ⅝ ½	66½	66½ ½ ⅝	66½ ½	66 65	65	64 —	64½	64⅝
Ditto for Account	66½	66½	66½ ½ ⅝	—	65½ 65	64½	—	—	—
National of Liverpool (Lmtd.), £15 pd ..	15⅜	15⅝	15½	15½	15½	15	15	15 14⅞	15
Provincial Bank, £25 pd	—	84	84	—	—	(Ac) 84	84	—	—
Royal Bank, £10 pd	33⅞ 34	34	—	—	34½	—	34½	—	34½
Ditto for Account	34	—	—	—	—	—	—	—	—
Ulster Banking Company, £2 10s pd ..	—	—	—	—	—	—	—	9½	—
Union Bank, £22 pd (Ac.)	—	—	—	—	—	—	—	—	—
STEAM.									
British and Irish, £50 pd	—	—	—	—	—	—	—	—	—
City of Dublin, £100 pd	—	96½	—	—	—	—	99	99	—
Dub. & L'pool St. Ship Build., £50 pd rd ..	—	51½	—	—	51½	51½	52	51½	—
Dub. and Glasgow, £50 pd	—	64	—	64	—	—	—	—	—
Dundalk (Limited), £10 pd	7½	—	—	—	—	7⅝	—	—	—
Peninsular and Oriental, £50 pd ..	—	—	—	—	—	—	—	—	—
MINES.									
Carysfort (Lmtd.), 30s pd	—	—	—	—	—	—	—	—	—
Ditto for New Account	—	—	—	—	—	—	—	—	—
Connorree M. Co. (Lmtd.), 20s pd ..	—	17s 6d	17s	—	17s	—	—	16s	—
Ditto for Account	—	—	—	—	17s	—	—	—	—
Gen. M. Co. (Lmtd.), £5 10s pd ..	—	—	—	—	—	—	2⅜	—	—
Ditto for Account	—	—	—	—	—	—	—	—	—
Killaloe Slate Co. (Lmtd.), £1 pd ..	—	—	—	—	—	—	14s	—	—
Mining Co. of Ireland, £7 pd	18½	18½ ⅝	18½	—	18	—	17½ ⅝	—	17⅝
Ditto for Account	—	—	18½	—	18	—	—	—	—
Wicklow Copper, £2 10s pd	24½ ⅝	24⅝	—	—	—	24⅝	—	24⅝	—
Ditto for Account	24⅝	—	—	—	—	—	—	—	—
MISCELLANEOUS.									
Alliance and Consumers' Gas, £8 pd A ..	—	—	9½	—	—	—	9½	—	—
Alliance and Consumers' Gas, £5 pd B (Ac)	5½ ⅝	—	5½ ⅝	—	—	5½	5½	5½	—
Ditto for Account	—	—	—	—	—	—	—	—	—
Alliance and Consumers' Gas, £4 pd 2 C ..	—	—	—	—	—	—	4½	—	4½
Dub. Exhib. Palace (Lmtd., £5 pd ..	—	—	—	—	—	—	1½	1½	—
Grand Canal, £100 pd	45	—	45⅞ ⅞ 46	46	—	—	—	—	—
Patriotic Insurance, £10 pd	8½	—	—	8⅝	—	—	—	—	8⅝
National Insurance, £25 pd	—	—	—	—	33⅞	—	—	33⅞	—
RAILWAYS.									
Belfast and Northern Counties, £50 pd ..	44 ex div	—	—	—	—	43½ 43	—	—	—
Cork and Bandon, 50 pd	—	—	—	—	—	—	—	11	—
Dublin and Belfast Junction, £100 pd ..	—	—	68⅞	—	68⅞	69	69	69½ ½	69½
Dublin and Kingstown, £100 pd ..	—	—	—	192	—	—	—	—	—
Dublin and Drogheda, £100 pd ..	—	—	—	—	—	—	—	3	—
Dublin, Wicklow, and Wexford, £100 pd ..	—	—	—	—	35	(Ac) 35	35	—	35
Ditto for Account	—	—	—	—	—	—	—	—	—
Great Northern and Western, £10 pd ..	—	—	—	—	—	5	—	—	—
Great Southern and Western, £100 pd ..	—	—	—	90½ ex div	90½ ex div	90 ex div	90½	90½	90½
Midland Great Western, £100 pd ..	61½	—	—	—	60½	—	60½	—	—
Ditto for Account	—	—	—	—	—	—	60½	—	—
Waterford and Limerick, £50 pd ..	—	—	—	—	—	—	—	—	—
RAILWAY PREFERENCE.									
Belfast and N. Counties, 4 p c pp, £100 pd	—	—	88 ex div	89	—	89½	89½	—	89½
Cork and Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—	—	—	—
Dub., Wick., and Wex., 4 p c pr, £100 pd ..	113½	113	—	—	113	—	—	—	—
Dub., Wick., and Wex., 5 p c £50 pd rd ..	45	—	—	—	45½	—	—	46½	46½
Gt. South. and Westn. 4 p c pp £100 pd ..	91⅞ ex div	92 92½	93	93	93	—	—	92½	—
Irish N. Western, 5 p c pp, £10 pd, A ..	—	—	—	—	—	—	—	—	—
Midland Great Western, 5 p c, £100 pd ..	—	—	—	—	—	—	—	—	—
Portadown, Dungannon, &c., 6 p c, £25 pd	25½	—	—	—	—	—	—	—	—
Watfrd. and Limk. 5 p c pd £50 ..	—	—	—	—	—	—	—	—	—
Dublin & Drogheda, 5 p c rd, 1868, £25 pd	—	—	—	—	—	24	—	—	—
RAILWAY DEBENTURES.									
Gt. South. and Wn., 4½ per cent., ..	—	99⅝	99⅝	—	—	—	—	—	—
Midland Great Western 5 per cent., ..	99⅞	99⅝	—	—	—	—	—	—	99⅝
Ditto 4½ per cent	—	—	—	—	—	—	—	—	—
LOCAL DEBENTURES.									
Ballast Office Debentures, £92 6s 2d ..	—	—	—	83½	—	—	—	—	83½
City Debentures, £92 6s 2d	—	—	—	—	77½	—	—	—	—

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£3,000 TO BE LENT.—Apply to Mr. MICHAEL WHELEHAN, Tyrrell's-Pass, Westmeath; or JOHN THOMAS HINDS, Solicitor, 28, Westmoreland-street, Dublin.

£2,500 Trust Money TO BE LENT.—Apply to O'CONNELL L. MURPHY, Esq., Breemount, Laracor; or JOHN THOMAS HINDS, Solicitor, 28, Westmoreland-street, Dublin.

LANDED ESTATES' COURT.

FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of
MARGARET ANNE MURRAY, Executrix of GERVAS MURRAY, deceased, Owner;

Exparte GEORGE WILSON and SARAH JANE WILSON, his Wife, Petitioners.

TAKE NOTICE that the Schedule of Incumbrances affecting the Plot of Ground, situate at Dollymount, in the Barony of Coolock, and County of Dublin, and the Plot of Ground adjoining same, held under Lease dated the 20th day of June, 1843, for a term of 200 years; and the house and premises known as No. 61, Great Britain-street, in the City of Dublin, held under Lease for residue of a term of 90 years, from 29th September, 1793, is lodged with the Clerk of the Records of this Court; and any person having any claim not therein inserted, or objecting thereto, either on account of the amount or the priority of any charge therein reported to him or any other person, or for any other reason, is required to lodge an objection thereto, stating the particulars of his demand and duly verified, with the said Clerk, on or before the 28th day of February, 1867, and to appear on the following Wednesday, March 6th, at Eleven o'clock, before the Honourable Judge Dobbs, at his Court in Dublin, when instructions will be given for the final settlement of the schedule.

And further Take Notice that any demand reported by such schedule is liable to be objected to within the time aforesaid.

Dated this 28th day of January, 1867.

C. E. DOBBS, Examiner.

JOHN T. HINDS, Solicitor having the Carriage of Proceedings, 28, Westmoreland-street.

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LANDED ESTATES' COURT.

RECORD OF TITLE, IRELAND.

In the Matter of

The Record of Title Act (Ireland), 1865, section 51, and of Richard John O'Grady, Esq., an owner of Lands under Parliamentary Title.

WHEREAS the Commissioners for Sale of Incumbered Estates in Ireland, on the 5th day of August, 1850, conveyed to the late Francis Richard O'Grady, Esq., of Tavrane, Kilkelly, in the County of Mayo, the Lands of Sallyernan, otherwise Sallyernon, held by lease for a term of 950 years, from 1791; and on the 7th day of August, 1851, the said Commissioners conveyed to James Dillon Meldon, the Lands of Ballyhaunis, otherwise Tubber, including Houses and Plots in the Town of Ballyhaunis, and the Lands of Hazlehill and Cloonbullig, which last mentioned Lands were afterwards sold, and conveyed by the said James Dillon Meldon, to the said Francis Richard O'Grady, deceased; and on the 28th day of July, 1853, the said Commissioners conveyed to said Francis Richard O'Grady, the Lands of Cahir, called Cloonfallagh, and subdenomination, called Derrynane; and on the 2nd day of December, 1857, the said Commissioners conveyed to the said Francis Richard O'Grady, deceased, part of the Lands of Cahir, otherwise Caher Higgins, all the said several Lands and Premises, being situate in the Barony of Costelloe, and County of Mayo.

And whereas Richard John O'Grady, Esq., by his application (which may be inspected at my office, by any person interested) claims as nephew and heir-at-law of the said Francis Richard O'Grady, who died unmarried, and intestate, in the month of March, 1863, to be absolutely entitled to the said Estates.

This is to give Notice, that unless cause be shown to the contrary within one month from the publication of this Notice, the said Richard John O'Grady will be entitled to be recorded, pursuant to the 51st section of the Act, as owner of all the said Estates, subject only as to the Lands of Sallyernan, to the lease particularly mentioned in said application, and as to the Lands of Ballyhaunis, to the leases and agreements for leases mentioned in the conveyances from said Commissioners.

Dated this 15th day of February, 1867.

R. DENNY URLIN.

DILLON & HART, Solicitors for Richard John O'Grady, Esq., the Owner, 12, Upper Ormond-quay, Dublin.

LANDED ESTATES' COURT, IRELAND.

COUNTY OF WEXFORD.

In the Matter of the Estate of

ARTHUR ANNESLEY VISCOUNT VALENTIA,

Owner and Petitioner.

NOTICE is hereby Given that Proposals in writing will be received by the Solicitor having carriage of the Sale in this matter, up to the 20th day of MARCH, 1867, for the purchase of the two unsold Lots of the Wexford Estates, which are held in Fee Simple, containing 162a. 2r. 39p. statute measure, of the estimated letting value of £125, producing a net profit rent of £88 4s., and situate in the baronies of Bargy and Shelbourne, and County of Wexford.

SUMMARY OF UNSOLD LOTS.

No. of Lot in Rental	Denominations	Quantity of Land, Statute Measure	Estimated Letting Value	Yearly Rents Payable by the Tenants	Net Profit
		A. R. P.	£ s. d.	£ s. d.	£ s. d.
35	Harristown (Reask)	116 0 18	75 0 0	54 1 0	54 1 0
44	Part of Horeswood	46 2 21	50 0 0	34 3 0	34 3 0
	Total, ..	162 2 39	125 0 0	88 4 0	88 4 0

Dated this 15th day of February, 1867.

HENRY ROBERT GREENE, Chief Clerk.

DESCRIPTIVE PARTICULARS.

Lot 35 is situate near the village of Tullycana, about five miles from Taghmon, and well circumstanced as to roads and markets.

Lot 44 is near the village of Campile, and now forms a portion of the demesne attached to Kilmannock The lands are exceedingly fertile, and remarkable for the beautiful scenery and gentlemen's seats in the neighbourhood. The tenants (one on each lot) are most respectable, and on the expiration of their leases the rental will be considerably increased in value.

For Rentals and further particulars apply at the Office of the Landed Estates' Court, Inn's-quay, Dublin; to

Messrs. RICKARDS & WALKER, Solicitors, 29, Lincoln's Inn Fields, London; to

Messrs. GADSON, ELLIS, & SCORER, Land Agents and Surveyors, 18, Old Broad-street, London; or to

THOMAS TIGHE MECREDY, Solicitor for Petitioner, having Carriage of the Proceedings, No. 26, South Frederick-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of

EDWARD CAHILL,

of Aungier-street, and 17, Golden-lane, in the City of Dublin, Builder, Hosier, and Haberdasher, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 5th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 20th day of February, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants' quay, Dublin.

MICHAEL MURPHY, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY,

In the Matter of

JOHN SAUNDERS,

of the Victoria Nursery, Western-road, in the County of Cork, Nurseryman, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 5th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 22nd day of February, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

MICHAEL MURPHY, Esq., Official Assignee, No. 33, Upper Ormond-quay Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of

JAMES MORRISSEY,

of Kilrush, in the County of Clare, Woollen Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 1st day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 20th day of February, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

MICHAEL MURPHY, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

Printed and Published for the Proprietors, every Saturday, by John Falconer, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, February* 23, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 5.] SATURDAY, MARCH 2, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office, 53, Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, *53, Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MARCH 2, 1867.

THE reason which induced the Lord Chief-Justice of the Court of Queen's Bench, at the late after-sittings, to change the order in which the list of Records is usually heard, and to take the Special Jury cases first, opens up a question of very serious importance to both branches of the profession and to the public.

It may not be generally known that the object of this change was to obviate as much as possible the serious inconvenience which so frequently arises from Senior Counsel being engaged in a number of cases, three of which, at least, may be at the same moment actually at hearing in the different courts.

In a recent case, tried in the Exchequer Nisi Prius, an eminent counsel made the following remark—"It has been suggested that the reason for my not having opened this case was that I have been reserved for the last, in order to work upon the sympathies of the jury. I have only to say that unless an Irish barrister enjoyed that peculiar privilege which is said to belong to birds, and could be in two places at once, I could not be here and elsewhere at the same moment." He alluded to the fact of two Courts of Exchequer sitting at Nisi Prius simultaneously. He might also have alluded to the like state of things in the Common Pleas during the late after sittings.

Of course the only motive of the Chiefs of these Courts, in thus subdividing the list of Records, is a desire to speed the course of justice; but this so greatly increases the evil complained of that on the whole we think delay would often be less prejudicial to litigants than an immediate trial in which they had not the advantage of the Counsel retained by them.

A correspondent, in a letter which we publish in another column, calls our attention to this subject, and mentions what certainly appears to be an extreme case; we trust, however, that his leading counsel's brief although "unnoted" was not unread, and that had he not been engaged elsewhere he would have been perfectly prepared to state the case; the public should remember when condemning members of the bar for retaining fees for which they have rendered no services, that eminent men in extensive practice are always taken at a risk; they merely undertake to prepare their cases and make the best effort they can to be present at the hearing; it is, however, very difficult to persuade an unsuccessful suitor, smarting from the effects of an adverse (and, as he believes, unjust) verdict, that the advocate on whose skill he relied is altogether free from blame, in having been necessarily absent during the greater part, or perhaps the entire, of the trial.

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Besides particular instances of inconvenience and injustice caused by this state of things, the multitudinous demands upon the time of an Irish Barrister necessarily preclude that undivided attention to special branches of legal study and practice which is necessary for the production of legal works of literary merit, the dearth of which in this country is so often lamented.

We fear that the really effectual remedy for these grievances, by a subdivision of labour which would enable practitioners to confine themselves exclusively to particular courts, seems to be in Ireland wholly impracticable; and we agree with our correspondent in thinking that a discussion upon the subject is extremely desirable, feeling confident that the Members of the Bar would cordially co-operate in carrying out any feasible plan that can be suggested to lessen the grievances complained of.

THE CROWN SOLICITORSHIP FOR THE NORTH-EAST CIRCUIT.

BY the death of the late Maxwell Hamilton, Esq., this office is now vacant. The emoluments attached to it are considerable, but it is intended to divide the Circuit into districts, as has been done in similar instances, and thus to make two or three appointments instead of one. This course would have many advantages to recommend it to the Profession, the Government, and the country. It would confer appointments upon three or four Solicitors, instead of giving all to one; it would extend the area of public patronage; and, by causing a division of responsibilities and labours, it would aid in promoting the efficient discharge of the various important professional duties to be performed.

CURRENT TOPICS.

THE LORD MAYOR'S BANQUET.

The Right Hon. the Lord Mayor, at his inaugural banquet last week, in proposing the toast of "The Attorneys and Solicitors of Ireland," called the public attention to a number of topics of interest to the Profession; we give a full report of his Lordship's admirable speech, for which the thanks of the Profession are eminently due to him.

It now becomes my duty to propose to you the toast of the profession to which I am proud to belong, and by which I first learnt to know the privilege of being independent—"The Solicitors of Ireland." (Applause). It is a noble and an honourable profession, one requiring talent, skill, perseverance, and honour to succeed in. (Applause). It is a profession which has contributed more than a fair share to the honour and prestige of the Bar; and the painstaking, and hardworking Solicitor's labours are often overlooked, and seldom acknowledged, by those who rise to eminent positions, and then too often disregard the men, whose patronage and support enabled them to climb to the loftiest positions in the Common Law and Equity Benches. (Hear, hear). But I am proud to believe that the solicitors of Ireland are entering on a new career. (Hear, hear). The Act of last Session gives them a separate corporate existence, and a right to manage their own affairs, though it must be admitted Parliament and the benchers took a long time to find out that they could be entrusted to manage their own affairs, though they are employed, trusted, and relied on to manage the affairs of others. (Laughter and applause). Yet better late than never, and I hail the passing of the Act to which I refer as a proof that the profession is advancing in public confidence and regard. It is making the tests for admission such as any gentleman ought not to be afraid to encounter. (Applause). In this it acts wisely. Yet I regret to say another aspect of the profession fills me with profound anxiety. I mean the state of the County Courts of Ireland. They now perform much of the legal local business of the country; their jurisdiction in several important matters has been, and ought to be still further, increased, but the scale of fees payable to the solicitors who practise there is insufficient in the extreme, contemptible when compared with the fees paid in the County Courts in England and Scotland; and considering the wisdom of maintaining gentlemen of high character and position as practitioners there, is most unwise. (Applause). You drive the best men out of such courts by the insufficient nature of the fees, while at the same time you are hedging the profession round with greater safeguards in the shape of examinations. (Applause). The Right Hon. gentleman, the Attorney-General for Ireland, is present, and I say to him he would embalm himself in more than Egyptian glory (laughter) if he will introduce and carry a good measure to improve the County Courts of Ireland. (Applause). But the truth is the solicitors of Ireland ought to have representatives of their own body in Parliament to protect their interests, and by this save also the public. (Hear, hear). I am glad, to night, to be surrounded by some of the most eminent members of that profession. I shall not refer to more than one, but I will ask you to drink his health—that of Mr. Orpen, the President of the Incorporated Society of Solicitors of Ireland. (Applause).

The following is the draft of the Bill (alluded to in our last number) to confer upon Courts of Quarter Sessions a limited jurisdiction in cases of partnership accounts:—

Act to Amend "An Act to Consolidate and Amend the Law relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to Transfer to the Assistant Barrister Certain Jurisdiction as to Insolvent Debtors."

Preamble. WHEREAS upon the hearing of Civil Bills at Quarter Sessions in Ireland it frequently happens that the demand of the plaintiff appears founded upon some unsettled partnership account, by reason whereof the Court is under the legal necessity of dismissing such processes, although the defendants in same are justly indebted to the plaintiffs;

AND WHEREAS the sole remedy of plaintiffs in such cases would be in the Court of Chancery, which being ill adapted to suits of a trifling nature, is practically unavailable in such cases;

14 & 15 Vic., ch. 57, secs. 5, 49–50, 51–52. AND WHEREAS the said Civil Bill Courts already possess equitable jurisdiction with respect to the administration of the assets

of deceased persons, where such assets do not exceed £200;

AND WHEREAS it is expedient to confer upon the said Civil Bill Courts a corresponding equitable jurisdiction in respect of demands between partners.

BE IT THEREFORE ENACTED by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Civil Bill may be maintained although between partners.

1. That though upon the hearing of any Civil Bill at Quarter Sessions it shall appear that the defendant or defendants has or have a joint interest with the plaintiff or plaintiffs in relation to the subject matter of the demand contained in the process, or that there is a partnership between them in relation thereto, it shall nevertheless be competent for the Chairman of the Sessions of the Peace to entertain such process, and to take any account between the parties in relation to such partnership which he may deem necessary for the purpose of ascertaining whether any, and what, balance be due from the defendant or defendants to the plaintiff or plaintiffs on foot of such partnership transactions, or to direct such account to be taken by such person or persons as he shall appoint for that purpose; and if it shall appear to the Chairman that any balance is due from the defendant or defendants to the plaintiff or plaintiffs, he shall, and may, make a decree for payment thereof with costs; but if no such balance shall appear, then the said Chairman shall, and may, dismiss the Civil bill with costs.

Account may be taken if necessary.

Money may be ordered in to be paid by parties.

2. That if in the course of said hearing, or such inquiry as aforesaid, it shall appear to the Chairman that the case is not ripe for a final decree by reason of there being outstanding debts due by the said partners as such; the Chairman may, if he see fit, order such sum of money as shall seem just to be paid by any of the parties to the process by a day to be named by him into the Bank of Ireland, or such branch of the Bank of Ireland as he shall direct, in the name of the Clerk of the Peace for the county, to the credit of the cause in question. And such order shall direct that, in default thereof, the said sum shall be levied by execution against the body or goods of such party or parties, in like manner, and under like restrictions, as provided in the case of ordinary decrees on Civil Bills, and such order shall be executed accordingly. Provided nevertheless that the sheriff shall not proceed to execute such order, unless an affidavit be deposited with him stating that no such payment in bank has been made pursuant to the exigency of such order, which affidavit may be sworn before the Clerk of the Peace or any Justice of the Peace for the county. And such Clerk of the Peace, or such Justice (as the case may be), is hereby authorized to administer such oath.

14 & 15 Vic., ch. 57, sec. 54.

Debts due to partnership to be enforced.

3. That if it be alleged by any party to such Civil Bill that any debt is then due to such partners by any person or persons residing in the county, and if such party shall so require, then the Chairman may, if he see fit, but at the peril of the party so requiring, make an order upon such alleged debtor or debtors to show cause, by a day therein to be named, why he, she, or they should not pay the sum so alleged to be due as aforesaid, and such order shall be served in like manner as aforesaid, and such order shall be served in like manner as Civil Bill Processes; and if no cause, or no sufficient cause, be shown, then the Chairman may make an absolute order upon such debtor or debtors, to pay such sum, or so much thereof as appears to him to be actually due, together with costs, to be taxed by the Chairman, by a day therein to be named, into the Bank of Ireland, or such branch of the Bank of Ireland as he shall direct, in the name of the Clerk of the Peace for the county, to the credit of the cause in question; and such order shall direct that, in default thereof, the said sum shall be levied by execution against the body or goods of such debtor, in like manner and under like restrictions as are provided in the case of ordinary decrees on Civil Bills; and such order shall be executed accordingly.

Provided nevertheless, that the Sheriff shall not proceed to execute such order unless an affidavit be deposited with him, stating that no such payment has been made pursuant to the exigency of such order; which affidavit may be sworn before the Clerk of the Peace, or any Justice of the Peace, for said county.

And said Clerk of the Peace, or such Justice (as the case may be), is hereby authorised to administer such oath. But if the Chairman shall allow the cause shown by such alleged debtor or debtors, then it shall be lawful for him to make a decree or order against such person making such application in relation to such alleged debt, for payment to such debtor of the costs incurred by reason of such application, and of showing cause in relation thereto; which costs shall be taxed by the Chairman.

Money to be paid out of bank by order 14 & 15 Vic., ch. 57, sec. 54.

4. That all such money so lodged in or paid into Bank to the credit of any cause as hereinbefore provided shall be applied and disposed of according to the order and directions of the Chairman, and all such monies shall vest in the Clerk of the Peace for the time being, and shall be made upon an order in writing under the hand of the Clerk of the Peace, countersigned by the Chairman, which order shall be a good and sufficient warrant to all intents and purposes, and that said Chairman may (if necessary) make such decree on such Civil Bill against the defendant or defendants with costs, or may dismiss the same with costs, as to him may seem just.

Demand not to exceed existing jurisdiction of £40.

14 & 15 Vic., ch. 57, sec. 35.

Or where assets of partnership exceed £200.

Sec. 49.

5. Provided that nothing hereinbefore contained shall authorize the Chairman to entertain such Civil Bill as aforesaid if the demand shall exceed the sum for which the Chairman already has jurisdiction to hear and determine by Civil Bill a demand for any ascertained and unpaid balance of a partnership account, or shall authorize the Chairman to entertain any Civil Bill under this Act where the available assets of such partnership shall exceed £200.

This Act to be incorporated with Civil Bill Act, 14 & 15 Vic., ch. 57.

6. That this Act shall be taken and deemed as incorporated with the said hereinbefore in part recited Act, and that all the provisions therein contained shall be applied to this Act, as if its provisions were herein repeated, save so far as same may be inconsistent with the provisions herein contained.

The Belfast Recorder's Court was opened on Wednesday, before J. Hastings Otway, Esq., Q.C., Recorder, who delivered a lengthened address to the grand jury.

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ENGLAND.

HOUSE OF COMMONS.

Tuesday, Feb. 26th.

ATTORNEYS, ETC., CERTIFICATES DUTY.

Mr. DENMAN, in moving for leave to introduce a Bill upon this subject, said that although the House had on several occasions affirmed the principle of the abolition of the duty, the Bill proposed only to reduce the annual payment to the nominal sum of 5s. He proposed the reduction instead of the abolition because the latter course would necessitate the alteration of a good many Acts of Parliament, and the repeal of others, things that could only be effected at great inconvenience.

Mr. BASS did not intend to oppose the second reading of the Bill, but thought that all trade licences ought to be abolished. The licence duty on the common brewers (a laugh) was incomparably more serious than that on attorneys or solicitors' certificates, and weighed the heavier, inasmuch as it was levied not upon profits, but upon the quantity produced. As a brewer, he paid more than 1,100 or 1,200 attorneys or solicitors in the shape of duty, and believed, therefore, that he had a much stronger cause of complaint, and had infinitely greater right to demand relief.

The CHANCELLOR OF THE EXCHEQUER.—I congratulate the hon. member for Derby upon the large sum he pays for licences to carry on his trade. ("Hear, hear," and laughter.) I can only say, that under the same conditions we all should be perfectly willing to pay an equal tribute to the national Treasury. ("Hear, hear," and laughter.) I believe the system of licences to be a most enlightened scheme for national taxation, and therefore I am not at all inclined to favour the proposition of the hon. and learned member who asked for leave to introduce a Bill to reduce the annual duty upon the certificates of attorneys and solicitors. I know that the Chancellor of the Exchequer stands in a very difficult position when he is attacked at the same time by attorneys and by brewers. (A laugh.) In the course of the Crimean war, Henry Drummond—alas, poor Yorick!—speaking in this House of the different Powers then in conflict throughout the world, said, "After all, what is their power to the power of attorney?" I feel the force of that remark at the present moment. ("Hear," and a laugh.) Feeling myself, however, bound to some extent by the decision of a majority—a very small majority of this House which sanctioned the principle of the Bill, I shall not oppose its introduction by the hon. and learned member. While expressing my disapproval of this attack by the hon. and learned member upon the Consolidated Fund, I must say that he has scarcely chosen the fitting moment for the introduction of his Bill. The proper time to bring forward subjects of this nature is after the Chancellor of the Exchequer has made his annual statement to the House, when, if there be any surplus—an event always problematical until that statement has been made—those who believe that they have any claim may come forward and ask for it. It is rather too much to suppose that, as a matter of course, these assaults upon the national resources are to be invariably successful. It would be an act of discourtesy in me were I to oppose the introduction of the Bill under the circumstances to which I have referred, but I do not wish that the hon. and learned member should suppose that by assenting to the introduction of the Bill I in any way sanction its principle. The hon. and learned member represents a class of gentlemen to whose intelligence and patriotism he can always appeal when circumstances render such an appeal necessary; and after he has heard the financial statement of the year, he will be in a better position than he is at present to advise them as to the propriety of proceeding with the Bill.

Leave having been given to introduce the Bill, it was brought in and read a first time.

NOTICE OF MOTION.

For Tuesday, March 12.

SIR COLMAN O'LOGHLEN.—Arrest for Debt (Ireland).—Bill to abolish arrest for debt on Mesne and final Process, except in certain cases, and to amend the law of debtor and creditor in Ireland.

A BILL introduced by Sir Colman O'Loghlen, Q.C., and Mr. Baines, on the 8th instant, proposes to alter and amend the law of libel, in order to secure more effectually the liberty of the press. So long as it is considered important to the public that the proceedings of courts of Justice and of other public conclaves should be published in the newspapers, so long will the necessity exist that the law of libel should be well ascertained. That it is not so appears plainly from the result of the numerous actions for libel which are from time to time brought before the Courts. The case of *Pinero* v. *Goodlake*, which we noticed last week,* arose out of a practice which prevails universally with editors of shortening copy supplied to them by their reporters, so that at any time the proprietor of a newspaper may be rendered liable to a prosecution by reason of the omission of some part of the evidence from the report of a case. To remedy this monstrous abuse the first clause of this bill provides that proof that an alleged libel was a true report of a speech spoken at a public meeting lawfully assembled for a lawful purpose, open to reporters of the press, and published *bona fide* without actual malice in the ordinary course of business, shall be a defence unless the defendant has declined to publish an explanation or contradiction furnished to him for the purpose. If a court of law comes within the designation of "a public meeting lawfully assembled for a lawful purpose, open to reporters of the press," we have here a protection for those who cater for the public information by reporting law proceedings, but it is doubtful whether this clause points to the publication of such reports, for it only refers to "a speech or part of a speech," and not to the evidence of witnesses which would have assuredly come under a different description.

Every report of proceedings had in a court of law ought to be privileged, not only so far as it is absolutely true but so far as it is a *bona fide* report of what actually occurred, although very much curtailed so as to slightly vary its general tenor, provided it be done without malice. That is to say, an editor may be required to state the truth generally without being bound to give a full report of all that occurred on the occasion treated of. However, the clause is good *pro tanto* and is very usefully followed up by the second clause, which provides that any person who shall, at such a meeting, speak of any other person, such defamatory matter as would, if written, amount to a libel, shall, if his words be reported in a newspaper, be liable to be proceeded against, as if he had written and published the same. Undoubtedly a great protection is here afforded to reporters and proprietors of newspapers who, in ninety-nine cases out of a hundred, have no feeling in the matter, but are only actuated in their mode of reporting such meetings by a desire to do their duty to their constituents and themselves.

The fourth clause provides that the defendant, in an action for libel, may pay money into court by way of amends for the injury sustained by the plaintiff, and in case the plaintiff declines to accept the amount in satisfaction, it is provided by the fifth clause that the judge may require him to give security for costs.

No private prosecutor is to be permitted, without the sanction of the Attorney-general, to prefer an indictment for the publication of a libel other than one published with the intent to extort money, &c. Occasionally it seems as if indictments for libel were preferred maliciously in order to taint the defendant with the greatest possible public disgrace. Such a proceeding ought not lightly to be passed over, and this clause, if passed into law, will assist in stopping all ill-advised prosecutions for libel.

In altering the law of libel, the difficulty lies chiefly in steering between too much leniency to *bona fide* reports, and too great severity in construing the definition of libel as applied to such reports. If it be permitted to publish any report of a case, however damaging such a report may be to the character of any individual, it would obviously be open to any newspaper to print all the parts that tell only one way without giving those which contradict the unfavourable statements. Probably malice would be inferred from such a course of action, but we have put the worst possible case. There are many and various tints in the

* 11 Sol. Jour. 325.

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colour which may be infused into the report of a case, and it is essential that the press should be protected from the results of accidental or even intentional, omissions if no malice be shown. So far, then, as it extends, this bill tends to the supply of a remedy, but we cannot consider it absolutely effectual to attain the desired end.

THE LAW PEERAGE MONOPOLY.

Before the Union the Lord Chancellor of Ireland was invariably (or with so few exceptions as but to prove the rule) raised to the peerage; since the Union, Lord Plunket alone among Irish barristers has attained that honour, and it was conferred upon him rather for political purposes than as a recognition of his great professional distinction. Before the Union, the chiefs of the three common law courts were, upon their retirement, ordinarily, if not invariably, raised to the peerage; since that time the practice has languished, until now it may be said to be extinct. Similarly with regard to Scotland: the roll of the peers down to Anne shows a frequent supply of Lord—Justice—Generals and Chief Barons, who have adorned at once the profession and their order; since the Act of 1707 removed the Legislature to London, we do not recollect a single instance of such promotion. And yet the House of Lords is the Ultimate court of appeal for both Scotland and Ireland; and that, in the case of Ireland at least, expressly on the ground that it represents the Upper House of the old Irish Parliament, the court of last resort before the Union. Surely this is an anomaly which may well be removed, with advantage at once to the theory of the system, the efficiency of the House, the practical working of the court, and the dignity of the profession in the sister countries. Why should the Bar of England enjoy a monopoly of the right to afford an entrance to the Upper House of the United Parliament? Why should English lawyers sit, unaided, to review the decisions of Scotch and Irish courts, and settle, at a manifest disadvantage, disputed questions of Scotch and Irish law? A proper admixture of Scotch and Irish Judges in the composition of this high court would not only vastly increase and improve its working power, but would afford greater facilities than can be supplied by any other measure for that assimilation and "unification" of the law of the United Kingdom which is so devoutly to be wished.—*Solicitors' Journal.*

THE NEW LAW LORDS.—The peerages of Lord Justice Cairns and the Lord Justice-General of Scotland have been gazetted. Their lordships will bear the titles respectively of Baron Cairns, of Garmoyle, in the county of Antrim; and Baron Colonsay, of Colonsay and Oronsay, in the county of Argyle.

NEW JUDGES.—The Bill laid before the House of Lords by the Lord Chancellor provides that, on the next vacancy in the office of Judge of the Admiralty Court, the present Judge of the Probate Court shall become the first Chief Justice of the Admiralty, Divorce, and Probate Courts, and two puisne judges of these courts are also to be appointed. The Chief Justice is to have rank next after the Lords Justices of Appeal; the two puisne judges with the other puisne judges. The salaries are to be £6,000 a-year for a Chief Justice, and £5,000 for a puisne judge; the retiring pensions £3,750 and £3,500. An appeal is to lie to the Privy Council in an Admiralty cause, and to the House of Lords in a divorce or probate cause. Any of these judges may, at the request of the Lord Chancellor, sit in any of the superior courts of law or equity with any judge or judges thereof. The Archbishop of Canterbury may appoint one or more of these judges to execute the office of Dean of the Arches, for which there is to be no remuneration other than the fees, if any.

APPOINTMENT.

The Right Hon. the Attorney-General has appointed William B. Kaye, Esq., LL.D., to be one of the supernumerary Crown Prosecutors for the county of Down.

UNIVERSITY INTELLIGENCE.

TRINITY COLLEGE, DUBLIN.

Consequent on the appointment of Dr. Lloyd to the Provostship, the following changes will take place:—The Rev. J. L. Moore, D.D., will succeed to the Vice-Provostship; and the Rev. John Malet, D.D., to the Senior-Fellowship vacated by Dr. Lloyd.

Examination for Degrees and License in Medicine in HILARY TERM, 1867.

Eames, Henry; Maunsell, Henry William; Langstaff, Henry; Foster, Henry B.; Brew, Thomas F.; Burr, William T.

LAW SCHOOL—CIVIL LAW CLASS.

The subjects of examination for Trinity Term, 1867, is as follows:—Institutes of Justinian, first two books. Merival's Romans under the Empire, vol. 3, chap. xxxi. Milman's Latin Christianity, book 3, chap. v. Heron's History of Jurisprudence, books 1, 2, 5. Creasy's Rise and Progress of the English Constitution. Story's Conflict of Laws, second chapter.

Candidates for the degree of LL.B., in addition to the books above mentioned, to be examined in "Erotius de Jure Belli et Pacis," Prolegomena, and First Book.

TRINITY COLLEGE THEOLOGICAL SOCIETY.—There will be a general meeting of this society on Monday next, the 4th inst., when an essay will be read "On Objections to the Book of Common Prayer," by A. M. Dobbs, A.B. Speakers—W. F. Nash, A.B., and E. Patman, A.B. Chair to be taken at seven o'clock (College time).

COLLEGE HISTORICAL SOCIETY.—The subject for debate on next Wednesday evening, the 6th instant, will be "That Agitation has done more detriment than service to the best interests of Ireland." Speakers—affirmative: Mr. A. E. Bagot, A.M.; Mr. Benjamin Eyre, A.B., Sch. Negative: Mr. J. B. Falconer, A.B.; Mr. H. O'Hea, treasurer. Mr. J. Clarke Lane, A.B., Sch., will reply. Chair to be taken at eight o'clock (College time).

THE SOLICITOR-GENERAL FOR IRELAND.—The London correspondent of the *Cork Examiner*, in noting the debate on Lord Naas's Land Bill, says:—"The other feature of the debate was the *debut* of Mr. Chatterton, the Solicitor-General. You will be glad to hear that it was most successful; for, whatever his politics, it is always pleasant to be told of the success of a fellow-townsman, and most of all, of success achieved in such an assembly as the House of Commons. The occasion, it is true, required of him to say but little; but that little was said in a way to cause all who heard him—your correspondent among the number—to predict for him still greater success in his career of an Irish law officer. What he may prove on a general debate remains to be seen. Few lawyers, English or Irish, who have had seats in the House in modern times have distinguished themselves as such; but this I think may be predicted of Mr. Chatterton—in all matters relating to his office, he will sustain his reputation as a sound lawyer and an educated and enlightened man."

THE MAGISTRACY.

The Lord Lieutenant has approved of the appointment of Major Andrew Nugent, to be a Deputy Lieutenant for the county of Down, in the room of Arthur Hill Montgomery, Esq., deceased.

COUNTY SLIGO.—Robert A. Duke, Esq., Newpark, Ballymote, has been appointed to the commission of the peace for the county of Sligo, on the recommendation of Colonel Knox Gore, lieutenant of the county.

COUNTY CORK.—Captain Henry Eustace Leader, of Mount Leader, Millstreet, has been appointed to the commission of the peace for the county of Cork.

COUNTY WEXFORD.—Captain John D'Olier George, of Cahore, Gorey, has been appointed to the commission of the peace for the county of Wexford.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

COSTELLOE *v.* MARTIN.

Jan. 10, Feb. 4.—*Deposit Receipt—Married Woman—Trust—Interpleader.*

The petition was filed by the public officer of the National Bank, under the following circumstances:—

Various sums had been lodged on deposit receipts from 1863 to the 23rd May, 1866, in the Dublin and Kingstown branches of the National Bank, by Eliza Margaret Fitzpatrick, the wife of James Fitzpatrick. She represented herself at the time of the lodgments to be a widow. On the 23rd of May, 1866, she and James Martin, who was her son-in-law, and was aware that she was a married woman, went to the Kingstown branch of the bank, to which bank all the sums previously deposited, amounting to £1,709, had been transferred, and took out a new deposit receipt for the entire in the name of James Martin alone, Eliza M. Fitzpatrick still representing herself to be a widow. At that time no notice to the bank that she was a married woman had reached the Kingstown branch of the bank, though a notice by James Fitzpatrick to that effect had, by mistake, been sent to the Castlepollard branch. Claims to the money were afterwards made on behalf of James Fitzpatrick, the husband of Eliza M. Fitzpatrick, and by a Mr. Webb, whose housekeeper she was, and who stated that the money was his, and had been lodged in the bank in trust for him. Actions at law were brought against the bank by Martin and Fitzpatrick. The petition prayed that the £1,700 for which the deposit receipt was given to Martin might be declared to be a trust fund, that the trusts of it might be ascertained, and that the actions might be stayed.

A conditional order for an injunction to restrain the actions, on lodgment of the £1,700 in court, having been obtained by the petitioner, cause was now shown and the case fully argued by

O'Hagan, Q.C., and *Bewly* for James Martin; and

Palles, Q.C., and *S. Walker* for the petitioner.

Carton appeared for James Fitzpatrick.

The main argument relied on for the respondent, Martin, was that the petition was in substance an interpleader suit which would not lie by reason of the deposit receipt given to Martin, and the contract thereby entered into by the bank with him, according to *Crawshay* v. *Thornton* (2 M. R. Cr. 1).

The MASTER OF THE ROLLS held that there having been misrepresentation of a material fact, viz., that Eliza M. Fitzpatrick was a widow when the deposit receipt was given to Martin on the 23rd of May, 1866, the bank were entitled to relief in equity, and made absolute the conditional order; the costs of the motion to be costs in the cause.

Solicitors for the petitioner, *Mahony* and *Howe*.

Solicitor for the respondent Martin, *George D. Fottrell.*

Solicitor of the respondent, James Fitzpatrick, *William Mooney.*

IN THE MATTER OF SHEILS' TRUSTS AND THE TRUSTEE RELIEF ACT.

Feb. 18.—*Trustee Relief Act—Appointment—Surviving Children.*

A fund was lodged under the Trustee Relief Act by the trustee of a settlement of the 18th of June, 1827, whereby it was limited in trust for the separate use of Frances O'Donnell, for life, and after her decease in trust for her children, as she should by deed or will appoint, the shares to be vested on their attaining twenty-one; and in default of appointment for her issue, share and share alike. There were now five children of Frances O'Donnell; and by a deed of the 28th of November, 1866, she appointed the fund in different shares among them. They now presented a petition to be paid according to this appointment. It appeared that there had been other children who had died, but it did not appear whether they had attained twenty-one before their deaths.

His Honour at first felt some difficulty in making the order, but on being referred to *Butcher* v. *Butcher*, 1 Ves. B. 79, and *Boyle* v. the *Bishop* of *Peterborough*, 1 Ves. Jun. 299, made the order, the solicitor stating that there were only five children living.

S. Y. Johnstone for the petitioner. Solicitor, *Robert Keys.*

COURT OF QUEEN'S BENCH.

Reported by WILLIAM WOODLOCK, Esq., Barrister-at-law.

EAGAR *v.* MAUNSELL.

Jan. 26.—*Ejectment—Temporary Bars.*

Motion for an order, under section 89 of the Common Law Proceedure Act of 1856, to compel the defendant in an action of ejectment on the title to waive temporary bars, and that the real title in the action should be tried. The action was brought to recover certain lands in the county of Kerry. The plaintiff stated that there had been incumbrances on the lands which were paid off, but that he was not aware if there had been any reconveyances. He also stated that there were settlements affecting the lands, but that he did not know which of the trustees in those settlements were living, or who were the heirs of those, if any, who were dead. The motion was merely "to waive temporary bars," without mentioning any particular bar. It had, originally, been moved in Chamber before Fitzgerald, B., who had refused it, and it was now renewed before the Full Court. The defendant resisted the motion. First, upon the ground that it had been adjudicated upon by Fitzgerald, B.; and, secondly, upon the ground that it was too vague—that some particular bar should have been stated which was to be removed—that the Court could make the order only where the Court of Chancery would make a decree—and that in Chancery proceedings it was necessary to allege some bar which it would be inequitable for the defendant to set up as a defence to the action.

Murphy, Q.C., and *Hickson* for the plaintiff.

Jellett, Q.C., and *M B. Smith* for the defendant.

The Court granted the motion, holding that it was not necessary that the notice should specify any particular bar, and that no harm could be done to the defendant by making the order, which would only have the effect of securing the trial of the real question and preventing inequitable and merely technical defences from being set up. Costs of both parties to be costs in the cause.

Attorney for the plaintiff, *Stephen Huggard.*

Attorney for the defendant, *Alexander Morphy.*

DUTCH *v.* POWER.

Jan. 24, 25, 30.—*New Trial—Verdict against Weight of Evidence.*

Motion to show cause against conditional order for a new trial, solely on the ground of the verdict being against the weight of evidence. The action was brought upon a bill of exchange by indorsee against drawer; defence, a traverse of the drawing. The case was first

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tried before Christian, J., and the evidence was very conflicting, defendant swearing positively that he had never put his name upon the bill, and plaintiff swearing as positively that he had. The question reduced itself to a question of identity of the defendant with the drawer of the bill, defendant's case being that he had been personated by another party. The jury found for the plaintiff. There was a motion for a new trial, on the ground of the verdict being against the weight of evidence; and Christian, J., reported that he was dissatisfied with the verdict. The new trial was granted, and the case was again tried before Fitzgerald, J., when a verdict was found for the defendant. Thereupon another conditional order was obtained, against which cause was now shown.

FITZGERALD, J., reported *his* dissatisfaction with the present verdict.

Counsel for plaintiff, *Clarke*, Q.C., and *S. Walker*.

Counsel for defendant, *Butt*, Q.C., and *Heron*, Q.C.

O'BRIEN, J.; FITZGERALD, J.; and GEORGE, J., held that the verdict should be set aside, the verdict, in their opinion, being, on the evidence, very unsatisfactory; and Fitzgerald, J., stating that he was, as a rule, opposed to setting aside verdicts on this ground, unless the evidence preponderated very much—as he considered it did in this case—against the verdict.

WHITESIDE, C. J., dissented, holding that it was the province of the jury to decide upon the facts, and that they had done so; and also holding that the fact of their having been already two trials was a reason against allowing a third.

New trial granted on terms of plaintiff paying to defendant the costs of the last trial and of this motion.

Attorney for the plaintiff, *Jehu Mathews*.
Attorney for the defendant, *James Barrett*.

CONSOLIDATED CHAMBER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

Coram DEASY, B.

OLIVER ADMINISTRATOR OF FLYNN *v.* DAVIES.

Feb 26, 1867.—*Rule to Proceed Irregularly Obtained.*

Defence filed 14th December, 1865. On 4th June, 1866, order of reference, under the Common Law Procedure (Amendment) Act, 1856, Sec. 6. Nothing was done under that order; and on the 19th February, 1867, defendant obtained a rule on plaintiff to proceed to trial. This rule was obtained on an affidavit in the ordinary form, and omitted all mention of the order of reference.

Molloy now applied on behalf of the plaintiff to have the order of February, 1867, set aside.

Beytagh, contra—The plaintiff took no step under the order of reference; he never brought it into the office, and we had no other course to have the action proceeded with but to obtain this order.

DEASY, B.—The order of reference ought to have been mentioned in the affidavit. Set the order aside; with costs.

Attorney for plaintiff, *Nicholas M'Namara*.
For defendant, *R. Stephens*.

RIORDAN *v.* MACROOM RAILWAY CO.

Negligence—Embarrassing Defence.

This was an action for negligence on the part of the defendants, resulting in the death of Daniel Riordan.

Defendants pleaded a traverse of the negligence, and a traverse of the death being caused by the negligence.

O'Brien now moved to set aside the latter plea as embarrassing

Hickson, contra.

DEASY, B.—I don't see that this plea is embarrassing. Refuse the motion; with costs.

Attorney for plaintiff, *John Horgan*.
For defendants, *J. W. Burke*.

FELL *v.* M'GAFFIN.

Security for Costs—Measuring same in Court.

Frazer moved for an order to compel plaintiff to give security for costs. Plaintiff had been served with the usual preliminary notice, but had not complied with it.

M'Blaine.—Plaintiff is ready to lodge money at once, but let us have a sum named by the officer at once. The venue was at Armagh, and if plaintiff was sent into the office he might lose a trial.

Frazer objected to having the costs settled without being able to consult his solicitor in the country.

DEASY, B.—Let the officer name a sum, so as to avoid all risk of delay.

Attorney for Plaintiff, *Thos. Cary*.
For defendant, *Thos. M'Clelland and Sons.*

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law

Before JUDGE DOBBS.

R. DILLON'S ESTATE.

Jan. 30—Feb. 16.—*Order of Priority of Costs of Sale where the Owner is the Petitioner.*

In this case the petition for sale had been filed by the owner. The costs of sale having been placed on the schedule as the first charge on the estate after the duty, Wardham, an incumbrancer, objected to this on the ground that they should be paid only in the same order of priority with any surplus coming to the petitioner.

Flanagan, Q.C., for the owner.

Exham, Q.C., for the objection.

Cur. adv. vult.

Feb. 16.—DOBBS, J., said that he had had to consider this question before, and he allowed the costs of sale to be the first charge—on this principle, that where an owner acted *bona fide*, and endeavoured to have the estate sold to the best advantage, he considered he should place him at the top of the schedule. His Lordship referred to sec. 64 of 21 and 22 Vic., c. 72, which directed the costs of sale to be paid according to the provisions of sec. 12 of 16 and 17 Vic., c. 64, and stated that by the latter statute the costs were directed to be paid in the same order of priority with the demand of the incumbrancer—that the words of that 12th section were nearly identical with those of sec. 78 of 21 and 22 Vic., c. 72, which latter section clearly applied to a petition by an incumbrancer; but that he did not think it applied to a petition by an owner, the words in it being nearly identical with those of sec. 12 of 16 and 17 Vic., c. 64, which must have made a change in the law, and which limited that change to the case of an incumbrancer.

Solicitor for the owner and petitioner, *James G. Rynd.*

Solicitor for the incumbrancer, Wardham, *Wm. Maziere.*

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

Before MILLER, J.

In re JOHN ORR.

February, 1867.—*Fraudulent Preference—Necessity for an Assimilation between the English and Irish Bankruptcy Law with regard to Executions founded upon Preferential Payments.*

In this case the bankrupt, on the very eve of bankruptcy, gave a promissory note to his uncle payable on demand, upon which the uncle sued, obtained judgment, and issued execution, under which the bankrupt's property was seized and sold. He now came up for final examination. *Kernan*, Q.C., for the assignees, opposed on the ground of this undue preference, and also on the ground of reckless trading. *Dr. Seeds* for the bankrupt.

JUDGE MILLER said that in the present case he found that the bankrupt had given a promissory note, payable on demand, to his uncle, which was followed forthwith by a judgment and execution, under which the bankrupt's property was swept away; that such a fact in itself was sufficient to impress on the Government the necessity of introducing a similar provision into the bankruptcy law in Ireland to that which existed in the English Bankruptcy Act of 1861. The 73rd section of the 24 and 25 Victoria, provided that an execution obtained under such circumstances as appeared in the present case, should be deemed an act of bankruptcy. If such a provision existed in the Irish Bankruptcy Act, he believed there would be almost an end of preferential payments followed by executions. The section to which he referred further declared, that in case of bankruptcy supervening, the costs and expenses of such execution should come out of the proceeds of the sale, and the balance paid over to the assignees, which would be no more than common justice. The effect of the English statute was to defeat preferential intentions, and it prevented particular creditors sweeping away the whole proceeds of a bankruptcy estate. If the law of the two countries were assimilated in that respect, all imputations of fraudulent preference would be in a great measure at an end; and he hoped measures would be taken to have the law in Ireland changed. As the the bankrupt had given a full disclosure of his trade dealings and estate, he thought he was bound to pass his examination. Still expressing a hope that some compensation would be made to the creditors by distributing amongst them the proceeds of the execution.

Attorney to the bankruptcy, *Robert Johnson.*

Attorney for the bankrupt, *H. F. Leachman.*

IN INSOLVENCY.

Before MILLER, J.

Re JOHN HOARE.

Feb. 1867.—*Proceeding with a Frivolous Action after a full Apology given—Costs of Non-suit—Promotion of Bubble Companies.*

Where an Insolvent brings an Action for alleged Slander and lays the Venue in a Distant County after an ample Apology is given, and then when the Venue is changed to Dublin does not proceed with the Action, the Costs of a Non-suit in such a case will be deemed to be a Debt Fraudulently Contrncted. A Debt incurred in the Promotion of a Bubble Company where the Promoter has no means whatever of his own to pay it, will be held to be a Debt Fraudulently Contracted. Obtaining Forbearance from a Creditor on the allegation that a large Debt was due to the Insolvent which he does not return in his Schedule will be grounds for a Remand for Twelve Months.

The insolvent was opposed by *O'Driscoll*, on the part of a Mrs. Connell, on the ground of having obtained forbearance, and deluded the creditor by representing that there was a large debt due to him which did not exist, or which he did not return in his schedule. He was opposed by *Rosenthal*, solicitor for Mr. Rothschild, for the costs of non-suit, on the ground of having brought an action merely for being called a swindler, and persisting in going on after an ample apology was made. He was opposed, by Browne and Nolan, on the ground of having contracted a debt with them for printing work done for a bubble company of which he, with others, was a promoter.

Levy supported the insolvent. If failing to float company was ground of remand some very respectable men would be in prison that moment. In the action against Rothschild he acted under the advice of his attorney. Obtaining forbearance was never made a ground of remand unless property was made away with, or something done to put the creditor in a worse position.

JUDGE MILLER said the case was a very lamentable one, and the conduct of the insolvent such as should be severely punished. It was contended on his part that the question of obtaining forbearance did not apply, as there was no making away with property in the meantime. There was a debt alleged to be due by Harvey Wadge, and time was asked until it could be got in. The creditor might in the meantime have obtained judgment and issued execution, and might have got something. That was obtaining forbearance of the debt in the legal sense of the word; and although the counsel for the opposing creditor did not go the length of insisting that the debt was originally contracted by false pretences, as the creditor was dead and could not prove it, he (Judge Miller) thought that the evidence of Mrs. Connell, who was present when the money was borrowed, proved it, and that he might deal with the case on both grounds. With regard to the debt to Rothschild, he thought it was a debt fraudulently and wantonly contracted, inasmuch as Rothschild offered to make a full and ample apology, but nothing would do the insolvent but an action. As to Browne and Nolan's debt it was almost the worst case. It could not be tolerated that parties without any money getting up bubble companies, should take the property of respectable tradesmen, and then dischage their liabilities by passing through that court. He would be unworthy of a seat on the bench if he allowed such conduct to go unpunished. He would remand the insolvent for twelve months from the date of the vesting order at the suit of the three opposing creditors, so that his career would be arrested, and he might learn prudence for the future.

Attorney for the insolvent, *M'Nally.*

Attorney for Rothschild, *Rosenthal.*

Attorney for Mrs. Connell, *Murray.*

Attorney for Browne and Nolan, *M'Gough.*

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CIRCUIT CASES.

MUNSTER CIRCUIT.

Reported by W. Griffin, Esq., Barrister-at-law.

Clare Assizes—*Spring*, 1867.

In re Spaight's Presentment.

In this case Mr. Spaight had made a new road in substitution for part of the old road from Limerick to O'Brien's Bridge. A presentment for stopping up the old road was passed by the Presentment Sessions; and after it had also been passed by the Grand Jury, Mr. Spaight built up the ends of the part in question of the old road; but on being told by the county surveyor that he had no right to do so until the presentment had been fiated at the assizes, he took down the walls again. The presentment was traversed by a Mr. Skehan, and the traverse now came to be tried before Mr. Justice O'Brien. From Skehan's evidence it appeared that the old road was shorter and more convenient for him to O'Brien's Bridge; but, on all the evidence, the new road was more convenient for the rest of the public. It was urged in support of the traverse that if the old road was more convenient for even one person who had been in the habit of using it, that it was not *useless*, within the 60th sec. of the 6 & 7 Wm. IV., c. 116; and that on the evidence the presentment should be rejected.

O'Brien, J. refused to hold in accordance with this view, and considered it a question to be determined on the circumstances of each case, what amount of convenience afforded by the old road, and to what number of persons would prevent its being useless within the meaning of the section.

Presentment passed.

Counsel for traverser, *J. C. Coffey*, Q.C. Attorney, *J. Frost.*

Counsel in support of presentment, *Sergeant Barry*, Q.C., M.P.; with him *Gerald Fitzgibbon.* Attorney, *T. Hynes.*

Waterford and Limerick Railway Company, *appellant;* Dillon, *respondent.*

The respondent, Dillon, was travelling from Manchester to Ennis, but had a ticket only as far as Limerick. He left Dublin by the mail, arriving at the Limerick Junction at 12·12 at night. He slept at the junction, having been informed by a *porter*, that by the train to Limerick which started from Waterford at 6 o'clock, and passed the junction at 8·47 a.m., he would reach Limerick in time to catch the train which starts from Limerick for Ennis at 10 a.m. According to the plaintiff's evidence the train next morning was late at the junction, and lost more time between the junction and Limerick, so that it did not get in until 10·25, though due at 9·50. On defendant's evidence it appeared that the morning was foggy, and the rails greasy, so that it became necessary to sand them. There was some necessary delay at intermediate stations, it being market day, and from the number of passengers it being necessary to hook on additional carriages, but that the train was only 20 minutes late. There was also a controversy as to whether the Ennis train had or had not started before the arrival of the train from Waterford. On the part of the plaintiff the time table of the company was put in, and the defendant also relied on the usual condition at foot of the time table, that the company would not be responsible for the arrival or departure of the trains at the times specified, &c. The plaintiff, who had special business in Ennis that day, and could not get on by rail until 2 p.m., was obliged to take a car, which cost 10s. more than the railway fare, and he obtained a decree for 10s. below.

Fitzgerald, J., did not attach any weight to the conversation with the porter at the junction, nor did he, on the other hand, consider the plaintiff bound by the condition in the time table, which had not been expressly brought under his notice; but held that the question was, had there been negligence and unreasonable delay in the conducting of the train—which was quite independent of whether the Ennis train had started before the arrival of the train from the junction. The plaintiff had no through ticket, and there was no contract whatever to bring him in any particular time—only a contract to bring him in in a reasonable time. The loss of time might be *prima facie* evidence of negligence, but on the whole case it did not appear there was unreasonable delay or negligence.

Decree reversed.

Counsel for appellant, *M. O'Loghlen.* Attorney, *C. B. Molony.*

Counsel for respondent, *G. Fitzgibbon.* Attorney, *J. Frost.*

NAAS PETTY SESSIONS—Feb. 18, 1867.

Reported by Edmund Bewley, Esq., Barrister-at-law.

Thomas Brazil, *complainant;* Great Southern and Western Railway Company, *defendants.*

In this case Mr. Brazil, County Surveyor for the County Kildare, complained that the roadway over the bridge carrying the public road over the defendant's railway at Yeomanstown, in the County Kildare, and the immediate approaches to the said bridge, were out of repair, and in a condition dangerous to the public, and that the bridge itself was not of the inclination which according to the Act of Parliament it ought to be.

Mr. Ryan instructed by *Mr. William Lewis*, appeared for the complainant.

Mr. Montgomery, instructed by *Messrs. Barrington and Jeffers*, appeared for the railway company.

Mr. Ryan said that by the 46th Section of the 8 and 9 Vic., c. 20 (Railway Clauses Consolidation Act), it was enacted that where a railway crosses a public carriage-road, the road must be carried over the railway, or the railway over the road, by a bridge, which bridge, with its immediate approaches, should be executed, "and at all times thereafter maintained at the expense of the company" In the present case the road was carried over the railway, and by the 50th section of the same act it was enacted, among other matters, that the ascent of such bridge should not be more than one foot in twenty. It would be proved that the inclination of the bridge in question was greater than one foot in twenty, and that the bridge and its approaches were out of repair. The company were clearly liable to make good these deficiencies, and under the 65th section of the same act the justices had power to order them to do so.

It was then proved by the evidence of Mr. Brazil that the roadway over Yeomanstown bridge, and its immediate approaches (altogether 150 yards from the centre of the bridge on each side), were very much out of repair—that the iron girders on top of the bridge were exposed and dangerous, and the inclination of the bridge in many places greater than one foot in twenty; that the bridge had probably been originally built (sometime in 1845 or 1846) of the proper inclination, and that the present error in that respect was caused by the want of repair, and that if the repairs were properly executed all the present causes of complaint would be remedied.

Mr. Montgomery submitted that the part of the complaint which related to the inclination of the ascent of the bridge was not within the jurisdiction of magistrates

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at petty sessions; such a complaint should be the subject of a *mandamus*. The magistrates could only make an order for repairs. But the Great Southern and Western Railway Company were not liable to repair the bridge in question. The application of the Railways' Clauses Act (passed 8th May, 1845), was, by its first section, expressly limited to railways "which shall, by any act *hereafter* to be passed, be authorized to be constructed." The portion of the company's railway on which Yeomanstown bridge is situate, viz., the line from Dublin to Cashel, was authorized by, and constructed under, the 7 and 8 Vic., c. 100 (Public Local), passed 6th August, 1844, and by the 261st section of that act the railway company were obliged, when their railway crossed a public carriage-road, to construct such a bridge as had been described, but they were not by that or any other section obliged afterwards to keep the roadway over the bridge, &c., in repair; and, in point of fact, although the bridge in question had been built more than twenty years ago, the company had never been called upon to repair this bridge or any bridge on the line from Dublin to Cashel, although they were obliged to repair bridges on the line from Cashel to Cork, because the act authorizing the latter line passed after the Railways' Clauses Consolidation Act.

Mr. Ryan said that the line from Dublin to Cashel was brought within the operation of the Railways' Clauses Act by the 355th section of the defendants' own act (7 and 8 Vic., c. 100), which enacted that nothing in that act should exempt the railway from the provisions of "any general act relating to railways which may pass during the present or any future Session of Parliament."

Mr. Montgomery contended that the Railways' Clauses Consolidation Act was not "a general act relating to railways" within the meaning of the 355th section of the company's act.

The Magistrates made an order that the Great Southern and Western Railway Company should repair the roadway over the Yeomanstown bridge and its immediate approaches within one month.

Mr. Montgomery applied to have a case stated for the opinion of one of the superior courts of law, under the provisions of the 20 and 21 Vic., c. 43.

It was arranged that a case should be agreed upon by counsel on each side, and transmitted to the magistrates for their approval and signatures.

CORRESPONDENCE.

THE RECORD OF TITLE ACT.

(Second Letter.)

To the Editor of "The Solicitors' Journal."

Sir,—In my last I traced briefly the history of Registration of Title up to the time when, under the auspices of some of the most eminent of living lawyers, permissive Acts came into operation in England and in Ireland. In England the system has been in operation for four years, and about 500 applications to register titles under it have been received. In Ireland it has been in operation for a much shorter period; but here, as in England, several of the many estates recorded are those of members of the legal profession—a weighty fact which the most flippant and reckless assailant of the system cannot displace.

Proceeding to the actual working of the system in this country, we find that a Parliamentary Title, granted by the Landed Estates Court, must form the groundwork of every recorded title. Every conveyance or declaration now issued by the Court passes into the Record of Title Office, *unless* the new owner, by a written requisition, lodged during the period of seven days, allowed him for exercising his option, declines to come under the Act. That form of requisition is not so worded as to give much information to a non-professional reader of it; and there have been instances of it having been signed by persons who were desirous of coming under the Act, but appended their signatures to a printed document emanating from the Court without observing that its effect was to *exclude* them from the Act. No blame can, of course, be given to professional men who know little about a new system, and are indisposed to try experiments. Still I submit that where the Solicitor sends the form of requisition to be signed, the client ought to be supplied with well-defined, tangible objections against a measure which became law with the concurrence and by the aid of eminent men of all parties, and was opposed in its progress through Parliament by only one voice.

Usually a solicitor, while preparing a conveyance, ascertains at an early stage whether his client wishes to "record" it; and by this he is guided as to the preparation of one or of two originals on parchment for the signature of the judge. In practice, when the deed is not to be recorded, one original and a printed memorial are bespoken; and where the deed is to be recorded, two originals are bespoken and no printed memorial. The duplicate is stamped as such, and it involves no extra expense beyond that stamp. In point of fact, in most cases it is much cheaper to have the deed recorded, for the following reason:—The memorial for registry, under the 16th section of the Record of Title Act, is invariably a very short one, containing no schedule of tenancies, and the deeds registry fund stamp on it rarely exceeds eleven shillings. The full printed memorial of a deed which is not recorded is, on the other hand, an exact transcript of the deed, whatever be the length of the latter; and the deeds registry fee frequently amounts to two or three pounds or more; and in a well-known case actually amounted to over forty pounds, owing to the number of leases and tenancies.

Now, as duplicates of the deeds are bespoken when the deed is intended to be recorded, and are not bespoken when the deed is not to be recorded, it follows that the duplicates furnish distinct and incontrovertible evidence of a deliberate intention to take advantage of the Act. Any person who is willing to receive demonstration on this point has only to inquire "what proportion of the recorded estates were conveyed to the new owners by deeds in duplicate," and he will, as I am informed, learn beyond question that about one hundred of such cases have occurred, representing property of the value of £300,000. It is possible that in a very few other cases, perhaps in ten or a dozen, the deeds have passed into the Record of Title Office, without the wish, or even against the wish, of the proprietors; but they seem to have become reconciled to the system, for no application has been made under the 32nd section of the Act, to *remove* a property from the Record of Title, although the process is simple, and the expense of so doing could hardly exceed fifty shillings.

While the Act was in progress objections against it, of various kinds, were suggested by professional men; but, discarding such as were merely grounded on the supposed danger of a new system, and the imaginary perfectness of the deeds registry, the objections which usually had weight and were worthy of serious consideration resolved themselves into this—that a transfer or charge, if fraudulently placed on the record, might be ruinous

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to the recorded owner of the property. Hence, Parliament was careful to introduce numerous and cumulative safeguards against fraud or forgery; and the practice of the new office embraces other safeguards of an important character. The recorded owner must have *notice* of every attempted dealing with his property, and his duplicate or certificate of title must also be produced on every such dealing. As transfers, &c., are accepted in writing, the officer has, moreover, the means of comparing the handwriting on such occasions; and, again, every transfer in the office must be in the presence of a solicitor, and every deed executed elsewhere must be proved to have been duly executed, by the affidavit of a solicitor. Would it not require more than the ingenuity of a Sadleir and a Stephens combined to evade all these safeguards, and by a network of personation, robbery, and forgery to falsify the record of title? And, be it remembered, that no person but an innocent mortagee or purchaser for value could take advantage of the fraud, even were it accomplished. Another preventive against fraud, although one of minor value, was the withdrawal of the Record of Title, which contains all the particulars of the property, charges, ownership, &c., from public inspection. By the Act, it can only be seen by some person directly interested, or by his solicitor. The Law Society objected, that the Record of Title ought to be regarded as a public document; but the legislature affirmed the opposite view taken by the framers of the measure, and by keeping the Record closed against strangers diminished the temptation to fraud and increased the probability of detection in the event of a forged deed being presented. This suggests a question concerning the registry of deeds, the utility of which is much impaired through the natural unwillingness of owners of property that their family arrangements should be open to general inspection. What has been the result of a registry of deeds which is open to inspection by any person who is willing to pay a small fee? Simply this—that it has been usual in memorials to *suppress* the trusts of settlements and other deeds, thus neutralizing, to a great degree, the object and purpose of the registry, and in several recent instances, where the deeds themselves have been lost, rendering titles, at least during many years, hopelessly bad.

To resume our review of the mechanism of the Record of Title. The conveyance or declaration of title gives a perfectly new root of title, and declares in almost every case an absolute ownership. When the recorded owner desires to sell or mortgage, his title appears at once on production of his duplicate or certificate of title, which can at any time be brought down and re-dated. Or the intending purchaser or mortgagee may, by permission of the owner, satisfy himself of the title by an inspection of the record, in which every act affecting the property will be found entered under the proper heading. The mode of entry is by an "official note," or summary of the purport of every deed. It is, of course, easy to frame a short "official note" of a simple transaction. Of a complicated one the official note may be longer; and it remains to be seen whether such notes will in that case attempt a summary of the deed, or will merely *refer* to the deed, the original or a copy of which must in every case be deposited in the office. In the English office it is understood to be the practice to make a note of reference only to any instrument which is not a simple transfer or charge. Where an estate is put in settlement by deed or will, the simplest and most effective mode of recording will be to enter the names of the trustees, supposing that they have a power of sale. Modern settlements usually contain such a power.

If, however (as in the case of a great family mansion), it is *not* intended that the property should, under any circumstances, be sold, probably the best course would be to remove the estate from the operation of the Act, under the 32nd section Evidently the object of the Act is to facilitate sales and transfers by condensing the evidence of title; it is intended to apply to land legally capable of being sold or mortgaged; and therefore strictly settled estates, incapable of being sold, do not fall properly within its scope. Nothing is gained by claiming for any system more than it is well fitted for accomplishing; and it may be that some advocates of this system have gone too far in predicting that it will supersede the deeds registry, and absorb into itself, some day or other, all the landed property of the country. It can only claim to facilitate very greatly all transfers, charges, leases, and other usual dealings with property which is not in settlement, or which, being in settlement, is intended to be capable of being sold.

I am, Sir,
Your obedient Servant,
LEGULEIUS.

To THE EDITOR OF "THE IRISH LAW TIMES."

SIR—I see, by your leader of the 23rd inst., that a move is being made to give Chairmen of counties jurisdiction in partnership cases. This has been long felt to be necessary. I could wish that the gentleman who has taken up this good work would make his amendments still more liberal and give jurisdiction in cases of "libel, slander, crim. con., and breach of promise of marriage" to the extent of £40. I know the poor people for whose benefit these courts were established have, substantially, no redress in these class of cases. owing to their inability to resort to the superior courts, A poor man may be slandered, or his peace and happiness destroyed, and he has no redress except taking vengeance in his own way. I venture to say a change in the law in this respect would be hailed as a great boon by the poorer classes in Ireland.

The words, excepting the jurisdiction in such cases, are in the 35 section of the 14 and 15 Vic., c. 57, and could be repealed by a section of five lines.

If the Sheriffs' Act is abolished or amended, may I suggest that I would allow the plaintiff to employ his own bailiff as he might have done before the passing of the late Sheriffs' Act. The bailiff to be paid as follows:—One shilling in the pound by the defendant as part of the execution, and sixpence in the pound to be paid out of the Consolidated Fund, on the certificate of the chairman that the bailiff therein named had executed the decree to the satisfaction of the plaintiff or his attorney. This would be a premium on good conduct, and the process-servers would find it worth while to act as bailiffs. I found before the new Act that one shilling in the pound did not pay the bailiff. The result was that he got into difficulties and appropriated other people's money. Besides, there was no inducement for him to conduct himself well. The chairman's certificate would, of course, be grounded on a certificate of the plaintiff or his attorney. The poundage payable by the consolidated fund would be paid to the bailiff at same time as his quarterly salary.

Yours,
J. GLOVER.

Magherafelt, 26th Feb., 1867.

To THE EDITOR OF "THE IRISH LAW TIMES AND SOLICITORS' JOURNAL."

SIR—The "Solicitors' Journal" appears to offer the most available means of calling the attention of our profession to the urgent necessity of some arrangement

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to save the ruinous consequences which at Nisi Prius sittings are found to result from the absence of senior counsel when records are at trial.

The complaints of suitors and attorneys have brought this matter so prominently before the public that I only mention a case now for the purpose of producing discussion as to the remedy which our most experienced members may suggest, without at present offering my own opinion, although I entertain a strong one on the subject.

I lately instructed a senior counsel as leader at Nisi Prius, and gave a liberal fee, but when called on he did not appear on the trial, being in another Court; this obliged the second counsel, at a moment's notice, to state the case—and the junior counsel, on the same day, had to reply generally, instead of his leader.

I afterwards found my leader's brief unnoted, and I believe it was unread, so that the value given consisted in his initialing the receipt for his fee.

I am, Sir,
Your obedient Servant,
GEO. SHANNON.

February, 1867.

THE LAW STUDENTS' JOURNAL.

THE SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND,

(*Incorporated by Royal Charter.*)

INSTRUCTIONS TO APPRENTICES.

1.—Apprentices are informed that the necessity still exists for keeping Terms in Dublin as heretofore, during period of their apprenticeship, and that as the Lectures which they are also required to attend, are delivered by the Professor of Law during each Term, they can thus keep Terms and attend Lectures concurrently.

2.—Each Apprentice must attend two courses of the Lectures delivered by the Professor of Law; each course commences in Michaelmas Term, and is continued during Hilary, Easter, and Trinity Terms, and portions of the respective Vacations; each Apprentice must thus attend *Two Legal Years* of Lectures, each year commencing in Michaelmas Term.

3.—Apprentices are referred for detailed information as to the Lectures, to the 21st of the Rules, made pursuant to the 29 and 30 Vic., c. 84, which states the time of the commencement of each Session, and the number of Lectures to be delivered in each Session; also to the 26th and 27th of said Rules which specify the courses of Lectures to be attended by each Apprentice, and for which attendance Certificates must be produced, and the Council desire it to be distinctly understood that they will require from Apprentices a strict compliance with said Rules.

4.—A Notice stating the day on which the Lectures of each Session will commence, will be posted previously thereto, in the Entrance Hall of the Solicitors' Buildings, Four Courts, and also published in the *Irish Law Times and Solicitors' Journal*.

5.—Two Lectures in each week of the session are delivered on Tuesday and Friday mornings, commencing at 20 minutes before Ten o'clock, a.m., and lasting for one hour.

6.—All Apprentices bound since the passing of the 29th and 30th Vic., c. 84, are reminded that their Indentures, and all assignments thereof, must be enrolled and registered in, at least, one Law Court, and in the Court of Chancery, in the manner and within the period of Six months next after the execution of said Indentures and Assignments respectively, as set forth in the 12th section of said Act; and that within Three months after such enrolment and registration, they must be produced to the Secretary of the Incorporated Law Society, to be entered by him pursuant to the 29th section, under the penalty upon each Apprentice therein contained.

7.—The period of service of each Apprentice reckons from the day of the date of his Indentures, and no person who shall have been, or shall be bound as an Apprentice, either before or after the passing of the 29 and 30 Vic. c. 84, can get credit for any particular Term, as part of his Apprenticeship, unless his Indentures shall have been executed within, or previous to said Term.

By Order,
JOHN H. GODDARD,
Secretary.

Solicitors' Hall, Four Courts, Dublin,
20th February, 1867.

THE COURTS, AND COURT PAPERS.

Law Courts' Guide so far as relates to the Marking of Judgments by Default.

MARCH, 1867.

Plaint Served on			Filed not later than	Last Day to Plead	Entitled to Judgment
Friday,	1st	MARCH,	11 Mar.	15 Mar.	16 Mar.
Saturday,	2nd	,,	12 ,,	16 ,,	18 ,,
Monday,	4th	,,	13 ,,	18 ,,	19 ,,
Tuesday,	5th	,,	14 ,,	19 ,,	20 ,,
Wednesday,	6th	,,	15 ,,	20 ,,	21 ,,
Thursday,	7th	,,	16 ,,	21 ,,	22 ,,
Friday,	8th	,,	18 ,,	22 ,,	23 ,,
Saturday,	9th	,,	19 ,,	23 ,,	25 ,,
Monday,	11th	,,	20 ,,	25 ,,	26 ,,
Tuesday,	12th	,,	21 ,,	26 ,,	27 ,,
Wednesday,	13th	,,	22 ,,	27 ,,	28 ,,
Thursday,	14th	,,	23 ,,	28 ,,	29 ,,
Friday,	15th	,,	25 ,,	29 ,,	30 ,,
Saturday,	16th	,,	26 ,,	30 ,,	1 April
Monday,	18th	,,	27 ,,	1 April	2 ,,
Tuesday,	19th	,,	28 ,,	2 ,,	3 ,,
Wednesday,	20th	,,	29 ,,	3 ,,	4 ,,
Thursday,	21st	,,	30 ,,	4 ,,	5 ,,
Friday	22nd	,,	1 April	5 ,,	6 ,,
Saturday,	23rd	,,	2 ,,	6 ,,	8 ,,
Monday,	25th	,,	3 ,,	8 ,,	9 ,,
Tuesday,	26th	,,	4 ,,	9 ,,	10 ,,
Wednesday,	27th	,,	5 ,,	10 ,,	11 ,,
Thursday,	28th	,,	6 ,,	11 ,,	12 ,,
Friday,	29th	,,	8 ,,	12 ,,	13 ,,
Saturday,	30th	,,	9 ,,	13 ,,	15 ,,

COURT OF CHANCERY—SATURDAY, FEB. 23rd.

NEW QUEEN'S COUNSEL.

The Lord Chancellor sat in this Court about eleven o'clock, when the following gentlemen were called within the bar:—

Henry J. Leslie, Esq., of the Munster Circuit, called to the Bar Trinity Term, 1833.

James Corry Lowry, Esq., of the North-West Circuit, called to the bar Michaelmas Term, 1837.

Charles H. Todd, Esq., of the Connaught Circuit, called to the bar Michaelmas Term, 1838.

William Ryan, Esq., of the Leinster Circuit, called to the bar Trinity Term, 1839.

Romney Foley, Esq., of the Leinster Circuit, called to the bar Hilary Term, 1841.

Finch White, Esq., of the Munster Circuit, called to the bar Michaelmas Term, 1849.

Frederick Richard Falkiner, Esq., of the North-East Circuit, called to the bar Michaelmas Term, 1852.

Robert H. Owen, Esq., of the Leinster Circuit, was also to have been called within the bar, but was unable to attend in court owing to indisposition.

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COMMON PLEAS—FEBRUARY 23rd.

Before the LORD CHIEF JUSTICE.

In Chamber.

In re Robert Crookshank, solicitor, seeking to be appointed Commissioner under the 4th and 5th Wm. IV., cap. 92, for the City and County of Londonderry, at Coleraine.

In re Alexander J. Carson, M.D., seeking same, for same place.

In re John M'Farland, solicitor, seeking same, for same place.

On hearing counsel for the respective applicants, *Charles Leech*, for Mr. Crookshank; *Robert Carson*, for Dr. Carson; and *Alexander D. M'Gusty*, for Mr. M'Farland.

His lordship was pleased to grant the applications as desired.

Attorneys, *Knox and Crookshak*, for Mr. Crookshank; *Gerald Fitz-James Barry*, for Dr. Carson; and *Alexander M'Cully*, for Mr. M'Farland.

LANDED ESTATES COURT—FEBRUARY 22nd.

Sales.

Before JUDGE DOBBS.

COUNTY OF MAYO.

Estate of John Duffy and another, owner;
Monica Martyn and others, petitioners.

The lands of Coragooly, situate in the barony of Costello, held in fee, containing 244 statute acres, producing a net yearly rental of £90. Mr. Collins purchased, in trust, at £1,500. *Dillon and Hart*, solicitors.

Estate of John Tuohy, owner;
Charles Hughes, petitioner.

The life estate of the owner, now aged 59 years, in the lands of Carroward, in the barony of Gallen, containing 281 statute acres, held for lives renewable for ever. The sale was adjourned when the bidding was at £400. *Charles Hughes*, solicitor.

COUNTY OF DOWN.

Estate of James Birch Kennedy and his trustees,
owners and petitioners.

Lot 1—Part of the lands of Clanvaraghan, barony of Upper Iveagh, held in fee-simple; 104 statute acres. Mr. Twibill purchased in trust, at £1,580.

Lot 2—Other part of Clanvaraghan, containing 57 acres. Sold at £1,080 to Mr. Twibill.

Lot 3—Other part of Clanvaraghan, 117 acres. Mr. Twibill purchased at £2,510.

Lot 4—Other part of same lands, 57 acres. Mr. Twibill bought at £1,170. *Henry Oldham*, solicitor.

TOWN OF SLIGO.

Estate of Baptist Kernaghan, owner and petitioner.

Houses, tenements, and building plots, held for lives renewable for ever, situate in Old Bridge-street, Bridgefoot-street, and Lower Knox-street. The sale was adjourned. *F. Saunders*, solicitor.

TOWN OF CARRICKFERGUS.

Estate of Daniel O'Hara, owner;
Robert Stephenson, petitioner.

Two dwelling-houses in the town, with farm and land, containing 36a. 3r. 35p., held in fee-simple. Sold to Mr. Murray, in trust, at £1,950. *Milford*, solicitor.

COUNTY OF CORK.

Estate of Thomas Denneby and others, owners;
John Walsh, petitioner.

Lot 1—The life estate of T. and D. Denneby, aged respectively 61 and 62 years, producing an annual profit rent of £358 5s. 3d., subject to a contingent charge of £2,500, payable in the event of said Daniel Dennehy surviving the said Thomas Dennehy. Mr. C. Barry purchased at £1,900.

Lot 2—The life estate of the said Thomas Dennehy in the lands of Ballyvoduna, 400 statute acres. The lands are charged with annuity of £100 for the life of the wife of the said Thomas Dennehy, in the event of her surviving him. Sold to Mr. Barker, in trust, at £1,100. *L. Morrogh*, solicitor.

COUNTY OF TYRONE.

Estate of William Wright and his assignees, owners;
Benjamin Babcock and another, petitioners.

Lot 1—Dwelling-house and shop, Castle-street, in the town of Strabane, held in fee-farm; net rent, £3. Sold to Mr. Wilson, in trust, at £30.

Lot 2—Store and shop, Castle-street, same town. Bought by Mr. Wilson, in trust, at £100.

Lot 3—Dwelling-house and shop, Martin-street, same town. Sold to Mr. Wilson, at £100.

Lot 4—The lands of Curly Hill, 4a. Mr. James Gormley purchased at £255.

Lot 5—The Holme of Strabane, 2a. 3r. 15p. Mr. Gormley purchased at £170. *Townsend*, solicitor.

February 26th—Before Judge LYNCH.

Estate of A. Nichols, owner; A. Critchley, petitioner.

One undivided third share of the profit rent derived from the Farnham Arms Hotel, in the Main-street, Cavan; estimated profit rent, £19. The premises are held in fee. Sold to James Kennedy, of Cavan, for £300. *H. Oldham*, solicitor.

Estate of William Allen, owner and petitioner.

The house and premises in Lower Dominick-street, held under fee-farm grant; profit rent, £48 10s. Sold to Mr. Peyton, in trust, for Mr. Smith, for £490. *George Reddick*, solicitor.

LANDED ESTATES' COURT.

PETITIONS FILED, *from* 23rd *February to* 1st *March*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
Feb. 23	3744	John Goodin	*Daniel O'Brien*	Meath	*Not given*	*J. D. Meldon & Son*	Lynch
"	3071A	P. W. Bryan and others	*P. W. Bryan and Wife, Supplemental Petition to appoint Trustees*	—	—	*Casey and Clay*	Lynch
"	3745	Pk. R. Webb and others	*The Owners*	Roscommon	180 0 11	*S. Davis*	Dobbs
"	3746	Richard Longford	*Samuel Chapman*	City of Dublin	57 8 0	*Robert Eames*	Lynch
" 26	3747	Assignees of Geo. Lane, an Insolvent Debtor	*Paul M'Granaghan*	Londonderry	37 12 10	*Robt. A. Hyndman*	Dobbs

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Sittings for the ensuing week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Thos. H. Pope, from 25th February. Osborne Kidd, do. Patience Noble, do. M. Connell, from 27th February. John G. Richardson and another, schedule. W. J. O'Donnell and others.

Before the EXAMINER.

T. J. Cave, rental. J. B. Massy, do. Hon. G. French, do.

Before JUDGE LYNCH.

Thos. W. Browne, allocation.

Before the EXAMINER.

G. Ellis, to vouch.

Before MR. URLIN.

J. E. C. Kelly, draft schedule. J. J. Fynn, do.

Tuesday—Before JUDGE DOBBS.

Robert Watson, allocation.

Before the EXAMINER.

Thomas M'Cartan, rental.

Before JUDGE LYNCH.

SALES.

Wm. A. Caulfield, 1 lot, County Wexford, fee-farm, profit rent, £142.

Richard Olpherts, 1 lot, County Down, fee-farm, profit rent, £36 6s. 4d.

R. Andrews and another, 1 lot, County Tipperary, fee-farm and years, profit rent, £115.

A. Burke, 4 lots, County Kildare, lease for lives, profit rent, £180.

P. Stanford, 1 lot, County Mayo, in fee, profit rent, £52.

Wednesday—Before JUDGE DOBBS.

Margaret A. Murray, schedule.

Before JUDGE LYNCH.

G. R. Massy, final schedule. T. H. Grier, do. F. Duncan, do. James Shields, do. W. H. Gregory, to allocate.

Before the EXAMINER.

J. G. Laird, rental. Assignee of C. Monahan, do. Assignees of F. Shearman, do.

Thursday—Before JUDGE DOBBS.

Charles Barnewall, schedule. Same, from 1st inst.

Before the EXAMINER.

James Keegan, rental. F. A. Butler and others, do.

Before JUDGE LYNCH.

J. W. Burmester, from 28th February.

Friday—Before JUDGE DOBBS.

George Wright, building lease. G. A. Molony from 1st inst.

Before the EXAMINER.

Elizabeth Jones, rental. A. Fallon, do.

Before the EXAMINER to JUDGE LYNCH.

A. Bannatyne, rental. Peter M'Coy, do.

Before MR. URLIN.

James Casey, rental. P. C. Lynch, do.

Saturday—Before JUDGE DOBBS.

T. J. Cave, from 16th February. John Duffy and another, schedule. Daniel O'Hara, do.

Before the EXAMINER.

Administratrix of Keays, rental.

SALE IN LIMERICK.

Estate of Wm. Buckley.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

HOUR	BANKRUPTS' NAMES	PURPOSE OF SITTING	SOLICITOR
	Monday, March 4. (Before Mr. BRADY, Chief Registrar.)		
12 o'clock	Arrangement	Proof of debts and vouch assignee's account	*Fay and M'Gough*
	Tuesday, March 5. (Before the COURT.)		
11 o'clock	Edward Cahill	Final Examination	*Larkin*
"	John Sanders	do.	*Perry*
"	Thomas Weir	do.	*Johns, Hewitt, and Johns*
"	Daniel Magrath	do.	*Cronhelm and Lett*
"	Skinner and M'Kee	do.	*Lynch*
"	Arrangement	2nd private sitting	*Courtney*
"	Do.	do.	*Walsh*
"	Do.	do.	*Goff*
"	Do.	do.	*Larkin*
"	James Sheehy	Surrender, proof of debts, and assignee	*Cleary*
"	Samuel Pickering	do.	*Bradley*
	Thursday, March 7. (Before Mr. BRADY, Chief Registrar.)		
12 o'clock	Arrangement	Proof of debts	*Kennan*
"	John Goodwin	do. and vouch assignee's acct.	*Larkin*
"	Samuel Shaw	do. do.	*Same*
	Friday, March 8. (Before the COURT.)		
11 o'clock	Thomas Berry	Final examination	*Larkin*
"	Charles Sandford	do.	*Dodd*
"	Arrangement	1st private sitting	*Casey and Clay*
"	Do.	do.	*Same*
"	Do.	2nd private sitting	*M'Cully*
"	James Healy	Examination of witnesses	*Barry*
"	Thomas Sharpe	Surrender, proof of debts, and assignee	*Cronhelm and Lett*
"	Humphrey Rynhart	do.	*Casey and Clay*
"	Henry Magrath	do.	*Larkin*

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TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
26th February, -	Thomas Duggan, of Upper Abbey-street, Dublin, brush manufacturer,	James Sandford, of Lower Sackville-street, Dublin, commission agent,	*Batt.*
1st March, -	John Doyle, of Lower Dorset-street, Dublin, grocer,	Henry Pattison, Thomas-street, Dublin, merchant,	*Hamilton and Craig.*
"	Michael Sullivan, of Miltown-malbay, County Clare, grocer and spirit dealer,	John Rock, Prince's-street, Cork, merchant,	*Perry.*
"	Patrick Bingham, of Patrick-street, Limerick, grocer,	Adam Woods, Thomas-street, Dublin, merchant,	*Bloomfield and Leahy.*

BANKRUPTS.

Bell, Thomas H. M., of No. 18, Waring-street, Belfast, co. Antrim, commission agent. To sur., Tues., Mar. 12, 1867. Pet., Feb. 19, 1867. C. H. James, *Official Assignee.* Solicitor, *W. G. Bradley,* Lower Ormond-quay.

Hennessy, John Collins, of Grace Dieu, or Gibbet-hill, co. Waterford, wine merchant. To sur., Fri., Mar., 8, 1867. Pet., 21 Feb., 1867. M. Murphy, *Official Assignee.* Solicitors, *Cronhelm and Lett.*

Magrath, Henry, of Clarence-street, Cork, shirt manufacturer. To sur., Fri., Mar. 8, 1867. Pet., Feb. 19, 1867. M. Murphy, *Official Assignee.* Solicitor, *M. Larkin,* Merchants'-quay.

Rynhart, Humphrey, of Ferns, co. Wexford, farmer, grocer and shopkeeper. To sur., Fri., March 8, 1867. Pet., Feb. 19, 1867. C. H. James, *Official Assignee.* Solicitors, *Casey and Clay,* St. Andrew-street.

Sharpe, Thomas, of Strabane, co. Tyrone, grocer, trading as "Thomas Sharpe and Co." To sur., Fri., Mar. 8, 1867. Pet., Feb. 12, 1867. C. H. James, *Official Assignee.* Solicitor, *S. Black,* Upper Sackville-street.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
	Monday, March 4. Before Mr. Farrell, Chief Clerk.		
12 o'clock	Bridget Jane O'Meara	Proof of debts	*Macnally*
"	Joseph Maddock	do.	*E. H. Hunter*
	Tuesday, March 5		
"	James John Williams	To tax costs	*Tyrrell and Stannell*
"	John Dunne	do.	*Macnally*
"	Martin Hannon	do.	*Moran*
	Wednesday, March 6. Before the Court.		
11 o'clock	James John Williams	Audit and dividend	*Tyrrell and Stannell*
"	John Dunne	do.	*Macnally*
"	Martin Hannon	do.	*Moran*
"	Michael Leonard	do.	——
"	John Daly	Examination of witnesses	*O'Brien*
"	James Wilson	Notice of motion	*Armstrong*
"	John Pinkerton	To confirm sale	*W. Bloomfield*
"	James John Gaskin	Hearing of petition	*Rynd*
"	Charles Higginson	do.	*Macnally*
"	John Doyle	do.	*Rynd*
"	Thomas Reid	Adjourned petition	*Graves*
	Friday, March 8.		
"	Before the Court.	For Bail motions only	

CASES DISPOSED OF.

Friday, February 22nd, 1867.]
(Before Judge Miller.)

Michael Rorke, discharged.

Wednesday, February, 27th, 1867.
(Before Judge Miller.

Edmund Egginton, discharged.
James Raymond, ditto.
John Lamb, ditto.
Frederick Clarke, adjourned to Wednesday, the 20th March.
Hugh Lyons Montgomery, adjourned to Wednesday, the 27th March.

INSOLVENTS DISCHARGED ON BAIL until the Hearing of their petitions.

Thomas Flight, county Wicklow, slater.
William Murphy, county Wexford, shopkeeper.
James Magevrin, county Antrim, farm assistant.
Philip Clinch, Clare-street, Dublin, grocer and provision dealer.
Michael Byrne, Circular-road, Dublin, journeyman painter.
Conyngham Moore, Upper Abbey-street, Dublin, bookbinder.
John Ahern, county Cork, now in no business.
Thomas Cullen, county Westmeath, farmer.

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DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

Date	Insolvent's Name	Dividend in the £	Official Assignee
Feb. 20	John C. Walsh,	2nd Divd. 1s. on £61.	C. H. James, Up. Ormond-quay
,, ,,	Martin Crean,	2nd divd. 6s. 10d. on £193.	Do.
,, ,,	Joseph Coley,	3rd divd. 2s. 5¾d. on £89.	Do.

Pauper Declarations,

For discharge of prisoners, unless Creditors' Petitions filed within 21 days from date.

James Millbank Hennessey, detained by Ellen Byrne. *W. B. M'Grath.* Feb. 26.

Andrew Lawson, detained by George Lawson. *C. M'Colgan.* Feb. 26.

Patrick Harford, detained by William Dempsey. *E. A. Ennis.* March 1.

INSOLVENTS.

To be heard in Dublin.

Byrne, Michael, of Ashbrooke-terrace, South Circular-road, Dublin, journeyman house painter. Hearing at Four Courts, Wednesday, March 20. *Graves*, Crampton-quay.

Clinch, Philip, of Clare-street, Dublin, grocer and provision dealer. Hearing at Four Courts, Wednesday, March 13. *Graves*, Crampton-quay.

Milligan, Andrew, of Peter-street, Dublin, cab owner. Hearing at Four Courts, Wednesday, March 13. *Rynd*, Capel-street.

Moore, Conyngham, of 26, Upper Abbey street, Dublin, bookbinder, and formerly beer and porter dealer. Hearing at Four Courts, Wednesday, March 20. *Rynd*, Capel-street.

To be heard in the Country.

Ahern, John, of Bantry, co. Cork, now in no business, but up to 1866 a shopkeeper in Bantry. Hearing at Cork, April 15, at 10. *Collins*, Dame street.

Allen, John, of Belfast, co. Antrim, trading as "Allen Brothers," tea dealer, part of the time stay manufacturer, commission agent, and dealer in tea. Hearing at Belfast, April 9, at 3. *Compton*, Dame-street.

Carlin, Watson, of Ballinahinch, co. Down, auctioneer and spirit dealer; previously spirit dealer. Hearing at Belfast, March 9, at 3. *Macnally*, Morgan-place.

Cullen, Thomas, of Loughpark, co. Westmeath (post town, Castlepollard, in said co.), farmer. Hearing at Mullingar, April 2, at 12. *Macnally*, Morgan-place.

Dillon, John, of Listowel, co. Kerry, skin buyer, egg dealer, victualler, grocer, publican, and general shopkeeper. Hearing at Tralee, April 4, at 10. *Macnally*, Morgan-place.

Maher, John, of Coolnahinch, co. Longford, farmer. Hearing at Longford, April 10, at 10. *Charters*, Malboro'-street.

M'Cann, Patt, of Aughnamadoo, otherwise Ballincurry, co. Longford, farmer. Hearing at Longford, April 10, at 10. *Charters*, Marlboro'-street.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

KEATINGE—February 25, at 5, Belgrave-square, South, Monkstown, Dublin, the wife of Maurice Keatinge, Esq., Registrar of H.M. Court of Probate, of a son.

WADE—February 14, at No. 5, Clare-street, the wife of Gustavus Rochfort Wade, Esq., solicitor, of a son.

MARRIAGES.

KINGSMILL and WALFORD—February 21, at St. Luke's, Chelsea, by the Rev. Philip Williams, B.L.C., rector of Rewe, Henry Kingsmill, Esq., barrister-at-law, eldest son of Henry Kingsmill, Esq., of Sidmonton, in the county of Wicklow, to Eleanor Mary, elder daughter of the late Arthur Walford, Esq., of Lowndes-square.

O'CONNELL and STEIN—February 23, at the Catholic Church, Rathmines, by the Rev. William Lane, C.C., St. Patrick's, Cork (cousin of the bridegroom), Thomas Francis O'Connell, Esq., solicitor, of Lower Gardiner-street, in this city, to Maria, only daughter of Robert Stein, Esq., of Leinster-road, Rathmines.

DEATHS.

CHAMBERS—February 26, at her residence, Castle, Eblana-avenue, Kingstown, Sophia Erina Chambers, relict of Robert Chambers, Esq., J.P., county Dublin, and eldest daughter of the late Richard Newton Bennett, of Blackstoops, county Wexford, Esq., barrister-at-law, and Chief Justice of Tobago, West Indies.

DWYER—February 23, at Anglesea-place, Kingstown, at an advanced age, Theresa, relict of the late James Dwyer, Esq., Q.C.

HAMILTON—February 27, at his residence, 16, Merrion-square, North, Maxwell Hamilton, Esq., aged 65 years, Crown Solicitor N.E. Circuit, and Solicitor to the Dublin Police.

THORPE—February 20, at Cork, Mrs. Anne Reade Thorpe, aged 75 years, relict of the late Robert Carew Thorpe, formerly of Moat Elisha, county Carlow, and of Rathangan, county Kildare, solicitor.

WARREN—February 28, in her 76th year, Elizabeth Martha, widow of the late Richard B. Warren, Esq., sergeant-at-law.

INSURANCE.

INDIA AND THE COLONIES.

THE STANDARD LIFE ASSURANCE COMPANY, with which the COLONIAL LIFE ASSURANCE COMPANY is now amalgamated, affords the greatest facilities for effecting Assurances on the Lives of Persons proceeding Abroad.

Local Boards and Agencies in each Colony, where Premiums are received and Claims settled.

Moderate Premiums, at Rates suited to each Climate.

Immediate Reduction to Home Rates on return to Europe, or other temperate climate.

Loans advanced to Civilians and Military Officers.

Profits divided every Five Years.

Annual Income of the Company upwards of £650,000 sterling. Invested Capital and Accumulations, upwards £3,500,000.

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J. D. LATOUCHE, Esq., Dundrum.
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C. G. BURKE, Esq., Master of the Common Pleas.

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DUBLIN—66, UPPER SACKVILLE-STREET.

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TOWN AGENT.

WANTED a Town Agent, to act for a Solicitor of respectability; must be a Solicitor, able to make Quarterly Advances, and to Instruct an Apprentice in the profession. A separate Office would be preferred. Address, XXX, Office of THE IRISH LAW TIMES, 53, Upper Sackville-street.

WANTED, by a Dublin solicitor, a Managing Clerk who has a thorough knowledge of the practice of the Landed Estates' Court and Court of Bankruptcy and Insolvency. All applicants must give the name of their late Master, and state what salary they expect.—Address, "LEX," Office of "Irish Law Times."

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DUBLIN STOCK AND SHARE LIST.

	FEBRUARY					MARCH
DESCRIPTION OF STOCK	Saturday 23	Monday 25	Tuesday 26	Wednesday 27	Thursday 28	Friday 1
Government Funds.						
New Three per Cent. Stock,	89⅛ ¼	89⅜ ¼	89¼	89¼	89¼ ⅜	89¼ ⅜
Ditto for Accont, 7th Feb.	—	—	—	—	—	—
Ditto for Account, 7th March	89⅛ ¼	89⅜ ¼	—	89¼	89¼ ⅜ ¼	89¼ ⅜
Three per Cent. Consols	90⅜	90⅞	90⅜	90⅞	—	—
Foreign and Colonial Funds.						
India Five per Cent. Stock	106⅝	—	106⅝	106⅝	106⅞	106⅝ ⅝
Joint-Stock Banks.						
Bank of Ireland, £100 pd	233⅛	233	—	234	234	234
Hibernian Bank, £25 pd	—	—	—	—	—	—
Munster Bank (Lmtd.), £3 10s pd	—	—	4⅝	—	—	4½ ⅝
National Bank, £30 pd	64⅜ ½	—	64	64½	64⅝	64⅝
Ditto for Account	64½	64	—	—	—	—
National of Liverpool (Lmtd.), £15 pd	14⅞ 15	14⅞ 15	14⅞ 15	14¾	14¾	—
Provincial Bank, £25 pd	—	—	—	—	—	—
Ditto, New, (pd £10)	33⅞	33½	—	—	33½	—
Royal Bank, £10 pd	33¼	33¼	—	—	34½	34½ 34
Ditto for Account	—	—	—	—	—	—
Ulster Banking Company, £2 10s pd	—	—	—	—	—	9⅝
Union Bank, £22 pd (Ac.)	—	—	—	—	—	—
Steam.						
British and Irish, £50 pd	—	—	—	—	—	—
City of Dublin, £100 pd	—	99½	99⅝	99½	—	—
Dub. & L'pool St. Ship Build., £50 pd rd	—	—	51½	—	51½	—
Dub. and Glasgow, £50 pd	—	—	—	—	—	—
Dundalk (Limited), £10 pd	—	—	—	—	—	—
Peninsular and Oriental, £50 pd	—	—	—	—	—	—
Mines.						
Carysfort (Lmtd.), 30s pd	—	—	—	4s 4s 6d 5s	—	—
Ditto for New Account	—	—	—	—	—	—
Connorree M. Co. (Lmtd.), 20s pd	—	16s 6d	—	16s	16s	16s
Ditto for Account	16s 6d	—	—	—	—	—
Gen. M. Co. (Lmtd.), £5 10s pd	—	—	—	—	—	—
Ditto for Account	—	—	—	—	—	—
Killaloe Slate Co. (Lmtd.), £1 pd	—	—	—	—	—	—
Mining Co. of Ireland, £7 pd	—	17½	17	16⅞	—	16⅝
Ditto for Account	—	—	—	—	—	—
Wicklow Copper, £2 10s pd	—	—	24⅝	24⅝	24⅝	24½ ¼
Ditto for Account	24½	24½	—	—	—	—
Miscellaneous.						
Alliance and Consumers' Gas, £8 pd A	—	—	—	—	—	9⅝
Alliance and Consumers' Gas, £5 pd B	5½	—	—	—	—	5¼
Ditto for Account	—	—	—	—	—	5¼
Alliance and Consumers' Gas, £4 pd 2 C	—	—	—	—	—	—
Dub. Exhib. Palace (Lmtd., £5 pd	—	—	—	1⅝ ½	—	1½
Grand Canal, £100 pd	—	—	—	—	—	—
Patriotic Insurance, £10 pd	—	—	8⅝	—	—	—
National Insurance, £25 pd	33⅞	—	33⅞	—	—	—
Railways.						
Belfast and Northern Counties, £50 pd	—	—	—	—	—	—
Cork and Bandon, 50 pd	—	—	—	—	—	—
Dublin and Belfast Junction, £100 pd	—	—	—	—	—	69 ex div
Dublin and Kingstown, £100 pd	193	—	—	—	—	193
Dublin and Drogheda, £100 pd	—	—	..	—	—	—
Dublin, Wicklow, and Wexford, £100 pd	—	35	—	35	35½ 36	39
Ditto for Account	35	—	—	35½	—	39
Great Northern and Western, £10 pd	—	5	—	—	—	—
Great Southern and Western, £100 pd	90½	90½ 90	90½	90½	90½	90½
Midland Great Western, £100 pd	60	—	—	—	—	—
Ditto for Account	—	—	—	—	—	—
Waterford and Limerick, £50 pd	—	—	—	—	—	—
Railway Preference.						
Belfast and N. Counties, 4 p c pp, £100 pd	—	—	—	—	—	—
Cork and Bandon, 5½ p c pl £6 5s	6	6	—	—	—	—
Dub., Wick., and Wex., 4 p c pr, £100 pd	—	—	—	—	—	—
Dub., Wick., and Wex., 5 p c £50 pd rd	—	—	—	—	—	—
Gt. South. and Westn. 4 p c pp £100 pd	—	92½	93	93	—	—
Irish N. Western, 5 p c pp, £10 pd, A	—	—	—	—	—	—
Midland Great Western, 5 p c, £100 pd	—	—	—	—	—	—
Portadown, Dungannon, &c., 6 p c, £25 pd	—	—	—	—	—	—
Watfrd. and Limk. 5 p c pd £50	45½	—	—	—	—	—
Dublin & Drogheda, 5 p c rd, 1868, £25 pd	25	—	—	—	—	—
Railway Debentures.						
Gt. South. and Wn., 4½ per cent.,	—	—	—	—	—	—
Midland Great Western 5 per cent.,	—	—	—	—	—	—
Ditto 4½ per cent	—	—	—	—	—	—
Local Debentures.						
Ballast Office Debentures, £92 6s 2d	—	83⅝	—	—	—	—
City Debentures, £92 6s 2d	—	—	—	—	—	—

Name Day—14th March. Account Day—15th March.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of
DONALD JOHN MACQUEEN,
Formerly of the Province of New Brunswick, North America; then of the Town of St. Heliers, Island of Jersey; then of Rothsay, Isle of Bute, Scotland; then of Fermoy, in the County of Cork, Esquire; and late of Newry, in the County of Armagh, Barrack Master, since deceased, an Insolvent.

A PUBLIC Sitting for the admission, proof, and ascertainment of debts, in this Matter, will be held before me, at my Office, at the Four Courts, Dublin, at the hour of Twelve o'clock, on MONDAY, the 25th day of MARCH, 1867, whereof all persons concerned are to Take Notice.

Dated the 21st day of February, 1867.

THOMAS FARRELL, Chief Clerk.

JAMES ROSE BYRNE, Solicitor for the Assignees, having Carriage of Proceedings, No. 188, Great Brunswick-street, Dublin.

CHARLES H. JAMES, Official Assignee, 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
THOMAS M'HALE,
of Ballina, in the County Mayo, Draper, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 21st day of MARCH, 1867, at the hour of Eleven o'clock forenoon, for admission and proof of debts, and to vouch the Assignee's Account. And a Public Sitting will be held before the Court, on TUESDAY, the 16th day of APRIL, 1867, at the hour of Eleven o'clock forenoon, to Audit the Assignee's Account, and make a second and final Dividend of the Bankrupt's Estate in this Matter, whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 21st day of February, 1867.

CHEYNE BRADY, Chief Registrar.

MICHAEL MURPHY, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

JAMES D. MELDON & SON, Agent to the Bankruptcy, No. 14, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
HENRY MAGRATH,
of Clarence-street in the City of Cork, Shirt Manufacturer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 8th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to MICHAEL MURPHY, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 26th day of February, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchant's-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
THOMAS H. M. BELL,
of No. 18, Waring-street, Belfast, in the County of Antrim, Commission Agent, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 12th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 27th day of February, 1867.

JOHN F. TEELING, Assistant Registrar.

WILLIAM GEORGE BRADLEY, Agent to the Bankruptcy, No. 11, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
PATRICK WHITTAKER POWER,
of Tarbert, in the County of Kerry, Grocer, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 28th day of MARCH, 1867, at the hour of Twelve o'clock noon, for admission and proof of debts, and to vouch the Assignee's Account. And a Public Sitting will be held before the Court, on TUESDAY, the 16th day of APRIL, 1867, at the hour of Eleven o'clock forenoon, to Audit the Assignee's Account, and make a first and final Dividend of the Bankrupt's Estate in this Matter, whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 26th day of February, 1867.

CHEYNE BRADY, Chief Registrar.

MICHAEL MURPHY, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

JOHN TALBOT SCANLON, Agent to the Bankruptcy, No. 10, Fleet-street, Dublin.

STATUTORY NOTICE.

In the Matter of the Goods of
WALTER BURKE,
Late of Cams House, in the County of Roscommon, Esquire, deceased.

NOTICE is hereby Given, pursuant to the Statute made and passed in the 22nd and 23rd years of the reign of Her Majesty, Queen Victoria, cap. 35, entitled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors, or otherwise to have any claims against the Estate of WALTER BURKE, late of Cams House, in the County of Roscommon, Esquire, deceased who died on the 15th day of JULY, 1866—are hereby required on or before the 1st day of May next, to furnish to Mrs. ELIZABETH BURKE, the Executrix, at the Office of JOSEPH BURKE, her Solicitor, No. 12, Blessington-street, Dublin; or The Abbey, Roscommon, the particulars of all such claims, or in default thereof, the said Mrs. ELIZABETH BURKE, the Executrix, will distribute the assets of the said WALTER BURKE, deceased, among the parties entitled thereto.

Dated this 1st day of March, 1867.

JOSEPH BURKE, Solicitor for said Executrix, No. 12, Blessington-street, Dublin; and The Abbey, Roscommon.

STATUTORY NOTICE.

In the Matter of the Goods of
CHARLES JOHN PEYTON,
Late of Corrygard, in the County of Roscommon, Esquire, deceased.

NOTICE is hereby Given, pursuant to the Statute made and passed in the 22nd and 23rd years of the Reign of Her Majesty, Queen Victoria, cap. 35, entitled "An Act to Further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors, or otherwise to have any Claims against the Estate of CHARLES JOHN PEYTON, late of Corrygard, in the County of Roscommon, Esquire, deceased—who died on the 27th day of August, 1866—are hereby required, on or before the 1st day of MAY next, to furnish to REYNOLDS PEYTON, Esq., M.D., the Executor, at the Office of JOSEPH BURKE, his Solicitor, No. 12, Blessington-street, Dublin; or The Abbey, Roscommon, the particulars of all such claims, or in default thereof the said REYNOLDS PEYTON, the Executor, will distribute the assets of the said CHARLES JOHN PEYTON, deceased, among the parties entitled thereto.

Dated this 1st day of March, 1867.

JOSEPH BURKE, Solicitor for said Executor, No. 12, Blessington-street, Dublin; and the Abbey, Roscommon.

STATUTORY NOTICE.

In the Matter of the Goods of
HENRY SAMPEY,
Late of Ballyglass House, in the County of Roscommon, Esquire, deceased.

NOTICE is hereby given, pursuant to the statute made and passed in the 22nd and 23rd years of the Reign of Her Majesty, Queen Victoria, cap. 35, entitled "An Act to Further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors, or otherwise to have any claims against the Estate of HENRY SAMPEY, late of Ballyglass House, in the County of Roscommon, Esquire, deceased—who died on the 5th day of January, 1867—are hereby required, on or before the 1st day of May next, to furnish to ALEXANDER WILLIAM SAMPEY, Esquire, the Executor, at the office of JOSEPH BURKE, his Solicitor, No. 12, Blessington-street, Dublin, or The Abbey, Roscommon, the particulars of all such claims, or in default thereof the said ALEXANDER WILLIAM SAMPEY, the Executor, will distribute the assets of the said HENRY SAMPEY, deceased, among the parties entitled thereto.

Dated this 1st day of March, 1867.

JOSEPH BURKE, Solicitor for said Executors, No. 12, Blessington-street, Dublin; and the Abbey, Roscommon.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, March 2, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 6.] SATURDAY, MARCH 9, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office,* 53, *Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MARCH 9, 1867.

WE are glad to see that the present Government have adopted the measure which their predecessors introduced for reform of the Procedure of the Court of Chancery in Ireland. No one is more competent to carry such a measure through the House than the present Solicitor-General for Ireland, who has brought in the Bill, and whose large Chancery practice and great experience in that Court give him a command of the subject, both in principle and detail, to which no mere theorist could attain.

It is now more than sixteen years since the inauguration of that most unhappy legislative experiment, "The Chancery (Ireland) Regulation Act, 1850." We do not for a moment assert, that at the period of its introduction the condition of the Court of Chancery in this country was such as to make any reform or alteration in its procedure undesirable; but we do say, that a more ill-considered or incongruous attempt at reform was never attempted than that initiated by the Act in question. We cannot suppose that Sir John Romilly (although the reputed parent of the measure) is answerable for its provisions, and are rather disposed to attribute them to some of the inexperienced theorists who believe that alteration is reform, and that a great public boon must necessarily be effected by any change in what has long been established. Practical men here are continually suffering from the effects of the legislative "reforms" with which "'prentice hands" are disfiguring the statute books, but from none more keenly than the measure which, by a most singular misnomer, is called the Chancery (Ireland) *Regulation* (*!!*) Act. If by regulation is meant the total disorganization of Chancery proceedings, then this statute is worthy of its name; but if it was intended to be the means of promoting uniformity, order, and certainty in the procedure of the Court, then has it most grievously failed in its design. We do not desire to become apologists for the verbose pleadings of the old Court of Chancery, nor for the vexatious delays which brought suitors to despair and the law into disrepute; but we maintain that a reform in pleadings might readily have been effected without the introduction into our Chancery proceedings of those vague and shapeless documents denominated "Cause Petitions" and "Answering Affidavits." In fact, such a reform was actually effected in England; and while we have been for sixteen years groping and stumbling through the *irregularities* of our "*Regulation*" Act procedure, the legal profession in England have

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been enjoying the facilities afforded by a truly reformed system, in which the Bill and Answer are retained, but stripped of all that made them objectionable. It is to this system the Chancery Reform Bill just introduced by the Solicitor-General proposes to assimilate the proceedings of our Irish Court of Chancery.

One of the leading features of the reform thus to be effected is the abolition of the present system of reference to the Masters, and the consequent abolition of their offices, which were abolished in the Court of Chancery in England when the English Chancery Regulation Act, to which we have referred, was introduced. With this change falls the whole "15th section" system, which was introduced by the Irish Chancery Regulation Act, and has been so decidedly condemned by all Chancery lawyers of eminence and experience, and which conferred on the Masters in Chancery, in cases referred under it, the functions of the Lord Chancellor; while in those not so referred they still were limited to purely administrative duties. Out of this system has arisen a diversity of practice that makes the experience of one Master's office no assistance in carrying on business in another, and renders it impossible for any Chancery practitioner to master the varieties of practice which meet and puzzle him at every step. Instead of this system, the business of the Court of Chancery is to be carried out by a Vice-Chancellor and the Master of the Rolls, each assisted by a Chief Clerk (who is to be a Solicitor), upon whom will devolve all the matters of detail, which now occupy so much of the valuable time of the Masters. All questions in which legal points are involved will be decided by the Vice-Chancellor and the Master of the Rolls, to whom the practitioners may also appeal against any ruling of the Chief Clerks to which they object. This division of labour, by which the learning of the Judge is reserved for the discussion of legal questions, and the details and routine are left to those more competent, from the character of their professional experience, to deal with them, seems natural and expedient, and we shall be disappointed if it does not work for the advantage of the suitors.

One of the great benefits of the measure is, that, by the assimilation of the practice to that of the Court of Chancery in England, all the decisions and precedents of that country are thrown open to us. This will be of immense importance in enabling us to settle the practice under the system which the present measure is to inaugurate, which, although new to us, has been working in England for about sixteen years with complete success.

There are several provisions in the Bill which we should be glad to notice did our space permit, and perhaps on some future occasion we may have an opportunity of doing so.

CURRENT TOPICS.

MICHAEL MURPHY, Esq., one of the Official Assignees of the Court of Bankruptcy and Insolvency, has resigned his office in consequence of failing health and bodily infirmities. Whilst regretting, as we do, the cause of his retirement, we are glad to learn that in the matter of pension he will not be unfairly dealt with. Ever remarkable for an amiable kindliness of disposition and affability of manner as well as for the honourable integrity of his character, we but echo the general sentiment in assuring him that he carries with him into private life the esteem and good wishes of the profession, and of that portion of the public with whom his duties brought him into more immediate contact. As to his successor, we are confident that the Lord Chancellor (with whom the appointment rests) will duly regard not only the business abilities but the character and the position of the gentleman to be selected. If, we will add, he be as efficient and popular as the present Assignee, the choice will be quite satisfactory.

On Monday last a deputation from the Council of the Incorporated Law Society waited upon Mountifort Longfield, Esq., LL.D., to present him with an address on the occasion of his retirement from the office of Judge of the Landed Estates Court.

The deputation consisted of Arthur Barlow, vice-president, and Messrs. William Read, Henry T. Dix, William Roche, Edward T. Stapleton, and J. H. Goddard, secretary.

The following is a copy of the address and reply.

TO MOUNTIFORT LONGFIELD, ESQ., LL.D., LATE JUDGE OF THE LANDED ESTATES COURT, IRELAND.

Sir,—On the part of the attorneys and solicitors of Ireland we desire, on the occasion of your retirement, to express not only our sentiments of respect for your great ability and learning, but also our appreciation of the manner in which you have filled the high and difficult judicial position which you have just vacated, as well as regret at your retirement.

We also desire to thank you for the kindness and consideration which we received at your hands during your judicial career, and to bear testimony, as we gladly do, to the fact that in the discharge of our professional duties in your Court we have ever received a patient hearing, and had a confidence reposed in our good faith which was both flattering and encouraging, and which we believe is calculated to strengthen and elevate the tone of professional honour and rectitude, not only to the benefit of the profession but also of the interests of the suitors of the Court.

I remain, Sir,
On behalf of the Council,
Your faithful Servant,
RICHARD JNO. THEO. ORPEN, *President.*
JOHN H. GODDARD, *Secretary.*

Solicitors' Hall, Four Courts,
Dublin, 1867.

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REPLY.

Gentlemen.—I return you my sincere thanks for the address with which you have honoured me on the occasion of my retirement from the Landed Estates' Court.

I am perfectly conscious that for several flattering expressions in that address I am indebted solely to your kindness; and it gives me great pleasure to believe that such friendly feelings are entertained towards me by the profession with which my duties in Court brought me into constant intercourse.

I am happy also to have this opportunity of returning thanks for the assistance which you afforded the Court in the difficult and important task which it was called upon to perform.

Some persons affected to think that your profession was more interested in the abuses of the law than in the administration of justice, and they predicted that you would show some hostility to a Court which, rejecting ordinary and expensive forms, should endeavour to make the road to justice safe, simple, cheap, and expeditious.

Their predictions were disappointed. From the commencement we had the advantage of your active cooperation, and I have to acknowledge gratefully that I received from members of your profession some valuable suggestions, which have become incorporated in the rules and practice of the Court.

You have alluded to the confidence which I always placed in your good faith.

I believe that it was expedient to the administration of justice that I should do so, and that you were well deserving to have that confidence reposed in you, and experience has justified that opinion, for I found no instance in which that confidence was abused.

I remain, Gentlemen,

Yours very truly,

Mountifort Longfield.

47, Fitzwilliam-square,
4th March, 1867.

A Bill to Amend the Constitution, Practice, and Procedure of the Court of Chancery in Ireland.

The following is an abstract of the clauses of this Bill now before Parliament, brought in by the Attorney-General and Solicitor-General for Ireland. [We give it so far as space permits, and will give the remainder in our next Number.]

Preamble recites that it is expedient to alter the Constitution and amend the Practice and Course of Proceeding of the Court of Chancery, in Ireland, with a view of establishing Uniformity of Practice and Procedure in the Courts of Chancery in England and Ireland.

Clause

1. Title of Act—"The Chancery (Ireland) Act, 1867."

2. Interpretation of terms.

3. Act to consist of five parts, relating to:—I. The appointment of a Vice-Chancellor. II. The abolition of the office of Master in Ordinary. III. Procedure and Practice. IV. *Stamps and Fees.* V. Miscellaneous matters.

Part 1.

Appointment of Vice-Chancellor.

4. Vice-Chancellor to be appointed to be a Judge-assistant to the Lord Chancellor, a barrister of at least 15 years standing, and to be incapable of sitting in the House of Commons.

5. Appointment of successors of Vice-Chancellor.

6. Jurisdiction and powers of Vice-Chancellor; to hear and determine suits; decrees, orders, and acts of the Vice-Chancellor to be deemed decrees, orders, and acts of the Court of Chancery.

7. To sit for Chancellor when required.

8. Vice-Chancellor to rank after Lord Justice of Appeal, provided the latter shall not have held office of Lord Chancellor. In that case to rank after Chief Baron of the Exchequer.

9. To hold office during good behaviour.

10. Oath of Vice-Chancellor—"duly and faithfully to execute the office."

11. Master of the Rolls and Vice-Chancellor, with approbation of Lord Chancellor, may appoint one chief clerk each to assist in general business of the Court.

12. Qualification of chief clerks—a solicitor or attorney of 10 years standing, or one who shall have held the office of Master's Examiner.

13. Master of the Rolls and Vice-Chancellor may appoint two junior clerks to each chief clerk.

14. No officer under the Act to take any fees or profit, save salary.

15. Solicitor accepting office to cease to be solicitor.

16. Chief clerk to hold office during good behaviour.

17. Junior clerk to hold office at the pleasure of the Judge to whose Court he shall be attached.

18. Chief and junior clerks to be under the control of Judge.

19. Chief and junior clerks subject to the same penalties as are imposed by 4 Geo. IV., c. 61.

20. Lord Chancellor, with concurrence of Judge, may remove chief clerk without stating any cause for such removal.

21. Salary of chief clerk, £800 per annum, to be increased by £25 annually to £1,000. Salary of junior clerks, £250 per annum, to be increased by £10 annually to £350—payable out of the funds as after provided.

22. Salary of Vice-Chancellor, £4,000 per annum, payable out of Consolidated Fund.

23. Retiring pension to Vice-Chancellor.

24. Vice-Chancellor may appoint Court-keeper, crier, and tipstaff.

25. Lord Chancellor may, should the business of his Court render it expedient, appoint a chief clerk and junior clerk to be attached to himself and his successors.

26. Lord Chancellor, with consent of Master of the Rolls and Vice-Chancellor, may (subject to the approbation of the Commissioners of the Treasury), appoint additional chief or junior clerks.

Part 2.

Masters' Abolition.

27. Office of Master, except that of Receiver Master, abolished, but subject to execution by the present Masters of the duties thereinafter provided, for which

purpose powers vested in them to continue until released.

28. Vacancies not to be filled.

29. Masters may be released from their duties as such when state of business in their Courts allows.

30. Each Master so released to be entitled, as retiring pension, to the full amount of his salary.

31. In order expeditiously to wind up suits at present pending before them, Masters may summon parties or their solicitors, and proceed to give directions for settling and winding up such suits.

32. If Master unable finally to dispose of any suit he may give report or certificate, on which Lord Chancellor may make order for prosecution or final disposal of suit and payment of costs.

33. Notwithstanding suit abated or defective, Master may proceed.

34. Master may certify abatement of suit, or change, or transmission of interest.

35. Certificate to be filed and notice served, and parties served to be bound as if an order of revivor or supplemental decree had been made.

36. If Master unable to obtain information for his guidance in certifying, as aforesaid, the Lord Chancellor may dispose of suit.

37. Master may certify specially any decision.

38 In case of neglect of parties or their solicitors within time fixed, to file certificate, or report, or cause order, solicitors for minors and lunatics may proceed.

39. No further references to be made to Masters, but Masters to finish business at present pending.

40. On retirement of Masters, their examiners and clerks, to be entitled to retiring pensions of the same amount as salary.

41. Appointment of second Assistant Registrar at a salary of £800 per annum to be increased by £25 annually to £1,000 per annum; Masters' examiners, according to seniority, to have the option of accepting this office. In case they decline, Lord Chancellor to appoint a barrister of ten years' standing, or a person having such qualification as before prescribed for chief clerks.

42. The Masters' registrars to be three of the junior clerks, and to hold during good behaviour.

43. Power to the Lord Chancellor to make temporary provision for offices vacated.

44. Assistant Registrar, chief and junior clerks, to be entitled to superannuation allowances.

45. On appointment of Masters or examiners to office, &c., the retiring pension under this act to be regulated by the salary, &c., of such office.

46. Appropriation of Masters' offices.

47. Rights and establishments of the present Masters to continue till released. 15 and 16 Vic., c. 80, s. 58.

48. Office of Receiver Master to be maintained for the discharge of the duties therein specified.

49. Powers of Receiver Master, with reference to all matters relating to receivers and the management of estates under receivers, and with respect to auditing and keeping accounts, and with respect to inquiries in lunacy matters.

50. References to Receiver Master.

PART 3.

Procedure and Practice.

51. Acts and portions of acts repealed—13 and 14 Vic., c. 89, ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32; 23 and 24 Vic., c. 38, s. 14.

52. Practice of engrossing bills on parchment to be discontinued, and printed bills to be filed instead.

53. Writs of subpœna to be abolished.

54. Defendant to be served with a printed bill of complaint in lieu of writ of subpœna, with endorsement as in schedule [requiring appearance to be entered within eight days].

55. The filing and service of a printed bill to have the same effect as the filing and issuing of a writ of subpœna.

56. Service of printed bill to be effected in same manner as service of writ of subpœna is now effected, with liberty to Court to direct substitution of service.

57. Written copies of bill may be filed and served, in cases of injunction, or for a writ of *ne exeat regno*, on personal undertaking of plaintiff or his solicitor to file printed copy within fourteen days.

58. Plaintiff to deliver to defendant or his solicitor printed copies of bill at rate prescribed by General Order.

59. Provisions as to filing, &c., prints of original bill extended to amendments. In certain cases bill may be amended by written alterations.

60. Bills of complaint to contain concise narratives of material facts, &c., divided into numbered paragraphs, but not to contain interrogatories.

61. Next friend of any infant, &c., before name used in any suit to sign written authority to solicitor, to be filed with bill.

62. Demurrers abolished except for want of equity and multifariousness.

63. Pleas abolished.

64. Interrogatories to be filed in office of Deputy Keeper of the Rolls by plaintiff, within time prescribed (should he require answer from defendants), and copy to be delivered to defendants or their solicitor. No defendant to be required to answer unless interrogatories so filed and copy delivered.

65. Defendant may answer without leave within time fixed by General Order, but after that time must have leave of the Court.

66. Defendant's answer may contain not only answer to interrogatories, but statements material to his case.

67. No objection for want of parties in any case to which the rules next therein, set forth, extend.

Rule 1. Residuary legatee or next of kin to have decree for administration of personal estate, without serving remaining residuary legatees or next of kin.

Rule 2. Legatee interested in legacy charged on real estate, or person interested in proceeds of real estate directed to be sold, to have decree for administration without serving any other legatee or person interested in the proceeds of the estate.

Rule 3. Residuary devisee or heir may, without serving any co-residuary devisee or co-heir, have the like decree.

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Rule 4. One of several cestuis que trust under any deed or instrument may, without serving any other of such cestuis que trust, have a decree for the execution of the trusts of the deed or instrument.

Rule 5. In cases of suits for protection of property pending litigation, and in cases in the nature of waste, one person may sue on behalf of himself and all having the same interest.

Rule 6. Any executor, &c., may obtain a decree against any one legatee, next of kin, or cestui que trust for the administration of the estate, or the execution of the trusts.

Rule 7. Mortgagee may have a decree for sale, without serving any other mortgagee, unless in receipt of the rents of the mortgaged lands.

Rule 8. In all the above cases, Court may require any other person to be made a party to the suit, and give conduct of the suit to such person as it may deem proper.

Rule 9. In all the above cases, persons, who before the passing of the Act of 1850, would have been necessary parties to the suit, to be served with notice of the decree, and unless cause shown to be bound by proceedings.

Rule 10. In suits concerning real or personal estate vested in trustees; such trustees shall represent the persons beneficially interested to the same extent as executors, &c., in suits concerning personal estate; and not necessary to make persons beneficially interested parties.

68. The practice of setting down a cause merely on objection for want of parties, abolished.

69. Plaintiff may, on expiration of time for answering, but before replication, move for a decree or decretal order. Affidavits may be filed.

70. Court may grant or refuse such motion, or make order for further prosecution, &c.

71. Exceptions for insufficiency and objections for prolixity or scandal, to be heard and determined by the Court itself; and practice of excepting to bills, answers, &c., for impertinence, abolished. Costs may be ordered to be paid by party introducing impertinent matter.

72. Court may order Defendant to produce documents, &c. on oath.

73. Defendant in suit commenced by bill, may (after answer), file interrogatories for examination of plaintiff, or may exhibit a cross bill instead thereof.

74. Upon application of defendant after answer, plaintiff may be required to produce documents on oath.

75. Practice of issuing commissions to take answers, &c., within the jurisdiction of the Court abolished.

76. Masters Extraordinary to cease to be so styled, and to be designated Commissioners.

77. Lord Chancellor may appoint solicitors residing within ten miles of Dublin as Commissioners to administer oaths and take affidavits in Chancery. Fee of 1s. 6d. to be paid to them on each affidavit.

78. Clerk of affidavits and clerk of recognizances may administer oaths and take affidavits.

79. Commissioners may be appointed to administer oaths for the Isle of Man and the Channel Islands.

80. Appointment of Commissioners to bear a Chancery fund stamp in lieu of other charges or fees.

81. Power of Lord Chancellor of appointing persons to administer oaths, &c., not to be abridged. References to Masters Extraordinary in acts to apply to Commissioners.

82. Answers, affidavits, &c., in Chancery, how to be sworn and taken in England, Scotland, the Channel Islands, &c.

83. Penalties for false swearing.

84. Penalty for forging signature or seal of judge, &c., empowered to administer oaths under this act.

85. Answers to be filed without oath of messenger.

86. Issue shall be joined (in suits commenced by bill) by filing a replication [form in schedule].

87. Defendant not having been required to answer and not having answered, may move to dismiss bill for want of prosecution.

88. Practice of Court as to and mode of examining witnesses abolished. Court may order particular witnesses to be examined upon interrogatories.

89. Judge may upon application, order that the evidence as to certain facts and issues shall he taken vivâ voce at the hearing.

90. Defendant not having been required to answer and not answering may move for dismissal of bill for want of prosecution.

(*To be continued.*)

ENGLAND.

NOTES OF ENGLISH DECISIONS.

From the *Law Times*.

CHANCERY PRACTICE—DEMURRER.—When an agreement is in its terms so uncertain as to raise a doubt as to its true effect, whether to be considered as a purchase of premises or a lease, a demurrer will lie to a bill for specific performance of it: (*Dolling* v. *Evans*, 15 L. T. Rep. N. S. 604. V.C. W.)

LIEN—FAILURE OF TITLE.—Where a plaintiff in a vendor's suit for specific performance failed to make a good title and abandoned the suit, the Court gave the defendant a lien on the property for his deposit, interest, and costs of suit: (*Turner* v. *Marriott*, 15 L. T. Rep. N.S. 607. V.C. M.)

RELATION OF ATTORNEY AND CLIENT—COMPROMISE.—The Court, though bound by the decisions establishing, will not extend the operation of, the strict technical rule that the relation of attorney and client and the effect of a retainer are at an end, and that the authority of an attorney to bind his client ceases, the moment judgment is obtained, without some act on the part of the client to re-establish the relation. If, after judgment signed, the plaintiff in the action forbids his attorney to compromise or to take less than the full amount of the judgment, that is evidence of a continued or re-established authority between attorney and client, so as to give effect to the acts of the attorney with reference to the rights, liabilities, and powers of the plaintiff and defendant in the action; and a compromise subsequently effected by the attorney with the defendant in such action binds the plaintiff as against such defendant, but gives the plaintiff a right of action against the attorney for compromising in breach of direct instructions to the contrary: (*Butler* v. *Knight*, 15 L. T. Rep. N. S. 621. Ex.)

COMPULSORY REFERENCE—COSTS.—An action of debt, in which the plaintiff claimed more than £20, was referred

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compulsorily. By the terms of the order, the costs were to abide the event, and the costs of the reference to be in the discretion of the master. The master found for the plaintiff for less than £20, and directed that the defendant should pay the costs of the reference. It was held that sect. 11 of 13 & 14 Vict. c. 16, is imperative, and that the plaintiff having recovered less than £20, was not entitled to the costs of the reference: (*Moore* v. *Watson*, 15 L. T. Rep. N. S. 662. C. P.)

PROBATE PRACTICE—CITING HEIR-AT-LAW.—For the future the party propounding a will in a testamentary suit, commenced by caveat, may, after declaration filed, and before the time for pleading has expired, obtain leave to cite the heir-at-law to all proceedings, on filing an affidavit that he intends to prove the will in solemn form: (*Peacock* v. *Lowe*, 15 L. T. Rep. N. S. 634. Prob.)

PROBATE PRACTICE—COSTS.—The Court granted a writ of sequestration for costs against money payable to a retired officer of the Indian navy as a pension for past services The practice of the court does not require that a writ of attachment should be applied for or obtained before a writ of sequestration will be allowed to issue: (*Dent* v. *Dent*, 15 L. T. Rep. N. S. 635. Div. & M.)

EQUITY PRACTICE—REVIVOR—COSTS.—An abatement of the suit having been caused by bankruptcy, no revivor can be allowed simply for costs: *Ellison* v. *Sharp*, 15 L. T. Rep. N. S. 651. V. C. W.)

ABOLITION OF IMPRISONMENT FOR DEBT.

From the *Law Times*.

An expectation was expressed in the number of the *Law Times* which preceded the opening of the session, that, in connexion with bankruptcy reform, some relief would probably be afforded by a further mitigation of imprisonment in favour of the large class who fall under County Court judgments. This was offered among other "legislative hints." The Government have now given their notices on the subject, from the language of which it would appear that our anticipation was not ill-founded. On Thursday, the 7th, the ATTORNEY-GENERAL is to move for leave to bring in two Bills, one to consolidate and amend the Acts relating to Bankruptcy in England, the other, "to abolish arrest on final process in civil actions in England, except in certain cases, and otherwise to amend the law relating to judgments, decrees and orders." The exception is referred to in language scarcely large enough to include County Court judgments. "Certain cases" is a form of speech indicating that individuals under certain circumstances, rather than that classes, are to remain subject to the arrest to be in other respects abolished. Most likely debtors who are guilty of fraud, or who have attempted to abscond, or the like, are meant by the exception. The present LORD CHANCELLOR, in the debate on the second reading of Lord WESTBURY'S Bankruptcy Bill, approved especially of the clause by which bankrupts who have no means to pay the fees of application in the ordinary way may, by the interference of the registrar, on making an affidavit that they have not the means of paying the expenses, obtain their discharge. He thought that this was a humane and wise provision, but the object was thwarted by the clauses that it should not be applicable to parties committed by a County Court Judge, but that in such cases the party must be imprisoned forty days before he could be discharged; and when after that he was discharged, the debt must still remain as a hopeless clog upon him. He advised that these clauses should be struck out of the Bill. They, however, remained. Four years afterwards Lord WESTBURY introduced his Bill for abolition of arrest on final process, and bore testimony to the beneficial operation of these prison adjudication and discharge clauses. One of the immediate effects was that the Queen's Bench prison was closed, and no one complained that the *bonâ fide* creditor's remedy had been abridged. It was at that time ascertained that debtors in prison generally were persons who found their way there for the purpose of being discharged under the bankruptcy law, and the consequence was there was a great number of applications for discharge. The opinion has gained ground through Europe, that the old practice of imprisoning a debtor merely on account of a debt not being paid was neither quite just nor expedient. Lord Chelmsford, on that occasion also, showed anxiety that there should be taken away from the County Courts the power to commit in default of satisfaction of judgment, but Lord WESTBURY'S Bill reserves the existing County Court system.

From the *Solicitors' Journal*.

RAILWAY DEBENTURES have, within the last few months, been the subject of much discussion and litigation, and an attempt is being made to settle their value by means of legislation. The Railway Debenture Holders' Bill provides that "the undertaking, as defined by the Companies, Clauses Consolidation Act, 1845, and all the engines, carriages, waggons, and other plant, movable and immovable (including workshops) used or required for the proper management and working of the railway, and belonging to the railway company," shall be security for the payment of interest and principal of the debenture debt, but that these may not be taken in execution for that debt. In his judgment, delivered in the case of *Gardiner* v. *The London, Chatham, and Dover Railway Company*, 15 W. R. 325, Lord Justice CAIRNS expressed his regret that securities, such as railway debentures, upon which so many millions of money have been invested, should have been left, at their creation, in a state to admit of so much argument as that which had taken place in this case; and that their legal operation and extent should come to be defined—not at the time when they had been given as security, but after difficulties had arisen in their repayment. One of the great difficulties which had arisen in this and in the kindred cases was that of ascertaining what property the debentures were secured upon, and we are at a loss to see that this is cleared up by the measure now before the House. The "Undertaking," as defined by the 2nd section of the Companies Clauses Act, 1845 (8 Vict. c. 16), means the "Undertaking or works, of whatever nature, which shall, by the special Act, be authorised to be executed;" and while this bill abstains from laying down a positive definition of the term "Undertaking," it carefully adopts that term as defined by the Companies Clauses Act, 1845, thus perpetuating an uncertainty when a really favourable opportunity of settling a definition was at hand. In the judgment already referred to, the same learned judge said—"A railway is made and maintained by means of its capital—by means of its borrowed money, of its land, of its proceeds of sale of surplus land, of its permanent way, of its rolling stock—all of these may be said in a sense to be connected with—to be part of—to make up—the undertaking." Again, "The term 'undertaking' is the proper style—not for the ingredients, but for the completed work."

As the operation of the measure is not to be applicable to existing mortgages by means of debentures, but only to those created in the future, it does not, in fact, hold out much prospect of good. If all existing debentures are made under Parliamentary powers, what then would be more easy than to define precisely what those powers were—that is to say, to define in terms the word "undertaking," as used in the Companies Clauses Act, 1845. We by no means would be supposed to advocate the giving to debenture-holders any greater powers than they now possess, nor the depriving them of what they are now entitled to; only let the property, and classes of property, on which their securities are based, be accurately defined, and the rest of the difficulty may be left for time to settle. Unless the term "undertaking" is explained in the new act, it can scarcely be expected to set at rest the disputed points on which the appeal motion, in the case before referred to, was founded.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

CHANCERY.

Reported by Edmund T. Bewley, Esq., Barrister-at-law.

Before Master Fitzgibbon.

Luby *v.* Dixon. Hone *v.* Dixon.

Feb. 20.—*Judgment Mortgage.*

In this case a question arose between the petitioner in the first matter and the petitioner in the second matter as to whether a judgment could be registered as a mortgage, under the 13 and 14 Vict., c. 53, against an ecclesiastical benefice.

F. L. Dames for the petitioner in the first matter.

R. J. Robertson for the petitioner in the second matter.

Master Fitzgibbon delivered an elaborate judgment, reviewing the cases and statutes bearing on the subject, and held that the 13 and 14 Vict., c. 53 was only a substitution for the older remedies for enforcing judgments, and that, as a judgment creditor could not, before the passing of this Act, have sued out an elegit against an ecclesiastical benefice, a judgment mortgage was not now a charge upon ecclesiastical property.

Solicitors for the petitioner in the first matter, *Nunn and Jones.*

Solicitors for the respondents in the second matter, *Joseph Hone and Son.*

ROLLS COURT.

Reported by Edward S. Trevor, Esq., Barrister-at-law.

In the Matter of the Belfast Dock Act and the Lands Clauses Consolidation Act, 1865.

Jan. 14, 1867. — *Patent — Construction — Evidence — Acts of Ownership.*

A piece of land on the Shore-road, at the mouth of the river Lagan, at Belfast, was taken by the Belfast Harbour Commissioners, under the powers of their Act. The land, before it was reclaimed, was between high and low water mark in ordinary tides. The purchase money was lodged in Court. On the 21st of February, 1859, an order was made by the late Master of the Rolls referring it to Master Litton to inquire and report who was entitled to the fund in Court. There were three claimants before the Master:—1st, The Commissioners of Woods and Forests, claiming in right of the Crown. 2nd, The Marquis of Donegall, who claimed under two patents, of the 9th of May, 1604 (2 Jac. 1), and the 20th November, 1620 (19 Jac. 1.), whereby "the fisheries and fishing places of what kind soever, of all the river of Lagan, and the ground and soil of all the said river, &c.," were granted to Sir Arthur Chichester. 3rd, The Earl of Ranfurly, Lord Templemore, and Mr. Thomas M'Clure, who claimed under a patent of the 5th November, 1605 (3 Jac. 1), a grant to James Hamilton of the territory of Clandeboy, which is adjacent to the land in question, and is described in the patent as bounded by "the bank of the Bay of Knockfergus (now Carrickfergus) towards the North."

The Master made his report in February, 1861, finding in favour of the last-mentioned claim, and the Crown and Lord Donegall both moved to vary the report. The motions came before the late Master of the Rolls, in February, 1862, and were directed to stand over until the decision of the House of Lords in *Donegall* v. *Templemore*, in which the same questions of title as those in this case were involved. That appeal was compromised, and the motions were renewed in last Michaelmas Term, and were at argument for several days.

The Master of the Rolls gave judgment, deciding against Lord Donegall's title, in accordance with the decision of the majority of the judges in the Exchequer Chamber,* on the ground that what was called the river Lagan, in 1620, terminated at the ford of Belfast, higher up the river than the land in question, which he therefore held not to pass by the patent to Sir A. Chichester. His Honour held that acts of ownership on other parts of the shore of the Bay of Carrickfergus were admissible to show that the shore passed by the patent to James Hamilton, and decided on the construction of that patent, and the evidence of user, in favour of the title of Lord Ranfurly, Lord Templemore, and Mr. M'Clure.

The Master's report was accordingly confirmed without costs of either motion to vary it.

Counsel for the Commissioners of Woods and Forests, *the Attorney-General, the Solicitor-General, Lawson,* Q.C., *Sullivan,* Q.C., and *Hunter.* Solicitors, *Hollowes* and *Hamilton.*

Counsel for the Marquis of Donegall, *May,* Q.C. Solicitors, *Davidson* and *Torrens.*

Counsel for Lord Templemore, *Law,* Q.C., and *Cosby.* Solicitor, *Cunningham.*

COURT OF QUEEN'S BENCH.

Reported by William Woodlock, Esq., Barrister-at-law.

In re Graham seeking to be a Commissioner.

Jan. 31.—*Commissioner for taking Affidavits—Attorney.*

In this case there were three applications for the office of Commissioner for taking affidavits, in the town of Enniskillen. The first applicant was Mr. Graham, a solicitor; the second, a Mr. Armstrong, a brewer; and the third, a Mr. Gibson, a Clerk of Petty Sessions. It was objected to Mr. Graham that there was a rule in the superior courts against appointing an attorney to the office, if there was any other eligible candidate. Mr. Gibson was objected to on the ground that the duties of his office, as Petty Sessions' Clerk, took him away frequently from Enniskillen; but to this it was answered that the places at which he had to attend were all within the district over which his commissionership would extend.

The Solicitor-General for Mr. Graham.

Dowse, Q.C.. and *Richardson* for Mr. Armstrong.

Sullivan, Q C., and S. Y. *Johnstone* for Mr. Gibson.

The Court appointed Mr. Gibson; Whiteside, C.J., dissenting, and expressing an opinion that the rule against the appointment of solicitors, if it existed, rested on no reasonable foundation, and that Mr. Graham should be appointed. The other judges expressed their opinion that the rule existed, that it was a proper one, and that no persons were more anxious to have it adhered to than attorneys themselves. Fitzgerald, J., and George, J., considered that the fact of Mr. Gibson already holding an office which required him to travel about in his district, and so made him more accessible to many classes of the people, made him the most eligible candidate; and Fitzgerald, J., especially considered it wise for public purposes that the person holding the responsible office of Petty Sessions' Clerk should have as much dignity as possible added to his position.

Attorney for Mr. Graham, *Findlater* and *Collins.*

Attorney for Mr. Armstrong, *Archibald Collum.*

Attorney for Mr. Gibson, *William Sullivan.*

* 9 L., C.L.R., 374.

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Before FITZGERALD and GEORGE, J.J.

KANE *v.* MULLOY.

Feb. 11.—*Ejectment—Liberty to defend.*

Concannon, LL.D, for the defendant, moved for liberty to file a defence to an action of ejectment on the title, the time to plead having expired.

The defendant alleged that he held under a subsisting lease. It appeared that before action brought the defendant agreed to give up possession upon getting a receipt for a year's rent. On the 8th of December last the landlord's agent attended to receive possession. The receipt, however, had not been given, and the tenant, did not attend. The ejectment was then served. Defendant wrote complaining of the service, but still asking for the receipt, and offering possession. This letter was not answered, and the landlord persevered in his ejectment.

Ferguson, Q.C., and *Peter Barlow*, for the plaintiff.

The Court granted the motion, and in consequence of the tenant's delay, plaintiff's costs to be costs in the cause.

Attorney for plaintiff, *Walter J. Bourke.*

Attorney for defendant, *A. H. Goddard.*

COURT OF EXCHEQUER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

CORRIGAN *v.* WOODS.

Before THE FULL COURT.

Jan. 14.—*Use and Occupation — Evidence — Invalid Contract.*

Action for use and occupation. The defendant traversed the permission of the plaintiff. The jury found that the defendant had entered into possession of the premises in 1856, under a verbal contract of sale, and had paid a sum of money then, not as rent, but as purchase money. The judge directed a verdict for the defendant, holding that the contract of sale, though not valid under the statute of frauds, was good evidence to rebut the implication of a contract for use and occupation sought to be raised by the plaintiff; but reserved leave for the plaintiff to move the Court above. Plaintiff having obtained a rule accordingly,

Palles, Q.C., and *Richardson*, now showed cause.

Butt, Q.C., *Purcell*, Q.C., and *Houston*, contra.

The Court discharged the rule, holding the judge's direction right.

Attorney for the plaintiff, *J. R. Sanders.*

Attorney for the defendant, *J. Wilson.*

CONSOLIDATED CHAMBER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

M'KNIGHT *v.* MACARTNEY.

Feb. 12.—*Substitution of Service.*

This action was for seduction of plaintiff's daughter, and the defendant was in Australia, and out of the jurisdiction of the Court. The seduction took place in Ireland, in November, 1865. The daughter had recently received a letter from defendant, asking her to give her photograph to his brother William, who resided in county Antrim, to be forwarded to defendant, or to post a letter to his address in Australia. Defendant's father had left property, to a portion of the rents of which the defendant was entitled under his father's will. Defendant would be entitled, on the 1st of November next, to a moiety of said property and to considerable personal property. The affidavit stated the names and addresses of the executors, both of whom resided within the jurisdiction, and that they were now acting as such executors.

E. H. Dix now moved to substitute service, on defendant by serving his brother William and the executors.

DEASY, B.—There is nothing to show that the brother will communicate with the defendant, or that he is under any obligation to do so; neither does it appear that the executors are receiving these rents as the agents of, or the trustees for, the defendant. Refuse the motion.

Attorney for plaintiff, *Daniel O'Rorke.*

Before GEORGE, J.

WRIGHT *v.* BROWN.

Feb. 17.—*Setting Aside Plaint—Description of Plaintiff—Residence.*

Plaintiff sued on a bill of exchange for £10 1s., and described himself as of Townsend-street, in the county of the city of Dublin; his residence was at Sandymount, though his place of business was at Townsend-street. Defendant resided at Blackrock.

O'Moore, for the defendant, now moved to have the summons and plaint set aside or amended, so that if plaintiff sued in the Superior Courts instead of the County Courts he might not escape the operation of sec. 97 Common Law Procedure Act, 1856.

Porter, contra.

GEORGE, J.—The plaintiff's place of business is his proper description. Refuse the motion.

Attorney for plaintiff, *E. H. Hunter.*

Attorney for defendant, *R. H. Beauchamps.*

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law.

Goods of MICHAEL KELLY, Deceased, Intestate.

Feb. 27.—*Administration—Minors—Wards of Chancery.*

Dr. Townsend, Q.C., moved that letters of administration of the goods of the deceased should be granted to John Harte, a maternal uncle of the minor children of the deceased, who had died intestate, a widower, in January, 1867. Such grant to be limited *durante minoritate.*

Dr. Ball, Q.C., also applied for a similar grant to be made to Thomas Kelly, a paternal uncle of the minors.

The assets were, in value, about £2,000. The deceased had left three minor children.

Dr. Miller—for the next friends in Chancery of the minors, viz., John Kelly and Marianne Kelly, his wife, who was a maternal aunt of the minors—applied that the case should stand over until a guardian or receiver should be appointed in Chancery on a matter now pending, in which the minors were made wards of Court. The appointment would, in a few days, be made by Master Brooke, and the same person would be the proper person to be named by this Court as administrator.

KEATINGE, J.—When minors, next of kin, are made wards in Chancery this Court usually appoints the guardian or receiver appointed by that Court to be the administrator of the personal estate of the deceased. I will, therefore, wait until such person is appointed, and will then appoint him administrator. *Motion adjourned.*

Solicitor for John Harte, *John Byrne.*

Solicitor for Thomas Kelly, *J. B. Kennedy.*

Solicitor for John Kelly and wife, *D. C. Bergin.*

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CARBERRY and DALY *v.* CODY.

Feb. 27.—*Executors Propounding a Will for Proof specially—Whether Entitled or not afterwards to Withdraw?*

Dr. Townsend, Q.C., moved that Daly—one of the plaintiffs—an executor named in the will of the deceased made in 1866, might be allowed to withdraw from the suit. The plaintiffs, as executors, had propounded that will, and the defendant had impeached it as claiming an interest under a former will as principal devisee. A consent had been entered into in the cause, by which all parties agreed that the plaintiffs should get probate of the last will; but on certain terms as to carrying out the trusts mentioned in the former will respecting the payment of charges, which, in effect, were that if the personal estate should prove deficient to pay the charges that the deficiency should be made up out of the real estate.—*Long* v. *Symes*, 3 Hag., 774. *M'Donald* v. *Prendergast*, H. 214. *Jackson* v. *Whitehead*, 3 Phillim, 579.

Harris, Q.C., contra.

KEATINGE, J., refused the motion, considering that the institution of a suit—and more especially the entering into a consent which had provisions in it that dealt with the assets—was in law an intermeddling in the assets; and therefore rendered the executor liable to act.

Solicitor for the plaintiffs, *W. Ronan*.

Solicitor for the defendant, *J. B. Hearne*.

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Before JUDGE DOBBS.

IRWIN'S ESTATE.

Jan. 15, Feb. 18.—*Statute of Limitations—Effect of Petition for Sale Presented in the Landed Estates' Court.*

This case came on upon settlement of draft schedule of incumbrances. The claim, No. 6 on the schedule, was made in respect of a judgment obtained in the year 1805 against A. Irwin, a subsequent judgment of the year 1812, obtained against D. Irwin, and a deed of mortgage of 1833, in which D. Irwin acknowledged that there was a certain sum due on account of these judgments. The trustees of the incumbrancer, No. 10 on the schedule, objected to this claim being paid, on the ground that more than twenty years had elapsed since any sum was paid on the judgments or mortgage; and the question was, if the petition in this matter, which was filed in 1849, took the case out of the Statute of Limitations.

Purcell, Q.C., in support of the objection.

Hemphill, Q.C., for the incumbrancer No. 6.

Cur. adv. vult.

Feb. 18.—DOBBS, J., gave judgment, holding that the effect of the petition for sale being presented, was to take the case out of the Statute of Limitations. His Lordship stated the principle upon which suits in the Court of Chancery had that effect in respect to creditors; and said that when a petition was presented in the Landed Estates' Court, not only could creditors come in, but they were all invited by notice to do so, by filing their claims; and thus every petition presented became a petition on behalf of all the incumbrancers of the estate. His Lordship added, that independently of that, the question had been decided in *Colclough's Estate* (8 Ir. Chanc. Rep., 330), and he quoted the observations of Brady, C., and Blackburne, L. J., in that case.

Before JUDGE LYNCH.

CANTWELL'S ESTATE.

Feb. 21.—*Objections—Costs of Litigation.*

This case came on upon argument of objections to the schedule. With regard to one of the objections, it was decided that a cause petition should be filed in the Court of Chancery. A second objection was that made by one Murphy, and the question upon it was if there had been a surrender by operation of law of a particular lease, and the counsel for the parties having the carriage of the sale not being prepared with present evidence to satisfy the Court, LYNCH, J., said he would send an issue to the assizes. A third objection was that of Sweeny, who claimed to hold a portion of the lands in fee simple by possession for forty years without payment of rent, or recognizing any person as landlord. The same observation applying to that, it was decided to let it stand till the first day of next term, when LYNCH, J., said he would not then listen to any statement of there being evidence which was not forthcoming.

A party, who stated that he represented the owner, objected to these proceedings, the expense of which would fall on the estate.

LYNCH, J., said that under these circumstances, where the creditors were saved, and where the owner objected to these questions being tried at the expense of the estate, he would accede to the application in a case where the parties came forward to argue the objections without producing evidence, and he gave the party a few days to ascertain from the owner if he persevered in his objection.

Hickson for the party having carriage of the proceedings.

Murphy, Q.C., for the objections.

COURT OF BANKRUPTCY AND INSOLVENCY

IN BANKRUPTCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

Before MILLER, J.

Re J. T. FERRALL.

Feb. 26th.—*Creditor holding Mortgage receiving a Dividend in an Arrangement Matter—Acquiescence.*

Where a Trader Petitions the Court, under the Arrangement Clauses, and returns a Creditor having a Mortgage as an unsecured Creditor, but that Creditor apprises the Solicitor for the Arranging Trader that he has a Mortgage, and will rely on it; and although he takes no part in the Arrangement Proceedings, the Assignees send him a Dividend Warrant for his Composition, which he receives and puts to the Credit of his Mortgage Debt, this will not be held to be such an Acquiescence in the Arrangement Proceedings as to level his Security to the same position as ordinary Creditors, and he will be allowed to put the Dividend to the Credit of his Mortgage Debt, and to prove on the Estate for the difference, on the Trader afterwards becoming Bankrupt.

This case came before the Court upon charge and discharge.

Purcell, Q.C., for Mr. M'Dermott, a mortgagee, in support of the charge.

Kernan, Q.C., for the assignees.

JUDGE MILLER said it appeared by the charge filed by Mr. M'Dermott, a mortgagee, that on the 14th of September, 1855, the bankrupt gave him a bond, and warrant of attorney, on which judgment was entered, which judgment was registered as a statutable mortgage.

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The discharge of the assignees stated that on the 20th of March, 1863, the bankrupt petitioned the Court as an arranging trader, offering a certain composition, which was ultimately paid; that Mr. M'Dermott was returned in the schedule of the trader as an unsecured creditor; that he had regular notice of the whole of the proceedings; and that subsequently he was sent the amount of his dividend upon foot of the composition, which he kept; and that, under those circumstances, he ought not to be allowed to prove on the estate of the same trader who became bankrupt. So far the discharge of the assignees was true; but Mr. M'Dermott made an affidavit that he apprised the agent for the arranging trader, and his manager, that he had a mortgage, and would rely on it, and that he would take no part whatever in the arrangement proceedings; and he did not take any part. That affidavit was uncontradicted. Notwithstanding all this the assignees sent him his dividend like the other creditors, which he kept, and gave credit for on foot of his mortgage debt. Judge Miller, after delivering a very elaborate judgment, decided that the mortgagee had a right to prove on the bankrupt's estate for the sum due on foot of his mortgage, after giving credit for the dividend received.

Attorney for the bankruptcy, *Morgan.*

Attorney for the mortgagee, *Mathews.*

CIRCUIT CASES.

CONNAUGHT CIRCUIT.

Reported by OLIVER BOURKE, Esq., Barrister-at-law.

LEITRIM ASSIZES—*26th February.*

Before HUGHES, B.

PEYTON v. CONNELL.

A Notice to Quit, to a Tenant from Year to Year, Signed by the Mortgagor of the Lands Demised to said Tenant before the Mortgage, and to which Notice the Mortgagee was no Party, is defective.

This was an action of ejectment on the title brought against the defendant for certain lands which he held as tenant from year to year, to the plaintiff. It appeared in evidence that the tenancy commenced in the month of November, 1859. A notice to quit had been served upon the tenant, signed by the agent and by the authority of the plaintiff. Plaintiff was, at the time of the making of said letting, seized of an estate in fee simple in said land, and subsequent thereto he mortgaged same; and upon the trial a memorial of the deed of said mortgage, executed upon the 16th of August, was produced by the defendant. Both the handwriting of Mr. Peyton (the plaintiff), in the memorial, and of the attesting witness to same, were duly proved, both by Mr. Peyton and by said attesting witness.

Carleton, Q.C., and *Jordan* called for a non suit upon the grounds that the tenancy, having been created before the mortgage, that the effect of the mortgage was not only to assign the reversion, but amounted to an attornment by the tenant to the mortgagee, and that the notice to quit was insufficient, inasmuch as the legal estate had passed out of the mortgagor (the plaintiff in this action) to mortgagee; and the mortgagee was no party to the notice.—*Wilson* v. *Lord Crofton* (10 Ir. Jur., N. S. 200).

Robinson, Q.C., with whom was *Concannon*, LL.D., and *Harkan*, for the plaintiff, admitted that the non suit point was fatal.

HUGHES, B.—Of course, we must follow that case just cited in the 10th *Irish Jurist*, N.S.

The plaintiff was accordingly nonsuited.

MUNSTER CIRCUIT.

Reported by W. GRIFFIN, Esq., Barrister-at-law.

LIMERICK ASSIZES—*Spring* 1867.

MOLONY, *Appellant;* DORE, *Respondent.*

The process in this case was for contribution to the rent under a lease setting out the lease, &c., specially; and there was also a count for money had and received.

The respondent proved a lease dated 1807, and that certain parties had for many years been in possession of part of the premises demised by it, and were liable to contribute to the rent. The appellant was the assignee of one of these parties.

In the course of the case it appeared that there had been a new lease made in 1858, and counsel for the respondent asked the judge to amend, under the 27th & 28th Vic., cap. 99, sec. 48, by substituting in the process the lease of 1858 for that of 1807, and altering such other particulars as should be necessary. Counsel for the appellant objected to this amendment as it had not been asked for in the Court below, and as it would make it necessary to alter the entire process and date of lease, parties, rent, &c.

O'BRIEN, J.—The process contains a count for money paid which would have been sufficient; and even if this were not so I think it is a case in which I ought to amend to meet the justice of the case.

Counsel for respondent, *R. Ferguson.* Attorney, *C. M'Carthy.*

Counsel for appellant, *P. Keogh.* Attorney, *J. Delmege.*

KERRY ASSIZES—*Spring*, 1867.

GREAT SOUTHERN AND WESTERN RAILWAY COMPANY, *Appellants;* DALY, *Respondent.*

In this case there was a decree by the Chairman against the Railway Company for £35, with costs, and £4, expenses of witnesses. The Company appealed, under the 14 and 15 Vic., c. 57, sec. 130, which regulates appeals where the parties appear by attorney, but do not attend in person. That section enables a party to appeal without entering into personal recognizance upon paying the defendant, or depositing with the clerk of the peace double the costs of the decree, and upon a recognizance in double the sum decreed being entered into upon his behalf by two sureties to prosecute the appeal and pay the amount decreed, with costs.

The appellants had lodged double the amount of the costs of the decree, not including the expenses of witnesses given below, and a recognizance had been entered into for an amount more than double the sum decreed and the costs, including the expenses of witnesses given by the Chairman. A preliminary objection was taken to the appeal on the ground that the costs which the Act required to be lodged included the expenses given for witnesses; and section 101 of 14 and 15 Vic., c. 57, and Fitzgerald, J.'s answer in *Kelly* v. —— *Johnson* CC. Practice, p. 114, was referred to.

For the appellant, it was argued, that the language of the 130 sec. was different from that of the 127, on which Kelly's case was decided, the words in sec. 127 being defendant first paying or depositing "the costs allowed by this Act," and those in sec. 130, "costs of such decree." The amount of the recognizance as being for double the sum decreed, including costs and expenses, was also relied on. As to the latter point, it was submitted on behalf of the respondent that if the recognizance was put in suit only the *costs* of the appeal could be recovered, and that he could not recover the costs below, which the Act provided should be paid or lodged with the clerk of the peace before the appeal.

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FITZGERALD, J., held the objection to the appeal good.
Counsel for the respondent, *G. Waters*.
Attorney, *F. C. Downing*.
Counsel for appellant, *J. C. Coffey* and *J. C Neligan*.
Attorney, *A. Morphy*.

CORRESPONDENCE.

CIVIL BILL COURTS, EXTENDED JURISDICTION.

To the Editor of "The Irish Law Times."

SIR—In addition to the very excellent suggestions contained in Mr. Glover's letter, I would beg to add that in any new or amended Civil Bill Act, a clause should be inserted enabling plaintiff to obtain judgment by default in undefended cases; which would be the means of saving trouble and expense to both plaintiffs and defendants. Many traders are now in the habit of having recourse to the superior courts for recovery of small sums, because they need not send their witnesses and account books into Court.

There is no reason why a limited jurisdiction in Equity to administer assets should not be given. The chairmen of the different counties are engaged for a very short time in their respective courts; and with the continuance of the "Sheriffs Act" for another year their duties at the civil side of the Court will be almost nominal; fancy fourteen civil bill entries forming the entire bill of fare at a recent session of a first class county—Galway.

I believe it is beyond contradiction that "the said Act" is a decided failure and pleases nobody. The Sheriff is thereby shielded from actions: the much abused bailiff of former times is now "the Sheriff's man;" and dignified official, while scorning the control of plaintiff in decrees, he is not above the temptation of the defendant.

The plaintiff's attorney is the unpaid medium for collecting for the Sheriff nearly as large a fee (for doing nothing) as he himself is entitled to for pleading the case, &c.

Would that the Attorney-General, or some of the legal gentlemen representing Irish constituencies, could turn their attention to these matters, and confer a boon on the public and the ill-paid practitioners at Quarter Sessions. I congratulate the members of my profession in having an organ for ourselves in which this and other kindred subjects can be ventilated, and I trust that they will afford it that support it appears so well entitled to.—Dear Sir, your obedient Servant,

St. Cronan's, Roscrea. FRANK SHEPPARD.
6th March, 1867.

To the Editor of "The Irish Law Times."

SIR—It is with pleasure that I observed in the last number of your journal that a measure is being introduced for the amendment of the County Courts Acts, embracing two most important matters. Believing the present is a most opportune time to remedy another grievance which has been referred to by yourself, and also by a letter from Mr. Glover—I mean the present inconvenient method of levying decrees, I beg you will permit me to draw the attention of the profession thereto, with the view of obtaining the abolition or amendment of the "Sheriff's Act" in the proposed bill. Although there were many points in the old act which were objectionable, yet the grievances that arise from the one now in force are so numerous and obvious that nothing short of its abolition will give satisfaction to the public. Indeed, it is almost universally condemned by the chairmen of the several counties as well as by the professional men generally. The present unsatisfactory way of executing decrees inflicts a serious wrong upon the public, and imposes additional trouble and inconvenience, without any remuneration, upon the practitioners. Having had considerable experience in the working of the old and present acts, I would beg to bring under your notice a few of the many disadvantages under which both plaintiffs and defendants now labour. By 27th and 28th Vic., chap. 99, sec. 4, all decrees must now be executed by the sheriff and his bailiffs; and by sec. 16, the time allowed for such execution is two months. The sheriff too often allows this time (perhaps longer) to elapse previous to discharging his duty, and this gives rise to serious loss to suitors, many of whom are struggling tradesmen, by affording opportunities to defendants, if so disposed, to make away with their goods. No doubt, in such cases the sheriff would be liable, but this entails no end of trouble and delay upon the trader. When the decree is executed, it not unfrequently happens that the sheriff forgets to remit the cash received, and often makes his seizure at a time when the defendant is least of all able to meet his demand, greatly to the prejudice of the plaintiff, who thereby loses his customer; whereas, if the facts were made known to him, he would probably have given indulgence, and take a part of his debt. Very considerable annoyance and unprofitable labour is given to practitioners in satisfying the enquiries of their clients relative to the execution of their decrees, while they themselves are totally ignorant on the matter, not being able to get any information or return from the sheriff often for months after the decree is put in his hands. In many instances it happens the plaintiff is able to inform his attorney that the decree has been actually levied some months previously; and when the attorney is unable either to give him his money or any account of it, he imagines that it is being held by the attorney, while in reality it is in the hands of the sheriff and his bailiffs.

The fees chargeable by the sheriff are at present excessive, particularly in small sums, and where the defendant is a poor man the fees and expenses in many instances are more than the debt, and often his whole goods are sold by the sheriff, who is not empowered to make any settlement, and who will not leave till all his claims are satisfied. Thus it frequently happens that when a poor man's goods are sold out they are barely sufficient to defray the sheriff's fees alone, and the unfortunate debtor is no freer of his liability than at the outset. From the foregoing facts it will be seen that a great and grievous error was committed by the introduction of the Sheriffs' Act, and great loss inflicted on suitors generally, who often prefer to lose the debt to being put to such trouble and inconvenience. Were the plaintiffs allowed, as formerly, to employ their own bailiffs (of course, paying them proper remuneration,) great hardship to both plaintiffs and defendants would be obviated. Compromises in most instances could, and would, be effected, giving the debtor time to pay off his debt without the addition of the excessive costs now chargeable by the sheriff. Debts of fraudulent debtors could be more speedily and more satisfactorily secured than by giving the power into the hands of the sheriff, who, having the business of a whole county, is often too slow to do his duty. The sooner the existing state of the law in this matter is remedied the better; which would confer a great benefit upon county court practitioners, and more especially upon the public generally. I therefore trust that the attention of the Attorney and Solicitor-General may be directed to this subject, with a view to its speedy remedy. I am certain they will be supported by the public, the chairmen, and practitioners of the courts.

I am, Sir, your obedient Servant,
Belfast, 6th March, 1867. JOHN DINNEN.

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UNIVERSITY INTELLIGENCE.

TRINITY COLLEGE, DUBLIN.

PRIZES IN ENGLISH HISTORY AND MODERN GEOGRAPHY.

1. Bindon, John, Ennis College. 2. M'Nulty, Thomas, Santry school.

PRIZES IN ENGLISH LITERATURE AND COMPOSITION.

1. Storey, Thomas, Wesleyan Connexional School. 2. Yandall, William, private tutor.

LOGICAL AND ETHICAL MODERATORSHIPS.

The course for Moderatorships in Logics and Ethics for the year 1867 will be as follows:—

LOGICS.—Bacon de Augmentis Scientiarum—Book v. Locke's Essay. Mansel's Prolegomena Logica. Stewart's Dissertation on the Progress of Philosophy—Part II. ("On the Progress of Metaphysics during the 18th Century.") Hamilton's Lectures on Metaphysics, Mills' Logic, Syllogism and Induction. Mills' Examination of Hamilton—Chap. i.-xiv. (both inclusive). Webb, Intellectualism of Locke. Kuno Fisher on Kant's Kritick, first six chapters (omitting introduction and notes).

ETHICS.—Stewart's Outlines of Moral Philosophy. Aristotle's Nicomachean Ethics—Books 2 and 6 (in the original). Cicero, Tusculan Questions—Book 1. De Finibus—Books 1, 2, 3, and 4. Bishop Butler's Analogy and Essay on Virtue. Bishop Butler's Sermons, with Preface (except the Sermons on Public Orations). Paley's Evidences. Mackintosh's Dissertation on the Progress of Ethical Philosophy. Archer Butler's Lectures on Plato.

SPRING COMMENCEMENTS—HILARY TERM, 1867.

The following Degrees were conferred:—

MAGISTRI IN ARTIBUS.—Rev. Morgan Woodward Jellett, Johannes Rickard Lloyd, Georgius A. Denny, Robertus D. Hime, Arturus Palmer (stip. cond.); Rev. Carolus M. Benson, Rev. Johannes Georgius Hopkins, Bernardus C. Fisher, Rev. Henricus Stewart, Rev. Jacobus G. Rynd, Josephus Cummins, Georgius Herrick, Rev. Gul. C. M'Causland, Henricus Budd Elwell, Rev. Edvardus Scott, Robertus Young, Rev. Jacobus Theodorus Cook, Rev. Johannes Haines, Gul. Redin Stanton, Rev. Thomas H. Gregg, Rev. Robertus Walsh, Rev. Geraldus O. Vandeleur.

BACCALAUREI IN ARTIBUS.

Moderatores Seniores.—Carson, Thomas Henricus (sch.); Smith, Georgius Minchin (sch.); Grean, Gulielmus (sch.)

Moderatores Juniores.—Gregg, Gulielmus Henricus; Yeo, Geraldus Franciscus; Pollen, Arturus Daniel (sch.)

Respondentes.—M'Donald, Gulielmus Archibaldus (sch.); Brandon, Edvardus Lowther; Graham, Gulielmus; (sch.); Coghlan, Gulielmus Edwinus; O'Hea, Henricus.

Pensionarii et Sizatores.—Atkinson, Augustus Gulielmus; Bailie, Johannes Cornwall; Bottomley, Jacobus Thomson; Brighton, Oliver; Brownlow, Duncan Johannes; Burns, Samuel Edvardus; Butler, Hon. Robertus St. J. F.; Byrne, Jacobus Rose; Campbell, Stephanus; Casey, Thomas Julian Smith; Dowman, Carolus; Doyle, Edvardus Gulielmus; Goodwin, Erasmus Harper; Hill, Arturus Edvardus; Hime, Robertus Douglas (ex-sch.); Hogan, Jacobus Gulielmus; Hutton, Johannes Barton; Kelly, Hubert Goodwin; Little, Carolus Hardy; Lockett, Franciscus Hall; M'Clelland, Thomas; M'Dowell, Benjamin Franciscus; M'Dowell, Carolus Gulielmus; Minchin, Carolus; Pilsworth, Gulielmus; Popham, Rodolphus; Law, Samuel; Purcell, Johannes Gervaise; Seddon, Robertus; Thomas, Johannes; Ward, Gulielmus Latimer; Wilson, Henricus.

THE MAGISTRACY.

The Right Hon. the Earl of Desart has been appointed to the commission of the peace for the county of Kilkenny.

John Harrison, Esq., of Mertown, Hollywood, has been appointed to the commission of the peace for the county of Down.

Major Robert H. French, of No. 10, St James's-terrace, Malahide, and David Drummond, of Orwell-road, have been appointed to the commission of the peace for the county of Dublin.

His Excellency the Lord Lieutenant has, on the recommendation of Lord Howth, appointed the Right Hon. the Lord Mayor a Deputy Lieutenant for the city of Dublin, in room of the late William Dargan, Esq.

THE COURTS, AND COURT PAPERS.

COMMON LAW COURTS.

POINTS OF PRACTICE.

(Continued from page 84.)

Amendment of Writ of Summons and Plaint before Service, after Service, after Filing, and after Defence.

Should any amendment be required in the plaint before service it will be allowed on motion (*ex parte*). The order usually being "To amend as advised." After service (before filing) it can also be amended in like manner; the order to amend directing re-service and payment of costs (if any) occasioned by the amendment. Should the plaint be served and filed, a like order, and in like manner, can be obtained, with the addition "that the officer be at liberty to hand back the writ (from the file) for the purpose of such re-service."

In exceptional cases, amendments of technical errors or omissions have been allowed, upon service of a copy of the order directing the amendments and dispensing with re-service; but the judges have uniformly ruled that in no case can any omission or error in the endorsement of service, as required by the 31st Section of the Common Law Procedure Act, 1853, be rectified, therefore; in this case the writ must be re-served.

After defence, if notice of motion be served to set aside the writ, on the ground of irregularity any such notice should set out the irregularity complained of (179th Gen. Order, 1854). Should it appear manifest, a consent to amend ought at once to be served, offering liberty to defendant also to amend his defence if so advised, and to pay all costs occasioned by such amendments. Special demurrers being abolished, and sharp practice condemned, if such consent be not accepted, its production on the motion will materially affect the result thereof, with reference to the costs.

The foregoing paragraph is equally applicable to a defendant seeking to amend his defence.

And should a plaint be issued under the Bills of Exchange Act when the bill or note is more than six months due, though no defence be taken, but notice of motion served, the foregoing is also applicable, the consent being drawn to suit the circumstance of the case.

Although not coming strictly under the head of amendment, the following is by no means exceptional:—Should the affidavit and certificate, under 4 and 5 Wm. 4, c. 92, and General Orders, 1834, be not filed within one month from the date of the acknowledgment of the deed, an application must be made to a judge of the Common Pleas for liberty to the officer to receive the documents, grounded on a search (verified by affidavit), showing that no later act has been done by the party.

LANDED ESTATES COURT—MARCH 1.

Sales.

Before the Hon. JUDGE DOBBS.

COUNTY OF MONAGHAN.

Estate of the assignees of Joseph Comiskey, owner, *ex parte* John Fitzgerald, petitioner.—Two houses, situate in Henry-street, Castleblayney, held in fee-farm; net profit rent, £17 4s. 8d. Sold to Mr. Brooke for £230. *Keane and Tweedy*, solicitors.

COUNTY OF KILDARE.

Estate of Benjamin Plowman, owner and petitioner.—A net yearly fee-farm rent of £11 17s. 10d, payable out of the lands of Mullawn, in the barony of South Naas, containing 20a. 2r.; Ordnance valuation, £23 5s. Sold to Mr. Tracy for £195, in trust.

Lot 2. Yearly rent-charge of £32 6s. 9d., payable out of the lands of Gilbinstown, containing 108¼ acres. Sale adjourned. *Robert Lyle*, solicitor.

COUNTIES OF DUBLIN AND WESTMEATH.

Estate of Sir Wm. Palmer, Bart., and Another, owners and petitioners.

Lot 1. Part of the lands of Miltown and Rathnew, situate in the barony of Rathconnell and county of Westmeath, held in fee-farm, containing 433a. 2r. 17p., and pro-

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ducing a net annual profit rent of £241 4s. 3d., subject to an annuity of £200 for the life of a lady now aged 66 years. Sold to Mr. Fetherston, at £2,925.

Lot 2. Part of the same lands, containing 268a. 0r. 14p.; annual profit rent, £276, subject to an annuity of £150 for the life of the owner's wife, in case she survives him, the owner being now aged 64 and his wife 48.

Lot 3. Part of the lands of Newtown, Castle Bancroft, and Fazakerley's land, situate in the barony of Upper Cross, county Dublin, held in perpetuity, containing 84a. 3r. 31p., producing a profit rent of £140 15s. 2d., and subject to an annuity of £46 8s. Sale adjourned.

Lot 4. Part of the same lands, and the corn mill at Tallaght, with the house, garden, and meadow adjoining, and the mill-pond and mill-race thereon, containing 20a. 2r. 20p.; net annual profit rent, £24 4s, 4d. Sold to Mr. Sexton for £405.

Lot 5. A fee farm rent, payable out of the Castle, mansion-house, and part of the demesne lands of Streamstown, situate in the barony of Moycashel, and county Westmeath, containing 593a. 3r. 24p.; net annual profit rent, £87 8s. 1d. Sold to Mr. Richard Summers at £1,720. *Gresson and Clarke*, solicitors.

QUEEN'S COUNTY.

Estate of the Earl of Cavan and others, owners; Rev. Chas. J. Allen, petitioner.

Lot 1. A fee farm rent of £38 17s., payable out of the lands of Baunreagh, Castleconnor, and Moher East, containing upwards of 2,000a. Sold to Mr. Meade, in trust, at £1,000.

Lot 2. A fee farm rent of £15 3s. 6d, payable out of the lands of Moher West and Glennaglass, held in fee, containing 546a. 2r. 27p. Sold, in trust, to Mr. Orpen at £390.

Lot 3. A fee farm rent of £49 0s. 7d., payable out of the lands of Gorteenameale, Manasop, Cardtown, and Johnborough, held in fee-simple. Sold to Mr. Orpen, in trust, for £1,250.

Lot 4. A fee-farm rent of £57 12s. 2d. payable out of the lands of Rossnaclonagh, Sold to Mr. Smith, in trust, for £1,360.

Lot 5. The lands of Oldtown and part of the lands of Clondouglas, situate in the barony of Maryborough West, held in fee-simple, and containing 449a. 0r., 3½p.; net yearly rental, £141 13s. 4½d. Sold to Mr. John Hipwell at £4,225.

Lot 6. The lands of Clondouglas, situate in the same barony, held in fee-simple, containing 232a. 2r. 20p. and producing a net profit rent of £69 6s. 10d. Sold to Mr. T. Seale at £2,035.

Lot 7. The lands of Fethersnagh, same barony, held in fee-simple, containing 125a. 3r. 8p., and producing a profit rent of £39 15s. 11d. Sold to Mr. M. Kenny, in trust, at £750.

Lot 8. The lands of Clonadacasey, and part of the lands of Oldtown, same barony, containing 640a. 2r. 31p., and producing a net profit rent of £274 19s. Sold to Mr. Kenny at £5,850, in trust.

Lot 9. The lands of Derrycanton and Badger Hill, in the barony of Uppercross, held in fee simple, containing 531a. 0r. 8p., and producing a net annual rental of £76 16s. Sold to Mr. Cooper, in trust, for £1,810.

Lot 10. Part of the lands of Clonin and Crannagh, same barony, containing 634a. 3r. 13p., and producing a net annual rental of £133 2s. 6d. Sold to Mr. Cooper at £3,140, in trust.

Lot 11. The townland of Ballyhoran, same barony, held in fee-simple, containing 241a. 1r. 22p., and producing a net yearly rental of £90 11s. Sold to Mr. Butler for £1,920.

Lot 12. The lands of Cloninclurragh, same barony, containing 751a. 1r. 24p., and producing a net yearly rental of £320 0s. 1d. Sold to Mr. Adair at £6,700.

Lot 13. The lands of Glenbourn, same barony, containing 930a. 2r. 20p., and producing a net profit rent of £311 1s. 1d. Sold to Mr. Armstrong for £6,700, in trust. *Crawford and Lockhart*, solicitors.

March 5th—Before JUDGE LYNCH.

COUNTY WEXFORD.

Estate of William A. Caulfield, owner and petitioner.

The lands of Ballymorris and Larkinstown, held under lease for ever, containing 230 acres, and producing a gross rental of £218, subject to £71 head rent, situate in the barony of Forth, and county of Wexford. Sold for £2,600 to George Twibill. *Ryan and Perrit*, solicitors.

COUNTY MAYO.

Estate of Patrick Stanford, owner; *ex parte* B. G. M'Kenzie, petitioner.

The lands of Cartown or Carton, situate in the barony of Clanmorris and county Mayo, held in fee, containing 125 acres, statute measure; net rental, £53. Sold to Patrick Stanford for £1,600. *Edmund Power*, solicitor.

COUNTY DOWN.

Estate of Richard and F. M. Olpherts, Owners and petitioners.

Part of the lands of Strammore, and part of Loughans, in the barony of Lower Iveagh, county Down, containing 46 acres, statute measure; held in fee farm. Sold for £730 to Mr. George Tyrrell, solicitor, in trust, for Sarah Power. *H. T. Dix*, solicitor.

COUNTY TIPPERARY.

Estate of Richard Andrews and Adelaide Andrews, Owners; Thomas Sheehy, Petitioner.

Lot 1. A divided moiety of the lot of ground, with the houses and buildings thereon, situate in Henry-street, in the town of Tipperary, held under lease for one life and 999 years; net profit rent, £34. Sold for £630 to Michael Coleman, Tipperary.

2. A divided moiety of a lot of ground, with the garden annexed and the houses and buildings thereon, in the town of Tipperary, held under fee-farm grant, &c.; net profit rent, £82 a-year. Sold for £1,550 to Mr. William Bradshaw, Tipperary. *David O'Kelly*, solicitor.

COUNTY KILDARE.

Estate of Alexander Burke, Owner and Petitioner.

Part of the lands of Mount Thunder and portions of the lands of Newtown, with the buildings thereon, situate in the county Kildare.

The property was set up in four lots, but the sale of lots 2, 3, and 4 was adjourned.

Lot 1. Part of the lands of Mount Thunder, containg 87 acres, statute measure; held under lease of 21st November, 1843, for 61 years, from 1st September, 1843, at the yearly rent of £100. Sold to Mr. Richard Keegan for £860. *John Martin*, solicitor.

NOTICE.

Wednesday next, the 13th inst., will be the last day, previous to the next term, for serving notices of motion for this Court, such motions to be moved not later than Saturday, the 16th inst.

Sittings for the ensuing week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Assignee's of Hon. G. French, tenant's objections. Henry Aylmer, do. Lucy M'Nulty, lodgment. John Joyce, tenant's objections. Julia Mulligan, do.

Before the EXAMINER.

John Joyce, rental.

Before JUDGE LYNCH.

C. M. Dillon, from 6th inst. F. Duncan, do.

Before MR. URLIN.

Thomas Conolly, settle rental.

Tuesday—Before JUDGE DOBBS.

Gustavus E. C. Hare, rental.

Before JUDGE LYNCH.

SALES.

Assignees of Thomas K. Rice, 1 lot, County Kerry, life estate, profit rent, £37.

Samuel Wm. Ward, 1 lot, County Cork, long leases, Ordnance valuation, £88 10s.

Before MR. URLIN.

Cantwell and Lynch, adjourned rental.

Wednesday—Before JUDGE DOBBS.

Thomas Conolly, rental. Richard Floyd, allocation.

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Before Judge Lynch.

The following schedules will be ruled:—Rev. W. Bruce. James Gibson and others, heir-at-law of J. Young. George Joy. W. Craig. J. L. Nolan and another. C. Blood. Trustees of Hamilton. Administrator of Donegan. John Conroy. E. MacDonnell. D. J. F. Chichester.

Before the Examiner.

G. Graham, rental. D. Nugent, do. Patrick Downes, do.

Thursday—Judge Lynch will not sit.

Friday—Judge Lynch will not sit.

Before the Examiner.

H. M'Sheehy and another, rental. Thomas Mackie, do. Patrick John Murphy, do.

SALE AT CORK.

Mary Barry and others, 3 lots, County Cork, leasehold, profit rent, £146.

Saturday—Before Judge Dobbs.

W. Buckley, biddings.

Before the Examiner.

W. F. Graham, rental.

Before Mr. Urlin.

J. Mulligan, rental.

RECORD OF TITLE ACT.

RETURN OF BUSINESS UP TO 8th MARCH, 1867.

1. Number of separate Titles to Landed Property, entered on the Record of Title, - - 129
2. Value of the property so recorded (taken from the consideration as stated in the Deeds), £322,350
3. Amount of money secured by Statutory Charges on the above, - - - £29,880

LANDED ESTATES' COURT.

PETITIONS FILED, *from 2nd to 8th March*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
March 2	3748	Dorothy Dartnell	*John Pemberton*	Wexford	101 10 2	*Thomas Donnelly*	Lynch
„	3749	J. M. Jones and another, Trustees of the Will of Jn. M'Cance, deceased	*The Owners*	Antrim	175 5 0	*Crawford & Lockhart*	Dobbs
„	2125B	Earl of Cavan & others	*Rev. C. J. Allen, Supplemental Petition to appoint Trustees by the Earl of Cavan*	—	—	*Crawford & Lockhart*	Dobbs
„	3750	The Hon. Amelia K. Blackwood, administratrix of Henry S. Blackwood, deceased	*The Owner*	Dublin	46 3 1	*H. Wallace & Co.*	Lynch
„	3751	Snowden Corken and another, Trustees of the Will of James Gilbert Hull, deceased	*The Owners*	County of the Town of Carrickfergus	40 0 0	*Johns, Hewitt, and Johns*	Dobbs
„ 4	3752	William Finn	*C. J. O'Meagher*	Kilkenny	92 10 0	*C. J. O'Meagher*	Lynch
„	3753	Trustees of Mary Jennings & R. J. Jennings	*C. J. O'Meagher*	King's County	98 12 10	*C. J. O'Meagher*	Dobbs
„ 5	3754	Joseph Robert Belton	*Thomas Lyle Stirling*	King's County	*Not given*	*Wm. Mooney*	Lynch
„	3755	John Fawcett	*The Owner, for Declaration of Title*	Roscommon	686 10 0	*J. B. Wilson*	Dobbs
„	3756	The Rev. Robt. Gumley and his Trustees	*Rev. Robert Gumley*	Cavan	87 15 8	*G. O'B. Kennedy*	Lynch
„ 6	3757	The Rev. Joshua George Kelly	*The Owner*	King's County	62 7 0	*Cathcart & Hemphill*	Dobbs
„	3758	Edward Synge	*Wm. M. Eason*	King's County	325 3 11	*Wm. M. Eason*	Lynch
„ 7	3759	Jane Anne Bates, Trustee of the Will of John Bates, deceased	*The Owner*	Londonderry	582 13 9½	*R. D. Bates*	Dobbs
„	3760	R. Lloyd, Trustee for Sale of George Wm. Adair and S. F. Adair	*The Owner*	City of Dublin	58 9 11	*S. F. Adair*	Lynch
„	3761	Samuel Canning	*Robert Alexander*	City and County of Londonderry	73 0 0	*R. Knox*	Dobbs
„ 8	3762	Daniel Treacy	*Ecclesiastical Commissioners*	Dublin	372 3 5½	*J. Ball*	Lynch

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

HOUR	BANKRUPTS' NAMES	PURPOSE OF SITTING	SOLICITOR
	Tuesday, March 12. Before the COURT.		
11 o'clock	Michael Cleary	Audit and dividend	*Larkin*
"	Emanuel Nuel	do.	*Larkin*
"	Thomas Duggan	Final Examination	*Batt*
"	Thomas H. M. Bell	Sur., prove debts, and choose assignee	*Bradley*
"	John F. Clarke	Final examination	*Mulhall*
"	Arrangement	2nd private sitting	*Goff*
"	Do.	do.	*Sanders*
"	Do.	do.	*Larkin*
"	Do.	1st private sitting	*Hone and Son*
"	Do.	2nd private sitting	*Courtney*
"	John Graham	Motion	*Teevan*
	Thursday, March 14. Before Mr. BRADY, Chief Registrar.		
12 o'clock	Banbridge Extension Railway Co.	Proof of debts	*Perry*
"	Patrick Nolan	do. and vouch assignee's acct.	*Langan*
"	Arrangement	do. do.	*M'Govern*
"	Do.	do. do.	*Rosenthal*
	Friday, March 15. Before the COURT.		
11 o'clock	Barry and Rumley	Certificate	*Oldham*
"	Anthony Carroll	Composition	*Creagh*
"	Laurence Coffey	Sur., prove debts, and choose assignee	*Batt*
"	Arrangement	1st private sitting	*Perry*
"	Do.	do.	*Molloy and Watson*
"	Do.	do.	*Murray*
"	Do.	do.	*Irvine*
"	Do.	2nd private sitting	*Stuart*
"	Do.	do.	*Mathews*
"	Do.	do.	*Mathews*
1 o'clock	Christopher Nolan	Sale	*Ennis*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
5th March,	Samuel Pickering, of No. 22, Lower Ormond-quay and 22, Capel-street, in the City of Dublin, tobacco and snuff manufacturer,	Hugh M'Dowell, of Jervis-street, Dublin, furniture merchant,	*Larkin.*
"	Skinner and M'Kee, of Clady Print Works, Ballymather, County Antrim, linen printers, bleachers, and finishers,	Henry Grey, of Belfast, iron founder,	*Lynch.*
8th March,	Humphry Rynhart, of Ferns, County Wexford, farmer, grocer, and shopkeeper,	John M'Evoy, of Lower Bridge-street, Dublin, merchant,	*Batt.*
"	Henry Magrath, of Clarence-street, Cork, shirt manufacturer,	F. J. Power, of Cork, Manager National Bank, Cork,	*Larkin.*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	AMOUNT OF DIVIDEND	SOLICITOR	OFFICIAL ASSIGNEE
5th March,	John M'Aleavy,	8 7/16d. in the £ on £1,268.	*Casey and Clay.*	*C. H. James.*
"	Thomas Boyd,	3s. 4d. in the £ on £1,165.	*Lynch.*	*C. H. James.*
8th March,	Hassard & Macartney (joint estate),	2s. 4¾d. in the £ on £1,059.	*Findlater and Collins.*	*C. H. James.*
"	John T. Macartney (separate estate),	2s. 4¾d. in the £ on £313.	*Findlater and Collins.*	*C. H. James.*
"	Thomas M'Burney,	4s. 11d. in the £ on £545.	*M'Cully.*	*C. H. James.*
"	Barry & Rumley,	8s. 6d. in the £ on £2,726.	*Oldham.*	*M. Murphy.*

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Certificates Allowed,
Unless appeal filed within 31 *days from date.*
FEB. 26.

Patrick Reilly, of No. 88, Lower George's-street, Kingstown, County Dublin, Grocer and Italian Warehouseman. *Bloomfield and Leahy,* Kildare-street.

James O'Reilly, of No. 113, North King-street, Dublin, Forage Contractor. *Casey and Clay,* St. Andrew-street.

MARCH 1.

John Calvert, of Rosstrevor, County Down, Grocer and Publican. *Batt,* Fleet-street.

John Goodwin, of 124, Old Lodge-road, Belfast, County Antrim, Haberdasher and Draper. *Macnally,* Morgan-place.

MARCH 5.

John Orr, of Breagh, Tartaraghan, County Armagh. *Cochrane,* Dame-street.

BANKRUPT.

Coffey, Laurence, of No. 1, Gloucester place, Dublin, Grocer. To sur. Friday, March 15, 1867. Pet. Feb. 23, 1867. C. H. James, Official Assignee. *W. H. Batt,* Fleet-street.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
	Monday, March 11. Before MR. FARRELL, Chief Clerk.		
12 o'clock	William Smith	To vouch account of official assignee	*Macnally*
,,	Samuel Richards	do.	*Macnally*
,,	Bridget Jane O'Meara	Adjourned proof of debts	*Macnally*
,,	James John Gaskin	Inquiry as to truth of schedule	*Rynd*
	Tuesday, March 12. Before Mr. FARRELL, Chief Clerk.		
1 o'clock	William Smith	To tax costs	*Macnally*
,,	Samuel Richards	do.	*Macnally*
	Wednesday, March 13. Before the COURT.		
11 o'clock	William Smith	Audit and dividend	*Macnally*
,,	Samuel Richards	do.	*Macnally*
,,	John Daly	Adjourned do.	*Macnally*
,,	The Rev. Felix Schurr	Hearing of petition	*Dillon and Hart*
,,	Philip Clinch	do.	*Graves*
,,	Alexander Milligan	do.	*Rynd*
,,	James John Gaskin	Adjourned hearing	*Rynd*
	Friday, March 15.		
11 o'clock	Before the COURT.	For Bail motions only	
	Saturday, March 16. Before Mr. FARRELL, Chief Clerk.		
12 o'clock	Bridget Jane O'Meara	To vouch assignee's account	*Macnally*
,,	Robert Roger	do.	*Macnally*
,,	Charles Peter Gavin	do.	*West*

CASES DISPOSED OF.
Wednesday, March, 6th, 1867.
Before JUDGE MILLER.

Charles Higginson, discharged.
Thomas Reid, ditto.
John Doyle, petition dismissed, the insolvent having been discharged from custody by his detaining creditor.
James John Gaskin, adjourned to Wednesday, the 13th March, instant. Reference meantime to Chief Clerk to investigate the insolvent's schedule and accounts.

INSOLVENTS DISCHARGED ON BAIL until the Hearing of their petitions.

Watson Carlin, county Down, auctioneer and spirit dealer.
David Myles, Cork, cooper.
John Maher, county Longford, farmer.
Patt M'Cann, ditto, farmer.
Edward Francis Dobbyn, county Dublin, gentleman.

Pauper Declarations,
Filed for discharge of prisoners, unless Creditors' Petitions filed within 21 *days from date.*
MARCH, 8.

John Reddy, detained by Thomas Joyce. *W. Bloomfield.*
Mathew Pierson, arrested as "Mathew Pearson," detained by James Murray. *E. Ennis.*

INSOLVENTS.
To be heard in Dublin.

Dobbyn, Edward Francis, of Sydney-terrace, now Strand-road, Sandymount, co. Dublin, gentleman, superannuated clerk, Court of Exchequer, Ireland; formerly of Upper John street, Commercial-road, East, London, and Upper Dominick-street, Dublin. Hearing at Four Courts, Wednesday, March 27, at 11. *Rynd,* Capel-street.

Lawson, Andrew, of Drumardagh, co. Donegal, farmer. Hearing at Four Courts, Wednesday, March 20, at 11. *Graves,* Crampton-quay.

Shea, William, of Sampson's-lane, Dublin, slater; also rag, and bone dealer. Hearing at Four Courts, Wednesday; March 20, at 11. *Rynd,* Capel-street.

Sims, John, of Seville place, Dublin, commercial traveller; previously of Talbot-street in said city, hotel-keeper. Hearing at Four Courts, Wednesday, March 27, at 11. *Batt,* Fleet-street.

To be heard in the Country.

Carton, Patrick, of Lettermuck, co. Londonderry, labourer. Hearing at Londonderry, March 26, at 10. *Proctor,* Lower Ormond-quay.

Donnell, Henry, of Bishop-street, Londonderry, baker and grocer. Hearing at Londonderry, March 26, at 10, *Proctor,* Lower Ormond-quay.

Keeffe, Timothy, of Castle-street, Cork, previously of Hampstead, co. Cork, publican, shopkeeper, and farmer. Hearing at Cork, April 15, at 10. *Graves,* Crampton-qy.

M'Daniel, Thomas (senior), of Youghal, co. Cork, sail maker. Hearing at Cork, April 15, at 10. *Graves,* Crampton-qy.

M'Laughlin, John, of Butcher-street, Londonderry, cork cutter. Hearing at Londonderry, March 26, at 10. *Proctor,* Lower Ormond-quay.

M'Vittie, John Thomas, of Corcreeghy, co. Monaghan, yeoman, previously farmer. Hearing at Monaghan, April 16, at 10. *Wright,* Beresford-place.

O'Hara, Patrick, of Tremount, Newry, co. Down, not in business; previously of Newry, in said county, grocer and publican. Hearing at Downpatrick, March 30, at 10. *Evans,* Talbot-street.

Power, Michael, of Blackfriars, Waterford, lodging-house keeper and contractor of her Majesty's Mails. Hearing at Waterford, April 4, at 10. *Penrose,* Eustace-st.

Talbot, Richard, of Ballyhackamore, co. Down, previously of Mount Pottinger and Ballymacarrett, in said county, formerly of Belfast, accountant and writing clerk. Hearing at Downpatrick, March 30, at 10. *Evans,* Talbot-street.

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DUBLIN STOCK AND SHARE LIST.

MARCH

DESCRIPTION OF STOCK	Saturday 2	Monday 4	Tuesday 5	Wednesday 6	Thursday 7	Friday 8
Government Funds.						
New Three per Cent. Stock,	89 ½	89 ½ ⅝	89½ ⅝	89 88⅞ ⅞	88⅞ 89	89⅛
Ditto for Account, 7th March	—	—	—	—	—	—
Ditto for Account, 10th April	89 ½	89⅛ ½	89½ ⅝	89 88⅞ ⅞	88⅞ 89 89⅛	89
Three per Cent. Consols	90⅞	90⅞	90⅞	90⅛ ⅛	90⅞	90⅞ ⅛
Foreign and Colonial Funds.						
India Five per Cent. Stock	—	—	—	106⅝	106⅞	107
Joint-Stock Banks.						
Bank of Ireland, £100 pd	234	—	235	—	235½	235
Hibernian Bank, £25 pd	37	37	—	—	37	37
Munster Bank (Lmtd.), £8 10s pd	4⅝	—	—	—	4⅝	—
National Bank, £30 pd	64⅝	64½ ⅝	64⅝ ½	—	64½	63⅞ ½
Ditto for Account	—	—	—	64½	—	64⅝ ½
National of Liverpool (Lmtd.), £15 pd	14½	—	14⅝	—	14½	—
Provincial Bank, £25 pd	—	—	84	—	—	—
Ditto, New, (pd £10)	33⅞	—	—	—	—	—
Royal Bank, £10 pd	—	33⅞	33⅞ ⅞	33½	—	33½
Ditto for Account	—	—	—	—	—	—
Ulster Banking Company, £2 10s pd	—	—	9½	—	—	—
Union Bank, £22 pd	—	—	—	—	—	13
Steam.						
British and Irish, £50 pd	—	—	—	—	—	—
City of Dublin, £100 pd	99½	99½	99½ ½	99	—	98⅝
Dub. & L'pool St. Ship Build., £50 pd	—	52½	—	52½	—	52
Dub. and Glasgow, £50 pd	—	—	—	—	—	—
Dundalk (Limited), £10 pd	—	—	7½	—	—	—
Peninsular and Oriental, £50 pd	—	—	—	—	—	—
Mines.						
Carysfort (Lmtd.), 30s pd	—	—	5s	—	—	—
Ditto for New Account	—	—	—	—	—	—
Connorree M. Co. (Lmtd.), 20s pd	—	—	—	16s	—	16s
Ditto for Account	—	—	—	—	—	—
Gen. M. Co. (Lmtd.), £5 10s pd	—	—	—	—	—	—
Ditto for Account	—	—	—	—	—	—
Killaloe Slate Co. (Lmtd.), £1 pd	—	—	—	—	—	—
Mining Co. of Ireland, £7 pd	16⅝	—	—	16⅝	—	16⅝
Ditto for Account	—	—	—	—	—	—
Wicklow Copper, £2 10s pd	24½	24⅝ ½⅝	24½ ⅝	—	24½ 24	24
Ditto for Account	24½	—	—	—	—	—
Miscellaneous.						
Alliance and Consumers' Gas, £8 pd A	—	—	9½ ⅝ ⅞	9⅝ ½	—	9⅞ ⅝
Alliance and Consumers' Gas, £5 pd B	—	—	—	—	—	5½
Ditto for Account	—	—	5½	—	—	—
Alliance and Consumers' Gas, £4 pd 2 C	—	—	5½	—	—	—
City of Dublin Brewery Co. (Lim.), £7 pd	—	—	5½	—	—	5½
Dub. Exhib. Palace (Lmtd.), £5 pd	—	1½	—	—	—	—
Grand Canal, £100 pd	—	47 ex div	—	—	—	—
Patriotic Insurance, £10 pd	—	—	—	8⅝ ½	—	8⅝
National Insurance, £25 pd	—	—	—	—	—	—
Gresham Hotel Co. (Lim.), pd £5	5½ ⅝	—	—	—	—	—
Railways.						
Belfast and Northern Counties, £50 pd	—	—	—	—	—	—
Cork and Bandon, 50 pd	—	—	—	—	—	—
Dublin and Belfast Junction, £100 pd	—	70	—	—	70	69 ex div
Dublin and Kingstown, £100 pd	193	—	193	194½	—	—
Dublin and Drogheda, £100 pd	—	79 ex div	—	77½	—	—
Dublin, Wicklow, and Wexford, £100 pd	40	42 43 42½	—	41	42	41½
Ditto for Account	—	42 43 42½	—	41½	—	—
Great Northern and Western, £10 pd	—	—	—	—	—	—
Great Southern and Western, £100 pd	90½	90½	—	90	90	90
Midland Great Western, £100 pd	—	—	—	—	—	58½
Ditto for Account	—	—	—	—	—	—
Waterford and Limerick, £50 pd	—	—	—	—	12 ex div	—
Railway Preference.						
Belfast and N. Counties, 4 p c pp, £100 pd	—	—	—	—	—	—
Cork and Bandon, 5½ p c pl £6 5s	—	—	—	—	—	—
Dub., Wick., and Wex., 4 p c pr, £100 pd	—	—	—	—	—	—
Dub., Wick., and Wex., 5 p c £50 pd rd	—	49 ex div	49½ ex div	49½ ex div	—	—
Dub., Wick., and Wex., 5 p c (1865) pd £10	—	—	—	—	—	41 ex div
Gt. South. and Westn. 4 p c pp £100 pd	—	—	93½	93½	93	—
Irish N. Western, 5 p c pp, £10 pd, A	—	—	—	—	—	—
Midland Great Western, 5 p c, £100 pd	—	—	—	—	—	—
Portadown, Dungannon, &c., 6 p c, £25 pd	24½ ex div	—	—	—	—	—
Watfrd. and Limk. 5 p c pd £50	—	—	—	—	—	—
Dublin & Drogheda, 5 p c rd, 1868, £25 pd	—	—	—	—	—	—
Railway Debentures.						
Gt. South. and Wn., 4½ per cent.,	—	—	—	—	—	—
Midland Great Western 5 per cent.,	—	—	—	—	—	—
Ditto 4½ per cent	—	—	—	—	—	—
Local Debentures.						
Ballast Office Debentures, £92 6s 2d	—	—	—	—	—	—
City Debentures, £92 6s 2d	76½	—	—	—	—	—

Name Day—28th March. Account Day—29th March.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850." section 15.

In the Matter of
PATRICK JOSEPH KELLY,
Petitioner;
The Right Honourable the ATTORNEY-GENERAL and another,
Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of Miss EMMA MARIA AYLMER, late of Hardwicke-street, in the County of the City of Dublin, Spinster, and formerly of Emmavale, Skerrymount, in the County of Meath, deceased, on or before the 4th day of APRIL next, to furnish in writing to P. J. KELLY, of No. 12, Blessington-street, Dublin, Petitioner, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allownnce or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having claims affecting the real and freehold estate of the said Emma Maria Aylmer, to file same, at my Chambers, Inn's quay, in the city of Dublin, on or before the 15th day of April next, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1857.

Dated this 15th day of February, 1867.

EDWARD LITTON, Master in Chancery.

HORAN & BOURKE, Solicitors for the Petitioner, No. 47, York-street.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY,

In the Matter of
JOHN DOYLE,
of No. 4, Lower Dorset-street, in the County of the City of Dublin, Grocer and Spirit Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 19th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 6th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

HAMILTON & CRAIG, Agent to the Bankruptcy, No. 30, South Frederick-street, Dublin.

MICHAEL MURPHY, Esq., Official Assignee, No. 33, Upper Ormond-quay Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
TIMOTHY ST. LAURENCE,
of Wickham-street, in the City of Limerick, Grocer and Spirit Dealer, a Bankrupt.

A PUBLIC Sitting will he held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 4th day of APRIL, 1867, at the hour of Twelve o'clock noon, for Admission and Proof of Debts, and to Vouch the Assignee's Account. And a Public Sitting will be held before the Court on FRIDAY, the 26th day of APRIL, 1867, at the hour of Eleven o'clock forenoon, to Audit the Assignee's Account, and make a further and final Dividend of the Bankrupt's Estate in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 5th day of March, 1867.

CHEYNE BRADY, Chief Registrar.

MICHAEL MURPHY, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MOLLOY & WATSON, Agent to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
SAMUEL PICKERING,
of Lower Ormond-quay and Capel-street, in the City of Dublin, Tobacco and Snuff Manufacturer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 22nd day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 6th day of March, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

MICHAEL MURPHY, Official Assignee, No. 33, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
PATRICK BINGHAM,
late of Patrick-street, in the City of Limerick, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 22nd day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 5th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

BLOOMFIELD & LEAHY, Agents to the Bankruptcy, No. 33, Kildare-street, Dublin.

MICHAEL MURPHY, Official Assignee, No. 33, Upper Ormond-quay.

TRUST DEED.

NOTICE is hereby Given, (pursuant to "The Irish Bankrupt and Insolvent Act, 1857"), that by Deed bearing date and executed the 25th day of February, 1867, PATRICK JAMES ROCHE, of Donegall-place, Belfast, in the County of Antrim, Draper, did convey and assign all his estate and effects to Walford Greatorex, of Aldermanbury, and to Norton Smith, of Watling-street, both in the City of London, Merchants, in trust for all the Creditors of said Patrick James Roche; and that such Deed has been executed by said Patrick James Roche, and by both Trustees, and as to its execution by said Patrick James Roche, it is attested by Stewart King Forde, of 42, Fleet-street, in the City of Dublin, Solicitor; and as to its execution by said Trustees, it is attested by Charles A. Bannister, of 22, Basinghall-street London, Solicitor.

Dated this 7th day of March, 1867.

HENRY OLDHAM, Attorney for said Trustees, 42, Fleet-street, Dublin.

STATUTORY NOTICE.

In the Matter of the Goods of
WALTER BURKE,
late of Cams House, in the County of Roscommon, Esquire, deceased.

NOTICE is hereby Given, pursuant to the Statute made and passed in the 22nd and 23rd years of the reign of Her Majesty, Queen Victoria, cap. 35, entitled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors, or otherwise to have any claims against the Estate of WALTER BURKE, late of Cams House, in the County of Roscommon, Esquire, deceased—who died on the 15th day of JULY, 1866—are hereby required on or before the 1st day of May next, to furnish to Mrs. Elizabeth Burke, the Executrix, at the Office of Joseph Burke, her Solicitor, No. 12, Blessington-street, Dublin; or The Abbey, Roscommon, the particulars of all such claims, or in default thereof, the said Mrs. Elizabeth Burke, the Executrix, will distribute the assets of the said Walter Burke, deceased, among the parties entitled thereto.

Dated this 1st day of March, 1867.

JOSEPH BURKE, Solicitor for said Executrix, No. 12, Blessington-street, Dublin; and The Abbey, Roscommon.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, March 9, 1867.*

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 7.] SATURDAY, MARCH 16, 1867. {Single Copy, 6d. By Post, 7d.}

TO SUBSCRIBERS AND ADVERTISERS.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office,* 53, *Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MARCH 16, 1867.

IN a recent number of this paper, we directed the attention of the public, and more especially of the Law Advisers of the Crown, to the ambiguity in the law as to the right of succession to the earnings of a *feme coverte* who had obtained in England, where she was deserted, a protection order, but who had afterwards removed to Ireland, and had there, by her separate industry, acquired some property, and died intestate, her husband surviving her. We were glad to find that our observations on this subject met the cordial approval of our able English contemporary, *The Law Times*, and we hope that such grievance will be remedied.

Another cause of complaint, it appears to us, is also open to married women, and one which we think is also well deserving of the attention of the law authorities in this country, as also in England. It is this:—A wife procures from the proper Ecclesiastical Court a divorce *a mensâ et thoro*, from her husband, either on account of his cruelty or of his adultery, and she also obtains from the same Court an order for permanent alimony. The husband is possessed of ample landed estates at the time of that order having been made; but as they are, or may be, in his absolute power, he may at once dispose of them, and, with the proceeds in his possession, abandon the jurisdiction, and so leave his unfortunate wife a pauper. Is not this a hard, if not a cruel, state of the law? And yet it appears to be so, merely on account of the Legislature having—whether designedly or not, we pause not to enquire—omitted from a section of an Act of Parliament the words "and shall have the effect of," or similar words. The Act of Parliament that we allude to is the 28th and 29th Vic., c. 43, s. 4, and it is this:—"Every decree or order for alimony "and costs, made or pronounced after the passing of "this act, by any court *in Ireland*, having authority for "that purpose, may be enforced in the same manner as "if the said decree or order was a judgment or order "of one of the superior courts of law *in Ireland*." Observe, the words in the section are "may be *enforced*;" and the important words "shall have the effect of," or similar words, are left out. The consequence is, that the decree or order for alimony may be enforced as to any *arrears* by means of writs, such as are issued by the common law courts; but as to creating a charge on the lands of the husband, so as to bind purchasers or mortgagees, and so afford a protection to the wife for her future gales of alimony, it is, we fear, valueless.

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The husband may sell or mortgage the lands, and then the wife must trust to her remedy against his person, when, it may be, that such remedy is equally unavailable and valueless.

This point has been mooted in England before judges of the highest order. The first case that occurred was not precisely on the same point, but on an analogous one. It arose on a similar clause in the English Probate Act, 20 & 21 Vic., c. 77, s. 25, which enacts "that the Court shall have the like powers, &c., for enforcing all orders, decrees, and judgments made or given by the Court, &c., as are by law vested in the High Court of Chancery for such purposes, &c.;" and a similar clause is contained in the Irish Probate Act, 20 & 21 Vic., c. 79, s. 30.

A decree, it appears, was made in the Probate Court in England, and it was registered as a judgment in the Court of Common Pleas. By the decree an annuity was made payable to Mary Ann Bull, a defendant in the Probate Court, by the plaintiff therein, and the question then arose, first, before *Sir J. Stuart*, V.C., and next on appeal before *Lord Westbury*, Ch., whether such registration operated under the 1 & 2 Vic., c. 110, to make the decree a charge on the real estate of the person against whom such order was made; and it was held by both those learned judges that such registration of such decree had not the effect of making it a charge on the lands. That was the case of *Pratt* v. *Bull*, (1 De G. J. & Sm. 141; also 9 Jur. n. s., 239); and the words of the section which came before the Court there were nearly the same as those in the section to which we are inviting attention; and the judges clearly distinguish between the ordinary powers of *enforcing decrees*, and the effect of a decree being made *a charge* on the lands.

Another case also occurred in England, and on the corresponding clause in the English act, 20 & 21 Vic., c. 85, s. 52, which is similar to the one in the Irish act, save that the words *Court of Chancery* are used instead of *Court of Law;* and also that the words "put in execution" come after the words "shall be enforced," and which words (*put in execution*) are not in the Irish Act.

In that case, a decree for alimony had been registered in the Common Pleas in England, and a motion was made in that court to expunge from the roll the entry of the registration. The case was very fully discussed by the respective counsel, as well as by the judges,—and *Pratt* v. *Bull* was freely canvassed; but the judges unanimously held that they would not decide the point, and refused the motion; thus leaving the question, so far as that case went, undecided. Under these circumstances, we think that it is our duty to direct the attention of our readers to the state of the law on the subject, in the hope that a few plain words embodied in a short act of the Legislature, may relieve married ladies, who have been "more sinned against than sinning," from the unfortunate prospects before them, of either a poorhouse or "the cold hand of charity" to shelter and support them.

ATTORNEYS' CERTIFICATE DUTY.

THE HON. GEORGE DENMAN will, on the 2nd April next, move the second reading of the Bill for the abolition of this unjust tax. It is gratifying that the mover of this Bill did not yield to the insidious appeal made to him in such flattering terms by the Chancellor of the Exchequer, on the occasion of the introduction of the Bill, and declined to postpone the second reading until after the financial statement of the year had been made.

The profession do not seek for the repeal of this duty as a matter of favour, in the event of there being any surplus revenue. They demand its abolition as a matter of right. The principle of the Bill, and the justice of the measure have been already, on four different occasions, affirmed, upon division, by a large majority of the House of Commons; and it cannot now, except through neglect or mismanagement, fail to be carried triumphantly. On former occasions the Bill was lost owing to the financial statement for the year having been prepared, and the House being unwilling to embarrass the Chancellor of the Exchequer. This reason can, at the present period of the session, have no weight; and if the measure do not pass the profession will have only themselves to blame. Its success now depends solely upon the personal exertions of each individual member of the profession. If every solicitor throughout the United Kingdom brings his personal influence to bear upon the Members for his County, or others with whom he may be acquainted, to induce them *to attend in their places* in the House, on the second reading, the Bill must pass. We are aware that the different Law Societies are already doing everything in their power, by memorials, deputations, and otherwise, to ensure the success of the measure.

CURRENT TOPICS.

THE appointment of Mr. WM. LANE JOYNT, the present Lord Mayor of Dublin, to the office of Deputy Lieutenant for the city of Dublin has given rise to a considerable amount of discussion. It is not our province to canvass the merits of any appointment, this Journal being purely professional, and all its energies devoted to the advancement of the interests of the profession, wholly regardless of personal or political feelings. On the subject of this appointment, however, we feel bound to notice an error which has found its way even into the columns of some of our contemporaries, who are generally well informed as to the matters upon which they write—namely, that a practising attorney cannot

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hold a "Commission of the Peace." This is a total misapprehension, there not being any such absurd law, and many practising attorneys holding at this moment a Commission of the Peace; amongst them we may mention Mr. John Litton, brother to Master Litton, who has for many years held the Commission of the Peace for the counties of Cavan and Fermanagh; and Mr. Joynt himself is a Magistrate for Clare. We merely mention these as prominent instances, there being many others; and we are acquainted with several members of the profession who have declined the honour. In England it is nothing uncommon to find a practising attorney holding the Commission of the Peace, and also being a Deputy Lieutenant.

At a Nisi Prius trial in Dublin last year, a gentleman was called as a witness, and the opposing counsel, intending to demolish him for having acted with rather a high hand, asked him:—"Are you an attorney?" "Yes, I am." "Are you a magistrate?" "Yes." "A deputy lieutenant, I hope?" "Yes, I am," was the answer, to the discomfiture of the counsel, and certainly a little to the surprise of the Court. The fact is, that these things and the true position of the profession are better understood in England. Happily, the profession in this country is rapidly advancing to a full measure of social position and importance with their brethren in England—and we trust we have heard the last of the exploded prejudice, that a practising attorney cannot be a magistrate or deputy lieutenant, or fill any other post of dignity and honour which is equally open to members of the other learned professions.

Last Saturday week we were enabled to inform our readers of the intentions of the Government with reference to the subdivision of the North-East Circuit, and the re-arrangement of the duties appertaining to the office of its late Crown Solicitor. That subdivision has since been accomplished, and accordingly the following districts have been assigned, at the salaries mentioned, to the solicitors whose names we append:—Louth and Monaghan—£600 a year, to Thomas Henry Parkinson, Esq. Down—£600 a year, to James Murland, Esq. Antrim (including Carrickfergus)—£600 a year, to James Greer, Esq.; and Armagh—£400 a year to John Kilkelly, Esq.

It is not often that a gentleman commences his official career amid such universal approval as that with which the appointment of Lucius H. Deering, Esq., as one of the Official Assignees of the Court of Bankruptcy and Insolvency, has been already greeted. Amongst the professional and the mercantile classes his popularity seems to be unquestioned; whilst to the public at large he has long been favourably known as the courteous and obliging Government Agent for Foreign Office Passports from this country. There is a circle of more intimate friends who speak warmly of his deeds of charity on behalf of the orphan children of deceased Freemasons. Nor is he distinguished only by a charitable nature, sociability of disposition, and suavity of manners. His experience in business, as partner in the firm of Deering and Handcock, and as secretary and accountant to three or four Insurance companies, has been very considerable, and such as will, doubtless, peculiarly fit him for the post to which he has now been named. We therefore heartily join with our contemporaries in congratulating the community, and the Lord Chancellor, upon the manner in which the latter has dispensed his patronage on this occasion.

On enquiry this morning we are glad to learn that there is a considerable improvement in the health of the Lord Chancellor.

A Bill to Amend the Constitution, Practice, and Procedure of the Court of Chancery in Ireland.

(Continued from No. 6, page 99.)

Clause

90.* No affidavit or evidence taken before an Examiner to be admissible at hearing in respect of any fact or issue included in such order, as is mentioned in 89th section.

91. Each party to be at liberty, by subpœna, to compel attendance of witnesses at hearing.

92. Any party in a suit may, by subpœna, require attendance of any witness before Examiner.

93. Except as after provided, all examinations taken by the Examiners to be used at the hearing of a cause in which issue joined, to be taken *ex parte*.

94. Witnesses by affidavits, or who have been examined *ex parte* before the Examiner, may be cross-examined and re-examined. And the party filing their affidavits or producing them, bound to produce them for this purpose.

95. In causes in which issue is joined, cross-examination to be before the Court at the hearing, except as after provided.

96. Parties may, by written consent, agree that examination, cross examination, and re-examination of witnesses, shall take place before the Examiner.

97. Court or Judge may (in case of age, infirmity, or absence out of jurisdiction of witness), direct examination, &c., to be taken before Examiner.

98. In cases provided for by last two sections, the examination in chief, cross-examination, and re-examination, to be taken before the same Examiner.

99. In suits to perpetuate testimony, evidence to be taken according to present practice.

100. Depositions to be taken down in writing by the Examiner in the form of a narrative, and to be read over to witness, and signed by him. If witness refuse to sign, Examiner to sign and state any special matter he may think fit. Examiner to take note of any question objected to, but not to have power to decide on its materiality or relevancy.

101. If parties refuse to be sworn, or to answer any lawful questions, the same course to be pursued as in now adopted. Proviso as to witness demurring to questions.

102. Re-examination of witness to follow cross-examination, and not be delayed to a future time.

103. Original depositions to be transmitted to the office of the Clerk of Affidavits.

104. Commission for examination of witnesses within the jurisdiction dispensed with, and Examiner empowered to administer oaths.

105. Affidavits to be taken in the first person, divided into paragraphs, and numbered.

106. Except as to facts and issues included in order mentioned in 89th section, and as to the cross-examination and re-examination of witnesses at the hearing, evidence at both sides to be closed within time prescribed by General Order.

107. Court may require the production and oral examination before itself of any witness or party in the cause.

108. Evidence subsequent to the hearing to be taken as the Court shall prescribe by General Order.

109. Power for Court, notwithstanding any rule, &c., to the contrary, to receive proof by affidavit of all matters not directly in issue in the cause.

110. Deeds and documents referred to in pleadings to be produced on hearings, motions, and other proceedings.

111. Court may proceed in any suit, &c., without representative of deceased person, or may appoint one.

112. Persons interested in any question cognizable in Court of Chancery, may concur in stating special case for the opinion of the Court, and executors, administrators, and trustees may concur in such case.

113. Lunatics may concur by committee of the estate when authorized by Lord Chancellor.

114. A married woman may concur provided husband also concurs therein.

115. Infant may concur by guardian, unless guardian have adverse interest.

* Clause 87 was, in our last number, by mistake repeated for Clause 90.

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116. Special guardian to be appointed for a lunatic not found such by commission, and for infant, may concur.
117. Order to appoint special guardian of an infant may be discharged by Court if made without notice to Guardian of infant.
118. Special cases to be intituled between some or one of the paries interested as plaintiffs, and others of them as defendants.
119. Special case to state concisely facts and documents. Court and parties to be at liberty to refer to the whole contents of such documents.
120. Special case to state how Guardian constituted, and the concurrence of married woman.
121. Special cases to be signed by Counsel and filed, and appearances to be entered.
122. After a special case filed, parties to be bound by statements after defendants have appeared, except married women, infants, and lunatics, who are not to be bound till leave given by Court to set it down.
123. When all defendants shall have appeared, special case may be set down for hearing, and subpœnas to hear judgment issued and served.
124. When a married woman, infant, or lunatic, is a party, application to be made to the Court for leave to set the case down.
125. Upon hearing of special case, Court to determine questions raised, and by decree declare its opinion, without proceeding to administer relief, such declaration to have the same force as if contained in a decree in a suit between the same parties. Proviso, that Court may refuse to decide.
126. Protection to be afforded to trustees by declaration.
127. If party desirous to appeal, Court may suspend the acting upon declaration contained in such decree.
128. Special case to be a *lis pendens*, and may be registered.
129. Documents referred to in special case to be identified by the signature of the solicitors for all parties, or their town agents, and Court may order production of such documents.
130. Power to Master of the Rolls and Vice-Chancellors to sit at Chambers for the despatch of business, &c.
131. Power to Lord Chancellor to provide Chambers for Master of the Rolls and Vice-Chancellor.
132. Judges to have same power and jurisdiction as in open Court.
133. Orders made at Chambers to be drawn up by Judges' Clerks.
134. Orders made at Chambers to have same force as orders of Court.
135. Business to be disposed of in Chambers by the Judges shall consist of matters in their opinion more conveniently disposed of in Chamber, to be directed by General Order.
136. Judges may adjourn from open Court to Chambers, and *vice versa*, the consideration of any matter.
137. The mode of proceeding before judges at chambers to be by summons.
138. Power to the Judges to direct what matters, &c., shall be heard and investigated by themselves, and what by their Chief Clerks. Right to suitor to bring any point before the Judge.
139. Power to Chief Clerks to issue advertisements and summonses, to administer oaths, &c., as the Judge shall direct.
140. Parties and witnesses so summoned liable to process of contempt for non-attendance, and to penalties for false swearing.
141. Result of proceedings before Chief Clerk to be embodied in form of short certificate.
142. No exceptions to lie to any certificate or report of Chief Clerk, but any party to be at liberty to take the opinion of the Judge upon any particular point.
143. Certificate, &c., signed and adopted by the Judge binding on all parties unless discharged or varied.
144. All powers possessed by Masters to be exercised by Judges.
145. Power to Judges to exercise the powers given by sections 31 to 38, inclusive of this Act, and to dispose of any cause, &c., in open Court.
146. Court or Judge, on application of executors or administrators may, without any administration suit, by order (form in schedule), direct an account of debts and liabilities of deceased to be taken, and may restrain or suspend proceedings at law. Chief Clerk to certify particulars of claims.
147. Certificate of Chief Clerk may be objected to by application to the Court or Judge.
148. If debts or certain liabilities allowed, and not paid or provided for, order may be made for payment of accounts.
149. Court or Judge, on application of executors or administrators, may direct appropriation of money to answer contingent liability.
150. Court may restrain proceedings against executors and administrators.
151. Protection to be afforded to executors and administrators.
152. Creditors, &c., may summon executor, &c., to show cause why an order for administration of personal estate should not be granted. Power to Judge to order administration of such estate.
153. Copy of such summons (before service) to be filed in the office of the Deputy Keeper of the Rolls.
154. Creditor, &c., may obtain an order for administration of real estate in a summary way as before provided with respect to personal estate.
155. No suit to be dismissed for misjoinder of plaintiffs, but Court may modify its decree according to special circumstances.
156. No suit to be objected to because only declaratory order sought.
157. Court may decide between some of the parties without making others interested parties to the suit.
158. In case of abatement, &c., of suit an order may be obtained as of course which shall have the same effect as a bill of revivor, to be served on parties who would be defendants in bill of revivor or supplemental bill.
159. New facts, &c., after commencement of suit to be introduced as amendments to Bill, &c.
160. Where account required to be taken, Court may give special directions as to the mode of taking same.
161. Where real or personal property is the subject of proceedings, Court may allow to parties part, or the whole of the annual income.
162. Answer of defendant on motion for injunction, or receiver, &c., to be regarded as an affidavit merely, and affidavits may be received and read in opposition thereto.
163. Power to the Court to obtain the assistance of accountants, merchants, or other scientific persons.
164. Taxing Master to regulate fees to be allowed to accountants, &c.
165. In case directions as to practice, &c., not followed through mistake, Court may make order rectifying proceedings and award costs.
166. Costs may be taxed, notwithstanding the death of person to whom they are awarded.
167. Costs may be taxed, notwithstanding death of person by whom they are payable.
168. Summons to tax to be served in ordinary way.
169. Taxing Masters may proceed *ex-parte*.
170. Taxed costs may be recovered in like manner as if same were taxed in the lifetime of the person to, or by, whom same were awarded to be paid.
171. Court of Chancery may summarily restrain the Bank of Ireland, &c., from permitting transfer of stock, &c.
172. Any person claiming Government Stock standing in the name of another may sue out writ of injunction [form in schedule] to restrain Bank from permitting transfer or payment of dividends.
173. After service of writ Bank not to permit transfers or payment of dividends until writ discharged or lapsed.
174. Any person interested in such Stock may apply to the Court in a summary way to discharge such writ.
175. Persons interested in Stock may, notwithstanding such writ, request transfer to be made; whereupon Bank to notify such request to parties by whom writ sued out, and unless they, within eight days, obtain injunction in some suit or matter, statutory writ to be deemed to have lapsed.
176. Pending suits to be prosecuted according to present practice.

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117. Lord Chancellor and Judges to make general rules and orders for carrying purposes of this Act into effect.
178. Such general orders to be laid before Parliament.

PART 4.
Fees and Stamps.

179. Power to Court, with assent of the Commissioners of the Treasury, to vary, reduce, or abolish duties now payable under 4th Geo. IV., c. 78.
180. Fees now payable in respect of proceedings in Court, and accounted for to the Treasury, to be added to the Chancery Fund Duties.
181. Fees which are now accounted for to Suitors' Fee Fund to be henceforth received by stamps.
182. No officer hereafter to receive fees for his own use, but all officers to be paid by salary.
183. Officers to continue to receive fees until Lord Chancellor shall otherwise direct, and pay them into the Suitors' Fee Fund.
184. Power to vary fees and duties.
185. The Commissioners of Inland Revenue to carry into effect General Orders relating to fees and stamps.
186. And to make regulations as to allowance for spoiled stamps.
187. Commissioners to have powers in 5 & 6 Vic., c. 82.
188. Box-money to be henceforth received in stamps, and paid over to Accountant-General, to be placed by him to the credit of an account to be intituled "Box Fund Account," to be applied under direction of Lord Chancellor, as Box-money is now.
189. No document to be received or used unless stamped.
190. Officers guilty of fraud or wilful neglect in relation to stamps liable to be dismissed.
191. Acts and general orders shall apply to reduced fees.
192. Act not to extend to fees in Bankruptcy.

PART 5.
Miscellaneous.

193. Salaries and compensation to be payable quarterly out of fee fund.
194. Dividends of funds which have not been dealt with for ten years may be transferred to the Suitor's Fee Fund Account.
195. Rights of suitors to Stock or Dividends transferred not to be affected, but to be satisfied out of the Suitors Fee Fund.
196. Power to parties ordered to invest in or to transfer Stock, to employ any licensed Stock Broker.
197. Commencement of Act.

ENGLAND.

NOTES OF ENGLISH DECISIONS.

From *The Law Times.*

RAILWAY — PUBLIC CONVENIENCE — BREACH OF CONTRACT.—Suit by landowner to compel a railway company to make a road and bridge and other structures over a certain specified portion of plaintiff's land in the manner in which they had by deed agreed to make them, the company having, on motion for an injunction, been allowed to proceed with the works in another way, under the usual undertaking. The plaintiff alleged that the defendants, who were bound by the contract "to interfere with and obstruct the then present lodge-road as little as possible, consistent with the deviation thereof thereby authorised," had not made their railway at the level and in the direction of the line mentioned in the plans of their works; and that the bridge and road which they had constructed were not in accordance with the specifications in the contract, and in other respects interfered with the plaintiff's access to the house and grounds. The M. R. dismissed the bill without prejudice to the plaintiff's bringing such action or actions for breach of contract by the defendants as he might be advised: Held, on appeal (reversing the decree of the M. R.), that, even admitting that the road and bridge could not be made in the way laid down in the plan in the deed without going over the plaintiff's land, yet, as the company had before the M. R. given their consent to that, the objection was gone. Then as to danger to the public, that was not to deprive the plaintiff of his right to enforce the agreement. If the injunction had been granted the railway could not have been made, and the utmost inconvenience which the public could suffer now would be that the traffic must be suspended. The company had deliberately entered into an agreement with the plaintiff, and it did not follow that the injury occasioned by the breach could be compensated for by damages. The plaintiff retained his right to have the agreement specifically performed: (*Raphael* v. *The Thames Valley Railway,* 16 L. T. Rep. N. S. 1 L. C.)

DEBENTURE-HOLDERS.—The debenture-holder, who has obtained a judgment for the amount of his debt and interest, secured by a mortgage of the company, will be considered only as a trustee for the other debenture-holders in the same position as himself, and an inquiry will be directed in chambers if it will be for the benefit of the debenture-holders generally that a receiver, who had appeared in the cause, should interpose to make the judgment available for all: (*Bowen* v. *The Brecon &c., Railway Comyany,* 16 L. T. Rep. N. S. 8. V. C. W.)

ATTORNEYS—PARTNERSHIP—AUTHORITY.—In the absence of evidence of particular or general authority to draw, indorse, or accept bills of exchange, or of any recognition of the particular bill, an action is not maintainable against an attorney upon a bill of exchange indorsed by his partner in the name of the firm, on the ground laid down by *Hedley* v. *Bainbridge,* 3 Q. B. 320; 11 L. J., N. S. 293, Q. B., that an attorney has no authority to draw, accept, or indorse bills in the name of the partnership so as to bind his partner. A post-dated cheque, if it be post-dated, not by mistake, but intentionally, is in effect for all practical purposes a bill of exchange; and, therefore, where an attorney on the 13th July drew and handed to the plaintiff a cheque in the name of the partnership firm for £90, dated the 20th July, and payable to bearer, and received from the plaintiff in exchange for such cheque £80, for the purpose, as he informed the plaintiff, of a client of the firm, it being arranged that plaintiff was to have £10 for the week's forbearance: it was held that this was not distinguishable from giving a bill of exchange at seven days' date, and consequently, according to *Hedley* v. *Bainbridge* (*ubi sup.*), it was a transaction not binding on the defendant, the non-assenting partner of the firm, and no action was maintainable against him thereupon: (*Forster* v. *Mackreth,* 16 L. T. Rep. N. S. 23. Ex.)

SECOND AGREEMENT.—In order that a second agreemen which is not within the Statute of Frauds, may supersede a prior agreement which is, it must amount to an absolute and not an implied rescission: (*Noble* v. *Ward,* 14 L. T. Rep. N. S. 672. Ex. Ch.)

NEGLIGENCE—PLEADING.—A declaration alleging negligence must show a duty upon the part of the defendant, otherwise it is bad on demurrer: (*Gantret* v. *Egerton,* 16 L. T. Rep. N. S. 17. C. P.)

BILL OF SALE.—A bill of sale duly registered, but afterwards abandoned, has no operation: (*Robertson* v. *Morley,* 16 L. T. Rep. N. S. 7. V. C. W.)

THE LAW OF BANKERS' CHEQUES.

From *The Law Times.*

A new point arose for discussion during the last Guildhall after-sittings in the Court of Common Pleas, before the LORD CHIEF JUSTICE and a Special Jury, as to the reasonable time for presenting a banker's cheque, in the casè of *Fenwick and another* v. *Dewer.* The facts shortly were, that defendant, on Friday, 22nd June, 1866, gave plaintiff's clerk a check for £187, payable to order on the bank of Sir Charles Price and Co., and crossed "Barclay and Co." The plaintiff, Fenwick, was out of town, so was his partner; the cheque was sent by post to the plaintiff Fenwick on the day it was received, and reached London on the following Monday morning indorsed, but on the Monday Sir Charles Price's Bank did not re-open; this action wa now brought against the drawer. The defence set up was first, that no notice of dishonour had been given; this the Judge overruled, no evidence being given of prejudice thereby, but giving leave to defendant to move. Th second defence was, that the cheque had not been presented

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within reasonable time, that it should have been presented on the Saturday. Sir George Honyman, Q.C., for plaintiff, asked that this question might be left as a matter of fact to the jury. The learned Judge, that there might be no difficulty in finally settling the question, consented to do so, giving defendant leave to move, asking the jury whether in their view additional time for presentment should be given. first, where a cheque was made payable to order; secondly, where it was crossed. The question was rendered more vague for the jury by the fact that neither party was able to give evidence of the present usage of the city of London. This usage has been declared in *Boddington* v. *Schlenker* (4 B. & Ad. 752) to be, that a banker sends a crossed cheque to the clearing house the day he receives it, if received in time; this the Judge ruled could not be received as evidence of the present usage. Now, the general and well-established propositions of law, as stated by the learned judge are, first, when the drawee and the holder of the cheque live in the same town the holder has all the business hours of the day after he receives it to present it; secondly, if they do not live in the same town, the holder has until the next day to send it by post to his agent, and he again has the whole of the business hours of the next day after its receipt within which to present it. He further told the jury that he held the fact of a cheque being made payable to order did not give any extension of the time for presentment; and that the fact of a clerk having the power to accept bills *per proc.* did not enable him to sign cheques. As to the question whether the crossing of a cheque should have the effect of increasing the time, the Judge said it was clear, had the cheque not been crossed, it should have been presented on the Saturday; if it had been crossed by plaintiff he could not thus have extended his own time; but in the present case it was crossed by defendant with plaintiff's consent, for that was the usual course of business between them. Finally, his opinion was, that where a cheque was crossed by the drawer, the holder should have the whole of the next day to pay it into his banker, and the banker the whole of the next day after he receives it to send it to the clearing-house. The jury found for the plaintiff, expressing their opinion that in *both* cases additional time should be given.

The opinion of the learned judge on both points seems to be the reasonable and correct one. In the first place the endorsing of a cheque is the work of a moment, and assuredly, as the holder has the evening on which it is paid, and the whole of the business hours of the next day to do it in, it would be absurd to allow him additional time for this purpose. It is true he may be from home, but this cannot be admitted for a moment as a ground for extension; for put a wide case—he might be in the Highlands, or on the Continent, and is the time to be extended till a reply be got from him thence?

It is not unreasonable to expect that any one engaged in trade shall either be present within the two days to indorse cheques, or leave a clerk with authority to do so; in the second case, again, the holder of a crossed cheque, having the whole of the day after he receives it to pay it into his bankers, may do so at a time too late for its being conveniently dispatched to the clearing house. So, on the whole, it is reasonable that they too should have an additional day. Of this there can be no doubt, that where we have no established usage, the law must be founded on the consideration of what is most convenient to the mercantile community, and on this principle the learned judge evidently based his decision.

HOUSE OF COMMONS.

Thursday, March 14.

COURT OF CHANCERY (Ireland) BILL.

The SOLICITOR-GENERAL for IRELAND, in moving the second reading of this Bill, said that in 1861 and 1862 commissions were issued to some of the most eminent judges and practitioners of England and Ireland, to inquire into the practice and procedure of the courts of law and equity. Among the members of the Commission were the present Lord Romilly, the Lord Chancellor of Ireland, the Chief Justice of the Common Pleas in Ireland, the Lord Justice of Appeal, Lord Cairns, the Attorney-General for Ireland of that day, and Vice-Chancellor Wood, and having made their inquiry they reported in July, 1863. In consequence of that report Bills were prepared by his hon. and learned friends on the opposite side of the House, and it was one of those Bills of which he had now the honour to move the second reading. The object of the Bill was to reform the practice of the Court of Chancery in Ireland by assimilating it to the practice which prevailed in England. The measure was based upon the unanimous report of the Commission, and was in almost every particular the same as the Bill which had been introduced by his right hon. and learned friend the member for Portarlington. He was happy to say that he had always been a strong advocate of the measure, and in support of that assertion he might refer to the evidence which he had given on the subject, having come to the conclusion from his experience in the Court of Chancery in Ireland that such a reform was imperatively required. He believed he had the concurrence in that remark of as good an authority as any one could be, his hon. and learned friend the member for Mallow. When the Bill was introduced last Session it received in its earlier stages opposition from some who were then members of the House. If they were now present they would be able to explain the grounds on which they opposed the Bill in its earlier stage; but when it came on for second reading on the 14th of May last year the present Lord Chief Justice of the Queen's Bench in Ireland (Mr. Whiteside) stated that upon due consideration he withdrew his opposition, and was anxious to give the measure his best support. He begged to move that the Bill be now read a second time.

Mr. SULLIVAN, in supporting the second reading, said he thought it his duty to relate to the House the circumstances under which this Bill had been delayed in its passage through the House for more than three years. The Royal Commission, upon which, as his hon. and learned friend stated, the most eminent lawyers of England and Ireland sat, reported in 1863 that the practice of the Court of Chancery in Ireland required serious amendment, and suggested what that amendment should be. He need scarcely say, that as a matter of fact, the administration of the law was of the highest moment to every subject—that it should be simple, that the rights of parties should be quickly adjudicated upon, and that this should be done at the smallest possible expense. The practice of the Irish Court of Chancery, which the Commission condemned, was vicious in the extreme in all these respects. The delays and expenses were enormous, and the decisions were slow, not from want of attention or promptitude on the part of the judges, but because the system was so embarrassed and complicated that it was almost impossible that the rights of parties could be adjudicated upon quickly. Nothing more ruinous could be imagined than the practice of the Irish Chancery Court, and the Royal Commission recommended that it should be assimilated to that of England —a recommendation which was supported by the whole Chancery Bar of Ireland. Notwithstanding that, a Bill similar to this, introduced in 1863, met with the most decided opposition of the present Chief Justice of the Court of Queen's Bench in Ireland, and another hon. and learned gentleman, who now filled the office of *puisne judge* in that court. The effect of that opposition was that the Government could not pass the Bill, which, from the same cause, was also thrown out in 1865 and 1866. There was great reason to complain of the conduct on this question of those two right hon. and learned gentlemen, whom he could not say he regretted not to see present (laughter), because they were enjoying high judicial offices in Ireland, on the ground that they offered this opposition without the qualification of personal experience. This was the Bill of the late Government; it was of immense importance to pass it; it was of vital importance to the profession; and he would support it and promote its progress in every possible way.

MR. WALPOLE hoped that, instead of going back to former transactions, they would all do their best to pass into law a measure which, by universal admission, would prove a useful act of legislation.

The Bill was then read a second time.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF EXCHEQUER.

Reported by J. Lowry Whittle, Esq., Barrister-at-law.

Lauder *v.* Seery.

Before Fitzgerald, Hughes, and Deasy, B.B.

Jan. 17.—*Ejectment on Title—Landed Estates' Court Conveyance—Notice to Quit.*

The plaintiff claimed under a Landed Estates' Court conveyance of the 5th June, 1866. This deed conveyed the lands to the plaintiff subject to a tenancy in the defendant, of which the gale days were the 1st May and 1st November. The schedule to the conveyance contained the following, under the heading of "Tenure and observations":—"Tenant from year to year; tenancy determinable on the 1st November in each year. Notice to quit on the 1st November, 1865, has been served on this tenant."

Leslie Montgomery, for the defendant, contended that the notice to quit having expired in November, 1865, and the deed of June, 1866, having conveyed subject to a tenancy from year to year, such a tenancy was now subsisting, and the statement in the schedule as to the notice to quit was a mere "observation."

Palles, Q.C., and *Bewley*, *contra.*

The Court held the plaintiff entitled to recover. The conveyance described the tenancy as one from year to year, but liable to be determined by a notice to quit, should such prove to be valid.

Attorney for plaintiff, *James Wm. Fair.*

Attorney for defendant, *Wm. Mooney.*

CONSOLIDATED CHAMBER.

Reported by R. R. Kane, Esq., Barrister-at-law.

Before Mr. Baron Fitzgerald.

Riordan *v.* Leader.

March 1.—*Liberty to Withdraw Defences—Delay—Costs.*

Shekleton moved, on the part of the defendant in this case, for liberty to withdraw the defences filed, and to ubstitute others. The action was for obstruction of a watercourse. The defences originally filed were traverses of the acts complained of and justifications under different rights; issues were knit on them, and notice of trial given, on February 23, for the coming assizes for the county of Cork, and abstract and issues served for February 26. Defendant served a consent to withdraw the defences filed and substitute ones of payment into Court; and, providing that the defendant would go to trial at the ensuing Assizes, and then pay the plaintiff all costs incurred by reason of the defences withdrawn, and with it a notice of motion for March 1 to the same effect, the motion not to be moved if the consent was signed. The plaintiff sent back the consent unsigned.

Shekleton now moved pursuant to the notice.

Woodlock, contra.—The consent does not offer to return our abstract and issues amended, nor to pay the costs of our notice of trial. The consent was served after we had sent our case for advice of proofs to counsel. An attorney should not be called upon to make such a material alteration in the record without the protection of the order of the Court.

Fitzgerald, B.—The motion must be granted, but I cannot say the plaintiff was not justified in appearing here. The consent served does not offer to return the abstract and issues amended. There is force also in the observation that the alteration in the record is a very serious one for an attorney to make without the order of the Court. Under the circumstances I think that the plaintiff ought to have his costs as his costs in the cause. The defendant not to have any costs.

J. Honohan, attorney for plaintiff,

M'Carthy and Hanrehan, attorneys for defendant.

COURT OF PROBATE.

Reported by W. R. Miller, Esq., LL.D., Barrister-at-law

Goods of Gordon.

Feb. 14.—*Practice—Letters of Administration limited to substantiate Proceedings in Chancery.*

Petition should be filed in Chancery before the application is made to the Court of Probate.

J. A. Phillips applied on the part of Robert Glenny for a grant of administration of the goods of the deceased limited to proceedings *intended to be* taken in Chancery, to enforce specific performance of an agreement for the purchase of a rent charge entered into by the deceased and his son with Robert Glenny. The deceased had died in April, 1866; he had left a will, but no executor was named in it. The next of kin were cited by Glenny to accept or refuse a grant, but did not appear.

Keatinge, J.—It is not the practice of the Court to make a grant to substantiate proceedings *to be taken* in Chancery. The proceedings in Chancery must be actually pending. Let the motion therefore be renewed when a petition shall be actually filed.

Solicitor—*W. H. Ogle.*

LANDED ESTATES' COURT.

Reported by J. Field Johnston, Esq., Barrister-at-law.

Before Judge Lynch.

In the matter of the Estate of C. M. Wilson.

Feb. 25, 28.—*Order of Priority of the Costs of Sale of an Insolvent Estate where the Owner is the Petitioner.*

In this case the solicitors having carriage of the sale objected to the schedule, on the ground that the costs of sale were placed No. 23 upon it, instead of being placed in priority to the incumbrances.

Flanagan, Q.C. (with him *Leech*), in support of the objection, stated that a different practice had prevailed in the different courts. Judge Hargreave and Judge Dobbs holding that the owner was entitled to his costs as a first charge on the estate, and Judge Longfield being of a different opinion. The first Incumbered Estates' Act gave the petitioner his costs as a first charge, whether he was owner or incumbrancer. Subsequent statutes took away that right in the case of an incumbrancer, and placed his costs in the same priority with his demand. The view taken by Judge Hargreave and Judge Dobbs of the case of an owner was the right one.

O'Brien, for the sisters of the owner, *contra.*

S. Walker, for a subsequent incumbrancer, *contra.*

Leech replied.

Lynch, J., said he would confer with Dobbs, J.

Feb. 28.—Lynch, J., delivered a written judgment, stating that a different opinion on this question had existed amongst the judges of the Landed Estates' Court. That the question was of importance only in the case of an insolvent estate, that the first Incumbered Estates' Act treated the costs of sale as salvage or necessarily incident charges; that they were removed out of that category by the subsequent acts; that by the

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analogy of the statute and according to the practice of courts of equity the owner was only entitled to the costs in the same priority with any residue coming to him; that in the case of an insolvent estate the owner was virtually a stranger dealing with the property of others, that though it was said an owner could more expeditiously bring the estate to sale, on the other hand, it appeared doubtful to him if an owner should always have the power to do so, perhaps against the wishes, but certainly at the expense, of the incumbrancers, and it was also doubtful if a sale so circumstanced would be conducted in the manner most advantageous for the creditors; that these latter considerations, however, were speculations, and that if he felt more doubt than he did, he should hesitate before he arrived at a conclusion different from the opinion of Longfield, J.; that that opinion had been for a long time the law of that court.

Objection overruled.

COURT OF BANKRUPTCY AND INSOLVENCY

IN BANKRUPTCY.

Reported by John Levy, Esq., Barrister-at-law.

Before Miller, J.

Re Marks.

Feb., 1867.—*Petition by Trader for adjudication against himself—Opposition by Creditor.*

Where a Trader petitions for Adjudication against himself, and is opposed by a sole Creditor on the ground that it would be inequitable to take the Costs of a Bankruptcy out of an Estate to which that Creditor was entitled, that Estate not being sufficient to pay him his debt, if there is no fraud attributable to the Trader he will be entitled to obtain the Adjudication, so that he may be in a position to obtain his Certificate and get into Trade again.

In this case *Kernan*, Q.C., applied on the part of the trader to have him adjudicated bankrupt on his own petition. It was admitted that all the legal requisites to entitle the trader to have himself adjudicated bankrupt upon his own petition existed.

Heron, Q.C., on the part of a creditor, opposed the application. He admitted that all the legal requisites existed, and that the trader had assets amounting to about eight hundred pounds; still, under the peculiar circumstances of the case, he thought the adjudication ought not to be granted. There was a sum of £2,500 due to his client; Marks owed no other debt but a small sum for rent, which the creditor was willing to pay upon having the chattels assigned to him; it would be inequitable to put the creditor to the costs of a bankruptcy under such circumstances.

Miller, J., said he thought where no fraud existed, and in the present case there was none proved, the trader had a right to take advantage of the provisions of the statute enabling him to obtain an adjudication on his own petition. In the present case the trader was examined, and the examination satisfied him that the case was one of merits: a few days before his failure he made the opposing creditor a payment of upwards of £800, and there being no fraud or *mala fides* attributable to him, he was entitled to an adjudication, so that he might obtain his certificate and go into trade again.

CIRCUIT CASES.

HOME CIRCUIT.

Queen's County Assizes.

Reported by Edmund T. Bewley, Esq., Barrister-at-law.

Before Monahan C. J.

The Queen *v.* Gleeson and others.

March 9.—*Indictment—Grand Jury—Finding—Arrest of Judgment.*

Denis Gleeson, Denis Whelan, and Denis Deevy were indicted for an assault, occasioning bodily harm on Constable Barry and Sub-constable Whitcroft. Gleeson and Whelan having been found guilty, *J. A. Curran* (who appeared, with *C. Molloy*, as counsel for the prisoners) moved in arrest of judgment on the grounds that the finding of the Grand Jury on the bill of indictment was insufficient, being merely "a true bill. For self and fellows. Henry Trench, foreman." Whereas, counsel contended, as there were only twenty-two grand jurors, the names of those who had found the bill should have been set out in the finding.

Monahan, C. J., refused the motion.

Counsel for the prosecution, *Ball*, Q,C., LL.D.; *H. Hamilton*, Q.C.; and *F. L. Dames.* Attorney, *The Crown Solicitor.*

Counsel for the prisoners, *J. A. Curran* and *C. Molloy.* Attorney, *Turpin.*

MUNSTER CIRCUIT.

Reported by W. Griffin, Esq., Barrister-at-law.

Kerry Assizes—*Spring*, 1867.

M'Namara, *Appellant;* Great Southern and Western Railway Company, *Respondent.*

The process was for not delivering pigs which appellant brought to the Farranfore station, on the Great Southern and Western Railway, to be carried to Cork. It appeared that there had been a fair near Farranfore, and that, on the fair day, appellant, who had bought 58 pigs, brought them to the station and put them into some empty waggons, as he asserted, with the assistance of the railway porters. but that he had not booked them—that afterwards they were taken out by the order of the station master, and pigs belonging to other persons put in and sent off—that next day 46 of his pigs were sent off, and the remaining 12 not until the second day—that he lost his market, and that the pigs were injured, and some of them died. The station master deposed, that, on the day before the fair, a pig dealer, named Cronin, gave him notice that he would want 5 or 6 waggons—that he accordingly procured 5 waggons, which was all he could get—and that, when appellant came to him, he told him that all the waggons were engaged—that when he found appellant had put his pigs in the waggon he ordered them to be taken out, which was accordingly done—that 46 of appellant's pigs were sent off by the next cattle train—and that it was owing to appellant and other men at the station fighting amongst themselves that the remainder were not sent off at the same time—and that he believed that all the pigs sent off in the 5 engaged waggons were Cronin's. He admitted there was no contract to bind Cronin to pay anything if he did not send any pigs to the station to be carried; but stated that the company had had dealings with him, and received notice from him before.

It was urged for the appellant that Cronin had never engaged the waggons; that he only said, I may want 5 or 6; and, therefore, when the plaintiff came to the station and offered to pay the fare for his pigs—and the company had waggons and facilities for taking them—

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they were bound to do so, notwithstanding the notice from Cronin.

FITZGERALD, J.—If I were to rule that point of law in the appellant's favour it would deprive the company of the power of acting on the notice which Cronin had very prudently given them the night before. The notice was, that he *would* want 5 or 6 waggons. I will not give any decision which would deprive the company of the power of exercising their discretion in such a case, when, in fact, it was in consequence of Cronin's notice that there were any waggons at the station at all. I think the company were justified in acting as they did, even though there was no contract with Cronin, and were entitled to give him precedence, his notice having been given *bona fide* to the servants of the company, and acted upon *bona fide* by the company.

Though common carriers are bound to carry, they are only bound to do so if they can be reasonably expected to have waggons at the station from which the cattle are to be carried, and they are only bound to forward them with reasonable diligence. I think, therefore, that the chairman was right, there being no contract with appellant, and there being no breach of duty in giving precedence to the party who had given notice the night before. If there had been any trick, or connivance, or caprice in giving the waggons it would be a different matter.

Dismiss affirmed.

Counsel for appellant, *Geo. Waters* and *W. Murphy.* Attorney, *F. C. Downing.*

Counsel for respondent, *J. C. Neligan.* Attorney, *A. Murphy.*

NOTICES OF NEW BOOKS.

The Practice of the Court of Probate and of Quarter Sessions in Ireland, respecting Testamentary and Intestate Business; with an Appendix of Statutes, New Rules, and Copious Bills of Costs, &c. By WILLIAM ROWLEY MILLER, Esq., LL.D., Barrister-at-law. 2nd edition. Dublin: T. Connolly, Upper Ormond-quay.

This is the second edition of a text book which is now well known to both branches of the legal profession, and deservedly stands high in the estimation of the practitioners and Judge of the Court of Probate. The promulgation of the new rules of February, 1865, and the abolition of the former rules and orders, both in contentious and non-contentious business, have rendered the first edition of Dr. Miller's treatise of little use as a book of reference. The present edition is not merely an adaptation of the former work to the new rules, but contains, in addition, a vast amount of valuable original matter.

The author has spared no exertions to make this treatise accurate and complete; and although some of the subjects—for instance, testamentary capacity—are too extensive for a practical treatise of this nature, the practitioner is furnished with able summaries on this and other difficult topics connected with testamentary practice, and abundant references to the different learned writers who have treated specially of such particular branches of the law.

Dr. Miller's great experience in the Prerogative Court has proved of good service to him in the execution of this important work; for it will be borne in mind that the Act of 1857 provides that the practice of the Court shall, except where otherwise provided by the Act or by the rules or orders, be so far as the circumstances of the case will admit, according to the practice then prevailing in the Prerogative Court. We have had occasion, in a former number, to advert to the dearth of literary productions in this country, and we mentioned as one of the principal causes the distracting demands on an Irish barrister's time. Dr. Miller has, however, devoted considerable attention to this particular department of law, and the result is the production of a work which ranks second to none, either in this country or in England, in point of accuracy, ability, and research. Some objections have been urged against it on the grounds of its being too voluminous. We confess the convenience of having under one's hand the statutes themselves so constantly referred to (especially in the case of country practitioners), effects a saving of time and trouble which amply compensates for any trifling extra cost. As we intend to recur again to this subject, and to notice the book more in detail, we content ourselves with saying that no legal practitioner can dispense with Dr. Miller's treatise; and as its merits have been already tested, we can more confidently recommend it, as affording a concise, clear, and at the same time, exhaustive exposition of the law and practice of the Court of Probate in Ireland.

A Concise Guide to the Practice of the Court of Probate, Ireland, in Contentious Cases (intended for the use of Solicitors and their Assistants). By GEORGE HILL SMITH, First General Clerk in Her Majesty's Court of Probate, Ireland. Dublin: Hendrick & Co.

The object of this hand-book is to present, in a cheap and compendious form, an outline of contentious proceedings in the Court of Probate. The work is designed for the use of solicitors and their assistants, to save them the necessity of applying at the Registry for information as to every step of procedure in testamentary matters and causes. It does not profess to treat of common form business, and merely glances at the subject of the Assistant Barrister's jurisdiction, when pointing out the mode of procedure necessary to initiate proceedings in the County Court.

At page 4 this passage occurs:—"For although a suitor is empowered *to select* whether he shall have his cause tried by the superior or inferior tribunal, the Court has, hitherto, in every possible way, discouraged the practice of incurring the heavy expense of a trial in Dublin, when the circumstances are such as to give the cheaper and more local tribunal power to deal with the case." If this statement is intended to convey that a suitor can, as a matter of *right*, insist upon having a case, which comes within the assistant barrister's jurisdiction, tried by the Court of Probate, we do not think the 63rd section of the Act is capable of that construction; it provides that applications for probate and administration may be made through the principal registry, no matter where the deceased had his fixed place of abode; but if contentious matter arises out of such application, the Court of Probate may send the cause to the barrister's court.

At page 20 Mr. Smith says, "If the witness resides out of Ireland the ordinary subpœna ad testificandum *may* be of no use to enforce his attendance, and a commission be the only mode available to the parties for obtaining the evidence." This question has been solemnly argued in this country, and the judge was of opinion that although it was the intention of the Legislature to give to the Court of Probate all the powers of the Courts of Chancery and Law, yet that it was not sufficiently clear that it had the power to issue a writ to compel the attendance of witnesses residing in England upon the trial of an issue in Ireland. In Coote and Tristam's book on the Probate Practice in England (5th Edition), Doctor Tristam, at page 266, suggests no doubt as to the power of the judge to compel the personal attendance of witnesses resident out of the jurisdiction of the Court. Thus it would seem the point may be yet doubtful enough to warrant the language used in the passage referred to. In the appendix are given the rules, forms, and a schedule of court and professional fees (classified and arranged) applicable to contentious cases.

The work does very accurately, and in a thoroughly practical way, what it professes to do, and will be found a handy and portable guide book in contentious business.

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CORRESPONDENCE.

THE COUNTY COURTS OF IRELAND.

To THE EDITOR OF "THE IRISH LAW TIMES."

SIR—The law and practice of the Civil Bill Courts of Ireland require many an amendment besides those noticed in your last week's number. The difficulties raised by amateur legislators—such as my Lord Clanricarde—against recovery of their just debts by creditors in Ireland, operate most unjustly. We must bear in mind that, in this country, large transactions are the exception and not the rule, as compared with the business dealings in England and Scotland; and yet what can be more unrighteous than to tie the hands of a struggling creditor for perhaps three months, and to prevent, during that period, his recovery of his trade debts under £20. In Ireland, a farmer or trader may be seriously inconvenienced or ruined by the return to him, unpaid, of two or three small endorsements sent back to him dishonoured, discounted by him at a bank, or, perhaps, endorsed to a warehouseman at London or Manchester, or a merchant at Dublin, Belfast, or Cork. The bank, by joining two or three bills, or the warehouseman or merchant, by adding a book account, may possibly, in the superior courts, in a fortnight press to execution or bankruptcy against the trader, but the poor creditor is without a remedy until the next Civil Bill Court sits, two or three months off. His debtor may be preparing to abscond, and may be selling his assets, but still the creditor, for a sum less than £20 can do nothing; nor can the endorsee of a bill or note aid him by suing the primary debtor. The statute law, as it stands, provides no county court which sits more frequently than once a quarter, "an annexe" of the quarter sessions criminal court, and yet it imposes a heavy penalty on any creditor who, for a debt of less than £20, dares to sue in the superior courts at Dublin. If the creditor and debtor reside in the same county no costs whatever are recoverable; if in different counties, half costs only can be enforced, the other half the creditor has to pay out of his debt, if he get it, or the whole if the debt be lost. But this is not all. The Civil Bill Court cannot, even on a bill of exchange, promissory note, or cheque, enter a "judgment by default." In the superior courts, no defence is allowed to an action on these negotiable instruments unless by "special leave of a judge." In the inferior court no decree can be granted even in undefended cases without strict proof. Is not this a gross hardship? The evil extends further and higher, and affects even the wealthiest creditors in Ireland and Great Britain. They would gladly use the Irish county courts for recovery of small debts, but they are equally unsuited for their purposes, and they are forced to use the superior courts at Dublin, to the loss of all parties. If the debts be recovered, the debtors are mulcted in half the costs of an expensive suit, the creditors in the other half; if the money be lost, or both parties are in the same county, the creditor has to pay the whole costs. Why are creditors thus forced to abandon the proper tribunal—the Civil Bill Courts?

First—As stated because these courts sit but quarterly.

Secondly—Because throughout Ireland the several courts of the different counties sit *concurrently*, and creditors cannot possibly prove their cases in remote localities on the same day.

Thirdly—Because even on bills, notes, or cheques, the debts must be proved, the courts gives no judgment by default.

Fourthly—Because witnesses expenses are not usually allowed.

Fifthly—Because from the miserable scale of costs allowed, the profession of attorneys cannot generally practice in the Civil Bill Courts.

Debtors and creditors all suffer by the present deplorable system. Before the procedure of the superior courts be further tampered with the Civil Bill tribunal should be reformed. As in England, the judges of these courts, in fixed circuits, should sit once every two or three weeks; a liberal scale of fees should be adopted; and judgment by default should be entered and executions issued "in the office," if no defence filed; and a bankruptcy jurisdiction should be added for small estates. If the county courts be thus amended, and tried for a few years, a better opinion can be formed of the changes of practice required in the superior courts of law I have enquired into the statistics of judgments entered in the law courts for the last two months and find the number of judgments entered from the first January was about 688

Of which there were entered on bonds and warrants, ...	145
Leaving judgments entered in adverse suits,	543
Of these the cases within jurisdiction of the Civil Bill Courts were	331
Leaving of suits not cognizable by the county courts only	212

being at the rate for each court of about 35 judgments monthly, and these chiefly in undefended cases. Of the 331 suits, properly county court cases, half costs only were awarded in 156, and in these a loss of above £500 was imposed on plaintiffs (or, perhaps, on their attorneys) for not suing in courts which are, in truth, unavailable for the purpose, and this loss is quite irrespective of the much larger sum lost in suits wherein writs were issued and served, and which were settled before judgment. It is very obvious that were there in Ireland properly constituted local tribunals for recovery of debts, the reforms in the practice of the Superior Courts of Law would be very different to those now proposed to be effected.

Yours, truly,

March 7th, 1867. HENRY OLDHAM.

THE CIVIL BILL COURTS.

To THE EDITOR OF

"THE IRISH LAW TIMES, AND SOLICITORS' JOURNAL."

SIR—The fourth number of your ably conducted paper having been kindly forwarded to me, I observe in the leading article statements condemnatory of the present mode of executing Civil Bill Decrees under the recent Sheriff's Act, alleging that, owing to the statutes abolishing arrest for debt, and the Act in question, the debts of the county courts have been rendered practically irrecoverable. In the concluding part of the article, you state that you have no doubt this state of things could be amended, and that an improved method of executing decrees could easily be suggested and carried out more satisfactorily to the creditor, and less oppressive to the debtor. You will excuse my taking exception to these statements.

In the first place, I may state that, anxious to give the new machinery every fair trial, I made the best arrangements I could when the Act came into operation, and I can state that, in one county at least, in the first year, there was collected and paid over upwards of four thousand pounds of such debts, and in the last year more than three thousand pounds; and this without being subjected to any action except in cases of disputed claims to goods, which are inevitable, owing

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to a defect which was pointed out to the introducer of the measure, viz., the want of an interpleader section properly applicable to the altered state of the law.

With respect to an improvement in the system which you consider so feasible, you would be conferring a benefit by giving an outline of such amendment, so that it might be well considered; but you must bear in mind that frequent legislation has been tried respecting it. I am far from saying it is perfect; but from long experience, I would say there is one difficulty which appears to me insurmountable, and that is the expense of such collection of small debts which must, as the law at present stands, fall on the debtor. It is necessary to employ as trustworthy and respectable men as can be procured, both for the safety of debtor and creditor. Now, in Ireland, it is well known the very name of bailiff is abhorred, and those bearing it are subjected to all manner of obloquy and reproach. The price of all kinds of labour has very much increased of late, and to induce men to enter on an office so distasteful an extra price must be paid. Hence the difficulty. I know that in most of the counties in Ireland the sheriffs give not only the keeper's fees provided by the Act, but the poundage also (which should be an emolument of their office, and go into their own pockets) to these bailiffs as an inducement for faithful service, and yet most of the irregularities, delays, and complaints arise from the rapacity and negligence of these men, while the trouble of incessantly looking after them falls on the sheriff.

There is but one suggestion that occurs to me, and that one was made to, but rejected by, the framers of the measure, namely, to give plaintiffs the option of still employing special bailiffs, and not driving them to execution by the sheriff. This, and a properly framed interpleader section, would be some improvement.

As it is, if this much abused Act has, in some degree, put a stop to the mischievous system of small credit at usurious profit, I believe it has fulfilled one of the objects for which it was passed, and has proved a real benefit to the poorer classes in Ireland.

Apologizing for trespassing so much on your space,

I am,
Yours obediently,
A Sub-Sheriff.

To the Editor of the "Irish Law Times."

Dear Sir—I have read with much pleasure your able article of 23rd February, on the County Courts of Ireland. I awaited your issue of the 2nd inst. to see if the proposed Bill would remedy the evils complained of. In my humble opinion it does not sufficiently do so.

It proposes only to give jurisdiction in unsettled partnership accounts where the original capital did not exceed £200, and does not provide for a recovery of any claim where the working capital might have exceeded that sum, though the balance sued for might be much less than £40.

By the second clause it requires lodgments to be made in the Bank of Ireland. There are many counties in Ireland, such as this, where there is no branch of this bank; this would therefore be very inconvenient.

The third clause gives a very summary remedy against an innocent debtor to a firm which is altogether unnecessary, and in my opinion, very injurious.

The bill does not propose to give jurisdiction in cases of slander, libel, crim. con., and breach of promise of marriage, which the public much require.

It does not give a remedy by appeal, as suggested by you, nor does it provide for an increased scale of fees; and were the proposed bill put forward by the profession it would be taken to be their only objection to the existing laws which regulate county courts.

I have taken the liberty of forwarding for your consideration a draft bill which I have prepared, and which I fancy will be likely to meet the approval of county court practitioners.

I am, dear Sir, very truly yours.
The Abbey, Roscommon, 7th March, 1867.
Joseph Burke,
Sessional Crown Solicitor.

THE LAW STUDENTS' JOURNAL.

THE SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND,

(Incorporated by Royal Charter.)

INSTRUCTIONS TO APPRENTICES.

1.—Apprentices are informed that the necessity still exists for keeping Terms in Dublin as heretofore, during period of their apprenticeship, and that as the Lectures which they are also required to attend, are delivered by the Professor of Law during each Term, they can thus keep Terms and attend Lectures concurrently.

2.—Each Apprentice must attend two courses of the Lectures delivered by the Professor of Law; each course commences in Michaelmas Term, and is continued during Hilary, Easter, and Trinity Terms, and portions of the respective Vacations; each Apprentice must thus attend *Two Legal Years* of Lectures, each year commencing in Michaelmas Term.

3.—Apprentices are referred for detailed information as to the Lectures, to the 21st of the Rules, made pursuant to the 29 and 30 Vic., c. 84, which states the time of the commencement of each Session, and the number of Lectures to be delivered in each Session; also to the 26th and 27th of said Rules, which specify the courses of Lectures to be attended by each Apprentice, and for which attendance Certificates must be produced, and the Council desire it to be distinctly understood that they will require from Apprentices a strict compliance with said Rules.

4.—A Notice stating the day on which the Lectures of each Session will commence, will be posted previously thereto, in the Entrance Hall of the Solicitors' Buildings, Four Courts, and also published in the *Irish Law Times and Solicitors' Journal.*

5.—Two Lectures in each week of the session are delivered on Tuesday and Friday mornings, commencing at 20 minutes before Ten o'clock, a.m., and lasting for one hour.

6.—All Apprentices bound since the passing of the 29th and 30th Vic., c. 84, are reminded that their Indentures, and all assignments thereof, must be enrolled and registered in, at least, one Law Court, and in the Court of Chancery, in the manner and within the period of Six months next after the execution of said Indentures and Assignments respectively, as set forth in the 12th section of said Act; and that within Three months after such enrolment and registration, they must be produced to the Secretary of the Incorporated Law Society, to be entered by him pursuant to the 29th section, under the penalty upon each Apprentice therein contained.

7.—The period of service of each Apprentice reckons from the day of the date of his Indentures, and no person who shall have been, or shall be bound as an Apprentice, either before or after the passing of the 29 and 30 Vic., c. 84, can get credit for any particular Term, as part of his Apprenticeship, unless his Indentures shall have been executed within, or previous to, said Term.

By Order,
John H Goddard,
Secretary.

Solicitor's Hall, Four Courts, Dublin,
20*th February*, 1867.

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Attorneys' Apprentices who have duly Enrolled their Indentures pursuant to the 29th & 30th Vic., cap. 86, sec. 15.

Date of Enrolment	Name and Abode of Apprentice	To whom bound
1867 Feb. 6th	Henry Frederick Martley, of Sherrington, Co Dublin	Thomas T. Mecredy, 26, South Frederick-street, Dublin
„ 15th	Michael John Dempsey, of Harold's Cross, Co. Dublin	Edward Armstrong Ennis, 97, Capel-street, Dublin
„ 21st	Robert Baylor, of Derryvil-lane, Co. Cork	William Henry Parker, of Roseville, Tallow, Co. Waterford
„ 23rd	James Scully, of Mountmellick, Queen's Co.	John Vincent Horan, 47, York-street, Dublin

THE COURTS, AND COURT PAPERS.

LANDED ESTATES' COURT.

Sittings for the ensuing week, so far as same are at present appointed.

Monday—Before JUDGE LYNCH.

Mary Barry and others, confirm sale. W. O'Keeffe, administrator of Donegan, to allocate. J. R. Uniacke, proposal. R. Taylor, vacate *les pendens.* Assignees of Monaghan, proposal. M. Mullally, objections. R. Glass, explain delay. A. G. Lefroy, to relodge money. Ismenia O'Connor, amend order. Thomas Cuthbert, objections. John Gray, as to conveyance. Thomas Feeney, make order absolute.

Before the EXAMINER to JUDGE DOBBS.

John W. Maher, rental. T. S. Cave, do.

Before MR. URLIN.

T. W. Browne, rental.

Tuesday—Before JUDGE LYNCH.

SALES.

Maurice Flanagan, 5 lots, Counties Meath and Dublin, leases in perpetuity and long terms, profit rent, £524 9s. 4d.

John De Burgh Lynch, 2 lots, County Galway, in fee and long terms, profit rent, £70.

William Bottomly, 1 lot, County Down, fee farm and lease renewable, estimated rent, £213 5s. 3d.

Before the EXAMINER to JUDGE DOBBS.

James Sargent, rental. John Stafford and another, do.

Before MR. URLIN.

Cantwell, administratrix of Lynch, rental. Thomas Stott and others, draft schedule.

Wednesday—Before the EXAMINER to JUDGE LYNCH.

M. M. Pyne and others, rental.

Thursday.—SALE AT MAGHERAFELT.

Estate of Sir Richard Griffith, 1 lot, County Londonderry, fee and fee farm, profit rent, £193 1s. 11d.

Before MR. URLIN.

T. Conolly, rental.

Friday—Before the EXAMINER to JUDGE DOBBS.

James Gibson, rental.

Before MR. URLIN.

J. Mulligan, from 15th inst.

Saturday—Before the EXAMINER to JUDGE DOBBS.

John Canny and others, rental.

LANDED ESTATES COURT—MARCH 12.

Sale.

Before JUDGE LYNCH.

COUNTY OF KERRY.

Estate of Michael Murphy and Charles Henry James, assignees of Thomas Roche Rice, an insolvent debtor, owners; Ellen O'Brien, petitioner.

An undivided moiety of the lands of Breenreigh, barony of Clanmorris, held under lease from 1861 for two lives; net rent, £37. Sold to Mr. A. D. Kennedy for £155. *James D. Meldon and Sons*, solicitors.

LANDED ESTATES' COURT.

PETITIONS FILED, *from 9th to 15th March*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE £ s. d.	SOLICITOR	JUDGE
March 9	3763	Francis Chinnery and others	*F. R. Browne*	Cork	*Not given*	*Thos. T. Mecredy*	Dobbs
„ 11	3764	Robt. Cooper and H. J. Sibthorpe, Trustees of Settlement of John Meyler and Wife	*The Owners*	Dublin	260 13 10	*J. M. Williamson*	Lynch
„ 13	3765	Henry Courtney and others, next of kin of Richard Courtney, deceased.	*The Owners*	Dublin	620 8 11	*Cathcart & Hemphill*	Dobbs
„ 14	3152A	Francis W. Hamilton and others	*Supplemental Petition to appoint Trustees of Anne Hamilton*	—	—	*L'Estrange & Brett*	Lynch
„ 15	3766	John M'Carragher	*Charles M'Kenna*	Armagh	*Not given*	*George C. Cochrane*	Lynch
„	2974A	John Stanley & others	*B. Winterborn and others, Supplemental Petition for Sale*	Belfast	20 15 9	*Wm. M. Collins*	Dobbs

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
March 18	12 o'clock	Private arrangement	To vouch assignee's account	*Findlater & Collins*
"	"	Nolan, Patrick	To tax costs	*Madden*
"	"	Parks, J. E.	do.	*Bell*
		Tuesday. Before the COURT.		
March 19	11 o'clock	Doyle, John	Final Examination	*Hamilton & Craig*
"	"	Sullivan, Michael	do.	*Perry*
"	"	Clarkin, Joseph	do.	*O'Rorke & Neilson.*
"	"	Sharpe, Thomas	Composition	*Larkin.*
"	"	Arrangement	1st sitting	*Hone & Son*
"	"	Adjudication		*Oldham*
"	"	Arrangement	2nd sitting	*Courtney*
"	"	Do.	1st sitting	*Larkin*
"	"	Do.	2nd sitting	*Dodd*
"	"	Shaw, Samuel	Audit and dividend	*Larkin*
"	"	Goodwin, John	do.	*Larkin*
"	"	Barry and Rumley	Certificate	*Oldham*
		Thursday. Before Mr. BRADY, Chief Registrar.		
March 21	12 o'clock	Carlisle, Robert Tomlinson,	Proof of debts & vouch assignee's acct.	*Weldon*
"	"	Hall, Thomas M.	do. do.	*Meldon*
"	"	Arrangement	do. do.	*Walsh*
"	"	Do.	do. do.	*Goff*
"	"	Do.	do. do.	*Larkin*
		Friday. Before the COURT.		
March 22	11 o'clock	Sheehy, Jas.	Final examination	*Cleary*
"	"	Bingham, Patrick	do.	*Bloomfield & Leahy*
"	"	Pickering, Samuel,	do.	*Larkin*
"	"	Reilly, James William	do.	*Larkin*
"	"	Berry, Thomas	do.	*Larkin*
"	"	Weir, William George	Sur., prove debts, and choose assignee	*Johns, Hewitt, and Johns*
"	"	Arrangement	1st Sitting	*Findlater & Collins*
"	"	Do.	do.	*Mathews*
"	"	Nolan, Patrick	Audit and dividend	*Langan*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
12th March,	Bell, Thos. H. M., Waring-street, Belfast, commission agent,	Wellington Darley, Ardee-street, Dublin, brewer,	*Bradley*
15th March,	Coffey, Laurence, 15, Lower Gloucester-place, Dublin, grocer,	Patk. Smith, Montgomery-street, Dublin, grocer,	*Casey and Clay*

BANKRUPTS.

Redmond, John, of Grange, Loughgall, in the county of Armagh, linen manufacturer. Petition filed March 7, 1867. To surrender Tuesday, March 26, and Friday, April 12. C. H. James, Official Assignee. Solicitor, *Atkinson*.

Stewart, James Robert, of the town of Longford, in the county of Longford, draper. Petition filed March 7, 1867. To surrender Tuesday, March 26, and Friday, April 12. C. H. James, Official Assignee. Solicitor, *Stuart*.

Tackaberry, William, of New Ross, in the county of Wexford, draper. Petition filed March 9, 1867. To surrender Tuesday, March 26, and Friday, April 12. C. H. James, Official Assignee. Solicitor, *Leachman*.

Taylor, Alexander O'Driscoll, of Victoria-street, in the town of Belfast, yarn and linen merchant. Petition filed March 7, 1867. To surrender Friday, March 22, and Tuesday, April 9. C. H. James, Official Assignee. Solicitors, *T. B. Johnson* and *Thomas Lynch*.

Weir, William George, of Belfast, in the county of Antrim, merchant. Petition filed March 1, 1867. To surrender Friday, March 22, and Tuesday, April 9. C. H. James, Official Assignee. Solicitors, *Johns, Hewitt, and Johns*.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before MR. FARRELL, Chief Clerk.		
March 18	12 o'clock	John Hutchings	Proof of debts	*Macnally*
”	”	Malachi Hogan	do.	*Merrick*
”	1 o'clock	James Wilson	To settle title	*Armstrong*
		Tuesday.		
March 19	12 o'clock	Bridget Jane O'Meara	To tax costs	*Macnally*
”	”	Robert Rogers	do.	*Macnally*
”	”	Charles Peter Gavin	do.	*West*
		Wednesday. Before the COURT.		
March 20	11 o'clock	Bridget Jane O'Meara	Audit and dividend	*Macnally*
”	”	Robert Rogers	do.	*Macnally*
”	”	Charles Peter Gavin	do.	*West*
”	”	John Dunne	Adjourned audit and dividend	*Macnally*
”	”	John Roney	To confirm sale	*Wallace & Co.*
”	”	Margaret White	Notice of motion	*Rynd*
”	”	Conyngham Moore	Hearing of petition	*Rynd*
”	”	Michael Byrne	do.	*Graves*
”	”	William Shea	do.	*Rynd*
”	”	Andrew Lawson	do.	*Graves*
”	”	Frederick Clarke	Adjourned hearing	*Graves*
”	”	Andrew Frederick Thunder	do.	*Rynd*
”	12 o'clock	Peter Neill	Sale	*Henegan*
		Thursday. Before Mr. FARRELL, Chief Clerk.		
March 21	12 o'clock	John Albert Mons	Proof of debts	*Casey & Clay*
		Before the COURT.		
March 22	11 o'clock	Friday.	Bail motions only	
		Saturday. Before Mr. FARRELL, Chief Clerk.		
March 23	12 o'clock	John Hutchings	To vouch assignee's account	*Macnally*
”	”	Daniel Murray	do.	*Macnally*

CASES DISPOSED OF.

Wednesday, March, 13th, 1867.

Before JUDGE MILLER.

Clinch, Philip. Remanded for three months, from 26th January, 1867, at suit of Richard Joseph Devitt, a creditor.

Gaskin, James John. Adjourned to Wednesday, April 17th, 1867.

Milligan, Alexander. Discharged.

Schürr, Rev. Felix. Order for hearing, discharged.

Thunder, Andrew Frederick. Adjourned to Wednesday, March 20, 1867.

INSOLVENTS DISCHARGED ON BAIL until the day of Hearing their petitions.

Barry, James, Dublin, helper in coach factory.

M'Vittie, John Thomas, co. Monaghan, yeoman.

O'Hare, Patrick, Newry, not in business.

Power, Michael, Waterford, lodging-house keeper.

INSOLVENTS.

To be heard in Dublin.

Barry, James, of Werburgh-street, city of Dublin, helper in coach factory; his wife carrying on business as dealer in green grocery. Hearing at Four Courts, Wednesday, April 3, at 11. Solr., *Graves.*

Reddy, John, of Nottingham-parade, North-strand, city of Dublin; previously of Preston-street, in said city, coach-smith. Hearing at Four Courts, Wednesday, March 27, at 11. Solr., *M'Kenny.*

To be heard in the Country.

Brown, John, of Banbridge, co. Down, publican. Hearing at Downpatrick, March 30, at 10. Solr., *Evans.*

Conroy, Francis, of Ballygowan, co. of Galway, farm assistant. Hearing at Galway, April 8, at 10. Solr., *M'Namara.*

Crawford, Nathaniel, of Dundooan, co. of Londonderry, farmer. Hearing at Londonderry, March 26, at 10. Solr., *Proctor.*

Faulks, Alfred, of Hillsborough, co. Down, hotel-keeper and farmer. Hearing at Downpatrick, March 30, at 10. Solr., *Evans.*

Guy, James, of Goland, previously of Ganvaughan, both in in the co. of Tyrone, labourer; formerly of Monnellan, co. Donegal, farmer and corn-mill owner. Hearing at Omagh, April 5, at 10. Solr., *Dickie.*

Hoare, Francis, of Athlone, co. Westmeath, coachbuilder. Hearing at Mullingar, April 2, at 12. Solr., *Macnally.*

Sullivan, James, of the Glen Mills, Blackpool, borough of Cork, miller. Hearing at Cork, April 15, at 10. Solr., *Graves.*

Thorne, William Romaine, of Coleraine, co. Londonderry, news agent, emigration agent, and tea dealer. Hearing at Londonderry, March 26, at 10. Solr., *Proctor.*

DISSOLUTIONS OF PARTNERSHIP.

Between James Boyd Beatty, James Johnston, and Wesley Johnston, linen manufacturers and merchants, No. 11, Waring-street, Belfast, trading as "James Johnston and Co." Debts by James Johnston and Wesley Johnston.

Between Richard Wilkinson and Robert Smith, trading as "Wilkinson and Smith," cattle salesmasters, Smithfield, Dublin.

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DUBLIN STOCK AND SHARE LIST.

MARCH

DESCRIPTION OF STOCK	Saturday 9	Monday 11	Tuesday 12	Wednesday 13	Thursday 14	Friday 15
Government Funds.						
New Three per Cent. Stock,	89 88⅞	89⅛	89¼ ⅜	89⅜ ½	89½ ⅜	89⅝ ½
Ditto for Account, 7th March	—	—	—	—	—	—
Ditto for Account, 10th April	—	—	89⅝ ½	89½ ⅝	89⅝ ½	89⅝
Three per Cent. Consols	90⅛	—	90⅝	90⅜	90⅝	90⅝ ½
Foreign and Colonial Funds.						
India Five per Cent. Stock	107	107½	107⅜	107¼	107⅜	—
Joint-Stock Banks.						
Bank of Ireland, £100 pd	—	235	—	235	—	234
Hibernian Bank, £25 pd	—	—	37	—	—	36⅞
Munster Bank (Lmtd.), £3 10s pd	—	—	4⅛	4⅛	4⅛ 4	—
Ditto for Account	—	4½	—	—	—	—
National Bank, £30 pd	63	—	62⅞ ½	63	63½ ¼	63½ ¾ ⅞
Ditto for Account	—	64½ ⅜	—	—	—	63½ 64 63⅞
National of Liverpool (Lmtd.), £15 pd	14⅛	—	14¼	14	14	—
Provincial Bank, £25 pd	—	—	84	—	—	—
Ditto, New, (pd £10)	—	—	—	—	—	—
Royal Bank, £10 pd	33¼	—	33 33⅛	33⅛	32½ ⅝ ex div	32⅝ ex div
Ditto for Account	—	—	—	—	—	—
Ulster Banking Company, £2 10s pd	—	—	—	—	—	—
Union Bank, £22 pd	—	13½	—	—	14	14
Steam.						
British and Irish, £50 pd	—	—	—	—	—	48
City of Dublin, £100 pd	98½	—	—	98	—	97½
Dub. & L'pool St. Ship Build., £50 pd (rd)	51⅞	—	—	51¾	—	52
Dub. and Glasgow, £50 pd	—	—	—	—	—	—
Dundalk (Limited), £10 pd	—	—	—	—	7½	—
Peninsular and Oriental, £50 pd	—	—	—	—	—	—
Mines.						
Carysfort (Lmtd.), 30s pd	—	—	—	—	—	—
Ditto for New Account	—	—	—	—	—	—
Connorree M. Co. (Lmtd.), 20s pd	—	—	—	—	—	—
Ditto for Account	—	—	—	—	—	—
Gen. M. Co. (Lmtd.), £5 10s pd	—	—	—	—	2½	—
Ditto for Account	—	—	—	—	—	—
Killaloe Slate Co. (Lmtd.), £1 pd	—	—	—	—	—	—
Mining Co. of Ireland, £7 pd	—	16⅞	16½ ⅜ ⅝	—	—	16⅞
Ditto for Account	—	—	—	—	17	—
Wicklow Copper, £2 10s pd	—	24	23⅞	23⅞ 24	—	—
Ditto for Account	—	—	—	—	23⅞	23⅞
Miscellaneous.						
Alliance and Consumers' Gas, £8 pd A	—	9½	—	—	9⅝ ½	—
Alliance and Consumers' Gas, £5 pd B	—	—	5½	5½	5½	—
Ditto for Account	—	—	—	—	—	—
Alliance and Consumers' Gas, £4 pd 2 C	—	—	—	—	4½	—
City of Dublin Brewery Co. (Lim.), £7 pd	—	—	—	—	—	—
Dub. Exhib. Palace (Lmtd.), £5 pd	—	—	—	—	—	—
Grand Canal, £100 pd	—	—	46½	—	—	—
Patriotic Insurance, £10 pd	8⅞	—	—	—	—	—
National Insurance, £25 pd	—	—	—	—	—	—
Gresham Hotel Co. (Lim.), pd £5	—	—	—	—	—	—
Railways.						
Belfast and Northern Counties, £50 pd	44	—	—	44	44½	—
Cork and Bandon, 50 pd	—	11	—	—	—	—
Dublin and Belfast Junction, £100 pd	—	—	70½	70½	—	—
Dublin and Kingstown, £100 pd	194½	—	—	—	—	—
Dublin and Drogheda, £100 pd	—	77½	—	—	—	—
Dublin, Wicklow, and Wexford, £100 pd	—	—	40	—	40	—
Ditto for Account	—	—	—	—	—	40
Great Northern and Western, £10 pd	—	—	—	—	—	—
Great Southern and Western, £100 pd	90	—	89½	89½	—	89½
Ditto for Account	—	90	—	—	—	—
Midland Great Western, £100 pd	—	—	—	58½	—	58½
Ditto for Account	—	—	—	—	—	—
Waterford and Limerick, £50 pd	—	—	89½	—	—	—
Railway Preference.						
Belfast and N. Counties, 4 p c pp, £100 pd	—	—	—	—	—	—
Cork and Bandon, 5½ p c pl £6 5s	—	—	—	—	—	—
Dub., Wick., and Wex., 4 p c pr, £100 pd	—	—	—	—	—	—
Dub., Wick., and Wex., 5 p c £50 pd rd	—	47	—	—	—	47
Dub., Wick., and Wex., 5 p c (1865) pd £10	—	—	—	—	—	—
Gt. South. and Westn. 4 p c pp £100 pd	—	92¾	93	93	—	—
Irish N. Western, 5 p c pp, £10 pd, A	—	—	—	—	—	—
Midland Great Western, 5 p c, £100 pd	—	—	—	—	—	—
Portadown, Dungannon, &c., 6 p c, £25 pd	—	—	—	—	—	—
Watfrd. and Limk. 5 p c pd £50	—	—	—	—	—	—
Dublin & Drogheda, 5 p c rd, 1868, £25 pd	—	—	—	—	—	—
Waterford and Kilkenny, 6 p c rd, £100 pd	—	—	—	50	—	—
Railway Debentures.						
Gt. South. and Wn., 4½ per cent.,	—	—	—	—	—	—
Midland Great Western 5 per cent.,	—	—	—	—	—	—
Ditto 4½ per cent	—	—	—	—	—	—
Dublin and Kingstown	94	—	—	—	—	—
Local Debentures.						
Ballast Office Debentures, £92 6s 2d	—	—	—	—	—	—
City Debentures, £92 6s 2d	—	—	—	—	—	—

Name Day—28th March. Account Day—29th March.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

FOLEY—March 2, at No. 2, Lansdown-road, the wife of Edward Green Foley, Esq., solicitor, of a son.

MARRIAGES.

DALY and BELLEW—March 2, at the Catholic Church of St. Michan, North Anne-street, Dublin, by the Very Rev. Canon M'Mahon, P.P., Vesey Daly, Esq., 21, Eccles-street, Dublin, to Barbara, daughter of the late Sir Michael Dillon Bellew, of Mount Bellew House, County of Galway, baronet.

DEATHS.

BERNARD—March 3, at Laranda, Grosvenor-road, Rathmines, John, the infant son of George Bernard, Esq., solicitor.

DELANY—March 6, at 3, St. Alban's-terrace, North Circular-road, Mr. Valentine Delany, aged 81 years, for 57 years librarian to the Law Library, Four Courts.

SIMPSON—February 27, at Leeson Park, Elizabeth, eldest daughter of the late Thomas Trant Simpson, Esq., barrister-at-law.

JOHN FALCONER,

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☞ Contracts entered into with the Guardians, for supplying all the necessary Books, Forms, and Stationery required by Poor Law Unions.

RENTALS, &c.

SOLICITOR'S having the Carriage of Sales of Property in the Landed Estates' Court, are respectfully informed that they can have their Printing executed correctly, and with the utmost despatch.

LANDED ESTATES' COURT.

COUNTY OF MONAGHAN.

FEE-SIMPLE, FEE-FARM ESTATES, AND FEE-FARM RENTS.

In the Matter of the Estate of

ANDRE ALLEN MURRAY KER, and MARY ANNE KER, otherwise FOSTER, his Wife, Owners and Petitioners.

TO BE SOLD, before the Honourable Judge Lynch, at his Court, Landed Estates' Court, Inns'-quay, in the City of Dublin, on TUESDAY, the 7th day of MAY, 1867, at the hour of Twelve o'clock noon, the undermentioned well-circumstanced Fee-Simple, Fee-Farm Estates, and Fee-Farm Rents:—

No. of Lot	County and Barony	Townland	Acreable Contents, Statute Measure (A. R. P.)	Net Yearly Rental (£ s. d.)	Griffith's Valuation (£ s. d.)	Tenure of each Lot
1	Monaghan—Dartree, ...	Corramegan (part of)	124 2 14	74 2 9	75 0 0	Fee-Simple
2	" Cremorne, ...	Shantonagh (do.)	145 3 27	130 0 4	157 10 0	Fee-Simple
3	" "	Lisgorran (do.)	96 0 21	76 5 4	73 0 0	Fee-Simple
4	" "	Drumskelt (do.)	256 1 8	164 18 1	178 5 0	Fee-Farm
5	" "	Drumfaldra (do.) (Fee-Farm Rents)	55 0 35	29 18 9	153 0 0	Fee-Farm
		Total, ...	678 0 25	475 5 3	636 15 0	

Dated this 12th day of March, 1867.

HENRY ROBERT GREENE, Chief Clerk.

TOWNLEY WM. HARDMAN, Solicitor.

Proposals for the purchase of all or any of the Lots will be received by the Solicitor having the carriage of the Sale, up to the 15th day of April next, and if approved of will be submitted to the Honourable Judge Lynch, for acceptance.

The above Lands are well circumstanced in all respects, and are situate within a few miles of Clones, Ballybay, and Newbliss, all important towns, where markets for flax, corn, butter, and pork (the principal agricultural produce in that part of the country) are constantly held. There are also Railway Stations at each of these towns. The Lands are Let at moderate rents, and are occupied by a solvent and industrious class of tenantry, who have considerable interest in their holdings. The Lands comprise both tillage and pasture, and are, for the most part, of good average quality.

LOT 1.

This townland is situate in the parish of Aghabog, in the Monaghan Union, and lies about four miles from Clones, and two of Newbliss.

LOTS 2, 3, and 4.

These Lots are respectively situate in the Parishes of Ballybay and Aughnamullen, in the Unions of Castleblayney and Cootehill, in the immediate proximity of Ballybay, and are intersected by the "Irish North Western," and "Cootehill and Ballybay" lines of Railway.

The Junction Station of these lines being upon Lot 2 (Shantonagh). On Lot 2 there is an excellent corn and flax mill in full working order, with an abundant water power.

LOT 5.

This Lot consists of two Fee-Farm Rents, payable out of the Lands of Drumfaldra, situate in the parish of Aughnamullen and Cootehill Union, about two miles from Ballybay. The tenant has a very valuable interest in these Lands, on which have been erected a first class dwelling house, and two extensive corn mills, for the working of which there is an abundant supply of water.

For Rentals Maps, and all further particulars apply at the Landed Estates' Court, Four Courts, Dublin; to

ANDRE ALLEN MURRAY KER, Esq., Newbliss House, Newbliss; or to

TOWNLEY WILLIAM HARDMAN, Solicitor for the Owners and Petitioners, having the carriage of the Sale, No. 22, Bachelor's-walk, Dublin.

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MONEY.

TO BE LENT £1,200, £1,000, or two sums of £500. Apply to ROBERT EAMES, Solicitor, 7, Hume-street.

ELIGIBLE INVESTMENT.

TO BE SOLD BY PRIVATE CONTRACT.

THE interest in the Lease of the Plots of Ground on the South side of Rathgar-road, known as Belleville, on which six Houses have been built and three Cottages, with the Plot of Ground opposite thereto in Belleville-avenue.

The entire are held under two leases for the residues of terms of above 900 years, at the yearly rent of £54, and are at present let at rents amounting in the whole to £386 per annum.

For Rentals and further particulars apply to
HENRY OLDHAM, Solicitor, 42, Fleet-street.

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Sold in neat Metal Box (containing One Dozen Pens), with suitable Holder, for 1s.

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WHOLESALE AND RETAIL STATIONERS,
7, GRAFTON-STREET,
(Six Doors from Nassau-street).

ATTORNEYS APPRENTICES.—Final Examination. A Candidate would join others in forming an Evening Class to read over the business with the aid of a competent instructor. Address, X, Office of this paper.

TOWN AGENT.

WANTED a Town Agent, to act for a Solicitor of respectability; must be a Solicitor, able to make Quarterly Advances, and to Instruct an Apprentice in the profession. A separate Office would be preferred. Address, XXX, Office of THE IRISH LAW TIMES, 53, Upper Sackville-street.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
THOMAS FINLAY,
Trustee and Executor of the Will of OLIVER CRAMER, deceased,
Petitioner;
RICHARD WESTENRA, SUSAN POWELL, MORRIS FOX, ANNE FOX, EMILY BOUCHER, and EDWARD BOUCHER,
Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of OLIVER CRAMER, late of Lower Sherrard-street, in the City of Dublin, Esq., deceased, on or before the 6th day of APRIL next, to furnish, in writing, to THOMAS FINLAY, of Castle-avenue, Clontarf, in the County of Dublin, Esq., or to the undersigned his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Claims affecting the real and freehold Estate of the said Oliver Cramer, to file same at my Chambers, Inns-quay, in the city of Dublin, on or before the 27th day of April next, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1857.

Dated this 5th day of March, 1867.

E. LITTON, Master in Chancery.

TOWNLEY WILLIAM HARDMAN, Solicitor for the Petitioner, No. 22, Bachelor's-walk, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS AND NEXT OF KIN.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
JONATHAN PIM, WILLIAM HARVEY PIM, THOMAS PIM, THOMAS PIM, JUNIOR, JOSEPH TODHUNTER PIM, and FREDERICK WILLIAM PIM,
Petitioners;
SAMUEL JOHNSTON,
Respondent.

I HEREBY require all persons claiming to be Creditors or next of Kin of SAMUEL CHARLES JOHNSTON, late of Carigallen, in the County of Leitrim, Draper, deceased, on or before the 18th day of APRIL, 1867, to furnish, in writing, to SAMUEL JOHNSTON, of Cornofean, Crosdoney, in the County of Cavan, the Respondent in this Matter; or to Messrs. JAMES and JOHN ARMSTRONG, of 106, Lower Gardiner-street, Dublin, his Solicitors, the amount and particulars of their several demands (accompanied, in the case of simple contract debts, by a statement of the consideration of such debts), in order that the Respondent may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 11th day of March, 1867.

J. J. MURPHY, Master in Chancery.

MOLLOY & WATSON, Solicitors for Petitioners, No. 18, Eustace-stteet, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
MICHAEL SULLIVAN,
of Milltown Malbay, in the County of Clare, Grocer and Spirit Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 19th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 7th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

MICHAEL MURPHY, Esq., Official Assignee, No. 33, Upper Ormond-quay Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
HUMPHREY RYNHART,
of Ferns, in the County of Wexford, Farmer, Grocer, and Shopkeeper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 26th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 8th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

WM. HOLMES BATT, Agent to the Bankruptcy, No. 50, Fleet-street, Dublin.

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay.

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COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

SALE OF TWO COMPACT DWELLING-HOUSES AND BUILDING GROUND AT RATHGAR.

In the Matter of
EDWARD CAHILL,
of Aungier-street, in the City of Dublin, Builder, a Bankrupt.

TO BE SOLD BY AUCTION, by order and subject to the approval of the said Court, at the said Court of Bankruptcy and Insolvency, Four Courts, Dublin, on FRIDAY, the 5th day of APRIL, 1867, at the hour of One o'clock in the afternoon, all the Estate, Right, Title, and Interest of said Bankrupt and his Assignees of, in, and to the equity of redemption in all that Lot, Piece, or Parcel of Ground, being part of the Lands of Rathgar, situate in the Parish of Rathfarnham, Barony of Rathdown, and County of Dublin, containing in front to Brighton-avenue 158 feet or thereabouts, and facing the Harold's Cross road 142 feet or thereabouts, bounded on the north-east by a plot of ground in possession of John Dudley, and on the south-east by Kenilworth-avenue, on the north-west by Harold's Cross road, and on the south-west by the new road or avenue from Harold's Cross road to Brighton-square, held under an Indenture of Lease, dated 13th day of April, 1864, for a term of 890 years, at a yearly rent of £26 5s., payable half-yearly; together with the two new Dwelling-houses and Out-offices which have been lately erected on part of the ground called and known as Nos. 1 and 2, Brighton-terrace.

The Vendors will sell subject to a mortgage of £300, dated 17th June, 1864, to be repaid in 14 years by half-yearly payments, on the dates and in manner therein mentioned, and in respect of which the Vendors will discharge all payments due prior to date of the sale.

Dated this 14th day of March, 1867.

CHEYNE BRADY, Chief Registrar.

DESCRIPTIVE PARTICULARS.

Mr. Cahill has erected on the above premises two handsome two-story houses, at a cost of about £800, which are most advantageously circumstanced in one of the best localities in Rathgar. There is ground suitable for the building of three other houses, and with a trifling outlay a very handsome property can be made.

The charge of the Mortgagees is only payable by instalments of £35 11s. a-year, without interest, which a purchaser will have the advantage of.

For Conditions of Sale and further particulars apply to

MICHAEL LARKIN, Agent to the Bankruptcy, having Carriage of Sale, 1, Merchants'-quay;
LUCIUS H. DEERING, Official Assignee, 33, Upper Ormond-quay; or to
THOMAS DILLON, Auctioneer, Bachelor's-walk, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
JAMES ALEXANDER,
of High-street, in the City of Dublin, Grocer, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 4th day of APRIL, 1867, at the hour of Twelve o'clock noon, for admission and proof of debts, and to vouch the Assignee's Account. And a Public Sitting will be held before the Court, on FRIDAY, the 26th day of APRIL, 1867, at the hour of Eleven o'clock forenoon, to Audit the Assignee's Account, and make a Dividend of the Bankrupt's Estate in this Matter, whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 11th day of March, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.
MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
THOMAS HANNIGAN,
of Dungarvan, in the County of Waterford, Draper, a Bankrupt.

A PUBLIC Sitting will he held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 11th day of APRIL, 1867, at the hour of Twelve o'clock noon, for Admission and Proof of Debts, and to Vouch the Assignee's Account. And a Public Sitting will be held before the Court on FRIDAY, the 26th day of APRIL, 1867, at the hour of Eleven o'clock forenoon, to Audit the Assignee's Account, and make a Dividend of the Bankrupt's Estate in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 13th day of March, 1867.

CHEYNE BRADY, Chief Registrar.

MICHAEL MURPHY, Official Assignee, No. 33, Upper Ormond-quay, Dublin.
JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
ALEXANDER O'DRISCOLL TAYLOR,
of Victoria-street, in the Town of Belfast, Yarn and Linen Merchant, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 22nd day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 9th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

T. B. JOHNSON & THOS. LYNCH, Agents to the Bankruptcy, No. 23, Middle Gardiner-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
WILLIAM TACKABERRY,
of New Ross, in the County of Wexford, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 26th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to C. H. JAMES, Esq., Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 14th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

HENRY F. LEACHMAN, Agent to the Bankruptcy, No. 43, Dame-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
JOHN COLLINS HENNESSY,
of Grace Dieu, or Gibbet Hill, in the County of Waterford, Wine Merchant, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 26th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 13th day of March, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

CRONHELM & LETT, Agents to the Bankruptcy, No. 9, Eustace-street, Dublin.
CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

STATUTORY NOTICE.

In the Matter of the Goods of
PATRICK HEALY,
late of Coolderry, in the County of Roscommon, Farmer, deceased.

NOTICE is hereby given, pursuant to the statute made and passed in the 22nd and 23rd years of the Reign of Her Majesty, Queen Victoria, cap. 35, entitled "An Act to Further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors, or otherwise to have any claims against the Estate of PATRICK HEALY, late of Coolderry, in the County of Roscommon, Farmer, deceased—who died on the 1st day of August, 1866—are hereby required, on or before the 13th day of MAY next, to furnish to JOHN BEIRNE, the Executor, who has obtained probate of the Will, at the office of JOSEPH BURKE, his Solicitor, No. 12, Blessington-street, Dublin, or The Abbey, Roscommon, the particulars of all such claims, or in default thereof, the said John Beirne, the Executor, will distribute the assets of the said Patrick Healy, deceased, among the parties entitled thereto.

Dated this 13th day of March, 1867.

JOSEPH BURKE, Solicitor for said Executor, No. 12, Blessington-street, Dublin; and the Abbey, Roscommon.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, March 16, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 8.] SATURDAY, MARCH 23, 1867. {Single Copy, 6d. By Post, 7d.}

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office*, 53, *Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MARCH 23, 1867.

WE believe we may now at length congratulate the public and the profession on the prospect of the Bill for the Amendment of the Practice of the Court of Chancery becoming law. After a fitful fever, it sleeps well and seems likely to pass through the ordeal of Committee without encountering the motions for adjournments or the other devices of party warfare, by which its passage through the House has been hitherto obstructed. We trust that the measure for the reform of the Practice of the Courts of Law will not be suffered to lag behind the sister Act; and that, although the Bill introduced for the purpose by the Government does not involve the creation of patronage, yet that no time will be lost in giving effect to so necessary a reform, and one supported by the unanimous opinion of both branches of the legal profession.

The Irish Common Law Procedure Act of 1853 is, we believe, one of the most curious, and when the circumstances under which it became law are considered, one of the most unaccountable pieces of legislation that has ever appeared on the Statute Book. In the year 1850 the First Report of the English Common Law Commissioners was presented. When we state that this document bore the signatures of Sir John Jervis, the late Chief Justice of the Common Pleas, of Baron Martin, Baron Bramwell, and Mr. Justice Willes, we have said everything which we should have thought was necessary to render the recommendations contained in this Report deserving the respectful consideration of every lawyer; and when we add that the measure 15 & 16 Vic., c. 76, in which these recommendations are embodied, was prepared under the immediate superintendence of the present Mr. Justice Willes (then the most distinguished lawyer at the Common Law Bar of England), we should have thought we had given a sufficient reason why that Act might have been accepted as a model for a similar Act in this country. This, however, was not to be—something original must be produced, and accordingly without even inviting the opinion of the Irish Bench, or either of the branches of the Legal Profession in this country on the subject, the recommendations of the English Commission were set aside, and the Irish Common Law Procedure Act of 1853 was introduced on the sole authority of the Crown Officers of the day, and under their auspices became law. The measure has now been in operation for over thirteen years, during which period there has been ample opportunity of testing its value as a measure of legal

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reform; and we believe we are but recording the unanimous opinion of both branches of the profession in saying that in all the essential points in which the Irish Common Law Procedure Act differs from the English the former has been a complete miscarriage.

The first alleged improvement introduced by the Irish Common Law Procedure Act, of 1853, was the abolition of the writ of summons for the commencement of an action, and the incorporation of the writ and declaration with the summons and plaint. We believe that the system of incorporating the writ and declaration, and thus requiring a plaintiff to state his entire cause of action in the first instance, is a serious mistake. In many instances a plaintiff has only a short and unexpected opportunity of serving a writ upon his opponent, which will, in all probability, be lost if he is obliged to wait until a formal statement of his complaint can be prepared in the form of a summons and plaint. The experience of older practitioners will attest the fact that when actions were commenced by writ the necessity for a pleading did not arise in one out of a dozen cases, and that the power of lodging money on appearance is a vast saving of time and expense. The first important improvement in the existing practice will be to assimilate, in this particular, the practice in Ireland to that which now exists in England.

A most essential feature of English Common Law Pleading, and one by which it is distinguished from all other systems of judicature, has been that the pleadings should be so conducted as to develop some question or issue, whether of law or fact, by the effect of the reciprocal allegations of the contending parties, and to agree upon this question as the point for decison in the cause. This important feature of English jurisprudence, which was carefully preserved by the English Act, was by the Irish Act obliterated from the rules of pleading, with the object, as the author of the measure stated in his speech in introducing it, "of having a simple question, which, under the existing system, would be buried under a mass of paper, stated in a small compass." "Quid dignum tanto feret hic promissor hiatu." We believe the experience of every person conversant with proceedings in the Common Law Courts of this country is that the system of developing the questions to be tried by issues to be settled by a Judge in Chamber, has been to produce for the first time the very evil so strongly deprecated by the author of the measure, and to introduce into Common Law Pleadings an amount of prolixity and confusion which was unknown before. One essential feature of the New Common Law Act is to restore the old rule of pleading in this respect. The parties will, henceforth, be bound to conduct their allegations on the record in such a manner as to arrive at some assertion of fact or law at one side, and a denial of it on the other. We believe this will be felt by both branches of the profession to be a vast improvement on the existing practice. We shall no longer witness the scandal of thirty or forty issues being submitted to the jury—which the jury state they are unable, and the Judge informs them they are not required to understand. Neither shall we have to deplore the frequent miscarriages of justice which arise from a judge who is ignorant of the case settling in Chamber, in presence of counsel, who are usually at this stage of the proceedings imperfectly instructed as to the facts, an issue, upon the form of which the whole result of the case may afterwards be found to depend.

The next important feature in the new Bill is the restoration of local venues. At present the power of selecting a venue, the most inconvenient to the defendant, is constantly resorted to for the purpose of injustice and oppression. The only course open to a defendant who wishes to escape the consequences of this oppressive power, vested in the plaintiff, is by a special application to the Court. This preliminary contest, in which the Court is required to decide to which side the balance of inconvenience inclines, always involves expense, and frequently results in the Court refusing the motion, on the ground that the plaintiff has the right to select his own venue, and that the facts deposed to on behalf of the defendant do not sufficiently displace this right. The Common Law Bill proposes to restore local venues—that is, that actions for trying rights of way or watercourses, actions of trespass to lands, and the like, shall be tried in the locality where the evidence applicable to the case can most readily be found; at the same time giving to the Court the power to change the venue in case the balance of convenience inclines to the selection of some other county. It further enables the Court, in cases in which a view may be necessary, to provide for a view being had out of the county in which the venue is laid. A case recently tried in Dublin in the Court of Exchequer at enormous expense and with no result, arising out of a disputed right to water, which might have been settled in half an hour by an inspection of the premises, sufficiently illustrates the evils of the existing system in respect of venues, and the value of the proposed alterations. Our space forbids us to pursue the subject further at present, but we shall take an early opportunity of reverting to the Government Bill, and some of the most important improvements which we consider it will effect in the existing system of pleading and practice.

Mr. Ralph Earle, the Secretary to the Poor Law Board, has tendered his resignation to Lord Derby.

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CURRENT TOPICS.

RESIGNATION OF THE LORD CHANCELLOR.

The resignation of the Right Hon. Francis Blackburne on yesterday was positively announced. We subjoin a few particulars of his eventful career. He was born at Footstown, in the county of Meath, and received the rudiments of his education in the village of Dunshaughlin. Owing to the disturbed state of the country his family removed to Dublin; and in 1798 he entered as a student of Dublin University. He obtained first scholarship in 1802, and graduated at the spring commencements of 1803, upon which occasion he obtained the gold medal. In the Historical Society he obtained its medals both in oratory and history. He was called to the bar in Hilary 1808, and selected the Home Circuit. In about a period of ten years he was in good business as a junior, and was called to the inner bar in 1822. In 1823 he was selected by Lord Wellesley to administer the Insurrection Acts in the counties Clare and Limerick. In 1826 he was appointed His Majesty's third Sergeant-at-law. In 1830, in the breaking up of the Duke of Wellington's Ministry, and the accession to power of Lord Grey, Joy and Doherty were promoted one to the Exchequer, and the other to the Common Pleas; and the Attorney-Generalship was conferred on Mr. Blackburne. Mr Stanley (now Lord Derby) was Chief Secretary for Ireland at this time.

"For four years," says a writer in the *Dublin University Magazine*, speaking of Mr. Blackburne, "he continued to hold his place during times of extraordinary excitement, when the power and prerogatives of the Attorney-General could not slumber with safety to the public peace. The Winter of 1830 was marked by the commencement of the agitation for repeal in the face of the Algerine enactment, which gave the Lord Lieutenant the power of suppressing meetings by proclamation." For a sketch of these remarkable times we refer our readers to the *Dublin University Magazine*, Vol. XXIV., page 470. Then came the indictment of O'Connell in 1830 and 1831. With the progress of the Reform struggle arose the agitation against tithes. In 1833 the celebrated case of the *King* v. *Barrett* was brought before the King's Bench. In 1834, on Sir Robert Peel's accession to power, Mr. Blackburne continued as Attorney-General, Mr. Pennefather being Solicitor-General; and on the return of Sir Robert Peel to office in 1841, Mr. Blackburne resumed his office as Attorney-General, and continued so until the death of Sir Michael O'Loghlen in Sept., 1842, when he became Master of the Rolls. In the year 1846 he became Lord Chief-Justice of Ireland, and in 1852 Lord Chancellor; Lord Justice of Appeal in 1856, and a second time Lord Chancellor in 1866. Mr. Blackburne was acknowledged by all to have held the first rank of his profession, and as Attorney-General was a perfect model of what a public prosecutor ought to be. In his style he was brief without being sententious, eloquent without being vehement or inflated, and always clear, dignified, and forcible. He now retires, full of years and honours, in the enjoyment of vigorous faculties, leaving a reputation, rarely surpassed, for learning, ability, and integrity.

The subject of the appointment of a practising solicitor to the post of Deputy Lieutenant for the City of Dublin having been again noticed by some of our contemporaries, we think it right to call attention to the provisions of the 1st and 2nd Wm. 4, c. 17, being the Act establishing and regulating the appointment to these offices.

This enactment, after providing for the appointment of lieutenants of counties, cities, and towns by the Lord Lieutenant, gives to such lieutenants authority to appoint (subject to the approval of the Lord Lieutenant for the time being) fit persons, duly qualified as thereinafter provided, to be Deputy Lieutenants of such counties or places. The qualification of Deputy Lieutenant for a county is that he shall be seized or possessed of real estate situate in such county, or next adjoining county, of the annual value of £200, or be heir apparent of some person seized or possessed of a like estate of the annual value of £400. The qualification required for Deputy Lieutenants of cities or towns is different, being the possession of real estate within such city or town of the annual value of £150, or personal property of the value of £3,000.

Section 6 enacts that in cities or towns where there shall be no Lieutenant the chief magistrate for the time being shall appoint Deputy Lieutenants within such city or town; the appointment, therefore, the conferring of which upon the chief magistrate of our city has given rise to such vehement discussion, might actually have been at his own disposal.

On five different occasions within the last few years, as vacancies have occurred among the Deputy Lieutenants of our city the post has been conferred upon gentlemen who have filled the office of Lord Mayor; and on the present occasion had the name of our chief magistrate been passed over merely on account of his being a solicitor a slight would have been cast upon an honorable profession, the respectability and dignity of which it is eminently for the advantage of the public to uphold.

The Government Bill to consolidate and amend the Acts relating to bankruptcy in England has been introduced, and the second reading fixed for next Thursday. Of course, until the document be actually printed, it would be premature to criticise and discuss its details; but as its general principles, if adopted, are pretty certain, at no distant day, to be applied to Ireland, we would briefly point out the salient features of the measure as indicated in the introductory statement of the ATTORNEY-GENERAL.

The law of debtor and creditor, as it has prevailed for some dozen years in Scotland, is evidently that upon which the principal portions of this bill are modelled. The realization and distribution of the bankruptcy assets are to be placed entirely in the hands of the creditors, acting by their own trustee, who will be chosen and paid by them in each separate matter. The business of the Court will be greatly diminished—in short, "reduced to the adjudication, or determining whether a man has become insolvent within the meaning of the bankruptcy law, the examination of the bankrupt, the proof of disputed debts, and the question of discharge." This business is to be done by the local County Courts, and in London by the judges, who will act in the same way as County Court judges. The Registrars of the County Courts are to act as provisional trustees until the creditors appoint their trustee. By a separate bill imprisonment for debt is to be abolished, one of the effects of which, it is thought, will be to considerably reduce the number of bankrupts. Lastly comes the question of the bankrupt's discharge, with regard to which the Attorney-General, after reviewing the law as it stands, and the various plans for its improvement, comes to the conclusion that "there is no alternative but to resort to the principle of the Insolvent Debtors

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Act—that is, to make his future property liable at the discretion of the Court, and let him have his discharge at once."

While refraining at present from expressing our opinion as to the merits or demerits of the proposed enactment, we subjoin, in conclusion, that of our contemporary *The Times*:—"Upon the whole, the measure is creditable to the Government. The questions of the greatest importance are agreed upon, and those which remain, though difficult, are of secondary moment, and need not postpone the passing of a really useful and practical measure."

CIVIL BILL COURTS.

Mr. Joseph Burke, Sessional Crown Solicitor for Roscommon, whose letter on this subject we published in our last number, has forwarded to us a very carefully-prepared Draft Bill to amend the law relating to Civil Bills and Courts of Quarter Sessions, of which the following is an abstract:—

Preamble recites the several classes of cases at present excepted from the jurisdiction of these Courts, and that it is expedient to facilitate suitors in such excepted and unsettled partnership account cases, and recites that the fees payable to the attorneys who conduct the business of suitors in said Courts are wholly insufficient, and that it is desirable to regulate a scale of fees so as to assimilate them to those payable in the County Courts in England.

Sec. 1. Provides that so much of the 14th and 15th Victoria, chap. 57, sec. 35, as excepts the cases of slander, libel, breach of promise of marriage, and crim. con. from the jurisdiction of the chairman, be repealed, and chairman to hear and determine by civil bill all disputes and differences between party and party for any sum, damages, or penalty not exceeding £40 sterling in all cases whatsoever, and for any ascertained or unascertained and unpaid balance, not exceeding £40 of a partnership account, for which purpose the said chairman shall exercise all such equitable jurisdiction as might be now exercised by the Court of Chancery in Ireland for taking and ascertaining partnership accounts.

Sec. 2. Provides for an increase of the fees payable to attorneys as set forth in a schedule prepared from the English County Court Acts.

Sec. 3. Appeal to lie from any decree or dismiss upon a *certificate* of the attorney that he considers there is reasonable ground to reverse, *alter*, or *vary* such decree or dismiss, and that such appeal is not as he believes made or to be made for the purpose of delay, upon appellant's entering into the recognizance of appeal and lodgment or payment of costs, as provided for by the 122nd section of the 14th and 15th Vic., chap. 57, and *without requiring the attorney to make the affidavit required by the 129th section of said Act.*

Sec. 4. The Act, so far as is consistent with the tenor thereof, to be construed as one with the said 14th and 15th Vic., chap. 57, and all the provisions thereof, shall be applicable hereto.

Sec. 5. Short title of Act.

A Bill to Amend the Pleading, Practice, and Procedure of the Courts of Common Law in Ireland.

The following is an Abstract of the Clauses of this Bill, introduced by the Attorney-General and Solicitor-General for Ireland. The Bill contains 380 Clauses. We give a portion of them, so far as our space permits, and will continue them in our next number.

Preamble.—That it is expedient to amend, with the view of establishing uniformity in the Superior Courts of Common Law in England and Ireland.

1. Commencement of Act.
2. Personal actions where defendant resides within the jurisdiction, to be commenced by writ of summons (form in schedule), except in cases of summary procedure on bills of exchange.

Writ where the defendant resides within the jurisdiction.

Victoria, &c.

To *C.D.* of in the county of , merchant.

We command you, that within eight days after the service of this writ on you, inclusive of the day of such service, you do cause an appearance to be entered for you in our Court of in an action at the suit of *A.B.*; and take notice, that in default of your so doing, the said *A.B.* may proceed therein to judgment and execution. Witness the seal of our Superior Courts of Common Law hereunto set at Dublin, the day of in the year of our Lord, 18 .

3. Writs for commencement of actions to be issued in rotation from the several Courts.
4. No form or cause of action to be mentioned in writ.
5. Writ to state names of all defendants, and for only one action.
6. Writ to be dated on day of issuing, and tested in name of Superior Courts of Law.
7. Writ to be endorsed with name and abode of attorney, or a memorandum that writ has been sued by plaintiff in person, and setting out plaintiff's residence.
8. Attorney on demand to declare whether writ issued by his authority, and to declare name and abode of his client, if ordered. If writ issued without authority of attorney, proceedings to be stayed.
9. Upon writ and copy of writ for recovery of debt (except summary procedure on bills, &c.), shall be endorsed, amount of debt, and amount of what plaintiff's attorney claims for costs, with notice that proceedings will be stayed on payment within four days.
10. Concurrent writs may be issued.
11. Renewal of writs of summons to save the statute of limitation, and for other purposes.
12. Production of renewed writ, evidence of commencement of action.
13. Writ may be served in any county.
14. Endorsement of service to be made.
15. As to service of writ on corporations and inhabitants of baronies and towns.
16. Where personal service cannot be effected, but defendant knows of the writ and evades service, Court or Judge may order that plaintiff be at liberty to proceed as if personal service effected, subject to conditions.
17. In case defendant, being a British subject, resides out of jurisdiction (except England or Scotland), writ of summons [form in schedule] may be issued, and Court may, on being satisfied that cause of action arose within jurisdiction, and that writ was personally served, or reasonable efforts to do so made, and defendant residing out of jurisdiction to defeat creditors, order that plaintiff be at liberty to proceed, subject to conditions, and provided that if defendant do not appear, plaintiff must prove his debt, either before jury, on writ of enquiry, or before master.
18. Like proceedings may be had against foreigners residing out of jurisdiction, save difference in form of writ of summons [form in schedule].
19. Courts may direct substitution of service.
20. Omission to insert or endorse matters in or on writ not to nullify it.
21. Substitution by mistake or inadvertence of one form of writ for another may be amended without costs.
22. Writs for service within and without jurisdiction may be concurrent, and vice versâ.
23. Special endorsement of the particulars of debts or liquidated demands may be made on the writ [form in schedule]. Special endorsement to stand for and be considered as particulars of demand.

Appearance, and Proceedings in default of Appearance.

24. In case of nonappearance by defendant the plaintiff may (on filing affidavit of personal service of writ, or of order for liberty to proceed, &c.), at once mark final judgment upon writs specially endorsed, and at the expiration of 8 days from the last day for appearance may issue execution.
25. In case of nonappearance by defendant when writ not endorsed in special form, plaintiff may, on filing affidavit of service, &c., file declaration endorsed with notice to plead

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in 8 days, and sign judgment by default at the expiration of the time to plead so endorsed.

26. Appearance to be entered at any time before judgment.

27. Appearance by the defendant in person to give an address at which proceedings may be served.

28. Mode of appearance shall be by delivering to proper officer a memorandum in writing in form following :—

"*Title*" *of Cause.* } The defendant, *C.D.* appears in person, *or E.F.*, attorney for *C.D.*, appears for him.

[*If the defendant appears in person here give his address.*]

"Entered the day of 18 ."

29. Proceedings mentioned in writ or notice may be had and taken, in default of defendant's appearance.

30. Proceedings where only some of the defendants appear to a writ specially endorsed.

Joinder of Parties.

31. Joinder as plaintiffs of all persons supposed to be legally entitled, joinder of too many shall not be fatal, judgment may be given in favour of plaintiffs, or one or more of them.

32. Defendant to have benefit of set off, though some plaintiffs improperly joined.

33. No other action for same claim to be brought.

34. Nonjoinder and misjoinder of plaintiffs may be amended before trial.

35. Nonjoinder and misjoinder of plaintiffs may be amended at the trial as in cases of amendments of variances under 3 & 4 Vict., c. 105. s. 45.

36. Upon notice of plea of nonjoinder of plaintiffs, proceedings may be amended.

37. Misjoinder of defendants may be amended before or at trial.

38. No plea in abatement for nonjoinder of a co-defendant allowed unless residence (within the jurisdiction) stated in affidavit verifying plea, and, on objection for nonjoinder of defendant by such plea, plaintiff may reply bankruptcy or insolvency, or statute of limitations.

39. Upon plea in abatement for nonjoinder of defendants, proceeding may be amended.

40. Provision in the case of subsequent proceedings against the persons named in a plea in abatement for nonjoinder of defendants.

41. Joinder of claims by husband and wife, with claims in right of husband.

Joinder in Causes of Action.

42. Different causes of action (against the same parties in the same rights) may be joined, but separate trials may be ordered.

Questions by Consent without Pleading.

43. Questions of fact may, after writ issued, by consent and leave of a judge, be raised without pleadings.

44. Agreement may be entered into for the payment of money and costs according to the result of the issue.

45. Judgment to be entered according to the agreement, and execution issued forthwith, unless stayed.

46. Proceedings upon issue may be recorded.

47. Judge may, by consent, try questions of fact.

48. Questions of law may be raised after writ issued by consent, &c., without pleading.

49. Agreement as to payment of money and costs according to judgment upon special case.

50. Costs to follow the event, unless otherwise agreed.

Pleadings in General.

51. Fictitious and needless averments not to be made.

52. Judgment upon demurrer to be given according to the very right of the cause.

53. No pleading to be deemed insufficient for any defect which prior to Procedure Act of 1853 could only be objected to by special demurrer.

54. Pleadings framed so as to embarrass may be struck out or amended.

55. Four days' notice to declare, reply, or rejoin.

56. Pleadings to be dated and entered as of time of pleading, unless order to the contrary.

57. Profert and oyer not necessary.

58. Document may be set forth, and be considered a part of the pleading in which it is set forth.

59. Declaration for libel or slander may aver that words used in a defamatory sense specifying such defamatory sense without prefaratory averment.

60. Performance of conditions precedent may be averred generally.

61. The process of adjudication of an inferior jurisdiction may be pleaded generally.

Declaration.

62. Plaintiff to declare within a year.

63. Actions against justices of the peace, mayors, &c., to be laid in the county in which the cause of action has arisen.

64. Court or judge may direct such actions to be tried elsewhere.

65. Court or judge may, in transitory actions, order venue to be changed, but on special grounds only.

66. Forms of commencement, &c., of declaration.

67. Several counts on the same cause of action not to be allowed.

68. Commencement of declaration after plea of nonjoinder.

69. Court or judge may, on motion, order further particulars.

Pleadings.

70. Rules to plead, and demand of plea, not necessary.

71. Time for pleading, where defendant is within jurisdiction, to be eight days.

72. Express colour and special traverses not necessary.

73. Formal commencement and prayer of judgment unnecessary.

74. Commencement of plea.

75. Character of assignees of bankrupt, &c., to be taken as admitted, if not denied.

76. In actions on simple contract (except as after), plea of "non assumpsit," or traversing contract or agreement alleged, shall operate only as a denial in fact of the express contract, &c., or of the matters of fact from which the contract, &c., may be implied.

77. Pleas of non assumpsit and never indebted, not to be allowed in actions on bills of exchange and promissory notes, but every plea in denial must traverse some matter of fact.

78. Plea of "non est factum" in actions on specialties and covenants shall operate as a denial of the execution of the deed in point of fact only, other defences to be pleaded specially.

79. Plea of nil debet not to be allowed.

80. Defences by way of confession and avoidance to be specially pleaded in actions upon contract.

81. Payment not to be given in evidence in reduction of amount without plea.

82. Plea of "non detinet" shall operate as a denial of the detention of the goods only, but not of plaintiff's property therein.

83. In actions of tort plea of "Not guilty" shall operate as a denial only of the breach of duty or wrongful act alleged and not of the facts stated in the indictment, other pleas in denial to take issue on some particular matter of fact alleged.

84. General issue may be pleaded in actions mentioned in sec. 63.

85. In actions of wrong, defences in confession and avoidance to be specially pleaded.

86. Plea of "not guilty" in actions of trespass, to operate only as denial that defendant committed trespass in place mentioned.

87. Plea of not guilty in action for taking goods, to operate as denial of taking or converting the goods mentioned, but not of plaintiff's property therein.

88. In case of mutual debts between plaintiff and defendant one debt may be set off against the other.

89. Defence arising after commencement of any action to be pleaded according to the fact.

90. Plea puis darrein continuance, when and how to be pleaded.

91. Defendant in all actions (except for assault, false imprisonment, libel, slander, malicious arrest, or prosecu-

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tion, crim-con, or seduction, and by leave of Court or judge, upon terms, in such excepted actions) may pay into Court a sum of money by way of compensation.

92. Payment into Court in actions on money bonds, and for detainer.

93. Payment into Court to be pleaded in form given in Act

94. No order of Court or judge to pay money into Court necessary except in cases before provided, but money to be lodged in Bank of Ireland, on behalf of the defendant with the privity of the Master.

95. Plaintiff after delivery of a plea of payment of money into Court to be at liberty to reply by accepting same in satisfaction of cause of action, and to tax his costs and sign judgment for same if not paid in 48 hours, or reply that sum paid is insufficient, and if issue found for defendant, defendant entitled to judgment and costs.

96. In actions partaking both of breach of contract and wrong, plea good in substance not to be objectionable on the ground of treating the declaration either as framed for breach of contract or for wrong.

97. Payment, set-off, and other pleadings which can be construed distributively, shall be so construed.

98. Defendant may traverse generally such facts contained in declaration as might have been denied in one plea, or may select and traverse separately any material allegation in the declaration.

99. Plaintiff may traverse the whole of any plea of defendant by general denial or admitting part, deny the rest, or deny any one or more allegations.

100. Defendant in like manner may deny the whole or part of replication or subsequent pleading of plaintiff.

101. Equitable defence may be pleaded.

102. Equitable defence after judgment.

103. Equitable replication.

104. Court or judge may strike out equitable plea or replication.

105. In actions on lost instruments Court or judge may order that the loss of such instrument shall not be set up provided indemnity given.

106. Form of joinder of issue.

107. Either party may, by leave of Court or judge, plead and demur, on affidavit, if required.

108. Several matters may be pleaded at any stage of the pleadings.

109. Objections to pleadings to be heard on application to plead several matters.

110. Certain pleas may be pleaded together without leave.

111. For pleading several matters without leave, judgment may be signed.

112. One new assignment only allowed in respect of the same cause of action.

113. Pleas not be repeated.

114. Form of demurrer and joinder in demurrer.

115. If amendment to pleadings allowed, no new notice to plead necessary, but opposite party to be bound to plead to amended pleading within time specified in original notice to plead, or two days after amendment, whichever shall last expire.

116. Pleadings subsequent to the declaration not to be filed.

Examples of Pleading.

117. Forms in schedule may be adopted.

Judgment by Default, and ascertaining Amount to be recovered.

118. Rule to compute unnecessary.

119. Inquiry of damages may be directed to take place before the Master.

120. Ordinary writ of inquiry in other cases.

121. Inquiries may be directed to take place before Master of the Court. Inquiries may be directed to take place before a Judge.

The decision in the case of the shareholders of Barned's Banking Company, who applied for an order to stay the £40 call, has been further postponed.

ENGLAND.

NOTES OF ENGLISH DECISIONS.

From *The Law Times.*

INTERPLEADER—COSTS.—Under a writ of *fi. fa.* obtained by *A.* from this court, the goods of *B.* were seized by the sheriff, and advertised for sale; pending the sale *B.* became bankrupt, and thereupon the sheriff received notice from the official assignee in the bankruptcy not to remove or sell the goods. Shortly afterwards the sheriff was ordered by this court to make a return to the writ, and accordingly the sale took place. Subsequently the sheriff filed an interpleader bill against *A.* and the assignee in bankruptcy, alleging that both were threatening proceedings against him for the amount realized by the sale, and praying to be allowed to pay it into court, and for costs. Held, that it was a proper case for interpleader, and that the sheriff was entitled to his costs: (*Child* v. *Mann*, 16 L. T. Rep. N. S. 49. V.C.S.)

TESTAMENTARY SUIT—PRACTICE.—A testatrix, a married woman, executed a will by virtue of a power reserved to her. The marriage was subsequently dissolved, and the will destroyed, but under circumstances which, it was alleged, did not amount to a revocation. The husband having become bankrupt, a caveat was entered by his assignee, but a difficulty was raised in the registry as to its warning by the plaintiff, the residuary legatee, who propounded the will. The Court held that the caveat ought to be warned: (*Ming* v. *Ming*, 16 L. T. Rep. N. S. 69. Prob.)

COVENANT RUNNING WITH THE LAND—PURCHASER WITH NOTICE.—B. was entitled to the benefit of certain covenants with the owners of all the land on which several houses in a row stood, with reference to a garden at the back of each house. A purchaser of one of the houses, with notice of the covenants, was held to be bound by them in equity. It was held also that a passive acquiescence in one breach of a covenant is not a waiver of all future right to complain of any other breach, and that the party injured might sue alone to restrain a breach of the covenants, without joining the other owners: (*Western* v. *Macdermot*, 15 L. T. Rep. N. S. 641. Ld. Ch.)

PROBATE DUTY—CONTINGENT REVERSIONARY INTEREST.—Where, at the time of taking out probate, no duty is paid in respect of a contingent reversionary interest, which afterwards falls into possession, probate duty must be paid upon its value at the time of falling into possession, and not upon its value at the date of the probate. But if the interest is valued at the time of taking out probate, and duty then paid thereon, such duty is sufficient: (*Lord* v. *Colvin*, 16 L. T. Rep. N. S. 53. V. C. M.)

LANDLORD AND TENANT—LEASE—COVENANT TO REPAIR.—Lessee covenanted to repair, and keep in repair the demised premises, and also, within three months after notice, to repair all such damage, &c., as should be specified in such notice. There was the usual proviso for re-entry on breach of covenants by the lessee. On Jan. 29, the lessor gave notice to the lessee to repair the premises, "in accordance with the covenants in the lease," stating that he had "left the specification with the under-tenant on the premises for that purpose." The premises not being repaired, the lessor brought ejectment on the 27th April, and he was held to be entitled to do so for breach of the general covenant to repair, without waiting for the expiration of three months from the date of his notice, and that forfeiture by that breach was not waived by such notice: (*Few* v. *Perkins*, 16 L. T. Rep. N. S. 62. Ex.)

REPUTED OWNERSHIP.—The existence of a custom, so notorious as to raise the presumption of knowledge of its existence on the part of all persons dealing with agriculturists, that purchasers of live stock from a farmer have the option of leaving the animals for a reasonable time, more or less, to suit their own convenience, in the vendor's hands, is sufficient to take the case out of the operation of sect. 125 of the B. L. C. A. 1849, and consequently, lambs and pigs purchased of a farmer on the 10th, and left by the purchaser in the seller's hands and on his premises until the 18th July, did not upon the intervening bankruptcy of the seller pass to his assignees under the above-mentioned section: (*Priestley* v. *Pratt*, 16 L. T. Rep. N. S. 64. Ex.)

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CONDITIONAL ORDER OF DISCHARGE, PLEA OF.—A plea which sets forth a conditional order of discharge is good, even though evidence be given showing that the condition of the discharge has not been fulfilled : (*King* v. *Watson*, 16 L. T. Rep. N. S. 67. N. P.)

TRADING WITHOUT CAPITAL.—A trader who, without capital, undertakes extensive contracts for building ships, and neglects by his own admission, to make any previous calculation as to the probability of their being profitable or otherwise. Held, to be guilty of gross carelessness, and his insolvency so occasioned, to be fairly attributable to rash and hazardous speculation : (*Re George Gardner*, 16 L. T. Rep. N. S. 70. Bank.)

From *The Law Times*.

DEPOSIT OF RAILWAY SHARES.

The reliance commonly placed on a mere deposit by way of security of the certificates of railway and other shares makes the case of *Re Grehan*, reported from the IRISH LAW TIMES, in the present volume of our Reports, p. 39, worthy of attention—[See IRISH LAW TIMES, No. 4, page 66]. A merchant or trader, or whoever it may be, desirous of covering an advance to him by his banker by placing his certificate in the banker's hands, is unwilling that the transaction should be published by notice to the secretaries of half a dozen companies, and the bankers are equally desirous that their own course of business should not be disclosed to strangers. Notice in such cases is seldom or never given to a company, the banker preferring to trust to the insight which he gains into his constituent's pecuniary affairs in the course of their mutual dealings or otherwise, and thus to judge of the time when it will be expedient on his part to force an assignment or sale of the shares themselves. If, meanwhile, any contest should arise between the parties or any adverse equitable claim be set up in the shares, the possession of the certificates, without the production of which the shares can not be made available on the Stock Exchange, is treated as a sufficient practical safeguard, whatever may be the rights technically involved. But bankruptcy of the shareholder may supervene, and the question then arises, what is the position of the banker or depositary? In considering the question it should be borne in mind, as respects companies under the Companies Clauses Act, that every person who becomes entitled to a share, and whose name is entered on the register of shareholders, is deemed a shareholder ; and that the provisions in relation to the certificate are, that on demand of the holder of a share, the company is to cause a certificate of the proprietorship of the share to be delivered to him. The certificate is to be admitted in all courts as *primâ facie* evidence of the title of the shareholder, his executors, administrators, successors, or assigns, to the share ; nevertheless the want of such certificate is not to prevent the holder from disposing of the share. If a certificate be worn out, damaged, lost, or destroyed, a similar certificate is to be given to the party in whom the property of the certificate and of the share is at the time vested, and the issue of such certificate is to be registered. On the request of the purchaser of a share, an indorsement of the transfer is to be made on the certificate, instead of a new certificate being granted, and the indorsement is to be considered as a new certificate.

By these provisions the certificate is made an auxiliary document of title to the share, and the property in the certificate is contemplated as accompanying the legal title to the share, the intention apparently being that the certificate, as *primâ facie* evidence of the title existing by the registration of the share, shall, in the hands of the owner of the share, or in support of his title, obviate the necessity of a resort to the register to ascertain the fact of registration. The certificate itself is not invested with a character such as to make it a subject of assignment or disposition, for on a sale of a share a new certificate or an indorsement in lieu of it is to be given to the purchaser, at his request. The title to the share is independent of the certificate, inasmuch as the want of it is not to prevent a disposition of the share. Nevertheless the documentary character given by the Act to the certificate has sometimes in business caused the deposit of it to be considered, like a deposit of title-deeds, to create a lien on the share, and therefore to put a depositary who gives no notice to the company on a better footing in case of the shareholder's bankruptcy than the assignee of a debt or a reversionary interest in a trust-fund who does not give notice to the debtor or to the trustee. The text-books on the subject have, it is true, generally spoken of notice of a deposit of a share certificate as necessary, or at least as prudent, but we are not aware that they have been able to support the position by any decided case.

Re Grehan supplies such authority. It was a case of deposit of scrip certificates of a mining company with the Royal Bank by a registered shareholder by way of equitable mortgage, no notice being given to the company. A rule was alleged, but was treated by the Court as not legally established, but as being merely for the convenience of the directors and managers of the company, that no transfer of any share could be made without the production of the scrip certificate. The rule, therefore, may be disregarded, and the scrip certificates, in this respect, may be looked on in the same light as certificates under the Companies Clauses Act. After the deposit, the depositor became bankrupt. Then, were the shares left by the bank in his order and disposition? Was there, the Court asked, anything in the nature of the claim of the bank to exempt them from the operation of the general rule, that the change of possession of a chose in action or a chattel ought, by notice, to be made as complete as it was capable of being made. The legal title in the mining shares, the Court reasoned, consisted of being the registered owner of those shares upon the books of the company, while the scrip certificates issued to the owner could not be regarded otherwise than as the evidence of such legal title, and which might be said to be the mere incidents to that title, and to follow it as a shadow. It was accordingly held that the mere lodgment of the scrip certificates with the bank gave them no valid claim to the shares, but that they passed to the assignees in the bankruptcy.

JURIES.—The Solicitor-General has put his finger upon an abuse the popular endurance of which has always struck us as wonderful. He said, in the house of Commons, that common jurymen ought to be paid for their services ; and he implied that one result of the present state of things is that trials are often cut too short for the attainment of the ends of justice through the impatience of the jury to get away from their irksome task. The more, in fact, the matter is looked into, the more preposterous does the existing arrangement appear. Special jurymen are paid a guinea for each trial—an absurdly small sum ; common jurymen are paid nothing, but are allowed eightpence a mile for their travelling expenses. Can anything be more ridiculous? Judges are paid many thousands a-year for their services; attorneys and barristers divide portentous sums between them; but the unlucky juryman, who is summoned from his counter whether he will or no, to the damage of his business—that is, to the injury of his pocket—is locked up and starved while he wearily decides on his verdict, and gets nothing for his pains. The non-payment of jurymen, like so many of our other venerable follies, is a relic of a state of things long gone by. When trial by jury was the great bulwark of popular freedom against the power of the Crown, it was but natural that men who came forward to stem the tide of tyranny should account the work they did as carrying its own reward. As one does not pay a martyr or a confessor for his sufferings in a good cause, so it would have been scarcely consistent to pay the men who courageously stood up for the freedom of their fellow-countrymen. But a juryman to-day is anything but a martyr or a hero. He suffers only from the long-windedness of the Bar, from the uncomfortableness of the jury-box, and from the annoyance of being called against his will from selling calicoes and sugars, to decide on the fate of men for whom he cares not a straw. And for this, while the special juryman, a richer man than he is, gets his guinea, he himself is consoled with eightpence a mile to pay his omnibus fare.—*Pall-Mall Gazette.*

Mr. Espinasse, Recorder of Rochester and County Court Judge, is dead.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

QUEEN'S BENCH.

Reported by WILLIAM WOODLOCK, Esq., Barrister-at-law.

THE GUARDIANS OF THE POOR OF THE LONDONDERRY UNION *v.* THE LONDONDERRY BRIDGE COMMISSIONERS.

Jan. 15, 16; Feb. 16.—*Poor-Rate—Exemptions from—Hereditaments dedicated to Public Purposes.*

Special case, the question being as to the liability of the Londonderry Bridge Commissioners to poor-rate in respect of their toll-house and the tolls of their bridge. The liability was resisted on the ground that the toll-house and tolls were hereditaments dedicated to, or used for public purposes. The Commissioners were appointed and acted under "The Londonderry Bridge Act, 1859" which empowered them to borrow on mortgage of the tolls £90,000, to be applied in the construction of the bridge. As soon as the bridge was completed the tolls were to be applied under the Act—1st. In payment of the interest on the money borrowed—2nd. In forming a sinking fund for payment of the principal money borrowed—and 3rd. In forming a fund to make the bridge toll free.

M'Causland, *Q.C.* and *Carson*, appeared for the Guardians. *M'Donogh*, *Q.C.* and *J. P. Hamilton*, for the Commissioners.

The Court held that the Commissioners were liable, the toll-house and tolls not coming within any of the exemptions from poor-rate.

Attorney for plaintiffs, *Hayden* and *Hogan*.
Attorney for defendants, *John Burgess*.

MURPHY *v.* M'CORMICK.

Feb. 12.—*New Trial Motion—Freight—Pleading.*

Motion to show cause against a conditional order for a new trial on the ground of misdirection. The summons and plaint claimed £30, freight earned by plaintiff in conveying goods of the defendant. Defendant pleaded that the contract was that plaintiff was to make four voyages, and that he had not made the fourth. On the trial he failed to prove the contract as to the fourth voyage, and a verdict was directed for the plaintiff for £30.

Counsel for plaintiff, *Tandy*, *Q.C.* and *Edwd. Gibson.*
Counsel for defendant, *Palles*, *Q.C.* and *Ryan*.

The Court held that the verdict should stand, defendant's defence admitting that three voyages had been made in respect of which the £30 had been earned, and the defendant having failed to prove the additional term in the contract.

Attorney for plaintiff, *Edward Carr.*
Attorney for defendant, *T. Boyd.*

CONSOLIDATED CHAMBER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

Coram DEASY, B.

M'DOUGALL *v.* O'SHAUGHNESSY.

Feb. 3.—*Ejectment—Substitution of Service.*

This was an action of ejectment on title. The defendant's interest in the lands had been conveyed to trustees, J. G. Riddell and Thomas Brabazon, by indenture of settlement. Riddell resided at Nottingham, in England, Brabazon resided at Athlone.

J. H. Monahan now obtained an absolute order to substitute service of the writ of summons and plaint on Brabazon for Riddell.

Attorney for plaintiff, *H. T. Graham.*

Coram GEORGE, J.

DRINAN *v.* LEADER.

Feb. 22.—*Garnishee Order—Annuity under Deed of Separation.*

Thomas Wall applied for a garnishee order in this case. The defendant was separated from her husband under a deed of separation, by which the husband charged certain lands with an annuity of £100 a year in favour of his wife, for her separate use.

The plaintiff now sought an attachment order against the husband for the amount of his judgment, £20 1s. 6d., and costs. The deed of separation bore date November 20, 1865, and made the annuity payable by monthly instalments. It was also provided that if T. L. Leader, the husband, should be obliged to pay any debts of the defendant, it should be lawful for him to deduct the amount so paid from the said annuity.

GEORGE, J.—How does it appear that there is anything due upon foot of the annuity? You must show that there is a debt owing or accruing.

Sparks v. *Young*, 8 Ir. C. L. R., 351, supports my application.

GORGE, J.—There is nothing to show here that there is any debt now existing. The annuity is of very peculiar nature. There is no statement that any gale is now due, no certainty that any gale will be due. There are a variety of circumstances under which there might be nothing payable at all here.

Attorney for plaintiff, *W. A. Drinan.*

T. TOOMEY *v.* CRONIN.

This was an action for slander. Defendant pleaded that he spoke and published the words complained of on a privileged occasion, *bonâ fide* and honestly believing them to be true, and without actual malice in fact, and therefore, &c.

Kift, applied to set aside this defence, as embarrassing. The defendant should set out the facts on which he founds his privilege (*Prayer* v. *Shaw*, 4 Ir. C. L. R., 660).

Murphy, Q.C., *contra.*—In the cases cited the defendant set out a particular set of facts for a particular purpose.

GEORGE, J.—Refused the motion, but without costs.

Attorney for plaintiff, *W. H. Allen.*
Attorney for defendant, *Daly.*

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

HULL'S Estate.

Before JUDGE DOBBS.

March 18—*Trustees for Sale.*

In this case the petition for sale had been filed by the trustees of the will of a deceased party, and Dobbs, J., had declined to *fiat* the petition, as the petitioners were not trustees for sale.

Jackson, for the petitioners, now sought to vary the order made by the Judge dismissing the petition, upon the following statement of facts. A former trustee of this will had committed a breach of trust by investing a portion of the funds bequeathed by the will in the purchase of the lands now sought to be sold. Subsequently the Master of the Rolls appointed new trustees. These trustees were the petitioners. Under these circumstances *Jackson* submitted that it was their duty to realize the value of these lands, and that without

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straining the Act the petitioners might be considered "Trustees for Sale."

DOBBS, J., thought not, and that the Court had not jurisdiction to do what was sought for, but upon Jackson's suggestion he agreed to retain the petition till a decree to sell should be obtained in the Court of Chancery.

Solicitor for Petitioners, *Bowmont.*

TRESTON'S Estate.

Before JUDGE DOBBS.

March 18—*Schedule—Notice.*

This case came on upon the ruling of the schedule. There was no appearance for a party interested in respect of one of the incumbrances. He was a solicitor. It was alleged that notice had been left at his registered place of business in Dublin.

DOBBS, J., said that by one of the rules which had the force of an Act of Parliament the service of the notice must, except where otherwise directed, be personal, or at the residence of the party—that this applied to a solicitor, an officer of the Court, as well as any one else—that service at his registered place of business in Dublin was not service at his residence, and he directed notice to be served accordingly.

MARY BOYLE'S Estate.

Before JUDGE DOBBS.

March 16—*Transfer of Carriage.*

Twigg, for the incumbrancer, No. 17, in this case applied to have the carriage of the proceedings transferred to his client, on the ground of delay in the Petitioner.

DOBBS, J., said that the motion was untenable for a technical reason. The party applying to have the carriage transferred to him had not called on the solicitor for the party having carriage to account for the delay.

Solicitor for the Petitioner, *M'Mahon.*

Solicitor for Incumbrancer, No. 17, *Swanzy.*

CIRCUIT CASES.

ROSCOMMON ASSIZES—*4th March.*

Reported by OLIVER J. BURKE, Esq., Barrister-at-law.

Before HUGHES, B.

NOONE *v.* MIDLAND GREAT WESTERN RAILWAY COMPANY.

Plaintiff Delivered to the M. G. W. R. Co., at their Station at Boyle, certain Goods directed to Plaintiff at Belfast, for which said Company gave a Consignment Note as follows:—" Goods Consigned to self at Belfast, viâ Cavan, which we Promise to Deliver at Cavan." Said Company's Line terminated at Cavan. The Chairman at Sessions held that the Company were liable for the Detention of said Goods between Cavan and Belfast, on the Line of another Company.

Decision of the Chairman reversed.

This was an appeal from a decree given by FRANCIS W. BRADY, Esq., Q.C., the Chairman of the County of Roscommon, whereby the said Chairman decreed that the plaintiff, who was a dealer in flax, was entitled to recover from the defendants damages under the circumstances following:—It appeared that the plaintiff, who was a dealer in flax, went to the station of the Midland Great Western Railway Company at Boyle, and delivered to them a quantity of flax to be forwarded to Belfast, when he stated to the station master that he would himself receive the goods at Belfast, whither he was about proceeding by train, and he did in fact leave by the half-past four o'clock train for Belfast upon that day. He was informed before starting, by the station master, who received the goods, that he might pay the freight either there or at Belfast, on the delivery of same, and the plaintiff stated that he would pay on delivery at Belfast. The station master then handed him a consignment note, which was in the words following:—" Goods consigned to self at Belfast, *viâ* Cavan, which we promise to deliver at Cavan." Upon the back of the consignment note was an endorsement that delivery would be complete when the goods were delivered up to the consignee at Belfast. It appeared in evidence that the Midland Great Western Railway Line terminated at Cavan—that the goods, though sent on, were not delivered in Belfast in due time, and the only question now for the decision of the Court was, whether the said Company were liable for the detention and delay which admittedly did not occur on their said line.

MacDermot, on behalf of the plaintiff, argued that the company were liable, inasmuch as it is settled law that if a company have undertaken the carriage of goods to a point beyond their own line, they are liable throughout as well for losses that occur on their own as well as on the lines of other companies over which the goods had to pass; and that there was nothing in the consignment note that would take the case out of the general rule. There was a verbal agreement or contract between the plaintiff and defendant—that the goods were to be delivered to him at Belfast—and he went to Belfast to receive them—and on the face of the note they were consigned to him at Belfast, *viâ* Cavan, and the promise of the company to deliver the goods at Cavan was repugnant to the rest of the consignment note, which was a consignment to the consignee at Belfast. Counsel then relied on the conditions inscribed on the back of the consignment note, which stated that the delivery would be complete when the goods were delivered up to the consignee; and that, therefore, delivery could not be completed except at Belfast. That, inasmuch as the other lines, over which the goods were carried, could not be made liable to the plaintiff for the want of privity of contract, the plaintiff's only remedy was against the company with which he had contracted.—*Crouche* v. *The London and North Western Railway Company*, 14 C. B. 255.

Carleton, Q.C., admitting the above facts, contended that the liability of the company terminated at Cavan—that it was decided to be a reasonable condition for railway companies to limit their responsibility to the portion of the line which belonged to themselves, and that that was done in this case, by confining their promise to deliver at Cavan,

His LORDSHIP reserved judgment until next day, when he reversed the decision of the Court below; and he was of opinion that the consignment note was the proper evidence of the contract; and that, in his opinion, the contract was confined to delivering the goods at Cavan, and not at Belfast.

MacDermot then applied to his Lordship to state a case to the Court of Queen's Bench, as the decision involved matters of high public importance.

His LORDSHIP declined to state a case, as he felt no doubt on the subject.

Attorney for plaintiff, *William Harkan.*

Attorney for defendant, *Walter P. Kirwan.*

MUNSTER CIRCUIT.

Reported by W. GRIFFIN, Esq., Barrister-at-law.

LIMERICK ASSIZES—*Spring*, 1867.

D'ALTON, *Appellant;* BROWNE, *Respondent.*

This was an appeal from the magistrates, under the fishery laws. The respondent had been brought before

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the justice by Mr. D'Alton, on the part of the fishery conservators, for a breach of the 5 & 6 Vic., c. 106, sec. 78. The magistrates dismissed the charge, and Mr. D'Alton appealed. The appeal now came on for hearing before O'BRIEN, J.

Mr. *P. Murphy*, for the respondent, insisted that the offence charged being one against the provisions of the 5 & 6 Vic., c. 106, the appeal should have been to quarter sessions under the 100 and 101 secs. of that statute.

Mr. *P. Lynch* referred to the 52 sec. of the 13 & 14 Vic., c. 88, which gives form of dismissal of complaint under authority of "this Act or of the recited Acts," and gives an appeal from dismissal to next going judge of assize.

O'BRIEN, J., heard the appeal, and reversed the decision, but as it was the first offence charged against the respondent, only inflicted a mitigated penalty of 10s.

Attorney for appellant, *P. Murphy*.

Attorney for respondent, *P. Lynch*.

CAVAN ASSIZES.

Before the LORD CHIEF-BARON.

EDWARD MICHAEL DAVIES, and EMILY HENRIETTA DAVIES, his Wife; HENRIETTA CHESTER, JOHN WELLINGTON BROWNE, and ELIZA BROWNE, his Wife; WILLIAM F. TOTTENHAM, and ANNE TOTTENHAM, his Wife; JOSE ANTONIO ARINES, RAMONA ARINES, and JUAN CLIMACO SEOANE, PETRONILA SEOANE, and ADELAYDA SEOANE *v.* THOMAS LYNCH AND OTHERS.

March 8th, 1867.—*Ejectment on the Title—Alien Plaintiffs—Disclaimer—Evidence.*

This was an action of ejectment brought to recover the possession of part of the lands of Corravelish, otherwise Farthabeg, situate near Bailieborough, in the county of Cavan. The defendants, who were the tenants in occupation of the lands, filed separate defences.

The case was tried at the Cavan Spring Assizes, in the present year, before the Lord Chief-Baron and a special jury. An order had been made on the 12th June, 1866, subsequently to the filing of the defences, for a commission to be issued to the British Consul and Vice-Consul, at Vigo, in Spain, to examine witnesses; and by the depositions made on that commission it appeared that John O'Dogherty, being at the time in receipt of the rents of the lands in question, emigrated to Spain, early in the present century, and entered the Spanish naval service; that he married a Spanish lady, and had by her six children; and that he afterwards settled at Redondela, near Vigo, where he died, intestate, on the 16th of December, 1847. John O'Dogherty's family consisted of Ramona, born in 1808, Juan in 1813, Aurora in 1815, Frederico, in 1818, Josefa in 1820, and Charles Henry in 1825. None of O'Dogherty's children were alive at the commencement of the action, except Ramona. Juan, the eldest son, married a Spaniard, and had five children, Ramon Salvador, Ulpiano, Jose, Ernesto, and Ricardo, and died, intestate, in the year 1845. Both Ernesto and Ricardo died in infancy. Ramona married a Spaniard, Jose Antonio Arines. Aurora married Juan Climaco Seoane, a Spanish Notary Public, and had two daughters, Petronilla and Adelayda, and died in the year 1862. Frederico died in 1864, unmarried, having previously made a will, whereby he devised the lands, the subject of the ejectment, to Ramona Arines. Petronilla Seoane, and Adelayda Seoane. The other children of John O'Dogherty died intestate, and unmarried. The three devisees of Frederico O'Dogherty were the only descendants of John O'Dogherty, named as plaintiffs, and were called, for distinction, the Spanish plaintiffs. The title of the Irish plaintiffs may be stated shortly thus:—When John O'Dogherty emigrated to Spain he left behind him in this country three sisters, Margaret, Amelia, and Elizabeth, all of whom married and had issue. The plaintiff, Henrietta Chester, represented Margaret; Emily Henrietta Davies represented Amelia; and Eliza Browne and Anne Tottenham represented Elizabeth. John O'Dogherty, and all his children and grandchildren, were members of the Roman Catholic church. It appeared, also, that an ejectment had been brought in the month of January, 1863, in which Ramon, Salvador, Ulpiano, and Jose O'Dogherty were named as plaintiffs.

The plaintiffs contended, in the first place, that the Spanish plaintiffs were entitled to recover; and, secondly, that if the latter were incapable of maintaining an ejectment, as being alien-born, the Irish plaintiffs were entitled to a verdict. The argument for the Spanish plaintiffs was as follows:—By the 7th Anne, c. 5, it was enacted that the children of *all* natural-born subjects born out of the ligeance of her Majesty should be deemed to be natural-born subjects of this kingdom, to all intents and purposes whatsoever. By the 4 G. II., c. 21, which was passed for the purpose of explaining doubts arising on the construction of the Act of the 7 Anne, c. 5, it was enacted that all children born out of the ligeance of the Crown of England or of Great Britain, or which should thereafter be born out of such ligeance, whose *fathers* were or should be natural-born subjects of the Crown of England or of Great Britain at the time of the birth of such children respectively, should and might, by virtue of the said recited clause of the Act of 7th Anne, c. 5, and of the present Act, be adjudged and taken to be, and all such children are hereby declared to be natural-born subjects of the Crown of Great Britain to all intents and purposes whatsoever. By the 13 G. III., c. 21, which recited that whereas divers natural-born subjects of Great Britain, who profess and exercise the Protestant religion, through various lawful causes, especially for the better carrying on of commerce, have been and are obliged to reside in several trading cities and other foreign places, where they have contracted marriages and brought up families; and whereas it is equally just and expedient that the kingdom should not be deprived of such subjects, nor lose the benefit of the wealth that they have acquired; and therefore that not only the children of such natural-born subjects, but their children also should continue under the allegiance of his Majesty, and be entitled to come into this kingdom, and to bring hither and realize or otherwise employ their capital, it was, by the first section, enacted—That all persons born, or who thereafter should be born, out of the ligeance of the Crown of England or of Great Britain, whose fathers were or should be, by virtue of a statute made in the 4th year of the reign of King George II., to explain a clause in the 7th Anne, c. 5, for naturalizing foreign Protestants, which relates to the natural born subjects of the Crown of England or of Great Britain entitled to all the rights and privileges of natural-born subjects of the Crown of England or of Great Britain, should and might be adjudged and taken to be, and were thereby declared and enacted to be natural-born subjects of the Crown of Great Britain to all intents and purposes whatsoever, as if he and they had been and were born in this kingdom. The 3rd section provided that nothing in the Act contained should be construed to repeal, abridge, or in anywise alter any law, statute, custom or usage whatsoever now in force concerning

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aliens, duties, customs, and impositions, nor to cause any privilege, exemption, or abatement relating thereto in favour of any person naturalized by virtue of this Act, unless such person took and subscribed the oaths, and made, repeated, and subscribed the declaration appointed by an Act passed in the first year of the reign of his late Majesty George the First, and also received the Sacrament of the Lord's Supper according to the usage of the Church of England. Section 4 provided that no person should be enabled hereby to defeat any estate, right, or interest which upon the last day of this Session shall be lawfully vested in any other person; or to claim or demand any estate or interest which shall hereafter accrue, unless such claim or demand be made within five years next after the same shall accrue. All these were English statutes, and no corresponding statutes had ever been passed by the Irish Parliament. It was argued on behalf of the Spanish plaintiffs, first, that the statutes applied to Ireland, on the ground that, being statutes passed for the purpose of regulating the *status* of the subject, they extended to all the subjects of the Crown; and the case of *Jack d. Rea* v. *Buchanan*, tried at the Londonderry Assizes in the year 1835, but not reported, was cited. Secondly, that they applied to Roman Catholics (but this branch of the argument was more fully opened by the defendants); and thirdly, that by the 4th section of the 13th Geo. III., c. 21, the right of Ramon Salvador O'Dogherty to maintain an ejectment was barred at the expiration of five years after the death of John O'Dogherty in 1847; that thereupon the right passed to his next brother, Ulpiano O'Dogherty; that at the expiration of five years after Ulpiano's right accrued it was barred; and the right then accrued to Jose O'Dogherty; that his right was barred at the expiration of five years, viz., on the 17th December, 1862, and that the right then passed to Frederico O'Dogherty, whose devisees the Spanish plaintiffs were. No title deeds of the O'Dogherty family were produced; but receipt of rent by the agent of John O'Dogherty from the then tenants of the lands was proved up to October, 1847. This was the case for the Spanish plaintiffs. For the Irish plaintiffs it was contended, that if the Spanish plaintiffs were not entitled to the benefit of the statutes, and were therefore aliens and incapable of maintaining an ejectment, they, the Irish plaintiffs, were entitled to recover as co-heiresses of John O'Dogherty, the Spanish branch of the family not stopping the descent to them.

The defendants adopted the same view of the statutes as the plaintiffs, except upon the construction of the 4th section of the 13 G. III., c. 21; but they contended that by the 1st section of that statute Ramon Salvador was made a natural born subject of this country to all intents and purposes, and that, by virtue of that section, he still is a natural born subject, and capable of inheriting real property in this country; and that, although the effect of the 4th section may have been to deprive him of the right to maintain an ejectment for the lands, the subject of this ejectment after the expiration of five years from the time when the right accrued, it did not take out of him the estate which descended to him from his grandfather, John O'Dogherty, in 1847; and the defendants relied on that outstanding legal estate as a defence to the ejectment. They also contended that the 13 G. III., c. 21 extends to Roman Catholics, on the ground that the 3rd section, the only section which imposes a religious test, applies solely to matters of a fiscal nature, that the words are to be read "aliens' duties, customs and impositions," and not "aliens, duties, customs and impositions," and that the grandchild is entitled to the benefit of the statute in respect of holding lands, although he has not complied with the formalities of the 3rd section; and they cited *Barrow* v. *Wadkin*, 24 Beav. 327. The defendants also relied on a tenancy from year to year in themselves, created by receipt of rent from them by John O'Dogherty, which tenancy they contended was still existing, never having been put an end to by a notice to quit. The plaintiffs went into evidence to prove that the defendants had disclaimed tenancy to them; and the effect of that evidence may be shortly stated as follows. One class of the defendants had clearly disclaimed; a second had stated they would be guided by what the other tenants did; and a third gave evasive answers; one of the defendants, Edward Gargan, had not been served with the notice at all With respect to him, the evidence of the process server was, that he left the notice at his house with his wife, that he had afterwards seen him and spoken to him about the notice, but he (Edward Gargan) had said nothing about the land. The case having closed, his Lordship told the jury that in considering the effect of the answers given by the defendants—whether they constituted a disclaimer or not—they were to take into consideration the position of the parties when the demand was made, that the period of 20 years, at the expiration of which the defendants would be entitled to the lands under the Statute of Limitations, was then fast approaching; and that they (the jury) were entitled to assume that the defendants became acquainted with that fact in the course of the former ejectment proceedings. With respect to the first and second classes of the defendants, his Lordship left the question to the jury whether there had been a disclaimer or not; and with respect to the third class he told them that if they believed the words used by them were used honestly, they did not constitute a disclaimer; but if they meant, "Knowing you, the plaintiffs, to be in a difficulty, we will stand on our possession," they were evidence of a disclaimer. His Lordship then directed the jury to find for the plaintiffs in each case where they believed there had been a disclaimer, and for the defendants where they believed there had been no disclaimer.

The jury having retired, the plaintiffs' counsel called on his Lordship to tell the jury that there was evidence of disclaimer on the part of the defendant, Edward Gargan; that it was proved that the notice was served on his wife, and that he took no steps to set himself right with the plaintiffs in case he had no intention of disclaiming their title.

The defendants' counsel also called on his Lordship to direct the jury that there was no evidence of disclaimer with respect to the 2nd and 3rd classes of the defendants.

The jury brought in a verdict for the plaintiffs in every case.

The learned Chief-Baron then reserved liberty to the defendants to move that that verdict should be set aside, and a verdict entered for the defendant in each case where the Court above should be of opinion that there was no evidence of a disclaimer. His Lordship also extended the time for the plaintiffs to elect for which of the plaintiffs they would enter the verdict to a day in next term; and reserved liberty to the defendants to move to have that verdict set aside, and a verdict entered for them if the Court above should be of opinion that the legal estate was not in the plaintiffs, for whom the verdict should be entered or any of them.

Dowse, Q.C and *Hamilton*, for plaintiffs. Attorney, *Concanon* and *White*.

M'Causland, Q.C., *Richardson* and *Hezlet*, for defendants. Attorney, *Reede* and *Goodman*.

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HOME CIRCUIT.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

KILDARE ASSIZES.

Before MONAHAN, C.J.

In re DUNNE.

March 14.—*Presentment Sessions—Lowest Tender—Surety—Associated Cesspayer.*

This was an application, on behalf of Patrick Brennan, that the contract of John Dunne, for the maintenance and repair of 1,142 perches of the West Narrogh-road, should be declared void, and that the next lowest tender, which was that of the applicant, should be accepted. It appeared that at the presentment sessions the lowest tenders for this work were the following:—John Burke, at 1s. per perch; Patrick Brennan, at 1s. 2d. per perch; and John Dunne, at 1s. 11¾d. per perch. Burke's tender was rejected in consequence of his inability to enter into the requisite security, James Darwin, one of his sureties, having withdrawn, alleging as a reason, that he did not consider the contract could be carried out at so low a rate. Darwin, who was an associated cesspayer, was also a surety for Brennan, whose tender was the next lowest in amount; but when the presentment sessions came to take this tender into consideration they were of opinion that Darwin was "interested in the contract," within the meaning of the 47th section of the 6th & 7th Will. IV., c. 116; and they accordingly adopted the tender of Dunne.

J. A. Curran, for Patrick Brennan.—The 22nd section of the Grand Jury Act (6 & 7 Will. IV., c. 116.), provides for advertising for tenders and proposals for works of maintenance, and, under the 23rd section of that Act, the lowest tender sent in must be accepted, if the party making it complies with the statutable conditions. The fact of Darwin being an associated cesspayer is no disqualification; for so far from his having any interest in the contract, the only way in which he could be affected by it is by being held liable in the event of Brennan failing to carry out the contract. His interest is not a beneficial one, such as is contemplated by the 47th section of the Act. The saving to the county in accepting Brennan's tender will be con-considerable; and as the proposal was not made for "any unfair or fraudulent purpose," the acceptance of it was not discretionary, but imperative.

F. L. Dames, for James Dunne.—Quite independently of the question as to whether an associated cesspayer is disqualified from being a surety, the presentment sessions came to the conclusion that Darwin (who was surety for the two lowest tenders) had some beneficial interest in the contract; and the Court will not interfere with the discretion which can be exercised by the sessions, under the 23rd section of the Act.

MONAGHAN, C.J., having ascertained from the county surveyor that his estimate for the work was 2s. 6d. per perch, stated that the presentment sessions were not, in his opinion, bound to accept the lowest tender; and that he would not interfere with the discretion which they had exercised in the present case.

CORRESPONDENCE.

To THE EDITOR OF "THE IRISH LAW TIMES."

SIR—The habit of recommending individuals for appointments by letters in the public press has become so inveterate in Ireland that perhaps I may be excused for a suggestion of this nature, made solely in the public interest.

I have read in the papers of this week speculations as to the appointment of the present Lord Justice of Appeal as Chancellor, the transfer of Baron Fitzgerald to the Lord Justiceship, and the elevation of the Attorney-General to Baron Fitzgerald's seat on the Bench.

I do not inquire into the probability of these changes, but I believe I express the opinion of many when I say that if a vacancy occurs in the place of Lord Justice of Appeal, the best arrangement that could be made for the public would be to place Lord Chief-Baron Pigot in that place.

In the best days of the Irish Court of Chancery, when Lord St. Leonards presided there, Mr. Pigot was one of the most distinguished leaders in that Court. It is no disparagement to the Irish Bench to say that there is not upon it at present a judge who, on the whole, equals the Chief-Baron in the very highest qualities of the judicial mind.

No one can deny that in the ordinary business of Nisi Prius even these great qualities are sometimes marred in their usefulness by the habit of insisting on the thorough investigation of the most minute details of every case.

This habit of mind, unsuited for the general duties of a Nisi Prius, is exactly that which is required in an appellate tribunal, where, as Lord Brougham has said, the very object is that every case may be so sifted that nothing can escape notice.

Such an appointment would reflect credit on the Government. It would be like English judicial appointments, one made solely from the fitness of the person chosen to fill the place. It would of course leave the place of Chief-Baron to the Government to dispose of as they may think fit.

I have the honour to be,
Your faithful Servant,
A BARRISTER.

To THE EDITOR OF "THE IRISH LAW TIMES."

SIR—While the Irish legal element is so fully represented in Parliament, as it at present is, allow me to suggest the necessity of an amendment in the present law relating to a certain class of negotiable instruments.

There are few, if any, commercial practices from which more mischief arises than the system, which, to a considerable extent prevails, of signing in blank bills of exchange stamps.

It is not an uncommon practice when a commercial firm is failing in credit to support it by sending to its customers, for the most part country traders, blank bill stamps for signature, generally supposed only to represent the amount of the debt which the trader may owe to the firm; frequently these stamps, when returned signed, are filled up for the full or nearly the full sum which the stamp on the bill will carry. And, invariably, these bills are passed into the hands of third parties, to whom, of course, no intimation is given of their real nature, and who are, therefore, not bound by the equities existing between the parties to the instrument. In the great majority of cases the persons so imposed upon would never sign such bills to any considerable amount if the actual extent of the liability they were incurring was placed before them on the bills, while the persons seeking the bills would, if the amounts were stated, rarely attempt to ask such a liability to be incurred.

Unfortunately it too often happens that it is not the persons who are careless or foolish enough to incur such liabilities that suffer most, but their honest legitimate creditors, whose goods have been obtained, and who are frequently, in the end, the victims of recklessness on the one hand, and fraud on the other. There are few

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wholesale trading firms who have not suffered by this practice. Surely the system of accommodation bills is dangerous and disastrous enough to trade without leaving open to the fraudulent such a facile mode of raising a fictitious credit, and making negotiable instruments—otherwise a most useful and necessary assistance to legitimate trade—a means of working the greatest possible injury.

It must, I think, be admitted that there is no greater injury to commerce than the system of fictitious credit obtained by means of accommodation bills, and there is no respectable merchant who would not hail with approval any amendment in the law which would have the effect of checking this system. It is injurious to the banker whose money has been obtained on a security which, on failure of the principal debtor, is rarely paid; it is injurious to the merchant who supplies his goods to the trader on the understanding that he has only legitimate trade liabilities; and, generally speaking, it is positive ruin to the unfortunate dupe whose savings for years usually fall short of satisfying his liability, and who is ultimately driven to the Bankruptcy Court.

I would not propose that any change should be made which would deprive innocent holders of their remedies on negotiable instruments, but I would propose that the presenting for, or otherwise procuring the signature to a bill stamp not stating the amount for which it is drawn, should be a criminal offence. Such an enactment would materially check, if not altogether put an end to, the system to which I have referred, and would, I have no doubt, be gladly accepted by the commercial public as some safeguard against the too numerous risks of trade.

It may be urged that the course suggested would be attended with a certain amount of inconvenience to respectable merchants; grant that it may, still there are, I think, few such merchants who would not gladly suffer an inconvenience in order to put an end to such a system.—I am, Sir, your obedient Servant,

R. D.

Within a few days the attention of the public will be almost totally absorbed by a proceeding, the necessity for which must be regretted, whatever may be its results. The ordinary exercise of the criminal jurisdiction incident to Assizes and Commissions of *Oyer and Terminer* will be superseded by a Special Commission, not to try offences arising from the depraved tendencies of dishonest or violent dispositions manifested in crimes of a separate and distinct character, but to adjudicate on an alleged intention and on actual attempts to subvert all the authority of the Queen, by levying war on her, and slaying her loyal subjects. Treason, although it may affect a republican designation, assumes a guilty pre-eminence above all other infractions of the law; for, although it avails itself of almost every other crime to further its designs, it considers them servants and not associates. History seldom condescends to chronicle murders or robberies, even as exponents of the state of society at the period of their prevalence; but she regards treason, whether it appears in infantine or gigantic proportions, as a subject demanding the closest and most accurate description, and consequently all those who have to discharge public duties incident to trials for treason have the lights of history from very remote periods to guide them in their course. The legal and constitutional learning and personal characteristics of our judges must dissipate every apprehension of the slightest prejudice being permitted to aggravate or distort evidence adduced against the accused; and the jurors, by whom facts are to be considered, cannot but feel that a verdict intentionally wrong, and influenced by fear, favour, or affection, or by hatred, malice, or ill-will is an outrage against Divine law and human civilization. They may be required to exercise a patient and close attention to a lengthened detail of circumstances, condemnatory or exculpatory, but all will terminate to the satisfaction of their country, and of their own consciences, if they take into their box a cool and dispassionate and sworn determination, and "a true verdict give, according to the evidence." Whether ultimate judgment may be favourable to an accused party, or fearfully conclusive as to his guilt, he should have, through every intermediate stage, the benefit of all principles of constitutional law that apply to his case, and the further benefit of every rational doubt upon the facts sought to be established against him. The late Chief-Justice Bushe said in our hearing, on a criminal trial of some importance, that he wished the people to feel convinced that the law took better care of them than they took of themselves. Fully prepared to endorse the maxim, that it is better that many guilty persons should escape than one innocent person should suffer, we would offer a few observations on the hypothesis of some convictions for treason occurring at the approaching Special Commission. A duty will in such case devolve upon the Government, from which they should not, from which they cannot, shrink. Whatever the law awards should be promptly and unhesitatingly enforced. The law officers of the Crown would never have advised the issue of the Commission if they did not feel the necessity for meeting disaffection with the most speedy repression, and restoring peace and confidence throughout the community by subjecting treason, whether of home production or of foreign importation, to the heaviest consequences. The application of martial law has been totally withheld, and full time has been afforded for all accused parties to prepare for their trials before courts specially convened, but administering justice under authority purely and constitutionally civil. Hitherto in dealing with the treasonable manifestations which have disturbed our country, and seriously injured its industrial interests, the Government have displayed a most praiseworthy energy. We expect them to show the same energy in protecting the loyal and well-disposed people of this country, by consigning those whose guilt may be established to immediate punishment. We can see no reason why a Special Commission should be protracted more than in former times, except for the alteration in the statute law respecting treason in Ireland, which has been recently made in the interest of the accused, and which was introduced to the consideration of the Legislature by a member of the House of Commons who is now one of the judges named for the approaching trials in Dublin. But allowing every latitude for the thorough investigation of each case, and heartily desirous that the most perfect impartiality may mark all stages of the proceedings now impending, we hope that every instance of guilt, fully ascertained and established, shall be also an instance of prompt and exemplary public punishment. For the expression of these sentiments we have no motive except a sincere wish for the maintenance of future peace and tranquillity. Whether in the acknowledgement of meritorious service, or in the chastisement of detected and convicted criminality, "*Bis dat qui cito dat.*"—*Saunders's New-Letter.*

THE COURTS, AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

CONSOLIDATED CHAMBER SITTINGS.

Hilary Vacation, 1867.

A Judge will sit in Chamber to hear motions for the Three Superior Courts of Common Law on the following days:—

Tuesday, 26th March.	Friday, 5th April.
Friday, 29th March.	Tuesday, 9th April.
Tuesday, 2nd April.	Friday, 12th April.

LANDED ESTATES COURT.

Sales.—MARCH 19.

Before JUDGE LYNCH.

COUNTIES OF MEATH AND DUBLIN.

Estate of Maurice Flanagan, owner and petitioner.

Lot 1—Part of the lands of Deirks, situate in the barony of Ratoath, and county of Meath, containing 227a. 2r. 19½p. statute measure, held under lease, dated 1830, for 31 years

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or three lives; profit rent, £219. Sold to Mr. Robert Mease for £1,725, in trust for Messrs. Thomas B., John E., and Richard Sheridan.

Lot 2—The lands of Newtown Deirks, situate in the same county, containing 23a. 2r. 38p. statute measure, held under lease for 21 years, from September, 1861; profit rent, £2 13s. 9d. Sold to Mr. Michael Crooke for £15.

Lot 3—Part of the lands of Dunsink, in the barony of Castleknock, county Dublin, held under lease for 999 years; profit rent, £177 5s. 8d. Purchased by Mr. Thomas Molloy for £1,925. *Ford and Doherty*, solicitors.

COUNTY OF DOWN.

Estate of William Bottomley, owner and petitioner. Sale adjourned, biddings having only reached £2,000.

TOWN OF GALWAY.

Estate of John De Burgh Lynch and others, owners; Thomas Commins, petitioner.

Lot 1—The Mayoralty House of Galway, held in fee; yearly rent, £30. Sale adjourned, biddings having only reached £250. Lot 2—Already sold.

Lot 3—Plots of ground, including part of the site of the old Town Hall, held under lease for 91 years, from 1824; tenement valuation, £40. Sold to Mr. James Campbell, of Galway, for £136 18s. 6d. *James Blaquiere*, solicitor.

LANDED ESTATES' COURT.

PETITIONS FILED, *from* 15*th to* 22*nd March*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
March 15	3767	Edward O'Connor, and M. Murphy and C. H. James, his assignees	*James O'Connor*	City of Dublin	75 0 0	*James G. Rynd*	Dobbs
"	3768	Patrick Sullivan	*The Owner*	King's County	98 12 10	*W. K. O'Shaughnessy*	Lynch
" 16	3769	Charles Thomas Gore Ormsby	*James H. Moore*	Sligo	*Not given*	*Abbott and Moore*	Dobbs
"	3770	Assignees of Laurence Moylan	*James O'Shaughnessy*	Dublin	*Not known*	*W. K. O'Shaughnessy*	Lynch
"	3771	John Hutton	*The Owner*	City of Dublin	30 10 0	*Robert Eames*	Dobbs
" 19	3772	Richard John O'Grady	*The Owner, for Declaration of Title*	—	—	*Dillon and Hart*	Lynch
" 20	1872B	H. C. Hastings	*A. L. Gutherie, Supplemental Petition of H. C. Hastings and another for Trustees*	—	—	*Read and Crawford*	Lynch
"	3773	Wm. Kennedy and Wife	*The Owners*	Queen's County	53 18 8	*Samuel Gerrard*	Dobbs
" 21	3774	Hastings F. Peet	*James O'Lane*	Kerry	327 0 0	*West & FitzSimons*	Lynch
"	3775	Margaret Magee and M. E. Kenny	*Margaret Magee*	City of Dublin	62 18 0½	*Thomas V. Ryan*	Dobbs
"	3776	William Sterne	*The Owner, for Declaration of Title*	—	—	*William Sterne*	Lynch
"	2859A	Assignees of Edmond Murphy	*E. Smithwick, Supplemental Petition to appoint Trustees*	—	—	*J. P. Hartford*	Dobbs
" 22	3777	Arthur Doyle	*Maria Dunne*	Kilkenny	*Not known*	*G. H. Lowe*	Dobbs
"	3778	William H. Greene	*The Owner*	Dublin	40 0 0	*Jeffrey Browning*	Lynch
"	3779	John Fawcett	*The Owner*	City of Dublin	40 5 0	*J. B. Wilson*	Dobbs

Value of Property in Grafton Street.—On Wednesday, at Messrs. Littledale's sale-room, the house situated at No. 23, Grafton-street, leased for 900 years, subject to head rent of £100 a-year, was sold for £1,010; and that at No. 79, Grafton-street, held for ever, subject to yearly rent of £1 16s., was sold for £500 to Messrs. Byrne and Lambert, solicitors, in trust for Mr. John H. Powell.

THE MAGISTRACY.

Belfast Borough Magistracy.—The Lord Lieutenan has been pleased to confer the commission of the peace for the borough of Belfast on John M. Higginson, Esq., of Brooklyn House, Holywood. Mr. Higginson has for some time past held the commission of the peace for the county of Down.

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COURT OF BANKRUPTCY AND INSOLVENCY.
IN BANKRUPTCY.
SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
March 25	12 o'clock	Michael Brennan	Reference	*Meldon*
"	"	Arrangement	Proof of Debts	*M'Cully*
"	"	Do.	do.	*Goff*
"	"	Do.	do.	*Larkin*
"	"	Do.	do.	*Mathews*
		Tuesday. Before the COURT.		
March 26	11 o'clock	Thos. Sharpe	Final examination	*Black*
"	"	J. C. Hennessy	do.	*Cronhelm & Lett*
"	"	Humphrey Rynhart	do.	*Batt*
"	"	Henry Magrath	do.	*Larkin*
"	"	Edward Cahill	do.	*Larkin*
"	"	Daniel Magrath	do	*Cronhelm & Lett*
"	"	William Tackaberry	Sur., prove debts, and choose assignee	*Leachman*
"	"	John Redmond	do. do.	*Atkinson*
"	"	Jas. Robert Stewart	do. do.	*Stuart*
"	"	Thos. Duggan	Final Examination	*Batt*
"	"	John Darcy	do.	*Horgan*
"	"	Joseph Clarkin	do.	*O'Rorke & Neilson*
"	"	Thos. Sharpe	Composition	*Larkin*
"	"	Arrangement	1st sitting	*Irvine*
"	"	Thomas Toner	Final Examination	*Kennan*
"	"	———	Adjudication	*O'Rorke & Neilson*
"	"	———	Trader Debtor Summons	*Milford*
"	"	———	do.	*Rogers*
"	"	———	do.	*Molloy & Watson*
		Thursday. Before Mr. BRADY, Chief Registrar.		
March 28	12 o'clock	Anthony Carroll	Proof of debts & vouch assignee's acct.	*Creagh*
"	"	John Shortess	do. do.	*Stone*
"	"	P. W. Power	do. do.	*Scallan*
"	"	Arrangement	do. do.	*Sanders*
"	"	Do.	do. do.	*Stuart*
		Friday. Before the COURT.		
March 29	11 o'clock	Thos. H. M. Bell	Final Examination	*Bradley*
"	"	Laurence Coffey	do.	*Casey & Clay*
"	"	H. M. Beck	do.	*Meldon*
"	"	Jas. Sheehy	Prove Charge	*Harvey*
"	"	Mathew Drysdale	Sur., prove debts, and choose assignee	*Findlater & Collins*
"	"	Arrangement	1st sitting	*Lynch*
"	"	Do.	do.	*Larkin*
"	"	Do.	do.	*Meldon*
"	"	Do.	do.	*Moore*
"	"	Patrick Nolan	Certificate	*Goff*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
22nd March,	Taylor, Alexander O'Driscoll, of Victoria-street, Belfast, yarn and linen merchant,	Robert M'Geagh, of Belfast, merchant,	*Irvine.*
"	Weir, William George, of Belfast, merchant,	John Preston, of Belfast, Merchant,	*Johns, Hewitt, and Johns.*

DIVIDENDS DECLARED.
The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	AMOUNT OF DIVIDEND	SOLICITOR	OFFICIAL ASSIGNEE
22nd March,	M'Cartney, Thomas,	1st dividend of 9s. 5½d. in the £ on £932.	—	*Lucius H. Deering.*

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BANKRUPTS.

Drysdale, jun., Mathew, of 29, New Bride-street, county of the city of Dublin, builder. Petition filed March 12, 1867. To surrender Friday, March 29, and Tuesday, April 16. Lucius H. Deering, Official Assignee. *Findlator* and *Collins*, Solicitors.

Reynolds, Thomas, of the Main-street, Malahide, county of Dublin, grocer and spirit dealer. Petition filed August 17, 1866. To surrender Tuesday, April 2, and Tuesday, April 16. Charles H. James, Official Assignee, *Hamilton* and *Craig*, Solicitors.

Certificates Allowed,

Unless appeal filed within 31 *days from date.*

MARCH 5.

Skinner, Thomas, and M'Kee, James, both of Clady Print Works, Ballymather, county Antrim, linen printers, bleachers, and finishers, trading as "Thomas Skinner and Company." *Seeds* and *Lynch*, Solicitors.

MARCH 19.

Weir, Thomas, of Lisnabreen House, County Down, and Chichester-street, Belfast, and county of Antrim, linen merchant. *Johns*, *Hewitt*, and *Johns*, Solicitors.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before MR. FARRELL, Chief Clerk.		
March 25	12 o'clock	Donald John Macqueen	To prove debts	*Byrne*
"	1 o'clock	John Bryan Healy	do.	*Macnally*
"	"	John Doran	do.	*Irvine*
		Tuesday.		
March 26	12 o'clock	John Hutchings	To tax costs	*Macnally*
"	"	Daniel Murray	do.	*Macnally*
"	1 o'clock	Hugh Stewart	To settle report	*Vogan*
		Wednesday. Before the COURT.		
March 27	11 o'clock	John Hutchings	Audit and dividend	*Macnally*
"	"	Daniel Murray	do.	*Macnally*
"	"	John Dunne	Adjourned audit	*Macnally*
"	"	Charles Peter Gavin	do.	*West*
"	"	Richard Wightman	Choice of assignee	*Irvine*
"	"	James Joseph Balfe	Examination of insolvent	*Curran*
"	"	John Gill	For judgment	*Barrett*
"	"	James Scullion,	Notice of motion	*Young*
"	"	Edward Francis Dobbyn	Hearing of petition	*Rynd*
"	"	John Sims	do.	*Batt*
"	"	John Reddy	do.	*M'Kenny*
"	"	Hugh Lyons Montgomery	Adjourned hearing of petition	*Graves*
"	"	Edmund Burke	do.	*Graves*
"	"	Frederick Clarke	do.	*Graves*
"	"	William Shea	do.	*Rynd*
		Friday.		
March 29	11 o'clock	Before the COURT.	Bail motions only	
		Saturday. Before Mr. FARRELL, Chief Clerk.		
March 30	12 o'clock	Malachi Hogan	To vouch assignee's account	*Merrick*
"	"	John Bryan Healy	do.	*Macnally*
"	"	John Doran	do.	*Irvine*
"	2 o'clock	John Albert Mons	Adjourned proof of debts	*Casey & Clay*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	INSOLVENT'S NAME	DIVIDEND IN THE POUND	SOLICITOR	OFFICIAL ASSIGNEE
Feb. 27th,	Kinsella, John,	1st Dividend—4s. 4d. in the £ on £353.	*Dillon.*	*C. H. James.*
"	Daly, John,	1st Dividend—9½d. in the £ on £888.	*Macnally.*	*C. H. James.*
March 6th,	Leonard, Michael,	3rd Dividend—5s. 5d. in the £ on £30.	None.	*C. H. James.*
"	Hannon, Martin,	1st and final Dividend—4½d. in the £ on £271.	*Moran.*	*C. H. James.*
"	Williams, James John,	1st and final Dividend—5s. in the £ on £432.	*Tyrrell and Stanell.*	*C. H. James.*

CASES DISPOSED OF.

Wednesday, March, 20th, 1867.

Before JUDGE MILLER.

Byrne, Michael, Discharged.

Clarke, Frederick. Adjourned to Wednesday, March 27, 1867.

Lawson, Andrew. Adjourned to Wednesday, April 17, 1867.

Moore, Conyngham. Discharged.

Shea, William. Adjourned to Wednesday, March 27, 1867.

Thunder, Andrew Frederick. Discharged. £40 per annum out of his salary to be paid to the official assignee for general benefit of the creditors.

INSOLVENTS DISCHARGED ON BAIL until the day of Hearing their petitions.

Conroy, Francis, co. Galway, farm assistant.

M'Daniel, senr., Thomas, co. Cork, sail maker.

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Carrigan, Thomas, arrested as "Thomas Corrigan," Belfast, spirit dealer, previously marine store dealer.

INSOLVENTS.

To be heard in Dublin.

Hawksworth, John, of Bushfield-avenue, co. Dublin; previously of Portland-place, Dublin; not in business. Hearing at Four Courts, April 3, at 11. Solr., *Macnally.*

To be heard in the Country.

Bradford, Isaac, of Ardkeragh, Rathfriland, co. Down, farmer. Hearing at Downpatrick, June 20, at 10. Solr., *Evans.*

Carrigan, Thomas, of Belfast, co. Antrim, spirit dealer and grocer; previously marine store dealer, arrested as "Thomas Corrigan." Hearing at Belfast, April 9, at 3. Solr., *Macnally.*

Clarke, John F., of Kilmore, near Tullamore, King's County, previously of No. 5, Cambridge-road, co. Dublin, and of Monacurragh, co. Carlow, dealer in grain and flour, and commission agent. Hearing at Tullamore, April 6, at 10. Solr., *Cleary.*

Cross, Jane, of Carrickaness, Benburb, co. of Armagh, widow. Hearing at Armagh, April 6, at 10. *Cochrane.*

Ferris, John, of Belfast, co. Antrim, not in business; previously of Belfast aforesaid, aërated water manufacturer and bottler, trading as "Ferris and Johnston"; previously of Belfast aforesaid, canvassing agent and spirit dealer, and previously commission agent. Hearing at Belfast, April 9, at 3. Solr., *Macnally.*

Haslett, Robert, of Ballymena, co. Antrim; previously of Ballycraigy, near Ballymena, farmer. Hearing at Belfast, April 9, at 3. Solr., *Compton.*

Hobson, senr., John, of Bessbrook co. Armagh, weaver; previously of Monbreff in said co., weaver. Hearing at Armagh, April 6, at 10. Solicitor, *Archer.*

Magennis, John, of Armakane, co. Armagh, farmer and dealer; previously of Plymouth in England, farmer and dealer. Hearing at Armagh, April 6, at 10. *Cochrane.*

M'Menamin, William, of Mallinabreen, co. Tyrone, farmer. Hearing at Omagh, April 5, at 10. Solr., *Dickie.*

Murray, Thomas, of Mullingar, co. Westmeath, brewer. Hearing at Mullingar, June 25, at 12. Solr., *Macnally.*

Reilly, Felix, of Portadown, co. Armagh, lodging-house keeper. Hearing at Armagh, April 6, at 10. *Cochrane.*

Tynan, Hamilton, of Newtownstewart, co. Tyrone, grocer. Hearing at Omagh, April 5, at 10. Solr., *M'Colgan.*

Watson, Patrick, of Farnadrum, Kilcock, co. Kildare, farmer; formerly of Ardrums, Summer-hill, co. Meath, farmer. Hearing at Naas, April 9, at 10. *H. C. Kelly.*

Young, James, of Tattykeel, co. Tyrone, farmer. Hearing at Omagh, April 5, at 10. Solr., *M'Colgan.*

PETITIONS OF INSOLVENCY FILED.

By Smith, Samuel, of Kyle, co. Carlow, gentleman, a prisoner in gaol of Carlow. March 16. Solr., *J. B. Mulhall.*

Against Hennery, James Milbank, of No. 5, Albert-place, Dublin, not in business, committed as "James Milbank Henery," a prisoner in the Four Courts' Marshalsea. March 16. Solr., *Magrath.*

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
JOSEPH FLANN,
of Donegall-place, Belfast, in the County of Antrim, Draper and Haberdasher, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 5th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 22nd day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

HUGH GRAHAM, Agent to the Bankruptcy, No. 90, Lower Gardiner-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
THOMAS H. M. BELL,
of No. 18, Waring-street, Belfast, in the County of Antrim, Commission Agent, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 29th day of MARCH, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 15th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

WILLIAM GEORGE BRADLEY, Agent to the Bankruptcy, No. 11, Lower Ormond-quay, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
WILLIAM BOYD,
one of the Executors of JAMES WILKIN, deceased,
Petitioner;
ANNE WILKIN, and others,
Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of JAMES WILKIN, late of Lakeview, near Armagh, in the County of Armagh, Farmer, deceased, on or before the 30th day of APRIL, 1867, to furnish in writing to WILLIAM BOYD, of Armagh, the Petitioner in this matter, or to GEORGE CREBBIN COCHRANE, of 43, Dame-street, Dublin, and Armagh, his Solicitor the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 19th day of March, 1867.

WM. BROOKE, Master in Chancery.

GEORGE C. COCHRANE, Solicitor for Petitioner, No. 43, Dame-street, Dublin, and Armagh.

LANDED ESTATES' COURT, IRELAND.

COUNTY OF CLARE.

In the Matter of the Estate of
EDWARD FINCH, Owner and Petitioner.

TO BE SOLD, before the Honourable Judge Lynch, on TUESDAY, the 7th day of MAY, 1867, at the hour of Twelve o'clock noon, at the Landed Estates' Court, Inn's-quay, Dublin, in One Lot, part of the Lands of Cragroe, containing 172 acres and 31 perches, statute measure, situate in the Barony of Tulla, Upper, and County of Clare, held in Fee-simple, and producing the net annual rent of £65 18s. 6½d.

Dated this 15th day of March, 1867.

R. DENNY URLIN, Examiner.

That part of the Lands of Cragroe, to be Sold in this matter, forms portion of the townland of that name, which has been partitioned to the Owner, by order of the Landed Estates' Court of the 22nd January, 1867. They are situate about fifteen miles distant by railway from the City of Limerick, and eight miles from the Town of Ennis. The Lands are of good quality, and are at present let considerably below their value to yearly tenants.

For Rentals, Maps, and further particulars, apply at the Registrar's Office, Landed Estates' Court, Dublin; to

TIMOTHY BUNTON, Esq., Solicitor, Ennis; or to

Messrs. GALLOWAYS & CONNOR, Solicitors having carriage of the Sale, 55, Upper Sackville-street, Dublin.

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DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	Saturday 16	Monday 18	Tuesday 19	Wednesday 20	Thursday 21	Friday 22
Government Funds.						
New Three per Cent. Stock,	89 ⅞ ¾	89⅞ ¾ ⅞ ¾	89⅞ ¾	89⅞ ¾ ⅞ ¾	89⅞	89⅞ ¾
Ditto for Account, 7th March	—	—	—	—	—	—
Ditto for Account, 10th April	89⅞	89⅞ ¾	89⅞	—	—	—
Three per Cent. Consols	90⅛ ⅜	90⅛ ¼	—	90⅛ ¼	—	—
Foreign and Colonial Funds.						
India Five per Cent. Stock	108	108¼	108¼ ⅜	108⅜	108⅜	—
Joint-Stock Banks.						
Bank of Ireland, £100 pd	233½	—	234	234½	—	234½
Hibernian Bank, £25 pd	—	—	37	—	—	36¾
Munster Bank (Lmtd.), £3 10s pd	—	4½	—	—	—	—
Ditto for Account	—	—	—	—	—	—
National Bank, £30 pd	64	64½	64½	64½ 64	64	63½
Ditto for Account	—	64½	64½	—	—	—
National of Liverpool (Lmtd.), £15 pd	14½ 14	14	—	—	—	—
Provincial Bank, £25 pd	—	84	—	—	—	—
Ditto, New, (pd £10)	—	—	—	—	—	—
Royal Bank, £10 pd	—	—	33½ ¼	32½ ¼	32½ 32	32½
Ditto for Account	—	—	—	—	—	—
Ulster Banking Company, £2 10s pd	—	—	—	—	—	—
Union Bank, £22 pd	—	—	—	—	—	—
Steam.						
British and Irish, £50 pd	—	—	—	—	—	—
City of Dublin, £100 pd	97½	—	—	98	89½	—
Dub. & L'pool St. Ship Build., £50 pd (rd)	—	52	—	—	—	—
Dub. and Glasgow, £50 pd	—	—	—	—	—	—
Dundalk (Limited), £10 pd	—	—	—	—	—	—
Peninsular and Oriental, £50 pd	63½	—	—	—	—	—
Mines.						
Carysfort (Lmtd.), 30s pd	—	—	—	—	—	—
Ditto for New Account	—	—	—	—	—	—
Connorree M. Co. (Lmtd.), 20s pd	13s 6d	—	13s 6d	14s 6d	14s	14s
Ditto for Account	—	—	13s 6d	—	—	—
Gen. M. Co. (Lmtd.), £5 10s pd	—	—	—	—	2½ ⅝	—
Ditto for Account	—	—	—	—	—	—
Killaloe Slate Co. (Lmtd.), £1 pd	—	—	—	—	—	—
Mining Co. of Ireland, £7 pd	—	—	16⅝	16¾	—	16⅝
Ditto for Account	—	—	16¾	—	—	—
Wicklow Copper, £2 10s pd	—	—	23½	—	—	—
Ditto for Account	—	—	—	24½	—	24½
Miscellaneous.						
Alliance and Consumers' Gas, £8 pd A	—	—	9½	—	—	—
Alliance and Consumers' Gas, £5 pd B	5½	—	5½	—	—	—
Ditto for Account	—	—	—	—	—	—
Alliance and Consumers' Gas, £4 pd 2 C	—	—	4½ ⅝	—	—	—
City of Dublin Brewery Co. (Lim.), £7 pd	—	—	—	—	—	—
Dub. Exhib. Palace (Lmtd.), £5 pd	—	—	—	—	—	—
Grand Canal, £100 pd	—	—	—	—	—	—
Patriotic Insurance, £10 pd	—	—	—	8⅝	8⅝	—
National Insurance, £25 pd	—	—	33½	—	—	—
Gresham Hotel Co. (Lim.), pd £5	—	—	—	—	—	—
Railways.						
Belfast and Northern Counties, £50 pd	—	—	—	44½	—	—
Cork and Bandon, 50 pd	—	—	—	—	—	—
Dublin and Belfast Junction, £100 pd	—	70½	70½	—	70½	71
Dublin and Kingstown, £100 pd	—	—	—	—	—	—
Dublin and Drogheda, £100 pd	—	77½	77½	—	—	78¾
Dublin, Wicklow, and Wexford, £100 pd	—	—	40	40	—	—
Ditto for Account	—	—	—	—	—	—
Great Northern and Western, £10 pd	—	—	—	—	—	—
Great Southern and Western, £100 pd	89½	89¾ ⅞	89½	89½	89⅞ 90	89⅞ 90
Ditto for Account	—	—	—	—	—	—
Midland Great Western, £100 pd	58½	—	—	58	—	58
Ditto for Account	—	—	—	—	—	58
Waterford and Limerick, £50 pd	—	—	—	12	—	—
Railway Preference.						
Belfast and N. Counties, 4 p c pp, £100 pd	—	—	—	—	89½	—
Cork and Bandon, 5½ p c pl £6 5s	—	—	—	—	—	—
Dub., Wick., and Wex., 4 p c pr, £100 pd	—	—	—	—	—	—
Dub., Wick., and Wex., 5 p c £50 pd rd	—	47	—	—	—	—
Dub., Wick., and Wex., 5 p c (1865) pd £10	—	—	—	—	—	—
Gt. South. and Westn. 4 p c pp £100 pd	—	92¾	—	—	—	—
Irish N. Western, 5 p c pp, £10 pd, A	—	—	—	—	—	—
Midland Great Western, 5 p c, £100 pd	—	—	—	—	—	—
Portadown, Dungannon, &c., 6 p c, £25 pd	—	—	—	—	—	—
Watfrd. and Limk. 5 p c pd £50	—	—	—	—	—	—
Dublin & Drogheda, 5 p c rd, 1868, £25 pd	—	—	—	—	—	—
Waterford and Kilkenny, 6 p c rd, £100 pd	—	—	—	—	—	—
Railway Debentures.						
Gt. South. and Wn., 4½ per cent.,	—	—	—	—	—	—
Midland Great Western 5 per cent.,	—	—	—	—	—	—
Ditto 4½ per cent	—	—	—	—	—	—
Dublin and Kingstown	—	—	—	—	—	—
Local Debentures.						
Ballast Office Debentures, £92 6s 2d	—	—	—	—	—	—
City Debentures, £92 6s 2d	—	—	—	—	—	—
Ditto, do. deferred	73½	—	—	—	—	—

Name Day—28th March. Account Day—29th March.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, March 23*, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 9.] SATURDAY, MARCH 30, 1867. {Single Copy, 6d. By Post, 7d.}

TO SUBSCRIBERS AND ADVERTISERS.

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Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MARCH 30, 1867.

THE first and paramount object proposed by the New Common Law Bill is the complete assimilation of pleading and practice in the Superior Courts of Law in Ireland to that which exists in the corresponding Courts in England. This is a point upon which the views of both branches of the Profession in this country have been so strongly and so unanimously expressed that it is hardly necessary to adduce reasons to support so popular an opinion. At present the House of Lords is the tribunal of ultimate resort for the review of the decisions of the Courts of Common Law in both countries, and the advantages which English and Irish jurisprudence derive from its being so are so great that no effort should be spared to render the common appellate tribunal as efficient as possible. In this way, and in this way alone, can the harmony which ought to exist between the decisions of the Courts in the two countries be preserved, and that equality in the administration of the law which is essential to the prosperity of the country be attained. To secure these important advantages it is, however, indispensable that the Appellate Court should not be overburdened with business. From the constitution of the House of Lords, and the comparatively short period of its sittings, it is quite essential, if it is to maintain its position as the Appellate Court of the two countries, that it should only be resorted to for the decision of important questions of principle; and that in considering such questions the Law Lords, and the Judges who assist their deliberations, should not be embarrassed by a strange, and to them unintelligible, system of procedure. For this reason, if for no other, uniformity of practice and procedure in the English and Irish tribunals is attended with such advantages that to the attainment of this object all minor details should give way. But, as we have before said, in almost every point of difference the advantage preponderates in favour of the English system. For example, the Irish Common Law Procedure Act, s. 5, purports to abolish all forms of action, while, with singular inconsistency, it makes the plaintiff's right to costs depend upon the form of action which he adopts for the statement of his complaint. The English Act, on the contrary, preserves the forms of action, while it abolishes the technicalities of pleading, which rendered necessary a strict adherence to the forms of expression appropriated to each action. A moment's reflection will show the necessity, in the present state of the law, of preserving the substantive

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distinctions between classes of actions and the embarrassments which must arise from attempting to reduce all personal actions to the same category. The Court is called upon to decide on the validity of a defence of the Statute of Limitations, or to review the direction of a Judge at Nisi Prius as to how far such a defence has been sustained in evidence at the trial. For the decision of this point the Court must, in the first instance, determine whether the cause of action is for a direct or a consequential injury. In the one case the period of limitation must, in all probability, be computed from the act complained of; in the other, from the period when the injury arose; or it may become necessary to determine, with a view to the proper assessment of damages, whether the plaintiff is suing for a liquidated penalty, or unliquidated damages arising from the breach of some Statute or Contract. Hours of fruitless discussion are wasted in determining the nature of the plaintiff's complaint which might all be saved by his having adopted one or other of the recognized forms of action. The inevitable consequence of such discussions is the substitution of disputes about words for disputes about ideas. Instead of counsel endeavouring to convey to the Court and to each other their conceptions of justice and common sense, the time which might be profitably employed in this purpose is wasted in discussing the due interpretation of the formula in which these conceptions are embodied. We believe the assimilation of the Irish to the English pleading, in this branch, will be found a most beneficial reform.

The next important change which we notice, as introduced by the new Bill, is the power, in cases in which the cause of action has arisen with the jurisdiction, of serving the defendant abroad. The power of substituting service, as it at present exists, is only available where the defendant has an agent in this country, and thus fails to provide for the very class of cases in which a just demand is least likely to be satisfied without legal process. The defendant may be an annuitant or a mortgagee, residing abroad, drawing a large income from this country, which is remitted to him direct from the person liable to pay without passing through the hands of any person who can be considered as his agent, or he may have gone abroad for a temporary purpose when the debt is nearly statute run. In all such cases the debtor can effectually set his creditor at defiance, unless the creditor have at law the power which he already possesses in a large class of cases in equity—of serving the defendant with process at his residence abroad.

We also believe the check, which we observe is imposed by the Bill, to the excessive multiplication of counts on the same cause of action, will be found a vast simplification of the existing practice. With the ample powers of amendment possessed by the judges, there seems no reason why the plaintiff should be permitted to ring the changes on the same state of facts in a half dozen different counts. By the present Bill no more than one count will be permitted on each distinct cause of action, except by permission of a Judge. We forbear to notice several matters of detail in the Bill—such as the restoration of a limited general issue in all classes of actions, which has worked well in England for the last thirty years, and the power of paying money into Court, in all classes of personal actions, which, we believe, will be found to have a beneficial effect in checking that class of frivolous actions by which the records of our Courts have latterly been too often disgraced. We have said enough to indicate the general nature of the Government Bill, and, we believe, it will be received as a valuable measure of reform by both branches of the legal profession in Ireland.

CURRENT TOPICS.

THE RECENT LEGAL APPOINTMENTS.

The recent legal appointments consequent on the resignation of the Right Honourable Francis Blackburne, have been already very fully discussed both here and in England; and it is gratifying to us to be able to congratulate the public and the profession upon the satisfaction with which the leading journals, representing every shade and variety of political opinion, have, with one voice, expressed themselves as to the selections made by the Government. This singular unanimity of opinion is the best proof that can be given that these appointments were not bestowed as a reward for mere political services without regard to the merits or peculiar suitability of the individuals upon whom they were conferred.

The Right Honourable Abraham Brewster, as Lord Chancellor of Ireland, is unquestionably the right man in the right place. A writer in an English Review, alluding to the Irish legal appointments consequent on the change of Government, speaks of our Irish establishments as affording "a safe and lucrative retreat for ex-politicians;" but in reference to Mr. Brewster's elevation to the office of Lord Justice of Appeal, the same writer says:—"Here, it must be confessed, was a rare instance of promotion by merit; of his appointment no complaint can be made, except by those extreme politicians, of a class by no means extinct in Ireland, who regard party services as alone worthy of being estimated." We feel it would simply be a piece of impertinence to the readers of this journal to expatiate on the subject of Mr. Brewster's fitness for the high and important duties which he is now at length called upon to discharge. It must, however, be admitted that some feeling of disappointment was produced among many members of both branches of the profession, immediately upon Mr. Brewster entering upon his duties as Lord Justice of Appeal. But we feel confident that this feeling, if it still exists, will be very soon effaced, and that there will be no ground to apprehend that the advantages to be derived by the public from ability of the highest order, vast experience, and profound learning

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shall be marred by anything resembling an exhibition of impatience during the progress of a cause. Many great judges have at first forgotten that "'Tis excellent to have a giant's strength; but it is tyrannous to use it like a giant," and that great mental acuteness often generates a "habit of interruption by frequent questions, and of intimating a decided opinion during the progress of the argument."

It is to be remarked of Mr. Brewster, when at the bar, that it was almost impossible to take him by surprise. His great learning was always ready at his command, and any interruption from bench or bar seemed only to give him additional strength. His very style was indicative of his great powers, and his arguments wore the appearance of expositions of the law, drawn, for the time, from his great resources, rather than of systematic preparation for the particular occasion. Hence he never experienced any inconvenience from any sudden derangement of a line of argument elaborately arranged. Our space will not at present permit us to consider the other appointments, but we will recur to the subject at a future time.

At a meeting of the Attorneys and Solicitors of the City and County of Londonderry, held in the Court-House, Londonderry, on the 28th day of March, 1867, HENRY M'CAY, Esq., LL.D., in the chair,

It was proposed by Robert Knox, and seconded by Hugh Lane, Esqrs., and carried unanimously:—That the petition to Parliament for the Repeal of the Attornies' Certificate Duty, read by the secretary, be adopted.

Proposed by Thomas Chambers, and seconded by Isaac Colquhoun, Esqrs., and carried unanimously: That the Secretary do transmit to the representatives in Parliament of the County of Londonderry, the City of Londonderry, and Borough of Coleraine, the copy of the petition, and the accompanying statement in support of it, with a request that they will severally attend in their places in Parliament on the 2nd April next, and support Mr. Denman's motion for the second reading of the Bill introduced by him into the House of Commons to effect the above object.

Proposed by Thomas Chambers, and seconded by John M'Intyre, Esqrs., and carried unanimously:—That Henry M'Cay, Hugh Lane, George Proctor, Robert Crookshanks, and John Glover be appointed a committee on behalf of the Londonderry Law Society, to draw up suggestions for the amendment of the Civil Bill Acts; such suggestions to be printed and furnished to the members of the Society as soon as possible.

That the secretary be instructed to request the Council of the Incorporated Law Society to use its influence to procure the withdrawal of the Bills now before Parliament for the amendment of the Civil Bill Acts, in order that a complete measure may be framed for introduction during next session of Parliament.

Proposed by George Proctor, and seconded by Isaac Colquhoun, Esqrs., and carried unanimously:—

That it is desirable that there should be a general meeting of the Quarter Sessions' Practitioners of Ireland, held in Dublin on an early day during next Term, for the purpose of considering the present Civil Bill Acts, with a view to have the same amended, and that means be taken to have the profession in every county in Ireland represented at such meeting.

GEORGE PROCTOR, Secretary.

The promotion of THOMAS KENNEDY LOWRY, Esq., Q.C., LL.D., to a Judgeship in the Island of Jamaica has caused two vacancies on the North-East Circuit. These have been filled by the appointment of WILLIAM B. KAYE, Esq., LL.D., to the Crown Prosecutorship for the County of Armagh, and of WILLIAM CROZIER, Esq., to that for the County of Antrim and Town of Carrickfergus.

A Bill to Amend the Pleading, Practice, and Procedure of the Courts of Common Law in Ireland.

(*Continued from No. 8, page 136.*)

ABSTRACT OF CLAUSES.

Discovery.

122. Affidavits on new Matter.

123. Power to Court or Judge to direct production of documents and oral examination, either before Court or Master, and thereupon to make order.

124. Such order to be proceeded on in like manner, and have the same force and effect as rule under 3 & 4 Vic., c. 105, and proceedings upon such examination to be conducted in mode now in use under said act.

125. Examination of person who refuses to make an affidavit may be had by order of Court.

126. Proceedings upon order for examination to be in like manner as an order made under 3 & 4 Vic., c. 105.

127. Upon application of either party, on affidavit of his belief that document, to the production of which he is entitled, is in possession of the opposite party, Court or Judge may order party against whom application made to file affidavits, stating what documents in his possession, and whether he objects, and on what grounds to their production.

128. Power to deliver written interrogatories to opposite party.

129. Affidavits by party proposing to interrogate, and his attorney, stating their belief that material benefit will be derived from discovery sought, that there is good cause of action or defence on the merits, and if by defendant, that discovery is not sought for delay.

130. Oral examination of parties to be allowed in case of omission without just cause to answer sufficiently such written interrogatories.

131. Proceedings upon such rule or order to be in like manner as upon order under 3 & 4 Vic., c. 105.

132. Depositions upon such examinations to be returned to master's office.

133. Examiner may make report to the Court.

134. Costs of rule and examination to be in the discretion of the Court.

Mandamus and Injunction.

135. Plaintiff in any action (except replevin and ejectment) may endorse upon writ that he intends to claim mandamus, and may thereupon, either together with any other demand or separately, claim mandamus to enforce the performance of duties.

136. Declaration in such action to set forth grounds on which claim founded, and that plaintiff personally interested, and sustains or may sustain damage.

137. Proceedings upon claim for mandamus to be, as nearly as may be, the same as in an ordinary action for damages.

138. If judgment given for plaintiff, execution may issue for costs and damages, and also peremptory writ of mandamus.

139. Form of peremptory writ.

140. Effect of writ of mandamus, same as mandamus issued out of Queen's Bench, and may be enforced by attachment.

141. The Court may order the act to be done at the expense of the defendant.

142. Prerogative writ of mandamus preserved.

143. Proceedings for prerogative writ of mandamus, rule may be absolute in the first instance.

144. Provisions of this Act, so far as applicable, to apply to proceedings on prerogative writ of mandamus.

145. Specific delivery of chattels may be ordered.

146. In cases of breach of contract, or other injury, writ of injunction may be claimed.

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147. Form of writ of summons and indorsement thereon.
148. Form of proceedings and of judgment to be the same, as nearly as may be, as in actions to obtain mandamus.
149. Writ of injunction may be applied for at any stage of the cause.
150. Costs of writs of mandamus and injunction may be included in writs.

Notice of Trial, Inquiry, and Countermand.

151. Ten days' notice of trial or inquiry to be given.
152. Countermand of notice of trial to be given four clear days (in the case of short notice of trial, two clear days).
153. Rule for costs of the day for not proceeding to trial, or not countermanding in time, may be drawn up on affidavit without notice.
154. Where plaintiff neglects to bring on cause for trial, in town cases, where issue joined in, or in the vacation before any term, to bring the issue to be tried during or before the following term and vacation; and in country cases, where issue joined in or in the vacation before Hilary or Trinity Term, to bring issue to be tried at or before the second assizes following such term; or if issue joined in or in the vacation before Easter or Michaelmas Term, to bring issue to be tried at or before the first assizes after such term. Defendant may give 20 days' notice to bring issue to be tried at the sittings or assizes next after the expiration of notice, and if plaintiff does not proceed to trial, may file suggestion, and sign judgment for costs.

Nisi Prius Record.

155. Nisi Prius Record not to be sealed or passed.

Juries and Jury Process.

156. Courts or a Judge to issue precept to summon jurors.
157. Panel of jury to be annexed to Nisi Prius Record.
158. Special jury may be obtained upon notice.
159. Where defendant in any case, or plaintiff in replevin, gives notice of special jury, Court or Judge may, if satisfied that notice given for delay, order cause to be tried by common jury.
160. Notice to Sheriff of trial by special jury.
161. If special jury not summoned, cause to be tried by a common jury.
162. Court or Judge may provide for view out of the county, or county of city in which sections is to be tried.
163. Court or Judge may make order for inspection by the jury, or by parties or witnesses, of real or personal property.
164. Rules or orders for summoning juries may be made by the several Courts, or any Judge thereof.
165. Defendant's right to try, upon default of the plaintiff, preserved.
166. Two Judges may sit at same time for trial of causes pending in the same Court.
167. Power to the Court or Judge to direct trial to take place before Chairman or Recorder, where plaintiff's claim is for debt or liquidated demand under £20.

Arbitration.

168. If matter in dispute consists of matters of account which cannot conveniently be tried in the ordinary way, Court or Judge may direct arbitration by arbitrator to be appointed, or by an officer of the Court.
169. Special case may be stated, and question of fact tried.
170. Arbitrator may state special case.
171. Power to Judge to direct arbitration at time of trial, when issues of fact left to his decision.
172. Proceedings before and power of such arbitrator.
173. Power to send back to arbitrator.
174. Application to set aside the award to be made within first seven days of term next following publication.
175. Enforcing of awards within period for setting them aside.
176. If action commenced by one party after all have agreed to arbitration, the Court or judge may stay proceedings.
177. On failure of parties or arbitrators, Court or Judge may appoint single arbitrator, or umpire.
178. When reference is to two arbitrators, and one party fail to appoint, other party may appoint arbitrator to act alone.
179. Two arbitrators may appoint umpire.
180. Award to be made in three months, unless parties or Court enlarge time.
181. Rule to deliver possession of land pursuant to award to be enforced as a judgment in ejectment.
182. Agreement or submission in writing may be made rule of Court, unless a contrary intention appear.

Admission of Documents, Proceedings at Trial and Evidence.

183. Notice to admit documents to be served. Costs of proving document to be paid (in any event of the cause) by party refusing or neglecting to admit, unless Judge certify refusal reasonable. No costs of proving any document to be allowed unless such notice given except such omission is a saving of expense.
184. Proof of admissions by affidavit of attorney or his clerk.
185. Proof of notice to produce by affidavit of attorney or his clerk.
186. Speeches to the jury.
187. Power to adjourn trial.
188. Affirmation instead of oath in certain cases.
189. Persons making a false affirmation to be subject to the same punishment as for perjury,
190. How far a party may discredit his own witness.
191. Proof of contradictory statements of adverse witness.
192. Cross-examination as to previous statements in writing.
193. Proof of previous conviction of a witness may be given.
194. Attesting witness need not be called in cases where attestation not requisite to the validity of an instrument.
195. Comparison of disputed writing with writing proved to be genuine permitted to be made by witnesses.
196. Documents insufficiently stamped or unstamped may be received in evidence at the trial on payment of stamp duty. Penalty required by statute, and additional penalty of £1.
197. Officer of the Court to receive the duty and penalty.
198. Secondary evidence may be given of lost documents where original unstamped on payment of duty and penalties.
199. The last two preceding sections not to apply where document cannot be stamped after execution.
200. No document under this Act to require a stamp save as after provided.
201. No new trial for ruling as to stamp.

Bills of Exceptions.

202. Form of Bill of Exceptions. [Form in schedule.]

Judgments.

203. Judgment not to be arrested on technical grounds.
204. Entry of judgment on the roll unnecessary for execution.
205. Judgment for money demands without distinction between debt and damages.

Execution.

206. Execution after trial to issue in cause tried out of term in 14 days, and in cause tried in term in 4 days, without any rule on postea, unless Judge orders it to issue at earlier or later period.
207. Ground writs not necessary.
208. Expenses of execution and poundage fees may be levied.
209. Writs of execution to remain in force for one year, and to be renewed if necessary.
210. Production of renewed writ evidence of renewal.
211. Sheriff or gaoler may discharge prisoner by authority of attorney in the cause.
212. Persons already in the prison of the Court may be charged in execution by judge's order on affidavit that judgment signed and not satisfied.
213. Sheriff empowered to seize money, bank notes, &c., and to pay money or bank notes to execution creditor.

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214. Attachment of government and public stock and shares.
215. Order in respect of money in name of Accountant-General.
216. Order of Court or Judge to be made in the first instance *ex parte*, and notice to bank or company to operate as a distringas.
217. Execution against beneficed clergymen. If Sheriff have returned *nulla bona*, writ of execution *de bonis ecclesiasticis* may issue to bishop.
218. Return of devastavit not to be made but on finding of jury.
219. Examination of judgment debtor as to debts due to him.
220. Judge may order an attachment of debts.
221. Order for attachment to bind debts.
222. If garnishee does not pay into Court amount due to judgment debtor, or an amount equal to judgment debt, and does not dispute debt or appear upon summons, Court or Judge may order execution to issue.
223. If garnishee disputes his liability, Court or Judge may allow judgment creditor to sue garnishee.
224. Garnishee discharged.
225. Attachment book to be kept by the masters of each Court.
226. Costs of application for attachment of debt, &c., to be in discretion of Court.
227. Judge may refuse to interfere in proceedings to attach debts.
228. Proceedings when third person has a lien on the debt: such third person may be ordered to appear.
229. Judge may bar claim of third person, and make orders.
230. Mode of enforcing writs of injunction against Corporations, either by attachment against officers, or sequestration.

Assignment of Breaches.

231. Assignment of breaches on penal covenant.
232. Damages on breaches to be ascertained.
233. Suggestion of further breaches and execution on same.

Proceedings to Revive.

234. Execution in six years without revival.
235. Judgment to be revived by writ or with leave of Court or Judge by suggestion.
236. Proceedings upon application for suggestion to revive judgment.
237. Payment of the sum due on judgment may be pleaded in bar of any action on foot thereof, or proceeding by writ of revivor.
238. Writ of revivor [form in schedule] to call on party to appear within 8 days after service, and may be proceeded on as writ of summons, pleadings, &c., to be the same as in an ordinary action.
239. Writs of scire facias in other cases to be tested, directed, and proceeded upon in like manner.
240. Notice in writing to plaintiff, his attorney or agent to be sufficient appearance to writ of revivor.
241. Writ of revivor upon judgment less than ten years old to issue without order; if more than ten years old not without order; if more than 15 not without rule to show cause.

Satisfaction of Judgments.

242. Satisfaction of judgments by party.
243. Court may order satisfaction to be entered on judgment fully paid.

It is reported that Sir Colman O'Loghlen intends to bring before the House the fact that the representatives of Irish, Scotch, and English provincial journals are thought unworthy to mingle with the aristocracy of the Reporters' Gallery, and that he will move that, for the future, three seats be set apart for the accommodation of the representatives of these journals. The habit of "burking" or "cushioning" the statements made by members who represent Irish constituencies has long been complained of, and a general desire exists that some remedy may be applied.—*London Correspondent of Daily Express.*

ENGLAND.

NOTES OF ENGLISH DECISIONS.

From *The Law Times.*

Error—Practice.—After a verdict and judgment in the court below, a party is precluded from raising in a court of error any question of fact which is inconsistent with the record. The record, in such a case, impliedly states the contrary of the errors alleged, and if the party has any remedy it is by applying to the court below within four days to set aside the verdict: (*Irwin* v. *Grey*, 16 L. T. Rep. N. S. 74. H. of L.)

Equity—Pleading.—Where the plaintiff, in disputing the right of the defendants to certain land, averred that no act of ownership had been exercised by them until within a recent period, and interrogated them as to the circumstances of their possession and acts of ownership, it was held that a mere allegation of acts of ownership from time immemorial, and possession generally, was not a sufficient answer to the plaintiff's interrogatories: (*The Marquis of Bute* v. *Lewis*, 16 L. T. Rep. N. S. 82. V. C. S.)

Where it appeared there was not sufficient time subsequently to settling the bill for all of the plaintiffs to make the usual affidavit as to collusion between themselves and the defendants, the Court permitted the bill to be filed upon the affidavit of some only of the plaintiffs: (*Glover* v. *Reynolds*, 16 L. T. Rep. N. S. 84. V.C.S.)

Where an order had been made to take a bill *pro confesso* against a defendant resident at New York, and an injunction granted, the Court allowed his answer sworn before a notary public (the notarial signature being attested by the English consul), on being signed by counsel, to be filed: (*Stamford* v. *Lloyd*, 16 L. T. Rep. N. S. 84. V.C.W.)

A foreign sovereign state seeking relief in an English Court of equity must put forward some individual from whom discovery could be compelled if a cross bill for that purpose were filed by the defendants: (*United States of America* v. *Wagner*, 16 L. T. Rep. N. S. 87. V.C.W.)

Probate Practice.—The Court ordered, in granting administration *pendente lite* in a testamentary suit, that the administrator should not remove certain diamonds which were deposited in the Bank of England by the executors after the death of the testatrix: (*Smith* v. *Tebbitt*, 16 L. T. Rep. N. S. 96. Prob.)

Power of an Executor of an Executor to question Validity of Will.—An executor of an executor has no power to question the validity of the first testator's will; and the Court refused to allow him to cite the legatees named in the will to prove it in solemn form of law, or to show cause why it should not be declared null and void: (*In the Goods of G. I. Chamberlain*, 16 L. T. Rep. N. S. 97. Prob.)

Will—Conversion.—B. directed that the interest and dividends of all the remainder of her property should be applied for the benefit of her sister during her life. Part of the residue consisted of terminable annuities. It was held that they must be converted, and the income derived from the investment paid to the tenant for life: (*Pidgeon* v. *Spencer*, 16 L. T. Rep. N. S. 83. V.C.S.)

Vendor and Purchaser—Tenant—Compensation for Drainage on Sale of the Estate.—Where A., B., and C., joint owners in fee of an estate, of which C. was in the occupation as tenant, sold the same to a purchaser, under an agreement containing a clause that "the tenant rights are to be ascertained by valuation in the usual manner, and paid for on completion of the purchase," they are entitled to recover from the purchaser, as one of such "tenant's rights," two-thirds of the sum expended by C. in drainage of the estate during his occupation, that being the amount which C. would have been entitled to receive from his co-owners, A. and B., on the expiration of his tenancy. Had the tenant not been an owner, the purchaser would have been bound to pay for the whole drainage; but, on the other hand, if all the three owners had been occupiers of the estate as well, the purchaser would not be liable for the cost of the drainage, which in such a case ought to be taken as done by the owners *qua* owners and not *qua* occupiers. It is no answer to the claim of the plaintiffs in this case that at the time of the sale the estate was represented to

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the purchaser to be thoroughly well drained; first, because if such an objection were good, it would vary by parole the written agreement; and, secondly, it is not a good objection because it was a reason for recommending the land that it was already well drained, though the draining had to be paid for. The purchaser should have inquired by whom it was drained: (*Ward and others* v. *Moss*, 16 L. T. Rep N. S. 91 Ex.)

POLICY OF INSURANCE—ORDER AND DISPOSITION.—W. assigned, by way of mortgage to S., a policy of insurance upon his life, but S. gave at the time no notice of his incumbrance to the insurance office. W. became bankrupt, but his assignee was not made aware of the existence of the policy, which W. kept on foot till his death. Upon W's death S. gave a notice of his incumbrance to the office, and claimed the proceeds of the policy, but the office acquainted the bankrupt's assignee with the existence of the policy, and paid the proceeds into court under the Trustee Relief Act. The Court of Bankruptcy made an order for sale on being made acquainted with the existence of the policy. The policy was held to be in the order and disposition of the bankrupt, and the order for sale having relation back to the date of the bankruptcy, the assignee was entitled: (*Re Webb's Policy*, 16 L. T. Rep. N. S. 89. V.C.M.)

ASSIGNEE—CHOSE IN ACTION.—No act of an assignee for value of a chose in action done after the bankruptcy of the assignor, can give effect to his assignment as against the assignees in bankruptcy, unless his title is perfected before the bankruptcy by notice to the legal holder of such chose in action: (*Ibid.*)

BANKRUPTCY LAW REFORM.

From *The Law Times.*

The Bill of the ATTORNEY-GENERAL is an improvement upon that of his predecessor; but it will prove in practice an equal failure with all that have been tried, because it is based, like them, upon an erroneous principle, or, more properly, it fails to recognize the true principle of a bankruptcy law.

That principle may be thus stated: Not to pay a debt is a wrong for which the debtor ought to be punished, unless he can show that his insolvency was caused by unavoidable misfortune and by no fault of his. The burden of proof of this is upon the debtor.

If law reformers would start with an explicit recognition of this principle, it would not be difficult to frame a good law of bankruptcy in accordance with it. All the many failures to make and to amend that law have resulted from neglect to recognize the truth that to procure your neighbour's property under promise to pay for it, to appropriate it to your own use and then not to pay, is *prima fácie* a crime in moral turpitude as great as that of a hungry boy who tells the baker that Mrs. Smith has sent him for a loaf, and by that false pretence procures a dinner.

The Bill of the ATTORNEY-GENERAL is based upon the assumption that insolvency is a question only between the debtor and the creditor, and that the law has nothing more to do with it than to provide facilities for the getting in and distribution of the estate. If this be granted the provisions appear well adapted for that end. The insolvent's entire property is to be handed over to his creditors, who are to deal with it by trustees elected by themselves. We presume the Bill will contain provisions for giving the trustees special powers for this purpose, and subjecting them to supervision by some higher authority than careless creditors, and giving them liberal payment for their services. But if the trustees are to be merely a reproduction of the creditors' assignee under another name, experience tells us what will be the results. The work will be ill done; men who have their own business to attend to will not devote their time to the business of other people, and the costs will, as hitherto, be found to swallow up the estate. We trust the ATTORNEY-GENERAL will even yet entertain our suggestion, that the winding-up should be entrusted to solicitors, paying them a percentage on the moneys that pass through their hands and costs out of pocket. This would save to many estates the expenses sure to be thrown upon them by creditors' trustees, who will prudently avoid responsibility by consulting their solicitor on all occasions. The advantage to the profession of such an extensive business would be great, of course, but the benefit to creditors would be greater still. An insolvent estate would be more cheaply and more efficiently wound-up by a solicitor alone than by an accountant and a solicitor. It is the fashion to complain of a solicitor's charges, but what are they compared with the bill of an accountant!

This is the primary feature of the scheme; and until the Bill is before us, it is impossible to say how it is to be carried out. But it is not to be through the medium of a bankruptcy court, but by the County Courts, even in the metropolis. This, however, is doubtful, and if proposed is not likely to be adopted. The metropolitan County Courts could not add to their present work the enormous business of bankruptcy, at least without a considerable increase in their number. Besides, it would be for the convenience of the trading public in London to have one court devoted to the business of bankruptcy, at one locality, and where all the work can be done at the same offices. A Court perpetually sitting, with *two* registrars (a Judge would not be required) might well perform all the administrative work of bankruptcy, and questions of law could be taken to the Lords Justices, as now, upon the statement of a case by the registrar. The old notion of appointing a judge in bankruptcy is very properly abandoned. There would not be half work enough for him as things are, and under the new Bill there will be still less work. The punishment of bankruptcy wrongs is to be left to the criminal law, which is practically to give to them impunity. Roguedom will have a fine time of it unless Sir JOHN ROLT can devise some means by which the contraction of debt without reasonable means of payment may be punished by some more facile medium than indictment at the assizes. The County Court Judge should be invested with some power of imprisonment, not for the debt, but for the fraud, with an appeal against the decision on security given for costs.

Then for the discharge.—We do not gather from the speech of the ATTORNEY-GENERAL that any provision is to be made for this. Probably he designs no formality for this purpose—the estate being surrendered, the debtor is to be thereby discharged. This is a logical conclusion from the principle of the Bill itself: Get all you can out of deceived creditors; eat, drink, and be merry at their expense; when you can obtain credit no longer, give up to them all you have left (which is nothing), and then you will be free from their impertinent importunities; you will be no worse than you were before you run into debt—penniless; but you will be at liberty to play the same pleasant and profitable game over again, if by lying and plausibility you can find fresh dupes in a new locality.

Such encouragement to robbery can be avoided only by requiring that, upon the completion of the winding-up, the trustees shall be bound to certify to the Judge of the County Court whether they are satisfied with the conduct of the bankrupt, stating the cause of his insolvency; that thereupon the bankrupt shall appear before the Judge, who shall either give him a certificate of honourable discharge, if the history of the case justifies it, or inflict upon him a limited sentence of imprisonment for the fraud (if any) which the trustees have discovered and certified.

From any such sentence of imprisonment an appeal should lie to a jury either of the County Court or at Quarter Sessions, the appellant giving security for costs; the issue in such case to be, whether the allegation of the bankrupt that his failure was caused by unavoidable misfortune is true, and the burden of proof being upon him, and himself and all other persons to be competent and compellable witnesses.

The existing criminal law is wholly unfitted to deal with such cases. To meet them it would be necessary to alter the law of fraud, and this is encompassed with difficulties. To punish wrongful insolvency only by indictment is in truth to pass it without punishment; being a special case, it can be met only by a special law adapted to its special circumstances as to procedure, proof, and punishment. Unless this be provided for, the new bankruptcy law will be the source of even greater peculation than is the present law.

Imprisonment for debt, *quâ* debt, is to be abolished. As

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it is now, it is a mere mockery. An effort will be made to abolish it also in the County Courts. But there it is maintained of necessity, for without it the small debts of the small tradesmen would be absolutely confiscated. The ready answer given to this is, "So much the better, it will put a stop to the credit system." They who thus argue are ignorant of the ways and wants of the poor. To be denied credit would be to them destruction. With persons living on weekly wages ready money is not always at command. Illness, accident, being out of employ, stops their revenue, while their expenses proceed; they must eat and pay rent. Their only resource in such contingencies is the credit given to them by the small shopkeeper; cut off this source of supply, they must pawn their poor furniture or their wretched clothing to buy the bread to sustain life from day to day, till work and wages return. If the small shopkeeper cannot recover his debt, he cannot give credit, and the consequences will fall, not upon him, but upon his customers, for whose sake this supposed boon is to be enacted. We suspect that the persons who speak claptrap and write sensation articles against credit would not like to have their principles applied to themselves. Many a mob orator and many a leader writer would look very blank, and swear very lustily, if his baker or butcher were to say to him, "I like your principle of restricted credit, and will adopt it. I cannot send you the beef without the money." It would be inconvenient to him; but it would be positive starvation to the poor.

HOUSE OF COMMONS.

Friday, March 22.

COURT OF CHANCERY (IRELAND) BILL.

On the order of the day for going into committee upon this Bill being read,

Mr. LAWSON hoped that the government would introduce without delay a second Bill upon this subject, embodying the recommendations contained in the Report of the commissioners appointed to inquire into the constitution of the Irish Court of Chancery, which was published last June.

The SOLICITOR-GENERAL for IRELAND stated, in reply, that the second Bill, embodying the recommendations of the commissioners, was now in actual preparation, and would be introduced in a very short time.

The House then went into committee upon the Bill.

General DUNNE inquired whether the passing of the Bill would render Chancery law better and cheaper?

The SOLICITOR-GENERAL for IRELAND replied that the administration of the law in the Irish courts would be rendered more effective than it was at present, and that the cost to the suitors would be considerably diminished.

On clause 5,

Mr. LAWSON said there was now much unnecessary expense, attended with delay, owing to the needless multiplication of documents and meetings, which might be avoided by a single judge taking a case throughout; and he would suggest that there should be two scales of costs, the lower one for cases involving sums below a certain amount.

The clause was agreed to, as were clauses up to 10 inclusive.

On clause 11,

Sir C. O'LOGHLEN, after referring to the abolition of Masterships in England, proposed an amendment, which, he said, had been formerly proposed by the present Attorney-General for Ireland. Its object was to prevent the delegation of duties, resulting in the creation of bastard Masters, and in form it was to omit certain words, and to insert others requiring that the chief clerk "shall assist the judge in business not of a judicial character."

The SOLICITOR GENERAL for Ireland accepted the principle of the amendment.

It was adopted, and the clause, as amended, agreed to.

On clause 40,

The CHAIRMAN was ordered to report progress, and the House resumed.

It will be seen by our advertising columns of last week that the "Society for the Preservation and Amendment of Trial by Grand Jury," are about, publicly, to award prizes for essays on this subject. In its prospectus the society states that its objects are of a strictly practical nature, and it proposes to deal at the outset with the payment, summoning, liability to serve, and treatment of jurors. That much may be said on all these points is as true as that much has been already said and written; and, assuredly, the laudable objects this society has in view are of interest, not only to the legal profession, but also to all classes of the community. The innumerable complaints made, by judges on the one hand, of the non-attendance of jurymen, and by jurymen themselves, on the other, of the unequal mode of summoning them, and of their loss of time and the inadequate payment made to them—as well as the many suggestions made for the amendment of the law relating to jurymen—give ample materials for a profitable discussion of the whole matter. Taken up with a proper spirit, and with a view to assist the ends of justice, while ameliorating the wrongs of jurymen, a discussion on the existing system of juries is needed, in order to make the public fully alive to its inherent evils. The fact is, that so many are exempt from service on juries that the minority who suffer are unable to make their voices heard, and it is only through the inconveniences caused to suitors through the utter absence of organization exhibited by the ordinary jury lists, that the necessity for the amendment, which is the object of this society, is brought home to the minds of the British public. We are well assured that continuous agitation of the subject is alone calculated to bring about the desired alteration in the jury system, and we heartily wish the society success in their efforts to that intent.—*Solicitors' Journal.*

The late WILLIAM J. FFENNELL, Esq., J.P.—William Joshua Ffennell, Esq., her Majesty's Senior Inspector of Fisheries, has suddenly been taken from among us. For a few weeks past he had been suffering from the effects of the cold weather, which, at the age of sixty-seven, obliged him to take more care of his health than was his usual custom. On Saturday morning last he was seized with a fit of paralysis, from which he never recovered. His loss, both to his friends and to his country, is very great. Having devoted his time and attention to the subject of fisheries—first as Inspector and Commissioner in Ireland, and then as Inspector of Salmon Fisheries in England—he had acquired a vast amount of sound knowledge as to the legislation and practical working of the British fisheries—a subject to which he had devoted upwards of twenty-two years of incessant labour and watchfulness. As a public man, Mr. Ffennell was conscientious and earnest in his duties, a valiant champion for law and justice, at the same time respecting and duly weighing in the balance the private rights of individuals. He had a happy talent of "throwing oil upon the waters" when "Greek met Greek" in fishery warfare, and on occasions when members of the legal profession required a little judicious handling to keep them within bounds. With all this he was firm, singularly clear-headed, and determined for the right; and we have been present on occasions when arguments and pleadings innumerable have been rolled like the waves of an angry sea against him, only to be dissipated and broken into spray against the firm granite rock of his high intelligence, sound judgment, and comprehensive views. In private life, he was a devoted father to his large, and now bereaved, family. He was ever welcomed by his friends, whether as inspector to give his opinion upon a legal or practical point in the cultivation of a river—as adviser in matters of business—or as a friend at a social gathering. As a magistrate in his native county of Tipperary, where his family have been settled for many generations, he was formerly distinguished by the active and energetic performance of his duties when Ireland was in a very disturbed state. His services to the country at large have been more than once alluded to by members of both Houses of Parliament when questions as to the development of the fisheries were made a subject of debate, and hence his death is a national loss, while the numerous friends who were attracted to him by his amiable character will deeply regret his removal from amongst us.—*Land and Water.*

MR. SPENCER WALPOLE has been appointed Inspector of Fisheries, in succession to the late Mr. Ffennell.—*The Owl.*

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Councilof Law Reporting in Ireland.]

QUEEN'S BENCH.

Reported by WILLIAM WOODLOCK, Esq., Barrister-at-law.

O'BRIEN *v.* ENRIGHT.

Jan. 28, Feb. 18.—*Easement—Prescription—Damage.*

Demurrer. The first paragraph of the summons and plaint complained that plaintiff was possessed of meadow lands adjoining the River Deel, and was entitled to have the river flow by and away from the lands, and that defendant obstructed the stream, whereby the lands were flooded. The second paragraph complained that plaintiff was possessed of lands, and that defendant flooded them. To these paragraphs defendant pleaded that he was possessed of a mill adjoining the river, and that the occupiers of the mill for twenty years enjoyed the right of maintaining a weir and penning up the water of the river for working the mill as to the said mill appurtenant; and that the alleged grievances were a use by the defendant of the said right. To this the plaintiff demurred.

Gerald Fitzgibbon and *Murphy*, *Q.C.*, for the plaintiff.

Waters and *O'Hagan*, *Q C.*, for the defendant.

WHITESIDE, C. J., and O'BRIEN held that the demurrer should be allowed. GEORGE, J., held that it should be overruled.

Demurrer allowed.

Attorney for the plaintiff, *P. J. Murphy.*

Attorney for the defendant, *Arthur O'Hagan.*

THE QUEEN (at the prosecution of Latouche) *v.* LAWDER.

Feb. 6.—*Quo Warranto—Time—Sufficiency of Notice.*

Information in the nature of a *quo warranto* to try the right to the Treasurership of the County of Leitrim. The present question arose upon the sufficiency of the defendant's plea, from which it appeared that the notice of election to the office, required by St. 4, Geo. IV., c. 33, s. 1, was dated on the 2nd March, 1866, and was published in the *Dublin Gazette* on the 6th March, giving notice that the election would be held on the 16th. To this notice there were two objections; 1st, that the 16th March was not "a day not less than fourteen days distant" from the 2nd March, and that the days mentioned in the statute were clear days; 2nd, that the date of the notice was the date of its first publication in the *Dublin Gazette.*

Monahan and *Butt, Q.C.*, for the prosecutor.

The Solicitor-General, Heron, Q C., and *Malley*, for the defendant.

The Court held that the days mentioned in the Act were clear days, and therefore that the statute had not been complied with; and, secondly, GEORGE J., hesitating, that the true date of the notice was the date of its publication in the *Dublin Gazette*, not the date of its signature.

Attorney for the prosecutor, *D. and T. Fitzgerald.*

Attorney for the defendant, *Palmer.*

COURT OF COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-Law.

BROWN *v.* JULIAN.

Jan. 11, 1867.—*Withdrawing Plea to Action and Paying Money into Court—Costs incurred by Defendant after Payment into Court, and before notice of Trial withdrawn.*

In this case the defendant had pleaded an issuable plea, and after issue joined and notice of trial served, had applied for leave to withdraw plea and pay money into Court. On this motion an order was made allowing him to do so on terms of paying the costs of the motion if the plaintiff did not accept the sum so paid in, and the order to be without prejudice to plaintiff's notice of trial. This order was made, and the money paid into Court on Friday, Nov. 23. On the following day plaintiff took out the money in satisfaction of his claim, but did not give notice of his doing so or withdraw his notice of trial until Monday. The case was last in the list of common jury cases, which were to commence on the following Tuesday. The motion before the Court was that the defendant should be allowed costs incurred after the money was paid into Court and before notice of trial was withdrawn.

Court ordered that such costs necessarily and properly incurred by defendant up to service of plaintiff's notice withdrawing notice of trial should be taxed and set off against plaintiff's costs in the cause, and that plaintiff should pay defendant £4 costs of the motion.

Counsel for plaintiff—*T. Purcell*, Q.C. Attorney, *Hamilton and Craig.*

Counsel for defendant—*E. Kelly.* Attorney, *Jno. Julian.*

EXCHEQUER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

HILL *v.* BALFE.

Jan. 30.—*Pleading—I O U.—Parol Agreement.*

Plaint that defendant was indebted to plaintiff in the sum, &c., for money payable by the defendant to plaintiff for money due by an instrument in writing under the defendant's hand, commonly called an *I O U*, bearing date, &c.

Defence, on equitable grounds, stating a parol agreement that the money was not to be recoverable within eighteen months from the date of such *I O U*, on the fulfilment of certain conditions by the defendant; that defendant had fulfilled such conditions, and the eighteen months had not yet expired.

To this defence plaintiff demurred.

M'Donogh, Q.C., and *Shegog*, for plaintiff.

Hemphill, Q.C., and *Hamill*, for defendant.

The Court held that the plea was clearly bad, that the plaint was also bad, but not on general demurrer; and that as the defendant had pleaded over instead of moving to set plaint aside, the plaintiff was entitled to uc ceed in the demurrer.

Attorney for the plaintiff, *W. Shegog.*

For defendant, *J. T. Simpson.*

CONSOLIDATED CHAMBER.

Before FITZGERALD, J.

Reported by R. R. KANE, Esq., Barrister-at-.law.

WYBRANTS *v.* CRAWFORD and OTHERS.

Feb. 15—*Ejectment—Redemption.*

The 23 & 24 Vict., c. 153, sec. 70, directs the application for redemption to be made to the Court, or a Judge, within six months after the issuing of the writ, or at the earliest opportunity after, on which an application can be reasonably made. The six months here expired on the 31st Jan., the last day of term. The defendant, thinking he had nine months instead of six, did not apply till this day.

The Court held that the application was now too late.

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Boston for the defendant.
F. L. Dames for plaintiff.
Attorney for plaintiff, *G. R. Wade*.
For defendant, *Reede and Goodman*.

Before O'BRIEN, J.

ATKINSON *v.* GREGORY.

Costs, Taxation, Settlement of Action within Six Days of Service of Summons and Plaint.

In this case plaintiff had obtained an order to substitute service. Within six days of the substituted service, the defendant tendered the sum due, and £2 10s. for costs, under 1st General Order, 22nd Jan., '56.

Coppinger now moved that the taxing officer might be directed to tax plaintiff's costs of the motion to substitute service, and submitted that such costs are not covered by the general order. Plaintiff cannot proceed in the action after tender of the sum due, and £2 10s. for costs, so that this motion is necessary. He wants an order under 34 sec. of 16 & 17 Vic., c. 113, C. L. P. Act.

O'BRIEN, J.—I cannot make such an order. The General Order is express that £2 10s. should be sufficient in all cases. Sec. 34 of the C. L. P. Act applies to cases where there may be a taxation of costs in the cause. Here there can be no taxation at all.

Motion refused.
J. Doyle, attorney for plaintiff.

Before O'BRIEN, J.

DAVIS *v.* DAVIS.

March 15.—*Practice—Security for Costs—Affidavit by Attorney.*

J. B. Murphy moved in this case, which was an action of ejectment, that the plaintiff, who resided out of the jurisdiction, might be ordered to give security for costs.

S. Walker, for plaintiff, objected that the affidavit on which the motion was founded was made by the attorney and not by the party.

J. B. Murphy in reply—The affidavit states that there is a good defence and that the attorney is better acquainted with the title than the party.

O'BRIEN, J.—The affidavit shows that the attorney is intimately acquainted with the case and the defence, and that from his own knowledge there is a good defence. I think I must hold the affidavit sufficient.

Motion granted.
Attorney for plaintiff, *J. Collum*.
Attorney for defendant, *W. T. E. O'Shaughnessy*.

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law

In Chamber—Before KEATING, J.

FITZPATRICK *v.* WEBB.

28th March.—*Practice—Parties—Married Woman—Security for Costs.*

O'Hagan, Q.C., (*E. T. Bewley* with him) moved that a person named should be allowed to appear and conduct the suit, as the next friend of the plaintiff, who was a married woman, and whose husband had conflicting interests with her, and who had not been made a party to the suit.

The plaintiff was principal and residuary legatee to her separate use, in a will of the deceased, which was in litigation, and which was opposed by the defendants, who were the brothers and sole next of kin of the deceased. They had duly appeared, as caveators, to the warning of the plaintiff, but at the same time had given notice to the plaintiff to amend the proceedings by making her husband a party to the suit. The notice of motion in the present case was then given by the plaintiff.

It appeared that the plaintiff's husband had, in some Chancery proceedings when the deceased was alive, endeavoured to get some fnnds that were lodged in Chancery, in his wife's name, transferred to himself; and that she and the deceased resisted his attempt, on the ground that the wife was in reality only a trustee for the deceased, and differences had resulted between them in consequence.

Counsel cited and relied on *Clarkson v. Waterhouse*, (2 S. & T. 497).

Dr. Miller, for the defendant, opposed the motion, as contrary to the practice of the Court. He relied on an affidavit to show the inability of the proposed next friend to pay costs, and cited *Copeland v. Rivers* (3 Hag. 279), to show that the practice in the Prerogative Court was against appointing a next friend, and consented to dispense with the presence of the husband as a party, provided the wife gave proper security for costs.

KEATINGE, J.—I will, in that case, make an order that the plaintiff do either give security by bond in a penal sum of £100, or lodge that amount in Court as security for costs, and will allow her a week's time to make her election. Of course, being a married woman, she must, if she elects to give security, get a solvent person to sign the bond, to whom the defendants will not object.

Order accordingly.
(See rule 117—Contentious).

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Before JUDGE LYNCH.

Assignees of G. R. WATTS'S ESTATE.

March 9.—*Application to Sell discharged of Lease—Directions as to Sale.*

Wilson, for the assignees of Watts, who was an insolvent, applied that the lands ordered to be sold in this matter might be sold discharged of a lease of portion of them situate in 21, Aungier-street, Dublin, or for directions as to sale. By the marriage settlement of Watts, executed in 1863, he conveyed all his interest in this and other estates to trustees for himself for life, with a jointure of £100 a year for his wife, in case of her surviving him, and for his children. By a deed of even date with the settlement the trustees had authority to make leases of the premises, for twenty-one years in the case of a farming lease, and ninety-nine years in the case of a building lease, at the best rent and without fine. On the 9th July, 1865, Watts, a few weeks before he filed his petition in the Insolvent Court, signed an agreement for a lease of the premises in Aungier-street, to one Boulger, for 999 years, and at a rent which was not the best rent. Boulger paid a fine. *Wilson* submitted that Watts had no estate in the premises and no title to make this lease.

LYNCH, J.—It is a good lease during his life. There must be a suit in equity to set it aside before I can sell the premises discharged of it.

Wilson said that the motion was in the alternative—for directions as to sale.

Carton, for the lessee, Boulger, contended that the assignees took Watts's estate subject to all its equities, and that the lease, if good against Watts, was good against his assignees. The lessee was served with notice

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requiring him to consent to a sale discharged of this lease, and at the peril of costs. He served a notice in reply requiring evidence that Watts had not power to make this lease. In answer to this a notice was served stating that the deed referred to provided that the trustees, on request of Watts, were to make leases not exceeding 99 years, at the best rent, and without a fine. If the lessee could not rely, as he could not, on the want of power in Watts to make the lease, the assignees of Watts could not rely on it as against the lessee. Watts had an estate in remainder in the premises in the event of there being no children of the marriage, and there were no children to the present.

Lynch, J., said that the rental must state that Watts made this lease, and that he had only power to make a lease for his own life. The motion must be refused with costs. Boulger was brought into Court to defend his title to that which he got from Watts. The assignees, however, would be allowed these costs out of the estate.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN INSOLVENCY.

Reported by John Levy, Esq., Barrister-at-Law.

Before Judge Berwick.

Re John Barrett.

March, 1867.—*Annuitant in Possession of Insolvent's Property—Reference to Chief Clerk—Revesting Order—Death of Annuitant pending Reference.*

Lawless, Q.C., *Levy* with him, applied to the Court for a revesting order of the insolvent's property under the following circumstances. The insolvent, in the month of May, 1840, granted to a person named Lillis an annuity out of certain freehold lands in the county Clare; and in some seven years after Lillis arrested the insolvent under a fiat, but afterwards proceeded to obtain judgment against him. Barrett filed his petition and schedule, and was discharged as an insolvent in December, 1847, no creditors' assignee having been appointed. Insolvent soon after emigrated to America. Nothing was done until the month of June, 1863, when a creditor's assignee was appointed, Lillis remaining all the time in possession of the property and receipt of the rents. In June, 1865, an order of reference was obtained to the Chief Clerk to take an account of what Lillis received; and, after several adjournments, the Chief Clerk made up his report, finding that Lillis was paid, and that a certain sum of money was in his hands, subject to certain special findings. From the appointment of the creditor's assignee, in 1863, Lillis ceased to receive the rents, which were received by an agent of the assignee. Shortly before the Chief Clerk made up his report Lillis died; and Mr. Lawless submitted that, notwithstanding the death, the Court could grant a revesting order on the insolvent lodging in Court whatever sum might be reported by the Chief Clerk to be unpaid on foot of the debts.

Gerald Fitzgibbon, for the friends of Lillis, objected to any order being made until a personal representative was raised to Lillis. He understood it was intended to object to the Chief Clerk's report; and he apprehended that nothing could be legally done until a representative of Lillis was brought before the Court.

Judge Berwick said he might grant the revesting order upon the sum being lodged which was found by the Chief Clerk to be due on foot of the debts; but thought it would be more satisfactory to all parties to have a representative to Lillis raised, which he would direct to be done without delay, and then let the whole case be decided at the same time.

Fitzgibbon said that in about six weeks they would be able to obtain probate to the will of Lillis.

The case was adjourned for six weeks.

Attorney for insolvent and assignees, *M'Nally*.

Attorney for Mr. Lillis, *Frost*.

Re John Gill.

Reviewing the Costs in an Insolvency of 1838—*Money due by Assignee—Order on an Attorney to Lodge Money received on foot of Costs.*

This case came before the Court upon a motion to review the Chief Clerk's report. It appeared that he had ascertained that a considerable sum of money was due by Mrs. Maryanne M'Donogh, who had been appointed creditor's assignee, and also a sum of £35, due by James Barret, solicitor.

His Lordship, after reviewing all the circumstances of the case, reduced the amount due by the assignee to £11, and allowed the report to stand as regarded Mr. Barret, who was directed to lodge a sum of £35, which had been paid to him on foot of costs.

Kernan, Q.C., was for the assignee. Attorney, *J. Barret.*

Martin, for the insolvent. Attorney, *Corcoran*.

Re John Reddy.

Making away with Property—Raising Money at Loan Offices—Going Security for Others.

The insolvent was a coach smith, whose wages appeared to have been 30s. a week, and was represented to have lived comfortably by the help of letting furnished lodgings. He was opposed by Mr. Bloomfield, solicitor, on the part of a loan office, in which, with several others he raised small sums of money upon joint promissory notes. Evidence was given that upon a decree being obtained against him his furniture disappeared. Evidence also was given that the valuable portion of it did not belong to him, and that the entire was not worth more than £20, which he would be entitled to under the head of excepted articles.

Mr. Levy, for insolvent, contended that these loan offices were a moral nuisance that ought to be abated. Cabmen, letter-carriers, men earning weekly wages or having any property in their possession, were caught up by them, and several names got on the one note, so that they made about cent. per cent. on these unfortunate people, amongst whom they spread ruin. They were their own insurers, and when disappointed they had no right to come to that Court to complain.

Judge Berwick said there was much in Mr. Levy's observations in which he concurred; and if there was nothing in the case but contracting a debt with a loan office, who took care to have several sureties on their notes, he would not remand a man merely because he was unable to pay it, although he would punish a man like the insolvent, who was earning wages by which he could live comfortably, for having anything to do with bills or loan offices; and if, in the present case, he had acted honestly and not attempted to make away with his furniture by pawning it, he would give him a free discharge. There was no doubt that the furniture had been put out of the way as soon as he had notice of the decree, and he could not even tell where it was pawned. He found that the debts in the schedule were due to loan offices, and what right had a poor tradesman, earning wages by which he could live respectably, to go to loan offices? or to become security for others? To mark his censure of such conduct he would remand the insolvent for two months from the day of his arrest, which would leave him another month in prison.

Attorney for the opposing creditor, *W. Bloomfield*.

Attorney for the insolvent, *T. M'Kenny*.

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CIRCUIT CASES.

CONNAUGHT CIRCUIT.

LEITRIM ASSIZES—26*th Feb.*, 1867.

Before CHRISTIAN, J.

Reported by OLIVER J. BURKE, Esq., Barrister-at-law.

Presentment for Malicious Injuries.

Claimant's house had been maliciously burned down. The Presentment Sessions had made a presentment for £5 compensation for the actual loss sustained. The Grand Jury now made a presentment for a further sum of £6 10s. for expenses incurred by claimant in attending at Sessions, posting and serving notices, &c. On the matter being brought before the Judge by the Cess-payers,

His LORDSHIP said that the 6 & 7 Vict., c. 116, sec. 135, did not empower the Grand Jury to present for expenses incurred by claimants in seeking for compensation for malicious injuries. The only question the Grand Jury had power to deal with was, the actual loss incurred. The practice which had hitherto prevailed in this county (as it was stated), of presenting for expenses, was a very improper one.

ROSCOMMON ASSIZES.—4th March, 1867.

THE MIDLAND GREAT WESTERN RAILWAY COMPANY, *Appellants;* M'GARRY and OTHERS, *Respondents.*

These were appeals taken by the M. G. W. Railway Company from decrees made by FRANCIS W. BRADY, Esq., Q C., Chairman of the county, whereby said Company were condemned in damages and costs at the several suits of eleven plaintiffs, who complained that they had suffered damage and loss by reason of the non-delivery of their pigs at the Company's terminus, at the North Wall, on the evening of the 23rd of April, 1866, in time for the sailing of the London and North Western boat for Holyhead, by reason whereof they lost the Wolverhampton market on Wednesday, the 25th. The facts are shortly these. The UP train left Westport punctually, and it arrived at Ballyhaunis within a few minutes of its time. There, however, multitudes of emigrants got in, and a dense crowd of their friends thronged about the carriages, the consequence of which was, that they were an hour and a half late coming into Castlerea; and the plaintiffs having at that station put their pigs, 740 in number, into the Company's trucks, the train proceeded. There being only a single line of rails from Westport to Athlone, the train had to run into a siding near Roscommon, where it was detained for a space of 50 minutes, in order to allow the DOWN passenger train from Athlone to pass. From thence to Dublin the journey was accomplished with the usual speed, and they arrived at the North Wall terminus at 9 o'clock in the evening, just one hour after the vessel had left for Holyhead, instead of being there at 6 o'clock, the usual advertised time of arrival. Had they caught the boat, the pigs would have left that night, and have arrived on Tuesday morning at Holyhead—be then fed, and would have reached Wolverhampton on Tuesday evening, and again fed, would be at the market on Wednesday morning. But what did happen was this: the train having arrived late, the pigs were put into a yard, and there being no arrangements made for feeding them, they were shipped unfed for Holyhead, on Tuesday morning, and arrived there in due time. Then they were (still unfed) sent on by next train to Wolverhampton, where they arrived on Wednesday just as the market had closed. At once the plaintiffs fed and trained them for Birmingham, and there they were sold, in a miserable condition, on Thursday, at the market, at a great loss, and for that loss these several actions were brought. No contract whatever was made with the Midland Great Western Railway Company to take them beyond Dublin, neither was there a contract to have them in time for the sailing of the boat—yet the Chairman gave those several decrees against the Company. For the plaintiffs it was urged that the Company ought to have arrived at Castlerea before the time they did—that the engine was a bad, leaky one, and that it came to a stand-still within five miles of Castlerea—that it had to be then detached and sent on five miles for water—that then it returned, was again attached, and took the train on—that thus defendants in this were guilty of gross negligence, by reason whereof they lost the market.

His LORDSHIP reversed all the eleven decrees. He said that the only question for the consideration of the Court was, whether the defendants had performed the journey in a reasonable time. If the plaintiffs had intended to sell their pigs in Dublin on Tuesday, would they have brought this action against the Company? The train was due at 6 o'clock at the North Wall, and it was three hours late (and that caused by the crowd at Ballyhaunis), and in the meantime the vessel had sailed. There was no contract whatever to have the pigs on board the boat that night, and the civil bill was not even brought for a breach of such contract, though it avers that by reason of the delay they lost the Wolverhampton market. It was the duty of the Company to carry the pigs safely, and in a reasonable time, to Dublin; the obligation ceased when they brought them in at nine, ten, or eleven o'clock at night. The loss that the people incurred, then, cannot fall on the Company. No doubt the pigs must have been deteriorated greatly from hunger, having had no food from Sunday until Wednesday. The Company's average time for arrival was at six; that was the time to which it approximates, and it is merely in approximation to the time that the Company contract with the public to carry and deliver their goods in the ordinary course. Under these circumstances the decree of the Chairman must be reversed.

Counsel for the appellants, *Carleton, Q.C.*, and *Roper.*

Counsel for the several respondents, *Robinson, Q.C.*, *Jordan*, *Oliver Burke*, *Monahan*, *James Nolan*, and *MacDermot.*

CORRESPONDENCE.

LAW REFORM.

To THE EDITOR OF "THE IRISH LAW TIMES."

SIR,—I take the liberty of submitting to the consideration of the law officers of the Crown, and to the public generally, through the medium of your Journal, the propriety of having the exceptions in the 243rd section of the 16 and 17 Vic., cap. 113, repealed as to the costs of the actions therein mentioned being given in full, and not allow them to abide the result of the amount of damages awarded by the jury. There does not appear to be any just or rational ground for making these exceptions; but, in my opinion, the contrary. The damages are an equivalent to the person injured for the injury he has sustained; and if the jury consider that a small sum is sufficient compensation, it is certainly contrary to common sense to make the defendant give the person to whom he has done no injury—that is, the plaintiff's attorney—five times the amount they have given to the plaintiff in the shape of full costs. It makes the course of justice, so far from being just, the greatest instrument of oppression and ruin to the unfortunate defendant. It may be said that juries take into consideration that the defendant is to be punished partly by the damages and partly by having to pay the costs; but that very consideration, if true, is the cause of the oppres-

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siveness of the law; for, when an injury is sustained, either in person or character, the first impulse is to go to the attorney, state the case, and take advice. If the attorney wishes to maintain a character for sound judgment he advises a settlement, but some are to be found who will not do so; and, as many of these are speculative actions, proceedings are taken in the superior courts, where, no matter how small the damages above one farthing may be awarded, the costs are given in full, and, as I have said, the attorney, who has not sustained any injury, gets the reward for leading his client into litigation. In this city there must, of necessity, be numerous accidents; and from the peculiar temperament of the Irish there are often hasty expressions used which are a great source of litigation for compensation, and, of course, every encouragement for hard swearing when the amount of the damages may depend upon the oath of the plaintiff; but if the costs were measured by the amount of the damages this fertile source of litigation and swearing would soon be dried up, and parties would be driven to a cheaper tribunal. The Recorder's Court and Quarter Sessions are fully competent to decide all such questions; and if jurors were not so generous their time would not be so much taken up. Look at the reports of the Nisi Prius trials and observe the number of actions brought against railway companies for the most trivial accidents, and what exorbitant damages are given. But if the Dublin jurors limited their generosity they would save themselves considerable loss of time, for actions which arise in the country are tried in Dublin, as it is felt that the parties bringing such actions would either not get verdicts, or for such trifling amounts, where they are well known, that they prefer coming before the Dublin juries, to whom they are total strangers. It is notorious that there are numberless cases in which persons are mulcted, and have to pay, not for injuries inflicted, but to get rid of threats of being obliged to defend actions where they know that, whether they win or lose, they must be at enormous expense and loss of time. Every Nisi Prius trial costs from £70 to £100.—Your obedient, JUSTITIA.

UNIVERSITY INTELLIGENCE.

INSTALLATION OF THE PROVOST.

The Rev. Humphrey Lloyd, D.D., was on Tuesday installed as Provost of Trinity College. By the College statutes the prescribed oaths must be administered to the Provost-Elect by the Vice-Provost. In the present case, Dr. Lloyd, before his appointment to the Provostship, filled that office, and a question was raised whether a Vice-Provost could be legally appointed in his place while the Provostship was vacant, which, in its turn, could not be filled up if there were no Vice-Provost. A case in point, however, was found so far back as the year 1795, when Vice-Provost Murray, the well-known logician, was appointed to the Provostship, and the precedent then made was followed on Tuesday. Dr. Lloyd, in the first instance, resigned the Vice-Provoship and his Fellowship. Dr. Moore was then elected Vice-Provost.

In the morning the new Provost attended before his Grace the Lord Archbishop of Dublin, by whom, in his capacity of Visitor of the University, the oath of allegiance and the other requisite oaths of office were administered.

At half-past twelve o'clock the newly-appointed Provost, with the members of the Board, attended by the Chief Steward bearing the patent of appointment, entered the College Chapel. The Senior Fellows who attended were the Vice-Provost, the Rev. Thomas Luby, D.D.; Andrew Searle Hart, LL.D.; John Toleken, M.D.; and the Rev. Joseph Carson, D.D. On entering the chapel the Provost and Vice-Provost took their seats in front of the reading-desk, the other members of the Board occupying seats on the benches at either side. Dr. Toleken, Registrar of Trinity College, read the patent of appointment. The Vice-Provost then rose, and, standing before the Provost, who remained seated, read the oath prescribed by the statutes, which was duly subscribed by the Provost.

The Vice-Provost then tendered to Dr. Lloyd the roll of Provosts, which, having been signed by him,

The proceedings terminated.

THE COURTS, AND COURT PAPERS.

COMMON LAW COURTS.

Guide so far as relates to the Marking of Judgments by Default.

APRIL, 1867.

Plaint Served on			Filed not later than	Last Day to Plead	Entitled to Judgment
Monday,	1st	APRIL.	10 April	15 April	16 April.
Tuesday,	2nd	"	11 "	16 "	17 "
Wednesday,	3rd	"	12 "	17 "	18 "
Thursday,	4th	"	13 "	18 "	24 "
Friday,	5th	"	15 "	24 "	25 "
Saturday,	6th	"	16 "	25 "	26 "
Monday,	8th	"	17 "	26 "	27 "
Tuesday,	9th	"	18 "	27 "	29 "
Wednesday,	10th	"	24 "	29 "	30 "
Thursday,	11th	"	25 "	30 "	1 May
Friday,	12th	"	26 "	1 May	2 "
Saturday,	13th	"	27 "	2 "	3 "
Monday,	15th	"	29 "	3 "	4 "
Tuesday,	16th	"	30 "	4 "	6 "
Wednesday,	17th	"	1 May	6 "	7 "
Thursday,	18th	"	2 "	7 "	8 "
*Friday	19th	"	2 "	7 "	8 "
*Saturday,	20th	"	2 "	7 "	8 "
*Monday,	22nd	"	2 "	7 "	8 "
*Tuesday,	23rd	"	2 "	7 "	8 "
Wednesday,	24th	"	3 "	8 "	9 "
Thursday,	25th	"	4 "	9 "	10 "
Friday,	26th	"	6 "	10 "	11 "
Saturday,	27th	"	7 "	11 "	13 "
Monday,	29th	"	8 "	13 "	14 "
Tuesday,	30th	"	9 "	14 "	15 "

☞ Days marked thus * are Holidays pursuant to the Statute.

CONSOLIDATED NISI PRIUS COURT.

EASTER TERM, 1867.

This Court will commence its Sittings on Tuesday, the 16th day of April, and will sit continuously, or by adjournment, as occasion may require, until the end of Easter Term.

The Hon. Baron Fitzgerald will preside, and the Registrar appointed in pursuance of the 21st & 22nd Vic., Cap. 52, will attend as Registrar of the Court.

The Court will sit each day at *Eleven o'clock precisely*, and every case will be struck out in which the plaintiff's attorney does not attend when called on, or is not ready to proceed.

ORDERED—That no case shall be entered for trial unless a docket be lodged with the Registrar *Four clear Days* before the day for which notice of trial shall have been served, stating the names of the parties—in what capacity they sue and are sued—the general nature of the cause or causes of action, and of defence, and other pleadings, and the names of the attorneys of the parties; and all abstracts for trial shall be sealed and lodged with the Registrar the day before the same shall be called on; and in all cases wherein a confession or consent of judgment shall subsequently be given, the plaintiff's attorney shall immediately give notice to the Registrar that such cause will not proceed to trial.

All dockets of appeals must be entered with the Registrar *Two clear Days* before the day for which notice of hearing shall have been given, stating the names of the parties—the attorneys—the nature of the decree, dismiss, or order

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appealed from—and from what Court the appeal is brought, the decree or dismiss must be in Court, as also a certificate of the appeal.

HENRY J. MONAHAN,
Registrar, Office Common Pleas.

GENERAL ORDER

In relation to the Consolidated Nisi Prius Court,

18th JANUARY, 1862.

That no certificate of counsel shall be requisite in order to enable plaintiffs to have cases coming within the terms of the 237th section of the Common Law Procedure Act (1853) tried in the Consolidated Nisi Prius Court for the future; and that, in addition to the cases specified in that section, all cases may be tried in that Court which shall be ordered to be tried therein by any of the three Superior Courts of Common Law, or by any Judge of any of such Courts. Provided, however, that nothing in this order contained shall be deemed to interfere with the discretion of the Judge sitting in that Court to postpone the trial of any case to the After Sittings, on his being satisfied that it cannot be conveniently tried in the Consolidated Nisi Prius Court.

Notice of Trial for Consolidated Nisi Prius Court.

Serve on			For		
Thursday,	4	APRIL.	Tuesday,	16	APRIL.
Friday,	5	"	Wednesday,	17	"
Saturday,	6	"	Thursday,	18	"
Monday,	8	"	Wednesday,	24	"
Tuesday,	9	"	Wednesday,	24	"
Wednesday,	10	"	Wednesday,	24	"
Thursday,	11	"	Wednesday,	24	"
Friday,	12	"	Wednesday,	24	"
Saturday,	13	"	Thursday,	25	"
Monday,	15	"	Friday,	26	"
Tuesday,	16	"	Saturday,	27	"
Wednesday,	17	"	Monday,	29	"
Thursday,	18	"	Tuesday,	30	"
Friday,	19	"	Wednesday,	1	MAY.
Saturday,	20	"	Thursday,	2	"
Monday,	22	"	Friday,	3	"
Tuesday,	23	"	Saturday,	4	"
Wednesday,	24	"	Monday,	6	"
Thursday,	25	"	Tuesday,	7	"
Friday,	26	"	Wednesday,	8	"
Saturday,	27	"	Thursday,	9	"
Monday,	29	"	Friday,	10	"
Tuesday,	30	"	Saturday,	11	"
Wednesday,	1	MAY.	Monday,	13	"

LANDED ESTATES' COURT.

PETITIONS FILED, *from 23rd to 29th March*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
March 23	608A (*I.E.C.*)	Justin and R. M'Carty	*Executors of Rev. Thomas Townsend, Supplemental Petition to appoint Trustees by L. T. Forrest and Wife*	—	—	*Orpen, Sons, and Sweeny*	Lynch
" 25	3780	John Moriarty	*Mary M'Carthy*	Kerry	97 19 11	*A. J. M'Carthy*	Lynch
" 26	3781	David Mortimer, *a Vendor of Land*	—	Cavan	428 2 11	*Reede and Goodman*	Dobbs
"	3626A	James Sullivan	*J. Buckley, Supplemental Petition for Sale*	—	—	*George Plunkett*	Lynch
" 28	3782	Thomas Cousins and Others, Trustees for Sale of James Lambert Brown & S. J. Morgan	*Joseph Farin*	Down	*Not given*	*James Morton*	Lynch
"	3783	William Elliott	*Thomas Colquhoun and John Colquhoun*	Donegal	*Not given*	*David M. Colquhoun*	Dobbs
" 29	3784	William Batt	*For Declaration of Title*	Wexford	117 11 2	*R. Kelly*	Lynch

The Newspaper Press Fund anniversary dinner is fixed for Saturday, the 29th of June, and even thus early there are indications that the Right Hon. W. E. Gladstone, who has accepted the chairmanship, will be supported by a larger number of members of both Houses of the Legislature, the Bar, and the literary world generally, than perhaps has ever assembled to support the funds of an excellent benevolent institution.

DIVORCE IN AMERICA.—Divorce seems to have become sufficiently easy in Chicago. In the *Tribune* of that city there is a report of the case of *Minnie Schultz* v. *Karl Schultz*, which was a suit for divorce on account of adultery. The defendant pleaded guilty, and a decree to the wife was given at once. The entire legal process occupied, from the filing of the petition, less than three hours, and the entire expenses amounted to ten dollars.—*Law Times.*

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.		
		Before Mr. BRADY, Chief Registrar.		
April 1	12 o'clock	Arrangement	Proof of Debts	*Goff*
,,	,,	John Ferguson	Vouch assignee's account	*Findlater & Collins*
,,	,,	Jas. Keller	do.	*Hamilton & Craig*
,,	,,	Jas. Lanigan	do.	*Hamilton & Craig*
,,	,,	Arrangement	Proof of Debts	*Mathews*
		Tuesday.		
		Before the COURT.		
April 2	11 o'clock	Arrangement	1st sitting	*Perry*
,,	,,	Do.	do.	*Irvine*
,,	,,	Do.	2nd sitting	*Moore & Barlow*
,,	,,	Do.	1st sitting	*Moore & Barlow*
,,	,,	——————	Adjudication	*Rosenthal*
,,	,,	Thos. Reynolds	Sur., prove debts, and choose assignee	*Hamilton & Craig*
,,	,,	John F. Clarke	Final Examination	*Mulhall*
,,	,,	Jas. Keller	Audit and Dividend	*Hamilton & Craig*
,,	,,	John Ferguson	do.	*Findlater & Collins*
,,	,,	——————	Trader debtor summons	*Larkin*
,,	,,	——————	do.	*Campbell*
,,	,,	——————	do.	*Larkin*
		Before Mr. BRADY, Chief Registrar.		
,,	12 o'clock	Arrangement	Proof of Debts	*Goff*
,,	,,	Do.	Costs	*Larkin*
,,	,,	Grehan	do.	*Meldon*
,,	,,	Graham	do.	*Bergin*
		Thursday.		
		Before Mr. BRADY, Chief Registrar.		
April 4	12 o'clock	Skinner and M'Kee	Proof of debts & vouch assignee's acct.	*Lynch*
,,	,,	John Hannan	do. do.	*Hamilton & Craig*
,,	,,	Geo. Burroughs	do. do.	*Fottrell*
,,	,,	Timothy St. Laurence	do. do.	*Molloy & Watson*
,,	,,	Jas. Alexander	do. do.	*Molloy & Watson*
		Friday.		
		Before the COURT.		
April 5	11 o'clock	Arrangement	1st sitting	*Larkin*
,,	,,	Do.	do.	*White*
,,	,,	Do.	2nd sitting	*Molloy & Watson*
,,	,,	Do.	do.	*Perry*
,,	,,	Joseph Flann	Sur., prove debts, and choose assignee	*Graham*
,,	,,	Laurence Kelly	do. do.	*Larkin*
,,	,,	Jas. D. O'Rourke	do. do.	*Perry*
,,	,,	Chas. Longford	Examination Debtors	*Dodd*
,,	1 o'clock	Edward Cahill	Sale	*Larkin*
,,	,,	Greene and King	do.	*Larkin*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
26th March,	Tackaberry, Wm., of New Ross, co. Wexford, draper,	Edwd. Leachman, William-street, Dublin, merchant,	*Leachman*
,,	Redmond, John, of Grange, Loughgall, co. Armagh, linen manufacturer,	Anthony Cowdy, Portadown, merchant,	*Atkinson*
,,	Stewart, Jas. Robert, of Longford, draper,	Robt. Wilson, of Portobello Barracks, Dublin, sergeant-farrier, 9th Brigade, Royal Artillery,	*Stuart*

BANKRUPTS.

Callanan, Michael, of Abbey-street, in the city of Cork, grocer and spirit dealer. Petition of bankruptcy filed Feb. 16, 1867. To sur. Tuesday, April 9, and Friday, April 26. L. H. Deering, Official Assignee. *Hamilton and Craig*, Solrs.

Flann, Joseph, of Donegall-place, Belfast, co. of Antrim, draper and haberdasher. Petition for arrangement filed Oct. 11, 1866. To sur. Friday, April 5, & Friday, April 26. C. H. James Official Assignee. *H. Graham*, Solr.

Groarke, Thomas, of Swineford, co. Mayo, draper. Petition of bankruptcy filed March 15, 1867. To sur. Tuesday, April 9, and Friday, April 26. L. H. Deering, Official Assignee. *Molloy and Watson*, Solrs.

Kelly, Laurence, of Tullow-street, Carlow, co. of Carlow, grocer and spirit dealer. Petition for arrangement filed Oct. 31, 1866. To sur. Friday, April 5, and Friday, April 26. C. H. James, Official Assignee. *M Larkin*, Solr.

Malet, John Adam, of Trinity College, Dublin, and Willow Bank, Monkstown, in the co. of Dublin; late saw mills proprietor and picture dealer. Petition for arrangement filed July 5, 1864. To sur. Tuesday, April 9, and Friday, April 26. L. H. Deering, Official Assignee. *Molloy and Watson*, Solrs.

O'Rourke, James Daniel, of No. 13, High-street, city of Dublin, vintner. Petition of bankruptcy filed March 19, 1867. To sur. Friday, April 5, and Friday, April 26. C. H. James, Official Assignee. *J. Perry*, Solr.

Certificate Allowed,

Unless appeal filed within 31 *days from date.*

March 22. Sheehy, James, of King-street, city of Cork, hotel keeper; also carrying on business of wine and spirit merchant, at Patrick-street, Cork. *J. Cleary*, Solr.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before Mr. Farrell, Chief Clerk.		
April 1	12 o'clock	John Dunne	To prove debt of T. R. Maher	*Stuart*
		Tuesday. Before Chief Clerk.		
April 2	12 o'clock	Malachy Hogan	To tax costs	*Merrick*
,,	,,	John B. Healy	do.	*Macnally*
,,	,,	John Doran	do.	*Irvine*
,,	,,	John Fitzpatrick	do.	*Macnally*
		Wednesday. Before the Court.		
April 3	11 o'clock	Malachy Hogan	Audit and dividend	*Merrick*
,,	,,	John Brien Healy	do.	*Macnally*
,,	,,	John Doran	do.	*Dickie*
,,	,,	John Fitzpatrick	do.	*Macnally*
,,	,,	John Dunne	Adjourned audit and dividend	*Macnally*
,,	,,	James Scullion	Notice of motion	*Young*
,,	,,	Margaret White	Adjourned notice of motion	*Rynd*
,,	,,	John Hawksworth	Hearing of petition	*Macnally*
,,	,,	James Barry	do.	*Graves*
,,	,,	Christopher Kernan	Adjourned hearing of petition	*Macnally*
,,	,,	William Shea	do.	*Rynd*
		Friday.		
April 5	,,	Before the Court.	For bail motions only	

CASES DISPOSED OF.

Wednesday, March 27th, 1867.

Before Judge Berwick.

Burke, Edward. Adjourned to Wednesday, June 26, 1867.
Clarke, Frederick. Discharged.
Dobbyn, Edward Francis. Discharged.
Montgomery, Hugh Lyons. Adjourned to Wednesday, April 24, 1867.
Reddy, John. Remanded, at suit of Thomas Joyce, for two months, from March 5, 1867, the date of insolvent's arrest.
Shea, William. Adjourned to Wednesday, April 3, 1867.
Sims, John. Discharged.

INSOLVENTS DISCHARGED ON BAIL until the day of Hearing their petitions.

Byrne, Æneas M'Donnell, Dalkey, clerk in Poor Law Commission Office.
Ferris, John, Belfast, aërated water manufacturer.
Haslett, Robert, co. Antrim, farmer.

Pauper Declarations,

Filed for discharge of prisoners, unless Creditors' Petitions filed within 21 days from date.

March 15, Lee, James Joseph, arrested as "James C. Lee," detained by Edward Spring. *W. G. Bradley*, Solr.
March 28, Carey, Christopher, detained by Charles Brennan and David Rogerson. *E. Ennis*, Solr.
March 28, Howard, Charles, detained by George Barber. *P. Hickie*, Solr.

INSOLVENTS.

To be heard in Dublin.

Byrne, Æneas M'Donnell, of Dalkey, co. Dublin; previously of Glasthule, near Kingstown, co. Dublin, clerk in the Poor Law Commission Office; arrested as "Æneas M'Donnell Byrne." Hearing at Four Courts, April 17, at 11. *R. Graves*, Solr.
Le Toler, Thomas Henry, of Lucerne, Sandycove, co. Dublin, and Clarendon-street, city of Dublin; formerly of Cornwall Villa, near Hampstead, co. of Middlesex, and Basinghall-street, London, commercial agent; not now in any employment. Hearing at Four Courts, Wednesday, April 10, at 11. *G. S. Murray*, Solr.

To be heard in the Country.

Barrington, James, of Canal Side, Athy, co. Kildare, dealer in cattle. Hearing at Naas, April 9, at 10. *H. C. Kelly*, Solr.
Brown, John, of Queenstown, co. Cork, navy pensioner. Hearing at Cork, April 15, at 10. *R. Graves*, Solr.
Byrne, James, of Dublin-street, Cork, and of Kilbarry, borough of Cork, publican and shopkeeper. Hearing at Cork, April 15, at 10. *R. Graves*, Solr.
Crawford, William, of Broughshane, co. Antrim, labourer; previously of Killyreagh, co. Antrim, labourer; formerly of Ballyreagh, near Clough, in said county, farmer and labourer. Hearing at Belfast, April 9, at 3. *F. Compton*, Solr.
Crozier, John, of Belfast, co. Antrim, operative painter. Hearing at Belfast, July 10, at 3. *J. Macnally*, Solr.
Dormon, John, of the South Main-street, Cork, shopkeeper and news agent; also in the employment of a butter merchant as clerk; formerly of Castle-street, Cork, tobacconist and clerk to a butter merchant; arrested as "John Dorman, junr." Hearing at Cork, April 15, at 10. *M. J. Collins*, Solr.
Johnston, William, of Belfast, co. Antrim, grocer and spirit dealer. Hearing at Belfast, April 9, at 3. *J. Macnally*, Solr.
Kilpatrick, Thomas, of Invaugh, co. Tyrone; not now in business; previously farmer and road contractor. Hearing at Omagh, June 29, at 10. *T. C. Dickie*, Solr.
Laird, John Moore, of Belfast, co. Antrim; out of business; previously of same place, grocer and tea dealer. Hearing at Belfast, April 9, at 3. *F. Compton*, Solr.
Lowry, Samuel, of Belfast, co. Antrim; previously of Newtownards, co. Down, grocer and spirit dealer; formerly car owner and cattle dealer. Hearing at Belfast, April 9, at 3. *J. Macnally*, Solr.
O'Neill, John, of Belfast, co. Antrim, corn dealer. Hearing at Belfast, April 9, at 3. *J. Macnally*, Solr.
Regan, Patrick, of Lota, co. Cork; up to May, 1866, a farmer; but since then of no business. Hearing at Cork, April 15, at 10. *M. J. Collins*, Solr.
Williams, Samuel, of Sligo, co. Sligo, shopkeeper. Hearing at Sligo, April 11, at 10. *P. Macniffe*, Solr.

PETITION OF INSOLVENCY FILED.

Against Pierson, Mathew, arrested as "Mathew Pearson," of Wexford-street, Dublin, provision dealer, a prisoner in the Four Courts' Marshalsea. Petitioning creditor, James Murray. Solr., *J. G. Rynd*.

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DUBLIN STOCK AND SHARE LIST.

MARCH

DESCRIPTION OF STOCK	Saturday 23	Monday 25	Tuesday 26	Wednesday 27	Thursday 28	Friday 29
Government Funds.						
New Three per Cent. Stock,	89 ⅝ ¾	89⅝ ¾ ⅝	89½	89⅝ ¾ ⅝	89½ ⅝	89½
Ditto for Account, 7th March	—	—	—	—	—	—
Ditto for Account, 10th April	—	89¾ ⅝	89¾	89⅝ ¾	89¾	89⅝ ¾
Three per Cent. Consols	—	90⅛	90⅛	—	90⅛	90⅛
Foreign and Colonial Funds.						
India Five per Cent. Stock	—	—	—	108⅞	—	108⅞
Turkish Six per Cent., 1854	76	—	—	—	—	—
Joint-Stock Banks.						
Bank of Ireland, £100 pd	—	234½	234½	234	—	235½
Hibernian Bank, £25 pd	37	37	36⅞	—	37	—
Munster Bank (Lmtd.), £3 10s pd	—	—	4⅛	—	—	—
Ditto for Account	—	—	—	—	—	—
National Bank, £30 pd	63¼ ⅜	63¼ ½	63½ 63	63	63 63½ ¼	63⅜ ¼ ⅜
Ditto for Account	63⅜	63¼ ½	—	62⅞	—	—
National of Liverpool (Lmtd.), £15 pd	—	—	13⅛	13⅞	—	—
Provincial Bank, £25 pd	—	—	84	84	—	—
Ditto, New, (pd £10)	—	—	—	—	—	—
Royal Bank, £10 pd	32½	—	32½	32½	32½	32½
Ditto for Account	—	—	—	—	—	—
Ulster Banking Company, £2 10s pd	—	—	—	9⅛	—	—
Union Bank, £22 pd	14½ 14	—	—	—	—	13⅝
Steam.						
British and Irish, £50 pd	—	—	—	48½	—	—
City of Dublin, £100 pd	99	99½	—	—	—	—
Dub. & L'pool St. Ship Build., £50 pd (rd)	—	—	52½	—	—	—
Dub. and Glasgow, £50 pd	—	—	—	—	—	—
Dundalk (Limited), £10 pd	—	—	—	—	—	—
Peninsular and Oriental, £50 pd	—	—	—	—	—	—
Ditto, New, Second Issue, pd £5	5⅝	—	—	—	—	—
Mines.						
Carysfort (Lmtd.), 30s pd	—	—	—	—	—	—
Ditto for New Account	—	—	—	—	—	—
Connorree M. Co. (Lmtd.), 20s pd	—	14s 13s 6d	13s 6d	—	12s 6d	12s 6d
Ditto for Account	—	13s 6d	—	—	—	12s 6d
Gen. M. Co. (Lmtd.), £5 10s pd	—	—	—	2½	2½ ⅝	—
Ditto for Account	—	—	—	—	—	—
Killaloe Slate Co. (Lmtd.), £1 pd	—	—	—	—	—	—
Mining Co. of Ireland, £7 pd	—	—	—	16½	16¼	16
Ditto for Account	—	—	16⅝	—	16½	15⅞ 16
Wicklow Copper, £2 10s pd	24	—	24	—	24	—
Ditto for Account	—	24	—	24	24½	—
Miscellaneous.						
Alliance and Consumers' Gas, £8 pd A	9⅝ ⅝	—	9⅝	9⅝ ⅝	9⅞	—
Alliance and Consumers' Gas, £5 pd B	5½ ⅝	5½ ⅝	—	5½ ⅝	5½ ⅝	5⅝ ½
Ditto for Account	—	—	—	—	—	—
Alliance and Consumers' Gas, £4 pd 2 C	—	—	—	4½	4½ ⅝	—
City of Dublin Brewery Co. (Lim.), £7 pd	—	—	—	38	—	—
Dub. Exhib. Palace (Lmtd.), £5 pd	—	—	—	20	—	—
Grand Canal, £100 pd	—	—	—	—	—	—
Patriotic Insurance, £10 pd	—	—	—	—	—	8½
National Insurance, £25 pd	—	—	—	—	—	—
Gresham Hotel Co. (Lim.), pd £5	—	—	—	—	—	—
Railways.						
Belfast and Northern Counties, £50 pd	—	—	—	—	—	—
Cork and Bandon, 50 pd	—	—	—	10⅞	—	—
Dublin and Belfast Junction, £100 pd	71	—	—	—	—	—
Dublin and Kingstown, £100 pd	—	—	—	—	x div	—
Dublin and Drogheda, £100 pd	—	—	79½	—	—	—
Dublin, Wicklow, and Wexford, £100 pd	—	—	—	—	—	—
Ditto for Account	—	—	—	—	—	—
Great Northern and Western, £10 pd	—	—	—	—	—	—
Great Southern and Western, £100 pd	90	89⅞ 90	89⅞	89⅝	—	—
Ditto for Account	—	—	—	—	—	—
Midland Great Western, £100 pd	—	—	—	—	56⅝ x div	—
Ditto for Account	—	—	—	—	—	—
Waterford and Limerick, £50 pd	—	—	—	12	—	—
Railway Preference.						
Belfast and N. Counties, 4 p c pp, £100 pd	—	—	89½	—	—	—
Cork and Bandon, 5½ p c pl £6 5s	—	—	—	—	—	—
Dub., Wick., and Wex., 4 p c pr, £100 pd	—	—	—	—	—	—
Dub., Wick., and Wex., 5 p c £50 pd rd	—	—	—	—	—	—
Dub., Wick., and Wex., 5 p c (1865) pd £10	—	—	—	—	—	—
Gt. South. and Westn. 4 p c pp £100 pd	—	—	—	—	91½	—
Irish N. Western, 5 p c pp, £10 pd, A	—	—	—	—	—	—
Midland Great Western, 5 p c, £100 pd	—	—	—	—	—	—
Portadown, Dungannon, &c., 6 p c, £25 pd	—	—	—	—	—	—
Watfrd. and Limk. 5 p c pd £50	—	—	—	—	—	—
Dublin & Drogheda, 5 p c rd, 1868, £25 pd	—	—	—	—	—	—
Waterford and Kilkenny, 6 p c rd, £100 pd	—	—	—	—	—	—
Railway Debentures.						
Gt. South. and Wn., 4½ per cent.,	—	—	—	—	—	—
Midland Great Western 5 per cent.,	—	—	—	—	—	—
Ditto 4½ per cent	—	—	—	—	—	—
Dublin and Kingstown	—	—	—	—	—	—
Local Debentures.						
Ballast Office Debentures, £92 6s 2d	—	—	—	—	—	—
City Debentures, £92 6s 2d	—	—	—	—	—	—
Ditto, do. deferred	—	—	—	—	—	—

Name Day—15th April. Account Day—16th April.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BURLEIGH—March 16, at Clarinda Park, West, Kingstown, the wife of W. K. Burleigh, Esq., Landed Estates Court, of a daughter.
CAMPBELL March 18, at No. 20, Rutland-square, North, the wife of James Campbell, Esq., solicitor, of a daughter.
DWYER -March 21, at 5, Great Charles-street, the wife of James Dwyer, solicitor, of a daughter.
LINDSAY—March 16, at 28, Lower Gardiner-street, the wife of Edward Lindsay, Esq., barrister-at-law, of a daughter.
MAY - March 19, at 13, Fitzwilliam-square, Dublin, the wife of George A. C. May, Esq., Q.C., of a son.
ROPER—On the 12th inst., at Upper Mount-street, the wife of William Roper, Esq., barrister-at-law, of a daughter.

MARRIAGES.

PAYNE and DELMEGE—March 19, at St. Stephen's Church, by the Rev. Joseph A. Galbraith, F.T.C.D., assisted by the Rev. George T. Payne, M.A., Rector of Drumbeg, brother to the bridegroom, the Rev. S. W. Payne, LL.D., Chaplain, H.M.S. Lord Clyde, to Julia Florence, third daughter of Julius Delmege, Esq., solicitor, Fitzwilliam-square.

DEATHS.

CLANCHY—March 16, Julia Mary, eldest daughter of John D. Clanchy, barrister-at-law, Charleville, and granddaughter of the late Daniel Clanchy, D.L., aged 21 years.
O'BRIEN--March 15, at 13, George's-place, George's Church, J. D. O'Brien, Esq., solicitor, aged 73 years, of bronchitis.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS UNPAID, PECUNIARY LEGATEES, AND NEXT OF KIN.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1860."

In the Matter of
JOHN JAMES,
Petitioner;
EMILY SHANNON, and others,
Respondents.

I HEREBY require all persons claiming to be Creditors unpaid, or Pecuniary Legatees, or Next of Kin of the Reverend GEORGE LIDWELL SHANNON, late of Patrick-street, in the County of the City of Kilkenny, and Ranelagh-road, County of Dublin, Clerk, deceased, on or before the 22nd day of APRIL, next, to furnish in writing to JOHN JAMES, of the City of Kilkenny, Surgeon, Executor of the said Reverend George Lidwell Shannon, or to ARTHUR JOSHUA BOYD, of No. 60, Lower Dominick-street, Dublin, and Patrick-street, Kilkenny, Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 22nd day of March, 1867.

E. LITTON, Master in Chancery.

ARTHUR JOSHUA BOYD, Solicitor for the Petitioner, No. 60, Lower Dominick-street, Dublin; and Kilkenny.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
CHARLES ROLLESTON,
Executor of CROASDAILE MOLONY, Esquire, deceased,
Petitioner;
The Reverend CHARLES WALKER MOLONY,
Respondent.

I HEREBY require all persons claiming to be Creditors or Unpaid Legatees of CROASDAILE MOLONY, late of the City of London, in England, Esq., deceased, on or before the 25th day of APRIL, next, to furnish, in writing, to CHARLES ROLLESTON, of Springfield House, Dalkey, in the County of Dublin, Esquire, the Petitioner; or to Messrs. WOODROOFE & HOGAN, of 30, Upper Mount-street, Dublin, the said Petitioner's Solicitors, the amount and particulars of their several demands (accompanied, in the case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 25th day of March, 1867.

J. J. MURPHY, Master in Chancery.

WOODROOFE & HOGAN, Solicitors for the Petitioner, No. 30, Upper Mount-street, Dublin.

IN CHANCERY.

COLUMBUS DRAKE,
Petitioner;
DUDLEY BRENNAN, and others,
Respondents.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

PURSUANT to the Decretal Orders made in this Matter, bearing date respectively the 29th day of June, 1865, and 12th May, 1866, I will, on THURSDAY, the 3rd day of MAY next, at the hour of One o'clock in the afternoon of said day at my Court, Four Courts, Inn's-quay, in the City of Dublin, SET UP and SELL BY PUBLIC AUCTION, to the highest and best bidder, all the Estate and Interest of MICHAEL BRENNAN, deceased, and of PATRICK BRENNAN, his eldest son and heir-at-law, also deceased, of and in all that and those the Concerns, formerly called Saint Francis' Abbey Distillery, with the Malthouse, Stores, Brewhouse, Forge, Stables, Garden, Yard, and Water Courses thereunto belonging, together with the Distillery and other Utensils, Vessels, and Implements, mentioned in a Schedule annexed to an under-lease of said Premises, from Michael Brennan, deceased, to Edmond Smithwick, Esq., dated the 25th day of April, 1827; and also all that and those the Dwelling-house, Alehouse, Brewery, and Malthouse Stores, Stables, Offices, Gardens adjoining, together with that part of said Brewery Concerns adjoining to, and formerly part of Coals-yard of said Brewery, called in the under-lease the Coal-yard, all which Premises are now held by said Edmond Smithwick, under two leases,, one thereof from Michael Brennan, deceased, to Edmond Smithwick, dated 25th April, 1827, and the other from Patrick Brennan, deceased, to said Edmond Smithwick, dated 12th August, 1833, for the respective terms of 999 years, as set out in the Rental of said Premises, and are now known as Saint Francis' Abbey Brewery, and are situate in the City of Kilkenny, or a competent part thereof, for the purposes in said Decretal orders mentioned.

Dated this 21st day of January, 1867.

EDWARD LITTON.

These premises are held under two distinct leases, for lives renewable for ever, one of them dated the 5th of July, 1753, from William Archbeld, and Anne, his, wife, to Ambrose Evans, and the other of said leases, dated 21st July, 1780, from the Rev. George Evans, to Edward Evans, which has been converted into a fee-farm grant. The entire premises now produce a profit rent of £252 8s. 4d., as more particularly set out in the rental thereof. The present tenant has expended several thousand pounds on permanent improvements on the premises, which are now in perfect order, and amongst the most thriving establishments in the south of Ireland.

To small capitalists, whose object is a well-secured income, with a safe and adequate return for capital, these premises offer an investment rarely to be met with.

For Rentals and further particulars application to be made to
HENRY THOMAS DIX, Esq., Solicitor for Respondents, BRENNANS, No. 9, Upper Gardiner-street;
Messrs. CHARLES GAUSSEN & SON, No. 12, Gardiner's-place;
HENRY FALLS, Esq., No. 7, Lower Dominick-street;
RICHARD BAILLIE, Esq., No. 116, Lower Baggot-street, Solicitor for Creditors; or to
ANDREW CHRISTOPHER PALLES, Solicitor for Petitioner, having Carriage of Sale, No. 12, Belvidere-place, Dublin; or to
JOHN M'CREERY, Esq., Larch Hill, Kilkenny, the Receiver.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
THOMAS FINLAY,
Trustee and Executor of the Will of OLIVER CRAMER, deceased,
Petitioner;
RICHARD WESTENRA, SUSAN HOWELL MORRIS FOX, ANNE FOX, EMILY BOUCHER, and EDWARD BOUCHER,
Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of OLIVER CRAMER, late of Lower Sherrard-street, in the City of Dublin, Esq., deceased, on or before the 6th day of APRIL next, to furnish, in writing, to THOMAS FINLAY, of Castle-avenue, Clontarf, in the County of Dublin, Esq., or to the undersigned his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Claims affecting the real and freehold Estate of the said Oliver Cramer, to file same at my Chambers, Inns-quay, in the city of Dublin, on or before the 27th day of April next, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1857.

Dated this 6th day of March, 1867.

E. LITTON, Master in Chancery.

TOWNLEY WILLIAM HARDMAN, Solicitor for the Petitioner, No. 22, Bachelor's-walk, Dublin.

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LANDED ESTATES' COURT, IRELAND.

GENERAL NOTICE TO CLAIMANTS.

In the Matter of the Estate of
DONATUS ALBERT O'CALLAGHAN.
Owner;
Expaite, JAMES O'SHAUGHNESSY,
Petitioner.

THE Court having Ordered a Sale of one moiety of part of the Lands of Errina, otherwise Rosehill, situate in the Barony of Tulla, and County of Clare, and one-sixth part of the Houses and Premises, known as Numbers 10, 11, 12, and 13, Thomas-street, in the City of Limerick, held under lease dated the 25th day of March, 1801, for lives renewable for ever.

All parties objecting to such Sale of the said Lands and Premises are hereby required to Take Notice of such Order. And all persons having claims thereon, may file such claims, duly verified, with the Clerk of the Records.

Dated this 22nd day of March, 1867.

C. E. DOBBS, Examiner.

WM. K. O'SHAUGHNESSY, Solicitor having Carriage of the Sale, 35, Stephen's-green.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
THOMAS GROARKE,
of Swinford, in the County of Mayo, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 9th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 26th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agent to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
JAMES DANIEL O'ROURKE,
of No. 13, High-street, in the City of Dublin, Vintner, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 5th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 25th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
JOHN ADAM MALET,
of Trinity College, Dublin, and of Willow Bank, Monkstown, in the County of Dublin, late Saw Mills Proprietor, and Picture Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 9th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the surrender of the said Bankrupt, proof of debts, and choice of an Assignee in this Matter, of which Sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, of No. 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 26th day of March, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

SALE OF VALUABLE REVERSIONARY INTERESTS.

In the Matter of
HENRY GREENE AND CHARLES WELDEN KING,
of No. 83, Middle Abbey-street, in the City of Dublin, Contractors, Bankrupts.

TO BE SOLD BY AUCTION, by order and subject to the approval of the Court, at the said Court, Four Courts, Dublin, on FRIDAY, the 5th day of APRIL, 1867, at the hour of One o'clock in the afternoon, all the Estate, Right, Title, and Interest of the said Bankrupt Henry Greene, and his Assignees of, in, and to—

All that, one-sixth share or interest of the said Bankrupt and his Assignees, in the sums of £1,330 11s. 2d. 3 per Cent. Consolidated Annuities, and £252 10s. Old Navy 5 per Cent. Annuities, expectant on the decease of said Bankrupt's father, now aged about 85 years, and which interests were estimated by Messrs. Bruce & Symes to be of the value of £186 10s. sterling, which valuation lies at the Office of the Agent to the Bankruptcy for the inspection of intending purchasers.

Dated this 14th day of March, 1867.

CHEYNE BRADY, Chief Registrar.

For further particulars and Conditions of Sale apply to

LUCIUS HENRY DEERING, Esq., Official Assignee, 33, Upper Ormond-quay, Dublin; or to

MICHAEL LARKIN, Agent to the Bankruptcy, 1, Merchant's-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of
JOHN MATURIN,
late of Magherafelt, in the County of Londonderry, Solicitor; formerly of Dublin, in the County of the City of Dublin, Solicitor, an Insolvent.

A PUBLIC Sitting will he held in this Matter, before me, at my Office, at the Four Courts, Dublin, on MONDAY, the 8th day of APRIL, 1867, at the hour of Twelve o'clock noon, for Admission and Proof of Debts. And a Public Sitting will be held before the Court, at the Four Courts, Dublin, on WEDNESDAY, the 17th day of APRIL, 1867, at the hour of Eleven o'clock forenoon, to Audit the Assignee's Account, and make a first Dividend of the Insolvent's Estate; whereof all persons concerned are to Take Notice.

The Account of the Official Assignee will be Vouched before the Chief Clerk, on Saturday, the 13th of April, 1867, at Twelve o'clock; and the Costs of the Assignees will be taxed on Tuesday, the 16th of April, 1867, at Twelve o'clock.

Dated this 22nd day of March, 1867.

THOMAS FARRELL, Chief Clerk.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

JOHN MACNALLY, Solicitor for Official Assignee, No. 1, Morgan-place, Four Courts, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
WILLIAM ROBERTSON,
of No. 35, Lower Sackville-street, in the County of the City of Dublin, Wholesale Bookseller, Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 8th day of APRIL, 1867, at the hour of Twelve o'clock at noon, for admission and proof of debts, and to vouch the Assignee's Account. And a Public Sitting will be held before the Court, on TUESDAY, the 16th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, to Audit the Assignee's Account, and make a final Dividend of the Bankrupt's Estate in this Matter, whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 23rd day of March, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay, Dublin.

PATRICK JOSEPH KELLY, Agent to the Bankruptcy, No. 12, Blessington-street, Dublin.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, March 30, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 10.] SATURDAY, APRIL 6, 1867. {Single Copy, 6d. By Post, 7d.}

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Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, APRIL 6, 1867.

NUMEROUS cases have occurred, in England and in Ireland, on the law of Light. The question generally arose with respect to the *quantity* of light to which a party was entitled, and how far such right was interfered with or infringed upon by adjacent buildings or obstructions; but in several recent cases attempts have been made, both at law and in equity, to get the aid of the Courts, either by way of damages or of injunction, with reference to an alleged interference or infringement of light, so far as regarded *its degree or quality.*

It has been a maxim long established in law that the elements of light, air, and water, are *publici juris;* or, as is expressed by Blackstone, they belong to the first occupant, during the time he holds possession of them, and no longer; and which a man may occupy by means of his windows, his gardens, his mills, and other conveniences (2 Bl. Com. by Christ. 14)—a maxim that has been ably expanded by Littledale, J., in one of the leading cases on this subject (Moore *v.* Rawson, 3 B. & C., 340) as follows:—"Every man on his own land has a right to all the light and air which will come to him, and he may erect, even on the extremity of his land, buildings with as many windows as he pleases, in order to make it lawful for him to appropriate to himself the use of the light; he does not require any consent from the owner of the adjoining land. He therefore begins to acquire the right to the enjoyment of the light by mere occupancy" (3 B. & Cr., 340). But in order to secure this as a legal presumption of right it must exist uninterrupted for twenty years, in the specific mode in which it was at first acquired; for it is clear that, within that period of time, the owner of the adjoining land may, by building on it, obstruct the light passing to his neighbour's windows. However, the same learned judge, in another case, thought that where there was nothing to show that the windows did not exist prior to that period of time, proof of eighteen years uninterrupted occupation might be enough to found the presumption of a grant (Cross *v.* Lewis, 2 B. & Cr., 690).

But in cases of substantial damage accruing by reason of a person erecting a building that would obstruct the light to a particular trade, as that of a watchmaker, eight years occupation was held enough (Lyon *v.* Dillimore, 14 W. R. 511). But the consequence of the law to which we have referred was, that the assent of the owner of the adjacent, or, as it is called, *servient,* tenement, was the foundation of the presumption of an

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exclusive right to light or air; and therefore it was plain that if the person whose assent was or should be implied was incapable of giving it—as in the case of minors, *femes covertes*, lunatics, &c.; or if the party to be bound did not, in fact, know of the user, or if it was not proved that he did, he would not be considered bound or estopped by such occupation or user (Daniel v. North, 11 East., 372); and, on the same ground, it was held that such occupation or user would not bind the *successor* of a tenant for life, where the user or occupation had been gained by the implied consent of such tenant for life (Barker v. Richardson, 4 B. & A., 579).

Several presumptions were adopted by the Courts in order to sustain this acquired right to light or air.

Sometimes they presumed a *grant* of permission from the owner of the adjacent land. "If a man has been in possession of a house with lights belonging to it for fifty or sixty years, no man can stop up those lights; possession for such a length of time amounts to *a grant* of the liberty of making them; it is evidence of an agreement to make them" (Wilmot, C. J., in Lewis v. Price, 2 Saund., 175, a.) In other cases it was considered, however, that length of time did not imply that the consent was given by way of grant, but that it more properly arose by means of a *covenant* to be implied by law, not to interrupt the free use of light and air (Littledale, J. 3 B. & Cr., 340).

But those considerations are now of little importance, as the Prescription Act, 2 & 3 W., 4, c. 71, extended to Ireland by 21 & 22 V., c. 42, enacts, that when the access and use of light to and for any dwelling-house, workshop, or other building shall have been actually enjoyed for the full period of twenty years without interruption the right thereto shall be deemed *absolute and indefeasible*, unless it appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing (section 3); and the next section enacts, that no act is to be deemed an interruption of the enjoyment unless submitted to or acquiesced in for one year, after the party interrupted shall have had notice thereof and of the person making or authorizing the same to be made (s. 4); and then, in section 7 is a most important clause—viz., that the time during which persons shall have been under disabilities (infants, &c.) shall be excluded in the computation of the periods in the Act before mentioned, *except only in cases where the right or claim is by the said Act declared to be absolute and indefeasible.*

It would therefore follow, that even as to persons under disabilities, the twenty years uninterrupted enjoyment of the easement would, as to them, be absolute and indefeasible.

So much as to the right to light as regards the *quantity*.

Another question, as we remarked, has, both in England and in Ireland, been raised, as to the *quality* of light. In England the case came recently before Malins, V.C. (16 L. T. n. s. 114). where an injunction was applied for, but was refused, and the bill dismissed, to restrain the erection of a building, which it appeared at times gave to the plaintiff's windows an *increased* light, by reason of the reflection of the sun's rays of light. The windows, in that case, were not, in the legal sense, ancient, having been but fourteen years in existence; but the plaintiffs claimed a right to an extraordinary degree of light, for the purposes of their trade as silk merchants, and for the purpose of examining samples of raw silk; and they relied on a diminution of light in certain parts of the day, and in others that a reflected and unsteady light was, by reason of the defendant's building, cast on the plaintiffs' windows, and that such light was quite unfit for the purpose of examining samples of silk. But the Vice-Chancellor refused the injunction, and asked pertinently:—"Has any case occurred in which the Court has interfered to restrain the erection of a building which gives an increased light by reason of the sun's reflection?" And again—"I have the power to prevent a material diminution, but there is no rule that a plaintiff has a right to every particle of light which he had before the erection of the obstruction which he complains of." And he also seemed to consider that even if the twenty years provided by the Prescription Act had elapsed, the plaintiffs would not be entitled to relief unless they could show actual knowledge by the defendants of the extraordinary user for the particular purposes relied on by the plaintiffs. A similar case occurred in Ireland, in the Queen's Bench (Manning v. Gresham Hotel Co.), but the case was compromised after a new trial had been directed; and in Clarke v. Clarke (1 L. R. Ch. app. 16) the mere obstruction, in a large city, of the direct rays of the sun, for two hours in the day in winter, was held an insufficient ground for an injunction.

Another, and not unimportant question has been in several cases discussed, as to the right to light, and it is this—Whether a person who was entitled to ancient lights lost the right thereto by making alterations in his building, and by introducing new lights or windows into his structure, and so gave to his neighbour the right to obstruct both the old and the new lights. In several cases, in the English law courts, it was held that in such cases the right to the ancient lights was lost where the old and new lights were so intermixed that it was impossible to obstruct the one without interfering with the other, and on the ground that the owner of the *servient* tenement was entitled to obstruct the new lights, and that the obstruction of the ancient lights was unavoidable (Renshaw v. Bean, 18 L. R., 112; Hutchinson

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v. Copestake, 9 C. B. n. s. 826). However, those cases were fully considered in the House of Lords, in Tapling *v.* Jones, 11 H. L. C. 290, and were expressly overruled by the unanimous judgment of all the Law Lords present, viz., Lord Westbury, C., Lord Cranworth, and Lord Chelmsford; and the Lord Chancellor in that case says:—"The opening of the new windows is in law an innocent act, and no innocent act can destroy the existing right of the one party, or give any enlarged right to the other, namely, the adjoining proprietor."—P. 307 And to the same effect is Lord Cranworth's remark in p. 312:—"But what ground is there for contending that because his (a neighbour's) building so as to obstruct a new light would afford no ground of complaint; therefore, if he cannot so build without committing a trespass he may commit a trespass? I can discover no principle to warrant any such inference."

In that case, it was also held, that the old law of the presumption of a grant was, by the Prescription Act, no longer applicable, but that since that act twenty years user of light was matter of strict and settled law, requiring for its support no presumption or fiction of license; and thereby become absolute and indefeasible. "The Prescription Act turned this presumption into an absolute right, founded upon user on one side, and acquiescence on the other."—P. 318.

CURRENT TOPICS.

ATTORNEYS' CERTIFICATE DUTY.

The second reading of the Bill introduced by Mr. Denman has been adjourned to the 28th May next.

Although it would have been, in the highest degree, satisfactory to have this question finally disposed of, yet the result of Tuesday evening's debate cannot be regarded as other than eminently satisfactory. The Chancellor of the Exchequer did not venture to divide the house upon the principle of the Bill. Had he done so, we have reason to know that many members who voted for the adjournment would have voted in favour of the Bill. It will be borne in mind that the motion supported by the Government, and carried by a majority of *one*, was merely that the question should stand over till after the introduction of the budget. Very many members pledged to support the Bill, although present during the debate, did not take part in the division, not wishing to vote against the Government on the bare question of adjournment. We may therefore safely say that it now is a mere question of time as to when this obnoxious tax shall cease.

RECENT LEGAL APPOINTMENTS.

The appointment of Mr. Justice Christian to the office of Lord Justice of Appeal seems to have met with unqualified approbation from all quarters. Mr. Christian held the first rank at the Chancery Bar for many years, and his promotion to the Solicitor-Generalship was altogether the result of merit. He became Justice of the Common Pleas in 1858; and although the Common Law Bench loses in him one of its most brilliant and efficient judges, his appointment to the Lord Justiceship of Appeal is peculiarly acceptable to the profession and the public.

On one or two recent occasions Mr. Justice Christian sat for the Lord Justice of Appeal in cases in which Mr. Brewster had been counsel for some of the parties, and his judgments, which appear in the first and second numbers of the *Irish Reports*, are masterly specimens of ability and learning, and will give a good idea of his qualifications for his present high and important duties.

Mr. Justice Morris is, we believe, the youngest judge on the bench either in England or Ireland. Mr. Justice Keogh at the time of his elevation enjoyed the same honourable position. The advancement of Mr. Justice O'Hagan, although not so rapid as that of Mr. Morris, was looked upon as something extraordinary; but we feel we are justified in saying, that if Mr. Justice Morris acquits himself as satisfactorily as his brother-Justice O'Hagan, there will be no grounds to complain of his rapid elevation. For eighteen years Mr. Morris has been a practising barrister, and at an early period was in full junior business. He fully maintained his position on being called to the inner bar, and few (if any of the common law leaders) were doing more business at the time of his being made Solicitor-General. Taking these matters into consideration, there can be no doubt that he will prove himself thoroughly qualified for the judicial functions which he has been called on so early to discharge, and that his appointment will give satisfaction to the public for these reasons, and not alone on the grounds of his great popularity.

Mr. Chatterton's elevation to the first place at the Irish bar has met with an amount of approbation rarely bestowed on legal appointments in this country. The estimation in which he is held for every quality that is desirable in a man and a lawyer, stands deservedly high with the public and the legal profession. Honest in heart and conduct, courteous and obliging to all, without being weak or too facile, he has gained an extraordinary popularity, not alone with the members of his own circuit, but with the whole legal profession in Ireland. Of his great learning and ability as a lawyer there cannot be a second opinion. Few men were more capable of commanding the attention and respect of the bench, not alone by the force of his arguments on a particular occasion, but also by the well-known weight of his general character. As the best proof that the opinion we now express is not merely confined to this country, we subjoin an extract from the *Law Magazine*, in which the writer, who is by no means an indulgent critic in the matter of Irish legal establishments, alluding to Mr. Chatterton's appointment to the Solicitor-Generalship, thus expresses himself on the subject:—

"His steady progress to the first rank of the Bar—the fair result of ability and industry—and his reputation for all good qualities that may adorn life, combine to fit him for the distinguished honour of representing his University in Parliament, and for any subsequent promotion that may be within his reach."

We have now had, during the short interval that has elapsed, good proof of his efficiency in the House of Commons; and the manner in which he has there discharged his duties has even already won for him the confidence and respect of men to whom, before his return to Parliament, he was known merely as an eminent Irish lawyer.

We have now only to notice Mr. Warren's appointment; and, we have no doubt, that he, too, will be found fully equal to discharge efficiently the duties of his new position. Mr. Warren's reputation at the Bar is too well established to require any comment from us; and in promoting him to a post where his admitted

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ability and learning can be made usefully available for the public service, the choice of the Government in this instance, too, will prove to have been singularly happy and unexceptionable.

A Bill to Amend the Pleading, Practice, and Procedure of the Courts of Common Law in Ireland.

(*Concluded from No. 9, page* 153.)

ABSTRACT OF CLAUSES.

Death, Marriage, and Bankruptcy.

244. Action not to abate by death.
245. If there be two or more plaintiffs or defendants, and one or more should die, if cause of action survive, action not to be abated; but such death being suggested on the record, action shall proceed at suit of surviving plaintiff or against surviving defendant.
246. In case of death of sole plaintiff or sole surviving plaintiff, when action survives, legal representative may by leave of Court or Judge enter suggestion and proceed.
247. In case of death of sole or sole surviving defendant, plaintiff may make a suggestion of the death, and that a person named therein is the executor or administrator of deceased, and thereupon proceed as therein.
248. Death between verdict and judgment not to be alleged for error, so as judgment be entered within two terms after verdict.
249. Proceedings in case of death after interlocutory and before final judgment.
250. To compel continuance or abandonment of action in case of death.
251. Marriage not to abate action.
252. Bankruptcy and insolvency of plaintiff not to abate action which assignees might maintain for the benefit of creditors, unless assignees decline to continue and give security for costs.

Arrest of Judgment and Judgment Non obstante veredicto.

253. Upon motion in arrest of judgment, or for judgment non obstante veredicto, omitted facts may, by leave of the Court, be suggested.
254. Judgment to follow result of suggestion.
255. On arrest of judgment, or judgment non obstante veredicto, Court to adjudge to party against whom such judgment is given, the costs of abortive issues.

Error and Appeal.

256. Error to be brought within six years.
257. Error may be brought by legal representative of a deceased party.
258. Proviso for disabilities.
259. Writ of error not necessary.
260. Party alleging error in law to deliver to the Master of the Court a memorandum in writing [form in schedule]. Master to file same, and deliver a note thereof to party lodging copy to be served on the opposite party or his attorney.
261. Error not supersedeas till service of the copy of the note and grounds of error.
262. Bail in error.
263. Suggestion instead of assignment of, and joinder in error.
264. Roll to be made up and suggestion entered by plaintiff in error.
265. Error brought by one of several persons against whom judgment has been given.
266. Judgment roll to be brought into court instead of transcript.
267. Jurisdiction of Courts of Error over the proceedings.
268. Court of Error to have like power with Court below.
269. Party alleging error in fact to deliver to the Master of the Court a memorandum [form in schedule] with an affidavit of the matter of fact in which such error consists. Master to file same and deliver note thereof. Copy to be served.
270. Plaintiff may discontinue proceedings in error.
271. Defendant may confess error, and consent to reversal of judgment.
272. Death of plaintiff in error no abatement.
273. Providing for death of one of several plaintiffs in error.
274. Proceedings upon death of sole plaintiff or of all the plaintiffs in error.
275. Death of defendant in error no abatement.
276. Proceedings upon death of one of several defendants in error.
277. Proceedings upon death of sole defendant or of all the defendants in error.
278. Marriage not to abate proceedings in error.
279. Grounds to be stated in rule nisi for new trial.
280. If rule nisi refused, party may appeal.
281. Appeal upon rule discharged or absolute.
282. The Court of Exchequer Chamber and the House of Lords to be Courts of Appeal for the purposes of Act.
283. Notice of appeal to be given within four days after the decision complained of, unless time extended by Court or Judge.
284. Notice of appeal to be stay of execution, provided bail given as bail in error.
285. Appeal to be upon a case stated by parties (if they differ to be settled by the Court or Judge).
286. Rule nisi, granted on appeal, to be argued and disposed of in the Court of Appeal.
287. Court of Appeal to give judgment and to have power to remit the cause, with directions, and further proceedings may be taken as if judgment had been given by Court in which record originated.
288. Gourt of Appeal to have power as to costs and otherwise, the same powers as the Court of Error.
289. Error upon award of trial de novo.
290. Upon new trial, on the ground that the verdict was against evidence, costs of the first trial to abide the event, unless Court otherwise order.

Interpleader.

291. Interpleader may be granted though titles have not a common origin.
292. Court or Judge may direct sale of goods seized in execution.
293. Power to Court or Judge to decide summarily when from the smallness of the amount in dispute of value of goods seized it appears to be desirable, at the request of either party.
294. Special case may be stated where facts undisputed.
295. The judgment in any action or issue to be directed by the Court or Judge in interpleader proceedings, and the decision of Court or Judge in a summary manner to be final.
296. General provisions to apply to interpleader.
297. Rules, orders, &c., made in interpleader proceedings may be entered of record and made evidence.

Summary Procedure upon Bills of Exchange and Promissory Notes.

298. Actions upon Bills of Exchange, &c., may (within six months after same have become due) be commenced by writ of summons [form in schedule], and plaintiff may, on filing affidavit of personal service, at once sign final judgment [form in schedule].
299. Defendant showing a defence upon the merits to have leave to appear.
300. Judge may under special circumstances set aside judgment.
301. Judge may order bill to be deposited with officer of court in certain cases.
302. Remedy for the recovery of expenses of noting non-acceptance of dishonoured bill same as for recovery of amount of bill.
303. Holder of Bill of Exchange may issue one summons against all or any of the parties to the bill.

Ejectment.

304. Ejectment to be commenced by writ of summons.
305. Writ of ejectment to state names of all persons in whom title alleged to be, and to command defendants to appear within sixteen days after service, and to contain notice that in default of appearance they will be turned out of possession [form in schedule].
306. Writ in ejectment for non-payment of rent to be

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served on tenant, and every person in receipt of the rents, and on mortgagees, &c.

307. Writ of ejectment to be served in same manner as ejectment has heretofore been served, or as directed by general orders, in case of vacant possession to be posted.

308. Persons named as defendants in such writ may appear.

309. Persons not named may appear and defend by leave of the Court or a Judge on filing affidavit that he is in possession.

310. Appearance and defence by landlord in respect of property whereof he is in possession only by his tenant to state that he appears as landlord.

311. Notice to defend for part only.

312. Want of certainty cured by particulars.

313. Defence by persons not in possession may be struck out or confined by Court or Judge.

314. Judgment for default of appearance or defence.

315. In case appearance entered, issue may at once be made up without any pleadings [forms in schedule].

316. Special case may be stated.

317. Trial of issue as in other actions.

318. Verdict when title appears to have expired before trial.

319. Trial may be ordered to take place in any county.

320. Nonappearance at trial.

321. Mesne rates may be recovered by ejectment to the day of trial.

322. Amount of rent due where judgment by default, or defendant shall not appear at trial, may be ascertained by affidavit of plaintiff or his agent.

323. Jury may find special verdict, or either party may tender bill of exceptions.

324. Judgment and execution upon finding for claimant.

325. Judgment upon finding for defendant.

326. Execution for recovery of possession, and costs may be joint and separate.

327. Defence by joint tenants, tenants in common, or comparceners.

328. Trial and judgment in ejectment against joint tenants, tenants in common, and coparceners.

329. Claimant, in second ejectment, for same premises against same defendant may be ordered to give security for costs.

330. Action not to abate by death.

331. If right of deceased claimant survive to another claimant (before trial), suggestion may be made of death, and action may proceed at the suit of surviving claimant.

332. Upon death of one of several claimants, before trial, where right does not survive, suggestion may be made of death, and action may proceed at suit of surviving claimant for his share of the property and costs.

333. Upon death of one of several claimants having obtained a verdict, survivors may suggest the death, and proceed to judgment and execution.

334. In case of death of a sole claimant, or before time, of one of several claimants, where right does not survive, legal representative of such claimant may (by leave) enter a suggestion, and action shall thereupon proceed.

335. Upon death of one of several joint defendants suggestion may be entered and action may proceed against survivors.

336. Upon death of all the defendants in ejectment before trial, suggestion may be entered and claimants to be entitled to judgment for recovery of possession unless some other person appear and defend within a time to be appointed by order.

337. Upon death of all defendants in ejectment after verdict, claimants to be entitled to judgment as if no such death had taken place.

338. Upon death, before trial, of defendant in ejectment, who defends separately for part, same proceedings may be had as to such portion as in case of death of sole defendant, or claimants may proceed against survivors in respect of part for which they defend.

339. On death, before trial, of defendant defending separately for property in respect of which others also defend, Court may allow person in possession or legal representative of deceased to appear and defend, if no such application be made, or leave granted claimant suggesting death may proceed against survivors.

340. Claimant may discontinue by notice.

341. If one of several claimants be desirous to discontinue, he may apply to Court or Judge, and an order may be made thereon.

342. If claimant allow time for going to trial, as in ordinary cases after issue joined to elapse, defendant may give twenty days' notice to claimant to proceed, and if not proceeded with may sign judgment [form in schedule].

343. Defendant may confess the action.

344. One of several defendants, defending separately for part, may confess the action as to such part.

345. One of several defendants, who defend for same property, may confess the action, and claimant may thereupon sign judgment against him, and proceed in action against the others.

346. Court or a Judge may in action of ejectment on the title direct temporary bars to be waived.

347. Judgment in ejectment to have no greater effect than before 13 & 14 Vic.

348. Error may be brought, as in other actions, upon any judgment in ejectment, after a special verdict, or a bill of exceptions, or by consent after special case stated, but except in case of such consent execution not to be stayed unless bail as therein.

349. On trials, after bail found, Judge shall not stay the execution except by consent, or on tenants finding security. Bail in error to discharge such security.

350. Recognizances to be taken as other recognizances of bail; actions on them limited.

351. Saving of former remedies.

352. In ejectment by mortgagee, the mortgagors rendering the principal, interest, and costs in court shall be deemed a full satisfaction, and the Court may compel the mortgagee to re convey.

353. Not to extend to cases where the right of redemption is controverted, or the money due not adjusted; or to prejudice any subsequent mortgage.

354. Courts and Judges to exercise over the proceedings the like jurisdiction as heretofore exercised in the action of ejectment.

355. Relief against forfeiture for non-insuring.

356. Minute of relief granted.

357. Appeal to the Court from order of Judge.

358. Power to appeal from Order of Court.

359. Proof of title in one or more claimants to be sufficient to entitle a verdict to be entered for him or them, not necessary to produce on trial affidavit of service of writ of summons.

Action for Replevin of Goods.

360. Action for replevin to be commenced by writ of summons.

361. Plaintiff may sue out also a writ of replevin.

362. If plaintiff in replevin be nonprossed or nonsuited, defendant entitled to judgment and execution for his rent.

363. Plaintiff in replevin may pay money into Court in satisfaction, &c., as defendant in other actions.

Real Actions.

364. Dower, writ of right of power, and quare impedit abolished as real actions, and to be commenced by writ of summons.

365. Writ, and all proceedings thereupon, to be same as in ordinary actions.

Error on Special Case.

366. Error may be brought on a special case.

Miscellaneous Provisions.

367. Injunctions and orders to stay proceedings to have a specific effect.

368. Person wilfully and corruptly giving false evidence to be liable to penalties of wilful and corrupt perjury.

369. Courts may appoint sittings in term or vacation (except between 1st August and 20th October), and this to apply to the business at the Crown side of the Queen's Bench.

370. Courts or Judge may amend all defects and errors in any writ, pleading, record, or other proceeding in civil causes.

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371. The Lord Lieutenant may direct all or part of this Act to extend to any Court of Record.

372. General rules may be made by the Judges.

373. New forms of writs and other proceedings as may by the Judges or any seven of them be deemed expedient.

374. Rules may be made by each Court for government of its officers.

375. Enactments in sections 105, 180, 191 to apply to every Court of civil judicature in Ireland; and enactments in sections 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, and 372 to extend to all Courts of Judicature, as well criminal as others.

376. Repeal of former Acts set forth in schedule.

377. This Act not to affect "The Common Law Procedure Amendment Act (Ireland), 1864," as to the County of Cork Juries.

378. Schedule of Law Fund duties in schedule D.

379. Interpretation of terms.

380. Short Title, "The Common Law Procedure Act (Ireland), 1867."

A Bill to Render Policies of Insurance Assignable at Law, and to Enable Assignees of such Policies to Sue thereon in their Own Names. (Prepared and brought in by Sir Colman O'Loghlen, Mr. Sergeant Barry, and Mr. Pim.)

Preamble. WHEREAS it is expedient to render Policies of Insurance assignable at Law, and to enable Assignees of such Policies to Sue thereon in their Own Names:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, as follows:

Policies of Insurance shall be assignable at Law. 1. After *the passing of this Act*, every Policy of Insurance shall be assignable at Law, and the Assignee or Assignees of such Policy shall be at liberty to sue in his or their own Name to recover the Amount of such Policy.

How a Policy of Insurance may be assigned. 2. Any Policy of Insurance may be assigned by an Endorsement on the Policy, duly stamped, or by a separate Deed; and such Assignment may be in the Form in the Schedule to this Act annexed.

Assignee to have no greater Right than his Assignor. 3. In an Action by an Assignee on a Policy of Insurance any Defence which would be valid against the Assignor may be relied upon, and shall be valid against the Assignee.

Bonâ fide Payment of a Policy without Notice of Assignment valid against Assignee. 4. Any Payment bonâ fide made of the Amount of, or on account of, or in satisfaction of a Policy of Insurance to a Party who would be entitled to receive the same in case the Policy was not assigned shall be valid against an Assignee if the party making the Payment had no Notice of such Assignment.

Short Title. 5. For all purposes this Act may be cited as "The Policy of Insurance Act, 1867."

SCHEDULE.

I *A.B.* of, *&c.* in consideration of, *&c.*, do hereby assign unto *C.D.* of, *&c.*, his Executors, Administrators, and Assigns, the [within] Policy of Insurance granted, *&c.*, [*here describe the Policy*]. In witness, *&c.*

Debrett's *House of Commons* informs us that the Legal Profession is represented by 128 members, 95 of whom have been called to the English Bar, 18 to the Bar in Ireland, and 6 to the Scottish Bar, while 9 are, or have been, in practice as attorneys; 5 are serjeants-at law, and 30 are Queen's counsel; 47 were students at the Inner Temple, 36 at Lincoln's-inn, 9 at the Middle Temple, and 3 at Gray's-inn. No other profession or employment is so largely represented in the House, the nearest approach to it being the army, which has 112 members, There are 81 literary men, 128 directors of public companies, and 109 business men in the present Parliament.—*Law Times.*

ENGLAND.

HOUSE OF COMMONS.

TUESDAY, APRIL 2, 1867.

Petitions in favour of the reduction of the annual duty on Solicitors' certificates were presented by Mr. Smollett, from the Procurators in the Sheriff's Court, Dumbarton; by Mr. Leeman, from attorneys at Wallingford, Dunstable, and Luton; by Mr. Sullivan, frum solicitors and attorneys of Mallow and Fermoy, county Cork; by Captain Kearsley, from Ripon; by Mr. A. H. Baring, from Skibbereen, county Cork; by Mr. Schreiber, from Cheltenham; by Mr. Tite, from the solicitors of Bath; by Mr. Robertson, from solicitors, procurators, and notaries public in Berwickshire; by Mr. Herbert, from the attorneys and solicitors of Killarney, county Kerry; by Mr. M'Lagan, from the Dean and Faculty of Solicitors of Linlithgowshire; by Mr. Holden, from the attorneys and solicitors of Knaresborough; by Mr. P. Wyndham, from Whitehaven; and by Mr. Merry, from the Society of Solicitors of Hamilton; and against the Bill by Mr. Oliphant, from the Faculty of Procurators of Stirlingshire.

ATTORNEYS, &c., CERTIFICATE DUTY BILL.

Mr. DENMAN, in moving the second reading of this Bill, recapitulated the grounds on which the repeal of that duty had been previously advocated. The hon. and learned member proceeded to refer to the decided opinion given against the tax by Lord Chief Justice Cockburn, when a member of that House. Upon a former occasion the hon. member for Derby opposed his motion on the part of the brewers. If the licences paid by the brewers were unjust let them be abolished. There was nothing to prevent the brewers from being relieved next week, but at all events let this tax be repealed if it were just and right to repeal it. He moved that this Bill be now read a second time.

Mr. BASS said that the arguments in favour of the present tax equally applied to the repeal of every licence, and the House would thus get rid of £2,500,000 of revenue. If the hour were not so late (ten minutes past 12) it would be easy to show that this ought to be one of the licence duties that should be last repealed. The attorneys, having great influence in the constituencies, and particularly with the profession of which the hon. and learned member for Tiverton was so distinguished an ornament, had the power of making themselves heard in that House, while the other classes who paid licence duties, including the brewers, had very little chance of making themselves heard. (A laugh.) The auctioneers, appraisers, and horse dealers were compelled to pay a much higher tax than the attorneys, while the tax paid by the brewers was one of the most unjust, and the nearest approximation to confiscation ever proposed by a Chancellor of the Exchequer. (Hear, hear.)

Mr. AYRTON said that as the Chancellor of the Exchequer was to bring forward the Budget in two or three days, he thought his hon. and learned friend would do well to leave the matter in the hands of the right hon. gentleman. If, after that, his hon. and learned friend thought he was entitled, upon any grounds of justice, to proceed with the Bill, he could do so. He moved the adjournment of the debate.

Dr. BRADY opposed the adjournment.

Mr. DENMAN hoped his hon. and learned friend would not press his amendment.

The CHANCELLOR of the EXCHEQUER: I think the proposition of the hon. member for the Tower Hamlets is very reasonable, and that the argument of the hon. member for Tiverton is erroneous. The proper time to propose the remission of a tax is after the financial statement is made, and I see no reason why that is not the proper time. If the remission of a particular tax is not included in the financial statement, the hon. gentleman who seeks its remission can challenge it, and the House can give an opinion on the subject. (Hear, hear.) I don't want to go into the merits of this particular question, but if a licence is brought under our consideration, we must go into the entire question of licenses. I put it to the House, when the Chancellor of the Exchequer has given notice that he is on the eve of making his financial statement, whether it is a proper course to raise now the question of the proposed remission of a particular tax. I think the hon. gentleman will do well to

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comply with the motion of the hon. member for the Tower Hamlets; and if he is not satisfied with the proposition I am going to make on Thursday, it will be for him to challenge the proposition, and I am sure the House, as at present constituted, will give him a hearing, and will come to such decision as, on the whole, they may think best. (Hear, hear.) Therefore, the best course is to adjourn the debate to this day fortnight.

Sir C. O'LOGHLEN: That will be during the holidays. (Laughter.)

The CHANCELLOR of the EXCHEQUER: It might be adjourned for a month; that will be after the holidays.

Mr. CRAUFURD considered the motion for adjournment a mere attempt to shelve the bill by a sidewind.

The House divided—

For the adjournment, . .	101
Against, ...	100
Majority, . . .	—1

Attorneys', &c. Certificate Duty Bill,—Order for Second Reading read; Motion made, and Question proposed, "That the Bill be now read a second time:"—Debate arising; Motion made and Question put, "That the Debate be now adjourned:"—(*Mr. Ayrton*):—The House *divided*; Ayes 101, Noes 100.

AYES.

Adderley, Rt. Hn. C. Bowyer
Amberley, Viscount
Bagnall, Charles
Bailey, Sir J. Russell, (Heref.)
Barnett, Henry
Barrington, Viscount
Bass, Michl. Thomas (Derby)
Bathurst, Allen Alexander
Beach, Sir M. Hicks (Glos. E.)
Benyon, Richard
Bridges, Sir Brooke William
Bruce, Lord C. (Wilts, N.)
Bruce, Major C. (Elgin)
Bruce, Sir H. H. (Coleraine)
Bruen, Henry
Burrell, Sir Percy
Campbell, Alexander Henry
Capper, Charles
Cave, Rt. Hn. S. (New Shore)
Cavendish, Lord F. C. (York, W. R.)
Chatterton, Rt. Hn. Hedges E.
Cole, Hon. H. (Fermanagh)
Corry, Rt. Hon. Henry L.
Cooper, Edwd. H. (Sligo Co.)
Crawford, Robt. W. (London)
Dalkeith, Earl of
Dickson, Major Alexander G.
Disraeli, Rt. Hon. Benjamin
Du Cane, Charles
Duff, Mount. E. Grant (Elgin)
Dyott, Colonel Richard
Edwards, Sir H. (Beverley)
Egerton, E. C. (Macclesfield)
Egerton, Hn. W. (Chesh. N.)
Fane, Lt.-Col. H. H. (Hants, S.
Fellowes, Edward
Fergusson, Sir James
Floyer, John
Fortescue, Hn. D. F. (Andover
Gladstone, Rt. Hon. W. E. (Lanc. S.)
Glyn, Geo. Grenf. (Shaftesb.)
Gore, Jn. Ralph O. (Salop, N.)
Gower, Hon. F. L. (Bodmin)
Goschen, Rt Hn. G. Joachim
Greene, Edward
Hamilton, Lord C. (Tyrone)
Hankey, Thomson
Hardy, Rt. Hn. G. (Oxf. U.)
Herbert, Hn. Col. P. (Salop, S.)
Heygate, Sir Frederick W.
Hodgson, W. Nichl. (Carlisle)
Hornby, William Henry
Horsfall, Thomas Berry
Howard, Hn. C. W. G. (Cum.)
Hunt, George Ward
Hurst, Robert Henry
Kavanagh, Arthur
Ker, David Stewart
Knatchbull-Hugessen, E.
Knox, Colonel (Marlow)
Lacon, Sir Edmund
Lechmere, Sir E. A. Harley
Lennox, Lord H. G. (Chich.)
Lindsay, Hn. Col. C. (Abing.)
Lindsay, Col. R. Loyd (Berks)
Lopes, Sir Massey
Lowther, James (York)
Manners, Rt. Hn. Lord J. (Leic. N.)
Moffatt, George
Montagu, Lord Robert
Montgomery, Sir Graham
Mowbray, Rt. Hon. John R.
Naas, Lord
Newdegate, Charles N.
Noel, Hon. Gerard James
North, Colonel
Northcote, Rt. Hn. Sir S. H.
Pakington, Rt Hon. Sir J.
Peel, Rt. Hn. Sir R. (Tamworth
Pugh, David
Read, Clare Sewell
Ridley, Sir Matthew White
Robertson, P. F. (Hastings)
Rolt, Sir John
Royston, Viscount
Russell, Sir C. (Berkshire)
Salomons, Mr. Alderman
Sclater-Booth, George
Scourfield, John Henry
Selwyn, C. J. (Camb. Univ.)
Severne, John Edmond
Stirling-Maxwell, Sir Wm.
Stopford, Sackville George
Stuart, Lt.-Col. W. (Bedford)
Taylor, Colonel (Dublin Co.)
Trevor, Lord Arth. E. Hill.
Walpole, Rt. Hn. Spencer H.
Warner, Edward
Whitmore, Henry
Whitworth, Benjamin
Wise, Henry Christopher

Tellers for the Ayes, Mr. Ayrton and Mr. Cavendish Bentinck.

NOES.

Allen, William Shepherd
Archdall, Captain Mervyn
Arkwright, Richard
Armstrong, Richard
Barry, A. H. S. (Cork Co.)
Barry, Chas. R. (Dungarvan)
Blake, John Aloysius
Bowen, James Bevan
Brady, Dr.
Brooks, Robert
Bruce, Lord E. (Marlboro')
Calcraft, John Hales M.
Candlish, John
Carnegie, Hon. Charles
Clay, James
Clinton, Lord E. P. (Notts. N.)
Colebrooke, Sir Thomas E.
Colthurst, Sir Geo. Conway
Colvile, Charles Robert
Courtenay, Lord
Cremorne, Lord
Dalglish, Robert
De La Poer, Edmond
Dimsdale, Robert
Dundas, Fredk. (Orkney, &c.)
Eckersley, Nathaniel
Edwards C. (New Windsor)
Esmonde, John
Eykyn, Roger
Fawcett, Henry
Fildes. John
Findlay, Alex. Struthers
Gallwey, Sir William Payne
Gavin, Major
Goldney, Gabriel
Gorst, John Eldon
Graham, William
Graves, Samuel Robert
Gray, Lieut.-Col. (Bolton)
Gray, Sir John (Kilkenny)
Gwyn, Howel
Hamilton, E. W. T. (Salisb.)
Hay, Lord John (Ripon)
Henniker-Major, Hn. J. M.
Hodgkinson, Grosvenor
Holden, Isaac
Ingram, Robert
Jervoise, Sir Jervoise Clarke
Karslake, E. K. (Colchester)
Kendall, Nicholas
Kennedy, Tristram
King, John G. (King's Co.)
Kinnaird, Hon. Arthur F.
Laird, John (Birkenhead)
Lanyon, Charles
Lawson, Rt. Hon. James A.
Leader, Nicholas Philpot
Leeman, George
Lefroy, Anthony
Locke, John
Lusk, Andrew
MacEvoy, Edward
M'Kenna, Joseph Neale,
Mackie, James
Mackinnon, Capt. L. B. (Rye)
M'Lagan, Peter
Martin, C. W. (Newp. I. W.)
Martin, Phil. W. (Rochester)
Merry, James
Mitchel, Alex. (Ber. on Tw.)
Monk, Charles James
Moore, Charles (Tipperary)
Murphy, Nicholas Daniel
O'Beirne, James Lyster
O'Brien, Sir Patrick
Ogilvey, Sir John
Oliphant, Lawrence
O'Loghlen, Sir Colman M.
Parker, Major Windsor
Paull, Henry
Phillips, R. Needham
Pim, Jonathan
Rearden Denis Joseph
Repton, George Wm. John
Saunderson, Edward
Schreiber, Charles
Scott, Sir W. (Roxburghsh.)
Sherriff, Alexander Clunes
Simeon, Sir John
Stacpoole, William
Stock, Osborne
Sullivan, Edward
Sykes, Col. W. H. (Aberdeen)
Synan, Edmond John
Turner, Charles
Vance, John
Vandeleur, Colonel
Woods, Henry (Wigan)
Wyld, James
Wynne, W. R. M. (Merioneth)

Tellers for the Noes, Mr. Denman and Mr. Craufurd.

THURSDAY—April 4.

BANKRUPTCY BILL.

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said it was not proposed to take the discussion on the present occasion, but on the motion to go into committee. It was of great importance that there should be a full discussion on the question that the Speaker leave the chair, but by taking the present stage to-night the passing of the Bill during the present Session would be much facilitated.

Mr. NORWOOD hoped that an early day would be named for going into committee.

The Bill was then read a second time.

JUDGMENT DEBTORS' BILL.

This Bill was read a second time.

BANKRUPTCY ACTS REPEAL BILL.

This Bill was also read a second time.

COURT OF CHANCERY (IRELAND) BILL.

The consideration of this Bill in committee was resumed at clause 40, and

The ATTORNEY-GENERAL for IRELAND proposed an amendment, reserving the rights of the present clerks to retiring pensions, the object, as he explained, being that they should continue in office, and that new appointments should not be necessary.

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Mr. LAWSON objected to the amendment, contending that a separate clause ought to be introduced to carry out the object proposed.

The Committee divided.

For the motion,	- - - -	61
Against,	- - - -	45
Majority,	- - -	—16

The clause as amended was then agreed to.

In clause 41.

General DUNNE proposed an alteration, the effect of which would be to increase the salary of the Second Assistant-Registrar from £800 to £1,000 immediately, with a gradual prospective increase to £1,250.

Upon this motion considerable discussion ensued, Mr. Monsell insisting that no valid reason could be assigned why two officers of equal rank should be paid differently for the discharge of similar duties; the Attorney-General for Ireland and Mr. Hunt explained that they had followed strictly the principle laid down in the Bill of the late Government, that the object of this measure was to render the services of officers whose situations were abolished available in other capacities, and that the particular officer of the court in this case was willing to undertake the duties for the sum named.

The amendment was negatived without a division.

After some discussion, in which Mr. Sergeant BARRY and Mr. LAWSON took part,

Sir C. O'LOGHLEN moved that the Chairman report progress.

The ATTORNEY-GENERAL for IRELAND opposed the motion.

The Committee divided, when the numbers were—

Ayes,	- - - - - -	44
Noes,	- - - - - -	68
Majority	- - -	—24

Sir P. O'BRIEN moved that the Chairman do now leave the chair.

The motion was negatived without a division.

Mr. ESMONDE moved that the Chairman report progress.

The motion was negatived without a division.

Clause 88 was agreed to, as were also clauses up to 170, when the Chairman was ordered to report progress, and the House resumed.

The Petty Sessions (Ireland) (1851) Amendment Bill was read the second time.

The Alimony Arrears (Ireland) Bill was read the third time and passed.

The Policies of Insurance Bill passed through Committee.

From *The Times*.

The Attorney-General's Bill relating to Bankruptcy and Imprisonment for Debt (with a separate Bill for repeals) have been printed, and the following is an outline of their provisions:—

The Bankruptcy Bill contains numerous amendments, and consolidates the statute law on the subject, the provisions of existing statutes having been condensed and to a great extent re-written. The constitution of the Courts of Bankruptcy is to remain as at present, but the country District Courts will be discontinued as their Commissioners die or retire. The London Court is to have jurisdiction over all England, which will be concurrent with the jurisdiction of the County Courts and of the country District Courts in their respective districts. The three Judges of the Court in London are to have power to sit together to hear important points. Appeal will be, as now, to the Court of Appeal in Chancery. The official assignees of the London Court are to be abolished from the commencement of the Act, those of the country District Courts from the discontinuance of their Courts; but there is to be a provisional trustee for each Court, who in the London Court will be one of the present official assignees selected by the Lord Chancellor, and in the County Courts will be the Registrar. In the country District Courts the present official assignee or assignees will be provisional trustee or trustees. The Bill introduces a novelty in the method by which a debtor may make himself bankrupt, by providing that he may only do so by filing a declaration of insolvency, which is not to be an act of bankruptcy till 21 days after its filing, after which time any creditor may petition for adjudication, or, if the creditors do not move, the debtor may himself petition. This will give the creditors time to meet and determine on the best course for protection of their interests. The declaration will be accompanied or followed by a list of the debts, creditors, and assets of the debtor, verified by his oath, and immediately on the filing of the declaration the provisional trustee is to become receiver of the debtor's property, with power to protect it, and during the 21 days no execution or process is to issue against the debtor or his property without leave of the Court, and the Court may stay actions against the debtor. Delay on the debtor's part in filing this declaration may be made a ground for suspension of his order of discharge in case of subsequent bankruptcy. In every case, immediately on adjudication, the estate is to vest in the provisional trustee, but (as recommended by the Select Committee of the House of Commons) at the first meeting of creditors they are to choose a trustee and inspectors, and upon the choice of a trustee being confirmed by the Court the estate will be shifted from the provisional trustee to the creditors' trustee. The creditors are to decide on the security to be given by the trustee, and (subject to the approval of the Court) on his remuneration. The inspectors are to exercise a general superintendence over the trustee, but failure to choose inspectors will not interfere with the prosecution of the bankruptcy; and if no trustee is chosen, the provisional trustee will have all the trustee's powers. The provisional trustee will be entirely subject to the orders of the Court, and the Court will have power to control the creditors' trustee, if necessary, and the accounts of the latter must be periodically audited, and until such audit he will not be allowed to receive any remuneration awarded to him by the creditors. The bankrupt's order of discharge is never to be wholly refused, but may be suspended for any time not exceeding three years in certain specified cases of misconduct, or for any time not exceeding one year if the Court sees any other good reason for suspension. Notwithstanding the order of discharge, the Court is to have the power of making after-acquired property available (subject to a reasonable allowance for maintenance of the debtor and his family, and to the payment of subsequent debts) towards discharge of debts proveable under the bankruptcy until the estate has paid 10s. in the pound. All the provisions as to future property will also apply (*mutatis mutandis*) to cases of arrangement by deed. There are to be, as now, three modes of arrangement with creditors, two operating after adjudication of bankruptcy, and the third and principal one being arrangement by deed without adjudication. A debtor arranging by deed is to file in the Court a deed within seven days after he has executed it (unless he is abroad, when further time is given). Notice of the filing is to be gazetted, and thereafter no process against the debtor's person or property is to be available without leave of the Court, and actions against him may be stayed. A list of the creditors, and of the debts and assets, is to be filed and sworn to by the debtor. As soon as a majority in the number, representing three-fourths in value, of the creditors have executed or assented to the deed, the Court may make a declaration that it is completely executed, but such declaration must be applied for within three months, and made at the latest within four months, after the filing, otherwise the deed is an act of bankruptcy. Creditors holding securities on the debtor's property are to be computed in value only after deducting their securities. The declaration of complete execution (subject to appeal like every order in bankruptcy) is to be conclusive as to the validity of the deed, and thus all interference of courts of law with these deeds will be stopped. The Court in which the deed is filed (which will include County Courts and the country District Courts in Bankruptcy) is to have full powers from the filing of the deed, and, both before and after its complete execution, to examine the debtor, creditors, and others, to test the truth of the alleged debts, examine the accounts of any trustee or inspector, and generally to enforce the trusts and provisions of the deeds. Safeguards against the debtor's misconduct are created by providing (1) that if before declaration of complete execution the Court thinks that the debtor has filed the deed

frivolously or for delay, or has been guilty of fraud in relation to the arrangement, it may declare the deed an act of bankruptcy; (2) that within 12 months after the declaration of complete execution the Court, on being satisfied that the debtor has been guilty of fraud in relation to the arrangement, may deprive him of the benefit of any release contained in the deed (without disturbing the arrangement); and (3) that certain specified acts on the part of the debtor are to be misdemeanours, as in bankruptcy. The offences in bankruptcy which are to be misdemeanours are in substance the same as now.

The second Bill, which is called the Judgment Debtors Bill, abolishes imprisonment for debt, except (1) for damages for libel, slander, assault, seduction, and some other social offences; (2) where the debt was incurred by fraud, false pretences, or breach of trust; or (3) where the debtor is about to abscond. In the excepted cases the imprisonment is not to last more than six months, but is not to be a satisfaction of the debt. This Bill also regulates proceedings under a judgment debtor summons, and contains other provisions relative to the enforcement of judgments, decrees, and orders.

NOTES OF ENGLISH DECISIONS.

From *The Law Times.*

INJUNCTION—LEGAL PROCEEDINGS FOR RENT.—Pending an interpleader suit to determine the respective rights of the defendants to the rent of premises occupied by the plaintiffs, the Court granted an injunction to restrain legal proceedings for payment of the rent, and ordered it to be paid into Court until further order: (*Glover* v. *Reynolds*, 16 L. T. Rep. N. S. 113. V. C. S.)

LIBEL—JUSTIFICATION.—Attorneys writing in defence of their client who has been publicly aspersed, will be protected in an action brought against them for libel: (*Reg.* v. *Veley and another*, 16 L. T. Rep. N. S. 122. Nisi Prius.)

ATTORNEY'S LIABILITY FOR CLIENT.—Where an attorney says he shall be prepared in a few days to take up a bill given by his client he is to be understood as incurring no personal responsibility: (*Allaway* v. *Duncan*, 16 L. T. Rep. N. S. 123. Nisi Prius.)

PROBATE PRACTICE—EXECUTION OF POWER.—Where the question turns upon the due execution of a power, it is the duty of the Court to see that every properly executed testamentary paper which is material to enable the Court of Ch. to pronounce judgment upon it is before the Court: (*In the Goods of Charlotte Fenwick*, 16 L. T. Rep. N. S 124. Prob.)

CHOSE IN ACTION—PERSONAL ESTATE—SOLICITOR—NEGLIGENCE.—A right of action against a solicitor for negligence in the preparation of an agreement on behalf of his client to take a farm in omitting to make therein certain alterations agreed to by the landlord, reserving to the tenant compensation for tillage and dressings at the determination of the tenancy, and whereby the fund divisible amongst the creditors of the tenant upon his bankruptcy is diminished, passes to his assignees as part of his personal estate: (*Ex parte The Assignees, re Daines* 16 L. T. Rep. N. S. 127. Bank.)

EASEMENT OF LIGHT—PRESCRIPTION—SPECIAL USER.—The plaintiffs, who had occupied their business premises in Crown-court, Old Broad-street, London, as silk merchants, for about fourteen years, sought to restrain the defendants from raising their house in the same court to a greater height than would permit of the free access of light to a window in the plaintiff's premises in the same degree as the plaintiffs had theretofore enjoyed it. The defendants' building was completed before the hearing of the cause. The plaintiffs had used the room with the window in question, which faced to the west, as a sample room, and they maintained that, an even light being necessary for the purpose of inspecting samples of raw silk, the effect of the new buildings was, before midday to diminish their light, and, in the afternoon, to cast upon their window an increased and reflected light, which was uneven, and unfit for the purposes of their trade. Held, first, that, assuming the room in question to have been used for any purpose requiring an ordinary amount of light, the plaintiffs had failed to establish a case for the interference of the court; and, secondly, upon the question whether they were entitled to an injunction on account of the particular kind of light which they required for the special purposes of their trade, the plaintiffs had no case, inasmuch as they had not proved an open and uninterrupted enjoyment of their special user of light for a period of twenty years: (*Lanfranchi* v. *Mackenzie*, 16 L. T. Rep. N. S. 114. V. C. M.)

The Metropolitan Building Act gives no power to a building owner to obstruct the light of an adjoining owner: (*Crofts* v. *Haldane*, 16 L. T. Rep. N. S. 116. Q.B.)

LAW OF WILLS.—B., a married woman, charged by will a fund over which she had a power of appointment, with an annuity to her husband, C., and gave the residue to her son on coming of age. By a codicil she revoked the annuity to C., from whom she was afterwards divorced. She then married D., and executed a second will, by which she again bequeathed all her property to her son, subject to an annuity to her husband. It contained no clause of revocation or reference to her former will, and did not purport to to be executed in pursuance of any power. The Court granted probate to all the three testamentary papers as constituting one will: (*Re Fenwick*, 16 L. T. Rep. N. S. 124. Prob. Ct.)

MORTGAGE OF SHIP—REGISTRATION IN AMERICA—SUBSEQUENT PURCHASE IN ENGLAND—LACHES.—Shipbuilders in the United States were in the habit of building vessels, mortgaging them to the plaintiff H. and others, and then sending them to England with a power of attorney to sell. The American law requires, in order to render valid a sale or mortgage of a ship, that it shall be recorded in the proper office of the port where the ship is registered, and does not require notice of the mortgage to be indorsed on the certificate of the ship's registry. H.'s mortgages were duly recorded, and in some cases the certificates were indorsed, but the evidence showed that as this had hindered a sale, the practice was, with H.'s consent, not adhered to in the case of the ship *E. E.* This vessel was sent to England for sale in the usual way, and was there sold to G., but neither H., nor a subsequent mortgagee, M., was paid, and the builders having failed, two bills were filed to establish the mortgages against the purchaser. Held, that the law of this country will recognize and give effect to rights acquired under the laws of foreign states, where it is not contrary to English law and policy to do so; but that the rights arising from the sale in England must be determined according to the *lex loci contractûs*; that accordingly the legal title to the ship was in the plaintiff H. at the time of the purchase; but that by joining the builders in the intentional concealment of the mortgage, he had misled the purchaser, and his bill must be dismissed. Turner, L. J. was very strongly inclined to think that in the purchase of a foreign ship an English purchaser ought not to rely merely on what the ship's papers may show, but that he is bound to make further inquiry into the title: (*Hooper* v. *Gumm*, 16 L. T. Rep. N. S. 107. L. C. and Turner, L. J.)

PROVINCIAL COURT (IRELAND) BILL.

A bill has been printed by order of the House of Commons, entitled an "Act to Facilitate the Recovery of Arrears of Alimony in certain cases under Decrees and Orders of the Provincial and Diocesan Courts in Ireland." The act provides for the substitution of the decree or order in cases in which it has been found impossible to effect personal service, and where substitution of service cannot be carried out; it further provides that advertisements in two or more public newspapers touching the enforcement of such decree or order shall be sufficient and as effectual as if served upon the person liable for the payment of the moneys.

From the *London Gazette.*

LORD CHAMBERLAIN'S OFFICE, MARCH 18.—Notice is hereby given that her Majesty's Birthday will be kept on Saturday, the 25th of May next.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

KANE *v.* KANE.

Jan. 14.—*Administration with the Will annexed—Estoppel.*

Thomas Kane, by his will, stated that he was entitled, among other property to a sum of £1,000, Government stock, £600 of which was invested in the joint names of himself and his wife, and £400 in his own name. And he bequeathed the same to the trustees, whom he appointed executors in trust, to pay the dividends to his wife, Anne Kane, for her life, and after her death, upon certain trusts as to the principal. The testator died on the 31st of July, 1865, and the executors having renounced administration with the will annexed was granted to Anne Kane, the testator's widow. The administration was in the ordinary form, and she made the usual affidavit in the Probate Court.

The petition was filed for the administration of the personal estate of the testator. The widow, by her charge, claimed the £600 which had been invested in 1865, in the joint names of herself and her husband—as her absolute property alleging that it was intended as a provision for her in case she survived him. The Master, by an order of the 16th November, 1866, declared that she was estopped by the administration, from disputing that the £600 stock, was the property of the testator, on the authority of an unreported case of Moody *v.* Canning, before the Lord Chancellor, in January, 1854. The respondent, Anne Kane, appealed. The report and decree in Moody *v.* Canning were produced, and it appearing that the question of estoppel had not been decided in that case, his Honour reversed the Master's order.

Warren, Q.C., and *E. M. Kelly*, for the Appellant. Solicitor, *George Robert Gunning.*

Exham, Q.C., and *James Murphy, Q.C.*, for the Petitioner. Solicitor, *Robert Mecredy.*

LOFTUS *v.* STONEY.

Dec. 4, 6, 7, 8, 1866.—Feb. 16, 1867.—*Will—Construction—Next Male Heir—Duplicate Will—Residuary Clauses.*

The petition was filed for the administration of the real and personal estate of Robert Fannin.

He made his Will on the 14th of December, 1841, by which, after various bequests, he left all his remaining properties to trustees, on trust, upon the death of his wife, to divide his plate among his surviving children; and he left and bequeathed to all his daughters then unmarried, his house in Leeson-street, in the city of Dublin (which he held for lives renewable for ever) furniture, fixtures, &c. and to have and enjoy the same, and to the last married as long as she pleased, or any one of them in succession; then in remainder to the next male heir; upon the express condition that the house should be kept in repair, same being intended as a residence for two of his grand-daughters, it being his will and wish and desire that it should be maintained as a family mansion. The testator bequeathed all the rest, residue, and remainder of his properties, debentures funded, and securities, &c., to be equally divided, share and share alike, amongst his then surviving children as residuary legatees.

The testator on the same day, made a duplicate Will, attested by the same witnesses. There was no direct evidence as to which of the documents was signed last. Both were endorsed in the handwriting—one with the words "The last Will and Testament of Robert Fannin, 14th December, 1841"—the other with the words "Duplicate Will of Robert Fannin, Dec., 1841."

The testator died in January, 1842. At his death he had five daughters, one of whom (Mrs. Stoney) was married; and two grand-daughters (now Mrs. Peacock and Mrs. Molony) who were the daughters of a deceased son and the testator's coheirs. Mrs. Stoney, at the testator's death, had a son, who afterwards died under age, leaving his father, Thomas Butler Stoney, his heir-at-law. The testator's widow died in 1865. All the daughters of the testator who were unmarried at his death married in the widow's lifetime. Lady Adam Loftus, who with her husband was the petitioner, was the last married. Probate was obtained of the documents marked "the last will and testament." The duplicate, which differed materially from the will, was not propounded.

Under these circumstances, the following parties claimed the house in Leeson-street and the property bequeathed with it. 1st, Lady Adam Loftus claimed as the last married daughter of the testator, either for life or in tail, contending that the words "right male heir" were to be construed as referring to the last married daughter. 2ndly, T. B. Stoney claimed as heir of his deceased son, contending that "right male heir" meant "next male descendant," and that the remainer vested in his said son at the testator's death. 3rdly, the eldest son of T. B. Stoney at the widow's death also claimed. 4thly, the five daughters of the testator contended that the previous devises had failed, and that the property passed to them under the residuary clause. 5thly, Mrs. Peacock and Mrs. Molony, the coheiresses of the testator, claimed the property as undisposed of by the will.

The case was argued for several days in Michaelmas Term, 1866, and the Master of the Rolls now (Feb. 16, 1867) delivered judgment. His Honour held that there was sufficient evidence on the documents themselves to show that the document marked as the last will and testament was signed last, that the gift to the daughters was confined to daughters unmarried at the widow's death and had failed; that the devise to the "next male heir" had also failed if the words were to be taken as words of limitation referable to the last married daughter, because the gift to her had failed, and if they were words of purchase, because there was no person to answer the description of male heir of the testator; and he held that the property in question being undisposed of by the previous part of the will, passed to the testator's daughters under the residuary clause.*

* The counsel and solicitors for the several parties were so numerous that their names are not inserted.

QUEEN'S BENCH.

Reported by WILLIAM WOODLOCK, Esq., Barrister-at-law.

O'NEILL, *Appellant;* MAGUIRE, *Respondent.*

February 16, 18.—*Fishery Appeal—License—Several Fishery—Agent.*

Appeal from a decision of the Fishery Commissioners abating appellant's weir, known as the Woodstown Weir. By lease of the 8th January, 1842, Lord Carew demised to appellant his fishery at Woodstown, with the right of erecting and maintaining a weir. This was done under the impression that Lord Carew had a several fishery, which turned out not to be the fact. He was, however, owner of the land adjoining. Appellant erected a weir, and Lord Carew always received the rent under the lease.

It was argued in support of the appellant that the weir ought to be looked upon as Lord Carew's, and

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that the appellant should be taken as acting only as his agent in using the weir.

Butt, Q.C., and *Tandy*, Q.C., for the appellant.

Shaw, Q.C., for the respondent.

The Court reversed the decision of the commissioners.

Attorney for appellant, *Thomas Strange*.

Attorney for respondent, *Carr*.

O'NEILL, *Appellant;* MAGUIRE, *Respondent.*

February 16, 18—*Fishery Appeal—St.* 5 & 6, *Vict.*, c. 106, *s.* 19—*Lease for Lives Determinable.*

Appeal from a decision of the Fishery Commissioners abating appellant's weir, known as the King's Channel Weir. Appellant claimed title, under s 19 of 5 & 6 Vict., c. 106, to erect and maintain his weir by virtue of a lease of 28th October, 1796, of lands adjoining, for three lives and thirty-one years. One of the lives was still in being, and appellant's contention was that he was "a tenant for life or lives" within the first part of the section. Against this it was insisted that he was a tenant "under a lease for a life or lives determinable" within the proviso in the section, and that as he had not the consent, in writing, of the landlord or lessor, he had no right to maintain the weir.

Butt, Q.C., and *P. F. White*, for the appellant

Shaw, Q.C., for the respondent.

The Court (FITZGERALD, J., dissenting) held that the appellant did not come within the proviso, and that the order of the commissioners should be reversed.

Attorney for appellant, *Thomas Strange*.

Attorney for respondent, *Carr*.

COURT OF BANKRUPTCY.

Reported by JONH LEVY, Esq., Barrister-at-Law.

Before JUDGE BERWICK.

ROBERT HUMPHREY, a Bankrupt.

April 5.—*Discharge of Bankrupt when in Custody at the time of Adjudication—Costs bringing up from the Country.*

The 133rd section of the Bankrupt Act provides that whenever a bankrupt is in custody under any process, attachment, execution, commitment, or sentence, the Court may, by warrant directed to the person in whose custody he is confined, cause him to be brought up before it at any sitting, either public or private; and if he be desirous to surrender, he shall be so brought up, and the expense thereof shall be paid out of his estate. The statute then provides that the Court may release him from custody, unless confined for debts of a particular character, which are set out in the 133rd section.

Levy, for the bankrupt, said his client was in attendance, ready to surrender, and he would ask the Court to have him discharged. He made the usual affidavit, that he was not confined for any debt contracted by fraud, breach of trust, or by reason of any prosecution against him, &c.

Seeds, for the petitioning creditor, examined the bankrupt with regard to his property, and then applied that he should pay the costs of his removal from Belfast to Dublin, accompanied by the governor of the prison. The bankrupt was brought up on his own application, and he had a right to pay the costs. It would be a great hardship on the petitioning creditor to have to pay them.

Levy said there was no such thing as making an order on a bankrupt to pay the costs of removal in such case; on the contrary, his solicitor would be entitled to the costs if there was a fund to pay them out of.

JUDGE BERWICK ruled that the petitioning creditor should pay the costs in the first instance, to be repaid when funds come into the estate. The bankrupt was discharged.

Attorney for the petitioning creditor, *Nelson*.

Attorney for the bankrupt, *Crawley*.

CIRCUIT CASES.

CONNAUGHT CIRCUIT.

MAYO ASSIZES—6th March, 1867.

Reported by OLIVER J. BURKE, Esq., Barrister-at-law.

The Custody of the County Court-Houses is vested in the High Sheriff of the County, and not in the Grand Jury.

Before HUGHES, B.

The Foreman of the Grand Jury applied to his Lordship for a direction in the matter of a resolution adopted by them to prohibit the Sub-Sheriff from allowing the Court-houses of the county to be used for private purposes, to which resolution the High Sheriff had taken exception. The Grand Jury had, at a former assizes, passed a resolution directed to the Court-house keepers, prohibiting the use of the Court-houses for theatrical representations, or for private purposes, without an order from the local magistrates; still it appeared that the Court-house has been used as private lodgings with the consent of the Sub-Sheriff.

The COURT said it was to be regretted that Court-houses should be used for any such purposes as theatrical representations or private lodgings. It interferes with the due administration of justice to have the Court-houses used by itinerant performers, for it tends to degrade the law, and desecrate the temple of justice in the eyes of the people. The Grand Jury, however, themselves have merely a right to the use of the Grand Jury Room, while acting as a Grand Jury, but no more. The Grand Jury of this assizes do not represent a future Grand Jury, and when discharged, are merely private gentlemen. That being so, they had no power whatever to direct the Court-house keepers how to act in reference to the keeping or using of the Court-house.

The High Sheriff said he fully agreed with the observations of his Lordship, that it was a desecration to have the Court-house used for improper purposes. He merely objected to the resolution as an infringement on the rights of the High Sheriff, and one which he considered the Grand Jury had not a power to enforce, and that it was a direction to local magistrates which they had not a right to exercise. He did not intend to allow the Court-houses to be used for any such objectionable purposes.

His Lordship expressed his approval of the spirit of the resolution of the Grand Jury, but not as to their legal powers. The custody of the Court-houses is entirely vested in the High Sheriff of the county; the Sub-Sheriff has no power but that delegated to him by the High Sheriff, who is legally and morally accountable to the Government and the public.

SLIGO ASSIZES.

Before HUGHES, B.

February 28th, 1867.—*Grand Jury—Coroners' Inquests—Surgeon on Inquest Allowed his Fees—Coroners' Fees Disallowed.*

Harkan applied in this case, on behalf of John M'Donough, one of the coroners of the county, to the Judge to direct the Grand Jury to reconsider his, the said coroner's, account, out of which they had struck the sum of £19 10s., being the amount claimed by him for holding 13 inquests. Strange to say, the surgeon's fees for making *post mortem* examinations had been allowed, and the fees of the coroner, who had held the inquests, had been disallowed. The office of coroner would be worthless if their fees were cut down in this manner, and the holding of inquests was quite discretionary with him, the only element for his consideration being, whether the deceased met with his death under suspicious

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circumstances or not. In those cases the inquests had been held actually on the requisition of the police, and such frequent interference with the discretion of the coroner would totally paralyze justice.

The Foreman of the Grand Jury thought that it was incumbent upon them to see that no inquest should be held except when the cause of death was, to say the least, doubtful; here they had used their discretion, and had disallowed the coroner's fees accordingly. As to the medical men, they had known nothing of the cause of death until they had been actually employed, the Grand Jury thought they must be paid. (*Vide* Foot's *Grand Jury Law*, p. 372, note.)

Hughes, B, considered, in the first place, that the giving the fees to the coroner should depend upon this, whether an inquest was necessary or not. As to the medical men, they should have a contract with the coroner for the payment of their fees, which would obviate the necessity of the Grand Jury placing themselves in the anomalous position of presenting fees for the medical men, and disallowing the coroner his fees. In those cases his Lordship declined to interfere with the discretion of the Grand Jury.

QUARTER SESSIONS CASES.

Cork (East Riding) Quarter Sessions.

Before R. D. Kane, Esq., Q.C., Chairman.

Re O'Connor.

Mallow, March 27.—*Spirit License—Notice—Clear Days.*

This was an application for a spirit license. The notice to magistrates, church-wardens, and Clerk of the Peace was given on the 5th March; the sessions commenced on the 26th. St. 3 & 4 Wm. IV., c. 68, s. 2, requires the notice to be given "twenty-one days at least before the first day of the then next General Sessions of the Peace."

Wynne appeared as attorney for the applicant.

The Chairman held that the days mentioned in the Act were clear days, and that the notice was late.

COUNTY WESTMEATH—MULLINGAR.

Before John O'Hagan, Esq., Q.C., Chairman.

Bond *v.* Murray.

April 2, 1867.—*Ejectment—Tenancy from Year to Year—Notice to Quit—Gale Days.*

This was a civil bill ejectment for over-holding which had been adjourned from the last sessions. It appeared from the evidence that in May, 1852, the defendant, George Murray, entered into an agreement with the plaintiff to take part of the lands of Joanstown, in this county, as a yearly tenant, and that the terms of the agreement were embodied in a proposal in writing, dated the 15th of May, 1852, signed by the defendant and accepted by parol by the plaintiff. By this the defendant proposed to take the lands in question, at the yearly rent of £13 4s., payable by two equal and half yearly payments on the 1st of May and 1st of November in each year, the first gale of rent or payment to be due on the 1st of May inst.; and the defendant thereby proposed to commence as a tenant from the first of November, then last past.

The defendant having gone into possession of the lands under this agreement the first payment of rent was made in November, 1852, when a receipt was given for a half year's rent, due on the 1st of May, 1852. Sometime in the following year the plaintiff's agent, for his own convenience, altered the gale days from the 1st of May and the 1st of November to the 25th of March and the 29th of September, which arrangement was tacitly assented to and adopted by the defendant; and the next receipt for rent was expressed to be for a year's rent for the year ending on the 25th of March, 1853. From that time down to the last receipt, which was dated the 21st of May, 1866, the gale days were treated by both parties as being the 25th of March and the 29th of September. Upon the 30th of April, 1866, a notice to quit was served by the plaintiff on the defendant, requiring him to give up possession of the lands on the 1st of November, 1866, or at the end of the year of the tenancy, which should expire next after the end of half a year from the service of the notice. An ejectment for over-holding, grounded on this notice to quit, was brought at the January Quarter Sessions, and was adjourned, by consent of both parties, to the present sessions.

E. T. Bewley, on behalf of the defendant, submitted, at the close of the plaintiff's case, that the ejectment should be dismissed, on the ground that the notice to quit did not expire at the proper time. Counsel contended that by the acts of the parties a new tenancy had been created, of which the gale days were the 25th of March and the 29th of September, and that in an action for rent, treating those as the gale days, the defendant could not have set up as a defence that the gale days were those fixed by the original proposal.

L. S. Montgomery, for the plaintiff, argued that such alterations in the terms of a tenancy as a change of the gale days, or in the amount of the rent, would not create a fresh tenancy, and that the notice to quit was regular as it expired at the time at which it was expressly provided that the tenancy should commence. There was no evidence of any agreement to alter the gale days. It was a matter merely for the convenience of the plaintiff's agent.

The Chairman dismissed the case, considering that the receipts for rent and acts of the parties showed that a new tenancy from year to year had been created, commencing on the 25th of March, 1852.

Counsel for the plaintiff, *L. S. Montgomery*. Attorney, *G. R. Gunning*.

Counsel for the defendant, *E. T. Bewley*. Attorney, *William Mooney*.

CORRESPONDENCE.

ON THE AMALGAMATION OF THE LEGAL PROFESSIONS.

To the Editor "Solicitors' Journal."

Sir,—That the present system of Bar advocacy imperatively calls for reform can scarcely be denied in the face of recent experience, nor can the most sanguine longer hope for such reform to originate where the evil exists. Case succeeds case wherein suitor and attorney appeal vainly from the ruinous consequences of senior counsels' absence from Court (especially at the Nisi Prius sittings), on the ground of attendance elsewhere, and the plain principle is ignored that with receipt of the fee the contract is made to attend, prepared for advocacy, just as every other compact is made between members of the community, the breach of which would subject an attorney to an action for damages. Various suggestions, made with the view of stopping this grievance, appear to have some fundamental weakness, and the result of legal experience, strengthened by the tendency of our age to consolidation of energy, point to the severance of the profession of barrister and solicitor as the true cause, not only of the mischief we have touched on, but of other evils equally deplorable.

When Irish statistics startle us by a population diminished three millions, a national capital diminished twelve millions, and taxation doubled on each individual since 1841, the evil we deal with is one claiming the gravest consideration,

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and that it lies at the root of much which puzzles the inquirer into the ramifications of Irish discontent, while, notwithstanding its magnitude, the mischief can be easily remedied, many, whose opinions are valuable, fully believe.

In the original constitution of any social fabric it is clear that the innumerable causes of difference between man and man must be anticipated, and means afforded for just arbitrament; in the promptitude and consonance of adjudication to the first principles of reason must be found its title to popular approval; but as society becomes more artificial, as the soldier becomes a paid necessity to enable the citizen to bring all his energies to bear on his craft or business, it is found analogously that a profession springs up which offers to the litigant a means whereby his property, his character, or his life, can be protected, and his wrongs redressed, without exposure to the undue advantages resulting from accidental superiority of intelligence or training in his antagonist, while the time and labour of the tribunals are economized by having a responsible body before them accustomed to denude questions of extraneous or angry matter; but here, on first principles, a delegated advocacy should stop, and when the client has told his story, has had his means of attack or defence sifted by one inured to such a task, it would appear that the man to whom the case of another has been confided should be the representative of that other in his pleading and progress through the stages of the cause; should act and speak on the instructions directly gotten from the principal—and that to distil through another brain, to commit to another tongue, the case of the client would jeopardize his interests, or be at best mere supererogation. This objection appears to possess such weight, that only in a country of the resources of England could the system work satisfactorily, while to a people poor, yet litigious, quick, subtle, and fond of the keen encounter of sharp wits, yet anxious for finality in such conflicts, this doubled advocacy would appear to present so complicated, cumbrous, and costly a machinery, that even long usage could scarcely palliate its daily inconveniences.

In an age which boldly questions all antiquity has decided, rehearing causes which centuries acquiesced in considering concluded, and even exhuming fresh evidence to disturb their verdicts, it does appear that a period has arrived when, not to be inconsistent, we may ask why Ireland has two legal professions, and why, although a wealthy community chooses to adopt a costly system, an impoverished community must continue it.

Again, while several generations of Englishmen were of opinion that to permit the parties litigant to tell their own story would lead to gross perjury and frustrate the ends of justice, for ages the common law refused to listen to plaintiff or defendant, and took facts at second-hand rather than touch a stiffnecked fallacy, dignified by ancient approval, until Lord Brougham set to work for reform in this matter. The old system has been proved mistaken; and he would be a daring individual who should attempt a repeal of the law, opening those lips so long sealed by absurd legislation; yet, so strong was the apprehension of allowing principals to depose in a court of justice that even the attorney was made a mute also, lest contract with the client should render him the subject of prejudice or passion, but *a fortiori*, the principal himself being thus at length allowed to speak, surely his attorney can no longer be muzzled.

In consequence of the growing feeling in England favourable to a fusion of the professions, the London *Times* some time since grappled with this matter: it asked why the distinction of professions should be kept up, and said:—"Why should not I, the client, see you, the barrister, face to face; why, if I want a question mooted must I go to an attorney, when you who plead for me get only one item out of the costs; or why, if I, the client, do not want a double representation, must I have a strange gentleman mixed up in my affairs, whom I never saw before, and may never see again?"

The gravity the question has assumed in the sister island must be considerable when *The Times* opened its columns to the discussion; let us, therefore, consider the general theory of distinction between the two branches of the legal profession, which may thus be summed up. That the one is, and the other is not, a liberal profession; that the barrister is the superior, and the attorney the inferior; that the one requires the good breeding, the accomplishments, and the education of a gentleman, and that those things are not to be expected of the other; that on all public occasions whatever the barrister is the conspicuous person; he sits in high places, and wears the professional uniform; the attorney comes to him, and he is fenced off from going to the attorney, with a degree of care seeming to indicate that his virtue requires external fortification; again the attorney sends in his bill, and if it is not paid, may bring an action for it, but the Barrister has no claim whatever for his fees: indeed, according to the strictest view of the subject, he ought hardly to notice them—that is to say, he cannot in any way proportion the work to the money; a tariff is provided, specifying the prices, below which he is not allowed to go, but beyond that he ought, by right, to take what comes, and make no bargain.

Now, it is allowed that while the most distinguished members of the Bar occupy a higher position than the most eminent attorney or solicitor, yet the lower class of barristers would stand very low indeed amongst attorneys, and it is childish to look on a man who passes his life in prosecuting and defending petty criminals at a Police-office, or at the Quarter Sessions, as in any respect the superior of the solicitor, who has to manage the most important affairs of private families and public bodies; and there are probably very few barristers who have to transact business so important as that which comes before the solicitor to a great railway company, or any other great trading body in England or Ireland.

On what grounds, then, it is asked, can the existing distinction between the two branches of the profession of the law be maintained, and what meaning has it; for it has undoubtedly produced a foolish notion that the profession of a barrister is more fit for a gentleman than that of an attorney, and that the latter profession does not form one of the few callings between which a young man has to choose after completing his education at a public school and the University? He may become a clergyman, a barrister, a doctor, or a soldier; or he may try to get an Indian appointment. But for various reasons the number of youths who become clergymen is rapidly decreasing, and is not likely to increase. To be a doctor requires special tastes; and though the profession of a soldier is an excellent one to die in, it holds out little prospect of living with comfort, except to those who could live as well without it. Lastly, the Indian Service is not very popular, and the number of those who can enter it is strictly limited, hence year after year the long list of loungers at the Bar of both countries increases. What such men (and they number many of talent) do with themselves is not easy to say: if the profession of an attorney stood as it ought, that is, on the same footing, in regard of social consideration, as that of a barrister, numbers of these gentlemen might be both usefully and profitably employed in it.

In the United States, and in some of our own colonies, the distinction between barristers and attorneys being unknown, a lawyer is a lawyer; he sits in his office, and goes to his clients, as they find it convenient; and he goes into Court and there pleads the cause which he has prepared for trial, whenever it is advisable to do so.

On first principles, then, we deny that there is any fundamental distinction between the professions, or that they require a different education, or a different set of rules, or are governed by a separate code of morality; and aver, after much deliberation, that the Bar etiquette is based on an antiquated fallacy.

It may be said that there is an advantage in preserving a class apart for legal advocacy, as the attorney would be incompetent for it, but this plainly ignores the necessary effects of the new demands on a profession which has hitherto kept abreast of all requirements, and would educate up to its *status* as it did under its new charter of 1866.

Abolish the exclusive audience in the Superior Courts as at Quarter Sessions, and free trade in representation would place litigation on the basis of common sense and market value; then in ordinary matters the litigant would directly instruct my young friend Boanerges, without the intervention of an attorney, or instruct the attorney to plead the matter given him, without the expense, the delay, and the trouble, double representation involves, while in weighty

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cases the client would not be prohibited from risking the heavy fee with Mr. Sergeant Buzfuz on the chance of his not being in another Court, or in the House of Commons.

Each member of a consolidated profession would thus have, and take, his place, to the incalculable advantage of the bench, the juror, the suitor, and the public.

I am, Sir,
Your obedient Servant,
4th April, 1867. GEORGE WILLIAM SHANNON.

THE LAW STUDENTS' JOURNAL.

INCORPORATED LAW SOCIETY.

PRELIMINARY AND FINAL EXAMINATIONS.

NOTICE.

The preliminary examination of candidates for apprenticeship will be held at the Solicitors' Hall, Four Courts, Dublin, on Friday, the 12th, and Saturday, the 13th days of April, 1867, at eleven o'clock.

The final examination of candidates seeking admission as attorneys will be held at the same place, on Monday, the 15th, and Tuesday, the 16th days of April, 1867, at the same hour.

RESOLUTIONS OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY AS TO PRIZES TO BE GIVEN ANNUALLY AT PRELIMINARY AND FINAL EXAMINATIONS.

That with a view to encourage an advanced standard of answering in the subjects prescribed for the preliminary examination of apprentices, prizes be given annually to be competed for by gentlemen who may have exhibited a satisfactory degree of proficiency at such examination.

That such prizes shall be as follows :—

For the best answerer, a gold medal together with a sum of £10.

For the second best answerer, a silver medal, together with a sum of £5. No candidate to be given a prize unless the examiners shall be of opinion that he has answered sufficiently well to entitle him thereto.

That a special examination for these prizes be held in or about Michaelmas Term in each year, at such times and in such manner as may be approved of by the Court of Examiners for the time being.

That in addition to the course prescribed for the preliminary examination, candidates for prizes shall be examined in the following :—

Virgil's Æneid, 4th and 5th Books.
Horace's Odes and Satires.
Livy, 1st three books.
Dr. Smith's Grecian History.
Liddell's Roman History.

That at each preliminary examination the Court of Examiners do recommend such of the candidates as from their superior answering, may be deemed qualified to compete for these prizes.

That the candidates so recommended from the four examinations preceding the month of June in each year, be at liberty to compete for prizes at the examination for prizes so to be held in the Michaelmas Term following.

FINAL EXAMINATION.

That at each final examination a gold medal be awarded to the best answerer, provided, in the opinion of the Court of Examiners, such answering shall be sufficiently good to entitle him to such premium.

THE COURTS, AND COURT PAPERS.

CONSOLIDATED NISI PRIUS COURT.

NOTICE.

Wednesday next, the 10th day of April instant, will be the last day for lodging dockets of abstracts of records for trial on the first day of the sittings of this court, commencing on Tuesday, the 16th day of April, 1867.

ORDERED—That no case shall be entered for trial unless a docket be lodged with the registrar *four clear days* before the day for which notice of trial shall have been served, stating the names of the parties—in what capacity they sue and are sued—the general nature of the cause or causes of action and of defence and other pleadings, and the names of the attorneys of the parties ;—and all abstracts for trial shall be sealed and lodged with the Registrar the day before the same shall be called on ; and in all cases wherein a confession or consent for judgment shall subsequently be given, the plaintiff's attorney shall immediately give notice to the registrar that such cause will not proceed to trial.

All dockets of appeals must be entered with the Registrar *Two clear Days* before the day for which notice of hearing shall have been given, stating the names of the parties—the attorneys—the nature of the decree, dismiss, or order appealed from—and from what Court the appeal is brought, the decree or dismiss must be in Court, as also a certificate of the appeal.

HENRY J. MONAHAN,
Registrar, Office Common Pleas.

LANDED ESTATES' COURT.

PETITIONS FILED, *from 30th March to 5th April*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE £ s. d.	SOLICITOR	JUDGE
March 30	3785	Trustees of Edward and John Croker	*The Owners*	Limerick	5279 3 5	*Henry Flood*	Dobbs
„	3786	George S. Wybrants and Wife	*The Owners*	County of Dublin and City of Dublin	97 10 0	*Reede and Goodman*	Lynch
April 2	3787	Henry Burke	*Arthur O'Connor*	Roscommon	40 10 0	*C. Loughnan*	Dobbs
„ 3	3788	Margaret Murray, widow, and Martha Murray, spinster	*The Owners*	Antrim	146 18 7	*Henry Milford*	Lynch
„ 5	3789	Sarah Egan and Stephen Egan	*Wensley Bond Jennings*	Tipperary	*Not given*	*William Moore*	Dobbs
„	3790	Thomas S. Eyre, senr., Thomas S. Eyre, junr., and Allen Pollock	*The Scottish National Insurance Company*	Galway	1875 14 0	*Richard Atkinson*	Lynch

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
April 8	12 o'clock	Wm. Robertson	To prove debts and vouch account	*Kelly*
"	"	Arrangement case	Adjourned proof of debts	*Stuart*
"	"	Joshua Clarkin	To prove debts and vouch account	*Neilson*
"	"	James Berry	To examine title	*Delany*
"	"	Thomas W. Nealon	To tax costs	*Rynd*
"	"	Alexander O'D. Taylor	do.	*Rynd*
"	"	James Sheehy	To examine title	*Harvey*
		Tuesday. Before the COURT.		
April 9	11 o'clock	Alexander O'D. Taylor	Final Examination	*Buckley & Smith*
"	"	Charles Longford	Adjourned do.	*Dodd*
"	"	Arrangement case	Adjourned 1st sitting	*Casey & Clay*
"	"	W. G. Weir	Final examination	*Johns, Hewitt & Johns*
"	"	Arrangement case	Second sitting	*Hone & Son*
"	"	Do.	do.	*Mathews*
"	"	————	Adjourned adjudication	*Oldham*
"	"	Michael Callanan	Sur., prove debts, and choose assignee	*Hamilton & Craig*
"	"	John A. Malet	do. do.	*Molloy & Watson*
"	"	Thomas Groarke	do. do.	*Molloy & Watson*
"	"	John Graham	To confirm sale	*Larkin*
"	"	Samuel Shaw	Motion	*Cunningham*
		Tuesday. Before Mr. BRADY, Chief Registrar.		
"	12 o'clock	Arrangement case	Adjourned proof of debts	*Dodd*
"	"	Do.	To tax costs	*Hilliard*
"	"	Do.	do.	*Keogh*
"	"	Bagnalstown Railway Company	do.	*Jameson*
"		Thomas Howard	do.	*Irvine*
		Thursday.		
April 11	12 o'clock	James Morrissey	To prove debts and vouch account	*Perry*
"	"	Joseph M'Cloy	do.	*Lynch*
"	"	Skinner and M'Kee	Adjourned proof of debts	*Lynch*
"	"	Arrangement case	To vouch account	*Meldon*
"	"	John Saunders	To prove debts and vouch account	*Perry*
"	"	S. and A. Kingston	do. do.	*Perry*
"	"	Thomas Hannigan	do. do.	*Perry*
		Friday. Before the COURT.		
April 12	11 o'clock	Wm. Tackaberry	Final examination	*Leachman*
"	"	John Redmond	do.	*Atkinson*
"	"	Jas. R. Stewart	do.	*Stuart*
"	"	Arrangement case	2nd sitting	*Findlater & Collins*
"	"	Do.	Adjourned 1st sitting	*Cronhelm*
"	"	Do.	2nd sitting	*Larkin*
"	"	Thomas Wm. Nealon	Sur., prove debts, and choose assignee	*Meldon*
"	"	Robert Humphrey	do. do.	*O'Rorke & Neilson*
"	"	Thomas Toner	Adjourned final examination	*Kennan*
"	"	Thomas Duggan	do do.	*Batt*
		Friday. Before Mr. BRADY, Chief Registrar.		
"	12 o'clock	Lefroy and Stein	To tax costs	*Meldon*
"	"	Arrangement case	do.	*Meldon*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
2nd April	Reynolds, Thomas, Main street, Malahide, grocer & spirit dealer	Joshua White, Thomas-st., Dublin, merchant	
5th "	Flann, Joseph, Donegall-place, Belfast, draper	Arthur Wadham, Belfast, sewing machine manufacturer	
"	Kelly, Lawrence, Tullow-st., Carlow, grocer and spirit dealer	Joshua White, Thomas-st., Dublin, merchant	
"	O'Rourke, James Daniel, 13, High-street, Dublin, vintner	Thomas Moore, High-street, Dublin, merchant	

BANKRUPTS.

Humphrey (junr.), Robert, of the Queen's-quay, borough of Belfast, coal merchant. Petition of bankruptcy filed March 22, 1867. To sur. Friday, April 12, and Tuesday, April 30. C. H. James, official Assignee. *D. O'Rorke and H. C. Neilson*, Solrs.

Nealon, Thomas William, of Ballina, co. Mayo, woollen draper. Petition for arrangement filed March 7, 1867. To sur. Friday, April 12, and Tuesday, April 30. S. H. Deering, Official Assignee. *J. D. Meldon and Sons*, Solrs.

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Certificate Allowed,
Unless appeal filed within 31 days from date.

March 29, Graham, John, of Strabane, co. Tyrone, merchant; but now of Ballintra, co. Donegal grocer and farmer. *M. Larkin*, Solr.

Notice of Meeting to consider offer of Composition.

Callanan, Michael, of Abbey-street, Cork, grocer and spirit dealer, a bankrupt. Before the Court on Tuesday, April 16, 1867.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before MR. FARRELL, Chief Clerk.		
April 8	12 o'clock	John Maturin	To prove debts	*Merrick*
"	"	Edward Williams	do.	*Macnally*
"	1 o'clock	James Scullion	do.	*M'Cully*
		Tuesday.		
April 9	12 o'clock	James J. Gaskin	Inquiry as to truth of schedule	*Rynd*
		Wednesday. Before the COURT.		
April 10	11 o'clock	James Scullion	Adjourned notice of motion	*Young*
"	"	Margaret White	do.	*Rynd*
"	"	John Coyne, otherwise Caldwell	do.	*Rynd*
"	"	Thomas Henry Le Toler	Hearing of petition	*Murray*
		Thursday. Before MR FARRELL, Chief Clerk.		
April 11	12 o'clock	John Gleeson	To vouch assignee's account	*Allen*
		Friday. Before the COURT.		
April 12	11 o'clock	————	For bail motions only	————
		Saturday. Before MR. FARRELL, Chief Clerk.		
April 13	12 o'clock	John Maturin	To vouch assignee's account	*Macnally*
"	"	Edward Williams	do.	*Macnally*

INSOLVENTS DISCHARGED ON BAIL until the day for Hearing their petitions.

Barrington, James, Athy, cattle dealer.
Crozier, John, Belfast, house painter.
Dormon, John, Cork, shopkeeper and newsagent.
Kilpatrick, Thomas, co. Tyrone; not now in business; previously farmer.

CASES DISPOSED OF.

In Dublin.
Wednesday, April 3rd, 1867.
Before JUDGE BERWICK.

Barry, James. Adjourned to Wednesday, May 1st, 1867.
Hawksworth, John. Remanded for one month, from March 18, 1867, at the suit of Thomas Smith, a creditor.
Kernan, Christopher. The insolvent is called in open Court, but does not appear.
Shea, William. Discharged.

In the Country.
At Enniscorthy, co. Wexford, March 26, 1867.
Before HENRY WEST, Q.C., Chairman.

Fitzpatrick, Stephen. Adjourned to next Sessions.
Moulds, William. Remanded for five months, from December 21, 1866.
Murphy, William. Discharged.

At Kells, co. Meath, March 28, 1867.
Before ECHLIN MOLYNEUX, Q.C., Chairman.

Reynolds, James. Discharged.
Rogers, Thomas. Discharged.
Sheridan, William. Adjourned to next Quarter Sessions.

At Clonmel, co. Tipperary, March 28, 1867.
Before CHARLES ROLLESTON, Q.C., Chairman.

Ryan, Thomas. Discharged.

At Castlebar, co. Mayo, March 29, 1867.
Before JOHN HENRY RICHARDS, Chairman.

Kilbride, John. Discharged.

At Downpatrick, co. Down, March 30, 1867.
Before ROBERT JOHNSTON, Chairman.

Blakely, Agnes. Discharged.
Brown, John. Remanded for eight months, from 14 March, 1867.
Faulks, Alford. Discharged.
N'Neice, Wm. John. Discharged.
O'Hare, Patrick. Discharged.
Stephens, Robert. Discharged.
Talbot, Richard. Discharged.

At Carlow, co. Carlow, April 2, 1867.
Before THOMAS RICE HENN, Q.C., Chairman.

Coogan, John. Discharged.

At Mullingar, co. Westmeath, April 2, 1867.
Before JOHN O'HAGAN, Q.C., Chairman.

Cullen, Thomas. Discharged.
Hoare, Francis. Discharged.

INSOLVENTS.

To be heard in Dublin.

Clifford, John, of No. 2, Manor-street, Dublin, and also of Leinster Market, in said city, victualler and cattle dealer. Hearing on Wednesday, April 24.

Howard, Charles, of No. 9, Lower Camden-street, Dublin, carpenter; previously of No. 1, Camden Buildings, in said city. Hearing on Wednesday, April 17.

Hennery, James Milbank, of Albert-place; previously of Lower Merrion-street, both in the city of Dublin, lodging-housekeeper and Italian warehouseman; formerly of Liverpool, Lancashire, England, druggist and refreshment-housekeeper; not now in business. Hearing on Wednesday, April 24.

To be heard in the Country.

Connolly, James, of Banagagole, co. of Carlow, farmer and contractor. Hearing at Carlow Tuesday, June 18.
M'Kenna, John, of No. 30, Queen-street, Queenstown, co. Cork, outfitter. Hearing at Cork Monday, July 8.

PETITION OF INSOLVENCY FILED.

March 30th.

Against Lee, James Joseph, arrested as "James C. Lee," of Marlborough-street, Dublin, cabinet maker, a prisoner in the Four Courts' Marshalsea. Petitioning creditor.

April 1st.

Against Daniel, Catherine Elizabeth, of No. 4, Clonskeagh-terrace, co. Dublin, widow, not now in business, a prisoner in gaol of Kilmainham. Petitioning creditor.

Pauper Declaration,
Filed for discharge of prisoner, unless Creditors' Petition lodged within 21 days from date.

April 5, Nuel, Emanuel, detained by Samuel Lewis. *J. D. Rosenthal*, Solr.

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DUBLIN STOCK AND SHARE LIST.

	MARCH	APRIL				
DESCRIPTION OF STOCK	Saturday 30	Monday 1	Tuesday 2	Wednesday 3	Thursday 4	Friday 5
Government Funds.						
New Three per Cent. Stock,	89½	89½ ¼	88⅞ 89	89¼ ½	89⅛	89¼ 89
Ditto for Account, 10th April	89½ ⅝	89½ ¼	89	89½	89⅛	89⅛
Three per Cent. Consols	9·½	90⅝	90⅛	90⅛	90¼ ½	—
Foreign and Colonial Funds.						
India Five per Cent. Stock	—	109	—	1c8 ⅞	—	—
Turkish Six per Cent., 1854	—	—	—	—	—	—
Joint-Stock Banks.						
Bank of Ireland, £100 pd	—	—	—	235	—	—
Hibernian Bank, £25 pd	—	—	—	36⅞	37	—
Munster Bank (Lmtd.), £8 10s pd	—	—	—	4¼	4¼	4¼
Ditto for Account	—	—	—	—	—	—
National Bank, £30 pd	63¾ ⅞ 64	63½	—	63	63⅜ ½	63¾ ⅞ 64
Ditto for Account	64	—	—	—	—	—
National of Liverpool (Lmtd.), £15 pd	—	—	—	—	13	—
Provincial Bank, £25 pd	—	—	84	84	84	—
Ditto, New, (pd £10)	—	—	—	33⅛	—	—
Royal Bank, £10 pd	32	32⅛	32⅛	32⅛	—	32
Ditto for Account	—	—	—	—	—	—
Ulster Banking Company, £2 10s pd	—	—	—	9⅛	9⅛ ¼	—
Union Bank, £22 pd	13	12¾	13	13⅛	13⅛	—
Steam.						
British and Irish, £50 pd	—	—	—	—	—	—
City of Dublin, £100 pd	—	—	—	100	99⅞ ¾	99⅝
Dub. & L'pool St. Ship Build., £50 pd (rd)	—	52½	—	52⅛	—	—
Dub. and Glasgow, £50 pd	—	—	—	—	—	—
Dundalk (Limited), £10 pd	—	—	—	—	7 x div	—
Peninsular and Oriental, £50 pd	—	—	—	—	—	—
Ditto, New, Second Issue, pd £5	5⅛	—	—	5⅛	—	—
Mines.						
Carysfort (Lmtd.), 30s pd	—	5s	5s	—	—	—
Ditto for New Account	—	—	—	—	—	—
Connorree M. Co. (Lmtd.), 20s pd	12s 6d	13s	13s	—	12s 6d	12s 6d
Ditto for Account	—	—	—	—	—	—
Gen. M. Co. (Lmtd.), £5 10s pd	—	—	—	—	—	—
Ditto for Account	—	—	—	—	—	—
Killaloe Slate Co. (Lmtd.), £1 pd	—	—	—	—	—	—
Mining Co. of Ireland, £7 pd	—	—	—	15¾	16	16½
Ditto for Account	15¾	15⅝	—	—	16	—
Wicklow Copper, £2 10s pd	24	—	24	—	24	—
Ditto for Account	—	24½	—	—	24	—
Miscellaneous.						
Alliance and Consumers' Gas, £8 pd A	—	£9 10s 6d x d	—	9⅞ 10	9⅞	9⅞
Alliance and Consumers' Gas, £5 pd B	5⅝ ½	5½	5½ ⅝	5½ ¾	5⅞ 6	6
Ditto for Account	—	—	—	—	—	—
Alliance and Consumers' Gas, £4 pd 2 C	—	—	4⅛	4⅛	4⅛ ½	—
City of Dublin Brewery Co. (Lim.), £7 pd	—	—	—	—	—	—
Dub. Exhib. Palace (Lmtd.), £5 pd	20s	20s	—	—	—	—
Grand Canal, £100 pd	—	—	—	—	—	—
Patriotic Insurance, £10 pd	—	8⅝	8⅝ ½	8⅝ ½	—	—
National Insurance, £25 pd	—	—	33½	—	33½	33½
Gresham Hotel Co. (Lim.), pd £5	—	—	—	—	—	—
Joint Stock Coal Company (Limtd.), pd 10s	—	8s 6d	—	—	—	—
Railways.						
Belfast and Northern Counties, £50 pd	44½	—	—	—	—	—
Cork and Bandon, 50 pd	—	10	10	—	—	—
Dublin and Belfast Junction, £100 pd	71	—	—	—	71	—
Dublin and Kingstown, £100 pd	—	190 x d	—	—	—	—
Dublin and Drogheda, £100 pd	—	—	—	—	—	—
Dublin, Wicklow, and Wexford, £100 pd	—	—	—	—	40	—
Ditto for Account	—	—	—	—	—	—
Great Northern and Western, £10 pd	—	—	—	—	—	—
Great Southern and Western, £100 pd	—	90	—	90½	—	90⅝ 90
Ditto for Account	—	—	—	—	—	—
Midland Great Western, £100 pd	—	—	—	—	56½	—
Ditto for Account	—	—	—	—	—	56½
Waterford and Limerick, £50 pd	—	—	—	—	—	—
Railway Preference.						
Belfast and N. Counties, 4 p c pp, £100 pd	—	—	—	—	—	—
Cork and Bandon, 5½ p c pl £6 5s	—	—	—	—	—	—
Dub., Wick., and Wex., 4 p c pr, £100 pd	—	—	—	—	—	—
Dub., Wick., and Wex., 5 p c £50 pd rd	—	—	—	—	—	—
Dub., Wick., and Wex., 5 p c (1865) pd £10	—	—	—	—	—	—
Gt. South. and Westn. 4 p c pp £100 pd	92	92⅝	—	92⅝	92½	—
Irish N. Western, 5 p c pp, £10 pd, A	—	—	—	—	—	—
Midland Great Western, 5 p c, £100 pd	—	—	—	—	—	—
Portadown, Dungannon, &c., 6 p c, £25 pd	—	—	—	—	—	—
Watfrd. and Limk. 5 p c pd £50	—	—	—	—	—	—
Dublin & Drogheda, 5 p c rd, 1868, £25 pd	—	24½ x d	—	—	—	—
Waterford and Kilkenny, 6 p c rd, £100 pd	—	—	—	—	—	—
Railway Debentures.						
Gt. South. and Wn., 4½ per cent.,	—	—	—	—	—	—
Midland Great Western 5 per cent.,	—	—	—	—	—	—
Ditto 4½ per cent	—	—	—	—	—	—
Dublin and Kingstown	93	93	—	—	—	—
Local Debentures.						
Ballast Office Debentures, £92 6s 2d	—	—	—	—	—	—
City Debentures, £92 6s 2d	—	—	—	—	—	—
Ditto, do. deferred	—	—	—	—	—	—

Name Day—15th April. Account Day—16th April.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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BIRTHS, MARRIAGES, AND DEATHS.

DEATHS.

DICKSON—March 23, at 5, Haddington-terrace, Kinstown, the residence of her son-in-law, W. N. Lee, Esq., Anne, relict of the late James Thomas Dickson, Esq., Barrister-at-law, Dublin.

ESPINASSE—March 16, at Maidstone, Kent, James Espinasse, Esq., Recorder of Rochester, and Judge of the County Courts, West Kent.

LACY—March 25, at the residence of her father, 8, Usher's quay, Margaret Brown, eldest daughter of M. B. Lacy, Esq., and granddaughter of the late Joseph St. Clair Mayne, solicitor, of this city.

PARSONS—March 17, at 25, Upper Gloucester-street, Catherine Mary Parsons, aged 82 years, relict of the late William Parsons, Esq., Barrister-at-law, eluest son of the late John Parsons, Esq., formerly Commissioner of the Court for the Relief of Insovent Debtors in Ireland.

Mr. HENRY OLDHAM, SOLICITOR,
42, FLEET-STREET, DUBLIN.

COMMISSIONER to administer, in Ireland, Oaths for the Court of Chancery and Court of Probate in England; and of the Courts of Queen's Bench, Common Pleas, and Exchequer at Westminster.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
CHARLES ROLLESTON,
Executor of CROASDAILE MOLONY, Esquire, deceased,
Petitioner;
The Reverend CHARLES WALKER MOLONY,
Respondent.

I HEREBY require all persons claiming to be Creditors or Unpaid Legatees of CROASDAILE MOLONY, late of the City of London, in England, Esq., deceased, on or before the 25th day of APRIL, next, to furnish, in writing, to CHARLES ROLLESTON, of Springfield House, Dalkey, in the County of Dublin, Esquire, the Petitioner; or to Messrs. WOODROOFE & HOGAN, of 30, Upper Mount-street, Dublin, the said Petitioner's Solicitors, the amount and particulars of their several demands (accompanied, in the case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 25th day of March, 1867.

J. J. MURPHY, Master in Chancery.

WOODROOFE & HOGAN, Solicitors for the Petitioner, No. 30, Upper Mount-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS UNPAID, PECUNIARY LEGATEES, AND NEXT OF KIN.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1860."

In the Matter of
JOHN JAMES,
Petitioner;
EMILY SHANNON, and others,
Respondents.

I HEREBY require all persons claiming to be Creditors unpaid, or Pecuniary Legatees, or Next of Kin of the Reverend GEORGE LIDWELL SHANNON, late of Patrick-street, in the County of the City of Kilkenny, and Ranelagh-road, County of Dublin, Clerk, deceased, on or before the 22nd day of APRIL, next, to furnish in writing to JOHN JAMES, of the City of Kilkenny, Surgeon, Executor of the said Reverend George Lidwell Shannon, or to ARTHUR JOSHUA BOYD, of No. 60, Lower Dominick-street, Dublin, and Patrick-street, Kilkenny, Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 22nd day of March, 1867.

E. LITTON, Master in Chancery.

ARTHUR JOSHUA BOYD, Solicitor for the Petitioner, No. 60, Lower Dominick-street, Dublin; and Kilkenny.

IN CHANCERY.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
ANNE BYRNE,
Petitioner;
ELIZABETH BYRNE, Administratrix of WILLIAM BYRNE, deceased, and CHARLES BYRNE, her husband,
Respondents.

I HEREBY require all Persons claiming to be Creditors or Next of Kin of WILLIAM BYRNE, late of Gilford in the County of Down, Farmer, deceased, the intestate in the Petition in this Matter mentioned, on or before the 26th day of APRIL next, to furnish, in writing, to the said administratrix, ELIZABETH BYRNE, of Gilford, aforesaid, or to HUGH GLASS, Esq., of 43, Dame-street, in the City of Dublin, her Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as she shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 28th March, 1867.

E. LITTON, Master in Chancery.

THOMAS M'CLELLAND & SON, Solicitor for Petitioner, 43, Dame-street.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
MATHEW DRYDALL, JUNIOR,
of 29, New Bridge-street, in the County of the City of Dublin, Builder, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 16th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 5th day of April, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

FINDLATER & COLLINS, Agents to the Bankruptcy, No. 35, Upper Ormond-quay, Dublin.

LUCIUS HENRY DEERING, Esq., Official Assignee, No. 35, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
THOMAS REYNOLDS,
of Main-street, Malahide, in the County of Dublin, Grocer and Spirit Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 16th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the admission and proof of debts, and the final examination of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 3rd day of April, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, April 6, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 11.] SATURDAY, APRIL 13, 1867. {Single Copy, 6d. By Post, 7d.}

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Annual Subscription to the IRISH LAW TIMES AND SOLICITORS' JOURNAL (*payable in advance*)—*Town,* £1 1s.; *Country,* £1 6s. *These payments include the expenses of delivery.*

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THE IRISH LAW TIMES.

DUBLIN, APRIL 13, 1867.

IN our last number we made some observations on a question that is every day assuming more importance, viz., as to the right of a party in respect of his occupation of a house to light and air, and we referred concisely to the authorities, as well in England as in Ireland, with regard to the law that regulates, not alone the *quantity,* but the *quality* of light that each person has a right to.

In continuation of that subject it appears to us desirable to notice briefly—First, what are the remedies afforded to such person for an infringement of his right to light or air? And, secondly, how his right to such acquired property or easement may be lost?—questions, it must be admitted, of considerable importance to all persons, but especially to those who may invest, or who have invested, money in houses.

First, then, as to the appropriate remedies which are open to the party whose right to light or air has been infringed on.

The most obvious one, and that generally adopted, was in olden times an action for damages, or, as it was technically termed, an action on the case at law to recover damages for the obstruction of the light or air; and the principles on which such action rested have been too long settled to be now questioned, and such principles still are in full vigour. In *Aldred's* case, 9 Co. 102, it was resolved that the action was maintainable, "for in a house four things are desired—*habitatio hominis, delectatio inhabitantis, necessitas luminis, et salubritas aeris;*" and further, "for hindrance of the light the ancient form of an action on the case was significant, *sc. quod messagium horridâ tenebritate obscuratum fuit,*" and a case well known to jurists, is cited in support of that proposition, *Bland* v. *Moseley,* reported in half a dozen of the old reports that are referred to, and in that case WRAY, C. J., laid it down "that for stopping, as well of the wholesome air, as of light, action lies, and damages shall be recovered for them, for both are necessary; for it is said, *et vescitur aurâ œthereâ,* and the said words *horridâ tenebritate,* &c., are significant, and imply the benefit of the light; and that view of the law was adopted in many subsequent cases (See 2 Saund., 175 a, 175 b. *Riviere* v. *Bower,* 1 R. and M., 24; *Compton* v. *Richards,* 1 Pri., 27).

However, an important exception has been always made to that rule. It is this, that as regards a *prospect* to the windows of a house, no action lies for its obstruction or stoppage, and the reason is given by the same ancient judge (WRAY, C. J.), "but for prospect, which

is matter only of delight, and not of necessity, no action lies for stopping thereof, and yet it is a great commendation of a house if it has a long and large prospect, *unde dicitur, laudaturque domus longos qui prospicit agros.* But the law does not give an action for such things of delight." In modern times, however, the form of the action is not material, but the principles regulating it still remain.

In an action of the kind referred to, it, however, will lie on the plaintiff to show not merely that the light has been obstructed, but that it has been so obstructed to a degree that will render the occupation of his house uncomfortable, or if in trade, that it will interfere with his carrying on his trade as advantageously as he had previously done (*Back* v. *Stacey*, 2 C. and P., 465).

Or, suppose a person alters the nature and purposes of his building, as, for example, converts a malt house into a dwelling house, the right to light is limited to what was necessary for it in its original, and not in its altered, state (*Martin* v. *Goble,* 1 Campb., 322, and see also *Chandler* v. *Thompson*, 3 Ib., 80).

Another remedy frequently resorted to, is in equity by way of injunction, where the party is able to show a title, either by prescription or from agreement (*Morris* v. *Buckley*, 2 Ves. Sr., 452), but *equity* will not interfere to stay the erection of buildings interfering with a *prospect*, so following the *law* as already referred to (*Atty, G.,* v. *Doughty*, 2 Ves. Sr., 453). There are some other remedies mentioned in the books, as by abatement or by indictment, &c., but they are out of date and seldom resorted to.

The next inquiry we propose to make is, how the right in question may be lost. There are several modes for this, either by *express* release or by *implied* release; and the latter is generally subdivided into several classes, as—first, extinguishment by necessity, as where an act is done which necessarily puts an end to the enjoyment; second, by merger, as where the dominant and servient tenements are united in the same person; and third, by abandonment. We shall make a few remarks on the latter mode.

It has been long since settled that the right in question may be lost by *abandonment* or discontinuance of the user, or enjoyment; and this principle is clearly enunciated by LORD TENTERDEN, then ABBOTT, C. J.:—"If a person entitled to ancient lights pulls down his house, and erects a blank wall in the place of the wall in which there had been windows, and suffers that blank wall to remain for a considerable period of time, it lies upon him at least to show, that at the time when he so erected the blank wall, and thus apparently abandoned the windows which gave light and air to the house, that was not a perpetual but a temporary abandonment of the enjoyment, and that he intended to resume the enjoyment of those advantages within a reasonable time. I think that the burden of showing that lies on the party who has discontinued the use of the light" (3 B. & Cr., 336). And so, also, BALEY, J.. remarks:—"It is a wholesome and wise qualification of the rule (that enjoyment gives the right) to say that the ceasing to enjoy destroys the right, unless at the time when the party discontinues the enjoyment he does some act to show that he means to resume it within a reasonable time" (Ib. p. 337.). And the other Judges, HOLROYD and LITTLEDALE, also concurred in that view of the law.

Nevertheless, it is not quite so clear what, in law, amounts to an *abandonment* of the right. Thus it may be admitted that the cessation to use a light, if accompanied, as ABBOTT, C. J. reasoned in the case already cited, by some evidence of an intention to resume the enjoyment within a reasonable time, will not be held an abandonment of such right. The party may, for example, build on the same site, and place windows in the same position, or by other acts show that he does not intend to apply the ground to a different purpose (per LITTLEDALE, J., 3 B. & Cr., 341). But in cases of cessation of such enjoyment, and *not* accompanied by any such acts, or by any evidence of intention that such cessation should be only temporary, a difficulty must, of necessity, arise, and Lord Tenterden's act—the Prescription Act, already referred to—does not, as it occurs to us, meet or remedy the difficulty.

Before that act it was the law that, as the uninterrupted enjoyment or user, for a certain period, of the right gave the title to it, in like manner the *cesser* of that enjoyment, or user, destroyed the right, unless, indeed, some act was proved to evince the intention of resuming the right within a reasonable time; in fact, as the right was considered to exist only in consequence of occupancy, so it was held to cease when such occupancy was discontinued.

Then, has the Prescription Act altered that law? We think not. All that it has done is to enact that after twenty years' enjoyment without interruption the right to light shall be deemed absolute and indefeasible; but in the 4th section it expressly adds that such period of time is to be deemed and taken to be the period next before some suit or action wherein the claim or matter to which such period may relate shall have been, or shall be, brought into question; so that if the user or enjoyment has not continued for a period covering twenty years before such suit or action has been, or shall be, brought, it would follow that under that act such user could not be relied on as evidence of title, and therefore, it appears to us that the observations of LITTLEDALE, J., on the case referred to, are still extremely important and significant, viz.:—

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"It would be most inconvenient to hold, that the property in light and air which is acquired by occupancy, can only be lost where there has been an abandonment of the right for twenty years. If a man pulls down a house and does not make any use of the land for two or three years, or converts it into tillage, I think he may be taken to have abandoned all intention of re-building the house, and consequently that his right would cease. But if he builds upon the same site and places windows in the same spot, or does any act to show that he did not mean to convert the land to a different purpose, then his right would not cease" (3 B. and Cr. 341), and so the same learned judge considered that the erection of a *blank* wall instead of one which had ancient windows in it, *indicated* such intention. However, we must admit, that those observations are not strengthened by HOLROYD, J., or TENTERDEN, C. J., the former of whom considered that the building of a blank wall was only a *stronger circumstance* to show that he had no intention to continue the enjoyment of his light than if he had merely pulled down the house, and the latter made the observations that we have already cited in the commencement of this article, in which he throws on the party building the blank wall the *onus* of proving that he only intended a temporary, and not a perpetual, abandonment of his right.

It would, therefore, from the authorities already cited, and from others to a similar effect, appear that the question must resolve itself into one of *intention*, and that the burden of proving an intention of only a temporary abandonment lies on the party who so discontinued the user.

CURRENT TOPICS.

THE LATE MASTER OF THE COURT OF EXCHEQUER.

Robert Hitchcock, Esq., Master of her Majesty's Court of Exchequer in Ireland, expired on Wednesday last, at Chester, where he had been staying for a short time previous to his death. Mr. Hitchcock commenced public life as a practising attorney and solicitor in Dublin. Leaving this country he became connected with the English Press, and to that step must be attributed his attaining in after life to the high civil appointment he held under the Crown. Mr. Hitchcock was for some time editor of *The Yorkshireman*, and subsequently occupied the same position on two other provincial newspapers—one in Devonshire and the other at Chichester. We believe it was while attached to the former publication that Mr. Hitchcock was enabled to enlist the warm friendship of many influential politicians—amongst others, a noble duke, whose esteem for him in after years enabled him to climb to the position we have already adverted to. Severing himself from his editorial duties, Mr. Hitchcock returned to this country, and was appointed to the comparatively humble position of "Stamp Distributor" of the Court of Exchequer. While acting in that capacity he conceived, and took a most prominent part in preparing the Bill for the re-construction of the offices of the Common Law Courts, which, after being defeated twice in two successive Parliamentary sessions, narrowly escaped the same fate on its third introduction; and although passing the Commons, barely received its third reading in the House of Lords by a majority of one vote. The Act we allude to passed in 1844, when Sir Robert Peel was Premier, and is probably better known to the profession and the officers of the several courts as the 7 and 8 Vic., cap. 107, than by any other title. It may not be uninteresting to our readers to know that on the occasion of its third reading in the "Lords," the last person to enter the House just as the division was about taking place, was the late Duke of Wellington. However, the bill passed, and received the Royal assent. The old title of Prothonotary was abolished, and the new one of Master substituted, and Mr. Hitchcock became the "Master" of the Court of Exchequer under the Act which he so assiduously applied all his clever energies to carry, backed by the powerful influence which his pen in former days had gained him. At one period of his career Mr. Hitchcock possessed most powerful interest with the Treasury; and if, as is true, that power waned in later years, the tradition that such a privilege existed, is still a pleasing item in the history of the Court of Exchequer, to which its officers, both young and old, cling with warm affection. Mr. Hitchcock was the only Master of the Exchequer since the Act of 1844 passed. In conclusion, we may remark it is more than possible that during the present session a new measure will become law which will have the effect of changing the constitution of the "Establishments" of the Common Law Courts; and, if so, a strange coincidence occurs—the projector of the "forty-four" Act and his creation together pass from us, both having performed 23 years of public service.

THE SPECIAL COMMISSION for the trial of Fenian prisoners in Dublin was opened on Monday last, at the Court-house in Green-street, by the Lord Chief Justice, Mr Justice Fitzgerald, and Mr Baron Deasy.

The following is an abstract of the charge delivered to the Grand Juries on this occasion :—

The Lord Chief Justice began by expressing his satisfaction at being associated in the Commission with two Judges so experienced and judicious. The circumstances under which they were met to perform a solemn duty were painful. It was scarcely two months since the Judges discharged the gaols, yet the prisons were now crowded. That Gaol Delivery was preceded by a Special Commission, which lasted for several weeks, and a similar Commission held its sittings in the South of Ireland for three weeks. Yet the evils meant to be suppressed by those proceedings continued to exist; tranquillity was not restored, and further disturbances had occurred. These crimes against the State were committed by persons not reduced to want or compelled by necessity. No less than 230 prisoners were specified in the calendar for such offences, while there were but three cases of the usual character to try. The present aspect of the country was depressing, the retrospect gloomy, but good men must not therefore despond. It should be recollected that for years past systematic efforts had been directed by the emissaries of sedition to poison the minds of the youth of the country with disaffection and disloyalty. If the very liberty which our free Constitution bestows had been perfidiously turned against the Constitution itself, it could not be expected that the seeds of mischief sown broadcast through the land should not have produced bitter fruits. The crime of high treason is the greatest crime against faith, duty, and society, because it aims at the subversion of all lawful authority, because it may involve a whole people in the horrors of civil war, and lead to the destruction of the owners of property. His Lordship proceeded to sketch the

history of high treason, explaining the nature of the crime, and expounding the laws of evidence regarding it. He knew nothing of the Fenian conspiracy judicially, and he was sceptical as to the possibility of its existence, save that he was painfully conscious that there are scarcely any limits to human credulity, human folly, and human wickedness. There was an air of improbability that the attacks on the civil forces of the Queen were preliminary to a general assault upon all the institutions of the State, upon the whole fabric of society, upon the Monarchy, upon the institution of property itself. The amazing wickedness and the prodigious folly of such designs compel us, he said, to be doubtful of the possibility of the existence of an association with such designs, until proved by credible evidence. One item in the black catalogue of crime he had supposed but not believed would alone shock the common sense, while it would inflame the indignation of millions of our countrymen—namely, the deposition of Her Most Gracious Majesty the Queen, the lawful Sovereign, under God, of this United Empire, beloved and revered, as she deserves to be, in order to substitute a republic, with a teacher of French or a linendraper's apprentice for a President. The mind recoils from the grotesque mockery, and revolts at the bare conception of such an absurdity. But there have been in all ages political enthusiasts. Wolfe Tone, who would have landed a French army in this island, to slaughter half-a-million of his countrymen, and introduce the principles of the French Revolution among us, compared himself with Washington and Kosciusko; and Thistlewood, who meant to murder His Majesty's Ministers as they sat at dinner, compared himself to Brutus and to Cassius. Whether these desperate men believed themselves what they said, or merely desired to hoodwink posterity, as they had blinded their followers, might be doubtful; however, such men, with such ideas, had lived, and shocked the world with their crimes. If the jury could conceive individuals living among them who had long ceased to look upon treason as a crime—who had preached that rebellion was a school of virtue and revolution, the reward of perseverance in patriotic exertions; that they had been in the habit of frequenting seditious clubs, listening to inflammatory harangues, pondering over lists of imaginary grievances, invented by factious men in furtherance of their not less treasonable designs; that they had been fed with false hopes of assistance in their treason by foreign emissaries; that they were seduced by false representations of the numbers and discipline of the conspirators; that they were day by day talking with each other, until they believed what one said or promised to the other; that they learnt to hate their superiors, and to covet their property; that they were wearied of industry, and preferred the rank of General in an imaginary army, or of President in an imaginary republic; that their vanity grew out to be excessive, and that they abjured all the old-fashioned maxims of loyalty and religion—if the jury could believe that such persons had been dwelling among them—their feelings inflamed, their passions exasperated, their judgment, their reason overborne—then they might imagine that to such persons their scheme of revolution would appear probable, though success would seem impossible to minds free from similar delusions. After some further remarks, his Lordship concluded his address in the following terms:—

"The cattle plague, which desolated the fields of England and Scotland, was a terrible visitation, from which Ireland has been mercifully spared. But, gentlemen, a moral plague might infest our society and corrupt the minds of our young men—nay, poison their very nature, which would be more fatal because more incurable, which would be destructive, not of the beasts that perish, but of intelligent accountable beings, endowed with high faculties and aspirations, and which would also be destructive of the present prosperity and future hopes of a nation. Gentlemen, I have detained you too long from the weighty business which is before you. You will dispose of it without undue haste, but with reasonable expedition, in order that the innocent may be set free, the guilty punished, and the supremacy of law maintained and asserted. You will be governed in your inquiries only by the evidence, uninfluenced by anything you may have heard or read before you entered that box; in a word, you will, I am satisfied, disregarding every other consideration, perform your duty."

FENIANISM AND THE WHITEBOY ACT.

MEMORANDUM TO IRISH MAGISTRATES.

From *The Freeman's Journal.*

On Tuesday was printed a copy of the circular lately issued to the Irish magistrates, in which their attention is directed to the following summary of their powers and duties under the Whiteboy Acts, "the provisions of which," writes Lord Naas, "will be found very valuable in the present circumstances." It will be seen that prominence is given in the summary to the fact that the various classes of offenders are liable to whipping.

1. All persons armed with fire-arms or any other weapon, or appearing in any disguise, or wearing any unusual uniform or badge, or assuming any name or denomination not usually assumed by ordinary persons in their lawful occasions, who shall assemble, or who shall appear, alone or with others, by day or night, are guilty of a high misdemeanour, subjecting them to penal servitude, imprisonment, and whipping. 2. All persons who assemble and unlawfully compel, or by force or threats attempt to compel, any one to quit his dwelling or employment, or who shall maliciously assault any dwelling-house, or who shall break into any house or outhouse, or cause any door to be opened by threats, or shall carry off any horse or mule, or any gun or other weapon, money, or other property, or shall by threats cause same to be given up to them, are equally guilty, and liable to the same punishment. 3. Any person who shall write, post, publish, or give any notice, letter, or message, exciting, or tending to excite, any riot or unlawful assembly, or combination, or threatening any violence to person or property, or demanding arms, ammunition, money, or other property, or requiring any person to quit any employment, is liable to the same punishment. 4. All persons aiding and abetting others in the commission of any of the above offences are equally guilty, and liable to the punishments above mentioned. 5. All persons who by drum, horn, fire, shouting, or any signal, excite, or promote, or attempt to excite or promote, such unlawful meetings, are also guilty of a high misdemeanour. 6. Any persons who, by force or threats, unlawfully impose on or tender to any person any oath or solemn engagement are guilty of a grave misdemeanour, and are liable to whipping and imprisonment. 7. All magistrates and constables are empowered and bound to apprehend, disperse, and oppose all persons so engaged, and may call upon and command all persons who are not disabled by age or infirmity to assist them in so doing; and are fully indemnified for happening to kill, maim, or hurt any person in discharging such duty. 8. Any two magistrates having reasonable cause to suspect any person to be guilty of such unlawful rising, assembling, or appearing as above mentioned, or of having been at any such unlawful assembly, or of intending so to be, may and are required to summon before them any such person, and bind him over in his own recognizance to appear at the next assizes, and to be of good behaviour in the meantime; and, in case of refusal, such magistrates have power to commit such person to gaol. 9. Every magistrate has authority to summon any person within his jurisdiction whom he thinks capable of giving material evidence as to any such offence, and examine him or her, on oath, and bind such person in recognizance to appear and give evidence, and on refusal to answer or to enter into recognizance, to commit such person to gaol.

THE CUSTODY OF THE IRISH RECORDS.

From *The Chronicle.*

Much misapprehension of Irish questions has arisen from the want of accurate knowledge of the historical antecedents of the people of Ireland. The views generally current respecting the Irish race have, to a certain extent, originated from works more replete with theories and declamation than sustained by authentic evidence. The histories of Ireland now in circulation are, in reality, but trade compilations; while the works purporting to treat special portions of Irish history may in truth be described as merely archæological, ecclesiological, or political. The few Irish

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historical writers whose productions evince a true scientific spirit deplore the fact that their labours are almost insuperably impeded by the chaotic state of the Public Records of Ireland. Even apart from all consideration of the native Irish or Gaelic documents, it is obvious that no accurate view can be formed of any period of the history of Ireland since the Anglo-Norman settlement, while the records which contain the true materials for its elucidation lie undeciphered and uncalendared in obscure Dublin repositories.

Some of these documents are entrusted to clerks whose entire official time is occupied with the everyday business of the law courts to which they belong; and, incredible as it may seem, a mass of important records has been for a time allowed to remain in the hands of professional pedigree makers. These facts are the more discreditable, because the archives which are thus dealt with have an important bearing on historical and genealogical questions connected with every part of the empire, and possess a value, not inherent in the English records, as evidence of the descent of landed property. To the deplorable rule there is an important exception in the large collection in the western wing of the Custom House buildings in Dublin. This repository, with its imposing array of presses filled with rolls, books, maps, and parchments, has been managed most satisfactorily, and to the great advantage of the public, under the regulation by which its control was confided entirely to a keeper, directly responsible to the Treasury, untrammelled by the interference of Boards or nominal judicial heads, and totally dissociated from the Law offices.

For many years the concentration and arrangement of the Records of Ireland have been urged upon the Imperial Government, which expends large sums annually for such purposes in England; and, owing to these representations, a Record Repository has at length been completed in Dublin. At the opening of the present session the Secretary for Ireland promised to submit to the House of Commons on a very early day the scheme proposed by the Government for this Record Department; and, according to the present arrangement of Parliamentary business, the question will come on immediately.

It is obvious that the work of concentrating, arranging, and calendaring the documents in the new repository should be confided to archivists in whose skill, experience, and impartiality the educated Irish public have full confidence; and fortunately there are scholars in Ireland whose works display all the keenness of critical knowledge, and the complete mastery of difficult archivistic questions, which such a task demands. In addition to a capacity for administration and arrangement, it is essential that the heads of the department should possess that special minute and recondite learning which can be acquired only by long familiarity with the multiform palæographic peculiarities of every class of Anglo-Irish muniments from their commencement in the twelfth century. In defining the external relations of the department, it will be desirable to profit by the teaching of experience, and to adopt the only arrangement which has hitherto worked well in Ireland. The new Public Record Office should, therefore, be placed under a Keeper, not shielded either by a Board or by such a nominal head as a Master of the Rolls of Chancery, but personally responsible to the Treasury, to the world of archivistic learning, and to the public, for the working of the department, the full details of which should be annually submitted in a printed report to the House of Commons. On this keeper should be laid the duty of training a practical staff, not only scientifically to decipher, expound, and calendar archives, but also to satisfy promptly and accurately every inquiry connected with the Public Records of Ireland, whether bearing upon history, law, genealogy, or the inheritance of landed property.

THE MAGISTRACY.

Henry James Viscount Stuart, of Oaklands, Cookstown, has been appointed to the commission of the peace for the county of Tyrone.

John F. Dillon, Esq., eldest son of Sir John Dillon, Lismullen, Bart., has been appointed to the commission of the peace for the county of Meath, on the recommendation of the Right Hon. the Earl of Fingall.

ENGLAND.

THE JAMAICA PROSECUTIONS.

The charge to the Grand Jury in the case of Colonel Nelson and Lieutenant Brand, who stand committed for the wilful murder of George William Gordon, at Morant Bay, Jamaica, on the 23rd October, 1865, was delivered on Wednesday morning, at the Central Criminal Court, by the LORD CHIEF JUSTICE OF ENGLAND, who was accompanied by Mr. BARON CHANNELL.

The LORD CHIEF JUSTICE said it had been necessary for him to come to the court to address them in reference to this case, in place of the learned Recorder, for reasons which that gentleman explained to them on Monday. This case was based on the fact of a person having been brought before a court-martial presided over by Lieutenant Brand, one of the accused; that that person was sentenced to be executed, and that the sentence was approved of by Colonel Nelson. Taking first the question of the jurisdiction of the court-martial, he would state to them the facts. It appeared that in 1865, in the island of Jamaica, a turbulent disposition—a disposition to riot—had arisen among the negro population. On the 10th October it was thought necessary for the local authorities at Morant Bay to communicate with the Governor. On the 11th the insurgents made their appearance, more or less in arms. They appeared to have stormed the Court-house at Morant Bay, in which the magistrates were then sitting, and no less than eighteen persons were killed. This state of things excited among the white population the greatest alarm, the military force being small. In these circumstances, the Governor, on the 13th, declared martial law in the whole of the county of Surrey, with the exception of Kingston, the capital town. A military force was collected, and went out against the rebels, who dispersed and fled. For some days before his arrest Mr. Gordon was living in Kingston, and he was thought by many persons to be a prime mover in the insurrection. He had told them that Mr. Gordon was living in Kingston, where martial law had not been declared, but warrants were issued for his apprehension, and he was taken into custody in General O'Connor's house by the Governor and the Custos of Kingston. He was then taken on board a war steamer, and conveyed to Morant Bay, where he was tried on a charge of high treason by a court-martial, presided over by Lieutenant Brand. Of this charge he was found guilty, and the sentence was approved of by Colonel Nelson. The Governor-General was communicated with, and he was of opinion that the sentence ought to be executed, which was accordingly done. The first question arising here was whether the Governor had authority to declare martial law, and this, of course, was a question of great importance in this and other cases of a similar nature which might arise. The authority must be based on some commission of the Crown, or some imperial or local act of legislature. Before coming to the question whether his commission gave the Governor power to declare martial law, it was important to consider the history of this colony. There were two classes of colonies. A Crown colony was either acquired by force of arms or by cession from some other country. In such a colony the power of the Sovereign was absolute. Very different was a settled colony, where land had been claimed in behalf of England and settled by Englishmen. The residents in such a colony claimed all the rights of Englishmen. They must consider to which of these classes Jamaica belonged. There was no doubt that it was acquired by force, having belonged to Spain. Upon the occasion of its conquest the best portion of the Spaniards left, but there remained a free, independent black race

In 1587 the Spaniards attempted to regain possession of the island, but they were repulsed, and at that time the remaining portion of the Spaniards disappeared. It was after this period that the English went from the West Indies to settle in the island, and, after the Restoration, Charles II. sent out a commission declaring that the children of English subjects who went to settle in Jamaica, though born out of the King's dominions, should have all the rights and privileges of free born Englishmen. Under these circumstances he could entertain no doubt that Jamaica was a settled

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colony. The land was conquered, but the original inhabitants never. In the year 1784 a great question arose in reference to the taking of a conquered colony without their consent, and on that occasion Lord Mansfield, after great consideration, also affirmed that Jamaica was a settled colony. They (the grand jury) had nothing to do with the political view of the question, whether or no martial law ought to be declared in particular cases. They had only to consider whether in Jamaica martial law had or had not been lawfully proclaimed. Martial law was, in short, the suspension of all law but the will of the military rulers in the districts proclaimed. Let them consider if there was such a thing as martial law thus defined, and, to arrive at a solution, it was of the last importance that they should trace the history of the matter. They had remarkable instances of martial law in the times of Mary and Elizabeth, and of Edward the Sixth, on the occasion of popular insurrections—times when the whole social fabric seemed shaken to the very foundation. In the reign of Queen Mary introducing heretical books into the kingdom was made punishable by martial law, and in the reign of her sister Elizabeth, any one bringing in Papal bulls was liable to be punished in like manner. But still they could not doubt that she was exceeding the powers given her by the Constitution by issuing such a proclamation. In the time of James I. proclamations were issued, giving to the Lords Lieutenant of counties power to inflict martial law at their own discretion; this he had no hesitation in saying was illegal. In the reign of Charles I. the King endeavoured to raise compulsory supplies to carry on his wars, and proclaimed martial law on any one who refused to comply with his demands; but the Parliament which assembled shortly afterwards vindicated the right of the subject. Since that time martial law has never been exercised in the realm of England. He could find no such thing as martial law used to put down rebellion in this country in all his researches. In 1798 martial law was carried out in Ireland by order of the Lord Lieutenant, affairs being in such a terrible state in that country. But what is martial law? To explain this he could not do better than trace the military history of this country. The safety of an army depends upon strict subordination and discipline, for when a large body of men are drawn together it is most necessary that they should be kept in a state of perfect subjection. When the Scottish army invaded England the generals issued articles of war for the government of the forces, and such a course was usually followed. In the earliest periods of history that law was always administered by a properly constituted tribunal. If a man enters your house by force, you are entitled to take the law into your own hands, and do anything in your power to protect your property. If a mutiny breaks out in a regiment, it may be stopped by the measures deemed necessary. But this was not martial law at all; it was the common law of England. The island of Jamaica had seen more insurrection than any other, for he found that during a period extending from the formation of the colony to the year 1832 there had been no less than twenty-eight insurrections of the negro population, all accompanied with more or less barbarity. He would now consider whether George William Gordon was amenable to martial law. From precedents which he enumerated, he came to the conclusion that the Governor had no power to arrest Mr. Gordon. The only purpose for which they could have legitimately apprehended him was to hand him over to the civil tribunal. He considered that the course pursued by the authorities was most unjustifiable. Mr. Gordon should never have been even tried before a civil tribunal on such evidence as was given; for he had no hesitation in saying that three-fourths of the evidence on which he was convicted and hanged could never have been received by a competent judge. It was a most unwarrantable act to move Mr. Gordon from a place where he would not have been found guilty to another where they thought he would, and yet this in reality was the course pursued. If Mr. Gordon had done nothing culpable after martial law had been proclaimed he did not see how he could be tried by it for offences committed before it was in force. Having described the regulations of court-martial, both in the army and navy, he concluded that the trial was not a legal one. He next read some of the evidence given at the trial, and commented on its inconclusiveness, giving it as his opinion that much of the principal part of it was totally inadmissible, and not sufficient to convict on. He thought there could be no doubt that the systematic agitation kept up by Mr. Gordon did lead to the unhappy consequences which followed. He might have been influenced, being himself a man of colour, by the feeling that the negroes were being actually wronged, or he might have been led on by the desire of popularity so often experienced by agitators. He could not, however, have contemplated that a rebellion would really have taken place, as such an event would have been as disastrous to himself as to any one else. He was morally responsible for the insurrection, and ought to have suffered punishment for it, but he was, nevertheless, not liable to martial law. He considered that, looking to the disturbed state Jamaica was in, to the proportion the blacks bore to the whites, and the inadequate number of soldiers on the island—looking to these facts, there never was a case which justified more the proclamation of martial law. In conclusion, his Lordship urged upon them to dismiss all feeling on the subject, and give an impartial judgment.

LONDON, Thursday Evening.—The Grand Jury at the Central Criminal Court, this morning, ignored the bills against Col. Nelson and Lieut. Brand, for the murder of George William Gordon.

NOTES OF ENGLISH DECISIONS.

EQUITY PRACTICE — DAMAGES — JURISDICTION. — The Court of Ch. has not jurisdiction to deal with the question of damages where a plaintiff has failed to establish by proper evidence a bill for the specific performance of a contract. (*Lewers* v. *Earl of Shaftesbury*, 16 L. T. Rep. N. S. 135. Chan.)

COMMON LAW PRACTICE—STAY OF PROCEEDINGS.—C., as executor of the mortgagee of tolls of a turnpike-road, brought an ejectment against the trustees to recover the interest, &c., due. At the trial, C. failed to prove that deceased was a mortgagee, and the defendants alleged that deceased had become bankrupt, which was admitted to be the fact. The plaintiff was nonsuited for failing to prove that the deceased was a mortgagee. A fresh Act of Parliament was obtained by the trustees, and deceased's name was inserted in the schedule among the mortgagees of the tolls. C., without paying the costs of the nonsuit, brought a fresh action against the trustees, and claimed a writ of *mandamus* to compel the trustees to give C. a fresh mortgage in lieu of the former one to the deceased, alleged to have been lost: Held, that the second action being ancillary to one similar to the first action of ejectment, the defendant was entitled to stay the proceedings till the costs of the former action were paid. (*Cobbett* v. *Warner*, 16 L. T. Rep. N. S. 150. Q. B.)

PROBATE PRACTICE—EXECUTOR.—An executor, who was also universal legatee, obtained probate of an asserted will. On being cited to show cause why it should not be revoked, he brought in the probate, but entered no appearance. The Court revoked the probate so granted, and decreed probate in common form of an earlier will to the executor therein named. (*Crosby* v. *Noton*, 16 L. T. Rep. N. S. 153. Prob.)

MINOR—ADMINISTRATION TO CREDITOR OF FATHER.—The Court granted administration under the 73rd section of the Probate Act of the estate of a deceased minor to a creditor of the father (also dead), the widow and executrix of the father, who had proved his will, having filed a renunciation and consent. (*In the Goods of Emma Frazer*, 16 L. T. Rep. N. S. 154. Prob.)

INFANT—LEGITIMACY.—Where a suit is proposed to be instituted under the 21 & 22 Vic. c. 93, by the next friend of an infant to establish his legitimacy, the Court, following the practice of the Court of Ch., will refer it to the registrar to report whether such suit is for the benefit of the infant or not. (*Chaplin* v. *Chaplin*, 16 L. T. Rep. N. S. 154. Div. & Mat.)

NOTICE TO QUIT—SUNDAY.—A notice of his intention to quit given by a tenant on Sunday is good and binding on him. (*Sangster* v. *Noy*, 16 L. T. Rep. N. S. 157. Co. C.)

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LIABILITY OF SECRETARY TO AN UNREGISTERED COMPANY.—B., the secretary to a company not yet registered, gave an order signed, "B., secretary *pro. tem.*," for advertising the prospectus of the company. He was held to have made himself personally liable, the company being then non-existent. (*Hopcroft* v. *Parker*, 16 L. T. Rep. N. S. 123. M. Smith, J.)

CONTRIBUTORY—PRACTICE.—The Court will not remove a name from the list of contributories on the ground that there is no valid company, nor valid winding-up order, at least until the order to wind-up has been discharged. (*Re Overend, Gurney, and Co.*, 16 L. T. Rep. N. S. 148. V.C.M.)

CONTRIBUTORIES—TRANSFER OF SHARES—REGISTRATION.—A transfer duly executed was left at the offices of the company. The day after, and before it was registered, the company stopped payment, and a winding-up order was made. The liquidator registered the transfer. The articles of association empowered the directors to refuse to register a transfer unless the transferee was approved by them. The Court held that the transferee was a contributory. (*Ex parte Ward*, 16 L. T. Rep. N. S. 148. V.C.M.)

CANAL COMPANY—JURISDICTION.—The Court has jurisdiction, under the Companies Act, 1862, to order the winding-up of a canal company incorporated by special Act of Parliament. (*Re The Wey and Arun Canal Company*, 16 L. T. Rep. N. S. 150. V.C.M.)

A JUDGE AND HIS BAR "SNOWED UP."

The following, apparently extracted from a local paper, has been forwarded to us:—

The eminent judge, Mr. Justice Keating, with a portion of the talented Bar belonging to the Welsh Circuit, left the Swansea Assize on Tuesday last, for the purpose of opening the commission in Brecon on that evening. A start was made from Neath by the Neath and Brecon Railway towards Brecon, a distance of some thirty miles, over a wild and mountainous district of country, as wild and beautiful in summer as it is cold and forbidding in winter. For a while all went on "merry as a marriage bell;" but on nearing the top of the mountain, they found Old Mother Christmas in earnest feathering her geese. Such a crop of "flaky down was almost unknown to the "oldest inhabitant." The old lady, being for many ages in league with her invisible friend, got up a storm at a moment's notice on the top of the mountain, which so scattered her feathers that they flew in all directions for shelter, and those that did not find it had to "move on" very unceremoniously. Wherever there was shelter the packing was complete, so much so as to make mortals imagine there had been a universal sheep-shearing, and that all the wool was packed at Onllwyn. Whatever the cause, the effect was soon visible, by bringing the train, judge and all, to a standstill. The order was given to clear the line. "Easier said than done, my Lord," was the rejoinder of a stalwart navvy. However, they all set to work in good earnest, to help the engine out of her difficulties. The efforts were Herculean, large masses of snow were rolled over, and, gaining in their transit great accessions at every stride, they rolled like pigmy mountains into the valley below. No matter how fast or how big was the navvy's spadeful thrown over, the wind and snow defied all efforts, and filled up every nook and cranny in an instant. During this unequal combat, the judge and some Q. C.'s were in the little station of Onllwyn, close by, endeavouring to be jolly under the circumstances. Presently, a gnawing sensation was felt about the seat of the human portmanteau, and an impromptu foraging party was organized and led by a leading Q. C. of the circuit. A house or two close by was laid siege to, and in an instant surrendered to the "strong arm of the law." The Q. C. being at that moment briefless, for the want of sheepskin, seized rather voraciously a pigskin suspended from the roof, which fortunately was no "gammon." Jolly slices of ham were the reward, and in another moment were crackling before the fire. Whilst this pleasant operation was going on, the hen-roost was invaded, and whether the eggs were brought in the nest or in a wig we do not know, but the peasants declared that the "big wigs" were "awful" hungry. Things outside were now becoming serious, and and after a trial of more than four hours, a verdict was given in favour of the "defendant." It began to be whispered also that there was no chance of retreat. A council of war was called, and those learned in the law were consulted by the judge as to whether, being in the county of Brecon, they could not open the commission there. No one present knew the law on the point. The clerk was next called upon to produce the statute bearing on this complicated point. Of course the book had been left at home, so nothing remained but to make a desperate effort to return. This was done, and after many delays of cutting and sweeping, the train reached Neath again that night too late for his lordship to proceed. The next day he was obliged to go round through Newport, Abergavenny, and Hereford, to reach Brecon, which we are happy to say he did in safety. A record of the adventure may still be seen on the wall of Onllwyn station. It runs as follows:—

> On that 'ere chair sat Justice Keating,
> And close by the counsel who put the meat in,
> And eggs a score boil'd soft, but if hard
> Were quickly gobbled up by Q. C. Giffard.

—*Law Times.*

"A COUNTY COURT JUDGE" has addressed an important letter to *The Times* on the subject of Imprisonment for Debt:—

SIR,—In your leading article of this day on the proposed new Bankruptcy Act, you advocate "the abolition of imprisonment for debt" in the county courts, and you add, with much apparent justice, that "it is intolerable that we should abolish imprisonment for debt in the courts of superior jurisdiction, and continue to apply it in inferior tribunals, thus making the magnitude of the penalty vary inversely as the magnitude of the offence."

As what you term "imprisonment for debt," but which might more justly be termed, "imprisonment for contempt of court," is the very backbone of the County Court system, perhaps you will allow me to say a few words in favour of its continuance.

In all debts under £20 the county court judge has the power to order that the amount proved to be owing shall be paid by instalments. The periods of payment and the amount of each instalment are fixed by the judge after due examination into the circumstances and position of the defendant. Take an every day case. John Brown, a labourer, is summoned for a debt of £3 for groceries; the debt is proved, and he is ordered to pay it off by instalments of 4s. a month, but despite the order, he does not pay. He is then summoned again to show cause why he has not paid in obedience to the order, when it is shown either that by altered circumstances he is unable to pay his instalments, or that by unaltered or improved circumstances he is able to pay them. In the former case either the amount of the instalment is diminished or the period of its payment postponed, or both; but in the latter case the same order is continued, or a heavier order is made, together with a warrant of commitment to gaol for a period of from seven to forty days, according to the requirements of the case; but in practice the warrant is never put in force so long as the instalments are paid, and except in cases of great culpability the term of imprisonment is invariably short.

I believe, sir, that I express the opinion of everyone conversant with county court practice when I say that this system works admirably well in securing payment to the creditor with the least possible amount of privation to the debtor.

The feeling of the day seems to be in favour of an extension of the county court system, but you may as well close our courts at once as to take away from us the power of imprisonment, for, that gone, the dishonest debtor would snap his fingers at the order of the judge, and the creditor, unable to distinguish beforehand the honest from the dishonest debtor, would soon cease to trouble the judge to make an order incapable of enforcement and free from punishment for breach.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF CHANCERY.

Reported by EDMUND F. BEWLEY, Esq., Barrister-at-law.

BUTLER *v.* BRACKEN.

Feb. 23.—*Practice—Costs—Number of Counsel Allowed on Hearing of Cause Petitions.*

This was a suit to set aside a deed and a judgment. The Court made a decree setting aside the deed with costs, but dismissed, without costs, so much of the petition as sought to set aside the judgment.

Lawless, Q.C., and *P. M. Kelly*, on behalf of the petitioner, now applied to the Court to certify that the case was a fit one for three counsel. They cited *Pearce* v. *Lindsay* (8 W. R. 383; S. C. 1 D. G., F. & J. 573), and *Cloran* v. *Clancarty* (13 Ir. Ch. Rep. 1). They referred to *Beecher* v. *Downing*, and *Dinnen* v. *Donegal*, decided by the Lord Chancellor in the present Term, in both of which cases three counsel had been allowed.

A. Duggan, for the respondent, resisted the application, contending that it had been decided in *Collis* v. *Stuart* (6 Ir. Jur. 51) that the Court had no discretion to allow the costs of more than two counsel as between party and party. It appeared also in the present case that two counsel only had been heard on behalf of the petitioner. Counsel referred to the *Attorney-General* v. *Munro* (1 McN. & G. 213).

The LORD JUSTICE OF APPEAL (who sat for the LORD CHANCELLOR) refused to certify, on the grounds that it was not a case of sufficient importance or magnitude for three counsel, and that the petitioners had failed in a very material portion of the case made by the cause petition. His Lordship stated that he had been engaged as counsel in the case of *Collis* v. *Stuart*, and that it had been argued for four days, and was a case of great difficulty. *Dinnen* v. *Donegal*, and *Beecher* v. *Downing* were also cases of importance. His Lordship at the same time expressed his satisfaction that the Lord Chancellor had put a less rigid construction on the rule than that which was acted on in the time of Lord Chancellor Brady.

Solicitor for the petitioners, *T. Burke*.

Solicitor for the respondent, *Wm. Kelly*.

COMMON PLEAS.

HILARY TERM, 1867.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-Law.

SEYMOUR *v.* BROOKS and OTHERS.

Jan. 31st.—*Pleading—Duplicity.*

This was an action for maliciously, and without reasonable and probable cause, obtaining a Judge's special order to hold the plaintiff to bail in an action in the Court of Exchequer, by falsely and maliciously representing to the said Judge, by means of a false affidavit, that the plaintiff was about to quit Ireland unless forthwith apprehended; and in pursuance of said order, suing out a writ of capias, and causing the plaintiff to be arrested under said writ. The plaintiff had applied to the Court to be discharged, on the ground that he was not about to quit Ireland, and his motion had been granted, with costs.

The defendants, by their first plea, admitting that they had brought the action and procured the order in the plaint mentioned by representations contained in the affidavit in plaint mentioned, said that they did not do so maliciously, and without reasonable and probable cause; and that said affidavit was not false, nor did it contain any false representations as alleged.

The defendants' second plea, admitting as in first defence, said they did not do said admitted acts maliciously and without reasonable and probable cause; and that said affidavit was not false in any particular, to the knowledge and belief of the defendants, or any of them, nor did it contain any representation which was false to the knowledge and belief of the defendants, or any of them.

Plaintiff's counsel moved to set aside both pleas. The first, on the ground of duplicity or triplicity; and the second, on the additional ground that the issue tendered on the falsity of the affidavit, to the knowledge and belief of the defendants, was immaterial and was embarrassing to the plaintiff, and one on which he ought not to be obliged to join issue, as defendant's ignorance of the falsity of the affidavit or belief in its truth would not afford an answer to the action if he had acted recklessly, and formed that belief without making proper enquiry.

The Court overruled the first ground of objection, and declined to decide the further question raised by the second plea on the present motion, leaving plaintiff's counsel to demur if they were of opinion it was ill pleaded.

Counsel for plaintiff, *P. Blake*, Q.C., and *E. Beytagh*.

Attorney, *D. O'Farrell*.

Counsel for defendants, *Sergeant Armstrong*, Q.C., and *F. Dames*

Attorney, *E. M. Duffy*.

CONSOLIDATED CHAMBER.

Reported by R. R. KANE, Esq., Barrister-at-law.

Before Mr. JUSTICE O'BRIEN.

KING *v.* POE.

April 5.—*Practice—Extension of time for handing in Bill of Exceptions—Jurisdiction.*

E. Gibson moved that the time for handing in the bill of exceptions in this case might be extended. The action was tried before the Lord Chief Baron at the sittings after Hilary Term, and a verdict for the plaintiff had on February 13. On February 25 instructions to prepare a bill of exceptions were sent to Mr. Ryan. Before the circuit was over Mr. Ryan was obliged to go to London as counsel before a committee of the House of Commons, and had not yet returned. He was unable consequently to prepare the bill of exceptions till now. Under these circumstances E. Gibson now moved that the time might be extended till the first day of term.

H. Lover contra.

This motion should be made to the Lord Chief Baron himself, or at least to the Court of Exchequer. A judge sitting in the Consolidated Chamber has no jurisdiction to entertain it. Even if the judge sitting here has jurisdiction, the time within which application might be made has long passed. The time from the 13th to the 25th of February is unaccounted for.

E. Gibson, in reply, was stopped as to question of jurisdiction. As to delay counsel are not bound to settle bills of exception on circuit.

O'BRIEN, J.—I am not disposed to agree to this motion. I shall, however, consult the Chief Baron as to whether he considers that the justice of the case requires that the time should be extended.

Later in the day, on the matter being mentioned,

O'BRIEN, J.—I have consulted the Lord Chief Baron. He agrees with me that the exceptions being mere points of law, can be as well discussed on new trial motion.

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There are two advantages in a bill of exceptions; first, that there is an appeal even if the Court be unanimous; second, that advantage can be taken of every point in a bill of exceptions, even though not raised below.

As to the first it is easily provided for; and the second, a party who asks a favour of the Court can hardly ask for.

The affidavit here is clearly insufficient by not accounting for the interval between the 12th and 27th of February.

The order I shall make is, no rule on motion, defendant to have leave to move for a new trial, with leave to appeal, even if the Court should be unanimous, and defendant to pay plaintiff's costs of this motion.

A. Nolan, attorney for plaintiff.

G. Bolton, attorney for defendant.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by JOHN LEVY, Esq., Barrister-at-Law.

Before BERWICK, J.

Re THE DUBLIN CATTLE MARKET COMPANY.

April, 1867.—*Winding up of Joint Stock Company—Duties of Official Liquidator and Official Assignee—Payment of Dividends.*

In the winding up of a Joint Stock Company in Bankruptcy, a considerable sum of money is declared to be due to the former Solicitor of the Company, as a dividend on foot of his claim, and he gives to several creditors to whom he is himself indebted orders on the Official Liquidator in whose hands the fund is, for payment of those creditors; the Court will consider that having such a duty cast upon either the Official Assignee or Official Liquidator, will be foreign to the legitimate purposes for which they were appointed; and as one of the parties to whom such orders were given filed a cause petition in Chancery to compel the Official Liquidator to pay it, the Court will refuse the application, and direct the Official Liquidator to retain the funds until further order.

This case came before the Court in the form of application made by several Creditors of Mr. James Malley, Solicitor for the promoters of the Cattle Market Company, to whom that gentleman had given orders on the official liquidator. to pay certain sums of money out of dividends to which he was declared entitled, and who now sought to obtain orders of the Court directing the official liquidator to pay the amount of those claims.

P. Martin was for the official liquidator.

Kernan, Q.C., for the European Bank.

Carton for Mr. David M'Birney, and *Leech* for Mr. David Gaussen. The facts fully appear in the following very elaborate judgment:—

BERWICK, J.—This case comes before me on notice of Mr. David Gaussen, asking the Court to pay to him out of the moneys of Mr. James Malley, who, as a creditor of this company, has been declared entitled to a dividend which is now in the hands of the official liquidator, two sums of £200 and £210, or that an order shall be made that no part of the funds to which the said James Malley is or shall be so entitled be paid out without notice to him. This application is grounded on two orders in favour of Mr. Gaussen, signed by Mr. Malley, and directed to and lodged with the official liquidator, requiring him to honour the drafts of Mr. Gaussen to those amounts, dated, respectively, 1st and 30th December, 1865. This application has been resisted on the part of Mr. Malley on the grounds stated in an affidavi of the 16th January, 1867, to which it is unnecessary for me further to refer. At the time of hearing this application, several other notices were moved on part of other creditors of Mr. James Malley, in particular one on part of Mr. John Wallis, acting under power of attorney, founded on orders of a similar nature, each claiming to be paid the amount of their orders, and requiring to be paid according to the priorities in which those orders were lodged with the official liquidator. Applications of a similar nature were made at the same time by certain creditors of Mr. James Malley, who put forward certain equitable rights which they considered entitled them to attach the said fund in the hands of the official liquidators, according to certain priorities; and I am told by the official liquidator that other parties whose cases have not yet been brought before me, have required from him payment of orders of a like description; all these several claims amounting to much more than the whole dividend to which Mr. Malley is entitled, and of course, therefore, the official liquidator, being placed in the greatest embarrassment to know how to act, and he who is only anxious to discharge his duty in such a manner as not to be involved in any personal responsibility by deciding these disputed claims, has called on the Court to define his duties in cases like the present, and to give such directions as will save him harmless and free from the burden of duties foreign to the purposes for which he has been appointed, the discharge of which would seriously interfere with the legitimate business of his office. I should have been perfectly willing to have heard and decided the relative claims of the several parties interested in the distribution of the fund, although strictly speaking, it may be outside the duties devolved on me and the administration of this estate, were it not that it appears that one party (the European Bank) to whom a similar order was given by Mr. James Malley, has filed a cause petition in the Court of Chancery to establish his claim as an equitable charge on this fund, to which he has made the official liquidator a party, and I conceive that pending this proceeding, I ought to make no order which might affect the fund on which that charge is sought to be established. However, as it is the wish of this Court to save to all parties, who are interested in the funds realized therein, both expense and time in establishing their right, I offered to hear and dispose of all these conflicting claims in case all parties, including the European Bank, submitted to the jurisdiction of the Court; but as the European Bank have not adopted that course, I shall not make any order on any of the motions pending before me, save by directing that the fund shall not be paid over by the official liquidator without further order of the Court, and I shall authorize him to appear to the cause petition and inform the Court of the sum now in his hands belonging to Mr. James Malley, the various conflicting claims made on him by creditors of Mr. Malley, and to act as either the Court of Chancery or this Court shall direct. I might content myself with this simple statement of what I purpose for the present to do were it not that these applications to the Court have been grounded and pressed on me very much, if not mainly, on the presumption that it is the duty of the official assignees and official liquidators of this Court to recognize and act on all orders for payment directed to them by creditors who have been declared entitled to dividends on the estates entrusted to their management, and that they will be held responsible for refusing to do so, and I am informed by the official liquidator, who happens also to be the official assignee in bankruptcy of this court, that unless the Court shall state definitively what it considers the limit of his duty in similar cases, he will require to meet the additional duty sought thus to be

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imposed upon him by increasing the staff and expense of his office, and will be embarrassed by inquiries quite foreign to the purposes for which he has been appointed. Now this is a matter on which I should not allow any doubt to exist which it is in my power to solve, and I therefore make the following additional observations. The question to which my attention is thus called is simply this:—A creditor of a bankrupt estate, which is either under the ordinary jurisdiction of, or has been sent to be wound up by this Court, being declared entitled to a dividend on the amount of his debt, or anticipates that he will be so, and being himself indebted to other parties, gives to one or more of his creditors orders on the official assignee or the official liquidator for the payment of certain sums out of the moneys to which he is or shall be so entitled, and it is said that the service of these orders on the official assignee, or official liquidator imposes a duty on these officers which they must attend to at their peril. Now, in my opinion, neither in the case of an official assignee or of an official liquidator is any such duty imposed on them, and I conceive that the adoption of any such principle would be attended with the most injurious consequences to the due discharge of their legitimate duties, namely, the due administration of the estates placed under the jurisdiction of this Court. As to the official assignee, it is perfectly established that he is merely a ministerial officer of this Court, acting under and bound by its directions and the General Orders of the Court, and only responsible to the Court for what he does in discharge of his duties. By sec. 59 of the Act under which he is appointed, he shall be subject to such rules, and act in such manner, and perform such duties as may from time to time be directed by any General Order of the Court. By sec. 65, no official assignee shall be personally liable in respect of his receipt in his official capacity of any moneys, provided he shall not have dealt with the same otherwise than as directed by the Court, or required by the Act, or any order made in pursuance of this Act. By sec. 66, if an official assignee is made defendant in any action in respect of such moneys, a Judge of the Court in which such action is brought may, on an affidavit of the facts, stay or set aside the proceedings in such action so far as the assignee is concerned. By sec 277, the Assignees shall be subject to the orders of the Court in their conduct as Assignees. By sec. 284, if persons discharged out of court without an adjudication being made by the Court, all acts done before the discharge by the Assignees acting by authority of the Court, shall be good and valid. And by sec. 293, no action for any dividend shall be brought against any assignee, but if the assignee shall refuse to pay any such dividend, the Court may order payment thereof with interest for the time it shall have been withheld, and may also order the costs of the application." Thus the duties and responsibilities of the official assignees in bankruptcy are clearly defined; and on reference to the General Orders of the Court, it will be found that he is to pay the dividends which shall from time to time be declared, by a check for the exact amount of the dividend so declared, either to the creditor himself, or to any person duly authorized under his hand to receive his dividend cheque, who shall produce such securities, if any, as the creditor exhibited at time of his proof.

It, therefore, is plain that the official assignee can recognize no other parties than those thus pointed out by the General Orders, and unless stopped by an order of the Court, must hand over the dividend cheque to one or other of these parties, and I have no doubt that the Legislature intended to confine his duties to the realizing of the assets of the bankrupt estate, and distribute them among the creditors of that estate, and that it never was intended that he should be embarrassed with any claims or equities affecting the parties entitled to those dividends.

The reasoning of the Judges in the cases of *Boyse* v. *Simpson*, 8 Ir. Law Rep. 523, and *Gilmour* v. *Simpson*, in the Appendix to the same volume, show very clearly this to be the principle which they adopted; for although that case merely decided that a dividend in the hands of an official assignee could not be attached by a garnishee order under the Com. Law Procedure Act, yet the reasoning is applicable to the general question which I am now discussing. It is, however, said that an official liquidator, in the case of a joint stock company in course of being wound up under the jurisdiction of this Court, is in a different position, and subject to greater responsibilities than an official assignee; but whatever other differences may exist between the course of procedure or the principles by which the Court may be governed in cases of winding up of joint stock companies from those in bankruptcy, yet I think that an official liquidator, once appointed by the Court, must be considered in an analogous position to that of an official assignee, and is only subject to the orders of the Court which he is bound to obey and by which he is limited, and that it would militate against the due discharge of his office, and interfere with his proper duties to throw on him any other duties than those prescribed by the rules of court. I was at first inclined to doubt the correctness of this view by a reference to the case of *ex parte* Turner *in re* Warwick and Worcester Railway Company, 2 De Gex Fisher and Jones, in which it appears to have been decided that a sum of money in the hands of the official managers of the company for the payment of a debt due by the company to a creditor might be attached under the garnishee clauses of the Com. Law Proc. Act, but in looking to the report of that case in the 30 L. I., 1861, p. 92, it will be found that it was stated, on the hearing of that application, that the officer of the court refused the common garnishee order, alleging that the judges had refused to grant them against official managers of companies, and the Judge (Willes), who made the Garnishee order in that case, distinctly refused to make any order which could be enforced against the official manager, who, he stated, "was acting under the order of the Court of Chancery," and he gave the order to the judgment creditor only against the company who owed the debt which was sought to be attached, directing that no step should be taken without an application to the Court of Chancery, and the party who obtained it undertook not to act in any way except under the order of the Court of Chancery, and that Court then heard the claim of the parties and distributed the fund according to its own equitable principles and original jurisdiction. I conceive, therefore, that no duty is imposed or ought to be imposed on either the official assignee or official liquidator to decide or act upon claims of this irregular description which are wholly outside of their ordinary duties and of the objects for which they are appointed, and that wherever orders or claims of this description are presented to or made on them, they should inform the parties that they cannot recognize any such demand without an order of this Court; and that unless such order be obtained, the dividends which shall come to their hands for payment of the creditors of the bankrupt estates, will be paid when struck to the parties designated by the General Orders of the Court, and to none others. In saying this, however, I am not to be understood as intimating to them any opinion that they are not bound to give to the party who holds any such orders, direction, or equitable charge, full and reasonable time to apply to this Court for its assistance, which, as I have already said, the Court will be prepared

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and willing to exercise in proper cases. Were it not for the reason I have already stated, I should have disposed of these claims at once without involving them in the expense of a process in Chancery, but under the circumstances of the case I do not feel at liberty now to make any order, and I therefore now simply direct that the liquidator shall suspend the payment of the dividend in his hands struck in favour of Mr. Malley till further order of this Court.

CIRCUIT CASES.

CONNAUGHT CIRCUIT.

MAYO ASSIZES—6th March, 1867.

Reported by OLIVER J. BURKE, Esq., Barrister-at-law.

SIR ROBERT LYNCH BLOSSE *v.* THE MIDLAND GREAT WESTERN RAILWAY COMPANY.

Before CHRISTIAN, J.

Plantation of Timber Alleged to have been Set on Fire by Sparks Issuing from a Passing Engine.

This was an appeal taken by Sir Robert Lynch Blosse from a dismiss of the Chairman of the County of Mayo. The Civil Bill was for £15 damages sustained by the plaintiff by reason of the defendants, as common carriers and owners of the railway carriages plying between the towns of Castlebar and Athlone on the 19th of May last, when passing through the townland of Athnavilla, in said county, negligently and incautiously setting fire to the plantation of the plaintiff, which was then growing on said lands, and thereby damaged and consumed the same, by reason whereof the plaintiff suffered damage, &c.

Evidence was then given in support of the plaintiff's case:—William Ruth, a shepherd, was keeping watch over his flocks when the train came up; before it passed the timber was not on fire; after it passed it was all in a blaze, though neither did he nor did any other witness see the sparks flying from the engine.

Concannon, LL.D., for the plaintiff, cited *Pigot* v. *The Eastern Counties Railway Company*, with a view to show that if sparks issued from the engine it was *prima facie* evidence of negligence. There should have been some method of intercepting flying sparks, so as to prevent timber, hay stacks, and crops along the line from being destroyed. The Court will presume that the plantation, which was safe and sound before the train had passed, and which in a moment after was in flames, must have been set on fire by the passing engine.

Carleton, Q.C., for the defendants—It will be impossible to work railways if this dismiss be reversed. The Court will not presume that it was the engine ignited the plantation, and nobody saw a single spark flying from the chimney.

CHRISTIAN, J., could not, in the absence of evidence, arrive at the conclusion that it was the engine set the timber on fire; and even if it did so appear, the Legislature having sanctioned the use of locomotives, and the locomotives requiring fire to propel them, he was not at all satisfied that sparks flying from the engine (which, perhaps, no mechanical contrivance could intercept), would necessarily imply negligence. There was a very modern case on that subject, the name of which his Lordship did not at that moment remember. It was not, however, necessary that he should consider whether or not the flying of sparks from an engine going at a high velocity implied negligence, inasmuch as there was no evidence here that any sparks did fly. That being so, the dismiss below must be affirmed

Carleton, Q.C., asked for costs, and the expense of his witnesses, which were granted.

Concannon, LL.D., instructed by *Myles Jordan*, appeared for the plaintiff.

Carleton, Q.C., instructed by *W. P. Kirwan*, appeared for the defendants.

NOTICES OF NEW BOOKS.

On Insanity and the Criminal Responsibility of the Insane. By THOMAS MORE MADDEN, M.R.I.A., Licentiate of the College of Physicians in Ireland; Member of the Royal College of Surgeons of England, &c.

The law of lunacy is confessedly in a very unsatisfactory state; and in the *Report of the Capital Punishment Commission*, presented to Parliament last session, we find the necessity for an inquiry into this branch of jurisprudence thus urged:—"There are other questions," observe the commissioners, "of great importance upon which we have taken evidence, viz. :—(1). The propriety of allowing an appeal on matters of fact to a court of law in criminal cases. (2). The mode in which the Crown is advised to exercise the prerogative of mercy by the Home Secretary. (3). *The present state of the law as to the nature and degree of insanity, which is held to relieve the accused from penal responsibility in criminal cases.* It is obvious that these difficult questions are not confined to capital crimes only, but pervade the whole administration of criminal law. They therefore require a more general and comprehensive treatment than the terms of the commission under which we act will admit. We think, therefore, that while we should not be justified in making any recommendation to your Majesty on any of these points, we should fail in our duty did we not humbly solicit your Majesty's attention to them as requiring further investigation."

Although we do not coincide with the writer's views on some of the points he discusses, we must admit that he evinces considerable research on a subject of great difficulty. Dr. Madden enters at some length into the history of the law of lunacy, and gives the opinions of eminent judges on the subject. We need not follow him into this enquiry; the law being clearly pointed out in the reply of the judges to the queries of the Lords, the reply to the 2nd question being in these words:—"That before a plea of insanity should be allowed, undoubted evidence ought to be adduced that the accused was of diseased mind, and that at the time he committed the act he was not conscious of right or wrong." . . "Every person was supposed to know what the law was, and therefore nothing could justify a wrong act, except it was clearly proved the party did not know right from wrong. If that was not satisfactorily proved the accused was liable to punishment." Dr. Madden argues very forcibly against the justice of this law. He says:—"This 'knowledge of right and wrong' which is made the legal proof of criminal responsibility is, perhaps, as fallacious a test of mental sanity as could well be devised. The majority of the inmates of our lunatic asylums have, to a certain extent, the power of distinguishing between right and wrong. For they often adopt precautions and practise concealment when doing what they know to be wrong, clearly showing that they are aware of the impropriety of their conduct, and are anxious to escape its punishment. And yet such patients may in other respects be obviously insane."

The writer, in his pamphlet, objects strongly to the phrase "moral insanity," and proposes that for "medico-legal purposes unsoundness of mind, not including mental deficiency or idiocy, should be divided only into the two classes of general and partial insanity, the latter being the only one in which medical evidence is needed in cases of crime ascribed to insanity." The alterations in the law of lunacy suggested by Dr. Madden are, in the first place, the adoption of a principle of the French penal code, the 64th article of which enacts:—"Il n'y a ni crime ni delit, lorsque le prévenu etait en etât de démence au temps de l'action." A similar law prevails in the State of New York. "No act," says this statute, "done by a person in a state of insanity can be punished as an offence, and no insane person can be tried or sentenced to any punishment for any crime committed in that state."

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Speaking of the present mode of determining the question of insanity, when it is raised in the course of a criminal trial, he observes :—"No rational man would be likely to take the opinion of a jury of grocers, publicans, or tallow chandlers, as to whether his lungs were sound, or his watch in order, in preference to those of a physician or a watchmaker. And yet a question far nicer than either of those, the question of a man's healthy or diseased psychological condition—of all scientific investigations the most delicate and difficult—is, by the laws of England, left to the decision of such persons, assisted by a judge whose knowledge, however extensive it may be in legal matters, is hardly, if at all greater than theirs on any department of medical science."

To meet these difficulties Dr. More Madden suggests that medical "assessors in lunacy should be appointed to fulfil functions analogous to those of the nautical assessors in maritime cases. This would to a great extent do away with the necessity for the examination of numerous witnesses in lunacy cases, save the public time, and would avoid the perplexing contradictions of conflicting professional opinions."

This suggestion has already been fully discussed, and we wish to refer Dr. Madden, and the readers of his pamphlet, to articles contained in a recent number of the *Law Magazine* on the subject of the "Criminal Responsibility of the Insane," and on the proposed remedy of medical assessors. We also direct their attention to a paper on the subject of "Responsibility and Mental Competence," by F. Fitzjames Stephens (barrister), 1864.—*Law Magazine*, Vol. 20 (1865-6). "Court of Enquiry into the Medical Evidence of Crime." A paper by Robert Stuart, Esq., read at the general meeting of the society for the amendment of the law, held on the 22nd of June, 1863.

CORRESPONDENCE.

"THE RECORD OF TITLE ACT."

To THE EDITOR OF "THE IRISH LAW TIMES."

SIR,—Having dealt with that part of the letter of "Leguleius," which is in the nature of a "preamble" to the measure which he would commend to your professional readers, I will now, with your permission, enter upon the discussion of the system which is the subject of his laudatory remarks.

I think I can scarcely be mistaken if I take your correspondent as a high authority upon the subject on which he writes. He has evidently made it his particular study, and I am sure is most competent, from his ability and experience, to become an apologist of the measure. I may say further that one who is so enamoured of the system will, no doubt, be the best authority upon its charms and virtues. First among these, in your correspondent's opinion, is the separate account, as it were, opened in the Record for each Title, so that, in the words of your correspondent, which he has italicized to give them greater importance, "*a search shall disclose all that affects the Estate, and nothing but what does affect the Estate.*" "In these words," he tells us, "are summed up the essence of the Record of Title." We may therefore fairly assume that this peculiarity constitutes its chief attraction. Now, what is the great merit of this plan as contrasted with the present system of Title? In the present system an abstract of Title is presented to the solicitor for purchaser or lender, which contains nothing but what affects the estate to be sold or mortgaged, and this is offered as the true history of the dealings with the lands. To test its accuracy, searches are made in the Registry of Deeds Office, and if the abstract has been accurately prepared, nothing appears upon the search beyond what is found in the abstract, save some few "general charges," which, on being examined, are at once seen not to affect the lands. Your professional readers know that the routine I have mentioned is part of their every-day experience, and that the mountain of difficulties which the advocates of Record of Title speak of are chiefly in their own imagination.

The great simplicity of the Record of Title, which your correspondent seems to attach so much weight to, will just continue so long as the transactions and dealings with the estate remain simple; but once they depart from that simplicity, the Record will become as complicated as the same title would become under the Registry of Deeds system, and will completely baffle unprofessional intelligence to unravel or explain it. Let any one examine the "Model Records" contained in the "Report of the Legal Sub-Committee of the Registration of Title Association," in which, of course, any really knotty and difficult titles are avoided, and he will readily see that the Record of Title may become as difficult to understand as a complicated abstract of title under the old system. In fact, the unfitness of the system for everything but the very simplest transactions is evidenced by the letter of your correspondent; for he meets the objection that it becomes "complicated by trusts and limitations," by saying to the owner of land so objecting, "You are not required to encumber the Record with trusts in any case. The Act merely allows you to do so." This may seem to your correspondent a highly satisfactory answer, but I doubt exceedingly if, to an owner intending matrimony, and desirous to make a provision by settlement for his wife and the children of the marriage, it would be considered equally so. However, it is an admission of a fact which is of the greatest importance in respect to this Record of Title system, namely, that it is *totally unfit for lands, or charges upon lands, which are ever to be put into settlement.* This was the opinion, as Leguleius admits, of one of the ablest real property lawyers we ever had in this country, namely, the late Judge Hargreave, and who would have excluded all trusts from the Record. The landowners, however, as your correspondent states, and who knew their own requirements, very naturally objected to this arrangement, which would have had the effect of destroying one of the greatest advantages of landed, over funded property, namely, its safety as a security for trust purposes. This unsuitability of the Record of Title for property, that is ever to be the subject of settlement (and let any one of experience in title say what property is not so subject in the course of time), is so candidly admitted in the last paragraph of your correspondent's second letter, that it is unnecessary for me to dwell longer on that branch of the subject. The Record of Title, he says, "can *only* claim to facilitate very greatly all transfers, charges, leases, and other usual dealings with property, *which is not in settlement*, or which, being in settlement, is intended to be capable of being sold." If, therefore, you want the property you have settled for the benefit of your children to be kept for them, and not sold, you will, of course, not have it recorded.

The next ground of objection to the Record of Title, and which was very strongly pressed by the Council of the Law Society in their memorial against the measure, is the danger of clothing every act under its provisions with an indefeasible character. This principle of indefeasibility applies to erroneous as well as to correct entries upon the Record. That errors of importance may occur is evident, as in your correspondent's first letter he says :—"An incidental benefit of *no slight importance* is conferred by the existence and powers of the Landed Estates' Court, which is enabled by the Act to correct any *error* that *may happen to be discovered* in the Record of Title." But suppose this error did not "happen to be discovered" until after the mischief had been done, and it had been acted on as an infallible Record, and the property dealt with accordingly, what would be the use of correcting the Record then? In the present system there is no necessity for correcting any mistake of the kind, as the deeds registered in the Registry of Deeds Office have not an indefeasible character, and consequently if the mortgage or judgment of *A* is registered against the estate of *B*, the latter is nothing the worse for it, as it is not a bit more a charge upon his estate on that account. Not so in the Record of Title. There, a similar registry or recording would saddle *B's* estate with an indefeasible charge which may not "happen to be discovered" to be erroneous, until after it has been assigned to a "bona fide" purchaser for value, who, under the Act, must be protected at the expense of the unfortunate owner whose estate is thus erroneously charged.

Another objection felt by many to the Record of Title system is, that once a proprietor puts his estate into it, it is

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practically in the Landed Estates' Court as much as if it were going to be sold. It is subject to the rules and orders of the Court for the Record of Title, and every step taken is liable, should there be any difficulty in it, to be brought before a Judge of the Court for adjudication. In the case of deaths, too, public notices are required, and proceedings have to be taken, which are quite unnecessary and unknown in ordinary dealings with real estate, so that if a recorded owner really appreciates his position, he must have the uncomfortable consciousness that he is always a suitor "*in Court*."

Admittedly there have been comparatively few purchases recorded, but how are we to account for even those few having been put on the record? Simply by the exceedingly unfair clause in the Act which declares every purchase in the Landed Estates' Court recorded unless the purchaser shall, *within seven days* from the date of his conveyance, protest against being put on the Record. There could not be stronger proof of the infirmity of the whole system, and the consciousness of the promoters of such infirmity, than the insertion in the statute of this trap to catch purchasers. If they could trust to the merits of the system why not leave it to those who desire to be recorded to say so. Your correspondent's second letter contains, it seems to me, an exceedingly unfair charge against solicitors in respect to this matter, and one which it is very easy to displace. He says that when purchasers intend to record their estates they take out duplicate conveyances, and hence that the fact of about one hundred duplicate conveyances having been taken out, is "incontrovertible evidence" of a deliberate intention on the part of purchasers to take advantage of the Act. The insinuation here is evidently that purchasers so intending have been dissuaded by their solicitors, who ought, in that case, your correspondent reprovingly tells us, to supply their clients with well-defined, tangible objections against the system. Now the fact is perfectly well known to every solicitor of experience that duplicate conveyances were frequently taken out of the Landed Estates' Court before the Record of Title had existence, being required for various purposes, but most commonly to hand to a mortgagee who may be lending part of the amount with which the estate is purchased. So much for your correspondent's "incontrovertible evidence." As to the insinuation that solicitors, who advise their clients against recording, do not give well-defined, tangible reasons for such advice, I can only say that it is a gratuitous assumption on the part of your correspondent, for which I am not aware of any foundation. May I not as justly say that those who advise their clients to record, should give equally good reasons for that advice. The truth is, that many of the cases recorded are put upon the Record because the solicitor for the purchaser, not having looked into the question, hesitates to pass an opinion *pro* or *con*, and meantime the client is recorded by operation of the trap clause I have referred to. With the assistance of this very ingenious contrivance, I have no doubt that for some time to come there will be occasional purchasers caught and caged in the Record of Title, but I do not believe that a system of registry of real property, which admittedly fails when applied to trusts and limitations, and which is unequal to transactions of a complicated nature, while it is dangerous in those of a more simple character, will ever be accepted by the Jolicitors of Ireland, the friendly recommendations of your clever correspondent notwithstanding.

I remain, Sir, your obedient Servant,
HENRY T. DIX.

THE LAW STUDENTS' JOURNAL.

THE INCORPORATED LAW SOCIETY.

The preliminary examination, pursuant to the Attorneys' and Solicitors' Act (Ireland), 1866, for Easter Term, of candidates, seeking to be bound apprentices, commenced yesterday morning at 11 o'clock, in the Solicitors' Hall. Eighteen candidates presented themselves, four of whom had been postponed at former examinations.

The candidates received printed papers of questions in history, geography, arithmetic, and book-keeping, to which they were expected to give written answers.

The examination closed for the day at half-past 3 o'clock, and will be resumed on this (Saturday) morning, when the candidates will be examined in writing from dictation, composition, and *vivâ voce* in Latin.

Candidates are to attend at 2 o'clock on Wednesday, 17th inst., to hear decision of Court of Examiners.

FINAL EXAMINATION.

The final examination of candidates seeking admission as attorneys will be held at the Solicitors' Hall on Monday, the 15th, and Tuesday, the 16th inst., commencing each day at 11 o'clock.

Seven gentlemen have applied for liberty to present themselves at the examination. Candidates will on the first day receive printed papers of questions on common law, real property, and equity, to which they will be expected to give answers in writing, and on the second day will be examined *vivâ voce* in the practice of the Court of Chancery, the practice of the Common Law Courts, Landed Estates' Court, and Probate Court, Bankruptcy and Insolvency, and Conveyancing.

Candidates to attend at 2 o'clock on Wednesday, 17th inst., to hear decision of Court of Examiners.

EASTER SESSION, 1867.

LEGAL EDUCATION.

NOTICE.

William Hickson, Esq., Professor of Law for the Profession of Attorneys and Solicitors, will deliver his First Lecture for this Session, in the Solicitors' Hall, Four Courts, on Tuesday, the 16th April instant, at twenty minutes before ten o'clock, a.m., of said day.

The Second Lecture will be delivered on Tuesday, the 18th inst., at same hour, instead of on Friday (being Good Friday); and the Third Lecture will be delivered on Wednesday, the 24th inst., at same hour.

The rest of the Lectures will be delivered on Tuesdays and Fridays, as usual, at same hour.

The course will consist of eighteen lectures.

By Order,
JOHN H. GODDARD,
Secretary.

Solicitors' Hall, Four Courts, Dublin.
9th April, 1867.

The Professor of Law will use the same Book for lectures, viz., *Haynes' Outlines of Equity*, Second Edition.

THE COURTS, AND COURT PAPERS.

EASTER RECESS, 1867.

SUPERIOR COURTS OF COMMON LAW.

NOTICE.

The offices of the Three Superior Courts of Common Law will be closed on Friday, Saturday, Monday, and Tuesday, the 19th, 20th, 22nd, and 23rd instant, pursuant to the statute.

LANDED ESTATES' COURT.

Sittings for the ensuing week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Assignees of W. Wilson, biddings. B. Kernaghan, do. T. S. Cave, from 9th March. Mary C. Condon, from 18th March. John Delany, re-enter notice. Patrick M'Kenna, from 12th March. Daniel O'Hara, from 9th March. Charles Barnewall, verify objections (2 motions). P. C. Lynch, reconsider objections. Robert Sargint, schedule. James Credin, do. James B. Kennedy, do. Frances Maria Butler, rental. P. C. Lynch, transfer stock. James Gilmour, rental. Lucy M'Nulty, set aside sale. Joseph Lipsett, examine witnesses. Carrickfergus Commissioners, proposals.

Before the EXAMINER.

Bernard Kelly, rental. Sophia Keane, do. Joseph Buckley, do.

Before JUDGE LYNCH.

J. Canning, explain delay. Sir R. Griffith, confirm sale. C. S. Courtney, from 16th March. John Gray and another,

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as to carriage. Lord Valentia, from 18th March. Thomas Feeny, from 18th March. John Keon, make order absolute. John Reddan, final schedule. W. H. Hull, explain delay. Assignees of Scott, provisional credit. C. Wilson and another, do. J. C. L. Bucknall, explain delay. A. Burke, payment. A. M. Aarouson, allocation. P. Stanford, make consent rule of court.

Before Mr. Urlin.

P. Murray and others, rental. E. R. Carolin, do.

Tuesday—Before Judge Dobbs.

Margaret Connell, biddings. Charles Barnewall, from 1st March. Joseph Lipsett, from 16th March. Trustees of Mary Jennings, apportion rent. George Irwin, payment. Anne Lodge, allocation. Daniel Conner, make order absolute. Bernard Kelly, objections. John Stafford, transfer carriage.

Before the Examiner.

John Bournes, rental. Trustees of Charles Smith, do. Assignees of Edward Thornton and another, do. W. Brohpy, explain delay.

Before Judge Lynch.

SALES AT TWELVE O'CLOCK.

Robert Keays, 9 lots, Limerick, fee farm, profit rent, £387 8s. 4d. Solicitor having the carriage of sale, *T. Barington*.

L. D'Andrè and another, 3 lots, County Dublin, fee farm, profit rent, £244. Solicitor, *James Campbell*.

A. Donaldson, 4 lots, County Armagh, fee farm and leases, profit rent, 110 14s. 3d. Solicitor, *John Ruckley*.

Mary Anne Mersh, 1 lot, City Dublin, long term, estimated profit rent, £40. Solicitor, *M. C. Russell*.

C. S. B. Withers, 1 lot, Limerick, lives renewable, profit rent, £65 10s. 5d. Solicitor, *John Lawless*.

Rev. J. H. N. Thomas, 3 lots, Queen's County and Dublin, fee farm rent, profit rent, £68 19s. 10d. Solicitor, *J. M. Williamson*.

C. F. Allnatt, 5 lots, City of Dublin, long leases, profit rent, £330. Solicitors, *Cathcart and Hemphill*.

W. R. Farmar, 8 lots, Wexford, in fee, profit rent, £1,002 13s. 6d. Solicitor, *George Bernard*.

Before Mr. Urlin.

P. C. Lynch, rental.

Wednesday—Before Judge Lynch.

R. D. Spedding, final schedule. E. M. Carolin, do. J. B. Falvey, do. J. T. Menham, do. Sir J. C. J. Fitzgerald, do. W. Parsons and others, do. G. R. Jones, do. Nicholas Kilroy, do.

Before the Examiner.

Percy Smyth, rental. Michael Lynch, do. W. S. Brinkley and another, do. J. Chambers, do. J. Lynch and another, do.

Before the Examiner to Judge Dobbs.

J. H. C. Smith, rental. Jane Bashford, do. T. S. Cave, do.

Before Mr. Urlin.

M. Mullaly, settle rental.

Thursday—Before Judge Dobbs.

Right Rev. Daniel M'Gettigan, executor of Mary Macklen, deceased, schedule. Thomas O'Brien, disallow cause.

Before the Examiner.

Edward J. Bor, rental. Elizabeth Jones, do. Trustees of E. J. Croker, do. Edmond Burke and others, do.

Before Judge Lynch.

A. H. Slator, liberty to bid. C. S. Courtenay, objection. C. M. Wilson, do.

SALES at 12 o'clock.

T. Mackie, Wexford. Solicitors having carriage of sale, *H. and J. Watson*.

S. W. Ward, 1 lot, the Royal Hotel, Mallow, profit rent, £248. Solicitor having carriage of sale, *Terence O'Reilly*.

Notice.

The Judges of this Court will not sit after this date until Wednesday, the 24th instant. The several offices of the Court will also be closed during the same period.

LANDED ESTATES' COURT.

PETITIONS FILED, *from* 6th *to* 12th *April*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
April 8	3791	Trustees of Wm. Wilson Campbell, deceased	*The Owners*	Wexford and Londonderry	1204 2 6½	*Crookshank, Bros., and Knox*	Dobbs
„	3792	Stephen Ram and Stephen James Ram	*The Owners*	Wexford	97 14 3½	*Woodroofe & Hogan*	Lynch
„ 9	3793	James Conaloag	*John Ramsay*	Donegal	*Not given*	*Hugh Lane*	Dobbs
„	3794	Sophia Hannan, *by A. Crookshank, her next friend*	*The Owner*	Dublin	43 12 8	*W. C. Hogan and Sons*	Lynch
„ 11	3795	Pierce Creagh and others	*Pierce Creagh and Sarah Creagh*	City of Limerick	158 10 5	*John O'Donel*	Dobbs
„	3796	David Jackson and another	*Joseph Murphy*	Monaghan	*Not known*	*John Buckley*	Lynch
„	3797	Morgue O'Connor, Trustee for Sale of Stephen O'Connor, deceased.	*The Owner*	Dublin	39 10 0	*W. H. Brownrigg*	Dobbs
„ 12	3798	Trustees of Will of Robert Hill, deceased	*Samuel Hill*	Antrim	64 2 0	*James Torrens*	Lynch

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before the COURT.		
April 15	1 o'clock	Wilson and Beare	Motion	*Kelly*
"	"	Arrangement case	Charge and discharge	*Daniel*
"	"	do.	First sitting	*Murray*
		Before Mr. BRADY, Chief Registrar.		
"	12 o'clock	Thomas Berry	Proof of debts and vouch account	*Larkin*
"	"	J. W. Reilly	do. do.	*Larkin*
"	"	Jas. O'Reilly	do. do.	*Batt*
"	"	Jas. Weir	Reference	*Johns, Hewitt & Johns*
"	"	M'Creesh,	Costs	*Larkin*
		Tuesday. Before the COURT.		
April 16	11 o'clock	Bagnalstown and Wexford Railway Company	Charge and discharge	*Findlater & Collins*
"	"	Samuel Pickering	Final Examination	*Larkin*
"	"	Greene and King	do.	———
"	"	J. W. Reilly,	do.	*Larkin*
"	"	Thomas Reynolds	do.	*Molloy.*
"	"	John F. Clarke	do.	*Mulhall*
"	"	H. M. Beck	do.	*Meldon*
"	"	John Heenan	Audit and dividend	*Hamilton & Craig*
"	"	John Shortess	do.	*Stone*
"	"	Thomas M'Hale	do.	*Meldon*
"	"	P. W. Power	do.	*Scallan*
"	"	Wm. Robertson	do.	*Kelly*
"	"	Joseph Clarkin	do.	*Neilson*
"	"	Thomas Hannegan	Audit mortgagee's account	*Leachman*
"	"	Mathew Drysdale	Final examination	*Findlater & Collins*
"	"	Arrangement case	First sitting	*M'Govern*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Larkin*
"	"	John Donnelly	Confirm sale	*Hughes*
"	"	Bagnalstown and Wexford Railway Company	Examine witnesses	*Falkiner & Hone*
		Before Mr. BRADY, Chief Registrar.		
"	12 o'clock	Arrangement case	Costs	*Keogh*
"	"	Samuel Lilburn	do.	*M'Cully*
		Wednesday. Before the COURT.		
April 17	11 o'clock	Arrangement case	Charge and discharge	*Benner*
"	"	do.	Second sitting	*Neilson*
"	"	James Bracken	Charge and discharge	*Larkin*
"	"	———	Trader debtor summons	*Leachman*
		Thursday. Before Mr. BRADY, Chief Registrar.		
April 18	12 o'clock	Arrangement case	Proof of debts and vouch account	*Molloy & Watson*
"	"	John Darcy	do. do.	*Horgan*
"	"	Samuel Lilburn	do. do.	*M'Cully*
"	"	John Boland	do. do.	*Roe*
"	"	Thomas Weir	do. do.	*Johns, Hewitt, & Johns*
"	"	H. M. Beck	do. do.	*Meldon*
"	"	Arrangement case	do. do.	*Perry*

April 19 Good Friday. April 20 Easter Saturday

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE
April 9th,	Thompson, Jas., of Monaghan, spirit dealer,	1st and final dividend of 7s. 8¾d. in the £ on £201.	*C. H. James.*
April 12th,	Healy, James, of Youghal, co. Cork, pawnbroker,	1st and final dividend of 4s. 4½d. in the £ on £684.	*Lucius H. Deering.*
"	Kirkman, G. F., of Dublin, Italian warehouseman and grocer,	1st and final dividend of 1s. 6¾d. in the £ on £840.	*Lucius H. Deering.*

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TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
9th April	Callanan, Michael, of Abbey-st., Cork, grocer and spirit dealer	Saml. Newsom, of Cork, merchant	*Larkin.*
„	Groarke, Thomas, of Swineford, co. Mayo, draper	William Abbott Woods, of Sligo, merchant	*Molloy & Watson.*
12th „	Nealon, Thomas W., of Ballina, co. Mayo, woollendraper	Thomas Vance, Dublin, merchant	*Meldon.*
„	Humphrey, Robert, of Queen's-quay, Belfast, coal merchant	George Whiteside, Belfast, merchant	*Armstrong.*

BANKRUPTS.

Curran, Michael, of Cappoquin, in the county of Waterford, draper. Petition of bankruptcy filed April 6, 1867. To sur. Friday, April 26, and Tuesday, May 14. L. H. Deering, Official Assignee. *Findlater and Collins*, Solrs.

Clements, Robert, of Beragh, county of Tyrone, grocer and publican. Petition for arrangement filed Feb. 7, 1867. To sur. Friday, April 26, and Tuesday, May 14. C. H. James, Official Assignee. *T. C. Dickie*, Solr.

Hayes, Michael, of William-street, city of Limerick, ironmonger. Petition of bankruptcy filed April 2, 1867. To sur. Tuesday, April 30, and Tuesday, May 14. L. H. Deering, Official Assignee. *Meldon and Son*, Sols.

Kennedy, James Birch, of Dame-street, city of Dublin, money and bill broker. Petition of bankruptcy filed April 4, 1867. To sur. Friday, April 26, and Tuesday, May 14. L. H. Deering, Official Assignee. *D. O'Callaghan*, Solr.

Marshall, John, of Charlemont Mall, city of Dublin, commission agent. Petition of bankruptcy filed April 4, 1867. To sur. Friday, April 26, and Friday, May 10. L. H. Deering, Official Assignee. *Batt*, Solr.

Molony, Edmond, of Ennis, in the county of Clare, shopkeeper, chandler. Petition of bankruptcy filed March 30, 1867. To sur. Friday, April 26, and Tuesday, May 14. L. H. Deering, Official Assignee. *Molloy and Watson*, Solrs.

Sidley, Joseph William, of No. 26, George-street, in city of Limerick, jeweller and shopkeeper. Petition of bankruptcy filed March 26, 1867. To sur. Friday, April 26, and Friday, May 10. L. H. Deering, Official Assignee. *Rosenthal*, Solr.

Certificates Allowed,

Unless appeal filed within 30 days from date.

MARCH 26.

Hennessy, John Collins, of Grace Dieu or Gibbet Hill, county of Waterford, wine merchant, a bankrupt. *Cronhelm* and *Lett*, Solrs.

APRIL 5.

Bell, William, of Bailieborough, county of Cavan, corn and flax miller, formerly of Bellmount, and afterwards of Gortalowry, both in county Tyrone, a bankrupt. *Lynch*, Solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before MR. FARRELL, Chief Clerk.		
April 15	12 o'clock	Peter Neill	To prove debts	*Henegan*
„	„	James Campbell	do.	*Macnally*
„	„	Jeremiah M'Carthy	do.	*Macnally*
„	1 o'clock	George Bashford	do.	*Macnally*
„	„	Eliza Brien	do.	*Macnally*
		Tuesday.		
April 16	12 o'clock	John Maturin	To tax costs	*Macnally*
„	„	Edward Williams	do.	*Macnally*
„	„	Gerald Kelly	To prove debts	*Macnally*
		Wednesday. Before the COURT.		
April 17	11 o'clock	John Maturin	Audit and dividend	*Macnally*
„	„	Edward Williams	do.	*Macnally*
„	„	Æneas M'Donnell Byrne	Hearing of petition	*Graves*
„	„	Charles Howard	do.	*Hughes*
„	„	James John Gaskin	Adjourned hearing	*Rynd*
„	„	Andrew Lawson	do.	*Graves*
		N.B.—Friday, April 19th (being Good Friday) the COURT will not sit.		

INSOLVENTS DISCHARGED ON BAIL until the day for Hearing their petitions.

Connolly, James, co. Carlow, farmer and contractor.

Cunningham, William, Cork, cabinetmaker.

M'Kenna, John, Queenstown, Cork, outfitter.

CASE DISPOSED OF.

In Dublin.

Wednesday, April 10, 1867.

Before JUDGE BERWICK.

Le Toler, Thomas Henry. Discharged.

INSOLVENTS.

To be heard in Dublin.

Nuel, Emanuel, of Eden-quay, city of Dublin, watchmaker. Hearing at Four Courts, Wednesday, April 24. *Eyre*, Solr.

To be heard in the Country.

Cunningham, William, of Duncan-street, city of Cork, cabinetmaker. Hearing at Cork, Monday, July 8, at 10. *Drinan*, Solr.

PETITION OF INSOLVENCY FILED.

April 11, 1867.

By Murphy, John, of Baltinglass, co. of Wicklow, shopkeeper; trading under the name and firm of "J. and J. Murphy;" a prisoner in the gaol of Wicklow. *Duff*, Solr.

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BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BEAUMONT—On the 28th Feb., at George Town, Demerara, the wife of the Hon. Joseph Beaumont, Chief Justice of British Guinea, of a daughter.

DEATHS.

DWYER—April 10, at No. 9, Grenville-street, in the 7th year of her age, Louise Conway Dwyer, the beloved child of F. Dwyer, Esq., barrister-at-law.

Just Published, Price SIXPENCE—by Post, SEVENPENCE.

THIRD EDITION,

THE AUDITOR'S ADDRESS to the COLLEGE HISTORICAL SOCIETY with the SPEECHES of Professor WEBB, F.T.C.D., LL.D.; Lord Chief Justice WHITESIDE; and the Right Hon. Justice KEOGH.

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AFTERNOON LECTURES
ON
LITERATURE AND ART.

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EDMOND T. BEWLEY, Esq.

Honorary Secretaries:

R. DENNY URLIN. | R. H. MARTLEY.

The Lectures for 1867, will be given at 4 o'clock precisely, on the under-mentioned days, in the Theatre of the Museum, S. Stephen's-green.

Wednesday, 21th April.
The Influence of the Celt on English Literature. By HENRY MORLEY, Professor of English Literature, Univ. Coll., London.

Wednesday, 1st May.
The Life of George Petrie, LL.D., in reference to his Artistic and Archæological Labours. By WILLIAM STOKES, M.D., D.C.L., &c.

Wednesday, 8th May.
Wordsworth, Tennyson, and Robert Browning. By EDWARD DOWDEN.

Wednesday, 15th May.
The Play of Romeo and Juliet. By REV. EDWARD WHATELY, M.A., Chancellor of S. Patrick's.

Wednesday, 22nd May.
The Spanish Drama in the 16th and 17th Centuries. By DENIS FLORENCE M'CARTHY, M.R.I.A.

Wednesday, 29th May.
The Public Records of Ireland. By J. T. GILBERT, F.S.A., M.R.I.A.

Tickets may be obtained of WILLIAM McGEE, Bookseller, 18, Nassau-street:—Family Tickets, to admit three to the Course, Ten Shilling; and Tickets to admit one to the Course, Five Shillings each.

MR. BUTT'S TRACTS on LAND TENURE in IRELAND.

I.—**The Irish People and the Irish Land;** a Letter to Lord Lifford; with Remarks on the Publications of Lord Dufferin and Lord Rosse. 8vo, cloth, boards, 5s.

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III.—**Fixity of Tenure;** Heads of a Suggested Legislative Enactment; with Introduction and Notes. Second Edition. Price, 6d. by Post, 7d.

IV.—**The Irish Querist;** a Series of Questions Proposed for the Consideration of all who desire to Solve the Problem of Ireland's Social Condition. Price 6d.—by Post, 7d.

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IRELAND: Her Present Condition; Its Causes, and Its Remedies. Price 1s.—by Post, 1s. 2d.
DUBLIN: JOHN FALCONER, 53, UPPER SACKVILLE-STREET.
LONDON: W. RIDGWAY, PICCADILLY.

FACTS OR FICTIONS.

SEVEN LETTERS ON THE
"Facts Concerning the Irish Church,"
PUBLISHED BY THE CHURCH INSTITUTION.
BY
W. MAZIERE BRADY, D.D.

J. FALCONER, 53, UPPER SACKVILLE-STREET, DUBLIN.

IN CHANCERY.

Columbus Drake, Petitioner;
Dudley Brennan and others, Respondents.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

PURSUANT to the Decretal Orders made in this Matter, bearing date respectively the 29th day of June, 1865, and 12th May, 1866, I will, on THURSDAY, the 3rd day of MAY next, at the hour of One o'clock in the afternoon of said day at my Court, Four Courts, Inn's-quay, in the City of Dublin, SET UP and SELL BY PUBLIC AUCTION, to the highest and best bidder, all the Estate and Interest of MICHAEL BRENNAN, deceased, and of PATRICK BRENNAN, his eldest son and heir-at-law, also deceased, of and in all that and those the Concerns, formerly called Saint Francis' Abbey Distillery, with the Malthouse, Stores, Brewhouse, Forge, Stables, Garden, Yard, and Water Courses thereunto belonging, together with the Distillery and other Utensils, Vessels, and Implements, mentioned in a Schedule annexed to an under-lease of said Premises, from Michael Brennan, deceased, to Edmond Smithwick, Esq., dated the 25th day of April, 1827; and also all that and those the Dwelling-house, Alehouse, Brewery, and Malthouse Stores, Stables, Offices, Gardens adjoining, together with that part of said Brewery Concerns adjoining to, and formerly part of Coals-yard of said Brewery, called in the under-lease the Coal-yard, all which Premises are now held by said Edmond Smithwick, under two leases., one thereof from Michael Brennan, deceased, to Edmond Smithwick, dated 25th April, 1827, and the other from Patrick Brennan, deceased, to said Edmond Smithwick, dated 12th August, 1833, for the respective terms of 999 years, as set out in the Rental of said Premises, and are now known as Saint Francis' Abbey Brewery, and are situate in the City of Kilkenny, or a competent part thereof, for the purposes in said Decretal orders mentioned.

Dated this 21st day of January, 1867.

EDWARD LITTON.

These premises are held under two distinct leases, for lives renewable for ever, one of them dated the 5th of July, 1753, from William Archbold, and Anne, his, wife, to Ambrose Evans, and the other of said leases, dated 21st July, 1780, from the Rev. George Evans, to Edward Evans, which has been converted into a fee-farm grant. The entire premises now produce a profit rent of £252 8s. 4d., as more particularly set out in the rental thereof. The present tenant has expended several thousand pounds on permanent improvements on the premises, which are now in perfect order, and amongst the most thriving establishments in the south of Ireland.

To small capitalists, whose object is a well-secured income, with a safe and adequate return for capital, these premises offer an investment rarely to be met with.

For Rentals and further particulars application to be made to
HENRY THOMAS DIX, Esq., Solicitor for Respondents, BRENNANS, No. 9, Upper Gardiner-street;
Messrs. CHARLES GAUSSEN & SON, No. 12, Gardiner's-place;
HENRY FALLS, Esq., No. 7, Lower Dominick-street;
RICHARD BAILLIE, Esq., No. 116, Lower Baggot-street, Solicitor for Creditors; or to
ANDREW CHRISTOPHER PALLES, Solicitor for Petitioner, having Carriage of Sale, No. 12, Belvidere-place, Dublin; or to
JOHN M'CREERY, Esq., Larch Hill, Kilkenny, the Receiver.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Christopher Nolan**, of 47, Mary's-lane, in the City of Dublin, Grocer, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on WEDNESDAY, the 24th day of APRIL, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on TUESDAY, the 14th day of MAY, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make *a Dividend of the Bankrupt's Estate* in this Matter, whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 8th day of APRIL, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Edmond Molony**, of Ennis, in the County of Clare, Shopkeeper and Chandler, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 26th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts and choice of an Assignee* in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 6th day of April, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agent to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **John Marshall**, of Charlemont Mall, in the City of Dublin, Commission Agent, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 26th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and choice of an Assignee* in this Matter, of which Sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 9th day of April, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

WM. HOLMES BATT, Agent to the Bankruptcy, No. 50, Fleet-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Laurence Kelly**, of Tullow-street, Carlow, in the County of Carlow, Grocer and Spirit Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 26th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 6th day of April, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **John Adam Malet**, of Trinity College, Dublin, and of Willow Bank, Monkstown, in the County of Dublin, late Saw Mills Proprietor, and Picture Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 26th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 10th day of April, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **James Daniel O'Rourke**, of No. 13, High-street, in the City of Dublin, Vintner, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 26th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 9th day of April, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

STATUTORY NOTICE.

In the Goods of **Sarah Atkinson**, late of 46, Upper Mount-street, in the City of Dublin, Widow, deceased.

NOTICE is hereby Given, that pursuant to the Statute made and passed in the 22nd and 23rd years of the Reign of Her Majesty, Queen Victoria, chapter 35, entitled "An Act Further to Amend the Law of Property, and to Relieve Trustees." All persons claiming to be Creditors, or to have any claims or demands against the above-named deceased - who died at No. 46, Upper Mount-street, in the City of Dublin, on the 13th day of January, 1867—are hereby required, on or before the 1st July next, to furnish the particulars of such claims, in writing, to Messrs. READ & CRAWFORD, at No. 35, Dame-street, Dublin, Solicitors for GEORGE O'GRADY, Esq., the Executor of the Will of said Sarah Atkinson, to whom Probate thereof was granted forth of the Principal Registry of Her Majesty's Court of Probate, in Ireland, on the 2nd day of April, 1867. And Take Notice, that after the said 1st July, 1867, the said Executor will proceed to distribute the Assets of the said deceased, according to the rights of the parties interested, and having regard only to the claims of which he, the said Executor, or his Solicitor, shall have Notice.

Dated this 12th day of April, 1867.

READ & CRAWFORD, Solicitors for the said Executor, No. 35, Dame-street, Dublin.

GENTLEMEN prepared, in the Evening, for the Preliminary Examination of Apprentices, by a Graduate of T.C.D., on Moderate Terms. Address, "Exam.," Office of IRISH LAW TIMES, 53, Upper Sackville-street, Dublin.

TO SOLICITORS and OTHERS.—A Salary of One Hundred Pounds will be given to a Gentleman competent to conduct the general business of a Solicitor's Office. Apply, by Letter, to X. Y., Office of "Irish Law Times."

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, April* 13, 1867.

THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 12.] SATURDAY, APRIL 20, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

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THE IRISH LAW TIMES.

DUBLIN, APRIL 20, 1867.

A CORRESPONDENT, in our publication of the 6th inst., drew attention to a very important subject, and one which was sometime since deemed worthy of being made the theme for a leader in *The Times*—namely, the amalgamation of the two legal professions. While desirous to open our columns to the expression of every shade of opinion upon topics of common interest we feel bound in this matter to express our entire dissent from the opinion of our correspondent. We do not believe that any benefit would accrue from such an amalgamation of the professions, whose separate existence is the result of convenience in the administration of the law. There can be no doubt that originally there was no division of the legal profession, and that the "attorney" was the delegate of his client in Court as the advocate, as well as in the other duties which now more particularly belong to that profession; but as the difficulties of advocacy increased, and the learning and study necessary for its efficient discharge became more exacting, it was found impossible any longer to combine the two classes of duties. It would, however, be a great mistake to suppose that because one of the branches into which the profession of a lawyer became thus divided requires deeper learning and has more *eclat* associated with it, therefore the functions of the other branch are unimportant, and require neither education nor ability; on the contrary, we believe that there is every occasion for the exercise of both, in the profession of a solicitor; and we do not hesitate to say that there is no profession in which a good liberal education is more serviceable, not only to the members of it but to the public, whose interests are confided to them. We deny, that there is anything either arbitrary or unreasonable in the distinction between the two legal professions, and we are quite at a loss to understand how any really practical man can be of any other opinion. Will any solicitor in full practice hesitate to admit that his professional avocations totally preclude his entering upon anything like a deep course of legal study, and prevent his becoming familiar with the current decisions of the day, yet without the information thus to be acquired how is it possible for him to do justice to his client as an advocate in Court, unless his opponent be as ignorant as himself? True, he may be gifted with fluency of speech, or readiness of reply; but these qualifications are but poor substitutes for a thorough knowledge of the principles of law in all their

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technicalities and refinements, and an acquaintance with the ever-multiplying decisions which govern its administration.

It is true, that in the United States, and also in some of our own colonies, there is but one legal profession, but practically there is there the same division of labour which separates it into two branches at home; and while one partner of a legal firm manages the conveyancing and office business, the other devotes himself entirely to Court practice and the duties of an advocate. Our correspondent speaks of the disadvantages of the present system by which the instructions received directly by the attorney from the client have to be "distilled through another brain" than that to which they are just communicated. We believe, on the contrary, that experience confirms the utility of this very system of "distillation" (which, however, takes place in the brain of the solicitor and not in the brain of the barrister), and that the interests of the suitor benefit materially by the process. There is no part of the responsible duty of a solicitor in which there is greater room for judgment and intelligence than in instructing counsel. The materials for that purpose, as he receives them from his client, are often crude and confused, crowded with facts of no value, incumbered with statements totally irrelevant to the real issue. It is for his acumen and experience to disentangle these confused materials, to disembarrass the case of what is useless, and by a careful and methodical *arrangement* of the data so received to present the matter to counsel in such a way as to make his advocacy most available. We remember, a few years ago, an old gentleman, who had much experience as a suitor, advising a friend who was about to enter upon legal proceedings, above all things to take care who was his attorney; for he added—"My experience tells me that in legal proceedings the best part of the battle is fought in the attorney's office." We have every reason to believe that he was right in that opinion, and that all the learning and eloquence of the Irish Bar could not save a case in which the attorney's part of the work was negligently or ignorantly performed.

When so much admittedly depends upon the attorney —on his talent, his experience, and his integrity—we cannot for a moment assent to the opinion put forward by our correspondent, that the present system is degrading to the profession. It certainly throws upon the attorney important and responsible duties, in the faithful discharge of which he has not the encouragement of public applause, but we feel very sure that there are many who can work well and zealously without that stimulus, however agreeable it may be to receive it. Solicitors have to learn a lesson in the practice of their profession which many out of it might equally profit by, namely, that duty should have some higher motive for its performance than public acknowledgment. Every day's experience brings them into that trial of principle which arises from a conflict of their own interests with those of their clients; when to advise one course is more profitable, and to advise the other is more honest. Beyond the general effect of a good character, the solicitor passes through such crucial ordeals as this unnoticed and uncommended; but we do not believe that, in the judgment of those whose opinion is worth having, his path is less honourable because less brilliant and distinguished than that of the other legal profession. That he has far more confided to him, and that he is placed in a position far more trying to principle, must be admitted; and we think, therefore, that so far as he discharges the duties of his profession faithfully, he is entitled to as much honour and respect as those who have never been placed in a position of such responsibility.

We need scarcely say that we do not mean to disparage the profession of the Bar by these observations. Far from it. On the contrary, we desire to uphold its rightful dignity, and rejoice at whatever is calculated to elevate the tone of that profession to a standard worthy of the great names that have shed a lustre upon its ranks; but we desire clearly and plainly to repudiate the opinion that the present relation of the Bar to the Attornies of Ireland is in any way degrading to the latter body, as our correspondent seems to think.

Reason, convenience, and utility originally led to the present division of the legal professions in this country, and will, we have no doubt, in time effect a similar separation in the colonies and the United States. For our part we should be sorry to see a division of labour abolished which has worked so well for the administration of the law in this country, and the character of both branches of the legal profession. We neither desire to see the barrister encroach on the practical and responsible duties of the solicitor, nor the solicitor encroach on the functions of the more learned legal profession.

CURRENT TOPICS.

THE RIGHT HON. FRANCIS BLACKBURNE.

A meeting of the Bar was held on Wednesday, at three o'clock, in the Library of the Four Courts, for the purpose of taking measures to present an address from the Bar to the Right Hon. Francis Blackburne, late Lord Chancellor of Ireland.

The chair was occupied by Mr. Henderson, Q.C.

The Solicitor-General moved that an address be presented to Mr. Blackburne, of whom he spoke in the most complimentary terms.

The Rt. Hon. James Lawson, Q.C., M.P., seconded the resolution, and paid a warm tribute to the merits of the right hon. gentleman.

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The resolution was unanimously agreed to.

Mr. Pennefather, Q.C., then moved the appointment of a committee to prepare the address, to be submitted to a future meeting of the Bar.

Mr. Heron, Q.C., seconded the resolution, which was also adopted unanimously.

The following are the names of the committee:—The Attorney-General, the Solicitor-General, Mr. Lawson, Q.C., M.P.; Sir Colman O'Loghlen, Q.C., M.P.; Mr. Sherlock, Q.C.; Mr. Leslie, Q.C.; the Hon. David Plunket; and Mr. G. Fitzgibbon.

The meeting then adjourned to the 24th inst.

THE PRESIDENT OF THE INCORPORATED LAW SOCIETY.

Some short time since a movement was set on foot amongst the members of the Incorporated Society of Attorneys and Solicitors, Ireland, to give expression to the feelings of esteem and respect entertained for the President of that Society, Richard J. T. Orpen, Esq., not alone by its members, but by the profession generally. It affords us much pleasure to give publicity to the great success attendant upon this measure. The decision arrived at by the committee to whom the question was referred was, that the most suitable manner in which to carry out the wishes of the promoters, would be to place in the Solicitors' Hall a portrait of the President. Mr. Catterson Smith was the artist selected, and his efforts have been eminently successful, and have added fresh laurels to his fame. The portrait is an admirable likeness, and an excellent work of art.

There was a large attendance of the profession and the public at the Solicitors' Hall on Wednesday last, to hear the declaration of the report of the Court of Examiners appointed to conduct the late examination, when Mr. Orpen took advantage of the occasion to thank the various members who interested themselves in paying him the compliment, to which he is so justly entitled.

Mr Orpen, having observed that the portrait had been placed in the Solicitors' Hall, said that he should be wanting in gratitude to the profession if he let the opportunity pass without endeavouring to express the feelings with which he was influenced by their kindness to him at all times; that he was always anxious to promote the best interests of the profession; and that this new proof of their appreciation of his services would (if anything could) be an additional stimulus to his exertions.

Amongst our reports will be found two cases from Petty Sessions. If the regular practitioners in the Courts of Petty and Quarter Sessions would furnish us with Notes of any cases likely to be of use to the profession, they would supply a want that is frequently felt and complained of. With great respect to the justices who decided the case of *Cinnamon* v. *Farley*, their decision was clearly wrong; and the Court of Queen's Bench, if resorted to, will, as a matter of course, issue a writ of *mandamus* to compel them to adjudicate. That Court has also the power to award costs against the magistrates, and has frequently exercised it, even in cases where the justices took a wrong view of a *difficult* question of law.

LEGAL APPOINTMENTS.

John Francis Waller, Esq., LL.D., has been appointed one of the Readers of the Court of Chancery, in the place of Thomas Berry, Esq., resigned.

The Right Hon. the Attorney-General for Ireland has appointed Edward Spencer Dix, Esq., barrister, of the North-East Circuit, to be his counsel; and Abraham Chatterton, Esq., solicitor, to be his clerk.

ENGLAND.

COMPENSATION FOR ANNOYANCE BY TRAINS.

From the *Law Times*.

The fact was noticed in this Journal as soon as it occurred, that the Exchequer Chamber, overruling the judgment of the Queen's Bench, had decided in favour of compensation under the Lands Clauses Act for injury to the comfortable occupation of house property from the ordinary working of a railway, no part of the property having been taken by the company. The reasons of the court of error have now appeared in the report of the case (*Brand* v. *The Hammersmith Railway Company*, 16 L. T. Rep. N. S. 101). The circumstances were, that about a month after the railway was opened for public traffic the claim for compensation for present and future injury was made; and before the jury, which was summoned according to the Act upon the company's warrant, issued under protest, the particular ground laid was, that the working of the railway and the running of trains over it had occasioned, and always would occasion, vibration, noise, and smoke, and that the premises, by reason of their being subjected to such vibration, noise, and smoke from passing trains, were, and always would be, affected and further depreciated in value. The jury found for the claim, and a case for the opinion of the Queen's Bench was stated by consent.

The way to a right understanding of such decisions as the present will be smoothed by recollecting that there are two classes of compensation cases: one, where the property injured is part of property taken or entered by the company; the other, where the only relation between the parties is the injury from proximity to the railway works. The former class has been held to be governed by the 68th and other sections of the Lands Clauses Act, the latter by the 6th and 16th sections of the Railways Clauses Act. In the one, the groundwork of the whole matter is the right given by statute to take or interfere with the ownership of the property itself; and for the damage done, springing thus from the statute, compensation may always be had under the statute whether the injury be of such a nature that, according to the common law, it could or could not be the subject of an action. But, in the other class of cases, where the injury is unconnected with any taking of or entry on land, and springs from the mere working of the railway, the landowner can only proceed in respect of common law injuries, the company being, with regard to him, themselves proprietors. Admitting then that, as in the present case, an injury of an actionable character has been sustained, what remedy has been left by the Railways Clauses Act against companies authorised to construct and work railways? If they are guilty of negligence in the exercise, or professed exercise, of these statutory powers, they are no doubt liable to an action. The difficulty in the law is, when the injury is occasioned by the ordinary, careful, running of the trains, from which it is needless to say that the injury may be of any magnitude, even to the burning of a homestead or the shaking down of a dwelling-house.

In such cases it has long been settled that by the operation of the Railways Clauses Act the right of action, which would lie at common law, is gone: (*R.* v. *Pease*, 4 B. & Ad. 30). The only doubt has been between actual and implied negligence. Thus where a wood, lying along the line, was set on fire by sparks from the engine, the Exchequer, in *Vaughan* v. *The Taff Vale Railway Company*, held it not to have been a misdirection of the judge to tell the jury that no care or skill used by the company in preventing the escape of fire from the engine would be an answer to the charge of negligence, if the company did not succeed; but, on appeal (2 L. T. Rep. N. S. 394), Chief Justice COCKBURN, in the Ex. Ch., could not adopt that view. If a private person used any means for effecting any purpose of his own, from which more or less danger might arise, he would be responsible to those injured if any accident occurred from the use of those means; but if the Legislature had thought fit to interfere, and had sanctioned the use of particular means for a given purpose, so long as those means were used for the purpose for which their use was sanctioned, provided always every precaution was taken which the

nature of the case required, then if, notwithstanding all reasonable care and diligence, an accident did occur, the parties were not liable for any injury which was a consequence of the use of the means so sanctioned, unless they had contributed to it by some negligence. Williams, Crompton, Willes, Byles, and Blackburne, J.J., were of the same opinion.

As vibration, noise, and smoke from a railway train are unavoidable, *Brand* v. *The Hammersmith Railway Company* was clearly within the authorities against a remedy at law, and the plaintiff's resource was in the Railways Clauses Act. The 6th and 16th sections provide for compensation, but, as they are both in that part of the Act which is headed "and with respect to the construction of the railway and the works connected therewith," they would seem rather to refer to matters of or incidental to the construction than consequent on it, particularly when attention is paid to the order of the several headings. That one is the first of the headings; the next relates to the temporary occupation of lands during the construction; the third to the crossing of roads; the fourth to works for the accommodation of lands. Therefore, according to the general frame of the Act, in its successive divisions, "construction" would appear to mean actual construction. Again, of the two sections mentioned, the 16th will, *primâ facie*, refer to the actual construction, as it defines the works which may be executed in constructing the railway, and makes provision for satisfaction for damage done in the exercise of such powers. The question is rather as to the meaning of the 6th section, which is the opening section under the heading relating to the construction, and provides that "the company shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the railway, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties, by reason of the exercise, as regards such lands, of the powers . . . . vested in the company." There is some obscurity here in the use of the term "such lands," when lands have been twice mentioned before, but if it be referred to "any lands taken or used, &c.," then the company is bound to make compensation to the owner of land injuriously affected by the construction of the railway, for damage by the exercise, as to such land, of the statutory powers. Was the inconvenience in question, arising to the house from the working of the Hammersmith Railway Company, an injuriously affecting within this section?

Mr. Baron Bramwell noticed in his judgment in the Court of Error that the words of the 6th section are not "in" or "during," but "by" the construction, and besides that the vibration was a damage sustained in the exercise of the company's powers. The very words, it may be conceded, ought to be minutely scanned, for the reason which will be presently mentioned, and as regards the scope of the language, it may fairly be contended that "damage sustained, &c.," interprets the meaning of "injuriously affected." How injuriously affected? By damage sustained in exercise of the "statutory powers." Running trains is undoubtedly a power vested in the company; but let us not forget always to reserve the point, whether this part of the Act, under the head of construction, does not relate entirely to the actual construction. Further, Mr. Baron Bramwell reasoned on the language "by the construction" that as, according to *Vaughan* v. *The Taff Vale Railway Company*, it was established that there was no right of action immediately on the construction of the railway, and by the construction a right accrued to do the damage, consequently the damage was by the construction of the railway.

There was a reason for the exercise by the court of this astuteness to bring the damage to the house within the language of the 6th section. In the Queen's Bench Mr. Justice Mellor had held that it was *damnum absque injuria*, arguing that the Legislature might have thought that for injuries from the ordinary use and exercise of the power conferred on railway companies to run locomotive engines it was expedient to exempt railway companies from the multitudinous claims which might be made in respect of such injuries; and therefore they might have supposed that the public convenience was a matter which would not be allowed to be sacrificed in respect of rights, or, rather, an injury of that description. He came to the conclusion decidedly that the compensation which the statutes gave was compensation for damage resulting from the execution of the works. Mr. Justice Lush, in the court below, had concurred, relying much on the heading to which we have referred, under which the 6th section falls. But in the Appeal Court, Mr. Baron Bramwell scouted in a charitable way the argument of private damage for the public benefit, as one which he could "treat with respect only on account of the respect due to those who had used it." It was absurd, he thought, to suppose that if a house was damaged to the extent of one pound a year, by its light and air being diminished, compensation should be given, and yet intended that it should not be where the damage was ten times as great, but caused by the noise and vibration of the trains. He approached the consideration of the case, therefore, with the certainty that it was not meant that the plaintiffs should be without remedy, and with strong belief that one would be found for them. Being of this opinion, and finding, upon authority, that no action would lie, he thought it right to hold any words in the Act that were capable of it to mean to give a remedy by implication. Hence the construction put by him on the 6th section.

If all the eight Judges who heard the cause in the Exchequer Chamber had concerred in this judgment, we should scarcely have ventured to ask whether it was not of an *a priori* kind. But two of them, Chief Justice Erle and Chief Baron Pollock, had left the bench since the argument; two, Byles, J., and Pigott, B., were oblig ed to go to chambers during the argument, and Channell, B., dissented. Only Keating and M. Smith, J J., concurred with Mr. Baron Bramwell. M. Smith, J., would certainly "expect to find" that when the rights of one man were prejudicially affected by legislation for the benefit of others, provision would be made for compensation. He found such provision, in the present case, in the 16th section. The commencement of that section purported to give certain powers to the company for the execution of the works, and would apply only to the process of construction, but the general power at the end of the section to "do all other acts necessary for making, maintaining, altering, or repairing, and using the railway," coupled with the provisions for making satisfaction for damage sustained in the exercise of the powers, would favour the right to compensation. We would respectfully suggest, on this construction of the power to do acts necessary for "using the railway," that such a power is different and distinct from the power given by the 86th section to use locomotives to draw carriages and waggons. The words quoted from the 16th section would appear to refer to acts to be done to keep the line itself in a fit state for use. If acts necessary for using the line only had been done by the Hammersmith Company, the enjoyment of the house would not have been damaged. The injury arose from the actual use of the line. Indeed the powers under the 16th section might be given to one company, and those under the 86th to a different company, respecting one and the same railway. Both the 6th and 16th sections were considered by Mr. Baron Channell to relate to the execution of the works, and damage from vibration to be too remote, when regarded as caused "by the construction" of the railway. "It might," he said, "be improbable that the Legislature should have intended to take away a right without giving a claim for compensation; but can it be said to be impossible? Reasons may be stated which the Legislature may possibly have acted upon. . . . . But as it seems to me it is not for us to find reasons for the law enacted by Parliament; I prefer to put the best construction I can on the words of the Act."

An adverse decision by three puisne Judges only against one dissentient and two in the court below, and that decision based on a presumption of legislative intention, and proceeding on the meaning of words isolated, as we have seen, from the whole context, can, we suppose, scarcely remain without a further appeal. The magnitude of the railway interest involved is so great that, on that ground alone, the question of right to compensation for damage of a kind actionable at common law, done by the working of the railway at any time to the enjoyment of any property along the line, should be submitted to the highest tribunal. The present

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position of the question is, to say the least, unsatisfactory. If such compensation be just, we had rather see it provided for by Parliament by new legislation, than the whole framework of an existing Act strained to do a kind of legislative justice from the bench. There can be little or no certainty in the construction of Acts of Parliament if, on some *a priori* theory of abstract justice, sections "with respect to the construction of the railway" are to have their meaning ascertained with respect to its working, and if one of those very sections, purporting to give powers "for the purpose of constructing the railway," is to be forced into intending to give powers for the purpose of working the railway.

NOTES OF ENGLISH DECISIONS.

From *The Law Times.*

EQUITY PRACTICE—REVIVOR—SUBSTITUTED SERVICE.—A defendant, after appearing to the bill, died. The residence of his personal representative could not be discovered. Substituted service of order to revive the suit was allowed to be made on the solicitor who had originally appeared for the deceased defendant, and upon the proctors who had solicited probate to the deceased. (*Kent* v. *The Metropolitan Railway Company*, 16 L. T. Rep. N. S. 171. V.C.M.)

COST OF EVIDENCE.—As a general rule, where a bill is dismissed with costs, charges for evidence upon which the descision turned cannot be disallowed. In accordance with this rule, £220 was allowed to an antiquarian and translator of ancient documents. (*Churton* v. *Frewen*, 16 L. T. Rep. N. S. 171. V. C. M.)

PROBATE PRACTICE—ADMINISTRATION—PREFERENCE.—Where the only assets were the probable fruits of a suit, the Court granted administration *de bonis non* to the executrix of the administrator, in preference to the intestate's niece, who was entitled in distribution, but lived with the defendant in the suit. (*In the Goods of Mary Carr*, 16 L. T. Rep. N. S. 181. Prob.)

DIVORCE PRACTICE—INSANITY—NULLITY.—A suit for nullity was promoted by the relatives of the wife on the ground of her insanity at the time of the marriage, and the allegation was sustained. The husband having asserted that she had recovered, and was then (the date of the hearing and judgment) in a sound state of mind, the Court suspended its decree until the question was settled, and intimated that it would afford the respondent every facility for that purpose. (*Hancock* v. *Peaty*, 16 L. T. Rep. N. S. 182. Div.)

JOINT-STOCK COMPANIES.

WINDING-UP.

PRACTICE.—The Court may remove liquidators, whether acting under a voluntary winding-up or a winding-up under inspection. The Court, however, will not carry out the commercial transactions of a large concern; as a general rule, the management of such must be left to the shareholders. (*Re The United Merthyr Collieries Company*, 16 L. T. Rep. N. S. 170. V. C. W.)

GENERAL.

RAILWAY—ORDER TO INSPECT WORKS.—B. had filed a bill against a railway company for an injunction to restrain them from proceeding with their works to the detriment of his premises until they should have properly entitled them selves to do so. The company had put up a boarding, which prevented B. from inspecting the progress of their works. The Court made an order that access should be given to the plaintiff, his surveyors and builders, at all reasonable times to view with his surveyors and builders such parts of the works as were carried on near his premises. (*Saul* v. *The Metropolitan Railway Company*, 16 L. T. Rep. N. S. 169. V. C. W.)

INTERESTED SHERIFF—SHAREHOLDERS IN A COMPANY.—The B. railway company was authorized by statute to make a line of railway. By a later statute two other companies were enabled to acquire an interest in the line by payment of a certain portion of the cost. The B. company had issued their warrant to the sheriff to summon a jury to assess compensation to C. for land required, and the inquisition, verdict, and judgment had been completed. Afterwards C. discovered that the sheriff was a shareholder in one of the two railways, but at the time of the inquest taken these two companies had not paid their quota of the costs, nor acquired any direct interest under the statute. The sheriff was held not to be disabled from holding the inquisition. (*Reg.* v. *The Manchester, &c., Railway Company*, 16 L. T. Rep. N. S. 173. Q. B.)

VOLUNTARY SETTLEMENT.—DEED OF INSPECTORSHIP.—B. when solvent, by a voluntary post-nuptial settlement, covenanted to assign leaseholds in trust for his wife for life, with remainder to the children of the marriage, with ultimate remainder to himself, and he executed the assignment. Three days after, and a year from the date of the settlement, B. and his partner executed a deed of inspectorship containing a general provision for the conveyance of the whole of their joint and several estates for the benefit of creditors. It was held that the trustees could not be considered as purchasers for value within the meaning of 27 Eliz. c. 4, and consequently the settlement was valid. (*Cadell* v. *Bewley*, 16 L. T. Rep. N. S. 141. V. C. S.)

COVENANT RUNNING WITH THE LAND.—B. demised to C. a right and licence to kill and take game over certain lands, with the use of a cottage thereon for a keeper. C. covenanted to leave the estate as well stocked with game as it was at the commencement of the term. The covenant was held to run with the land, and that the assignee of the reversion could in his own name sue for a breach of it. (*Hooper* v. *Lane*, 16 L. T. Rep. N. S. 152. Q. B.)

WILL—SUBSTITUTIONARY GIFTS—PERIOD OF DISTRIBUTION.—A testator gave real estate upon certain trusts in favour of his two sons, and in the event of their death without issue upon trust for sale; and he bequeated the proceeds "unto and equally amongst such of his five daughters as should be living at the decease of the survivor of his said sons, and to the children, grandchildren, and issue of such of his said daughters as should then happen to be dead, such children, grandchildren, and issue respectively to take and have equally amongst them, if more than one, the part or share, parts or shares, of and in the said moneys which their, his, or her parent respectively would have been entitled to had such parent been then living." The two sons survived the testator, but died without issue. M., one of the testator's daughters amongst whose children, grandchildren, and issue a portion of the fund became divisible at the death of R., the surviving son, had ten children, six of whom predeceased their mother, and seven of whom predeceased R. One of these seven had four children all living at the period of distribution, and another of them had one child who survived her parent, but predeceased R. The other five had no issue. Held, that the gift to the children, grandchildren, and issue was an original gift, and that it was not necessary that the objects of the gift should survive the period of distribution; but, held, further, that the children, grandchildren, and issue took *per stirpes inter se*, and that the grandchildren of M. took only the shares to which their respective parents would have been entitled, and not equal shares with the children of M. (*Re Orton's Trusts*, 16 L. T. Rep. N. S. 146. V. C. M.)

AGREEMENT FOR A LEASE—STATUTE OF FRAUDS.—B., being desirous of renewing his lease applied to C., his landlord, for that purpose, and thereupon C. instructed his surveyor to report as to the value of the lease. The surveyor in his report suggested that, if certain contemplated improvements were carried out by B., a lease might be granted to him for fourteen years at a rent of £150 a-year, otherwise at £170. This report was forwarded to B., who wrote, stating his willingness to do the repairs and pay the rent proposed, but suggested that the lease should be for twenty-one years. C., however, declined to extend the term beyond fourteen years, and B. then accepted the offer, but still pressed for a longer lease. Numerous letters afterwards passed between the parties, in reference to the matter, and eventually C. wrote to B., saying that "he had no objection to give his promise of a new lease for fourteen years at the rent and terms agreed upon." B.

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accepted this offer, and on C.'s subsequently refusing to grant the lease, filed a bill for specific performance. Held, that B. was entitled to specific performance of the agreement disclosed in the correspondence. (*Baumann* v. *James*, 16 L. T. Rep. N. S. 165. V. C. S.)

LAW OF WILLS—MARRIED WOMAN.—B., a married woman, executed under a power of appointment, a will, whereby she appointed her husband and two others executors. Afterwards she executed a second will, also under power of appointment, and named her husband sole executor. Both papers were held to constitute one will, and probate was granted of both to all the executors. (*Re Morgan*, 16 L. T. Rep. N. S. 181. Prob.)

SUCCESSION DUTY—TENANT IN TAIL.—By the will of B., C. became entitled, on the death of D., on the 4th Sept., 1860, as tenant in tail in possession. On the Nov. 5, C. executed a disentailing deed, and died on the 15th March, 1861, leaving a will, dated in 1841, by which the estate was devised to E. None of the instalments of succession duty payable by C. had become payable before his death. These instalments were held to be a continuing charge on the estate in E.'s hands. (*Lord Lilford* v. *The Attonery-General*, 16 L. T. Rep. N. S. 184. H. of L.)

REAL PROPERTY LAWYER AND CONVEYANCER.

MARRIAGE-SETTLEMENT — COVENANT TO SETTLE THE WIFE'S AFTER-ACQUIRED PROPERTY.—A settlement contained a covenant that if the wife then was, or if she became entitled to property of the value of £400, for any estate or interest whatever, husband and wife should concur in conveying and assigning it to the trustees of the settlement. The wife was then entitled to one-seventh of £3,278 Consols in her own right, and to one-seventh of another seventh, as one of the next of kin of a deceased brother, but subject to a prior life-interest in the whole, upon the determination of which husband and wife petitioned for payment of the two sums (together £535 Consols) to the husband. Held (affirming the decision of the M. R.), that the whole of her interest, original and derivative, was property to which she was entitled at the date of the settlement; that, although she was so entitled under different titles, the value of the whole must be regarded; and further, that the covenant referred not to the value of her interest in the fund, but to the value of the fund in which she had an interest. The shares of the fund were therefore ordered to be paid to the trustees of the settlement. (*Re Makenzie's Settlement Trusts*, 16 L. T. Rep. N. S. 138. L. JJ.)

JOINT POWER—NEW APPOINTMENT.—A settlement empowered husband and wife during their joint lives by deed or will to appoint among children of the marriage. The power was exercised by both in favour of a daughter, but the deed also contained a power enabling husband and wife, or the survivor, by deed or deeds "from time to time during their joint lives" to revoke that appointment and appoint new trustees. The wife died before the exercise of the power of revocation: the husband, purporting to act in exercise of that power, revoked the trusts declared by the appointment, and re-appointed the fund to trustees for certain purposes. The second appointment was held to be inoperative, for that it was reasonably possible to give due effect to the above words by viewing the power exercised as one which might be exercised by husband and wife jointly, or by the survivor, if the revocation were made by that one during the life of the other. (*Re Twiss's Trusts*, 16 L. T. Rep. N. S. 139. L. JJ.)

From the *London Gazette*.

WHITEHALL, April 8.—The Queen has been pleased to direct letters patent to be passed under the Great Seal, granting the dignity of a Baronet of the United Kingdom of Great Britain and Ireland to the undermentioned gentlemen, and the respective heirs male of their body lawfully begotten, viz.:—The Right Hon. Joseph Napier, of Merrion-square, in the city of Dublin; William Bagge, of Stradsett Hall, in the county of Norfolk, Esq.; Benjamin Lee Guinness, of Ashford, in the county of Galway, and of Saint Stephen's-green, in the city of Dublin, Esq.; William Lawrence, of Ealing Park, and of Whitehall-place, in the county of Middlesex, Esq., one of Her Majesty's Sergeant Surgeons.

THE LAW STUDENTS' JOURNAL

PRELIMINARY AND FINAL EXAMINATIONS.

The preliminary examination of candidates seeking to be bound apprentices to Attorneys, was held in the Solicitors' Hall, on Friday and Saturday last, by the Court of Examiners of the Incorporated Law Society. Eighteen candidates presented themselves, four of whom had been postponed on former occasions. Of the eighteen, the eleven whose names are given below passed, and seven were postponed.

The final examination of apprentices seeking to be admitted attorneys, was held in the same place, by the Court of Examiners, on Monday and Tuesday last. Six candidates presented themselves for examination, of whom five passed; one was postponed.

The candidates at both examinations attended before the Court of Examiners on Wednesday last, when they were informed of the result of the examinations by Mr. Orpen, the President of the Society, who addressed them as follows:—

"The Court of Examiners having considered the result of the recent preliminary examination of applicants for admission to apprenticeship, I shall now proceed to inform you of their decision.

"The following gentlemen have been allowed the examination, and their names are arranged in order of merit, viz.:—

No. 1. William Joseph Ryan,
2. Standish O'Grady,
3. Lucas Cecil Walker,
4. John Risk,
5. James Robinson,
6. Charles Hoey,
7. Townley B. C. Hardman,
8. William Stevenson,
9. John Thos. O'Connor,
10. Cornelius Keily,
11. Richard Barry O'Brien.

"Mr. William Joseph Ryan is to be allowed to compete for the Prize in November next.

"With respect to the answering generally, the Court of Examiners desire me to express regret that the answering was not so good as it has been on former occasions, although we had hoped for improvement.

"The Court will permit Mr. Gilbert P. Cooper to come up previous to next Trinity Term, as his papers show improvement, but his answering in Latin was not sufficiently good to entitle him to pass.

"The other gentlemen are postponed to next November.

"The Court also regret that those whose answering in Latin would have qualified them to be recommended to compete for a prize, were so deficient in their papers as to prevent our being able to recommend them.

"As to the final examination, the Court of Examiners have decided that Messrs.—

1. Ambrose Plunkett,
2. George C. Stapleton,
3. William Irwin,
4. John R. Lloyd,
5. William Croker—do pass.

"The other candidate to be postponed for the present; the Court consider him to have improved, but not sufficiently to entitle him to pass on the present occasion.

"Mr. Plunkett's papers were very good, and would have entitled him to a gold medal, but that the Examiners were not satisfied with his vivâ voce answering. They have, however, awarded him a silver medal.

"Messrs. Stapleton, Irwin, and Lloyd are to receive special certificates of merit."

THE MAGISTRACY.

John Barden, Esq., of Coolcliff, Foulksmill, New Ross, has been appointed to the commission of the peace for the county of Wexford.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

QUEEN'S BENCH.

Reported by William Woodlock, Esq., Barrister-at-law.

The Queen *v.* Smith.

April 15.—*New trial in case of misdemeanour.*

Randal M'Donnell, on behalf of the prisoner, moved that Fitzgerald, B. should send in a copy of his notes of evidence, &c., with a view to a new trial. The indictment was for an assault, and the case was tried before Fitzgerald, B. at the last assizes for the County of Monaghan, when the prisoner was convicted. There was no affidavit.

The court held that they had no materials on which to make any order; there was no record in court, nothing to show even that such a case existed. It would be necessary, at all events, to remove the proceedings by *certiorari*, and the Court did not think that a *certiorari* would be granted in such a case after verdict and judgment.

On the next day *M'Donnell* referred to *Rex* v. *O'Neill*, referred to in Hayes's Criminal Law, p. 123, as showing that a *certiorari* would be granted even after verdict, in the case of a misdemeanour to remove proceedings from the assizes to the Court of Queen's Bench with a view to having a new trial.

No order was made.

Craig *v.* Beattie.

Embarrassing Defence—Uncertainty.

April, 16.—Motion to set aside a defence as embarrassing. The action was brought to recover damages for the non-fulfilment of a contract by the defendant to sell to the plaintiff certain lands and premises in the County of Antrim. Defendant's second defence was that he held under a lease which contained a clause against alienation, that at the time of the agreement both parties were aware of this, and that plaintiff purchased "subject to the contingency," that the landlord would refuse his consent to the sale, and that the landlord had so refused his consent.

Bruce, for the plaintiff, contended that the words "subject to the contingency" were embarrassing. They might mean that this was a condition in the agreement itself.

Jackson, contra.

The court set aside the defence with costs.

Attorney for the plaintiff, *Alexander O'Rorke.*

Attorney for the defendant, *John Lawless.*

COMMON PLEAS.

Reported by William Griffin, Esq., Barrister-at-Law.

Smith *v.* M'Cormack.

April 15.—*Embarrassing Defence—Duplicity.*

This was a motion to set aside a defence as embarrassing and traversing more than one material fact, and as being double.

The second count of the summons and plaint complained that the defendant, being the owner of a waggon, hired and employed one Patrick Fox, to drive and manage said waggon, and that the said Patrick Fox, while in the course of such his employment by the defendant, so negligently and unskilfully drove, &c., the said waggon in a certain highway, that the waggon was driven against plaintiff's husband, and that injuries were thereby inflicted on plaintiff's said husband, by reason whereof he died within twelve months before action brought.

To this special count defendant filed, with others, a plea that "he did not do or commit the several acts in the second count of the summons and plaint mentioned, or any of them" as alleged.

H. M'Dermott for the plaintiff.

The second count is a special one framed for the purpose of putting admissions in the record by setting out the facts, and leaving defendant to his traverses. It contains four material averments. 1st, that Fox was the servant of the defendant; 2nd, that he did these acts complained of in the course of his employment; 3rd, that there was negligence and consequent injury; and, 4th, that the action is brought within twelve months from death of party injured. Defendant's plea, without leave of the Court to plead several matters, which could only be obtained on affidavit, traverses that the defendant committed the said acts, or any of them. On this plea plaintiff cannot tell what is put in issue, and must come prepared to prove everything. A defence that defendant "did not commit the breaches of covenant in summons and plaint complained of, or any of them," was set aside in *Midland Railway* v. *Nugent*, 10 Ir. J., N.S. 192

J. A. Curran, in support of the defence.—We only traverse one material averment. The averment of the hiring of Fox is immaterial; *qui facit per alium, facit per se.* We are liable for our servants' acts.

The Court was of opinion that the plea might prove embarrassing at the trial as it might put plaintiff on proof that Fox was the servant of defendant. Defendant allowed to amend by traversing negligence. Plaintiff's motion granted with costs.

Counsel for plaintiff, *H. M'Dermott.*

Attorney, *B. T. Daly.*

Counsel for defendant, *J. A. Curran.*

Attorney, *S. C. M'Cormack.*

COURT OF PROBATE.

Reported by W. R. Miller, Esq., LL.D., Barrister-at-law

In the goods of John Sheehy, deceased.

Dec. 13, 1866.—*Execution at foot or end of Will.*

A will written on the first and third pages of a sheet of note-paper, and the names of the testator and the witnesses written longitudinally on the second page, held, on affidavits of the attesting witnesses, a valid execution, save as to a clause written below the names of the testator and the witnesses.

T. P. Lynch, for Mary Hayes, a legatee named in a will of John Sheehy, made on the 27th April, 1866, moved for letters of administration of his goods, with his will annexed.

The will began on the first page of an ordinary sheet of note-paper, and was continued on and ended at the foot of the third page, and the testator and the witnesses all wrote their names *longitudinally* along the second page, which was, in other respects, blank, save that an executorial clause had been written below the testator's and witnesses' names.

The will gave to the testator's daughter, Anne Sheehy, his house and grounds, with his money, in the Provincial Bank and Savings' Bank, subject to his debts, and to support a person mentioned, for his life; and after disposing of a farm and crops, the testator gave £300 equally amongst his three married daughters, one of whom was Mrs. Hayes.

The two attesting witnesses made an affidavit deposing to the due execution of the will by the testator, by the signature of his name on the second page in their presence, and of their attestation at the same time in his presence,

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and in the presence of each other. *Sweetland* v. *Sweetland*, 34, L. J., Pr. 42., *Hunt* v. *Hunt*, 1, L. R., Pr. 209, were cited as bringing the case within Lord St. Leonard's Act 15 & 16 Vic., c. 24.

KEATINGE, J.—The Will is valid, save as to the executorial clause, and I grant the motion.

In the Goods of ANTHONY KENNEDY, deceased.

Dec. 13th, 1866.—*Lost Will—Probate.*

Probate given to the executors of the contents of a lost will, which, in fact, only appointed executors. The affidavits showing the due execution, capacity, the loss of the will and its contents.

Geo. Price, on behalf of Thomas Kennedy, James Tierney, and Thomas Tierney, the executors named in the last Will of the said Anthony Kennedy, dated the 28th day of October, 1862, moved for probate of the contents thereof, as set forth in the affidavit of the said Thomas Kennedy, filed in the principal Registry, on the 6th day of December, 1866, to be given to the said executors.

The affidavit of Thomas Kennedy stated that the deceased was his cousin, and was intimately acquainted with him for more than thirty years.

In the end of October, 1862, the deceased had been found on the road near Thurles, much injured in his back by a fall from a car, and paralysed.

He was taken to the police barrack at Thurles, and was thence removed to his own house at Killahagan, near Thurles. Thomas Kennedy was sent for by the deceased, and on the morning after the accident, he recommended the deceased to settle his affairs, to which he agreed; and Thomas Kennedy then wrote out a will for him, being the one in question—which he read for him, and which the deceased approved of, and which Thomas Kennedy gave to Mary Kennedy, the deceased's daughter, with directions to get two persons to witness the deceased's signature to it. The will was dated the 28th October, 1866, and was in three or four days afterwards executed by the deceased in the presence of three witnesses. Mary Kennedy, about 12 months since, brought the will into Thurles to said Thomas Kennedy, who identified it as the paper that he had drawn, and that it was in the same plight and condition, save as to the execution and attestation, as when he had prepared it. He made out then an inventory, and enclosed it and the will in an envelope, with a letter he had just had from America, and placed them in his pocket, and went home. In a few days after, on searching for said will, it could not be found, though the letter and inventory were in the envelope. The contents were set out in this affidavit, and in fact only amounted to the appointment of the three persons already mentioned as executors.

The deceased was a widower, and left seven children, some minors, and some in Australia.

The assets amounted to about £200 in value.

The attesting witnesses, and the testator's daughter Mary, made affidavits as to the due execution of the will and the competency of the testator, and Mary Kennedy corroborated Thomas Kennedy as to her giving him the will to keep.

(*M'Cracken* v. *M'Cracken*, 11 Ir., J. N. S., 380. *Wharram* v. *Wharram*, 3, S. and Tr., 301).

KEATINGE, J.—The will in fact amounts to nothing more than the appointment of executors, and the property will go in the same way as in case of intestacy. I will make the order, giving probate to the executors as asked.

Order accordingly.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by JOHN LEVY, Esq., Barrister-at-Law.

Before BERWICK, J.

Re WILSON and BEERE.

April, 1867.—*Application to remove Assignee—Mortgagee in possession—Calling for an Account.*

Where an application is made to remove an Assignee who is perfectly solvent, and against whom no complaint exists, except that he refused to take proceedings to make an alleged Mortgagee in possession account, and where that Mortgagee is brought into court upon notice, the application will be refused with costs.

Kernan, Q.C., and *John M'Mahon* with him, applied on the part of the bankrupt, Wilson, (who had purchased the debts of several creditors), and of some other creditors besides, for an order to remove Mr. Valentine O'Brien O'Connor, the trade assignee of the estate of the bankrupts, Wilson and Beere, and that a meeting should be taken out for the appointment of an assignee in his stead. It appeared that Beere was dead, and that Wilson had not obtained his certificate.

Heron, Q.C., *Michael Barry*, and *P. Martin* appeared for Mr. Thomas M. Gresham, the alleged mortgagee in possession, who was the party sought to be made account to the Court. It appeared from the statement of Mr. Kernan that Mr. Valentine O'Brien O'Connor, the assignee, was quite willing to be removed, and it was with his consent that the application was made; he was originally one of the creditors of Wilson and Beere, but he assigned his debt, and having no interest in the matter, he was quite willing to allow some creditor to be appointed in his stead, who had really some interest in the matter. He was frequently called on to account, but he said he had nothing to account for, that nothing came into his hands, in fact he would do nothing. Mr. Gresham was the original owner of the hotel, and was for many years a mortgagee in possession, and was really the party to account, but it was likely Mr. O'Connor did not wish to have any conflict with his old friend Gresham, and the creditors wanted to have a person appointed assignee who would have no hesitation in acting. Messrs. Wilson and Beere purchased the Gresham Hotel in the year 1836, at the price of £30,000; they paid £10,000 in cash, and granted a mortgage to Mr. Gresham for £20,000, to be paid by certain yearly instalments. In 1840, Mr. Wilson being unable to pay the instalments regularly, with the assent of Mr. Gresham, raised a sum of £10,000 from the European Insurance Company, by which it was applied to the payment of Gresham, he taking a mortgage for the balance due to him *puisne* to the Insurance Company, Gresham and the Insurance Company going in under a joint possession, and an agreement to apply the receipts of the hotel to the payment of the mortgages according to their priority. Subsequently the hotel was sold to a Mr. Horne for £5,000, as a trustee for Mr. Gresham. It was contended that Mr. Gresham was during the whole time a mortgagee in possession, and was bound to account, and the assignee having refused to take proceedings to make him account, it became absolutely necessary to have him removed.

Heron, Q.C.—The present motion and mode of proceeding were wholly misconceived, and on the part of Mr. Gresham, for whom he appeared, he asked it to be refused with costs. He cited *Kirkwood* v. *Thompson*, 2 De Gex., Jones and Smith.

M'Mahon contended that the sale to Horne, which

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was an arrangement with Gresham, could not relieve him from the liability he incurred as a mortgagee in possession; he cited *Murphy* v. *O'Shea*. 2 Jones and Latouch, 422. *Lewis* v. *Hillman*. 3 House of Lords cases, 606.

JUDGE BERWICK said that a great deal of irrelevant matter had been gone into in the discussion of the motion, which was simply an application to remove an assignee, and to name a day for the appointment of another, which he would not do. Mr. O'Connor was a most highly respectable and perfectly solvent gentleman against whom no fault was alleged but that he would not take proceedings against Mr. Gresham. It was quite evident that the proceeding was on the part of Wilson the bankrupt, who bought up some of the debts, and who wished to have a nominee of his own appointed in order to deal with Mr. Gresham. If Mr. O'Connor was in any default, or refused to account as trustee under that Court, he would soon make him do so, but it was not Mr. O'Connor was sought to be made accountable. He thought the motion was untenable, and he would refuse it with costs; but if the parties thought proper to go into the Court of Chancery, and it became necessary to use the name of the trade and official assignees, upon giving a proper indemnity, he would allow them to be parties, but he would refuse the present motion with costs.

Attorney for the assignees, Messrs. *Fitzgerald*.

Attorney for Mr. Gresham, Mr. *T. Geoghagan*

Attorney for the bankrupt Wilson, Mr. *A. Green Kelly*.

CIRCUIT CASES.

LEINSTER CIRCUIT.

KILKENNY ASSIZES.

Reported by CHAS. H. FOOT, Esq., Barrister-at-law.

Ex parte DAVIS.

Grand Jury Law. 6 & 7 *Wm. IV*., *cap*. 116, *secs*. 133–138.

When a presentment which has been traversed is withdrawn by a Grand Jury, the costs incurred by the traverser, when preparing for the trial of the traverse, cannot be obtained by presentment.

At the Summer Assizes, 1866, the Grand Jury of the County of the City of Kilkenny, presented a sum for the widening of a street under the 6 & 7 Wm. IV., cap. 116, sec. 50.

The presentment was traversed by Mr. Davis, the head landlord of premises intended to be removed in the process of widening the street in question.

T. Purcell, Q.C., appeared for the traverser.

W. L. Hackett, and *C. H. Foot*, for the Grand Jury of the city of Kilkenny.

Upon the application of Mr. Purcell, Q.C., the Right Hon. JOHN T. BALL, Q.C., acting as Judge of Assize, postponed the trial of the traverse to the ensuing Spring Assizes, upon the ground that the traverser had not had time to prepare evidence of the value of the premises, &c. His Lordship made an entry of the postponement of the trial, the reason of it, and upon whose application it was done, in the Crown Book. At the Spring Assizes, 1867, Mr. Purcell applied to the Right Hon. Mr Justice George, to direct the Grand Jury of the city of Kilkenny to present for the sum of £18, costs incurred by J. P. Hartford, Mr. Davis's attorney, in preparing for the trial of the traverse. The Grand Jury had abandoned the intention of widening the street in question in consequence of the expense with which the work would be attended.

Counsel relied upon the words of the 133rd section of the 6 & 7 William IV., cap. 116. "Provided that although there shall be a verdict against such traverser yet if the Court shall be of opinion that there was *reasonable and probable* grounds for traversing such presentment, the costs shall be paid by the treasurer of the county, and the Grand Jury shall present the same."

His LORDSHIP refused the application upon the ground that a traverse must be tried before his jurisdiction as to costs could arise. No trial had taken place here, therefore he had no jurisdiction.

Attorney for Traverser, *J. P. Hartford*.

Attorney for Grand Jury, *P. Waters*.

NORTH-EAST CIRCUIT.

DOWNPATRICK—March 15, 1867.

Reported by J. L. WHITTLE, Esq.

IN THE MATTER OF JOHN MAGOWAN.

Coram FITZGERALD, B.

John Magowan made an application for compensation for malicious burning at the Presentment Sessions, at Saintfield, in the County of Down, prior to Summer Assizes, 1866, before three magistrates and four cess-payers, when malice was declared proved, and £100 awarded as compensation. On the matter coming before the Grand Jury at the Summer Assizes, 1866, the solicitor of the Grand Jury, instructed by one of the body opposed, and the application was rejected. Applicant then applied to the Judge of Assize to have the question of malice determined by a Petty Jury, and this application was granted, though opposed by the Grand Jury. In consequence of the non-attendance of the witnesses a further application was made to postpone the inquiry till the next Assizes. This application was also granted.

The 6 & 7 Wil. IV., c. 116, sec. 138, enacts that all such applications whatsoever for compensation for loss or damage sustained by malicious injury, shall be laid by the Acting Clerk of the Crown before the Judge of Assize upon his arrival; and in case any person paying Grand Jury cess for the county or barony, chargeable with the sum presented by the Grand Jury upon any such application, shall be desirous of opposing any such presentment, or in case any person whose application for compensation shall have been disallowed by the Grand Jury shall wish to have his or their application reconsidered, such cess-payer or person or persons applying for compensation shall be heard; and in either of such cases the judge, if he shall so think fit, shall direct a jury to be forthwith empannelled to try the matter of such presentment or application respectively, and according as the issue shall be found for or against such cess-payer, the judge shall discharge, alter, or fiat such presentment; and in case of application disallowed, if the issue shall be found for the person or persons applying for compensation, the judge shall direct the Grand Jury to make presentment thereupon accordingly, otherwise such application shall be discharged; and all verdicts of juries empannelled as aforesaid to try any such issues shall be final and conclusive to all persons whatsoever; and the section further provides for costs.

Frazer now applied to have the jury empannelled.

Murland, solicitor to the Grand Jury, objected that even if the jury found for the applicant, it would be nugatory as the Grand Jury had no power to make the presentment now should the judge direct one. Section 136 provides for the time of making such applications and disposing of them, and its last provision is that "it shall not be lawful for any Grand Jury to make any presentment for compensation for malicious injury under the provisions of this Act, except at the assizes next ensuing the sessions, where application shall have been made therefor." This application should have been disposed of at the assizes after the Presentment Sessions at Saintfield.

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Frazer, in reply, cited *in re Keeffe*, 1 C. & D. C. C. 310. *In re White*, Ir. Circ. R. 240.

FITZGERALD having consulted DEASY, B., was clearly of opinion that he could not direct the Grand Jury to present, and accordingly refused the application for a special jury.

Attorney for the Grand Jury of Down, *James Murland.*

Attorney for applicant, *Thomas M'Clelland & Sons.*

SESSIONS CASES.

JULIANSTOWN PETTY SESSIONS.

Before the Hon. T. PRESTON (Chairman), W. WALSH, Esq.; and R. TAYLOUR, Esq., LL.D., Justices.

CINNAMON v. FARLEY.

April 16th.—*Dismiss without Prejudice—Declining Jurisdiction.*

Summons for an assault. The same complaint was heard at a previous sessions, and dismissed *without prejudice*. The case now came before the Court on a fresh summons.

CHAIRMAN.—We cannot hear this case again. We have already adjudicated upon it.

Boston, for complainant, contended that by a dismiss without prejudice the Court meant that there was not sufficient evidence to enable it to decide the case one way or the other upon the *merits;* and the same case might be brought again, on a fresh summons, before the same Court. "Without prejudice to a *further complaint*"—that is, before the same tribunal (Petty Sessions Act, s. 21).

Mr. TAYLOUR.—No; it means without prejudice to proceedings in *another* Court.

Boston then called on the Bench to adjudicate, with a view to ulterior proceedings; and an order was made to the effect that the Court declined to adjudicate, having by a previous order dismissed the same complaint without prejudice.

DUBLIN AND DROGHEDA RAILWAY COMPANY v. FARLEY.

Wilfully Obstructing an Officer of a Railway Company in Execution of his Duty—3rd & 4th Vic., c. 97, s. 16—Procedure thereunder—Bye-Laws.

Summons for obstructing an officer of the Company in the discharge of his duty.

CHAIRMAN.—This is, in fact, the same as the first case, upon which we have adjudicated.

Boston, for the complainant.—No; it is between different parties, and for a different offence.

Cinnamon, the complainant in the first case, was then examined, and proved that on the 20th of February last, on the arrival of an up train at the Drogheda station, he was engaged in removing the passengers' luggage to the entrance platform; that the defendant, Farley, crossed the line, and approached the luggage van; that he requested defendant to leave, and upon his refusing put his hand on his shoulder, and was pushing him away, when defendant turned round and struck him twice on the shoulder with a stick; the station master then gave defendant into custody; that he had, on previous occasions warned the defendant off the platform; that defendant was a railway runner, who used to get jobs from passengers; that witness was directed by the station master to keep Farley, and persons of the same class, off the premises.

The station master proved that, on the day in question, he had warned defendant off, just before the train had come in, and he pretended to go away.

CHAIRMAN.—We certainly had not this evidence before us when we decided the assault case.

Mr. TAYLOUR.—There is no case made out of *obstructing* the officer in discharge of his duty. The defendant was merely on the platform, and he might have had a ticket.

Boston.—The porter had orders to turn this man off, and that became part of his duty. The refusal, and subsequent assault, clearly constituted an obstruction within the meaning of the Act. The porter, too, had to leave the duty he was then engaged in for the purpose of putting defendant off. If defendant had a ticket he should have said so, and produced it. [Mr. TAYLOUR.—The Act under which you prosecute directs a particular mode of proceeding. It enacts that the offender may be seized and taken before a justice who is required to act summarily. This has not been done. How can we act under the 16th section?]

Boston.—Under the Petty Sessions Act, s. 8, which prevails over the Railway Acts, although it does not take away the power of the railway officers, under this 16th section, to arrest the offender and convey him before a justice, and it is still the duty of such justice to act on the complaint, and if no guarantee can be given that the prisoner will be forthcoming, the justice can take an information on oath, and commit him until the hearing of the complaint (14 & 15 Vic., c. 93, sec. 11). The defendant was, in this case, taken before a justice. But, besides, we have given our bye-laws in evidence, by which a penalty is to be imposed for obstructing an officer in the discharge of his duty, and the 8 Vic., c. 16, and 8 Vic., c. 20, provide that all penalties imposed by the Special Act, or any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; summons to issue in first instance; distress warrant; and in default of distress, imprisonment.

CHAIRMAN.—We have decided on convicting in this case; and the Company not pressing for a heavy penalty, we impose a fine of 6d. and costs.

R. D. Kane, attorney for complainants in both cases.

NOTICES OF NEW BOOKS.

The Law and Practice of the Taxation of Costs in Common Law Business, with an Appendix containing the General Directions of the Taxing Officers, Forms, Schedules of Fees, The Attorneys' and Solicitors' Act (12 & 13 *Vic., c.* 53), *and other Matters.* By EDMUND T. BEWLEY, Esq., Barrister-at-Law. Dublin: Edward Ponsonby, Grafton-street, 1867.

We gladly welcome the appearance of this really useful and valuable, though unpretending, little volume upon a subject of such great importance to the profession that it is a matter of surprise no practical treatise upon it has hitherto been published. The author states his object to be to collect and classify the principles upon which the taxation of costs is conducted; but while treating of the *rights* and *liabilities* to costs, so far as questions in reference to them arise on taxation, it has not been within the limited scope of his book to deal further with the general law of costs.

To carry out this object the author, in the first chapter, treats of the general rights and liabilities of parties to costs, and of the mode of recovering them; and having in the next chapter treated of the Taxing office, the general duties of the Masters, and the proceedings on taxation, has then taken, "as far as possible, the proceedings in an ordinary personal action as a basis, discussing in succession the matters relating to each stage of the suit." A separate chapter is devoted to costs in ejectment and replevin proceedings.

The limitation of costs by particular statutes and orders is very carefully considered, and a number of authorities referred to. The very important subject of the restrictions

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imposed upon the right of a successful plaintiff to costs is fully discussed, and this being a question which almost every day arises in practice, the author has appended a table by which, at a glance, can be ascertained the plaintiff's right to costs in any personal action, and the necessary certificates.

In the appendix is published (now for the first time) the schedule of fees allowed on taxation on the Crown side of the Queen's Bench. The appendix also contains, the general directions of the taxing masters, the general orders, schedule of fees, the attorneys' and solicitors' Act, and other matters of practical use. To this is added a very carefully compiled index.

The conciseness and care with which the questions of law, so frequently arising on taxation, are discussed, and the accuracy with which the authorities, bearing upon each point, are collected, will render this little treatise an acceptable boon to members of the Bar, while the practical nature of the information contained in it will make the publication indispensable to members of the other branch of the legal profession.

THE COURT AND COURT PAPERS.

OPENING OF EASTER TERM.

Monday, being the first day of Term, the Lord Chancellor held a levée of the Judges and members of the Bar, at his residence, Merrion-square, South.

The Lord Chief Justice and the Chief Justice of the Common Pleas also held similar levees at their residences.

The Lord Chief Baron, being engaged in the Nisi Prius Court, did not hold a levée.

The Lord Chancellor afterwards held a levée of the Judges and Benchers, &c., in the Hall of the Four Courts, which was densely crowded by the members of the legal profession and the general public. Upon the entrance of the Right Hon. Mr. Justice Morris, his lordship was greeted with applause. The learned Recorder was also received in a similar manner.

The various courts of law and equity were opened with the usual formalities.

COURT OF CHANCERY.

The Lord Chancellor, accompanied by the Lord Justice of Appeal, the Master of the Rolls, and Master Murphy, as Master for the week, entered court about one o'clock.

The Lord Chancellor having taken his seat alone, the Right Hon. Hedges Eyre Chatterton, Q.C. appeared at the side-bar, when the Lord Chancellor said he had much pleasure in requesting him to take his seat within the bar as Her Majesty's Attorney-General for Ireland.

Robert Richard Warren, Esq., Q.C., having also appeared at the side-bar, the Lord Chancellor said he had much pleasure in asking him to take his seat within the bar as Her Majesty's Solicitor-General for Ireland.

BUSINESS OF THE COURT.

The Lord Chancellor, addressing the Attorney-General, stated that he and the Lord Justice of Appeal were willing to leave it in the hands of the Bar to settle the time for the sittings of the Court of Appeal, as they were aware that, in consequence of the public business, the Attorney and Solicitor-General could not be in court next week, at all events, and before the last day of term a time might be arranged for the sittings of the Appeal Court.

IN CHANCERY.

Before Master MURPHY.

Sale.

Estate of John R. Somers, Esq., executor of John Wade, deceased, petitioner; the Rev. James Kirby and others, respondents.—A sale of the leasehold interest of the testator in the premises known as Nos. 60, 61, and 62, Ranelagh-road, facing Mountpleasant-square, took place on Monday, the 15th inst., before Master Murphy, at his Chambers, Four Courts. These premises, which were held for a term of 200 years from 2nd September, 1843, produce a profit rent of £35 per annum. The poor law valuation is £80. They were sold to Mr. John Kelly for £350, *Cathcart* and *Hemphill*, solicitors having carriage of sale.

LIST OF CAUSES AND GENERAL CAUSE PETITIONS IN CHANCERY.

GENERAL CAUSE PETITIONS.

Standing Over.—Collins *v.* Ryan; Hodgson *v.* Lyster; Headon *v.* Headon; Ryan *v.* Wyse.

In List of Master of the Rolls.—Monaghan *v.* Carson.

EASTER TERM, 1867.—1, Clarke *v.* Gildea; 2, Hall *v.* Wood; 3, Brown *v.* Rainsford; 4, Ryan *v.* Forde; 5, Maher *v.* Brennan; 6, Greene *v.* Humphry; 7, Casey *v.* Kennedy; 8, O'Reilly *v.* O'Reilly; 9, Roe *v.* Brannigan; 10, Dickson *v.* Irwin; 11, Brennan *v.* Atkinson; 12, Hinds *v.* Clarke; 13, Bateman *v.* Bateman; 14, Cooke *v.* Young; 15, Bournes *v.* Bournes, R.M.; 16, Cantillon *v.* Savage; 17, Copeland *v.* Willis; 18, Walsh *v.* Cork and Macroom Railway Company; 19, Myles *v.* Furlong, R.E.M.; 20, Keegan *v.* Doyle; 21, Lawder *v.* Westropp; 22, Ball *v.* Duffy; 23, Woulfe *v.* Woulfe; 24, M'Donnell *v.* O'Sullivan; 25, Rowland *v.* Rowland; 26, Smith *v.* Chaine; 27, Bingham *v.* Bingham, pursuant to Rolls order 14th January, 1867; 28, Simpson *v.* Simpson, on return to writ of partition; 29, Fitzgerald *v.* Fitzgerald; 30, Travers *v.* Travers; 31, Lewis *v.* Rea; 32, M'Clughan *v.* Greer; 33, Kilkeary *v.* Flattery; 34, Dunlop *v.* Dunlop, pursuant to Rolls order 30th June, 1866; 35, Irwin *v.* Robertson; 36, Blackwood and another *v.* Harrison; 37, O'Kelly *v.* Bodkin, pursuant to order of Master of the Rolls, dated 1st September, 1866; 38, Chapple *v.* Bourke; 39, Chapple *v.* Bourke; 40, Coleman *v.* Lupton; 41, Smyth *v.* Kilworth; 42, Armstrong *v.* Swan, R.E.M.; 43, Russell *v.* O'Neill; 44, Parsons *v.* Annesley; 45, Skelton *v.* Flanagan, pursuant to order of Master of the Rolls dated 4th February, 1867; 46, Allman *v.* Shearman; 47, Prendergast *v.* Izod; 48, Heinekey *v.* Reilly; 49, Monahan *v.* Allan; 50, Burke *v.* Lambert, R.M.; 51, Comins *v* Barrett; 52, Bond *v.* Dowling; 53, Russell *v.* Cashell; 54, Ellison *v.* Pierce; 55, Eno *v.* Boyd; 56, Stratten *v.* Murphy.

ROLLS COURT.

JUDGMENT.

Tuesday, April 16.—*M'Cormack and Others* v. *The Queen's University.*

At the sitting of the Court, judgment was delivered in this case.

The Master of the Rolls, in delivering judgment, said that the suit had been instituted by three graduates of the Queen's University, who were the petitioners. The respondents were the Corporation of Queen's University, several individual members of the Senate, and their secretary. The petition prayed for a declaration that the provisions of a Supplemental Charter, dated in 1866, were inconsistent with the provisions of a previous charter of 1864, and that a resolution, whereby the majority of the Senate, present at a meeting in October, 1866, purported to accept the supplemental Charter, was null and void, and of no force and effect in relation to the Queen's University. It also prayed an injunction to restrain the respondents from surrendering the Charter of 1864, and from accepting or acting upon the Supplemental Charter, or any Charter inconsistent with that of 1864, and from matriculating or conferring degrees upon any persons other than those qualified under the Charter of 1864, and from doing any act whereby the rights and privileges of the petitioners might be interfered with. After the passing of the statute 8 & 9 Victoria, chap. 65, under which the Queen's Colleges were founded by a Royal Charter dated in October, 1850, some provisions of which were slightly marred by another in 1852, these were surrendered, and a new one granted in October, 1864. In referring to the several clauses of this Charter, his Honour said that the thirteenth clause, which was very important, defined the powers of the Senate. It ordained that the Senate for the time being should have the entire management of and superintendence over the affairs, concerns, and property of the University, and in all cases unprovided for by the Charter it should be lawful for the Senate to act in such

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manner as should appear to them best calculated to promote the purposes intended by the University; and it gave the Senate power from time to time to make and alter any by-law and regulation, not repugnant to the laws of the realm, or the general objects and provisions of the Charter, touching the examinations and qualifications for degrees or other University distinctions, and the mode of convening the meetings of the Senate, and in general touching all other matters whatever regarding the University, not otherwise expressly provided for by the Charter. The Supplemental Charter, which was referred to in the petition, bore date the 25th of June, 1866. It recited the Charter of 1864, and the provisions in it authorizing the Senate to grant degrees to person who had studied wholly or partially in the Queen's Colleges. It then recited that it was expedient to extend the benefits of the University, and for that purpose to enlarge its power, by enabling it to grant degrees and distinctions to persons deemed qualified, although they might not have matriculated, or pursued any part of their studies in any of the Queen's Colleges. It ordained that all persons, though not educated in the Queen's Colleges, should be admitted as candidates for degrees subject to rules to be made by the Senate. With the policy of the change introduced by this Charter he had nothing to do, but the change was obviously a very fundamental one. It empowered the University to confer degrees on classes not only different from those defined in the 7th clause, but to whom the University was previously expressly prohibited from granting them by the 16th clause of the former Charter. The petition, after referring to the material clauses of the two Charters, submitted that the provisions of the Supplemental Charter were inconsistent with and repugnant to the provisions of the Charter of 1864, and, if acted on, would derogate from the privileges conferred upon and vested in the petitioners, and the other graduates, members of the Queen's University, as constituted by the Charter of 1864, by admitting to equal rights and privileges in connexion with the University, and with the Convocation, persons not included in or contemplated by the provisions of the Charter of 1864. The petition also submitted that a valid acceptation of the Supplemental Charter could not be effected save by the consent of the entire corporate body of the University. The steps taken in relation to the Charter were shortly these. On the 27th June six vacancies were filled up in the Senate. On the 11th July the Senate met, and, amongst other business, the consideration of the question respecting the acceptance of the Charter was adjourned, and a meeting of the Convocation was appointed to take place on the 12th October. A warrant issued authorizing the Convocation, and on the 6th October, and before the meeting of Convocation could take place, the Senate met again, and by a majority of eleven to nine votes passed a resolution that the Supplemental Charter be accepted, and appointed a committee to report as to the proper mode of carrying it into effect. The meeting of Convocation took place on the 12th October, and at that meeting a resolution was passed without division, that, in the opinion of Convocation, the acceptance of the Supplemental Charter was inexpedient. A cautionary notice was then given to the Senate not to proceed on the Charter. After mentioning in detail the legal proceedings that had been adopted in reference to the question, his Honour said that the result now was simply that the Charter had been accepted by the Senate by a majority of votes, at a regularly constituted meeting, but it had not been accepted by the corporation at large. So far as there was evidence of the assent or dissent of the entire body, he thought there was sufficient to show that a considerable majority of its members were opposed to accepting the Charter. Two questions had been raised—one whether the new Charter, having been accepted by the Senate, was binding on the University; and the other, whether the petitioners were entitled to call for the interference of the Court in this suit? He should first consider the latter point. In an earlier stage of the case there was some discussion whether the Court had any jurisdiction to interfere, but it was not subsequently disputed, and it appeared plain that the Court had jurisdiction to give the relief sought upon an information filed by the Attorney-General. The question was, therefore, narrowed to this—whether a suit could be maintained, framed as this was, in which the parties putting the Court in motion were three graduates, who, as such, were members of the corporate body of the University, and to which the Attorney-General was no party. The petitioners insisted, and it was not disputed, that the acceptance of the Supplemental Charter, in whatever form the law allowed or required it should be accepted, was essential to its validity. If the petitioners were right in their view—that there had been no valid acceptance of the Charter, neither the University, nor the Senate acting for it, had any right to confer degrees; and if they, notwithstanding, affected to exercise the power of conferring them, they were arrogating to themselves the exercise of the Queen's prerogative, just as any other unauthorized body of persons who should take upon themselves to confer such honours; and besides that assumption of the Royal prerogative, there was the injury to the public by giving titles which were represented to be valid degrees, but which were on this supposition worthless. If, on the contrary, the petitioners were wrong in their view, they were in this suit seeking to interrupt the due exercise of the Queen's prerogative by those to whom she had deputed it, and to deprive all the Queen's subjects who might claim degrees under the powers conferred by this Supplemental Charter of the advantages to which they were entitled. Thus the rights either to be asserted by the petitioners or to be defended against them were those of the Queen and the public. The Attorney-General was (save in the case of some rare exceptions not applicable here) alone recognized by the law as the proper litigant to represent such rights. He was of opinion that the petition in the cause was unsustainable, on the ground that the Attorney-General was not a party to it. If that were the only defect in the suit, it might be remedied by bringing the Attorney-General before the Court as a defendant; but he had come to the conclusion that the suit could not be maintained at all by the present petitioners, even if the Attorney-General were a defendant. In order to maintain a suit as a plaintiff, a litigant must show some injury to himself as an individual, to be redressed or prevented. If no private right of his, such as the law recognizes, is violated, and no loss has been or is about to be suffered by him as an individual, he cannot become plaintiff in a suit, merely because others do not perform their duty to the public. When the act complained of is that of a corporate body, or the governors or committee of such a body, it can make no difference in the application of the rule that the party complaining is a member of the body, unless there be some private interest or privilege attached to his membership. It had been argued that the effect of accepting the new Charter would be to intrude improperly into the corporate body new members in the persons of the new graduates. A subsidiary question was discussed: Whether the graduates so admitted would or would not be members of the corporate body? In his opinion, they would not. But, even if he had come to a different conclusion, he was not sure it would have advanced the case of the petitioners. He doubted if the injury done to them by attempting to allow others to share

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their privileges was as strong a case of individual injury as excluding the petitioners from the right they claimed to take part in deciding upon the question, Whether the new Charter was to be rejected or accepted. It appeared to him that each petitioner had only the same grounds for maintaining the suit which any of the public might assert. His Honour then went on to say:—It may be that, in the present case, the right to institute a suit is not confined to the Attorney-General, as representing the public. It may be, as I before mentioned, that the acts of the Senate are an injury to the corporate body of the Queen's University, in respect of which the corporation in its corporate name may be entitled to institute a suit; but that consideration certainly does not help to remove the objection to a suit by the present petitioners. There is a class of authorities in which, when the whole corporate body have power to validate the act complained of—as they have in the present case—individual members, even in cases where they had clearly a private interest otherwise sufficient to sustain the suit, have been held incompetent to sue. Having, therefore, come to the conclusion that the matters complained of are not a private injury to the petitioners—such as the court can recognize—that there is no grievance to them as individuals, I must hold that they have no *locus standi* in this suit, and I can only act upon what I find to be the established doctrine of the court, and refuse to interfere on their application. I accede to the force of the arguments that were raised, that the court has jurisdiction to decide the question raised on the construction of the charter of 1864, and to restrain the Senate from exceeding their powers, but only in a suit properly constituted, and on complaint made by a party entitled to make it. Indeed I do not understand the respondents now to dispute the jurisdiction to entertain these questions at the suit of the Attorney-General. In conclusion, his Lordship said:—As I have come to the conclusion that the petitioners cannot sustain the present petition, it becomes unnecessary to decide the question, whether the power of accepting or rejecting the Charter is vested in the Senate or in the corporation at large of the University; but after the very elaborate discussion which this question has undergone, I cannot say that I have not formed an opinion upon it. It is certainly not free from difficulty, but my present impression is in favour of the view pressed by the petitioners, that the charter of 1864 does not vest the power of accepting or rejecting the new charter in the Senate exclusively. It is useless to state at length the reasons which led me to this result, for any view which I have formed or may express on the point must be, of course, extra-judicial, and not binding upon any one, and I cannot say that I entertain it so confidently that it might not be changed. The conclusion to which I have come on that point is, however, an additional reason why I should be glad that the decision which I feel bound to make against the petitioners on the other branch of the case should, if it be erroneous, be corrected by a higher tribunal. It does not, however, enable me to excuse the petitioners from paying the costs of the defendants, who have successfully resisted the suit. The petition must be dismissed with costs to Mr. Lawson's clients; that is, one set of costs. I give no costs to the other defendants.

LANDED ESTATES' COURT.

PETITIONS FILED, *from 13th to 18th April*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
April 13	3799	Thomas B. Turner	*George Eaton and Charles E. Eaton*	Galway	58 0 0	*Wm. Fry*	Dobbs
„ 16	3800	Assignees of Robert Humphrey, Junior, a Bankrupt	*Trustees of the Belfast New Building and Investment Society*	Down	108 12 0	*Wm. E. Armstrong*	Lynch
„	3801	James Thornton	*Frederick B. Falkiner and Archibd. Tisdall*	Wicklow	*Not given*	*Falkiner and Hone*	Dobbs
„	3802	Eliza Pope and Others	*The Owners*	Kilkenny	292 8 2	*Taylor, Mackesy, and Mortimer*	Lynch
„ 17	3803	Executrix of Adam Nixon, deceased	*The Owner*	Fermanagh	46 5 0	*Archibald Collum*	Dobbs
„	3804	Matthew Dower, a person of unsound mind, heir-at-law of Robert Edmond Dower, deceased	*Catherine Dower and Ellen Dower*	Waterford	73 5 0	*James Barry*	Lynch
„	3805	Barcroft Boake, Wm. Boake, Wm. Barcroft Boake, and Jn. Capel, or some of them	*The Owners*	Dublin	231 4 7½	*George H. Belas*	Dobbs
„	3806	Henry Lambe	*Patrick Roger*	City of Dublin	35 16 0	*James P. Madden*	Dobbs
„ 18	3807	Lucinda Hull	*Alexander Thompson*	Cork	1446 9 5	*John Kilkelly*	Lynch
„	3808	Thomas Edwin John Henry	*The Owner, for Declaration of Title*	Monaghan	151 9 8	*Horan and Bourke*	Lynch

Sittings for Next Week, so far as same are appointed.

***Wednesday, 24th April*—Before Judge Dobbs.**

Francis M. Butler, from 15th inst. P. C. Lynch, do (2 motions). James Lyons, allocation. Anne Lodge, from 16th inst. John Duke, payments. Wm. B. Gardiner, from 17th inst. Lucy M'Nulty, provisional credit. Assignees of Margery Connell, proposals. E. Egan, rental. J. P. Kelly, do.

Before the Examiner.

Elizabeth Little and another, rental. Wm. Thompson and others proofs.

Before Judge Lynch.

John Nolan Ferrall, final schedule. Trustees of Garde, do. Robert Keays, do. T. J. Rice and another do. J. Godley and another, do. C. M. Gonnell, do. H. Griffith, do. F. Le Toler, do. Thomas Feeney, from 15th inst. Sir J. C. J. Fitzgerald, from 17th inst. C. M. Wilson, from 18th inst. C. S. Courtenay, do. Assignees of William Nixon, do.

Before the Examiner, at Eleven o'clock.

Thomas Jones, rental. Assignees of J. L. Gun, do. John Leahy, do. Catherine Sarah Courtenay, to vouch. R. D. Spedding, do.

Before Mr. Urlin.

James White, rental. M. Mullaly, do.

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Thursday—Before JUDGE DOBBS.

Daniel Conner, from 16th inst. A. J. Blair, compensation. James Credin, from 18th inst. Hugh O'Beirne, do. Wm. Thompson, allocation. Wm. Thos. Palmer, do. Assignee of W. Wright, schedule. John Hutton, do. Wm. Higgins, do. John Mehan, do.

Before the EXAMINER.

Trustees of Asken, draft schedule.

Before JUDGE LYNCH.

John Lawler and another, allocation. Maria Lynch, transfer stock. Daniel H. Irwin, allocation. A. M. Kerr and wife, private proposal. Robert Gass, amend absolute order. Gorges Graham, private proposal.

Before MR. UBLIN.

B. H. Hartley, rental, &c.

Friday—Before JUDGE DOBBS.

SALES.

Laurence M'Ternan, 1 lot.
James Byrne, 6 lots.
Thomas E. Barton, 3 lots.
Commissioners of Carrickfergus, 42 lots.
Daniel M'Mullan, 1 lot.
Henry Nesbitt, 1 lot.
Emily Francis, 3 lots.

SALE IN BELFAST.

Margery Connell.

Before JUDGE LYNCH.

TO EXPLAIN DELAY.

J. Purcell (*M'Carthy*); T. Potterton (*Galloway*); D. Monseratt (*Kelly*); A. J. Watson (*O'Donnell*); A. M'Clements (*Rogers*); M. M'Garry (*Lewis*); A. Kavanagh (*Maddock*); T. F. Austen (*Bourke*); M. M'Alister (*M'Neill*); J. Rogers (*Smith*); R. Gass (*Todd*).

Before the EXAMINER.

Marquis of Conyngham, rental. R. T. Bunbury, do. Anne J. Boylan, do.

SALE IN BELFAST.

Wm. Bottomly, 1 lot, County Down, fee farm and leases; profit rent, £213 5s. 8d. Solicitor, *H. H. Bottomly.*

Saturday—Before JUDGE DOBBS.

Thomas O'Brien, from 18th inst. James Credin, do.

Before the EXAMINER.

Maria Morron, rental.

Before JUDGE LYNCH.

Pyne, to stay sale.

T. W. Brown, extend time for filing objections. M. M.

LANDED ESTATES' COURT.

SALES.

Tuesday, 16th April—Before JUDGE LYNCH.

COUNTY OF THE CITY OF LIMERICK.

Estate of Robert Keays, owner and petitioner.

Lot 1—Eight houses and premises, situate in Newenham-street and Richmond-street, held in fee farm, producing a net yearly profit rent of £79 6s. 10d. per annum; the tenement valuation is £75. Mr. Barrington bought this for £430, in trust.

Lot 2—Two houses and premises, situate in Newenham-street, held under lease of lives renewable for ever, and producing a net rental of £54 per annum; the tenement valuation is £40. Mr. Hogan bought this for £500.

Lot 3—Five houses and premises, situate in same street, same tenure; profit rent, £94 per annum; valuation, £69 10s. Mr. Barrington bought, in trust, for £700.

Lot 4—Three houses and premises, situate in Henry-street, ; same tenure; profit rent, £27; valuation, £25 10s. Sold to Mr. Barrington for £200.

Lot 5—House, yard, and offices, situate in Upper William-street; same tenure; net rent, £12 6s. 2d.; valuation, £15. Sold to Mr. James Doyle for £115.

Lot 6—Plot of ground and houses, situate at Ballinacurra, Bowman; same tenure; profit rent, £14 10s. 4d.; valuation, £103. Sold to Mr. Jer. Perry, in trust, for £270.

Lot 7—Part of the lands of Ballinacurra Weston, with premises erected thereon, held for a period of 99 years from 1844; profit rent, £9 4s.; valuation, £10 10s.. Sold to Mr. Barrington, in trust, for £70.

Lot 8—Twelve houses and premises, situate in Athlunkard-street, &c ; held for 999 years; profit rent, £57; valuation, £81. Sold to Mr. Hogan for £460.

Lot 9—Other houses (eight) situate in same street; held for 900 years; net rent, £40; valuation, £20 5s. Sold to Mr. Hogan for £500. Solicitor, *John Barrington.*

COUNTY OF DUBLIN.

Estate of Louisa D'Andre and Others, owners; George Pedder and Wife, petitioners.

Lot 1—Two houses, with gardens, out-offices, and premises, Nos. 3 and 4, Crofton terrace, Kingstown, held in fee farm, and producing a net annual profit rent of £95. Sold to Findlater for £1,000.

Lot 2—House, garden, &c., No. 5, Crofton terrace, Kingstown, held in fee farm; net annual rental, £84. Sold to Mr. D. Howe, in trust, for £905.

Lot 3—House, garden, out-offices, &c., No. 7, same terrace, held in fee farm; net annual rental, £65. Sold to Mr. E. Tyrrell for £720. Solicitor, *Wm. Keating Clay.*

CITY OF LIMERICK.

Estate of Catherine S. B. Withers, owner and petitioner. One undivided moiety of the lands of Ballygrennan, &c., containing 33 Irish plantation acres, held under lease for 800 years, and producing a net profit rent of £65. Sold to Mr. J. C. Delmege, at £850. Solicitor, *John Lawless.*

CITY OF DUBLIN.

Estate of Mary Anne Merch, owner; Francis Reynolds, owner and petitioner. House and premises, 46, Halston-street, held for 974 years; profit rent, £40; tenant valuation is £70. Sold to Arthur Molloy, in trust, at £210. Solicitor, *Mark Thomas Russell.*

QUEEN'S COUNTY.

Estate of Joseph N. B. Thomas and others, owners; Francis Meyler, petitioner.

Lot 2—The undivided moiety of the fee-farm rent of £6 19s. 7d. out of the lands of Derrycappy. Sold to Mr. Samuel Pim for £120.

Lot 3—Fee farm rent of £35, out of the lands of Mount Jerome. Sold to Mr. Hone, in trust, for £600. Solicitor, *J. M. Williamson.*

CITY OF DUBLIN.

Estate of Charles F. Allnatt and Others, owners and petitioners.

Lot 1—Houses and premises, 32 and 33, Merrion-square, South; rent, £38 15s. 4d. Sold to Mr. Little for £540.

Lot 2—House, 34, same square. Same purchaser at £780.

Lot 3—No. 38, Merrion-square. Same buyer, at £910.

Lot 4—Houses, 1, 2, and 3, Fitzwilliam-street; rent, £32 1s. 6d. Same purchaser, at £480. Solicitors, *Cathcart and Hemphill.*

COUNTY OF ARMAGH.

Estate of Alexander Donaldson, owner; H. R. Barter, petitioner.

Lot 3—Part of the lands of Tullyvellum, containing 15a. 1r. 20p. Sold to the Rev. Mr. Donaldson, for £430.

Lot 4—Part of the Lands of Tullyvellum, containing 14a. 3r. 26p. Sold to Mr. Gamble, for £220. Solicitor, *John Ruckley.*

APRIL 18.

COUNTY OF CORK.

Estate of Samuel W. Ward, Owner; Valentine O'Brien O'Connor, Petitioner.

Part of the demesne lands of Annabella, with the premises thereon, known as the Royal Hotel, Mallow; held for 500 years from March, 1863, containing 6a. 3r. 9p.; producing a net yearly rental of £248. Sold to Mr. O'Connor for £1,200. Solicitor, *Terence O'Reilly.*

COUNTY OF DUBLIN.

Estate of Thos. Mackey, Owner and Petitioner.

Sale of Lots 1, 2, 3, and 4, were adjourned.

Lot 5. Part of the lands of Killiney Park, containing 3a. 3r. 5p.; held in fee farm; yearly value, £7 12s. 6d. Sold to Mr. Brownrigg, for £110. Solicitors, *Henry and John Watson.*

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Wednesday. Before the COURT.		
April 24	11 o'clock	George Burrowes	Charge and discharge	*Fottrell*
"	"	Arrangement case	do.	*Denvir*
"	"	do.	First sitting	*Larkin*
"	"	do.	Second sitting	*Hone & Son*
"	"	John Redmond	Examine witnesses	*Atkinson*
"	"	James Bracken	Charge and discharge	*Larkin*
		Before Mr. BRADY, Chief Registrar.		
"	12 o'clock	Edmond Murphy	Proof of debts and vouch account	*Molloy & Watson*
"	"	S. H. Groom	do. do.	*Molloy & Watson*
"	"	Christopher Nolan	do. do.	*Molloy & Watson*
"	"	Arrangement case	do. do.	*Mathews*
		Thursday. Before Mr. BRADY, Chief Registrar.		
April 25	12 o'clock	Patrick O'Reilly	Proof of debts and vouch account	*Casey & Clay*
"	"	E. F. Cullen	do. do.	*Larkin*
"	"	John Graham	do. do.	*Larkin*
"	"	Henry Fleming	do. do.	*Larkin*
"	"	Simon Batson	do. do.	*Kiernan*
"	"	Arrangement case	do. do.	*Rosenthal*
		Friday. Before the COURT.		
April 26	11 o'clock	John Doyle	Final Examination	*Hamilton & Craig*
"	"	Joseph Flann	do.	*Graham*
"	"	Laurence Kelly	do.	*Molloy & Watson*
"	"	Thomas Berry	do.	*Larkin*
"	"	James D. O'Rourke	do.	*Perry*
"	"	Thomas Groarke	do.	*Molloy & Watson*
"	"	Thomas Sharp	do.	*Black*
"	"	Michael Callanan	do.	*Larkin*
"	"	John Boland	do.	*Roe*
"	"	John Marshall	Surrender, proof of debts, and assignee	*Batt*
"	"	J. W. Sidley,	do. do.	*Rosenthal*
"	"	Michael Curran	do. do.	*Finllater & Collins*
"	"	Robert Clements	do. do.	*Irvine*
"	"	J. B. Kennedy	do. do.	*O'Callaghan*
"	"	Thomas Sharp	Composition	*Larkin*
"	"	William Tackaberry	Final examination	*Larkin*
"	"	George Burrowes	Audit and dividend	*Fottrell*
"	"	Timothy St. Laurence	do.	*Molloy & Watson*
"	"	James Alexander	do.	*Molloy & Watson*
"	"	James Morrissy	do.	*Perry*
"	"	John Saunders	do.	*Perry*
"	"	Thomas Hannegan	do.	*Perry*
"	"	S. and A. Kingston	do.	*Perry*
"	"	Joseph M'Cloy	do.	*Lynch*
"	"	Arrangement case	First sitting	*Leachman*
"	"	do.	do.	*Leachman*
"	"	do.	do.	*Redington & Murphy*
"	"	do.	Second sitting	*Moore & Barlow*
"	"	do.	First sitting	*Perry*
"	"	do.	do.	*Irvine*
"	"	do.	do.	*Murray*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE
April 17th,	Burke, John, of James's street, Dublin, baker,	Dividend of ¾d. in the £ on £630.	*Lucius H. Deering.*
"	Heffernan, Thomas, of Limerick, chandler,	Dividend of ¾d. in the £ on £169.	*Lucius H. Deering.*

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BANKRUPTS.

Ballard, Richard, of No. 50, Aungier-street, city of Dublin, boot and shoemaker. Petition of bankruptcy filed April 6, 1867. To sur. Tuesday, April 30, and Tuesday, May 14. L. H. Deering, Official Assignee. *Lynott*, Solr.

Breen, William, of Enniskillen, county of Fermanagh, grocer. Petition of bankruptcy filed April 18, 1867. To sur. Tuesday April 30, and Friday, May 17. C. H. James, Official Assignee. *Perry*, Solr.

Fitzpatrick, James, of James's-street, city of Dublin, cattle dealer. Petition of bankruptcy filed April 6, 1867. To sur. Tuesday April 30, and Tuesday, May 14. L. H. Deering, Official Assignee. *Larkin*, Solr.

Potter, Thomas, of Ballinasloe, county of Galway, shopkeeper and baker. Petition of bankruptcy filed April 15, 1867. To surrender Tuesday April 30, and Friday, May 17. L. H. Deering, Official Assignee. *Hyde*, Solr.

Rothwell, Thomas, of Hawkins-street, city of Dublin, vintner. Petition of bankruptcy filed April 13, 1867. To sur. Tuesday, April 30, and Tuesday, May 14. L. H. Deering, Official Assignee. *Batt*, Solr.

Notice of Meetings

To consider offers of Composition.

Hayes, Michael, of William-street, Limerick, ironmonger, a bankrupt. On Tuesday May 7, 1867, before the Court. *Meldon & Son*, Solrs.

Sidley, Joseph William, of No. 26, George's-street, Limerick, jeweller and shopkeeper, a bankrupt. On Tuesday, May 7, 1867, before the Court. *Rosenthal*, Solr.

Certificate Allowed,

Unless appeal filed within 30 *days from date.*

APRIL 12.

Saunders, John, of the Victoria Nursery, Western-road, county of Cork, nurseryman, a bankrupt. *Perry*, Solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Wednesday. Before the COURT.		
April 24	11 o'clock	Edmund Egginton,	Choice of assignee,	*Dodd*
,,	,,	James Martin,	do.	*M'Cully*
,,	,,	James Scullion,	Adjourned notice of motion,	*Young*
,,	,,	James Wilson,	To confirm sale,	*Armstrong*
,,	,,	John Clifford,	Hearing of petition	*Murray*
,,	,,	Emanuel Nuel,	do.	*Eyre*
,,	,,	Michael Joseph O'Brien,	Adjourned hearing	*Rynd*
,,	,,	Hugh Lyons Montgomery,	do.	*Graves*
		Thursday. Before MR. FARRELL, Chief Clerk.		
April 25	12 o'clock	Thomas Roche Rice,	To vouch creditors' assignee's account	*Huggard*
		Friday. Before the COURT.		
April 26	11 o'clock	—	For Bail Motions only.	—
		Saturday. Before Mr. FARRELL, Chief Clerk.		
April 27	12 o'clock	James Scullion,	To vouch assignee's account,	*M'Cully*
,,	,,	James Campbell	do.	*Macnally*
,,	,,	Jeremiah M'Carthy	do.	*Macnally*
,,	,,	Nicholas Bury,	do.	*Macnally*
,,	,,	Peter Neill	do.	*Henegan*
,,	,,	George Bashford	do.	*Macnally*
,,	,,	Eliza Brien	do.	*Macnally*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	RATE OF DIVIDEND	SOLICITOR	OFFICIAL ASSIGNEE
March, 13th	Richards, Samuel,	4th and final dividend, 7s. 7½d. in £ on £103. (Making in all 20s. in £.)	*Macnally*	*James*
,,	Smith, William,	3rd dividend 7s. 9¼d. in £ on £356.	*Macnally*	*James*
March 20th,	O'Meara, Bridget Jane,	1st dividend 15s. 9¼d. in £ on £65.	*Macnally*	*James*
,,	Rogers, Robert,	4th dividend 3s. 1¾d. in £ on £645.	*Macnally*	*James*
March 27th,	Murray, Daniel,	1st dividend 3s. 10½d. in £ on 2,570.	*Macnally*	*James*
,,	Gavin, Charles Peter,	5th dividend 1s. 0¾d. in £ on £2,048.	*West*	*James*
,,	Hutchings, John,	1st dividend 5s. 8d. in £ on £242.	*Macnally*	*James*

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INSOLVENT DISCHARGED ON BAIL until the Hearing of her petition.

Hart, Anne Frances Harriett, Dublin, spinster.

CASE DISPOSED OF.

In Dublin.

Wednesday, April 17, 1867.

Before JUDGE MILLER.

Byrne, Æneas M'Donnell. Discharged. The insolvent undertakes to pay £30 per annum, with one half of annual increase of his salary, to the Official Assignee, for payment of creditors.
Gaskin, James John, Adjourned to Wednesday, May 1st, 1867.
Howard, Charles. Discharged.
Lawson, Andrew. Do.

In the Country.

At Londonderry, co. Londonderry, March 26th.

Before JAMES CHARLES COFFEY Q.C., Chairman.

Carton, Patrick. Discharged.
Crawford, Nathaniel. Do.
Donnell, Henry Do.
Kelly, James. No appearance.
Maturin, John. Adjourned to next Quarter Sessions, at Newtownlimavady.
M'Laughlin, John. Discharged.
Thorne, William Romain. Do.

At Ennis, co. Clare, April 1st.

Before MICHAEL O'SHAUGHNESSY, Q.C., Chairman.

Broady, Patrick. Remanded for 6 months, from January 28, 1867.
Burke, Ulick John. Discharged.
Mansergh, Edward. Do.

At Maryborough, Queen's County, April 3rd.

Before JOSHUA CLARKE, Q.C., Chairman.

Comerford, Timothy. Discharged.
Kelly, Daniel, Remanded for 12 months, from January 28, 1867.

At Kilkenny, co. Kilkenny, April 3rd, 1867.

Before THOMAS DE MOLEYNS, Q.C., *Chairman.*

Scott, Barnaby. Adjourned to next Sessions, pursuant to order of October 17, 1861.

At Waterford, co. Waterford, April 4th.

Before BARTHOLOMEW C. LLOYD, Q.C., Chairman.

Henneberry, Walter. Discharged.
Power, Michael. Adjourned to next Quarter Sessions.

At Tralee, co. Kerry, April 4th, 1867.

Before WILLIAM NEWELL BARRON, *Chairman.*

Allman, John. Discharged.
Dillon, John. Adjourned to next Sessions.
M'Sweeny, Francis. Discharged.

At Omagh, co. Tyrone, April 5th.

Before JAMES ROBINSON, Q.C., Chairman.

Carlin, Francis. Discharged.
Donnell, Fanny. Adjourned to next Quarter Sessions.
Guy, James. Discharged.
M'Elroy, Joseph. Do.
M'Menamin, William. Adjourned to next Sessions.
Stars, John. Petition dismissed.
Tynan, Hamilton. Adjourned to next Sessions.
Young, James. Discharged.

At Tullamore, King's County, April 6th.

Before HEWITT POOLE JELLETT, Q.C., Chairman.

Clarke, John F. Did not appear.
Silk, Michael. Discharged.

At Armagh, co. Armagh, April 6th, 1867.

Before HANS HENRY HAMILTON, Q.C, *Chairman.*

Byrne, James. Discharged.
Cross, Jane. Do.
Davidson, William. Do.
Hobson, sen. John. Do.
Maginnis, John. Do.
Purdy, John. Do.
Reilly, Feilx. Do.
Sutcliffe, George G. A. Do.

At Monaghan, co. Monaghan, April 6th, 1867.

Before JAMES MAJOR, Q.C., *Chairman.*

M'Vittie, John Thomas. Adjourned to next Sessions.

At Castlebar, co. Roscommon, April 8th.

Before FRANCIS WILLIAM BRADY, Q.C., Chairman.

Gormley, James. Remanded for 12 months, from February 19, 1867.
M'Gowan, Michael. Discharged.
Rorke, Martin. Do.
Williams, Edward. Adjourned to next Sessions.

At Galway, co. Galway, April 8th, 1867.

Before WILLIAM W. BRERETON, Q.C., *Chairman.*

Blake, Thomas. Discharged.
Conroy, Francis. Do.
Head, Patrick. Do.
Travers, Mathew. Do.

At Limerick, co. Limerick, April 9th, 1867.

Before JOHN LEAHY, Q.C., *Chairman.*

Salmon, Thomas. Discharged.
Walsh, John. Remanded for 6 months from date of filing petition of insolvency.

At Wicklow, co. Wicklow, April 9th, 1867.

Before JAMES WILLIAM J. LENDRICK, Q.C., *Chairman.*

Byrne, Pierce. Discharged.
Flight, Thomas. Do.
Mooney, Christopher. Adjourned to next Sessions.

INSOLVENTS.

To be heard in the Country.

Garrett, Anne, of Parsonstown, King's co. widow. Hearing at Tullamore, Juiy 2nd, at 10. *Cooke*, Solr.
Connell, Robert, late of Hanover-street, Cork, shopkeeper, carrier, stage yard proprietor, and broker. Hearing at Cork, July 8th, at 10. *Collins*, Solr.
Heraghty, James, of Sligo, gardener. Hearing at Sligo, July 4th, at 10. *MacNiffe*, Solr.
Johnston, John, of Balladrihead, co. Sligo. labourer. Hearing at Sligo, July 4, at 10. *Macniffe*, Solr.
Mulrooney, Mary, of Birr, King's co., widow, shopkeeper. Hearing at Tullamore, July 2, at 10. *Dowling*, Solr.

To be heard in Dublin.

Hart, Anne Frances Harriett, of 46, Lower Mount-street, Dublin, spinster, not in business, sued as "Anne Hart." Hearing on Wednesday, May 8, at 11. *Macnally*, Solr.

PETITIONS OF INSOLVENCY FILED.

April 17, 1867.

Against Carey, Christopher, of Dame-lane, vintner—a prisoner in the Four Courts Marshalsea. Thomas Dillon petitioning creditor. *Kernan & Tracy*, Solrs.

By M'Nevin, John, of Ballinasloe, co. Galway, auctioneer, saddler, and wine and spirit dealer—a prisoner in the Four Courts Marshalsea. *M'Kenny*, Solr.

April 18, 1867.

By Peebles, William, of Hollywood, co. Down, writing clerk; previously of Belfast, co. Antrim, spirit dealer and writing clerk; previously of Belfast, merchant tailor, trading as "M'Kibben and Peebles," and previously of Belfast aforesaid, writing clerk, sued as "William Pebbles"—a prisoner in gaol of Belfast. *Macnally*, Solr.

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DUBLIN STOCK AND SHARE LIST.

APRIL

DESCRIPTION OF STOCK	Sat. 6	Mon. 8	Tues. 9	Wednes. 10	Thurs. 11	Fri. 12	Sat. 13	Mon. 15	Tues. 17	Wed. 17	Thurs. 18
Government											
New 3 p c Stock	89⅛	88⅛ ¼	88⅞ ¾ ⅝	88⅝ ¾ ⅝	88¾ ⅝	88⅞ ⅞	89 88⅞	89⅛ 89	89⅛ ⅝	89⅛ ¼	89⅛
3 p c Consols	90⅛	89⅛	89¼ ⅝	89¼	89⅛	89⅛	89⅞ ⅛	89⅞ 90	90⅛ ⅝	90 ⅛	90
Foreign and Colonial.											
India 5 p c Stock	108¾	108⅛ ⅝	108⅝	108⅝	108⅝	108⅝	—	108⅝	108⅝	—	—
Joint-Stock Banks.											
Ireland, £100 pd	—	234½	234½	—	234½	234½	234	234½	—	—	234½
Hibernian, £25 pd	—	—	—	—	—	363½	—	36⅝	36¾	—	—
Munster (Limited.), £3 10s pd ..	—	—	4½	—	—	4½	4½	—	4½ ⅝	—	—
National, £30 pd	63¾ ⅞ 64	63⅞ ⅞	63¾ ⅛	63 62¾ 63¼	63⅛	63⅛ 63	63⅛	62⅞ 63⅛	62⅝	62¾	—
National of L'pool (Ltd.), £15 pd	—	—	—	13	13⅛	13	—	—	—	—	12⅞ ⅞
Provincial, £25 pd	—	—	—	—	—	—	—	—	—	—	—
Do., New, (pd £10)	—	—	—	—	—	—	—	—	—	—	—
Royal, £10 pd	32	32⅛ 32	32⅛	—	—	32⅛ 32	32⅛ 32	32⅛	—	32⅛	32⅛
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—	—	—	—	—	—
Union, £22 pd	13⅝	13¼	—	13¼	—	—	—	—	—	13	13¼
Steam.											
British & Irish, £50 pd ..	—	—	—	—	—	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	100 99⅞	—	100	99⅞	99⅞ 100	99⅞	—	—	—	99¾
D. & L. St. S. B. Co. £55 pd (rd) ..	—	—	—	—	—	—	53	53⅛	—	—	—
Dub. and Glasgow, £50 pd ..	59	—	—	—	—	—	—	60	60	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—	—	7	7	—	—
Do., New, Second Issue, pd £5 ..	5⅛	—	—	—	5⅛	—	—	—	—	—	—
Mines.											
Carysfort (Lmtd.), 30s pd ..	—	—	—	5s 6d	—	—	—	—	—	—	—
Connorree (Lmtd.), 20s pd ..	—	—	13s	13s 6d	—	—	—	—	—	13s 6d	13s 6d 14s
Gen. M. Co. (L'td.), £5 10s pd ..	—	—	—	—	—	—	2½	—	—	2¾	—
Killaloe Slate Co. (L'td.), £1 pd ..	—	—	—	—	—	—	—	—	—	—	—
Mining Co. of Ireland, £7 pd ..	16¾	—	17	17	16¾ ⅛	—	16⅛	—	16½	—	—
Wicklow Copper, £2 10s pd ..	—	—	—	—	23⅛	—	—	—	—	22⅝	—
Miscellaneous.											
A. & C's' Gas, £8 pd A ..	9⅞	9⅞	—	—	9⅞	9⅞ ⅞	9⅞	9⅞ ⅞	9⅛	9⅞	9⅝
Do., £5 pd B	6	—	5⅛ ⅝	5⅞ ⅞	5⅛ 6	5⅞ 6	—	—	6 5⅛	4⅞	—
Do., £4 pd 2 C	—	4⅞ ⅝ ⅝	4⅞	—	—	4⅝	—	4⅞ ⅞	—	—	—
Grand Canal, £100 pd	—	—	—	—	—	—	—	46	—	—	46
Patriotic Insurance, £10 pd ..	8⅝ ⅛	8⅛	—	—	—	—	—	—	—	—	—
National Insurance, £25 pd ..	—	—	—	—	—	—	—	—	—	—	—
Railways.											
Belfast & N'rn Connties, £50 pd ..	—	—	—	—	—	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	10⅛	—	—	—	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	71⅝	—	71⅝	71½	—	—	71⅝ ⅛	71½	—	—	71½
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	—	—	—	—	—	—	—	—	—	—
D , W., & W., £100 pd	—	—	—	—	40	40	40	—	39¾	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	—	—	—	—	90⅛	90⅛	90⅛	90⅛	—	90½	90⅞
Midland Gt. Western, £100 pd ..	—	56	—	55⅛	55¼	55¼	55⅞	—	—	56⅛	56⅛
Waterford & Limerick, £50 pd ..	56	—	—	—	12⅛	—	—	—	—	—	—
Railway Preference.											
B. & N. C., 4 p c pp, £100 pd	—	—	92⅞	—	—	—	—	89	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	6⅛	—	—	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	47⅛	—	—	47⅞	—	—
D., W., & W., 5 p c (1865) pd £10	47	—	—	—	—	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	92½	88½	92⅛	92⅛	—	—	—	—	93	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	2⅛	—	—	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—	—	—	—	—	—
P'down, Dun , &c., 6 p c, £25 pd ..	—	—	—	—	—	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	44⅛	—	—	—	—	—	—	—	45	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—	—	—	—	—	—
Railway Debentures.											
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	93	—	—	—	—	—	—

Name Days—15th and 27th April. Account Days - 16th and 29th April.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

LANDED ESTATES' COURT, IRELAND.

FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of John Charles Count Conestabile, and Mary Barron, otherwise Mary Countess Conestabile, and of Romney, Foley, Esq.

Owners and Petitioners.

TAKE NOTICE that the Court has sold that part of the Lands of Knockeen, otherwise Knockinattin, containing 327a. 2r. 15p. statute measure, situate in the Barony of Middlethird, and County of Waterford, formerly the Estate of James Barron, of Sarahville, Waterford, and of Pierce Francis Barron, of Bruges, Belgium, both deceased, and that a Schedule showing the proposed distribution of the Fund, is lodged with the Clerk of the Records of this Court; and any person having any claim not therein inserted, or objecting thereto, for any reason, is required to lodge an objection thereto, stating the particulars of such claim, duly verified, with the said Clerk, on or before the 13th day of May next, and to appear on the following Thursday, the 16th May, at Eleven o'clock, before the Honourable Judge Dobbs, at his Court in Dublin, when instructions will be given for the final settlement of the schedule.

Dated this 10th day of April, 1867.

R. DENNY URLIN, Examiner.

JOSEPH WILLIAM FOLEY, Solicitor having the Carriage of Proceedings, 29, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Wm. Nealon, of Ballina, in the County of Mayo, Woollen Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 30th day of APRIL, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 12th day of April, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

JAMES D. MELDON & SON, Agent to the Bankruptcy, No. 14, Upper Ormond-quay, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay.

Printed and Published for the Proprietors, every Saturday, by John Falconer, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, April* 20, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 13.] SATURDAY, APRIL 27, 1867. {Single Copy, 6d. By Post, 7d.}

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THE IRISH LAW TIMES.

DUBLIN, APRIL 27, 1867.

A CASE, as regards the administration of justice, of considerable interest, especially as to the jurisdiction and powers of the Court of Probate over persons summoned to give evidence in that Court, recently arose during the progress of a trial there. A note of the case will be found in our legal reports, in this number.

The question raised in that case, in this respect, was simply this:—Has the Judge of the Probate Court the power to order the discharge, from arrest, of a person who had been duly summoned to give evidence on a trial in that Court, and who had been arrested under *civil* process when proceeding from his residence to the Court, to obey the subpœna of the Probate Court. That the Court of Probate is a Court of Record there can be no doubt; the 28th section of the Probate Act so enacts. And it certainly ought to have, as such, as extensive a jurisdiction in this respect as any of the other Superior Courts of Record; but the difficulty or objection that was raised by counsel, who argued against such jurisdiction, and in support of the arrest, in the case referred to, was that the Court of Probate is in fact the creature of a particular statute, and that the act omitted to give to the Court the jurisdiction in question.

However, it would occur to us that as the Act in express terms gives to the Court "the like powers, jurisdiction, and authority, for enforcing the attendance of persons required by it as aforesaid, &c., &c., as are by law vested in the Court of Chancery" (30 s.); and as the words "as aforesaid" refer to the previous section (29th), which authorizes the Court to require the attendance of any person whom it may think fit to be examined in any suit or other proceeding, in respect of matters or causes testamentary, and may examine, or cause to be examined, on oath, parties *and witnesses*, we can, therefore, not easily apprehend the doubt that is said to exist on those sections as to the power in question of the Court, first, to compel the attendance before it of a witness, and secondly, to protect such witness, *eundo, morando, et redeundo*, from the interference of the sheriff or his bailiffs in the execution of civil process upon him. During the discussion of the case it seems to be assumed that the Court had no power to issue a writ of *Habeas Corpus*. Now it occurs to us that there is authority for holding that such power is inherent in the Court—we mean the power to issue a writ of *Habeas Corpus*, to bring up a prisoner who was arrested under civil process while obeying a subpœna to give evidence in court. The grounds of

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this position are, that by the 30th section of the Probate Act the Court is invested with the same powers as the Court of Chancery in this respect; and, therefore, the simple question is, has the Court of Chancery power to issue such a writ, in the case of an arrest of a witness duly subpœnaed in that Court, and arrested under the process of a Law Court?

Now, as to the right of the Court of Chancery to protect, by its own authority, persons who may be arrested under civil process out of a court of law, the law appears to be clear, and to have been settled a considerable time ago.

Thus, in the year 1800, an action was brought against the sheriffs of London for an escape. The grounds of action were, simply, these:—That a bankrupt had been, when attending the Commissioners at Guildhall for examination, arrested by the defendants, at the suit of the plaintiff, under an execution at law, but was, on the remonstrance of the Commissioners discharged; and Kenyon, C. J., in giving judgment, making absolute a rule which the defendants had obtained to change the verdict for the plaintiff into a non-suit, observed:—"The Commissioners are a court of justice sufficient for the purpose of having their witnesses protected, at least, by the Court of Chancery, if not by themselves. If so, I cannot distinguish between the case of a witness, and that of a party himself, whose presence may be equally necessary to explain his own case; *et ubi eadem est ratio idem est jus*."—*Arding* v. *Flower*, 8 T. R. 373.

That case was decided in the King's Bench, in England, and was fully approved of, and acted on, by Lord Eldon. In 1812 a petitioning creditor, under a commission of Bankruptcy, was also arrested at Guildhall, immediately after proving his debt. The process of arrest was also a *law* process; and an application was, in the first instance, made to a *law* Judge (Le Blanc), who refused the application, as it is said, "either on the consideration of the authorities, or as not having jurisdiction." An application was then made to the Court of Chancery, and Lord Eldon made the order for the discharge, remarking:—"If a person going to make an affidavit before a master was arrested, this Court would discharge him; *but a Judge would not*, as the application must be to that Court of which the proceeding is a contempt;" and again, "In that case (*Arding* v. *Flower*) the Court of King's Bench stated the principle upon which all courts have since acted, and I have no doubt that the principle reaches this case." And he, moreover, gave costs against all the parties concerned in the arrest, the attorney, the officer, and the client.—(*List's Case*, 2 V. & B. 273). That case is cited in the last edition of Daniel's *Ch. Pr.*, 2 Vol., 965, to sustain the same doctrine.

So, in Ireland, in *Mahon* v. *Mahon*, 2 I. E. R.: 440, a defendant in equity, who was arrested by law process when on his way to attend the hearing of his cause, was discharged by the Master of the Rolls; and we must also add that a similar order was made in a law court.—(*Rooney* v. *Cooke*, 10 I. L. R., 469.) So that it would appear, notwithstanding Lord Eldon's decision, that either the Court out of which the process issued, or the Court which has been treated with contempt are alike competent to make the order.

It was, no doubt, for some time questioned, whether, in such cases, of witnesses in Chancery who were arrested by law process, the party should not resort to the court of law; and it was thought that the Court of Chancery could not interfere. That misconception—if it was so—arose from the words of the 14 G. III., c. 102, which confers that power on any of the *Judges or Barons* in England or Ireland; and it was thought the Legislature meant to point to law Judges; but it would appear that there was no ground for that opinion, as Kindersley, V. C., in the case of *Buckeridge* v. *Whalley*, 6 W. R., 180, following some unreported cases, one before Lyndhurst, C., and the other *Re Hanbury*, before the Master of the Rolls, said:—"We had considered the point a good deal, and had applied to Mr. Murray, the Clerk of the Records and Writs, upon the subject, who stated that he recollected a similar case before Lord Lyndhurst, in which he had made such an order. In the present case, taking all things into consideration, there would be, in truth, no interference with the Court of Common Law to have the defendant brought up as was asked. The order must be that he should be brought up *de die in diem*, as the proceedings at which he was required to attend should render it necessary." See also other cases cited in a note to that case, and also 1 *Smi. Ch. Pr.*, 611; and the same remarks apply to a Habeas Corpus in general. As we said at starting, the points that we have touched on appear of considerable importance, and are well entitled to the attention of the profession; and if any rational doubt exists on the point a speedy remedy should be applied, in order to obviate in some cases the expense, delay, and inconvenience of making the application to a court of law.

CORRUPT PRACTICES AT ELECTIONS BILL.

A Bill to provide for the more effectual Prevention of Corrupt Practices and Undue Influence at Parliamentary Elections. [Prepared and brought in by Mr. Chancellor of the Exchequer, Mr. Secretary Walpole, and Mr. Hunt.]

This Act may be cited for all purposes as "The Corrupt Practices at Elections (Trial) Act, 1867."

Interpretation of the terms "Election," "County," "Borough," "Voter," "Candidate," "Bribery," &c.

Where any candidate returned to serve in Parliament at any election for a county or borough is charged with having committed at such election, by himself or his agents, the

offence of bribery, treating, and undue influence, or any of such offences, a petition complaining of the return of such candidate on the ground of his having committed such offences, or any of them, may be presented to the returning officer by any candidate at such election, or by any three voters of such county or borough, or by any such candidate and voters, and such petition may or may not claim the seat or any other candidate at such election.

Regulations as to petition.

The petition to be forwarded to the Speaker.

As soon as may be after the passing of this act the Speaker shall form a list of persons willing, and, in his opinion, able to investigate any charges of bribery, treating, or undue influence made in election petitions under this act; and such list is hereinafter referred to as the panel of election commissioners. The Speaker may from time to time add any name to the panel of election commissioners, or take any name of such panel. The Speaker shall from time to time report to the house the panel of election commissioners, and any alteration made therein, but such panel shall remain in force notwithstanding the prorogation or dissolution of Parliament.

No person shall be placed on the panel of election commissioners to serve in England unless he is qualified as follows:—viz.—Is a barrister or serjeant-at-law of not less than seven years' standing, and is in actual practice, or is or has been a judge in one of her Majesty's Superior Courts in England, or of the Court of Admiralty, or a commissioner in Bankruptcy, or a judge of a County Court, or a Recorder of London, or a stipendiary magistrate, or a judge of some supreme court in some part of her Majesty's colonial dominions, or in India.

Within seven days after the receipt of an election petition, the Speaker shall select from the panel of election commissioners three persons to be commissioners, for the purpose of investigating the charges contained in the petition, and shall name one of such persons to be chairman.

At the time and place appointed the commissioners shall proceed to investigate the charges contained in the petition, and shall, as far as practicable, continue such investigation from day to day. On the termination of the investigation the commissioners shall report to the Speaker whether, in their opinion, the candidate whose return is complained of has or has not been guilty of the charges made against him, or of any of them; they shall also, where the petition claims the seat for any candidate, and the claim is insisted on, inquire and report whether such last-mentioned candidate has or has not been proved guilty of the offences of bribery, treating, and undue influence, or of any of them, and if not, whether he has or has not a majority of legal votes at such election. The commissioners shall also report whether it has been proved to them that the offences of bribery, treating, or undue influence, or any of them, have prevailed extensively in the county or borough the election for which they have been investigating.

Where any candidate is reported guilty of the offences of bribery, treating, and undue influence, or any of them, the report shall state whether he is guilty personally or by his agents.

The report of the commissioners may be in the form marked (C) in the schedule hereto.

On the receipt of the report the Speaker shall, as soon as practicable, communicate it to the House of Commons, and lay the report on the table. The House of Commons shall order the report to be entered in their journals, and shall, if no such motion is made and resolution passed as is hereinafter mentioned, give the necessary directions for either confirming or altering the return, or entering a writ for a new election to be issued.

Any member of the House of Commons may, within the period of fourteen days after the report has been laid on the table, exclusive of any time during which the house is not sitting move the house that the report of the commissioners be referred to an election committee on grounds to be stated by him to the house, and the house may resolve accordingly; and in the event of such resolution being carried, the petition on which the report has been made shall be deemed to be an election petition within the meaning of the act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter ninety-eight, and to have been presented within the time limited forthe presentation of election petitions, and shall be dealth with accordingly, with these exceptions:

1. That, in addition to the recognizances required by the said act, the petitioner must prove to the satisfaction of the examiner of recognizances that he has paid all costs, charges, and expenses due from him on account of the investigation by the election commissioners of the charges contained in such petition.
2. That on the hearing of the petition by the select committee, no evidence shall be received except that taken by a shorthand writer as hereinafter mentioned on the investigation by the commissioners.

Where a report has been presented by the election commissioners under this act before the candidate whose return is complained of takes his seat, and the report is to the effect that such candidate has been guilty of the offences of bribery, treating, or undue influence, or any of them, he shall not take his seat until and unless he is declared by an election committee, in manner hereinbefore mentioned, not to have been guilty of the said offences, or any of them.

Any candidate for a county or borough who is found guilty of the offences of bribery, treating, or undue influence, or any of such offences, by a report of the election commissioners under this act, and whose return is in consequence made void, shall, in addition to any penalties to which he is otherwise subject by law, be disqualified as follows—that is to say, if found personally guilty of any of the above offences, he shall, the first time that he is so found guilty, be incapable of being elected, or sitting in the House of Commons, for a period of five years, and if found personally guilty of such offence a second time, he shall henceforth be incapable during the remainder of his life of being elected or sitting in the House of Commons. If found guilty by his agents of any of the above offences, his election shall be void, and he shall be incapable of being elected or sitting in Parliament for the same county or borough during the Parliament then in existence.

The commissioners shall report specially to the Speaker the names of any persons, other than the candidate complained of, who have been proved before them to have been guilty of bribery, treating, or undue influence, or of any of such offences, and who have not been furnished by them with certificates of indemnity, in pursuance of the power hereinafter given; and such report, with the evidence thereon shall be laid before the Attorney-General, with a view to his instituting, at the public expense, a prosecution against such persons, if the evidence is, in his opinion, sufficient to support a prosecution.

If any candidate knowingly employs at any election the services of any person who, before the passing of this act, has been, or may hereafter be, found guilty of bribery, treating, or undue influence, or any of such offences, by any competent court, or by any committee of the House of Commons, or by the election commissioners under this act, or by any commissioners appointed under any other act to inquire into the conduct of elections, the election of such candidate shall be void.

There shall be paid to each election commissioner the sum of pounds for his services in respect of each election petition.

The election commissioners may appoint a secretary, who shall be paid a sum of pounds for his services in respect of each election petition, and shall perform such duties as may be required by the commissioners.

The commissioners appointed to investigate the charges contained in an election petition shall have all such powers, rights, and privileges as on the occasion of any action or suit are vested in or exerciseable by any of her Majesty's superior courts, or in any judge thereof, in any of the matters following; that is to say—1. The enforcing the attendance of witnesses, and examining them on oath, affirmation, or otherwise, as they or he may think fit; 2. The compelling the production of documents; 3. The punishing persons guilty of contempt; and a summons under the hand or hands of one or more of the commissioners may be substituted for and shall be equivalent to any form of process capable of being issued at law in any action or suit for

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enforcing the attendance of witnesses or compelling the production of documents.

Any warrant of committal to prison issued for the purpose of enforcing the powers conferred by this section shall be under the hand or hands of one or more of the commissioners, and shall specify the prison to which the offender is to be committed, and shall not authorise the imprisonment of any offender for a period exceeding three calendar months.

The investigation under this act of the charges contained in an election petition shall be conducted in public, and due notice shall be given by the election commissioners of the time and place of holding the same.

All questions before the commissioners shall be decided by a majority of voices.

The returning officer shall provide a court, with all necessary accommodation for the sittings of the commissioners.

The commissioners may adjourn from time to time as occasion may require.

The proceedings of the commissioners shall not be affected by any prorogation of Parliament.

The commissioners shall throughout their investigation be attended by a shorthand writer appointed by the Speaker, and sworn by the chairman of the commissioners faithfully and truly to take down the evidence.

Expenses of witnesses. Indemnity to witnesses.

Fees of returning officer. Expenses of returning officer.

The salaries of the commissioners and their secretary, together with a reasonable sum for lodging and travelling expenses, shall be defrayed by the Treasury, except in cases where the commissioners report that the offences of bribery, treating, and undue influence, or some one or more of the said offences, have prevailed extensively in the county or borough the election for which they have been investigating, in which case the salaries and expenses provided for by this section shall be deemed to be expenses incurred by the returning officer in carrying into effect the provisions of this act, and shall be defrayed accordingly.

All costs, charges, and expenses of and incidental to the presentation of a petition under this act, and to the proceedings consequent thereon, with the exception of such costs, charges, end expenses as are by this act otherwise provided for, shall be defrayed by the parties to the petition in such manner and in such proportion as the commissioners may determine, regard being had to the disallowance of any costs, charges, or expenses which may, in the opinion of the commissioners, have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the petitioners or the respondents, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or not on the whole successful.

The commissioners shall, at the conclusion of the hearing of the petition, or as soon afterwards as they conveniently can, estimate the amount of costs, charges, and expenses due to the several parties to the petition, and certify under their hands the parties by whom and the parties to whom such costs, charges, and expenses are to be paid.

Certificate of commissioners to be conclusive.

The Speaker may also correct any informality in any petition, recognizance, or other document required by this act in cases where it is proved to his satisfaction that no injustice will be done to any party by such correction, on payment of such costs and subject to such conditions as he thinks just.

No action shall be brought against any commissioners appointed under this act, or any other person whomsoever, for anything done in the execution of this act, unless such action be brought within six calendar months after the doing of such thing.

APPLICATION OF ACT TO IRELAND.

This act shall apply to Ireland, with the modifications following ; that is to say—No person shall be qualified to be an election commissioner for Ireland unless he is a Barrister-at-law of not less than seven years' standing, or is or has been a Judge of one of her Majesty's Superior Courts, or is or has been Recorder of Dublin, or Judge of the Landed Estates Court, or an Assistant Barrister.

SIR COLMAN O'LOGHLEN'S Bill, "To Abolish Arrest for Debt, except in certain Cases, and to Amend the Law of Debtor and Creditor in Ireland," has been introduced and read a first time without observation. Upon the second reading, which is fixed for the 15th May, the discussion of its provisions will, doubtless, take place. These are of an important nature, and, should the measure become law, they will cause very fundamental changes in the present code—changes, however, in harmony with the principles of the law as proposed for England. The following is an outline of the provisions of the Bill, which comprises sixty-eight sections :—

After the passing of the Act arrest for debt in Ireland shall be abolished, and all prisoners for debt shall be forthwith discharged out of custody, but such discharge is not to prevent the judgment under which the party was arrested from remaining in full force against the property of such debtor. The property of a non-trader debtor shall always remain liable to his debts, from the payment of which the Court of Bankruptcy and Insolvency shall not have the power to exonerate or exempt it. Nor shall the Court in future be able to discharge any person as an insolvent debtor.

In certain cases, before judgment, a writ of *ne exeat regno* may issue against a debtor, under which, when arrested, he shall remain in custody until he give sureties in the amount marked tha the will not leave Ireland for the time mentioned on the writ.

In certain cases, also, before judgment, a writ of *fieri facias* may issue against defendants' goods, which, when seized, are to be safely kept to abide the order of the Court, or, if the Court think proper, may be sold and the amount paid into Court.

As to the effect of judgments for the payment of money entered either before or after the passing of the Act, they are not to continue in force for a longer period than *seven years* from the passing of the Act, or from the date of their being entered, unless proceedings for enforcing same be actually pending at the time, when such seven years would expire. No such judgment shall be capable of being revived, but nothing shall prevent a new security in writing being given for the original debt secured by the expired judgment. This, however, is not to affect judgments which shall be, before the passing of the Act, charges on land as respects such land. As to executions under such judgments, they shall attach any income payable out of property in Ireland, or any money to which debtor may be entitled in any Court, or any money lodged by or to the credit of any debtor, or any trustee for him, in any Bank, or with any person or company in Ireland, in same way as joint-stock property is now attachable under "The Common Law Procedure Act, 1853."

With regard to property of a Non-trader debtor, any salary, wages, pension, or income which cannot be seized or attached, or when he has made away with or conceals his property, a judgment ereditor, unable to realize by execution, "may present a petition to the Court of Bankruptcy, praying such relief in respect of his debt against the respondent as such petitioner shall think proper." Upon such petition, duly verified, an order for hearing shall be made and notice given to the debtor. If debtor shall not appear at time appointed for hearing such petition, a warrant for his arrest may issue to bring him before the Court. At the hearing he shall be examined on oath as to his property, and if he refuse to answer questions he may be committed to prison for a period not longer than *six* months. On the other hand, if at such hearing it appear that he has made away with or concealed property, he may be committed for a period not exceeding *twelve* months, while the Court may issue a warrant to search for and seize any property of the debtor anywhere concealed. Such property, or part of it, when seized may be ordered to be sold for the benefit of the petitioner, and the surplus of such sale or property shall be handed over to the debtor. A debtor's benefice may be sequestrated by the Conrt in favour of the petitioner. The Court may order that petitioner shall receive so much of the debtor's pay, half-pay, salary, emolument, or pension as the Court (with consent of head of the department under which pay is enjoyed) shall think proper, and same shall be paid to the petitioner accordingly until further order of the Court." Two or more creditors may join in one petition, or proceedings under two or more petitions may be consoli-

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dated. If creditor's petition be maliciously filed, Court may order satisfaction to the party aggrieved. If a debtor against whom such petition has been filed be about to quit Ireland, Court may order his arrest and seizure of his monies, books, and documents.

Any Non-trader debtor unable to meet his engagements, but capable of making proposal for payment or arrangement of his debts by instalments or otherwise, may petition the Court for protection of his property from sale for a limited time. With such petition a schedule shall be filed, when a time for hearing shall be fixed and notice thereof given to the creditors. At the hearing petition may be adjourned or dismissed, or protection to the debtor's property granted for period not exceeding *five* years, provided a majority in number and value of the creditors shall assent in writing, but not otherwise.

Protected property exempt from seizure without leave of Court; but any creditor may apply for rehearing of petition, when Court may alter or vary order made. At the expiration of the protection, any creditor may proceed for his debt; and, if his judgment shall have expired, he may issue a *fieri facias* out of Court of Bankruptcy to enforce his debt for such period as he might have issued same if no protetion had been granted.

The Court of Bankruptcy may direct certain petitions of or against non-trader debtors to be heard before chairmen of counties, but from their decisions an appeal may be made to Court of Bankruptcy.

As to the discharge of Trader-debtors, a bankrupt's certificate shall hereafter be either Absolute or Provisional; an absolute certificate shall free future acquired property in respect of debts proveable under the bankruptcy; a provisional certificate shall not. No such absolute certificate shall be granted unless 6s. 8d. in the pound be paid to the creditors, or three-fourths (in value) of the creditors shall in writing consent.

As to the mode of making available the future property of a bankrupt, it is to be by summons requiring him to appear and be examined on oath. On hearing of the summons the Court may order him to pay money into Court for dividend amongst the creditors, but only after a reasonable allowance for his and his family's maintenance, and after full payment of all debts not proveable under the bankruptcy. For the purposes of this dividend the Court may, "if it thinks fit," appoint the official assignee to act and account as receiver of the bankrupt's property. If such money be not paid into Court the estate shall vest in the official assignee, and may be sold for benefit of creditors.

As to Civil Bill Courts, decrees for sums not exceeding £10 are not to be affected by the Act. But such decrees shall specify the period, not exceeding *three* months, for which debtor shall remain in custody if amount of decree be not paid. Debtor obtaining discharge by payment of instalment may be arrested for subsequent instalment or for balance of debt.

The Judges of Common Law Courts are empowered to frame the necessary writs, and the Judges of Court of Bankruptcy to make general orders for carrying the Act into effect. There is also power given to the latter Court to discharge debtor from custody if further imprisonment would endanger health. The Act is to be cited as "Arrest for Debt Abolition Act (Ireland), 1867."

ENGLAND.

MARTIAL LAW.

The LORD CHIEF JUSTICE, in his marvellous charge to the grand jury, occupying five hours and a half, without pause or hesitation, although assisted only by a few brief notes, established this important fact, that martial law, as popularly understood, is unknown to the law of England. The army is governed by martial law; but that is not a capricious law; it administers a military code to which soldiers are subject, but it has no jurisdiction over civilians. That, however, is not the martial law contemplated when we speak of a province being placed under martial law. What we really mean by this expression is, that in a certain lawless condition of a country the ruling power is by the Constitution of England authorised to place the civil courts in abeyance, and to subject all persons to the jurisdiction of the military power upon any charges connected with the insurrection.

On this, says the LORD CHIEF JUSTICE, in effect, popular opinion errs. The law of England vests no such power in any authority, even the very highest. The QUEEN herself cannot proclaim martial law, and therefore she cannot delegate such a power to any governor. If Ireland were in a blaze to-morrow, the Lord Lieutenant could not place it under martial law, nor could the Commander-in-Chief try a single civilian at the drum-head, though taken red-handed, with a torch in one hand and a sword in another, a mansion before him kindled by the one, a corpse by his side slain by the other. If then actually resisting, he might be bayoneted, but he could not be taken prisoner, tried by a court-martial and shot, however necessary to the safety of the country might be the example of prompt and severe punishment. In rebellion, force may be employed to any extent to put it down—all engaged in a breach of the peace might be slain while in the act of breaking the peace, if necessary for the suppression of the disturbance; but that is all. No tribunal but a special commission, save the regular courts of justice, could try a single prisoner.

Such is the law of England, and it is a splendid proof of the general concord of her sons that no domestic occasion has arisen to require an alteration of that law. Long may it be before there is a necessity for a change. But it may well be doubted if such a state of the law is adapted to the condition of our colonies and dependencies. At home the Government has overwhelming strength, and rebels are sure to be a minority. But in many of our colonies, as in Jamaica, the ruling race are but a handful among the multitude of the subject race; they can govern only by the fear of superior force; they are surrounded with foes, who want only the opportunity to annihilate them, as is proved by the numerous attempts made for their destruction, there being an insurrection in Jamaica once in five years upon an average. If the authorities there and elsewhere are not armed with martial law, or something like it, it is difficult to see how the whole population is to be preserved from extinction by the superior numbers of the enemies by whom they are surrounded.

But, it is said, though you may not try by military tribunals, the soldiers may use any amount of force, and kill any number of rebels, that may be requisite for the suppression of insurrection; but there their function ends, and it is not their business to punish, nor to make examples. That is the duty of the civil power.

May it not be questioned whether humanity profits by this limitation? If martial law, as it is popularly understood, were to be sanctioned in certain contingencies, some justice would be done. There must be *some* delay, *some* proof of guilt, *some* time for passion to cool, and *some* proportion of punishment to guilt. The soldiers would take prisoners. But if there is no tribunal, if themselves are to be judges and executioners, they will be tempted to inflict summary vengeance, and, in the doing of their legal duty of suppressing insurrection by force of arms, to do what they would otherwise have reserved for the drum-head, and shoot and cut down without mercy or discrimination. The grand jury expressed their hope that martial law, as it is called, may be better defined by statute; or rather, we suppose, that definite powers should be given by positive law to colonial governors, that they may know what they may and what they may not do when placed in the perilous position of Governor EYRE, who saved us a colony, snatched thousands of his countrymen from death, and hundreds of English-women from a worse fate, and is rewarded by an indictment for murder and ruinous lawsuits. In this request of the grand jury the whole country will join, for, as it is, the hands of our colonial governors are everywhere paralysed, and must continue to be so, as long as they see before them a prosecution for murder if they put down a rebellion, and an impeachment if they do not.—*Law Times.*

NOTES OF ENGLISH DECISIONS.

From *The Law Times.*

COVENANT AGAINST BUILDING—ACQUIESCENCE.—A purchaser of a plot of building ground entered into a covenant

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between himself and the vendor (the plaintiff) and all and every other the persons who should, as similar purchasers, execute the indenture, and their respective heirs and assigns, to leave open and unbuilt upon certain portions of the land coloured blue, on the plan annexed to the indenture. The defendant became a purchaser of this plot, and executed the deed in Aug., 1863. Previously to this, in 1860 and 1862, other purchasers of similar plots had built upon land so marked blue. The defendant also was proceeding to build upon his plot, when the vendor filed his bill for an injunction to restrain him from so doing. Held, that, as the vendor had allowed other purchasers of similar plots to depart from the terms of the covenant, and as any uniformity of design had been destroyed, he could not now restrain the defendant from proceeding to build upon his plot of land. (*Peek* v. *Matthews*, 16 L. T. Rep. N. S., 199, V. C. N.)

WINDING-UP.

CONTRIBUTORY.—B., a stockbroker, in 1855 bought fifty shares in a company which had no register of shareholders, the shares passing by delivery of the certificates. He alleged that he bought them for C., a customer, who was his solicitor, and the certificates were by him delivered to C. In 1857 the company was wound-up. In 1859 the official manager applied to B. to ascertain if he was still the holder of the shares at the date of the order. B. gave this letter to C., requesting him to answer it. In 1861 he received notice that he was placed on the list of contributories for the fifty shares. This letter he took to C., requesting him to give it proper attention. C. wrote assenting on B.'s behalf to his (B.'s) name being retained on the list, and the call was paid by C., who afterwards died, and then B. received notice of a further call. The official manager knew nothing of the circumstances, nor by whom the call was paid. The M. R. had decided that B. was not entitled to have his name removed by reason of his laches; but the Lords Justices on appeal held that laches was no bar where the party had never been a shareholder. (*Ex parte Shewell*, 16 L. T. Rep. N. S. 194. L. JJ.)

WILL.—REMOTENESS.—B. directed his trustees to pay the income of a trust-fund to C. for life, and after her death to her children generally for their lives, and gave the fund, after the deaths of such children, on certain trusts. At the date of the will C. was past child-bearing. The gift of the fund, after the death of the children, was nevertheless held to be void for remoteness. (*Re Sayer's Trust*, 16 L. T. Rep. N. S. 203. V. C. M.)

COVENANT—MINING LEASE—E. and S. by deed in 1857 granted and released lands to R. and his heirs, reserving therefrom all the coal and minerals under the lands so granted, with power to win, work, and carry away the same to X., or the persons entitled thereto, they paying to R. compensation for the damage so caused. The deed also contained a covenant by E. and S. for themselves, so far only as related to their own acts, that they had not done any act whereby the premises conveyed should or might be encumbered or prejudicially affected. And a further covenant by X., that notwithstanding any act by him or Y. deceased, E. and S., or one one of them, had good title to grant and release to R., free from all incumbrances by X., or any of his ancestors, or other person claiming under them. In 1844 Y., an ancestor of X., had granted a lease of the coal mines and minerals under the premises so conveyed to R.; and the lessees covenanted to work and carry on the collieries in a fair manner according to the most approved method, so as to produce the greatest quantity of merchantable coals. The lessees were bound to provide support for certain specified houses, but not for houses to be thereafter built. R., under the grant of 1857, built houses on the surface land conveyed to him, and the lessees of the minerals under the lease of 1844 subsequently so worked the mines in accordance with the covenant in the lease as to cause the surface to subside, and the foundations of R.'s houses to become weakened. Held, that there was a breach of X.'s covenant for title under which R. was entitled to recover for the damage. (*Taylor* v. *Shafto*, 16 L. T. Rep. N. S. 205. Ex. Ch.)

PLEA OF WAIVER.—In an action to recover against a tenant double the value of the premises for holding over after the expiration of a notice to quit, it is not necessary, in order that the defendant may avail himself of a waiver on the part of the landlord, that such waiver should be specially pleaded. (*Rawlinson* v. *Marriott and another*, 16 L. T. Rep. N. S. 207. Nisi Prius.)

ATTORNEYS IN THE OLDEN TIME.

A curious legal treatise, about 200 years old, is in the possession of Mr. Registrar Harris, F.S.A., who is the owner of several rare and interesting works relating to our legal and constitutional history. The book in question is entitled, "The Practicle part of the Law: shewing the office of an attorney, and a guide for Solicitors. London: printed for Henry Twyford, in Vine Court, Middle Temple, 1676." The writer observes that "the attorneys are very many, not being limited to any set number." General directions are given to the practitioner, not omitting the subject of fees, respecting which he is told, "The fees you are to pay at the assizes are as follows: to each counsel you retain, at the least, 10s.; for the jury 8d. apiece." There is also a charge "for lights, if the cause be tried by candle-light." In the City of London Sheriffs' Court at that time the fee to counsel was 3s. 4d., and that to the attorney 1s. 8d.

By the rules and orders for the King's Bench, "formerly appointed by the Judges, and still in practice, it was provided "that all officers and attorneys of this Court be admitted of some Inns of Court or Chancery, wherein they were admitted officers or attorneys, and be in commons one week in every term, and take chambers there; or in case that cannot be conveniently, yet to take chambers or dwellings in some convenient place, and leave notice with the butler where their chambers or habitations are, under pain of being put out of the roll of attorneys. 2. That officers of this court appear in person in this court upon or before the 14th day of Michaelmas Term, and upon or before the 7th day of every other term, upon pain of 10s. for the first default, 20s. of the second default, and putting out of the roll upon the third default." As regards the admission of attorneys of that court, it is provided "That none be admitted unless he hath practised as a common solicitor for five years, or hath served, or shall serve, by the space of five years, as a clerk to some *judge, serjeant-at-law, practising counsel*, attorney, clerk, or officer of one of the courts of Westminster." We also find it "Ordered that a jury of able and credible officers, clerks, and attorneys, once in three years be impannelled, and sworn to inquire of such who have been admitted attorneys or clerks, and are notoriously unfit, their names to be presented to the court, and they to be punished or removed, as the case shall require." On his admission the attorney had to take an oath, and, among other things, was made to promise, "You shall increase no fees, but you shall be contented with the old fees accustomed." Connected with this part of the subject there was an order of the court that "in actions of slander, long preambles be forborne."

Appended to this work is a concise treatise on "The Law and Customs of London, which appears to have been intended as a sort of guide to country practitioners how to conduct themselves so as to keep out of scrapes when they visited the metropolis. We are here told that "every one who bringeth victuals to London may sell it without disturbance to fishmongers, butchers, poulterers, and others."

Note, the allowance for finding of orphans according to the ancient rate and customs of London, or other city where the like custom is, shall not be taken for usury.

No man shall blow any horn in the night within this city, or whistle after the hour of nine o'clock in the night, under pain of imprisonment.

No man shall use or go with vizards disguised by night, under like pain of imprisonment.

Every householder whose houses adjoyn unto or is next the street, from Michaelmas till our Lady day yearly, shall set or hang out candles or lights in lanthorns, or otherwise, in some part of his house next the street, to enlighten the same for passengers, from such time as it shall grow dark till nine of the clock in the evening, upon pain of one shilling for every default.—*Law Times.*

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by Edward S. Trevor, Esq., Barrister-at-law.

In the Matter of the Companies' Act, 1862, and Kingstown Royal Marine Hotel Company, *ex parte* Cockburn.

April 24.—*Companies' Act,* 1862—*Winding-up—Bankruptcy.*

The petition was presented for winding-up the Kingstown Royal Marine Hotel Company, The petitioners were creditors of the company for a balance of £3,400, under a contract with them to build the hotel. Several of the creditors of the company appeared; among others, Messrs. Jameson and Sons, who had brought an action for their debt. They served the summons and plaint on the 16th of March, 1867, and received an undertaking from the solicitor of the company to confess judgment on the 1st of April following. Before the latter date the petition in this matter was presented, and on the 30th of March the Lord Chancellor made an order directing all proceedings by execution against the company to be stayed until the 17th of April, but refusing to prevent such creditors as were entitled to do so from marking judgment or registering their judgments as mortgages. The Messrs. Jameson opposed the order unless it was made without prejudice to their right to issue execution.

Pallas, Q.C , for the petitioners.

Daniel, for Messrs. Jameson, contended that an order under this act had not the same effect as an order in bankruptcy, and relied on *In re Great Ship Company,* 10 Jur., N S. 4; *In re London Cotton Company,* L. R., 2 Eq., 53; *Anderson's case,* L. R., 3 Eq., 337, as entitling them to have their right to issue execution reserved.

The Master of the Rolls said that there was nothing to distinguish the Messrs. Jameson's claim from that of any other creditors who had brought an action and refused to annex any qualification in their favour to the order.

The other creditors of the company did not oppose the making of the order; but a discussion arose whether the winding-up of the affairs of the company should be referred to the Court of Bankruptcy, under the 81st section of the Act, or carried on in this Court under the 73rd section.

Palles, Q.C., for the petitioners, and *Martin* for another creditor, said that the majority of the winding up cases which had occurred in this Court had been referred to the Court of Bankruptcy. No rules had been made here as there had been in England, under the Companies' Act, 1862.

Kernan, Q.C., for the Directors, *Lawless,* Q.C., *Graydon, S., Walker, Daniel,* and *Coates,* for other creditors, preferred that the proceedings should be carried on in this Court.

The Master of the Rolls (April 25) said that, on consideration, he saw no advantage in sending the case to the Court of Bankruptcy. On the contrary, questions might, and probably would, arise in this case which it would be more convenient to have decided by this Court. He should, therefore, make an order of reference for winding up the Company in this Court, and direct that the practice under the former winding up Acts should be adopted.

Solicitor for the petitioner, *Thomas Geoghegan.*

Solicitors for Messrs. Jameson, *Woodroofe and Hogan.*

Farmer *v.* Farmer.

April 25.—*Stop Order—Notice of Motion.*

Certain funds standing to the credit of this matter to which the petitioner and her husband were entitled were mortgaged by a deed of the 21st of April, 1867.

Woodlock, on behalf of the mortgagee, moved without notice for a stop order.

His Honour directed notice of the motion to be served.

Solicitors fo the mortgagee, *Connor and Son.*

QUEEN'S BENCH.

Reported by William Woodlock, Esq., Barrister-at-law.

In the Matter of the Appointment to the Office of Local Inspector of Prisons.

April 24.—*Dublin Improvement Act—Presenting Terms.*

This matter came before the Court upon a question as to whether the appointment to the office of Local Inspector of Prisons in Dublin lay with the Town Council or with the City Grand Jury. It appeared that a vacancy occurred in the office in the month of March, and that the Town Council thereupon made an appointment *ad interim.* On the part of the Town Council it was now contended that, whatever might ultimately be the decision upon the point, it was premature to discuss the matter at present; that upon the construction of the various statutes relating to the City of Dublin, where a vacancy occurred "between two presenting terms" the Town Council had the right to appoint a person to fill the office until the next presenting term; that by the Dublin Improvement Act there was now only one presenting term, namely—Michaelmas Term—and that the office was filled till then, and therefore the question could not arise until then. On the other side it was contended that Easter and Michaelmas were the ordinary presenting terms, that the effect of the Dublin Improvement Act was only to make Michaelmas the single term in which money could be levied, and for other fiscal purposes, and that this was the proper time for having the question discussed.

Monahan and *Hartigan* appeared to support the right of the Grand Jury.

Serjeant Barry, Q C., for the Town Council.

The Court held that the expression "presenting terms" did not mean any particular terms, such as Easter and Michaelmas, but the terms at which fiscal business was to be done; that the effect of the Dublin Improvement Act was to make Michaelmas the only term at which that could be performed, and therefore there was but one presenting term for the City of Dublin. Until then, therefore, the office was full by the *ad interim* appointment which the Town Council had power to make; and accordingly the discussion of the question was premature.

Attorney for the Town Council, *Morgan.*

COMMON PLEAS.

Reported by William Griffin, Esq., Barrister-at-Law.

Gibbons *v.* M'Evelly.

April 16.—*Replevin, Count for Trespass, not Praying Return of the Goods.*

Motion that the writ of replevin sued by the plaintiff out of the Court be quashed, and all proceedings had thereunder set aside, and that plaintiff return to defendant the goods replevined. The summons and plaint complained that the defendants, in a certain dwelling house in the townland of Driskilane, in the Co. of Mayo,

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took the goods of the plaintiff, that is to say three beds, &c. (describing the goods), and unjustly detained the said several goods against sureties and pledges, until, &c., whereby the plaintiff has sustained £100 damages; and the plaintiff prayed judgment against the defendant to recover the said sum of £100 and his costs.

Jellet, Q.C., and *Wilson*.—This is not a count on which a writ of replevin should have issued. Summons and plaint in replevin should pray a return of the goods, and here the plaintiff only prays judgment for damages. The Common Law Procedure Act, sec. 228, directs that where the plaintiff seeks to replevy he shall commence his proceedings by a "personal action for the recovery of the goods." The count here is only one for trespass.

Palles, Q.C., and *Carton*.—The summons and plaint contains particulars of the property taken, and the place of the taking complained of, which are not required in a count in trespass, and shows it to have been drawn under the 228th sec. The Act does not say that the plaintiff should *pray judgment* for the recovery of the goods, and by the nature of the case he must get back the goods *before* judgment.

The Court considered that the count sufficiently complied with the 228th sec of the Common Law Procedure Act, and refused the motion.

Attorney for the plaintiff, *George Lynch*.

Attorney for the defendant, *W. J. Bourke*.

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law

BLOOMFIELD *v.* CLANCY.

Dec. 11, 1866.—*Plea that the deceased did not know the contents of the Will.*

A plea that the alleged testator did not know and did not give any instructions for a residuary clause, directed to be pleaded, in addition to those of undue execution, want of capacity, and undue influence.

This cause was at hearing before a jury respecting the validity of the will of Dr. Frederick Drought, dated the 13th July, 1866, in which the plaintiff was named sole residuary legatee.

The defendant, as sister and sole next of kin, impeached the will, on the grounds of want of capacity, and undue influence, and fraud, and coercion exercised by the plaintiff on the deceased.

The plaintiff himself proved that he took the instructions from the deceased and drew the will, naming himself sole residuary legatee, subject only to two annuities of £50 and £70, for the lives of a Mrs. Ryan and her child.

When the defendant's case was proceeding it was intimated by the Court to *Dr. Ball*, Q.C., counsel for the defendant, that the pleas should be amended by adding a plea that the deceased did not know or give any instructions for the residuary clause in said will contained.

Dr. Ball having acquiesced, the plea was accordingly added, but the jury could not agree to a verdict. (See *O'Reilly* v. *O'Reilly*, 11 I. Jur., N. S. 216).

EASTWOOD *v.* EASTWOOD.

Dec. 17, 1866.—*Witness—Arrest—Discharge.*

Quere—Has the Judge of the Probate Court power to discharge from custody a person who was subpœnaed as a witness to attend the Court, and was arrested on his way to Court under civil process.

Semble—That he has. But the affidavit as to the party's residence being defective, no rule was made.

W. O'Driscoll moved for the discharge from custody of Thomas Reid, a prisoner in the Four Courts Marshalsea, under a civil bill decree. He had been duly served with a *subpœna ad testificandum* in this case, on the part of the defendant and intervenient. The case was in the *Legal Diary* on the 29th November for hearing, and was adjourned on that day to Hilary Term next. The witness swore that he was under the belief that the case was still at hearing on the 4th December, and that he on that day left his lodgings in Gardiner-street, Dublin, to attend as a witness on the trial of the said cause, but was on that day arrested on his way down, and was taken to the Marshalsea under a civil bill decree from the Recorder's Court against him for £26 6s. 6d.; and that he had no other business to attend to on said occasion save attending as a witness in said case.

The affidavits on the part of the applicant were not satisfactory as to his residence in Gardiner-street. The answering affidavits stated that his residence was in Nicholas-street at the time of his arrest, and for some time previously.

Counsel for the applicant submitted that the Court, as a superior Court of record, had full power to enforce the attendance of witnesses (29, 30, and 37 sections of 20 & 21st V., c. 79), and therefore, as a necessary consequence, had power to discharge a witness arrested when on his way to attend the Court. The Court out of which the process issued for the attendance of the witness is the proper Court to apply to. Even inferior courts have exercised this power without any special provision. (1 Ch. Archb. 771).

If a Court has power to enforce the attendance of witnesses, it must, of necessity, have the power to protect them, and to order their discharge from custody when arrested on their way to give evidence in the Court.

The following cases were cited—(*Atkinson* v. *Kirkwood*, Hayes & J., 546, in which Joy, C. B., said that the Court of Quarter Sessions could discharge a magistrate who had been arrested under process out of the Exchequer, while attending as a suitor in the Court of Quarter Sessions, and also as a grand juror there). *Mahon* v *Mahon* (2 Ir. E. R., 440); *Att. G.* v. *Skinners' Co.* (1 Coop. 1); *List's case* (2 V. & B., 373); *Rooney* v. *Cooke* (10 I. L. R., 469); *Arding* v. *Flower* (8 T. R., 534).

Geo. Waters, for the detaining creditor, *contra*.

This is a case of the first impression. The proper course would be to apply to a law Judge for a *Habeas Corpus* to bring up the prisoner. By the 30th s. of the Probate Act, the powers of the Court appear to be limited to the following cases:—1st, to enforce the attendance of witnesses; 2nd, to punish persons not attending; 3rd, to punish persons guilty of contempt.

The Court is one of limited jurisdiction, and in such cases Courts of limited jurisdiction must be strictly held within the terms of their charter or statute. (2 Inst., 548, 3 Bl. Comn. 85).

Next.—Another question is, whether this power to discharge is incident to all Courts. No doubt that the very lowest tribunals have the power to summon persons as witnesses. But that leaves untouched the question—have they power to discharge persons who, when summoned as witnesses, have been arrested under civil bill process?

KEATING, J.—Does not the power to enforce attendance imply the power to discharge?

No; unless the arrest was made in the face of the Court. That was held in the case of *Wilson* v. *Sheriffs of London* (1 Brownl. & Gouldsb., 15), where it was held in the Common Pleas, in England, that where a defendant was arrested when going to the Court of the Mayor and Sheriffs of London to defend an action there

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depending, in which he was a defendant, unless the arrest were made *in the face of the Court*, it could not discharge the prisoner.

Webb v. *Taylor* (1 D. & L. 676), where the applica- to discharge a witness who was arrested when summoned to give evidence before *arbitrators* was made to the Court of Queen's Bench, out of which the process issued, a similar rule was made as to persons summoned to attend before the Insolvent or Bankrupt Courts (1 Ch. Archb. 771), and where a party was attending as a witness in the *Prerogative* Court, and was arrested under process out of the Court of Exchequer, the application for his discharge was made to the latter court.

[Keatinge, J.—I have no recollection of any application having been ever made to me as Judge of the Prerogative Court to discharge a witness]

A similar application was made to the Common Pleas in England to discharge a witness attending before a police magistrate to give evidence on a charge of felony and arrested on his way to the police court. The application was there made to the Court of Common Pleas.—(*Montague* v. *Harrison*, 27 L. J., C. P. 24.)

2 Tayl. Ev. 1132. Tidds Pr. 200, *Astbury* v. *Belbin*, 3 Car. & K. 20. *Tilly* v *Irwin*, Armstr. M. & Ogle, 170. Where the Chief Baron held that he had at Nisi Prius no power to discharge a witness who had been arrested. In *Atkinson* v. *Kirkwood* the point was not argued, and it involves only a *dictum* that was unnecessary to the decision of the case. The distinction to be attended to is, between the case of a contempt of court and the power to discharge from arrest.—(*Hare* v. *Hide*, 16 L. B., n. s. 394.

Keatinge, J.—The affidavits filed by the applicant are quite defective as to his residence, and on that ground I say no rule on the motion, but I may add that the strong inclination of my mind is in favour of the jurisdiction, that if I have power to summon I have also power to discharge from arrest; but on this motion I do not decide the point.

COURT OF BANKRUPTCY.

IN BANKRUPTCY.

Reported by John Levy, Esq., Barrister-at-Law.

Before Berwick, J.

Re Doyle, *a bankrupt.*

April 26, 1867.—*Reckless trading—Fraudulent preference—Debt fraudulently contracted.*

The bankrupt, who was a grocer, came up for final examination.

Kernan, Q.C., appeared for creditors.

Perry, Attorney for the bankrupt.

It appeared that in November last the bankrupt executed a mortgage to his brother for a debt previously due to him; that he had gone on trading at a ruinous loss, and that after his bill had been dishonoured, he bought a cask of sugar from a merchant named Glennon, with whom he never had a previous transaction; he bought it for cash, and on the day it was to be paid for he called a meeting of his creditors, and handed over to a favoured creditor certain shares in the Dublin Brewery.

Berwick J., said the conduct of the bankrupt was reckless and fraudulent, and he would adjourn the granting of the certificate for nine months, with protection for a month.

Agent to the bankruptcy, *Hamilton and Craig.*

Agent for the bankrupt, *Perry.*

CIRCUIT CASES.

NORTH-EAST CIRCUIT.

Belfast—March 20, 1867.

Reported by J. Lowry Whittle, Esq., Barrister-at-law.

Coram Fitzgerald, B.

Moore *v.* Reid.

Jurisdiction—Question of Title.

This was an appeal from the decision of the Chairman of the County Antrim. The process was for trespass on a limestone quarry of the plaintiff's, at Greenland, Larne. The plaintiffs claimed under a lease from the Earl of Antrim, of July 1859, by which certain quarries on the Antrim property were demised to the plaintiffs for the term of 40 years. This demise included the quarry at Greenland.

By another lease the surface of the lands at Greenland were demised by the Earl of Antrim to Mr. Chaine; but the quarries all were reserved out of this demise. Moore, the defendant, was a yearly tenant of Greenland, under Mr. Chaine, and proved, at the assizes, that he, and his father before him, had, from time to time, used the quarry without permission from any one, for more than a period of 40 years. In March, 1865, plaintiff's attorney wrote to defendant, threatening proceedings; and it was alleged that defendant then promised to cease working the quarries, and to pay costs. On this point there was some conflict of testimony. The defendant contended that a question of title being involved, the jurisdiction of the Chairman was ousted. The Chairman gave a decree for 1s., on the understanding that there should be an appeal.

W. H. Kisbey, for the respondent.

H. Fitzgibbon, for the appellant.

Fitzgerald, B., confirmed the decree, holding that the two leases from Lord Antrim, one to the plaintiff, the other to the defendant's landlord, removed all question as to the title.

Attorney for the respondent, *H. N. Smith.*

Attorney for the appellant, *W. W. M'Neill.*

Armagh—March 11, 1867.

Dixon *v* Dixon.

Before Fitzgerald, B.

Money Paid to Defendant's Use—Principal and Agent.

The defendant was a farmer; and on the farm there was a shop belonging to him, but which was managed, and the goods for which were ordered, by plaintiff, who was his son. Differences arose between the plaintiff and defendant; and on one occasion, when one M'Causland, by whom some goods for the shop had been supplied, called at the shop and requested payment of his bill, the defendant said to plaintiff, "You have taken money out of the till and robbed me, and you may pay that bill." The plaintiff accordingly paid the amount of the bill, and processed the defendant to recover the amount as money paid to his use. The Chairman dismissed the process.

Law, Q.C., and *Frazer*, Q.C., for defendant.

Falkiner, Q.C., for plaintiff.

Falkiner argued that plaintiff paid the money as agent for his father.

Fitzgerald, B.. held that there was no agency—that plaintiff was under no legal compulsion to pay the bill, and therefore affirmed the dismiss.

A Barrister and his Fee.—Mr. Lilly, of the Surrey circuit, was summoned last week to recover the fee of five guineas paid him on a brief to defend a prisoner at Maidstone, but which he had to hand to a brother barrister. The Judge ruled that, the fee being an *honorarium*, plaintiff could not sue, and non-suited her with £2 costs.

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THE LAW STUDENTS' JOURNAL.

THE FOLLOWING IS A COPY OF THE EXAMINATION PAPERS GIVEN TO CANDIDATES AT THE PRELIMINARY EXAMINATION FOR APPRENTICES TO ATTORNEYS, HELD ON THE 12TH DAY OF APRIL, ULTIMO.

HISTORY.

1. What was the Witena-gemot? It cannot be considered as the prototype of the modern Parliament. Why?
2. Who was the first Anglo-Saxon King of England?
3. What king was the first lineal descendant of both the Saxon and the Norman lines?
4. In whose reign was Normandy reunited to the Crown of France?
5. Date of the Conquest of Ireland? What internal dispute was the immediate cause of its invasion?
6. What were the constitutions of Clarendon?
7. When did the first House of Commons meet?
8. What was the origin of the Wars of the Roses? How were the rival claims finally united? Trace the descent of the rival houses from Edward III.
9. What was the object and what the result of the Rye House Plot?
10. Give some account of the trial of the Seven Bishops.
11. When were the Test and Corporation Acts repealed?
12. When was the Act of Settlement passed, and what are its provisions?
13. Enumerate the sovereigns of England from 1702 to 1820, and mention some of the most remarkable events in the reign of each.

GEOGRAPHY.

1. Over what part of the earth is the sun vertical when his rays are withdrawn from the north frigid zone?
2. What is the circle of illumination? At what period of the year does it bisect the parallels of latitude?
3. When it is 12 o'clock with us, what hour is it 15 degrees to the east of us, and why?
4. Where is there no latitude? Where no longitude?
5. How are the tides produced? Why are the tides higher towards the equator?
6. What are the boundaries of Europe? Enumerate its political divisions, with the capital cities of each.
7. What islands lie to the east of the Spanish coast? What islands are adjacent to the coast of Scotland?
8. Through what countries and into what seas do the following rivers flow:—Nile, Yenessei, Garonne, Vistula?
9. Where are the following situate:—Walcheren, Ulm, Chicago, Pekin, Heidelberg, The Cevennes?
10. Enumerate the counties on the western coast of Great Britain, and the principal towns of each.
11. Where are the following situate?—Torbay, Valentia, Mangerton, Weymouth, Huddersfield, Kilmarnock, Dromore.

ARITHMETIC.

1. If a man earns £1 7s. per week, and expends 2s. 10d. per day, how much will he have saved at the end of the year?
2. A person pays £17 10s. Income Tax, at 7d. in the pound, what is his income?
3. Express 5 weeks, 4 days, and 12 hours, as the fraction of a year.
4. Reduce 18s. 10½d. to the fraction of a pound.
5. If 7 acres of land cost £120 9s. 2d., what will 24A. 1R. 20P. cost at the same rate?
6. What is the interest of £4,164 10s. for 6 years, at 2¾ per cent.?
7. A quantity of tea is sold at 4s. 2d. per lb.; the gain is 10 per cent., and the total gain is £12. What is the quantity of tea?

BOOK-KEEPING.

1. When you open an account for stock in the ledger, on which side would you enter the cash in hand?
2. Enumerate the several classes of accounts used in Book-keeping by double entry.
3. How would you journalize the following:—
   (a) When you pay money to another by order of your creditor?
   (b) When you sell goods to a creditor for a debt due to him, their value amounting to more than the debt, and the overplus is paid to you in cash?
4. Define "Invoice"—"Bill of Lading."
5. Open a cash account; enter the following transactions, and balance the account:—

			£	s.	d.
January	1st,	Cash in hand,	348	0	0
"		Paid William Browne,	86	4	0
"		Sales for cash this day,	8	10	0
"	2nd,	Paid cash for goods,	10	15	0
"		Received for John Smith,	5	13	6
"		Sales for cash this day,	4	10	0
"	3rd,	Paid house rent,	33	8	4
"		Paid taxes,	3	0	8
"		Paid William Jones,	84	10	5
"		Sales for cash,	9	5	0

Attorneys' Apprentices who have duly Enrolled their Indentures pursuant to the 29th & 30th Vic., cap. 86, sec. 15.

Date of Enrolment	Name and Abode of Apprentice	To whom bound
1867 Feb. 15th	Joseph Loughrey, Binion, Co. Donegal.	Charles Kernan, Cork Hill, City of Dublin.
Mar. 1st	Charles Henry Craig, Aghanloo, Co. Londonderry.	Charles Henry Brett, 8, Inns'-quay, City of Dublin.
" 22nd	Richard Rice, Killally, Co. Cork.	Thomas Rice, 1, Capel-street, City of Dublin.
" 27th	William Deverell Whelan, Tullamore, King's County.	Robert Whelan, 8, Lower Gardiner-street.

COURT OF QUEEN'S BENCH, ENGLAND.

Ex parte BUCHANAN.—*Field*, Q.C., moved the court to allow the applicant, who had been articled to an attorney, to enter into fresh articles. The applicant was articled in Nov. 1861, and served under his articles until 13th April, 1865, when, designing to be called to the bar, his articles were rescinded. He then entered at one of the Inns of Court, but subsequently decided to renew his service under articles in his former branch of the profession.—The COURT considered that they had no jurisdiction in the matter.

Application refused.

ADDRESS TO THE RT. HON. F. BLACKBURNE.

At a meeting of the Bar, held in the Law Library, Four Courts, on Wednesday,

WM. C. HENDERSON, Esq., Q.C., in the chair.

The address of the Bar to the Right Hon. Francis Blackburne on his retirement from public life, having been brought up by the committee appointed to settle same, and read,

Sergeant Armstrong (in the absence of the Attorney-General and Solicitor-General, who were engaged elsewhere, owing to their public duties) proposed that the address, as approved of, be engrossed, and signed by the Father on behalf of the Bar, and that he do arrange with the Right Hon. F. Blackburne as to the time and manner of presenting same.

Mr. Wall, Q.C., seconded the motion, which was passed unanimously.

The thanks of the meeting having been awarded to the committee who prepared the address, and also to the chairman, the meeting separated.

LEGAL APPOINTMENTS.

The Right Hon. the Attorney-General has appointed Adam Mitchell, Esq., of Parsonstown, and No. 4, South Frederick-street, Dublin, Sessional Crown Solicitor for the King's County.

William Lawder, Esq., solicitor, has been appointed Clerk of the Crown for the County of Roscommon, in the place of William Young, Esq., resigned.

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THE COURTS AND COURT PAPERS.

COMMON LAW COURTS.

Guide so far as relates to the Marking of Judgments by Default.

MAY, 1867.

Plaint Served on			Filed not later than	Last Day to Plead	Entitled to Judgment
Wednesday,	1st	MAY,	10 May	15 May	16 May
Thursday,	2nd	"	11 "	16 "	17 "
Friday,	3rd	"	13 "	17 "	18 "
Saturday,	4th	"	14 "	18 "	20 "
Monday,	6th	"	15 "	20 "	21 "
Tuesday,	7th	"	16 "	21 "	22 "
Wednesday,	8th	"	17 "	22 "	23 "
Thursday,	9th	"	18 "	23 "	24 "
Friday,	10th	"	20 "	24 "	27 "
Saturday,	11th	"	21 "	27 "	28 "
Monday,	13th	"	22 "	28 "	29 "
Tuesday,	14th	"	23 "	29 "	30 "
Wednesday,	15th	"	24 "	30 "	31 "
Thursday,	16th	"	27 "	31 "	1 June
Friday	17th	"	28 "	1 June	3 "
Saturday,	18th	"	29 "	3 "	4 "
Monday,	20th	"	30 "	4 "	5 "
Tuesday,	21st	"	31 "	5 "	6 "
Wednesday,	22nd	"	1 June	6 "	7 "
Thursday,	23rd	"	3 "	7 "	8 "
Friday,	24th	"	4 "	8 "	12 "
*Saturday,	25th	"	4 "	8 "	12 "
Monday,	27th	"	5 "	12 "	13 "
Tuesday,	28th	"	6 "	13 "	14 "
Wednesday,	29th	"	7 "	14 "	15 "
Thursday,	30th	"	8 "	15 "	17 "
Friday,	31st	"	9 "	17 "	18 "

* Holiday appointed to be kept as Her Majesty's Birth-day. The several offices of the Law Courts will be closed on this day.

EASTER TERM

Will end on Monday, the 13th of May. The Nisi Prius sittings after Easter Term will commence on the following day, Tuesday, the 14th May. Notice of trial for such after sittings must be served not later than Thursday, the 2nd of May.

TRINITY TERM.

NOTICE.

In order to have a trial at the Nisi Prius sittings after Trinity Term, the writ of summons and plaint must be served on or before Tuesday, the 21st May.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are appointed.

Monday—Before JUDGE DOBBS.

Baptiste Kernaghan, from 15th inst.—T. S. Cave, do.—J. S. Kirwan, do.—Charles Barnewall, from 16th inst.—Trustees of Mary Jennings, apportion rent.—Wm. Thompson, allocation.—Executors of M. Macklin, objections.—Meredyth Thompson, payments.

EXPLAIN DELAY.

Fox, assignee of M'Dermott (*O'Loghlin*).—P. O'Connell (*Julian*).—Rev. R. Oliver (*Bass*).—M. Purcell (*M'Donald*)—R. Buchanan (*Greer*).—R. Peed (*Pepper*).—T. Clibburn (*Jackson*).—W. C. B. Trotter (*Newtons and Armstrong*).—Rev. W. Keane (*O'Brien*).—Rev. W. M. Pyne and others (*Bourke*).—E. Ray (*Mercer*).—B. Ryan (*Stephens*).

Before JUDGE LYNCH.

W. Bottomly, confirm sale.—J. W. Burmester, partition.—M. Lynch, from 25th inst.—Rev. J. N. H. Thomas, proposals.—Julian Bateman, transfer of carriage.—Lawrence Moylan, liberty to bid.—Edward Synge, make order absolute.—Assignees of George R. Watts, private offer.—John N. Ferrall, do.—Assignees of Hamilton Skelton, delivery of deeds.

Before the EXAMINER.

Trustees of Garde to vouch.—John Reddan, do.—C. M. Gonnell, do.—C. S. Courtenay, do.—R. Keays, do.

Tuesday—Before JUDGE LYNCH.

SALES AT 12 O'CLOCK.

Assignees of F. Shearman—1 lot—co. Kildare—lease in perpetuity—profit rent, £32.—Solrs., *J. & P. Poe.*

P. Downes—1 lot—Dublin—years—profit rent, £51.—Solr., M. K. Cullen.

L. Moylan—3 lots—Dublin—lease for years—profit rent, £96.—Solr., *W. K. O'Shaughnessy.*

H. M. Wheatley—1 lot—co. Cork—two annuities of £220, and £220 for two lives.—Solr., *George Bernard.*

Patrick Dillon and others—1 lot—co. Roscommon—life estate—profit rent, £68.—Solr., *B. Whitney.*

P. J. Murphy—1 lot—co. Mayo—in fee—profit rent, £27 8s. 4d.—Solr., *W. G. Bradley.*

Before JUDGE DOBBS'S EXAMINER.

Wm. Williamson and others—rental.

Wednesday—Before JUDGE DOBBS.

Margery Connell, biddings.—James Lyons, from 24th inst.

Before JUDGE LYNCH.

Rev. J. H. N. Thomas, final schedule.—Mary Anne Mersh, do.—J. Boyce and another, do.—J. Carnegie, do.—A. Donaldson, do.—F. Le Toler, do.

Before the EXAMINER.

C. D. B. Fox, rental.—John Saunders and others, do.—A. Culbertson, do.—W. J. Howard, do.—M. O'Connor, do.—H. Griffith, do.

SALE IN MONAGHAN.

Peter M'Coy, 2 lots—leases in perpetuity, and terminable lease—co. Monaghan—profit rent, £11. Solr., *John Reilly.*

Thursday—Before JUDGE DOBBS.

James Young, rescind order.—William Wright, allocation.—Assignees of George M'Dermott, schedule.—Daniel M'Mullen, do.—Earl of Cavan, do.—Benjamin Plowman, do.—Assignees of William Nelson, do.—J. G. H. Holmes, do.—Assignees of Joseph Comeskey, do.

Before the EXAMINER.

T. S. Cave, rental.

Before JUDGE LYNCH.

H. Gray, from 27th inst.

Friday—Before JUDGE DOBBS.

SALES AT 12 O'CLOCK.

W. Thompson—6 lots.
W. T. Shortt—1 lot.
Executor of J. J. Asken—1 lot.

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J. N. Ferrall—2 lots.
Henry Greer—2 lots.
R. Donovan—2 lots.
Assignees of T. Daly—1 lot.
John Murphy—1 lot.
Jane Rawson—4 lots.
James Egan—1 lot.
Executors of E. C. Hare—3 lots.
Charles Hogg—1 lot.
Edward Rawson—1 lot.
T. J. Shea—1 lot.
W. J. Sidney—1 lot.

Oliver Richard Mason, tenants' objections.

Before the Examiner.

John Richard French, rental.

Before Judge Lynch.

Peter M'Coy, to confirm sale.

Before the Examiner.

John Bole, rental.—John Franklin, do.—C. K. Kennedy, do.—W. Parsons and others, to vouch.—A. J. Boylan, rental.

Saturday—Before Judge Dobbs, Examiner.

John Doyle, rental.

LANDED ESTATES' COURT.

PETITIONS FILED, *from 24th to 26th April*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
April 24	3809	Edward Smith	*Samuel Dooley*	Wexford	57 10 0	*H. Edwards*	Dobbs
„	3810	Ellen Henderson, otherwise Kelly	*The Owner*	Westmeath	96 10 0	*B. Whitney*	Lynch
„	3811	Robert Baker	*The Owner*	Cavan	115 6 0	*H. & J. Watson*	Dobbs
„ 25	3812	William Starratt	*The Owner*	Dublin	44 7 6½	*William Orr*	Lynch

APPLICATION FOR A PATENT FOR A NEW THEATRE.

The Attorney-General and Solicitor-General sat on Monday, at eleven o'clock, in the Council Chamber at the Castle, to hear an application on behalf of the Winter Garden and Exhibition Palace Company for a patent to use a portion of their building as a theatre for dramatic and operatic representations.

Heron, *Q.C.*, with *Hudson*, solicitor, appeared in support of the application.

It was opposed by *Purcell, Q.C.*, and *Walker*, as counsel, with *W. Keatinge Clay*, solicitor, on behalf of Mr. Bicknell, the patentee of the Theatre Royal, Hawkins-street; also of General Sir Frederick Smyth and another, trustees for parties having annuities charged upon that theatre; also by *Exham, Q.C.*, with same solicitor, on behalf of Mr. Harris, the lessee of the Theatre Royal; by *Dowse, Q.C.*, and *Keatinge Clay*, on behalf of Mr. Joseph, the patentee of the Queen's Theatre; and by *Lloyd, Q.C.*, and *Nunn*, solicitor, on behalf of Trinity College, who are the lessors of the Theatre Royal.

Heron, Q C., stated the case for the petitioners, and at the close of his statement intimated his intention to go into evidence in support of it, when

The Attorney General observed that if it were necessary to go into evidence he would be obliged to adjourn the enquiry to some other time, as, having regard to his other pressing duties, it would be impossible for him to spare just then the time requisite for that purpose.

Purcell, Q.C., said that on a former occasion when a similar application was made by Mr. Boswell to the then Attorney-General, the present Mr. Justice Fitzgerald, the inquiry occupied two entire days.

A discussion then arose as to whether the further hearing of the case should be at once adjourned, or whether counsel for the several opposing parties should be then heard; but the Attorney-General having expressed his opinion that the latter would be the most convenient course, as it would enable him and the Solicitor-General to form some opinion as to the nature and extent of the evidence which might be required, the several counsel were accordingly heard on behalf of their respective clients. At the close of their statements the case was adjourned by the Attorney-General to a future day to be named, and reasonable notice of which would be given by the law officers to the several parties concerned, for the purpose of going into evidence. He also intimated to Mr. Heron that, after what had been urged by those opposing the application, the parties applying should be prepared at the next hearing to satisfy himself and the Attorney-General, in the clearest manner and beyond doubt, of the necessity for another theatre in Dublin, and that additional theatrical accommodation was required by the public. He did not by any means intend to convey that even, if satisfied on this point, they would recommend the Crown to grant a patent; but this was a preliminary matter on which they would require to be fully satisfied before going further into the case of the parties opposing the grant. They would also require the most satisfactory evidence that there was a suitable building for the establishment of a theatre. The applicants must remember that it was a full patent, entitling them to perform the highest dramatic and operatic performances, that was sought for— not a licence for the representation of theatrical pieces, which the Crown in this country had no power to grant; and the applicants should also be prepared with the names of individuals who would take the grant, and become responsible for the good conduct and management of the theatre. If a case were made out for the grant, he did not consider that a company or a fluctuating body like a committee were proper persons to whom a grant should be made.

The proceedings then terminated.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.		
		Before Mr. BRADY, Chief Registrar.		
April 29	12 o'clock	Arrangement case	Proof of debts	*Neilson*
"	"	do.	do.	*Mathews*
"	"	John Boland	do. and vouch account	*Roe*
"	"	M. T. Kenna	do. do.	*Larkin*
"	"	Wm. Nelson	do. do.	*Larkin*
"	"	Michael Hanratty	do. do.	*Findlater & Collins*
		Tuesday.		
		Before the COURT.		
April 30	11 o'clock	Thomas Berry	Audit and dividend	*Larkin*
"	"	J. W. Reilly	do.	*Larkin*
"	"	Skinner and M'Kee	do.	*Lynch*
"	"	James O'Reilly	do.	*Batt*
"	"	John Darcy	do.	*Horgan*
"	"	H. M. Beck	do.	*Meldon*
"	"	Robert Humphrey	Final Examination	*Haslett*
"	"	Thomas H. M. Bell	do.	———
"	"	Mathew Drysdale	do.	*Findlater & Collins*
"	"	Thomas Potter	Surrender, proof of debts, and assignee	*Hyde*
"	"	Michael Hayes	do. do.	*Meldon*
"	"	James Fitzpatrick	do. do.	*Larkin*
"	"	William Breen	do. do.	*Perry*
"	"	John Doyle	Prove Charge	*Stuart*
"	"	Arrangement case	First sitting	*Molloy & Watson*
"	"	do.	Second sitting	*White*
"	"	do.	First sitting	*M'Govern*
"	"	do.	do.	*Perry*
"	"	do.	do.	*Perry*
"	"	do.	do.	*Stuart*
		Wednesday.		
		Before the COURT.		
May 1	11 o'clock	Daniel M'Grath	Charge and discharge	*Pickering*
		Thursday.		
		Before the COURT.		
May 2	11 o'clock	Hugh M. Beck	Final examination	*Meldon*
		Before Mr. BRADY, Chief Registrar.		
May 2	12 o'clock	R. S. Carlisle	Proof of debts and vouch account	*Howard*
		Patrick Bingham	do. do.	*Bloomfield & Leahy*
		Friday.		
		Before the COURT.		
May 3	11 o'clock	Samuel Lilburn	Audit and Dividend	*M'Cully*
"	"	John Boland	do.	*Roe*
"	"	Thomas Weir	do.	*Johns Hewitt & Johns*
"	"	Simon Batson	do.	*Kiernan*
"	"	Thomas Gilbert	do.	*Lynch*
"	"	Arrangement case	Second sitting	*Cronhelm*
"	"	do.	First sitting	*Molloy & Watson*
"	"	do.	do.	*Kelly*
"	"	do.	do.	*Nolan*
"	"	do.	Second sitting	*Purcell*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Larkin*
"	"	Margaret Magee	Sur., prove debts, and choose Assignee	*Meldon*

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TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
26th April	Clements, Robert, of Beragh, co. Tyrone, grocer and publican	Thomas M'Connell, of Londonderry, Grocer	*Irvine.*
"	Curran, Michael, of Cappoquin, co. Waterford, draper	William Williamson, of Mary-street, Dublin, Merchant	*Findlater & Collins.*
"	Kennedy, James Birch, late of 50, Dame-street, Dublin, money and bill broker	Patrick Donegan, of Dame-street, Dublin, jeweller	*O'Callaghan.*
"	Malet, John A., of Trinity College, Dublin, and Willow Bank, Monkstown, co. of Dublin, late saw mills proprietor and picture dealer	Samuel Mathews, of Domnick-street, in the City of Dublin, attorney	*Mathews.*
"	Marshall, John, of Charlemont-mall, Dublin, commission agent	Henry Dowling, of Great Brunswick-street, Dublin, merchant	*Batt.*
"	Sidley, J. W., of 26, George's-street, Limerick, jeweller and shopkeeper	D. M. Davis, of York-street, Dublin	*Rosenthal.*

BANKRUPTS.

Magee, Margaret, of Queen's-street, city of Dublin, widow, and baker. Petition of bankruptcy filed April 11, 1867. To sur. Friday, May 3, and Friday, May 17. L. H. Deering, Official Assigneee. *Meldon and Son,* solr.

Woods, John, of Monaghan, in the co. of Monaghan, grocer and baker. Petition of bankruptcy filed, April 24, 1867. To sur. Tuesday, May 7, and Tuesday, May 21. C. H. James, Official Assignee. *Molloy and Watson,* solr.

Certificate Allowed,

Unless appeal filed within 30 days from date.

April 16.

Greene, Henry, and King, Charles Weldon, of No. 83, Middle Abbey-street, City of Dublin, railway and public work contractors, bankrupts. *Larkin,* Solicitor.

April 12.

Duggan, Thomas, of No. 14, Upper Abbey-street, City of Dublin, brush manufacturer, a bankrupt. *Batt,* Solicitor.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before Mr. Farrell, Chief Clerk.		
April 29	12 o'clock	Joseph Toole	To inquire if debts paid	*Casey & Clay*
"	"	Edward Pim	To tax costs	*Rynd*
		Tuesday. Before Chief Clerk.		
April 30	12 o'clock	James Scullion,	To tax costs	*M'Cully*
"	"	James Campbell	do.	*Macnally*
"	"	Jeremiah M'Carthy	do.	*Macnally*
"	"	Nicholas Barry,	do.	*Macnally*
"	"	Peter Neill	do.	*Henegan*
"	"	George Bashford	do.	*Macnally*
"	"	Eliza Brien	do.	*Macnally*
		Wednesday. Before the Court.		
May 1	11 o'clock	James Scullion,	Audit and dividend	*Glover*
"	"	Jeremiah M'Carthy	do.	*Macnally*
"	"	James Campbell	do.	*Macnally*
"	"	Nicholas Barry	do.	*Macnally*
"	"	Peter Neill	do.	*Henegan*
"	"	Eliza Brien	do.	*Macnally*
"	"	George Bashford	do.	*Macnally*
"	"	Andrew Lawson	Examination of witnesses	*Wilson*
"	"	Rev. Charles Lomax Thomas	Adjourned hearing of Petition	*Macnally*
"	"	James Barry	do.	*Graves*
"	"	James John Gaskin	do.	*Rynd*
		Thursday. Before Chief Clerk.		
May 2	12 o'clock	Basil King	To vouch assignee's account,	*Meaze*
		Friday. Before the Court.		
May 3	11 o'clock	———	For Bail Motions only.	———
		Saturday. Before the Chief Clerk.		
May 4	12 o'clock	Gerald Kelly	To vouch assignee's account	*Macnally*
"	"	Charles Collins	do.	*Bergin*
"	"	Joseph D. Whitehead	do.	*Bergin*
"	"	A. Barrington	do.	*Macnally*
"	"	Patrick De Courcey Sheehy	do.	*Macnally*

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INSOLVENTS DISCHARGED ON BAIL until the Hearing of their petition.

Connell, Robert, Cork, shopkeeper.
Garrett, Anne, King's County, widow.
Greene, Henry, Dublin, commercial clerk and milliner.
Heraghty, James, Sligo, gardener.
Murray, Thomas, Mullingar, brewer.
Mulrooney, Mary, King's County, widow, shopkeeper.
Peebles, William, County Down, writing clerk; formerly merchant tailor and spirit dealer.

CASES DISPOSED OF.

In Dublin.

Wednesday, April 24, 1867.

Before JUDGE BERWICK.

Clifford, John. Adjourned to Wednesday, 8th May.
Hennery, James Milbank. Discharged.
Montgomery, Hugh Lyons. Adjourned to Wednesday, May 1st.
Nuel, Emanuel. Remanded for eight months, from 8th April, 1867, at suit of Samuel Lewis, a creditor.
O'Brien, Michael Joseph. Adjourned to Wednesday, 22nd May.

In the Country.

At Naas, co. Kildare, April 9, 1867.

Before THOMAS LEFROY, Jun., Q.C., Chairman.

Barrington, James. Discharged.
Watson, Patrick. Discharged.

At Cavan, co. Cavan, April 9, 1867.

Before LOFTUS H. BLAND, Q.C., Chairman.

M'Enroe, Charles. Discharged.

At Longford, co. Longford, April 10, 1867.

Before CHARLES KELLY, Q.C., Chairman.

Maher, John. Discharged.
M'Cann, Pat. Discharged.
M'Dermott, George. Adjourned to next Sessions.

At Sligo, co. Sligo, April 11, 1867.

Before CHARLES SHAW, Chairman.

M'Andrew, Michael. Discharged.
O'Connor, Charles. Adjourned to next Sessions.
Williams, Samuel. Discharged.

At Letterkenny, Co. Donegal, April 13, 1867.

Before JAMES GIBSON, Chairman.

M'Kay, Andrew. Adjourned to next Sessions.
Steele, Robert. Adjourned to next Sessions.

At Cork, April 15, 1867.

Before DANIEL RYAN KANE, Q.C., Chairman.

Ahern, John. Discharged.
Brown, John. Discharged.
Byrne, James. Discharged.
Conran, Robert Ronayne. Adjourned to next Sessions.
Connell, Elizabeth. Discharged.
Crowley, Ellen. Discharged.
Doherty, John. Discharged.
Dormon, John. Discharged.
Keeffe, Timothy. Discharged.
Killingley, William Hackett. Did not appear. The order for Hearing discharged.
Larrymore, Andrew. Discharged.
Murphy, Denis. Discharged.
Myles, Daniel. Discharged.
M'Daniel, Senior, Thomas. Discharged.
Olden, Andrew. Discharged.
Philpott, John. Adjourned to next Sessions.
Regan, Patrick. Discharged.
Sheehan, James. Adjourned to next Sessions.
Sullivan, James. Discharged.
Smith, Richard Bridges. Remanded for two years from July 26, 1866.
Taylor, Frederick. Remanded for four months from January 1, 1867.
Wheatley, Henry Miller Hewitt. Adjourned to next Sessions.

INSOLVENTS.

To be heard in Dublin.

Greene, Henry, of William-street, city of Dublin, Comcommercial clerk; previously of Upper Leeson-street, co. Dublin, Milliner; also of Wentworth-place, city of Dublin, grocer, provision, wine, and spirit dealer, trading as "John Dolan;" and formerly of Dundalk, co. of Louth, grocer, provision, wine, and spirit dealer. Hearing on Wednesday, May 15, 1867. *Macnally*, solicitor.

To be heard in the Country.

Darby, Thomas, of Port Dunany, Dunleer, co. of Louth weaver; previously shopkeeper and weaver. Hearing at Drogheda, June 25, at 10. *Rowland*, solicitor.

Delany, Martin, of Middleton, co. Cork, shopkeeper up to September, 1866, now not in business. Hearing at Cork, July 8, at 10. *Collins*, solicitor.

Herbert, Maurice, of Ardglass, co. Cork, farmer's labourer and dealer in cattle; trading as such with Thomas Fitzgerald. Hearing at Cork, July 8, at 10. *Graves*, solicitor.

M'Dowell, John, of Cookstown, Co. Tyrone, builder. Hearing at Omagh, June 29th, at 10. *Moore*, Solr.

M'Laughlin, Patrick, of Londonderry, co. Londonderry, wood turner and publican. Hearing at Newtownlimavady, June 22, at 10. *Proctor*, solicitor.

O'Callaghan, Patrick, of Ogle-street, Armagh, co. Armagh, boot and shoe maker. Hearing at Armagh, June 29, at 10. *Cochrane*, solicitor.

Peebles, William, of Hollywood, Co. Down, writing clerk; previously of Belfast, Co. Antrim, spirit dealer and writing clerk; formerly of Belfast, aforesaid, spirit dealer; previously of Belfast, merchant tailor; formerly of Belfast, merchant tailor, trading as "M'Kibben and Pebbles," previously writing clerk; sued and arrested as William Peebles. Hearing at Belfast, July 10th, at 3. *Macnally*, Solr.

Smith, Samuel, of Kyle, Co. Carlow, gentleman. Hearing at Carlow, June 18th, at 4. *Mulhall*, Solr.

Rogan, Michael, of Carricklee, Co. Tyrone, Farmer. Hearing at Omagh, June 29th, at 10. *M'Colgan*, Solr.

Whelan, Jeremiah, of Ballyconnory, Co. Kerry, dealer, fisherman, and labourer. Hearing at Tralee, June 20th, at 10. *M. Huggard.*

Pauper Declaration,

Filed for discharge of prisoner, unless Creditor's Petition lodged within 21 days from date.

April 26th, 1867, Slevin, James, detained by Ellen English, administratrix of Robert English, deceased. *Wm. Kelly*, Solr.

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DUBLIN STOCK AND SHARE LIST.

APRIL

No business done on 19th, 20th, or 22nd, being holidays.

DESCRIPTION OF STOCK	Tues. 23	Wed. 24	Thurs. 25	Fri. 26
Government				
New 3 p c Stock	88¾ ⅞	88½ ⅝	88⅝ ¾	88¾ ⅞
3 p c Consols	89⅞	—	89⅞	90¼ ⅛
Foreign and Colonial.				
India 5 p c Stock	108⅝	108¾	—	—
Joint-Stock Banks.				
Ireland, £100 pd	235	235	—	235
Hibernian, £25 pd	36¾	—	—	36¾
Munster (Limited.), £3 10s pd ..	—	4¼	—	—
National, £30 pd	62⅝ ⅞ 63	62¾	62¾	—
National of L'pool (Ltd.), £15 pd	13⅞	—	—	13¼
Provincial, £25 pd	84	84	—	84
Do., New, (pd £10)	—	—	—	—
Royal, £10 pd	32½ ⅛	32½	—	32½
Ulster Banking Co., £2 10s pd ..	—	—	9¼	—
Union, £22 pd	13½	—	13½	—
Steam.				
British & Irish, £50 pd ..	—	—	—	—
City of Dublin, £100 pd ..	100	100	—	—
D. & L. St. S. B. Co. £55 pd (rd) ..	—	—	—	52½
Dub. and Glasgow, £50 pd ..	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	5½	—	—
Miscellaneous.				
A. & C's' Gas, £8 pd A ..	9⅞	9⅞	—	9⅞ 10
Do., £5 pd B	5⅞	5⅞ 6	—	—
Do., £4 pd 2 C	—	4⅞ ⅞	—	4⅞ 5
Grand Canal, £100 pd	46	—	—	—
Patriotic Insurance, £10 pd ..	8⅝	8⅝	—	—
National Insurance, £25 pd ..	33½	33½	—	—
Railways.				
Belfast & N'rn Conntles, £50 pd ..	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	71½	—	—	71
Dublin & Kingstown, £100 pd ..	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	—	—	—
D., W., & W., £100 pd	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	90½	90½	90½	90½
Midland Gt. Western, £100 pd ..	56½	—	—	56
Waterford & Limerick, £50 pd ..	—	—	—	11⅞
Railway Preference.				
B. & N. C., 4 p c pp, £100 pd	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	47⅞
D., W., & W., 5 p c (1865) pd £10	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	93	—	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	44
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—
Railway Debentures.				
Gt. South. & Western, 4½ p c ..	—	—	—	100½
Mid. Gt. Western 5 p c ..	—	—	—	—
Do., 4½ p c	—	—	—	—
Dublin & Kingstown	—	—	—	—

Name Days—April 27th and May 14th.
Account Days - April 29th and May 15th.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

SIR C. O'LOGHLEN—THE LIBERTY OF THE PRESS.

The newspaper press is placed under no common obligations to Sir Colman O'Loghlen. His bill to amend the law of libel is the first step towards a bold and rational mitigation of a code which is a scandal to a free country. For more than a century the nation has been entertained with the cant of "a free press," and while statesmen have charmed the Senate with musical periods and exalted sentiments on this theme, and even the vulgarest mob-orators have vaunted the same imaginary liberty, the press has been in reality impeded and coerced by legal liabilities the most absurd, vexatious, and barbarous that could well have been devised for the suppression of news and the extinction of discussion. The proprietor of a newspaper may be sued for the language of a judge whose charge he reports, for the speech of a member of Parliament printed in the debate of last night, for the phraseology of a public official document reproduced in his paper among the news of the day. He is liable to have his time and money wasted by the first thin-skinned, or foolish, or ill-conditioned person who, taking personal offence at the charge, or the speech, or the document, chooses to pester him with ridiculous litigation. And not only is he liable to be civilly sued, but to be criminally prosecuted for the language of the judge, or the senator, or the pleader. And this monstrous code subsists in a country whose entire government rests upon the principles of publicity and discussion! That, under these preposterous conditions, the newspaper press exists at all is due solely to the decency and manliness of public men and to the courage of the proprietors of newspapers. Even the elementary principles of the Constitution are systematically reversed, for the purpose of overpowering the action and destroying the obvious rights of the press. In no other case is the preposterous phrase "exemplary damages" ever heard from the Bench, as if the object of a civil action were to punish the defendant instead of to compensate the plaintiff. In no other case, excepting in that of the newspaper proprietor, is any British subject held criminally liable for the act of his salaried officer. Are the proprietors of a railway liable to be fined and incarcerated for the negligence or mistakes of their paid officials? This stupid and flagrant contempt of the first principles of English liberty is practised in no solitary case but in that of the newspaper proprietor. While this code continues in force, whatever else we may boast in our after-dinner speeches and senatorial clap-trap, let us, at all events, cease to celebrate the "freedom" of our abused, and outraged press. With those sympathies with the interests of civilization and with the rights of discussion, which are inherent in every true gentleman and liberal mind, Sir Colman O'Loghlen has commenced the emancipation of the fettered press of these countries—*Dublin Evening Mail.*

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

MONTFORT—April 25, at Adelaide-place, Kingstown, the wife of A. Harman Montfort, solicitor, of a daughter.

WEST—April 21, at Loughlinstown House, the wife of Henry West, Esq., Q.C., of a daughter.

MARRIAGES.

HERBERT and GALWEY—April 23, at St. Stephen's Church, by the Lord Bishop of Meath, assisted by the Rev. R. T. Smith, Henry Carden Herbert, Esq., M.D., F.R.C.S., 85th Light Infantry, son of the Rev. Thomas Herbert, rector of Killintierna, co. Kerry, to Isabella Miranda, daughter of Edward Galwey, Esq., barrister-at-law, Lower Baggot-street. Cards not sent.

INCH and KILDAHL—April 5, in St. George's Church, by the Rev Robert Johnstone, John Inch, Esq., to Mary Tempe, daughter of James Kildahl, Esq., M.A., solicitor, of Hardwicke-street.

WILLCOCKS and BIDDULPH—April 24, at Killoughey Church, by the Rev. William Willcocks, uncle to the bridegroom, assisted by the Rev. John Lowe, Captain Willcocks, 3rd Royal Middlesex Militia, eldest surviving son of John Willcocks, Esq., late Resident Magistrate, King's County, to Annie Adela Waller, daughter of Francis M. Biddulph, Esq., Rathrobbin, King's County, and granddaughter of the late Francis Harrison Biddulph, Esq., Registrar of the Court of Exchequer, Ireland.

DEATHS.

CHAMNEY—April 14, at Brighton House, Rathgar, in the 75th year of his age, John Chamney, Esq., solicitor.

CROZIER—April 22, Thomas Francis Crozier, Esq., solicitor, of 19 Lower Dominick-street, in this city, the dearly loved son of Thomas Crozier, Esq., solicitor, Seafield, co. Dublin, Esq.

FITZGERALD—April 19, John Fitzgerald, Esq., solicitor, of Gracefield, Blackrock.

O'FERRALL—April 6, at his residence in Clifden, co. Galway, James Jackson O'Ferrall, Esq., solicitor, late of Sligo.

THOMAS—April 12, at Moone, co. Kildare, Mrs Mary Thomas, relict of Matthew D. Thomas, Esq., and daughter of the late John Deering, Esq., Q.C.

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RENTALS, &c.

SOLICITORS having the Carriage of Sales of Property in the Landed Estates' Court, are respectfully informed that they can have their Printing executed correctly, and with the utmost despatch.

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LANDED ESTATES' COURT, IRELAND.

FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of

BERNARD KELLY,

Owner;

Exparte, JAMES KNOTT,

Petitioner.

TAKE NOTICE, that the Schedule of Incumbrances affecting the Lands called Moran's Hillfields Houses and Premises in Church-street, Northgate-street, Lucas-lane, Strand-street, Bridge-street, and Victoria-place, the Estate of BERNARD KELLY, of Shannon View, Athlone, County of Roscommon, Esq., is lodged with the Clerk of the Records of this Court, and any person having any claim not therein inserted, or objection thereto, either on account of the amount or the priority of any charge therein reported to him or any other person, or for any other reason, is required to lodge an objection thereto, stating the particulars of his demand, and duly verified, with the said Clerk, on or before the 25th day of MAY, next, and to appear on the following Saturday, June 1st, at Eleven o'clock, before the Honourable Judge Dobbs, at his Court, in Dublin, when instructions will be given for the final settlement of the schedule.

And further Take Notice that any demand reported by such schedule is liable to be objected to within the time aforesaid.

Dated this 24th day of April, 1867.

C. E. DOBBS, Examiner.

SYDENHAM DAVIS, Solicitor having the Carriage of Proceedings, 81, Lower Gardiner-street, Dublin.

LANDED ESTATES' COURT.

In the Matter of the Estate of

BERNARD KELLY,

Owner;

JAMES KNOTT,

Petitioner.

Sale of Fee-simple Lands and Premises and Fee-farm Rents in the

COUNTY OF WESTMEATH AND TOWN OF ATHLONE,

On FRIDAY, the 7th day of JUNE, 1867.

TO BE SOLD, before the Honourable Judge Dobbs, at the Landed Estates' Court, Inns'-quay, in the City of Dublin, on FRIDAY, the 7th day of JUNE, 1867, at the hour of Twelve o'clock, noon, in 14 Lots, the following fee-simple property, viz.:—

No of Lot	Description of Premises	Rent Payable by Tenants			Tenants' Tenure
		£	s.	d.	
1	Moran's Hill fields, containing 7a. 2r. 20p. statute measure, adjoining the town of Athlone,	19	0	0	Lease for 31 years, from from 29th September, 1865.
2	House in Northgate-street, Athlone,	4	10	0	Lease for three lives or 56 years, from March, 1846.
3	House in Northgate-street, Athlone,	4	10	0	Lease for three lives or 56 years, from March, 1846.
4	House in Northgate-street, Athlone,	4	4	0	Lease for three lives or 31 years, from 1825.
5	Houses and premises in Northgate-street, and Lucas-lane, Athlone,	16	0	0	Part in Lease for 99 years, from May, 1857, and part as tenant from year to year.
6	Two houses in Church-street, Athlone,	6	18	2	Fee-farm Grant.
7	House in Church-street, Athlone,	18	0	0	Lease for 31 years, from May, 1847.
8	House in Church-street, Athlone,	12	0	0	Lease for 21 years, from May, 1860.
9	Two houses in Church-street, Athlone,	24	0	0	Lease for three lives or 31 years, from May 1843.
10	House in Victoria-place, Athlone,	20	0	0	Fee-farm Grant.
11	House in Bridge-street, Athlone,	11	0	0	Lease for three lives or 31 years, from November, 1857.
12	House in Strand-street, Athlone,	2	15	4½	Lease for lives renewable for ever.
13	House in Strand-street, Athlone,	10	0	0	Tenant from year to year.
14	Houses and premises in Victoria-place, Athlone,	8	19	6	Fee-farm Grant.

Dated this 24th day of April, 1867.

GEORGE J. HOPKINS, Chief Clerk.

For Rentals, Maps, and further particulars, apply at the Landed Estates' Court, Inns'-quay, Dublin; of

HUGH S. A. CURRAN, Esq., Solicitor for the Owner, 22, Lower Dominick-street, Dublin; of

HENRY O'BEIRNE, Esq., Solicitor, Upper Gloucester-street; and to

SYDENHAM DAVIS, Solicitor having Carriage of Sale, 81, Lower Gardiner-street, Dublin, by whom private offers will be received up to the 27th day of May, 1867, and submitted to the Judge for approval.

GENTLEMEN prepared, in the Evening, for the Preliminary Examination of Apprentices, by a Graduate of T.C.D., on Moderate Terms. Address, "Exam.," Office of IRISH LAW TIMES, 53, Upper Sackville-street, Dublin.

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IN CHANCERY.

Columbus Drake, Petitioner;
Dudley Brennan and others, Respondents.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

PURSUANT to the Decretal Orders made in this Matter, bearing date respectively the 29th day of June, 1865, and 12th May, 1866, I will, on THURSDAY, the 3rd day of MAY next, at the hour of One o'clock in the afternoon of said day at my Court, Four Courts, Inn's-quay, in the City of Dublin, SET UP and SELL BY PUBLIC AUCTION, to the highest and best bidder, all the Estate and Interest of MICHAEL BRENNAN, deceased, and of PATRICK BRENNAN, his eldest son and heir-at-law, also deceased, of and in all that and those the Concerns, formerly called Saint Francis' Abbey Distillery, with the Malthouse, Stores, Brewhouse, Forge, Stables, Garden, Yard, and Water Courses thereunto belonging, together with the Distillery and other Utensils, Vessels, and Implements, mentioned in a Schedule annexed to an under-lease of said Premises, from Michael Brennan, deceased, to Edmond Smithwick, Esq., dated the 25th day of April, 1827; and also all that and those the Dwelling-house, Ale-house, Brewery, and Malthouse Stores, Stables, Offices, Gardens adjoining, together with that part of said Brewery Concerns adjoining to, and formerly part of Coals-yard of said Brewery, called in the under-lease the Coal-yard, all which Premises are now held by said Edmond Smithwick, under two leases,, one thereof from Michael Brennan, deceased, to Edmond Smithwick, dated 25th April, 1827, and the other from Patrick Brennan, deceased, to said Edmond Smithwick, dated 12th August, 1833, for the respective terms of 999 years, as set out in the Rental of said Premises, and are now known as Saint Francis' Abbey Brewery, and are situate in the City of Kilkenny, or a competent part thereof, for the purposes in said Decretal orders mentioned.

Dated this 21st day of January, 1867.

EDWARD LITTON.

These premises are held under two distinct leases, for lives renewable for ever, one of them dated the 5th of July, 1753, from William Archbold, and Anne, his, wife, to Ambrose Evans, and the other of said leases, dated 21st July, 1780, from the Rev. George Evans, to Edward Evans, which has been converted into a fee-farm grant. The entire premises now produce a profit rent of £252 8s. 4d., as more particularly set out in the rental thereof. The present tenant has expended several thousand pounds on permanent improvements on the premises, which are now in perfect order, and amongst the most thriving establishments in the south of Ireland.

To small capitalists, whose object is a well-secured income, with a safe and adequate return for capital, these premises offer an investment rarely to be met with.

For Rentals and further particulars application to be made to

HENRY THOMAS DIX, Esq., Solicitor for Respondents, BRENNANS, No. 9, Upper Gardiner-street;

Messrs. CHARLES GAUSSEN & SON, No. 12, Gardiner's-place;

HENRY FALLS, Esq., No. 7, Lower Dominick-street;

RICHARD BAILLIE, Esq., No. 116, Lower Baggot-street, Solicitor for Creditors; or to

ANDREW CHRISTOPHER PALLES, Solicitor for Petitioner, having Carriage of Sale, No. 12, Belvidere-place, Dublin; or to

JOHN M'CREERY, Esq., Larch Hill, Kilkenny, the Receiver.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of Michael Callaghan, late of Upper Rutland-street, in the City of Dublin, and previously of the County of the City of Cork, Gentleman, one of the Attorneys, an Insolvent.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 6th day of MAY, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts.* And a Public Sitting will be held before the Court, at the Four Courts, Dublin, on WEDNESDAY, the 22nd day of MAY, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make *a First and Final Dividend of the Insolvent's Estate*, whereof all persons concerned are to Take Notice.

The Account of the Official Assignee will be Vouched before the Chief Clerk, on Saturday, the 18th of May, 1867, at Twelve o'clock; and the Costs of the Assignees will be taxed on Tuesday, the 21st May, 1867, at Twelve o'clock.

Dated this 16th day of April, 1867.

THOMAS FARRELL, Chief Clerk.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

JEREMIAH PERRY & BENJAMIN FRANKLIN, Solicitors for Creditors' Assignee, No. 11, Bachelor's-walk, Dublin; and South Mall, Cork.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edward Cahill, of Aungier-street, in the City of Dublin, Builder, a Bankrupt.

TO BE SOLD BY TENDER, by Order and subject to approval of said Court, all the Estate, Right, Title, and Interest of the Bankrupt and Assignees, of, in, and to the equity of redemption, in all that lot, piece, or parcel of ground, being part of the Lands of Rathgar, situate in the Parish of Rathfarnham, Barony of Rathdown, and County of Dublin, containing in front to Brighton-avenue, 158 feet, or thereabouts, and facing the Harold's Cross road 142 feet, or thereabouts; bounded on the north-east by a plot of ground in possession of John Dudley, and on the south-east by Kenilworth-square avenue, on the north-west by Harold's Cross road to Brighton square; held under an Indenture of Lease, dated 13th day of April, 1864, for the term of 890 years, at the yearly rent of £26 5s., payable half-yearly. Together with the Two New Dwelling-houses and Out-offices, which have been lately erected on part of the ground, called and known as Nos. 1 and 2, Brighton-terrace.

The Vendors will sell subject to a Mortgage of £300, dated 17th June, 1864, to be repaid in 14 years by half-yearly payments, on the dates and in the manner therein mentioned, and in respect of which the Vendors will discharge all payments due prior to date of the Sale.

CHEYNE BRADY, Chief Registrar.

Dated this 17th day of April, 1867.

DESCRIPTIVE PARTICULARS.

Mr. Cahill has erected on the above Premises Two Handsome Two-storey Houses, at a cost of upwards of £1,000, which are most advantageously circumstanced in one of the best localities in Rathgar. There is ground suitable for the building of three other houses, and with trifling outlay a very handsome property can be made.

The charge of the Mortgages is only payable by instalments of £35 11s. a-year, without interest, which the Purchaser will have the advantage of.

Sealed Tenders endorsed "Re Edward Cahill, a Bankrupt," addressed to Lucius H. Deering, Esq., Official Assignee, No. 33, Upper Ormond-quay, will be received up to Saturday, the 4th day of May next, at the hour of One o'clock in the afternoon, when they will be opened in the presence of the parties tendering, and the highest bidder declared, subject to the approval of the Court.

For Statement of Title, Conditions of Sale, and further particulars, apply to

MICHAEL LARKIN, Agent to the Bankruptcy, 1, Merchant's-quay, Dublin;

LUCIUS H. DEERING, Official Assignee, 33, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of The Rev. Charles Lomax Thomas, late of Baltinglass, in the County of Wicklow, Clerk, an Insolvent.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, at the Four Courts, Dublin, on MONDAY, the 6th day of MAY, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts.* And a Public Sitting will be held before the Court, at the Four Courts, Dublin, on WEDNESDAY, the 5th day of JUNE, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a first *Dividend of the Insolvent's Estate;* whereof all persons concerned are to Take Notice.

The Account of the Official Assignee will be Vouched before the Chief Clerk, on Saturday, the 1st day of June, 1867, at Twelve o'clock; and the Costs of the Assignees will be taxed on Tuesday, the 4th June, 1867, at Twelve o'clock.

Dated this 12th day of April, 1867.

THOMAS FARRELL, Chief Clerk.

CHARLES HENRY JAMES, Official Assignee, Upper Ormond-quay, Dublin.

JOHN MACNALLY, Solicitor for Official Assignee, No. 1, Morgan place, Four Courts, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Woods, of Monaghan, in the County of Monaghan, Grocer and Baker, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 7th day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts. and choice of an Assignee* in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 25th day of April, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, April 27*, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 14.] SATURDAY, MAY 4, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office,* 53, *Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MAY 4, 1867.

WE propose in this, and some subsequent articles, to discuss the powers which tenants in tail possess of alienation of the estates of which they are seized; powers derived, as most of our readers are aware, from the statute called "The Act for the Abolition of Fines and Recoveries, and for the Substitution of more Simple Modes of Assurance in Ireland" (4 & 5 Wm. IV., c. 92). Such Act being, in fact, a copy of the previous English statute on the same subject (3 & 4 Wm. IV., c. 74).

Now, the first important consideration is this:—What tenants in tail are, by the Act referred to, authorized to make a disposition of their estates? The 12th section is the one that answers that question. It enacts that "every actual tenant in tail, whether in possession, remainder, contingency, or otherwise, shall have full power to dispose of, for an estate in fee simple absolute, or for any less estate, the lands entailed." But here we must revert to the first section for a definition of what is meant by the words an "actual tenant in tail;" and we there find them defined to be "the tenant of an estate tail which shall not have been barred," and that too, "although the estate tail may have been divested or turned to a right."

Now, it is obvious that those expressions are comprehensive enough to include, besides those persons usually looked on and considered as *ordinary* tenants in tail, also several other kinds of *extraordinary* tenants in tail—for instance, women entitled in tail, *ex provisione viri*, under the 10 Car. 1, sess. 2, c. 8 (11 H. 7, c. 20 Eng.); so also, tenants in tail, after possibility of issue extinct.

In the former case, an alienation by the widow of such an estate tail was held void, unless the person who would be entitled to enter if she were dead, consented or concurred, by an instrument recorded or enrolled; and the Act in question leaves the law just as it stood previously to it, as regards all settlements made before the passing of that Act. But by the 14th section it swept away altogether the 10 Car. 1, sess. 2, c. 8, as to all subsequent settlements; and, consequently, such cases are now placed on the level with all ordinary estates in tail.

As to the other case—that of tenant in tail after possibility of issue extinct—the law formerly was, that he was, in fact, but a tenant for life, with certain privileges—as that of committing waste, the consequences of his former estate of inheritance, and the 15th section

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accordingly expressly excludes such persons altogether from the operation of the 12th section.

Such, then, is the meaning of actual tenant in tail, within the statute; but the words of the Act are significant—viz., "in possession, remainder, contingency, or otherwise." Now, as to estates in possession, or as to *vested* estates in remainder, no difficulty occurs; but there are *contingent* remainders, and there are *executory* estates tail, proceeding or springing from executory devises or shifting uses. Are these comprised within the 12th section? It is apprehended that they are; provided the persons to take, in a contingent event, are *ascertained;* for the 45th section of the Act prevents a disposition of an estate cognizable only *in equity;* to be valid it must be effectual *at law;* and the Act, so operating, converts the former contingent or executory estate into a base fee, or a fee simple, as the case may be; besides, the rule of estoppel, and the doctrine of the feeding of estoppels, would also apply to make the estate pass, on the happening of the future event. (See Doe *v.* Oliver, 16 B. & Cr. 181).

If the person or persons, however, be not *ascertained*, as those who represent the class intended to take as tenant in tail of a contingent or executory estate, it can scarcely be contended that such a case is within the 12th section, so as to justify a disposition of such estate tail, even if afterwards the estate vested in him or them—unless, indeed, the doctrine of estoppel, to which we have already referred, should be held, as it might, to govern the case.

The Act has, however, by the 17th section, expressly taken away from issue, inheritable to an estate tail, all power of disposing thereof; whereas, before that Act, such issue could have, by means of a fine, with proclamations, bound themselves and all persons deriving or claiming through them, if the estate tail afterwards vested in them or their issue.

It would furthermore appear, from the language of the Act, that though an estate tail has been divested or turned to a right, still the disposition of the tenant in tail is valid; this is plain, from the 12th section, which authorizes a disposition by every actual tenant in tail, &c., against all persons claiming by force of any estate tail, which shall be vested in or might be claimed by, or which, but for some previous Act, would have been vested in or might have been claimed by the person making the disposition.

CURRENT TOPICS.

DEATH OF THE HON. EDMUND HAYES.

It is with extreme regret we have to announce the death of the Hon. Edmund Hayes, Ex-Judge of the Court of Queen's Bench in Ireland. The melancholy event took place at the late residence of the lamented gentleman on Sunday morning, in Crinken House, near Bray, where he had been residing since his failing health obliged him to retire from the judicial bench. The late Judge Hayes was called to the Bar in the year 1827, and practised on the Home Circuit up to the period of his elevation to a judgeship of the Queen's Bench in 1859—a position which the state of his health obliged him to resign in the course of last year, his brain having become affected. Deceased was a Conservative, always consistent in his principles, and was highly esteemed for his integrity of character, social qualities, as well as the manly energy and skill with which he conducted his business as a lawyer. He was a very able advocate in criminal cases, and has left a work on criminal law behind him which has already become a text-book in the courts of law. He was appointed to his late position by the Conservatives during their short tenure of office in 1859, and he again resigned it into their hands on their accession to power in 1866, when he found it impossible longer to retain it. He died at about 64 years of age, and will be deeply regretted. Judge Hayes was a native of Banbridge, where his father and brother were extensive linen manufacturers. Deceased was a most expert conveyancer—in this branch of the profession he was eminent—and as a general lawyer he was beyond the average.

COURT OF EXCHEQUER (IRELAND).

Lord Dunkellin, in the House of Commons on Tuesday night asked the Attorney-General for Ireland whether, with regard to the vacant Mastership of the Court of Exchequer, it was intended to adopt the recommendation of the Royal Commission on the Courts of Common Law and Equity, who in their second report stated that one Master was sufficient for the three Law Courts.

The Attorney-General for Ireland said that the subject was under the consideration of the Government, but no definite conclusion had been finally arrived at; he hoped in a short time to be better prepared to answer the question.

COLLEGE HISTORICAL SOCIETY.

There was a very full meeting of the Society on Wednesday evening, May 1st, in the Dining-hall of Trinity College, when the following address was presented to the President:—

To the Right Hon. Sir JOSEPH NAPIER, Bart.,
President of the College Historical Society.

SIR,—You have, as our President, so long identified yourself with the interests and objects of our Society, that we gladly seize the occasion presented by the mark of Royal favour which you have lately received to renew to you the expression of our gratitude and esteem.

We are grateful for the assistance and support which you have uniformly afforded, for the encouraging hopes you have held out, and for the counsels of moderation you have consistently impressed upon us.

Not less do we value the close sympathy you have ever shown with the objects at which we aim, and the kindly appreciation you have bestowed on our efforts to carry them into effect.

Conscious that not a little of the success which the Society now enjoys is owing to the united feeling which binds its members together, it is with considerable pride that we accept the confidence which you have so frankly reposed in us as at once a testimony of approbation upon your part, and an incentive to exertion upon our's.

Our best wishes for your prosperity and welfare have been always with you, and we heartily rejoice at each fresh recognition of your private worth and public usefulness.

The Address was read by the Auditor, and then handed to the President, who made the following

REPLY.

MR. AUDITOR AND GENTLEMEN OF THE COLLEGE HISTORICAL SOCIETY,—I thank you from my heart for the grace-

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ful tribute which you have presented to me on this occasion. The mark of Royal favour to which you have alluded, and which was graciously conferred on me by her Majesty the Queen, has been made the more gratifying to me by the kindness of your appreciation.

It cannot but be a source of much satisfaction to me to be assured by you that in the office of President (which I have had for years the privilege and the honour to fill), I have contributed to the success of the College Historical Society. From the day on which I was elevated to this office, it has been my unceasing desire to make the Society more and more a school of manly discipline for invigorating youthful intellect by the practice of free and fair discussion; for acquiring excellence, not only in debate, but in the more chastened exercise of written composition; and for forming habits of cautious discrimination in the adoption or rejection of opinions.

I am happy to be enabled to say, that in all your proceedings, these objects have been steadily and conscientiously kept in view. The fresh and earnest feeling of ingenious youth is blended with the moral thoughtfulness of the more advanced student; and the mutual deference that concedes to others the allowance and the forbearance which we all claim on our own behalf is cultivated and practised as a cardinal virtue. This thoroughly accords with the spirit of enlightened liberality that pervades the educational system of Trinity College,—a system of open, equal, and honourable competition, in which all are taught to respect the equities of social intercourse and the charities of Christian life. It requires not the compromise of one conscientious conviction; it forbids the intrusion of an unkindly feeling.

Gentlemen, I am proud to preside over a Society with such a *prestige* from the past, such a prospect for the future, and such an established position in the University to which I am bound by many ties of gratitude and affection. Separated as I am from the strife of party, I may hope to be the more free and the better qualified to guide and encourage you in dealing with those principles of political philosophy and of social science, those laws of order and progress, which are independent of party altogether.

The discharge of my duties as your President must always be regarded by me as a high and pleasing privilege. Your co-operation, and, above all, your success is an ample recompense for any efforts on my part. The spirit of unity and of kindly feeling by which your address to me is inspired, the emphatic approval of those counsels of moderation which I have urged upon you as conducive to the stability as well as to the success of the society, and the distinguished position which some of you have attained by the self-elevating power of high intelligence and virtuous industry,—all combine to make the address which you have here presented to me honourable to your feelings and deeply gratifying to mine. No honour could be more genuine, no tribute can be more grateful than that which is bestowed by minds candid, generous, and cultivated as your's.

MARK OF RESPECT TO THOMAS KENNEDY LOWRY, ESQ., Q.C., LL.D.

The Right Hon. Mr. Justice O'Hagan and the Hon. Judge Miller having joined their former brethren of the North-East Circuit in offering a tribute of respect to Thomas Kennedy Lowry, Esq., Q.C., LL.D., on his leaving their society, to which he had belonged for thirty years, to become a judge in Jamaica, a meeting was held on Monday, at which Mr. Justice O'Hagan did his former brethren the honour of taking the chair, when a cup and claret jug, with an inscription, were submitted for presentation. The jug bore the following inscription:—

"Presented to Thomas Kennedy Lowry, Esq., Q.C., LL.D., by members of the North-East Circuit of Ireland, on his leaving their society to become a judge in Jamaica, where they feel assured he will do honour to their profession in the office he has accepted, or to any other to which he may hereafter be advanced.—Four Courts, 1st of May, 1867."

Judge O'Hagan having taken the chair, Mr. M'Mechan said that in the absence of three of his seniors who had subscribed to the testimonial, and of a fourth who, he was sure, would do so, it devolved upon him to propose a resolution. These seniors were Mr. Thomas M'Donnell, the father of the North-East Bar; Mr. H. Holmes Joy, Mr. James Gibson, and Mr. John Adams. The brethren had joined him (Mr. M'Mechan) with great alacrity in the purpose for which they were met, and in purchasing the cup and claret jug now on the table. As the object of their regard was so well known to them, he should merely read the resolution, which, referring to the inscription, was that it but feebly and imperfectly expressed the feelings of this meeting towards their brother, Thomas Kennedy Lowry. "We are confident that he will administer justice in Jamaica to the honour of his Sovereign and the welfare of her subjects, and we sincerely hope he may find in seasons of relaxation society there in which hilarity with harmony shall prevail as uniformly as they have ever done during hours of conviviality among the members of the North-East Bar. We regret that his unexpectedly sudden departure has deprived us of an opportunity of meeting him as our guest, but we hope the jug and cup which we now send him will be accepted in remembrance of the happy circuit evenings we have spent when he was an esteemed companion of our festivity."

James Kernan, Esq., Q.C., said it gave him great pleasure to second the resolution, which expressed everything proper to be said on the subject.

Judge O'Hagan said he would not go through the form of putting the resolution, as it entirely expressed their feelings and met their approbation. He had known their brother Lowry all his life, and always felt for him the greatest regard, having found him a most sincere friend. He felt deeply obliged to his brother M'Mechan for having originated the subscription, which, owing to his absence from town, he could only do on Friday last. It was owing to his energy that the matter had been so well and tastefully accomplished, and he was convinced that their friend would highly prize this mark of their regard, and that to his family it would be equally gratifying.

The claret jug, mounted on a stand of black oak embossed with shamrocks, and thickly and elegantly ribbed with silver, was supplied with the cup, by West, of Dame-street.

The committee on Court of Chancery (Ireland) Bill, and the second reading of the Common Law Courts (Ireland) Bill, stand deferred to Thursday next, the 9th May.

The second reading of Sir Colman O'Loghlen's "Arrest for Debt Abolition (Ireland) Bill" is set down for Wednesday, 15th May instant.

The adjourned debate on the second reading of the "Attorneys', &c., Certificate Duty Bill," is fixed for Wednesday, the 29th May instant.

ENGLAND.

Recovery of Important State Papers.—Lord Romilly, the Master of the Rolls, writes to a contemporary:—"In the autumn of last year Mr. Hepworth Dixon, in his tour through America, visited the public library of Philadelphia, and was shown four volumes of original State papers, bearing the Royal sign-manual of James I. and the signatures of the Lords of his Privy Council, addressed to the Lord Deputy of Ireland. Mr. Hepworth Dixon, being naturally surprised at finding documents of that valuable nature in so distant a part of the world, made further inquiry, and was informed by the librarian that these papers had been originally taken away by the Chancellor of James II., evidently for some political purpose, and at his death were sold to the founder of the Philadelphia Library, by whom they were presented to the library in question. On inspecting the papers, Mr. Dixon at once saw their value, not only for the historical information they contained, but also as supplying a missing link in the State papers of Ireland. He, therefore, ventured to suggest to the Library Company of Philadelphia that it would be a graceful act on their part to

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restore to the British Government papers of such national importance. Mr. Dixon's suggestion was at once received, and he was informed that if a proper application was made by the British Government, in all probability it would be acceded to. On his return to England Mr. Dixon communicated these facts to me, and I immediately brought the matter before the notice of her Majesty's Government. The Lords of her Majesty's Treasury lost no time in taking the proper steps, and the Library Company have, in the most handsome manner, restored these valuable State muniments to Great Britain. A case has been received by me containing the four volumes in question, and also the original MS. of the Marquis of Clanricarde's Memoirs from October 23, 1641, to August 30, 1643, mentioned in Mr. Hardy's valuable report on the Carte and Carew Papers, and which has long been supposed to be lost. This work was actually presented to Mr. Dixon for himself, who, as soon as he discovered its contents, and that it belonged to the same set of State papers, thought proper to restore it to the series from which he considered it unfit that it should be separated. I need scarcely say that it is of great value. The Lords of the Treasury have presented to the Philadelphia Library Company a complete set of all the works published under the direction of the Master of the Rolls, as a mark of their sense of the liberal act performed by the directors of that company."

A NEW POINT IN THE LAW OF RAILWAYS.

In November last Mrs. Austin and her infant travelled by the Great Western Railway; she paid nothing for the child, infants in arms being permitted by custom to be carried free. An accident occurred, the child was injured, an action was brought, and the jury gave £50 for damages. The defendants applied to the Queen's Bench for a new trial, upon the ground that the infant, having been carried free, was nothing more than so much luggage taken in the hand of the passenger, for which the company was not answerable, as it had not contracted for its transit. But the court held otherwise. The officials of the railway had allowed the child to pass with its mother, and they had tacitly agreed to carry both, and by that contract they had incurred the same liabilities in respect of the child as towards other passengers. With this decision before them, the railways will not in future permit the gratis carriage of infants. If they are to be answerable for injuries, they must be paid for their risk. One-fourth of the full fare would probably be just.—*Law Times.*

COURT OF EXCHEQUER, LONDON.

SLADE *v.* SLADE.

The case of Sir Marcus Slade, Bart, *v.* Alfred F. A. Slade (who has appeared as Sir Alfred Frederick Adolphus Slade, Bart.), which is now before the Court of Exchequer, London, is in the form of a special case, and involves a question of the very greatest importance to the plaintiff and defendant, as it places in issue the title to certain landed estates and a baronetcy. "It is to be remarked," says *The Times*, "that both gentlemen are trying to enforce what they really and conscientiously believe to be their strict rights. The plaintiff maintains that his brother, the late baronet, died without leaving lawful issue, and that he is entitled to succeed to the title and property. The defendant contends that he is the lawful male issue of his late father, Sir Frederick Slade, and consequently his heir." The journal named gives the subjoined interesting statement of the case:—An action of ejectment was brought by General Marcus Slade, Colonel of the 50th Regiment, and brother of the late Sir Frederick Slade, Bart., Q.C., against Sir Alfred Slade, the eldest son of Sir Frederick, to recover possession of the manor of North Petherton, in the county of Somerset, and certain other lands entailed in the Slade family. By a settlement executed by Sir J. Slade in 1832, certain estates in Somersetshire and Dorsetshire were settled on the sons of Sir John Slade successively for life, with remainder to their issue in tail male. Sir John Slade had several sons—John Henry, the eldest, died without issue, as also did Charles, the second son; and the third was Frederick William, who, on the death of Sir John Slade, succeeded, under the limitations of the settlement, to the estates and title. Sir Frederick had a twin brother, Marcus, the present plaintiff. Sir Frederick married in December, 1833, at St. George's Hanover-square, Maria Barbara, the daughter of Mr. Charles Browne Mostyn, of Kiddington, and had by her several children, of whom Alfred, the present defendant, is one, and is the eldest of the sons. On the death of Sir Frederick Slade in 1863 his son Alfred entered into possession of the family estates, and assumed the title of Sir Alfred Slade, Bart. This right, however, to the estates and title was disputed by his uncle, General Marcus Slade, the present plaintiff, and the action was brought to try that right. The case on the part of the plaintiff is, that the marriage between Sir Frederick Slade and his wife was void, because the lady had previously contracted marriage at Milan in the year 1825, with an Austrian gentleman named Baron C. Von Korber, who survived till the year 1853. It is alleged by the plaintiff that the first marriage of Lady Slade was a valid marriage according to Austrian law, and consequently as Baron Von Korber was alive when she was married in 1833 to the late Sir Frederick Slade, that second marriage was bigamous and void, and the issue of it, including the defendant, were illegitimate. On the part of the defendant it is alleged that the marriage of Lady Slade at Milan was a void marriage by Austrian law, and that she was consequently free to marry again, as she did in 1833. The validity of Lady Slade's first marriage turns entirely upon the Austrian law, which was the law in force in Milan in 1825, and on this subject many expert gentlemen practising as lawyers in Austria have been examined under a commission on both sides. Mr. George Herbert, an English barrister residing at Bonn, acting as commissioner. Their evidence, and that of a few witnesses to facts, is very voluminous, and fills two large printed volumes, which are laid before the court as an appendix to the special case now being stated and being argued before their lordships. As may be very readily imagined, the legal arguments of these foreign experts are far too technical and abstruse for general interest; but the essential facts to be used in the case, and the points for decision, may be stated in a short compass. It seems that in 1824 Miss Barbara Mostyn accompanied her mother, then lately a widow, to the continent, and the two ladies at the close of that year fixed their residence at Milan. There Miss Mostyn made the acquaintance of Baron Von Korber, an Austrian officer of engineers. An engagement was soon made between them, and they were married at the Church of St. Fedele, at Milan, on October 6, 1829. According to the evidence given by Lady Frederick Slade, they had some difficulty in accomplishing their union at Milan, for Miss Mostyn was a Catholic and Baron Von Korber a Protestant. In Lombardy mixed marriages between Protestants and Catholics are forbidden by the Church. Accordingly, Pietro Zerbi, the parish priest of St. Babyla, at Milan, the parish in which Miss Mostyn lived at the time of her marriage, refused to perform the ceremony. After some delay a military priest at Milan, called Feld Superior Nagy, undertook to perform it, and did so. There is, it appears, in the Austrian army a hierarchy of military ecclesiastics, consisting of a Feld Bishop at Uicana, Feld Superiors who preside over different military districts throughout the empire, and the Feld Chaplains for the several military regiments. Feld Superior Nagy was a Hungarian presiding over the district of Lombardy. He, as well as other military chaplains, depended upon the Feld Bishop of Vienna, and not on the local ordinaries, and therefore did not consider themselves bound, as the Lombard parish clergy did, by the prohibition of mixed marriages, but followed the custom of the German provinces of Austria, where such marriages are allowed. Following Lady Slade's evidence, the marriage was not a happy one. The married pair left Milan for Gratz, when Lieutenant Von Korber was ordered on service. Thence they moved on to Vienna. During this journey Lieutentant Von Korber gave his young wife great uneasiness, by exhibitions of temper and violence, such as drawing

his sword on the servants who displeased him, and by convivial habits, indulged in somewhat intemperately with brother officers whom he chanced to meet. At Vienna graver causes of complaint were added. Madame Von Korber had the most painful proof that her husband neglected her for the society of women of disreputable character. Upon this, she and her mother, who had accompanied her from Milan, determined to seek a separation from the baron. The Austrian lawyer whose assistance they sought advised them that the Milanese marriage was void, but Mrs. Mostyn was of opinion that it was inexpedient to seek for a declaration of nullity, and by her directions a suit was instituted for separation from bed and board. Baron Von Korber at first resisted this suit; he came with a file of soldiers to the hotel where his wife was staying with her mother, and threatened to carry her off by force. The ladies were protected from his violence by Mr. Frederick Slade, who happened to be in Vienna as a casual visitor, and who had some acquaintance with them. The separation proceedings were carried on, and ultimately terminated in an agreement between Mrs. Mostyn and her daughter and Baron Von Korber, by which Mrs. Mostyn agreed to pay him an annuity, and he agreed no longer to molest her daughter. This agreement was come to in February, 1826, only six months after their ill-starred union. Baron Von Korber and his wife never met again. He lived, as has been stated, till 1853, when he died a Major-General in the Austrian service. Madame Korber returned with her mother, after a sojourn in France, to England. There her acquaintanceship with Sir Frederick Slade was resumed, and ripened into great intimacy. Ultimately, having been advised by ecclesiastical authorities in England and Italy that the Milanese marriage was null and void, she married Sir Frederick Slade in December, 1863, and had by him a family of eight children, of whom the defendant, as already stated, is the eldest of the sons. The grounds on which the Milanese marriage is impeached are as follows:—It is said that the banns were not duly published, and that the priest who performed the ceremony was not competent to do so. As already stated, the arguments upon this point will be hardly intelligible to the general reader. It is enough to state that by the Austrian law banns are necessary for a valid marriage. Banns must be published for the bride as well as the bridegroom, and if the bride has not dwelt six weeks in the parish in which she is to be married, her banns must be published not only there but in the parish in which she last had an uninterrupted residence of at least six weeks. For the defence the argument will be that Miss Mostyn had not lived six weeks in St. Babyla, that her last parish of six weeks' residence was St. Maria; that her banns ought, therefore, to have been published in both these parishes; and that they were, in fact, published in neither. Lady Slade being almost the only person surviving who was at Milan, and knew anything about the marriage there in 1825, the facts on this subject have to be gathered chiefly from the contents and from the silence of the marriage register, and of certain vouchers and documents which accompany it, and from which the plaintiff insists that the banns were published, while the defendant draws an inference the opposite way. Again, it is said that Feld Superior Nagy was incompetent to marry Miss Mostyn to Baron Von Korber. There is no dispute that the only person competent by Austrian law to celebrate a marriage is a clergyman who has the cure of souls over one of the bridal persons. The defendant's contention is that Feld Superior Nagy, being a Roman Catholic priest, had no cure of souls over a Protestant officer. The plaintiff concedes that this would be true in the case of civilians, but he maintains that the special legislation for the Austrian army creates an exception for the case of Protestant military men. It is further contended by the defendant, and denied by the plaintiff, that by Austrian law, whenever a Protestant marries a Catholic, the marriage can be validly performed only by the priest who has cure of souls over the Catholic party, and that, as Feld Superior Nagy has certainly not cure of souls of Miss Mostyn, the marriage was void. Lastly, it is contended by the defendant, and denied by the plaintiff, that at the time of the marriage, on the 6th of October, 1825, Lieutenant Von Korber had been transferred from Milan to Cratz, and had thus passed under the jurisdiction of another Feld Superior, by whom (if by any Feld Superior) his marriage ought to have been celebrated. Another point on which a good deal of evidence has been given on both sides is this—the plaintiff contends that whether the alleged impediments to the Milanese marriage existed or not, it is too late to set them up now; that by Austrian law there is one appointed way of obtaining a declaration of invalidity of marriage at the suit of determinate persons, and by a prescribed mode of procedure; and that now, after the death of Baron Von Korber, it is too late to obtain such a declaration of invalidity, so that the Milanese marriage must remain and be considered valid. To all this a direct and elaborate contradiction is offered by the defendant; and on this point, more perhaps than on any other, the arguments on both sides will deal with technical points of the Austrian law of procedure, which would be without interest to the general reader. With regard to that part of the case which rests on the evidence of Lady Frederick Slade as to events connected with her marriage in 1825, and the refusal on the part of the priest Zerbi to perform the service, certain documentary evidence has been discovered since her examination was taken, which renders her evidence, it is contended on the part of the plaintiff, wholly and entirely worthless.

Among the not uncommon superstitions which are entertained by schoolboys and uneducated persons, the notion that a person can avoid committing perjury by pretending to "kiss the book," while not really doing so, is apparently still prevalent. A woman who was last week charged at the Central Criminal Court with perjury in having sworn, at a previous Surrey Session, that her nephew who was then convicted had never been convicted on a former occasion, whereas there was distinct evidence to show that he had been an old and convicted offender, sought to excuse herself by saying that when she was sworn she had kissed her *thumb*, and not the book.

Seriously to entertain the idea that such an evasion, or such an excuse, would avail to relieve the perpetrator from the penalties of perjury, stamps the character of anyone who would set it up as an act morally permissible. Supposing, indeed, that any species of sophism is available to ease the conscience of such a person, it must be admitted that, if the act do not amount to perjury, the offence of deceiving the ministers of justice under the false pretence of taking an oath, and thereby obtaining the end which truthful evidence would obtain, is as deserving of the penalties of perjury as perjury itself. In the case we have referred to, the learned Recorder took, and we think rightly, the view that actual perjury had been committed, and utterly ignored the plea of kissing the thumb. It would be but playing with justice if such an excuse were to be admitted as available to discharge a witness from the duty of speaking the truth, however meritorious it might be thought to try and save a relative from the penalties due to his crimes, in the hope that he might yet reform. Such considerations must be left to the judge, who will always be found willing to listen to anything that can be urged in a prisoner's favour. The more distinctly it is laid down that the offence of perjury consists in wilfully misleading a court of justice by false evidence as to matters of fact, irrespective of the form in which such evidence is tendered, the better for the interests of public morality and the due administration of justice.—*Solicitors' Journal.*

In illustration of the point often raised incidentally by railway and other companies carrying passengers, as to whether a ticket issued by the company and paid for by a passenger, is a contract without the possession of which the rights of the passenger as against the company cannot be enforced, and in the absence of which the company can demand a fresh payment for a journey, we may refer to a decision of Mr. Commissioner Kerr made at the Sheriff's Court on the 16th inst. The plaintiff in this case had taken a return ticket from London to Boulogne and back, and his name was entered on the company's books as having taken that ticket. He lost the second or return half, and on his

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arrival in London, the company made him pay the return fare. He now brought his action to recover the amount so paid. In pronouncing his decision, the learned Commissioner said that, as the contract was of a personal character, it was clear that the mere non-production of the ticket could not stop plaintiff's passage; and, if he had transferred the ticket to any other person, the company could have prevented the passage of that other person. As the facts of the case stood, however, he should decide that the plaintiff had personally contracted with the company to be taken to Boulogne and brought home again, and the company had not fulfilled the terms of their contract. The pieces of paper given to the plaintiff when he paid his money were merely proof that such money had been paid, and could have no effect upon the present judgment. The company had taken the plaintiff's money to bring him back to London, and they would not bring him back until he had paid the money over again. The company had no right, this being a personal contract, to enforce that second payment; and, therefore, the verdict would be for the plaintiff, with costs.

In like manner, whenever a passenger takes a return ticket by railway, the contract is a personal one in so far as the holder of the ticket is not permitted to transfer it, and although his name is not taken down in a book when he takes his ticket, he has a right to travel for its full value. The production or non-production of a ticket may, indeed, be taken as *prima facie* proof of payment or non-payment of the fare; but inasmuch as the production of a ticket fraudulently obtained, would vest no rights in its holder, so the absence of the ticket is not any proof that he has, in the words of the 103rd section of the 8 Vict., c. 20, "used the railway without having previously paid his fare, *and with intent to avoid payment thereof.*" And this was the principal point in the case of *Bridge* v. *The Lancashire and Yorkshire Railway Company* (11th *Solicitors Journal*, 543). The officers of the company had inferred fraud in the plaintiff by reason of his not showing a ticket (it will be remembered the plaintiff declared he had given it up to the collector), while there was at hand ample means of showing that he had already paid his fare. One of the large companies having a terminus in London issues to its season ticket-holders a periodical notice to the intent that, unless an expiring ticket is renewed so that the holder is able to present his new ticket the first time he travels, he will be charged full fare, which *will not be returned.* That is to say, if from any cause whatever, whether through the default of the company or otherwise, and even though the passenger may have paid for his new ticket on ordering it, and that, in ample time, yet he will be required to pay again for that which the company was already under contract to supply him with. We have never heard of this preposterous notice being carried out, but it serves well to show the exalted notions such companies hold of the powers conferred on them by the Legislature. It is not then superfluous to declare that a railway ticket is not a contract, but only evidence of a contract.—*Solicitors' Journal.*

NOTES OF ENGLISH DECISIONS.

From *The Law Times.*

AGREEMENT—ARBITRATION.—Opposition to a Railway Bill was withdrawn on condition (*inter alia*) that certain level crossings should be made if notified within a month. This notification was not made, but negotiations were continued. The company subsequently refused to carry out the agreement, and it was held, on appeal, that time was of the essence of the agreement, and the agreement could not be enforced.

It would seem that, if parties attend before an arbitrator after the time for making his award has expired, and one take up an award so made, he does not thereby admit that the arbitrator had power to make the award: (*Earl of Darnley* v. *London, Chatham, and Dover Railway Company,* 16 L. T. Rep. N. S. 217. H. of L.)

LORDS AND COMMONERS.—BILL ON PEACE.—A bill of peace may be filed by a lord against one copyholder, on behalf of himself and other copyholders, being numerous, to have their rights of common ascertained; but one copyholder not suing on behalf of all cannot maintain such a bill: (*Phillips* v. *Hudson,* 16 L. T. Rep. N. S. 221. Ch.)

EVIDENCE—CROWN SURVEY.—A survey recorded in the Augmentation-office for the purposes of the Crown is just as much privileged as a survey made by a private owner, and cannot be made available as evidence for the tenants of a manor against the title of the lord: (Ibid.)

COSTS OF APPEAL.—Where there is no foundation for a bill, the Court of Appeal, in reversing the decree of the court below, and dismissing the bill with costs, will usually give the costs of the appeal: (Ibid.)

PLEADING SON ASSAULT DEMESNE.—Issue cannot be joined upon a plea of *son assault demesne,* if it is intended to rely upon excess. There must be a new assignment of the excess. This is contrary to *Dean* v. *Taylor,* 11 Ex.: (*Rimmer* v. *Rimmer,* 16 L. T. Rep. N. S. 238. Mellor, J.)

BROKER AND PRINCIPAL.—A bought bank shares for B "for the account," but before the settling day a petition was presented to wind up the bank, and B thereupon declined to pay the value of the shares. A resisted the claim of the selling broker, and had to pay the value of the shares and the costs of the action. In an action by A against B to recover the amount, it was held that he could not recover the costs of the action: (*Clegg* v. *Townshend,* 16 L. T. Rep. N. S. 180. Nisi Prius.)

STOPPAGE IN TRANSITU—DELIVERY—UNPAID VENDOR.—Delivery of a cargo into the ship of the purchaser is complete, and the cargo cannot be stopped *in transitu.* It would make no difference whether the vessel was a ship trading generally, or was specially sent to receive the flour, the vendor being aware that the ship was the property of the purchaser. A court of equity has jurisdiction to settle this question, the case depending on the ordinary principles regulating in equity the relations between mortgagor and mortgagee. It appears that stoppage *in transitu* does not rescind the contract, but only gives or restores to the vendor a lien for the price: (*Schotsmanns* v. *The Lancashire and Yorkshire Railway Company,* 16 L. T. Rep. N. S. 189. Ch.)

FREIGHT—PRINCIPLE OF MEASUREMENT.—Although a cargo expand greatly upon delivery, the measurement for calculation of freight is that made at the port of loading. Evidence of custom in such a case was held to be properly admissible. Parties entering into a contract relating to a particular trade must be assumed to be cognizant of all the usages connected with that trade: (*Buckle* v. *Knoop,* 16 L. T. Rep. N. S. 231. Ex.)

WILL—LEASING POWER.—The testator, by his will, dated 1798, devised to his daughter for life certain real estates without impeachment of waste, except as thereinafter restricted, with remainders over in tail. Then followed clauses against anticipation and granting powers, among which was a power to grant leases of the surface, reserving to the possessor for the time being of the reversion the right to search for and take minerals; then followed clauses restricting the cutting down of timber, and a power to the tenant for life "to work or contract for lease, and set out to be worked all the mines and minerals . . . all the issues and net proceeds and profits arising therefrom" to be paid to the trustees and applied to the purchase of land in five parishes named by the testator. The daughter, the tenant for life, granted a mining lease for twenty-one years, or, if she had power under the will, for sixty years, and died soon after making the lease: Held (reversing the decision of the Court of C. P.), that the daughter had no power to grant a lease beyond the term of her own life, and that the lease in question expired at her death: (*Jegon* v. *Vivian,* 16 L. T. Rep. N. S. 236. Ex. Ch.)

WINDING-UP.

CONTRIBUTORY — MISREPRESENTATION.—The dangerous doctrine that shareholders may repudiate their liabilities because they have been induced to become such by misrepresentation in the prospectus, or change in some of the objects of the company, has been to some extent restricted by the condition now introduced that they shall repudiate the

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contract immediately on obtaining knowledge of the misrepresentation. In *Lawrence's case*, 16 L. T. Rep. N. S. 222, the facts were, that in Aug., 1865, B received from his broker a prospectus of the company; he applied for shares on Sept. 4. The company was incorporated on Sept. 11, and the shares were allotted to him on Oct. 7. The memorandum of association differed considerably from the prospectus, but he did not procure a copy of it till May, 1866, and to that time was ignorant of the variance. A call was made in Sept., 1866 (that is to say, after the panic had commenced, and then he repudiated the shares, and gave notice that in next term he should move to have his name removed from the register. He was held to have lost his right to repudiate by his delay. It was to be assumed that a person becoming a member of a company would know that a memorandum of association was required, and he was bound to see to it. In *Kincaid's case*, 16 L. T. Rep. N. S. 223, a similar application had been made. The shares were allotted in April, 1865; he paid sums on application and allotment; a call was made in April, 1866; he was ignorant of a variance between the prospectus and memorandum of association; it did not appear when he became acquainted with it, but he applied in July to rectify the register. The Lords Justices held that he also had forfeited his right by this delay.

PRACTICE—INTEREST ON CALLS.—The official liquidator can enforce payment of interest on a call made by him, if the notice of call contained an intimation that if it were not paid on or before a given day interest would be payable; (*Ex parte Lintott*, 16 L. T. Rep. N. S. 228. V.C.M.)

FIRE INSURANCE—OPTION TO REINSTATE OR PAY.—An insurance company by their policies reserved an option to reinstate or pay. A fire having occurred they exercised the option and paid. It was held that, although there was no implied promise on the part of the assured to apply the money to reinstating, the court would enforce an express promise, although only made by parol: (*The Queen Insurance Company* v. *Vey*, 16 L. T. Rep. N. S. 239. Mellor, J.)

CALL TO THE ENGLISH BAR.—The undermentioned gentleman was, on Tuesday, called to the degree of the Outer Bar by the Hon. Secretary of the Middle Temple: Wade Shenton Garnett, Esq., B.A., Trinity College, Dublin.

THE PUNISHMENT OF DEATH.—The following is taken from a recent number of the *Chicago Republic*:—"It is with unfeigned pleasure that we announce to our readers the gratifying intelligence that a law has been passed by our legislature which practically abolishes capital punishment. This law places in the hands of juries the right to prescribe the penalty of death, imprisonment for life, or imprisonment for a term of years not less than fourteen. Under this law we believe no jury will say death.

THE PROPAGANDA OF INFIDELITY.—The *John Bull* commends to those who rejoice in going as far towards actual infidelity as is respectable, the admirable remarks of the Lord Chief Baron this week in the case of "Cowan v. Melbourne," an action in which the plaintiff, who had distributed blasphemous placards at Liverpool, advertising lectures, endeavoured to obtain damages from the defendant for breach of agreement in refusing to allow him the use of his assembly rooms. The Chief Baron said, and it is refreshing in these days to hear such words from the judicial bench:—"Whatever contract might have been entered into by the defendant, no doubt could be entertained that he was justified in preventing his rooms being used for the purpose mentioned. It needed no authority to show that Christianity was part and parcel of the law of England, and to publicly attempt by argument and reasoning to prove that the character of our Saviour was defective and His teachings misleading was blasphemy and impiety. Not only was the defendant justified in refusing the use of his rooms for the purpose in question, but he was bound by the laws of his country to do all in his power to prevent their being so used."

LIABILITIES OF SHAREHOLDERS.

From *The Law Times*.

The predicted consequences of the too hasty decision in *Ship's case*, 12 L. T. Rep. N. S. 256, are showing themselves in all directions. Looking too exclusively to the relationship of members of a company *inter se*, and not sufficiently to the relationship of the individual shareholders to the creditors, a shareholder was permitted to escape from his liability to the latter on proving that he was induced by misrepresentation to ally himself with the former. He was brought into the company by a fraudulent prospectus, and as fraud vitiates a contract, the agreement to become a member of the company was void. In so deciding the courts appear to have forgotten that other parties than the trapping and entrapped partners were concerned; that innocent persons, who had nothing whatever to do with the alleged fraud, would thus be subjected to a greater wrong than the shareholder who had suffered himself to be imposed upon, and who had no possible means by which they could protect themselves. The creditors of the company, who had given credit on the faith of the published list of shareholders, were left out of the account altogether. Yet were they the victims, not the wrong-doers. By relieving the shareholder, who protested that he had been deceived into becoming such, no punishment was inflicted upon those who had practised that fraud upon him, for they were protected by their limited liability; but the loss falls upon the hapless creditors, who suddenly find the list of shareholders, on whose liability they relied, to be a sham, and the promise of the law that every name in the register of shareholders should be a security to them for the amount of their shares, an imposition upon them quite as great as was that practised upon the entrapped shareholder by his brother shareholders.

It is difficult to discover the principle that has governed these extraordinary decisions. The law of partnership, in strict accordance with justice and reason, was, that if a man held himself out to the world as a partner he was liable to all who had trusted him as a partner. whatever the frauds of his partners, or however he might have been entrapped into the partnership. He could not plead to an action by a creditor that he had been induced to join the firm by a false description of the business. Wherefore should a different principle be applied to a partnership under the Companies' Act? It may be said, perhaps, that by incorporation the individual liability is merged into the corporate liability, and that a creditor should look to the company and not to individual shareholders. But it is not so. The law requires the registration of the names and addresses of the shareholders, the number of shares held by them, and the amount paid upon those shares, for the express purpose of enabling those who deal with the company to learn at any time what is the security to which they may look for payment. If that register of shareholders is illusory, a deception is practised upon creditors, and the law would do well to prevent further wrong by at once enacting that no debt shall be recoverable from a company by process of law, and then creditors will know what they are about.

For the present unsatisfactory state of things the *Times* proposes the very insufficient remedy of a liquidator to protect creditors as well as a liquidator to wind-up the company. But that would not answer the question, "Who is a shareholder?" For this, we fear, there is now no remedy but a short declaratory Act, to the effect that no person on the register of shareholders shall be exempt from liability as a contributory towards the payment of debts, if he shall have subscribed for or otherwise obtained any shares, notwithstanding that he may have been induced to subscribe or otherwise obtain such shares, by fraud, misrepresentation or otherwise, and that no name shall be removed from any list of contributories for any other cause than that it was placed on the register of shareholders without the knowledge or authority of the alleged shareholder.

The remedy for misrepresentation and imposition should be against those who practised it, and in the form of an action for damages, the measure of which would be the liability the plaintiff had thereby incurred.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF CHANCERY.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

BOYD *v.* KELLY; KELLY *v.* CAMPION.

April 27.—*Practice—Reference under 15th section of Court of Chancery (Ireland) Regulation Act,* 1850—*Signature of Junior Counsel to Pleadings.*

J. F. Walker moved in the first of these causes for an order of reference to the Master to take a general administration account of the assets of the late Mr. Kelly.

Piers White, who appeared for the petitioner in the second matter (which was also a suit for the administration of Mr. Kelly's assets), objected to any order of reference being made on Mr. Boyd's petition, as he was only a simple contract creditor of the late Mr. Kelly, while the petitioner in the second matter was his executor.

J. F. Walker submitted that no order should be made in the second matter, as the petition was signed by senior counsel and not by junior counsel, contrary to the rules of the Bar and the practice of the Court. Counsel referred to *Cannon* v. *Bourke* (5 Ir. Ch. Rep., 226).

The LORD CHANCELLOR stated that he would always expect the counsel who prepared the petition to move it, and as it had been decided that such motions could not be made by senior counsel without a junior, the case of *Kelly* v. *Campion* should be struck out of the list.

HEWAT *v.* ARMITAGE.

April 29.—*Practice—Reference under 15th section of Court of Chancery (Ireland) Regulation Act,* 1850—*Interrogatories.*

This was a suit to raise the amount due on foot of a statutable mortgage, and *W. M. Johnson* now moved on behalf of the petitioner for the usual summary order of reference to the Master, under the 15th section of the Court of Chancery (Ireland) Regulation Act, 1850. Counsel at the same time applied for liberty to annex interrogatories to the petition, stating that although an application of this nature had been refused in the case of *Ryan* v. *Mulligan* (1 Ir. Ch. Rep., 20), the decision there was probably founded on the fact of its being a petition for the appointment of new trustees.

The LORD CHANCELLOR referred the petition to the Master, but made no rule on the motion for liberty to attach interrogatories to the petition, considering that this application should properly be made to the Master to whom the order of reference was made.

SCOTTISH NATIONAL INSURANCE COMPANY *v.* EYRE.

April 29.—*Practice—Petition by Corporation—Verifying Affidavit.*

Price moved in this case for a summary order of reference. The petition was verified *in extenso* by the affidavit of the Solicitor of the Insurance Company, but the affidavit omitted to state that the Solicitor was the proper officer to verify the petition on behalf of the petitioners, or that he was acquainted with the affairs of the company.

The LORD CHANCELLOR.—In the case of a corporation it is immaterial who makes an affidavit on their behalf, provided it appears that the party making it has a knowledge of their affairs. Let the Solicitor for the company in the present case make a short affidavit, stating, if such be the fact, that he has knowledge of the affairs of the company and of the matters referred to in the cause petition.

QUEEN'S BENCH.

Reported by WILLIAM WOODLOCK, Esq., Barrister-at-law.

THE QUEEN *v.* TINNEY.

April 26.—*Criminal Law—Bail—Postponement of Trial.*

This was a motion to admit a prisoner to bail. The prisoner had been arrested shortly before the last Spring Assizes for the County of Tyrone; informations had been sworn against him, and a true bill had been found for a felonious assault. At the instance of the prisoner the trial had been postponed.

W. Irvine for the prisoner.

Longfield, Q.C., for the Crown, opposed the application.

The Court held that the motion could not be granted, chiefly on the ground that a bill had been found, and that it was at the instance of the prisoner that the trial had been postponed.

Attorney for the Crown, *Crown Solicitor for Tyrone.*

Attorney for the prisoner, *Dickie.*

THE BELFAST BANKING COMPANY *v.* STANLEY.

April 26, 30.—*Promissory Note—Surety.*

Demurrer. The action was brought against the defendant as maker of a joint and several promissory note, payable one month after demand. The defendant pleaded on equitable grounds that he had made the note jointly with two other persons; that he and one of those persons made it as sureties only for the other; that at the time it was made by them the Bank was aware of this, and agreed that they should be sureties only; and that the Bank had delayed an unreasonable time—to wit, ten years—to demand payment of it from the principal. To this the plaintiffs demurred.

Counsel for the plaintiff, *George Foley* and *M'Donnell*, Q.C.

Counsel for the defendant, *Monroe* and *Falkiner*, Q.C.

The Court allowed the demurrer.

Attorney for the plaintiff, *H. C. Neilson.*

Attorney for the defendant, *John Stanley.*

COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-Law.

ASHTON *v.* LONDON AND NORTH-WESTERN RAILWAY COMPANY.

April 16.—*Substitution of Service—Cause of Action arising within Jurisdiction.*

Motion, that the conditional order for substitution of service on the defendants in this case be made absolute.

This was an action brought by George Ashton and Maryanne Ashton, his wife, against the London and North-Western Railway Company. There were two counts in the summons and plaint; in the first count the plaintiffs complained that the defendants were carriers of passengers from London to Dublin—by railway from London to Holyhead, and thence to the North Wall Quay in Dublin—and that the plaintiff, M. A. Ashton, was received as a passenger to be carried by them, with due and reasonable care, and in a reasonably safe and proper manner, from London to Dublin by the route aforesaid; yet that defendants did not carry said plaintiff with due and reasonable care, &c., from London to Dublin by the route aforesaid, but so negligently conducted themselves, &c., *upon the said first-mentioned railway, &c.*, that the said plaintiff was thrown with great force on the floor of the said carriage, and was permanently injured.

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In the second count the plaintiff, George Ashton, stating the same contract and facts, laid as damage that the said plaintiff thereby lost the comfort and services of the said Maryanne Ashton for a long time, and would be permanently deprived thereof, and incurred expenses, and was prevented from attending to his business.

The affidavit of *J. W. Coffey*, attorney for defendants, filed as cause, stated that the defendants had their place of business in England; that the contract relied on in the summons and plaint was entered into in England; and that the breaches complained of occurred in England.

Palles, Q.C., and *Carton* in support of the motion.

The contract was one that could not be entirely performed outside the jurisdiction.

Serjeant *Armstrong*, with him *W. Boyd*, *contra*.

The breaches complained of occurred out of the jurisdiction.

The Court made absolute the conditional order for substitution of service.

COURT OF EXCHEQUER.

Reported by J. Lowry Whittle, Esq., Barrister-at-law.

Coram Pigot, C.B., Fitzgerald, and Hughes, B.B.

Dawson *v.* Maldey.

April 16.—*Garnishee Order—Official Liquidator.*

P. Keogh, for the plaintiff, applied for a garnishee order under the following circumstances:—There was a sum due from the Dublin Cattle Market Company to the defendant.

The Company was at present being wound up in Chancery, and the order was sought against the official liquidator, appointed in the Court of Chancery, to attach a dividend in his hands. *In re Warwickshire and Worcester Railway Company exparte Turner.* 2 De G. F. & J. 354. S. C. 30 L. J. Ch. 92.

P. Martin for *C. H. James*, the official liquidator.

The Court refused an order against the official liquidator, but gave one against the company.

Attorney for plaintiff, *Thomas White.*

Attorneys for official liquidator, *D.* and *T. Fitzgerald.*

Hempton *v.* Humphreys.

April 18.—*Non-attendance of Witness—Attachment.*

The plaintiff had obtained a conditional order for an attachment against one Kelly for non-attendance at the trial during the last after sittings.

Armstrong, Serj., with him *M'Laughlin*, now moved to make absolute the conditional order. He had received 30s. viaticum, but refused to come unless some provision was made for the care, during his absence, of two children, whose guardian he had been appointed under the Court of Chancery. The eldest child was fourteen years of age, and such a demand showed he did not mean to attend.

J. T. Ball, for Kelly, showed cause against making absolute the conditional order. It appears from the affidavits that Kelly's evidence would not only have been no service to plaintiff, but on the contrary, have been fatal to him; he was responsible to the Court of Chancery for the care of these children, and the viaticum was not sufficient to enable him to take them with him.

M'Laughlin in reply was not called on.

The Court made the order for attachment absolute.

Attorney for plaintiff, *John Glover.*

Alttorneys for Kelly, *Hayden* and *Rogan.*

Callaghan *v* City of Dublin Steam Packet Co.

April 25.—*Pleading—Breach of Contract.*

This was an action for negligence in carrying geese of the plaintiff's. The first count was in contract to deliver within a certain time, and alleged special damage, as follows, "and the plaintiff lost market for the said merchandise and large profits which he would have made by the sale thereof, and the said merchandise was greatly injured, damaged, and deteriorated in value, and the plaintiff was put to great expense in keeping over said merchandise, and in endeavouring to make a sale of same, and in sending said merchandise to other markets, and ultimately was obliged to sell said merchandise for a much less price than but for the aforesaid breach," &c. The second count was not delivering within a reasonable time. In the third count the plaintiff complained that the plaintiffs delivered to the defendants as and being carriers as in first count mentioned, and said defendants as such carriers received and had from the plaintiff certain geese of the plaintiff to be by the defendants carried with all due and reasonable diligence, expedition, and care, from Dublin to Liverpool, for reward to the defendants, yet the defendants did not carry the said geese with all due and reasonable diligence, expedition, and care on the said voyage, for the plaintiff says, that, owing to the negligence and default of the defendants in loading said geese on board a certain steamer of the defendants', which was unfit for the said voyage, from Dublin to Liverpool, and forwarding same from Dublin therein, and further, in consequence of the faulty and deficient state of the boilers, machinery, and appliances of said steamer, the said geese were for a long time delayed on the voyage, and were greatly injured and deteriorated in condition, and whereby also the plaintiff claimed the special damage in the first count complained of.

J. R. Robertson moved to set aside the third paragraph as embarrassing. The plaintiff may claim under this in respect of delay and of injury.

Lyster in support of the count.

Fitzgerald, B.—You cannot claim damages for two kinds of negligence in the same count. Set aside paragraph with liberty to amend.

Attorney for plaintiff, *W. G. Delany.*

Attorney for defendant, *James Kane & Son.*

M'Fadden *v.* Murdock.

April 26th.—*New Trial—Reception of illegal evidence.*

This was an action by a shop-assistant against his former master for wages. The master pleaded a set-off of certain moneys and goods received by plaintiff on his master's account, and applied by him to his own use. It appeared at the trial that the plaintiff had been in defendant's employment for four years, and had been each year debited with the amount of the goods entrusted to him from time to time for sale at the prices at which they were to be afterwards sold by retail. The defendant was debited with the sums actally paid over to him, and the sums due for the goods sold as credit. On this account there was a difference in each year against the plaintiff. This deficiency the plaintiff explained by the necessary waste occasioned by the sale of small quantities of the goods entrusted to be sold at retail. Plaintiff produced one Campbell, who kept a shop of the same description as defendant's in a village in the same neighbourhood; he heard the mode in which defendant's business was conducted as decribed at the trial, and was asked, "according to your experience in the trade would it be possible to realize by the sales the amount of retail prices on the entire quantity?" This was objected to

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but admitted, and witness answered, "It is a moral impossibility that you could take out the same amount of money in smalls; no man could do it by weighing it in smalls." In explanation, he said, "I could not weigh out a chest of tea so as to bring out the exact result. You are obliged to turn the beam at every draught; the same answer applies to all goods sold. In selling sugar by retail, sugar lost a great deal. It is damp, and the damp will steal down to the bottom. The loss is in weight and in the weighing it in smalls. The bottom is all right. It will be a little damp." According to your experience would you consider that a loss of £223 in a sale of £4,651 12s. 2½d. would be more than ordinary causes would produce? Answer: "I consider 5 per cent. not too great a loss; not an exorbitant loss from my experience in my own trade." On cross-examination he stated that his own losses were about 5 per cent.

This evidence was objected to on the ground that the experience of the witness in his own shop was no evidence of the reasonableness of the deficiencies in the defendant's shop. The jury found for the plaintiff. The defendant having obtained a conditional order for a new trial on the ground of the reception of illegal evidence.

Palles, Q.C., and *Falkner*, Q.C., for the plaintiff, now showed cause.

Harrison, Q.C., with him *M'Blaine*, in support of the conditional order.

PIGOT, B. and HUGHES, B., thought the evidence admissible.

FITZGERALD, B., could not concur in this opinion.

Cause shown allowed.

Attorney for the plaintiff, *G. G. Tyrrell.*

For the defendant, *J. Dickie.*

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law.

BRUNKER *v.* DICKSON.

May 1.—*Evidence.*

This was a suit instituted to establish the will of a Miss Steele, made on the 30th Oct. 1866. She died in the month of December of the same year. The will was principally in favour of the plaintiff, who was a cousin of the testatrix.

The defendant was a sister, and one of the next of kin of the deceased, and she impeached the will chiefly on the grounds of undue influence exercised by the plaintiff.

The due execution of the will, and the capacity of the testatrix, were not merely proved by the plaintiff's witnesses, but were admitted by the counsel for the defendant in his statement.

Harrison, Q.C., (*Munroe* with him), in his address stated his intention of offering as evidence letters written by the testatrix to the defendant shortly before her death, but undated, to show affection and regard; and also a letter of the plaintiff, written a few days before the death of the testatrix to the defendant, in order to show his influence over her.

KEATINGE, J.—The due execution of the will and the perfect capacity of the testatrix have not only been abundantly proved, but are admitted. I will, therefore, not allow evidence to be given of any subsequent transactions. There are cases in which such evidence might reflect back on the execution of the will, but this is not a case of that class. I therefore will direct the jury to find a verdict for the will.

Counsel for the plaintiff—*Dr. Townsend*, Q.C.; *Dr. Miller* Solicitor, *Mr. Booth.*

Counsel for the defendant—*Mr. Harrison*, Q.C., and *Mr. Munroe.* Solicitor, *Mr. Dickie.*

CORRESPONDENCE.

"THE RECORD OF TITLE ACT."

To THE EDITOR OF "THE IRISH LAW TIMES."

(Third Letter.)

SIR,—When I undertook, at your request, to furnish, for the information of your readers, some account of the Record of Title Act of 1865, and of the practice under it, I had no intention of engaging in controversy. My object is not to wrangle about collateral points; and to the objections of your correspondent, Mr. H. T. Dix, I shall reply in the briefest manner that the case will admit of. First, let me thank him for completing the proof of my assertion that there are inherent defects in the registry of deeds. He shows that an Act of Parliament, passed more than thirty years since, has proved wholly inadequate to prevent the incumbering of the Registry with those "general charges" which are productive of so much trouble and expense. He further shows that his own suggestions, publicly made six years since, for remedying some of the defects complained of, have received no attention. A report of a committee of the Law Society (to which are appended, amongst others, the esteemed names of the president and vice-president), thus forcibly summed up the question in 1862:—"The present system is so tedious and embarrassing that in practice it imposes undue responsibility on the profession, without giving to the public the protection and security it was originally intended to afford." A Bill was, I believe, brought in several years since by the Government of the day for reforming the system of the registry of deeds; but it broke down, so to speak, from its own weight. So much for improving the deeds registry. Your readers will have observed that Mr. Dix's zeal in defence of a system which he ably attacked in 1861, and which remains unchanged, has led him into the error of stating that a search, as usually made, is a sufficient evidence of title. Now let A B, aged sixty years, be supposed to have purchased an estate with a parliamentary title ten years since, and to be now obtaining a loan on mortgage. The search to be procured and furnished on such an occasion will be a search against A B from the date of his purchase in the Court to the present time. If Mr. Dix, in a case like this, insists on any more extensive search, he is singular, and he does that which is not only contrary to usual custom, but which adds very considerably to the expense of the search. But it will be admitted by any lawyer that A B, at any time after attaining age, may have covenanted to charge all his after-acquired lands, and that such a covenant is considered to be binding if duly registered. Therefore the title in the case supposed is not complete without a search, carried back for nearly forty years, against A B. Again, Mr. Dix airily disposes of all the acts appearing on a search, by saying that they "are at once seen not to affect." He may possess the secret of some mode of enchantment which shall discover in a moment that all the "acts" relate to other matters; but ordinary mortals are compelled carefully to peruse and tediously to scrutinize for fear of mistakes. Examples are valuable in this discussion; and I shall now adduce, from my own recent experience, some examples of the difficulty of making out title under the present system. A search lately made against a Mr. Kennedy disclosed 85 acts on the registry, which were only shown after a patient and minute investigation, not to affect the property in question. Still greater embarrassment was caused in the same case by the return of 95 acts on one judgment search, many of which appeared very doubtful, and some of which, to this day, I believe, have not been satisfactorily proved "not to affect." A recent search against "William Kelly," in the judgment office, disclosed 134 acts, many of them against a person whose place of abode is not stated. Among them appears a judgment against "—— Kelly, gentleman," which I recognized as an old friend, for it, of course, turns up on every judgment search made against any male person of the name of Kelly. A recent search against the name of Wm. M'Dermott discloses 84 acts. A recent search against the name of John Wilson discloses 181 acts. A recent search against the name of John Johnston discloses 199 acts.

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Such instances naturally lead one to appreciate a system of registry from which, to use the words of Lord Westbury, "a landowner can at any time procure a certificate showing the exact state of his title." Such a document Mr. Dix can hardly be serious in comparing with an ordinary abstract of title, which is of infinitely inferior value as an evidence of title for many reasons. Among them the following:—An abstract must be fortified by searches, certificates of birth and burial, affidavits, and other evidence; and it must contain the particulars of transactions which are now at an end and have ceased to affect the title. For example, A B, some years since, we will suppose, mortgaged to C, who assigned the mortgage to D, on whose decease the mortgage money was paid off by A B, and a release and reconveyance obtained from E, the heir-at-law, and from F, the executor of D. Now all these persons must figure on the abstract, and the deeds executed by them must be set out; and, in short, it is necessary for the security of any intending mortgagee or purchaser that all these bygone transactions should be carefully and thoroughly investigated. A certificate of title, on the one hand, is silent as to paid-off mortgages and all other completed transactions, which no longer affect the title; for mortgages and other matters, as soon as they are satisfactorily shown to be paid off and put an end to, are treated as things of the past, into which no further examination is in any sense necessary.

In my last letter I admitted that the utility of a Registry or Record of Title was chiefly shown in simple transactions; and that property which is not intended, under any circumstances, to be capable of sale, &c., is not likely to derive much benefit from the new system. Mr. Dix is, however, quite in error in supposing that the system is not adapted for the great majority of settled estates. He will find that all standard conveyancing books of modern date suggest a power of sale as a convenient, a usual, and a proper clause in any marriage settlement; and that nearly all modern settlements, if well drawn, contain that power. He will find, also, that all the eminent lawyers who have expressed themselves as in favour of a Registry of Title, have contemplated the entry of trustees of settled estates having a power of sale, as owners, for the purpose of transfer, &c. Any owner of a recorded estate who makes a settlement of it, should, therefore, have the trustees entered ("without survivorship") as owners, and should have his own name entered as that of a person whose consent is required, or who must have notice before any sale can be effected. This is all provided for by the Act.

Mr. Dix, whose experience of Parliamentary titles will extend over a course of years, during which the I. E. Court has never exercised, even if it ever claimed, the power to rectify errors in its own conveyances, seems alarmed that such power is at last conferred; but it will be seen at once that this power of amending the record is fraught not with danger, but with safety. For there is the same probability as ever that mistakes will *not* be committed, while there is a strong probability that if there should be a mistake it will be discovered and rectified before mischief has been done. And in the extreme case of a loss of property occurring (though how such an occurrence could take place, I am unable to imagine), its owner will derive some consolation from the reflection that Lieutenant-Colonel J. H. Keogh, who was the victim of the most important error made throughout the long history of the Incumbered or Landed Estates' Court, was fully recompensed by the Legislature.

Mr. Dix is also in error in saying that "few purchases have been recorded." Duplicate conveyances are not in practice bespoken for any purpose, except for the Record of Title; and the fact that they have been taken out in more than a hundred instances, where the conveyance has afterwards been recorded, furnishes as incontestable evidence on the point, as the previous taking out of a ticket can do of the intention of a passenger to proceed by a railway train. Mr. Dix's supposition that the passengers have been carried off against their will, is, therefore, unfounded; perhaps equally so is his anticipation that other passengers will, when they understand the subject, prefer the old stage coach to the railway. There have been more than a hundred purchases deliberately recorded, not by mistake or inadvertence, but with a clear intention of taking advantage of a measure which is the rational corollary of the Landed Estates' Act. The objection to the 7th section falls to the ground, now that every solicitor knows, or ought to know its effect: and I venture to express an opinion that a solicitor should not content himself with writing a mandatory note, like one I lately saw, merely desiring the client "to sign the enclosed requisition [against recording a conveyance] and return it immediately." If the clients had been informed of the nature of the measure, there is every reason to conclude that their conveyances would have been entered on record in still greater numbers. The requisition against recording has in fact been signed by numerous persons in entire ignorance of its nature and effect.

It is difficult to understand why any proprietor should feel uneasy (as Mr. Dix intimates) because the Registry of Parliamentary Titles is under the control of a court usually supposed to possess the confidence of the profession and of the public. I never heard that any tenant-in-tail felt it objectionable that his deed to open the estate is required to be enrolled in Chancery; nor are married women alarmed at the jurisdiction of the Court of Common Pleas over their legal transactions. Fines and recoveries, bills of sale, probates and administrations, and fifty other common incidents, are or were, more or less, under the control of courts of justice. Nearly all dealings with property are in some way liable to judicial control. Mr. Dix also objects to a public notice, forgetting that it has lately become the established custom for executors and administrators to advertise for claimants, as inspection of the columns of any newspaper will show. An advertisement, will, it is true, be required before any dealing by an heir at law with the recorded estate of his ancestor. And I mistake much if an experienced and cautious solicitor would recommend a client to lend on mortgage to an heir-at-law immediately after the decease of the ancestor, unless after an interval had elapsed, and publicity given to the claim founded on an alleged intestacy.

On this point it is worthy of remark, that an heir-at-law, who has lately experienced difficulty in procuring a loan (for it is proverbially hard to prove a negative, such as the non-existence of a will) has actually applied to have his estates entered on the Record of Title, in order to facilitate dealings with them. Such an instance proves the utility of enabling the heir-at-law, after public notices, to obtain a formal recognition of his title; and it is almost incredible that any person should object to publicity in such case.

In concluding this letter, I venture to recommend Mr. Dix and other gentlemen, who are prejudiced against this method of preserving the indefeasible character of Parliamentary titles, to satisfy themselves as to its nature and capabilities, by actual inquiry and investigation. As the carefully considered initiation of an important law-reform, the Record of Title commends itself to the attention of solicitors. As a reform in real property law, I hold it to be as valuable, as it is full of public interest; but beyond this it is, let me add, a matter of indifference to me whether the majority of the past and future purchasers of estates in the Court avail themselves of it or not. If they and their legal advisers, through prejudice or through inadvertence, neglect to obtain, by means of this Act, the clear and substantial advantages which it is calculated to afford them, the loss is their own. Of this I am certain, that before many years have elapsed there will be a general adoption of conclusions resembling those to which a long and careful study of the subject has brought your obedient servant,

LEGULEIUS.

TO THE EDITOR OF "THE IRISH LAW TIMES."

SIR.—I take the liberty of addressing a few lines to you respecting both the impropriety and misconduct which is carried on at "The Lectures for Attorneys' Apprentices," such as "laughing," talking, and creating a disturbance to the great annoyance of those who wish to attend to the talented and painstaking lecturer, Mr. Hickson. I would like to know how can this be remedied. If it is not, I deem it quite useless in attending aforesaid lectures, inasmuch as "law" is so deep and intricate, it requires its student to pay to it the deepest attention and application. Your insertion of this will much oblige, Mr. Editor, your obedient servant,

AN EYE-WITNESS.

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THE LAW STUDENTS' JOURNAL.

THE FOLLOWING IS A COPY OF THE EXAMINATION PAPERS GIVEN TO CANDIDATES AT THE FINAL EXAMINATION FOR APPRENTICES TO ATTORNEYS, HELD ON THE 15TH DAY OF APRIL LAST.

FINAL EXAMINATION FOR APPRENTICES TO ATTORNEYS, PURSUANT TO

"*The Attorneys and Solicitors Act* (*Ireland*), 1866."

DUBLIN, EASTER TERM, 1867.

[*Every answer is to be accompanied by reasons concisely stated.*]

COMMON LAW.

1. What will constitute a consideration for a simple contract?
2. In what cases is a plea of tender available to the defendant? What are the requisites to constitute a valid tender?
3. What are the several periods of limitation for recovery of the different classes of debts, and in actions of tort?
4. What is required to take a debt out of the Statute of Limitations?
5. Mention some rights of action assignable (*sub modo*) at Common Law or by statute.
6. What is a special and what is a general endorsement of a Bill of Exchange?
7. In what instance is notice of the dishonour of a Bill of Exchange dispensed with as an element in the title of the holder to recover against the drawer?
8. What is the nature of a guarantee? Is it affected by the Statute of Frauds?
9. What is a lien, and how is it created? How does a general lien differ from a particular lien? Give instances of each.
10. May a party in any case enforce securities given in consideration of abandoning a prosecution?
11. Who may sue on a deed made *inter partes*? Any exception to this rule? On a deed poll?
12. What is the object of proceedings by interpleader as devised by statute?
13. To what classes of actions does the statute apply; and what must a defendant, sued in any such action, do to entitle him to the protection of the statute?
14. State fully the extent of the liability of a husband for goods supplied to his wife?
15. How must a corporation in general contract? What are the exceptions to this rule?
16. What defences may be pleaded together as of course without leave of the Court?
17. What are the principal exceptions to the general right of the plaintiff in actions in which damages are recovered to the costs of suit?

REAL PROPERTY AND EQUITY.

18. Describe an estate of inheritance, and state the different kinds.
19. When was the Statute of Uses passed? State shortly what led to its enactment.
20. Feofment to "A" and his heirs to the use of "B" and his heirs, what estate does "B" take?
21. A term of years is limited to "A" for the use of "B," does the statute operate?
22. Explain the terms "general occupant" and "special occupant."
23. What is an estate tail? What words in a deed are necessary to create such an estate? What words are necessary for the same purpose in a will?
24. Can a joint tenancy be severed, and how?
25. What is an executory devise? Give an instance of it.
26. Define an easement.
27. "A" devises Blackacre to "B," and dies. What estate does "B" take? Was the law always so?
28. What is an estate by courtesy? In what cases is a husband entitled to courtesy?
29. To whom do strips of land at the sides of roads presumptively belong? Who owns the bed of a river? Who owns the sea-shore between high and low water marks?
30. Are the executors of a lessee obliged to keep his assets always in their hands to answer the rents and covenants of the lease?
31. What is the meaning of the "joint property" and "receipt" clause in a mortgage to trustees?
32. To what extent does an ordinary vendor of land covenant for title? A mortgagor? A trustee?
33. Under what circumstances has a married woman an equity to a settlement? How may her rights be barred, released, or lost?
34. How is the intention of a parent to give a provision to his daughter in such a way that she cannot alienate it best effected?
35. Mention some of the usual cases in which Courts of Equity grant injunctions.

THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

NISI PRIUS SITTINGS AFTER EASTER TERM.

Wednesday next, the 8th of May, instant, will be the last day for lodging Dockets of Abstracts of Records for trial during the Nisi Prius sittings after the present term. All dockets must be lodged with the Registrars at their respective offices before *four* o'clock on that day.

CONSOLIDATED NISI PRIUS COURT.

TRINITY TERM, 1867.

The sittings of this Court for Trinity Term will commence on Tuesday, the 28th May, inst.

Notice of Trial for said Sittings to be served as follows.

SERVE ON			FOR		
Thursday,	16th	MAY,	Tuesday,	28th	MAY,
Friday	17th	"	Wednesday,	29th	"
Saturday,	18th	"	Thursday,	30th	"
Monday,	20th	"	Friday,	31st	-
Tuesday,	21st	"	Saturday,	1st	JUNE,
Wednesday,	22nd	"	Monday,	3rd	"
Thursday,	23rd	"	Tuesday,	4th	"
Friday,	24th	"	Wednesday,	5th	"
Saturday,	25th	"	Thursday,	6th	"
Monday,	27th	"	Friday,	7th	"
Tuesday,	28th	"	Saturday,	8th	"
Wednesday,	29th	"	Wednesday,	12th	"
Thursday,	30th	"	Wednesday,	12th	"
Friday,	31st	"	Wednesday,	12th	"
Saturday,	1st	JUNE,	Thursday,	13th	"
Monday,	3rd	"	Friday,	14th	"
Tuesday,	4th	"	Saturday,	15th	"
Wednesday,	5th	"	Monday,	17th	"

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EASTER TERM, 1867.

ADMISSION OF ATTORNEYS.

The following gentlemen have been duly admitted to practice as Attorneys and Solicitors :—
Ambrose Plunkett, Esq., A.B., T.C.D., 89, James'-street.
John Rickard Lloyd, Esq., A.B., T.C.D., 12, Upper Mount-street.
William Croker, Esq., 12, Middle Mountjoy-street.
Michael Driscoll, Esq., junior, 81, Camden-street.

LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before JUDGE DOBBS.

Sarah M'Kee, allocation.—John Meehan, schedule.—P. C. Lynch, do.—John Bournes, from 29th April.—Administrator of W. Keays, from 1st inst.

Before the EXAMINER.

James Credin, proofs.—Alexander Denvar, rental.—William Baillie, do.—John Smith, senior, proofs.

Before JUDGE LYNCH.

T. Mackie, final schedule.—J. W. Dickens, as to dispute.—Marquis of Conyngham, objections.—J. R. F. Day, do.

Before Mr. URLIN.

John Joseph Menham, proofs.

Tuesday—Before JUDGE LYNCH.

SALES AT 12 O'CLOCK.

A. A. M. Ker—5 lots—co. Monaghan—fee and fee-farm—profit rent—£475.—Solr., *T. W. Hardman.*
Johanna Flood and others—11 lots—Dublin—leases renewable, and long terms—profit rent, £656 0s. 6d.—Solr., *A. Middleton.*
E. Finch—1 lot—co. Clare—fee—profit rent—£65 8s. 6d. Solr., *Galloways and Connor.*
Gorges Graham—4 lots—cos. Dublin and Meath—fee—profit rent, £408.—Solr., *John M. Williamson.*
Robert Robinson—1 lot—Cork—lease for 999 years.—Solr., *Orpen, Sons, and Sweeny.*

Before JUDGE DOBBS'S EXAMINER.

John Hutton, proofs.—Richard White, rental.—William Prenter and another, do.—John Bournes, do.

Wednesday—Before JUDGE DOBBS.

Sir William Palmer, schedule.—James Byrne, do.—John Hutton, allocation.—Letitia Pope, make order absolute.—William A. Scott, schedule.—James Byrne, do.

Before the EXAMINER.

Lord Trimleston, rental.

Before JUDGE LYNCH.

John Gray and another, final schedule.—C. F. Allnatt and others, do.

Before the EXAMINER.

Rev. T. G. Smyth and others, rental.—F. Brew, do.—G. A. Rogers, do.—H. Shallcross, do.—John Reddan, to vouch.—C. J. Murphy and others, do.—A. Culbertson, erntal.

Friday—Before JUDGE DOBBS.

SALES AT 12 O'CLOCK.

Assignees of E. Duffy—5 lots.
John Bingham—1 lot.
William A. Scott—1 lot.
Alicia Mulhall—5 lots,
Sir William Palmer—2 lots.
Michael Metcalf—1 lot.
J. S. Kirwan, 11 lots.
Trustees of Boyle—2 lots.
James Keegan—1 lot.
C. D. Cullen—1 lot.
John W. Maher—1 lot.

Before the EXAMINER.

E. J. Ireland, rental.

Before JUDGE LYNCH'S EXAMINER.

F. Johnston, rental.—William Morgan, do.—Trustees of Garde, to vouch.—M. Conner, do.

Before Mr. URLIN.

George Lay and others, rental.

Saturday—Before JUDGE DOBBS.

James Credin, allocation.

Before the EXAMINER.

John Burke and others, rental.

Before JUDGE LYNCH.

James Boyce and another, compensation.

LANDED ESTATES' COURT.

SALES.

April 26.—Before the Hon. JUDGE DOBBS.

COUNTY OF THE CITY OF DUBLIN.—Estate of Emily Francis, owner and petitioner.

Lot 1. The dwelling-house known as St. John's and lands adjoining, situate at Coolock, containing 25a. 2r. 27p.; yearly rent, £200. Sold for £610 to Mr John Wallis.

Lot 2. The dwelling-houses, Nos. 4 and 5, Ashbrook-terrace, South Circular-road; rent, £70 per annum. Sold for £440 to Mr Treston, in trust, for Mr. J. O'Reilly.

Lot 3. Houses and premises, Nos. 6 and 7, Ashbrook-terrace. Sold to Mr. Henry Watson for £455. Solicitors, *Byrne* and *Lambert.*

Estate of James Byrne.

Lot 1. House and garden, Frankfort-avenue; rent, £55. Sold to Mr. Wm. Taylor for £500.

Lot 2. House and garden, same avenue. Sold to same purchaser for £700.

Lot 3. House and garden, same avenue; rent, £50. Sold to Mr. M. Murphy for £505.

Lot 4. House and garden, same avenue; rent yearly, £50. Sold to Mr. Cecil Eagan for £600.

Lot 5. House and garden, 19, Longwood-avenue; rent, £44. Sold to Mr. Owens for £320. Solicitors, *Gresson* and *Clarke.*

COUNTY OF LEITRIM.—Estate of Henry Nesbit.

Lands situate in the barony of Mohill, containing 571a. 0r. 22p.; yearly rental, £72 7s. 11d. Sold to Mr. John Kent, in trust, for the Earl of Leitrim, for £3,305. Solicitor, *Thomas Croker.*

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County of Sligo.—In the matter of the Assignees of Laurence M'Tiernan, an insolvent, deceased :—

Part of the lands of Tubbernany, 63 acres, situate in the barony of Tyrrel. Sold to Mr. A. Flood, Enniskillen, for £1,120. Solicitor, *Thomas Kiernan.*

County of Wicklow.—Estate of Thomas E. Byrne, heir-at-law and trustee of the late Mr. Thos. J. Barton.

Lot 2. The mansion-house and demesne at Glendalough, containing 1,571 acres. Sold to Mr. Joseph Hone, in trust, for Mr. F. Hutchinson, for £1,927. Solicitor, *Robert Lyle.*

April 30.—Before Judge Lynch.

Kingstown, Co. Dublin.—Assignees of the Estate of Laurence Moylen, an insolvent, owner ; James O'Shaughnessy, petitioner.

Lot 1. House and premises, 42, Upper George's-street, Kingstown, held for 76 years from 1828 ; rent, £32 15s. 4d. Sold to Mr. Bergin, in trust, for £350.

Lot 2. House and premises, 41, same street; rent, £23 7s. 8d. Same purchaser, at £200.

Lot 3. House and premises, 87, same street, held for 70 years from 1828 ; net rent, £33. Same purchaser, at £350. Solicitor, *W. K. O'Shaughnessy.*

County of Kildare.—Estate of Francis Shearman, owner; Michael Hayden and another, petitioners.

Part of the lands of Firmount East, containing 52a. 3p. ; rent, £34. Sold to Mr. Peter Byrne, at £630. Solicitors, *Thomas* and *Purefoy Poe.*

City of Dublin.—Estate of Pat. Downes, owner; Patk. Reakin, petitioner.—House and premises, 29, South Great George's-street, and three houses in Joseph's-lane ; rent, £51 9s. Sold to the petitioner at £245. Solicitor, *M. K. Cullen.*

County of Cork.—Estate of William Smithwick and another, owners and petitioners.—Two several annuities of £220. The sale adjourned, there being no bidding. Solicitor, *Chatterton.*

County of Roscommon.—Estate of Patrick Dillon, owner, Patrick Balfe, petitioner.—The life estate of the owner, now aged 35 years, in part of the lands of Clonegrasson, containing 138a. 1r. 38p. ; rent, £68 8s. 5½d., sold subject to a charge of £305 14s. 11d. Sold to Mr. H. French at £330. Solicitor, *B. Whitney.*

County of Mayo.—Estate of B. J. Murphy, owner, Joseph F. Darling, petitioner.—The reversion in fee expectant on the determination of the life estate of a lady, aged 60 years, in part, of the land of Knocktobbin, barony of Clanmorris ; yearly rent, £27 8s. 4d. Sold to Mr. Mecredy, at £200. Solicitor, *G. W. Bradley.*

LANDED ESTATES' COURT.

PETITIONS FILED, *from 27th April to 3rd May*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET VALUE	SOLICITOR	JUDGE
					£ s. d.		
April 27	3813	Henry B. Armstrong	*The Owner, for Declaration of Title*	Down	49 1 4	*Thomas Kift*	Dobbs
„ 30	3814	John T. Rosborough Colclough & Wife	*B. Kernaghan*	Wexford	7,837 12 11	*Kernaghan and Saunders*	Lynch
„	3815	Peter Arding Von Homrigh	*The Owner*	Louth	28 9 7	*Geale, Dwyer & Co.*	Dobbs
„	3816	Patrick Brady	*Sally Fleming*	Longford	80 10 0	*John Reilly*	Lynch
May 1	1408B	John Treston & others	*P. Tuohy* — Supplemental Petition to appoint Trustee by *M. Tuohy & Wife*	—	—	*L. G. O'Neill*	Dobbs
„	3817	William O'Hanlon	*The Owner*	Dublin	40 0 0	*John Forsythe*	Dobbs
„	3818	Elizabeth Sinclaire and others	*James Thompson*	Antrim	900 0 0	*L'Estrange & Brett*	Lynch
May 2	3198A	George Evans	*The Owner*—Supplemental Petition to *apportion rent*	—	—	*West & Fitzsimons*	Lynch
„	3339	Emily Dunne	*The Owner for Partition*	—	—	*Byrne & Lambert*	Lynch
„	3819	Patrick Regan, junior, and Anne Feeney	*The Owners*	Dublin	70 0 0	*Casey and Clay*	Dobbs
„	3820	George Beck	*The Owner*	Down	Not given	*Richd. Jebb Browne*	Lynch
„ 3	3821	J. Gallagher and others, trustees of Geoffrey Davies	*Joseph Murphy*	Kilkenny	149 10 0	*Henry S. Mecredy*	Dobbs
„	3822	W. G. Dubedat and another, trustees of George Alley	*The Owners*	South Meath, Dublin	497 18 1	*Thomas Jameson*	Lynch

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
May 6	12 o'clock	Arrangement case	Proof of debts	*Moore & Barlow*
"	"	do.	Adjourned proof of debts	*Neilson & Son*
"	"	do.	do.	*Findlater & Collins*
"	"	Christopher Nolan	To tax costs	*Ennis*
"	"	Thomas Potter	do.	*White*
		Tuesday. Before the COURT.		
May 7	11 o'clock	Arrangement case	Second sitting	*Larkin*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Meldon*
"	"	do.	First sitting	*Larkin*
"	"	R. T. Carlisle	Audit and Dividend	*Howard*
"	"	H. F. Fleming	do.	*Larkin*
"	"	John Graham	do.	*Larkin*
"	"	E. F. Cullen	do.	*Larkin*
"	"	Patrick Reilly	do.	*Casey & Clay*
"	"	J. W. Sidley	Composition	*Batt*
"	"	Alexander O'D. Taylor	Adjourned final examination	*Buckley & Smith*
"	"	Thomas Berry	Sale	*Delany*
"	"	Michael Hayes	Composition	*Lynch*
"	"	J. F. Clarke	Adjourned final examination	*Thorpe*
"	"	John Woods	Sur., prove debts, and choose assignee	*Molloy & Watson*
"	"	Arrangement case	Adjourned charge and discharge	*Benner*
"	"	Mathew Drysdale	Adjd. final exmn. & examn. of witns.	*Findlater & Collins*
"	"	N. J. Anderson	Charge and discharge	*D. & T. Fitzgerald*
"	"	Hugh Toman	do.	*Greer*
		Thursday. Before Mr. BRADY, Chief Registrar.		
May 9	12 o'clock	Arrangement case	To vouch assignee's account	*M'Govern*
		Friday. Before the COURT.		
May 10	11 o'clock	Michael Hanratty	Audit and dividend	*Larkin*
"	"	M. T. Kenna	do.	*Larkin*
"	"	Wm. Nelson	do.	*Larkin*
"	"	Patrick Bingham	do.	*Bloomfield & Leahy*
"	"	Arrangement case	do.	*M'Govern*
"	"	J. W. Sidley	Final examination	*Rosenthal*
"	"	Daniel and H. Magrath	Adjourned do.	*Larkin*
"	"	Hugh Porter	Sur. prove debts, and choose assignee	*Riddick*
"	"	Laurence Kelly	Adjourned final examination	——
"	"	Robert Clements	Composition	*Barlow*
"	"	Daniel M'Grath	Judgment	*Larkin*
"	"	E. F. Cullen	Examination of witnesses	*Larkin*
"	"	Albert French	do.	*Larkin*
"	"	Arrangement case	First private sitting	*Perry*
"	"	do.	do.	*Larkin*

BANKRUPTS.

M'Parland, James, of No. 68, Meath-street, in the county of the city of Dublin, baker. Petition of bankruptcy filed 18th April, 1867. To sur. Tuesday, May 14, and Friday, May 24. L. H. Deering, Official Assignee. *W. Neilson and Son*, solrs.

M'Dermott, Edward, of Castlerea, in the co. of Roscommon, draper. Petition of bankruptcy filed 26th April, 1867. To sur. Friday, May 17, and Friday, May 31. L. H. Deering, Official Assignee. *Molloy and Watson*, solrs.

O'Toole, Thomas, of Talbot-street, city of Dublin, grocer and provision dealer. Petition of bankruptcy filed April 24, 1867. To sur. Friday, May 10, and Friday, May 24. L. H. Deering, Official Assignee. *Stuart*, solr.

Porter, Hugh, of Downpatrick, co. Down, woollen draper. Petition for arrangement filed April 2, 1867. To sur. Friday, May 10, and Friday, May 24. C. H. James, Official Assignee. *G. Riddick*, solr.

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Certificates Allowed,

Unless appeal filed within 30 days from date.

APRIL 12.

Bingham, Patrick, of Patrick-street, city of Limerick, grocer, a bankrupt. *Bloomfield and Leahy,* solicitors.

APRIL 26.

Magan, Charles Michael, of No. 4, Upper Sackville-street, city of Dublin, agent and scrivener, and attorney, a bankrupt. *Russell,* solicitor.

APRIL 16.

Reilly, James William, who lately traded with John Reilly, of Bridgefoot-street, city of Dublin, ironmonger, bankrupt. *Larkin,* solr.

APRIL 26.

Weir, William George, of Belfast, county of Antrim, merchant, a bankrupt. *Black,* solr.

APRIL 25.

North, Robert Samuel, of Rosamore, Belleek, county of Fermanagh, contractor, a bankrupt. *Perry,* solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before MR. FARRELL, Chief Clerk.		
May 6	12 o'clock	Rev. Charles L. Thomas	To prove debts	*Macnally*
,,	,,	Michael Callaghan	do.	*Perry*
	2 o'clock	Michael Joseph O'Brien	To inquire if debts paid	*Weldon*
		Tuesday.		
May 7	12 o'clock	Gerald Kelly	To tax costs	*Macnally*
,,	,,	Charles Collins	do.	*Bergin*
,,	,,	Joseph Dobson Whitehead	do.	*Bergin*
,,	,,	Alex. Barrington	do.	*Macnally*
,,	,,	Patrick De Courcey Sheehy	do.	*Macnally*
		Wednesday. Before the COURT.		
May 8	11 o'clock	Gerald Kelly	Audit and dividend	*Macnally*
,,	,,	Charles Collins	do.	*Macnally*
,,	,,	Joseph Dobson Whitehead	do.	*Bergin*
,,	,,	Alexander Barrington	do.	*Macnally*
,,	,,	Patrick De Courcey Sheehy	do.	*Macnally*
,,	,,	Peter Neill	Adjourned, do.	*Henegan*
,,	,,	John Barrett	Adjourned notices of motion	*Macnally*
,,	,,	Anne Frances Harriet Hart	Hearing of petition	*Macnally*
,,	,,	William Henry Jackson	Adjourned, do.	*Macnally*
,,	,,	William Thomas Kelly	do.	*Macnally*
,,	,,	John Clifford	do.	*Murray*
,,	,,	James Barry	do.	*Graves*
,,	,,	Hugh Lyons Montgomery,	do.	*Graves*
		Friday. Before the COURT.		
May 9	11 o'clock	———	For Bail Motions only.	——
		Saturday. Before the CHIEF CLERK.		
May 10	12 o'clock	Thomas M'Dermott	To vouch account	*Irvine*
,,	,,	Daniel W. Hutcheson	do.	*Barrett*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	SOLICITOR	OFFICIAL ASSIGNEE
April 3rd	Hogan, Malachy	1st dividend 2s. 1d. in £ on £102.	*Meyrick*	*James*
,,	Doran, John,	1st and final dividend 15s. 1d. in £ on £36.	*Irvine*	*James*
,,	Healy, John B.,	1st and final dividend 1s. 1¾d. in £ on £500.	*Macnally*	*James*
,,	Fitzpatrick, John,	2nd dividend 5s. 8d. in £ on £184.	*Macnally*	*James*
,,	Dunne, John,	1st and final dividend 3s. 10½d. in £ on £190.	*Macnally*	*James*
April 17th	Maturin, John,	1st and final dividend 1s. 4½d. in £ on £410.	*Macnally*	*James*
,,	Williams, Edward,	1st and final dividend 2s. 2¼d. in £ on £206.	*Macnally*	*James*

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CASES DISPOSED OF.

Wednesday, May 1, 1867.

Before JUDGE MILLER.

Barry, James. Adjourned to Wednesday, 8th May instant.
Gaskin, James John. Discharged.
Montgomery, Hugh Lyons. Adjourned to Wednesday, 8th May instant.
Thomas, Rev. Charles Lomax. Adjourned to Wednesday, 6th June next.

INSOLVENTS DISCHARGED ON BAIL until the Hearing of their petition.

Darby, Thomas, co. Louth, weaver and shopkeeper.
Johnston, John, co. Sligo, labourer.
Johnston, William, Belfast, grocer and spirit dealer.
Kinsella, Denis, Dublin, upholsterer and cabinet maker.
M'Dowell, John, co. Tyrone, builder.
O'Neill, Owen, co. Wicklow, farmer.

INSOLVENTS.

To be heard in Dublin.

Grace, William, of Seaview-terrace, Church-road, North Strand, city of Dublin; previously of Ballyrogan, county of Wicklow, superannuated revenue officer; formerly of Abbeyleix, Queen's County, and then of Portarlington, in said county, revenue officer. Hearing on Wednesday, May 22. *M'Kenny*, solicitor.

Kinsella, Denis, of Upper Mecklenburgh street, city of Dublin, and of Marlborough-street, in said city, upholsterer and cabinet manufacturer. Hearing on Wednesday, May 22. *Graves*, solicitor.

M'Nevin, John, of Ballinasloe, county of Galway, auctioneer, saddler, wine and spirit dealer. Hearing on Wednesday, May 22. *M'Kenny*, solicitor.

To be heard in the Country.

Fahy, Patrick, of High-street, county of the town of Galway, late a grocer and provision dealer; not now in business. Hearing at Galway, June 22. *M'Namara*, solicitor.

Flint, Arthur, of Dublin-street, city of Cork, bone dust manufacturer and shopkeeper. Hearing at Cork, July 8. *Collins*, solicitor.

Keenan, Mary, of Market-street, Newry, county of Down, widow, grocer and spirit dealer. Hearing at Downpatrick, June 20. *M'Kenny*, solicitor.

O'Neill, Owen, of Coolafinchogue, county Wicklow, farmer. Hearing at Wicklow, June 28. *Duff*, solicitor.

PETITION OF INSOLVENCY FILED.

April 30.

By Brennan, Eliza, of Belfast, county Antrim, widow, grocer and spirit dealer; a prisoner in gaol of Belfast. *Macnally*, solicitor.

THE MAGISTRACY.

The Lord Chancellor has appointed Thomas O'Grady, Esq., of Roughgrove House, Bandon, to the commission of the peace for the county of Cork.

Also Charles Howe Knox, Esq., Cranmore, Ballinrobe, to the commission of the peace for the county of Mayo.

Also William Henry Bolger, Esq., of Ballinabarney, Inistiogue, to the commission of the peace for the county of Kilkenny.

Also John Cochrane, Esq., of Lifford, Strabane, to the commission of the peace for the county of Tyrone.

COURT OF CHANCERY—TUESDAY, APRIL 30.

NEW QUEEN'S COUNSEL.

At the sitting of the Court, Mr. Robert R. Owen, of the Leinster Circuit, called to the Bar Easter Term, 1839, was called within the Bar as one of her Majesty's counsel.

MASTER EXTRAORDINARY AT LEEDS.

On Saturday, on the application of *Sullivan*, Q.C., Mr. John William Atkinson was appointed master extraordinary at Leeds for taking affidavits for the Court of Chancery in Ireland.

CITY SESSIONS—APRIL 30.

The Right Hon. the Recorder sat in the Courthouse, Green-street, and, having sworn in the Grand and Market Juries, adjourned the trials of prisoners and traversers to the 16th inst.

The Home Secretary has remitted the remainder of Toomer's sentence.

The Lord Chancellor has allowed funds to be appropriated out of the Tichborne property for inquiries to be made in Australia, on behalf of the infant baronet, relative to the antecedents of the claimant from that colony to the Tichborne title and estates. Colonel Lushington has had an interview with the *soi-disant* Sir Roger Tichborne, and has declared that he is the son of the late Sir James Tichborne.

It is stated that Government have definitely declined for the present to make Birmingham an assize town.

THE PETTY SESSIONS CLERKSHIP OF MOUNTMELLICK.—On Monday the magistrates of the district elected Mr. Hutchins to fill the vacancy occasioned by the death of Mr. Parker.

THE SLADE BARONETCY.—The arguments in the case of Slade *v.* Slade, were resumed on Thursday morning, in the Court of Exchequer, London, and after the statement of counsel for the defence, the further hearing of the case was adjourned.

The London Correspondent of the *Irish Times* states that the question of leasing and improving landed property in Ireland is about to be experimented upon by one of the city members, Mr. Pim, who has prepared a bill to extend the powers of limited owners of land in Ireland, and will ask leave to introduce it on an early evening next week, probably Tuesday.

The "Corrupt Practices at Elections" Bill was read a second time on Thursday night, and the debate upon it was, at the suggestion of the Chancellor of the Exchequer, arranged to be taken on Monday next, when the motion for going into committee shall be made.

BIRTH AND MARRIAGES.

BIRTH.

MONAHAN—April 22, at 29, Fitzwilliam-square, the wife of James Henry Monahan, Esq., barrister-at-law, of a son.

MARRIAGES.

MONAHAN and O'BRIEN—April 29, at the Catholic Church of St. Kevin's parish, by his Eminence Cardinal Cullen, assisted by the Rev. Martin Barlow, P.P., and the Rev. Dr. Conroy, Henry James, second son of the Right Hon. the Lord Chief Justice of the Common Pleas, to Mary, third daughter of the Hon. Mr. Justice O'Brien, second Justice of the Queen's Bench.

FOLEY and MURPHY—April 29, at the Church of the Immaculate Conception, Marlborough-street, Bessie, second daughter of the late Michael Murphy, Esq., of Ballymore, to Denis Foley, Esq., of Lismore, in the County of Waterford, solicitor.

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DUBLIN STOCK AND SHARE LIST.

No business done on 1st May, being a holiday.

DESCRIPTION OF STOCK	APRIL Sat. 27	Mon. 29	Tues. 30	MAY Thurs. 2	Fri. 3
Government					
New 3 p c Stock	89 89⅛	89⅛ ¼	89⅛ 89	89⅛ ¼	89⅛
3 p c Consols	—	90¼ ⅛	90 90⅛	90 90⅛	—
Foreign and Colonial.					
India 5 p c Stock	108⅞	108⅞	108⅞	108⅞	108⅞
Joint-Stock Banks.					
Ireland, £100 pd	235½	235½	235	235½ ¼	—
Hibernian, £25 pd	—	36¼	—	36¼	—
Munster (Limited.), £3 10s pd ..	—	1½	—	—	—
National, £30 pd	62¾	—	62	62½ ¼	62½ 62
National of L'pool (Ltd.), £15 pd	13	13⅞	13⅛	13⅛	13
Provincial, £25 pd	—	84	84	—	84
Do., New, (pd £10)	—	—	—	—	—
Royal, £10 pd	33	32⅞	32⅞	32⅞	—
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—
Union, £22 pd	13¾	—	—	—	—
Steam.					
British & Irish, £50 pd ..	47	47	—	—	47
City of Dublin, £100 pd ..	—	—	—	100½	100½
D. & L. St. S. B. Co. £55 pd (rd) ..	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	60	—	—	—
Dundalk (Limited), £10 pd ..	7⅛	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	5½	—	—	—
Miscellaneous.					
A. & C's' Gas, £8 pd A ..	9⅞ 10	9⅞ 10	9⅞ 10	9⅞ 10	—
Do., £5 pd B	—	—	—	—	—
Do., £4 pd 2 C	4⅛	4½	4⅛	4⅛	—
Grand Canal, £100 pd	—	48	—	—	—
Patriotic Insurance, £10 pd ..	—	8¾	—	8¼ ⅜	—
National Insurance, £25 pd ..	—	—	—	—	33½
Railways.					
Belfast & N'rn Conntics, £50 pd ..	—	—	—	—	44½
Cork & Bandon, 50 pd	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	—	—	71	—
Dublin & Kingstown, £100 pd ..	—	—	—	188	—
Dublin & Drogheda, £100 pd ..	—	—	—	85	—
D, W., & W., £100 pd	—	—	39½	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	—	90½	90½ 91	91	—
Midland Gt. Western, £100 pd ..	55¾	55½	55⅛	—	55¼
Waterford & Limerick, £50 pd ..	—	—	—	—	—
Railway Preference.					
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—
Cork & Bandon, 5¼ p c pl £6 5s ..	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	47	—	46¾	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	93	—	93	93¼
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—
Mid. Gt. West., 5 p c. £100 pd ..	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—
Railway Debentures.					
Gt. South. & Western, 4½ p c ..	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—

Name Days.—April 27th and May 14th.
Account Days April 29th and May 15th.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, AND LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850."

In the Matter of Margaret Carroll, Petitioner; John Carroll, and by amendment, George Cooke, and the Official Assignees, Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of Peter Carroll, late of Tullow, in the County of Carlow, Shopkeeper, deceased, on or before the 25th day of MAY, to furnish, in writing, to Margaret Carroll, the Petitioner, of Tullow, in the County of Carlow, or to Thomas Crawford Butler, her Solicitor, of Carlow, and 9, Upper Gardiner-street, Dublin, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 25th day of April, 1867.

WILLIAM BROOKE, Master in Chancery.

THOMAS C. BUTLER, Solicitor for Petitioner, No. 9, Upper Gardiner-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Marshall, of Charlemont Mall, in the City of Dublin, Commission Agent, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 10th day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 30th day of April, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

WM. HOLMES BATT, Agent to the Bankruptcy, No. 50, Fleet-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edmond Molony, of Ennis, in the County of Clare, Shopkeeper and Chandler, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 14th day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 29th day of April, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Michael Curran, of Cappoquin, in the County of Waterford, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 14th day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 27th day of April, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

FINDLATER & COLLINS, Agents to the Bankruptcy, No. 35, Upper Ormond-quay, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

STATUTORY NOTICE.

In the Goods of Edward Molloy, late of Lennoxbrook, in the County of Meath, Esquire, deceased.

PURSUANT to the Acts of the 22nd and 23rd Vic., Chapter 35, all persons claiming to be Creditors, or to have any demand against the Estate of the said Edward Molloy, deceased, who died at Lennoxbrook, aforesaid, on the 25th day of February, 1867, are hereby required, on or before the 8th day of JUNE next, to furnish the particulars thereof, in writing, to the undersigned, the Solicitor for James Young, of Ballybay, in the County of Monaghan, M.D., and Henry Dyas, of Castlepole, Kells, in the County Meath, Esquire, the Executors of the Will of the said Edward Molloy, after which day the assets of said deceased will be distributed amongst the persons entitled thereto, having regard only to the claims of which said Executors shall have received Notice.

Dated this 1st day of May, 1867.

REEDE & GOODMAN, Solicitors for said Executors, No. 2, Sackville-street, Upper, Dublin.

Printed and Published for the Proprietors, every Saturday, by John Falconer, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, May 4, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 15.] SATURDAY, MAY 11, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office,* 53, *Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MAY 11, 1867.

IT is a matter of some importance to the general public, and of great importance to the members of the profession, whose views it is the main object of this Journal to represent, that the rights and privileges of the Junior Bar should be clearly defined and understood. We, therefore, propose in the present article to consider these rights and privileges, as far as we are acquainted with them, and to indicate the grounds on which they are, or at least seem to be, founded. These privileges may, we think, be conveniently divided into two classes, namely—

First. Privileges conferred by rules promulgated by the Judges for regulating the practice in their several Courts; or, those that have been made the subject of express judicial decision.

Second. Privileges founded on the etiquette (so to speak) of the profession, and a general understanding among its members.

The institution of the Bar seems to be based on no positive law, but rather on its legal recognition for many centuries, and the exercise of the general authority, possessed by all superior Courts of Justice, of regulating the privilege to practice in them. "The principle of the law is, that the practice of the Court can only be known in the Court itself, and cannot be judged of by any other Court" (per Lefroy, C. J., *Rea* v. *Nagle*, 9 Ir. Jur., N. S., 81). All who feel the rights and duties of Counsel, and the relation in which they have for centuries stood to the public, will, we think, agree with these observations. Admitting, then, the right of Superior Courts to regulate their practice, let us proceed to examine what they have done in the exercise of this jurisdiction, so far as relates to the matter now before us.

As regards the course of practice in Common Law Courts, we find but one general order having reference to the privilege of the Junior Bar. It is in the following terms:—"On the last day of Term only, members of the Bar shall take precedence according to their juniority, without prejudice to the Attorney or Solicitor-General moving officially in Her Majesty's causes at any time they may see convenient" (4 Gen. Order, 1854.) This privilege, although re-enacted by the above general order, is, we believe, of very ancient date, and has conferred on the last day of Term the appellation of "Junior day."

Again, it is a well established rule that all motions of

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course must be moved by members of the Outer Bar (*O'Brien* v. *Gaskin*, 2 Leg. Rep., 263; *Smith* v. *Codrington*, 1 Ir. Jur., N. S., 296). To the Junior Bar also belongs the privilege of opening all Law Arguments, both in the Court of Error and in the Court below (*Lefanu* v. *Malcomson*, 8 Ir. Law Rep., 418), as well as all pleadings at Nisi Prius. In the category of Law Arguments seem to be included bills of exceptions (*Hemphill* v. *M'Kenna*, 7 Ir. Law Rep., 395), argument in a special verdict case (*Conlan* v. *Eyre*, 1 Ir. Jur., N.S., 18; *Nixon* v. *Blake*, 5 Ir. Law Reps., 581), argument on a case stated by Justices of the Peace (under 20 & 21 Vic., c. 43, sec. 2) for the opinion of the Court (*Reg.* v. *Brophy*, 6 Ir. C.L. Reps., Ap. 11). In an argument on a *certiorari*, Junior Counsel must be retained; but Counsel may arrange among themselves which of them will argue the case, and in what order (*Reg.* v. *Hamilton*, 6 Ir. Jur., N.S., 154).

Again, the late Mr. Justice Crampton refused to permit Senior Counsel to settle issues without a Junior (*Dunne* v. *Gumley*, 8 Ir. C.L. Rep., Ap. 6); and in every case of a settlement of issues before a Judge, whether a question may arise thereon or not, Junior Counsel must be instructed (*Howley* v. *Richey*, 5 Ir. Jur. N.S., 348; *Anon.* 2 Ir. Jur., N.S., 26). These seem to us to be the only privileges possessed by the Junior Bar in our Courts of Law, which are recognized by judicial authority, and they may therefore be considered as part of the common law of the country.

Next, with respect to the privileges conferred on the Junior Bar in our Courts of Equity, all cause petitions must be opened and motions of course moved by members of the Outer Bar (see *Anon.* 5 Ir. Eq. Rep., 595, per Lefroy, B.) We have heard that one exception to the latter privilege has been allowed in the Rolls Court; the late Master of which is said to have permitted Senior Counsel to move that *consents* be made rules of Court, on the ground, it seems, that the Counsel, whether Senior or Junior, who advised the consent is the proper person to explain its terms to the Court. We believe, however, we are correct in stating that the Senior Bar, as a body, has never taken advantage of this licence, and that, as a matter of practice, all consents are moved in the Rolls, as in the other Courts of Law and Equity, by Junior Barristers. We may, therefore, look upon this exception to the general rule, if ever it existed, as now quite obsolete.

Again, at the hearing of all general Cause Petitions the proofs must be read by a Junior.

Also Junior Counsel must be retained in moving for an order of reference of Cause Petitions, under the 15th sec. Court of Chancery (Ireland) Regulation Act, 1850 (*Cannon* v. *Burke*, 5 Ir. Ch. Rep. 226), and Senior Counsel cannot sign such petitions unless a Junior also sign (*Kelly* v. *Campion*, IRISH LAW TIMES, 246). This case, which we have reported in our last impression, sets at rest a question which was much debated among the members of the legal profession, but upon the merits of which, we are led to believe, an all but unanimous opinion prevailed. The privilege conferred by this decision of the Lord Chancellor now stands, we presume, on the same grounds as those other privileges which we have already enumerated.

We now come to consider the second class of privileges of the Junior Bar, to which we referred at the outset. We mean those privileges conferred by rules which, although never made the subjects of judicial decision, are, nevertheless, to be considered as equally binding on the members of the Bar.

These rules owe their force partly to the etiquette and long-established usage of the Bar, and partly to the direct and well-considered resolutions of that entire body. We allude in particular to that rule which forbids Senior Counsel to sign pleadings either in Law or in Equity, unless first signed by a Junior. The privilege of preparing Common Law pleadings seems to have belonged to the Junior Bar from time immemorial, and we have never heard it disputed. Not so, however, with respect to pleadings in Equity. For a long time the opinion of the profession seemed divided as to the propriety of Senior Counsel drafting such pleadings without the assistance of a Junior, and accordingly the course of practice in this respect was by no means uniform. Many eminent members of the Inner Bar thinking it consistent with their professional dignity to prepare Equity pleadings without such assistance, while others, equally eminent, were of a contrary opinion, and declined to do so.

This question, however, is now set at rest. In the year 1864 a committee of members of the Inner and Outer Bar was selected by that body for the purpose of considering this and other questions affecting the course of practice of the Profession. Among the members of this committee were the Lord Chancellor, the Master of the Rolls, and the present Attorney and Solicitor-General, names which should add weight to any suggestions emanating from such a source. After much consideration it was resolved by this committee (which resolution was afterwards adopted at a general meeting of the Bar)—"That for the future no Senior Counsel shall sign any pleading at Law or in Equity, or any affidavit in the nature of a pleading in Equity, to which the signature of Counsel is required, unless a Junior Counsel also signs."

It is not our purpose in the present article to consider the abstract justice or injustice, if any such there be, of this resolution, which, in its terms, is plain and unambiguous. The interests of each section of the Bar

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were ably represented on the committee in question, and we are bound to assume that the above resolution was passed and adopted with a due regard to the high honour and dignity of the Legal Profession and the interests of the public. Nor is it our intention to express an opinion on the merits or demerits of the other privileges we have enumerated, which are well understood by the Bar and sustained by the decision of the Bench. But this we will say, that as long as these privileges continue to be thus recognized, so long it will be the duty, and we are certain also the advantage of the Profession which this Journal represents, to assist in maintaining them inviolate.

CURRENT TOPICS.

TREASURY MINUTE AS TO THE USE OF POLITICAL INFLUENCE BY PUBLIC OFFICERS.

The following is a copy of a Treasury minute upon this subject, dated the 2nd instant:—

"My lords have observed with much regret a growing practice on the part of gentlemen employed in the Public Service to endeavour to influence this board to accede to their applications for increase of salary or additional retiring allowance by means of the private solicitation of members of Parliament, and other persons of political influence. It is the duty, as well as the wish, of their lordships to give the most careful consideration to every representation made to them in the recognized way on behalf of any public servant (whatever be his social status or his official rank), with regard to his position, salary, and prospects of promotion, and also with regard to the amount of his retiring allowance on his quitting the Public Service. It is the practice of their lordships to consider questions of salary with reference to the duties and responsibilities of the individual or class whose case is brought before them, and to decide upon them after communication with the heads of the department concerned. In fixing the amount of retiring allowance in those cases where the Legislature has left them a discretion, my lords are in the habit of proceeding upon certain principles which they have prescribed for themselves, and within the limit of those principles they endeavour to deal with each case impartially upon its merits. It appears to their lordships that any attempt on the part of an officer to approach them on these matters through the private intercession of persons unconnected with his department, is virtually imputing to this board either that it is likely to turn a deaf ear to a reasonable application, unless supported by political influence, or that it may be induced to accede to an unreasonable application if such influence be brought to bear upon it. My lords disclaim either alternative, and, in order to prevent for the future any misapprehension upon this subject, they wish it to be understood by every public officer that any attempt made by him to obtain the sanction of this board to his application by a. y such solicitation as is hereinbefore referred to will be treated by them as an admission on the part of such officer that his case is not good upon its merits, and such application will be dealt with by their lordships accordingly. Let a copy of this minute be sent to every public department."

LEGAL APPOINTMENT.

We note with much pleasure the appointment of John Maunsell, Esq., to the important office of Solicitor to the Commissioners of the Dublin Metropolitan Police. The appointment is looked upon with much satisfaction by the profession, evincing as it does an anxiety to promote efficient men.

The high position which Mr. Maunsell holds in his profession, which is due as well to his thorough knowledge of its duties as to the courteous manner in which he discharges them, will show how much the Attorney General wishes to consult the public interest.

THE SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND.

(Incorporated by Royal Charter.)

The General Half-yearly Meeting (after Easter Term) of this Society will be held in the Solicitors' Hall, Four Courts, Dublin, on Tuesday, the 14th inst., to receive statement of Annual Account, and transact other business.

The chair will be taken at two o'clock.

By order,

John H. Goddard, Secretary.

Solicitors' Buildings, Four Courts, Dublin,
1st May, 1867.

Dinner to the Recorder and Stipendiary Magistrates of Belfast.—On Tuesday evening the newly-appointed borough magistrates entertained the Recorder (J. Hastings Otway, Esq., Q.C.) and the Stipendiary Magistrates (E. Orme, Esq., R.M., and J. C. O'Donnell, Esq., R.M.) at dinner in the Town Hall. The entertainers were—The Mayor (David Taylor, Esq., J.P.) in the chair; Charles Lanyon, M.P.; Samuel George Getty, M.P.; Sir Edward Coey, William Dunville, &c.

HOUSE OF COMMONS—Monday, May 6.

THE QUEEN'S UNIVERSITY IN IRELAND.

Mr. C. Fortescue asked the Chief Secretary for Ireland what course the Government proposed to take with respect to the Queen's University in Ireland, and whether they intended to bring in a bill to remove doubts as to the validity of the acceptance by the Senate of the Supplemental charter of last year, and to be admitted to degrees under that charter upon an equal footing as members of the corporate body of the University with other graduates?

Lord Naas—In answer to my right hon. friend, I have to say that a case was tried in the Rolls Court, in Dublin, some months ago, when the whole question of the right of the Crown to grant this supplemental charter was raised, and the further question was also raised as to whether the Senate of the Queen's University could accept the charter without the consent of the whole corporate body of the University. On the 10th of April the Master of the Rolls decided that the parties who had instituted that suit were not the proper parties to institute it; they had no *locus standi*, and on that ground the Master of the Rolls dismissed the case. But he also stated that the Court had, in his opinion, jurisdiction to decide the question as to the construction of the charter of 1864, provided that the question was raised in a proper and technical form. He further said, though he was not called on to decide the point judicially, that, in his opinion, the charter of 1864 does not vest the power of accepting or rejecting the new charter in the Senate exclusively. So the matter stands, but I have been informed that an information is now in the hands of the Attorney-General, which will probably give rise to a new suit in this matter, in which case the whole question will be raised again. Under these circumstances, I do not think it would be wise for the House to interfere by legislation in a question of great doubt and difficulty. The question, I believe, can only be satisfactorily settled by the ordinary tribunals of the country.

Mr. C. Fortescue—Am I to understand that the Attorney-General, on the part of the Government, has given his sanction to the renewed proceedings? I understand that they cannot be taken without his assent.

Lord Naas—I speak with great diffidence on this matter, being a purely legal question; but I understand that the action of the Attorney-General is purely ministerial, and that if an application be made to him to become a party, he has no option in the matter.

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NOTES OF CASES.

COURT OF CHANCERY.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

PRENDERGAST *v.* IZOD.

April 30.—*Ejectment for Non-payment of Rent—Redemption—Lodgement of Rent and Costs*—23 & 24 Vict., c. 154, s. 70.

The cause petition in this case was filed by the personal representatives of Mary Prendergast for the redemption of certain premises in the county of Kilkenny, held by the petitioners from the respondent, Lorenzo Izod, and now evicted for non-payment of rent. At the Kilkenny Quarter Sessions of June, 1866, an ejectment for non-payment of rent was brought against the present petitioners by the respondent, and a decree for possession granted, which was duly executed on the 2nd of August, 1866. One day before the expiration of six months from the execution of the decree the present petition was filed, and it sought for a reference to the Master to take an account of the profits of the lands from the time at which the respondent obtained possession of them under the decree, and to a certain the amount due for rent and arrears of rent and costs, and to strike a balance. The rent payable and the costs of the ejectment had not been lodged in Court.

The respondent, by his answering affidavit, submitted that the lodgment of the rent and costs, within six months from the execution of the ejectment decree, was a condition precedent to the granting of the relief sought, and that the petitioners' right to redeem was now barred.

Ryan, Q.C., and *J. W. Harris*, for the petitioners.

Prior to the passing of the 23 & 24 Vict., c. 154 (the Landlord and Tenant Law Amendment Act, 1860), a tenant could file a bill to redeem and for an account without lodging the rent and costs in Court, and there is no real distinction in this respect between that Act and the old ejectment statutes. *Beasley* v. *Darcy* (1 Sch. & Lef. 403); Burroughs and Gresson's Eq. Plead 154. The language of the 11 Anne, c. 2, s. 2, and the 4 Geo. I., c. 5, s. 3, was as stringent as that of the 23 & 24 Vict., c. 154, s. 70; and yet it was held under the earlier statutes that where the landlord got possession of the lands, and the tenant filed a bill for redemption, either before execution executed, or within six months afterwards, he would not be required to lodge any money in Court, either for rent or costs, before the hearing of the cause. 2 Furlong's L. & T. 1158; *M'Ineherny* v. *Galway* (Jones & C. 247). The 48th Section of the 23 & 24 Vict., c. 154, was also referred to.

Hemphill, Q.C., and *Phillips*, for the respondent, were not called on.

The LORD CHANCELLOR.—The petitioners' rights in the present case are governed wholly by the 23 & 24 Vict., c. 154, and the 70th section of that Act declares, that if the rent and costs are not lodged or paid within the time limited, the defendant in the ejectment "shall be debarred from all relief or remedy in law or in equity." In *Beasley* v. *Darcy* the tenant had a claim against the landlord for timber for which he could not get credit in a court of law, and therefore the bill in that case was sustained by a well-known principle of equity. But in ordinary cases of redemption, whether under the old statutes or the late Act, where there are no cross demands, the lodgment or payment of the rent and costs must be considered a condition precedent to any application for redemption. The petition, therefore, must be dismissed with costs.

Solicitor for the petitioners, *Michael Shortall*

Solicitor for the respondent, *Geo. H. Lowe.*

M'DONNELL *v.* O'SULLIVAN.

April 30.—*Suit beneath the Dignity of the Court—Value of Subject Matter of Suit.*

This was a suit to enforce payment out of the separate estate of the respondent, Mrs. O'Sullivan (a married woman), of a sum of £19 8s. 10d. due by her to the petitioner on foot of shop goods supplied by him to her order during her coverture. A civil bill for the amount of the debt had been brought at the Athlone Quarter Sessions of April, 1866, against her husband, Mr. O'Sullivan; but it appearing that Mrs. O'Sullivan was entitled to a separate income of her own, and that her husband had privately warned her not to contract any debts, the case was dismissed upon the authority of *Jolly* v. *Rees* (15 C. B., N. S. 628).

Monahan for the petitioner.

There was no appearance for the respondent.

The LORD CHANCELLOR.—Can a decree be made by this Court for so small an amount? In *Lambert* v. *Lambert* (2 Ir. Eq. Rep. 210), Lord Plunket dismissed a bill to restrain waste, when the damage done was trifling.

Monahan.—In that and other similar cases the Court refused to entertain the suit because the party might have proceeded by civil bill; but here there is no remedy except by a cause petition in this Court. In England, the Consolidated Order IX. 1, provides that "every suit, the subject matter of which is under the value of £10, shall be dismissed, unless it be instituted to establish a general right, or unless there shall be some other special circumstances which, in the opinion of the Court, shall make it reasonable that such suit should be retained." In Ireland there is no general order dealing with the amount for which a decree may be made.

The LORD CHANCELLOR made a decree for payment of the debt, with costs.

Solicitor for the petitioner, *William Kelly.*

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

IN THE MATTER OF KENAH'S TRUST AND THE TRUSTEE RELIEF ACT.

Affidavit Sworn before Notary Public—Certificate of Consul.

W. Roper moved on petition for funds lodged in Court in this matter under the Trustee Relief Act. The petition was verified by an affidavit sworn before a Notary Public at New York, and annexed to the affidavit was the certificate of the British Consul, certifying, under the Consular seal, that the person before whom the affidavit was sworn, was a Notary Public.

The MASTER of the ROLLS expressed some doubt whether the affidavit should not have been sworn, before the British Consul. But on referring to Taylor on Ev. 1253, 3d. Ed., he afterwards made an order, as prayed by the petition.

Solicitor, *R. Ponclue.*

BUTLER *v.* MILLER.

Jan. 20; Feb. 7; April 16.—*Deed of Sale—Fraud—Evidence.*

The petition was filed by Frederick Butler against Robert Miller. It prayed that a deed of sale, dated the 16th of March, 1863, whereby Frederick Butler conveyed to Robert Miller forty-five acres of the lands of Ratharney, in the county of Longford, might be declared to be fraudulent and void, and might be delivered up to be cancelled; and that a fee farm grant of the said lands, which Robert Miller had obtained

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since the sale, might be declared to be held in trust as to the said lands for the petitioner. Fraud and under-value were the grounds relied on for setting aside the deed.

The petitioner, at the time of the sale, was entitled to the lands under his father's will, who devised them to the petitioner, subject to £60 to his eldest son, Richard Butler, and £200 as a portion for his daughter, Anna Maria Butler; and in the event of the petitioner marrying without the consent of the trustees of the will, he devised the lands to Anna Maria Butler, and he also devised them to her in case of the death of the petitioner, provided that the children of the petitioner should succeed her. In November, 1859, the petitioner had made a lease to Simpson, who was the brother-in-law of the respondent Miller, for sixteen years, at a rent of £36 6s. 2d., in consideration of a fine of £250, and had sold his stock and crops to Simpson for £113. He was of reckless and improvident habits, had a family of seven children, was deeply in debt, and owed money to the petitioner, who kept a grocery and provision shop about a mile from the petitioner's residence. The petition alleged that the respondent gave the petitioner credit for shop goods for the purpose of forcing him to sell the lands, and in the early part of 1863 refused to give him credit, alleging that his elder brother was coming home, and was going to law for the property, and the petitioner would lose it, as he would have no means to defend it, and suggested that he should sell the property to him. The petitioner also stated that two persons, whom he named, were in treaty with the petitioner, but that they and others were deterred from buying by statements of the respondent that the title was defective. The opinion of counsel had been obtained, favourable to the title, which the respondent was aware of at the time of the contract, but which the petitioner was not informed of till long after the conveyance. The petitioner had no independent professional advice in the transaction, and it appeared from two letters, one written by Robert Butler, and dated the 19th of February, 1863, and an answer written by the respondent to Robert Butler, dated the 10th of March, 1863, after the date of the conveyance, that there had been considerable management and contrivances between Robert Butler and the respondent to induce the petitioner to sign the agreement for the sale. Four witnesses proved the value of the interest sold to be £800. The consideration actually paid was £200 in cash, from which a deduction of a shop account of £11 19s., due to the respondent, was made, and debts paid amounting, according to the respondent's account, to £220 16s. 5d., and according to the petitioner's account, to £160 3s. 11d.

The respondent's letter of the 18th of March, 1863, which was a very important document in the case, was not put in issue by the petition. The letter of Robert Butler, to which it purported to be a reply, was referred to by the respondent in his affidavit in answer to the petition. The petitioner afterwards filed, by way of evidence, an affidavit of Robert Butler, in which the letter of the 18th of March, 1863, was referred to by him. The respondent called for and got a copy of said letter, and afterwards filed an affidavit, without in any manner alluding to it.

Sullivan, Q.C., *Lawless*, Q.C., and *E. M. Kelly*, for the petitioner, contended that the letter of the 18th of March, 1863, was admissible in evidence, though not put in issue by the petition. *Rice* v. *O'Connor*, 12 Ir. Ch. Rep. 425. *Smith* v. *Kay*, 7 H. L. C. 750. As to the relief sought they cited *Baker* v. *Monk* (33 Beav. 419, 10 Jur. N.S. 691). *Evans* v. *Llewellyn* (1 Cox. 333, 2 Br. C.C. 150); *Hesse* v. *Briant* (6 D. M. & G. 623); *Gowland* v. *De Faria* (17 Ves. 20); *Wood* v. *Downes* (18 Ves. 120); *D'Arcy* v. *D'Arcy* (1 Hayes & J. 115, *Lord* St. Leonards on V. & P. 175); *Underhill* v. *Horwood* (10 Ves. 209); *Dean* v. *Rastron* (1 Anstr. 64); *Turner* v. *Harvey* (1 Jac. 169).

The *Solicitor-General*, *Walsh*, Q.C., and *Carton*, for the respondent,

On the admissibility of the letter of the 18th March, 1863, cited *Corry* v. *Cremorne* (12 Ir. Ch. Rep. 137).—*Murphy* v. *Jackson* (3 Ir. Jur. N. S. 133.)

As to the general question, 1 Wh. & Tud. 545, *Harrison* v. *Guest* (6 D. M. & G. 424, 8 H. L. C. 481); *Knight* v. *Marjoribanks* (11 Beav. 322, 1 M. & G. 10); *Jordan* v. *Money* (5 H. L. C. 185); *Hickson* v. *Lombard* (L. R. 1 Ap. 124).

The MASTER of the ROLLS admitted the letter in evidence, and afterwards (April 16) delivered judgment, setting aside the deed with costs, holding that there was pressure and deception practised by the respondent, which, coupled with the other circumstances of the case, viz., inadequacy of price, inequality between the parties, and want of professional assistance to the petitioner, constituted in equity fraud such as would vitiate the sale.

Solicitor for petitioner, *James Burke*.

Solicitor for respondent, *W. J. Stuart*.

QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

MILLER *v.* EXECUTORS OF GETHIN.

May 4.—*Sheriff—Writ—Erasures.*

This was a motion to set aside the ordinary side bar rule on a sheriff to return a writ of *fi. fa.* The writ was delivered to the sheriff on the 6th March. It appeared that at the time the sheriff was absent, but on the 11th March he wrote to the attorneys for the execution creditor, declining to execute the writ, upon the ground that it was erased in fourteen different places, including the county, the attorneys' names, and the amount for which the levy was to be made. The attorneys for the execution creditor wrote, in answer, stating that the writ had been delivered as it had been issued by the officer of the Court, and calling upon him to execute. From the affidavit of the attorneys for the creditor it appeared that the writ had been taken to the office to be sealed; that the officer had called attention to certain alterations which should be made; that those alterations had been made; and that the erasures had occurred in that way; and that none of the erasures had been made after the writ had been sealed. It also appeared that, at the time when the sheriff wrote his letter of the 11th March, another writ, at suit of another party, was in his hands, which was immediately afterwards executed.

Edward Gibson, for the sheriff, argued that the sheriff could not safely proceed on such a writ as that which had been delivered.

Purcell, Q.C., contra, argued that it was the sheriff's duty to have executed the writ. He had been told that it had not been altered after sealing; and if he had had any doubt upon the matter he should have made inquiries at the office.

It appeared that there was still property upon which a levy could be made, and ultimately no rule was made upon the motion, the sheriff to return the writ at once; no costs of the motion, and O'BRIEN, J. expressing an opinion that there had not been sufficient activity on the sheriff's part, but hoping that a writ would never again be allowed to issue out of Court so erased as the present one.

Attorneys for the plaintiff, *Hamilton and Craig*.

Attorney for the sheriff, *Toomey*.

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HENRY *v.* MULLIGAN.

May 8.—*Sheriff—Interpleader.*

Wilson, for the Sheriff of Mayo, appeared upon a summoning order, which had been obtained by him some days ago, and should have been served upon the parties on the 4th instant. He stated that by a fatality the order, instead of being served on the claimant in the country, had, with other papers, been sent up to Dublin from Westport, and accordingly the claimant did not now appear.

Meldon appeared for the execution creditor.

The Court (O'BRIEN and GEORGE, J.J.) said that it would be necessary for the Sheriff to obtain a fresh summoning order, which was then granted.

Attorney for the Sheriff, *Walter J. Bourke.*

Attorney for plaintiff, *Meldon.*

COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-Law.

DONEGAN *v.* LYONS.

Adding Defendants—Plea in Abatement.

Action for goods sold and delivered, &c. The defendant had pleaded, issues had been served by the plaintiff and returned.

Griott, for the defendant, now moved that, as the cause of action, if any, arose against the defendant jointly with the Very Rev. A. O'Loghlin and James J. M'Carthy, who, at the commencement of this suit were, and still continued within the jurisdiction, the summons and plaint should be amended, by making the said persons co-defendants.

There was an affidavit, by the defendant, that he was advised and believed that the cause of action, if any such existed, arose against him jointly with the persons mentioned in the notice. The motion, which had been previously mentioned before a Judge in Chamber, now was moved before the full Court.

Butt, Q.C, and *M'Mahon*, against the motion.

The COURT entertained no doubt of the *bona fides* of the application, and considering special circumstances in the case, gave leave to file a plea in abatement, if the plaintiff refused to add the persons named, as co-defendants; but did not consider they had any jurisdiction under the C. L. P. Act, secs. 84 to 90, to *compel* the plaintiff to add any parties as defendants on the record; nor was the case to be cited as an authority that parties might first plead in bar, and then come in for leave to file a plea in abatement instead.

Attorney for plaintiff, *T. Kiernan.*

Attorney for defendant, *G. Arbuckle.*

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law.

FLEMING *v.* GUY.

May 7th.—*Heir-at-Law—Costs.*

This was a suit in which two wills of the deceased, John Jones, were in issue. The first bore date the 22nd May, 1865, under which the plaintiff's family would be entitled to all the real and personal estate of the deceased, on his wife's death, subject to some legacies; and the second bore date the 27th May, 1865, under which the defendant would be entitled to all the real and personal estate, on the death of the wife of the deceased. The defendant was the heir-at-law of the deceased, but not next of kin, and he, in his declaration, propounded the last will, which the plaintiff in his plea impeached as invalid, chiefly on the ground of no instructions having been given by the deceased for it, and of undue influence; and he further relied on the former will as the true last will of the deceased. To that plea the defendant replied, impeaching such will as obtained by undue influence, and for want of *instructions*, and as revoked.

The case was tried before a special jury. The deceased was a very old man, over 90, when he made each will, and died in a few days after the making of the last, from the effects of diarrhea. The jury found in favour of the first will, and condemned the last.

On the question of costs, KEATING, J. held—The defendant is the heir-at-law; as such he had a clear right to impeach the first will, and to put the plaintiff on full proof of it; and if he had only done that, I think it is a case in which he should have got costs. But he has, as a devisee and legatee, put forward another will, and has failed to sustain it. I think, under all the circumstances, he should pay costs. I therefore make a decree establishing the first will, and order the defendant to pay the costs of the suit to the plaintiff.

Counsel for the plaintiff, *Dr. Ball*, Q.C.; *Harrison*, Q.C.; and *Lane*. Solicitor, *Wilson*.

Counsel for defendant, Sergeant *Armstrong*, Q.C.; *Clarke*, Q.C.; Dr. *Townsend*, Q.C; and Dr. *Miller* Solicitor, *Stevenson*.

COURT OF BANKRUPTCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

Before MILLER, J.

In re AN ARRANGING TRADER.

May 3.—*Arrangement Clauses of the Bankruptcy Act—Discretionary Powers of the Court to adjourn the Case into Bankruptcy, notwithstanding that there may be a large majority of Creditors in favour of the arrangement.*

The trader came before the Court offering a composition of four shillings in the pound.

Larkin, Solicitor, appeared for him. He said he had a very large majority of creditors in favour of the arrangement, and he thought he was entitled, *ex debito*, to carry it. No doubt the composition offered was small, but it was well secured, and would be paid, and the creditors knew that if it went into bankruptcy, it would not pay sixpence in the pound.

Purcell, Q.C., was for a creditor named Nixon, who had a special ground of complaint.

Daniel was for a creditor named Delagano.

They contended that there was a principle involved in the case of much more importance to the mercantile community than any amount of dividend. They cited Beck's case decided by Judge Berwick, 1st Irish Reports 69, and referred to the 353 section of the "Irish Bankrupt and Insolvent Act."

MILLER, J., said he fully approved of the principle on which Beck's case was decided. The Court could not sanction an arrangement, and pronounce it satisfactory to *all* the creditors, where one or more creditors were treated with the greatest injustice and fraud when seeking for their just rights, and he could not shut his eyes to the fact that the most vexatious opposition was given to the claim of Nixon, who in the end took two bills for debt and costs, and just when those bills became due, a bill of sale or mortgage was effected evidently to defeat the payment of them. He would set aside the arrangement, and adjourn the case into bankruptcy.

Attorney for creditors, *Daniel.*

Attorney for the trader, *Larkin.*

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Re AN ARRANGING TRADER.

May 7.—*Arrangement Clauses—Discretionary Power of the Court to turn an Arrangement Case into Bankruptcy, Obtaining Credit by false representations as to solvency.*

This was a case similar to the foregoing; the trader was a draper in the country, and came before the Court under the arrangement clauses of the Act; he had a large majority of creditors to support his proposal.

Larkin, Solicitor, appeared for him; he said his failure was caused by the failure of the great house of Porteous and Paul, of Manchester, who used to draw bills on him far above the amount of goods supplied; in fact, for their accommodation. The composition offered would be secured, and he believed all the creditors but one were quite willing to take it.

Mr. Vance, merchant, opposed the arrangement on the ground that the debt was contracted by false representations as to his solvency. His traveller called on trader to solicit an order in the way of his trade, when he stated that he was a cash purchaser, and that he would pay for the goods in cash; the traveller wrote this account to his employers, Messrs. Vance and Beere, and the goods were accordingly supplied, and in eight or ten days after the trader called a meeting of creditors. It was alleged that the failure of Porteous and Paul was not known to the trader at the time he gave the order, but there was no doubt that he must have known he was in insolvent circumstances.

MILLER, J., said the case was a painful one to him, but he was determined to pursue a course that would lead to the most perfect truth and confidence between the wholesale merchants and the retail traders, and if Mr. Vance insisted on it, he would turn the case into bankruptcy. He thought it would be a great abuse of the arrangement clauses of the Bankruptcy Act, to permit a trader, when in a state of insolvency, to contract a debt upon the promise that he would pay for the goods in cash, and in a week after come into that Court and tell that creditor with whom he never had a transaction before, you must take four or five shillings in the pound, or whatever the debtor chose to offer, because he had a majority of all his other creditors with whom he had been long dealing willing to take it. He (Judge Miller) did not think that the arrangement clauses were ever intended to be used for a purpose that would work great injustice to any one creditor, and where that would be the result, the case should be dealt with in bankruptcy. All that was said in favour of the trader and of the hardship of his case by the failure of Porteous and Paul, was more for the consideration of Mr. Vance than for the Court, and if Mr. Vance pressed it, he would turn the case into bankruptcy.

Mr. Vance said the example set by the case would be of more value to him and wholesale merchants than any dividend he could get under the arrangement. He felt perfectly satisfied that the debt was contracted with fraudulent intention. Adjourned into bankruptcy.

Attorney for Mr. Vance, *Meldon & Son.*
Attorney for the trader, *Larkin.*

A Bill to Regulate and Improve the Tenure of Land in Ireland between Landlord and Tenant.

The following is an abstract of the clauses of the above Bill, prepared and brought in by Sir Colman O'Loghlen and Mr. Gregory.

PREAMBLE recites that certainty and security of tenure is the best encouragement to honest industry and the application of capital and labour in the cultivation of land.

And that the land of Ireland let for agricultural purposes is in a great measure held by the occupying tenants as tenants from year to year, or for other uncertain period, who have thus no security for the continuance of their possession or certainty for the enjoyment of the fruit of their labour.

And that it is expedient to induce proprietors to give to tenants in Ireland a more permanent occupation of their farms, by discouraging tenancies from year to year, or for other uncertain periods, and encouraging tenancies, under contracts in writing, for fixed terms of years.

PART I.

As to Constructive or Parol Tenancies of Land let for Agricultural Purposes after the passing of this Act.

1. For the future no tenancy from year to year in respect of agricultural land shall be created by parol agreement or by legal construction.

2. After the passing of this Act tenancies from year to year in respect of agricultural land shall only be created by a contract in writing.

3. In the absence of any written contract to the contrary, a tenancy created in respect of agricultural land after the passing of this act shall be deemed to be a tenancy for *twenty-one* years.

4. Such construction of law shall not apply to a tenant overholding after the expiration of his lease unless left in undisturbed possession of his farm for *two* years after such expiration.

5. In the case of a constructive tenancy for *twenty-one* years, either party may, during the tenancy, compel a lease to be executed for the unexpired term.

6. In case of dispute such lease shall be settled by the chairman of the county in which the lands shall be situated.

PART II.

As to Tenancies from Year to Year of Land let for Agricultural purposes created after the passing of this Act.

7. To determine a tenancy from year to year of agricultural land, *twelve* months notice shall be necessary.

8. Tenants from year to year of agricultural land shall be entitled to deduct half the county cess.

9. In cases of tenancies from year to year the landlord shall not be entitled to distrain, or to claim a year's rent, under 9 Anne, c. 8. (Ir).

10. A tenant from year to year, if dispossessed by notice to quit, shall be entitled to compensation for growing crops and unexhausted manure.

11. And also to compensation for his tenant right in county where such custom exists, and where no such custom exists, to compensation for any loss or injury sustained by being deprived of the possession of said land, in case he shall have been in possession for five years at least, and from time to time have paid all rent, and used said land in due course of husbandry.

12. Such compensation shall be recoverable by civil bill, and shall be a charge on the farm from which the tenant shall be dispossessed, in addition to the ordinary remedies for its recovery.

PART III.

As to Tenancies from Year to Year of Land let for Agricultural Purposes, created before the passing of this Act.

13. Tenancies from year to year of agricultural land created before the passing of this Act, and in existence on the 1st of January, 1870, shall be subject to the provisions of Part II. of the Act.

PART IV.

As to who may grant and as to the Effect of Leases for Twenty-one Years of Agricultural Land.

14. In addition to the persons now by law entitled to make such leases, every landlord shall have power to make leases in possession of land, for agricultural purposes, for *twenty one* years, unless only a lessee himself, and in that case no lease made by him shall continue after the term granted by his lease.

15. A new lease for *twenty-one* years, granted by a landlord to an occupying tenant, under a lease of *twenty-one* years within *four* years of the expiration of such tenant's

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existing lease of *twenty-one* years, shall be deemed to be a lease in possession, although said new lease not to begin to run until the expiration of the then subsisting lease.

16. All such leases shall be valid against the grantor and every future owner of the land, and all other persons interested, unless same shall be impeached in manner after mentioned.

17. If within *two* years after making such lease the person making same shall be evicted for defect of title existing at the time of making the lease, or if within said period of *two* years proceedings grounded on said defect of title shall have been commenced, on which possession shall be afterwards recovered, the party recovering possession may, at his discretion, treat the tenant as holding under the said lease, or as tenant from year to year only; but in case party recovering possession, shall not, within *six* months, by notice in writing served on the tenant, elect to treat him as tenant from year to year, the lease under which the tenant held previous to said recovery shall be valid.

18. A successor to a limited owner may object to a lease for not having had reserved the best rent, and in that case the chairman may increase the rent, and the tenant shall pay the increased rent, or the lease shall be void.

19. Landed Estates' Court may set aside and sell the land discharged of such lease, or, at option of the tenant, increase the rent in case, on the application of any party interested in said land except the grantor of the lease, the Court shall be of opinion that such lease was made at a low rent collusively.

20. In cases of sales in the Landed Estates' Courts, tenancies from year to year may be converted into tenancies under a 21 years lease.

21. Before doing so notices shall be served on the parties interested.

22. On settlement of rental Judge shall hear any objections to said conversion, and determine whether all or any of the tenants from year to year appearing on said rental shall obtain leases for *twenty-one* years, and, if so, at what rent; and tenants declared entitled to such lease shall be stated on the rental as tenants holding under a lease for *twenty-one* years, and a lease shall be granted for said period to such tenants under the seal of the court.

23. No lease for *twenty-one* years, or counterpart, shall be liable to any stamp duty.

Part V.

As to Tenancies under Leases for Twenty-one Years of Land let for Agricultural Purposes.

24. No tenant holding under lease for *twenty-one* years to subdivide or sublet his land, without consent in writing.

25. If lessee sublet, he shall be liable to a penalty of two pounds an acre for each acre he parts possession of.

26. And shall not recover rent from any sub-tenant, and the sub-tenant may recover back any money paid in advance, as the consideration for any subdivision or subletting.

27. The letting of conacre, or grazing or meadowing, shall not be deemed subletting or subdivision.

28. Under a lease for *twenty-one* years, trees, mines, minerals, quarries, and game shall belong to the landlord in the absence of any agreement to the contrary.

29. In the case of an eviction for non-payment of rent of a lease for *twenty-one* years, the tenant shall have only *three* months to redeem.

30. And the landlord shall not be liable to account for the profits of the land during the period allowed for redemption.

31. A *twenty-one* years lease shall not operate as an outstanding legal estate.

Part VI.

As to Rent and the Recovery of Rent of Land let for Agricultural Purposes.

32. After *six* years all arrears of rent shall be barred, whether reserved by deed or not.

33. Grazing stock shall not be liable to a landlord's distress for rent beyond the amount of the grazing money, unless in case of fraud.

34. Under a distress it shall not be lawful to seize household furniture, nor any agricultural implements or imported manure found on lands, or any materials for building or draining, not being the produce of the farm, or used on the farm at the time of the seizure.

Part VII.

As to Tenants overholding after the Expiration of their lease, and as to the Mode of recovering possession from them.

35. No occupying tenant of land who, after the *passing of this Act*, shall overhold after the expiration of his lease shall acquire any greater estate than a tenancy at will without a contract in writing, unless he shall be left in occupation for more than *two* years after the expiration of his lease without a demand of possession.

36. Within *two* years after the expiration of any lease a landlord of any farm may recover possession from any occupying overholding tenant, on proof of a demand of possession of said farm or land, but no demand of possession shall be valid if tenant left in possession for *six* months or upwards after the expiration of his lease, unless such demand be in writing, and if tenant left in possession for *six* months or upwards after expiration of lease, he shall not be bound to deliver possession until last gale day for the current year in which such demand of possession shall be made.

37. All ejectments to recover possession of land let for agricultural purposes to an occupying tenant overheld after the expiration of a lease may be brought in the Civil Bill Court of the county in which the land may be situate without reference to the amount of the rent reserved by the expired lease.

Part VIII.

As to Compensation Agreements.

38. Every landlord shall have power to make agreements to compensate tenant for improvements, which shall bind his successors.

39. But no agreement made by a limited owner shall bind his successor for any greater sum than four years rent of farm unless the improvements be sanctioned by and executed to the satisfaction of the Board of Works.

40. No sum paid by any incoming tenant to a landlord to recoup such landlord for any sum he may have paid an outgoing tenant for improvements and compensation shall be deemed to be a fine or foregift to invalidate any lease.

Part IX.

General Provisions.

41. Act not to apply to demesne lands or land in boroughs, or to holdings under £4 annual value.

42. Holdings under £4 annual value in existence on 1st January, 1870, shall be deemed "cottier tenancies," under 23 & 24 Vict., c. 151.

43. For the purposes of Act ordinary covenants in lease shall be deemed to be covenants to pay the rent reserved, to maintain and deliver up the premises in good repair, and to till the land in a husbandlike manner, and all other covenants shall be deemed to be special covenants.

44. Chairmen of counties to make rules and frame forms.

45. Short title of Act to be "The Land Tenure (Ireland) Act, 1867."

ENGLAND.

THE GOVERNMENT BILL RESPECTING MEETINGS IN PARKS.

On Monday morning was printed a copy of the bill respecting the parks, introduced into the House of Commons on Friday night by Mr. Walpole. The bill has on a fly-leaf the words, "Meetings in Royal Parks," which words are followed by the description of the object of the bill, viz., "For the better and more effectually securing the use of certain Royal parks and gardens for the enjoyment and recreation of her Majesty's subjects." It is prepared and brought in by Mr. Secretary Walpole, Lord John Manners, and the Attorney-General. The bill is as follows:—

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"Whereas it is expedient to provide for the better and more effectually securing the use of certain Royal parks and gardens for the enjoyment and recreation of her Majesty's subjects:—Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

"1. This act shall apply to all the Royal parks, gardens, and possessions the management of which is vested in the ommissioners of her Majesty's Works and Public Buildings, nd which are situate within the limits of the metropolis.

"2. The metropolis shall mean the area for the time being subjected to the jurisdiction of the Metropolitan Board of Works.

"3. No meeting of a public character shall take place or be held without the permission of her Majesty, her heirs and successors, in any of the parks, gardens, and possessions to which this act applies.

"4. Any person convening, or aiding or assisting in convening, any meeting to be held in contravention of the act (whether such meeting shall be actually held or not), and any person knowingly joining or taking part in any such meeting contrary to the provisions of this act, shall be liable to be forthwith arrested, without further warrant or authority, and to be summarily convicted before any magistrate sitting in any police court within the metropolis, and shall, on such conviction, either be liable to a penalty not exceeding £10, or, in the discretion of the magistrate, may be imprisoned for any term not exceeding one calendar month.

"5. Nothing in this act contained shall de deemed to prejudice or affect any prerogative or other right of her Majesty, her heirs or successors, in respect of the said parks, gardens, and possessions.

"6. This act may be cited for all purposes as 'The Meetings in Royal Parks Act, 1867.'"

NOTES OF ENGLISH DECISIONS.

From *The Law Times.*

OFFICIAL LIQUIDATOR A WITNESS—PRACTICE.—The official liquidator of the C. Company resisted the insertion of his name on the list of contributories of the B. Company, on the ground of fradulent misrepresentations in the prospectus of that company as to the value, assets, and position of a firm whose business the B. Company had taken over. The liquidator of the B. Company was a witness, and the C. Company called upon him to answer questions and produce documents, which he refused to do on the ground of privilege. The objection was held untenable, as he was in the position of a defendant in a suit instituted by a contributory against the company and the liquidator to be relieved from liability. (*Re Barned's Banking Corporation*, 16 L. T. Rep. N. S. 240. Ch.)

WINDING-UP—PRACTICE.—When the time limited for appeal has expired, the Court of Appeal will not enlarge it upon an *ex parte* application, but will require notice to be given to the intended respondent. (*Re The Lama Italian Coal Company*, 16 L. T. Rep. N. S. 258. Rolls.)

SETTLEMENT—GIFT—COSTS.—A suit was instituted by a trustee of a settlement for the execution of the trusts of it, and the respective claimants were defendants. It was held that the costs of the suit must be dealt with as if they were costs of an interpleader suit, and that the claimants of the subject of the gift must pay the plaintiff's costs in equal moieties. (*Farrington* v. *Parker*, 16 L. T. Rep. N. S. 258. Rolls.)

LORD CAIRNS' ACT—PRACTICE.—Where the relief sought by plaintiffs in a suit of equity, though arising out of, is not identical with, that also sought by them in an action at law against the same parties, this Court will not put the plaintiffs to their election, but will allow them to sue both here and at law. The object of the 21 & 22 Vict., c. 27 (Lord Cairns' Act) was neither to compel this Court to award damages in the cases mentioned in it, nor to limit or take away the original jurisdiction of this Court, but to extend the rights and remedies of suitors in it. The plaintiffs in a suit in equity filed a bill praying a decree for the delivery up of certain bills of exchange; an injunction to restrain the negotiation of them, and for payment of a sum of £2,000, and of the costs of the suit. The bill originally prayed also for damages for the breach of an alleged agreement by the defendants; but that was afterwards struck out by the plaintiffs. The plaintiffs then sued the same defendants at law for the damages for the breach of the agreement, making no mention in the declaration in the action of the bills of exchange. The defendants obtained the common order for the plaintiffs to elect between the proceedings in equity and those at law. A motion was then made to discharge that order on the ground of irregularity. Held, that the order must be discharged, and with costs. (*The Anglo-Danubian, &c., Company* v. *Rogerson*, 16 L. T. Rep. N. S. 262. Rolls.)

PERSONAL LIABILITY OF ATTORNEY.—The defendant, an attorney, wrote the following letter to the plaintiff:—"Sir,—Mr. Wright has handed me your letter of the 3rd respecting the non-payment of the bill for £91 due on Saturday. I am now making arrangements for an advance to Mr. Wright, to enable him to pay this and other claims upon him, and if you will have the goodness to hold the bill for a few days, I shall be prepared on his behalf to take it up." The plaintiff had no further communication with the defendant, and on the receipt of the letter was not aware that the defendant was an attorney. Held, in an action against the attorney as surety for the amount of the bill of exchange, that this letter did not render the defendant personally liable. (*Allaway* v. *Duncan*, 16 L. T. Rep. N. S. 264. Q. B.)

WILL—SCOTCH CONFIRMATION—ASSETS ABROAD.—M., a domiciled Scotchman, died, leaving a will, whereby he appointed executors. The executors proved the will in Scotland, and authorized F. and Co. to take out administration as their agents in India, where the deceased possessed considerable property. F. and Co. did so, and having realized the assets, they paid the money for their own protection into the Court of Chancery in England. On a suggestion that personal representation was also necessary in this country to enable the executors to take the money out of the Court of Chancery, the Court expressed its willingness to grant probate of the will, but declined to allow the executors' oath to be altered to meet the facts of the case by having the property sworn under £20. (*In the Goods of James Murray*, 16 L. T. Rep. N. S. 266. Prob.)

INSOLVENT INTESTATE.—Where an intestate died insolvent, and the only assets were a fund in Chancery which bore no interest, while the two principal debts which exceeded it in amount bore interest at the rate of five per cent., the Court, notwithstanding, declined to grant administration to a creditor until the next of kin who were in India were cited. (*In the Goods of J. Gerrard*, 16 L. T. Rep. N. S. 267. Prob.)

TESTAMENTARY SUIT—COSTS.—Where, in a testamentary suit a next of kin, who resisted probate on the ground of undue execution, proceeded to trial, despite of notice by the executor that it was not intended to support the will, the Court refused to allow him costs out of the estate, other than such as the registrar, having regard to the duty cast upon him, might think reasonable. The disposition of the Court is to grant administration to the party who has upset a will, provided it has the discretion, and the testator has left no other will; but, in the absence of special circumstances, it refused to pass over the widow in favour of a next of kin who established the intestacy. (*Fritchley* v. *Fritchley*, 16 L. T. Rep. N. S. 267. Prob.)

CONTRIBUTORY—SUBSCRIBERS OF MEMORANDUM OF ASSOCIATION.—Sect. 23 of the C. A. provides that subscribers of the memorandum of association shall on registration be members of the company. This is compulsory and not permissive. B. subscribed the memorandum of association for ten shares, acted as interim director, though he had never applied for an allotment and no shares had been formally allotted, and his name had not been entered on the share register. There were many unallotted shares, and the Court held that he must be regarded as if he had been an allottee of ten of these. But if all had been allotted, how then? (*Ex parte Evans*, 16 L. T. Rep. N. S. 252. L. JJ.)

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CONTRIBUTORY—DEATH OF SHAREHOLDER—SUBSEQUENT CALL.—At the time of his death B. had thirty shares in a banking company standing in his name. He died in 1855, having bequeathed the shares to certain legatees, and leaving C. his executor. The company was wound up in 1866, when the shares were still standing in B.'s name. Upon the question who was to pay the calls, it was held that, as between all the legatees, those who took the shares were primarily liable; but as between the legatees and the company the liability was on the general estate of the testator. (*Turquand* v. *Kirby*, 16 L. T. Rep. N. S. 260. M.R.)

CANAL COMPANY — MINERALS. — Stone is a mineral within the term "mines and minerals" in a statute which gave a canal company power to stop all working of mines adjacent to or under their canal, if dangerous to it, and they are the sole judges, within reasonable limits, of what is such dangerous working. (*The Midland Railway Company* v. *Checkley*, 16 L. T. Rep. N. S. 260. M.R.)

BOW-STREET POLICE COURT.

TUESDAY, APRIL 30.

Forging the Seal of the Writ Office of the Queen's Bench.

Joseph Lowe Smithe, described as an attorney's clerk, was brought up in custody of Buck, one of the summoning officers of the court, upon a warrant charging him with forging the seal of the Writ Office of the Court of Queen's Bench to a subpœna, pretended to have been issued in a case pending in that court.

Pollard, from the offices of the Solicitors to the Treasury, conducted the prosecution.

Mr. Burnaby, the chief clerk, read over the informations, which were to the following effect:—

Michael Henry Fox, a dresser at Astley's Theatre, stated: In consequence of something he had been told, he went on the 19th Feb. to the Trinity Arms Tavern, Swan-street, Borough, where he saw the prisoner, Joseph Lowe Smithe, and told him he wanted a lawyer's letter written to a person named Jest, who had defamed his character. The prisoner agreed to write the letter, saying the charge would be one shilling. Witness paid him the shilling, and he wrote the letter, which witness posted. Receiving no answer from Jest, he went to the same public-house a few days afterwards, and meeting the prisoner there, said he wanted to take proceedings against Jest, and asked how much a writ would be? He said it would be 8s. Afterwards the prisoner introduced him to a person named Foggo, who, he understood, was an attorney. Foggo agreed to take the case up, but said witness must arrange with Smithe about the costs out of pocket. A few days afterwards witness received a note from the prisoner, to the effect that Jest was defending the action. In consequence of that he went to the Trinity Arms, and saw the prisoner and Foggo together. One of them said, "Jest has pleaded, and the case must be gone on with. We must get out subpœnas against your witnesses to secure them." A few days after that he had a letter, asking him to meet them again, and requiring him to pay 10s. for getting out subpœnas. He met them at the Trinity Arms, and told them he could not pay the money that day, not having received his wages, but he would do so on the following Monday, which was the 18th March. On that day witness met the prisoner at the Trinity Arms, and they went to the Queen's Bench Office in the Temple. The prisoner obtained a form of subpœna, and filled it up with the names of the two witnesses, and gave it to him (Fox) to read. He said he should want 4s., being 2s. for each witness. Witness gave him the 4s. The prisoner went out and presently returned with the subpœna and two copies. He observed, "I need not go to serve them, you can serve them yourself," to which witness assented. The prisoner told him to "take care of the parchment one." On the 22nd March witness gave him 2s. to take out a subpœna against another witness. The prisoner filled in the writ, and brought it back to witness with a copy. Witness served the copies of the subpœnas himself upon the persons required to attend as witnesses, and showed them the originals. Subsequently a further demand was made for 10s. for filing the record. Witness objected to this, as he had begun by that time to have suspicions, and expressed a wish to go with the prisoner to file the record. The prisoner objected, and ultimately witness gave him the money, and consented to wait while he went to file it. After a short absence the prisoner returned, and read to him a document, which he said was the record. The prisoner also said he must have another sovereign not later than ten o'clock the next Tuesday, as the trial was coming off on Wednesday, which would be the 27th March. After this witness showed the subpœnas to a friend, by whose advice he took them to the Queen's Bench Writ Office. The clerk there detained them. They were the same now produced. He believed the seals were forgeries.

Henry William Stowell, chief clerk in the Queen's Bench Writ Office, said he had examined the præcipes in the office for the month of March, and found none on either the 18th or 22nd, for any subpœna or subpœnas, in action of *Fox* v. *Jest*, or in any other in which Mr. Foggo was attorney. But he did find on the 22nd of March a præcipe for a writ of summons in a case in which the attorney's name was Foggo.

On the application of Mr. Pollard, the further hearing of the case was adjourned to a future day.

MR. DOWSE.—A correspondent of *The Cork Examiner* gives the following description of Mr. Dowse's speech in defence of Burke:—"After Mr. Butt, and when the evidence for defence had been tendered, Mr. Dowse rose to address on the same side. The beaming humorous countenance and burly person of the learned gentleman fixed the attention of his hearers at once, and with a prefatory 'hem' of portentous resonance he commenced, at first slowly and with deliberation. From the first he was listened to with attention, but as he proceeded, warming with his subject, and by terms pathetic, humorous, sentimental, or sarcastic, the mere attention which is accorded to the meter out of correct sentences soon merged on the interest which the orator commands. It is impossible in this space to notice properly the splendid effort which has placed Mr. Dowse among the very foremost forensic orators at the Irish Bar to-day. From one to long after four o'clock a crowded audience hung with every manifestation of delight and emotion on his phrases. In addition to a fine full voice, Mr. Dowse possesses a most decided Northern accent, which adds a by no means insignificant charm to his delivery, mitigated moreover as it is by a residence in the softer South. And as sentence after sentence passed his lips without hesitation, but also without hurry, and passages gleaming with absolute poetical fire or delicate sentiment were succeeded by some unexpected denunciation or sarcasm, not the less effective because expressed in a quick dry manner, and in a different tone, the increasing stillness and fixity showed very sufficiently the effect on the feelings of the audience. Throughout the judges listened with the deepest attention, and with evident admiration—the Chief Justice frequently pausing when making a note to look at the orator and give ear to some striking phrase. Nobody seemed more delighted or more interested than Mr. Butt, and the Counsel for the Crown listened with particular attention. When Mr. Dowse at length sat down, after a peroration in keeping with the rest of his speech, an irrepressible murmur, the full-bodied ghost of a cheer, expressed the applause of all who heard."

A MAHOMETAN BARRISTER.—Among the names of those called to the English Bar on 30th April, 1867, in the Middle Temple, appears that of Budroodeen Tyabjee. This gentleman is a Mahometan, and the first ever called to the English Bar. The oaths of allegiance, &c., were administered to him in the usual terms, but he was sworn on the Koran. He intends to practise at the Bar in Bombay, where he will be the first disciple of the Prophet who has ever held such a position in India.

A French law court has been occupied for two days in hearing arguments as to whether the heirs of persons deceased have the right to take legal proceedings against any one who shall have defamed the departed, and whether the offender be liable to the penalties enacted by the law, as if the party were still alive. After a long deliberation, the court decided in the affirmative.

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THE LAW STUDENTS' JOURNAL.

NOTICE.

The preliminary examination of candidates for Apprenticeship will be held at the Solicitors' Hall, Four Courts, Dublin, on Friday, the 24th and Saturday, the 25th days of May, 1867, *at eleven o'clock.*

The final examination of candidates seeking admission as Attorneys will be held at the same place, on Monday, the 27th, and Tuesday, the 28th days of May, 1867, *at the same hour.*

By order of the Council,
John H. Goddard, Secretary.
Solicitors' Hall, Four Courts, Dublin,
18th April, 1867.

All candidates to attend on Wednesday, the 29th of May, at three o'clock, p m., to hear decision of Court of Examiners.

ADMISSION OF ATTORNEYS.

George C. Stapleton, Esq., of No. 1, Mountjoy-place, Dublin, was duly admitted, on Wednesday the 8th inst., to practise as an Attorney and Solicitor.

THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

CONSOLIDATED CHAMBER SITTINGS.

Easter Vacation, 1867.

A Judge will sit in Chamber on the following days to hear motions for the Three Superior Courts of Common Law:—

Friday, 17th May, } The Hon. Baron
Tuesday, 21st „ } Fitzgerald.
Friday, 24th „ } The Rt. Hon. Mr. Justice Fitzgerald.

COURT OF CHANCERY—Monday, May 6.

MASTER EXTRAORDINARY AT COLERAINE.

Palles, Q C., applied that Mr. Alexander Carson, a physician, residing in the town of Coleraine, might be appointed a Master Extraordinary for taking affidavits there, in the place of Mr. John Tagart, deceased.

Harrison, Q.C., applied that Mr. William Warke, a merchant in that town, might be appointed.

Wilson applied that Mr. James Hay, the petty sessions clerk in Coleraine, might be appointed.

The Lord Chancellor said that he had read all the certificates, and thought that Mr. Warke was the best person to fill the office; but he hesitated to appoint him in consequence of his having written a private letter to him (the Lord Chancellor) soliciting the appointment. Such a course of proceeding was extremely objectionable. He was afraid, however, that Dr. Carson's profession was, to some extent, an objection to his being appointed, as he should necessarily be away from the town attending to his professional calls. He (the Lord Chancellor) would not appoint a petty sessions clerk to be a Master Extraordinary in any case in which he could possibly avoid it. He thought that Mr. Warke would be the best person to appoint, and he would therefore appoint him; but he wished that gentleman to be apprized that the letter he had written was the cause of his hesitation to appoint him.

LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before Judge Dobbs.

Edmund Butler, schedule.—J. S. Cave, from 30th April. —J. G. Holmes, allocation.—Patrick Murray —James H. C. Smyth, rental.—Charles Bushe Hearn, sell in one lot.

Before Judge Lynch.

Assignees of William Nixon, to allocate.—Assignees of compensation.—J. L. Nolan, payment.—P. Dillon and others, provisional credit.

Tuesday—Before Judge Dobbs.

J S. Kirwan, compensation.

Before the Examiner.

John Tew Armstrong, rental.

Before Judge Lynch.

SALES AT 12 O'CLOCK.

George G. Stokes and another—2 lots—city of Dublin—fee-farm—profit rent, £156.—Solr., *J. Browning.*

L. B. Taafe and others—4 lots—co. Roscommon—fee—profit rent, £1,060 4s. 7d.—Solr., *P. Nolan.*

Thomas Mackie—1 lot—co. Wexford—lives—profit rent, £71 7s. 6d. Solr. *Orpen, Sons, and Sweeny.*

O. La Touche—1 lot—co. Tipperary—fee—profit rent, £130.—Solr., *C. Gaussen.*

C. Wilson and another—2 lots—co. Kilkenny—fee and fee farm rent—profit rent, £199 13s. 11d.—Solr., *Little and Algie.*

John C. Mee and others—1 lot—city Kilkenny—fee farm—profit rent, £58 13s. 7d.—Solr., *A. Caicy.*

Wednesday—Before Judge Dobbs.

Letitia Pope, from 8th inst.

Before the Examiner.

T. S. Cave, rental.

Before Judge Lynch.

Robert Robinson, final schedule.—M. Flanagan, do.—Assignees of C. Monahan, do.—Samuel W. Ward, do.—Thomas Kirby, rental.

Before the Examiner.

F. A. O'Malley, rental.—G. A. Rogers, do.—John Reddan, to vouch.—H. Shallcross, rental.—Rev. J. N. H. Thomas, to vouch.

Thursday—Before Judge Dobbs.

John Charles, Count Conestable and another, schedule.

Before the Examiner.

Trustees of Charles Smith, rental.

Friday—Before Judge Dobbs.

SALES AT 12 O'CLOCK.

W. M. Blake—12 lots.
R. W. Gason—3 lots.
John Joyce—1 lot.
Patrick M'Dona—2 lots.
Frances Maunsell—1 lot.
Anthony Fallon—2 lots.

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Before JUDGE LYNCH.

J. W. Dickinson and others—as to right of way.

Before the EXAMINER.

A. M. Sweeny, rental.—W. Noble, do.

LANDED ESTATES' COURT.

SALES.

May 3.—Before the Hon. JUDGE DOBBS.

COUNTY OF DUBLIN.—Estate of William Thomas Shortt, a minor, owner; Jane Shortt, petitioner.

Part of the lands of Ballynamac, barony of Ghajarty, containing 100 statute acres, held for lives renewable for ever; net yearly rental, £31 13s. 2d.; Griffith's valuation, £57. Sale adjourned. Solicitors, *Neilson and Son.*

CITY OF DUBLIN.—Estate of Thomas Pollen, Esq., executor of John Asken, deceased, owner and petitioner.

The house and concerns, 19, Upper Sackville street, held in fee farm, producing a net profit rent of £111 1s. This was sold to Mr. John Pollen at £1,000. Solicitors, *Casey and Clay.*

CITY OF CORK.—Estate of the assignees of Thomas Daly, a bankrupt, owners; the Munster Bank, petitioner.

The houses 5, 6, 7, 8, and 9, Leitrim-street, held for 999 years; profit rent, £110 per annum. Sold to Mr. White, in trust, at £720. Solicitors, *J. and J. Bennett.*

COUNTY OF KERRY.—Estate of John Murphy, owner; the Right Rev. the Bishop of Kerry, petitioner.

Part of the lands of Keeloclohane, held for lives renewable for ever, 129a. 1r. 5p., statute measure, barony of Trughenackmy, producing a net rental of £51 7s. 4d. Sold to Mr. J. M'Carthy at £970. Solicitors, *Downing and Son.*

Co. KILDARE.—Estate of Jane Rawson and another, owners.

Lot 1. Houses and tanyard, called Berry's Holding, in town of Athy, held in fee farm, producing a net annual rental of £23 19s. 6d., Griffith's valuation being £78 10s. Sold to Mr. James Farrell, the tenant, at £600.

Lot 2. Plot of ground called the Queen's Holding, &c., situate in Duke-street, Athy; net rent, £41 7s.; held for lives renewable for ever; Griffith's valuation is £86 5s. Mr. John M'Ilwaine was the buyer at £600.

Lot 3. Three dwelling houses, situate in Barrack-street, same town, held in fee farm; net rent, £22 4s 9d; valuation, £22 5s. Purchased by Mr. Alexander Duncan at £2,365.

Lot 4. Part of Bennett's bridge, containing 23a.; profit rent, £15 1s. 5d., held in fee farm. Sold to Mr. M. Minch, the tenant, at £310. Solicitors, *Whitton and Smyth.*

COUNTY OF WESTMEATH.—James Egan, owner; Sir E. Temple, petitioner.

Part of the lands of Mount Temple and Rathduffe, barony of Clonlonan, held for three lives from February, 1823, or 31 years (one life now in being), containing 321 statute acres estimated; net rental, £11 19s. 5d.; the Ordnance valuation is £236 15s. per annum. Sold to Mr. James Allen at £320. Solicitors, *Brereton and Coll.*

COUNTY OF DOWN.—Estate of Joseph Hogg and others, owners; Wellington Nelson, petitioner.

Part of the lands of Ballydargan, &c.. held in fee farm, containing 139 statute acres; yearly profit rent, £193 17s. 7d.; valuation, £142 2s. Sold to Mr. James Hatton at £2,070. Solicitor, *Edward Gardner.*

COUNTY OF TYRONE.—Estate of the executors of the will of John Legg, deceased.

The townland of Tullabeg, situate in the manor of Castlestewart, held in fee farm, containing 234 statute acres, and producing a net annual profit rent of £239 12s.; the Ordnance valuation is £200 10s. Sold to Mr. Shiel, in trust, at £4,850. Solicitors, *Johns, Hewitt, and Co.*

CITY OF CORK.—Estate of Luke Joseph Shea, owner and petitioner.

The reversionary interest of the owners in dwelling-houses, shops, and concerns, situate in Patrick-street and Bowling Green-street, expectant on the decease of a lady now aged about 73 years; the annual profit rent is £81 18s. 6d.; the premises are held for 200 years from 1772. There having been but £630 offered, the sale was adjourned. Solicitor, *B. Franklin.*

CITY OF DUBLIN.—Estate of Wm. J. Sidney, owner; Wm. Peebles, petitioner.

The house and premises, 33, Rutland square, west, held for lives renewable for ever; net annual value, £77; head rent, £9 19s. 6d. per annum. Sold to Mr. T. Blackley at £1,220. Solicitors, *Peebles and Shiels.*

COUNTY OF MAYO.—Estate of John Little and another, owners; John Little, petitioner.

The lands of Ballynock, &c., barony of Tyrawley, held in fee, containing 460a. 2r. 15p., plantation measure; net annual profit rent, £270. The sale was adjourned at £4,570. Solicitor, *S. M'Cormick.*

COUNTY OF LONGFORD.—Estate of Henry Grier, owner; William Armstrong, petitioner.

Lot 1. Houses and premises situate in Main-street, Longford, held in fee farm; net rent, £23 9s. 5d. Sold to Mr. Callaghan at £265.

Lot 2. Another house and premises situate in same street, held for 91 years from 1846; net rent, £25. Sold to Mr. Fitzgerald at £250. Solicitor, *John Wilson.*

COUNTY OF DUBLIN.—Estate of Richard E. Donovan and others, owners and petitioners.

Lot 2 on the rental was first set up, and consists of the lands of Courtduff and Blanchardstown, held in fee, containing 89a. 2r. 1p.; net yearly rental, £171 17s. 7d. Sold to Mr. Carey, in trust, at £3,800.

Lot 1. Another part of the lands of Courtduff, called the house division, 65a. 3r. 37p., held in fee; net rent, £139 10s. 1d. Sold to Mr. Carey, in trust, at £3,795. Solicitor, *John Julian.*

COUNTY OF GALWAY.—Estate of Gustavus E. C. Hare, Esq., owner and petitioner.

Lot 1. The townland of Tooreny, barony of Moycullen, held in fee, containing 422 statute acres; net annual rental, £291 14s. Sale adjourned; no offer.

Lot 2. Part of the townland of Lackalaigh, held in fee, containing 476a. 2r. 9p.; net rent, £856, subject to a charge of £10 13s. 4d. half yearly till May, 1897. Sold to Mr. Stapleton, in trust, at £7,000.

Lot 3. Part of Lackalea, held in fee, containing 248a. 2r. 23p.; net annual rental, £111 8s. 3d. Sold to Mr. Stapleton at £2,200. Solicitors, *Goddard and Son.*

COUNTY OF SLIGO.—Estate of William Thompson and another, owners and petitioners.

Lot 1. The lands of Cabragh, with its sub-denominations, barony of Liney, held in fee farm, containing 1,129 statute acres; net profit rent, £146 7s. per annum; valuation, £99 7s. Not sold.

Lot 2. The townland of Ballinvalley, same barony, containing 234 acres; net rent, £178 3s. 8d.; held in fee farm; valuation, £131 5s. Sold to Mr. E. Dalton, in trust, for Mr. M'Dermott, barrister-at-law, at £3,520.

Lot 3. Sale adjourned. Solicitor, *Jones.*

May 7.—Before the Hon. JUDGE LYNCH.

COUNTY OF DUBLIN.—Estate of Joanna Flood and others, owners and petitioners.

Lot 1. Palmerstown House and Winton House, Rathgar-road, held under lease of lives renewable for ever; net profit rent, £74; valuation, £54. Sold for £855.

Lot 2. Rathgar-villa, Rathgar-road, held under lease of lives renewable for ever; profit rent, £25, subject to an annuity for the life of a lady aged 44; valuation, £19 10s. Sold to Mr. Tuthill at £95.

Lot 3. Dwelling-houses and premises, Nos. 11, 12, 13, and 14, Kenilworth-square, east, held for 900 years; profit rent, £111 16s.; valuation, £80. Sold to Mr. Tuthill for £1,010.

Lot 4. Dwelling-house and premises, No. 14, Kenilworth-square, east, and building ground adjoining, held for 900 years; estimated profit rent, £54 8s.; valuation, £40. Sold to Mr. Tuthill for £500.

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Lot 5. Building plot of ground at the east side of Kenilworth square; estimated value yearly, £11 12s. Sold to Mr. Tuthill for £5.

Lot 6. Houses and premises, Nos. 10, 12, 14, and 16, Tritonville, Sandymount, held for 99 years from 1857, with building plot and field adjoining; estimated profit rent, £171 17s.; valuation, £114. Sold to Mr. Tuthill for £1,310.

Lot 7. Dwelling-house and premises, No. 1, Star of the Sea Terrace, held for 150 years; yearly profit rent, £51; valuation, £40. Sold to Mr. Tuthill for £670.

Lot 8. Houses and premises, Nos. 2 and 3, Star of the Sea Terrace, held for 150 years; yearly rent, £89 5s.; valuation, £64. Sold to Mr. Tuthill for £850.

Lot 9. House and premises, No. 4, same terrace, with building ground adjoining; estimated profit rent, £43 7s. 6d.; valuation, £33. Same purchaser, at £400.

Lot 10. Building ground situate on the west side of the road from Dublin, with frontage of 112 feet and 277 feet deep. Sold to Mr. Tuthill for £5.

Lot 11. House and premises called Corduke House, Sandymount-road, held for 57 years from 1858; profit rent, £14; valuation, £26. Same purchaser for £135, in trust, for Mrs. Flood. Solicitor, *A. H. Middleton.*

City of Cork.—Estate of Robert Robinson, owner; Anne Ashe, petitioner.

Lot 1. Houses and premises situate in Hanover-street, held for 999 years (one undivided third part of); profit rent, £44. Sold to Mr. Perrott for £85. Lot 2 not sold. Solicitors, *Orpen, Sons, and Sweeny.*

County of Clare.—Estate of Edward Finch, owner and petitioner.

Part of the lands of Cragroe, held in fee, 172 statute acres; net rent, £65 18s. 6½d. Sold to Mr. Kenny, in trust, at £1,790. Solicitors, *Galloways and Connor.*

County of Meath.—Estate of Gorges Graham, owner and petitioner.

The lands of Ennistown, &c., 288 statute acres; net rent, £253 10s. Sold to Mr. Maher at £5,300. Solicitor, *J. M. Williamson.*

County of Monaghan.—Estate of Andre Allen Ker and another, owners and petitioners.

Lot 1. Part of the lands of Corramegan, held in fee simple, 124 statute acres, profit rent, £74 2s. 9d.; valuation, £75. Sold to Mr Walker, in trust, at £1,860.

Lot 2. Part of the lands of Shantonagh, held in fee, 145 acres; net rent, £130; valuation, £157. Sold to Mr. Swanzy, in trust, for £3,000.

Lot 3. Part of the townland of Lisgorran, held in fee simple, 96 acres; net yearly rental, £76 5s. 4d.; valuation, £73. Same buyer at £1,675.

Lot 4. Part of the lands of Drumskelt, held in fee farm, 256 acres; net rent, £164 18s. Sold to Mr. Ker at £3,400.

Lot 5. Two fee farm rents of £15 18s. 7d. and £14 19s. 8½d., issuing out of the lands of Drumfaldra, 55 acres; valuation, £153. Sold to Mr. James Brown for £710. Solicitor, *T. W. Hardman.*

LANDED ESTATES' COURT.

PETITIONS FILED, *from 4th to 10th May*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
May 4	3823	Edward Brady	*Ralph Harman*	Cavan	45 18 6	*John Tatlow*	Dobbs.
"	3824	James Thornton	*John O'Brien*	Wicklow	105 0 0	*B. Whitney*	Lynch
"	3825	James Pettigrew	*Joseph Furlong*	Wexford	83 18 6	*Peter O'Flaherty*	Dobbs
"	3826	Eyre Trench and others, trustees of the settlement of F. J. Lecat Baron de Bazancourt and Anne Catherine Donnellan	*The Owners*	Kildare	210 15 9½	*Joseph Hone & Son*	Lynch
May 6	3827	Patrick Ennet and others	*The Owners*	City of Waterford	121 12 0	*Taylor, Mackessy, and Mortimer*	Dobbs
"	3828	Jane Adams and several others	*The Owners*	Town of Carrickfergus	70 1 1½	*W. W. M'Neill*	Dobbs
"	3829	Mary Bedford Barker and others	*John Hilton*	Donegal	325 7 1	*Thomas Lawlor*	Dobbs
"	3830	Thomas Woodburne and another	*Samuel E. Collins and Wife*	Wicklow	Not given	*A. Coates*	Lynch
May 7	3831	Ellen Margaret Davis	*Mark Hamilton*	City of Dublin	48 14 8½	*James Davis*	Dobbs
May 8	3832	Joseph W. B. Kelly, heir-at-law of Wm. Joseph Kelly, deceased	*H. R. Marinden and Charles John Whyte*	Roscommon	459 16 6	*Wm. White*	Lynch
"	3833	Thomas Dooley and S. F. Dooley	*John Holmes and another*	Louth	173 16 0	*W. R. Meredith*	Dobbs
"	3834	Bartholomew Van Homrigh	*Peter A. Van Homrigh*	Meath and Kildare	516 11 2	*Geale, Dwyer & Co.*	Lynch
May 10	3835	Peter Burrowes Kelly	*Edward Lord*	Queen's County	Not given	*Wm. French Henderson*	Dobbs

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
May 13	12 o'clock	Arrangement case	Proof of debts	*M'Govern*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Perry*
"	"	do.	Reference	*Johns, Hewitt, & Johns*
"	"	Christopher Nolan	Costs	*Molloy & Watson*
"	"	Thomas Groarke	do.	*Molloy & Watson*
"	"	Edward Molony	do.	*Molloy & Watson*
"	"	Joseph Flann	do.	*Lynch*
		Tuesday. Before the COURT.		
May 14	11 o'clock	Michael Curran	Final examination	*Findlater & Collins*
"	"	Edmond Molony	do.	*Molloy & Watson*
"	"	J. B. Kennedy	do.	*O'Callaghan*
"	"	Robert Clements	do.	*Irvine*
"	"	Thomas Rothwell	do.	*Batt*
"	"	Michael Hayes	do.	*Meldon*
"	"	Richard Ballard	do.	*Lynott*
"	"	James Fitzpatrick	do.	*Larkin*
"	"	Michael Callanan	do. and composition	*Cleary*
"	"	Alexander O. Taylor	Final examination and examination of witnesses	*Irvine*
"	"	Laurence Kelly	do.	*Molloy & Watson*
"	"	James M'Parland	Sur., prove debts, and choose assignee	*Neilson*
"	"	Thomas Groarke	Examination of witnesses	*Molloy & Watson*
"	"	William Breen	do.	*Perry*
"	"	Andrew O'Sullivan	Prove charge	*Carroll & Barry*
"	"	Arrangement case	First sitting	*Boughey*
"	"	do.	Second sitting	*Leachman*
"	"	do.	do.	*Leachman*
"	"	do.	do.	*M'Govern*
"	"	do.	do.	*Stuart*
"	"	do.	First sitting	*Hyndman*
"	"	Christopher Nolan	Audit and dividend	*Molloy & Watson*
"	"	T. H. Groom	do.	*Molloy & Watson*
		Thursday. Before Mr. BRADY, Chief Registrar.		
May 16	12 o'clock	Thomas Duggan	Prove debts and vouch accounts	*Batt*
"	"	Samuel Pickering	do.	*Larkin*
"	"	James Fitzpatrick	do.	*Larkin*
"	"	Patrick Hayden	do.	*Kernan & Tracey*
"	"	Asken Morrison	do.	*Orpen & Sweeney*
"	"	Arrangement case	Prove debts	*Cronhelm*
"	"	do.	do.	*Purcell*
"	"	James Doyle	Examination of title	*Stuart*
		Friday. Before the COURT.		
May 17	11 o'clock	Margaret Magee	Final examination	*Molloy & Watson*
"	"	Thomas Potter	do.	*White*
"	"	William Breen	do.	*Perry*
"	"	Edward M'Dermott	Sur., prove debts., and choose assignee	*Molloy & Watson*
"	"	Ellis Rowland	do.	*Eyre*
"	"	John Wall	Prove charge	*Barrington & Jeffers*

TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
	Woods, John, of Monaghan, in the co. of Monaghan, grocer and baker	Henry Alexander, of Cope-street, Dublin, merchant	*Molloy & Watson.*

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BANKRUPTS.

Flood, Richard, of Upper Dorset street, in the city of Dublin, draper. Petition of bankruptcy filed May 1, 1867. To sur. Tuesday, May 31, and Friday, June 14. C. H, James, Official Assignee. *Forsythe*, solr.

Lyons, Denis, of Listowel, in the county of Kerry, draper. Petition for arrangement filed March 26, 1867. To sur. Friday, May 31, and Tuesday, June 11. L. H. Deering, Official Assignee. *Meldon and Son*, solrs.

Rowland, Ellis, of Ballymacarret, county of Down, engineer and spirit dealer. Petition of bankruptcy filed April 30, 1867. To sur. Friday, May 17, and Friday, May 31. C. H. James, Official Assignee. *Eyre*, solr.

Certificate Allowed,

Unless appeal filed within 30 days from date.

APRIL 26.

Boland, John, of Maryborough. Queen's County, grocer and spirit dealer, a bankrupt. *Roe*, solicitor.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as at present appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before MR. FARRELL, Chief Clerk.		
May 13	12 o'clock	William Cother	Inquiry under order	*Macnally*
,,	,,	George S. Murray	To prove debts	*Macnally*
,,	,,	Thomas Monaghan	do.	*Macnally*
		Tuesday. Before the CHIEF CLERK.		
May 14	12 o'clock	Thomas M'Dermott	To tax costs	*Irvine*
,,	,,	Daniel Wilson Hutcheson	do.	*Barrett*
,,	,,	John Thomas M'Vittie	To take directions under order of reference	*Sullivan*
		Wednesday. Before the COURT.		
May 15	11 o'clock	Thomas M'Dermott	Audit and dividend	*Irvine*
,,	,,	Daniel Wilson Hutcheson	do.	*Barrett*
,,	,,	Isabella Georgina Brabazon	Adjourned notice of motion	*Boughey*
,,	,,	Basil King	do.	*Murray*
,,	,,	Thomas Roche Rice	do.	*Macnally*
,,	,,	Andrew Lawson	Examination of witnesses	*Wilson*
,,	,,	Henry Greene	Hearing of petition	*Macnally*
,,	,,	William Strain	Adjourned do.	*Graves*
,,	,,	Anne Frances Harriet Hart	do.	*Macnally*
		Friday. Before the COURT.		
May 17	11 o'clock	———	For Bail Motions only.	———
		Saturday. Before the CHIEF CLERK.		
May 18	12 o'clock	Michael Callaghan	To vouch assignee's account	*Perry*
,,	,,	Thomas Roche Rice	Adjourned do.	*Huggard*
,,	,,	Hon. Gonville Ffrench	To explain proceedings	*Stephens*
,,	,,	John Barrett	To vouch account	*Macnally*

CASES DISPOSED OF.

IN DUBLIN.

Wednesday, May 8, 1867.

Before JUDGE BERWICK.

Barry, James. Discharged.
Clifford, John. Adjourned to Wednesday, 5th June, 1867.
Hart, Anne Frances Harriett. Adjourned to Wednesday, 15th May instant.
Jackson, William Henry. Adjourned to Wednesday, 13th May, 1868.
Kelly, William Thomas. Ditto, do.
Montgomery, Hugh Lyons. Adjourned to Wednesday, 22nd May inst.

IN THE COUNTRY.

At Belfast, April 9th, 1867.

Before J. HASTINGS OTWAY, Q.C., Chairman.

Annesley, William. Discharged.
Allen, John. do.
Carlin, Watson. do.
Carrigan, Thomas. do.
Carson, Agnes. Adjourned till next sessions.
Crawford, William. Discharged.
Ferris, John. do.
Haslett, Robert. Adjourned till next sessions.
Johnston, William. Adjourned till next sessions.
Kane, Francis. Discharged.
Lowry, Samuel. do.
Laird, John Moore. do.
Magovern, James. Adjourned till next sessions.
Murray, Hugh. do.
O'Neill, John. Discharged.
Pinkerton, John. Adjourned till next sessions.

INSOLVENTS DISCHARGED ON BAIL

until the Hearing of their petitions.

Brennan, Eliza, Belfast, grocer and spirit dealer.
Herbert, Maurice, county of Cork, farm labourer and dealer in cattle.
Macdonnell, Thomas, Dublin, clerk in Poor Law Commission Office.
M'Laughlin, Patrick, Londonderry, wood turner and publican
Sargent, William, Cork, clerk of works in Engineer Department.

INSOLVENTS.

To be heard in Dublin.

Dowding, Catherine, of Abbeyview, Little Bray, co. of Dublin, widow, not in business. Hearing on Wednesday, May 22, at 11. *Murray*, solicitor.

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Lee, James Joseph, of Marlborough-street, and Thomas-lane, in the city of Dublin, previously of Stafford-street and Upper Abbey-street, in said city, cabinet-maker, arrested as James C. Lee. Hearing on Wednesday, May 22, at 11. *M'Kenny*, solicitor.

MacDonnell, Thomas, of Fairview, Clontarf, co. of Dublin; previously of Bloomfield, South Circular-road, city of Dublin, clerk in the Poor Law Commission Office. Hearing on Wednesday, May 29, at 11. *Graves*, solicitor.

To be heard in the Country.

Brennan, Eliza, of Belfast, co. of Antrim, widow, grocer and spirit dealer. Hearing at Belfast, July 10, at 3. *Macnally*, solicitor.

Cross, Thomas, of Lurganmore, co. of Monaghan, labourer. Hearing at Monaghan, June 29, at 10. *Wright*, solicitor.

Dalton, Charles, of Belfast, co. of Antrim, musical warehouse proprietor; previously of Belfast aforesaid, not in business; formerly bank clerk. Hearing at Belfast, July 10, at 3. *Macnally*, solicitor.

Egan, Patrick, of Cappoquin, co. of Waterford, draper and farmer; previously of same place, draper, grocer, and farmer; formerly of same place, policeman. Hearing at Waterford, July 1, at 10. *Thornton*, solicitor.

M'Govern, Mary, of Ballinrobe, co. of Mayo, widow and shopkeeper. Hearing at Westport, June 29, at 10. *Griffin*, solicitor.

M'Dermott, Patrick, of Tubbercurry, co. of Sligo, hotel-keeper and shopkeeper. Hearing at Sligo, July 4, at 10. *MacNiffe*, solicitor.

Reilly, Christopher, of Balivor, co. of Meath, shop assistant; previously of Trim, in said county, grocer and spirit dealer. Hearing at Trim, July 1, at 9½. *Goodman*, solicitor.

Rynne, Thomas, of Ennistymon, co. of Clare, grocer; previously of Cratloe, in said county, steward; formerly of Crillinagh, near Ennistymon, in said county, farmer. Hearing at Limerick, July 3, at 10. *Connolly*, solicitor.

Ryan, Patrick, of Cloughadereen, co. of Limerick, dairyman; previously of Carrigkittle, in said county, dairyman; formerly of Longstone, in said county, dairyman. Hearing at Limerick, July 3, at 10. *Murphy*, solicitor.

Sargent, William, of the military barracks, Cork; previously of Gardiner's Hill, in said city; formerly of Tavistock-place, and of Clifton-place, and of Hampton-place, all in Plymouth, clerk of works in the Royal Engineer Department. Hearing at Cork, July 8, at 10. *Cremen*, solicitor.

THE MAGISTRACY.

James Palmer Graves, Esq., has been appointed to the commission of the peace for the city of Waterford.

James Balfour, Esq., and Charles Anderson, Esq., have been appointed to the commission of the peace for the borough of Sligo.

Edmund John Gould, Esq., of Bellville, Cork, and Alexander Bremner, Esq., of Benmore, Queenstown, have been appointed to the commission of the peace for the county of Cork.

THE JUDGES AND CORPORATION AT ST. PAUL'S.—On Sunday afternoon last, according to ancient custom, the ceremony of churching the judges in Easter Term was performed in St. Paul's Cathedral. At one time nearly all the judges were in the habit of attending, but during the last few years the number has dwindled down to five or six, sometimes only four, but on no previous occasion has there been so small an attendance as there was on Sunday, only two of her Majesty's judges being present. The Lord Mayor, with Mr. Alderman and Sheriff Waterlow, and Sheriff Lycett, proceeded in state to the Cathedral, where they were joined by the Very Rev. Dr. Milman, the Dean of St. Paul's, the Rev. W. W. Champneys, the canon in residence, the Rev. J. H. Coward, the Rev. J. Lupton, the Rev. H. Milman, and the Rev. B. M. Cowie, who received Lord Chief Justice Bovill and Mr. Justice Blackburn at the south door; Serjeant Robinson, Serjeant Tindal Atkinson, Serjeant Payne, and two or three other serjeants followed the judges. The procession moved into the choir, where there was a full choral service. The sermon was preached by the Rev. W. W. Champneys, M.A., vicar of St. Pancras.

IS AN INFANT IN ARMS A "PERSON"?—It seems as if this question would never be decided. It has been lately further complicated by the decision of a magistrate at the Greenwich Police-court. Two ladies, having taken a cab, happened to have a child nine months old with them. For this child an extra fare was demanded, and the ladies refused to pay it. It came before the magistrate, who decided that although the Court of Queen's Bench had decided that two children under ten years of age would count as one adult, one child in excess of the two persons, for carrying whom the tariff is fixed at sixpence per mile, constitutes a third person, and must be paid for accordingly.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	MAY Sat. 4	Mon. 6	Tues. 7	Wed. 8	Thur 9	Fri. 10
Government						
New 3 p c Stock	89½	89	89½	89¼ ⅜	89⅞	89⅞ ⅝ ¾
3 p c Consols	89⅞	90	90⅛ ¼	--	90¼ ⅜	90⅛ ¼
Foreign and Colonial.						
India 5 p c Stock	—	109	108⅞	—	—	109⅛
Joint-Stock Banks.						
Ireland, £100 pd	—	235	235½	235½	236	—
Hibernian, £25 pd	—	36⅛	—	—	37	—
Munster (Limited.), £3 10s pd ..	4½	—	—	—	—	—
National, £30 pd	62	62	62	—	—	61½
National of L'pool (Ltd.), £15 pd	13	—	--	—	—	13⅜
Provincial, £25 pd	—	—	—	84	—	84
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32⅜	32⅜	32½	—	—	—
Ulster Banking Co., £2 10s pd ..	9½	—	—	—	—	—
Union, £22 pd	—	—	—	14	—	—
Steam.						
British & Irish, £50 pd ..	47	—	—	—	—	—
City of Dublin, £100 pd ..	100½	—	—	—	101	—
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	52⅞	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	10½	—	10½
Do., £5 pd B	—	5⅞ 6	5⅞ 6	—	—	6
Do., £4 pd 2 C	—	—	4⅞ 5	—	—	4⅞
Grand Canal, £100 pd	46	--	46	—	—	—
Patriotic Insurance, £10 pd ..	—	--	—	—	—	—
National Insurance, £25 pd ..	—	--	—	—	—	33
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	71	—	—	71½	—
Dublin & Kingstown, £100 pd ..	187	—	188	—	188½	—
Dublin & Drogheda, £100 pd ..	—	—	—	—	—	—
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	91½	—	91½ ⅝	92	92	—
Midland Gt. Western, £100 pd ..	—	55½	55½	55½	55½	—
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	88⅞
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	--	—
D., W., & W., 5 p c £50 pd rd ..	46⅞	—	47½	—	—	47⅞
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	93½	--	93½	93½	—	94
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	--	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	--	—
D. & D., 5 p c rd, 1868. £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	--	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	--	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	--

Bank Rate

Of Discount—3½ per cent., 20th December, 1866.
Of Deposit—1½ per cent., 7th Februry, 1867.

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LANDED ESTATES' COURT, IRELAND.

GENERAL NOTICE TO CLAIMANTS.

In the Matter of the Estate of David Mortimer, a Vendor of Land, Owner and Petitioner.

WHEREAS by a Contract, in writing, dated the 28th day of February, 1867, made between David Mortimer of the one part, and Henry Simmonds of the other part, it was agreed that the Lands of the Poll of Cornekilly, otherwise Cornakill, otherwise Kernikill, situate in the Barony of Castlerahan, and County of Cavan, should be Sold and conveyed to the said Henry Simmonds. And whereas the Landed Estates' Court, Ireland, has ordered that the above-mentioned Contract shall be carried into effect, and a statuteable conveyance of the said Lands executed. Now all parties objecting to a Sale of the said Lands are hereby required to take Notice of such order; and all persons having claims thereon may file such claims, duly verified, with the Clerk of the Records.

Dated this 7th day of May, 1867.

JAMES M'DONNELL, Examiner.

REEDE & GOODMAN, Solicitors having Carriage of Proceedings, No. 2, Upper Sackville-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, NEXT OF KIN, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Anne Tomkins, Petitioner; Margaret Jane Jones, Edward Alford, John Stringer, Jane Atkin, and Ralph Jones, Respondents.

I HEREBY require all persons claiming to be Creditors or Next of Kin of John Jones, late of Templerainey House, in the County of Wicklow, Farmer, deceased, on or before the 16th day of MAY next, to furnish, in writing, to JOHN ROE, the Solicitor for Petitioner, No. 102, Middle Abbey-street, in the City of Dublin, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as she shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amonnts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Charges or Incumbrances affecting the real and freehold Estate of the said John Jones, to come in before me, at my Chambers, Inn's-quay, in the City of Dublin, on or before the 16th day of May next, and proceed to prove the same.

Dated this 18th day of April, 1867.

EDWARD LITTON, Master in Chancery.

JOHN ROE, Solicitor for the Petitioner, No. 102, Middle Abbey-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS AND NEXT OF KIN.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Mathew Elias Corbally, Petitioner; The Right Hon. Arthur James, Earl of Fingal, Respondent.

I HEREBY require all Persons claiming to be Creditors or Next of Kin of Marcella Netterville Gerrard, late of Gibstown, in the County of Meath, and of Nettervill, in the County of Galway, widow, intestate, deceased, on or before the 23rd day of MAY next, to furnish, in writing, to MATHEW ELIAS CORBALLY, of Corbalton, Tara, County Meath, the Administrator of said deceased; or to ARTHUR O'HAGAN, of No. 9, Harcourt-street, Dublin, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 25th day of April, 1867.

E. LITTON, Master in Chancery.

ARTHUR O'HAGAN, Solicitor for the Petitioner, No. 9, Harcourt-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Lucy Doherty, widow, Petitioner; Margaret Meredyth, widow and Administratrix of Richd. Meredyth, deceased, Respondent.

I HEREBY require all persons claiming to be Creditors, or Next of Kin of Richard Meredyth, late of Cuffe-street, in the City of Dublin, Pawnbroker, deceased, on or before the Eleventh day of JUNE next, to furnish in writing to MARGARET MEREDYTH, of Cuffe-street, aforesaid, the Respondent, or to her Solicitor, JOHN LALOR, Esq., of 23, Eustace-street, Dublin, the amount and particulars of their several demands, (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as she shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notiee of such disallowance.

Dated this 1st day of May, 1867.

W. BROOKE, Master in Chancery.

J. CASIMIR O'MEAGHER, Solicitor for the Petitioner, No. 23, Upper Sackville-street.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Michael Joseph O'Brien, and Antoinette Alicia Amelia Harriett O'Brien, otherwise St. Leger, his wife, Administratrix of Anthony Butler St. Leger, deceased, Petitioners; Heyward St. Leger, Eliza Jackson, Eliza St. Leger, and Marionette Isabella Christina St. Leger, Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of Anthony Butler St. Leger, late of Lower Mount-street, in the City of Dublin, Esq., deceased, on or before the 2nd day of JUNE next, to furnish, in writing, to the petitioners, or to Messrs. Maxwell and Weldon, 37 North Great George's-street, Dublin, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having claims affecting the real and freehold estate of the said Anthony Butler St. Leger, to file same, at my Chambers, Inn's quay, in the city of Dublin, on or before the 2nd day of June, 1867, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1857.

Dated this 2nd day of May, 1867.

J. J. MURPHY, Master in Chancery.

MAXWELL & WELDON, Solicitors for the Petitioners, No. 37, North Great George's-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Woods, of Monaghan, in the County of Monaghan, Grocer and Baker, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 21st day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 10th day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON. Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas O'Toole, of Talbot-street, in the City of Dublin, Grocer and Provision Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 24th day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 10th day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

WM. JAMES STUART, Agent to the Bankruptcy, No. 5, Saint Andrew-street, Dublin.

LUCIUS H. DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edward M'Donnell, of Castlerea, in the County of Roscommon, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 17th day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts and choice of an Assignee* in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to Lucius H. Deering, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 2nd day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

STATUTORY NOTICE.

NOTICE TO CREDITORS.

In the Matter of Charles Knox, late of Ballinrobe, in the County of Mayo, Colonel of Her Majesty's Regiment of North Mayo Militia, deceased.

NOTICE is hereby given, pursuant to the Statute 23rd and 24th Vic., chap. 35, that Probate of the Will of said deceased, who died at No. 7, Earlsfort-terrace, in the City of Dublin, on the 14th day of March, 1867, has been granted forth of Her Majesty's Court of Probate in Ireland, to Charles Howe Knox, of Ballinrobe, in the County of Mayo, Esq., the Executor named in said Will. And all persons claiming to be Creditors, or otherwise to have any claims or demands against or upon the personal estate and effects of the said Charles Knox, deceased, are hereby required to send, in writing, to Messrs. Read & Crawford, 35, Dame-street, Dublin, Solicitors for the said Executor, on or before the 10th day of July next, the particulars of their debts, claims, or demands. And Notice is hereby further given, that after the said 10th day of July next, the said Charles Howe Knox, as such Executor, will forthwith proceed to distribute the Assets of the said Charles Knox, deceased, according to law, amongst the parties entitled thereto, having regard only to the claims or demands of which he shall then have had Notice.

Dated this 7th day of May, 1867.

READ & CRAWFORD, Solicitors for Executor, 35, Dame-street.

STATUTORY NOTICE.

In the Goods of John Pierce Hamilton, late of Oakfield, in the County of Fermanagh, Esq., deceased.

PURSUANT to the Acts of the 22nd and 23rd Victoria, Chapter 35, all persons claiming to be Creditors, or who have any demand against the Estate of the said John Pierce Hamilton, who died at Oakfield, aforesaid, on the 19th day of January, 1867, are hereby required, on or before the 1st day of JULY next, to furnish the particulars thereof, in writing, to Alexander Hamilton, of Oakfield, aforesaid, the Administrator of the said deceased, or to me, as his Solicitor, after which day the assets of the said deceased will be distributed amongst the persons entitled thereto, having regard only to the claims of which said Administrator shall have received Notice.

Dated this 6th day of May, 1867.

ARCHIBALD COLLUM, Solicitor for the said Alexander Hamilton, Administrator of said John Pierce Hamilton, Esq., deceased, 50, Middle Abbey-street, Dublin.

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 16.] SATURDAY, MAY 18, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

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Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MAY 18, 1867.

IN our number of the 4th inst., we explained who the persons are who, under the Act for the Abolition of Fines and Recoveries (Ireland) can, as "actual tenants in tail," avail themselves of the provisions of that statute for the disposition of their estates. In this paper we propose briefly, and in continuation of the subject, to consider under what circumstances a tenant in tail can, with the consent of other persons, and under the Act in question, make a disposition of his estate, and convert the same into an estate in fee.

Now the 12th section of the Act of 4th and 5th Wm. IV., c. 92, imposes no qualification whatsoever of consent, and consequently that section must be understood as giving or authorizing, to the extent mentioned in it, a power of disposition, save so far as such power may be restricted by the other clauses in the same statute. And we find in the 32nd section this important restriction of such right, viz., that where there is what the Act calls a *protector* of a settlement, under which the tenant in tail derives, then, unless the tenant in tail be entitled to the remainder or reversion in fee immediately expectant on the determination of his estate tail (in which case no consent is necessary), the consent of such protector is essential to give validity to any disposition by such tenant in tail of his estates. So, also, in the case we already, in our former number, adverted to, of a tenant in tail, *ex provisione viri*, under settlements made previously to the Act, such assent is required to a disposition by such tenant in tail, as the Act, 10 Car. I., s. 2, c. 8 (11 H. VII., c. 20, Eng.) required, as to a fine or recovery levied or suffered by her of such lands—that is, in effect, the consent of the next heir inheritable under the entail. It, therefore, is important to see who is to be the *protector* of such settlement, and also who is excluded from being protector—and then, what is the office of such protector?

Now, it is necessary to observe that an important distinction is by this statute made in reference to protectors—some of the clauses on the subject referring to *regular protectors*—or having a general application in this respect; whereas others are applicable to facts or cases that existed before the Act either was passed or took effect, and the protectors in the latter cases may, therefore, be termed *transitory* protectors. As to the former class—namely, regular protectors, the 19th section defines such persons, by enacting that if at the time

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when there shall be a tenant in tail of lands under a settlement, there shall be subsisting in the same lands, or any of them, under the same settlement, any estate for years determinable on the dropping of a life or lives, or any greater estate (not being an estate for years) prior to the estate tail, then the owner of the prior estate or of the first of such prior estates, if more than one, then subsisting under the same settlement, or who would have been so if no absolute disposition thereof had been made, shall be the protector of such settlement, so far as regards the lands in which such prior estate shall be subsisting, even though that estate has been charged or incumbered, or the rents exhausted, or the estate absolutely disposed of, either by the owner, or by reason of bankruptcy or insolvency, &c.; and an estate by curtesy, in respect of the estate tail, or of any prior estate, is to be deemed a prior estate; and also an estate by way of resulting use or trust for the settlor.

It is quite plain that, under the section just cited, either an estate for the life of a person himself, or an estate *pur auter vie*, is included, and so also would have been, unless expressly excluded, an estate for years absolute. But a most important change in the law was by that section effected. It is this. Before that Act, it was essential that the tenant to the *præcipe* should have been the owner of a *freehold*, whereas now he may be *termor* for years, provided that term is determinable with a life or lives. Furthermore, before that Act, if the person who would have been the proper tenant to the *præcipe*, in order to give validity to a recovery [that is a recovery at law, for as to an equitable recovery the rule was different] had made a disposition by deed of his lands, then the assignee, and not the assignor, should have been the tenant to the *præcipe*. But by the Act that we are discussing, actual ownership is thrown overboard; and the loss or alienation of the estate does not disentitle the alienor or the former owner to the office of protector. Now this is a most important improvement in the law, for, by the old law, this absurdity, if not injustice, existed, that it depended on the whim or caprice of, in many cases, a total stranger to determine whether an arrangement should be made for a family, and one that may have been by all the members of such family considered beneficial and for their advantage. There are, however, several exceptional cases—three in all—in which the Act makes the person *in possession* of the lands the protector. The first is where the lands were disposed of before the 31st October, 1834. The second is where a reversion or remainder in fee, or any estate in such reversion or remainder, was disposed of before the same date; and the third is, where a bare trustee, under a settlement made before that Act, would have been the tenant to the *præcipe*.

In those cases we may presume that the Legislature thought that there were *vested* rights that ought not to be interfered with, and those cases are provided for in the 27th, 28th, and 29th sections. In all other cases the Act in question makes the office of protector a *quasi* personal one, not depending on the *ownership* of the lands, although such ownership must originally have created the duty or office. This is obvious from the section that we have already referred to, viz., the 19th section, which in distinct terms enacts that the charging, or incumbering, or alienation of an estate by the owner, or the loss through bankruptcy or insolvency of such estate, shall nevertheless not operate to prevent such former owner being the protector.

An important consequence of that provision is the termination of many subtle questions that in former times arose respecting the validity of some equitable recoveries, on account of the difficulty of ascertaining in whom the *equitable* freehold was vested, and for that purpose investigations were necessary, in order to compare the income of the estate with the charges and incumbrances upon it. All this is swept away by the clause, that the owner of the prior estate shall still be the protector, although the rents may be exhausted, or the lands aliened, or lost in the modes mentioned in the 19th section.

The *protector* then is, under the statute, to be ascertained by reference to the *prior* estate, and such estate should be limited under the same settlement as the estate tail.

But it is plain, that an estate by the curtesy, could not in strictness be considered as one limited by *the same settlement*, as, for example, in the case of a female tenant in tail with remainders over, and she marries and has issue inheritable to the entail, and dies leaving her husband surviving. Here the husband is, by the express words of the Act, made the protector, and without his consent the issue in tail cannot make a disposition to the full extent authorized by the Act. And so too, an estate by way of *resulting use, or trust* for the settlor, the same not being an estate limited or created by the settlement, but one arising by construction of law, or an estate omitted to be disposed of by the settlement, is also expressly, by the Act, included under the terms of "an estate created under the settlement."

Now as to tenants in common, or joint-tenants for life, with remainders to their respective issue in tail, the Act (20 s.) applies the words "prior estate" to the undivided shares of such tenants; in fact, making each undivided share a separate estate under the settlement, and so making each tenant in common, or joint-tenant, as regards their respective issue, the sole protector, though as regards joint-tenants for life, it is plain, that after the death of one, the other, or others,

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can, for the life or lives of the surviving joint-tenants, dispose of their share of such estate.

As to *femes covertes* entitled to prior estates to their separate use, the law formerly was that their husbands alone were good tenants to the *præcipe;* now, however, by the 21 s. the wife's concurrence is most justly made essential to give validity to the alienation in order to bar the entail.

Who are by the Act excluded from the protectorship, we shall reserve for another article.

CURRENT TOPICS.

The adjourned debate on the second reading of the Attorneys' and Solicitors' Certificate Duty Bill is fixed for the 28th inst. We trust that the Irish members will be found one and all voting in favour of the reduction of this most grievous tax, which has too long been imposed upon this particular profession, amongst whose members are so many gentlemen of education and position, and by whom this tax is considered as an indignity. The reduction sought for is to render this tax merely nominal.

SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND.

The general half-yearly meeting of this Society was held on Tuesday, in the Solicitors' Hall, Four Courts, Dublin. The chair was taken at two o'clock by

R. J. T. Orpen, Esq., President.

Also present were: Messrs. Reeves, Beamish, Rea, Nunn, Findlater, Taaffe, Daly, Kift, Lord, Goodman, Lyle, Lambert, Hazlett, Ponclue, Kennedy, Fetherston H., Hinds, Roche, Macrory, O'Carroll, Jones, Oldham, Ellis, Anderson, &c.

The Secretary (Mr. Goddard) read the statement of accounts, which was very satisfactory, and showed an increase in the receipts. He said there was no notice of motion on the books with regard to any change in the rules.

The Chairman said he was glad to see that they had a balance in their favour in the bank.

Mr. John Rea asked had any report been received from the deputation appointed to wait on the Chancellor of the Exchequer, with respect to the abolition of the attorneys' certificate duty?

The Secretary said the matter had been postponed in Parliament until the 28th May, inst. The deputation had waited on the Chancellor of the Exchequer. The second reading of the Bill for the Abolition of the Duty was brought before the House of Commons, and a majority of one decided on the postponement.

Mr. Rea thought the meeting should not break up without giving an expression of opinion on the subject. They should endeavour to give every possible support to Mr. Denman, who was entitled to the warmest thanks of the solicitors of the three kingdoms. There were 1,250 attorneys in Ireland, and they had power enough to hold their own against any Chancellor of the Exchequer in a case where justice was obviously with them. If they could not be permitted to practise without the payment of a tax, they ought to insist that the other learned professions (medicine, the bar, and he would not exclude the clergy) should be obliged to bear a similar burden. He (Mr. Rea) believed that the Belfast Society would give every aid in its power to the Dublin body. He would endeavour to have a public meeting convened in Belfast, from which a deputation should be sent, in connexion with the Dublin deputation, to the leading members of the House of Commons. He was of opinion that by decided action on the part of the attorneys of Ireland alone, the certificate duty could be abolished.

Mr. Hinds remarked that everything the Law Society in Dublin could do, had been done for the purpose of furthering the object in view. He thought there was a great want of exertion and agitation in the country districts, and that if Dublin had been more supported, they would have been more advanced in the effort to remove the matter of objection than they were at present. Personal exertion should be used, and efforts should be brought to bear on individual members of Parliament. Deputations had already gone to London from Dublin, Cork, Waterford, and Belfast, so that he must admit that, to a certain extent, the country districts had exerted themselves. The tax in question was insulting and invidious. It was not of the amount of money it cost attorneys that they complained, but of the distinction which was drawn between them and other professions, and which was a slur upon their body. So long as the tax existed, they were persons licensed to the profession as to a trade. They might call themselves a profession, but they were simply a trade. In a schedule he had seen lately of dues paid, he first read, "Asses (Spanish)," so much, and next, "Attorneys," so much (laughter). He thought the English solicitors, who numbered about 14,000, had not exerted themselves as they might. He hoped that everybody present would see the necessity of getting freed from such a tax.

The Chairman said that the Council of the Society had taken and was taking every possible step in the matter. He believed that the subject had been most properly broached by Mr. Rea. Some two years ago a resolution had been carried in the House of Commons to the effect that the tax ought to be abolished. However, they wanted something more than a resolution—an Act of Parliament.

Mr. Macrory said what they wanted was the spirit to work individually. If the attorneys of the three kingdoms had their hearts in any common object, and united with a genuine desire for its advancement, no body could do more than they. He would be inclined to trust in their own exertions to remedy the matter, and not to wait on their English brethren. In a schedule of taxes he had read, the attorneys were classed with hawkers, auctioneers, brokers, appraisers, and the like. He looked upon the tax as not only oppressive but degrading, while it did not keep the profession free from parties who were not entitled to be members.

Mr. Ellis said that he was sure a little more energy on the part of the London Society would provide a settlement of the question. The motion for postponement the other night was considered a very fair one by their most ardent supporters. Several of those on whom they chiefly depended did not vote; and yet the Government only carried the motion by a majority of one. That fact promised favourably as regards what the result would be when the question came formally before the Government on the 28th instant. He hoped their

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supporters would attend in the House on that occasion. The English provincial societies unanimously supported the measure for abolition, as did also the Scotch societies, and on the last vote, all the Scotch members of Parliament voted in their favour.

Mr. Rea congratulated himself and those present on the information which he had elicited. The game was in their hands. They knew the specific time, and would be perfectly prepared when it arrived. The people of Scotland were sensible, and they might be sure of them (laughter). They also had the provincial districts of England as a certainty, and he considered that metropolitan apathy was owing to want of information. It was almost impossible to create public feeling in London except by some great demonstration —some tremendous meeting in Hyde Park (laughter). Some measures should be taken to overpower the apathy of the London branch of the society. He (Mr. Rea) and others in Belfast practically knew nothing about the matter, until by accident he met the deputation in the House of Commons. In these days when justice was so lavished that the British workmen got a great deal too much of it (laughter), he did not see why the attorneys should be isolated.

The Chairman had no doubt that the Council would use every exertion between that time and the 28th to get as many votes as possible in England in support of the measure.

Mr. Lord said he had forwarded a petition on the subject to Lord Otho Fitzgerald and his colleague for their approval, and they had endorsed it.

Mr. Rea—How many members are there in the Society?

Secretary—451.

Mr. Rea said he had been an attorney since 1848, and he never paid a subscription with greater pleasure than that which he annually forwarded to the society. He thought it deserved more support amongst the profession than it received.

The Chairman said that the circulars of the society had been sent to the country districts.

Mr. Findlater hoped that Mr. Rea would exert, on behalf of the society, that energy for which he was remarkable.

Mr. Rea said that newspaper notice was far more valuable to the society than circulars.

After some further conversation,

Mr. Roche moved Mr. Orpen from the chair, and Mr. Reeves thereto.

A vote of thanks having been passed to Mr. Orpen, and acknowledged by him, the meeting adjourned.

ADMIRALTY COURT JURISDICTION.

Some weeks since the Government gave a substantial proof of its desire to further legislation in which the interests of maritime commerce are directly involved by the introduction of two Bills for enlarging the jurisdiction of the Court of Admiralty, and for affording facilities for the litigation of causes arising out of the operations of the carrying trade, by conferring an Admiralty jurisdiction on some of the local courts, or on courts specially established for hearing and determining causes of the nature referred to. These measures have been criticised from various points of view, their chief assailants being members of the legal profession; but it is admitted that both bills are called for, and that, with certain alterations, by no means invalidating their principle or their purpose, they may be made useful, as they are certainly necessary, pieces of legislation.

There is, however, another measure which we should hope the Government has not lost sight of, though it has not as yet made its appearance this session. We refer to the Bill for amending the practice and procedure in the Irish Court of Admiralty. It is now four years since Mr. Maguire, then member for Dungarvan, introduced a bill on this subject, which he subsequently handed over to the Government. The bill was not then proceeded with, on the plea that it was expedient to refer the whole question to a Royal Commission at that time inquiring into the condition and procedure of the superior courts in Ireland. The commissioners reported without, it should be stated, any needless delay, and their recommendations, which differed but little from the proposals in Mr. Maguire's bill, were, it was understood, to have been embodied in a new measure. But beyond this nothing was done. The commissioners reported early in the session of 1864. Two sessions have since passed, and no progress has been made towards legislating upon a question affecting merchants, shipowners, and others concerned in the business of maritime trade. The evils inherent in the Court of Admiralty in Ireland have been so fully exposed in these columns, that we need not recapitulate them now. It is sufficient to say that the Court in question exists in the same condition as to practice and procedure, antiquated forms, delays, embarrassments, and cost to suitors, in which the commencement of the present century found it. The commission above adverted to did but repeat the condemnation pronounced by a commission that had been charged with an inquiry into the same subject thirty-five years previously. There is the less cause for any further delay in dealing with the question of the Irish Court of Admiralty, that the subject is, and has been for the past three years, absolutely ripe for legislation. The Government Bill of 1864 had been adopted as to its principle by the House of Commons. There was no difficulty even as to details. The clauses relating to salaries and compensations had passed the Treasury, and the measure, to all appearance, was about to become law when it was suddenly shelved. We are fully conscious of the value of the two measures of Admiralty reform before Parliament, and we trust to see them proceeded with, now that the hands of the Government are comparatively free; but we should be concealing our sincere opinion if we did not say that none of the changes contemplated by these bills are matters of such pressing necessity at the present moment as the amendment of the law in respect to the Irish Court of Admiralty. Notwithstanding the defects and abuses in that Court, its practice and procedure, the business has increased, for the simple reason that commerce is gradually expanding, and the Court of Admiralty at Dublin is the only tribunal in Ireland before which suitors can bring a maritime cause with any chance of its bearings being understood. But, in its present condition, it would be in many cases a wiser course on the part of litigants to abandon even good causes and to submit to wrong rather than to the delays, expense, and inconvenience inseparable from the existing mode of procedure in the Irish Court. This is a matter which touches our merchants and shipowners on this side of the Channel, as well as our friends in Ireland. No man can say when he may have a collision, or a salvage-claim to meet, originating in Irish waters, and referred to the Irish Court of Admiralty. It is, therefore, the common concern of the shipping and mercantile interests that there shall be in Ireland a court as competent to deal with maritime causes as that in this country, that its procedure shall be unembarrassed by antiquated and useless forms, and that justice shall be administered promptly, and at a reasonable cost. If we are about to afford additional facilities for the administration of maritime law in this country by the establishmect of local tribunals, or by conferring an Admiralty jurisdiction on those already established, it is surely somewhat inconsistent to have suitors in Ireland to be dealt with by a court which has been condemned, both as to its constitution and procedure, by no less than two Royal Commissions. We feel that this is a matter which should not be suffered to rest, and that it is the duty of those Irish members, more particularly who represent maritime constituencies, to see that it is no longer overlooked by the Government.—*Mitchell's Maritime Register.*

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

CONNOLLY *v.* CONNOLLY.

May 16.—*Practice—Signature of Junior Counsel to Pleadings—Privileges of Junior Bar.*

When this case was called on, *J. A. Phillips* on behalf of the Junior Bar, mentioned that the petition of appeal had not been signed by Junior Counsel, nor had any Junior Counsel been instructed on behalf of the appellants up to a few minutes before the hearing.

Sullivan, Q.C., who appeared with *Sherlock*, Q.C., and *Meldon*, for the appellants, stated that no one was more anxious to protect the rights of the Junior Bar than he was, and that he had directed a brief to be given to Junior Counsel, and that the brief had been given.

The LORD CHANCELLOR said that he was not prepared to say that the petition of appeal was a pleading. With respect to the question as to the time at which the brief had been given to junior counsel he could not enter into that.

Counsel for the respondents, *Lawless*, Q.C., *Palles*, Q.C., and *Copinger*.

Solicitor, *Joseph Hanly*.

Solicitors for the appellants, *Meldon & Sons.*

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

BOURKE v. FETHERSTON.

May 13.—*Practice.—Notice served out of Court.*

Berkeley, Q.C., was about to move a motion, notice of which had been served out of Court, when the Registrar stated that the notice was irregular in not stating that the motion would be made "at the sitting of the Court."

Solicitor, *John Smyth.*

N.B.—A notice served out of Court should state that the motion will be made "on the day of at the sitting of the Court." And the ordinary words, "or the first opportunity after" should be omitted.—*Rep.*

M'CULLOCHS, *Minors*; M'CULLOCH & OTHERS, *Plaintiffs*; LEGG & M'NEILL, *Defendants.*

May 14.—*Receiver—Vacating Recognizance.*

Falloon, on behalf of the receiver in this cause and matter, moved for an order to vacate his recognizance and discharge him as such receiver. It appeared that the lands over which the receiver had been appointed had been sold in the Landed Estates' Court two years ago, and side bar orders had been entered discharging him as receiver off the lands. There was now produced a ruling of the Receiver Master, directing the receiver's account to pass, and, as it was a final account, that he should retain the balance in his hands until further order. The account also was produced, but as the account was not certified by the Receiver Master to be a final one, His Honor was of opinion he could not vacate the recognizance till that certificate was given.

The matter was mentioned to Master Fitzgibbon, who stated that by his ruling "until further order" was meant that as there was no order directing the investment or application of the balance in the receiver's hands, the further order meant the order of the Rolls Court, which Court, being satisfied that the receiver had properly dealt with such money in his hands, would then direct the vacating the recognizance; and on this order being produced in the Receiver Master's office, the account was then marked final. It was not the practice except in cases under the 15th section to mark the receiver's account as final unless on an order of the Court directing the receiver's recognizance to be vacated. In 15th section petition matters the account was marked final, the Master having entire jurisdiction.

The MASTER of the ROLLS, on this statement being made to him, made the order as sought.

Solicitor, *H. Milford.*

QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

THE QUEEN *v.* SMITH.

MAY 9, 11.—*Certiorari—New Trial in Criminal Cases.*

This was a motion on behalf of the prisoner for a conditional order for a *certiorari* to bring up the proceedings with the view of obtaining a new trial. The prisoner was indicted for an assault, and tried at the last Monaghan Assizes before Fitzgerald, B. He was found guilty, and sentenced to six months' imprisonment. It was now alleged that the learned judge had misdirected the jury, and that on that ground there should be a new trial.

M'Mahon and *Randall M'Donnell* for the prisoner.

The Court (O'BRIEN and GEORGE, J.J.) held that after judgment and sentence pronounced and in course of execution, a *certiorari* could not be granted as sought. There was no case in which the Court had ever interfered where the proceedings in the inferior Court had been completed as here.

Attorney for the prisoner, *John Rea.*

VINT *v.* LANGTREE.

May 10.—*Making Absolute Conditional Order*—134 G. O., 1854.

Kisbey, for the plaintiff, moved to make absolute a conditional order for substitution of service of the writ of summons and plaint.

W. D. Andrews, *contra*, submitted that without hearing the motion the conditional order should be discharged. The conditional order had been obtained on the 16th of April and served in due time. On the 25th of April an affidavit had been filed as cause, and notice of it had been served. The 2nd of May was the last day under the 134th G. O., of 1854, for serving notice of motion to make the order absolute, and the notice was not served until the 4th of May; then it was served for the 10th of May. When the time for serving notice of motion to make the conditional order absolute expired, the party showing cause went to the office to enter the side bar rule allowing the cause shown, but the officer refused to enter the rule, upon the ground that an affidavit had been filed by the plaintiff since the affidavit filed as cause.

The Court refused the plaintiff's motion with costs, and expressed its opinion that the side bar rule should have been allowed to be entered, notwithstanding the filing of the plaintiff's further affidavit.

Attorney for the plaintiff, *H. N. Smith.*

Attorney showing cause, *Wallace.*

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COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-Law.

LINDSAY *v.* CROTTY.

Costs incurred by Defendant after Payment of Money into Court.

Motion that the plaintiff be ordered to pay to the defendant all costs properly incurred by the defendant subsequent to the lodgment of money in Court by the defendant on the 22nd of February, 1867, or that the defendant's costs, when taxed, be set off against plaintiff's costs.

The defendant had brought £26 into Court, on the 22nd of February, and pleaded that it was sufficient to satisfy the plaintiff's claim. On the same day, notice of the lodgment was given to the plaintiff, and at the same time, notice was served of a motion to change the venue.

The plaintiff appeared on the motion, and it was postponed on his application.

On the 8th of March, plaintiff drew out the money lodged on account, and, on the 18th March, he elected to accept the £24 in full satisfaction of his claim.

Bewley, in support of the motion.

We are entitled to the costs of the venue motion. In the case of *Browne* v. *Julian*, in this Court (IRISH LAW TIMES, page 156), the defendant got costs under similar circumstances.

Meldon, against the motion. The costs incurred here are the costs of the venue motion, and the notice was served, and those costs must have been incurred before the plaintiff had any opportunity of determining whether he would accept the money lodged in satisfaction.

The Court granted the motion with costs.

Attorney for the plaintiff, *J. Meldon.*

Attorney for the defendant, *D. J. Bergin.*

COURT OF EXCHEQUER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

Coram PIGOT, C.B., FITZGERALD, and HUGHES, B.B.

LORD DE FREYNE *v.* FRENCH.

April 24—*Action for Rent—Plea of Set Off—Order of reference to Master of the Court under the 6th sec. Common Law Procedure Act,* 1856, "*to take an account between the parties on foot of the defendant's plea of set off, and to strike a balance, and that the plaintiff shall be at liberty to enter judgment for the balance (if any) that shall appear to be due to him on the taking of such account.*"

On the matter coming before the principal Assistant, in the absence of the Master, he found a balance due, and declared his intention to grant a certificate to enable plaintiff to mark judgment, and refused to order the party having carriage of the proceedings to make up a report.

Palles, Q.C., and *Harkan*, for the defendant, now applied for an order to compel the Master to withhold his certificate until he had made up a report.

Hemphill, Q.C., and *J. B. Murphy*, for plaintiff, contended that the reference under this section, though made to the Master, was not made to him *qua* Master, but *qua* arbitrator, that his decision could not be reviewed by the Court, and that the words of the order contemplated the plaintiff's obtaining a certificate at once.

The Court held that the defendant was entitled to have a report made up, and that this Court could compel the Master to make it up; but they expressed no opinion as to the power to review the rulings embodied in the report.

Attorney for plaintiff, *J. E. Roach.*

For defendant, *Dillon* and *Hart.*

QUIN *v.* GRAY.

May 6.—*Practice—Costs incurred by Defendant after Payment of Money into Court.*

Action for Goods Sold and Delivered—Defence filed and money paid into Court, December 18, 1866. December 21st defendant served notice of motion to change the venue. January 3rd, 1867, plaintiff's attorney wrote to defendant's attorney in Belfast, stating intention to draw money out of Court in full satisfaction of claim. This letter was received on the 4th January in Belfast, and the defendant's notice was served same day in Dublin, and granted without opposition.

Weir, for defendant, now sought to obtain the cost of that motion.

Monroe, *contra.*

The Court held that the plaintiff had had time enough to make up his mind between the 21st December and 4th January, and that defendant was entitled to costs of the motion.

Attorneys for plaintiff, *M'Lean* and *Boyle.*

For defendant, *J. Dinnen.*

LANDED ESTATES' COURT.

Reported by VAL. J. COPPINGER, Esq., Barrister-at-law.

Before JUDGE LYNCH.

In the Matter of JAMES BOYCE and SAMUEL BOYCE, Owners and Petitioners.

May 1st, 1867.—*The rule laid down in Re Wilson's Estate,* 1, *I., R. Eq., does not in all cases deprive the owner of an insolvent estate of the costs of sale. Circumstances under which such costs were allowed in priority to the incumbrances, there being a deficient fund.*

In this case the Examiner in settling the final schedule of incumbrances, had placed the owners and petitioners' costs of sale last upon the schedule, upon the ground that the proceeds of the sale were not sufficient to discharge all charges thereon. The solicitors for the owners and petitioners, filed an objection to the schedule, and claimed to be placed upon the schedule.

F. Dames, in support of the objection, relied upon two grounds put forward by the affidavit of the solicitors, who stated that before the petition was presented, the owners had been greatly pressed by some of the creditors for payment, and that, being unable to meet the demands, they, with the assent of the creditors, presented the petition for sale. They further stated that the owners, or one of them, were, or was entitled to equitable interests in certain charges on the estates, which would be defrayed out of the purchase money, and inasmuch as a petition, presented by them in their capacity of incumbrancers, would have entitled them to the costs with their demand, they should not be deprived of them by reason of the petition having been presented by them as owners, and not as incumbrancers.

James Wilson, for an incumbrancer upon the schedule, argued that the circumstances did not form any special ground for a departure from rule in *Re Wilson*, 1 Ir. Rep. Eq. 92.

The Court allowed the objection on both grounds.

Before JUDGE DOBBS.

In the Matter of the Estate of the Assignees of E. BURKE, Owner; SCALLAN, Petitioner.

May 15.—*Opening Sale, 27th Rule—Landed Estates' Act, sec.* 55.

Boston, for the owner, moved that Lot No. 3 on the rental should be again set up for sale. It appeared

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from the affidavit of E. Burke that the estate was advertised for sale on Friday, the 10th inst., and the sum bid for Lot No. 3 having been deemed inadequate, it was withdrawn, and the sale adjourned by the Court. At the time the sale was so adjourned, a Dr. Cloran, of Loughrea, was the highest bidder. After Dr. Cloran had left court, under the impression that the sale was adjourned, and other estates were disposed of, the solicitor having the carriage of the sale received a private offer of £2,900 from a Mr. Dalton out of court, which was submitted to the Judge, and accepted. Dr. Cloran was prepared to bid a considerably larger sum for the lot than it was sold for.

M'Dermott for the purchaser, contended that the sum bid was the fair value of the lot, as Lot No. 2, being of greater value in the rental, was sold for the same sum. That the Court announced at the time that, if a sum of £2,800 was offered, the lot would not be withdrawn; that Dr. Cloran did not offer that sum.

Boston—Mr. Dalton was in court, and did not outbid Dr. Cloran. Lot 3 was the house and demesne lot, and is not to be valued as Lot 2, by the quantity of land.

Dobbs, J.—By the 27th rule, which has the same force as the Act, no sale can be opened solely by reason of an advance being made in price.

Boston—We seek to re-open the sale, not alone on the grounds of an advance in price, but on the grounds of surprise. The sale was publicly adjourned, and purchasers, who had come to bid, left under the impression that nothing further would be done without public notice. The present purchaser was in court, and did not outbid Dr. Cloran; but, after all competition was out of the way, he makes a private bid out of court. This was a surprise, of which the owner and the creditors have reason to complain. The question is one of great importance to the public. It is a hardship on intending purchasers, after the trouble and expense of inquiry into the value of an estate, and attending the sale, to be subjected to inconvenience and disappointment as in this case.

Dobbs, J.—I cannot listen to this argument from inconvenience or surprise. This Court has power, under the Act, to sell by public sale or private contract, at any time and in such manner as it may think fit. The present motion is pressed on the grounds that an intending purchaser has been disappointed. Being satisfied that the price was fair, I cannot consider this inconvenience or disappointment grounds for opening this sale, and I refuse the motion, the purchaser to have his costs out of the estate.

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by John Levy, Esq., Barrister-at-law.

Before Miller, J.

Re Bell, a Bankrupt.

April 29.—*Reckless Trading—Obtaining Credit by false Representations—Suspension of Certificate.*

The bankrupt was a trader and commission agent in Belfast, and came up for final examination.

Dr. Seeds for the assignees, Messrs. Watkins and Company, brewers.

M'Namara, Solictor for the bankrupt.

It appeared that the bankrupt commenced to sell porter on commission for the Messrs. Watkins; he was to get ten per cent. on all of the sales, and to secure the debts. He went on until the account ran up to three or four hundred pounds, when he was required to give some security besides his own; he wrote to them stating that his mother would give the required security, and, on that representation, they increased the debt considerably, and, subsequently, his mother refused to go security for any amount. On this ground, and on the ground that he traded recklessly, the passing of his examination was opposed. It was stated that, by those false representations, he had obtained porter to the amount of about five hundred pounds, and there were very little assets to divide amongst his creditors.

Miller, J., said the fact of a man engaging in a trade which he did not understand was no extenuation; if he did not understand the trade, he should not have engaged in it. 'It appeared that by misrepresentation, he obtained goods from Messrs. Watkins to the amount of five hundred pounds. If such a course were permitted, there would be an end to all credit between merchants and retailers. Although he had received a favourable report from the official assignee, still he felt it was a case where he should suspend the certificate for twelve months, with liberty, at the expiration of six months, to apply to the Court to obtain the certificate. He thought it hard to keep a young man out of trade for any time; but it was necessary, for the sake of example, that every deviation from commercial rectitude should be punished, and he had no doubt that Messrs. Watkins opposed the bankrupt on the same principle. Certificate suspended for twelve months.

Attorney for the assignees, *Bradley*.

Attorney for the bankrupt, *M'Namara*.

Re Stewart.

Final Examination—Want of Books—Collusion with one Creditor to defeat another—Alleged making away with property.

The bankrupt was a trader in Longford, and came up for final examination

Kernan, Q.C., for creditor.

Levy for the bankrupt.

Miller, J., after hearing the evidence, said the case was one where he could not, consistently with the interest of trade, pass the final examination. Evidence had been given of the removal of property, and although none had been discovered, yet where the bankrupt had no books or accounts to prove the truth of his schedule, which appeared to be almost wholly unvouched, the fair presumption was that property had been made away with, and that bankrupt had not given a full and true discovery of his estate and effects. As to his conduct with regard to Mr. Wilson, the petitioning creditor, nothing could be worse; he made a composition of ten shillings in the pound with his creditors in 1865, but he gave Wilson nothing, and then when he took a step to get something, the bankrupt entered into collusion with his father-in-law, and had a writ served so as to come in before Wilson's; that writ was followed by a judgment and execution under which his father-in-law sold them out, leaving nothing for Wilson. He would adjourn the examination, *sine die*, with liberty to apply to open it at any time the bankrupt could make a better case.

Agent to the bankruptcy, *Stewart*.

Attorney for the bankrupt, *Fleming*.

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CIRCUIT CASES.

NORTH-EAST CIRCUIT.

ARMAGH ASSIZES, April 12.

Reported by R. DAMES, Esq., Barrister-at-law.

Before FITZGERALD, B.

MURPHY *v.* BURNS.

CIVIL BILL APPEAL.

This was an ejectment on the title brought by the official and trade assignees of Mary M'Mahon and Hugh M'Mahon, her husband, against the said Hugh M'Mahon and persons claiming under him.

It appeared that the premises in question were held under a lease for three lives, two of which were still in being, made to one Bernie, and that Bernie had, many years ago, by an agreement not under seal, disposed of his interest to one Mageny; that Mageny had died intestate, leaving the said Mary M'Mahon (then Mageny), his widow, and that she had remained in possession after his death, and had married the defendant, Hugh M'Mahon; that Hugh M'Mahon had become insolvent, and that his interest (whatever it might be) in the premises had passed to his assignees; there had been a decree below for the plaintiffs, and the defendants appealed.

Harrison, Q C., on the part of defendants, contended that the interest in the lease to Bernie being a freehold interest, and having passed to Mageny, could not pass to Mary M'Mahon, but to the heir-at-law of Mageny; that such heir-at-law of Mageny should have been the plaintiff, and that for this reason the decree must be reversed.

FITZGERALD, B., however, held that the agreement between Bernie and Mageny operated at law to make the latter tenant-at-will to the former, and that the payment of rent by Mageny to the head landlord under this agreement being in ease of Bernie's covenant in the lease contained to pay said rent, operated to make Mageny tenant from year to year to Bernie, and that for this reason the plaintiffs on the record were the proper persons to maintain the ejectment.

MONAGHAN, March 10.

Before FITZGERALD, B.

In the matter of a presentment for constabulary police and the 6th Wm. IV., c. 13.

A sum of £69 10s. 1d. having been claimed for an extra force of police stationed in the county of Monaghan, the Grand Jury refused to present for the said sum, on the ground that the whole number of constabulary employed in the county was below, and had not at any time been above the ordinary Parliamentary establishment.

Law, Q.C., appeared for the Crown, and the learned Baron having intimated his opinion that the certificate of the Chief Secretary, given under the provision of the 6th Wm. IV., c. 13, was conclusive as to the legality of the claim made by the Crown, the Grand Jury undertook to make the presentment.

ENGLAND.

HOUSE OF COMMONS.

THURSDAY, MAY 16.

PETIT JURIES (IRELAND) BILL.

This Bill passed through Committee.

COURT OF CHANCERY (IRELAND) BILL.

The House went into Committee on this Bill.

On clause 177 being proposed,

An HON. MEMBER moved that the Chairman do report progress.

The Committee divided, when the numbers were—

Ayes	53
Noes	92
Majority	—39

The clause was ordered to stand part of the Bill.

On clause 197,

Sir C. O'LOGHLEN pointed out that it was provided that the Act should come into operation next autumn, with the exception of the first part relating to the appointment of the Vice-Chancellor, which was to come into force immediately. Now, he felt perfectly satisfied that his right hon. and learned friend the Attorney-General for Ireland would discharge the duties of that office admirably, but then he did not think it well that there should be such an acceleration of the appointment as was proposed (hear, hear). The present Government had had an amount of legal patronage such as had fallen to the lot, in so short a time, of no previous Administration, and they could, he thought, afford to be in no hurry in the matter. Besides, he should be sorry to lose the services of his right hon. and learned friend in that House. The changes which had of late taken place in the office which he occupied by no means tended to facilitate the progress of the Irish business, and besides, he believed, the door-keepers had great difficulty in recognizing the faces of the various Attorney-Generals for Ireland, so rapidly had they succeeded one another during the last nine or ten months. (A laugh). He begged, under these circumstances, to move the insertion of words the effect of which would be to postpone the appointment of the Vice-Chancellor until the 1st of September, between which day and the 1st of November there would be ample time to draw up the general orders required by the Act.

The ATTORNEY-GENERAL for IRELAND repudiated the idea that in framing the Bill he had any view to his own advancement. The fact was that he had no wish to cease to be a member of that House. Under the provisions of the Bill it was required that certain general orders should be drawn up, and in accordance with the 172nd clause of the measure of the late Government on which the corresponding clause in the present Bill was founded, it was provided that these general orders should be framed by the Lord Chancellor, with the advice and assistance of the Master of the Rolls, the Lord Justice of the Court of Appeal, and the Vice-Chancellor, whose appointment for the purpose was, therefore, rendered a matter of immediate importance. (Hear, hear.)

Sir C. O'LOGHLEN observed that the clause went on to say that the general orders might be drawn by the officers named "or any two of them."

After some further conversation the Attorney-General for Ireland's amendment was agreed to, with the substitution of the words "1st of August, 1867," instead of immediately after the passing of the Act.

The clause, as amended, was ordered to stand part of the Bill.

The Chairman was then ordered to report progress, and the House resumed.

The COURTS OF LAW OFFICERS (IRELAND) BILL was read a second time.

The PUBLIC RECORDS (IRELAND) BILL—"to provide for keeping safely the Public Records of Ireland." The second reading of this Bill is fixed for Thursday next, the 23rd May, instant.

(From *The Solicitors' Journal.*)

The British juryman is a personage whose reputation is just now rather at a discount, and sooth to say, he has done many things of late years which have not raised him in the public estimation. We cannot say that he has not faults; he is obstinate—it is very hard indeed to get him to comprehend any abstract reasoning, in consequence of which he is apt to be led away by plausibilities, and so commit injustice—and it is almost impossible to induce him to confine his mind to one issue, so prone as he is to decide from a general or vague reference other considerations about which

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his opinion is not asked, and which will not be regarded in the result of his answer. Moreover, he is looked upon as not inaccessible to the influence of a pretty face. Occasionally, too, stories get afloat which hint that the juryman does not always go through even a form of deliberation. A tale was current upon a certain circuit, not very long ago, of a juryman who was overheard whispering to his foreman, "Well, I give you my vote now, but mind, you must vote for my man next time."

Whatever may be the defects of the juryman, he gets credit for most of them; it is both easy and fashionable to laugh at him, and of course in civil cases it is equally easy for the losing side to throw the blame upon him. Punch pokes fun at him every now and then, and a burlesque-writer hard up for a joke is always sure of a laugh, from the gallery at any rate, if he can manage a fling at the British juryman. In spite of all this, which we should be sorry to say is undeserved, the juryman solidly pursues his way, gets through his cases, grumbling at the work, and the arrangement of the panel—does, on the whole, a very good average of justice, and is, secretly, rather a favourite with the public. For although we, the great British public, abuse our juryman unmercifully, and although he sometimes tries our patience and our prisoners very badly, we are rather proud of him on the whole. We don't know whether or no he dates back to the days of Alfred the Great; historians tell us not, though we incline to think that they know nothing about it; we do know that we have had good reason, in past centuries, to be very thankful for the obstinacy of a few British jurymen who had their backs up and refused to be brow-beaten; and we believe that our juryman is honest.

It is to this last belief that he is indebted for the favour which, as we have said, he really enjoys, and the patience with which his occasional vagaries are borne; and we believe that he is fully entitled to the benefit. We do think that the juryman is thoroughly honest. Whatever the same individual might do as an elector, we may rely on it that he will never take a bribe as a juror. It would be too much to say that he will be always impartial in the strictest sense of the word; that he will never, in civil cases, be influenced by the consideration that the case may be his own tomorrow; or that he will never award too ample compensation against a board of works or a railway company from such motive; but we may say this—that he will not take a downright bribe, and that if we compare him with jurymen in some other parts of the world, we shall find reason for being well contented with our own. The juryman, however, has had rather a hard time of it lately, and we will do him a good turn by giving our readers the opportunity of comparing him with a certain jury whose verdict was recently set aside by the Court of Common Pleas at Philadelphia, U.S.

The jury in question were what is called a "road jury," viz., a jury empannelled to assess the compensation in respect of the property to be taken under compulsory powers or for public works. Certain private property being required by the city of Philadelphia for the formation of a public park or pleasure-ground, a jury was empannelled to assess the compensation. In due time they delivered their report, which, at the instance of the city solicitor, was afterwards set aside by the Court of Common Pleas. The case is reported at another page, but as that report merely states the conclusion of the court, upon the evidence, we give a few of the particulars.

Mr. Wheeler, the owner of the Fairmount Rolling Mill, one of the properties which had to be valued by the jury, deposed that, while the case was pending, one of the jury came to him, holding in his hand, and showing a list of the claimants' names, with awards written against them, and, pointing to his name, said—"This is what we intend to do for you;" and his superintendent also found upon his desk, a note, in the following terms:—

"Philadelphia, December 2, 1864.

"Mr. Ervin—Dear Sir,—At a conference of a few of the jury, it was thought that your case would be a hard one to put through. Now, as an outsider, not wishing to say a great deal on the subject, I would state that if Mr. Wheeler expects to get his damages, he ought to do as I have done, come down. I wish the rhino. I am a property owner. They and your firm are better able to stand the press than I am. You can deposit the same in the bank in some other man's name, and then send them cheques, and all will be right.

"Yours, respectfully,
"P. O."

In addition to this, said the superintendent, "one of the jury came to the mill at Fairmount, in company with a strange gentleman whom I did not know, and I took him through the mill, explaining, as best I could, the different parts and their relative value, as submitted by the witnesses who were called on behalf of Mr. Wheeler; and as we walked out of the mill, he talked about the duties of road jurors in cases of this kind, and cited an instance where, I think, he had been on a jury, where the jury had been liberally treated, and the party that treated the jury liberally got good damages, whereas the others were small. I am not positive he said he was on that jury, my opinion is he said he was."

Some little while afterwards, three or four of the jury came to view the property, and the superintendent took them over the grounds, and afterwards, it being then night, gave them a supper. Nothing, he says, was said about money then, but a few days afterwards some other jurymen called, and "suggested that, inasmuch as all the jury did not get the good supper, he ought to take them out again." Which he did. There was a good deal of other evidence before the Court of instances in which members of the jury had come to those whose property they had to value, and "asked for something," and one of the owners appears to have spent an evening in treating the jury to lager-beer and similar arguments; he declared, however, that he had refused to give them money.

Upon this evidence the court set aside the report—*i.e.*, the valuations of the jury, the ground of the decision being, not that the valuations were the result of bribery, for there was no evidence that money had actually been given them; but that the valuation of such persons as they had shown themselves to be, could not in any case be allowed to stand.

This case then shows to what a juryman *may* come. Our own juryman, we believe, is a long way as yet above this point. As an elector he might, perhaps, accept, if not "ask," for something; but as a juror he is incorrigibly honest. Whatever may be his faults, obstinate, dull, though he sometimes may be, let us give him credit for his incorruptibility, and rejoice that in this respect he is what he is.

NOTES OF ENGLISH DECISIONS.

(From the *Law Times*.)

Taxation of Costs—Master's Discretion.—The Master refused, upon taxation, to allow—1. Counsel's fees for consultation on demurrer. 2. Costs of a conference concerning special admissions, which saved the necessity of a commission. 3. A larger fee to junior counsel than a nominal one to take notes. 4. The refresher usual for a Q. C. to the junior counsel: Held, upon application to review the taxation, that these matters were within the Master's discretion, and that he had exercised that discretion properly: (*Kidstone* v. *The Empire Marine Insurance Company*, 16 L. T. Rep. N. S. 286. C. P.)

Breach of Agreement—Penalty.—Where a sum is mentioned as a proper sum to be paid under an agreement for a breach thereof the court will not grant an injunction to enforce the conditions of the agreement: (*Young* v. *Chalkley*, 16 L. T. Rep. N. S. 286. C. P.)

Security for Costs.—In an action brought by an administrator under Lord Campbell's Act for the benefit of the deceased's widow and children, the court refused to order security for costs to be given merely on the ground that the plaintiff was suing wholly for the benefit of others. Bramwell, B., says that the rule is not to order security for costs unless it is shown that the plaintiff, besides being merely the nominal plaintiff, is also in insolvent circumstances. And Martin, B., observed that the court ought not to order security for costs in an action brought under the Act by an administrator unless there has been something like practice in the case: (*Larsen* v. *The Monmouth-*

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shire Railway and Canal Company, 16 L. T. Rep. N. S. 289. Ex.)

Error—Amendment of Pleadings—Where on a motion in arrest of judgment the court below has amended the pleadings, the Court of Error will not consider the propriety of the amendment, but will consider the pleadings as amended: (*Indermaur* v. *Dames,* 16 L. T. Rep. N. S. 293. Ex. Ch.)

Married Woman—Separation.—Where a married woman having separate property was living with her daughters away from her husband without his consent, but occasionally seeing him, it was left to the jury to determine whether a rupture had taken place between the husband and wife of such a kind as to deprive her of her authority to pledge his credit for necessaries supplied to herself and daughters: (*Crocker and another* v. *Napper,* 16 L. T. Rep. N. S. 295. Nisi Prius).

Retaking Goods—Excess.—A tradesman from whom goods are fraudulently obtained may retake them, but must not remain in possession of the house whilst the goods are being taken away: (*Dixon* v. *Hewetson and another,* 16 L. T. Rep. N. S. 295. Nisi Prius).

False Imprisonment—Payment into Court.—In an action for false imprisonment a plea of payment into court is not a valid plea. The refusal of a judge at chambers to strike out the plea on an opposed application decides nothing as to the validity of the plea: (*Bennett* v. *Smerdon* 16 L. T. Rep. N. S. 296. Nisi Prius).

Newspaper—Registration of Proprietors.—The object of registration is not only to fix a person in case of libel, but also for goods supplied for the use of the paper: (*Glennisson* v. *Robertson,* 16 L. T. Rep. N. S. 298. Nisi Prius).

Probate Practice.—The executors under a will cited the executors and residuary legatees named in an alleged codicil, which revoked their appointment and altered the disposition of the real estate, to show cause why it should not be pronounced null and void. The executors cited appeared, but filed no declaration propounding the codicil. The Court, under these circumstances, allowed the executors under the will to cite the heir-at-law and parties interested in the real estate under the alleged codicil to see proceedings, and to appear and be made defendants thereto if they or either of them considered it their interest so to do: (*Corner* v. *Parnell,* 16 L. T. Rep. N. S. 299. Prob.)

Attesting Witnesses.—Where the parties whose names appeared as attesting witnesses on the face of a will which was disputed by the widow, declined to state the circumstances under which it was executed, the court refused to order their attendance for the purpose of examination, or to allow of interrogatories being put to them on the subject by the widow: (*Evans* v. *Jones,* 16 L. T. Rep. N. S. 299. Prob.)

Prosecution for Fraud—Costs.—Where a fraud has been committed by a bankrupt and other persons jointly, and they are successfully prosecuted, the costs of prosecuting all the persons charged jointly with the bankrupt in the perpetration of the fraud will be allowed out of the chief registrar's account: (*Ex parte Allen, re Levi,* 16 L. T. Rep. N. S. 270. Chan.)

Marriage-Settlement—Costs.—B. previously to marriage agreed to settle after marriage all of his household furniture on his wife for her sole use and benefit. At the time of the marriage B. had some furniture, his wife had some, and some was purchased subsequently. Three years after the marriage B., when in debt, settled on his wife and children all of the furniture then in his possession. Shortly afterwards he became bankrupt, and on the assignee in bankruptcy claiming the furniture on behalf of the creditors, a suit was instituted by the trustees of the settlement for a declaration that the furniture had been validly settled on the wife and children. It was held that the furniture was subject to the trusts of the settlement, and that the plaintiffs were entitled to a declaration to that effect with costs: (*Brashier* v. *Wyatt,* 16 L. T. Rep. N. S. 275. V. C. S.)

Composition Deeds—Assents.—It is not necessary that a composition-deed should be in existence when the creditors in writing assent to it, as required by sect. 192 of the Bankruptcy Act, 1861; but it is necessary that the terms of the assents should be precise, and that the deed should correspond with them in every material particular: (*Rutty* v. *Benthall,* 16 L. T. Rep. N. S. 287. C. P.)

Contributory—Subscriber of Memorandum of Association—B. signed the memorandum of association for five shares, but never executed the articles of association. The shares were not entered in any of the company's books, and B. never paid anything in respect of them; but the directors afterwards allotted to him five paid-up shares. These were held to be in addition to and not in substitution for the five shares agreed by the memorandum of association to be taken, and that he was liable as a contributory for the amount of such shares: (*Ex parte Migiotti,* 16 L. T. Rep. N. S. 271. M. R.)

Misrepresentation in Prospectus—Acquiescence.—In June, 1855, B. took shares. In Jan., 1866, he instituted inquiries and found that the shareholders were dissatisfied, and that a meeting was to be held to discuss the affairs of the company, which he attended, but left in the middle of it. On July 3 the directors made a report, a copy of which was sent to B., which clearly showed falsehood in the prospectus. On July 6 B. paid calls, and on the 7th went abroad. On his return he made further inquiries, and found that a winding-up order was to be applied for, that if he supported it he would be a loser, but otherwise if he joined the directors in opposing in it. He was held to have precluded himself by acquiescence from claiming exemption on the ground of alleged misrepresentation in the prospectus: (*Ex parte Blackstone,* 16 L. T. Rep. N. S. 273. M. R.)

Contributory—Name wrongly upon the Register.—B., without authority from C., applied as his agent for shares, and C. was thereupon registered as a shareholder. On allotment C. wrote to B., repudiating the transaction, and calling upon him to "rectify the mistake." A call being made, B. wrote to the secretary informing him of the mistake, and requesting that C.'s name might be taken off the register. This was not done, and the company was afterwards wound-up. The Court removed C.'s name from the list of contributories, with costs: (*Ex parte White,* 16 L. T. Rep. N. S. 276. V. C. S.)

Practice.—Where a winding-up order has been made by the Court of Ch., a judge at Nisi Prius will not stay further proceedings in an action against the company after the cause has been called on and the jury sworn: (*Henderson* v. *The Peruvian Railway Company,* 16 L. T. Rep. N. S. 297. Channell, B.)

Contributory—Contract to take Shares.—Before incorporation the promoter of a hotel company requested E. to supply necessary articles to the proposed hotel, saying that he would be expected to accept shares for £1,500, and that the order would amount to £3,000. E. by letter assented to the offer, stipulating that scrip should be at once delivered to him, and that it should be in no way different from ordinary shares, and should be as readily negotiable; and that he should incur no liability, nor be called on to sign the articles of association, nor to pay calls, until all the goods were supplied and paid for in cash. He sent in the usual form of application for 150 shares, and paid the deposit of £75. The promoter replied at once, agreeing in the main to the terms, but introducing some variations, which were in the end acceded to by E. The company was then incorporated, and soon after a letter of allotment for 150 shares was sent to E. Nearly four months later E. paid 30s. per share, which was required to be paid on allotment; the certificates of the shares were handed to, and have ever since been retained by him, and his name was put upon the register as the owner of the shares. From that time he appears to have been treated as a shareholder, except that no calls were demanded of him. The hotel was

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never finished, no goods were ordered, and the company was now being wound-up: Held (reversing the decision of Wood, V. C.) that E., whatever his intention and understanding, had by his conduct concluded a complete contract with the company to take, and had taken the shares, and had thereby rendered himself liable to contribute to the payment of the creditors. Whether E. had a right to an indemnity from the company against calls or otherwise might be a question depending upon the consideration whether the agreement was or was not *ultra vires* of the directors: (*Elkington's case*, 16 L. T. Rep. N. S. 301, L. J.J.)

RECTIFICATION OF REGISTER.—A shareholder seeking to have his name removed from the register on the ground of misrepresentation in the prospectus, and its difference from the memorandum and articles of association, must satisfy the court that he used due diligence to repudiate his shares, and immediately on knowledge of the fact, made his application to the court: (*Jackson's case*, 16 L. T. Rep. N. S. 278. V. C. W.)

RAILWAY COMPANY—ASSIGNMENT OF ROLLING STOCK—ILLEGALITY—LLOYD'S BOND.—The plaintiff, to whom a Lloyd's bond, given by a railway company, had been assigned in consideration of money advanced, and without notice of any illegality in connexion therewith, sued the company upon the bond in the name of the obligee. The action was compromised before judgment upon the terms that the company should execute an assignment of their rolling stock to secure the money advanced by the plaintiff, which they accordingly did. The defendant, an execution-creditor of the company, subsequently took part of the stock assigned in execution: Held, that upon the trial of an interpleader issue to ascertain whether the property in the goods seized was in the plaintiff as against the defendant, evidence tending to show that the bond was illegal was rightly rejected. And also that, whether an assignment by a company of all its rolling stock was *ultra vires* and illegal or not, as against the defendant, an execution-creditor, the assignment in question being a substitute for judgment and execution, the plaintiff was entitled to the goods: (*Blackmore* v. *Yates*, 16 L. T. Rep. N. S. 288. Ex.)

THE LAW STUDENTS' JOURNAL.

NOTICE.

The preliminary examination of Candidates for Apprenticeship will be held at the Solicitors' Hall, Four Courts, Dublin, on Friday, the 24th and Saturday, the 25th days of May, 1867, *at eleven o'clock*.

The final examination of Candidates seeking admission as Attorneys will be held at the same place, on Monday, the 27th, and Tuesday, the 28th days of May, 1867, *at the same hour*.

By order of the Council,
JOHN H. GODDARD, Secretary.

Solicitors' Hall, Four Courts, Dublin,
18th April, 1867.

All Candidates to attend on Wednesday, the 29th of May, at three o'clock, p.m., to hear decision of Court of Examiners.

The following instructions to Candidates have been printed by the Court of Examiners:—

PRELIMINARY EXAMINATION.

INSTRUCTIONS FOR CANDIDATES.

1. The Preliminary Examination will commence each day at eleven o'clock, a.m., and conclude at half-past three, p.m. Candidates not in attendance at eleven o'clock, ready to be placed by the special examiner, will not, after that hour, be allowed to present themselves for examination.
2. On the first day printed papers, containing questions in history, geography, arithmetic, and book-keeping, will be handed to each candidate.
3. The answers to questions under the above-mentioned heads are to be written concisely, in a plain and legible manner, on separate sheets of paper for each subject, on one side only, leaving a margin on the left hand side of each sheet, and the name of each candidate to be written at the head of each paper.
4. The candidates are not required to answer all the questions in these papers. They will give such time only to each subject as will enable them to answer as many of the questions as possible within the time limited.
5. Candidates will not be allowed to consult any book during the examination, nor to communicate with, receive assistance from, nor copy from the paper of another; and in case this rule be infringed, the names of such persons will be immediately struck out of the list of candidates, and their examination will be forfeited.
6. After the examination has commenced candidates shall not leave the hall (without permission from the Examiners) until they shall have delivered in their answers; and any candidate who leaves the hall without such permission will not be allowed to return.
7. When each candidate has concluded his papers he is to fold up and endorse each set separately with his name and the name of each subject, and hand them to the Special Examiner at the Examiners' table.
8. Candidates postponed at Easter Term Examination in any year shall not be allowed to present themselves for examination until the next Michaelmas Term, unless the Court of Examiners, under special circumstances, see fit to dispense with this rule.

On the second day, the candidates will be required to write from dictation a passage to be selected by the Special Examiner.

Also to write a short English composition from a given subject.

And to read, translate, and parse short passages from first three books of Virgil's Æneid, Sallust, and Cæsar's Commentaries. Scanning, though not absolutely necessary, will be taken into account.

FINAL EXAMINATION.

INSTRUCTIONS FOR CANDIDATES.

1. The Final Examination will commence each day at eleven o'clock, a.m., and conclude about three o'clock, p.m. Candidates not in attendance at eleven o'clock will not, after that hour, be allowed to present themselves for examination.
2. On the first day, papers of questions in common law, real property, and equity will be handed to each candidate.
3. The answers to questions under the above-mentioned heads, are to be written concisely, in a plain and legible manner, on separate sheets of paper for each subject, on one side only, leaving a margin on the left hand side of each sheet, and the name of each candidate to be written at the head of each paper.
4. The candidates are not required to answer all the questions in these papers. They will give such time only to each subject as will enable them to answer as many of the questions as possible within the time limited.
5. Candidates will not be allowed to consult any book during the examination, nor to communicate with, receive assistance from, nor copy from the paper of another; and in case this rule be infringed, the names of such persons will be immediately struck out of the list of candidates, and their examination will be forfeited.
6. After the examination has commenced candidates shall not leave the hall (without permission from the Examiners) until they shall have delivered in their answers, and any candidate who leaves the hall without such permission will not be allowed to return.
7. When each candidate has concluded his papers he is to fold up and endorse each set separately with his name and the name of each subject, and hand them to the Special Examiner at the Examiners' table.

On the second day, the Examiner will propose questions *vivâ voce* in Practice of the Court of Chancery and Common Law Courts, Probate Court, Landed Estates' Court, and Court of Bankruptcy and Insolvency.

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THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

NOTICE.

Saturday next, the 25th instant, having been appointed to be kept as Her Majesty's birth-day, the respective offices of the Three Superior Courts of Common Law will be closed pursuant to the statute.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are appointed.

Monday—Before JUDGE DOBBS.

James J. Flynn, schedule.—George Wright, building lease.—John Alexander, vary ruling.

Before the EXAMINER.

James Byrne, proofs.—John J. Maher, rental.—J. S. Cave, rental.

JUDGE LYNCH will not sit.

Tuesday—Before JUDGE LYNCH.

SALES.

Heir-at-law of Sir George Whitford—1 lot—Queen's co.—fee farm and leases—profit rent, £252.—Solr., *George Bolton.*

James D. O'Rorke—1 lot—city of Dublin—lease—profit rent, £30.—Solr., *J. D. Meldon and Son.*

W. R. Farmer and others—8 lots—Wexford—fee—profit rent, £1,002 13s. 6d.—Solr. *George Bernard.*

Before the EXAMINER to JUDGE DOBBS.

James Sargent, rental.—John Stafford, do.—Anne Bennett, proofs.

Wednesday—Before JUDGE LYNCH.

Edward Finch, final schedule.—Assignees of Thomas R. Rice, do.—Catherine Scott, do.—Thomas Mackie, do.—George Knox, explain delay.

Before the EXAMINER.

Rev. J. N. H. Thomas, to allocate.—H. Shallcross rental.—A. Donaldson, to vouch.—Samuel W. Ward, do.—F. Duncan, do.

Before Mr. UBLIN.

Sir W. Palmer, proofs.

Thursday.

NOTICE.—JUDGE LYNCH will not sit again till Monday the 27th inst.

Before Mr. UBLIN.

John Wilmot, settle rental.

Saturday.

This being the day appointed to be kept as Her Majesty's Birth-day, the Judges will not sit, and the several Offices of the Court will be closed.

LANDED ESTATES' COURT.

PETITIONS FILED, *from 11th to 17th May*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
May 11	3836	Trustees of Belfast Academy	*The Owners, for declaration of title*	Antrim	442 12 7	*L'Estrange & Brett*	Lynch
May 13	2632A	William Johnston	*The Owner—Supplemental petition for declaration of title*	Down	162 4 11	*J. Warnock*	Dobbs
,,	2974B	John Stanley & others	*B. Winterton and another*	Antrim	20 15 9	*Wm. M. Collins*	Dobbs
,,	3837	John Gossan	*Chris. Buchannan*	Down	24 8 5¼	*A. Collum*	Dobbs
May 14	3838	Patrick Boylan	*The Owner*	Meath	126 2 10	*John Thos. Hinds*	Lynch
,,	3839	Bernard Doyle	*John Malcomson*	Carlow	76 2 9¾	*Robt. Malcomson*	Dobbs
May 15	3840	Charlotte MacDonnell	*Richd. John O'Grady*	Mayo	23 10 0	*Dillon and Hart*	Lynch
,,	3714A	Thos. Reilly & another, trustees of the Will of James M'Fadden, deceased	*The Owners*	Leitrim	27 13 10	*W.K.O'Shaughnessy*	Dobbs
May 16	3841	James J. Madden	*Teresa Madden and others*	Roscommon	130 0 0	*John Thos. Hinds*	Dobbs

LANDED ESTATES' COURT.

SALES.

May 10.—Before the Hon. JUDGE DOBBS.

COUNTY OF CLARE.—Estate of John Bingham, owner; John Barry, petitioner.

Part of the lands of Scartduff, situate in the barony of Tulla, held for two lives (one of them in being) from 1825 and 31 years from the death of the survivor, containing 55 acres; estimated rental, £31 4s. per annum. Sold to Mr. C. M'Clane for £700. Solicitor, *Daniel Doyle.*

COUNTY OF CLARE.—Estate of the Rev. Wm. A. Scott, owner; Daniel Hunt, petitioner.

Drumsallagh, in the barony of Lower Tulla, held in fee farm, containing 523 acres; net rental, £146 10s.; Ordnance valuation, £125 15s. Sale adjourned. Solicitor, *W. Hitchcock.*

COUNTY OF DUBLIN.—Estate of Michael Metcalfe, owner; John Martin, petitioner.

Part of the lands of Cappogee, with the dwelling-house and out-offices therein, situate in the parish of Castleknock,

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held for 21 years from 1852, at the head rent of £182 10s., containing 117a. 2r. 19p. Sold to J. Kearns for £525. Solicitor, *John Martin.*

COUNTY OF DUBLIN.—Estate of James Keegan, owner and petitioner.

Part of the lands of Priesthouse, known as Belgrove, barony of Rathdown, containing 17a. 3r. 39p., held for 98 years from September, 1788; estimated profit rent, £121 15s. The sale was adjourned, the biddings only reaching £200. Solicitors, *Hone and Son.*

COUNTY OF SLIGO.—Estate of Cairncross D. Cullen and another, owners; Johnston Teevan, petitioner.

The reversion in fee, expectant on the death of a lady now aged about 66 years, in part of the lands of Grange, situate in the barony of Carbery, containing 283a. 2r. 27p.; net rental, £208 9s. Sale adjourned. Solicitor, *Johnston Teevan.*

COUNTY OF WATERFORD.—Estate of John M. Maher, owner; David Slaney, petitioner.

Two dwelling-houses situate in Strand-street, in the town of Tramore, held for 61 years from 1847; net rental, £69. The petitioner purchased at £450. Solicitor, *Pierce Kelly.*

COUNTIES OF WESTMEATH AND DUBLIN.—Estate of Sir Wm. Palmer, Bart., owner and petitioner.

Lot 1. Sold by private contract.

Lot 2. Part of the lands of Milltown, situate in the barony of Rathmichael, held in fee farm, containing 268a.; net rent, £276. Sale adjourned.

Lot 3. Part of the lands of Newtown, situate in the barony of Uppercross, containing 84a.; net rental, £140 15s. Sale adjourned. Solicitors, *Gresson and Clarke.*

COUNTY OF GALWAY.—Estate of the assignees of Edmund Burke and another, owners; James J. Scallan, petitioner.

Lot 1. Drummandeerane, situate in the barony of Leitrim, held in fee simple, containing 81a.; net rental, £63 11s. 2d. Sold to Mr. White for £1,330.

Lot 2. Furnace and other denominations, same barony, containing 316a.; net rental, £176 6s. 11d. Sold to Colonel Cooper for £2,900.

Lot 3. Mansion-house and demesne lands of Tintrim, held in fee simple, same barony, containing 201a.; net rental, £160. Sold to Mr. Dalton, in trust, at £2,900. Solicitor, *Edward M. Duffy.*

COUNTY OF DUBLIN.—Estate of Alicia Mulhall and others, owners and petitioners.

Lot 1. Scully's Acre, &c., situate in the barony of Uppercross, held for 21 years from 1864 (Bishop's lease renewable), containing 648a.; net rental, £164. Sold to Mr. Fleming for £3,520.

Lot 2. Perpetual rent-charge of £14 5s. 2d., payable out of part of the lands of Cappagh, containing 49a. 3r. 22p.; Ordnance valuation, £56 6s. Same purchaser, at £275.

Lot 3. Rent-charge of £5 13s. 11d., payable out of other portions of same lands, containing 41a.; valuation, £81. Sold to Mr. Whitton for £80.

Lot 4. Rent-charge of £5 5s 3¼d., payable out of part of the lands of Redcow Farm, containing 22a. Sold to the Very Rev. the Dean of St. Patrick's for £80.

Lot 5. Rent-charge of £9 6s. 10d., payable out of the lands of Lord's Lease, containing 50a. Sold to Mr. Meade for £170. Solicitors, *Smith and Barry.*

COUNTIES OF GALWAY, CLARE, AND DUBLIN.—Estate of John Stratford Kirwan, owner and petitioner.

COUNTY OF GALWAY.

Lot 1. Part of the lands of Ballyboy, held in fee, containing 268a.; net rental, £116 6s. 4d. Sold to Mr. Adair for £2,400.

Lot 2. Ballygaddy, held in fee-simple, containing 189a.; net rental, £160 9s. 4d. Sold to Mr. William Martin Blake for £2,450.

COUNTY OF CLARE.

Lot 1. Garooghill, held in fee simple, containing 242a.; net rental, £76 2s. 5d. Sold to Mr. Thomas Keane for £1,240.

Lot 2. Boolavan, containing 176a.; net rental, £76 2s. 5d. Sold to Mr. Thomas Keane for £1,240.

Lot 3. Ploonanaha, containing 412a.; net rental, £156 3s. 6d. Sold to Mr. Dillon for £2,500.

Lot 4. Rineanna South, containing 182a.; net rental, £305 1s. 4d. Sold to the Hon. Robert O'Brien for £5,050.

Lot 5. Part of Rineanna North, containing 144a.; net rental, £192. Sold to Mr. Frost for £3,600.

Lot 6. Pheenish, held in fee farm, containing 177a.; net rental, £235 9s. 7d. Sold to Mr. Frost for £4,600.

COUNTY OF DUBLIN.

Lot 1. Part of the lands of Mountashtown, held in fee farm, containing 15a. 3r. 26p.; net rental, £56 10s. Sold to Mr. Crozier, in trust, for £1,025.

Lot 2. Part of Churchtown, held in perpetuity, containing 23a. 3r. 35p.; net rental, £29 7s. 7d. Sold to Mr. Loftus Buckley for £250.

Lot 3. Part of the lands of Piercetown, held in fee, containing 13a.; net rental, £19 10s. Sold to Mr. Yourell for £395. Solicitors, *Hallowes and Hamilton.*

MAY 14th.—Before the Hon. JUDGE LYNCH.

CITY OF DUBLIN.—Estate of George G. Stokes and George Symes, owners and petitioners.

Lot 1. The ground, house, and premises, 12, Stephen's-green, North, held under fee farm grant, dated 1713, producing the annual profit rent of £91 13s. 10d.; tenement valuation, £68. Sold to Mr. Billing for £1,510.

Lot 2. Ground, house, and premises, 28, Dawson-street, and plot of ground on which fronts of 29, 30, 31, and 32, Dawson street, stand, together with the fronts of those houses; held under fee farm grant, dated 1713, and producing the annual profit rent of £65; tenement valuation, £158. Sold to the Hon. P. F. Little, in trust, for himself and Dr. P. C. Little, for £1,070. Solicitor, *Samuel Bruce.*

CITY OF KILKENNY.—Estate of John Cooskey Mee and others, owners; John Douglas, petitioner.

Five houses in Parliament-street and James's-street, held under fee farm grant, dated 1705, net yearly rent, £58 13s. 7½d.; tenement valuation, £841 5s. Sold to Mr. Valentine O'Brien O'Connor for £820. Solicitor, *Alexander M'Combe.*

COUNTY KILKENNY.—Estate of Christian Wilson and Benjamin Torton Wilson, owners and petitioners.

Lot 1. Townland of Rossroe, containing 147a. 5p. statute measure, in the barony of Gowran, held in fee simple, net yearly rent, £86 12s. 5d.; Government valuation, £55 15s. Sale adjourned.

Lot 2. Fee farm of £113 1s. 6½d. out of the lands of Counfiely, barony of Fassadinnin. Sold for £2,330 to Mr. Joseph Tabuteau, of Middle Abbey-street. Solicitors, *Little and Algee.*

COUNTY OF WEXFORD.—Estate of Thomas Mackie, owner; Charles Copland, petitioner.

Part of the lands of Ballingale, barony of Scarawalsh, containing 172a. 2r. 25p. statute measure; private valuation, £71 7s. 6d. yearly; held under lease for three lives, or 31 years from 1860. Sold to Mr. Patrick Sinnott, of Ferns, for £626. Solicitor, *Orpen, Sons, and Sweeny.*

COUNTY OF TIPPERARY.—Estate of Octavius La Touche, owner and petitioner.

Part of the lands of Rodeen, barony of Lower Ormand, containing 105a. 2r. 10p. statute measure; held in fee; private valuation, £130 12s. 2d. per annum. Sold to Mr. Daniel O'Brien, of Janeville, Bray, for £2,830. Solicitors, *Gaussen and Son.*

COUNTY OF ROSCOMMON.—Estate of Louisa Bridget Taaffe and others, owners; John N. Ferrall and others, petitioners.

Lot 1. Already sold.

Lot 2. Part of the lands of Ballyglass, barony of Castlerea, held in fee, containing 372a. 2r. 22p. statute measure; annual rent, £194. Sale adjourned, biddings having reached only £3,550.

Lot 3. Part of same lands, containing 322a. statute measure; same tenure; annual rent, £401 16s. 8d. Sale adjourned, biddings having reached only £6,020.

Lot 4. Part of the lands of Tallaghan, same barony, same tenure, containing 241a. 0r. 25p. statute measure; annual rent, £324 7s. Sale adjourned.

Lots 2, 3, and 4 were then offered for sale together, but the biddings only reached £10,000, and the sale was then adjourned. Solicitor, *Patrick Nolan.*

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
May 20	12 o'clock	S. H. Groom	Prove debts and vouch assignees acct.	*Molloy & Watson*
"	"	Asken Morrison	do.	*Orpen & Sweeney*
"	"	Mathew Drysdale	Examination of witnesses	*Findlater & Collins*
"	"	W. N. Atkinson	Costs	*Carson*
"	"	P. Bingham	do.	*Bloomfield & Leahy*
"	"	R. Hannigan	do.	*Leachman*
"	"	Samuel Pickering	do.	*Bradley*
		Tuesday. Before the COURT.		
May 21	11 o'clock	John Woods	Final examination	*Molloy & Watson*
"	"	Thomas W. Nealor	do.	*Meldon*
"	"	Edward Rothwell	Composition	*Larkin*
"	"	J. D. O'Rorke	Final examination	*Perry*
"	"	John F. Clarke	do.	*Mulhall*
"	"	John Richmond	do.	*Vogan*
"	"	Arrangement case	First sitting	*Perry*
"	"	do.	Second sitting	*Perry*
"	"	do.	do.	*Perry*
"	"	do.	do.	*Molloy & Watson*
"	"	do.	do.	*Kelly*
"	"	do.	First sitting	*Boughey*
"	"	Michael Flood	Sur., prove debts, and choose assignee	*Forsythe*
"	"	Daniel Lyons	do.	*Meldon*
"	"	Charles Langford	do.	*Dodd*
"	"	The Patent Peat Company	Motion	*West*
		Wednesday. Before the COURT.		
May 22	11 o'clock	Thomas Reynolds	Final examination	*Hamilton & Craig*
		Thursday. Before Mr. BRADY, Chief Registrar.		
May 23	12 o'clock	A. W. Gihon	Proof of debts and vouch account	*Black*
"	"	J. C. North	do.	*Bloomfield & Leahy*
"	"	Arrangement case	do.	*Newtons & Armstrong*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Perry*
		Friday. Before the COURT.		
May 24	11 o'clock	Thomas Sharp	Final examination	*Black*
"	"	Thomas O'Toole	do.	*Stuart*
"	"	Hugh Porter	do. and adjourned assignee	*Riddick*
"	"	James M'Parland	do.	*Tinkler*
"	"	A. O. Taylor	Final examn. and examin. of witness.	*Irvine*
"	"	Charles Johnston	Sur., prove debts, and choose assignee	*Connell*
"	"	Patrick Ronayne	do.	*Perry*
"	"	Arrangement case	First sitting	*Larkin*
"	"	do.	do.	*M'Kenny*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Cronkelm*
"	"	Mary Foley	Sur. prove debts, and assignee	*Leachman*

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TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
May 14	M'Parland, James	Robert Nixon, of Rathfarnham, co. Dublin, merchant	*Tinkler*
"	O'Toole, Thomas	James J. O'Brien, of Mary's Abbey, Dublin, provision dealer	*Fay and M'Gough*
"	M'Dermott, Edward	James F. Lombard, of Henry-street, Dublin, merchant	*Larkin*
"	Rowland, Ellis	Edward P. Cowen, of Belfast, merchant	*Hazlett*

BANKRUPTS.

Foley, Mary, of Killorglin, county of Kerry, widow, hotel keeper, draper, and general dealer. Petition for arrangement, filed 26th April, 1867. To surrender Friday, May 24, and Tuesday, June 11. L. H. Deering, Official Assignee. *Leachman*, solr.

Johnston, Charles, of No. 40, Pope's-quay, city of Cork, corn, flour, cement, and commission agent. Petition of bankruptcy, filed 3rd May, 1867. To surrender Friday, May 24, and Tuesday, June 11. L. H. Deering, Official Assignee. *O'Connell*, solr.

Ronayne, Patrick, of Dungarvan, county of Waterford. Petition of bankruptcy, filed 7th May, 1867. To surrender Friday, May 24, and Tuesday, June 11. L. H. Deering, Official Assignee. *Perry*, solr.

Moran, Martin W., of Tuam, in the county of Galway, grocer and general merchant. Petition for arrangement, filed 22nd March, 1867. To sur. Tuesday, May 28, and Friday, June 14. L. H. Deering, Official Assignee. *Scallan*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
May 20	12 o'clock	John Pinkerton	To prove debts	*Bloomfield*
"	1 o'clock	Edmond B. O'Reilly	do.	*Macnally*
"	"	William Crawford	do.	*Macnally*
"	"	Edward Curran	do.	*Macnally*
		Tuesday.		
May 21	12 o'clock	Michael Callaghan	To tax costs	*Perry*
"	"	John Barrett	do.	*Macnally*
		Wednesday. Before the COURT.		
May 22	11 o'clock	Michael Callaghan	Audit and dividend	*Perry*
"	"	John Barrett	do.	*Macnally*
"	"	Francis Kane	To prove debts and choose assignee	*O'Rorke*
"	"	David Moran	Notice of motion	*Duff*
"	"	Isabella Georgina Brabazon	Adjourned do.	*Boughey*
"	"	John Gleeson	do.	*Moriarty*
"	"	John Barrett	do.	*Macnally*
"	"	James Joseph Lee	Hearing of petition	*M'Kenny*
"	"	Catherine Dowding	do.	*Murray*
"	"	John M'Nevin	do.	*M'Kenny*
"	"	William Grace	do.	*M'Kenny*
"	"	Denis Kinsella	do.	*Graves*
"	"	Hugh Lyons Montgomery	Adjourned hearing	*Graves*
		Friday.		
May 24	11 o'clock	———	For Bail Motions only.	———
		Saturday. Before the CHIEF CLERK.		
May 25	12 o'clock	George S. Murray	To vouch assignee's account	*Macnally*
"	"	Thomas Monaghan	do.	*Macnally*
"	"	John Pinkerton	do.	*Bloomfield*
"	"	William Hannon	do.	*Macnally*
"	"	John Irwin	do.	*Bradley*
"	"	Edward Coneys	do.	*Caicy*
"	1 o'clock	John Roney	Charge and discharge	*Wallace & Co.*

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DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	SOLICITOR	OFFICIAL ASSIGNEE
May 1st	Barry, Nicholas,	2nd and final dividend $1\frac{5}{8}$d. in £ on £1,289.	*Macnally*	*James*
,,	Bashford, George,	1st and final dividend 1s. 3¼d. in £ on £224.	*Macnally*	*James*
,,	Brien, Eliza	1st dividend of $\frac{3}{16}$ of 1d. in £ on £210.	*Macnally*	*James*
,,	M'Carthy, Jeremiah,	1st dividend of 7s. 4d. in £ on £19.	*Macnally*	*James*
,,	Scullion, James,	1st and final dividend 2s. $10\frac{1}{16}$d. in £ on £208.	*M'Cully*	*James*

CASES DISPOSED OF.

Wednesday, May 15, 1867.

Before JUDGE MILLER.

Greene, Henry. Discharged.
Hart, Anne Frances Harriett. Discharged.
Strain, William. The Insolvent was called in open Court, but did not appear.
O'Brien, Michael Joseph. Petition dismissed.

INSOLVENTS DISCHARGED ON BAIL

until the Hearing of their petitions.

Dalton, Charles, Belfast, musical warehouse proprietor.
Delany, Martin, county Cork, shopkeeper.
Egan, Patrick, county Waterford, draper and farmer.
Fahy, Patrick, Galway, grocer and provision dealer.
M'Govern, Mary, county Mayo, widow and shopkeeper.
Reilly, Christopher, county Meath, shop assistant.
Ryan, Patrick, county Limerick, dairyman.
Shea, James, county Kerry, shopkeeper and grocer.
Whelan, Jeremiah, county Kerry, labourer.

INSOLVENTS.

To be heard in Dublin.

Tobin, Michael, of Carrickmacross, co. of Monaghan, grocer and spirit and provision dealer. Hearing on Wednesday, May 29, at 11. *Graves*, solicitor.

Lynch, Peter, of Archibold-place and Little Green, both in the city of Dublin, egg dealer and egg factor's assistant. Hearing on Wednesday, June 5, at 11. *M'Kenny*, solicitor.

To be heard in the Country.

Cussen, Robert of Kilberehert, co. of Cork; previously of Curraheen, in said county, farmer, now farmer's labourer. Hearing at Cork, July 8, at 10. *Drinan* solicitor.

Shea, James, of Killorglin, co. of Kerry, shopkeeper and grocer; previously cooper and dealer in butter. Hearing at Tralee, June 20, at 10. *S. Huggard*, solicitor.

Foley, Bartholomew, of Midleton, co. Cork, previously of Springhill, in said county, dairyman. Hearing at Cork, July 8, at 10. *Drinan*, solicitor.

Beauman, James, of Kennitty, King's co., pensioner from the constabulary. Hearing at Tullamore, July 2, at 10. *Cooke*, solicitor.

Pauper Declarations Filed,

For discharge of Prisoners unless Creditors' Petitions filed within 21 days from date.

May 14.

Lynch, Peter, detained by Julia Quinn. *Cantwell*, solicitor.
Mooney, Anne, detained by Julia Quinn and Thomas Quinn. *Cantwell*, solicitor

May 17.

Hurst, William, detained by John Hogan. *Moorhead*, solicitor.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	MAY Sat. 11	Mon. 13	Tues. 14	Wed. 15	Thur 16	Fri. 17
Government						
New 3 p c Stock	89⅝	89¼	89⅝	89⅞	89¾	89⅞ 90
3 p c Consols	—	90¼	90⅛	90⅛	90⅛	—
Foreign and Colonial.						
India 5 p c Stock	—	—	109⅞	—	—	—
Joint-Stock Banks.						
Ireland, £100 pd	236	235	236	263½	—	—
Hibernian, £25 pd	—	37	—	37	37	37
Munster (Limited.), £3 10s pd ..	—	—	—	—	—	—
National, £30 pd	61	60¾	61	62	62	62
National of L'pool (Ltd.), £15 pd	—	—	—	—	13⅞	—
Provincial, £25 pd	—	84	84	84	84	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32⅞	33	—	33	33¼	—
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	13½	13⅝	—	—	13⅝
Steam.						
British & Irish, £50 pd ..	—	—	48	—	—	—
City of Dublin, £100 pd ..	—	100½	102	100¼	100¼	100¼
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	53¼	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	10¼	10¼	10¼	10¼	—	10¼
Do., £5 pd B	6	6	—	6	—	6
Do., £4 pd 2 C	4⅞	—	4⅞	4⅞	4⅞	—
Grand Canal, £100 pd	—	—	—	—	—	—
Patriotic Insurance, £10 pd ..	—	—	—	—	—	—
National Insurance, £25 pd ..	32½	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	44	44
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	—	—	—	—	—
Dublin & Kingstown, £100 pd ..	—	81½	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	—	—	—	—	—
D., W., & W., £100 pd ..	—	—	37	37	36	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	—	—	—	93	92½	92
Midland Gt. Western, £100 pd ..	—	55½	—	—	—	55½
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	47¾	47½	47¾	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	93¾	—	—	93¾	93⅞	93¾
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3½ per cent., 20th December, 1866.
Of Deposit—1½ per cent., 7th Februry, 1867.

Name Days—April 14th and May 30th.
Account Days—May 15th and May 31st.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of The Rev. Thomas Graham Smyth, Ralph Smyth, George Sackville Smyth, Amelia St. George Turton, the Rev. Henry Deane, Catharine Mary, his wife, Sackville William H. Thompson, St. John Thomas Browne, Geo. V. H. Browne, Elizabeth Catharine Browne, Amelia St. George Littlejohn, the Rev. W. D. Littlejohn, the Rev. Thomas Adderley Stopford, and Lewis F. B. Robertson. Owners and Petitioners.

TO BE SOLD, on TUESDAY, the 18th day of JUNE, 1867, before the Hon. Judge Lynch, at the Landed Estates' Court, Inn's-quay, in the City of Dublin,

A perpetual Annuity or Rent-charge of £11 1s. 6d., created by Indenture, dated 30th April, 1733, issuing out of certain houses and premises on Coal-quay, or Lavitt's-quay, four houses in Half Moon-street, and plot of building ground, situate in the Parish of St. Paul, and City of Cork.

Dated this 11th day of May, 1867.

HENRY ROBERT GREENE, Chief Clerk.

For Rentals and further particulars apply at the Landed Estates' Court, Inn's-quay, in the City of Dublin; to

Messrs. HODGES & SMITH, Grafton-street; or

JOHN THOMAS HINDS, Solicitor having Carriage of Proceedings, No. 28 Westmoreland-street, Dublin.

In the LANDED ESTATES' COURT.

SALE,

On TUESDAY, the 18th day of JUNE, 1867.

COUNTY OF DUBLIN.

In the Matter of the Estate of Michael O'Connor, Owner and Petitioner.

TO BE SOLD BY AUCTION, before the Honourable Judge Lynch, at the Landed Estates' Court, Inn's-quay, Dublin, on TUESDAY, the 18th day of JUNE, 1867, at Twelve o'clock noon, Four Dwelling Houses and Plots of Ground, situate at Glenageary-hill. Kingstown, in the County of Dublin, held for unexpired terms of Thirty-four and Thirty-three years, from March last, as specified in rental, subject to the yearly rent of £133, as set forth in rental. The letting value is £225; the tenement valuation is £126.

Dated this 11th day of May, 1867.

HENRY ROBERT GREENE, Chief Clerk.

MAXWELL & WELDON, Solicitors.

DESCRIPTIVE PARTICULARS.

The premises are situate at Glenageary-hill, within about a mile of the Kingstown Railway Terminus, and are enclosed by a wall about fifteen feet high.

The House No. 1, contains dining-room, ante-room, 4 bed-rooms, kitchen, servant's-room, pantries, &c.
" No. 2, contains dining-room, drawing-room, 4 bed-rooms, kitchen, servant's-room, pantrie , &c.
" No. 3, contains dining-room, drawing-room, 3 bed-rooms, kitchen, servant's-room, store-room, pantries, &c.
" No. 4, contains dining-room, drawing-room, 5 bed-rooms. kitchen, servant's-rooms, pantries, dairy, &c.

All the houses have water-closets and force-pumps, coal-vaults, &c.

There is a communicating door from the garden of each house to the passage at the rere.

In the garden, at the rere of No. 2, there is a greenhouse and grapery affording a good supply of grapes in the season.

There is an abundant supply of pure spring water to each house, and a large cistern in each yard for rain water.

There is a complete set of out-offices attached to No. 4, with superior stabling to accommodate three horses, coach-house, servant's or gardener's room, harness-room, hay-loft, cow-house, &c., with every requirement of a gentleman's establishment.

The garden attached to No. 4 contains a quantity of valuable fruit trees of all kinds; and there is also a large quantity of wall fruit trees round the wall of the entire premises.

The view from the rere of the houses is very fine, commanding Killiney and Dalkey, with the sea in the distance.

The entire premises are in perfect order, and the garden and grounds tastefully laid out and highly cultivated.

Intending purchasers can inspect the premises by applying to the owner at No. 2, Glenageary-hill, Kingstown.

Immediate possession of the houses, Nos. 1 and 2, will be given to the purchaser.

For Rentals and particulars apply to

MAXWELL & WELDON, Solicitors having Carriage of Sale, 37, North Great George's-street, Dublin; or to

MICHAEL O'CONNOR, Esq., the Owner, at No. 2, Glenageary-hill, Kingstown, County Dublin; or at

The REGISTRAR'S OFFICE, Landed Estates' Court, Inn's-quay, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850."

In the Matter of John Wilson, a Minor, by Ellen Wilson, his Mother and Guardian.

I HEREBY require all persons claiming to be Creditors of Charles Wilson, formerly of Ruisk, in the County of Meath, and late of Stillorgan, in the County of Dublin, Esq., deceased, who have not already furnished particulars of their claims, pursuant to the Notice dated 3rd November, 1866, already published, on or before the 31st day of MAY, instant, to furnish, in writing, to Mrs. ELLEN WILSON, Stillorgan, County of Dublin, the Administratrix of said Charles Wilson, deceased, or to JOHN THOMAS HINDS, Solicitor, No. 28, Westmoreland-street, the amount and particulars of their several demands, (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as she shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 15th day of May, 1867.

J. J. MURPHY, Master in Chancery.

JOHN THOMAS HINDS, Solicitor for the Petitioner, No. 28, Westmoreland-street.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of John Brady, and John Averell Cochrane, Executors of William Cochrane, deceased, Petitioners; Robert Strangman Cochrane, Respondent.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of William Cochrane, late of Drumard, in the County of Monaghan, Esquire, deceased, on or before the 1st day of JUNE next, to furnish, in writing, to JOHN BRADY, of Johnstown House, in the County of Fermanagh, Esq., and JOHN AVERELL COCHRANE, of No. 23, Brougham-street, Belfast, in the County of Antrim, Esq., the petitioners in this matter; or to JOHN DUDGEON, of No. 10, Lower Dominick-street, Dublin, their Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioners may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having claims affecting the real and freehold estate of the said William Cochrane, deceased, to file same, at my Chambers, Inn's quay, in the city of Dublin, on or before the 1st day of June next, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1867.

Dated this 8th day of May, 1867.

EDWARD LITTON, Master in Chancery.

JOHN DUDGEON, Solicitor for the Petitioners, No. 10, Lower Dominick-street.

STATUTORY NOTICE TO CREDITORS.

In the Goods of Maximilian Malassez, of Dundrum, in the County of Dublin, late Assistant Commissary-General in Her Majesty's Army, deceased.

NOTICE is hereby given, pursuant to the Statute of the 22nd and 23rd Vic., chap. 35, intituled "An Act to Further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors of, or to have any claims or demands upon or affecting the Estate of Maximilian Malassez, of Dundrum, in the County of Dublin, late Assistant Commissary-General in Her Majesty's Army who died on the 14th day of April, 1867, at Dundrum, in said County are hereby required, on or before the 15th day of JUNE next, to furnish the particulars, in writing, of such claims or demands to JAMES FARQUHAR, of Bermuda Lodge, Booterstown, in the County of Dublin, Esq., one of the Executors of said deceased, and to whom Probate was granted by the Principal Registry of Her Majesty's Court of Probate in Ireland, on the 29th day of April, 1867; or to THOMAS GEOGHEGAN, his Solicitor, No. 16, Upper Ormond-quay, Dublin. And Notice is hereby further Given, that after the said 15th June next, the said Executor will proceed to distribute the Assets of the said deceased, according to the rights of the parties interested, having regard only to the demands, claims, debts, or liabilities of which the said Executor, or his Solicitor, shall then have had Notice, and that the said Executor will not be liable for such Assets, or any part thereof so distributed, to any person or persons of whose claims or demands he shall not have had Notice at the time of such distribution.

Dated this 3rd day of May, 1867.

THOMAS GEOGHEGAN, Solicitor for said Executor, 16, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James M'Parland, of No. 68, Meath-street, in the County of the City of Dublin, Baker, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 24th day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 14th day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

FRANCIS GREEN TINCLER, Agent to the Bankruptcy, No. 9, Upper Gloucester-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of William Tackaberry, of New Ross, in the County of Wexford, Draper, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 30th day of MAY, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on FRIDAY, the 7th day of JUNE, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 15th day of May, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES H. JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

HENRY F. LEACHMAN, Agent to the Bankruptcy, No. 43, Dame-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Parks, of Ballug, near Carlingford, in the County of Louth, Insurance Agent, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 3rd day of JUNE, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on FRIDAY, the 14th day of JUNE, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make *a First and Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 10th day of May, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay, Dublin.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas William Nealon, of Ballina, in the County of Mayo, Woollen Draper, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 30th day of MAY, 1867, at the hour of Eleven o'clock forenoon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on TUESDAY, the 11th day of JUNE, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 15th day of May, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

JAMES D. MELDON & SON, Agents to the Bankruptcy, No. 14, Upper Ormond-quay, Dublin.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 17.] SATURDAY, MAY 25, 1867. {Single Copy, 6d. By Post, 7d.}

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TO READERS AND CORRESPONDENTS.

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Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, MAY 25, 1867.

WE proceed, in continuation of the several articles that we have already published on the law of entail, to point out who the several persons are who, by the Fine and Recovery Abolition Act (Ireland), are either expressly or by implication excluded from being *protectors* of the settlement, and who are, consequently, incapable of giving, by their assent or concurrence, validity to an alienation of the estate by the "actual tenant in tail." But before doing so, we would wish to refer to the 48th and following clauses of the Act, down to the 61st, which provide for the cases of the Commissioners (now Judges) in Bankruptcy, being the protectors as to bankrupt tenants in tail, and to the nature, form, and effect of the conveyance; and more especially, that by the 60th section the provisions in question are made applicable to lands of any tenure of the bankrupt in England, but in such case the deed must be enrolled in Chancery there. A similar provision is in the English Act as to Irish estates of English Bankrupts.

As to the persons who are excluded from the office of protector, it will be found that it was, by the 23rd section of the Irish statute, enacted that estates which, by the settlement creating the entail, were limited by way of confirmation, or estates that were by such settlement merely restored, should (save as to the case that we shall presently mention), so far as regards the protector, be deemed estates subsisting under the settlement. But the next section provides that where a lease at a rent should be created or confirmed by a settlement, the person in whose favour such lease should be created or confirmed should not, in respect thereof, be the protector of such settlement. This is the first class of persons excluded by the Act, in express terms, from being the protector; and that is in analogy to the English Act of 14th Geo. II., c. 20, s. 1 (called Pigott's Act), which permitted a valid tenant to the *præcipe*, in order to the suffering of a recovery, notwithstanding an outstanding lease for lives, otherwise the persons holding under the lease would have been, as entitled to the *prior* estate, whether for lives, or years determinable on lives, and contrary, in most cases, to the plain intentions of the settlor, the protector.

The next class of persons who are by the Act in terms excluded from the office of protector of the settlement, are women entitled in respect of dower, and save as hereinafter mentioned, a bare trustee, heir, executor, administrator, or assignee, in respect of

any estate taken by them respectively in such respective characters. The apparent reason for this exclusion, as regards the heir, executor, &c., is manifestly the absence of any beneficial interest that they have in the objects of the settlement; and, as to the dowress, it is quite apparent why she should be excluded—viz., her interest, even if set out by metes and bounds, is limited to only a *portion* of the entailed estate. The Act having thus excluded the persons we have mentioned, found it necessary, of course, to make a provision for the supplying of their places, and we find, accordingly, that the 26th section directs that where there shall be more than one estate, prior to an estate tail, and the person who, but for the preceding clauses of exclusion, would be the owner, within the meaning of the Act, of the prior estate, the person, if any, who, if such estate did not exist, would be the protector, shall be the protector.

As for example:—A person may be either a lessee at a rent, or a lessee as a bare trustee, heir, executor, &c., and such estate may be recognized and confirmed by the settlement, but the remainder or reversion may be in another person for his life, with remainder to his issue in tail; here the tenant for life in remainder or reversion, would be the proper protector of the settlement.

But the case may obviously arise of there being, in fact, no other person in existence, who could be a protector; the case then would, we apprehend, fall under the last clause of the 31st section, and the *Court of Chancery* should, in such cases, be the protector.

Besides the persons who are thus in express terms excluded from the office of protector, it will appear that the *settlor* may, by the settlement itself, by implication, also exclude the persons who would be otherwise entitled to such office; for, by the 30th section, he may in the settlement appoint any number of persons *in esse*, not exceeding three, and not *aliens*, to be protector, and either for the whole or any part of the period for which the ordinary protector might have continued protector; but the ordinary protector may be in that manner also appointed, and the settlor may, by means of a power, perpetuate the protectorship, by authorizing the donee to appoint others, but enrolment in Chancery of the deed of appointment, or of the deed of relinquishment of the office of protector, within six months, is necessary, otherwise such deeds are to be void. But in case the persons so appointed should all die, or should all relinquish the office, then the *ordinary* protector, under the Act, is to act as sole protector.

This provision is, when considered carefully, of considerable importance in the settlement of estates. It is generally a matter of course to give to the parents, or at least to the father of issue in tail, a life estate; but in many cases it would be desirable to give to the issue the protection of disinterested and indifferent persons, in order to guard them against the designs of the parent who might desire to extort from his children a price or a premium for his consent to the alienation; for the proctector, it is to be observed, is subject to no control in the exercise of his consent; and the rules of equity are, by the 35th section of the Act, "declared not to apply to the dealings or transactions between the protector and the tenant in tail, on the occasion of such protector giving his consent to a disposition under the Act." And it would therefore appear that any bargain made by a protector for his consent would be beyond the reach of the equitable interference of the Court, which in other cases protects children from their parents' undue influence. (See *Banks* v. *Le Dispenser*, 11 Sim., 508, where a trustee of a settlement, with trusts to make a settlement in tail, was held a settlor, and so entitled to appoint a protector.)

There is yet another class of persons who are, of necessity, excluded from being protectors; we mean those who by reason of lunacy, idiotcy, or unsound mind, are incompetent to act. In such cases the Lord Chancellor, or Lords Commissioners of the Great Seal, or the person or persons intrusted with the care and commitment of the custody of persons found lunatic, is, or are, to be the protector; so in cases of the proper protector being convicted of treason or felony (see *Re Wainwright*, 1 Ph. 258), or of any person not being the owner of a prior estate under the settlement, being the protector, and being an infant, or if it is uncertain whether such last mentioned person be living or dead, then the Court of Chancery is to be the protector, and so if the settlor should declare in the settlement, that the ordinary protector shall not be the protector, but should omit to nominate any other protector, or in any other case, where there shall be subsisting under a settlement an estate prior to an estate tail, but there happens to be, at the time, no protector, as to the lands in which such prior estate shall be subsisting, in all such cases the Court of Chancery is also to be the protector.

It is thus enacted, that in six cases the Court of Chancery is to be the protector, but in the last case the office is to continue only so long as there shall be no ordinary protector, and so long as the prior estate shall be subsisting. It will be seen in the reports that in several cases this jurisdiction has been acted on. It is sufficient to mention the case of *Grant* v. *Yea*, 3 M. & K., 245, where in a case of lunacy, the Lord Chancellor, as protector, made the order to enable the tenant in tail to make the necessary alienation.

It may be further remarked that it has been said, and said judicially, that although the *lunatic* was resident in Ireland, but the *estates* were situate in Great Britain, then the Lord Chancellor of England, and not of

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Ireland, is the proper protector (*Re Graydon*, 1 M'N. & G., 655); but we may observe that the order in that case never was acted on, and the language of the 31st section is by no means free from obscurity, and we do not mean to say that the case just cited is a conclusive authority on the point.

CURRENT TOPICS.

INCORPORATED SOCIETY OF ATTORNEYS AND SOLICITORS OF IRELAND.

The following Address has been presented by this Society on behalf of the Profession, and the following Reply received:—

To the Right Honourable Francis Blackburne, late Lord High Chancellor of Ireland.

Sir,—We feel that we would not properly represent the Attorneys and Solicitors of Ireland, if we allowed an event of such importance in our Legal Annals, as your retirement from public life, to pass by, without an expression of our sincere esteem and admiration for your high judicial character.

We have seen you fill four eminent positions, any one of which would have tested the qualities of a Judge, and in each we have experienced the benefit of your great ability, acumen, and learning, as well as your incomparable patience, courtesy, and impartiality. As Master of the Rolls, Lord Chief Justice, Lord Chancellor, and Lord Justice of Appeal, you have ever upheld with firmness the dignity of the Bench, while you extended to the practitioners of the Courts every reasonable indulgence, consideration, and confidence. In your hands both Law and Equity were, in their respective spheres, administered with equal power and ability, and with that calm unbiassed judgment which ever inspires confidence in the minds both of the suitors and the Legal profession.

We desire, at the close of a judicial career, so long, so eventful, and so distinguished, to express, on behalf of our profession, our best wishes for your future welfare, and to assure you that you will carry into your retirement the highest esteem and respect of the Attorneys and Solicitors of Ireland.

I remain, Sir,
On behalf of the Council of the Incorporated Law Society of Ireland,
Your faithful servant,
Richd. J. Theo. Orpen,
President.

John H. Goddard, Secretary,
Solicitors' Hall, Four Courts, Dublin,
24th April, 1867.

To the Attorneys and Solicitors of Ireland.

Gentlemen,—It is to me a source of the most unfeigned gratification to receive such a mark of approbation as that which has been presented to me by the Attorneys and Solicitors of Ireland.

Brought for many years, both as Barrister and Judge, into intimate connexion with members of your profession, I should indeed be wanting if I did not express the deep sense which I have always entertained of their high character and honour, and of the talents and skill which they brought to the discharge of their arduous and responsible duties.

For the manner in which you have alluded to my public services, I cannot feel too grateful. It affords me the deepest pleasure to find at the close of a long, and, I may add, of an eventful career, that I retire from the cares and responsibilities of public life, having gained the approbation and esteem of those whom I so highly value.

I should have wished (had my illness not prevented it), to have replied to your address in person, but my failing health forbids it, and I am, therefore, reluctantly obliged to send these few lines to your Secretary.

(Signed) Francis Blackburne.

There is no subject in which the public are more interested, and none for which less provision has been made by the Legislature, than the auditing of the accounts of bodies responsible either to the public generally, or a large and fluctuating number of shareholders, for the due administration of funds intrusted to their care. If such a system had existed in the case of Railway Companies, for example, many of the disastrous occurrences of the last few months would have been impossible.

An excellent model will be found by reformers in the Poor Law system of accounts and audit. There are five Commissioners (including the Chief and Under Secretaries, who are *ex-officio* members), and by them four permanent auditors are appointed, whose duty it is to examine each half-year the accounts of the several Poor Law Unions in their respective districts. Notice of the audit is publicly given, the accounts being previously open for the inspection of all ratepayers, who can, if they please, take copies or extracts. They can also attend at the audit, and object to any item of expenditure, when it becomes the duty of the auditor to examine into the matter, and decide on the legality or illegality of the item objected to. It is the duty of the Auditor to disallow all sums illegally expended, and to reduce exorbitant charges, and also to proceed for recovery of all disallowances or surcharges, his certificate of disallowance or surcharge being sufficient evidence. He is bound to certify as to the correctness of each half-year's accounts. All accounting officers are compelled to produce their accounts, and attend the audit, and any shortcomings are reported by the Auditor. To enable him to act with effect, he is armed with the important power of examining all officers or other parties on oath, in relation to any item in the accounts. If a similar system of audit had been adopted in reference to banks, railways, and other public companies, it is probable that the serious crash of the past twelve months would not have occurred; for, although it would be possible to deceive the Auditor as to one or two things, the power of examining on oath, and the prosecution for perjury afterwards, would have a deterring effect where moral considerations would have no avail. All Government departments, we may add, have to submit their accounts to the Audit Board, and the Ballast Board, who have been so strongly taken to task by the public and by the Corporation on this point, also submit their accounts to the Audit Commissioners. But their appears to be a great defect in the system of audit and keeping of accounts in the case of most of the public bodies, municipal and others. In the year 1835, the Commissioners on the State of the Irish Corporations reported to Parliament that out of 71 bodies the accounts of only 12 were kept, audited, and published; and that in the remaining cases the accounts were ill-kept, or not kept at all. Now, it seems perfectly clear that where auditors are appointed by the very bodies whose expenditure they are called on to examine, they cannot act with that independence which

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is so absolutely essential to the proper discharge of their duties; nor would they venture to disallow items or charge them to any of their employers. In the case of the Poor Law it is different. Formerly the boards of guardians paid half the salaries of the auditors, the Government paying the other half; but, in order to make the auditors wholly independent of the guardians, it was subsequently decided that the whole of their salaries should be paid out of the Consolidated Fund. The result is no guardian now signs a cheque for what he is not perfectly satisfied to be a legal expenditure, as he would be obliged to pay the amount if the expenditure should turn out to be afterwards illegal, and not sanctioned by Act of Parliament. We believe that the Ballast Board are prepared to retort the charges brought against them by the Municipal Corporation as to the keeping of accounts. But whichever body may be found to deserve the palm in this respect, the public are the sufferers. No more useful practical improvement of our institutions could engage the attention of the Government than a thorough revision and remodelling of the provisions made for the audit of the accounts, not only of Municipal and other Corporations, but of other bodies of men intrusted by the public with the management of their money.—*Daily Express.*

HOUSE OF COMMONS.—MONDAY, MAY 20.

ADMIRALTY COURT, IRELAND.

Mr. PIM asked the Chief Secretary for Ireland whether it was his intention to introduce any measure respecting the Court of Admiralty in Ireland during the present session of Parliament; and, if not, whether he could promise that the subject would receive his early attention, with a view to legislation, next year?

Lord NAAS—We propose to wait till we see what course Parliament is likely to take with regard to the Court of Admiralty in England. As soon as the House has come to a decision upon that point we shall introduce a Bill for Ireland. I do not think it possible that the measure can pass this session, but by laying it on the table an opportunity will be afforded for the consideration of its provisions.

REGISTRY OF DEEDS IN IRELAND.

General DUNNE called attention to the fact that the fees received for the registration of deeds in Ireland were paid into the Consolidated Fund. He contended that this was an illegal appropriation of those fees, and expressed a hope that the Government would put an end to it.

Mr. HUNT said that of late years there had been no surplus at all, but, on the contrary, they had been obliged to make good a deficiency. No doubt, during some years there had been a surplus, and the money had been paid into the Treasury, but as that surplus was owing to the fact that certain work which ought to have been done, and for which payment ought to have been made, was postponed until the years when the account showed a deficiency, his hon. and gallant friend had not, as far as he could see, any cause of complaint.

THURSDAY, MAY 23.

PUBLIC RECORDS (IRELAND) BILL.—On the motion for the second reading of this Bill,

MR. CHILDERS and MR. LAWSON having made some remarks,

Lord NAAS said that if the House would permit the Bill to be read a second time he would take care to fix the Committee for such a day as would leave ample time to discuss the matter.

The Bill was then read a second time.

COURT OF CHANCERY (IRELAND) BILL.—Amongst the petitions presented to the House of Commons is one from Gerald Fitzgibbon, Esq., Master of the Court of Chancery in Ireland, for protection of his right to appoint to the offices of examiner and assistant clerk on the occasion of every vacancy.

COURTS OF LAW OFFICERS (IRELAND) BILL.

A Bill to alter and regulate the Official Establishment of the High Court of Chancery and the Superior Courts of Common Law in Ireland. (Prepared and brought in by the Attorney-General for Ireland and Lord Naas.)

The following is an abstract of the clauses of this Bill :—

1. Title of Act, "The Chancery and Common Law Offices (Ireland) Act, 1867."
2. Act to commence on 1st October, 1867.
3. Act to consist of Part 1—Offices of the Court of Chancery; Part 2—Offices of the Superior Courts of Common Law.

PART 1.

Offices of the High Court of Chancery in Ireland.

4. After *commencement of Act* the following offices of the Court of Chancery, namely, the offices of Clerk and Assistant Clerk of Affidavits, of Clerk and Assistant Clerk of Appearances and Writs, of Deputy Keeper of the Rolls, of Clerk of Enrolments, and of Clerk and Assistant Clerk of Pleadings in the Department of the Deputy Keeper of the Rolls, of Clerk of Recognizances, and of Clerk and Assistant Clerk of the Record Department in the office of the Registrar, and of the Cash Clerk in the said office of the Registrar, shall be abolished.
5. "Record and Writ office" established.
6. Records, &c., in custody of the officers of said abolished offices to be transferred to "Record and Writ Office."
7. Business of abolished offices to be performed in the Record and Writ Office.
8. A chief clerk of records and writs and two assistants to be appointed, who are to have to aid them the several clerks set forth in first schedule.
9. New establishment to be formed from old.
10. Salaries of officers to be as set forth in second schedule.
11. Power to Lord Chancellor to transfer scrivenery clerks from Registrar's Office to Record and Writ Office.
12. Officers, &c., of abolished offices to continue to be officers, &c., of the Court of Chancery, and to be entitled to receive their present salaries if they discharge duties imposed on them.
13. Appointment of deputy in case of absence of Clerk of Records and Writs.
14. Chief Clerk of Records and Writs to compare and attest copies of affidavits.
15. The Chief Clerk of Records and Writs and his assistants may administer oaths and take affirmations.
16. Persons swearing before such officers to be subject to penalties for perjury.
17. Officers and clerks not to take gratuities.
18. Persons employed under this Act not to practise as barristers, solicitors, &c. Solicitors, &c., accepting office to be struck off the rolls.
19. Power to Vice-Chancellor to appoint "Clerk in Court," being a shorthand writer, to attend Vice-Chancellor's Court to take down evidence, &c.
20. Future "Clerks in Court" in Lord Chancellor's Court or Rolls Court to be practised shorthand writers.
21. Salary of the present "Clerk in Court" in Rolls Court and of future clerks in Chancery, Rolls or Vice-Chancellor's Court, to be £400 per annum.
22. Clerks in Court to furnish copy of minutes of evidence.
23. Office of second Examiner-in-Chief, now vacant, abolished.
24. Office of Supernumerary Examiner (when vacant) abolished.
25. Office of third Taxing Master abolished

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26. Power to Vice-Chancellor to appoint secretary and train-bearer, and to Lord Justice of Appeal to appoint tipstaff.

27. Payment of salaries.

28. Superannuation.

29. Orders may be made for carrying Act into execution.

30. Orders under the Act may be varied.

31. Act not to affect general powers vested in the Lord Chancellor.

Part 2.

Officers of the Superior Courts of Common Law in Ireland.

32. After *commencement of Act* all officers of the pleading department, rules department, in each of the said Superior Courts of Common Law, the offices of principal assistant and clerk to each of the Masters of said Courts, and the office of revenue assistant in the Court of Exchequer, and the offices of general purposes clerks in each of said Courts, shall be abolished.

33. Duties of officers, &c., of abolished offices to be performed by officers and clerks appointed under provisions of this Act.

34. New officers of each Court under the Master to be—a Clerk of the Rules, a Pleading and Record Assistant, a Chief Clerk, two first class, two second class, and two third class clerks.

35. Salaries of officers and clerks to be as set forth in schedule A.

36. New establishments to consist, in the first instance, of persons employed at present in offices abolished.

37. Vacancies in office of Clerk of the Rules to be filled by Lord Lieutenant by appointing a barrister or an attorney of not less than five years' standing, or a person who shall have served as an officer or clerk in any of the offices of said Courts for not less than five years.

38. When vacancy in the Office of Pleading and Record Assistant, or of Chief Clerk, Judges of the Court shall appoint such person filling an Office in the said Court as, having regard to length of service and competency, they shall consider most fit to fill the vacancy.

39. When vacancy in the office of First or Second Class Clerk the Judges of the Court shall appoint such Clerk of the second or third class in the said court as, having regard to length of service and competency, they shall consider most fit to fill the vacancy; and when any vacancy happens in the office of Third-class Clerk the Judges of the Court shall appoint a fit person to fill the vacancy.

40. Officers of abolished offices to continue officers of Court to which they shall have been attached, and to receive salaries if they discharge duties imposed upon them.

41. So much of 7th and 8th Vic., c. 107, "The Act to Regulate and Reduce the Expenses of the Offices attached to the Superior Courts of Common Law in Ireland, payable out of the Consolidated Fund," inconsistent with this Act repealed, and such parts as are applicable to extend to it.

42. Orders may be made and varied for carrying Act into execution.

43. Fees to be paid by stamps.

44. Officers of Court of Queen's Bench (Crown Side) not to receive fees otherwise than by stamps.

45. Stamps to be issued by Commissioners of Inland Revenue.

46. Salary of £800 per annum to the Clerk of the Crown of Queen's Bench.

47. Salary of £200, increasing yearly to £300, to Chief Assistant-Clerk to said Clerk of the Crown.

48. Power to Clerk of the Crown to employ additional clerk.

49. Payment of salaries.

50. Power to Chief Clerk to take affidavits.

51. Power to Chief Clerk to sign documents.

52. Additional salary of £100 per annum to be paid to Registrar of Consolidated Nisi Prius Court.

53. Superannuation.—Proviso that A. Bushe, Esq., is to receive £384 12s. 3d. in addition to superannuation allowance.

Schedule I.

Setting forth the Number of Clerks and Scriveners for the Record and Writ Office.

Three first class clerks.

Three second class clerks.

So many scrivenery clerks as the Lord Chancellor, with the consent of Lords Commissioners of Her Majesty's Treasury, shall appoint,

Schedule II.

Setting forth Names of Persons appointed in the first instance as Officers of the Record and Writ Office, the Yearly Salaries payable to them and their Successors respectively, and the Names of the respective Persons by whom Persons to fill Vacancies in any of the said Offices shall be appointed.

Office	Name	Yearly Salary	Person to Appoint Officer
Chief Clerk, .	J. Reilly, Esq. .	£1,000.	
1st Assistant, .	M. W. Brady, Esq.	£800.	
2nd Assistant, .	.. .. ..	£600	
1st Class Clerks,	.. .. ..	£300, to be increased by £10 every year of service up to £400.	
2nd Class Clerks,	.. .. ..	£200, to be increased by £10 every year of service up to £300.	
Scrivenery Clerks	.. .. ..	Such salaries as the Lord Chancellor, with the consent of the Lords Commissioners of Her Majesty's Treasury, shall appoint.	

Schedule A.

Setting forth the Yearly Salaries payable to the Master of each of the said Superior Courts of Common Law, and to the Officers appointed under this Act, in the first instance, to each of the said Courts, and to their Successors respectively, and to any Crier hereafter appointed in any of the said Courts.

Office	Yearly Salary payable to	
	Present Masters, and to Officers appointed in the first instance	Persons appointed afterwards
Master, . . .	£1,200, . .	£1,200.
Clerk of the Rules, .	£900, . .	£700, to be increased by £25 every year of service till salary amounts to £900.
Pleading and Record Assistant.	£700, . .	£600, to be increased by £20 every year of service till salary amounts to £700.
Chief Clerk, . .	£500, .	£400, to be increased by £20 every year of service till salary amounts to £500.
Two First Class Clerks, .	£350 each, . .	£250, to be increased by £20 every year of service till salary amounts to £350.
Two Second Class Clerks,	£250 each, . .	£200, to be increased by £14 every year of service till salary amounts to £250.
Two Third Class Clerks, .	£200 each, . .	£150, to be increased by £10 every year of service till salary amounts to £200.
Crier, . . .	.. .. ..	£100.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

CONOLLY *v.* CONOLLY.

May 16, 17.—*Joint-Tenancy—Severance—Merger.*

Richard Conolly being possessed of the lands of New Haggard, in the County of Meath, for a term of years, by his will bequeathed his interest in those lands to his mother, Cecilia Nangle, for life, and after her death, to his nephews, John and James Conolly. After the death of the testator, and during the life-time of Cecilia Nangle, the parties interested in this term assigned the lands to John Conolly as trustee for them, to enable him to make a lease of a portion of the premises. In 1860 Cecilia Nangle died, and John and James Conolly became entitled, in possession, to the said term as joint-tenants. In the following year John Conolly died intestate, and a cause petition having been filed to administer his assets, a question arose as to whether there had been a severance of the joint-tenancy subsisting between John and James Conolly.

The MASTER of the ROLLS held that the joint-tenancy had been severed, and from his decision the present appeal was brought by James Conolly.

Sherlock, Q.C., and *Sullivan*, Q.C. (with them *Meldon*), for the appellant.

Lawless, Q.C., *Palles*, Q.C. (with them *Coppinger*), for the respondents.

The COURT* affirmed the decision of the MASTER of the ROLLS, holding that on the death of Cecilia Nangle, there was a merger of the equitable interest which John Conolly derived under his uncle's will, and the legal estate which he already had in the lands, and that as John Conolly became thus absolute owner of one undivided moiety of the lands, and owner-at-law of the other undivided moiety in trust for his brother, James Conolly, there was a severance of the joint-tenancy.

Solicitors for the appellants, *J. D. Meldon & Son.*

Solicitor for the respondent, *Joseph Hanly.*

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

In the Matter of the 11 & 12 Victoria, c. 68, and the Trusts of the Settlement of NATHANIEL P. CAMERON and C. M. CAMERON, his wife, dated the 24th of May, 1859.

May 15.— *Practice — Trustee Relief Act — Costs of Petition for Payment of Dividends.*

Two sums of £4,000 invested in stock were by an order of the Landed Estates' Court of the 1st of December, 1866, transferred to the credit of this matter.

The trusts of the settlement as to the said sums, were to pay the dividends during the joint lives of Nathaniel Pryce Cameron and Charlotte Mary Cameron, his wife, for the separate use of C. M. Cameron, and after the decease of such one of them as should first die, to the use of the survivor for life, and, after the death of the survivor, in trust for the benefit of the issue of the marriage, as C. M. Cameron should by deed or will appoint, and, in default of appointment, for C. M. Cameron absolutely. There was no issue of the marriage living.

A petition was presented by Mr. and Mrs. Cameron for payment of the dividends to Mrs. Cameron, and a question arose whether the costs of the petition should be paid out of the dividends, or the *corpus* of the fund.

The MASTER of the ROLLS following *In re Marner's Trusts*, 1 W. N., 329, directed the costs to be paid out of the dividends.

J. F. Walker, for the petitioners.

Solicitors, *S.* and *R. C. Walker.*

* The LORD JUSTICE OF APPEAL and FITZGERALD, B.—The LORD CHANCELLOR, having been engaged as counsel in the case while at the Bar, did not take any part in the judgment.

CONSOLIDATED CHAMBER.

Reported by R. R. KANE, Esq., Barrister-at-law.

Before FITZGERALD, B.

KNARESBOROUGH *v.* EDMUNDSON.

May 17.—*Practice—Ejectment—Endorsement of Service of Writ of Summons and Plaint—Amendment.*

This was an action of ejectment. The endorsement of service of the writ on one of the defendants named Theophilus C. Moncrieffe, was "served on Moncrieffe, Brothers, by their servant, at their office, &c."

Daniel now moved for liberty to amend the endorsement, by erasing the words "Moncrieffe, Brothers," and substituting "Theophilus C. Moncrieffe." He cited *Goff* v. *Fenlan* (6 Ir. Jur., N. S., 41.)

FITZGERALD, B.—I cannot take upon myself to make the endorsement which the process server ought to have made.

Motion refused.

Kernan and *Tracy*, Attorneys for the plaintiff.

COURT OF EXCHEQUER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law

SHINE *v.* DILLON.

May 6 and 9.—*Use and Occupation—Assignment.*

This was an action for the use and occupation of certain premises up to 1st November, 1866.

The defence was a traverse.

Plaintiff proved receipt of rent from defendant up to 1864, and after that rent was received from one Sinnott, but the receipts were given to Sinnott in defendant's name. Defendant proved an assignment to Sinnott in December, 1864, and that plaintiff was aware of it.

The Judge directed the verdict for plaintiff, reserving leave for the defendant to move to enter the verdict for him.

A conditional order having been obtained by the defendant pursuant to leave reserved,

Sergeant Barry and *Waters* now showed cause.

S. W. Flanagan, Q.C., and *Leech*, in support of the conditional order.

The COURT, allowed the cause shown.

Attorney for plaintiff, *M. J. White.*

Attorney for defendant, *Wm Leech.*

JOHN RYAN, Administrator of Charles Ryan, deceased, *v.* THOMAS RYAN.

Coram PIGOT, C.B., and HUGHES, B.

May 11.—*Practice—Endorsement of Particulars.*

The summons and plaint contained paragraphs in detinue and trover for certain goods enumerated, and also a paragraph for money received by defendant for the use of the plaintiff as such administrator, &c. No particulars were endorsed.

Gibson moved to have the third paragraph struck out, or to have an endorsement pursuant to the 11th sec., Common Law Procedure Act, 1853.

O'Moore.—We cannot give those particulars, they are exclusively within defendant's own knowledge. The paragraph is for the price of goods of the deceased,

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sold by the defendant, acting as administrator in his own wrong.

HUGHES, B.—Why did not you ask to administer interrogatories to the defendant? That would have been the proper course.

The COURT.—You can endorse particulars by stating that the sum claimed is for goods sold as you allege. We will give no costs.

Plaint to be amended accordingly.

Attorney for plaintiff, *E. H. Hunter.*

Attorney for defendant, *H. Ebbs.*

SMITH *v.* HAYES.

Coram PIGOT, C.B., FITZGERALD, and HUGHES, B.B.

April 26, 29, 30, and May 9.—*Equitable Defence.*

This was action for injury to the plaintiff's watercourse by certain works of the defendant. The defendant pleaded an equitable defence, setting out that the injury arose from the removal of an embankment, which removal was necessary for the carrying out of some costly works of the defendant; that the plaintiff knew of these works during their progress, and of the necessary consequences of them, and raised no objection to them.

To this defence plaintiff demurred.

G. Fitzgibbon and *H. Law*, Q.C., for plaintiff.

Frazer Harrison, Q.C., and *Fulham*, Q.C., for defendant.

Davis v. *Marshall*, 10 C. B. N. S. 697, discussed.

The COURT, held the defence was bad, inasmuch as it did not aver that the plaintiff knew that the defendant was acting on plaintiff's acquiescence, or that the acts relied on were such as would induce any reasonable man to think that the plaintiff acquiesced.

Attorney for plaintiff, *Thomas M'Clelland* and *Son.*

Attorney for defendant, *G. G. Tyrrell.*

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law.

In the Goods of MARGARET EMILY POWER.

May 16.—*Administration to Creditor—Married Woman—Separation—Order to Pay Pro Rata.*

Mr. Porter moved, on behalf of a creditor of the deceased, to set aside caveats, and to get administration. The deceased, a married lady, had, under a separation deed, an allowance of £1,000 per annum, and had died intestate in November, 1866, leaving no issue, but her husband surviving, and leaving furniture, jewellery and other assets.

Dr. Ball, Q.C., for the solicitor of the deceased, asked for the grant; a large sum was due to him for costs, and he would be more likely to realize the assets, from his knowledge of her affairs.

Mr. Daniel, for another creditor, cited *Proudley* v. *Fielder*, 2 M. and K., 57, to show that the monies of the wife dying intestate vested in the husband surviving, against whom his client had an action pending.

KEATINGE, J.—The solicitor who conducted the business of the deceased is the proper person to get the grant, on giving security for the assets, and undertaking to distribute the assets among the creditors *pro rata.*

LANDED ESTATES' COURT.

Reported by VAL. J COPPINGER, Esq., Barrister-at-law.

Before JUDGE LYNCH.

In the Matter of the Estate of MARIA LYNCH, Owner; *Ex parte* THOMAS WOODBYRNE.

Jurisdiction—Wife's Equity to a Settlement.

In this matter the petitioner applied to the Court for an order to have transferred to his credit a sum of £250, paid in on foot of a mortgage debt, to which the petitioner became entitled in right of his wife. On the part of the wife a claim was put in to an equity to a settlement. This was resisted on the part of the petitioner, on the ground that although no settlement was executed on the marriage that by a consent which was made a rule of the Provincial Court of the Archbishop of Dublin, Mrs. Woodbyrne had been awarded £52 a year, as permanent alimony; and also on the ground that the 37th section of the Landed Estates' Court Act gave no jurisdiction to the judges thereof, concerning a wife's equity to a settlement.

For the petitioner, *John O'Hagan*, Q.C., and *Daniel*

For Mrs. Woodbyrne, *Samuel Walker.*

His Lordship said that he was not prepared at present to decide that he had jurisdiction under the Landed Estates' Court Act to adjust the rights of the parties, and directed that the case should stand for a month for the purpose of having proceedings taken in Chancery for that purpose.

Solicitor for Mr. Woodbyrne, *J. Goff.*

Solicitor for Mrs. Woodbyrne, *Arthur Samuels.*

In the Matter of the Estate of CHARLES MOREL WILSON, Owner and Petitioner.

Order of Priority of Costs of Sale—Insolvent Estate—Owner Petitioner.

In this case, which has already appeared in our columns, *S. W. Flanagan*, Q.C. (with him *Charles Leach*), applied on the part of Henry A. Dillon, Esq., the owner's solicitor having the carriage of the proceedings, by way of further objection to the final schedule of incumbrances.

It will be recollected that on a former occasion Mr. Dillon had objected to the final schedule, on the ground that his costs were not placed in their proper priority, and Judge Lynch overruled the objection, on the ground that the general rule of his Court was that the costs of a petitioner should be in the order of his claim. The objection was subsequently re-entered, and a further objection, to a similar effect, was added, setting out the special circumstance that all the charges in priority to which the costs were sought to be inserted, had been created subsequently to the commencement of the proceedings—that the petition had been originally presented with the assent and approval of the creditors, and that the subsequent incumbrancers were all through aware of the pendency of the proceedings.

William O'Brien, as counsel for Mrs. Wilson, was heard *contra.*

His Lordship granted the application, remarking that it was to be distinctly understood that the general rule was, as he had before decided, the owner's costs should stand with his demand, but this was a case in which the rule might be modified in the discretion of the Court, inasmuch as he considered that the sale was necessary and approved of by the creditors, and was brought about under circumstances in which the Court could fairly say that it was prudent and necessary to bring the estate to sale. He also intimated that he understood that for the future Judge Dobbs would act upon the same general rule.

Solicitor having the carriage of the proceedings, *H. A. Dillon.*

Solicitor for Mrs. Wilson, *H. Baggs.*

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ENGLAND.

(From *The Times.*)

The Digest of Law Commission, appointed last autumn, has arrived at the inevitable conclusion "that a Digest of Law is expedient," and has supported that conclusion by reasoning of almost superfluous cogency. It scarcely needed the authority of a Royal Commission to convince the educated public that what every one is bound to know, but no human being does or can know, ought if possible to be made intelligible. Sir Samuel Romilly long ago pointed out the difficulty of reconciling the well-known legal maxim, "*Ignoratio juris neminem excusat,*" with that other maxim, "*Lex neminem cogit ad impossibilia.*" The Statute Law fills some 45 quarto volumes; the judicial decisions which may be cited as precedents are scattered over 1,300 volumes; and the customs and principles of the Common Law must sometimes be sought in ancient records or treatises which are not included in either of these divisions. The result notoriously is that no one but a lawyer knows where to look for the law on any practical case, and that, as George III. used to say, a lawyer, however learned, knows little more than this. That such a state of things should have been allowed to get worse and worse for several centuries, and that even now there should be prejudices against improving it among some members of the legal profession, is surely a marvellous proof of that *vis inertiæ* which constitutes the vitality of chaos. To the people at large the obscurity and complexity of English law are like an ordinance of Providence, to which they submit, as they submit to the caprices of an English climate, not without grumbling, but without hope of redress. As no class suffers by it more than any other class, and as one very influential class profits by its maintenance, Law Reform has never become a hustings question, and it is probable that not a single petition has yet been presented in its favour. The House of Commons, therefore, has never made the effort necessary to grasp the evil, much less to grapple with it. Moreover, it is only the most successful and eminent lawyers who could obtain a hearing for any comprehensive measure of this kind, and few successful lawyers, whether before or after their elevation to the Bench, possess sufficient leisure, energy, or public spirit to undertake it. Thus it has come about that above thirteen hundred years after the publication of the great Digest of Roman Law by Justinian, and two generations after the publication of the French Code, since adopted by several European nations, when a great part of our own law has already been codified in the State of New York, and we have ourselves established an excellent code in India, a Royal Commission has just been instructed "to inquire into the expediency"—not of a Code, for that is still in the remote future, but—of a simple "Digest of Law."

A Digest, as defined by the Commissioners, is "a condensed summary of the law as it exists, arranged in systematic order, under appropriate titles and subdivisions, and divided into distinct articles or propositions, which would be supported by references to the sources of law whence they were severally derived, and might be illustrated by citations of the principal instances in which the rules stated had been discussed or applied." The Report proceeds to adduce several arguments in support of such a Digest. In the first place, it would be of especial value in legislation, of which the most essential condition is a clear exposition of the existing law, and which must needs conform, in respect of arrangement, to the system on which it reposes. Again, the labours of all concerned in the administration of the law would be vastly lightened by the existence of an authoritative Digest, while the student would for the first time realize that which Blackstone vainly endeavoured to supply. There is, however, a third advantage to be expected from the construction of a Digest, to which the Commissioners allude with more reserve than we need maintain. "It would give the ready means of considering, in connexion with one another, branches of the law which involve similar principles, though their subject matters may widely differ." In other words, it would bring out into bold relief the anomalous and, for the most part, arbitrary distinctions between the law of real and personal property, as well as between legal and equitable doctrines. It may safely be predicted that an artificial conflict of rights, such as is involved in the dualism of Common Law and Equity, could not live in the light af a Code, and would not long survive the appearance of a Digest. But even this is not all The process of compilation could not fail to disclose many flaws, ambiguities, and inconsistencies as yet but little known, yet pregnant with future perversions and failures of justice. To popularize law, in the highest sense, by publishing it in a compendious and accessible form, is to bring to bear upon its structure and operation that searching and exacting vigilance of public opinion which alone secures the efficiency of any institution in this country. It will not, indeed, enable every man to be his own lawyer, nor is it desirable that it should, but it will diffuse among all classes, except the most ignorant, a general knowledge of the rights and duties which attach to them, and if it does not diminish wilful breaches of the law, will almost certainly diminish litigation.

The report does not advert to the objections, such as they are, which have been alleged against stereotyping our so-called unwritten law. One of them, however, deserves consideration, if it were only because it suggests its own refutation. It is said that many principles and rules of law which govern judicial decision are too subtle to be moulded into definite propositions. Upon this point we are justified in expressing the most unqalified scepticism. We read in poetical literature of thoughts which are too deep or too exquisite for words, but that any conceptions which are directly to affect our persons and property should partake of this character seems to us a flagrant absurdity. A *ratio decidendi* which is incapable of lucid statement implies a pernicious confusion of ideas in the judicial mind, and reminds us of the tyrannical discretion claimed by ecclesiastical judges. Any "flexibility" which a series of precedents may possess, and which would be inconsistent with the precise language of a digest, is a necessary source of uncertainty and possible instrument of oppression. It must be remembered that no English judge is permitted to make the law, but only to declare it. The Commissioners justly observe that, in some instances, and especially in Equity, this difference is almost illusory, since the application of one analogy rather than another to a new combination of facts nearly resembles legislation upon it. The Judge, however, invariably states the legal premisses from which he draws the practical inference embodied in his judgment. These premises, then, admit of statement, and, if so, it is highly desirable that they should be stated once for all under legislative sanction, leaving the power of deduction or interpretation the same as heretofore.

The Commissioners do not enter into a detailed consideration of the second question referred to them—the best means of elaborating a Digest. Such a work, in their opinion, could only be accomplished at the national expense, under the superintendence of a new Commission. They submit that, whatever plan be adopted, "a certain number of functionaries must be employed at a high remuneration," and "there must be a considerable expenditure on the services of members of the legal profession employed from time to time in the preparation of materials to be ultimately moulded into form by or under the immediate supervision" of the Commission itself. To avoid the necessity of a large immediate outlay, they recommend that a portion of the Digest, sufficient to serve as a specimen, should be prepared in the first instance under their own direction. So modest a proposal will hardly provoke any hostility, but we fail to see any good reason why the great enterprise should not be commenced and prosecuted to its completion at once. It would, probably, not take so long as the building of the Houses of Parliament, or cost one-fifth of the sum expended on that single edifice. A grant of £30,000 or £40,000 a year for ten years would amply suffice for the production not only of a Digest, but of a Code worthy of the nation, and an imperishable monument of our jurisprudence. Half that time and money would give us a perfect Digest, which, if it be the first step towards a Code, is still more urgently required in the event of codification being abandoned. Why should we hesitate to give the order for it, or waste time in experiments which have already been tried

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for us in the United States? The utility of the end is beyond dispute; the proper means are indicated by the Commission, the composition of which could hardly be altered for the better; and nothing remains but to obtain the consent of Parliament, which is not likely to be refused.

THE BANKRUPTCY BILL.—The Attorney-General's Bills relating to bankruptcy and imprisonment for debt have been printed as amended in committee. Many of the amendments relate to the judicial and other members of the Courts. The office of the accountant in bankruptcy, which, under the Act of 1861, is to be abolished on the first vacancy, is now proposed to be retained, the important duty of auditing the accounts of the trustees of bankrupt's estate being assigned to that officer, in strict accordance with the Scotch system. Vacancies in the offices of judges and registrars of the court in London are to be filled by selection, in the first instance, from among the commissioners and registrars of the court in the country districts. Compensation to the holders of abolished offices is given on this principle: if the officer has served 15 years he is to retire on full salary; if less than 15 years, on two-thirds. Provisions are introduced for preventing the power of bringing a debtor to London from a distant part of the country by trader-debtor summons being used oppressively. The lists of creditors to be filed by the debtor are made more comprehensive. The time and place of the meeting for the choice of creditor's trustee are left unrestricted, to be determined by the Court according to the circumstances of each case. The remuneration of the trustee is to be fixed by the creditors, with interference by the Court. The trustee is to keep minutes of proceedings at the creditors' meetings, like the sederunt-book in Scotland. The grounds of suspension of the order of discharge are, in some points, made more clear, and the time previous to actual bankruptcy within which the commission of mercantile offences will entail punishment on the debtor is enlarged in various instances. The powers of the Court to deal with questions of reputed ownership and with adverse claims to parts of the bankrupt's property are usefully extended, so as to concentrate the jurisdiction in a bankruptcy as much as possible in one tribunal. The trustee is empowered to act on his own judgment with respect to suing for debts under £20. The mode of proof of debts against the bankrupt's estate is still further simplified. The allowance to the bankrupt for maintenance is left to the creditors, instead of to the Court, subject, however, to a general power in the Court to interfere in cases of hardship. A new power is inserted authorizing the payment of small sums due for dividend, without probate or administration, where the creditor dies before actual receipt of his dividend. The parts relating to arrangement by deed and to the liability of after-acquired property seem also to have received much consideration and improvement in detail since the introduction of the Bill.

THE LAW OF TRESPASS.

(From the *Law Times*.)

The following are the opinions of the Law Officers of the Crown, under two successive Governments, upon the law as applicable to the removal of trespassers upon the public parks. As it is equally the law as regards trespassers on all private property, the opinions of so many distinguished lawyers on a subject of frequent recurrence will be acceptable for future reference.

The first is the opinion of Sir A. COCKBURN, Sir R. BETHELL, and Mr. WILLES.

CASE.

1. Is there any authority to close the gates of the inclosures and exclude the public altogether during the day?

2. The gates of the inclosures being open, is there any authority to prevent the ingress of persons to the inclosures, those persons conducting themselves properly and orderly in their attempt to obtain ingress?

3. Supposing persons to have entered, and to preach, or play upon musical instruments, or to sing, does any authority exist to turn persons so preaching, or playing, or singing, out of the parks, supposing they do not obstruct a thoroughfare or cause a disturbance? and, if so, you are particularly requested to state what is the nature of the authority, and how is it derived.

OPINION.

1. We think that there is a right in point of law to close the gates and exclude the public from the parks.

2. We think that, the gates being open, there is a right on the part of the Crown to exclude persons attempting to gain admission; but we do not think this right should be exercised against particular individuals, unless in case of previous misconduct.

3. If persons who have entered commence to preach or play they cannot be turned out without proper notice to them that the permission or licence of the Crown to the public to enjoy the park is conditional only, and does not apply to persons who so conduct themselves; and the best way of giving such notice is by posting it up at the entrances of the parks. The authority to close and exclude the public from the parks is that which every landowner has to prevent the public from trespassing on his lands, for we are of opinion that the public have not acquired any legal right to use the parks by reason of the continued user under the licence and by favour of the Crown.

The other is the opinion of Sir HUGH CAIRNS and Mr. BOVILL, Q.C.:

CASE.

Whether, supposing a number of persons who have already entered Hyde-park to form themselves into a meeting for the discussion of political subjects, there is any legal authority to disperse such meeting by force, even though a general notice may have been given that meetings of that description will not be allowed.

OPINION.

1. We are of opinion that every person entering and remaining in the park must in law be taken to do so by the licence of the Crown or of those acting in the management of the park; that it is competent at any time to revoke this licence, or to annex to it a condition that those who avail themselves of it must not form, engage in, or attend meetings of a political character in the park, and that on this condition being broken the licence is at an end, and the person breaking it becomes a trespasser, and may, if he refuse to leave the park on notice or warning, be removed. It would, of course, be necessary to bring home to the knowledge of the person to be removed that a condition such as above supposed has been annexed to the general licence to enter the park. This might be done to a great extent by public notices in and about the park, though it is possible to suppose that, notwithstanding publication of notices, however extensive, individual cases might occur when, from inability to read or otherwise, actual knowledge of the condition would not be imputed, and in such cases it would be necessary to show an express warning to leave. But we are bound to state that, though the legal right of removal is such as we have described, we do not consider that in the case of any large assembly the right could practically be exercised with safety, or that such an assembly could be "dispersed by force," in the sense in which that term is ordinarily understood. The right of removal is a right to remove each separate individual as a trespasser, by putting him out of the park, using just so much force (and no more) as is necessary for that purpose. It is a separate right against each individual. The assembly (assuming it to be orderly) are not united in doing an illegal act, and there is no right to disperse them, or coerce them as a body of rioters or disorderly persons. It appears to us that it would not be practicable to remove each individual, or any considerable number of persons, and to prevent them returning; and it is also highly probable that the effort to remove any particular person or persons with the degree of force that would be justifiable would or might soon become confused by a resistance from bystanders, which would introduce into the operation elements of great difficulty and embarrassment. On the whole, we should answer the question proposed to us by saying that, in our opinion, there is not for any practical purpose a legal authority to disperse by force a meeting of the kind supposed, consisting of a large number of persons, and that whether notice has or has not been given beforehand.

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NOTES OF ENGLISH DECISIONS.

(From the *Law Times.*)

POWER OF CLERK TO COMPROMISE.—An agreement by an attorney's clerk by way of compromise made without authority, before the issuing of the writ, does not bind the client: (*Duffy* v. *Hanson*, 16 L. T. Rep. N. S. 332. Willes, J.)

WRONGFUL DISMISSAL—EVIDENCE.—When the circumstances of an engagement and dismissal are all proved by written documents in evidence, the question becomes one for the decision of the court and not for the jury: (*Morgan* v. *Savin*, 16 L. T. Rep. N. S. 333. Willes, J.)

EXECUTOR—PRACTICE.—An executor who had not improperly kept back a sum was held not chargeable with interest: (*Blogg* v. *Johnson*, 16 L. T. Rep. N. S. 306. Ch.)

PAYMENT INTO COURT IN EQUITY.—To justify an order for payment into court upon motion, the bill must clearly show that the money is the money of the plaintiff, and the answer must clearly admit the plaintiff's title; and where there was a denial of the plaintiff's title, and a denial that certain purchase money had been increased as alleged, the order for payment could not be supported: (*Hagell* v. *Currie*, 16 L. T. Rep. N. S. 307. Ch.)

ALTERNATIVE RELIEF.—It is wrong for a plaintiff to pray by his bill for relief against A., or, in the alternative, against B., if A. and B. are not interested in the subject-matter of the relief prayed for. *Secus*, if they are: (*O'Gilvie* v. *Currie*, 16 L. T. Rep. N. S. 309. Rolls.)

PLEADING IN EQUITY.—A plea was pleaded to the whole bill for an account of partnership dealings and transactions. The plea contained allegations to the effect that a partnership between the plaintiff and defendant had been dissolved by mutual consent; that all questions relating thereto had been agreed to be referred to arbitration; that arbitrators had been chosen by both parties, with a third referee in the event of disagreement; that this submission should be made a rule of the Court of Q. B., with all the usual powers to the arbitrators; that one of the referees had died, and another had been appointed; that the submission had been duly made a rule of court, but that no award had yet been made. Held, that this was not such a plea as constituted a bar to the plaintiff's suit for an account, and overruled accordingly: (*Cooke* v. *Cooke*, 16 L. T. Rep. N. S. 313. V. C. W.)

COSTS OF MANDAMUS.—The rule for the costs of a *mandamus* to justices to enter continuances and hear an appeal must be applied for within two terms after the hearing of the appeal in obedience to the writ: (*Reg.* v. *The Justices of Kent*, 16 L. T. Rep. N. S. 322. Q. B.)

MARRIED WOMAN—LOST ACKNOWLEDGEMENT.—If the certificate of acknowledgement of a deed by a married woman be lost, and therefore filing cannot take place, the court will not assist the parties by authorising the judge, before whom the deed was acknowledged, and whose memorandum of acknowledgement is in court, to make another certificate: (*Ibid.*)

ARBITRATION—FINALITY.—Where, by an agreement of reference, the parties covenanted and agreed to abide by the award of the arbitrator upon all points in difference between them, and eleven points were specifically referred, but the parties at the reference effected a settlement as to one of the eleven points, and withdrew it from the arbitrator's consideration: Held, that the award was not bad for want of finality, because it did not find in favour of either party on this point, inasmuch as the conduct of the parties amounted to an admission that it was no longer a point of difference: (*Lawrence* v. *The Bristol and North Somerset Railway Company*, 16 L. T. Rep. N. S. 326. Ex.)

ATTORNEY'S ACTION UPON GUARANTEE FOR COSTS.—Where A. guarantees the payment to B. (an attorney) within six months of "all costs for business done for C., or which B. may thereafter do in reference to or arising out of the affairs of C." the delivery of a bill of such costs by B. to C. before the end of the six months is not a condition precedent to B.'s bringing an action on the guarantee against A.; and in such an action, therefore, an equitable plea, alleging the non-delivery of a bill of such costs by B. to C. before the end of the six months, and want of notice to the defendant, before the same period, of the amount of such costs, was held to be bad and no answer to the action: *Semble*, the defendant should, before the expiration of the six months, have applied to the equitable jurisdiction of the court for an order for the delivery of the plaintiff's bill of costs; (*Reece* v. *Cox*, 16 L. T. Rep. N. S. 327. Ex.)

CONTRIBUTORY.—B. applied for shares. They were allotted to him, but he withdrew his application before he received notice of the allotment. He was held not to be liable: (*Ex parte Hebb*, 16 L. T. Rep. N. S. 308. M. R.)

PROOF—SET-OFF—DEPOSIT.—B. and C., trustees, deposited trust-moneys in a banking company, at interest. The company was wound up. The liquidator refused to pay the dividend on the deposit, on the ground that, as B. was a contributory, and entitled in his own right to a life-interest in a portion of the trust-funds, the calls due from her might be set off against the dividend payable to both; the Court, however, held that no such right of set off existed, and ordered payment of the dividend: (*Re The Imperial Mercantile Credit Association*, 16 L. T. Rep. N. S. 315. V. C. S.)

RAILWAY LIABILITY FOR INJURY TO A CHILD.—B. carried her infant child, between three and four years old, as a passenger by a parliamentary train, taking a ticket for herself, but not for the child, who travelled with her and under her care. An accident occurring, the child was injured; an action was brought for damages: the jury negatived fraudulent misrepresentation by the mother of the child's age, and gave damages. The company was held to be liable, as having contracted to carry both mother and child: (*Austin* v. *The Great Western Railway*, 16 L. T. Rep. N. S. 320. Q. B.)

LIABILITY FOR ACTS OF MANAGER.—The company is liable for medical attendance on a servant of the company, by direction of the general manager: (*Walker* v. *Great Western Railway Company*, 16 L. T. Rep. N. S. 327. Ex.)

LIABILITY OF RAILWAY FOR INJURY TO GOODS.—A silk dress, forming part of the wearing apparel of a railway passenger, is within the Carriers' Act. The plaintiff sued the defendants, a railway company, for the loss of his wife's luggage upon a journey from Redhill to Charing-cross. As to certain articles contained in the luggage, which consisted of the plaintiff's own clothes, the defendants pleaded that they were the company incorporated by a certain Act for making a railway from the London and Croydon Railway to Dover, to be called the South-Eastern Railway, and that the plaintiff's wife was a passenger to be carried upon the defendants' railway, which was the railway mentioned in the 131st section of the said Act from Redhill to London, and the articles in question were delivered to the defendants as the luggage of the plaintiff's wife, to be carried without extra charge upon the said railway with the plaintiff's wife as a passenger upon the said railway, within the meaning of the section, and were not articles of clothing of the plaintiff's wife within the meaning of the said section, and that they were lost while being carried on the said journey upon the said railway with the plaintiff's wife as such passenger as aforesaid. The 131st section of the Act mentioned in the plea provides that, without extra charge, it shall be lawful for every passenger travelling upon the said railway to take with him his articles of clothing, not exceeding a certain weight, and that the company should not be responsible for any articles carried upon the said railway with a passenger, except such passenger's articles of clothing not exceeding the prescribed weight. The journey from Redhill to London is performed partly upon the line constructed under the special Act upon which the plea was founded, and partly upon other lines not so constructed. No evidence was given to show at what part of the journey the loss took place: Held, that the plea was not proved. *Quære*, whether, in order that the section in question may apply, the whole journey must not be upon the line constructed under the special Act: (*Flowers* v. *The South-Eastern Railway Company*, 16 L. T. Rep. N. S. 329. Ex.)

LIABILITIES OF MORTGAGEE IN POSSESSION.—The rule is, that a mortgagee in possession must account, not only for

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the rents actually received, but for such as he might have received but for his wilful default. But then he must have known the fact that he was in possession only as mortgagee. B. entered into possession on a title of purchase, which was afterwards set aside, and he had received rents between possession taken and the decree setting aside the sale. It was held that he did not receive these rents in his character as mortgagee in possession: *Parkinson* v. *Hanbury*, 16 L. T. Rep. N. S. 243. H. of L.)

WILL—PRESUMPTION OF REVOCATION.—F. executed a will, whereby he bequeathed all he possessed to his daughter, and appointed her sole executrix. He kept the will, with other papers, in a chest of drawers in his room, and he spoke of it to his daughter three weeks before his decease. On his death the will was not forthcoming, but there were circumstances to justify the presumption that the son had previously searched the drawer and abstracted the instrument. The Court, not being satisfied that the will was not found on the testator's death, or that it was not in existence, granted probate of the draft from which it was engrossed. To support the legal presumption of revocation arising out of the absence of the will on the testator's death, it must be shown that it was not found after fair and genuine search, or that it was not in existence: (*Finch* v. *Finch*, 16 L. T. Rep. N. S. 268. Prob. Ct.)

WILL—GIFT OF REAL ESTATE.—B. purchased a leasehold house for the term of ninety-nine years at a groundrent, and afterwards bought the reversion, which was conveyed to a trustee (purposely to prevent a merger of the term) in trust for B., to be disposed of as he should direct. By his will he gave his wife all his personal estate. It was held that this did not pass the reversion in fee of the house, but only the term in it: *Belaney* v. *Belaney*, 16 L. T. Rep. N. S. 269. L. C.)

WILL—ESTATE FOR LIFE.—B. gave a fund upon trust to pay the dividends to C., the wife of D., for her life, and after her decease, if she should leave children, in trust for D. for life, and after his decease, among the children of C. and D.; but if C. should have no children who should acquire a vested interest in the fund, then after the decease of C. and D. to other persons absolutely. C. died without issue, leaving D. surviving. He was held to take an estate for life by implication: (*Re Blake's Trusts*, 16 L. T. Rep. N. S. 279. V. C. M.)

AGREEMENT FOR A LEASE.—In an agreement for a lease there is an implied covenant by the lessor that he has a good right and title to let: (*Stranks* v. *St. John*, 16 L. T. Rep. N. S. 283. C. P.)

CORRESPONDENCE.

"THE RECORD OF TITLE ACT."

To THE EDITOR OF "THE IRISH LAW TIMES."

SIR,—I can readily imagine that when your correspondent, "Leguleius," began this subject in your columns, he "had no intention of engaging in controversy." Still less, I am sure, did he anticipate that his letter, so eulogistic of the "Record of Title," should be the means of exposing the faults and infirmities of the system which it was his purpose to commend to your professional readers. However, sir, he must have been fully aware that the correspondence in every respectable journal is subject to the principle, "*audi alteram partem*," and that in that column, at least, no one is allowed an immunity from contradiction. In his last letter he charges me with inconsistency in having (he says) attacked the system of registry of deeds in my paper, read at the Social Science Congress here in 1861, and being now zealous in its defence. In this your correspondent overstates his case. I am not, and never was, a partisan either for or against the registry of deeds. I made some suggestions, which I believed, whether rightly or wrongly, would, if adopted, have facilitated the transaction of the vast amount of business in the Registry Office, but I never found fault with the registry of deeds as a system. The improvements I suggested could not have been made without legislation, and therefore the heads of the office are in no way answerable for not acting upon my suggestions. On the other hand, I do not now assert that the system, as worked at present, is perfect, but I believe it much preferable to the Record of Title system, and my defence of it "hath this extent, no more."

As to the suppositious case which your correspondent puts, of a covenant to charge real estate, binding land purchased in Landed Estates' Court and conveyed by Parliamentary conveyance, I venture entirely to differ from him. I do not believe that any such covenant would bind property derived by Parliamentary title; but if he be right in his view of the law, then the error lies in counsel not directing searches from the time the purchaser came of age. But searches are not directed against purchasers from Landed Estates' Court further than the date of the sale, simply because no Act before the sale would affect the estate conveyed by the conveyance of the Court, which is good against all the world. If such covenants would bind land purchased in the Landed Estates' Court, then counsel are wrong not to direct searches accordingly. But this is a question between your correspondent and the Irish Bar, who are well able to defend themselves, and does not affect the discussion in which I am engaged with him, save that if he is right in his opinion it seems to me very questionable whether such covenants would not bind recorded land, in which case the indefeasibility of the Record is extinguished.

"Leguleius" says:—"Examples are valuable in *this discussion*," and thereupon exhibits a number of judgment searches, some with as many as 181 acts upon them, which, he says, it is necessary "carefully to peruse and tediously to scrutinize," in order to determine whether they affect the lands in relation to which they were directed. Now the present "discussion" has reference only to land purchased in the Incumbered or Landed Estates' Court, to which alone the Record of Title applies; and I am, therefore, at a loss to know for what purpose the searches for judgments were directed, as under the Act 13 and 14 Vic., cap. 29, no judgments affect property purchased since 15th July, 1850, unless registered as a mortgagee in the Registry of Deeds Office. So much for these "valuable examples."

Your correspondent, in his last letter, endeavours to qualify, if not to retract, the admissions of his preceding one, in which he acknowledged frankly the inadequacy of the Record of Title for property which is likely to be put in settlement. All can be made perfectly safe, it seems, according to his last letter, by the wonderful contrivance of entering the trustees on the record as owners, "*without survivorship*," and the tenant for life taking special care to have his own name entered as that of a person whose consent is required, or who must have notice before any sale can be effected. This is all very well for the tenants for life; but what about the poor remainderman, who may not have taken this precaution to prevent his estate being sold to some one else without his knowledge? Unfortunately, too, infants and minors cannot (unless some next friend interferes) take this prudent precaution against the rapidity of transfer and indefeasible action of the Record of Title, and which has ever been its greatest merits in the eyes of the promoters of the system.

As to the correction of the Record, I am quite at a loss, I confess, to understand your correspondent's argument. He says, in terms, that over the course of years in which the Incumbered Estates' Court existed, it never made any mistake; that there is every reason to expect the same infallibility in the "Record of Title," and yet that the power of amending the record is "*fraught with safety*." Surely when we speak of any plan being "fraught with safety" we mean that the absence of it would be fraught with danger. If there are no mistakes to be corrected, where is the danger? Yet he must contemplate *some* mistakes, for he adds, "There is a strong probability that if there be a mistake it will be discovered and rectified before mischief has been done." Now, I am at a loss to know what is the ground for this "probability." For my part, I believe the probability to be exactly the other way, and that every act in the record being of a conclusive character,

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the mistake will *not* be found out until it is too late to rectify it without injury to some one. The Incumbered Estates' Court has never, it is true, either exercised or claimed the power to rectify the errors in its conveyances, because such power is entirely inconsistent with their indefeasible character, and the power given to correct the errors in the Record of Title is equally inconsistent, indefeasibility being the very essence of that system. How do I know, if I purchase a recorded estate from a recorded owner, that, after I have paid my money for it, the Recorder of Titles may not find a mistake in the record, and correct it. Where, then, is the indefeasibility of my certificate, which, in the words of Lord Westbury, is to show "the exact state of my title?" The indefeasible record has proved fallible, and now it is to be corrected, and the correction will be indefeasible until it, too, is found to be wrong, and is corrected by this power to alter what is "fraught with safety" to the public.

Admitting your correspondent's assertion that one hundred duplicate conveyances having been taken out is evidence of that number of purchasers desiring to be recorded, then we must assume, for the same reason, that those who do not take out duplicate conveyances have no such desire, in which case it is quite plain that of the number of cases recorded only one hundred, or thereabouts, represent those who really desire to be so, and that the rest were caught in the trap, or, to adopt your correspondent's illustration, have been carried off in this indefeasible express train, at considerable risk, by accident. Although to "Leguleius" this may appear the very best thing that can happen to them, the purchasers themselves may not be quite of that opinion. An instance of this kind came under my notice lately. A gentleman of large property had purchased a small estate in the Landed Estates' Court which had been recorded, he not having resisted. Subsequently to being recorded he married in England, and the recorded lands, with a considerable amount of other property, was put into settlement, the deed being necessarily a very voluminous one. So far as the recorded estate went, the settlement had no operation, because it was not recorded, and how to record it was the question. The anomaly and inconvenience which was pointed out in the observations of the Incorporated Law Society actually arose in this case, for part of the settled property was under one law and part under another. The law advisers of the party interested under the settlement have, after much consideration, advised their client to take the only safe course under the circumstances—namely, to withdraw the lands out of the Record of Title and bring them under the ordinary law.

And now allow me to protest against the charge which your correspondent has made against the members of my profession, and which he repeats in his last letter—namely, that they purposely keep their clients in ignorance of the benefits and advantages of the Record of Title. I think the most prejudiced in favour of the system must admit that there are ample reasons to justify a solicitor in hesitating to advise his client to record, and yet, because the profession do not surrender their opinions as practical men to those of your correspondent, he charges them with a wilful suppression of facts from their clients. As to informing their clients of the nature of the Record of Title, I suppose, in many instances, they might as easily be informed of, and as readily understand, the nature of the differential calculus. No doubt it would be easy to describe, in general terms, what the promoters *say* of it; but it would be utterly impossible to explain to an unprofessional person the objections to the system. In such matters the public in general, who have confidence in their solicitors, will act on their advice, believing as they do that it is honestly given.

To meet my objection to keeping my client still a suitor in the Landed Estates' Court, as I maintain is done by recording his estate, "Leguleius" endeavours to prove an analogy between that step and enrolling a deed in Chancery, or examining a married woman separately in the Court of Common Pleas. I am really surprised at any one of your correspondent's intelligence and experience offering such an argument to your professional readers, all of whom must be perfectly aware that there is no analogy whatever in these proceedings to the recording of an estate. A deed once enrolled, you have never any occasion to come near the Court of Chancery again respecting it, nor is there anything to bring you back to the Court of Common Pleas after you have filed the acknowledgement of a married woman. Not so with the Record of Title. It is absolutely part of the Landed Estates' Court, and every difficulty in respect to any transactions with recorded land (and if the business increases there will be plenty of them), must be brought before the Judge of that Court for adjudication, for which purpose regular rules and orders have been made and published. My objection is not to the Landed Estates' Court. If I must be in Court, I would as soon be there as in any other Court, but what I do object to is being kept in Court at all.

Your correspondent does not seem happy in analogies, for the instance of an executor or administrator for his *own protection* publishing a statutory notice to creditors, has no analogy whatever to the case of an heir-at-law, or devizee being obliged to give notice before he can exercise ownership respecting a real estate to which he succeeds by descent or devize. As to the difficulty of showing that you are an heir-at-law, from not being able to prove the negative fact that there was no will, it is certainly a new one, and one which I do not believe real property lawyers have hitherto experienced; large estates in Ireland are constantly passing by descent to heirs-at-law, but I never heard of this fact embarrassing any one until your correspondent mentioned this extraordinary case of an heir-at-law, who cannot make title to his estate because no one will believe that his predecessor died intestate. I do not see, for my part, the "utility" of enabling the heir-at-law to have himself *indefeasibly* recorded to the absolute exclusion of a devizee deriving under a will which may be afterwards found, although such is the law in recorded estates. The Court of Probate may recall letters of administration, if a will turn up after they have been granted, and I see no reason why a different rule should prevail respecting real estate.

I am not aware that anything I have written in this discussion betrays such ignorance of the subject as to warrant the patronizing rebuke contained in your correspondent's last paragraph, but of this your readers will be better judges. I hope I am not in the habit of writing upon subjects of this kind without "investigation and inquiry," and that I have a sufficient acquaintance with the Record of Title system to be allowed to express an opinion upon it, without drawing down upon me the kind "recommendation" of your correspondent, to prejudiced persons. It may be that as he prophecies, before many years have elapsed conclusions resembling those which he has arrived at may be generally adopted, and that his Indefeasible Express Railway Train (to follow his own illustration), may have effectually driven the old slow-coach system of Registry of deeds off the real property road. Perhaps so; but it seems to me quite as probabie that when a few "dreadful accidents" have occurred on this indefeasible line, the public may decline to trust their property upon it, or that the danger of such casualties may occasion the formation of a Record of Title Accident Assurance Company, to provide compensation for the sufferers.

I remain, Sir, your obedient servant,

HENRY T. DIX.

THE LAW STUDENTS' JOURNAL.

Attorneys' Apprentices whose Indentures have been duyl Enrolled pursuant to the 29th and 30th Vic., cap. 84, sec. 15.

Date	Name and Abode of Apprentice	Name and Registered Address of Attorney to whom bound
1867 April 24th	Robert Ellis Baillie, Shortstone, Co. Louth	George Twibill, 3, Upper Sackville-street, Dublin.
" 29th	Thomas James Gibbons, Westport, Co. Mayo.	Jeremiah Perry, 11, Bachelors'-walk, Dublin.
May 4th	Charles Hoey, Kilmacud, Co. Dublin.	David Fitzgerald, 20, Saint Andrew-street, Dublin.
" "	James William Nagle, 25, Earl-street, Dublin.	William Kennedy O'Shaughnessy, Stephen's-green, Dublin.
" 16th	Lucas, Cecil Walker, 83, Lower Gardiner-street.	Samuel Walker, 83, Lower Gardiner-street. Dublin.

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THE COURTS AND COURT PAPERS.

CONSOLIDATED NISI PRIUS COURT.

TRINITY TERM, 1867.

This Court will commence its Sittings on Tuesday the 28th day of May, and will sit continuously, or by adjournment, as occasion may require, until the end of Trinity Term.

The Honorable Mr. JUSTICE O'BRIEN will preside, and the Registrar appointed in pursuance of the 21st & 22nd Vic., Chap. 52, will attend as Registrar of the Court.

The Court will sit each day at *Eleven o'Clock precisely*, and every case will be struck out in which the Plaintiff's Attorney does not attend when called on, or is not ready to proceed.

ORDERED,

That no case shall be entered for trial unless a docket be lodged with the Registrar *four clear days* before the day for which notice of trial shall have been served, stating the names of the parties—in what capacity they sue and are sued—the general nature of the cause or causes of action and of defence and other pleadings, and the names of the Attorneys of the parties;—and all abstracts for trial shall be sealed and lodged with the Registrar the day before the same shall be called on; and in all cases wherein a confession or consent for judgment shall subsequently be given, the Plaintiff's Attorney shall immediately give notice to the Registrar that such cause will not proceed to trial.

All dockets of appeals must be entered with the Registrar *two clear days* before the day for which notice of hearing shall have been given, stating the names of the parties—the Attorneys—the nature of the decree, dismiss, or order appealed from—and from what Court the appeal is brought, the decree or dismiss must be in Court, as also a certificate of the appeal.

HENRY J. MONAHAN,
REGISTRAR,
Office Common Pleas.

GENERAL ORDER.

In relation to the Consolidated Nisi Prius Court.
18*th January*, 1862.

That no certificate of Counsel shall be requisite in order to enable Plaintiffs to have cases coming within the terms of the 237th Section of the Common Law Procedure Act (1853) tried in the Consolidated Nisi Prius Court for the future; and that, in addition to the cases specified in that Section, all cases may be tried in that Court which shall be ordered to be tried therein by any of the three Superior Courts of Common Law, or by any Judge of any of such Courts. Provided, however, that nothing in this order contained shall be deemed to interfere with the discretion of the Judge sitting in that Court to postpone the trial of any case to the After Sittings, on his being satisfied that it cannot be conveniently tried in the Consolidated Nisi Prius Court.

LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before JUDGE DOBBS.

Mary C. Condon, from 15th April. P. C. Lynch, from 6th inst. James Byrne (cross notice), from 9th inst. J. S. Kirwan, from 14th inst. Michael Walsh, from 15th inst. Thomas O'Brien, re-hear motion. William Thompson, payment. Lord Avonmore, vary rulings. Daniel O'Hara, objection to schedule. William J. Sidney, compensation. William Brophy, carriage. Thomas Dennehy and another, schedule. Lord Trimleston, rental. William Thompson, from 18th inst. A. Dewar, rental. Thomas S. Cave, do. John Ormsby, transfer deeds. William R. Parkinson, fee-farm grant. James Young, rental. Sir William Palmer, allocation. Elizabeth Little, rental. William and E. Thompson, lodgment. Sir William Palmer, allocation. R. C. Laurenson, rental.

Before the EXAMINER.

John Hutton, proofs.

Before JUDGE LYNCH.

D. Monserratt, from 20th December, 1866. Trustees of B. F. Kelly, proposal. J. W. Dickenson, from 16th inst. Same, cross-notice. W. Craig, allocation. Assignees of Scott, make order absolute. Administratrix of Lynch, vary order. Paul Askin and others, to consolidate. Trustees of Lord Clare, from 19th inst. Jane Lawler and another. Rev. J. N. H. Thomas, to allocate. A. Donaldson, do. Agnes Culbertson, from 22nd inst. W. J. Howard, proposal. E. Synge, to limit time for filing discharge. H. Greene, renewal of motion.

Before Mr. URLIN.

George Ross and others, rental.

Tuesday—Before JUDGE DOBBS.

J. Smith, senior, allocation. John Smyth, rental. P. Nolan, tax costs. John T. Armstrong, rental.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

J. White, three lots, County Galway, profit rent, £245. J. and C. Lynch, County Dublin.

Before Mr. URLIN.

Henry Aylmer, proofs.

Wednesday—Before JUDGE LYNCH.

G. Graham, final schedule. R. A. Nicholls, do. William Parsons and another, to allocate.

Before the EXAMINER.

J. Hunter, rental. John Thomas Fuller, do. James Boyce, to vouch. G. A. Rogers, rental. J. G. Curtis, do. Thomas Mackie, to vouch. Thomas Duncan, do.

Thursday—Before JUDGE DOBBS.

William Thomas Shortt, proposals.

Before the EXAMINER.

T. C. Barton, schedule.

SALE AT NEWRY.

J. W. Dickenson, twenty-eight lots, County Down, fee-profit rent, £808 5s. 6d. Solicitor, *Hallowes and Hamilton*.

Friday—Before JUDGE DOBBS.

SALE AT TWELVE O'CLOCK.

Baptiste Kernaghan, one lot.

Saturday—Before JUDGE DOBBS.

William Huggins, schedule.

Before the EXAMINER.

Assignees of Hugh M'Menamin, rental.

Before Mr. URLIN.

George Lacy and others, rental.

LANDED ESTATES' COURT.

SALES.

May 17.—Before the Hon. JUDGE DOBBS.

COUNTY OF CORK.—Estate of John Joyce, owner. Executors of R. G. Davis, petitioners.

The lands of Ballinlogh, barony of Imokelly, held for 51 years from May, 1864, comprising 47 statute acres; net yearly rental, £12 6s. 3d.; ordnance valuation, £31. Sold to Mr. Morrissey at £400. Solrs., *Green and Co.*

COUNTY OF DUBLIN.—Estate of Patrick M'Donogh, owner; Joseph Russell and wife, petitioners.

Lot 1. House and premises, 9, Charlemont-avenue, Kingstown; the yearly letting value is £45; held for 90 years from 1859. Sale adjourned at £250.

Lot 2. House and premises, 10, Charlemont-avenue; same tenure as Lot 1; net estimated rental, £41. Sale adjourned at £250. Solrs., *Casey and Clay.*

COUNTY OF ROSCOMMON.—Estate of Anthony Fallon, owner; Patrick Fallon, petitioner.

Lot 1. Part of the lands of Ballina, barony of Athlone, held in fee simple, and portion thereof, known as Cartron held from year to year, containing 223 statute acres; ne, yearly rental, £160 13s. 3d.; there is a dwelling-house on the lot; the valuation is £106 5s. *P. J. Kelly*, solicitor, was the buyer, in trust, at £1,800.

Lot 2. The lands of Shanballybrisky, same barony, held in fee simple, containing 95 acres; net yearly profit rent, £20 9s. 7d.; valuation, £49 15s. Sold to Mr. Fetherstone at £360. Solr., *Edward T. Stapleton.*

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COUNTY OF WEXFORD.—Estate of Richard W. Gason, owner; Katherine Gason, petitioner.

Lot 1 not sold.

Lot 2. Part of the lands of Clohamon, situate in the barony of Scarawalsh, containing 653a. 1r. 6p., held in fee farm; profit rent, £391 17s. 4d.; sold subject to an annual payment of £34 8s., under the Landed Improvement Acts, until April, 1880. Sale adjourned at £7,400.

Lot 3. Other parts of the lands of Clohamon, held in fee farm, containing 131 acres; net profit rent, £113 8s. 8d. Sale adjourned. Solr., *L. W. Hartstonge.*

COUNTY OF THE TOWN OF GALWAY.—Estate of Walter M. Blake, owner and petitioner.

Lot 1. Houses and premises (9), situate in Eyre-square, held under lease for 41 years renewable; net profit rent, £8 16s. 6d.; the tenant's interest in one of the holdings will expire on the 1st May, 1868, when the supposed value will be £150 per annum. Sold to Mr. Higgins at £595.

Lot 2. Sold by private contract.

COUNTY OF GALWAY.

Lot 3. The lands of Boherbeg; net rent, £31 19s. 7d.; sold to Mr. Dean West at £3,000; same tenure as Lot 1.

The sale of Lots 4, 5, 6, 7, and 8 was adjourned.

Lot 9. Premises on the south side of Bohermore, held for 21 years from 1848; net rent, £6 12s. 6d. Sold to Captain Foster at £40.

Lot 10. Premises at the rere of south Bohermore, same tenure as Lot 9; net rent, £2 9s. 6d. Same buyer at £10.

Lot 11. The lands of Brooklodge, held for 99 years from 1858, containing 388 acres; net rent, £55 12s. 6d. Sold to Mr. R. Blake at £800.

Lot 12. The demesne lands of Brooklodge, with the mansion-house and offices, containing 238 acres; net rental, £106 14s. 10d., held for 99 years from 1858. Sold to Mr. Robert Blake at £1,000. Solr., *P. J. Conway.*

Estate of Frances Maunsell and another, owners; trustees of the will of Frances Maria French, petitioners.

The lands of Carrowreagh, barony of Clare, held in fee, containing 299 acres; net rental, £183 8s. 10d.; ordnance valuation, £107 11s. Sold to Mr. W. M. Blake at £3,240. Solr., *F. B. Falkiner.*

May 21.—Before the Hon. JUDGE LYNCH.

QUEEN'S COUNTY.—Estate of the heir-at-law of Sir George Whiteford, deceased, and others, owners and petitioners.

The lands of Annagh, and part of the lands of Derrynaseer, barony of Upper Woods, 447 acres; net rent, £189. Sold to Mr. Roe at £4,010. Solr., *Geo Bolton.*

COUNTY OF WEXFORD.—Estate of William Russell Farmer and others, owners, and Benjamin S. Beamish, petitioners.

Lot 1. Part of the lands of Templescoby, held in fee, 404 acres, subject to a jointure of £138 9s. 2d. for the life of a lady now 80 years. Captain Phaire purchased this lot, in trust, for £7,000.

Lot 2. Part of the lands of Forge, same tenure as lot 1, 114 acres; rent £137 19s. 6d. Same purchaser at £4,000.

Lot 3. Other parts of same lands, 9a. 1r. 24p.; rent, £74 1s. Same buyer, in trust, at £1,500.

Lot 4. Other parts of same lands, same tenure, 77 acres; rent, £85 3s. 1d. Same buyer, at £2,200.

Lot 5. Part of the lands of Templescoby, held in fee, 134 acres; rent, £78 19s. 6d. Same buyer, at £1,420.

Lot 6. Other parts of same lands, same tenure, 146 acres; rent, £80 3s. 8d. Same purchaser, at £1,720.

Lot 7. Part of the lands of Dunsinane, held in fee, 222 acres; rent, £46 7s. Same buyer, at £1,020.

Lot 8. Other parts of the lands of Templescoby, held in fee, 163 acres; rent, £142 4s. 1d. Same purchaser, in trust, at £2,620. Solr., *Geo. Bernard.*

LANDED ESTATES' COURT.—PETITIONS FILED, *from 18th to 24th May*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
May 18	3842	Gustavus Hamilton and others.	*William Harwood*	City of Dublin	58 18 8	*Sydenham Davis*	Lynch
May 20	3843	Edward H. Soulsby	*The Trustees of the Irish Civil Service Building Society*	Dublin	39 0 0	*Robt. Geo. Falkiner*	Dobbs
,,	3844	Catherine Lennon	*Richard Netterville*	City of Dublin	115 0 0	*R. J. Jones*	Lynch
May 21	3845	George Robt. M'Grath	*Geo. Eaton & another*	City of Dublin	24 0 0	*William Fry*	Dobbs
,,	3846	John Johnston	*Hugh White*	Down	39 11 0	*Daniel O'Rorke*	Lynch
,,	3847	George Robt. M'Grath	*Th Owner*	City of Dublin	23 18 2	*Geo. R. M'Grath*	Dobbs
,,	3848	Saml. Bradley, trustee for John Brown and others	*The Owner*	City of Kilkenny	17 19 1	*J. C. O'Meagher*	Lynch
May 22	3849	Patrick Regan and others	*Helena M'Carthy and others*	Dublin	137 3 6	*Kernan & Tracy*	Dobbs
,,	3850	Caroline Fetherston H.	*John Longworth*	King's County	105 9 8	*Edwd. Fetherstonhaugh*	Lynch
,,	3851	Nicholas M'Grath	*Geo. Eaton & another*	Dublin	Not known	*William Fry*	Dobbs
,,	3852	Trustees and administrator of Sir George Whiteford, deceased	*George Whiteford*	City of Dublin	45 19 10	*George Bolton*	Lynch
May 23	3853	Jane Savage	*The Owner, for sale and partition*	Down	193 17 4	*Buckley & Smith*	Dobbs
,,	3854	George Browne	*The Owner, for sale and partition*	Mayo	85 0 11½	*C. Loughnan*	Lynch
May 24	3855	John Gaggin	*Mary Hilliard*	Cork	Not given	*David Hall*	Dobbs

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.		
		Before Mr. BRADY, Chief Registrar.		
May 27	12 o'clock	Hugh M. Beck	Proof of debts	*Meldon*
"	"	J. W. Reilly	Prove debts and vouch assignee's acct.	*Larkin*
"	"	Michael Callanan	do.	*Cleary*
"	"	Arrangement case	do.	*Larkin*
"	"	do.	do.	*Stuart*
		Tuesday.		
		Before the COURT.		
May 28	11 o'clock	Thomas Berry	Final examination	*Larkin*
"	"	J. B. Kennedy	do.	*O'Callaghan*
"	"	Thomas Reynolds	do.	*Molloy & Watson*
"	"	John F. Clarke	do.	*Mulhall*
"	"	Mathew Drysdale	do.	*Findlater & Collins*
"	"	Robert Humphrey	do. and examin. of witnesses	*Hazlett*
"	"	Joseph Wm. Sidley	Composition	*Batt*
"	"	Robert Clements	do.	*Moore & Barlow*
"	"	Samuel Pickering	Audit and dividend	*Larkin*
"	"	Patrick Hayden	do.	*Kernan & Tracy*
"	"	James Fitzpatrick	do.	*Larkin*
"	"	Private arrangement case	First sitting	*Larkin*
"	"	do.	do.	*Saunders*
"	"	do.	do.	*M'Kenny*
"	"	do.	do.	*Perry*
"	"	do.	Second sitting	*Redington*
"	"	Martin W. Moran	Sur. prove debts, and assignee	*Scallan*
		Thursday.		
		Before the COURT.		
May 30	11 o'clock	H. M. Beck	Final examination	*Meldon*
		Before Mr. BRADY, Chief Registrar.		
"	"	Joseph Flam	Proof of debts and vouch account	*Graham*
"	"	Samuel Bradley	do.	*Oldham*
"	"	William Tackaberry	do.	*Leachman*
"	"	T. W. Nealon	do.	*Meldon*
"	"	James Sheehy	do.	*Cleary*
		Friday.		
		Before the COURT.		
May 31	11 o'clock	Edward M'Dermott	Final examination	*Larkin*
"	"	Ellis Rowland	do.	*Hazlett*
"	"	Margaret Magee	do.	*Meldon*
"	"	J. K. Hume	Sur., prove debts, and choose assignee	*Eyre*
"	"	John Joseph Malone	do.	*Rosenthal*
"	"	J. C. North	Audit and dividend	*Bloomfield*
"	"	Arrangement case	First sitting	*Stuart*
"	"	do.	Second sitting	*Perry*
		Before CHIEF REGISTRAR.		
"	"	John Chambers	Vouch assignee's account	*Hunter*
"	"	Arrangement case	Proof of debts and vouch	*Barrett*
"	"	do.	do.	*Kelly*
"	"	do.	do.	*Molloy & Watson*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
May 21	Denis Lyons,	Thomas Vance, of Bridge-street, Dublin, merchant,	*Meldon.*
May 24	Mary Foley, of Killorglin, County Cork, hotel-keeper and draper,	Edward Fox, of Usher's-quay, Dublin, merchant,	*Larkin*
"	Patrick Ronayne, of Dungarvan, County Waterford, draper,	Benjamin Barron, of Dungarvan, merchant,	*Perry.*
"	Charles Johnstone, of Pope's quay, Cork, cement and com. agent,	William Reilly, of Cloghroe, Cork, merchant and mill owner,	*O'Connell.*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

BANKRUPT'S NAME	DIVIDEND IN THE POUND	SOLICITOR	OFFICIAL ASSIGNEE
J. E. Anderson,	1st and final Dividend 1d. in the £ on £7,602.	*Molloy.*	*James.*
H. M. Beck	1st Dividend of 3s. 6d. in the £ on £76,986.	*Meldon.*	*James.*

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BANKRUPTS.

Costello, Charles, of Ballina, co. of Mayo, grocer and baker. Petition of bankruptcy filed 14th May, 1867. To sur. Tuesday, 4th June, and Tuesday, 18th June. L. H. Deering, official assignee. *Cleary*, solr.

Healy, William, of Monivea, co. of Galway, grocer and draper. Petition of bankruptcy filed 20th May, 1867. To sur. Tuesday, 4th June, and Tuesday, 18th June. L. H. Deering, official assignee. *O'Dowda*, solr.

Hume, James Kidd, of No. 9, Westmoreland-street, city of Dublin, hosier and outfitter. Petition for arrangement filed 24th April, 1867. To sur. Friday, May 31, and Friday, June 14. L. H. Deering, official assignee. *Eyre*, solr.

Malone, John Joseph, of No. 165, Great Britain-street, and Leinster-street, city of Dublin, ironmonger, and silk-mercer. Petition for arrangement filed 25th September, 1866. To sur. Friday, May 31, and Friday, June 14. L. H. Deering, official assignee. *Rosenthal*, solr.

Certificates Allowed,

Unless Appeal filed within 30 days from date.

May 21.

Barry, William Barnet; Rumley, Walter Harding; of St. Patrick-street, city of Cork, drapers, trading as "Barry and Rumley," bankrupts. *Oldham*, solr.

Longford, Charles, of Wellington-place, Belfast, co. of Antrim, a bankrupt. *Dodd*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
May 27	12 o'clock	Donald John Macqueen	To prove debts of foreign creditors	*Byrne*
,,	,,	James Morrison	To prove debts	*Macnally*
,,	,,	M. J. M'Auliffe	do.	*Macnally*
,,	,,	Patrick Keane	do.	*Macnally*
,,	,,	Michael Evers	do.	*Macnally*
,,	,,	Myles Keating	do.	*Macnally*
,,	,,	Henry M'Hugo	do.	*Macnally*
,,	,,	William Cother	Adjourned inquiry under order	*Macnally*
		Tuesday.		
May 28	12 o'clock	George S. Murray	To tax costs	*Macnally*
,,	,,	Thomas Monaghan	do.	*Macnally*
,,	,,	John Pinkerton	do.	*Bloomfield*
,,	,,	William Hannon	do.	*Macnally*
,,	,,	John Irwin	do.	*Bradley*
,,	,,	Edward Coneys	do.	*Caicy*
		Wednesday. Before the COURT.		
May 29	11 o'clock	George Stanley Murray	Audit and dividend	*Macnally*
,,	,,	Thomas Monaghan	do.	*Macnally*
,,	,,	John Pinkerton	do.	*Bloomfield*
,,	,,	William Hannon	do.	*Macnally*
,,	,,	John Irwin	do.	*Bradley*
,,	,,	Edward Coneys	do.	*Caicy*
,,	,,	Michael Callaghan	Adjourned do.	*Perry*
,,	,,	John M'Intyre	Examination of witnesses	*Archer*
,,	,,	John Gleeson	Adjourned notice of motion	*Moriarty*
,,	,,	Thomas MacDonnell	Hearing of petition	*Graves*
,,	,,	Michael Tobin	do.	*Graves*
		Thursday. Before the CHIEF CLERK.		
May 30	12 o'clock	John Thomas M'Vittie	Examination of witnesses	*Sullivan*
		Friday. Before the COURT.		
May 31	11 o'clock	———	For Bail Motions only.	——
		Saturday. Before the CHIEF CLERK.		
June 1	12 o'clock	Rev. Charles L. Thomas	To vouch assignee's account	*Macnally*
,,	,,	Edmond B. O'Reilly	do.	*Macnally*
,,	,,	William Crawford	do.	*Macnally*
,,	,,	Edward Curran	do.	*Macnally*
,,	1 o'clock	Thomas Roche Rice	do.	*Haggard*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	SOLICITOR	OFFICIAL ASSIGNEE
May 8th	Collins, Charles,	2nd and final dividend 5¼d. in £ on £525.	*Bergin*	*James*
,,	Kelly, Gerald,	1st and final dividend 11½d. in £ on £282.	*Macnally*	*James*
,,	Neill, Peter,	1st and final dividend 12s. 4d. in £ on £113.	*Henegan*	*James*
,,	Sheehy, Patrick DeCourcey	2nd dividend 2s. 2¾d. in £ on £220.	*Macnally*	*James*
,,	Whitehead, Joseph Dobson	3rd dividend 6s. 5d. in £ on £217.	*Bergin*	*James*

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CASES DISPOSED OF.

Wednesday, May 22, 1867.

Before JUDGE MILLER.

Dowding, Catherine. Discharged.
Grace, William. Discharged. £25 per annum out of insolvent's pension to be allocated for payment of debts.
Kinsella, Denis. Adjourned to Wednesday, the 5th June next.
Lee, James Joseph. Discharged.
Montgomery, Hugh Lyons. Adjourned to Wednesday, 12th June next.
M'Nevin, John. Discharged.

INSOLVENTS DISCHARGED ON BAIL until the Day of Hearing their petitions.

Cussen, Robert, farm labourer, co. Cork.
Kelly, Edmond W., gentleman, Galway.
Keenan, Mary, widow, grocer and spirit dealer, Newry.
Lynch, Peter, egg dealer, Dublin.
MacIvor, Stephen Arthur, collector for Rathmines township, Rathmines.

INSOLVENTS.

To be heard in Dublin.

Coleman, Patrick, of Fox Rock, Stillorgan, co. of Dublin, grocer. Hearing on Wednesday, June 12, at 11. *Rynd*, solicitor.

MacIvor, Stephen Arthur, of Charleston-road, Rathmines, county of Dublin, not in any business; previously of Richmond-hill, Rathmines, county of Dublin aforesaid, late senior collector of the Rathmines Township; sued as Stephen A. MacIvor. Hearing on Wednesday, June 19, at 11. *Macnally*, solicitor.

To be heard in the Country.

Heaslip, Ann, arrested as "Agnes Hyslopp," of Holywood, county of Down, ladies' waiting woman; previously of Holywood, aforesaid, milliner and dressmaker. Hearing at Downpatrick, June 20th, at 10. *Macnally*, solicitor.

Horgan, Laurence, of Lower Glanmire road, borough of Cork, shipcarpenter. Hearing at Cork, Monday, July 8, at 10. *Drinan*, solicitor.

Jones, John James, of Dundalk, county Louth; previously of West Felton, county Salop, England; and formerly of Peckham, London, county of Surrey, England, surgeon. Hearing at Dundalk, Friday, June 28th, at 10. *Johnston*, solicitor.

Kelly, Edmund Walter, of Rutledge-terrace, Salthill, Galway; previously of Cottage, otherwise Mount Prospect, co. Galway; formerly of Scregg, co. Roscommon, gentleman; arrested as "Edmond W. Kelly." Hearing at Galway, Saturday, June 22, at 10. *Jennings*, solicitor.

Petition of Insolvency Filed.

May 18, 1867.

By Rogers, George Aleyne, of Sullivan's-quay, city of Cork; previously of Old George's-street, in said city; and formerly of Clegate, Surrey, England, late Captain in Her Majesty's 9th Regt. of Foot, a prisoner in gaol of Cork. *Drinan*, solicitor.

Pauper Declarations Filed,

For discharge of Prisoners unless Creditors' Petitions filed within 21 days from date.

May 21.

Flood, Thomas, detained by Robert Parsons. *Fitzgerald*, solicitor.

May 24.

Hamilton, Alexander, detained by David M'Dowell. *Ennis*, solicitor.
Neagle, Nicholas, arrested as "Nicholas Nagle," detained by William Rooney. *Tracey*, solicitor.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

CARTON—May 12, at 53, Mountjoy-square, the wife of Richard P. Carton, Esq., barrister-at-law, of a son.
GRIFFIN—May 20, at 114, Lower Baggot-street, the wife of Robert Griffin, Esq., barrister-at-law, of a son.
MEREDITH—May 21, at 56, Upper Mount-street, the wife of James Creed Meredith, Esq., barrister-at-law, of a son.

DEATHS.

KAYE—May 22, at his residence, Abbey-street, Armagh, Arthur Richardson Kaye, Esq., solicitor, deeply regretted.
SHERLOCK—May 2, at the Palazzo Bernini, Rome, Isabella, relict of Thomas Sherlock, formerly of the city of Dublin, Esq., and sister of the late Right Hon. Mr. Justice Ball.

TO SOLICITORS.—A Solicitor of standing and great experience, having an adequate Staff, and first-rate Offices in the most central part of the City, would undertake a first-class Agency. Address, "Lex," office of "Irish Law Times."

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In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of The Rev. Thomas Graham Smyth, Ralph Smyth, George Sackville Smyth, Amelia St. George Turton, the Rev. Henry Deane, Catharine Mary, his wife, Sackville William H. Thompson, St. John Thomas Browne, Geo. V. H. Browne, Elizabeth Catharine Browne, Amelia St. George Littlejohn, the Rev. W. D. Littlejohn, the Rev. Thomas Adderley Stopford, and Lewis F. B. Robertson, Owners and Petitioners.

TO BE SOLD, on TUESDAY, the 18th day of JUNE, 1867, before the Hon. Judge Lynch, at the Landed Estates' Court, Inn's-quay, in the City of Dublin,

A perpetual Annuity or Rent-charge of £11 1s 6d., created by Indenture, dated 30th April, 1733, issuing out of certain houses and premises on Coal-quay, or Lavitt's-quay, four houses in Half Moon-street, and plot of building ground, situate in the Parish of St. Paul, and City of Cork.

Dated this 11th day of May, 1867.
HENRY ROBERT GREENE,
Chief Clerk.

For Rentals and further particulars apply at the Landed Estates' Court, Inn's-quay, in the City of Dublin; to
Messrs. HODGES & SMITH, Grafton-street; or
JOHN THOMAS HINDS, Solicitor having Carriage of Proceedings, No. 28 Westmoreland-street, Dublin.

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In the LANDED ESTATES' COURT, IRELAND.

COUNTY OF MEATH.

SALE,

On TUESDAY, the 4th day of JUNE, 1867.

In the Matter of the Estate of John Robert Taaffe, Esq., Owner and Petitioner.

TO BE SOLD, before the Honourable Judge Lynch, at the Landed Estates' Court, Inn's-quay, Dublin, on TUESDAY, the 4th day of JUNE, 1867, at Twelve o'clock, noon.

LOT No. 1.

Portion of the Lands of Farganstown, otherwise Ballyfargan, containing 111a. 1r. 4p. statute measure, situate in the Barony of Skreen, and County of Meath, held in fee, and producing a net rent of £199 14s. 8d.

LOT No. 2.

Another portion of the Lands of Farganstown, otherwise Ballyfargan, containing 223a. 3r. 5p. statute measure, situate in the Barony of Skreen, and County of Meath, held in fee, and producing a net rent of £382 6d. 3d.

LOT No. 3.

Part of the Lands of Ardmulchan, containing 505a. 2r. 9p. statute measure, situate in the Barony of Skreen, and County of Meath, held in fee. The greater portion of this Lot is in the owner's hands. The estimated annual value, after deducting tithe rent-charge, is £955 17s. 2d.

Dated this 27th day of March, 1867.

HENRY ROBERT GREENE, Chief Clerk.

WILLIAM FORD and JOHN DOHERTY, Solicitors having Carriage of Proceedings No. 62, Lower Dominick-street, Dublin.

DESCRIPTIVE PARTICULARS.

The Lands of Farganstown and Ardmulchan, in the County of Meath, are held in fee; they consist of arable and pasture land of the very best description, well fenced and watered, and accommodated with good farm roads. A considerable portion of these lands are in the owner's possession, and from their proximity to the town of Navan are most valuable as town parks.

On the Lands of Ardmulchan is the handsome residence of the owner, and more fully described in Lot No. 3.

These Lands are situate within two miles of the town of Navan, the principal market town of the county, in which there is a weekly meat and corn market, and monthly fairs for every description of stock.

The railway from Navan to Drogheda and Dublin passes through the lands, and the stations at Navan and Beauparc are within two miles at either side, by which the utmost facility is afforded for the transport of agricultural produce and stock either to the Dublin, Belfast, or to the English markets, by Drogheda.

LOT No. 1.—This Lot contains 111a. 1r. 4p. statute measure, and is that portion of the Lands of Farganstown which lies on the north-western side of the public road from Navan to Drogheda, and extends thence to the river Boyne, opposite to the handsome demesne of Blackcastle. The river skirts this Lot for a distance of about a mile, the salmon fishing of which is a most valuable addition to this portion of the property.

There is a valuable limestone quarry on the lands occupied by John Clarke.

A portion of this Lot is in the owner's possession, and owing to its proximity to the town of Navan is most valuable as town parks.

LOT No. 2.—This Lot contains 223a. 3r. 5p. statute measure, and is divided from Lot 1 by the public road from Navan to Drogheda.

It comprises the remaining portion of the Lands of Farganstown, the property of the owner.

This Lot is in the possession of a most respectable and independent class of tenantry, who pay their rents most punctually.

LOT No. 3.—This Lot contains 505a. 2r. 9p. statute measure, of the Lands of Ardmulchan, 321a. 1r. 25p. of which, including the demesne lands and mansion house, are in the possession of the owner. The house is beautifully situated in an elevated position overlooking the River Boyne, and directly opposite the picturesque ruins of the old Castle Dunmoe.

The demesne lands lie between the public road and the river. They are beautifully planted, and well wooded with a large quantity of valuable timber.

The gate-house and offices are most complete and substantial stone buildings. There is an enclosed yard, with stables, coach-house, steward's-house, cattle-sheds, and haggard, with a mill turned by water power.

The pleasure grounds run along the River Boyne, and command beautiful views of the adjoining picturesque scenery; the garden is tastefully laid out and well stocked with fruit trees; and the salmon fishing of the river, which extends along this portion of the estate, is most valuable.

Proposals for any of the above Lots will be received by the Solicitors having Carriage of the Sale, up to the 25th day of May, and submitted to the Judge for his approval.

For rentals and further particulars apply at the office of the Landed Estates' Court; to

Mr. WILLIAM FORD, Agent to the Owner, Kilcairne, Navan; to
JOHN MACNAMARA CANTWELL, Esq., Solicitor, 24, Lower Dominick-street; to
Messrs. D. & T. FITZGERALD, Solicitors, 20, St. Andrew-street; to
JOHN THUNDER, Esq., Solicitor, 43, Rutland-square; to
Messrs. SCUDAMORE & BRENNAN, Solicitors, Maidstone, Kent; to
W. D. H. OEHME, Esq., Solicitor, 221, Gresham House, Old Broad-street, London; or to
Messrs. FORD & DOHERTY, Solicitors having Carriage of Proceedings, 62, Lower Dominick-street, Dublin.

IN CHANCERY.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of John Kane and Thomas Francis Brady, Executors of Thomas Frederick Morrell, deceased, Petitioners; Rose Baxter and Anne Morrough, Respondents.

I HEREBY require all Persons claiming to be Creditors, Pecuniary Legatees, or Next of Kin of Thomas Frederick Morrell, formerly of Lower Sackville-street, Dublin, Tailor, formerly of Lower Mount-street, in the City of Dublin, and late of Hotel Vanneau, Rue Vanneau, Paris, deceased, on or before the 2nd day of JULY next, to furnish, in writing, to Messrs. MAXWELL and WELDON, Solicitors for the Petitioners, No. 37, North Great George's-street, Dublin, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioners may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 16th day of May, 1867.

WM. BROOKE, Master in Chancery.

MAXWELL & WELDON, Solicitors for the Petitioners, No. 37, North Great George's-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edward M'Dermott, of Castlerea, in the County Roscommon, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 31st day of MAY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 18th day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchant's-quay, Dublin.

L. H. DEERING, Official Assignee, No. 33, Up. Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James Sheehy, of King-street, in the City of Cork, Hotel Keeper, also having a place of business of a Wine and Spirit Merchant at Patrick-street, in the City of Cork aforesaid, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 30th day of MAY, 1867, at the hour of Twelve o'clock noon, *to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 31st day of MAY, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, in this Matter; whereof all persons concerned are to Take Notice.

Dated this 20th day of May, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

JOHN CLEARY, Agent to the Bankruptcy, No. 33, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of William Hayes, late of Bullock, in the County of Dublin, previously of Westmoreland-street, and formerly of York-street, in the City of Dublin, Attorney at Law, an Insolvent.

A PUBLIC Sitting will be held in this Matter, before the Chief Clerk, at the Four Courts, Dublin, on MONDAY, the 3rd day of JUNE, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts.* The Account of the Official Assignee will be Vouched before the Chief Clerk, on Saturday, the 15th day of June, 1867, at Twelve o'clock; and the Costs of the Assignees will be Taxed on Tuesday, the 18th day of June, 1867, at Twelve o'clock.

And a Public Sitting will be held before the Court, at the Four Courts, Dublin, on WEDNESDAY, the 19th day of JUNE, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First Dividend of the Insolvent's Estate;* whereof all persons concerned are to Take Notice.

Dated this 14th day of May, 1867.

THOMAS FARRELL, Chief Clerk.

CHARLES H. JAMES, Official Assignee, Upper Ormond-quay, Dublin.

JOHN MACNALLY, Solicitor for Edwin Saunders, Creditors' Assignee, No. 1, Morgan-place, Four Courts, Dublin.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, May 25, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 18.] SATURDAY, JUNE 1, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office, 53, Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, *53, Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, JUNE 1, 1867.

IN our columns of to-day will be found the first Report of "The Digest of Law Commission." Some six months ago this Commission was appointed to inquire into the expediency of a Digest of law, and the best means of accomplishing that object, and of otherwise exhibiting the law, as embodied in judicial decisions, in a compendious and accessible form. We shall content ourselves here with merely directing the attention of every class of our readers to this masterly exposition of the objects of the Commission, the advantages to all classes of the community likely to flow from the formation of the proposed Digest, and the means by which the work is to be accomplished. Great results were, no doubt, expected from the collective wisdom and united exertions of the great men to whom this momentous task was entrusted; and it may now be safely asserted that this first result of their labours will be received with an amount of interest surpassing every expectation, not alone by the legislator, or those engaged in the administration and the study of the law, but by every intelligent member of the community. The questions with which the report deals are not questions of mere speculative interest, but of the highest practical importance. To attempt a summary of its contents would be simply waste of time, as it is itself the most succinct and the most lucid abstract that could possibly be given or desired.

The Digest, as contemplated by the Commissioners, would be a condensed summary of the law *as it exists*, arranged in systematic order, under appropriate titles and subdivisions, and divided into distinct articles or propositions, which would be supported by references to the sources of law whence they were severally derived, and might be illustrated by citations of the principal instances in which the rules stated had been discussed or applied. From this it will be readily seen that although such a Digest may never lead to the Codification of our laws, it fully merits the recommendations of the Commissioners, and ought to receive the immediate consideration of the Legislature.

The existence of conflicting systems of Law and Equity have been deemed by some sufficient reasons for regarding Codification as at present impracticable. We will not at present discuss this difficult question as to the fusion of Law and Equity; all we say is that we believe the contemplated Digest is the safest preparatory step to such legislative amendments as will

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effect the amalgamation of the two systems, if such should be deemed desirable, when legislators shall be in a better position to decide: and that the formation of a Digest will not prove in any case a useless expenditure of time and money.

In connexion with the subject of Codes, we may here remind our readers that the first of the French Codes, of which a *projet* was printed early in 1801, was sent to the different Courts of Justice for their remarks and suggestions. The remarks and suggestions were also printed, and the whole was then laid before the section of legislation of the Council of State. The various heads of the Code were successively discussed, and then laid before the tribunate, where some of the provisions met with considerable opposition. At length the Code passed both the tribunal and legislative body, and was promulgated in 1804, as the "Code Civil des Francais." When Napoleon became Emperor the name was changed to that of "Code Napoleon," by which it is still often designated, though it is now generally styled by its original name of "Code Civil."

So, also, the Code of Justinian was framed by ten Commissioners appointed by the Emperor in the year 528, to make a new collection of imperial constitutions. The instructions given to the Commissioners empowered them to omit unnecessary preambles, repetitions, contradictions, and obsolete matter; to express the laws to be derived from the sources above mentioned in brief language, and to place them under appropriate titles; to add to, take from, or vary the words of the old constitutions, when it might be necessary; but to retain the order of time in the several constitutions, by preserving dates, &c. Fourteen months after the date of the Commission, the Code was completed, and declared to be law under the title of the *Justiniuneus Codex*. We have thus briefly adverted to a few points in the history of those two great Codes, so as to be able better to judge whether a Code ought to be the object of our legislature in the first instance. *The Times* in a recent article, which we inserted in our last number, alluding to this subject, observes:—"Thus it has come about that above thirteen hundred years after the publication of the great Digest of the Roman Law by Justinian, and two generations after the publication of the French Code, since adopted by several European nations, when a great part of our own law has already been codified in the State of New York, and we have ourselves established an excellent Code in India, a Royal Commission has just been instructed 'to inquire into the expediency'—not of a Code, for that is still in the remote future, but—of a simple 'Digest of Law.'" Now, having regard to the vast field in which a Commission on our laws would have to work, as compared with the limited space to which the operations of the framers of the two great Codes referred to were confined, we think this Commission was wisely restricted to the consideration of a Digest of the law as it now exists, before it directed inquiry as to the production of a Code which, according to *The Times* itself, would require at least a grant of £40,000 a year, for a period of ten years. *The Times*, however, approves of the Digest now proposed, which can be perfected in half that time, and at half that cost, and advocates immediate action on the Report of the Commissioners.

CURRENT TOPICS.

We think the profession have no reason to be altogether dissatisfied with the proceedings in the House of Commons last Wednesday, when the Attorneys' Certificate Duty Bill came on for second reading. It was defeated for the time, not after a discussion on its merits, but by a common Parliamentary manœuvre. The opponents of the measure first endeavoured to shelve it by moving the adjournment of the debate. On a division this motion was promptly negatived by a majority of 41—the numbers being: for adjournment, 91; against it, 132. Seeing, then, that the friends of the Bill had mustered so strongly to support it, the device of speaking against time was resorted to, as by the rules of the House all business, however important, is suspended on Wednesday afternoons, directly the clock points to a quarter to six. Mr. Ayrton had thus an opportunity of illustrating at once his powers of loquacity and his puerility of argument, for in the course of his observations he gave as a "special reason" for not abolishing this obnoxious impost, that the concentration of the new London Courts of Justice would save half the time and half the trouble of attorneys. We may be dull, but we fail to perceive why Scotch, and Irish, and English *country* solicitors should continue to pay a tax of this nature in order that their London brethren may spend less money on cab hire, and gain more time to write their letters.

ADDRESS OF THE BAR TO THE RIGHT HON. FRANCIS BLACKBURNE, LATE LORD HIGH CHANCELLOR OF IRELAND, AND HIS REPLY.

The following is a copy of the Address to Mr. Blackburne, mentioned in a former number of this Journal as having been approved of at a meeting of the Bar for presentation to him. In the hope that a formal delivery of it to him in person would have been possible, and that a reply might have been heard from his own lips, the presentation stood over since April; but the anxious expectation of the Bar in this respect has been disappointed. Owing to the continued illness of Mr.

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Blackburne, he was obliged to transmit his reply in writing to the Bar. It is subjoined to the Address:—

"TO THE RIGHT HON. FRANCIS BLACKBURNE.

"SIR,—The Bar of Ireland desire, while they bid you farewell on the occasion of your retirement from the Bench, to express to you their feelings of respect and admiration for the great qualities which have distinguished you, and have reflected so much honor upon your profession.

"The history of your career, extending over more than sixty years, contains a record of which the Irish Bar are proud, and which is in many respects without a parallel.

"In your earlier years at the Bar those qualities which had won the great distinctions of your College course raised you to pre-eminence among rivals with whom few could have ventured to compete. Having reached the highest point of professional eminence, and proved yourself a sound lawyer and consummate advocate, public honors and public trust soon followed as the just recognition of your well-earned position.

"In the discharge of your duties as first Law Officer during times of difficulty your abilities were ever equal to the occasion, while your moderation and firmness have left an example worthy of imitation. You were then in succession Master of the Rolls, Lord Chief Justice, Lord High Chancellor, and Lord Justice of Appeal.

"In the history of this country no man ever filled so many high judicial offices and brought to the discharge of each such great and varied powers. Calm and impressive dignity, great grasp of mind, unequalled sagacity, and a rare faculty of clothing thought in clear and simple language conspicuously marked your administration of the law.

"Your uniform courtesy and kindness will be long remembered by us all, and you bear with you into your retirement the sincere good wishes of every member of the Irish Bar.

"Signed for the Bar of Ireland, in pursuance of a resolution unanimously adopted at a meeting held in the Law Library, Four Courts, Dublin, April 24th, 1867.

"ROBERT D. MECREDY, Father of the Bar."

REPLY.

"TO THE FATHER AND MEMBERS OF THE BAR OF IRELAND.

"It is with feelings of no ordinary character that I reply to your address—so kind, so touching, I would add, so affectionate; and it causes me no little difficulty to find words to give expression to them.

"It affords me the deepest gratification to receive from the Bar of Ireland such a recognition of my services, when I consider its worth, its learning, and its personal character.

"In your feeling address you allude to the several high offices which I have, from time to time, filled by favour of the Crown, and to the mode in which their attendant duties were performed.

"I can only say that in the discharge of those duties I felt that a sacred trust was committed to my keeping, and that a strict regard to the interests of justice, and to the welfare of our country, and perfect impartiality between man and man should be my guiding principle of action.

"In bidding you farewell, at the close of a long professional career, I cannot do so without, in the fullest measure, reciprocating the kindly sentiments which your address contains, and wishing you, my friends, a long enjoyment of life and happiness, and of success at the noble profession of which we are members.

"I had hoped to have had the great pleasure of being able to receive your address, but I deeply regret that, owing to my lengthened illness, I am unable to do so, and must, therefore, send to the Father of the Bar the reply which I should have so much wished to deliver in person.

"FRANCIS BLACKBURNE."

MEETING OF ATTORNEYS.

The following Requisition has been forwarded to us for publication. We commend the subject to which it relates to the attention of the Profession.

We, the undersigned, respectfully request a meeting of the Attorneys who practise in the Courts of Quarter Sessions in Ireland, at the Hall of the Incorporated Law Society, Four Courts, Dublin, on Friday next, the 7th day of June, instant, at twelve o'clock, noon, to take into consideration the present state of the laws relating to the recovery of debts by Civil Bill in Ireland, and to adopt such means as may be considered necessary to procure the amendment of such laws.

Solicitors' Rooms, Dublin, 1st June, 1867.

JOHN WALTER BOURKE, *Hon. Sec. Cork Law Society.*
JOSEPH WM. HOWARD, *Hon. Sec. Waterford Law Society.*
HUGH HYNDMAN, *Hon. Sec. Northern Law Club.*
GEO. ROCTOR, *Hon. Sec. Londonderry Law Society.*

HOUSE OF COMMONS.—WEDNESDAY, MAY 29.

ATTORNEYS', ETC., CERTIFICATE DUTY BILL.

Mr. DENMAN moved the second reading of this bill.

Mr. HUNT said that in the absence of the Chancellor of the Exchequer, who had not expected the adjourned debate on this Bill to be resumed to-day, he trusted the hon. and learned gentleman would not press his motion.

Mr. C. BENTINCK moved the adjournment of the debate.

The House divided—

For the adjournment 91
Against 132
Majority against the adjournment ... —41

Mr. AYRTON said that having moved the adjournment of the debate when the Bill was last under the notice of the House he might be permitted to express his regret that the House had decided upon resuming the consideration of a measure of so much importance only a few minutes before the usual hour of adjournment. It was very easy and agreeable, no doubt, for any individual member to propose to relieve a particular class from the payment of a tax, but it was the duty of the House to consider the interest of all classes of society. When this question was last before the House he had thought it their duty to leave the Chancellor of the Exchequer free and unfettered, in order that he might first state the financial proposals of the year. If he had pressed upon the notice of the right hon. gentleman any particular taxes which, above and before all others, had a claim upon his attention, it would have been the taxes on locomotion (hear). Why should they take 1s. a day from a poor cabman for the National Exchequer before they allowed him to drive his cab along the streets? Why should omnibuses and omnibus drivers pay a tax? If a man who kept a taxed cart for the purposes of his business met his wife on the road and gave her a ride,

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he was liable to be heavily taxed, if he were on bad terms with the tax-gatherer. The taxes on locomotion were, indeed, involved in extraordinary absurdity and perplexity. There was a special reason why the House should not at the present moment remit the certificate duty paid by attorneys. The National Exchequer would have to contribute something towards the new courts of justice. The concentration of these courts would enable the attorneys to perform various duties in less than half the time and at half the trouble they now involved, while no proposal was made to reduce their fees and remuneration.

A quarter to six o'clock having now arrived, the debate was, by the rules of the House, again adjourned.

HOUSE OF COMMONS.—THURSDAY, MAY 30.

COURT OF CHANCERY (IRELAND) BILL.

The House went into Committee on this Bill.

Upon clause 28, in which it was proposed to insert words restricting future appointments to the offices of examiner and assistant clerk to the Receiver Master to officers retired upon full salary under the provisions of this Bill,

Sir P. O'BRIEN complained that the effect of the clause would be to withdraw from Master Fitzgibbon, a judge in equity of great eminence and popularity, a share of patronage secured to him by existing Acts of Parliament and by the terms of his patent of office.

The ATTORNEY-GENERAL for IRELAND denied that any slight or discourtesy towards Master Fitzgibbon was intended by this clause. It was a mere Treasury regulation, having for its object to utilize the services of gentlemen whose present offices would be abolished by the Bill, and thereby to preserve a due economy of the public funds. The clause was identical with that of which notice had been given last year by the hon. member for Portarlington.

Mr. Serjeant ARMSTRONG said the learned judge felt much hurt at the proposed interference with his vested rights, especially as the slight courtesy of a communication upon the subject had not been paid. At the time when, with the full approval of the profession and the public, this office was pressed upon Master Fitzgibbon's acceptance, his professional income greatly exceeded his present salary.

Mr. HUNT said that he had addressen a letter to Master Fitzgibbon stating that the masters were not intrusted with the patronage for their private advantage, but simply because it was thought that they would be able to make the best selections. The question was simply whether they should utilize the existing force or adopt an arrangement which would entail an additional burden on the public purse.

A conversation then ensued, in the course of which Mr. CONOLLY, Mr. PIM, Mr. GREGORY, Mr. BRUEN, and Sir J. GRAY contended that the claims of Master Fitzgibbon ought not to be ignored, and that justice, in a matter in which the faith of Parliament was concerned, ought to be preferred to economy.

Mr. Serjeant ARMSTRONG moved the addition to the clause of the following words:—"Provided also that the vacancies occurring in the office of examiner or chief clerk to the present Receiver Master shall be filled up by the present Receiver Master as if this Act had not been passed."

The Committee divided, when there appeared :—

For the amendment,	69
Against it,	93
Majority,	—24

Progress was then reported.

LONGEST BILL OF THE SESSION.—The Lord Chancellor's Bill for repealing statutes which have become obsolete, spent, or superseded, weighs nearly 2 lbs., and fills 242 folio pages. This instalment of the expurgation of the statute-book extends from the 1st of William and Mary to the 10th of George III.

PUBLIC RECORDS (IRELAND) BILL.

A Bill to Provide for keeping safely the Public Records of Ireland. (Prepared and brought in by Lord Naas and Mr. Attorney-General for Ireland).

Whereas the Public Records in Ireland are in the keeping of several persons, and many in unfit buildings, and it is expedient to establish one Record Office and a better custody.

And whereas a large and commodious building has been erected at the Four Courts, Dublin, for the purpose: Be it therefore enacted, &c.

1. This Act to be cited as "The Public Records (Ireland) Act, 1867," and to

2. Extend to Ireland only.

3. The word "Records" shall mean all Rolls, Records Writs, Books, Proceedings, Decrees, Bills, Warrants, Accounts, Papers, and Documents whatsoever, of a public nature, belonging to her Majesty, or now deposited in any of the offices or places of custody hereinafter mentioned.

4. This Act shall commence on the day of 1867.

5. The Records belonging to her Majesty, that is to say,

All Records of Court of Chancery now deposited in the Rolls Office, and all other Records of same Court, which shall be *twenty* years old from the making thereof:

All Records of Courts of Queen's Bench, Common Pleas, and Exchequer, Probate and Admiralty Courts, and of former Court of Prerogative, which shall be of like age from the making thereof :

All Records, Maps, Books, and Documents deposited in Custom House Buildings, Dublin :

All original Wills of which Probate granted not later than *twenty* years in all Courts throughout Ireland having testamentary jurisdiction :

All Bermingham Tower Plea, Pipe and other Rolls, Parliamentary Records, Records deposited in State Paper Department, except those not *fifty* years of age from the making thereof, and all other Records (other than appertaining to office of Ulster King of Arms) in Record Tower, Dublin Castle :

All Documents of any Courts, Commissions, or public offices which shall have ceased to exist, and are not comprehended under the foregoing denominations,

shall, from the *passing of this Act*, be under the charge and superintendence of the Master of the Rolls, and shall be removed to Public Record Office as hereinafter provided. Until such removal persons now having care of such Records shall continue to have charge of them, subject to the orders of the Master of the Rolls concerning same.

6. The Lord Lieutenant in Council may order Records belonging to her Majesty deposited in any office other than hereinbefore mentioned, to be thenceforth under the charge of the Master of the Rolls ; and thereupon this Act shall extend to such Records, and to persons having custody of same.

7. After the Public Record Office shall be established, every office where Public Records, placed under superintendence of the Master of the Rolls, are deposited, shall, so long as such Records remain therein, be deemed a branch of the said Public Record Office.

8. All persons deriving emolument from the custody of Records, or from fees for searching or copying Records, whose office or emoluments shall be affected by this Act, may deliver to Master of the Rolls a statement in writing of the manner in which they may be thereby affected, and the Master of the Rolls may thereupon examine the parties and report such statements and examinations, with his opinion thereon, to the Lords of the Treasury, who may award compensation ; provided that account be taken of such compensation in any future appointment.

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9. The Lord Lieutenant, with consent of the Treasury, shall appoint a fit person, duly qualified by his knowledge of Records, to be Deputy Keeper of the Records, and may remove the Deputy Keeper of the Records, and appoint another person in his room; he shall act as Chief Record Keeper under the Master of the Rolls, and shall superintend all persons employed in the Public Record Office.

10. The Lord Lieutenant, with consent of the Treasury, shall appoint a fit person, duly qualified by his knowledge of Records, to be Assistant Deputy Keeper of the Records, and with like consent, all such Clerks, Officers, and Servants as shall be necessary, the said Assistant Deputy Keeper of the Records to be removable at pleasure by the Lord Lieutenant, and the said Cerks, Officers, and Servants to be removable at pleasure by the Deputy Keeper of the Records, with the approval of the Lord Lieutenant: the Assistant Deputy Keeper of the Records, the Clerks, Officers, and Servants in the first instance to be appointed from among such persons entitled to compensation under this Act as the Lord Lieutenant shall judge competent and fit.

11. Pay of Deputy Keeper, Assistant Deputy Keeper of the Records, and other persons engaged in execution of Act, to be such annual salaries as Lord Lieutenant, with consent of Treasury, shall appoint.

12. State Papers of Chief Secretary's Office to be removed in the first instance to and remain in the Record Tower, Dublin Castle, subject to superintendence of Master of the Rolls; and whenever such Records shall be aged *fifty* years from the making thereof, such Records are to be removed to the Public Record Office.

13. Records in State Paper Department of the Record Tower to be kept there till arranged as Master of the Rolls shall direct.

14. Additional annual salary of £200 to Sir Bernard Burke, State Paper Department.

15. The Master of the Rolls shall, as soon as convenient, issue warrants to the several persons having care of Records, ordering such persons to allow them to be removed and deposited in Public Record Office; and every such warrant shall be kept in Record Office, and shall be a sufficient warrant for the removal of such Records: Provided that the Records in the State Paper Department shall not be removed until the Lord Lieutenant shall countersign the warrant for removal.

16. After the *commencement of this Act* the Records of the Chancery of Ireland, and of every Court or Public Office in Ireland, shall be deemed to be in the custody of the Master of the Rolls, and subject to the regulations hereby authorized to be made; and the Master of the Rolls shall, by warrant from time to time, appoint fit persons to attend all public offices in Ireland, and in his name to take charge of all other Records of which the charge is hereby vested in him; and the Chief Judge of the Court, or principal officer of the office to which same shall belong, upon sight of the warrant, shall give orders for the delivery of the Records; and as soon as the Records shall have been so delivered the same shall be deemed to be in the custody of the Master of the Rolls, and shall forthwith be removed to the Public Record Office; and the person receiving any Records shall deliver a schedule thereof, and a receipt for the same, to the Judge or Officer, and shall deliver a copy of such schedule to the Master of the Rolls: Provided,

1st. That no such warrant be issued by the Master of the Rolls unless countersigned by the Lord Chancellor of Ireland:

2nd. That every such warrant shall specify the Records to be delivered:

3rd. That such warrant shall not issue for removal of any Records belonging to Courts of Common Law, Court of Probate, Landed Estates' Court, or Court of Admiralty, unless the Records described be of the age of *twenty* years from the making thereof, or if under that age, unless the removal be requested by the Chief Judge of the Court:

4th. That if it appear to the Chief Judge of such Court conducive to the ends of justice that any Records belonging thereto should not be delivered into the custody of the Master of the Rolls at the end of *twenty* years, such Chief Judge may certify his opinion to the Master of the Rolls, and the Master of the Rolls, upon receiving such certificate under the hand of such Chief Judge, may, from year to year, but not longer, without a new certificate, abstain from issuing his warrant for removal of the Records mentioned:

5th. That such warrant shall not issue for removal of any State Papers unless the same be of the age of *fifty* years, and that the consent of the Lord Lieutenant shall have been previously obtained.

17. Legal validity of the Records after removal.

18. Master of the Rolls to make rules for the management of the office and the admission of persons using the Records, and to fix the amount of fees (if any), and for dispensing with fees in such cases as he shall think fit.

19. Seal of the Record Office to be provided.

20. The Master of the Rolls or Deputy Keeper of the Records may allow copies to be made of any Records, at the request and costs of any person desirous of procuring the same; and any copy so made shall be examined and certified as a true and authentic copy by the Deputy Keeper of the Records, or by the Assistant Deputy Keeper of the Records, and shall be sealed.

21. Such copies sealed with the seal of the Record Office, to be received in evidence.

22. Calendars, Indexes, and Records may be printed if the estimated expense thereof be voted by Parliament.

23. Copies of Records, printed as aforesaid, to be sold, save such as may be gratuitously presented to Public Offices or Institutions.

24. Power to purchase private Calendars, Catalogues, and Indexes for use of the Record Office.

25. Annual report to be made to Parliament by Deputy Keeper of the Records.

26. Certifying as true any false copies of Records to be a felony.

LEGAL APPOINTMENT.—Benjamin Whitney, Esq., has been appointed Clerk of the Crown for the County of Mayo.

DEATH OF SIR THOMAS PHILIPS.—The death is announced of Sir Thomas Philips, Q.C., of the Inner Temple. The deceased, who was born at Llanelly, Brecknockshire, in 1801, was formerly a Solicitor, and practised at Newport, Monmouthshire. In January, 1840, he received the honour of knighthood, free of expense, for his services as mayor of Newport, in contributing to the defeat of the body of Chartist insurgents who entered that town in November, 1839, on which occasion he was severely wounded, while engaged in the discharge of his magisterial duties. On being knighted, he ceased to practise as a Solicitor, and in due course was called to the Bar by the Hon. Society of the Inner Temple.

The Right Hon. the ATTORNEY-GENERAL FOR IRELAND entertained the following party at dinner at the Imperial Hotel, Cork, on the 25th ult., to celebrate her Majesty's Birthday:—The Right. Hon. the Lord Chief Justice of the Common Pleas, the Right Hon. Justice Keogh, the Right Hon. Justice George, Sir A. R. Warren, Bart., High Sheriff of the County of Cork; D. Leahy, Esq., High Sheriff of the City of Cork; the Solicitor-General; Serjeant Sir Colman O'Loghlen, Bart., M.P.; Mr. Serjeant Barry, M.P.; Captain Tonson Rye, foreman of the grand jury; Messrs. Exham, Q.C., Heron, Q.C., James S. Green, M. J. Barry, G. Waters, W. G. Channery, Robert Travers, J.P.; Mr. Monahan, Mr. Woodroofe, and Mr. George Chatterton, J.P.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF CRIMINAL APPEAL.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

Before WHITESIDE, C. J., MONAHAN, C. J., PIGOT, C. B., KEOGH, O'BRIEN, FITZGERALD, O'HAGAN, and GEORGE, J. J.; and FITZGERALD, HUGHES, and DEASY, B. B.

THE QUEEN *v.* MEANY.

April 17-18, May 18.—*Treason Felony—Overt Act—Conspiracy—Venue.*

Case reserved from the Commission Court at Green-street. The prisoner was indicted under the Treason Felony Act for compassing, within the county of the city of Dublin, to depose the Queen. A variety of overt acts were laid, amongst them conspiracies to levy war, and to incite foreigners to invade the realm. It was proved that the prisoner became a member of the Fenian conspiracy in the United States, and that that conspiracy was widely spread both in America and in Ireland. No act of the prisoner in Ireland was proved against him, but acts of co-conspirators in Dublin were given in evidence. The prisoner was convicted, and the Judges (HUGHES and FITZGERALD, B. B.) reserved for this Court the question of the propriety of admitting against the prisoner evidence of the acts of his co-conspirators within the venue.

O'Loghlen and *Molloy* for the prisoner.

The Attorney-General and the Solicitor-General for the Crown.

The COURT (PIGOT, C. B., O'BRIEN, O'HAGAN, J. J., and FITZGERALD, B., dissenting) held that the evidence was rightly received, and that the conviction should be affirmed.

Attorney for the Crown, *The Crown Solicitor.*

Attorney for the prisoner, *John Lawless.*

COURT OF QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

THE QUEEN *v.* MULCAHY.

May 18, 21.—*Writ of Error—Transcript of Record—Fees.*

This was a motion to the Court to remit the fees payable by the defendant to the Clerk of the Crown for a transcript of the record. A writ of error from the judgment of this Court had been obtained, and the case was going to the House of Lords. A fee amounting to £60 was payable to the Clerk of the Crown for a transcript of the record, and this it was sought to have remitted, there being affidavits of the poverty of the defendant and of his inability to pay such a fee as was required. An order similar to that sought had been made by the Court in the case of *The Queen* v. *Samuel Gray* in 1844.

Butt, Q. C., and *O'Loghlen* for the defendant.

The Solicitor-General, on behalf of the Crown, opposed the motion.

The Court granted the order sought.

Attorney for the Crown, *Crown Solicitor.*

Attorney for the prisoner, *John Lawless.*

CONSOLIDATED CHAMBER.

Reported by R. R. KANE, Esq., Barrister-at-law.

Before Mr. JUSTICE O'BRIEN.

DE FREYNE *v.* FRENCH.

May 24.—*Evidence before Taxing Officer—Right of the Party to get copies of Evidence and Documents.*

In this, on taxation of the costs before the MASTER, very voluminous evidence was taken, and many lengthy documents put in evidence. The defendant wished to apply to the Court to have the taxation reviewed, and for this purpose wished to have copies of the evidence and documents.

The MASTER thought that he was not entitled to give copies without an order of the Court.

Kernan, Q.C., now moved that the taxing officer should be ordered to give to the defendant, at the defendant's cost, copies of all evidence taken, and of all documents put in evidence before him.

O'BRIEN, J.—What objection can there be to giving you copies? It is always done, if required, at the expense of the party asking for it. No order is necessary.

Attorneys for defendant, *Dillon* and *Hart.*

DONEGAN *v.* O'DONNELL.

Sheriff—Writ sent by Post—Duty of Sheriff to return Writ—Attachment.

In this case a writ of Ca. Sa. had been sent *by post* to the late Sheriff of Mayo during his year of office. The Sheriff received and executed the writ, and the defendant paid the debt and costs to the Sub-sheriff, but he did not return the writ or pay over the money to the plaintiff.

Coates now moved for an order that the Sheriff should return the writ within two days, or that an attachment should issue against him.

The 120th General Order, 1856, only applies to the case of a writ being *delivered* to the Sheriff; here it was sent by post. So that we must apply to the Court.

O'BRIEN, J.—Take the order serving the Sub-sheriff.

Attorney for plaintiff, *W. Bloomfield.*

COMMON PLEAS

Reported by W. GRIFFIN, Esq., Barrister-at-law.

BRADSHAW *v.* SHINE.

May 11.—*Substitution of Service.*

Motion to make absolute a conditional order obtained April 12, that service of the summons and plaint, and conditional order on Michael Shine, brother and agent of the defendant, be deemed good service. The plaintiff's affidavits stated that the plaintiff had been employed as solicitor for Mathew Shine, the defendant in some proceedings in the Probate Court, which were unsuccessful; that he had in February last, pursuant to the statute, furnished his costs, amounting to £144 14s.; that the defendant left his house at Roxboro' on the 25th of March, with the intention of permanently residing out of the jurisdiction of the Court; that plaintiff had been informed by William Gubbins, the landlord from whom defendant held his house at Roxboro', that he left the house in charge of a servant of defendant's brother, Michael (on whom the substituted service was to be effected), and left the keys with him, and that possession of the house had been offered to William Gubbins by Michael Shine, but had not been accepted; that Michael Shine paid his brother an annuity of £50 a year, in consideration of Mathew Shine allowing him to use and occupy certain lands which were held by Mathew Shine under a lease prohibiting alienation; and plaintiff believed that the house and lands at Roxboro' were in the possession of Michael Shine, and that he paid his brother the £50 a year as his agent or manager; that previously to his leaving the country the defendant gave plaintiff an order on his brother for £20, on account of the gale of the annuity, due March 25th, and that he sent that order to Michael Shine, who kept it for a fortnight, but did not pay it; that plaintiff was fully

convinced that Michael Shine was his brother's agent, and was fully aware of where he was, and that any writ served on Michael would be forwarded to Mathew, whom he believed to be in Liverpool, but did not know his address there.

Michael Shine made an affidavit as cause, in which he stated that the house at Roxboro' never was in his possession as agent or otherwise of defendant; that he never had or sent the keys of that house to William Gubbins, but that he believed that the keys had been left with a workman, formerly in defendant's employment; that he paid the defendant £50 a year, but not as agent; that he refused to pay the order for £20, but that he did not keep the order more than a few days, and returned it before the defendant had left the country; that he was not the agent of his brother, nor ever had acted, nor was then acting for him in the management of his affairs; that defendant left the country with his family, on the 17th April, before the summons and plaint had been served on him, Michael Shine; that he sailed from Liverpool for Buenos Ayres, and that he, Michael Shine, did not know, and had no means of ascertaining his address, or intended address there.

The Court made the order absolute.

Counsel for plaintiff, *T. Murphy*, Q.C., and *G. Fitzgibbon*.

Attorney, *W. W. Dwyer*.

Counsel for defendant, *Jellet*, Q.C., and *Blackall*.

Attorney, *J. Blackall*.

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by John Levy, Esq., Barrister-at-law.

In Bankruptcy.

Before Miller, J.

Re An Arranging Trader.

May, 1867.—*Ships' Registry Act—Incompleted Contract—Interest in Ship supplied with necessaries, for which an apparent owner of a part is sought to be made liable. Where a party is in treaty for the purchase of a part in a Ship, which ends in his becoming an apparent owner of a fourth in that Ship, but never has any beneficial interest in it, such party will not be held liable for necessaries supplied to that ship before he became part owner. To make a contract complete there must be mutuality, and both parties must distinctly agree upon the terms, which are to be the foundation of that contract.*

This case came before the Court upon charge and discharge. The chargeants were the Messrs. Spriggs, merchants in Liverpool, who supplied the ship Fanny with necessaries. The liability was disputed on the ground that at the time the goods were supplied the dischargeant had no beneficial interest in the vessel.

Kernan, Q.C., appeared in support of the charge. *Heron*, Q.C., and *Daniel* were in support of the discharge. The facts appear in the judgment of Judge Miller.

Judge Miller.—My desire in this case would be to go as far as the facts and law could possibly admit in enabling the chargeants to recover the full amount in value of the goods honestly supplied for the benefit of the vessel in question, as against the owners of it whoever they might be. While if I looked alone to the case of either Stewart, who was an undoubted owner of a part (if not the whole) of the vessel, or the arranging Trader, the alleged owner of a part of that vessel, as spread upon the record before me, where I find, on the one hand, Stewart resorting to the expedient of antedating the bill of sale in the face of a correspondence which must have made the clumsiness of it transparent to any person; and, on the other hand, the arranging Trader (with equal recklessness in the face of the same correspondence, fully placed before him upon the charge), alleging, upon his oath, that the bill for £237 14s. 3d. was given for the accommodation of Stewart, which he must have known to have been untrue, there is much that is calculated to throw suspicion upon the case presented by either Stewart or the arranging Trader. But, notwithstanding, I fortunately have in this case documentary evidence, including a written correspondence (although not, perhaps, the whole of it), which will afford to me some security that I shall not be much misled by the allegations of either as regards the rights of third parties.

After the most careful consideration which I can give to it, the whole question in this case appears to me to be concluded, on the record before me, by the right understanding of the contract as evidenced upon the documents. Nothing is more important as regards all mercantile interests than that before legal liabilities should be attached to contracts, such contracts should be unambiguous and complete. You may spell out a contract from many documents, or from many shreds of many documents, but from whatever evidence the contract may be collected, such contract, when taken as a whole, should comprise within it all the elements which go to form a valid contract, and for that purpose be complete in itself.

The foundation of the claim of the chargeants rests mainly upon the fact whether there was such a contract between Stewart and the arranging Trader as to vest a beneficial ownership in the vessel, for which the goods were supplied, in the arranging Trader; and if so, whether the arranging Trader acquired any such beneficial ownership in that vessel prior to these goods being supplied by the chargeant, for which he claims a right to prove in this matter.

The treaty between Stewart and the arranging Trader about the vessel commenced upon the 8th of September, 1865, when Stewart wrote to the arranging trader, stating:—"If you wish I will go half with you in her purchase if the vessel can be obtained on reasonable terms." In a further portion of the same letter, after stating that she would be got for £900, he writes:—"I believe that I can get the payment—part cash and part bill—so that about £250 would be the cash each would want for the present.

That letter was followed by another from Stewart, dated September the 15th, in which he states:—"I have bought the Fanny to-day for £950, the lowest that would be taken;" (and further) "I shall be glad to hear from you as soon as possible, as I shall require to know my arrangements for cash matters. I can manage about £200 for you here, so if you do not care to provide more in money you could take a fourth share, and I can do this for you without asking any cash until the vessel earns it."

Thus far there was nothing but a proposal on the part of Stewart that the arranging Trader should take either a half share upon specified terms, namely, one-half of the purchase-money to be paid in cash, and the other half by the acceptance of the arranging Trader, or to take a fourth share, without the advance of any cash, in the brig "Fanny," which Stewart stated that he had already purchased.

The next letter which appears upon the evidence is a letter from the arranging Trader to Stewart, dated *the 18th of September*, 1865, in which he says:—"If you think well of it I will be able to take one half of the brig Fanny, same as the Royal William, and let both their earnings go together."

In that letter nothing is said as to the requirements, on the part of Stewart, that in the event of the arranging

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Trader taking one half share in the vessel he (the Trader) must pay one half in cash, but contented himself with stating "that if Stewart thought well of it he would take one half share in the vessel."

Stewart perceiving that omission of an important portion of his proposal, wrote a further letter on *September the 29th*, stating:—"I should have replied to your last letter sooner, until seeing what arrangements I should make in paying for the Fanny."

(In a further portion) "I shall be very happy for you to take one half in her, and as I shall require to pay for her here on Tuesday I will want you to send me £235 in cash, and I enclose you my draft at three months for £237 14*s*. 3*d*., which please return accepted. This makes about a fourth bill and a fourth cash for you, which is as much as I can possibly manage. I have your bill, £200, to pay here on Monday, and when paid I shall be out of cash on your account between £300 and £400, and which the balance of freight and last voyage of Royal William and advance of freight will not square."

Thus far Stewart, as the sole purchaser of the vessel, would not accede to the arrangement of the arranging Trader becoming a purchaser in it, except upon very specific terms as to the payment or provision for the purchase money for that one half, and assigning reasons for these specific terms.

JUDGE MILLER having gone minutely into all the facts of the case, said that there was evidence sufficient in the case to show that there had not been a completed contract, and that the arranging trader had not any beneficial or other interest in the brig Fanny at the date at which the goods were supplied, and consequently that Stewart could not have acted as ship's husband of that vessel by the authority or for the benefit of the arranging Trader. I necessarily must disallow the claim of the Messrs. Spriggs, the chargeants; but inasmuch as the arranging Trader has not made this case by his discharge, but has further, in order to get out of what he apprehended would have been held to have been his contract, alleged that his acceptance for £237 14s. 3d. was for the accommodation of Stewart, which he must have known to have been altogether untrue, upon which he naturally supposed much would depend, I shall not give him any costs in this matter. I have the satisfaction, however, of feeling that I am not doing much injury to the Messrs. Spriggs, as upon the evidence of one member of the firm they had never heard of the arranging Trader in the transaction until the failure of Stewart in the month of May, 1866, and therefore could not have supplied the goods upon the personal security of the Trader.

Charge disallowed without costs.

Solicitor for the arranging Trader, *Daniel.*

Solicitor for Messrs. Spriggs, *Denvir.*

IN INSOLVENCY.

Re SIMON MORAN.

May, 1867.—*Remand for Seduction—Prison Allowance—Application under sec.* 224.

Where an Insolvent is remanded for seduction, and there is an allowance to prisoners in the prison where the Insolvent is confined, the detaining creditor will not, under the 224 *section, be called upon to pay the Insolvent anything.*

The 224 section of the Irish Bankrupt and Insolvent Act provides that "where any prisoner, upon adjudication, shall be liable to further imprisonment at the suit of his creditors, or any of them, it shall be lawful at any time for the Court, on the application of such prisoner, to order the creditor, at whose suit he shall be imprisoned, to pay such sums or sum of money not exceeding four shillings a week in the whole, in such manner as the Court shall direct, and that on failure of payment thereof the Court shall order such prisoner to be forthwith discharged."

Coates, on the part of the insolvent, applied, under the foregoing section, for an order directing Hughes, the detaining creditor, to pay to the insolvent four shillings a week towards his support. His case was heard at the last October Sessions, when Mr. Levy was brought down to oppose him; and the chairman remanded him for two years. It appeared, upon the investigation of the case, that the insolvent was unable to pay for defending himself at the trial, and a verdict was, of course, had against him. He (Mr. Coates) did not want to go behind the verdict, or the remand, but he was prepared to show that the insolvent was in a state of destitution in the prison; his health was greatly impaired, and unless something was contributed to his support, it was probable death would be the result.

Levy for the detaining creditor.

JUDGE MILLER said in his opinion the application was wholly untenable. There was no precedent for an application like the present, where a man was remanded for two years for seduction, and in a prison where the usual prison allowance was given. The very fact of the remand and the cause of it were sufficient to take away any discretionary power given by the statute. It would be monstrous to call upon the detaining creditor to pay money towards the support of the insolvent.

Application refused.

Solicitor for the insolvent, *Duff.*

Solicitor for the detaining creditor, *Dawson.*

ENGLAND.

THE DIGEST OF THE LAW.

The Commission on this subject have made the following "first" Report:—

"We, your Majesty's Commissioners appointed 'to inquire into the expediency of a Digest of law, and the best means of accomplishing that object, and of otherwise exhibiting in a compendious and accessible form the law as embodied in judicial decisions,' humbly submit to your Majesty this our first Report.

"1. By the term 'law,' as used in your Majesty's Commission, we understand the law of England, comprising the whole civil law, in whatever courts administered, the criminal law, the law relating to the constitution, jurisdiction, and procedure of courts (including the law of evidence), and constitutional law.

"In each of these divisions are comprised laws derived from three distinct sources.

"1. The first source is the common law, which consists of customs and principles handed down from remote times, and accepted from age to age, as furnishing rules of legal right.

"2. The second source is the statute law, which derives its authority from the Legislature.

"3. The third source is the law embodied in, and to a great extent created by, judicial decisions and dicta. These, indeed, as far as they have relation to the common law and statute law, are not so much a source of law as authoritative expositions of it; but, with respect to doctrines of equity and rules of procedure and evidence, they may often be regarded as an original source of law.

"That serious evils arise from the extent and variety of the materials from which the existing law has to be ascertained, must be obvious from the following considerations.

"The records of the common law are in general destitute of method, and exhibit the law only in a fragmentary form.

"The statute law is of great bulk. In the quarto edition in ordinary use, known as Ruffhead's, with its continuations, there are 45 volumes, although (particularly in the

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earlier period) a large quantity of matter is wholly omitted, or given in an abbreviated form, as having ceased to be in force. The contents of these volumes form one mass, without any systematic arrangement, the Acts being placed in merely chronological order, according to the date of enactment, in many cases the same Act containing provisions on heterogeneous subjects. A very large portion of what now stands printed at length has been repealed, or has expired, or otherwise ceased to be in force. There is no thorough severance of effective from non-effective enactments, nor does there exist in a complete form any authoritative index, or other guide by the aid of which they may be distinguished. Much, too, contributes to swell the statute-book, which is of a special or local character, and cannot be regarded as belonging to the general law of England.

"The judicial decisions and *dicta* are dispersed through upwards of 1,300 volumes, comprising, as we estimate, nearly 100,000 cases, exclusive of about 150 volumes of Irish Reports, which deal to a great extent with law common to England and Ireland. A large proportion of these cases are of no real value as sources or expositions of law at the present day. Many of them are obsolete; many have been made useless by subsequent statutes, by amendment of the law, repeal of the statutes on which the cases were decided, or otherwise; some have been reversed on appeal, or overruled in principle; some are inconsistent with or contradictory to others; many are limited to particular facts or special states of circumstances furnishing no general rule; and many do no more than put a meaning on mere singularities of expression in instruments (as wills, agreements, or local Acts of Parliament), or exhibit the application, in particular instances, of established rules of construction. A considerable number of the cases are reported many times over, in different publications, and there often exist (especially in earlier times) partial reports of the same case at different stages, involving much repetition. But all this matter remains encumbering the books of reports. The cases are not arranged on any system, and their number receives large yearly accessions, also necessarily destitute of order; so that the volumes constitute (to use the language of one of your Majesty's Commissioners) 'what can hardly be described, but may be denominated a great chaos of judicial legislation.'*

"At present the practitioner, in order to form an opinion on any point of law not of ordinary occurrence, is usually obliged to search out what rules of the common law, what statutes, and what judicial decisions bear upon the subject, and to endeavour to ascertain their combined effect. If, as frequently happens, the cases are numerous, this process is long and difficult; yet it must be performed by each practitioner for himself when the question arises, and in some cases after an interval of time it may have even to be repeated by the same person. Without treatises, which collect and comment on the law relating to particular subjects, it is difficult to conceive how the work of the legal profession and the administration of justice, which greatly depends on it, could be carried on; but however excellent such separate treatises may be, they do not give the aid and guidance that would be afforded by a complete exposition of the law in a uniform shape.

"A Digest, correctly framed, and revised from time to time, would go far to remedy the evils we have pointed out. It would bring the mass of the law within a moderate compass, and it would give order and method to the constituent parts.

"For a Digest (in the sense in which we understand the term to be used in your Majesty's Commission, and in which we use it in this Report) would be a condensed summary of the law as it exists, arranged in systematic order, under appropriate titles and sub-divisions, and divided into distinct articles or propositions, which would be supported by references to the sources of law whence they were severally derived, and might be illustrated by citations of the principal instances in which the rules stated had been discussed or applied.

"Such a Digest would, in our judgment, be highly beneficial.

"* Speech of the Lord Chancellor (Lord Westbury) on the Revision of the Law. House of Lords, June 12, 1863. Stevens and Norton. Page 8.

"It would be of especial value in the making, the administration, and the study of the law.

"When a necessity arises for legislation on any subject, one of the principal difficulties which those who are responsible for the framing of the measures have to encounter is to ascertain what is the existing law in all its bearings. The systematic exposition in the Digest of the law on the subject would enable the members of the Legislature generally, and not merely those who belong to the legal profession, to understand better the effect of the legislation proposed. And there would be this further benefit, that new laws, when made, would, on periodical revisions of the Digest, find their proper places in the system, and would not have to be sought for, as at present, in scattered enactments.

"The Digest would be of great use to every person engaged in the administration of the law. All those whose duties require them to decide legal questions in circumstances in which they have not access to large libraries or other ample sources of information would find in the Digest a ready and certain guide. Counsel advising would be spared much pains in searching for the law in indexes, reports, and text books; and judges would be greatly assisted as well in hearing cases as in preparing judgments.

"The Digest would be most advantageous in the study of the law; for it would put forth legal principles in a form in which they would be readily appreciated, contrasted, and committed to mind, and thus substitute the study of a system for the desultory contemplation of special subjects.

"It is not unreasonable to expect that this condensation and methodical arrangement of legal principles would have a salutary effect upon the law itself. It would give the ready means of considering, in connexion with one another, branches of the law which involve similar principles, though their subject matters may widely differ. It would thus bring to light analogies and differences, and, by inducing a more constant reference to general principles, in place of isolated decisions, have a tendency to beget the highest attributes of any legal system—simplicity and uniformity.

"The persons charged with the framing of the Digest might be also intrusted with the duty of pointing out, from time to time, the conflicts, anomalies, and doubts which in the course of their labours would appear. Thus the process of constructing the Digest would be conducive to valuable amendments of the law. Those amendments would be embodied in the Digest in their proper places.

"Moreover, such a Digest will be the best preparation for a Code, if at any future time codification of the law should be resolved on.

"But great as are the advantages to which we have referred as likely to flow from the formation of a Digest of law, the argument for it may, we think, be rested even on the higher ground of national duty. Your Majesty's subjects, in their relations towards each other, are expected to conform to the laws of the State, and are not held excused, on the plea of ignorance of the law, from the consequences of any wrongful act. It is in these laws that they must seek the provisions made for their liberty, for their privileges, for the protection of their persons and property, for their social wellbeing. It is, as we conceive, a duty of the State to take care that these laws shall, so far as is practicable, be exhibited in a form plain, compendious, and accessible, and calculated to bring home actual knowledge of the law to the greatest possible number of persons. The performance of this duty—a duty which other countries in ancient and modern times have held themselves bound to recognize and discharge—has, in this country, yet to be attempted.

"On these grounds we report to your Majesty our opinion that a Digest of law is expedient.

"II. Having arrived at this conclusion, we proceed to the consideration of the further enquiry which your Majesty has been pleased to entrust to us—namely, the best means of accomplishing a Digest of the law.

"It may be proper here to advert to what has recently been done in the State of New York. The laws of that State (as in other States also of the Union) rest generally, for their basis, on those of this country as they existed when the States declared their independence. Cases decided in our courts before that time are still regularly cited before

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American tribunals, as they are in Westminster Hall; and, indeed, the reports of our courts, up to the present day, are largely cited and relied on in argument in American courts. The work which has been lately accomplished by the Commissioners for framing Codes for the State of New York is, in form, a series of Codes, laying down prospectively what the law is to be, two of which Codes have already received the sanction of the Legislature. But, as a preparatory step to the formation of these Codes, a complete collection, or what, after great examination, the Commissioners believed to be a complete collection, under appropriate heads, of the law on each subject, was formed by gentlemen employed for the purpose under the Commissioners.*

"We do not desire to conceal that the task of forming such a Digest as we contemplate would necessarily require a considerable expenditure of time and money, though we are strongly of opinion that the benefits that would result from it would amply compensate for any such expenditure.

"We think it clear that a work of this nature (regard being had especially to the importance of its carrying with it the greatest weight) could not be accomplished by private interprise, and that it must be executed by public authority and at the national expense.

"With respect to the means of accomplishing it we have considered various plans. Any plan, must, we think, involve the appointment of a Commission or body for executing or superintending the execution of the work. It is obvious that, whatever arrangement is adopted, a certain number of functionaries must be employed, at a high remuneration, in the capacity of Commissioners, assistant Commissioners, or secretaries, and that there must be a considerable expenditure on the services of members of the legal profession, employed from time to time in the preparation of the materials to be ultimately moulded into form by or under the immediate supervision of the Commission or responsible body.

"We are anxious to avoid any recommendation that would involve the necessity of immediate outlay on a large scale; and we, therefore, recommend that a portion of the Digest, sufficient in extent to be a fair specimen of the whole, should be, in the first instance, prepared before your Majesty's Government is committed to an expenditure which will be considerable, and which, when once begun, must continue for several years, if it is to be at all efficacious.

"We are not authorized, by the term of your Majesty's Commission, to undertake the execution or direction of such a work, but we are of opinion that it might be conveniently executed under our superintendence.

"If this should be your Majesty's pleasure, we humbly submit that the necessary powers should be conferred on us to enable us to carry this recommendation into effect, and that means should be furnished to us of employing adequate professional assistance for this purpose.

"In the progress of the work thus done light will be thrown on the question of the best organization of the body to be constituted for the completion of the Digest. A fair estimate will be formed of the time that will be required for the whole. Difficulties, not now foreseen in detail, will doubtless be encountered, and the best way to overcome them will be ascertained. The solution of questions which have already occurred to us will be attained, or at any rate promoted. Some of these questions are the following:—What is the best mode of dealing with statute law in the Digest? How should conflicting rules of law (if any) and doubts which have been authoritatively raised respecting particular cases or doctrines of law be treated? and what provision should be made on the important point of the nature and extent of the authority which the Digest should have in the courts, and how that authority can best be conferred on it?

"We propose, in this our first Report, to limit ourselves to the conclusions and recommendations we have now stated. The consideration of other questions arising from the terms of your Majesty's Commission, and a fuller treatment of some of the subjects here adverted to, we reserve for subsequent Reports.

"* Mr. David Dudley Field, to whose exertions the State of New York is mainly indebted for this important work, was so good as to attend one of our meetings, and to give us full information respecting the course which had been pursued.

"All which is humbly submitted to your Majesty's gracious consideration.

Dated this 13th day of May, 1867.

"CRANWORTH.	"ROUNDELL PALMER.
"WESTBURY.	"JOHN GEORGE SHAW LEFEVRE.
"CAIRNS.	"T. ERSKINE MAY.
"JAMES PLAISTED WILDE	"W. T. S. DANIEL.
"ROBERT LOWE.	"HENRY THRING.
"W. P. WOOD.	"FRANS. S. REILLY."
"GEORGE BOWYER.	

ADMIRALTY, DIVORCE, AND PROBATE COURT BILL.

(From *The Times.*)

The suitors in our Courts of Law and the public in general have reason to be satisfied that Lord Cranworth did not succeed in his opposition to the Lord Chancellor's Bill for constituting a Court of Admiralty, Probate, and Divorce, by the creation of two additional Judges. We are not prepared to say that the scheme of the Lord Chancellor is faultless, or that it will remove the necessity, which every day now increases, for strengthening the Common Law Courts by giving each of them a new Puisne Judge. But the Bill will, at least, allow one important department of the Law to be administered without delay and hindrance, and will give some relief to the over-worked Judges of Assize. It is, we think, only a beginning, and some of its provisions will have in future Sessions to be modified. But it is an important thing to make a beginning, and not an easy thing when, as is usually the case, the proposal of any one Law Lord is pretty sure to be met with a negative by some other of the number.

Our readers will be able to judge for themselves of the Ministerial scheme. Ten years ago the Probate and Divorce Courts were established, and a single Judge appointed to both. It was also enacted that on the office of Judge of the Admiralty becoming vacant the Judge of the Court of Probate should succeed; thus the three Courts would be united under the presidency of one Judge. This arrangement shows how little the Legislature understood the character of the change they were making. The establishment of the Divorce Court has been one of the greatest social revolutions of our time, and its importance, as measured by the number of suitors, is every day increasing. The causes in the Court of Probate are long, difficult, intricate, requiring patient hearing and mature consideration. Sometimes each of these Courts is detained for days by a single cause, the Probate Court especially being distinguished by its monster trials. The consequence is that the work has become far too much for a single man. These courts have been fortunate in the Judges who have presided in them. Sir C. Cresswell was a man not only of great learning but of a vigour, activity, and decision of judgment which enabled him to settle the practice of the new tribunals and to conduct the business with extraordinary success. Sir J. Wilde is making for himself an equal reputation. He is indeed, if anything, more prompt and energetic than his predecessor. But even before Sir C. Cresswell's death the work of the combined Courts taxed the strength of a single Judge, and now his successor may well contemplate the cause list with placid despair. The Lord Chancellor stated that there are at present 195 causes in arrear—30 in the Probate Court and 165 in the Divorce Court. By this time next year the number will probably have increased one-half. In short, there must be an additional Judge to aid in the work, or it must be left undone.

At the same time some provision must be made for the Admiralty Court. The present venerable Judge is said to be desirous of retiring, and to add the duties of that Court to those already performed by Sir J. Wilde would be manifestly absurd. Instead of appointing a new Judge exclusively for Admiralty business, the Lord Chancellor makes the reasonable proposal that the Admiralty jurisdiction shall be joined to those of Probate and Divorce, and that the Judges shall administer each of them in turn. He also proposes to create an additional Judge, and to raise the Chief of the combined Court to the rank of a Chief Justice. By this means not only would a full Court be

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formed for appeals, and the business transacted more regularly and satisfactorily than by the occasional help of a couple of Common Law Judges, but, as is thought, a Court and Bar would be constituted capable of treating with special knowledge questions which do not commonly come under the notice of Common Law practitioners. Whatever may be the value of this last consideration, we must admit that it is desirable to have more than one Judge conversant with such questions as would be brought before these combined Courts. The necessity, too, of strengthening the Judicial Committee of the Privy Council is another argument in favour of the addition of one Judge to this branch of the Judicature. There need not be any fear that his time will be unemployed. If it prove that two Judges will be able to get through the business of the threefold Court during the greater part of the year, the third of them need not be idle a single day. The Privy Council is now notoriously short of Judges. A number of great judicial personages nominally belong to it, but their time is so fully employed in their own Courts that they cannot attend. Even the Lords Justices, who have hitherto been prominent members of it, will be compelled gradually to withdraw as Chancery appeals become more frequent. Thus against the establishment of this Civil Law Court, with its Chief Justice and its two Puisne Judges, we can see no valid argument. The work has to be done; it is proved that it cannot be done under the present arrangements, and to remedy the evil is the duty of the Legislature.

The part of the Chancellor's scheme which we think most open to criticism is that in which he proposes to send the Judges of this new Court on circuit—that is, to give them for a few weeks in the year a certain amount of Common Law work, civil and criminal, as an episode in their usual labours. It is easy to understand that this proposal should have met with objections among Common Lawyers who desire their own Courts to be strengthened by a direct addition of new Judges, and who do not look hopefully on this plan of borrowing. It certainly seems likely to produce inconvenience if the Judges who have tried causes in the country do not sit when those causes come on afterwards for discussion before the full Court, not to mention that the diversion of their attention to another branch of procedure during the greater part of the year may make them less conversant with the details of that which they would have to administer on circuit. We think it will be necessary in the end to make more Judges than our timid Law Reformers yet contemplate. We see nothing extravagant in the prospect of Lord Chelmsford's new Court co-existing with enlarged Common Law Courts; but we believe the relief that will be given to the latter by the present Bill will be so trifling that before another Session is past the question will be revised. The want of new Judges is not only felt on circuit—it delays and hinders business at all times of the year. Why there should be found people to speak of the "evil" of an increased number of Judges we cannot conceive. While population has increased, and every interest of the country has been magnified manifold; while the members of the Bar are nearly three times what they were in the memory of men not yet old, why should the number of the Judges remain fixed, as if there were something mysterious and ineffable about it? There need be no fear of the quality of the Judges deteriorating when an ever-increasing Bar gives more talent to choose from, and, in the opinion of those best qualified to judge, no economy in distribution or management will enable fifteen men to preside over all the legal business of this country. We accept the Chancellor's Bill, therefore, as but the precursor of a larger measure in some future Session, when, the evils of the present inadequate system having increased beyond endurance, the Lord Chancellor of the day will recognize that judicial establishments, like other institutions, must grow with the growth of nations.

THE LAW OF TREASON.

From *The Times*.

The recent proceedings of the Irish courts, and the fearful interest aroused by the question of life or death dependent upon them, have naturally turned attention to the existing law of high treason. Nothing is more curious than the history of this branch of our jurisprudence—nothing more illustrative of the fortuitous manner in which the English law has been created. Law reform seems somehow, in these latter days, to have gone out of fashion; but it is still worth while to point out the amount of amendment that is required before the provisions of English law can be brought into unison with common sense and sound reason. Before the reign of Edward III. treason was an offence of the vaguest possible nature. It is hardly too much to say that almost every offence against the law of a violent or public nature amounted, in the opinion of our old lawyers, to treason against the Crown. This license was first restricted in the reign of Edward III., but that statute was as much too narrow as the common law had been too wide. It restricted the offence in substance to attacks upon the life of the King, to violation of the principle of loyalty as distinguished from the principle of patriotism. The narrowness of this definition was widened by judicial construction, so that it has come to include offences not only against the person of the King, but against the civil government, and this extension of the law was formally added to the old definition of treason by an Act of Parliament passed in 1795, under the influence, no doubt, excited by the French Revolution. In 1848 the Treason-felony Act was passed, which, applying to the acts which under the statutes of 1795 were treason, convert them into felonies, punished at the utmost by penal servitude for life. So that we have existing at the same time in this country the Statute of Edward III., together with a forced judicial construction upon it; the Statute of 1795, which strives to reduce that construction to law, but cannot from the nature of the thing be identical with it; and the Statute of 1848, which, being identical in terms, differs from it in inflicting a milder punishment. But this is not all. There are many differences between the procedure in the case of treason and other crimes. The peremptory challenges allowed the prisoner to the number of thirty-five, the right to have a copy of the indictment and the names of the witnesses ten days before the trial, the requirement of two witnesses to prove the treason, are all safeguards the necessity and propriety of which have long ceased to exist. Every prisoner ought to have all the information that is necessary for the preparation of his defence, and no one ought to have more. Either, then, the law of treason requires too much, or the ordinary law requires too little. The difference between the two is indefensible. So with the number of witnesses. The modern theory of evidence is that the proof of a fact depends much more on the credibility than on the numbers of those who attest it. The time is long past when a trial for high treason was looked upon as a proceeding in which the prisoner was placed at any peculiar disadvantage, or liable to be crushed under the overpowering influence of the Crown; and this danger having become quite obsolete, any exceptional precaution against it must become obsolete also.

Then there is the sentence of treason, the most barbarous, the most grotesque, and the most impotent instrument that was ever devised by tyranny to terrify mankind into obedience. It seems incredible that until the year 1814 the law of this land should have been that every person convicted of treason should be hung, but not until he was dead; that he should be cut down alive, six turns of the rope being the usual period allowed; that his heart and bowels should be taken out and burnt before his face; that he should be beheaded and quartered, and his head and quarters exposed. The sentence now runs that the prisoner shall be hung till he is dead, that his head shall be stricken off, and his body quartered. The former was the sentence pronounced against Wallace, Sir Thomas More, Lord Essex, the Earl of Strafford, Lord Russell, Algernon Sidney, and the rebels of 1715 and 1745. A curious adjunct of it was the dispensing power of the Crown. It was the practice in the case of prisoners of superior rank for the King to pardon the criminal all the sentence except the beheading; and this practice is retained in modern days, it being usual to remit the quartering, though the beheading was retained in the cases of Brandreth, the Luddite leader, and the Cato-street conspirators.

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Surely it is time that this barbarous anachronism should come to an end? So far from regarding them with greater detestation, and therefore requiring them to be punished with greater severity than other criminals, the feeling of the present day is peculiarly lenient to political offenders. It is probably not too much to say that the sentiment of mankind recoils from taking life, where life has not actually been taken. It may be that this feeling is carried too far, and that the attempt at a crime which in its success would involve much shedding of innocent blood is, in the eye of the moralist, at least as culpable as a single murder. But be this as it may, there is, at least, no doubt that no person desires a greater punishment for political offences than the forfeiture of life, and that any attempt to cast additional odium on a crime by making it the object of extra indignity or mutilation is as useless as it is barbarous. At the same time, to repeal altogether the old law of treason, which has played so conspicuous a part in history, might shock some prejudices. We do not suppose there are many who will argue in favour of these obsolete barbarities, like Sir Edward Coke, from such precedents as the hanging of Bigthan and Teresh, the chamberlains of King Ahasuerus; the drawing of Joab, or the disembowelling of Judas; but yet there might be difficulty in sweeping the law away altogether. What we would recommend, then, is to leave the law of treason in its present state, and to turn our attention solely to the law of treason-felony. A simple addition to the act, making treason-felony punishable with death, would effect all that is required. We should then have two complete systems, the old and the new—the latter for use, the former, if you please, for historical illustration; and, while adhering with all suitable reverence to the institutions of the Plantagenets and Tudors, we should be able to leave them to that repose which best suits their venerable antiquity. We should gain greatly by the change. The prisoner guilty of treason would be tried like any other culprit. No special technicalities would impede the course of justice, no arbitrary rule would obstruct the proofs. No barbarous and disgusting punishment would excite sympathy on behalf of a great criminal, or shock the feelings of a fastidious and sentimental age. It is seldom that so great an improvement can be made with so little trouble. Only strike out the words "transportation for life,"—a punishment already almost obsolete—and put instead "death," and the change is made. The principle upon which the body of a traitor is quartered would justify a reversal of all the humane legislation of all later times, and a return to the practice of torture or exposure, which the mildness of modern times repudiates. Let us put these relics of ancient barbarism into decent abeyance, and in this respect, at least, place a great gulf between ourselves and those who lived before us. Instead of striving to find punishments more dreadful than death, our ingenuity would be better directed in seeking some form of seclusion suited to the case of those whose offences have only just fallen short of the point at which that penalty should be inflicted. It is not fitting that such persons should be treated as mere temporary inmates of a prison. There would be more solemnity, more terror, and, perhaps, less inhumanity, were solitude, not solitary confinement, the immediate consequence of the sentence, and if the criminal were to disappear almost as completely from among his fellow-men as one already numbered with the dead.

(From *The Solicitors' Journal*).

We printed last week a long letter from a correspondent, complaining of the late decision of Vice-Chancellor Wood in *Galloway* v. *The Mayor, &c., of the City of London*, upon a question as to costs. The point is of much importance both to the public and the profession, and demands a notice in our columns.

The question before the Vice-Chancellor arose, it will be remembered, out of the following facts:—The solicitor to the city is paid by a fixed salary of £1,250 a year. He receives all fees, costs, &c., pays corresponding outgoings, and hands the balance to his employers, and, conversely, if the balance of such receipts and disbursements should be against them, the deficiency is made up to him. He is bound, moreover, to act for no other clients. The plaintiff in the above case filed a bill against the city, which was dismissed with costs; he now, upon the taxation of the defendants' costs, contended that, under the above circumstances, the defendants should, as against the plaintiff, be disallowed all costs except costs out of pocket, upon the ground that the arrangement between the city and their solicitor was one opposed to the enactments of the Attorneys and Solicitors' Acts, and to the general policy of the law. The Vice-Chancellor decided in favour of the defendants without hearing counsel in their behalf, saying that the fact of the solicitor's being bound to take no business from other clients was a sufficient answer to the defendants' contentions, and that the arrangement did not appear to him to be in opposition to the policy of the Act. Our correspondent finds fault with this decision; for our own part, although the question involves many considerations not easy to deal with, we do not see how the Vice-Chancellor could have decided otherwise.

The question may be viewed in two aspects; first, as affected by the Attorneys and Solicitors' Acts; and, second, with reference to the general policy of the law.

Now the Attorneys and Solicitors' Act (6 & 7 Vict., c. 73), especially the section 132, relied on for the plaintiff, was intended to prevent persons not properly qualified, by examination, admission, &c., to act as attorneys or solicitors, from undertaking the business of such officers of the Courts, and inasmuch as such persons might, and no doubt occasionally did, affect their purpose by acting through the agency of *bona fide* attorneys and solicitors, section 32 of the Act inflicted certain penalties upon any attorney or solicitor, knowingly acting, permitting his own name to be used, or generally doing anything to enable any unqualified person to practise in any respect as an attorney or solicitor. The object of this enactment, then, plainly was, to prevent the public from being damnified by their legal affairs being entrusted to the care of persons "unqualified," either as to education or character, for undertaking their conduct, and this will be more clearly seen if section 32 of the 6 & 7 Vict., c. 73, be compared with section 11 of 22 Geo. II., c. 46, of which it is a substantial re-enactment. It is plain, then, that the case of an individual (it is immaterial whether corporate or otherwise), who agrees with a solicitor to act for him, and for no one else, at a fixed salary, does not involve the mischief at which the statute was aimed. The employer cannot be said to be virtually practising as a solicitor "to the great loss and prejudice of many of his Majesty's subjects, and the scandal of the profession of the law." If a speculator were to farm a solicitor's practice by the year, paying a fixed rental, and receiving the net profits, that would be a very different pair of shoes. It does not follow, however, that in no case can a layman properly receive an annual proportion of a solicitor's profits. Suppose a solicitor in good practice dies, leaving the goodwill of his business to his son, charged with an annual payment to his widow of one-third of the net profits, would our correspondent contend that, upon the taxation of a bill of costs of the son's, a party to the suit might claim to have disallowed such proportion of the profits on that bill as would go into the widow's pocket? And yet his argument would carry the contention so far.

Upon the second head, the general policy of the law, with regard to attorneys and solicitors, we are alive, as the reader will probably have gleaned from previous remarks of ours, to the objections which are to be advanced against "Salaried Solicitors," but we think, nevertheless, that the Vice-Chancellor rightly took into his consideration the fact that the City Solicitor is bound not to act for other clients.

Put in another form, the contention of the plaintiff in *Galloway* v. *The Mayor, &c., of London*, amounts to this, he says to the defendants, "I have filed a bill against you and failed, and I admit that I have thus rendered myself liable to reimburse you the charges to which I have put you—in technical words, to pay your costs. But I contend that I am only bound to pay you what my unsuccessful suit has actually cost you, and therefore since in consequence of your arrangement with your solicitor, you get your solicitor's work done cheaper than other people, the difference must remain in my pocket." In reply to this it is to be observed that such principles of natural equity are not, and

could not well be, applied to the practical machinery of litigation, and in the second place it may be said that the arrangement which the defendant makes with his solicitor is nothing to the plaintiff. In *Gordon* v. *Dalzell*, 15 Beav. 351, Gordon employed Fraser, a writer to the signet, as his law agent in Scotland. Fraser employed Poole, an English solicitor, to act as Gordon's solicitor in matters pending in England, and this retainer was sanctioned by Gordon. While the taxation of Poole's bills of costs was pending, Gordon presented a petition, stating that he had discovered that by an illegal agreement with Fraser, Poole had agreed to allow Fraser half the profits made by him (Poole) out of Gordon's business, and praying that, on the taxation of costs, Poole might be allowed to receive only so much as he would have been entitled to receive had Fraser been in actual partnership with him, and that the profits which, under the agreement, Fraser was to receive, might be disallowed. The Master of the Rolls dismissed the petition with costs, saying that if the agreement between Poole and Fraser were legal, Gordon being no party to it could not profit by it; and, if illegal, there was no fraud on Gordon, because Poole could charge no more than he could be legally entitled to, if he had entered into agreement with Fraser. This case is not irrelevant to the one under discussion.

With respect to the second subject touched upon by our correspondent, and discussed in his second letter, which we print to-day:—It does not appear to us to be a matter of very much importance whether leases or conveyances are drawn by a vendor's or vendee's solicitor. We all know what the custom, or rather the etiquette, is in such cases, and it is quite as well to adhere to such a custom, but the origin of the custom appears to us to involve no very important principle. In the case of a public body, however, whose conveyancing is done by the year for a fixed salary, it is certainly to be regretted that such a body should endeavour, by binding those with whom they contract to employ their solicitor—to secure to themselves conveyancing profits.

COURT OF BANKRUPTCY (ENGLAND).

(*Before Mr. Commissioner* WINSLOW.)

May 30.—IN RE J. O. LEVER.

Mr. J. Linklater appeared for the assignees; and Mr. Doria for a creditor.

Mr. John Orrel Lever, who was formerly M.P. for Galway, but who is now described as of 114, Cannon-street, general agent, came up for examination and discharge.

The bankrupt, in answer to Mr. Linklater stated that he had deposited with the Rev. Peter Daly a sum of £3,000 for the purpose of building a cotton mill, but he denied that Mr. Daly now owed him anything.

Mr. Doria, who appeared for Mr. Michael Morris, M.P., a judgment creditor for £580, the costs of an unsuccessful petition presented by the bankrupt against his return for Galway, asked for further accounts.

Mr. Commissioner Winslow inquired whether there was any chance of the estimated surplus of £47,971 being realized.

Mr. Linklater said the assignees had no such hope; at present a sum of about £300 only had been received.

The bankrupt insisted that his property was ample for payment of all claims upon him; he said that he was one of the greatest political victims in England, and no one knew that better than Mr. Edwards, the official assignee. (A laugh).

His Honour, after considerable discussion, directed the bankrupt to file additional accounts of his receipts and payments.

CIVIL SERVICE COLLEGE, LONDON.—A public meeting has been held at the Geological Museum, Jermyn-street, for the purpose of inaugurating a College which it is proposed to erect within a convenient distance from London for the education of the sons of Civil servants. The College is intended to supply a want very generally felt among the members of the Civil Service, who think the time has arrived when they should provide themselves with some distinctive educational institution, such as the army, the navy, and other professions already possess. The establishment of the Civil Service Commission and the adoption of a system of examination for appointments in the public service have given an educational status to the civil servants of the Crown, and rendered them more than ever anxious that their sons should be fitted by a good education for success in professional life, and qualified to compete successfully for junior appointments in the various public departments. The aim of the projected college will be to accomplish this object and afford the best possible education on the most reasonable terms. It is estimated that for a payment of £45 per annum for board and instruction, civil servants, many of whom receive but moderate incomes, would secure for their sons an education far superior to any which is obtainable elsewhere for so low a sum. Contributions towards the building fund are invited from other quarters besides the profession immediately concerned; but it is intended that the institution shall be self-supporting. The sons of gentlemen unconnected with the Civil Service are to be admitted to the college at a somewhat increased charge. It is calculated that the erection and furnishing of a suitable building, with accommodation for 500 scholars, would cost £40,000; but operations might be commenced as soon as funds have been raised for the construction of a building adapted for 200 scholars, and capable of future extension. The meeting called together in furtherance of this undertaking was well attended by members of the various public departments. Lord Russell presided, and was supported by Lord Granville, Lord Shaftesbury, the Bishop of Oxford, Mr. Milner Gibson, M.P., Mr. Cave, M.P., Mr. Stansfeld, M.P., Sir Roderick Murchison, Sir E. Ryan, and others. Letters of apology for non-attendance were received from the Duke of Marlborough, Lord Stanley, Lord J. Manners, Sir S. Northcote, and other members of the Legislature, official and unofficial, as well as from Sir Charles Trevelyan, who wrote strongly of the improvement which had taken place in the Civil Service since his first connexion with it, and which he thought found its crowning evidence in the work set on foot that day. The meeting was addressed by Lord Russell and the other leading noblemen and gentlemen present, who eloquently advocated the undertaking, and warmly eulogized the high honour, indefatigable industry, extensive information, and great practical ability of the permanent civil servants of the Crown. Lord Russell and Lord Granville especially bore emphatic testimony to the invaluable assistance afforded by those gentlemen to the responsible heads of their respective departments, to whom they very often furnished all the materials for guiding their judgment on public questions, and, without the excitement of Parliamentary debate or any of the rewards of Parliamentary distinction, enabled their chiefs to earn those rewards. A series of resolutions were unanimously adopted, affirming the expediency of establishing a school for the purposes already described, to be called the Civil Service College, and of which Lord Russell should be the President. Two lists of distinguished names, the one composed of the Vice-Presidents and the other of the provisional committee of the projected institution, were afterwards submitted to the meeting and accepted with acclamation; and the latter body was empowered to take all the requisite steps for collecting funds, and otherwise promoting the undertaking. A cordial expression of thanks to the noble chairman concluded the proceedings.

THE LAW STUDENTS' JOURNAL.

THE INCORPORATED LAW SOCIETY.

Preliminary Examination.

TRINITY TERM, 1867.

At the Examination of Applicants seeking to become Apprentices to Attorneys, held on Friday the 24th and Saturday the 25th May, 1867, the following were adjudged by the Court of Examiners to have passed the said Examination, and their names are arranged in the Order of Merit, viz.:—

No. 1. James E. O'Doherty,
2. James A. S. Gregg,

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3. John Mathews Orr,
4. Edmund Mulvihill,
5. Wm. Wharton Morgan,
6. Hugh C. Kelly,
7. Charles Lucas Collum,
8. Gilbert P. Cooper,
9. Charles Henderson Ward,
10. Wm. H. Atkinson,
11. Robert T. Martin.

Mr. James E. O'Doherty is to be at liberty to compete at next November Examination for the Prize.

By Order,

JOHN H. GODDARD, Secretary.

Solicitors' Hall, Four Courts, Dublin,
29th May, 1867.

Final Examination.

TRINITY TERM, 1867.

At the Examination of Applicants seeking admission as Attorneys, held on Monday the 27th and Tuesday the 28th of May, 1867, the following were adjudged by the Court of Examiners to have passed the said Examination, and their names are arranged in Order of Merit, viz. :—

No. 1. Thomas A. O'Hea,
2. Thomas Greer Carson.
3. Owen Patrick Neary,
4. Nicholas Waters Keller,
5. James Barry Molony,
6. Edmond Rice,
7. Farrell M'Donnell,
8. William D. Mayne,
9. Samuel J. Oliver,
10. Alfred Wallace.

Mr. Thomas A. O'Hea is awarded the Gold Medal for superior answering.

Mr. Thomas Greer Carson is awarded the Silver Medal, as his answering very nearly approached in merit to that of Mr. O'Hea.

Special Certificates of Merit are to be given to Messrs. Owen P. Neary and Nicholas W. Keller.

By Order,

JOHN H. GODDARD, Secretary.

Solicitors' Hall, Four Courts, Dublin,
29th May, 1867.

THE COURTS AND COURT PAPERS

HIGH COURT OF CHANCERY.

TRINITY TERM, 1867.

List of Causes and General Cause Petitions.

Standing over.

From Easter Term.

5 Maher v. Brennan
7 Casey v. Kennedy
8 O'Reilly v. O'Reilly
12 Hinds v. Clarke
14 Cooke v. Young
16 Cantillon v. Savage
26 Smyth v. Chaine
27 Bingham v. Bingham
32 M'Clughan v. Greer
41 Smyth v. Kilworth
42 Armstrong v. Swan, R.E.M.
43 Russell v. O'Neill
44 Parsons v. Annesley
51 Commins v. Barrett
53 Russell v. Cashell
55 Eno v. Boyd
58 Kingston v. Eyre
59 Kingston v. Eyre

From Master of the Rolls.

Lewis v. Rea
Monaghan v. Carson
Carroll v. Day
Bateman v. Bateman
Bond v. Dowling

Standing for Judgment.

Hedgson v. Lyster
Clarke v. Gildea
Kilkeary v. Flattery
Blackwood v. Harrison
O'Kelly v. Bodkin
Dickson v. Irwin

Trinity Term.

1 European Bank v. James and Malley
2 Tobin v. Reddin
3 Foley v. Coventry
4 Hogg v. Hogg
5 Attorney-General v. Commissioners of Carrickfergus
6 Rynd v. Bradford
7 Rea v. Ferguson
8 Barrett v. Bree
9 Kelly v. Campion
10 Atkins v. Burke
11 Ross v. French, R.E.M.
12 The Imperial Mercantile Credit Association v. Newry and Armagh Railway Company
13 Newman v. Marmion
14 Sullivan v. Marum
15 Getty v. Elliott
16 Attorney-Gen. v. Moore, R.M.
17 O'Connell v. O'Callaghan, R.E.M.
18 Acres v. Acres
19 Costello v. Kelly
20 Scottish National Insurance Co. v. Lysaght
21 Richardson v. Grubb
22 M'Givern v. M'Mullen
23 Strathallan v. Lewis, R.M.
24 Frewen v. Frewen
25 Burke v. Macnamara, for further directions
26 Cullen v. De l' Herault
27 Tankard v. Lockart
28 Stewart v. Stewart
29 Knox v. Kiernan
30 Whelan v. Whelan, for further directions.
31 Leslie v. Crommelin
32 Carnegie v. Mannix
33 Patrickson v. Nicholson
34 Sterling v. Belton

SUPERIOR COURTS OF COMMON LAW.

GUIDE, *so far as relates to the marking of Judgments by Default.*

JUNE, 1867.

Plaint Served on		Filed not later than	Last Day to Plead	Entitled to Judgment
Saturday,	.. 1 June	13 June	18 June	19 June
Monday,	.. 3 "	14 "	19 "	21 "
Tuesday,	.. 4 "	15 "	21 "	22 "
Wednesday,	.. 5 "	17 "	22 "	24 "
Thursday,	.. 6 "	18 "	24 "	25 "
Friday,	.. 7 "	19 "	25 "	26 "
Saturday,	.. 8 "	21 "	26 "	27 "
*Monday,	.. 10 "	21 "	26 "	27 "
*Tuesday,	.. 11 "	21 "	26 "	27 "
Wednesday,	.. 12 "	22 "	27 "	28 "
Thursday,	.. 13 "	24 "	28 "	29 "
Friday,	.. 14 "	25 "	29 "	1 July
Saturday,	.. 15 "	26 "	1 July	2 "
Monday,	.. 17 "	27 "	2 "	3 "
Tuesday,	.. 18 "	28 "	3 "	4 "
Wednesday,	.. 19 "	29 "	4 "	5 "
*Thursday,	.. 20 "	29 "	4 "	5 "
Friday,	.. 21 "	1 July	5 "	6 "
Saturday,	.. 22 "	2 "	6 "	8 "
Monday,	.. 24 "	3 "	8 "	9 "
Tuesday,	.. 25 "	4 "	9 "	10 "
Wednesday,	.. 26 "	5 "	10 "	11 "
Thursday,	.. 27 "	6 "	11 "	12 "
Friday,	.. 28 "	8 "	12 "	13 "
Saturday,	.. 29 "	9 "	13 "	15 "

* Holidays, pursuant to the Statute.

LANDED ESTATES' COURT.

SALES.

May 28.—Before the Hon. JUDGE LYNCH.

COUNTY OF DUBLIN.

Estate of John and Charles Lynch, owners; Jeremiah Perry, petitioner.

Lot 1. Two plots of ground in George's-avenue, Blackrock, yielding a profit rent of £15 per annum. Sold to Mr. Hackett, in trust, for £130.

Lot 2. Plot of ground and premises in George's-avenue, Blackrock, held with lot 1 and other lots under lease for 900 years. Sale adjourned.

Lot 3. Two houses and premises situate in Carysfort-avenue, Blackrock, held under lease from 1861, for 111 years. Sold to Mr. Jeremiah Perry for £800. Solicitors, *Falkiner and Hone.*

COUNTY OF GALWAY.

Estate of James White, owner; John Duignan, petitioner.

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Part of the lands of Ballybrack East, containing 239 acres, held in fee; profit rent, £103 17s. 7d. Purchased by Mr. Lawler, in trust, for £2,190.

The remaining lots were not sold, enough having been realized to pay off the incumbrances. Solicitor, *James Blaquiere*.

Sittings for next week, so far as at present appointed.

Monday—Before JUDGE DOBBS.

James Gilmour, proposal. Wm. B. Gardiner, tenants' objections. Wm. Going, deeds. John W. Maher, schedule. Luke Joseph Shea, do. Sarah Ridley, transfer stock. John Murphy, discharge from purchase.

Before the EXAMINER.

Valentina Aylmer, rental. Executor of James Thomas Power, do. Thomas L. Jones, do. John P. Sweeny, do.

Before JUDGE LYNCH.

J. W. Dickinson, confirm sale. D. Monseratt, from 27th May. George Knox, explain delay, from 23rd May. J. T. Campbell, confirm partition. Crosdaile Molony, delivery of deeds.

Before the EXAMINER.

James Boyce, to vouch.

Tuesday—Before JUDGE DOBBS.

Wm. Brophy, from 28th May. W. B. Gardner, explain delay.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

Trustees of Lord Clare—16 Lots—Limerick and Dublin—Fee—Profit rent £1,038 12s. 10d. Solr., *S. S. & E. Reeves*.

John R. Taaffe—3 Lots—Meath—Fee—Profit rent, £1,500. Solr., *Ford & Doherty*.

Thomas Ryves—1 Lot—Wexford—Fee and Fee Farm—Profit rent, £232 16s. 4d., subject to annuity of £100, for a life aged 78. Solr., *W. D'Alton*.

Patrick M'Donogh—1 Lot—County Dublin—Leases renewable—Estimated Profit rent, £74. Solr., *Casey & Clay*.

P. Stanford—1 Lot—Mayo—Fee. Solr. *B. Whitney*.

Before Mr. URLIN.

Thomas Mackie, proofs.

Wednesday—Before JUDGE LYNCH.

R. Olpherts and another, final schedule.

Before the EXAMINER.

G. V. Hart and another, rental. Lord Annally, do. G. Crawford, do. J. D. E. C. Hearne, do. F. Duncan, to vouch, from 29th May.

Thursday—Before JUDGE DOBBS.

J. B. Massey, allocation. Assignee of M. Connell, schedule.

Before JUDGE LYNCH.

James Casey, as to rights to sea-shore.

Friday—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

Thomas Conolly, seven lots. James Gilmour, one lot. Francis M. Butler, two lots. Edward Egan, eleven lots. Bernard Kelly, fourteen lots. Jane Bashford, one lot. John Roberts, six lots. Roger Dodwell, one lot.

Before the EXAMINER.

Charles Moore, rental.

Before Mr. URLIN.

Assignees of Birmingham, rental. H. Aylmer, do.

Saturday.

SALE IN CORK.

Assignees of E. Thornton.

Before the EXAMINER to JUDGE DOBBS.

Adelaide Brennan, rental. W. Brophy, do.

LANDED ESTATES' COURT.—PETITIONS FILED, *from 24th to 31st May*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
May 24	3856	John Goodin	*The Owner*	Meath	81 0 0	*James T. Scallan*	Lynch
May 27	3857	William Henry Waugh	*The Owner*	Down	49 10 3	*T. M'Clelland & Son*	Dobbs
„	3858	W. W. Bentley and another	*Rev. James Hewetson and others*	Dublin	77 0 0	*Robert W. Cherry*	Lynch
„	3859	John Hastings	*The Executors of Rev. Thomas Kingston*	Dublin	183 2 10	*John Thos. Hinds*	Dobbs
May 28	3860	Thomas D. Finucane and Wife, and of Trusts of Settlement of 2nd Feb., 1863, Vendors of Land and Appoint Trustees	*The Owners*	Antrim	58 11 7½	*Andrews & MacLaine*	Lynch
May 29	3861	Wm. Ferguson Wilson	*The Owner*	Sligo	46 12 2	*Thomas Lawler*	Dobbs
„	3862	David Sherlock	*The Owner*	Dublin	432 7 4½	*Wm. D'Alton*	Lynch
May 30	3863	Maria Morron and another	*Charles W. Hoysted*	Dublin	26 17 6	*Thos. A. W. Hodges*	Dobbs
„	3864	John Stevenson	*The Owner*	Tyrone	112 7 1	*Martin & King*	Lynch
„	3865	Thomas Feeny	*The Owner*	Roscommon	28 4 9	*Joseph Burke*	Dobbs
„	3866	Rev. W. S. Davis	*The Owner, for Declaration of Title*	—	—	*Fletcher & Meade*	Lynch
„	3867	Edward Doherty, administrator of James Walker Doherty, deceased	*H. J. Walker & others*	Donegal	Not given	*D. M. Colquhoun*	Dobbs
May 31	3868	George E. O'Malley	*John Fitzpatrick*	Roscommon	100 0 0	*John Fitzpatrick*	Lynch

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
June 3	12 o'clock	Thomas Hannigan	Vouch mortgagee's account	*Leachman*
"	"	Thomas Parks	Prove debts and vouch assignee's acct.	*Perry*
"	"	Mathew Drysdale	do.	*Findlater & Collins*
"	"	Private arrangement	Proof of debts	*Perry*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Saunders*
		Tuesday. Before the COURT.		
June 4	11 o'clock	W. & A. Gihon	Audit and dividend	*Black*
"	"	Private arrangement	First sitting	*O'Dowda*
"	"	do.	Second sitting	*Larkin*
"	"	do.	do.	*Perry*
"	"	Charles Costello	Sur. prove debts, and assignee	*Kiernan*
"	"	Wm. Healy	do.	*O'Dowda*
"	"	Humphry Rynhart	Final examination	*Batt*
"	"	Hollyford Mining Company	Appointment official liquidator	*Findlater & Collins*
"	"	John Redmond	Final examination	*Atkinson*
"	"	J. B. Kennedy	do.	*O'Callaghan*
"	"	James M'Menamin	Examination of witnesses	*Hyndman*
"	"	John F. Clark	Final examination	*Mulhall*
		Tuesday. Before CHIEF REGISTRAR.		
"	12 o'clock	Private arrangement	Proof of debts	*Barrett*
"	"	Wilson and Bean	Costs	*Geoghegan*
"	"	William Doyle	do. (2 bills)	*Craig*
"	"	Moran	do.	*M'Govern*
		Thursday.		
June 6	12 o'clock	John Marshall	Examination title	*Batt*
"	"	Samuel Bradley	Proof of debts	*Oldham*
"	"	R. P. Brown	do.	*Green & Co.*
"	"	Michael Hayes	do.	*Meldon*
"	"	Private arrangement	do.	*Leachman*
"	"	do.	do.	*Meldon*
		Friday. Before the COURT.		
June 7	11 o'clock	Private arrangement	First sitting	*Perry*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Cronhelm & Lett*
"	"	do.	Sitting under 351st section	*Meldon*
"	"	do.	First sitting	*M'Kenny*
"	"	J. F. Templeton	Sur., prove debts, and choose assignee	*Larkin*
"	"	Barfoot and Shaw	do.	*Lynch*
"	"	Thomas Potter	Final examination	*White*
"	"	John A. Malet	do.	*Mathews*
"	"	Thomas Berry	do.	*Larkin*
"	"	John Chambers	Audit assignee's account	*Hunter*
"	"	John Doyle	Audit and dividend	*Craig*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
May 28	Moran, Martin W., of Tuam, co. Galway, grocer and general merchant,	Peter M'Mahon, Merchant's-quay, Dublin, merchant,	*Larkin*
May 31	Hume, J. K., of No. 9, Westmoreland-street, Dublin, hosier and outfitter,	Edward Leachman, William-street, Dublin, merchant,	*Leachman*
"	Malone, John J., of Great Britain and Leinster-streets, Dublin, ironmonger and silk mercer,	Alfred Henshaw, of Christ Church-place, merchant,	*Larkin*

BANKRUPTS.

Barfoot, William; Shaw, William Mitchell, of Belfast, in the co. of Antrim, wholesale grocers and druggists, trading under the style and firm of "Barfoot & Shaw." Petition of bankruptcy filed 20th May, 1867. To sur. Friday, June 7th, and Friday, June 21st. C. H. James, official assignee. *Lynch*, solr.

Callaghan, John; and Callaghan, Richard, of Midleton, in the co. of Cork, drapers, trading as "M. Callaghan & Co." Petition of bankruptcy filed 23rd May, 1867.

To sur. Tuesday, June 11th, and Friday, June 28th. L. H. Deering, official assignee. *Molloy & Watson*, solrs.

Templeton, John Fleming White, of city of Londonderry, and Strabane, co. Tyrone, tobacconist and pipe manufacturer. Petition for arrangement filed 24th April, 1867. To sur. Friday, June 7th, and Friday, June 21st. C. H. James, official assignee. *Larkin*, solr.

Young, William, of Belfast, in the co. of Antrim, leaden pipe manufacturer. Petition of bankruptcy filed 21st May, 1867. To sur. Tuesday, June 11th, and Tuesday, June 25th. C. H. James, official assignee. *O'Rorke*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
June 3	12 o'clock	Ernest John Ryder	To prove debts	*Rynd*
,,	,,	James Doran	do.	*Macnally*
,,	,,	Michael J. Reardon	do.	*Macnally*
,,	1 o'clock	William Hayes	do.	*Macnally*
,,	,,	William Cother	Adjourned reference	*Macnally*
		Tuesday.		
June 4	12 o'clock	Rev. Charles L. Thomas	To tax costs	*Macnally*
,,	,,	Edmond B. O'Reilly	do.	*Macnally*
,,	,,	William Crawford	do.	*Murray*
,,	,,	Edward Curran	do.	*Macnally*
		Wednesday. Before the COURT.		
June 5	11 o'clock	Rev. Charles Lomax Thomas	Audit and dividend	*Macnally*
,,	,,	Edward Curran	do.	*Macnally*
,,	,,	William Crawford	do.	*Macnally*
,,	,,	Edmond B. O'Reilly	do.	*Macnally*
,,	,,	Michael Callaghan	Adjourned do.	*Perry*
,,	,,	John Murphy	Choice of assignee	*Cronhelm & Lett*
,,	12 o'clock	John Joseph Sherlock	Sale	*Batt*
,,	11 o'clock	Peter Lynch	Hearing of petition	*M'Kenny*
,,	,,	Laurence Moylan	Adjourned hearing	*Macnally*
,,	,,	Rev. Charles L. Thomas	do.	*Macnally*
,,	,,	John Clifford	do.	*Murray*
,,	,,	Denis Kinsella	do.	*Graves*
		Friday.		
June 7	11 o'clock	———	For Bail Motions only.	———
		Saturday. Before the CHIEF CLERK.		
June 8	12 o'clock	James Morrison	To vouch assignee's account	*Macnally*
,,	,,	Michael John M'Auliffe	do.	*Macnally*
,,	,,	Patrick Keane	do.	*Macnally*
,,	,,	Michael Evers	do.	*Macnally*
,,	,,	Myles Keating	do.	*Macnally*
,,	,,	Henry M'Hugo	do.	*Macnally*

CASES DISPOSED OF.

Wednesday, May 29, 1867.
Before JUDGE MILLER.

Macdonnell, Thomas. Adjourned to June 12, 1867. Allocation of part of insolvent's salary for payment of debts.

Tobin, Michael. Discharged.

INSOLVENTS DISCHARGED ON BAIL until the Day of Hearing their petitions.

Beauman, James, pensioner from Constabulary, King's County.
Foley, Bartholomew, dairyman, county Cork.
Heaslip, Anne, milliner and dressmaker, county Down.
Horgan, Laurence, ship carpenter, Cork.
Jones, John James, surgeon, Dundalk.

INSOLVENTS.

To be heard in Dublin.

Hamilton, Alexander, of Montgomery-street, city of Dublin, carpenter and packing case maker; previously of Marlborough-street and Montgomery-street, in said city, trading in partnership with Alexander Goldie, under style and firm of Goldie and Hamilton, carpenters and packing case makers. Hearing on Wednesday, June 12, at 11. *M'Kenny*, solicitor.

To be heard in the Country.

Campbell, Michael, of Waterloo-street, city of Londonderry, dealer. Hearing at Newtownlimavady, June 22, at 10. *Proctor*, solicitor.

Connor, Patrick, of Ryehill, county Galway, farmer. Hearing at Galway, June 22, at 10. *M'Namara*, solicitor.

Connors, Edmond, of Drommomarka, county Tipperary, farmer. Hearing at Cashel, June 24, at 11. *Honner*, solicitor.

Harrington, Patrick, of Lisagallon, county Roscommon, farmer; previously of Rathbrennan, in said county. Hearing at Roscommon, June 21, at 10. *Harkan*, solicitor.

Keane, Edward, of Riverchapel, county Wexford, shopkeeper and publican; not now in business. Hearing at Wexford, June 28, at 10. *Macnally*, solicitor.

M'Teague, John, of Grange, county of Londonderry, farmer. Hearing at Newtownlimavady, June 22, at 10. *Glover*, solicitor.

Petitions of Insolvency Filed,

May 27.

By Weekes, Thomas, of 91, Great Britain-street, Dublin, tobacconist—a prisoner in the Four Courts Marshalsea. *Macnally*, solicitor.

May 30.

By Knox, the Rev. Thomas, of Ballymoney, county of Antrim, Vicar-General of Dromore, Prebendary of the diocese of Down and Connor, and rector of Ballymoney parish; previously of Lurgan, county of Armagh; rector of the parish of Shankill, and Vicar-General of Dromore—a prisoner for debt in the gaol of Belfast. *Macnally*, solicitor.

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In the LANDED ESTATES' COURT.

In the Matter of the Estate of John Robert Taaffe, Esq., Owner and Petitioner.

NOTICE is hereby given, that Lot 1, mentioned in printed Rental for Sale, advertised to be had in this Matter on the 4th day of JUNE next, WILL NOT THEN BE OFFERED FOR SALE, same having been Sold by Private Contract.

Dated this 30th day of May, 1867.

HENRY ROBERT GREENE, Chief Clerk.

WILLIAM FORD & JOHN DOHERTY, Solicitors having Carriage of Sale, No. 62, Lower Dominick-street, Dublin.

LANDED ESTATES' COURT, IRELAND.

GENERAL NOTICE TO CLAIMANTS.

In the Matter of the Estate of John Coen Clifford, Owner; Exparte; Edward Wilson Clifford, Petitioner.

THE Court having ordered a Sale of the Lands of Ballyboy, situate in the Barony of Lune, and County of Meath, held under an agreement for a lease for twenty-one years, from the 1st day of February, 1852. All parties objecting to the Sale of the said Lands are hereby required to take Notice of such order; and all persons having claims thereon may file such claims, duly verified, with the Clerk of the Records.

Dated this 23rd day of May, 1867.

C. E. DOBBS, Examiner.

REEDE & GOODMAN, Solicitors having Carriage of Sale, No. 2, Upper Sackville-street, Dublin.

In the LANDED ESTATES' COURT.

COUNTY OF MEATH.

In the Matter of the Estate of Susanna O'Reilly, Owner and Petitioner.

TO BE SOLD, on TUESDAY, the 2nd day of JULY, 1867, before the Honourable Judge Lynch, at the Landed Estates' Court, Inn's-quay, in the City of Dublin,

IN ONE LOT.

The Lands of Patrickstown, containing 20a. 1r. 10p. statute measure, held in fee-simple; tenant valuation, £27.

Dated 23rd May, 1867.

J. E. MADDEN, per Chief Clerk.

For Rentals and further particulars apply at the Landed Estates' Court, Inn's-quay, in the City of Dublin; or to

JOHN THOMAS HINDS, Solicitor having Carriage of the Proceedings, No. 28, Westmoreland-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John J. Malone, of 165, Great Britain-street, and Leinster-street, in the City of Dublin, Ironmonger and Silk Mercer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 11th day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 31st day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchant's-quay, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Up. Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Callaghan & Richard Callaghan, of Middleton, in the County of Cork, Drapers, Trading as M. Callaghan & Co., Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 11th day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupts in any sum whatever, or who have any of their estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupts are requested to give notice thereof to the Agents.

Dated this 30th day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of William Barfoot and William Mitchell Shaw, both of Belfast, in the County of Antrim, Wholesale Grocers and Druggists, trading under the style and firm of Barfoot and Shaw, Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 7th day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and choice of an Assignee* in this Matter, of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupts in any sum whatever, or who have any of their estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 28th day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

THOMAS LYNCH, Agent to the Bankruptcy, No. 23, Middle Gardiner-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Patrick Ronayne, of Dungarvan, in the County of Waterford, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 11th day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 28th day of May, 1867.

JOHN FRANCIS TEELING, Assistant Registrar.

JEREMIAH PERRY and JOHN HUNT, Agents to the Bankruptcy, No. 11, Bachelor's-walk, Dublin; and Dungarvan.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of William Young, of Belfast, in the County of Antrim, Leaden Pipe Manufacturer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 11th day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 30th day of May, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

ALEX. O'RORKE & THOS. LYNCH, Agents to the Bankruptcy, No. 23, Middle Gardiner-street, Dublin.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 19.] SATURDAY, JUNE 8, 1867. {Single Copy, 6d. By Post, 7d.}

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THE IRISH LAW TIMES.

DUBLIN, JUNE 8, 1867.

A CASE of no ordinary importance with reference to the powers of the Landed Estates' Court to recall its conveyances, for the purpose of cancellation or amendment, has just been decided by the Court of Chancery Appeal. This decision, of which a note is given in our reports of this day, reverses two orders made by Judge Dobbs on the 23rd of November, 1866, and 30th of January, 1867. Since the celebrated case of *Rorke* v. *Errington* was decided on appeal by the House of Lords, the public and the legal profession in general have placed the most implicit faith in the security of the titles conferred by the Incumbered and Landed Estates' Courts. In that case Rorke held a lease of part of the estate sold, and the existence and validity of his lease was distinctly recognized in the rental prepared and issued by the Commissioners, and the proper notices were given in conformity with the rental. Errington became the purchaser of part of the estate, and in the conveyance to him there was, by mistake, introduced a description, accompanied by a map (also erroneously drawn) of the land conveyed, which was the land actually held under the lease to Rorke, but that lease itself was not mentioned. The House of Lords, affirming the decision of the Exchequer Chamber, held that under the 27th section of the Act the land must be taken to have passed by the conveyance, subject only to such leases "as were expressed therein," and that the 49th section rendered the conveyance conclusive as to all acts, consents, &c., required, having been duly performed and given (7th House of Lords' Cases 617). Both before and since *Rorke* v. *Errington* was decided, there have been decisions in the Incumbered and Landed Estates' Courts, and the *dicta* of eminent judges which have (to say the least) produced an impression amongst some of the Judges of those Courts that they had control over its conveyances so as to cancel or amend them in cases of *mere* mistake, unaccompanied by fraud or misconduct.

It is now highly satisfactory to the Judges of the Landed Estates' Court to have all doubts on this important subject removed by the decision of the Court of Appeal, and the public confidence in Parliamentary titles confirmed by the authority of the great Judges who now constitute that Court. We believe there can be no doubt that the decision is correct; but it would have lost none of its force had it been unaccompanied by observations which were certainly not calculated to add anything to the dignity either of the Court itself or the tribunal, whose decision it was reviewing.

The facts of the present case, so far as they are necessary to be stated, were shortly these:—On the

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5th of July, 1866, certain household property in this city was set up for sale in two lots. A Mr. Redmond purchased Lot No. 1, of which he was lessee. A Mr. Wrenn purchased Lot No. 2, and obtained his conveyance on the 28th of July. It appeared that Mr. Redmond was also a sub-lessee of part of Lot 2; but his sub-lease was not set out on the rental, nor referred to in the conveyance to Mr. Wrenn, which described the premises as in the rental. Mr. Redmond believed that he had purchased all the premises of which he was tenant, and on discovering that portion of them were included in Mr. Wrenn's conveyance, he applied to Judge Dobbs for an order that the purchaser should bring in his conveyance to have it amended and the mistake rectified. It was admitted that the purchaser of Lot 2 was an utter stranger to the proceedings in the Court, and that there was no fraud or mistake on his part, and that the mistake, which undoubtedly occurred, was either the mistake of the Court, or of the party having the carriage of the sale.

There were two questions raised for the consideration of the Court of Appeal:—First, Whether the Landed Estates' Court had jurisdiction to recall and amend the conveyance; next, Whether, even assuming it had such jurisdiction, the Judge had not gone too far, when he called on the purchaser to convey the *whole* interest in the premises to Mr. Redmond, the sub-lessee.

The first question, with which alone we are concerned, turned upon the effect to be given to a conveyance executed by a Judge of the Landed Estates' Court, under the 61st and 85th sections of the 21 & 22 Vic., cap. 72; and the Court were of opinion that such a conveyance attracts the operation of the 61st section, and draws out of the owner and every other person in the community, the whole interest conveyed, and vests it in the purchaser, *subject only to what is expressed on the face of the conveyance*: that in aid of this section the 85th section declares that every conveyance executed as required by the statute, shall, for all purposes, be conclusive evidence that every application, proceeding, consent, and act whatsoever, which ought to have been made, given, and done previously to the execution of such conveyance, had been made, given, and done by the persons authorized to make, give, and do the same; that this was what was consummated on the 28th of July, 1866, when Mr. Wrenn obtained his conveyance from the Landed Estates' Court.

It was contended at the Bar that, by analogy to the jurisdiction of Courts of Equity, the Landed Estates' Court had power to recall its conveyance for the purpose of rectifying an error. That under the 31st sec. of the 21 and 22 Vic., cap. 72, the Landed Estates' Court is invested with all the powers of a Court of Equity, and a plenary suit being unknown in that court, that the Judge could exercise this jurisdiction on a summary motion. In answer to this argument the Appeal Court held that there was no case to be found in which a Court of Equity had exercised this jurisdiction, where there was neither fraud or *mutual* mistake; that, besides, the 85th section ousted the jurisdiction of the Landed Estates' Court, as well as that of the Court of Chancery, and precluded the possibility of taking objection to anything, either in the conveyance or lying behind it. To meet this it was argued that the conveyance is conclusive only so long as it stands. To this argument the Lord Justice replied—"That is to say, the conveyance may be impeached by the allegation of those things, of the non-existence of which the conveyance itself is made conclusive."

In reversing the decision of the Court below, the Court of Appeal were of opinion that they were not interfering with any authority which was worthy of respect, and disclaimed paying the slightest attention to the cases cited as authorities in support of the order of Judge Dobbs, except the *dictum* of Judge Hargreave in *re Collis*. In that case, which is reported in 14 Ir. Chan. Rep., 411, the petitioners became the purchasers. The map to the conveyance included a plot of land alleged to have belonged to an adjoining owner, and an application was made to the Court to compel the purchasers to reconvey it. The Court held that as the circumstances of the case negatived the presumption of misconduct on the part of the purchasers or their solicitor, arising from mistake, it had no jurisdiction to direct a reconveyance. It appears that there had been an old and continued dispute about this piece of land between the adjoining proprietors, and the Judge says that he was not satisfied that any conveyance had been made in excess of the owner's title, and the circumstances of the case negatived misconduct on the part of the petitioners or their solicitor. In stating the principles to be collected from an unreported case (*re Langley*) used on the argument, Judge Hargreave thus enunciates the *dictum* referred to by the Appeal Court:—"That if by any fraud, negligence, or other misconduct of the party having the carriage of the sale, he procures the Court to sell and convey to him property which ought not to have been sold or conveyed, the Court has jurisdiction to compel him to reconvey if the property remains in his hands, and make good the loss by pecuniary compensation if the property has passed from him into the hands of a purchaser for value. And if it is made clear that a mistake has been made, the Court will presume misconduct, unless and until the contrary be proved."

In the present case it will be seen that the purchaser does not come within this rule. Mr. Wrenn was a total

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stranger, and irresponsible for any mistake that had been committed.

Another case referred to was "*In re Vesey's Estate,*" which is reported *ex relatione* in 1st Ir. Jur., N. S. 66. In this case the lands sold comprised a field which had been held by the Ordnance Department under an agreement dated the 24th December, 1844, for one year, with a provision that at the expiration of the year they might hold the field for such further time as they might require it. This agreement was set out in terms on the rental. After the sale took place, the purchaser discovered a document, dated the 9th of December, 1854, by which a Receiver, who had been appointed over these lands, offered to let the field in question to the Ordnance Department for one year, ending the 22nd December, 1855. The purchaser informed the solicitor having the carriage of the sale of this document, and demanded to have the conveyance made to him discharged of any title of the Ordnance after the 22nd December, 1855, and then went before Mr. Commissioner Longfield to settle the deed, and showed him the proposal. The draft deed did not contain any allusion to the article of the 24th December, 1844, and the Commissioner altered the draft by stating that the tenancy of the Ordnance was for one year, which would determine on the 22nd December, 1855. On motion on behalf of the Secretary of War that the purchaser should bring in his deed to have it amended by stating the agreement of 1844, the Court held that it had power to recall the deed for the purpose of correcting any error in it occasioned by mistake, or fraud on the Court. Baron Richards, C.C., in giving judgment, says "that the Court had full jurisdiction to amend the conveyance in any matter arising from mistake or fraud."

This language would seem to give ground for the decision of Judge Dobbs, that in *any* matter arising from *mistake* the Court had jurisdiction to recall and amend its conveyance. However, on looking to the facts, the distinction between that case and the present is obvious. The mistake was occasioned by the act (not to say the misconduct) of the purchaser in suppressing the agreement of 1844. In the present case the purchaser was perfectly innocent of the mistake. The case of *Lock and Ashe* (4 Ir. Jur., 180), was also relied on. In that case certain lands had been sold in the Incumbered Estates' Court, and the tenant's interest was stated to be for the lives of three persons, all of whom were supposed to be dead; and in the rental this lot was described as being held by a tenant from year to year. A receiver had been appointed over the tenants' interest—and in fact two of the lives were still subsisting. The lands were sold discharged of the lease, and the purchaser applied at the Rolls to have the receiver discharged, which the late Master of the Rolls refused to do; and in giving judgment he observed:—"This is a most important case, and shows clearly the alarming power vested in that Court. Were I the Commissioner who sold this property I have little hesitation in saying that I would, under the circumstances, order the conveyance to be re-lodged, for the purpose of having the lease, which was lodged in Court for the purposes of the sale, and mentioned in the rental prepared for the sale, set out on the schedule to the conveyance." This opinion, coming from a Judge so eminent as the late Master of the Rolls, is entitled to some weight, and may have influenced the judgment of Judge Dobbs, if he had any doubt on the question upon the authority of the cases above referred to, and of other unreported cases to the same effect decided in the Incumbered Estates' Court. It is, however, satisfactory to have all doubt now removed by the Court of Appeal, and the public may still confidently rely on the security of a Parliamentary title. Petitioners, however, and other persons in privity with the proceedings, and their solicitors, must be cautious about knowingly doing any act likely to be productive of mistake; as, if they became purchasers, their conveyance is liable to be challenged upon the grounds, not merely of fraud or misconduct, but, as it would appear from the dictum of Judge Hargreave, on the grounds of a mistake, from which the Court will presume misconduct, unless the person making or causing such mistake can establish the contrary.

A LARGE and influential meeting of the Sessions Practitioners in Ireland was held yesterday, in the Solicitors' Buildings, Four Courts. We give elsewhere a detailed report of the proceedings, which will, we trust, eventually lead to many desirable reforms of the practice and procedure of the County Courts of Ireland, the importance of which, to the public, cannot be too highly estimated. As many country practitioners must have been unable to attend the meeting, we will with pleasure give publicity to any suggestions they may wish to make on this important subject.

CURRENT TOPICS.

ATTORNEYS' CERTIFICATE DUTY.

In our report of Parliamentary proceedings will be found the result of the adjourned debate upon the second reading of this Bill.

An attempt was, of course, made by the supporters of the Government to get rid of any discussion upon the subject, and quietly to shelve the Bill by having recourse to those Parliamentary tactics of which we have had some remarkable instances lately.

Not having succeeded in this attempt, the second reading of the Bill was agreed to, but upon condition that the discussion on the principle of the Bill should take place on the motion for going into Committee.

The result of the divisions is exceedingly gratifying,

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taking place, as they did, in a thin house, and when many of the supporters of the Bill had left; and although the effect of the second reading being carried in the way it was, is merely to postpone the debate upon the Bill until Committee, we trust that on the 25th, for which day the Committee is fixed, the supporters of the measure will rally in sufficient numbers to insure its success. In the meantime, as the final struggle (for this Session at least) will then take place, no efforts should be spared to induce those who have promised support to attend on that occasion.

Messrs. ARTHUR MOLLOY and HENRY WATSON, of No. 18, Eustace-street, have been appointed Commissioners for taking affidavits for the Court of Chancery and Court of Probate in England, and the Superior Courts of Common Law at Westminster.

MEETING OF QUARTER SESSIONS ATTORNEYS.

A meeting of the quarter sessions practitioners of Ireland was held yesterday in the Solicitors' Hall, Four Courts, for the purpose of considering the present civil bill acts with a view to have same amended.

Amongst those present were—Messrs. William Martin, Solicitor, Donegal Grand Jury; G. Proctor, Sessional Crown Solicitor, Londonderry; John W. Bourke, Hon. Sec. Cork Law Society; J. F. Goodman, Meath; Denis Leonard, Banbridge; George Cochrane, Armagh; Cecil Moore, Crown Solicitor, Tyrone; Edward Lord, Sessional Crown Solicitor, Kildare; Edward M'Gauran, Cavan; John P. Saunders, Dublin; Thomas Turpin, Maryborough; Robert Burkitt, Wicklow; Thomas Craig, Portarlington; John Thomas Craig, Portarlington; John Rea, Belfast; John F. Cullinane, Sessional Crown Solicitor, Clare; Joseph Howard, Secretary Waterford Law Society.

On the motion of Mr. John W. Bourke, seconded by Mr. Howard, the chair was taken by

JOHN T. HINDS, Esq.

Mr. George Proctor was requested to act as hon. secretary to the meeting.

Mr. Proctor, having read the advertisement convening the meeting, read a circular which he addressed, as secretary of the Londonderry Law Society, to the sessional crown solicitors of Ireland, informing them that a meeting of the attorneys and solicitors of the city and county of Londonderry, was held in the courthouse, Londonderry, on the 28th of March last, and that they adopted a resolution in reference to holding this meeting, and requesting them to give as much publicity as possible to the matter, so that the profession might be fully represented at it. Mr. Proctor read replies to those circulars which he received from practising solicitors in different parts of Ireland. He then referred to the meeting of attorneys and solicitors which was held in the courthouse, Londonderry, and said that at that meeting they had adopted a number of suggestions which they intended to submit to their brother practitioners, and to have printed for distribution throughout the profession in Ireland. Mr. Proctor here read the suggestions, which were submitted for consideration to the committee appointed for that purpose at this meeting. He complained that the remuneration for the services of practising solicitors in Ireland should be so small as compared with that allowed to solicitors practising in the English county courts. In England attorneys were paid £1 1s. for the same work for which an attorney in Ireland got 2s. 6d. Very lately in London a practitioner was hauled up for taking a fee of 2s. 6d., because it was deemed that his doing such a thing rendered him a disgrace to the profession. He read of this in one of the law journals, and the writer appeared to be entirely ignorant of the fact that if an attorney in Ireland took more than 2s. 6d. as his fee, on obtaining a decree under £10, he would be liable to be prosecuted. He thought that the profession in Ireland should be placed on the same footing as the profession in England as to fees and compensation for their labours.

Mr. John Walter Bourke, of Cork, said he was deputed by the Cork Law Society to attend this meeting, in order that they might give the present movement their most active co-operation. They had already received from several solicitors in the county Cork communications to the effect that they considered the several civil bill acts required amendment, and they were particularly glad that a matter so important to their profession should be taken in hand by a gentleman of such ability and experience as Mr. Proctor, of Londonderry (hear, hear). He thought that they should all feel indebted to Mr. Proctor, who had so actively and intelligently forwarded the movement. He (Mr. Bourke) had great pleasure in proposing the following resolution :—

"That the sessional practitioners of Ireland request the co-operation of the council of the Incorporated Law Society for the purpose of taking into consideration the suggestion in the form of a report which shall be hereafter prepared for the amendment of the Civil Bill Acts, and that the following committee, with power to add to their number, be requested to act in Dublin, on behalf of the civil bill practitioners of Ireland, to consider the amendments necessary in order to have an act of Parliament in conformity with our views taken up by the law officers of the crown and passed into law :—The chairman, Mr. J. T. Hinds; Mr. Charles Fitzgerald, Dublin; Mr. Proctor, Mr. Goodman, Mr. George Tyrrell, Mr. Turpin, Mr. Howard, Mr. Cecil Moore, Mr. Wm. Martin, Mr. Cullinane, Mr. Burkett, Mr. M'Govern, Mr. J. W. Bourke, Mr. John Barnett, and Mr. Proctor, hon. sec."

Mr. Howard, Secretary of the Waterford Law Society, seconded the resolution.

The Chairman, in putting the resolution, said that while they approved of the principle advocated in the suggestions adopted at the meeting of the members of their profession in Londonderry, it should not be understood that those suggestions were adopted by this meeting, because, while they should all feel under a sense of obligation to Mr. Proctor for what he had done in forwarding this movement, those suggestions as to enlarging the jurisdiction of the county courts for the trial of actions of slander, libel, and crim. con. were very important, and required matured consideration.

The resolution was then put and carried.

Mr. Goodman expressed his confidence in the success of this movement, which he knew met with the cordial approval of a great number of the chairmen of counties in Ireland, when this subject was lately discussed in the columns of the "IRISH LAW TIMES," several of the chairmen expressed to him their willingness to co-operate in procuring any desirable measure of reform. As a member of the Council of the Incorporated Law Society, he could assure the meeting that the sessional practitioners might rely on the support of that society in all matters tending to the benefit of the Profession generally. Mr. Hinds had already brought a bill before the Incorporated Law Society, which went to the effect of giving equitable jurisdiction in case of partnership accounts to assistant barristers. That was a matter respecting which there was no difference of opinion. That bill was supported by the Incorporated Law Society, and Mr. Morris, who was Attorney-General at the time, undertook to get it passed through Parliament. The Londonderry Law Society was of opinion it was better not to go on with it without including in it some other changes. It was accordingly not pressed on. Any bill of the kind for the benefit of the Profession would be cordially supported by the Incorporated Law Society.

Mr. Cecil Moore complained that there should be any difference in the effect of a judgment of the superior courts and a civil bill decree; it was now agreed that the late Sheriffs' Act was a complete failure, and said that the consequence was that persons were obliged to resort to the superior courts in actions respecting the sale of growing crops, sales of interest in land, &c.

Mr. John Rea said he thought it would be well for the committee to consider whether it would not be advisable to have the County Courts Act in force in England extended to Ireland, and it should be done, he thought, unless there was absolute reason for not doing it. He did not find much difference between that part of Ireland in which he lived

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and any part of England, and, therefore, he did not see why there should be a system for Ireland different from the one in operation in England. An attorney in Ireland was just as liable to an action at the suit of his client as if he were resident in Scotland or in England. He said that sometimes a great deal of inconvenience was caused by the chairmen of counties being in a great hurry to get up to Dublin. There was a great amount of grumbling in consequence of this, although the public did not hear of it, because a practitioner had no means of bringing the matter before them unless he chose to make the chairman of his county an enemy for life. Chairmen in England on their appointment were obliged to retire from practice, and he was at a loss to understand why they should get a salary so much larger than chairmen in Ireland, because the barristers appointed to the office of chairman in Ireland were gentlemen of as high standing in their profession as any in England; but the chairmen of Ireland ought to receive larger salaries and be relieved from practice in the courts, otherwise they will be anxious to hurry through their business and return to Dublin.

Mr. Rea then remarked that this meeting truly represented the profession of attorneys and solicitors in Ireland, and he felt that he was only speaking of a matter of which they all had to complain when he said that they were often placed in an embarrassing position towards prisoners whom they were employed to defend, when, after having exhausted all the evidence in the case, they were not permitted to address the jury on behalf of their clients. Many prisoners who were sent for trial to the assizes were unable to pay the expenses of fees and briefs to counsel, and when the business of defending them fell on the solicitors they were not permitted to address the jury, and they were therefore deprived of the most important power of defence. Mr. Rea concluded by moving the following resolution :—

"That it be an instruction to the committee to take steps to procure for prisoners hereafter to be tried at assizes, who may insist upon having themselves defended by attorney only, the same privileges as if defended by counsel and attorney together."

Mr. Proctor seconded the resolution, and concurred in the observations made by Mr. Rea as to the power of defence of which prisoners were deprived by their attorneys not being permitted to address juries in their behalf. He mentioned some cases in which he himself found that it would have been of the utmost importance to his clients that he was permitted to address juries on their behalf.

The resolution was then carried.

Mr. Ellis made some observations in which he called on Irish members to support the movement for the abolition of the annual certificate duty.

Mr. Rea proposed the following resolution :—

"That we request the general practitioners of Ireland forthwith to convene local meetings of the profession in each county, borough, or division thereof, for the purpose of taking the most effective possible steps to support the Incorporated Law Society in their efforts to have the annual certificate duty abolished this year; and we request the practitioners to have regard to the fact that the bill, which has passed the second reading, will be lost or carried on the 25th June instant.

Mr. Cecil Moore seconded the resolution, which was adopted

Mr. John W. Bourke having been moved to the second chair, a vote of thanks was passed to the previous chairman, after which the proceedings terminated.

HOUSE OF COMMONS.—Friday, May 31.

ATTORNEYS' CERTIFICATE DUTY BILL.

On the resumption of the adjourned debate on the second reading of this Bill, moved by Mr. Denman,

Mr. Bentinck moved as an amendment that it be read a second time that day six months.

Mr. Denman said he should be a coward if he withdrew the Bill, which he believed to be a just one, because it had been insinuated that he was actuated by unworthy motives, as a member of the legal profession, in introducing it.

The House divided, when there appeared—

For the amendment, - - 41
Against it, - - - 48——7 Majority.

On the question that the Bill be read a second time,

Lord Galway moved the adjournment of the House.

The House divided, the numbers were—

For adjournment, - - 40
Against it, - - - 45——5 Majority.

Mr. Lowther moved that the debate do now adjourn.

After some discussion the motion was withdrawn, and the Bill was read a second time, on the understanding that its expediency might be discussed on the motion for going into Committee, which was fixed for Monday, June 3rd.

Monday, June 3.

Courts of Law Officers (Ireland) Bill.—Considered in Committee and reported; ordered to be printed as amended; recommitted for Monday, 17th June instant.

Attorneys' Certificate Duty Bill.—Committee deferred till Tuesday, 25th June instant.

COURT OF CHANCERY (IRELAND) BILL.

The House went into committee on this Bill.

On clause 42, as to the appointment of Masters' Registrars,

Mr. Cogan urged the postponement of the Bill. Several Irish members who had notices of amendments on the paper were engaged in public duty elsewhere.

The Attorney-General for Ireland was not aware of any public business in which Irish members were engaged elsewhere to prevent their attendance in the House; and he was sorry he could not accede to the proposal.

Mr. Cogan then moved that the Chairman report progress.

The Committee divided, and there voted—

For reporting progress, - 36
Against it, - - 103——67 Majority,

Clause 42 was agreed to with amendments.

On clause 196, viz. :—" It shall be lawful for the party or parties in any suit, who shall be ordered to invest any money in the purchase of stocks, funds, or annuities, transferable at the Bank of Ireland, or to transfer for sale, or otherwise, any of the said stocks, funds, or annuities, to employ any one of the licensed stockbrokers, being a member of the Stock Exchange in Dublin, to make such investment and transfer."

The Attorney-General for Ireland moved the omission of the clause, it being the opinion of the late Lord Chancellor of Ireland, the present Lord Chancellor, and the Master of the Rolls, that the existing practice, according to which six gentlemen acted as brokers for the transaction of business connected with the court, should be continued.

Mr. O'Beirne observed that at present parties ordered to invest placed their money at the Bank of Ireland in the name of one of the six stockbrokers, and had no security for it until it was transferred to the name of the Accountant-General.

After a brief discussion, in which Mr. Cogan, Sir R. Palmer, and Sir P. O'Brien took part,

Mr. Esmonde moved that the Chairman report progress.

The Committee divided, when there appeared—

For reporting progress, - 18
Against, - - - 89——71 Majority,

Sir P. O'Brien moved that the Chairman leave the chair.

The Committee divided, when there appeared—

For the motion, - - 14
Against, - - - 91——77 Majority,

After some further conversation,

Captain Stacpoole moved that the Chairman do report progress.

A lengthened and somewhat heated discussion ensued, several of the Irish Members on the Opposition benches persisting in their demands that the further progress of the measure should be postponed till after Whitsuntide—a view, however, which was not shared by Sir R. Palmer, Mr. Childers, Mr. Ayrton, Mr. Whalley, or other members on their own side of the House, who held that the objections raised involved no point of principle, and recommended that the particular stage should be agreed to, opportunity for discussion of all necessary points presenting itself hereafter upon the report.

At half-past one o'clock, however, the Committee divided on the motion to report progress. The numbers were—

For the motion, - - 12
Against it, - - - 80——68 Majority.

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Mr. HERBERT moved that the Chairman leave the chair.

The Committee divided; the numbers were—

For the motion, - - 13
Against it, - - 80——67 Majority,

Mr. DE LA POER then moved that the Chairman report progress.

Mr. CHILDERS suggested that the clause should stand, and that when the report was brought up the Attorney-General for Ireland could move its omission, and those who objected to it could move accordingly.

This suggestion was acted on; the motion to report progress was withdrawn, the clause was agreed to, and the Bill passed through Committee.

NOTICE OF MOTION.—General Dunne—In Committee on Courts of Law Officers (Ireland) Bill—to move—"That every officer whose office is abolished, and who has a freehold interest therein, shall, in the event of his declining to accept another office, receive as compensation an annuity equal to his salary, if he has served 15 years or upwards; and equal to two-thirds of such salary, if he has not served 15 years."

ATTORNEYS', &c., CERTIFICATE DUTY BILL.

Order read, for resuming Adjourned Debate on Question [2nd April] "That the Bill be now read a second time:"—Question, again proposed:—Debate *resumed*:—Amendment proposed to leave out the word "now," and at the end of the Question to add the words "upon this day six months: —(*Mr. Bentinck*:)—Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 48, Noes 41.

AYES.

Agar-Ellis, Hon. Leopold G. F.
Arkwright, Richard
Armstrong, Richard
Bruce, Sir H. H. (Coleraine)
Calcraft, John Hales M.
Carnegie, Hon. Charles
Colthurst, Sir George Conway
Crawford, R. W. (London)
Dimsdale, Robert
Dunne, General
Esmonde, John
Ewing, H. Ewing Crum
Eykyn, Roger
Gaskell, James Milnes
Graham, William
Gray, Sir John (Kilkenny)
Hamilton, Ion T. (Dublin Co.)
Henniker-Major, Hon. J. M.
Ingham, Robert
Kennedy, Tristram
Lanyon, Charles
Lawson, Rt. Hon. James A.
Leeman, George
Lefroy, Anthony
MacEvoy, Edward
M'Kenna, Joseph Neale
M'Lagan, Peter
Maguire, John Francis
Mitchell, A. (Ber.-on-Tweed)
Morris, George (Galway)
Murphy, Nicholas Daniel
North, Colonel
O'Beirne, James Lyster
O'Brien, Sir Patrick
Ogilvy, Sir John
Oliphant, Lawrence
Owen, Sir Hugh Owen
Pim, Jonathan
Powell, Francis Sharp
Power, Sir James
Rearden, Denis Joseph
Scott, Sir Wm. (Roxburghsh.)
Stacpoole, William
Synan, Edmund John
Vance, John
Vandeleur, Colonel
Walsh, Arthur (Leominster)
White, Hn. Capt. C. (Tip. Co.)

Tellers for the Ayes, Mr. Denman and Mr. E. Cranford.

NOES.

Bagge, Sir William
Bridges, Sir Brooke William
Cave, Rt. Hn. S. (New Shore.)
Chatterton, Rt. Hon. H. Eyre
Childers, Hugh C. Eardley
Corry, Rt. Hon. Henry Lowry
Egerton, E. C. (Macclesfield)
Fergusson, Sir James
Finlay, Alexander Struthers
Galway, Viscount
Gladstone, Wm. H. (Chester)
Glyn, Geo. G. (Shaftesbury)
Goschen, Rt. Hon. G. Joachim
Hamilton, Lord C. (Tyrone)
Hardy, Rt. Hn. G. (Ox. Univ.)
Hervey, Lord A. H. C. (Suff. W.)
Hay, Sir J. C. D. (Stamford)
Herbert, Hn. Col. P. (Salop S.)
Hildyard, T. Blackborne T.
Hunt, George Ward
Jones, David
Karslake, Sir J. B. (Andover)
Lowther, James (York)
Manners, Rt. Hon. Lord J. (Leic. N.)
Montagu, Rt. Hon. Lord R.
Montgomery, Sir Graham
Mowbray, Rt. Hon. John R.
Naas, Lord
Noel, Hon. Gerard James
Pakington, Rt. Hon. Sir John
Ridley, Sir Matthew White
Schreiber, Charles
Sclater-Booth, George
Seymour, G. H. (Antrim Co.)
Stanley, Lord (King's Lynn)
Stucley, Sir George Stucley
Taylor, Col. (Dublin Co.)
Trevor, Lord A. Edwin Hill
Verner, Ed. W. (Lisburn)
Whitmore, Henry
Williams, F. Martin (Truro)

Tellers for the Noes, Mr. Bentinck and Mr. Ayrton.

Main Question proposed, "That the Bill be now read a second time:"—Whereupon Motion made, and Question put, "That this House do now adjourn:"—(*Viscount Galway*:)—The House *divided*; Ayes 40, Noes 45.

AYES.

Arkwright, Richard
Ayrton, Acton Smee
Bentinck, George Cavendish
Bridges, Sir Brooke William
Bruce, Sir H. H. (Coleraine)
Cave Rt. Hon. S. (New Shore)
Chatterton, Rt. Hon. H. Eyre
Childers, H. Culling Eardley
Dodson, John George
Egerton, E. C. (Macclesfield)
Fergusson, Sir James
Finlay, Alexander Struthers
Hamilton, Lord C. (Tyrone)
Hamilton, Ion Trant (Dub. Co.)
Hardy, Rt. Hon. G. (Oxf. U.)
Hervey, Lord A. H. C. (Suff. W.)
Hay, Sir J. C. Dal. (Stamford)
Henniker-Major, Hon. J. Major
Herbert, Hn. Col. P (Salop S.)
Hildyard, T. B. Thoroton
Hunt, George Ward
Jones, David
Karslake, Sir John B. (Andover)
Lowther, James (York)
Manners, Rt. Hon. Lord John (Leic. N.)
Montagu, Rt. Hon. Lord Robt.
Montgomery, Sir Graham
Mowbray, Rt. Hon. J. Robt.
Naas, Lord
Noel, Hon. Gerard James
Pakington, Rt. Hon. Sir John
Ridley, Sir Matthew White
Sclater-Booth, George
Seymour, Geo. H. (Antrim Co.
Stanley, Lord (King's Lynn)
Taylor, Colonel (Dublin Co.)
Trevor, Lord A. E. Hill
Verner, E. W. (Lisburn)
Whitmore, Henry
Williams, Frederick Martin (Truro)

Tellers for the Ayes, Viscount Galway and Sir William Bagge.

NOES.

Agar-Ellis, Hon. Leo. G. F.
Armstrong, Richard
Calcraft, John Hales M.
Carnegie, Hon. Charles
Colthurst, Sir George Conway
Crawford Robt. W. (London)
Dimsdale, Robert
Dunne, General
Esmonde, John
Ewing, H. Ewing Crum
Eykyn, Roger
Gaskell, James Milnes
Gladstone, Wm. H. (Chester)
Goschen, Rt. Hon. G. Joachim
Graham, William
Gray, Sir John, (Kilkenny)
Ingham, Robert
Kennedy, Tristram
Lanyon, Charles
Lawson, Rt. Hon. James A.
Leeman, George
Lefroy, Anthony
MacEvoy, Edward
M'Kenna, Joseph Neale
M'Lagan, Peter
Maguire, John Francis
Mitchell, Alex. (Berwick-on-Tweed)
Morris, George (Galway)
Murphy, Nicholas Daniel
O'Beirne, James Lyster
O'Brien, Sir Patrick
Ogilvy, Sir John
Oliphant, Lawrence
Owen, Sir Hugh Owen
Pim, Jonathan
Powell, Francis Sharp
Power, Sir James
Rearden, Denis Joseph
Schreiber, Charles
Scott, Sir Wm. (Roxburghshire)
Stacpoole, William
Synan, Edmund John
Vance, John
Vandeleur, Colonel
White, Hon. Capt. C. (Tip. Co.)

Tellers for the Noes, Mr. Denman and Mr. Edward Craufurd.

THE STATUTES OF THE REALM.

An interesting lecture was delivered last week in the Metropolitan Hall, by John Norwood, Esq., M.A., T.C., entitled "Some Notes on the Statutes of the Realm."

The chair was occupied by

Mr. MACLEAN, T.C.

Having been introduced to the large audience,

Mr. Norwood, after a few preliminary remarks, proceeded to trace the history of the statutes of the realm. He said that although the researches of antiquaries disclose the existence in the times of Saxon rule of deliberative assemblies—the germs of our Parliamentary system—yet the most reliable authorities concur in dating the origin and growth of our English Legislature at 1236, when, in the reign of Henry III., the great national council, consisting of prelates, barons, and earls, was summoned to meet in consultation at Merton. Thenceforward such assemblies were frequent, convoked chiefly for the consideration of grants to the kings and votes of supply; and the question of money—"the sinews of war"—then provoked as now serious discussions, caused deep anxiety to monarchs and ministers, while the withholding of subsidies was a potent engine by which the nobles and prelates extorted charters from successive kings, and consolidated the liberties of England. The word "Parliament" is for the first time used by Matthew Paris in 1246, and in 1265 a Parliament was summoned in the king's name to meet in London, by Simon de Montford, who by some is set down as the originator of the House of Commons. The first official use of the word occurs in the preamble to the Statute of Westminster in 1275. He could not stop to examine the remarkable fruits of the legislative

activity of the reign of the First Edward in the enactment of the statutes which Sir Edward Coke says may be justly styled "establishments" as being more "constant, standing, and durable laws than any passed since." "Never," says Sir Matthew Hale, "did the laws receive in any one age so great and sudden an adjustment." To counterbalance and overcome the almost preponderating influence of the clergy in the early Councils and Parliaments must have been a task of no ordinary difficulty, and one that required no small courage in the King and the temporal peers. By progressive steps the present frame of an Act of Parliament was arrived at, and in a Statute of Edward III.—the rough draught as it were of the modern enacting clause—was recognized as necessary to the concurrence of the three estates of the realm. The great men of the kingdom, seeing the power they possessed by the withholding of supplies, seized the opportunity of presenting petitions for redress of grievances as a sort of *quid pro quo* for the votes of money. Kings, pressed by circumstances and requiring funds, sooner or later had to yield, and returned answers confirming former charters and liberties, or granting new ones. In the beginning of the reign of Edward I. the practice commenced of entering petitions on the Parliament rolls, and adding thereto the King's answer, and from these afterwards the acts, by the advice of the judges and the king's council, were, after the dissolution of each Parliament, prepared and then entered on the statute rolls, and the tenure and nature of them prefixed to proclamation writs directed to the sheriffs and others, who were ordered to proclaim them as law in the several counties. It appeared, however, that sometimes advantage was taken to alter and even falsify the tenor of these acts, and, on complaint to that effect being made, it was enacted by the 8th of Henry IV., that some of the Commons should always be present at the engrossing of the Parliament roll. There being always considerable difficulty in framing the answers to the petitions, the further remedy was introduced or revived, about the end of the reign of Henry VI., of exhibiting bills in complete form, and thence this practice has obtained until the present day. The only difference between the modern bill and the act when completed is the relic of the old form of petition and answer contained in the words, "May it therefore please your Majesty," which is omitted from the document when a bill is passed. To each Act of Parliament is prefixed what is known as the preamble, which forms a short history of the reasons which have induced its enactment. "This rehearsal," says Coke, "is a good means to find out the meaning of the statute, and, as it were, a key to open the understanding thereof." These preambles are not only entertaining from their quaintness and phraseology, but highly instructive as affording contemporaneous sketches of the condition of the kingdom, and the habits, customs, sports, feelings, faults, and virtues of the people during upwards of six centuries. Sanctioned as they were by the highest authority, framed as they were by those most intimately acquainted with the transactions to which they refer, they form an inexhaustible mine of wealth for the historian and the antiquary, and themes for the meditation of the scholar, the statesman, and the philosopher. In these preambles and acts they traced the progress of the nation; its struggles for freedom; its successful resistance to despotism, whether regal or clerical; to tyranny, either aristocratic or democratic; and the gradual evolution and consolidation of that glorious constitution which has made England—

> "A land of settled government,
> A land of old and just renown,
> Where freedom broadens slowly down
> From precedent to precedent."

Modern acts of Parliament are divided into public general acts, of which the Judges are bound to take cognizance; and into private acts, which are subdivided into personal acts and local acts. Of local and personal acts some are declared to be public, and to be judicially noticed; and of the private acts, some are printed by the Queen's printer (and of those printed copies may be given in evidence), and some are not printed. In the olden time all the statutes of each Parliament had one preamble, and then followed the chapters; but now each statute is distinct and prefaced by its own preamble. The Statute Rolls before the commencement of the reign of Henry VIII. were sometimes in Latin and sometimes in French, but from that era they have been uniformly in English. There are but two instances in English history of Parliaments having been summoned otherwise than by the King—namely, the Convention of Parliament of 1660, called together by direction of the ordinance of the Long Parliament, and the Convention Parliament of 1688, convened under letters missive, signed by the Prince of Orange. It may well be imagined that the accumulated results of legislative labours form an enormous collection, and it would appear that there are over one million of acts of Parliament of various kinds on the statute book—occupying forty-three closely printed volumes—and if they were to add to them the number of bills brought in and rejected or dropped—those which the newspaper chroniclers term, at the close of each session, "murdered innocents"—the mind would almost fail to realize the vast extent of the legal accumulations. Parliament, like the elephant's trunk, was able to deal with the smallest as well as the greatest matters, as was seen by legislation with regard to pins in the time of Henry VIII. Housewives, and those who would rest easy in their beds, would find in the 2nd Henry VII., cap. 19, what stuff upholsterers should put in bolsters, feather beds, and pillows. The lecturer next quoted from acts designed to regulate the diet and costume of all classes, and which were passed from time to time during several centuries. In enacting these restrictive statutes, which appear so odd at the present day, our ancestors but followed the example of other countries and of the nations of antiquity. By the 5th of Edward IV., cap. 3, every Irishman dwelling amongst Englishmen in Dublin, Meath, and Kildare, was ordered to go in apparel like Englishmen, shave his beard above his mouth, and take an English surname. Statutes were also devised to regulate the wages of labourers and servants, the statement being put forward that much inconvenience had arisen from their refusing to work "without outrageous and excessive hire." By the 13th of Richard II., cap. 2, as to victuallers, "they shall have reasonable gains, according to the discretion and limitation of justices in sessions, and no more, upon pain of being grievously punished." Having dealt at considerable length with statutes, remarkable chiefly for their quaintness and the pictures of life which they embodied, the lecturer drew attention to an act passed in 1393, the 16th year of the reign of King Richard, containing a noble protest against the encroaching power of Rome, when kings, lords, and commons all professed the Roman Catholic faith. Having taken a rapid glance at the penal legislation in reference to Ireland, he said that he had passed in review the records and acts of the noblest assembly the world ever saw—the British Parliament—whose members have from age to age transmitted, like the torch bearers of the Attic games, to their successors the torch of freedom burning and undimmed; having guarded with untiring vigilance their sacred trust—the glorious Constitution in Church and State. In the sunshine of prosperity, in the dark and evil days of civil strife, amid the distraction of foreign war and the tumults of revolution, the Parliament of England kept faithful watch and ward over her liberties, and no invader's foot had trod her sacred soil—"that blessed isle, truth's consecrated residence, the seat impregnable of liberty and peace." To that august body the most enlightened nations of the world offer the highest tribute of their admiration. Its wise decrees have rendered Britain the asylum of the oppressed, the dread of tyrants, the safeguard of mankind. Its laws protect her industry, foster her commerce, and the power of its lightest resolutions are felt even to the ends of the earth, and protect the countless millions subject to her mild sway. Let them—citizens of no mean country—be worthy of their high privileges as British subjects, as the happy inheritors of a rich bequest of law and order; and let them endeavour to hand that inheritance unsullied and undiminished to posterity. Above all, let them be thankful, humbly grateful to the Giver of all good for the inestimable blessings they enjoyed under the liberal administration of their Constitutional Government of Queen, Lords, and Commons, and let them fervently pray, "that all things may be so ordered and settled by their endeavours, upon the best and surest foundation, that peace and happiness, truth and justice, religion and piety may be established amongst us for all generations." (Loud applause.)

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

In Re WALSH'S ESTATE.

May 31, June 1, 3.—*Landed Estates' Court—Jurisdiction—Amendment of Conveyance—Mistake.*

This was an appeal from an order of Judge Dobbs, dated the 23rd of November, 1866, whereby he directed Francis Wrenn, the appellant, who was the purchaser of lot 2 in this matter, to reconvey to Philip Redmond, the purchaser of lot 1, a portion of the premises conveyed by the Court to the appellant, or, in the alternative, that in the event of the appellant declining to execute such reconveyance, the conveyance to him from the Landed Estates' Court should be recalled and cancelled.

It appeared that on the 5th of July, 1866, certain houses, situate in Wexford-street and Protestant-row, in the city of Dublin, and held under leases from the Corporation of Dublin, had been set up for sale in the Landed Estates' Court in two lots. Lot 1 was purchased by Philip Redmond, and lot 2 by the appellant. At the time of the sale Philip Redmond was tenant of lot 1 and a portion of lot 2, under a lease for a long term of years; but in the conveyance of lot 2, subsequently executed to the appellant, no mention was made of this sub-lease, and the entire of the premises were, by mistake (as it was alleged), included in the conveyance. Four months after the execution of this conveyance Philip Redmond discovered the mistake that had occurred, and having applied to Judge Dobbs to have it corrected, his Lordship made the order now appealed from.

Pilkington, Q.C., and *Tottenham*, for the appellant.

Flanagan, Q.C., and *Loughnan*, for the party having the carriage of the proceedings.

Henry Fitzgibbon for Philip Redmond.

The COURT reversed the decision of the Court below, with costs, holding that, in the absence of fraud on the part of the purchaser, the conveyance from the Landed Estates' Court was unimpeachable and irrevocable, and that that Court had no jurisdiction, by amendment or cancellation, to rectify any error which had arisen from the act of the Judge or the party having the carriage of the proceedings.

Solicitor for the appellant, *Robert J. Jones.*

Solicitor for the party having the carriage of the proceedings, *Connell Loughnan.*

Solicitor for Philip Redmond, *W. P. M'Evoy.*

In re BURROWES' ESTATE.

June 1, 3.—*Landed Estates' Court—Schedule of Incumbrances—Solicitor's Lien on Deeds and Documents—Bringing Deeds into Court subject to Solicitor's Lien for Costs.*

Patrick Anna Smith, the appellant, having acted from 1854 until 1857 as solicitor, in various suits and proceedings, for Waldron Burrowes, the owner in this matter, had, in the course of their business, obtained possession, amongst other documents, of the title deeds of the lands included in the petition for sale, and held them subject to his lien for costs.

In 1858 the appellant ceased to act as solicitor for Waldron Burrowes. In February, 1860, the present petition for sale was filed by the owner, and on the 19th of October, 1860, the appellant lodged in the Landed Estates' Court the several title deeds and documents in his possession, the receipt from the officer of the Court expressing that this lodgement was made subject to the appellant's lien for costs.

Upon the settlement of the schedule of incumbrances the appellant claimed to be paid the amount of his costs out of the produce of the sale, in priority to all incumbrances created by the owner after the appellant had acquired his lien upon the title deeds for costs, but puisne to the incumbrances existing at that time. Judge Lynch, however, ruled that the appellant's claim should stand as the last incumbrance in the schedule, and from this ruling an appeal was now brought.

Lawless, Q.C., and *William Anderson*, for the appellant.

Flanagan, Q.C., and *Patrick Martin*, for a mortgagee whose mortgage was subsequent, in point of time, to the appellant's lien.

The COURT affirmed the decision of Judge Lynch, holding that, upon the lodgement of the deeds in the Landed Estates' Court, the appellant's lien was gone. Their Lordships, at the same time, expressed their regret that powers had not been conferred upon the Judges of the Landed Estates' Court to enable them to convert the passive lien of a solicitor upon deeds into an active lien on the funds arising from a sale.

Solicitor for the appellant, *The Appellant in person.*

Solicitors for the mortgagee, *D. and T. Fitzgerald.*

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

BARDEN *v.* MEAGHER.

April 22, May 14.—*Will—Perpetual Annuity.*

Martin Murphy being possessed of the lands of Oldtown for a long term of years, which he had underlet, and of other personal estate, made his will on the 12th of July, 1811, by which he bequeathed to his wife £20 a-year during her life out of his farm at Oldtown; and to his sister, Eleanor Kinsella, "£20 a-year during her natural life, for her own sole and absolute use, and after her death to give it to any one or more of her children she thinks fit, exempt from her husband, who shall have no power over it." He bequeathed similar annuities to his brothers and other sisters, and some pecuniary legacies, stating that he expected that when the present lease of Oldtown expired his interest therein would amount to the legacies bequeathed; and he directed that, if any of his brothers or sisters, or any other of the legatees should die without issue, lawfully begotten, their legacies or annuities should be given to any one or more of his brothers or sisters, or their children, if they themselves were not living, according to the will and direction of his executors.

Eleanor Kinsella by her will, bequeathed all her property to her only daughter, Catherine Dunne, and died n 1845. Catherine Dunne made her will in 1856, by which she left the annuity to Charlotte Taylor and Catherine Barden. The petition was filed by them for a receiver over the lands of Oldtown, which had become the property of the respondent Meagher, to raise the arrears of the annuity. The matter was referred to Master Fitzgibbon, under the 15th section of the Chancery Regulation Act. The master dismissed the petition, on the ground that the annuity was not a perpetual annuity, and determined with the life of Catherine Dunne. The petitioner appealed.

Norman, Q.C., and *Leech*, for the appeal.

F. W. Walsh, Q.C., and *Piers F. White*, for the respondent.

May 14.—His HONOR reversed the Master's decision, holding that the annuity was perpetual.

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Solicitor for the petitioner, *Robert Maddox*.
Solicitor for the respondents, *T. P. Hartford*.

IN THE MATTER OF THE COMPANIES' ACT, 1862, AND THE ROYAL MARINE HOTEL COMPANY OF KINGSTOWN, LIMITED.

June 4.—*Companies' Act*, 1862—*Leave to Distrain for Rent.*

An application was made on behalf of the executors of John Brennan, landlord of the International Hotel, Bray, in the occupation of the Company, for leave to distrain for six months' rent of the hotel, which fell due on the 25th of March, 1867. An order was made for winding up the Company, and an official liquidator was appointed on the 25th of April, 1867. A bill of sale of the furniture in the hotel had, on the 27th of February, 1867, been made to Mr. Robert Gray, who was one of the directors of the Company. It appeared that on the 6th of April last, when the matter came before the Lord Chancellor, it had been stated in the presence of one of the executors of the landlord, and not contradicted, that the rent was settled, one of the directors having verbally undertaken that it should be paid. The bill of sale to Mr. Gray was impeached as a fraudulent preference.

Pilkington, Q.C., and *Perry*, in support of the application, relied on the 87th section of the Companies' Act, 1862, which provides that, "when an order has been made for winding up a Company under this Act, no suit, action, or other proceeding shall be proceeded with or commenced against the Company, except with the leave of the Court, and subject to such terms as the Court may impose." *Wyley* v. *Exhall Mining Company*, 33 Bear. 538.

Palles, Q.C., and *P. Martin*, for the official liquidator, relied on the 163rd section, which enacts that, "when any Company is being wound up by the Court, or subject to the supervision of the Court, any attachment, sequestration, distress, or execution put in force against the estate or effects of the Company, after the commencement of the winding-up, shall be void to all intents;" and cited *In re Great Ship Company*, 10 Jur. N. S., 722; *In re Waterloo Insurance*, 31 Beav., 589.

His HONOR was of opinion that he had jurisdiction to make the order sought for. He thought the 163rd section of the Act applied to cases in which leave had not been obtained under the 87th section; but under the circumstances of the case he refused to give leave to distrain.

Solicitor for the landlord, *J. Perry*.
Solicitor for the official liquidator, *Thomas Geoghegan*.

COURT OF CRIMINAL APPEAL.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

Before WHITESIDE, C. J., MONAHAN, C. J., PIGOT, C. B., KEOGH, O'BRIEN, FITZGERALD, O'HAGAN, and GEORGE, J. J.; and HUGHES and DEASY, B. B.

THE QUEEN *v.* M'AFFERTY.

May 13, 14, 18.—*High Treason—Evidence—Two Witnesses.*

Case reserved from the Special Commission for the county of Dublin. The prisoner, an alien, was indicted for high treason. It appeared that he, with another, were arrested when endeavouring to land from a ship in the county of Dublin. Some time afterwards, on the 5th March, while he was in custody, an insurrectionary movement broke out in the county, which insurrectionary movement was proved to be connected with the Fenian conspiracy. The prisoner was proved to have been one of a directory which planned and directed this movement, which broke out simultaneously in Dublin and in other parts of the country. The first question for the Court was, whether evidence of the acts done in the course of the movement could be given against the prisoner, who was in custody when it took place. The Court unanimously held that the evidence was admissible.

The second question was, whether the rule, in cases of treason, requiring that there should be the evidence of two witnesses against the prisoner had been complied with. There was only one witness to connect him directly with the conspiracy, but several deposed to his presence and suspicious conduct at Chester on the occasion of an abortive attempt to seize the Castle and arsenal at that place; to his attempt, under equally suspicious circumstances, to land at Dublin; and to his having concealed on his person when arrested a ring, with an inscription, which connected him with the conspiracy.

The COURT (*dissentiente*, O'BRIEN, J.) gave judgment for the Crown upon this point also.

Counsel for the Crown, *The Attorney-General* and *The Solicitor-General.*

Counsel for the prisoner, *Butt*, Q.C., and *Dowse*, Q.C.

Attorney for the Crown, *The Crown Solicitor.*
Attorney for the prisoner, *John Lawless.*

COURT OF QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

BOWEN *v.* MEEHAN.

May 28.—*Ejectment—Motion for Security—Landlord and Tenant Act*, 1860, s. 75.

This was a motion, in the course of an ejectment for overholding, for security under the 75th section of the Landlord and Tenant Act. Notice had been given to the principal defendant, but not to his assignees in insolvency, who were also defendants on the record.

J. B. Murphy, for the application, which was unopposed.

The COURT at first was inclined to consider that notice should have been given to all the defendants, but finally held that the application should be granted, the order not binding the parties who had not notice, and it being open to the plaintiff, if a defence should be filed, to come in and ask for judgment notwithstanding it.

Attorney for the plaintiff, *Terence O'Reilly*.

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Before JUDGE DOBBS.

In the Matter of the Estate of the Trustees of MARY JENNINGS.

June 1.—*Consolidation of Petitions—Carriage of Proceedings.*

Byrne, in this case in which two petitions for sale had been filed, moved that the proceedings in the second matter might be stayed, and that the petitioner in the first matter might be at liberty to adopt the abstract of title prepared in the second matter. The petitioner in the second matter, the petition in which was prior in date to the other, was an incumbrancer upon the life estate in an undivided moiety of the lands in question. The petitioner in the first matter had been declared a salvage creditor upon the lands by the Court of Chancery, and by his petition sought for a sale of the absolute interest in both moieties. It was submitted that as this petitioner sought for a sale of the inheritance, he was entitled to carry the motion.

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DOBBS, J., said that the converse of the motion made would have been the right one, viz., to consolidate the proceedings, and give the carriage of them to the petitioner in the second matter, who had done everything; that he would have felt inclined to stay the proceedings in the first matter until it should appear if the life estate were sufficient to satisfy the salvage demand; that it could not be contended that if a party got an order from the Court of Chancery entitling him to sell an estate, and when he came to obtain a sale, it appeared that another petition had been presented to sell another estate, the proceeds of which were adequate to pay his demand, the judge could not stay the proceedings upon the salvage creditor's petition; that he would stay the proceedings, in this instance, in the first matter, if the demand of Mr. Byrne's client were the only one, but as it appeared that the inheritance must be sold to satisfy other claims, the question was, who should have carriage of the proceedings; that he would, therefore, consolidate and give the carriage of them to the petitioner in the second matter, who had done everything properly up to the present time, while the other petitioner came in late and sought to take it from him.

Solicitor for the salvage creditor, *O'Meagher*.

Solicitor for the incumbrancer on the life estate, *Coppinger*.

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

IN BANKRUPTCY.

Before JUDGE MILLER.

In Re MORRISSEY.

June 7, 1867.—*Reckless Trading—Alleged making away with Property—Inability of Bankrupt to Account.*

The bankrupt was a trader in Kilrush, and came up for final examination.

Kernan, Q C., was for the creditors, and

Larkin for the bankrupt.

After hearing the evidence, Judge MILLER said it was one of those painful cases where he was obliged to act as judge and juror. There was alleged making away with property after the bankruptcy, about which there was contradictory evidence, but one thing was certain, that the bankrupt's account was far from being satisfactory; still Judge MILLER thought he ought not to adjourn the examination *sine die*, but he would suspend the granting of the certificate for twelve months from the present time.

Solicitor for the assignees, *Perry*.

Solicitor for the bankrupt, *Larkin*.

ENGLAND.

THE GOVERNMENT BANKRUPTCY BILL.

From *The Times*.

To say that the House of Commons has gone into Committee on the Bankruptcy Bill is to say that a number of lawyers and commercial experts have addressed themselves to the question with more or less of zeal and dogmatism, that there were as many opinions as men, and that the listeners sat puzzled at finding doctors disagree so profoundly. Any successful Bankruptcy Law will be built up on the ruins of great reputations. The chief lawyers of the present age, men whose names represent to the world all that is rarest in learning and ability, have tried their hands at Bankruptcy, and their failure has been conspicuous. The last Act has only been in force for six years. It was devised by the most acute and experienced lawyer of the day, Sir Richard Bethell, and to pass it through Parliament was his first achievement as Lord Chancellor. Though some of its original provisions—as, for instance, that for the appointment of a Chief Judge—were negatived by Parliament, it was still in the main the work of the Chancellor, assisted by men who had had the greatest practical experience. Yet already last year a new Bill was brought in by the then Attorney-General, Sir Roundell Palmer, owing to the confessed inefficiency of the law as it now stands. A Committee of the House of Commons, after a long and patient investigation, has declared for a new system, and had passed a general condemnation on that which has been elaborated by the chief lawyers of the present century. Yet the Bill of Sir Roundell Palmer last year did not give satisfaction, and it was withdrawn not more on account of the tumults of the Session and the change of Government than of its own inherent defects. This year Parliament is invited to the consideration of a measure of great physical magnitude. It covers 105 pages, and consists of 479 clauses. The present Government, wishing to do the work thoroughly, has, through its Attorney-General, offered to the nation a complete code of Bankruptcy. The law is consolidated as well as amended. All that Sir John Rolt and his colleagues hold to be good in the existing Acts has been revised, expressed in more accurate language, and enriched by the incorporation of various judicial decisions. All that they believe to be faulty or unfitted to the requirements of the time has been eliminated, and replaced by matter which they think will be acceptable to Parliament and beneficial to the public. Of the care and industry bestowed on the work there can be no doubt, and we must confess that we look with satisfaction on the attempt to devise a complete and comprehensive measure, and not merely to patch and mend the existing law.

But, as will be seen from yesterday's debate, the Bill by no means receives the general approbation of the House, or of those members of it who judge for themselves of this great question. It would, indeed, be unfair to expect that it should pass without criticism. Everything connected with Bankruptcy is still the subject of the most diverse opinions. Indeed, there are not wanting people to ask why there should be any such thing as Bankruptcy at all, so far as it involves the release of a man from his legal liabilities. If A owes B a thousand pounds, why should the law provide that because A cannot pay it now he should be excused from paying it at all? That there should be such an interference with legal contracts, and such an obvious injustice to the creditor, can only be defended on the ground of some great gain to society, and there are many who deny that any such gain accrues. Between those who would simply leave the debtor and his creditor alone, the one to pay how he can, and the other to get his money how he can, and those who have built up the existing law, which is an ingenious system for enabling people to get rid of their debts in the easiest and most comfortable way, there is a large extent of debateable ground, and the line at which Parliament shall place the immunity of the debtor is one of the chief points to be considered. The Bill of last year proposed that a debtor should obtain a full discharge by paying 6s. 8d. in the pound, or if he failed to do this, then only at the end of six years. The present Bill raises the amount to 10s., getting rid of the six years' limitation, and making the bankrupt's after-acquired estate always liable for the remaining sum. Sir Roundell Palmer naturally defends his own proposal, and points out certain difficulties in the working of the present measure, as, for instance, that a new bankruptcy must be sometimes resorted to, the new creditors being paid first, and then the old ones. He thinks that the terms of the discharge, though apparently stricter than those proposed last year, will really be easier and will operate unequally. This is a matter for consideration among those practically conversant with the procedure; and we must say that our own sympathy is with whichever expedient shall prove the more efficient in checking the recklessness of the present race of debtors. Unless the difficulties of working are insurmountable, which we cannot see, the honest portion of the public will rather prefer the provision of the present Bill, which requires a larger percentage and makes the bankrupt's estate liable till it is paid.

A not less important matter is the machinery for distributing the assets. On this subject we must confess that,

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as far as we can appreciate the measure, it seems to retain too much of the cumbrousness and what was called in the debate the officialism which have always marred our Bankruptcy procedure. The criticisms of Mr. Moffatt were certainly not undeserved. It is strange that, though there exists within the limits of this island a Bankruptcy Law which gives satisfaction to a most intelligent and enterprising people, our English legislators still act as if they had to develop a measure out of their own theoretical conceptions. One would think that, if the Scotch machinery of distribution is satisfactory to Scotland, the best thing would be to imitate it as closely as possible in England. This, however, is only partially done even in the present Bill, and it is difficult to avoid believing that the expense of distributing the assets will be still much larger than if a more simple plan had been adopted. Our English lawyers are too much possessed with the notion that a Bankruptcy Court should be a great judicial tribunal, pronouncing not only on the respective rights of creditors, but on the prudence, the morality, and the honour of the debtor. These opinions have become ingrained in our jurists through the procedure under which they have grown up. But there are good reasons for believing that the best system of Bankruptcy procedure will be one which as much as possible ignores the debtor's merits or demerits, and contents itself with taking possession as quickly as possible of his assets and distributing them fairly among his creditors, or rather allowing the creditors to distribute them among themselves. Judges and Registrars, with their subordinate officials, may, by having allotted to them unnecessary powers and duties, increase the cost of procedure, while they defeat its main object—the assuring of a good dividend to the creditors.

For this reason, among others, we hope the House of Commons will not engraft on the Bill any process for the punishment of culpable debtors, or for the vindication of commercial morality by means of the Bankruptcy Court. The more this tribunal is kept to its legitimate duty of ascertaining and enforcing the creditors' rights, the more satisfactory will be its working. It is, no doubt, highly desirable that such commercial frauds as we have seen of late years should be punished, and that the attention of lawyers should be fully directed to the inquiry whether the criminal law might not be advantageously extended. But all this, we think, would be best kept clear of Bankruptcy, and allotted to the ordinary Courts. The question is analogous to that of the penal clauses in the present Bill, on which Sir Roundell Palmer spoke with so much cogency, showing the unsoundness of the principles on which they were based. The Bill will be all the more efficient if such extraneous elements are kept out of it.

COURT OF COMMON PLEAS.

(Before the LORD CHIEF JUSTICE, and WILLES and M. SMYTH, J.J.)

May 30.—*Fray* v. *Owen*.—In this case, the plaintiff, Miss Fray, now moved in person for a new trial, alleging misdirection,—that the verdict was against the evidence—and that important evidence had been discovered since the trial before the Lord Chief Justice last term. She complained that at the trial the Lord Chief Justice had intimidated her counsel, who was a very young man, but of whom she did not complain, and had prevented him thereby from giving in evidence certain documents essential to her proof.

The CHIEF JUSTICE said that Mr. Inderwick, her counsel, was not so very young, but was an able counsel, and not likely to be intimidated; and, for himself, he was not conscious of having done anything of the kind imputed to him.

Miss Fray then read her affidavit of fresh evidence, which stated that certain important documents had been discovered since the trial.

WILLES, J., said that the affidavit did not show that the fresh documents could not have been discovered by reasonable diligence before the trial, and unless that was the case the Court would not grant a new trial on the discovery of fresh evidence, otherwise there would be no end of litigation. With regard to the plaintiff's statement as to the intimidation of her counsel by the Lord Chief Justice, although he wished to speak with civility when speaking of a lady who was moving in person, he must say it was a pure impertinence. No one who knew the Lord Chief Justice would believe such an accusation regarding him without very good proof, and there was none. It was also a very gross attack on the independence of her counsel, Mr. Inderwick, who was not likely to be deterred from giving in evidence any document in his possession which could be of any use to her cause. The rule would, therefore, be refused.

The other judges concurred.

Miss Fray then asked for leave to appeal, which was also unanimously refused.

NOTES OF ENGLISH DECISIONS.

(From the *Law Times*.)

WILL—PRECATORY TRUST.—C. bequeathed all of her property belonging to her husband, "hoping that he would leave it after his death to her son if he was worthy." In a subsequent part of her will the testatrix stated that "her reason for leaving all she had to dispose of to her husband, and in his entire power, was that her son was already certain of a handsome fortune, independently of his father's, and that she could not then feel any certainty what sort of character he might become, she therefore left it to her husband, in whose honour and parental affection she had the fullest confidence." She then proceeded to state that, "she perceived she had made one great omission, viz., that if her son died before her husband, though she left all of her property without reservation to her husband, to dispose of as he thought fit, yet, if her son left any children, she did not doubt it would go to them from him, knowing his steady principles and clear judgment of right and wrong, and his sense of justice." The husband subsequently died after making a will, by which he gave a life-estate in all he possessed to a second wife. The son survived his father. There was nothing in his conduct to disentitle him to the property left by his mother: Held, that the language of the testatrix did not create a valid precatory trust in favour of the son : (*Eaton* v. *Watts*, 16 L. T. Rep. N. S. 311. V. C. S.)

EXECUTORS—ADMINISTRATION—PRACTICE.—Two executors and trustees under a will which directed a general conversion, sold and realized a large amount, which was received by one by the direction of both. The one who undertook the sole management of the estate became bankrupt and a great loss occurred. A suit was instituted by summons in chambers, and under the common decree it was sought on summons to charge the non-acting executor and trustee with two surcharges on the ground of constructive receipt. The summons was dismissed with costs, on the ground that such a surcharge could not be made in such a form of suit: (*Peterson* v. *Peterson*, 17 L. T. Rep. N. S. 377. V.C. M.)

COUNTY COURT—NEW TRIAL.—Where a cause has been tried in a County Court by order of a judge of a Superior Court, under the 19 & 20 Vict., c. 108, s. 26, the time for moving for a new trial must be computed from the date of the trial, and not from the date of the filing of the certificate in the master's office: (*Copcutt* v. *The Great Western Railway Company*, 16 L. T. Rep. N. S. 384. C. P.)

CONCURRENT ACTIONS.—Where actions for the same matter are depending both in England and Ireland, the plaintiff may be compelled to elect in which country he will proceed: (*Alexander* v. *Adams*, 16 L. T. Rep. N. S. 384. C. P.)

SEVERAL COUNTS—DAMAGES—COSTS.—A declaration contained three counts—for trespass, assault, and slander. Plea, not guilty. Verdict, 40s. It was held that the damages must be divided among the three counts. £1 19s. 11½d. was applied to the count for slander, and one farthing to each of the others: (*Burton* v. *Low*, 16 L. T. Rep. N. S. 385. C. P.)

SECURITY FOR COSTS.—Plaintiff in an action had executed a deed of inspectorship for the benefit of his creditors without assignment. Defendant applied to the court to order plaintiff to give security for costs, but the Court refused: (*Smith* v. *Saunders*, 16 L. T. Rep. N. S. 386. C. P.)

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NEGLIGENCE—RECOVERY FOR.—In order to recover damages for non-sale owing to delay in carrying, there must have been an actual contract to buy for a price: (*Hart* v. *Baxendale*, 16 L. T. Rep. N. S. 290. Martin B.)

POWER TO AMEND PLEADINGS.—In an action for goods bargained and sold, where the defendant pleaded a set-off, the particulars of which had not been delivered till after joinder of issue; the judge considered that he had no power to allow the addition of a replication of the Statute of Limitations to the set-off: (*Branker* v. *Crozier*, 16 L. T. Rep. N. S. 391. Martin, B.)

PROBATE PRACTICE—ATTESTATION.—Attestation being requisite to the validity of a will or codicil, the due execution must be proved by one, at least, of the attesting witnesses, if they be living. It will not suffice to prove the execution by other witnesses who were present at the time, but did not attest the instrument: (*Bowman* v. *Hodgson*, 16 L. T. Rep. N. S. 392. Prob.)

WHERE REPLEVIN LIES.—Replevin lies for goods improperly taken for poor-rates, even though an appeal against the poor-rate has been disallowed by a court of quarter sessions, acting within its jurisdiction: (*Rymney Railway Company* v. *Price*, 16 C. T. Rep. N. S. 394. Bail.)

ARBITRATION—FINALITY OF AWARD.—An award is not necessarily bad for want of finality or for inconsistency because the arbitrator has found for the plaintiff on one of the issues, in respect of which he has given no damages. It may be ground for moving to set aside the award at the instance of the plaintiff, but not by the defendant, for he cannot be prejudiced by the omission to award damages. Nor does an arbitrator exceed his jurisdiction when a cause and all matters in difference are referred to him, by making an award "in respect of matters in difference," which could not have been decided at the trial of the action, but might have arisen out of it: (*Kerslake* v. *Cox*, 16 L. T. Rep. N. S. 396. Bail.)

RE-SEALING WRIT.—A judge has no power to order the re-sealing of a writ which has once run out of date. If, of several re-sealings, one was made too late, all subsequent re-sealings are bad, though an attempt has been made to cure the original defect by a judge's order: (*Fisher* v. *Cox*, 16 L. T. Rep. N. S. 397. Bail.)

SET-OFF AND PAYMENT INTO COURT.—A defendant who pays money into court, in part satisfaction of the demand for which he is sued, and pleads set off as to the remainder, does not admit the debt so as to estop him from suing the plaintiff in respect of the set-off so pleaded: (*Williams* v. *Stear*, 16 L. T. Rep. N. S. 397. Bail.)

NOTICE OF TRIAL AFTER POSTPONEMENT.—It is not incumbent on a plaintiff to give fresh notice of trial when the cause has been made a remanet by order of court, obtained at the instance of the defendant. And though it has been otherwise held in some cases, there is no invariable rule of practice on the subject. It is a matter of judicial discretion: (*Claudet* v. *Prince*, 16 L. T. Rep. N. S. 397. Bail.)

ARBITRATION—EVIDENCE.—An award is not necessarily bad because the arbitrator has taken evidence in the absence of both the parties. And such an irregularity may be so treated by the disputants as to prevent them afterwards taking any objection to it: (*Thomas* v. *Morris*, 16 L. T. Rep. N. S. 398. Bail.)

WILL—VESTED INTEREST—HEIRLOOM.—A testator gave to trustees his plate and personal chattels which should be in his mansion-house, and estates at E., at his decease, in trust for the person or persons who for the time being should, under the limitations in any settlement of his said mansion-house, be in the actual possession of the same mansion-house, to the end that such plate and personal chattels might be considered as heirlooms, to go along and for ever be used and enjoyed with the same mansion-house, but, nevertheless, that the same chattels personal should not as to the effect or purpose of transmission vest absolutely in any person who, under any settlement, should become seised of or entitled to the said mansion-house for an estate of inheritance either in possession or reversion or otherwise, unless such person should attain the age of twenty-one years, or dying under that age should leave issue inheritable under the limitations in any settlement thereof. A tenant in tail male of the mansion-house and estates under the settlement died before attaining twenty-one, without issue, whereupon his personal representative claimed the above personal chattels as having been his property, so as to become vested in his personal representatives: Held, that the succeeding tenant in tail male was entitled to the plate and personal chattels, and bill dismissed with costs: (*Countess of Harrington* v. *Earl of Harrington*, 16 L. T. Rep. N. S. 348. V.C. M.)

THE LAW STUDENTS' JOURNAL.

Attorneys' Apprentices whose Indentures have been duly Enrolled pursuant to the 29th and 30th Vic., cap. 84, sec. 15.

Date	Name and Abode of Apprentice	Name and Registered Address of Attorney to whom bound
1867 May 28th	John Thomas O'Connor, Richmond-terrace, Wexford, Co. Wexford,	Thomas Fitzgerald, 20, Saint Andrew-street, Dublin.
" "	Richard B. O'Brien, Marine View, Kilrush, Co. Clare,	Thomas Fitzgerald, 20, Saint Andrew-street, Dublin.
" 31st	Hugh Harrison Orr, Hugomount, Ballymena, Co. Antrim,	William Orr, 8, Inns'-quay, Dublin and Ballymena.
June 6th	Robert T Martin, Ballyhenry, City and County of Londonderry,	William Martin, 9, Eustace-street, Dublin.
" "	Charles Lucas Collum, Enniskillen, Co. Fermanagh,	Archibald Collum, 50, Middle Abbey-st.eet. Dublin.
" 7th	Edmond Mulvihill, 24, Eglinton-street, Belfast,	Michael Buckley, 13, Talbot-street, Dublin.

THE FOLLOWING IS A COPY OF THE EXAMINATION PAPERS GIVEN TO CANDIDATES AT THE PRELIMINARY EXAMINATION FOR APPRENTICES TO ATTORNEYS, HELD ON THE 24TH DAY OF MAY LAST.

DUBLIN, TRINITY TERM, 1867.

First Paper.

HISTORY.

1. Date of the invasion of Britain by Julius Cæsar?
2. What three German tribes invaded Britain?
3. What is the meaning of Folc-land? of Boc-land?
4. When was Wales annexed to the Crown of England? Who was the first Prince of Wales?
5. Relate the particulars of the siege of Calais. How long was it retained by England?
6. What was the league of Cambrai?
7. Name some of the leading statesmen in the reign of Elizabeth. What was the cause of the disgrace of the Earl of Essex?
8. When was Poyning's Law passed, and what were its provisions?
9. What was the Court of Star Chamber, when established, and when abolished?
10. What gave rise to the war of the Austrian succession?
11. What was the nature of the South Sea scheme?
12. In whose reign and under what minister was the conquest of Canada effected?
13. For what events in English History are the following places remarkable:—Falkirk. Blenheim. Dettingen. Lexington. Plassy?

GEOGRAPHY.

1. Explain accurately the following terms:—"Equinox," "Meridian," "Solstice," "Estuary," "Nadir," "Ecliptic."
2. What is the plane of the Earth's orbit, and what the measure of the angle made by the axis of the Earth with the plane of its orbit?

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3. Why are the northern parts of North America and Asia colder than places in the same latitude in Europe?
4. What is meant by the sun's *declination*?
5. Describe the course of the "Gulf Stream."
6. What are the islands in the West Indies belonging to Great Britain?
7. Where are the following situate:—The Jura Mountains, Ascension Island, Straits of Belleisle, Lake Onega, Mauritius, Lake Huron, the Bay of Cambay.
8. Name the principal rivers that flow into the German ocean, the Caspian Sea, and the Black Sea, the countries through which they flow. and the chief towns on each?
9. Name the principal bays and headlands on the east coast of Ireland?
10. What are the chief towns of the following counties: —Suffolk, Essex, Hampshire, Cumberland, Berkshire?

ARITHMETIC.

1. What is the rent of 32A. 14P., at £1 16s. per acre?
2. Express the result of the following:—£13 0s. 11¼d. × 368; £6,958 17s. 6d. ÷ 56.
3. If 1 qr. 14 lb. cost £2 15s. 9d., what will be the price of 50 cwt. 3 qrs. 24 lbs.?
4. What is the annual premium payable on a policy of insurance for £2,300, at £3 15s. 6d. per cent.?
5. What is the interest of £462 18s. 6d. for 113 days, at 4 per cent?
6. If the price of stock be 90 per cent., how much can be purchased for £3,112 10s. cash?

BOOK-KEEPING.

1. How do you balance a cash account? How a goods account?
2. State accurately the general rule for journalizing?
3. In a ledger kept by double entry, how many classes of accounts are there?
4. What entries are made in the journal in the following cases?
   (*a*). When an executor receives a legacy for the use of another.
   (*b*). When goods of one sort are sold for part goods of another sort, part ready money, part trust, and part bills.
5. Open a cash account; enter the following, and balance the account.

		£	s.	d.
Sept. 5th	—I have in bank - - -	193	10	8
,,	Cash in hand - - -	84	12	9
,,	Received amount of John Smith's account - -	76	7	4
,, 6th	—Paid house rent - - -	39	5	2
,,	Paid John Brown's account -	43	10	7
,,	John White paid to my account at bank - -	103	17	10
,, 7th	—Paid my acceptance of H. Jones' draft, due this day	79	3	1
,,	Paid James Smith's account	37	16	3
,,	Received of A. Jones - -	92	8	11
,, 8th	—Paid amount of H. White's account - - - -	53	2	9
,,	Paid for goods - - -	79	10	8

THE COURTS AND COURT PAPERS.

COURT OF CHANCERY—MONDAY.

(Before the Lord Chancellor.)

CALL DAY.

The following gentlemen were called to the Bar after the sitting of the Court at eleven o'clock:—

John Edward Naghten, Esq., A.B., T.C.D., second son of Matthew Barnewell Naghten, Esq., solicitor, late of Russell-street, in the city of Dublin.

Thomas Upington, Esq., A.B., T.C.D., eldest son of Samuel Upington, Esq., of Lisleigh House, in the county of Cork.

ADMISSION OF ATTORNEYS AND SOLICITORS.

The following gentlemen have been duly admitted to practise as Attorneys and Solicitors.

EASTER TERM.

Thomas Gerrard, Esq., 38, Lower Ormond-quay.

TRINITY TERM.

William Irwin, Esq., 11, Eccles-street.
Alfred Wallace, Esq., 1, Capel-street.
Thomas O'Hea, Esq., 24, Dame-street.
Edmond Rice, Esq., 10, Upper Gloucester-street.

NISI PRIUS AFTER SITTINGS.

Wednesday next the 12th of June will be *the last day* for lodging Dockets of Abstracts of Records for trial during the Nisi Prius Sittings after the present Term.

All Dockets must be lodged with the Registrars, at their respective offices, before *Four o'clock* on that day.

SUPERIOR COURTS OF COMMON LAW.

The Offices of the Common Law Courts will be closed on Monday and Tuesday next (Whitsuntide) pursuant to the Statute.

LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

NOTICE.

The Court and Offices will be closed upon Whit-Monday and Tuesday, except the Record and Affidavit Office, which will be open between the hours of 12 and 2 o'clock for the Receipt of Petitions only. By Order.

Wednesday—Before JUDGE DOBBS.

J. B. Kennedy and his trustees, examine witnesses. Thomas Dennehy, allocation. Patrick M'Donagh, proposal. G. M'Dermott, attachment. Trustees of H. G. Byrne, partition. John Doyle, rental. William and E. Thompson, fix day of sale. Redmond Burke and others, rental. Assignees of Dooley, to explain delay.

Before the EXAMINER.

J. W. Maher, proofs. Richard Preston, rental. S. B. R. Handy and others, do.

Before JUDGE LYNCH.

John Lynch and another, final schedule. Assignees of Scott, do. P. Dillon and others, do. J. De Burgh Lynch and another, do. Sir Richard Griffith, do. L. Moylan, do. Patrick Downes, do. A. A. M. Kerr, payment.

Before the EXAMINER.

E. L. Griffin, rental.

Before Mr. URLIN.

George Lacy and others, rental.

Thursday—Before JUDGE DOBBS.

Robert Buchanan, schedule. M. Connell, allocation. Emily Francis and others, schedule. John N. Ferrall, do. Administratrix of William Keys, do. Trustees of J. Legg, do. Henry Nisbett, do.

Before JUDGE LYNCH.

William Craig, transfer funds (from 6th inst).

SALE IN CORK.

H. M. H. Wheatley, one lot, Cork. Profit rent, £220. Solicitor, *A. T. Chatterton*.

Friday—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

Commissioners of Carrickfergus. Trustees of Walker.

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Administratrix of William Keys. Patrick Murray. James Gibson. John Delany.

Before the EXAMINER.

Sir John B. M'Neill, rental. Patrick Rea and another, do. H. L. Owen, do.

Before JUDGE LYNCH'S EXAMINER.

A. M. Stone, rental. Francis Le Tober, to vouch.

Saturday—Before JUDGE DOBBS.

Assignees of E. Thornton, biddings. Bernard Kelly from 1st inst. J. S. Kirwan, compensation.

Before the EXAMINER.

Thomas M'Ilroy, rental. R. P. Bewley, do.

Before JUDGE LYNCH.

Thomas Mackie, allocation (from 5th inst).

LANDED ESTATES' COURT.—PETITIONS FILED, *from 1st to 7th June*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
June 1	3869	Henry Thos. Woodward and another, and their trustees	*The Owners*	Meath	1,613 10 0	*Charles Woodward*	Dobbs
"	3713B	Charles Chambers	*The Owner—Supplemental petition for partition*	—	—	*John Frost*	Dobbs
June 3	3870	Fenton Hort	*The Owner*	City of Dublin	101 6 4	*R. Keys*	Lynch
"	3871	Rev. James Crawford	*John Burgess*	Londonderry	Not given	*F. B. Falkiner*	Dobbs
"	3872	Rosina Campbell, wife of Alderman John Campbell	*Louisa Hodson*	Roscommon	239 17 4	*Benjamin Whitney*	Lynch
"	3873	Jeremiah Mara	*The Owner*	Queen's County	221 5 5	*S. Gerard*	Dobbs
June 4	3874	Charles Monck Wilson	*John F. Vaughan*	Mayo	307 0 0	*Henry Mills*	Lynch
"	3875	Joseph Galiffe Robinson	*Thomas Gerard*	Cork	55 6 5	*S. Gerard*	Dobbs
June 5	3876	Maria F. Moore, and Edward Moore	*Mrs. Anne Lloyd*	Wicklow	92 12 0	*S. F. Adair*	Lynch
"	3877	Hon. St. John Butler	*Rev. Edwd. R. Benyon and others*	Dublin	91 17 5	*Archd. Robinson*	Dobbs
"	3878	John Cunningham M'Beth	*F. H. Fowler*	Londonderry	474 15 0	*Nesbitt & Haslett*	Lynch
"	3879	John Creighton M'Intyre	*Robert Jas. M'Intyre and another*	Tyrone	46 18 8	*Newtons & Armstrong*	Dobbs
"	3880	Jas. Bradley, executor of Edward Walsh, deceased	*The Owner*	Dublin	306 0 6	*John Martin*	Lynch
"	3881	James Molloy	*The Owner*	Dublin	30 0 0	*G. R. M'Grath*	Dobbs
June 6	3882	Jas. Thomson Bristow and others	*The Owners*	Antrim	303 0 0	*William Carson*	Lynch
"	3883	Patrick J. Harnett	*Denis Fitzgerald*	Limerick	23 9 8	*Michael Leahy*	Dobbs

LANDED ESTATES' COURT.

SALES.

May 31.—Before the Hon. JUDGE DOBBS.

TOWN OF SLIGO.—Estate of Baptist Kernaghan, owner and petitioner.

Houses, premises, and building plots, situate in Old Bridge-street and Lower Knox's-street, in the town of Sligo, held for lives renewable for ever, and for a residue of 999 years. Estimated yearly value, £100. Sold to the owner for £800. Solicitor, *F. G. Saunders*.

June 4.—Before the Hon. JUDGE LYNCH.

TOWN OF WEXFORD.—Estate of Thomas Ryves, owner; Morris Cohen, petitioner.

Fee-farm rents issuing out of the houses and premises in Hill-street, Stawell-road, and Catstrand-lane, with waste-house and orchard opposite; houses and premises on Paul-quay, Main-street, Lower King-street, Slaughterhouse-lane, Sinnott's-lane, Paul-quay-lane, Mary-street, High-street, Rowe-street, and Back-street. Sold to Mr. John Thomas Devereux for £1,750. Solicitor, *William Dalton*.

COUNTY OF MAYO.—Estate of Patrick Stanford, owner; Benjamin Grey M'Kenzie, petitioner.

The lands of Cartown, barony of Claremorris, held in fee-simple, containing 125a. 2r. 4p., statute measure, and producing a net annual rent of £52 18s. 10d. Sold to Mr. Michael Higgins, of Claremorris, for £1,450. Solicitor, *Edmond Power*.

TOWN OF KINGSTOWN.—Estate of Patrick M'Donagh, owner; John Cunningham, petitioner.

Houses No. 1, 2, and 3, Airhill-avenue, Kingstown, held under renewable lease, and producing a net rent of £74 17s. 6d. Sold to the petitioner for £500. Solicitors, *Casey and Clay*.

COUNTY OF LIMERICK.—Estate of Earl Kimberley and others, trustees of the will of Lord Clare, deceased, owners and petitioners.

Lot 1. Part of the lands of Drumtrasna, near Abbeyfeale, held in fee-simple, containing 107a. 0r. 34p., statute measure, and producing a net annual rent of £67 4s. Sold to Captain Henry Ormsby Rose, 31, Merrion-street, for £1,350.

Lot 2. Part of same lands, containing 88a. 1r. 8p., statute measure, and producing a net rent of £45 9s. 3d. Sold to Mr. Daniel W. Harnett, Drumtraana, for £1,060.

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Lot 3. Part of same lands, containing 138a. 2r., 11p., statute measure, and producing a net rent of £67 3s. 1d. Sold to Mr. Robert K. Sheehy, Killedy House, Ashford, for £1,350.

Lot 4. Part of same lands, containing 99a. 0r. 35p., statute measure, and producing a net rent of £44 7s. 6d. Same purchaser for £900.

Lot 5. Part of same lands, containing 114a. 0r. 18p., statute measure, and producing a net annual rent of £46 10s. 4d. Sold to Mr. John Curtin, Ballybehy, for £950.

Lot 6. Part of same lands, containing 155a. 0r. 17p., statute measure, and producing a net rent of £65 2s. 2d. Sale adjourned, biddings having only reached £1,000.

Lot 7. Part of same lands, containing 71a. 0r. 8p., statute measure, and producing a net rent of £29 16s. 6d. Sold to Mr. Daniel W. Harnett for £470.

Lot 8. Adjourned for want of bidders.

Lot 9. Part of the lands of Ballybehy, near Abbeyfeale, held in fee-simple, containing 267a. 2r. 30p., statute measure, and producing a net annual rent of £73 8s. 5d. Sold to Mr. John Curtin, of Ballybehy, for £1,500.

Lot 10. Part of same lands, containing 171a. 1r. 6p., statute measure, and producing a net annual rent of £78 11s. 7d. Sold to Mr. George Sandes, in trust for Mr. William Joseph Sandes, for £1,510.

Lot 11. Part of same lands, containing 371a. 0r. 17p., statute measure, and producing a net annual rent of £61 7s. 5d. Sold to the Hon. John P. Vereker for £1,320.

Lot 12. Part of same lands, containing 252a. 1r. 33p., statute measure, and producing a net rent of £105 1s. 4½d. Sale adjourned, biddings having only reached £1,720.

Lots 13 and 14. Adjourned for want of bidders.

Lot 15. Part of same lands, producing a net rent of £110. Adjourned, the biddings having only reached £1,300.

COUNTY OF DUBLIN.

Lot 16. The lands of Baltrasna, in the barony of Balrothery, containing 91a. 1r. 33p., statute measure, and producing a net annual rent of £63 7s. 1d. Sold for £2,240 to Mr. P. F. Little, in trust for himself and Dr. P. E. Little. Solicitors, *Reeves and Son*.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Tuesday.		
		Before the COURT.		
June 11	11 o'clock	Mary Foley	Final examination	*Larkin*
"	"	Chas. Johnston	do.	*O'Connell*
"	"	Denis Lyons,	do.	*Perry*
"	"	John F. Clarke	do.	*Mulhall*
"	"	Thomas Berry	do.	*Larkin*
"	"	John Cullen	do.	*Welsh*
"	"	Patrick Ronayne	do.	*Perry*
"	"	Samuel Bradley	Audit and dividend	*Oldham*
"	"	Asken Morrison	do.	*Orpen & Sweeny*
"	"	T. W. Nealon	do.	*Meldon*
"	"	Arrangement case	First sitting	*Perry*
"	"	do.	Second sitting	*Boughey*
"	"	do.	do.	*Goff*
"	"	Thomas Hannigan	Audit mortgagee's account	*Perry*
		Before CHIEF REGISTRAR.		
"	12 o'clock	John Murphy	Reference	————
"	"	Michael Curran	Prove debts and vouch assignee's acct.	*Findlater & Collins*
"	"	Arrangement case	Prove debts	*Perry*
"	"	do.	do.	*Perry*
		Wednesday.		
		Before the COURT.		
June 12	11 o'clock	Nicholas J. Peterson	Charge and discharge	*Mathews*
		Thursday.		
		Before CHIEF REGISTRAR.		
June 13	12 o'clock	J. J. Farrell	Prove debts and vouch assignee's acct.	*Morgan*
"	"	J. F. Savage	do. do.	*Wright*
		Friday.		
		Before the COURT.		
June 14	11 o'clock	John Darcy	Final examination	*Horgan*
"	"	Martin W. Moran	do.	*Larkin*
"	"	Michael Flood	do.	*Forsyth*
"	"	John Joseph Malone	do.	*Larkin*
"	"	J. K. Hume	do.	*Leachman*
"	"	Robert Clements	Final examination and composition	*Barlow*
"	"	James M'Parland	Examine debtors	*Tinkler*
"	"	Jemes Byrne	Sur., prove debts, and assignee	*Meldon*
"	"	Arrangement case	First sitting	*Campbell*
"	"	do.	do.	*Perry*
"	"	do.	do.	*Goff*
"	"	do.	Audit and dividend	*Findlater & Collins*
"	"	do.	Second sitting	*Black*
		Before CHIEF REGISTRAR.		
"	12 o'clock	A. Morrison	Costs	*Orpen & Sweeny*

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TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
June 4	Costello, Charles, of Ballina, co. Mayo, grocer and baker,	James Murtagh, Jun., North City Mills, Phibsborough, merchant,	*Kiernan*
"	Healy, William, of Monaveagh, co. Galway, grocer and draper,	George Williams, Cope-street, Dublin, merchant,	*O'Dowda*
June 7	Templeton, John F., of Londonderry and Strabane, co. Tyrone, tobacconist and pipe manufacturer,	John Baldrick, Londonderry, merchant,	*Perry*
"	Barfoot and Shaw, of North-street, Belfast, wholesale grocers and druggists,	William Masterson, Belfast, commission agent,	*Lynch*

BANKRUPT.

Byrne, James, of 86, Thomas-street, city of Dublin, grocer and spirit dealer. Petition for arrangement filed 9th May, 1867. To sur. Friday, June 14th, and Friday, June 28th. C. H. James, official assignee. *Meldon and Son*, solrs.

Certificate Allowed,

Unless Appeal filed within 30 *days from date.*

MAY 24.

Sharpe, Thomas, of Strabane, county Tyrone, grocer, trading under the firm of Thomas Sharpe and Company, a bankrupt. *Black*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Tuesday. Before Mr. FARRELL, Chief Clerk.		
June 11	12 o'clock	James Morrison	To tax costs	*Macnally*
"	"	Michael J. M'Auliffe	do.	*Macnally*
"	"	Patrick Keane	do.	*Macnally*
"	"	Michael Evers	do.	*Macnally*
"	"	Myles Keating	do.	*Macnally*
"	"	Henry M'Hugo	do.	*Macnally*
"	"	William Hayes	Proof of debts of John Hayes	*Barrett*
		Wednesday. Before the COURT.		
June 12	11 o'clock	Michael John M'Auliffe	Audit and dividend	*Macnally*
"	"	Michael Evers,	do.	*Macnally*
"	"	Patrick Keane	do.	*Macnally*
"	"	James Morrison	do.	*Macnally*
"	"	Myles Keating	do.	*Macnally*
"	"	Henry M'Hugo	do.	*Macnally*
"	"	Michael Callaghan	Adjourned do.	*Perry*
"	"	John Magennis	Choice of assignee	*P. Byrne*
"	"	William Johnston	do.	*Graham*
"	"	Thomas Roche Rice	Adjourned notice of motion	*Macnally*
"	"	Patrick Coleman	Hearing of petition	*Rynd*
"	"	Alexander Hamilton	do.	*M'Kenny*
"	"	Michael Flynn	Adjourned hearing	*Parsons*
"	"	Thomas Cosgrave	do.	*Parsons*
"	"	Thomas Hugh Craig	do.	*Rynd*
"	"	Hugh Lyons Montgomery	do.	*Graves*
"	"	Thomas MacDonnell	do.	*Graves*
		Friday. Before the COURT.		
June 14		———	For Bail Motions only.	———
		Before the CHIEF CLERK.		
"	"	Donald John Macqueen	To vouch acct. of creditor's assignee	*Byrne*
		Saturday. Before the CHIEF CLERK.		
June 15	11 o'clock	James Doran	To vouch assignee's account	*Macnally*
"	"	Michael J. Reardon	do.	*Macnally*
"	"	William Hayes	do.	*Macnally*
"	"	James Fossett	do.	*Hamilton & Craig*
"	"	Andrew Tormey	do.	*Cronhelm & Lett*
"	1 o'clock	Hon. Gonville Ffrench	do.	*Stephens*

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DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE	SOLICITOR
May 17	Hutcheson, David Wilson	3rd dividend 6s. 1$\frac{3}{8}$d. in £ on £454.	*James*	*Barrett*
„	M'Dermott, Thomas	2nd dividend 6s. 2$\frac{1}{4}$d. in £ on £264.	*James*	*Irvine*
May 29	Coneys, Edward (first insolvency)	1st and final dividend 20s. in £ on £33.	*James*	*Caicy*
„	Ditto, (second insolvency)	1st and final dividend 16s. 11d. in £ on £289.	*James*	*Caicy*
„	Hannon, William	2nd dividend 4s. 2d. in £ on £63.	*James*	*Macnally*
„	Irwin, John	Dividend 1s. 8$\frac{1}{4}$d. in £ on £362.	*Deerimg*	*Bradley*
„	Monaghan, Thomas	1st dividend 4s. 11d. in £ on £28.	*James*	*Macnally*
„	Murray, George S.	1st and final dividend 2$\frac{3}{8}$d. in £ on £367.	*James*	*Macnally*
„	Pinkerton, John	1st dividend 4s. 1$\frac{1}{4}$d. in £ on £672.	*James*	*W. Bloomfield*

CASES DISPOSED OF.

Wednesday, June 5, 1867.

Before JUDGE MILLER.

Clifford, John. Adjourned to Tuesday, September 17, 1867.

Kinsella. Denis. Discharged.

Lynch, Peter. Adjourned to Wednesday, June 19, 1867.

Moylan. Laurence. Adjourned to Wednesday, July 17, 1867.

Thomas, Rev. Charles Lomax. Ditto.

INSOLVENTS DISCHARGED ON BAIL until the Day of Hearing their petitions.

Connors, Edmond, farmer, county Tipperary.

Keane, Edward, shopkeeper and publican, county Wexford.

Rynne, Thomas, grocer, county Clare.

INSOLVENTS.

To be heard in Dublin.

Flood, Alexander, of Arklow, county of Wicklow; previously of Dundrum, county Dublin, building contractor. Hearing on Wednesday, June 19, at 11. *Macnally*, solicitor.

Lynham, Mathew, of Mount Seiskin, Tallaght, county Dublin, gentleman. Hearing on Wednesday, June 19, at 11. *Rynd*, solicitor.

Weekes, Thomas, of 91, Great Britain street, city of Dublin, tobacconist. Hearing on Wednesday, June 26, at 11. *Macnally*, solicitor.

To be heard in the Country.

Balfe, James, of Baltray, county Louth, not in business; previously of Lawrence-street, town of Drogheda, meal and flour dealer. Hearing at Drogheda, June 25, at 10. *Simpson*, solicitor.

Campbell, John, of Poolenaghy, county of Monaghan, gentleman, sued as esquire. Hearing at Monaghan, June 29, at 10. *Wright*, solicitor.

Cody, Thomas, of New Ross, county Wexford, grocer and baker. Hearing at Wexford, June 28, at 10. *Waddy*, solicitor.

Cross, Joseph, of Lurganmore, county Monaghan, farmer and meal dealer. Hearing at Monaghan, June 29, at 10. *Wright*, solicitor.

Fahy, Patrick, of Lakyle, county Galway, farmer and cattle dealer; formerly in partnership with one Michael Hayes, of Drumnanagh, county of Clare, in the cattle trade. Hearing at Galway, June 22, at 10. *Regan*, solicitor.

Finn, John, of Loughrea Mills, county of Galway, farmer and miller, and one of the partners of the Firm of John, James, and Richard Finn, millers, Loughrea. Hearing at Galway, June 22, at 10. *Regan*, solicitor.

Jones, Thomas, of Tullaroan, county Cavan, farmer. Hearing at Cavan, June 18, at 1. *Ramsay*, solicitor.

Johnston, William James, of Draperstown, in said county, grocer. Hearing at Newtownlimavady, June 22, at 10. *Glover*, solicitor.

M'Alea, Patrick, of Anadoon, county Down, publican and road contractor. Hearing at Downpatrick, June 20, at 10. *M'Kenny*, solicitor.

M'Donald, Michael, of Drummavady, county Cavan, farmer; previously of Comadarra, in said county. Hearing at Cavan, October 15, at 1. *Ramsay*, solicitor.

Redden, William, of Pope's-quay, city of Cork, and previously of Rutland-street, in said city, coach painter. Hearing at Cork, July 8, at 10. *Drinan*, solicitor.

Rogers, George Aleyne, of Sullivan's-quay, city of Cork; previously of Old George's-street, in said city; and formerly of Clegate, Surrey, England, late Captain in Her Majesty's 9th Regiment of Foot. Hearing at Cork, July 8, at 10. *Drinan*, solicitor.

Shooter, William, of Banbridge, county Down, auctioneer and valuator. Hearing at Downpatrick, June 20, at 10. *M'Kenny*, solicitor.

White, James, of Maherafelt, county of Londonderry, publican; previously of Dunamoney, county Londonderry, farmer. Hearing at Newtownlimavady, June 22, at 10. *Glover*, solicitor.

Petitions of Insolvency Filed,

June 3,

By Carter, Richard, of Shantalla House, town of Galway; previously of Ferryland Lodge, Galway; late Deputy Clerk of the Peace for the county of Galway, and land agent—a prisoner for debt in the gaol of Galway. *M'Namara*, solicitor.

June 5,

Against Flood, Thomas, of No. 3$\frac{1}{2}$, Lower Liffey-street, city of Dublin, carpenter—a prisoner for debt in the Four Courts Marshalsea. Robert Parsons, petitioning creditor. *Batt*, solicitor.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

JORDAN—May 29, at Castlebar, the wife of Myles Jordan, Esq., crown solicitor, of a daughter.

MARRIAGES.

CALLAN and MACDONNELL—June 4, at the Roman Catholic Church of St. Francis, Upper Gardiner-street, by the Rev. Dr. Kieran, assisted by the Rev. J. Levins, P.P., Ardee, the Rev. J. M'Gee, C.C., Dundalk, and the Rev. J. Callan, S.J., Philip Callan, barrister-at-law, only son of the late Owen Callan, Esq., Cookstown House, County Louth, to Jane Frances, eldest daughter of the late Philip MacDonnell, Esq., Ardee.

HUMPHRYS and BETTY—June 4, by special licence, at St. Anne's Church, by the Rev. William Butler Bryan, cousin of the bride, rector of Castlemacadam, Armytage, Eglantine Humphrys, Esq., J.P., Lissagean House, County Cavan, son of William Humphrys, Esq., D.L., of Ballyhaise House, to Maria Victoria, only surviving child of the late James Betty, Esq., barrister-at-law, of Rutland-square, Dublin, and Lakefield, County Cavan.

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In the LANDED ESTATES' COURT.

COUNTY OF MEATH.

In the Matter of the Estate of Susanna O'Reilly, Owner and Petitioner.

TO BE SOLD, on TUESDAY, the 2nd day of JULY, 1867, before the Honourable Judge Lynch, at the Landed Estates' Court, Inn's-quay, in the City of Dublin,

IN ONE LOT.

The Lands of Patrickstown, containing 20a. 1r. 10p. statute measure, held in fee-simple; tenant valuation, £27.

Dated 23rd May, 1867.

J. E. MADDEN, per Chief Clerk.

For Rentals and further particulars apply at the Landed Estates' Court, Inn's-quay, in the City of Dublin; or to

JOHN THOMAS HINDS, Solicitor having Carriage of the Proceedings, No. 28, Westmoreland-street, Dublin.

In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of Jane Sheehy, Widow, Administratrix of William Keays, deceased, Intestate. Owner and Petitioner.

TO BE SOLD BY PUBLIC AUCTION, in One Lot, before the Hon. Judge Dobbs, at the Landed Estates' Court, Inn's-quay, in the County of the City of Dublin, on FRIDAY, the 14th day of JUNE, 1867, at the hour of Twelve o'clock at noon, for the unexpired term of 17 years, the Plot of Strand or Ground with the Dwelling-house and Premises thereon, situate at Harbour-row, in the Town of Queenstown (formerly Cove), in the united Parish of Clonmel and Templerobin, Barony of Barrymore, and County of Cork, held under lease for the residue of the term of 20 years, 17 years being yet to come and unexpired, at the yearly head-rent of £9 4s. 7½d.

W. R. BURLEIGH, for Chief Clerk.

TOBIAS JOHN PURCELL, Solicitor having Carriage of Sale, No. 68, Middle Abbey-street, Dublin.

DESCRIPTIVE PARTICULARS.

The House and Premises to be Sold in this matter for the unexpired term of 17 years, is in excellent order and repair, upwards of £130 having been expended thereon in permanent and lasting improvements, within a recent period. It is situate in one of the best and leading localities for business in the rising town of Queenstown, which is a market town and seaport, and an important naval station, and is within a few minutes' walk of the Queenstown Station on the Great Southern and Western Railway. The Dwelling-house is large and commodious, consisting of a first-class shop, with good frontage, and a number of airy and comfortable rooms and apartments, and the windows in the rere command a splendid view of the magnificent Harbour of Queenstown and the surrounding Islands and County for miles around, while the shop is in one of the best business parts of the town. The upper apartments would, in Summer time, be admirably adopted for lodgings.

Private offers will be received by the Solicitor having Carriage of Sale up to the 7th day of June next, and submitted to the Judge.

For Rentals and further particulars apply at the Office of the Landed Estates' Court; to

A. H. ALLEN, Esq., Solicitor, Scott's-square, Queenstown, County Cork; or to

TOBIAS JOHN PURCELL, Solicitor having Carriage of Sale, No. 68, Middle Abbey-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of William Bolton and Henry Bolton, both Infants under the age of twenty-one years, by Thomas Hitchcock Williams, of Sligo, Merchant, their Stepfather and next Friend, Petitioners; Samuel Henry Bolton and Robert Thacker, Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of Richard William Bolton, late of South Richmond-street, in the City of Dublin, Commercial Agent, deceased, on or before the 3rd day of JULY next, to furnish, in writing, to the Respondents, SAMUEL HENRY BOLTON, of 38, Richmond-street, South, or to WILLIAM STERNE, of 19, Parliament-street, both in the City of Dublin, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioners may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 3rd day of June, 1867.

WM. BROOKE, Master in Chancery.

S. C. M'CORMICK, Solicitor for the Petitioner, No. 15, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Margaret Magee, of Queen-street, in the City of Dublin, Baker, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 17th day of JUNE, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on FRIDAY, the 21st day of JUNE, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 4th day of June, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Murphy, of Castlebar, in the County of Mayo, Grocer, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on TUESDAY, the 18th day of JUNE, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on FRIDAY, the 28th day of JUNE, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *further and Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 5th day of June, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Charles Costello, of Ballina, in the County of Mayo, Grocer and Baker, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 18th day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 4th day of June, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

THOMAS KIERNAN, Agent to the Bankruptcy, No. 55, Middle Abbey-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

THE LONDON ASSURANCE CORPORATION

Incorporated by Royal Charter of His Majesty King George the First, A.D. 1720.

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PATRICK F. ROBERTSON, Esq., M.P., Sub-Governor.
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Chief Office for Ireland,
No. 61, UPPER SACKVILLE-STREET, DUBLIN.

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All Policies are issued free from charge of any description whatever beyond the Premium.

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PHILIP SCOONES, Manager.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, June* 8, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 20.] SATURDAY, JUNE 15, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office, 53, Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, *53, Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, JUNE 15, 1867.

THE decision in *re Burrowes' Estate*, of which a note appears in our last number, is one of no common interest to solicitors. The Court of Appeal in Chancery, affirming the decision of Judge Lynch, has held that a Solicitor upon lodgment in the Landed Estates' Court of deeds, on which he had a lien for costs, loses his lien in priority to incumbrances created by the owner after the lien was acquired. The appellant had acted as solicitor in various suits and proceedings for Waldron Burrowes, the owner in the matter, from 1854 until 1857, and in the course of this business obtained possession of the title deeds of the lands ordered to be sold, and held them subject to his lien for costs.

In 1858 the appellant ceased to act as solicitor for Mr. Burrowes. In February, 1860, the petition was presented by the *owner*, and the usual notice was served by the solicitor of the owner on the appellant, calling on him to lodge the several title deeds and documents in his possession, which he lodged accordingly, and received a receipt from the officer of the court expressing that the lodgment was made subject to the appellant's lien for costs.

Upon the settlement of the schedule of incumbrances the appellant claimed to be paid the amount of his costs out of the proceeds of the sale, in priority to all incumbrances created by the owner after appellant had acquired the lien on the deeds, but puisne to the incumbrances existing at that time.

The Appeal Court has decided that the Landed Estates' Court had no power to convert the passive lien of a solicitor upon deeds into an active lien on the funds arising from a sale. From what we can learn, the Court of Appeal decided the question without the slightest hesitation, not even calling on the counsel against the appeal to argue the question.

In 1860 a somewhat similar question came before the Court of Appeal in *re Bayly's Estate*. In that case H., solicitor of B., held possession of the title deeds of B.'s estate, and claimed a lien thereon for antecedent costs. H. then presented a petition on behalf of B. for a sale of the estate in the Landed Estates' Court. An order for sale having been made, B. changed her solicitor; and a judge of the court made an order that H. should lodge the title deeds subject to lien. It was held by Judge Longfield, and by the Judges of the Court of Appeal, that H.'s lien upon the fund realized in the Landed Estates' Court was confined to his costs in that

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matter. (12 Ir. Chan. Rep. 315). At page 318, the Lord Chancellor says—"It is contended that the order of the Incumbered Estates' Court of 28th February, 1854, whereby Mr. Humphrey was ordered to lodge all the title deeds in court subject to lien, amounted to a new contract that this lien should be preserved; but we have before us a decision of the learned judge who made that order, and his own interpretation of it, showing what his intention was in making that order, from which it appears that no lien was intended to be given by it. If it was the intention of Mr. Humphrey to have made a contract to preserve his lien, he could have easily had a clause embodied in the order to the effect that his client should be liable to pay him his antecedent costs; but as he has not done so, we must give that interpretation to the order which it plainly bears." The Lord Justice of Appeal concurred in this opinion, holding that there was an absolute relinquishment of the lien; and that, unless there was a special contract to preserve it, it would be impossible to hold that it could be maintained.

That case differs from the present in this respect, that there were costs in the matter, payable to the solicitor, and the judge made the order in reference to the lien for these costs only. In Burrowes' case the words *subject to lien* can refer only to antecedent costs, as no costs were due in the matter. The owner calls on his former solicitor to lodge the deeds, which he does, expressly reserving his lien. Does not this amount to a contract within the meaning of the decision in *re Bayly's Estate?*

The Court of Appeal in the present case, as well as we can learn, were of opinion that the Landed Estates' Court had no power to make an order to preserve the lien on the deeds against the funds realized by the sale. The 20th order of the Landed Estates' Court (July, 1859) empowers the judge to "make such order as may be just as to the lien of any person lodging such deeds, muniments of title, or papers, or as to the payment of his costs of lodging the same."

The appellant in the present case lodged them on the notice, and there was no order made by the Court. The 20th order clearly contemplates an order to be made at the time of directing a lodgment of deeds, so that it is yet to be decided what meaning is to be given to the words "such order as may be just as to the lien, &c."

The remarks of Sir E. Sugden, L. C., in *Blunden* v. *Desart* (2 Dru. and War., 405), seem to have influenced the present decision. At page 418 he says—"The person entitled to the prior claim may come into a court of justice and enforce that claim, and may compel the production of deeds, in order to enable him to raise the amount of his incumbrance; and the solicitor, although he may have a right to retain them as against his client cannot have a right superior to that of his client; when, therefore, the deeds are produced, may not a third person derive a benefit from this production? and then the question is, can that benefit thus incidentally obtained, be taken away from him? I fear it will be found that the proposition that this benefit may be taken from such party cannot be maintained; unless a character could be given to the lien, which clearly does not belong to it, namely, the character of an incumbrance, the result of contract, the due priority of which might be insisted on. This would be treating the lien not as a mere right to withhold the possession of the deeds, but as a right to compel the payment of the solicitor's bill of costs; whereas the right is to withhold the deeds, to lock them up in his box, and to put the key in his pocket, until the client satisfies the amount of the demand. But if there be a superior claim, while he may say he will lock the box as against his client, he cannot do so against the prior incumbrancer; he must open the box, and take the deeds out, and then is not the benefit of the lien gone? The lien consists in the right to withhold the possession, and to say, I will hold the documents until I am paid my costs by my client; but the law says some one else is entitled to their production. This is very hard, no doubt, but the lien is in effect lost; for what the solicitor had was the legal possession of the deeds, and although he may retain them from his client he cannot resist a superior right to that possession."

Our space does not admit of further discussion of this case, but we shall advert to it again in our next Number, as it involves a question of serious importance to the profession.

INDEFEASIBLE TITLES.

In the Irish Chancery Appeal Court has been given a judgment of great importance. Are the titles granted by the Landed Estates' Court indefeasible? Two persons had bought premises divided into two equal lots, and, by an admitted mistake, a portion of the premises had been misdescribed as to the rental, by which a great wrong was done to one of the buyers. Nevertheless the Court of Appeal has held that he has no remedy.

This is the difficulty we have so often urged against the indefeasible title given by our own Land Registry office. Mistakes are inevitable. A cunning applicant might with ease include in his parcels property beyond his own proper boundaries, and still more readily easements that may be of incalculable value; his neighbour, absent, ill, indolent, poor, or busy, does not incur the cost and trouble of looking narrowly into the claim to see that nothing is cribbed from himself, and so the description passes conveying an indefeasible title, and there is no redress for the plundered. Such instances have occurred many times in Australia. Now we hear of one from Ireland. Soon we shall hear of them at home.—*Law Times.*

NOTICE OF BAR MEETING.

There will be a general meeting of the North-East Bar held at three o'clock on Tuesday next, June 18th, in the Admiralty Court. In the evening the Bar will, according to ancient usage, entertain the going Judges of Assize, Mr. Justice O'Hagan and Mr. Justice George, with other distinguished guests, at a banquet, in the hall of the King's Inns.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by EDMUND T. BEWLEY, Esq., Barrister-at-law.

In Re BARNWELL'S ESTATE.

June 10.—*Landed Estates' Court—Rental—Tithe Rent Charge—Compensation.*

This was an appeal from an order of Judge Dobbs dated the 12th of March, 1867.

On the 14th of June, 1866, the lands and premises known as Causestown House and demesne, situate in the County of Meath, being part of the lands included in the petition for sale in this matter, were set up for sale in the Landed Estates' Court. In the rental, prepared for the purposes of the sale, these lands were described as being held under a Church lease, dated the 4th of November, 1865, for a term of twenty-one years; the bulk rental was stated to be £615 16s. 11d., the head rent and fines £49 5s. 2½d., and the "net rental" £566 11s 8½d. No mention, however, was made in the rental as to whether the lands were subject to tithe rent charge.

At this sale Mr. William Hopkins was declared the purchaser of the lands; and he afterwards paid the purchase money, in ignorance, as alleged, that the lands were subject to the payment of an annual sum of £13 2s. 10d. for tithe rent charge. Upon discovering this fact subsequently, Mr Hopkins applied to Judge Dobbs to refund him out of the purchase money the notarial value of the tithe rent charge, alleging that he had been misled by the frame of the rental. Judge Dobbs having refused to allow any compensation, Mr. Hopkins now appealed from his order.

Flanagan, Q.C., *White*, Q.C., and *Price*, for the appellant.

Sherlock, Q.C., and *Woodlock*, for the respondents.

The COURT affirmed the decision of Judge Dobbs, holding that in the absence of any statement to the contrary, the lands sold should be presumed to be sold subject to the payment of the tithe rent charge.

Solicitor for the appellant, *Alexander Bate.*

Solicitor for the respondents, *John Smyth.*

QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

RUTLEDGE *v.* BLAKE.

May 28.—*Embarrassing Pleading—Slander.*

The summons and plaint complained that plaintiff carried on the business of a land agent, and was a barony cess collector, and that the defendant spoke and published of the plaintiff, in relation to his said business, and to his solvency and respectability as a land agent *and otherwise*, certain words, whereby the plaintiff was injured in his credit and reputation as a land agent and collector of barony cess, *and otherwise*. Averment of special damage.

Defendant moved to strike out the words *and otherwise*, as rendering the count embarrassing.

Counsel for defendant, *Blake*, Q.C., and *Hodgens.*

Counsel for plaintiff, *Beytagh.*

The COURT (*dissentiente*, Fitzgerald J.) held that the words *and otherwise* were embarrassing, and should be struck out, with liberty to plaintiff, if so advised, to add a count to the summons and plaint, defendant's costs to be costs in the cause.

Attorney for plaintiff, *E. Concannon.*

Attorney for defendant, *T. Higgins.*

HURLEY *v.* HANRAHAN.

May 29; June 8.—*Lease for Life—Ignorance of fact—Amount Recoverable.*

Special case. The defendant held certain lands from the plaintiff under a lease for lives, the last of which had gone to New Zealand. There being a rumour that the life had ceased on a particular day, some correspondence took place between the parties as to the fact, and the tenant paid the amount of his rent under circumstances which the Court held did not make the payment amount to a payment of rent as rent, so as to bind either party. Subsequently it appeared that the life had ceased, and the whole question for the Court was whether the rent reserved by the lease, or the actual profits made of the land by the tenant, was to be taken as the sum payable by him for the period during which he held the land after the lease had actually ceased. Both parties were admittedly ignorant of the life having dropped.

The Court decided that the actual profit was the sum payable.

Counsel for the plaintiff, *Hickson* and *Sullivan*, Q.C.

Counsel for the defendant, *Wm. Johnson* and *Jellett*, Q.C.

Attorney for the plaintiff, *Richard Huggard.*

Attorneys for the defendant, *M'Carthy* and *Hanrahan.*

COMMON PLEAS

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-law.

Before MONAHAN, C.J., O'HAGAN, J., and MORRIS, J.

CANNING *v.* SAVAGE.

May 9, 10; June 2, 3, 8.—*Statute of Frauds—Special Contract barred by—Recovery on Common Counts—Amending Bill of Particulars at trial.*

In this case a special jury of the County of Armagh had found a verdict for £460. The case came before the Court now on motion that, pursuant to leave reserved the verdict had for the plaintiff should be turned into a verdict for the defendant, or that there should be a new trial. The summons and plaint contained two special counts, and the common counts for work and labour, &c. The first special count stated in consideration that the plaintiff would negotiate for the defendant, the purchase of a certain estate at Rostrevor, in the County Down, for a less sum than £26,000, the defendant promised to pay the plaintiff the difference between the price of the estate and £26,000; it then averred that the plaintiff did negotiate the purchase for £25,500, and a performance of all conditions, and that the sum of £500 was not paid.

The second count was similar, except that for the sum of £26,000 and £25,500, it substituted £23,000 and £22,500 respectively.

The particulars applicable to the common counts were as follows:—1866, 30th April—Amount due on special agreement, within stated, £500.

Interest thereon since April 30th, ———.

To the common counts there were pleaded traverses. On the evidence the case for the plaintiff was, that the

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defendant had received the benefit of the work done, for which he had agreed to pay the plaintiff £500, and to give him a lease of part of the estate of which he negotiated the purchase. On this evidence it was objected by counsel for the defendant that, this being a contract relating to land, on account of the agreement to give a lease, the 4th sec. of the Statute of Frauds made it impossible for the plaintiff to enforce it, there being no memorandum in writing, and that the contract was one and indivisible; that the plaintiff could not get rid of the difficulty arising from the statute, by leaving out all reference to the lease in his special count. The Judge having allowed this objection, the plaintiff asked to be allowed to amend his particulars by excluding any reference to the special contract. The Judge allowed this to be done, counsel for the defendant objecting, and the particulars were altered to this shape.

"30 April, 1866.—The plaintiff, under the common counts, claims £500 compensation for his work and labour, and loss of time and trouble in negotiating the purchase of the Rostrevor estate for the defendant, the sale of which was completed on the above day." The case proceeded, and the plaintiff got a verdict for £460 on the counts for work and labour. The defendant's counsel insisted that, there being a special contract relating to the subject matter, though unenforceable, owing to the Statute of Frauds, the plaintiff could not recover on a *quantum meruit;* and the Judge, by consent, reserved leave to move to have the verdict changed into one for the defendant if the Court should be of that opinion. The plaintiff had given no sign of any intention to rescind the contract and abandon his claim to a lease previous to bringing his action.

Harrison, Q.C., *Falkiner*, Q.C., and *M'Blaine*, showed cause. The amendment was rightly made for the purpose of determining the real questions at issue between the parties. The special contract being bad under the statute, was out of the case, and we having performed the work, and the benefit of that work having been accepted by the defendant, the plaintiff is entitled to recover on a *quantum meruit.*

M'Donough, Q.C., *Law*, Q.C., and *R. M'Donnell*, to resist the cause shown. The contract is indivisible, and the plaintiff cannot bisect it and bring an action on that part of the special contract which is not bad under the Statute of Frauds, by omitting the agreement for a lease. Neither can he recover on a *quantum meruit*, there being an express contract relating to the subject matter, even though that contract cannot be enforced, owing to the statute—*expressum fit cessare tacitum.* At any rate he cannot do so without having rescinded the contract. When the defendant refused to fulfil the special contract, plaintiff had a right to treat that as a rescission by the defendant, and to rescind on his part also, and he could then sue on a *quantum meruit* under the common counts; but here he stood by his special contract to the last.

Falkiner, Q.C., in reply—The plaintiff's right to sue under the Common Counts in such a case as this, where he has entirely performed his side of the contract, does not depend on the doctrine of rescission, which applies where the contract is still partly unperformed; it depends on the promise implied by law from the performance of the work by the plaintiff, and acceptance of the benefit of that work by the defendant, where the facts from which the promise is to be implied do not themselves fall within the operation of the statute of frauds. Here the work being done with reference to the purchase of an estate does not bring the case within the statute—it was only the agreement for a lease of part of the estate that made even the special contract unenforceable.

The Court held first, that the amendment was rightly made; and secondly, that the special contract was indivisible, and the Statute of Frauds prevented the plaintiff from recovering on it; but that as the contract had been executed by the plaintiff, he could recover a *quantum meruit* under the Common Count.

Attorney for plaintiff, *C. J. Burke.*

Attorney for defendant, *R. J. Browne.*

COURT OF EXCHEQUER.

Reported by R. R. Kane, Esq., Barrister-at-law.

Donohoe v. London and North Western Railway Company.

April 27.—*Carriers—Unreasonable Delay.*

This was an action against the defendant for delay in carrying cattle from Dublin to Sheffield.

The first paragraph of the writ of summons and plaint states a contract to carry by a steamer which left Dublin for Holyhead on the evening of Friday, Sept. 6, 1866, and that though the steamer started the cattle were not conveyed by her.

The second paragraph alleged a contract to deliver within a reasonable time, and that the defendants did not do so.

At the trial it was proved that the cattle were delivered on the 6th September to the defendants' agent in Dublin in time for the boat, but not sent; but that the reason they were not sent was that there was not room in the boat—that they were sent in a boat which left the next morning, and they arrived at Holyhead about mid-day—that they were detained there till 2.30 p.m. on the 8th. There was evidence that the reason they were delayed there was that there were not enough trucks at the station to convey them on. They arrived at Sheffield the next morning, considerably injured by the delay. The defendants' case was that they could not have sent forward a special cattle train sooner, having regard to the number of ordinary trains.

The Judge left the question to the jury whether there was any unreasonable delay either at Dublin or Holyhead. The jury found that there was no special contract to convey by the boat which left on the evening of the 6th; that there was no unreasonable delay in Dublin, but there was at Holyhead, and gave a verdict for the plaintiff, with £20 damages.

Armstrong, Sergt., having obtained a conditional order for a new trial on the ground of misdirection,

Barry, Sergt., *Dowse*, Q.C., and *T. Keogh*, showed cause.

Armstrong, Sergt., and *Coffey*, Q.C., in support of the rule.

The Court (Pigot, C.B., Fitzgerald and Hughes, B.B.) discharged the order, holding that the Judge had left the proper question to the jury, and that the jury were warranted in their finding, as there was evidence that the delay was caused by the want of trucks, and not by any unavoidable impediment.

T. F. White, attorney for the plaintiff.

Cullen, Coffey, and *Co.*, attorneys for the defendants.

COURT OF PROBATE.

Reported by W. R. Miller, Esq., LL.D., Barrister-at-law.

Goods of Jane M. Gordon, Spinster.

June 7.—*Unfinished Paper—Security.*

The deceased, in November, 1837, left this country for Madeira, and before going got from her sister-in-

law some books to aid her to make a will. The deceased returned from abroad in 1838, and was, in 1839, placed in an asylum near Bristol, on account of mental imbecility, and she died there in 1866. On her death the medical gentleman in attendance found among her papers a testamentary paper in her handwriting, without a date, and not signed, which he at once sent to her sister-in-law. The paper contained several legacies to her relatives, and also to charities, but did not name any executors or residuary legatee. It began thus: "I, Jane Maria Gordon, do make this my last will and testament."

Dr. Ball, Q.C. (*Crozier* with him), applied on behalf of the sole next of kin of the deceased, either for administration with the paper annexed, or for administration as in case of intestacy, and cited *Montefiore* v. *Montefiore*, 2 *Add.* 358, *Forbes* v. *Gordon*, 3 Phillim, 628, 1 *Wm.'s Exors.* 66, *Jarm. on Wills*, 71.

Harrison, Q.C., appeared for some legatees named in the paper, and cited *Huntingdon* v. *Huntingdon*, 2 Phillim, 213.

KEATINGE, J.—There is no evidence to satisfy me that this paper was made before the 1st January, 1838. But in my opinion, even if made prior to the date, I consider it an unfinished paper—in fact, only a sketch of a will that may have been in contemplation. I therefore direct administration as in case of intestacy, it appearing that there are no debts, and till the applicant is sole next of kin, I do not require security.

Solicitor for applicant, *M. Cassidy*.

Solicitors for legatees, *Crawford* and *Lockhart*.

LANDED ESTATES' COURT.

Reported by VALENTINE J. COPPINGER, Barrister-at-law.

In the Matter of the Estate of JOHN GRAY and HUGH GRAY, Owners and Petitioners.

Judgment Mortgage—Affidavit—Place of Abode of Co-plaintiff—Title of Cause.

This was an objection to the final schedule of incumbrances on the part of Charles Anderson, a puisne incumbrancer, on the ground that a judgment recovered by James and John Millikin against the owner had been improperly inserted on the schedule, the same not having been properly registered as a mortgage. It appeared that the affidavit registered at the Registry of Deeds Office, though setting out, in the usual way, the title of the cause in which the judgment had been recovered, which, of course, set out the residences of the plaintiffs, did not, in the farther part, specifically state the residence of the plaintiff John, but only that of the plaintiff James, the one who had made the affidavit, and it was insisted that the affidavit did not therefore comply with the requisites of Judgment Mortgage Act, by giving the "place of abode of the plaintiffs."

Gerald Fitzgibbon, for Mr. Charles Anderson, appeared in support of the objection.

James Monahan was heard on behalf of the Messrs. Millikin, the judgment creditors.

Judge LYNCH having taken time to consider, delivered judgment, stating that though at first much influenced by Mr. Fitzgibbon's ingenious argument, he had, on consideration, come to the conclusion that the statement of the abode of the plaintiff in the recital of the title of the cause was a sufficient compliance with the provision of the section, and that the registration was therefore good; but that, even if this had not been so, he would not have been sorry to meet a technical objection by a technical construction of the statute, and would have been disposed to hold that the statement of the residence of the party who had made the affidavit was sufficient, being all that was in terms required by the statute, which was the word "plaintiff" in the singular number.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law

In the Matter of the Estate of W. J. SIDNEY, Owner. *Ex parte* W. PEEBLES, Petitioner.

May 27; June 4.—*Compensation—Square Tax—25 Geo. III., c.* 43.

This was an application on behalf of Travers Robert Blackley, jun., the purchaser of the house and premises No. 33, Rutland-square, West, in the City of Dublin, sold in this matter, for compensation in respect of a certain annual charge of £6 9s. 11¾d., to which the premises sold were liable, in addition to the outgoings set forth in the printed rental. The sum in question was leviable under the provisions of 25 Geo. III., c 43, "An Act for the completing and effectually lighting and watching of Rutland-square, and for the better support and maintenance of the Hospital, &c." The purchaser also claimed compensation, because all the windows in the front of the house were not of plate glass, as stated in the rental, but he admitted that he knew of this before the sale.

Twigg, for the petitioner, resisted the application.

Cur. adv. vult.

June 4.—Judge DOBBS delivered judgment, stating that the question was whether this sum of money was a tax or a charge; that the purchaser resided in Dublin, where many of the houses in the squares had peculiar taxes imposed on them; that the question was whether this was such a charge that the purchaser could be considered not to know anything of it, and that it arose under § 20 & 28 of 25 Geo. III., c. 43, the words in both of which sections were peculiar, the houses not being charged, but only chargeable and liable to the annual payment, &c. His Lordship said he did not think that this was a charge in the sense in which a Court of Equity understood the expression, and that the words in the 28th section showed it to be chargeable, not as lands are charged, but to be charged personally on the occupiers. The power given in that section on default of payment was to enter into the houses of the persons charged or chargeable, and levy the same by distress and sale. This sum was in the nature of a tax, and the purchaser ought to have made himself aware of its existence, and was not entitled to compensation. What made this more evident was that the purchaser got the benefit of it. The claim for compensation made on the other ground, that in respect of the windows, failed altogether.

ENGLAND.

IS THE BAR A TRADES UNION?

(From *The Law Times*.)

Some sharp fellow, writing to the *Pall Mall Gazette*, has started a suggestion, which has been eagerly seized by the advocates for the Trades Unions, that the professions, and more especially the Bar, are but trades unions under another name, being combinations to keep up the scale of fees by sending to Coventry, and otherwise persecuting, such of their members as accept lesser fees than those prescribed. At the first sight, and to those ignorant of the true intent and operation of the rules of professional etiquette, there does certainly appear to be sufficient resemblance to excuse the comparison and the pleasure with

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which it has been welcomed; but it is in appearance only. Very slight examination will suffice to show the difference between them.

The Trades Union is a combination, not merely to maintain a status, but to increase wages directly by demanding more money, and indirectly by lessening the hours of labour. It strives also for preservation of a strict equality among the members, by forbidding the exercise of superior abilities or greater industry for the advantage of such as possess those qualities. It enforces these principles, not merely by sending offenders to Coventry, but by menaces and personal injuries, and it seeks to impose its will upon employers by taking from them their workpeople.

The professional etiquette that prescribes the taking of certain fees has no resemblance to that described. Certain rules as to fees have existed from time immemorial, and these prescribe nothing more than the minimum fee that shall be accepted, and certain restraints in the manner in which business is to be sought. There is no combination of the members, after the manner of the unions; there are no rules and orders made from day to day, or even from year to year, which all are commanded to obey. Except in extreme cases, a barrister who breaks the rules as to "huggery" would be no otherwise punished than by a fine by the bar mess of a dozen of wine; he would not be cut in court, nor would any of his fellows refuse to take a brief with him. This last and severest punishment is reserved for personal offences, and is used only by individuals, not by the Bar as a body, and only where the offence was personal. Where, as in special retainers, higher fees are agreed to be required, the regulation is not adopted for the benefit of the recipient, but for the protection of the men among whom he comes, and whom he might displace by virtue of his age, name, fame, and standing, to the ruin of those who have been working their way upwards to a position. No man is prohibited from using to his own best advantage all his mental and bodily powers; his hours of work are not restricted, and no pressure is put upon the solicitors to raise the scale of fees under penalty of "a strike."

So it is with the solicitors. Where their fees are not regulated by statute, or by order of court, no practical means exist for compelling adhesion to a scale of fees, and it is so much in discretion that it would be impossible to say of any charge that it is so clearly less than it ought to be that the maker of it should be ostracised. The only specious parallel between the Trades Unions and the solicitors is in the limitation of the number of articled clerks. But this was not done with design to limit the number of solicitors, and so to increase the share of each in the law business of the country. It was prescribed by the Legislature in the interest of the articled clerks, and as some security that proper teaching should be given to them, which was supposed to be impracticable if greed of gain should tempt certain solicitors to take more articled clerks than their business or themselves would sufficiently instruct. This regulation was made in times before the introduction of an examination, and was then the only safeguard against a very probable abuse. Perhaps, if it were to be discussed now, a different course would be adopted.

The meaning and intent of the rules of bar etiquette are wholly misapprehended by the public, and imperfectly understood by the Bar, and we will take an early opportunity to attempt an explanation of them. In the meanwhile we give, as a useful contribution to the discussion on a topic of considerable professional interest, one of the communications which the controversy brought to our contemporary. It states *both sides* of the argument.

SIR,—The reply of "A Barrister" to a letter signed "A Journeyman Engineer" would be crushing did it contain what it professes to do—a full and true statement of the rules of the bar. To the parallel drawn by "A Journeyman Engineer," "A Barrister" retorts, not with arguments, but with facts known to him personally from a thirteen years' experience at the bar, and, as he insinuates, much misunderstood by the "Journeyman Engineer" and many other equally ignorant persons. Were the facts he brings forward correct, the deductions he draws might be legitimate, but I venture to say that they are as new to the majority of the members of the bar as they must have been to the "Engineer." With your permission, I will call attention to a few of the facts about which "A Barrister" appears to be more misinformed than the gentleman he attacks.

The rules of the bar are classified by "A Barrister" under three distinct heads. There are the rules which are sanctioned by (1) the general sentiment of the profession, (2) by the benchers of the Inns of Court, and (3) by the circuit courts.

With regard to the first sanction, the "general sentiment of the profession," he asserts that "any one who cares to do so may defy it with perfect impunity." It is hard to conceive what meaning he attaches to the expression "perfect impunity." If he means by it freedom from bodily injury, he is doubtless correct, but in no other sense. If a barrister defies and acts constantly against the general sentiment of his profession, his brother barristers will certainly not place an infernal machine beneath his seat in court, or fill his brief bag with grenades, or otherwise attempt to maim, lame, or murder him, but they will send him to a very strict Coventry, and refuse to eat, or drink, or talk, or even hold briefs with him. There have been, and there are now, barristers with whom the respectable members of the profession will not hold briefs. It would be invidious to mention names, but there is a well-known case in which a barrister made an unprofessional bargain, and for doing so he has been severely punished by the benchers of his inn, and is cut by the other members of the profession. Socially an offender against the general sentiment of the profession suffers as much as a man can suffer socially. He also suffers professionally. A man of the very highest talent might defy the general sentiment with something like impunity, but it is impossible for the ordinary barrister to do so and obtain respectable business. Low attorneys will employ low barristers, and both unfortunately exist; but attorneys of position have as much respect for the opinion of the bar as barristers themselves.

"A Barrister" then states that a "man might hug attorneys to the end of time, and defend prisoners at the Old Bailey for 6d. apiece as long as he pleased, without being interfered with by his inn." This savours more of a prophecy than of a fact. It is difficult to say what a man *might* do and not be interfered with, but my opinion is, that were such conduct brought before the benchers of any of the inns, the barrister who had been guilty of it would suffer severely, and in all probability be disbarred. It is very possible that there are some such "knobsticks" in the Profession, but were their practices found out, their professional existence would be shortened.

"A Barrister" further asserts that the circuit courts are purely social institutions. No doubt they are social institutions to a certain extent, but not purely. Practically they are the courts which guide and regulate the practice and proceedings of barristers on circuit. The direct sanction for enforcing the laws made by them is a social one—viz., exclusion from the society of the other members of the circuit; but it is a social one which, though it may not entirely destroy, considerably mars a barrister's professional prospects. "A Barrister" has been on circuit thirteen years, and has never known or heard of a case in which barristers have refused to hold briefs with a barrister who has been expelled from the circuit mess. This may be, but such cases exist at the present moment. The acts of the Bar might be as secret as some of those of the trade unions. They are not really, but with some of them "A Barrister" seems to have less acquaintance than "A Journeyman Engineer."

By way of climax "A Barrister" goes on to say that there is not a "single bar rule which either does prevent or is meant to prevent the most unrestricted competition between man and man for business." For what purpose, then, are the rules which forbid barristers to frequent public coffee rooms during circuit, to take less than a guinea fee, to go more than one circuit, and sometimes only certain sessions within that circuit, except to limit competition within what are considered proper bounds? What are they *meant to prevent* but a competition which is thought to be injurious to the profession generally?

Without entering upon the merits of the parallel drawn between the rules of the Bar and of the trade unions, I will

conclude with two remarks upon the subject. If the members of the Bar rely to a very great extent upon social influence to enforce their rules, it must be remembered that with them this is a powerful weapon. On the side of their rules they have the judges, the benchers of the different inns, and the entire body of the profession, with the single exception of the "knobsticks;" and the social influence of these combined is very great. It is impossible to say the same of the trade unions. Then again the rules of the Bar have this discreet merit over those of the trade unions. They only fix a minimum and no maximum fee. Were the unionists to follow the example of the lawyers in this they would protect the ordinary workman against his employer, and at the same time would not limit the advantages to be earned by the more talented or more industrious artizan.—I am, &c.,

W. T. M.

Temple, May 20, 1867.

COUNTY COURTS REFORM.

The Lord Chancellor has introduced a Bill for removing some practical defects in the law of the County Courts. Jurisdiction has been always a troublesome question. Where did the cause of action arise, wholly or in part, was a constant theme for ingenious cavil. The Bill proposes to remove this difficulty by permitting the suitor to bring his action in any court where the cause of action or any part of it arose. Another provision allows judgment by default in certain cases where now, though the defendant does not deny the debt, the plaintiff is nevertheless compelled to prove it, often at considerable cost, which he is unable to recover from the defendant. The jurisdiction is to be extended to ejectment from premises of less annual value than £20. The concurrent jurisdiction where plaintiff and defendant dwell more than twenty miles apart is to be abolished. Actions are not to be maintainable for sums due on account of beer consumed on the premises. Would it not be well to extend this principle and to prohibit also the recovery of debts to tallymen, contracted by a wife, unless the assent of the husband be proved? All the County Court Judges concur in deprecating the tally system as most mischievous to the poor.

One of the best provisions of the Bill is that which requires plaintiffs in actions for false imprisonment and malicious prosecution to give security for costs; this will put an end to an abominable system practised by the lowest class of attorneys, who disgrace and discredit the Profession. It would be well to extend this to actions for libel and for injury by accident, which are also too often used as engines for extortion.—*Law Times.*

COUNCIL OF LAW REPORTING.

The following is a copy of a letter addressed by Sir Roundell Palmer to the Lord Chief Baron, and of a letter from the Treasurer of Sergeants'-Inn, in reference to that society sending representatives to the Council of Law Reporting in pursuance of the Bar scheme:—

"11, New-square, Lincoln's-Inn, May 11, 1867.

"MY LORD—Understanding that your Lordship has intimated your intention of moving, on the 1st day of Trinity Term, that Sergeants'-Inn do send two representatives to the Council of Law Reporting to act with the members already appointed to represent the several Inns of Court and the Incorporated Law Society, I beg to submit the following statement for the consideration of your Lordship and the other members of Sergeants'-Inn, in the hope that the society will be pleased to co-operate, and give their assistance to the Council in carrying out a useful reform, now recognised and appreciated by the profession. The society will remember that the scheme under which the Council is constituted emanated from a committee appointed by the Bar. The evils of the old system were—First, the multiplicity of the reports; there being no less than fourteen of the so-called authorized reports, the *Law Journal*, and four of the weekly series, which entailed both expense and labour upon those who had to administer and advise upon the law. Secondly—That the reports were brought out independently of one another, and without proper supervision, the consequence being that many cases that should never have been reported found their way into them, and it was not unusual to find four or five reports of the same case differing so materially from one another as to render the decision wholly worthless as an authority, and obliging the judge to disregard it altogether. These grave defects, felt by the Bar alike, it was the object of the scheme to remedy, and the Council have endeavoured, in spite of some opposition (the motives of which it is not for me to examine), to give effect to the wishes of the profession, and to carry out the scheme; and much practical good has already resulted from the introduction of the new system, for since that introduction the whole of the so-called authorized reports, with one exception, that of the Court of Queen's Bench, have ceased, so far as future cases are concerned, or have been placed under the supervision and control of the council. Two of the weekly series—viz., the 'New Reports' and the 'Jurist,' have also been discontinued, and reports that cost the profession upwards of £20 can now be had for a subscription of £5 5s. The scheme contemplated giving compensation to existing interests, and the council, with that view, have appointed old reporters on their staff. Although the 'Law Reports' have been in existence hardly two years, there are already nearly 4,000 subscribers, with every prospect of a greater increase. The council feel it to be of very great importance to have the co-operation of Sergeants'-Inn, the presence of whose representatives would consolidate their body, strengthen their hands in the control of those acting under them, and enable them also to be incorporated, by which the system may become a permanent institution. I venture, therefore, respectfully to express the hope that the Society of Sergeants'-Inn will give that co operation, and join with the other law societies in assisting the council to give a proper record of the Case Law of the country worthy of those high and eminent persons who have to administer it, and thereby confer a benefit, as well upon those who have to advise, as of the suitor whose interests are affected by that law.—I have the honour to be, your obedient and faithful servant,

(Signed) "ROUNDELL PALMER, Chairman.

"The Right Hon. the Lord Chief Baron."

"1, Sergeants'-Inn, Chancery-lane, May 28, 1867.

"MY DEAR SIR—I have the satisfaction to inform you that, at our 'Green Cloth' last evening, the Lord Chief Baron's motion, that this society shall send two representatives to the 'Council of Law Reporting,' was, I may write, almost unanimously agreed to. Our representatives are, I have to inform you, Mr. Sergeant Hayes and Mr. Sergeant Pulling. Shou'd the council require further explication be pleased to address me as above.

(Signed) "E. S. BAIN, Treasurer.

"James T. Hopwood, Esq., Secretary to the Council of Law Reporting."

COURT OF EXCHEQUER—THURSDAY.

SLADE *v.* SLADE.

The Slade Baronetcy case has at last reached the close of its first stage, but the Court of Exchequer, being equally divided, has pronounced no formal judgment. In accordance, however, with a well-known custom, the opinion of the junior Baron is understood to be withdrawn, and an appeal will doubtless be carried up to the House of Lords.

Mr. BARON PIGOTT, being the junior judge, first delivered his judgment. Having observed that the court had cast upon it in this case the duty both of judge and jury, he said the question was whether when Miss Mostyn married the late Sir Frederick William Slade in December, 1833, she was the wife of Carl von Kœrber by a valid marriage according to the Austrian law on the 6th of October, 1825. In his view that question involved not so much the doctrine of presumption as of the sufficiency of evidence, and he thought it safer to rest his judgment upon the evidence than upon presumption. The marriage of 1833 was said to to be invalid—first, because there had been no due publication of banns; secondly, that the priest who performed the ceremony was not competent to perform it. He assumed that, according to the Austrian law, the publication of banns was necessary, and that there must be six weeks' residence

in the parish before publication. It could not be doubted that it was the intention of all the parties that the marriage should be valid, and not a mere sham. Von Kœrber would benefit by it socially and pecuniarily, and there were very peculiar reasons why both Mrs. Mostyn and her daughter should wish the marriage to be real and binding. It could not be supposed that the mother wished her daughter to live in adultery with Von Kœrber, or that the priests, Zerbi and Nagy, would knowingly have been guilty of any breach of duty. The conduct of all the parties concerned was strongly in favour of the due publication of the banns, and there was no reason to think that they were ignorant of the requirements to be fulfilled in the matter. He also thought that all the surrounding circumstances pointed in the direction of a due publication. The only living witness on this point was Lady Slade herself, and it was impossible not to see that, without any intention to speak untruly, her evidence was erroneous in some important particulars. Having examined at some length the evidence as to the question of residence, the learned baron said Lady Slade was contradicted by the "exhibits" to which he attached great weight, especially the certificate of Zerbi, addressed to Feld Superior Nagy, stating that there was no impediment, civil or canonical, to the marriage, and the copy of the registration of the marriage signed by Nagy, who performed the ceremony. He could not conceive that these two priests, who were entire strangers to both of the parties, would have incurred liability to punishment or suspension from office without any conceivable object, or from sheer indifference. Zerbi appeared to have been a most conscientious priest, but his certificate would not be true if the banns had not been duly published. Upon these grounds he thought the irresistible inference from the facts was that the publication of the banns, which was an essential element in the validity of the marriage, was not lost sight of, and that they were published in the proper manner. With regard to the second point—the competency of Feld Superior Nagy to perform the marriage ceremony—there was a direct conflict of evidence amongst the skilled witnesses as to the effect of the Austrian law on the subject, and the court must determine the question for themselves. His lordship then referred to the Austrian code, and said he came to the conclusion that Nagy was the "curator animarum" of the bridegroom, and was therefore competent to marry the parties, and showing that if he were not so, he could not help thinking that the marriage would have been questioned years ago. He had not arrived at this opinion without anxiety and regret, and should rather have desired that the acknowledged son of the late Sir Frederick Slade had been held to be his heir, but he was not able to regard the case in any other light than he would have done had there been children of the Kœrber-Mostyn marriage, and the question of the legitimacy had arisen. It was, therefore, with much regret that he pronounced his judgment upon both points in favour of the plaintiff.

Mr. BARON BRAMWELL, remarking that the question had to be decided entirely as a matter of fact, said it was clear both parties wanted to be married, and that there was no impediment to the marriage, and no opposition to it by parent or relation—on the contrary, Mrs. Mostyn approved of and gave her assent to their union. There was nothing clandestine, nothing hurried about the affair—everything was open and straightforward, the ceremony took place in a public church, in the presence of many persons, and it was preceded by a marriage contract, executed in a formal manner. Nevertheless, it was said that through some blunder or ignorance the parties, who clearly intended to be married, were not married. The defendant's case depended upon the evidence of his mother, Lady Slade, and even if her answers were all straightforward and uncontradicted in every respect, he did not think it proved that the banns had not been duly published. But the documents connected with the marriage contradicted her on most material points, and he felt he could not rely upon her evidence. In short, the conduct of all the parties was inconsistent with the case set up by the defendant, and with all the desires and wishes of the contracting parties. He was satisfied that the objection as to the banns failed in fact. The learned judge, next dealing with the second question, expressed his opinion that Nagy was competent to perform the marriage ceremony. For these reasons he thought that the objection to the validity of the first marriage had not been sustained; that it failed, in fact, and that, consequently, the second marriage was null and void; that the plaintiff had established that the late Sir Frederick Slade had left no issue male, and that he was therefore entitled to the judgment of the court.

Mr. BARON MARTIN went at great length over the evidence of Lady Slade with respect to the publication of the banns, and said he thought she had not only spoken the truth, but had been corroborated in a remarkable manner by the documents in the case. His sincere and firm belief was that the banns had not been published, and he thought that this fact was known to Nagy when he married the parties. That being so, an essential element, according to the Austrian law, to the validity of the marriage of 1825, was wanting. With respect to the competency of Nagy to perform the ceremony he expressed some doubt, but said he was of opinion that Zerbi, the priest of St. Babyla, had given him no delegation to perform it. Mr. Baron Martin speaking for himself alone, protested against a case of this kind being brought before a court of law again, observing that a jury was the legitimate tribunal to decide matters of fact, and that when judges of the superior courts had to determine them, they often took different views. He believed that why the decisions of juries upon facts were deemed satisfactory was because they gave no reasons for their conclusions (laughter). He was of opinion that defendant was entitled to the judgment of the court.

The LORD CHIEF BARON lastly delivered judgment. He was of opinion that the Milan marriage ought not to be assumed invalid until it had been adjudged to be void by a competent court of jurisdiction in Austria, and pointed out the difficulties which might arise if such a proposition were adhered to in the event of war breaking out between England and Austria, or a revolution taking place in the latter country. With respect to the publication of the banns, he thought that Lady Slade's evidence was not shaken in any material point, and that, looking at the dates, it was absolutely incredible that Zerbi could have been a party to their publication. He was also of opinion that by the Austrian law the due publication of banns was essential to the validity of a marriage. His lordship's judgment on the subject of the banns was very long and very elaborate, and dealt in an exhaustive manner with the whole of the facts and law applicable to it. The conclusion at which he arrived was, that there had been no publication of banns, and no dispensation for their non-publication. With respect to the competency of Nagy, he felt great difficulty in arriving at the conclusion that a Roman Catholic priest could, under any circumstances, be the *parochus* or *curator animarum* of a Protestant; but the evidence went to show that such had unquestionably been the practice in Austria. As to the parties to this suit, he said each of them was entitled to the respect, sympathy, and cordial commendation of the court for the upright and honourable course they had both adopted before and after the contest toward each other; and if he were permitted to express a wish beyond the limits of the case, that wish would have been that it should have, if possible, been brought to some just, fair, and amicable termination. He, however, had no choice but to say that, in his opinion, the defendant was entitled to the judgment of the court in his favour. As they were equally divided in opinion, the court would pronounce no judgment; but if the plaintiff desired it, with a view to an appeal, Mr. Baron Pigott would withdraw his judgment, and judgment would be given for defendant.

It was agreed between counsel that the plaintiff should say before the end of the term what course he would adopt.

NOTES OF ENGLISH DECISIONS.

(From *The Law Times*.)

WILL—PRESUMPTION OF DEATH.—The burden of proof that a devisee died before the testator is upon those who set it up. In the absence of such proof the presumption will be that he outlived the testator. Therefore, where B., residuary legatee under a will, was last heard of as alive in 1854, and the testator died in 1860, and his residuary estate became divisible in 1867, his personal representatives were

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held to be entitled to the legacy, the presumption being that he survived the testator, but was dead in 1867: (*Re Benham's Trusts*, 16 L. T. Rep. N. S. 349. V.C. M.)

MORTGAGE OF COMMISSION IN THE ARMY—PRIORITIES.—Army agents become, on the sale of a commission, and after the purchase-money is in their hands, trustees of it from the moment at which the retirement of the vendor, and the appointment of another officer in his stead, is published in the *Gazette*; and where there are several incumbrancers on the purchase-money arising from the sale, the one who gives notice to the agents first after the time of the publication is entitled to priority over the rest. From the period at which the agents so become trustees of the fund, they hold it in trust, first, for the War-office; secondly, for those incumbrancers on it who have given notice of their claims since the time of publication in the *Gazette*, according to their priorities; and, thirdly, for incumbrancers who have given no notice of their claims: (*Earl of Suffolk* v. *Cox*, 16 L. T. Rep. N. S. 374. M.R.)

LEASE—COVENANT.—A lease contained a covenant that lessee should not, during the term, erect any new building or erection without the consent of the lessor. He erected a greenhouse and conservatory in a kitchen-garden without such consent, for which breach of the covenant the lessor brought an action of ejectment. The Court granted an injunction to restrain him: (*Haigh* v. *Waterman*, 16 L. T. Rep. N. S. 375. V. C. W.)

WILL—ACCUMULATIONS.—A testator bequeathed a sum of £2,000, the amount of a policy of insurance on his life, "and all bonuses and other sums of money now or hereafter to be added thereto," upon trust for his wife for life, and upon her death to apply the annual proceeds for maintenance and education "of such of his children as should for the time being be under the age of twenty-one years; and on his youngest child attaining the age of twenty-one years, if his wife should be then dead, and if not, then on her decease to pay and divide said principal sum of £2,000, and all bonuses and accumulations thereof, unto and amongst all his children then living, and the issue of such of them as should be then dead." The wife died in 1859. The youngest child attained her age of twenty-one in April, 1865. A sum of £644 13s. 8d. had accrued by way of dividends on the investment of the £2,000 and the bonuses on the policy: Held, that the interest and bonuses were divisible amongst such of the children as were for the time being under age until the youngest child attained her age of twenty-one: (*Re Oram's Trusts*, 16 L. T. Rep. N. S. 376. V. C. W.)

COSTS—FIXED SALARY.—An agreement with a solicitor to act exclusively for a corporation at a given salary per annum as their solicitor, is not against the policy of the Solicitors' Act (6 and 7 Vict., c. 73), s. 32: (*Galloway* v. *The Corporation of London*, 16 L. T. Rep. N. S. 407. V. C. W.)

DISCRETION OF TAXING MASTER.—The discretion exercised by a taxing master in allowing certain fees to counsel, and other similar charges, will not be interfered with unless fraud or gross negligence are alleged and proved: (*Ibid.*)

RAILWAY — REINVESTMENT — COSTS. — Where it was sought to reinvest a fund in court, a portion of which had been paid in as purchase-money of lands taken by the Crown, and two remaining portions, on account of lands taken by two railway companies, it was ordered that the costs, which were to be borne equally by the companies, should not be increased by reason of the fund exceeding the amounts paid into court by the companies: (*Attorney-General* v. *Mayor and Corporation of Rochester*, 16 L. T. Rep. N. S. 408. V. C. M.)

EQUITY PRACTICE — DEPOSITIONS. — Before notice of motion for decree was given, or replication filed, witnesses were subpœned by the plaintiff to attend before the examiner, notice of the appointment being served on the defendant, who, by counsel, attended and objected to the course pursued as irregular, inasmuch as issue was not found and evidence could not be taken *ex parte*, so as to make the depositions affidavits. It was held that the case fell within sect. 40 of 15 & 16 Vict., c. 86, and a motion to take the depositions off the file for irregularity was refused with costs: (*Coles* v. *Morris*, 16 L. T. Rep. N. S. 408. V. C. M.)

UNREVERSED CONVICTION—MALICIOUS PROSECUTION.—The fact of there being no appeal from a conviction does not create a cause of action upon an unreversed conviction: *Basebe* v. *Matthews*, 16 L. T. Rep. N. S. 417. C. P.)

PRACTICE—HEARING "CASE STATED."—The court will not order a case stated under 20 and 21 Vict., c. 43, to be struck out because the intervention of days on which the offices of the court are closed has rendered it impossible for the appellant to transmit the case in time. Nor is it a condition precedent that the case shall be transmitted in the time limited by the Act. The words of the Act are directory, and the court may in its discretion refuse to deprive a suitor of his right of appeal, when he had done all in his power to comply with statutory requirements: (*Re Mayor* v. *Harding*, 16 L. T. Rep. N. S. 429. Bail.)

WHAT AMOUNTS TO ORAL DEFAMATION.—Saying to a policeman, "I give this man in charge for taking from me £45; take him into custody," was held not to amount to slander or to false imprisonment under the circumstances of the particular case: *M'Clean* v. *Greening*, 16 L. T. Rep. N. S. 433. Martin, B.)

DIVORCE—PRACTICE.—On a petition of alimony *pendente lite* by the wife, the husband is required by the ordinary practice of the court to furnish particulars of his income, but such rule or practice is not absolute. If the wife has a separate income sufficient to maintain her in the position to which she has been accustomed, the court will not be disposed to order the husband to furnish particulars of his income with a view to the allotment of alimony, more especially if the investigation into his circumstances would tend to the husband's detriment :(*Blackburne* v. *Blackburne*, 16 L. T. Rep. N. S. 435. Div.)

TRADING.—Paying workmen by charging them for tools and gunpowder for blasting does not constitute a trading.

The bankrupt also required iron troughs, &c., for the erection of certain buildings which his lease authorized him to raise, and having some spare iron he agreed with the builder he employed that it should be used about the building. This was held not to constitute trading to support an adjudication: (*Re Cleland*, 16 L. T. Rep. N. S. 403. Ch.)

THE ADMIRALTY JURISDICTION BILL.

The following is the petition which has been presented to the House of Commons, on behalf of a large number of members of the English Bar and special pleaders, in opposition to the proposition contained in the Lord Chancellor's Bill for conferring an extended jurisdiction upon the Court of Admiralty and the County Courts:—

"That your petitioners are informed that there is now before your honourable House a Bill having for its object the extension of the jurisdiction to the High Court of Admiralty, to all matters relating to marine insurance, and to all contracts and affairs connected with shipping generally.

"That your petitioners believe that it is highly inexpedient to deal with the subject of the jurisdiction and procedure of the Superior Courts by piecemeal."

"That there has been for some years a growing feeling on the part of the public and the legal profession in favour of a general reform of the jurisdiction and procedure of all the Superior Courts, which should confer upon all a general and uniform jurisdiction in the administration of the laws of the realm, furnishing them at the same time with various kinds of machinery applicable to the details of the various subject matters coming before them.

"That in our opinion the more general the jurisdiction of the Superior Courts is, and the less it is confined to special subjects, and limited modes of procedure, the more philosophically will the law be administered.

"That the existence of special jurisdictions with their own peculiar procedure, and technical rules and doctrines, whilst it probably tends to the cultivation of greater skill and dexterity in some points, undoubtedly tends at the same time to the creation of narrowness, uncertainty, and confusion in the law taken as a whole, and obstructs all progress towards a philosophical jurisprudence.

"That in order to deal in a satisfactory and permanent manner with the whole subject, it is desirable to have a full investigation before a Royal Commission.

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"That the High Court of Admiralty is governed by principles and doctrines of Law, and by a mode of procedure and precedents, entirely different from those of the Superior Courts of Law, and has also a different court of ultimate appeal.

"That the present tribunals in which the law relating to mercantile affairs is administered by juries of experienced commercial men presided over by judges of the Superior Courts have gained the entire confidence of the mercantile community, and the respect of foreign jurists, as well for the soundness and uniformity of legal decisions as for the ease and elasticity with which they adapt themselves to the gradually changing usages and exigencies of mercantile affairs.

"That it is highly undesirable and retrograde to adopt any reform tending to perpetuate the special jurisdiction and doctrines and procedure of the High Court of Admiralty.

"That assuming the desirability of a further subdivision of the circuits, and of conferring upon local tribunals in seaport towns a more extensive jurisdiction in matters relating to shipping; assuming also the necessity for strengthening as well as economising the power of the judicial bench, a preferable course with a view to future reform would be to abolish the High Court of Admiralty, and to transfer its jurisdiction and all its powers to the existing courts of law, and to appoint additional judges to the Superior Courts of Law at Westminster.

"We therefore humbly petition your honourable House not to pass the said Bill."

The following is a petition signed by merchants and others interested in maritime questions which has yet to be presented to the House :—

"That your petitioners are informed that there is now before your honourable House a Bill having for its object the extension of the jurisdiction of the High Court of Admiralty.

"That the 5th clause of the said Bill provides that, 'The High Court of Admiralty of England shall have jurisdiction over any claim arising on any charter-party, bill of lading, or other contract respecting the use or hire of any ship, or the carriage of goods therein as between the immediate parties to such contract, or as between the owner of the ship and any person claiming through or under any such party, and over any claim concerning any ship or goods relating to freight, insurance, demurrage, average (general or particular), or short delivery of or damage to cargo, and generally over any claim of a civil and maritime nature, relating to any ship, or to the goods carried therein.'

"That by the 9th clause it is provided that a like jurisdiction should be conferred upon the County Courts where the amount in dispute does not exceed £500.

"That there has been for some years a growing feeling on the part of the public and the legal profession in favour of a general reform of the jurisdiction and procedure of all the Superior Courts, which should confer upon all equal and uniform jurisdiction in the administration of the laws of the realm, and at the same time full powers to apply to the various classes of cases the particular process and machinery necessary and suitable to do complete justice between the parties.

"That the existence of special jurisdictions with their own peculiar procedure and technical rules and doctrines, whilst it probably tends to the cultivation of greater skill and dexterity in some points, undoubtedly tends at the same time to the creation of narrowness, uncertainty, and confusion in the law taken as a whole, and obstructs all progress towards a philosophical jurisprudence.

"That the High Court of Admiralty is governed by principles and doctrines of law, and by a mode of procedure and precedents entirely different from those of the Superior Courts of Law, and has also a different court of ultimate appeal.

"That whilst there is much that is valuable and worth preserving in the doctrines and process of the High Court of Admiralty, it is undesirable to deal with the reform of the jurisdiction and powers of the Superior Courts by piecemeal, and that in order to deal with the subject in a permanent and satisfactory manner it is desirable to have a full investigation before a Royal commission.

"That it would be desirable to investigate before such commission the best mode of simplifying the procedure and insuring the speedy and regular dispatch of business in the Superior Courts of Law, and of conferring upon these courts the useful parts of the powers and process of the High Court of Admiralty; and lastly, of conferring upon local courts in seaport towns further powers in matters connected with shipping.

"We, therefore, humbly petition your honourable House not to pass the said Bill."

CORRESPONDENCE.

To the Editor of "The Irish Law Times."

THE RECORD OF TITLE ACT.

(*Fourth Letter.*)

A living philosopher has said, "whoever points out the rocks and shoals with which our course is beset, does us a service which may be all the greater because we are not terrified thereby into renouncing the voyage." Fair and well-reasoned criticism is especially admissible in the case of new legislation; for its dangers, if hasty and ill considered, may be considerable. But our gratitude to the timorous navigator will be vastly lessened if we find that he is uttering alarming warnings of rocks and shoals which only exist in his own imagination.

When we call to mind the fact that, with few exceptions, all past and present measures of law reform, however supported by reason or justified by experience, have been strenuously objected to by a proportion of the really well-informed in legal matters, we can hardly wonder that the public out of doors entertain a belief that the legal world has what the above quoted philosopher describes as "a professional interest in the expensiveness and unintelligibility of the law." Did I concur in this view, I should not further seek to occupy the columns of your valuable journal with the subject; but as I firmly believe that while the profession are not to any great extent acquainted with it, they are, for the most part, quite open to conviction, I am induced to prolong the correspondence. Little remains to be said on the points put forward by Mr. Dix. The well meant recommendation contained in my last letter that those who dislike the method of recording or perpetuating Parliamentary Titles should acquaint themselves with its details, has failed of effect so far as he is concerned. Were he as anxious to understand, as he is to find fault with, the system, he could hardly have used words conveying the idea that the Recorder of Titles has authority to correct any error which may be discovered on the Record. Under section 17 of the Act (28 & 29 Vic., c. 88) every amendment, or correction, must be made by direction of the Court. It is not to be expected that a judicial act of this importance should be done without ample notice to any person interested, or that the rights of any *bona fide* purchaser for value should be disregarded. Again, in the case quoted of a small portion of a large property being removed from the Record of Title, on the occasion of the whole being put in settlement, there is not a shadow of pretence for the statement of Mr. Dix, that this was the "only safe course" to take; for, as I have before shown, the property, although in settlement, might have been recorded in the names of the trustees. Nor is there any reason to doubt that the Court, on an application by any party interested under the settlement, would, whether the trustees were recorded or not, by stop-order, or in some other mode, take steps to prevent any improper dealing with the property by the limited owner. Mr. Dix might have been justified in saying that, under the circumstances, to record a small portion of a settled estate would be inconvenient, but he is not justified in stating that to do so would be unsafe. I might also complain of Mr. Dix's habit of taking some one illustration brought forward in support of a general maxim or proposition, and limiting his argument to it while ignoring the proposition which it supports, as though a rule might not be supported by examples varying in detail. Thus where he objected that publicity is required in certain cases before a transmission of real estate can be recorded, and in reply I referred him to the growing usage of advertising for claimants where there is a devolution of personal estate, he rejoins that the advertisement is of a different kind—for-

getting that the point at issue is the publicity, and not the form, of an advertisement. Again, in reply to the imaginary grievance of a recorded owner being in the position of a suitor, merely because his acts are recorded by an officer who is under the control of a Court, I pointed to numerous dealings with property which are registered in Courts. Mr. Dix thereupon makes the discovery that an enrolment in Chancery, or in the C. P., is distinguishable; further, that it is unobjectionable, because once done it is done for ever. Here, again, he is wrong—for the law Reports contain numberless decisions as to the amending and vacating of these enrolments and other entries. But I may, with even greater justice, complain of Mr. Dix's attempt to put me in conflict, so to speak, with both branches of the profession. This rhetorical artifice will hardly succeed; for I have not in my former letters written one word implying any doubt either of the learning of the bar or of the honour of the solicitors, and I have the highest possible appreciation of both.*

So much for the objections of Mr. Dix; and perhaps I have considered them at unnecessary length, having regard to this fact, that they do not touch the essential and distinguishing merit of a Registry of Title. Difficulties will be met with (and overcome) in working out the system; but its great result of collecting together, under one folio, all the acts relating to one title remains unassailed. When the Incumbered Estates' Act was passed, there were objections precisely similar urged against it; Parliamentary title was, we were told, new-fangled and unsafe—existing systems (if a good deal amended) were sufficient—the "poor remaindermen" and the absentees would be injured. All this many of us will remember; but we have seen that with caution and with publicity the system has worked with remarkable freedom from error, and with great public advantage. The Record of Title may be described as its natural development rather than as anything new—for it is conducted on similar principles, and under similar control. If complications of title can be safely cleared off, it is reasonable to conclude that they can be safely prevented from arising. So long as the title is straightforward, the mechanism of the new office will suffice, without recourse to the Court. When something occurs which that mechanism is not adapted to deal with, or, in other words, when a difficulty begins to arise on the title, then, and not till then, there will be a reference to the Court which is familiar with all questions that can arise on titles, and can exercise all the powers of a Court of Equity in disposing of them. A very eminent London conveyancer, while discussing the various plans for registering titles, aptly compared this power of reference to the Court to a "safety valve." The Court is not, it is true, bound to decide every question that arises, but may, under section 11 of the Act, reserve any question by putting a "caveat" or a "qualification" on the Record. In this way the rights of absent and unrepresented persons will be saved. Under the present system a lender or purchaser will most probably be unaware of a flaw until it is too late. But whoever deals with a recorded owner, on the contrary, will have distinct notice, not only of the existence, but of the exact nature of any flaw or "qualification." His position is, therefore, assured. So far as experience of the system has gone, both in England and Ireland, a "qualification" is a very rare thing—absolute and unqualified, as well as indefeasible ownership existing in almost every instance.

Questions are frequently put as to (1) Custody of Deeds. (2) Practice of Conveyancing under the Record of Title Act. I shall proceed to explain both these points.

(1) The Original Conveyance from the Court is entered on the Record of Title, under section 8; but it is usual to have conveyances executed in duplicate. The extra expense of a duplicate conveyance does not, exclusive of the cost of a map, if any, exceed a few shillings, and in fact amounts to less than the expense of a Certificate of Title, inasmuch as the latter is not printed. The duplicate is duly stamped as such, and is retained by the purchaser, who must, however (sec. 19), produce it at the office whenever the estate is dealt with. Where no duplicate has been executed to him, the owner may at any time obtain from the office a sealed certificate, which is (Section 21) conclusive evidence of his title. If any instrument of title should be lost, an application to the Court on affidavit will be necessary before a new one can be obtained.

With regard to all subsequent deeds affecting the title, they should, immediately after their execution, be produced in the office, in order that an entry may be made on the Record. It is not required that the originals of all such deeds should be deposited in the office. If required, or likely to be required elsewhere, or if relating to other property, the proper course will be to have them executed in duplicate, or else to have a printed copy made for lodgment in lieu of the original. No memorial or abstract of any deed is required to be made by any person who brings in a deed to be entered on the Record. On production of the original instrument, a note of its date, contents, &c., is made by the officer, and entered on the Record. As far as recorded land is concerned it is absolutely useless to register any such deed in the Registry of Deeds. If the deed, however, relates to property *not* on the Record of Title, it will, of course, be proper to register it in the usual way.

(2) Some persons have supposed that all deeds affecting recorded estates must be in the extremely brief form appended to the Act. This is not the case, the forms being (like that appended to the Landed Estates' Court Act), apparently intended as suggestions or models suitable only for the simplest possible cases. Persons who prefer short deeds, and are transferring or charging fee simple estates, may use the forms, for they are effectual and sufficient. In any case of a charge or mortgage, however, it will be advisable to add a short covenant for repayment; and in the case of house property, a covenant to insure against fire may also with advantage be added. The use of the short forms appended to the Act is, it seems, optional; for any deed or instrument whatever, and in whatever form prepared, may be presented at the office; and if the officer is satisfied as to its due execution, he (after giving notice to the owner, unless the latter be represented by a solicitor) will proceed to enter it on the Record, under the proper folio. The officer is entitled to call for the fiat of a judge, if the instrument be not one which he considers properly receivable without such direction.

It seems that a very small proportion of the deeds hitherto executed have been executed at the office under sec. 27. The owners usually execute instruments at their own homes, or at least in their own localities, and in presence of their own solicitors. The solicitor who witnesses the deed endorses an affidavit of due execution, which is sworn in the usual manner, and the deed is sent up to the office (by registered letter or by hand) to be entered on the Record of Title. For obvious reasons these deeds usually relate to the recorded property only; and there is, therefore, no objection to their being permanently deposited in the office, as they can hardly be wanted elsewhere for any purpose. There have been instances of mortgagees insisting on the retention in their own hands of the original deed of charge, and in such case the deed of charge has been executed in duplicate. The deed of charge is, beyond doubt, of no greater legal value to its holder than the "certificate of charge" provided by sec. 18 of the Act; but the intention of the Act in this, as in other points, seems to be rather that the most simple and effectual methods of carrying out dealings should be provided, than that their use should be made compulsory. It was evidently not intended by the Legislature that the practice of conveyancing should be revolutionized; for the novelties in conveyancing, either as regards form or manner of completion, are optional. There is considerable latitude allowed in all such matters, while there is, on the other hand, the utmost strictness required as to the essential point of the whole system, viz.—that every act or dealing shall be recorded in the folio of the record allotted to the particular estate.

I am, Sir,
Your obedient servant,
LEGULEIUS.

* Mr. Dix is welcome to any amusement which the prospect of loss to others, caused by mistakes in the new system, may afford him; and he certainly deserves the appointment of solicitor to his projected Company (Limited) for assurance against them; perhaps he will accept a hint that the prospectus of his new Company might usefully be enlarged by assuring against other casual injuries which might befall owners of property, such as loss of title deeds, defaults of agents, &c.

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NOTICES OF NEW BOOKS.

"*Abstracts of Title: their Preparation and Examination, with Practical Notes on the consideration of the Title, to which are added Definitions of some of the principal Estates in Land.*" By THOS. TIGHE MECREDY, Solicitor. Dublin: Hodges, Smith and Co., Grafton street. 2s. 6d.

The above is the title of one of the most useful books connected with the *real* practice of the legal profession that has been published in Ireland for a considerable time. The preparation of an Abstract of Title by the Solicitor of a vendor or borrower, and the examination of that Abstract by the legal advisers of the purchaser or lender, are the frequent and possibly the most responsible duties of the profession, and in no ordinary degree they task its patience, industry, and acuteness. Until the appearance of Mr. Mecredy's book there was no work that presented (to use his own words), "in a compendious form for facility of reference, a general view, not only of the proper order and manner of preparing an Abstract and of examining it, but also of some of the considerations generally arising from such preparation and examination, and of the elementary learning bearing on the subject." The Bar, who, in the pages of Sugden and other great lawyers, whose works are always found in the public and private libraries of that branch of the profession, can find full instruction and ample directions to guide them in the perusal of Abstracts, will, we venture to think, read with pleasure and profit the third part of the present work, which is peculiarly conversant with their duties. The other branch of the profession, however, has by no means the same facilities as the Bar for referring to law books to assist it in the discharge of this important portion of its duty—it has long needed a book like the present, which, with great clearness, ease and conciseness, gives all the information that may be required in the preparation and perusal of Abstracts, and supplies valuable directions as to the mode in which those duties should be discharged, so as to secure the protection of all parties interested. The manual must, in its preparation, have occupied a great portion of Mr. Mecredy's leisure for a considerable period, as it evidences throughout the minute and anxious care with which he examined the law, the authorities, and the modern statutes bearing upon the subject, and guarded himself from omitting any essential details, or indeed anything that could tend to elucidate the subject. In a valuable appendix are contained the rules of Descent and a table of Distribution—subjects that require almost daily reference from the practitioner. We have no doubt that the work will be welcomed by both branches of the profession, and we confidently anticipate that it will materially increase the reputation of Mr. Mecredy. It is only due to the publishers to add that no book could have been brought out in better style, and at a cheaper price.

THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

CONSOLIDATED CHAMBER SITTINGS.

Trinity Vacation.

A Judge will sit to hear motions on the following days:—

Day	Judge
Friday, 21st June,	Judge Fitzgerald.
Tuesday, 25th June, Friday, 28th „	Judge O'Hagan.
Tuesday, 2nd July, Friday, 5th „	Baron Hughes.
Tuesday, 9th „ Friday, 12th „	Judge George.
Tuesday, 16th „ Friday, 19th „	Judge Morris.
Tuesday, 23rd „ Friday, 26th „	Baron Deasy.
Tuesday, 30th „	Judge O'Brien.

Long Vacation.

Day	Judge
Friday, 9th August, Tuesday, 20th „ Friday, 30th „ Tuesday, 10th September, Friday, 20th „ Tuesday, 1st October, Friday, 11th „ Tuesday, 22nd „	Judge Morris.
Friday, 25th „	Judge O'Brien.

THE IRISH COURT OF EXCHEQUER AND THE TREASURY.

COURT OF QUEEN'S BENCH, ENGLAND.

(Before the LORD CHIEF JUSTICE, Mr. Justice MELLOR, and Mr. Justice SHEE.)

The Queen *v.* The Lords Commissioners of the Treasury.

LONDON, MONDAY, JUNE 10.—Mr. Raymond moved for Mr. Thomas Frederick Yeo, assistant in the Rules-office of the Court of Exchequer in Ireland, for a rule calling upon the Lords Commisioners of the Treasury to show cause why a writ of *mandamus* should not issue commanding them to give such directions as are required by law for paying to Mr. Yeo the sum of £109, being the arrears due to him of his salary of £550. The question in the case turned upon the construction of an Act of Parliament, under which a reconstruction of the Irish Common Law Courts was effected. In one of the schedules to the Act it was set forth that a Clerk of the Rules had been appointed at a salary of £600, an Assistant at £350, and an office clerk at a smaller salary. The last office was exercised by Mr. Yeo. By a provision in the Act the Lords Commissioners were allowed to increase the salaries of these officers upon certificate from the judges. The Lord Chief Baron (Pennefather) and Mr. Baron Greene certified to the Commissioners, in 1850, that the salaries were inadequate, and the Commissioners increased Mr. Yeo's salary to £300, and the assistant-clerks to £500. At that time Mr. Cooper was assistant, and Mr. Yeo was the junior, with the reversionary right of promotion, unless the judges of the court reported that such promotion should not take place. In August, 1854, the Lords Commissioners issued a Minute, in which they stated that, as regarded future appointments, the salary of the assistant-clerk of the Rules should be, not £500 a year, which Mr. Cooper was then receiving, but the reduced salary of £350, to be increased by £20 a year, to £500, at which it was to remain.

The Lord Chief Justice—That was to relate to future appointments.

Mr. Raymond—It was.

The Lord Chief Justice—Was the Minute founded upon any report of the judges?

Mr. Raymond—No, my lord. That is the point in the case. The Minute was made by the Commissioners of their own motion, and upon its validity the present case will in a great measure turn.

Mr Justice Mellor—The Minute reduces the salaries which had been increased by the report of the Barons of the Exchequer. The Barons recommended that Mr. Cooper's salary should be £600, but the Commissioners said no, we will give him £500.

Mr. Justice Shee—The salary was thus reduced without any report from the Judges.

Mr. Raymond—That is so. The statute clearly in this matter places the Judges between the Commissioners and the officials. In April, 1863, a certificate was forwarded to the Commissioners by the Lord Chief Baron and the other Barons respecting the Treasury minute, in which they stated that they still adhered to their opinion that the assistants' salaries should be £550, and the juniors £300.

Mr. Justice Mellor—It seems to me an important feature in the case that when the Treasury minute was made, the office was full.

Mr. Raymond—It is so, my lord; and it is also important that Mr. Yeo succeeded Mr. Cooper by seniority, as

contemplated by the Act of Parliament. The Barons again say that the salary ought to be raised to £600. The Lords Commissioners of the Treasury thereupon directed that the Lord Chief Baron should be written to, to the effect that their certificate had been attentively considered, and that the allowance mentioned should be sanctioned during the tenure of office of the then official, but was not to be continued to his successor. The salary then became £550. Mr. Cooper retired from his office on the 16th of January, 1865, after forty-one years' service, receiving his full pension, and on the same day Mr. Yeo succeeded him, and naturally expected to receive the same salary. The Commissioners then sought to put their minute into effect, and in this state of things the Lord Chief Baron wrote to the Lords Commissioners of the Treasury, stating that he believed the salary was to be reduced, conveying his own and his learned brothers' strong opinion against the reduction, and adding that the Treasury minute was not founded upon any certificate from the judges. The minute proposed to reduce the salary of £550 to £350, which sum was to be increased by £20 per annum. The Chief Baron also stated that Mr. Yeo had succeeded to the office he held after twenty-five years' service, and submitted whether a right so acquired could be taken away by the minute in question.

Mr. Justice Mellor—Your contention is, that without the certificate of the Court the Commissioners have interfered to reduce the salaries, not being empowered by the statute, under the circumstances, to do so.

Mr. Raymond—That is so. When the salary was fixed at £550 in the manner contemplated by the statute, it was not competent for the Lords Commissioners of the Treasury—at all events, in the case of an officer succeeding by right of seniority—to reduce the salary without a fresh minute for the purpose, founded upon the judges' certificate.

Rule *nisi* granted.

COURT OF PROBATE.

In any cause in which the party whose duty it was, under the 50th General Rule, to deliver the issue, and has neglected to deliver same within the period specified in said rule, shall not deliver the same within an eight day notice under the 51st General Rule, on or before Tuesday the 18th inst.; and in any cause in which the party entitled under said 50th General Rule to apply to the Court for liberty to deliver the issue, and has not applied for same, shall not serve a notice for that purpose on or before said last mentioned day, the Judge will not, on the application of any such party, direct the cause to be heard before next term, unless the delay in not having delivered the issue, or in not having applied for liberty to do so, shall be satisfactorily accounted for by affidavit.

In any cause in which any of the parties now entitled under the 51st General Rule, to serve an eight day notice, or a notice of application for liberty to serve an eight day notice, shall serve same on or before Tuesday next, the 18th instant, the Judge will not, on the application of any such party, direct the cause to be heard before next term, unless the delay in not having served such notices shall be satisfactorily accounted for by affidavit.

(By Order) WILLIAM KEATINGE, C. R.

June 13, 1867.

COURT OF PROBATE, DUBLIN.—A return, just issued, gives the salaries of the judge and other officers of the Court of Probate in Dublin at £10,140; incidental expenses, £846; salaries of district registrars in Ireland, £2,000, and of their clerks, £805. Total, £11,791. On the other hand, the amount of fees received in Dublin was £9,243, and by the district registrars, £4,379. Total, £13,622. The largest contributory to this amount was Belfast, which yielded £1,868.

LANDED ESTATES' COURT.—PETITIONS FILED, *from 8th to 14th June*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
June 8	3884	Robert Mickey	*William Martin and another*	Donegal	Not given	*William Martin*	Lynch
June 12	3885	Thomas Spunner	*G. W. Drought and another*	Tipperary	84 13 10	*John Maunsell*	Lynch
"	3886	Susanna Quin, administratrix of Michael Quin, diseased	*Ada O'Brien*	Kildare	Not given	*J. D. Meldon & Son*	Lynch
"	3887	Edward M'Carten	*Wm. J. Davison*	Armagh	Not given	*Wm. A. Simpson*	Dobbs
June 13	3888	Elizabeth Hunter and another	*John Martin*	Dublin	61 16 0	*John Martin*	Dobbs
"	3889	George O'Brien	*Maria Cahill*	Clare	739 6 0	*Michl. Macnamara*	Dobbs

LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before JUDGE DOBBS.

J. W. Maher, allocation. Robert Buchannan, do. Trustees of Edmond Croker, schedule.

Before the EXAMINER.

Trustees of P. J. Blake, rental. Edward Murphy, do. Sir R. G. Bromhead, to draw lots.

Before JUDGE LYNCH.

H. H. M. Wheatley, confirm sale. William Craig, from 13th inst. D. Mortimer, transfer deeds. John Leader, transfer carriage.

Before Mr. URLIN.

E. G. Nolan, schedule.

Tuesday—Before JUDGE DOBBS.

James Egan, schedule. W. and E. Thompson, from 12th inst.

Before the EXAMINER.

F. W. Barron, rental.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

Eliza Smallman—15 lots—Fee—Fee-farm and Leasehold—Tipperary and King's County. Profit rent, £908. Solicitor, *A. Nesbitt.*

Thomas W. Browne—3 lots—Fee—Kildare. Profit rent, £163 10s. Solicitor, *J. Hone.*

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A. H. Slator—1 lot—Fee—Longford. Profit rent, £405 9s. 4d. Solicitor, *A. Dudgeon*.

Rev. Thomas Smyth and others—1 lot—Cork. Profit rent, £11 1s. 6d. Solicitor, *J. T. Hinds*.

M. O'Connor—1 lot—Dublin. Profit rent, £92. Solicitor, *Maxwell and Weldon*.

C. K. Kennedy—2 lots—Fee-farm and Ecclesiastical Lease. Profit rent, £104. Solicitor, *M. Macnamara*.

A. J. Boylan—1 lot—Dublin. Profit rent, £41 1s. 8d. Solicitor, *Thomas Donnelly*.

W. J. Howard—2 lots—Fee—Cavan. Profit rent, £395. Solicitor, *E. Fetherston H.*

Before Mr. URLIN.

Thomas Neale, rental.

Wednesday—Before JUDGE LYNCH.

Patrick M'Donagh, final schedule. R. Andrews and others, do. William Allen and others, do. J. W. Dickinson, do. F. L. Flood, do. F. Le Toler, allocation. P. Downes, do.

Before the EXAMINER.

Nicholas O'Neill Power and another, rental. F. Duncan, to vouch. Assignees of Scott, do.

Before JUDGE DOBB'S EXAMINER.

James Barrett, rental. C. L. Holmes, do.

Before Mr. URLIN.

George Lay, rental.

Thursday—Before JUDGE DOBBS.

Henry Grier, schedule.

Before JUDGE LYNCH.

A. H. Slator, from 16th May. E. Robinson and others, settle lease. R. Robinson, transfer deeds.

Friday—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

James H. C. Smith, 1 lot. James Bourke, 3 lots. R. J. May, 1 lot. John Canny, 3 lots. William Prenter, 2 lots. John Smyth, 1 lot.

Before JUDGE LYNCH'S EXAMINER.

Stephen Sibthorpe and another, rental. B. Irwin, do. Lord Annally, re-entry of rental.

Saturday—Before JUDGE DOBB'S EXAMINER.

J. E. Donelan and others, rental. Adelaide Brennan, do.

LANDED ESTATES' COURT.

SALES.

June 7.—Before the Hon. JUDGE DOBBS.

COUNTY OF LONDONDERRY.—Estate of James Gilmour, owner; Robert Crookshank, petitioner.

Part of the townland of Ballynacallymore and Ballynacallybeg, held for a term of 31 years, from the 1st of November, 1857, containing 197a. 0r. 38p.; estimated profit rent, £92. Sold to Mr. John Adam, in trust, for £850. Solicitors, *Crookshank, Brothers, and Knox.*

COUNTY OF WESTMEATH.—Estate of Bernard Kelly, owner; James Knott, petitioner.

Lot 1. The lands called Moran's Hill Fields, town park adjoining the town of Athlone, held in fee, containing 7a. 2r. 20p.; yearly rent, £19. Sold to Mr. Pigeon for £105.

Lot 2. Premises in North Gate-street, in the town of Athlone; yearly rent, £4 10s. Sold to same for £80.

Lot 3. Ditto; yearly rent, £4 10s. Sold to Mr. J. A. Curran, jun., for £65.

Lot 4. Ditto; yearly rent, £4 4s. Sold to Mr. Thomas Burgess for £55.

Lot 5. Plots of ground, houses, and premises in Dame-street and Lucas lane; yearly rent, £16. Sold to Mr. Robinson for £105.

Lot 6. Houses and premises in Church-street; yearly rent, £6 18s. 2d. Sold to Mrs. Brennan for £100.

Lot 7. Ditto; yearly rent, £18. Sold to Mrs. Brennan for £135.

Lot 8. Ditto; yearly rent, £12. Sold to Mr. Burgess for £90.

Lot 9. Ditto; yearly profit rent, £11 16s. 11d. Sold to Mr. Burgess for £155.

Lot 10. Houses and premises in Victoria-place; yearly rent, £8 15s. 6d. Sold to Mr. Pigeon for £125.

Lot 11. Ditto; yearly rent, £10. Sold to Mr. Pigeon for £200.

Lot 12. A house in Bridge-street; yearly rent, £11. Sold to Mr. Hetherington for £70.

Lot 13. Houses and premises in Strand-street; yearly rent, £2 15s. 4d. Sold to Mr. Hastings for £55.

Lot 14. House and premises in Strand-street; yearly rent, £10. Sold to Mr. Robinson for £66. Solicitor, *F. Davis.*

COUNTY OF GALWAY.—Estate of Roger Dodwell, owner and petitioner; and Roger Dodwell, and Letitia Catherine Dodwell, his wife, owners and petitioners.

The lands of Carrowreagh, held in fee, containing 744a. 0r. 22p., statute measure; yearly rent, £279 5s. 3d. Sold to Mrs. Hannah Charlotte O'Beirne for £150. Solicitor, *W. H. Peyton.*

COUNTY OF THE TOWN OF CARRICKFERGUS.—Estate of Jane Bashford, now deceased, and Charles Peyton, owner and petitioners, continued in the name of Charles Peyton, owner and petitioner.

The farm of land called Bashford's land, including therein the Four Acre Park, containing 65a. 0r. 24p.; yearly rent, £101 16s. 5d., reducible to £91 16s. 5d. Sold to Mr. William Porter for £2,575. Solicitors, *L'Estrange and Brett.*

COUNTY OF DUBLIN.—Estate of Frances Maria Butler.

Lot 1. Houses in Blackrock; net rent, £30 8s. 8d. Sold to Mr. Thomas Higgins for £395. Sale of Lot 2 adjourned. Solicitor, *Robert Birkett.*

COUNTY OF ROSCOMMON.—Estate of Thos. Conolly, M.P., owner and petitioner.

Lot 1. The lands of Cloonounny, containing 1,057a. 1r. 19p., net rent, £274 18s. 11d. Sold to Mr. P. F. Little, in trust, for £5,550.

Lot 2. The lands of Big Callinakill, containing 312a. 1r. 16p.; net rent, £59 18s. 11d. Sold to Mr. Lowry, in trust, for £1,360. Solicitor, *Robert Cooper.*

COUNTY OF DONEGAL.—Estate of Thomas Conolly, M.P., owner and petitioner.

Lot 1. Part of the lands of Lettermacawards, containing 5,496a. 1r. 26p.; profit rent, £333 14s. 7d. Sold to Dr. Charles Deazeley for £3,000.

Lot 2. Part of the lands of Lettermacawards, containing 14,723a. 3r. 9p.; profit rent, £176 9s. Purchased by Mr. Bird, in trust, for £5,230.

Lot 3. The lands of Iniskeel, containing 5,505a. 3r. 16p.; profit rent, £254 5s. 11½d. Sold to Mr. Valentine Ryan for £8,050.

Lot 4. The lands of Knockleitragh, containing 2,576a. 3r. 19p.; profit rent, £111 9s. 3d. Sold to Mr. Thomas Lyle for £3,065. Solicitor, *Robert Cooper.*

COUNTY OF CORK.—Estate of John Roberts, owner and petitioner.

Lot 1. Sale adjourned.

Lot 2. The lands of Carriganumere, containing 571a. 0r. 14p.; net profit rent, £72 4s. 5d. Sold to Mr. Michael Maguire for £1,630.

Lot 3. The lands of Upper Shanballymore, containing 45a. 2r. 19p.; net profit rent, £26 6s. 8d. Same purchaser for £520.

Lot 4. The lands of Lower Shanballymore, containing 33a. 1r. 31p.; profit rent, £39 3s. 4d. Same purchaser for £740.

Lot 5. The lands of Lower Shanballymore, containing 80a.; net profit rent, £102. Same purchaser for £1,870. Solicitor, *John Denehy.*

COUNTY OF DUBLIN.—Estate of Edward Egan, Stephen Egan, William Egan, an infant, by Dr. Egan, his guardian, owners and petitioners.

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Lot 1. House, offices, and premises No. 1 Charlemont-terrace, Kingstown; profit rent, £50. Sold to Mr. Edmond Walsh for £600.

Lot 2. House, No. 2; profit rent, £5. Sold to Mr. Sexton for £65.

Lot 3. House, No. 3; profit rent, £80. Sold to Mr. Thomas Patterson for £750.

Lot 4. House, No. 4; profit rent, £33 2s. 6d. Sold to Mr. Sexton for £450.

Lot 5. House, No. 5; profit rent, £90. Sold to Mr. Walsh for £735.

Lot 6. House, No. 6; profit rent, £92 10s. Sold to Mr. W. K. O'Shaughnessy for £330.

Lot 7. A plot of ground situate at the rere of Charlemont-terrace; profit rent, £30. Sold to Mr. Sexton for £405.

Lot 8. House, No. 1. Victoria-terrace, Kingstown; profit rent, £44 5s. 6d. Sold to Mr. Bradley, in trust, for £250.

Lot 12. Plot of ground at Sutton; profit rent, £3. Sold to Mr. Foley for £40.

Lot 13. Do.; profit rent, £30. Sold to same for £70.

Lot 14. Do.; profit rent, £14. Sold to same for £15.

Solicitor, *Peter O'Shaughnessy.*

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.		
		Before Mr. BRADY, Chief Registrar.		
June 17	12 o'clock	James Fitzpatrick	Prove debts	*Larkin*
"	"	S. & A. Kingston	do.	*Perry*
"	"	H. M. Beck	Take directions	*Meldon*
"	"	The Banbridge Extension Railway Company	Vouch assignee's account	*Perry*
"	"	William Bell,	Prove debts and vouch assignee's acct.	*Lynch*
"	"	Arrangement case	do. do.	*Redington & Murphy*
"	"	Margaret Magee	do. do.	*Molloy & Watson*
"	"	Josh. Sullivan	do. do.	*Perry*
		Tuesday.		
		Before the COURT.		
June 18	11 o'clock	Charles Costello	Final examination	*Kiernan*
"	"	William Healy	do.	*O'Dowda*
"	"	Margaret Magee	do.	*Molloy & Watson*
"	"	John Redmond	do.	*Atkinson*
"	"	J. R. Browne	Charge and discharge	*Lowe*
"	"	The Banbridge Railway Company	Audit and dividend	*Perry*
"	"	Mary Foley	Prove charge	*Leachman*
"	"	Matthew Drysdale	do.	*Goff*
"	"	Arrangement case	First sitting	*Lynch*
"	"	do.	Second sitting	*Perry*
"	"	do.	do.	*Larkin*
"	"	do.	First sitting	*Perry*
"	"	John Cullen	Final examination	*Walsh*
"	"	Michael Curran	Audit and dividend	*Findlater & Collins*
"	"	J. F. Stanage	do.	*Wright*
"	"	Samuel Pickering	do.	*Larkin*
		Before CHIEF REGISTRAR.		
"	12 o'clock	C. H. Cooke	Prove debts and vouch assignee's acct.	*Molloy & Watson*
"	"	Michael Ryan	do. do.	*Molloy & Watson*
"	"	John Murphy	do. do.	*Molloy & Watson*
"	"	Josh. Sheran	do. do.	*Findlater & Collins*
"	"	James M'Parland	do. do.	*Tinkler*
"	"	J. Wall	Examine title	*Barrington & Jeffers*
		Wednesday.		
		Before the COURT.		
June 19	11 o'clock	John A. Malet	Final examination	*Mathews*
		Thursday.		
		Before CHIEF REGISTRAR.		
June 20	12 o'clock	Arrangement case	Prove debts	*Perry*
"	"	Patrick M'Swiney	Prove debts and vouch assignee's acct.	*Meldon*
"	"	Thomas O'Toole	do. do.	*Fay & M'Gough*
"	"	Green & King	do. do.	*Larkin*
		Friday.		
		Before the COURT.		
June 21	11 o'clock	John F. W. Templeton	Final examination	*Perry*
"	"	Barfoot and Shaw	do.	*Lynch*
"	"	William Bell	Audit and dividend	*Lynch*
"	"	Margaret Magee	do.	*Mollog & Watson*
"	"	Joseph Sullivan	do.	*Perry*
"	"	John Judge	do.	*Walsh*
"	"	Austin Riordan	Sur., prove debts, and choose assignee	*Townsend*
"	"	Francis O'Meara	do.	*Barry*
"	"	Mary Foley	Examine witnesses	*Larkin*

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TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
June 14	James Byrne, of Thomas-street, Dublin, grocer,	Henry Fitzmaurice, of Eustace-street, Dublin, merchant,	*Meldon*

BANKRUPTS.

O'Meara, Francis, of Dungarvan, county of Waterford, grocer. Petition of bankruptcy filed June 3, 1867. To sur. Friday, June 21, and July 5. L. H. Deering, official assignee. *Barry*, solicitor.

Riordan, Austin, of Ennistymon, county Clare, butter merchant and general dealer. Petition for arrangement filed December 20, 1866. To sur. Friday, June 21, and Friday, July 5. L. H. Deering, official assignee. *Townsend*, solicitor.

Certificate Allowed,

Unless Appeal filed within 30 days from date.

JUNE 7.

Humphrey, junr., Robert, of Queen's-quay, borough of Belfast, coal merchant, a bankrupt. *Hazlet*, solicitor.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
June 17	12 o'clock	Alfred Faulkner	Proof of debts	*Lynch*
"	"	William Strain	do.	*Stone*
"	"	Donald John Macqueen	Adj. vouching of crd's. assignee's acct.	*Byrne*
"	1 o'clock	John Roney	Taxation of costs,	*Wallace*
		Tuesday.		
June 18	12 o'clock	James Doran	do.	*Macnally*
"	"	Michael J. Reardon	do.	*Macnally*
"	"	William Hayes	do.	*Macnally*
"	"	James Fossett	do.	*Hamilton & Craig*
"	"	Andrew Tormey	do.	*Cronhelm & Lett*
		Wednesday. Before the COURT.		
June 19	11 o'clock	James Doran	Audit and dividend	*Macnally*
"	"	Michael Joseph Reardon	do.	*Macnally*
"	"	William Hayes	do.	*Macnally*
"	"	James Fossitt	do.	*Hamilton & Craig*
"	"	Rev. Charles Lomax Thomas	Adjourned do.	*Macnally*
"	"	Edward Curran	do.	*Macnally*
"	"	Andrew Tormey	To audit assignee's account	*Cronhelm & Lett*
"	"	John Murphy	Adjourned choice of assignee	*Cronhelm & Lett*
"	"	John Magennis	do.	*Byrne*
"	"	William Johnston	do.	*Graham*
"	"	James Martin	Notice of motion	*M'Cully*
"	"	John Murphy	Adjourned notice of motion	*Ebbs*
"	"	Stephen Arthur MacIvor	Hearing of petition	*Macnally*
"	"	Mathew Lynham	do.	*Rynd*
"	"	Alexander Flood	do.	*Macnally*
"	"	Peter Lynch	Adjourned hearing	*M'Kenny*
		Friday.		
June 21	11 o'clock	- - - - - - -	For Bail Motions only.	———
		Saturday. Before the CHIEF CLERK.		
June 22	12 o'clock	Isabella G. Brabazon	To vouch assignee's account	*Bergin*
"	"	Thomas MacDonnell	do.	*Macnally*
"	"	David Quin	do.	*Macnally*
"	"	John Roney	do.	*Wallace.*

CASES DISPOSED OF.

Wednesday, June 12, 1867.

Before JUDGE MILLER.

Coleman, Patrick. To be discharged if possession be given of house to landlord; otherwise the hearing is to stand adjourned to Wednesday, June 26, 1867.

Cosgrave, Thomas. Adjourned to Wednesday, December 11, 1867.

Craig, Thomas Hugh. Ditto.

Flynn, Michael. Adjourned to Wednesday, July 10, 1867

Hamilton, Alexander. Discharged.

Montgomery, Hugh Lyons. Adjourned to Wednesday, June 26, 1867.

MacDonnell, Thomas. Discharged.

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INSOLVENTS DISCHARGED ON BAIL
until the Day of Hearing their petitions.

Cody, Thomas, grocer and baker, county of Wexford.
Cross, Joseph, farmer, county Monaghan.
Weekes, Thomas, tobacconist, Dublin.

INSOLVENTS.
To be heard in Dublin.

Hopper, George, of Sandymount, county of Dublin, out of business; formerly of Dame-street, city of Dublin, merchant tailor. Hearing on Wednesday, July 3, at 11. *Rynd*, solicitor.

To be heard in the Country.

Blaney, Patrick, of Derrycorr, county of Armagh, pensioner and weaver. Hearing at Armagh, June 29, at 10. *Archer*, solicitor.

Carter, Richard, of Shantalla House, Galway; previously of Ferryland Lodge, Galway; late Deputy Clerk of the Peace for the county of Galway, and land agent. Hearing at Galway, October 14, at 10. *M'Namara*, solicitor.

Donelan, Wm. Edward, of Dunmore, county Galway, surgeon, late medical officer to the Dunmore Dispensary District in the Tuam and Glenamadda Unions. Hearing at Galway, October 14, at 10. *M'Namara*, solicitor.

Feighan, Thomas, of Shetrim, county of Armagh, farmer and cattle dealer. Hearing at Armagh, June 29, at 10. *Archer*, solicitor.

Graham, James, of Mahera, county of Londonderry, grocer. Hearing at Londonderry, October 10, at 10. *Glover*, solicitor.

Jones, Robert, of Drumgor, county of Armagh, labourer. Hearing at Armagh, June 29, at 10 *Cochrane*, solicitor.

Knox, the Rev. Thomas, of Ballymoney, county of Antrim, Clerk, Vicar-General of Dromore, Prebendary of the diocese of Down and Connor, and Rector of Ballymoney parish; previously of Lurgan, in the county of Armagh, Rector of the parish of Shankhill, and Vicar-General of Dromore. Hearing at Belfast, July 10, at 3. *Macnally*, solicitor.

Quinn, Thomas, of Barrack-street, city of Waterford, baker. Hearing at Waterford, July 1, at 10. *Howard*, solicitor.

Reid, James, junr., of Cadian, county of Tyrone, farm labourer; previously farmer, arrested as intermeddler in the goods of John Reid. deceased. Hearing at Omagh, June 29, at 10. *Dickie*, solicitor.

Rice, Patrick, of Lower Faughal, county of Armagh, labourer, sued as a farmer. Hearing at Armagh, June 29, at 10. *Archer*, solicitor.

Tierney, Patrick, of Claremorris, county of Mayo, shopkeeper; previously of same, carpenter. Hearing at Westport, county Mayo, June 29, at 10. *Kelly*, solicitor.

Petitions of Insolvency Filed,
June 10,

By Home, Richard Hare, of Clonakilty, county of Cork, Ireland; previously of Aldershott, Plymouth, and London, England, lately a Lieutenant in H. M. 13th Light Infantry—a prisoner for debt in Four Courts Marshalsea. *Macnally*, solicitor.

Against Nagle, Nicholas, signing himself "Nicholas Neagle," of Lower Gloucester-street, Dublin, agent—a prisoner for debt in Four Courts Marshalsea. *Tracy*, solicitor.

MR. BUTT'S TRACTS on LAND TENURE in IRELAND.

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LONDON: W. RIDGWAY, PICCADILLY.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

CREE—June 6, at 119, Lower Baggot-street, the wife of George Cree, Esq., barrister-at-law, of a daughter.

DODD—June 7, at 36, York-street, St. Stephen's-green, the wife of John J. Dodd, Esq., solicitor, of a son.

MARRIAGES.

ALLDRITH and COATES—June 12, at St. Mary's, Donnybrook, by the Rev. J. A. Dobbin, M.A., John, second son of Samuel Fortescue Alldrith, to Harriett Maria, only daughter of the late Charles Coates, solicitor, of this city.

FREEMAN and O'DWYER—June 6, at Monkstown Church, Dublin, by the Rev. J. F. Peacocke, Captain Joseph Deane Freeman, Royal Elthorne Middlesex Militia, to Sydney, youngest daughter of the late John O'Dwyer, Esq., Taxing Master, Court of Chancery, Ireland.

GREER and NUGENT—June 11, at Clontarf Church, by the Rev. William Nugent, rector of Ardrahan, and Chancellor of Kilmacduagh, uncle to the bride, assisted by the Rev. J. Crawford, Samuel M. Greer, Esq., barrister-at-law, Gardiner's-place, Dublin, and Springvale, Londonderry, formerly M.P. for that county, to Sarah Frances, eldest daughter of D. Nugent, Esq., Killester Abbey.

NEWLAND and SMYLY—June 11, at St. Stephen's Church, Dublin, by the Ven. the Archdeacon of Ossory, uncle to the bride, assisted by the Rev. A. Ferguson Smyly, the Rev. Edward Newland, incumbent of Collinstown, son of the late Rev. Thomas Newland, to Ellen Belissa, second paughter of the late John George Smyly, Esq., Q.C., D.L., of Upper Merrion-street, and Castlederg, County of Tyrone.

RIDDALL and COATES—June 3, at St. Kevin's Church, by the Rev. Edward Seymour, the Rev. Walter Riddall, to Mary Roe Coates, eldest daughter of Charles Coates, Esq., barrister-at-law, Harcourt-street. No Cards.

DEATHS.

FARMER—June 11, at the West End, Mallow, George Farmer, Esq., solicitor, eldest son of the late Edward Farmer, Esq., solicitor, of same place.

FITZGERALD—June 5, at Dundrum, County Dublin, Bedilia Mary, the dearly beloved wife of Charles Fitzgerald, Esq., jun., of this city, solicitor.

GREENE—June 11, at Mount Anna, Wexford, after a long and painful illness, aged 29 years, Joseph John Greene, B.A., barrister-at-law, eldest son of John Greene, J.P., Mayor of Wexford

HAYES—June 12, at No. 5, Carlisle-terrace, North Circular-road, after a short illness, Edmund Charles, second son of the late Mr. Justice Hayes, aged 18 years.

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IN CHANCERY.

In the Matter of the Act of 11th and 12th Vic., chap. 68, and Trusts of the Will of MICHAEL COX, formerly of Castletown, in the County of Kilkenny, Esquire, deceased, bearing date the 14th day of April, 1817.

PURSUANT to an Order made in this Matter bearing date the 29th day of May, 1867, I hereby require all Parties or Creditors having claims upon the Sum of £1,544 10s. 9d. Govt. New Three per Cent. Stock, now in the Bank of Ireland, to the Credit of this Matter, entitled in the Accountant-General's Books—"In the Matter of 11th and 12th Vic., chap. 68, and Trusts contained in the Will of Michael Cox, deceased, for payment of the Debts, Charges, and Incumbrances, affecting the Estate of the said Michael Cox, situate in the County of Cork, so far as the same Trusts relate to the sum due on foot of three several Judgments recovered in the Court of Exchequer in 1779, 1785, and 1787 respectively, by G. P. Bushe against Richard Cox, for the Sums of £1,000, £200, and £374 11s. 10d. respectively, being the only Debts, Charges, or Incumbrances now remaining unpaid. And also, so far as the same Trusts relate to the residue of the funds of the said Will directed to be raised for payment of such Debts, Charges, and Incumbrances," being the residue of the fund produced by the Sales of portion of the Estates of the said Michael Cox, directed by said Will, to be sold for payment of the Incumbrances affecting his Estates, according to their legal rank and priority; and also in satisfaction and discharge of all Interest and Costs due and to grow due thereon; and also for payment of his Simple Contract Debts, and of the Bequests in said Will, or so much thereof as his personal property might be insufficient to pay, to come in before me, at my Chambers, on the Inn's-quay, in the City of Dublin, on or before the 5th day of JULY, 1867, and proceed to establish the same, otherwise they will be precluded the benefit of said Order.

Dated this 13th day of June, 1867.

EDWARD LITTON, Master in Chancery.

DUCKETT and GORDON, 44, Upper Mount-street.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850."

In the Matter of **Catherine Mulcahy**, widow, Petitioner.

James Mulcahy, Respondent.

I HEREBY require all persons claiming to be Creditors or Next of Kin of James Mulcahy, late of Lough Kent, in the County of Tipperary, Farmer, deceased, on or before the 8th day of July next, to furnish, in writing, to the Petitioner, or to Robert Hemphill, of No. 3, Great Clarence-street, Dublin, her Solicitor, the amount and particulars of their several demands, (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as she shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 6th day of June, 1867.

WM. BROOKE, Master in Chancery.

ROBERT HEMPHILL, Solicitor for Petitioner, No. 3, Great Clarence-street, Dublin.

In the LANDED ESTATES' COURT.

CITY OF WATERFORD.

SALE,

On FRIDAY, the 5th day of JULY, 1867.

In the Matter of the Estate of **Michael Doyle**, Executor of James Thomas Power, deceased, Owner;

John Aloysius Condon, Petitioner.

TO BE SOLD BY PUBLIC AUCTION, before the Hon. Judge Dobbs, at the Landed Estates' Court, Inn's-quay, City of Dublin, on FRIDAY, the 5th day of JULY, 1867, at Twelve o'clock noon, in Four Lots, the four Dwelling Houses known as Nos. 25, 26, and 27, Barron Strand-street, and 9, Arundell-lane, all in the Parish of St. Patrick's, and City of Waterford, held rent free, under lease for 999 years, from 1st day of March, 1707, and producing a yearly rent of £175.

The Tenement Valuation is £116.

Dated this 8th day of June, 1867.

GEORGE T. HOPKINS, Chief Clerk.

Three of the Lots are situate in Barron Strand-street, which is the central and principal thoroughfare of the City of Waterford; and the fourth Lot is situate in Arundell-lane, leading from, and close to, Barron Strand-street. The four houses are each four storeys, besides basement and attic, are very commodious and substantially built, in good repair, and occupied by solvent and respectable tenants.

For Rentals and further particulars apply to

PIERSE KELLY, Solicitor having Carriage of the Sale, No. 37, North Great George's-street, Dublin; and No. 2, Little George's-street, Waterford.

Mr. THOMAS WALSH, Auctioneer, Custom House Quay, Waterford.

WM. P. M'EVOY, Esq., Solicitor for Owner, 1, Lower Ormond-quay, Dublin; or at the Registrar's Office, Landed Estates' Court, Dublin.

LANDED ESTATES' COURT, IRELAND.

COUNTY OF DONEGAL.

In the Matter of the Estate of **Michael Murphy & Charles** Henry James and Hugh Dining, Assignees of Hugh M'Menamin, Owners;

Exparte, John White, Petitioner.

TO BE SOLD BY PUBLIC AUCTION, before the Right Honourable Judge Dobbs, on FRIDAY, the 8th day of NOVEMBER, 1867, at the Landed Estates' Court, Dublin,

IN ONE LOT.

Part of the Lands of Lifford Commons, containing 7 acres 3 roods, statute measure, situate in the Parish of Clonleigh, Barony of Raphoe, and County of Donegal, held under Fee-farm Grant, bearing date the 7th day of June, 1695, subject to a chief rent of 5s. yearly, present currency.

The Lands are situate about a mile and a quarter from the Town of Strabane, and within a quarter of a mile of Lifford, both first class market towns. The Lands are of a very superior quality, and most eligibly circumstanced.

Dated this 15th day of June, 1867.

GEORGE T. HOPKINS, Chief Clerk.

Rentals and further particulars can be had at

Messrs. WILSON & HODGES, Solicitors having the Carriage of the Sale, No. 34, Lower Ormond-quay, Dublin; at the

REGISTRAR'S OFFICE, Landed Estates' Court, Inn's quay, Dublin.

ROBERT WILSON, Solicitor, Strabane.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **William Barfoot and William Mitchell Shaw**, both of North-street, Belfast, in the County of Antrim, Wholesale Grocers and Druggists, trading together under the style and firm of Barfoot and Shaw, Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 21st day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupts in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 10th day of June, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

THOMAS LYNCH, Agent to the Bankruptcy, No. 23, Middle Gardiner-street, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **John Callaghan & Richard** Callaghan, of Middleton, in the County of Cork, Drapers, Trading as M. Callaghan & Co., Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 28th day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 12th day of June, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MONEY.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 21.] SATURDAY, JUNE 22, 1867. {Single Copy, 6d. / By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office, 53, Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, JUNE 22, 1867.

UNTIL the decision, *In re Burrowes' Estate*, to which we adverted in our last number, is reported *in extenso*, we must, in a great measure, remain in the dark as to its exact effect, and the grounds on which the Judges of the Appeal Court have rested their judgments. There is, however, enough known to create considerable uneasiness and disappointment in the minds of solicitors who have lodged deeds, on which they had a lien for costs, either in pursuance of the usual preliminary notice, or of a special order of the Landed Estates' Court. The powers which were conferred on the Incumbered Estates' Court, and subsequently transferred to the present Court, were of a character so extensive and supreme, that every one obeyed the orders of those Courts in the fullest confidence that no injustice could possibly result from any omission or infirmity, either in the statutes which created them, or in the rules framed by the Judges for regulating their procedure.

In *Burrowes'* case there was no surplus coming to the owner, and, accordingly, the question did not there arise whether the lodgment of deeds subject to lien upon the requisition of the owner, who was the petitioner, amounted to such a contract as the Court could enforce against the surplus funds. Having regard to the strict meaning of the word "lien," as defined by legal writers, and so forcibly explained by Sir E. Sugden in the case of *Blunden and Desart*, we apprehend that the Landed Estates' Court has no power to enforce *directly* what was clearly contemplated by both parties, when the solicitor parted with his hold on the muniments of title for the benefit of the owner of the estate. Injustice might, however, be prevented in another way, the Court might have power to refuse to pay out the surplus to the owner until he discharged all costs for which the solicitor was entitled to retain the deeds. This is a question which still remains to be decided.

In the case we are now discussing the deeds were not lodged under a Special Order of the Court, so that, as we before intimated, it is yet to be seen what power the Landed Estates' Court has, under the 20th Order, to preserve a lien, either as against a surplus in the case of a solvent estate, or as against the claims of incumbrancers whose charges were created after the lien was acquired. The 20th Order empowers the Judge "to make such order as may be just as to the lien of any

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person lodging such deeds, muniments of title, or papers, or as to the payment of his costs of lodging the same." Does this Order enable the Court to give to a lien a nature and effect which it does not legally possess? Of course we are speaking only of a general retaining lien—the lien of a solicitor on the deeds, books, and papers of his client, for his costs, and not a lien arising from any express charge or contract: it has not the character of a pledge or mortgage, but is merely a right to *withhold* the deeds, books, and papers which have come into his possession as solicitor, and not a right to enforce his claim against the client. It is only commensurate with the right of the client, and is subject to the rights of third persons as against him. Hence a prior incumbrancer cannot be affected by it. The *hold* on the deeds is the lien. Can the Landed Estates' Court by an order, be it ever so special, declare that the relinquishment of this hold shall not operate to destroy the lien, that it shall not be a relinquishment of the hold. A prior incumbrancer, who presents a petition to raise his charge, can compel the lodgment of all deeds relating to his incumbrance, but once they are lodged, we fear the benefit extends to puisne incumbrancers, to the prejudice of the persons having the lien, and that no order of the Court can prevent this grievous injustice. Of course the Court will not compel the lodgment of any deeds or documents except such as are necessary for the title of the prior incumbrancer. At first sight, there might appear to be good grounds for contending, that the lien is not abandoned, but, if we may use the expression, transferred to the Court in *trust* for the person entitled to it. Once, however, the purchase is complete, the conveyance of the Court renders the title deeds of fee-simple estate of no use, and in the case of leasehold the purchaser becomes entitled to their possession, and thus the matter comes round to the same point again, and the question arises whether the passive lien on the deeds can be converted into an active lien on the proceeds of the sale.

What, then, is to be done in future by solicitors who shall be called on to lodge deeds on which they have a retaining lien? We would certainly advise anyone in such a case not to lodge them except upon an order of the Court. The Judges will do everything in their power to prevent injustice; and if no means can be devised to enable them to do so, the interference of the legislature must be sought without delay to remedy a state of things detrimental, not alone to solicitors, but to their clients, whose business is undertaken and conducted for them by men of respectability, on the faith of a security which is often the only one that can be obtained, a solicitor not being allowed to take a security by way of mortgage or otherwise for future costs.

REPORT OF THE COMMITTEE APPOINTED AT A GENERAL MEETING OF THE QUARTER SESSIONS' SOLICITORS OF IRELAND.

Held in the Hall of the Incorporated Law Society, on 7th June, 18 7.

1. That a Bill be introduced into Parliament in the next session with a view to consolidate and amend the several Acts relating to the Civil Bill Courts in Ireland, to be entitled "The Irish County Courts Act, 1868."

2. That the present Civil Bill Act, "14 & 15 Vic., cap. 57," be adopted as the basis of the new Act, and incorporated therewith, subject to such amendments as may be deemed prudent.

3. That the portions of the 27 & 28 Vic., cap. 99, and 28 Vic., cap. 1, be incorporated with the new Act.

CHAIRMEN—APPOINTMENT—SALARIES—PENSIONS.

4. Adopt 14 & 15 Vic., cap. 57, secs. 1 to 9.

CLERKS OF PEACE.

5. Adopt 14 & 15 Vic., cap. 57, secs. 10 to 12.

ATTORNEYS.

6. That the 14th section be amended by giving the attorney an appeal to one of the Superior Courts sitting in Banquo, and that pending such appeal, the order of suspension shall not issue.

7. That two attorneys may appear and act for any plaintiff or defendant, and may legally charge and recover any sum which the clients agree to pay.

PROCESS SERVERS.

8. That the scale of fees payable to process servers under the 18th section, as amended by the 27 & 28 Vic., cap. 99, sec. 65, and schedule of fees, Part V., and that sections 15 to 12 of the 14 & 15 Vic., cap. 57, be adopted.

9. That the present salary of process servers be increased to £15.

10. That sections 20 to 34 of the 14 & 15 Vic., cap. 57, be referred to the special consideration of the professional gentlemen in Cork, &c.

ORDINARY JURISDICTION.

11. That the jurisdiction be enlarged so as to include actions for slander, breach of promise of marriage, and also all disputes and differences regarding partnership accounts where the sum claimed does not exceed £40, giving the Chairman full power to take accounts and strike a balance between partners, and to give a decree for any sum not exceeding £40, in case same be found due to the plaintiff.

12. That in any action for slander and breach of promise of marriage brought in the Superior Courts after the passing of this Act, where the plaintiff shall not recover a sum above £40, the plaintiff's costs be limited according to the amount recovered, as at present in actions of contract.

13. Where in any action the debt or demand claimed consists of a balance not exceeding £40, after an admitted set off of any debt or demand claimed or recoverable by the defendant from the plaintiff, the Court shall have jurisdiction to try such action.

14. That sections 36 to 40 of the 14 & 15 Vic., be adopted.

REPLEVINS.

15. That sections 41 to 48 of the 14 & 15 Vic., cap. 57, be adopted.

LEGACIES.

16. That jurisdiction on all legacies and distributive shares not exceeding £40, and annuities not exceeding £40 per annum, be given without regard to the amount of the assets of the testators or intestates, and whether charged on real or personal estate.

17. That sections 49 to 57 of the 14 & 15 Vic., cap. 57, and section 42 of the 27 & 28 Vic., cap. 99, be so modified as to carry out this view.

18. That all accounts to be filed by executors or administrators may be sworn before a Justice of the Peace of the county or town in which the parties reside.

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19. That sections 58 to 64 of the 14 & 15 Vic., cap. 57, be adopted.

SERVICE OF PROCESS.

20. That sections 65, 66, 67, and 68 of the 14 & 15 Vic., cap. 57, be adopted.

21. That the 69 section of the 14 & 15 Vic., cap. 57, should be amended by adding a proviso that any person whose wife or children shall occupy a dwelling-house or farm belonging to the defendant in any county, city, or town, or carry on any business therein for the benefit of the defendant, shall be deemed to have a residence in said county.

22. The Chairman should have power to change the venue to any adjoining county where the case can be more conveniently or fairly tried.

EJECTMENT ON TITLE.

23. That the 79 section of the 14 & 15 Vic., cap. 57, be amended so as to give jurisdiction for recovery of possession of any lands held in fee, or lives renewable for ever, where the annual value of property sought to be recovered does not exceed £2 10s., and in all the other cases mentioned in this section, viz., for three lives without any power for renewal, or for a term not exceeding 61 years, or for a term from year to year; but when the rent did not exceed £40 to make a decree final, it should be registered under the provisions of the 89 section.

24. That the 82 section of the 14 & 15 Vic., cap. 57, be re-enacted.

25. That the 89, 90, and 91 sections of the 14 & 15 Vic., cap. 57, be re enacted.

26. That the 97, 98, and 99 sections of the 14 & 15 Vic., be re-enacted.

27. That the 100 section of the 14 & 15 Vic., cap. 57, be amended by enacting that the plaintiff or defendant, or his attorney, shall have power to require sheriff to summon a jury in all cases (except ejectments and replevins), on giving six days' notice to the sheriff. The number to be five, and the verdict to be unanimous. The successful party to pay the jury 5s., to be allowed in his costs.

28. That sections 97 to 103 of the 14 & 15 Vic., cap. 57, be re-enacted.

29. That the 104 section of the 14 and 15 Victoria, cap. 57, be repealed, and a section substituted in lieu thereof, enabling parties plaintiffs to obtain decrees in undefended cases in all actions of debt on filing affidavits of debt made by plaintiff, or his agent or manager, according to a form in schedule of the act. Such affidavit to be made before a Justice of the Peace of any county in Ireland.

30. That the 105 and 106 sections of the 14 and 15 Vic., cap. 57, be repealed, and that the 48 section of the 27 and 28 Vic., cap. 99, be re-enacted.

31. That a new section be framed giving interest to plaintiffs on the debt recovered by civil bill decrees, at the rate of 4 per cent.

EVIDENCE.

32. Amend 107 and 108 sections of 14 and 15 Vic., cap. 57, as follows:—

An office copy of any will, letters of administration, or schedule of assets, signed by the Registrar of the Court of Probate, or any district Registrar, or their clerks, should be sufficient evidence in all cases, without being sealed with the seal of the Court.

The ordinary certificate of the registration of judgments in the Superior Courts should be received as evidence, without taking out a copy of the judgment.

33. A certified copy of the entry in the book of the Clerk of the Peace, signed by the Clerk of the Peace, should be sufficient evidence of the decree or dismiss.

34. Re-enact sections 109 to 115 of 14 and 15 Vic., cap. 57, with some modifications.

35. Re-enact sections 116 to 118 as to arrest.

36. Repeal sections 119 to 124 of the 14 and 15 Vic., cap. 57.

37. Re enact the 125 and 126 sections 14 and 15 Victoria, cap. 57.

38. Re-enact sections 127 to 138 of the 14 and 15 Vic., cap. 57, as to appeals, except the 129, requiring the attorney to make an affidavit, which is to be repealed.

39. The appeal should be taken at any time during the sessions that the party presented his appeal.

40. Re-enact the 138 section of the 14 and 15 Vic., cap. 57, and 34 and 35 sections of the Sheriffs' Act.

41. The Committee refer it to the next public meeting to consider the propriety of repealing all the sections on renewals of decrees; but in the meantime suggest the following amendments:—

Affidavits for renewal of decrees without notice, and in all undefended cases, on notice to renew decrees, may be made before a Master Extraordinary or a Justice of the Peace of any county in Ireland.

Re-enact sections 139 to 144 of the 14 and 15 Vic., cap. 57, with the following amendments—that is to say, when a decree is renewed on notice no affidavit should be required to be filed.

The form of affidavit to be filed on renewing a decree without notice should be amended.

There should be a new form of decree when a decree is renewed on notice.

The recitals in the present form of notice to renew might be adopted in the decree.

EXECUTION OF DECREES.

42. Re-enact the 145 and 146 sections of the 14 and 15 Vic., cap. 57, enabling the plaintiff to nominate his own bailiffs to execute all decrees, whether for possession of land, or for goods or body, at his own peril.

43. Frame a new section requiring the Sheriff to execute any decree delivered to him by his own bailiffs within two months from the date of delivery, and at the expiration of that period to return the decree or the money.

44. A certificate of the sum due to be lodged with the decree, and evidence that the decree and certificate were delivered at the office of the Sub-Sheriff to himself personally, or any of his clerks, or posted to him in a prepaid letter, should be sufficient evidence of delivery.

45. Chairman to have power to fine the plaintiff's bailiffs or the Sheriff's bailiffs, for any negligence or misconduct, not exceeding £5.

46. Re enact sections 23 to 28 of the Sheriffs' Act, with same amendments.

47. Repeal 27 section of same act.

48. That tenancies from year to year and leases for years may be sold under a civil bill decree.

49. Frame a new section giving power to any Justice of the Peace, on being satisfied, on information in writing or by verbal statement, of any bailiff appointed to execute any decree or dismiss, that violence has been used, or that he has reasonable cause to believe that violence will be used in case he proceeds to execute the same, to order a sufficient number of constabulary to accompany the bailiff and protect him from personal violence.

50. Re-enact the 30 section of the Sheriffs' Act.

51. Re-enact the 43, 47, 48, 49, 50, 51, 52, 53, 56, 57, 61, and 62 of the Sheriffs' Act.

52. That all Under-Sheriffs make an affidavit, to be filed with the Clerk of the Peace, that they derive no profit, directly or indirectly, from Civil Bill business in the city.

53. In case of cross decrees the smaller sum to be set off against the larger, and a decree to issue for the balance; and in case both equal no decree to issue.

54. Either party should have the right to apply to the next Quarter Sessions, on notice of the application being served six days on the opposite party, for a new trial, or to set aside any proceedings or judgment, which application the Chairman should be empowered to hear and grant, or dismiss the application with costs.

55. Attorneys to have the right to charge to the client all costs necessarily incurred in any suit or proceeding, and not chargeable against the opposite party; and all such costs should be taxed by the Clerk of the Peace, subject to review by the Chairman.

56. Repeal all the sections of the Sheriffs' Act not saved by this report.

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SCHEDULE.

Counsel's fees in Civil Bill cases and on Appeals, £1 1s., unless the Chairman or Judge shall certify that a larger fee should be paid, and shall in such certificate fix the amount, in which case it shall be chargeable against the party.

CLERK OF THE PEACE'S FEES

In ordinary Civil Bills, Replevins, and Legacy Cases.

Entry of ordinary Civil Bill, 3d.; entry of Replevins and Legacy Cases, 6d.; entry of Renewal without notice, and signing Renewal, 4d.; for filing Affidavits in Undefended Cases, 6d.; for filing new Recognizances in Appeals, 2s. 6d.; for signing ordinary Civil Bill Decree or Dismiss, 3d.; for signing Decree or Dismiss in Replevin and Legacy Cases, 6d.; for Recognizance and Certificate in Appeal Cases, and lodging Appeal with Judge's Registrar, 1s.; for Replevin Order, 1s. 6d.; for Copy of Inventory in Legacy Cases per folio, 4d.; for Subpœna ad Test, 4d.; for entering Verdict in Jury Cases, 1s.; for Certificate of any Decree or Dismiss, or any other Certificate, 1s. 6d.; on the hearing of each Petition in Insolvency, 2s. 6d.

ATTORNEYS' FEES

In ordinary Civil Bills, Replevins, and Legacy Cases.

Drawing and signing ordinary Civil Bills under £5, 6d.; under £20, 1s.; over £20, 2s. 6d.; drawing and signing Replevin Process, 2s. 6d.; for each Copy, 6d.; drawing and signing Legacy Process, 2s. 6d.; for each Copy, 6d.; preparing instructions for Counsel, 6s. 8d.; taking instructions for hearing, directing proofs, entering Civil Bill, attending the hearing, preparing Summonses, and Notices, and drawing Decree in Undefended Civil Bills, Replevins, and Legacy Cases, 1s. in the pound on the sum claimed by the Process; for like services of Plaintiff's Attorney in Defended Cases, 1s. 6d. in the pound; taking defence, directing proof, attending the Hearing, and filing Dismiss in ordinary Civil Bills, Replevin and Legacy Cases, 1s. 6d. in the pound on the sum claimed by the Process; drawing Affidavit to obtain Judgment by Default, sending same to Client to be sworn and filing, 3s. 10d.; drawing Renewal without notice, and preparing and filing affidavit, 1s. in the pound on the amount of Decree; drawing affidavit of Default to cause Instalment Decree to issue, and filing same, 3s. 10d.; attending the hearing and drawing Appeal, &c, 6s. 8d.; filing Affirmance or Reversal where the sum claimed does not exceed £20, £1 1s., and exceeding £20, 2s. in the pound on the amount claimed; Respondent's Attorney attending, hearing, and filing Affirmance or Reversal, same fees; Brief for Counsel on Appeals, 2s. per sheet; attending Counsel, 6s. 8d.; fees for conducting Appeals from Petty Sessions, £1 1s.; fee on lodging Decree with the Sheriff, including certificate and postage, 3s. 4d.

FEES IN EJECTMENT CASES.

Instructions for Ejectment, 6s. 8d.

Drawing and signing original Civil Bill, 2s. 6d.; for each Copy used, 1s.

Plaintiff's Attorney, entry of Ejectment, advising proofs, attending the hearing and filling up Decree, £1 5s.

Defendant's Attorney, for taking instructions, advising proofs, attending, hearing, and drawing Dismiss, £1 5s.

Clerk of the Peace, for entering Civil Bill, 1s. 6d.

To same for signing and entering Decree or Dismiss, 1s.

N.B. The costs of 10s. allowed by the Landlord and Tenant Act to be repealed.

PROCESS SERVERS' FEES.

Serving ordinary Civil Bill, and Civil Bill in Replevin, and Legacy Cases, where there is only one Defendant, or several Defendants residing in the same dwelling-house, and where the sum claimed does not exceed £10, 6d.

Serving two or more Defendants not residing in the same dwelling house, and where the sum claimed is under £10, 1s.

Serving one or several Defendants residing in the same dwelling-house, where the sum claimed exceeds £10, 1s.

Serving two or more Defendants not residing in the same dwelling-house, where the sum claimed exceeds £10, 2s.

Serving Ejectments, for 1st copy, 1s., and for each subsequent copy served, 6d.

SHERIFFS' FEES.

For every Special Warrant at the party's request, save in Ejectment Cases, 1s.

For returning a Jury, 1s.

For Special Warrant at the party's request in Ejectment Cases, 2s. 6d.

For giving possession under a Civil Bill Ejectment, when he attends in person, £1 1s.

For drawing Affidavits in Replevin Cases, and doing all other things necessary in the case, 4s.

Fee on Interpleader Cases, 2s. 6d.

To the Sheriff or Special Bailiff of the Plaintiff for executing any Decree, Dismiss, or Order, 1s. in the pound.

To the Sheriff or the Special Bailiff of the Plaintiff for executing Decree, Dismiss, or Order of Arrest of the person upon lodging him in Gaol, 10s., to be chargeable against the defendant.

To the Sheriff, 6d. a mile for conveying the party arrested to Gaol, to be chargeable against defendant.

To the Sheriff or Special Bailiff of the Plaintiff for keeping possession of goods till sale per day (including expenses of removal, storage of goods, and all other expenses), not exceeding five days, 6d. in the pound on the value of the goods seized, to be fixed by appraisement in case of dispute.

The Profession are requested to study this Report, and to send to me any suggestions which they may consider right, in time to enable me to lay such suggestions before the General Meeting intended to be held in next Michaelmas Term.

GEO. PROCTOR, *Hon. Sec.*

20th June, 1867.

THE LATE DR. ANSTER.

The following address has been presented to Mrs. Anster widow of the late Dr. Anster:—

"MADAM,—We, the undersigned Germans resident in Ireland, desire to express to you and your family our earnest sympathy in the bereavement which you have sustained in the death of your husband.

"We wish at the same time to place on record our profound sense of the important services rendered by that eminent scholar and poet in the promotion of German literature in this country.—We are, madam, your most obedient servants,

"Carl Friedrich Löttner, Professor of Sanskrit, T.C.D.; F. Brünnow, Astronomer Royal, T.C.D.; A. L. Meissner, Professor of Modern Languages, Queen's College, Belfast; John Schultheis, Ph. D., Kingstown; Adolph Liebermann, Professor of Modern Languages, Portarlington; Oscar Krahmer, Professor of Modern Languages, Dublin; Johann C. Weycopf, Professor of Modern Languages, Kingstown; A. Cerf, Professor of Languages, Portora, Enniskillen.

"19th June, 1867."

NORTH-EAST BAR.

The members of this circuit entertained the Right Hon. Justice O'Hagan, the Right Hon. Maziere Brady, the Hon. Judge Dobbs, Charles Teeling, Esq., &c., at dinner at the Salthill Hotel on Tuesday evening. Nearly forty members of the circuit sat down. The banquet was supplied in Mr. Perry's best style, and the wines were of the choicest vintages. The chair was occupied by James Gibson, Esq., and the vice-chair by David R. Pigot, Esq., Q.C., the town steward of the circuit. We understand that, at the annual meeting of this circuit, held on Monday in the Court of Admiralty, the members resolved that in future they would adopt Bar costume when on circuit.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

JONES *v.* M'GOVERN.

May 31, June 1.—*Entering Verdict on some of several Counts—Malice—Libel.*

Motion to show cause against a conditional order for a new trial. The action was brought to recover damages for a publication in "The Black List." The summons and plaint, as amended, contained five counts, the first three in libel, the fourth for a false and malicious representation that certain parties had recovered a judgment against the plaintiff, whereby he had suffered special damage; the fifth for a similar fasle and malicious representation made in writing in certain words and figures set out, whereby the plaintiff had suffered special damage. To these counts there were several defences and issues thereon.

At the trial the jury found for the plaintiff upon all the issues, and gave him £150 damages generally, and judgment for that amount was marked.

The questions principally argued upon the present motion were, first, whether evidence of express malice was necessary to support the counts for false representation, and whether there was such evidence; secondly, whether, supposing that such evidence was necessary, and did not exist, the plaintiff could now have the verdict entered for him upon the libel counts only, abandoning the others.

Macdonogh, Q.C., and *Webb*, with them *Butt*, Q.C., for the plaintiff.

Heron, Q.C., and *Dowse*, Q.C., with them *Roper*, for the defendant.

The COURT held unanimously that the plaintiff was entitled to have the verdict entered for him upon the libel counts, and that the postea and judgment should be amended accordingly. WHITESIDE, C.J., considered that if evidence of express malice was necessary, there was such evidence. O'BRIEN, J., did not consider that there was evidence of express malice. FITZGERALD, J., concurred with O'BRIEN, J., and expressed his strong disapproval of the introduction of the counts in false representation, which were unnecessary and unprecedented in their form as applied to the particular cause of action.

Attorneys for the plaintiff, *Parkers*.
Attorney for the defendant, *M'Govern.*

COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-law.

Before O'HAGAN and MORRIS, J.J.

GIBBINGS *v.* O'DELL.

June 12.—*Venue Motion—Omission of Averment that Defendant intends to examine Witnesses named.*

This was a motion to change the venue from Dublin to Limerick. The action was for rent. The defendant's affidavit, in support of the motion, stated that the lands, for the rent of which the action was brought, were in the County Limerick, that the parties resided there, and it named several persons who were sworn to be material and necessary witnesses, who also resided in the County Limerick,

Leech, for the plaintiff, resisted the motion on the ground of delay, and because the affidavit in support of the motion did not state, as had been held necessary in some previous decisions, that the defendant "intended to examine" the witnesses whose evidence he made the ground of his application.

O'HAGAN, J.—In this case the only question is whether, on the sole ground that the defendant does not state in his affidavit that he intends to examine the witnesses, whom he has sworn to be material and necessary, we are bound by authority to refuse the motion. We think that those cases may have been quite rightly decided on the facts then before the Court. Generally a motion of this kind has to be decided, on a balance of convenience on one side or the other, and when that is so, the absence of this averment may be a very proper ground of decision; but here there is no balance at all; the lands are in the County Limerick—the parties reside in the County Limerick—all the witnesses reside in the County Limerick—and it will only cause about three weeks' delay; perhaps as the after sittings are heavy not so much. Under these circumstances we do not think the omission of this averment is sufficient ground for refusing the motion.

Counsel for plaintiff, *Leech.*
Attorney for plaintiff, *O'Grady.*
Counsel for defendant, *G. Fitzgibbon.*
Attorney for defendant, *M. Leahy.*

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

IN BANKRUPTCY.

Before JUDGE BERWICK.

In Re M'PARLAND.

June, 1867.—*Debtors to Estate—Consent of Parties to Settlement of Claims by the Court.*

Where parties returned as debtors to a bankrupt's estate are summoned with a view to have an admission of the debts, and where some are denied, the Court will, with consent of he assignees and alleged debtors, appoint a day to try such tdisputed claims.

In this case the bankrupt was a baker, and returned several persons as debtors to his estate, who kept provision shops and sold bread. By permission of the Court the assignees summoned several of these debtors to admit the debts. *Levy*, instructed by *Tinkler*, examined them. Some of them denied that they owed any sum whatever, and, although they had not receipts, stated that they would be able to prove by witnesses that they paid what they owed, or, at all events, that nothing like the sums claimed were due. *Levy* said the assignees would be under the necessity of suing these parties, and of going to considerable expense, although there were no assets to pay the costs.

Judge BERWICK said, if the parties who were said to owe the debts, and the assignees assented, he would appoint a day and adjust the claims.

Levy said the assignees would consent to that arrangement, although it might be more satisfactory to have cases before a tribunal, where, if necessary, a jury might decide and save his Lordship so much trouble.

Judge BERWICK said he would undertake the task if the parties assented.

All parties having assented, his Lordship appointed a day for hearing and deciding all the disputed claims.

ENGLAND.

(From the *Daily News*).

A brief and almost casual conversation in the House of Lords on Monday evening went to the root of one of the difficulties which perplex and encumber the proposed Bank-

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ruptcy legislation. The tendency of public opinion has set strongly in the direction of abolishing imprisonment for debt. It has been abolished for a quarter of a century in the case of debts under £20. In the Bankruptcy Act of 1862 provisions were made for its virtual abrogation in other cases, and in the Bills of both last year and this year its almost entire abolition in the case of debts to any amount has been proposed. Yet, strange to say, it has been resuscitated in the case of debts under £20 by means of machinery devised in statutes only a year or two later in date than those which first attacked the principle. The County Court Judge is entrusted with power, either in his original judgment or by subsequent summons, to inquire into the circumstances under which the debt was contracted, and if the debtor's conduct has been fraudulent the Judge may commit him for 40 days. Moreover, if the Judge is satisfied that he has means of paying, but will not pay, the like power of commitment may be exercised; and as it may be exercised time after time, the imprisonment may become of indefinite duration. But no such power is entrusted to courts of higher jurisdiction. And though the debtor to a small amount may be imprisoned till he has paid the uttermost farthing, having no power to escape by bankruptcy, the debtor to a large amount is not only free from gaol, but is entitled to liberate himself entirely from all his obligations by a surrender of his property in bankruptcy, even though it does not pay so much as a penny in the pound. This anomaly is hard to justify, and it is not wonderful to find that, though Lord Chelmsford defends it, Lord Cairns, the late Attorney-General and present Lord Justice, declares it to be indefensible. Yet, on the other hand, we must not leave out of view that the County Court Judges, in whom the discretion of imprisonment for small debts is reposed, are all but unanimously in favour of its exercise, and declare that but for its existence their tribunals might be shut up.

We need not, however, allow our minds to be much disturbed with this alternative. A court of law is not in itself an essential blessing, but only a means of obviating injustice; and if we can obviate the injustice otherwise, we may reconcile ourselves to the closing of the institution. And it is to be observed that the right to imprison a debtor is not inherent in the relation of a creditor. Credit, when not given on pledge of a security, is really a confidence based on opinion, but carrying no abstract right of punishment if the opinion proves to be ill-founded. The community may superadd the right of punishment if it thinks fit, but to do so is at its option, and cannot be demanded in any other name than that of public convenience. Now public convenience is evidently concerned in the punishment of fraud, when practised by a debtor, as well as when practised by a seller, for in both cases it implies a wilful deception, from which ordinary precaution would not secure the other party. But when the question comes to be one, not of fraud, but merely of refusal to pay what is due, what is then the nature of the demand that a promise shall be enforced by punishment? It is plainly that the State shall provide machinery for ensuring honourable conduct. This is not very reasonable, if no stronger reason can be supplied. The State might justly retort that the maxim in other transactions, *Caveat emptor*, should be applicable to cases of loan. The creditor should not lend without security, unless he feels certain of the morality of his debtor. He has no justification in calling on the public to build and maintain prisons only to enforce a morality which he was not compelled to put to such a test. Sensible of this weak point in the case, the advocates of imprisonment for small debts say that it is only resorted to in the case of obstinacy combined with ability to pay, and that it is useful in enabling the poor to tide over seasons of distress by the power of obtaining credit that must otherwise be refused. But there is something self-contradictory in these allegations. If a man has the ability to pay a small debt, he must in general have some little property which could be distrained upon for payment. If he has not he must be living in lodgings, and existing from hand to mouth on his wages, and by going to prison his wages and his means of payment are stopped together; so that the remedy is solely applicable as a threat to induce such a man to lay aside something out of his wages rather than go to prison. But ought credit to have been originally given to a man of such character and position? Would not the simpler legal remedy have been that which would have been applied at an earlier stage, by warning the creditor that if he trusted a man of such character he did it at his peril? Nor can it justly be said that distress would be enhanced in hard times by contraction of credit to such characters. Having, *ex hypothesi*, no property, they must always be of very doubtful credit, for they have no tie to any locality, and even the power to imprison after judgment may be easily evaded by removal to another district before judgment. Hence the bad security must be insured against by high interest, and this process is not the way to alleviate distress. On the other hand, the really honest, really industrious family does not need to have its honesty fortified by dread of imprisonment after it has again begun to accumulate some property; and it will find credit as cheap, according to the state of the times, without as with that suspended but needless power.

It seems, on the whole, clear that we must at least make one rule for all classes of society. It will never do to maintain a power *in terrorem* over the mechanic from which we absolve the master. If we make up our minds that property, and not the person should be the basis of credit and the means of payment, we must not apply to the poorer class a harsher treatment than we impose on the wealthier. Probably, as in other cases, the wisest course will be found to be that which least interposes law at all, and leaves most to the agreement of individuals. And, as we have seen, while a creditor may fairly ask us to give him his debtor's property, which has been virtually pledged to him, he has no right to ask us to give him his debtor's body, which the debtor has no power to pledge. Even the right of attaching wages or income before it is paid, which the law of Scotland gives in lieu of the right to imprison for small debts, has been found to lead to the gravest evils. The best remedy of all would be to shorten in every case the period of credit. Times of distress do not last for more than a few months, and one, or at most two years' credit would be ample to allow in the lowest as well as in the highest cases. Such a limitation of actions receives great opposition from those who make large profits out of current accounts. But that is a class to which neither rich nor poor owe any gratitude, and which there is no reason we should favour by keeping the courts open to them for an absurdly long period.

POOR DEBTORS.

(From the *London Review*).

It has been stated that ten thousand persons are annually imprisoned by the County Court Judges of England for contempt of Court. The contempt consists in the fact that they fail to pay the instalments of their debts which the Court has ordered them to pay. Thus, while we have been diminishing imprisonment for debt in one direction, we have been increasing it in another. Parliament has before it a Bill by which any one who has contracted a debt of £50, or several debts amounting to £100, shall, on becoming bankrupt, be released from liability for his debts, except as regards his future acquired property, which may be charged with them to the extent of one half. But debtors who have not had the courage, ability, or good fortune to plunge so deeply into indebtedness, must make up their minds either to pay, or to spend a considerable portion of their lives in prison. By the beautiful fiction of law that their incarceration is not the punishment of their impecuniosity, but of their contempt of court, the loss of liberty profits them nothing. Before every other Court, the length of time a man may have spent under lock and key, whether as a criminal or a debtor, is reckoned in his favour. But he who dares to insult a County Court Judge by not having his five shillings ready when it is wanted, derives no advantage from his imprisonment. When he has purged himself of his contempt, he has still to pay five shillings, with the addition of the costs of the order by which the Court vindicated its outraged honour. This is the law for the poor. The law for the rich is, as we all know, of a very different complexion. It removes the burden of indebtedness almost as easily as a man changes his clothes; and according to its present provisions, the quittance it gives the bankrupt is absolute and final: so that if a man fails for a hundred thousand pounds, though he may have beggared

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a score of families, he easily rids himself of his embarrassments. But if Silas Brown's wife has run him into debt with the tallyman for twenty shillings, Silas must smart for it in purse, or in purse and person too. And though he is sent to prison as a contemner of the dignity of the Court he is treated not only as a debtor, but as a fraudulent debtor. Insult is added to injury. This is grievously unjust. While we are boasting of the strides we have been taking in the amelioration of our law of creditor and debtor we have been sending ten thousand persons to gaol every year for not paying some paltry instalment of a few shillings, and have been subjecting them to the same gaol regulations as are applied to fraudulent debtors.

The County Court Judges, says the Solicitor-General, asserts that Parliament might as well abolish the County Courts Acts altogether as abolish this power of imprisoning "contumacious" debtors. This means, that ten thousand cases occur annually in the County Courts of debtors who can pay, and won't pay. They prefer imprisonment, even though they know that it will not cancel their debt, and that they will still have to pay, notwithstanding their incarceration. The rate of imprisonment is a day for every shilling. The County Court Judges ask us to believe that Silas Brown, being able to pay the instalment of five shillings, is a man of such peculiar tastes that he would rather suffer five days' imprisonment before paying it than pay it at once; and that ten thousand persons annually come before them of the same eccentric disposition. From this, if true, it would appear that after we get below a certain social stratum we come upon a class to whom imprisonment is an honour or a luxury, or a thing on some ground or other to be desired—imprisonment, be it observed, of a disgraceful character. Their understandings are so obtuse that they cannot see how much better it would be to pay the instalment and have done with it, than to lose a week's work, endure a week's imprisonment, and have to pay it after all. This is simply incredible. But supposing it to be true, why are we to have one law for the rich and another for the poor? Every year about 120,000 persons are summoned before the County Courts. Over this immense body of people the Judges exercise a jurisdiction which empowers them to send to gaol any one who makes default in his payments for forty days. They can inflict this penalty again and again as often as default is made. So that there is nothing to prevent a man being repeatedly imprisoned for the same sum of money. Such a law is barbarous. Where mercy is most needed we show it least. One ground on which we excuse the rich for running into debt is that they are tempted by their creditors to do so. But no West-end jeweller ever tempted a young Guardsman to get into his debt more pressingly than the wives of working men are tempted by hawkers of female ware. In truth, the case of poor debtors is in all respects similar to that of rich debtors, the amount of their indebtedness excepted. There is the same venturing beyond their means, the same longing for superfluities, the same fallacious hope of being ready when the day of reckoning comes. Why should there be any difference in the law affecting them? If it is safe to abolish imprisonment altogether in the case of persons whose debts are of greater amount than that over which the County Court has jurisdiction, what are the conditions which render it unsafe to abolish it in the case of those whose debts are of less amount? We place very little value on the opinion of the County Court Judges with regard to this question. Judges have always been the most stubborn opponents of law reform, and we have no reason to expect that the County Court Bench will show more wisdom in such matters than the sages of the Courts of Westminster. Their opinion is condemned by the fact that it advocates a system of imprisonment, which amounts to positive cruelty. A thief expiates his offence when he has undergone his term of punishment. But here is punishment and no expiation. Whether the Government Bankruptcy Bill offers a favourable opportunity for altering the law in this respect we do not pretend to determine. But there remains time enough yet before the session closes to pass a Bill which, pending fuller consideration of the whole subject, shall limit the power of imprisonment, and shall cancel the debt or the instalment for which it is suffered.

SLADE *v.* SLADE.

(From *The Solicitors' Journal.*)

The story of the Slade baronetcy will occupy a conspicuous position in any future "Book about Lawyers." We do not, however, now intend to weary our readers by recapitulating its singular and romantic details, but shall content ourselves to-day with directing their attention to one or two of the more prominent points in the case. The sole question in dispute between the parties, when disentangled from the vast mass of evidence laid before the Court, was the validity of a marriage celebrated at Milan in the year 1825, between Miss Barbara Mostyn, a Roman Catholic young lady, and Mr. Carl von Koerber, a Luthern officer in the Austrian army. Miss Mostyn had subsequently married the late Sir Frederic Slade in Mr. Von Koerber's lifetime, and this second marriage was of course worthless if the first marriage was good. Whether it was good or not depended chiefly on two considerations: first, the due publication of the banns, which are an essential portion of an Austrian marriage; and, secondly, on the competency of the priest who performed the ceremony.

It was admitted on the part of the plaintiff, General Slade, whose interest it was to sustain the Milanese marriage, and thus establish the illegitimacy of the defendant, Sir Alfred Slade, the eldest son of Sir Frederic, that the due publication of banns could not be *proved*, but it was contended that it should be *presumed*. The defendant acknowledged that in some cases the maxim "*omnia præsumuntur rite esse acta*" might properly be applied to eke out defective proof of a marriage, but it could not, he said, be applied here because the evidence of the witnesses, and particularly of his mother, showed that the banns could not by any possibility have been duly published before the wedding took place. The Court, therefore, could not make a presumption positively at variance with the evidence. Now if Lady Slade's evidence was accurate, the defendant's contention on this point was no doubt correct. For the due publication of banns, a six weeks' residence before marriage in the parish where they are published is required by the Austrian code. According to Lady Slade, she was living at the time of her marriage in the parish of St. Babyla, but she had not lived there for the required period. In this statement she was corroborated by other testimony, and the Chief Baron and Baron Martin regarded her version of the story as accurate. They accordingly held that there had been no due publication of banns in the parish of St. Babyla. Barons Bramwell and Pigott, on the other hand, were of opinion that there was not enough evidence in the case to rebut the presumption which would otherwise arise that all the preliminaries of the marriage had been duly complied with.

The second objection raised by the defendant was of a highly technical character. The parties were not married by the parish priest of St. Babyla, but by a military chaplain, named Nagy, to whom Miss Mostyn had been "dimitted" by that priest. The plaintiff argued that Nagy was competent to marry the parties in one of two ways. Conceding it to be the law of Austria that the only priest competent to marry two persons is the *curator animarum* of one or other of them, Nagy, it was said, was either the *curator animarum* of Koerber, because Koerber belonged to the military force at Milan; or he was the *curator animarum* of Miss Mostyn by virtue of the "dimission" of the priest of the parish where she resided. Both these positions were contested by the defendant. Nagy was not, he argued, the *curator animarum* of Koerber, because Koerber was a Protestant, and had no Romish priest standing in that relation to him; or even if he had, it was the military chaplain at Gratz, to which town he had been transferred before the period of his marriage, and not the chaplain at Milan. Again, Nagy was not the *curator animarum* of Miss Mostyn, because the "dimission" was quite a different thing from a "delegation" by the priest of St. Babyla of his authority to marry his parishioners. With regard to this second point, Barons Bramwell and Pigott considered that Nagy was competent, whilst the Chief Baron and Baron Martin expressed much doubt on the subject. It was, however, unnecessary for the two latter judges to decide

the point either way, as they held the Milanese marriage to be invalid, on the ground of the non-publication of banns.

The result of this judgment is, that Sir Alfred Slade, the defendant, remains in possession of his father's property and title. Whether the case is to be fought *à l'outrance* appears at present uncertain, but it is, we believe, not improbable that the plaintiff will retire from further litigation.

We must add one word as to a remark which fell from Baron Martin at the close of his judgment, to the effect that such a case ought to have been submitted to the jury, and not to a court of law. The learned Baron appears to have forgotten that it must sooner or later have come before the Court. If there had been a trial in Somersetshire, neither party would have been satisfied with the verdict of a jury of country gentlemen, however intelligent, on knotty points of foreign law. There would certainly have been a motion for a new trial, and then the whole evidence must have been investigated by a court at Westminster. No public time, therefore would have been saved by a preliminary trial on the Western Circuit, whilst the already enormous cost of the suit would have been at least doubled.

Apart from its other aspects, the Slade case supplies a curious illustration of the occasional truth of the old saying which asserts that "possession is nine-tenths of the law"—a saying which, at the same time, is by no means universally correct as a matter of fact. The junior judge who tried the case being in favour of the party who is not in possession—the action taking the form of a motion for ejectment—willingly withdraws his own opinion, in order that there may be technical ground for a new trial, thereby giving the plaintiff, whose cause he upholds, a fresh chance. But supposing the opinion of the junior judge had gone the other way, the opinions of the whole four being at the same time equally divided, what would have been the issue? Would he have withdrawn his own judgment, not being legally obliged to do so, when his declining to withdraw it would have had the practical effect of leaving the party whom he held to be right in possession of the field, and thus have compelled the complete dropping of the action altogether? The question is by no means unimportant as a matter for practical consideration, and as a fresh proof of the astonishing anomalies of English law. The condition of the Austrian marriage law in Lombardy at the time of Miss Mostyn's first marriage was strange and anomalous enough. But what was it in comparison with an indefinite system which makes it a mere matter of etiquette whether or no a junior judge shall withdraw his judgment, or refuse to withdraw it, in a case in which the expenses of the suit must be enormous, and in which two courts of appeal may be successively called on to try the matter all over again?—*Pall Mall Gazette*.

THE STEAMSHIP GREAT EASTERN.

THE CLAIMS OF THE CREW.

The case of the Great Eastern, under arrest at Liverpool on several warrants, was opened in the Admiralty Court on Tuesday, on an important application, and resumed on Wednesday morning at the sitting of the Court. The seamen, numbering between 400 and 500, had instituted one suit for wages, and claimed damages for a wrongful dismissal. The petition filed on their behalf was objected to on the ground that the Court had no jurisdiction to entertain the question of damages against the limited company of the ship. The defendants applied to the Court to amend the petition, and the important point was discussed at some length. Mr. Butt appeared for the company, and Mr. Vernon Lushington (with whom was Mr. R. G. Williams) on the part of the seamen.

Mr. Butt said it was a suit for wages by 320 seamen of the Great Eastern steamship, which belonged to a limited company, and the motion would raise an important question of law. The petition alleged that the mariners were engaged to the end of June at certain wages, and that they were dismissed on the 1st of May last. An affidavit of a pitiable nature made on the part of the seamen had been put in, and which, he submitted, ought not to have been filed. There was no doubt the men were entitled to the wages earned, but the point was whether this court had jurisdiction to entertain a claim for compensation. It was said they had a lien on the ship—they had as to wages actually earned, but the measure of damages was a question for a jury, and not for this court.

His Lordship observed that matters were frequently referred to the registrars and merchants on questions of damages.

Mr. Butt submitted that the Court had no jurisdiction in this case beyond the wages already earned, and to which they were entitled. The affidavit stated that some of the men had been wandering about Liverpool, but all he could say was they might have been paid.

Mr. Vernon Lushington denied the latter remark, and on the present occasion proceeded to contend that the Court had jurisdiction to entertain the question for the wrongful dismissal. They had been discharged just two months before the time agreed upon, and without the payment of one farthing to some 500 men.

His Lordship said the question was whether the Court would be permitted—he believed by its patent the power was given—to entertain the question as to damages.

Mr Vernon Lushington thought it was whether, if the Court exercised the power, the Court of Queen's Bench would grant a prohibition.

Dr. Lushington—That is the question.

Mr. Vernon Lushington contended that it would be a great hardship to drive some 400 men to bring separate actions for damages, when all could be decided in this court.

The case proceeded, and judgment was reserved.

CURIOUS CASE.—Melbourne has this month been treated to a new kind of trial, before (to us) a new sort of tribunal. The cause has attracted much public attention; rather, more, perhaps, than its intrinsic importance would seem to warrant. A Rev. Mr. Booth, a clergyman of the Church of England, has been a defendant before an ecclesiastical court here—constituted, of course, under our church Assembly Act—charged with the offences of brawling and cruelty in church. The leading facts, which occurred some months back, at Wangaratta, are as follows:—During morning service one Sunday, a dog, which had strayed into the church, was making himself obnoxious, and a movement was made towards putting him out. The dog objected, retreated into the pew in which the clergyman's wife was seated, and, it is said, snapped at and bit her. The clergyman, joining the other casual objectors, made a first capture of the animal, which, after biting his captor, was then in some way handed to or recaptured by one of the congregation. The latter was bearing the cur from the church, when the clergyman seized the dog and suddenly broke one of his legs. This, some of the witnesses stated, was a wilful act on the part of the clergyman, although done under the influence of passion. Cries of "Shame!" came from some of the onlookers, several of whom left the church. Immense excitement was got up at Wangaratta, some few persons striving to excuse the clergyman, but the great majority siding with the dog. Our Bishop, Dr. Perry, was memorialized to remove Mr. Booth from his incumbency, but as he had a wife and two children, and had for many years preserved an irreproachable character, the bishop expressed his reluctance to take so extreme a course for one transitory fit of passion. The malcontent portion of the congregation were disgusted, and remonstrances appeared in the columns of the newspapers, as the subject is one on which every correspondent can be edifying on cruelty, and on what is becoming or unbecoming in Christian ministers. The excitement was kept up; the subject was even discussed at a meeting of the Church Assembly, and in the Legislative Assembly itself; and at last the bishop authorized the trial of Mr. Booth before a court, consisting of Mr. James Wilberforce Stephen (a leading equity counsel, and chancellor of the diocese) and four assessors. The trial came off in Melbourne; the prosecutors and the clergyman were respectively represented by counsel, and had the dog been

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represented by counsel too, his interest and position could not have been more conscientiously consulted. The facts, as above narrated, were fully proved, and the defendant was honest enough to admit that the act was wilful, and he thought to extenuate his conduct by pleading the transport of passion into which, for the moment, he was betrayed. He hoped for a lenient view of his position, and expressly quoted and relied on the leading case of David, a great sinner in various very unpleasant ways, but who was yet forgiven. Notwithstanding this line of defence, the assessors brought in a finding of guilty both of brawling and cruelty, and the sentence was six months' suspension from duty. But there arose a renewal of the agitation out of doors. More letters appeared in the newspapers, more newspaper articles complained of the inadequacy of the punishment. The bishop replied by only one letter, which seemed to have operated on the assailants like a chilled shot. Without attempting to justify the offender, his lordship, among other embarrassing arguments, submits that those who are so severe on the man who in the heat of passion breaks a dog's leg take no account of the persons who in mere sport, and without the excuse of passion, think nothing of breaking a bird's wing. The bishop here brings us *inter apices juris*, that we should condemn so warmly the breaking of the dog's leg, and think so lightly, or rather think not at all, of the many thousands of broken wings, is, I suppose, to be set down to mere habit and education. Be this as it may, the bishop's letter seems to have closed the controversy, and not prematurely; for, of all the dogs I have ever met with, this particular Wangaratta dog has certainly had his day.—*Times' Correspondent.*

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

SALE OF SHARES AFTER A WINDING-UP.—B., a stockbroker, was employed by C. to sell shares in a company which had been ordered to be wound up. After he had sold, C. declined to execute a transfer, and B. was compelled, according to the rules of the Stock Exchange, to procure other shares for the purchaser. To an action against C. for breach of the contract of employment to sell, C. pleaded that the sanction of the liquidator or of the court was necessary, and that it was not defendant's duty to apply for it. But it was held that, although the sanction must be obtained in order to render the transfer operative, the defendant must execute the deed *valeat quantum*: (*Biederman* v. *Stone*, 16 L. T. Rep. N. S. 415. C. P.)

CONTRIBUTORY—APPLICATION FOR SHARES—ACCEPTANCE BY COMPANY.—The promoter of a company, who was one of the directors, in July 1863, after incorporation, offered to P. that he should supply glass, &c., to the company, provided that he at once took, and paid the deposit upon, fifty shares; and undertook that he should not be called upon to pay more than the deposit and the sum payable on allotment, but that all calls to be made in respect of those shares should be credited as payment on account of goods, and that this agreement should be made a minute of the board at its first meeting. A few days later P. applied for fifty shares and paid the deposit. The shares were, however, never allotted, but P.'s name was entered on the register, although no information of such entry was ever in any manner given to him. In Nov. 1863, P. attended a board meeting, when the terms were discussed, and with some slight modification put into writing by P., and on the same day the board resolved that his tender should be accepted, and this was communicated to him. He, however, on the 21st Dec., wrote declining to carry out the arrangement, and that letter was in no way noticed until the following July, when the secretary demanded payment of a call made upon the fifty shares. This was not paid; the company got into difficulties, the hotel was not built, and no goods were ever supplied by P.: Held, that under these circumstances there was no concluded agreement between the company and P. which would be binding upon both parties: Held, further, that such an agreement as was set up was not *intra vires* of the directors, inasmuch as it would materially alter the position with respect to calls in which persons taking shares were intended by the Companies Act to be placed. Where a person has made an application for shares, accompanied by a payment of the required deposit, some notice of the acceptance by the company of that application is necessary in order to bind the applicant, and the mere entry of his name upon the company's register was held to be immaterial: (*Pellatt's case*, L. T. Rep. N. S. 442. L.JJ.)

SCI. FA.—EXECUTION AGAINST A SHAREHOLDER.—The Court will not refuse to issue a *sci. fa.* on a judgment against a company for the purpose of obtaining execution against a shareholder, on the ground that the judgment is erroneous on the face of it: (*Williams* v. *The Sidmouth Railway Company*, 16 L. T. Rep. N. S. 425. Ex.)

TRANSFER OF SHARES AND STOCK—REGISTRATION.—Sec. 16 of the Companies Clauses Act enacts that no shareholder shall be entitled to transfer any shares after any call shall have been made in respect thereof until he shall have paid such call, nor until he shall have paid all calls for the time being due on every share held by him. This was held not to refer to the transfer of shares fully paid up, and that the company was bound to register the transfer of such shares, although the transferror was the holder of other shares in the company on which calls were due and unpaid: (*Hubbersty* v. *The Manchester, &c., Railway Company*, 16 L. T. Rep. N. S. 425. Ex. Ch.)

RAILWAY—LANDS TAKEN—NOTICE—PRACTICE.—B. was lessee of land required by a railway held by him conjointly with other lands of like tenure, and subject to a power against alienation without lessor's consent. The company gave the required notice to B. and took possession, but they refused to complete the purchase without the consent of the lessor. This was held not to be necessary, and specific performance was decreed: (*Slipper* v. *Tottenham, &c., Railway Company*, 16 L. T. Rep. N. S. 446. M.R.)

DETINUE OF BANKRUPT'S POLICY OF INSURANCE.—A policy of insurance on the life of a bankrupt was handed over as a further security for a debt to a creditor, and subsequently, but before bankruptcy, the bankrupt signed a bought-note of the policy for the sum due. No notice was given to the insurance office, and at the examination the bankrupt swore that he had sold the policy. In an action by the assignees against the creditors for detention of the policy, it was held that the plaintiffs were entitled, on the ground that the facts of the case were distinguishable from those in *Gibson* v. *Overbury*, 7 M. & W. 555. That case decided that when the policy is deposited as a lien only, the assignees are not entitled to it, because there is no question of disputed ownership: (*Green* v. *Ingham*, 16 L. T. Rep. N. S. 455. C. P.)

CORRESPONDENCE.

THE RECORD OF TITLE ACT.

TO THE EDITOR OF "THE IRISH LAW TIMES."

SIR,—At the risk of wearying the patience of your readers, which I fear has been already heavily taxed by this correspondence, I am induced to offer a few observations in reply to the "fourth letter" of "Leguleius," appearing in your last number, not indeed, as it seems to me, that there is much to answer, for he has left the objections I have made almost untouched.

He says that the Recorder of Title has no power to alter the Record save under the direction of the Court, and that a judicial act of this importance will be done with ample notice, and having due regard to the rights of any *bona fide* purchaser for value. Unfortunately the kind of error which is likely to occur, usually affects two innocent parties, one of whom must suffer, no matter what decision the Court may come to. Such a case is that upon which the judgment of the Court of Appeal has lately been pronounced (*In Re* Walsh's estate), in which two purchasers, both deriving their title from the Landed Estates' Court, were the contending parties, each relying on the strength of his Parliamentary Title. I think the judgment in that case establishes beyond question what I contended for in my last letter, namely, that indefeasibility and a power to correct are totally inconsistent with each other.

Your correspondent says that there is "not a shadow of

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pretence" for my statement that the "only safe course" open, in the case mentioned in my last letter was to withdraw the property in question from the Record of Title. On this point any of your professional readers, who have read the correspondence, will be able to form their own opinions. If they consider that "*stop orders*," recording in the names of trustees without right of survivorship, caveats and these other contrivances to protect the public from the indefeasible action of the Record of Title system, are *perfectly safe*, then, of course, I am wrong; but I have very little doubt that the most experienced of your readers will approve of the course advised by the counsel consulted upon the case in question, namely, to withdraw the property from the Record.

"Leguleius" complains of my treatment of his illustrations. It may be my stupidity, but I have always been under the impression that if an illustration is used in argument in an analogical way, it should have such a connexion or resemblance to the subject illustrated as would justify the use of it as an analogy. Now this is precisely what seems to me to be the want in your correspondent's illustrations. My objection to the public notices in the paper was not merely to their publicity, but that an heir-at-law or devisee should be obstructed in the enjoyment of his property by being obliged, although no one questioned his title, to publish these notices, and otherwise satisfy the Landed Estates' Court that he was entitled to possession of it, a proceeding hitherto unknown in the law of real estate. To justify this proceeding your correspondent gives as an illustration the case of an executor who, to protect himself against claims of creditors and next of kin, publishes a notice in the newspaper under the 22 & 23 Vic., cap. 35. I am, I confess, at a loss to discover the analogy here, save that both parties publish notices in a newspaper, an analogy which would hold good with any other advertisement in the same columns. If your correspondent will use illustrations of this kind, he need not blame me if I observe upon their total want of analogy.

With regard to the friendly hint he gives me about enlarging the scope of "The Record of Title Accident Assurance Company," by adding such casual injuries as might befall owners by the "default of *agents*" (by which I understand him to mean *solicitors*), I would beg to remind him that solicitors are personally answerable to the extent of all they possess, for default or neglect in their professional duties. Unfortunately, however, the public have no such redress against the Recorder of Title, who may commit any number of blunders (and with the greatest respect allow me to say I do not believe him to be infallible) with the most perfect impunity, as by the 53rd section of the Record of Title Act it is enacted that "The judge shall not, nor shall the officer, or any person acting under the authority of either of them, be liable to any action, suit, or proceeding for or in respect of any act or matter *bona fide* done or omitted in the exercise or *supposed exercise* of the powers of this Act."

That there was a probability of accidents occurring in the rapid but indefeasible proceedings of the Record of Title system, is, I think, abundantly evident from the fact of the promoters taking care to insert this clause in their Act, which protects the officers, from the highest to the lowest, against the consequences of their own mistakes, and leaves the damage to fall on the unhappy recorded owner or incumbrancer, as the case may be.

Your correspondent in his letter compares me to a "timorous navigator." Perhaps the illustration is true. I do not certainly feel justified in being such an adventurous one as to launch my client's estate upon that dangerous and unknown ocean, the Record of Title system, notwithstanding the encouraging language of your correspondent, and the heroic spirit of the "living philosopher," with a quotation from whom he begins his last letter. Perhaps "Leguleius" has heard the story (and it seems to me appropriate to his illustration) of a certain Irish pilot, who, with more confidence than experience, undertook to guide a ship through a very dangerous channel, alleging that he "knew every rock in it." He had scarcely spoken these words when the ship struck with a violent shock, upon which he coolly added, "There's one of them." It may be on account of my fears as a "timorous navigator," but I apprehend that such will be the experimental method in which many adventurous owners will learn the navigation of that unexplored ocean, the Record of Title system.

I remain, Sir,
Your obedient Servant,
HENRY T. DIX.

9, Upper Gardiner-street.

UNIVERSITY INTELLIGENCE.

TRINITY COLLEGE, DUBLIN.

The election to Fellowship and Scholarship took place on Monday, the 17th, at one o'clock. The vacant Fellowship was awarded to

Palmer, Arthur, Sch. (877 marks).

FELLOWSHIP PRIZES.

Burnside, William S., Sch. (Madden Prize, £300), marks, 812; Tyrrell, Robert, Sch. (marks, 811), £60 prize; Cathcart, George, Sch. (marks, 627), £40 prize; Mills, Townsend, Sch. (marks, 575), £20 prize; Monck, Stanley W. H., Sch. (marks, 536), £20 prize.

SCIENCE SCHOLARSHIPS—MAXIMUM, 400.

Clarke, Andrew (marks, 246½); Nevin, David (marks, 191); Mr. Dawson Yelverton (marks, 168); Scott, Andrew W. (marks, 166).

CLASSICAL SCHOLARSHIPS—MAXIMUM 150.

Leeper, Alexander (marks, 110½); Ringwood, Richard (marks, 98); Bredon, John Francis A. (marks, 96); Riddall, Edward Parkinson (marks, 95); Stack, Thomas (marks, 94); O'Grady, Standish James (marks, 91½); Keene, Charles (marks, 91); Boulger, Edward Vaughan (marks, 89½); Johnston, Ronald (marks, 89½).

The examination for prizes in Political Economy was held on Wednesday, the 19th inst., in the new Museum Building.

The examination for the Professorship of Oratory was held on Tuesday, the 18th inst., at the new buildings.

The newly elected Fellow and Scholars were sworn-in, in the Chapel, on Tuesday, the 18th inst., at eleven o'clock, a.m.

THE LAW STUDENTS' JOURNAL.

THE FOLLOWING IS A COPY OF THE EXAMINATION PAPERS GIVEN ON THE FIRST DAY OF THE FINAL EXAMINATION FOR APPRENTICES TO ATTORNEYS, HELD ON THE 27TH MAY LAST.

[*Every answer is to be accompanied by reasons concisely stated.*]

COMMON LAW.

1. State accurately the nature of a "chose in action."
2. If there be two joint obligors in a bond, and one of them dies, against whom should the action be brought?
3. When a contract not within the operation of any statute has been reduced into writing, what is the rule of law as to admitting parol evidence concerning the subject-matter of the contract?
4. What is the meaning of a set off? Mention the cases in which debts or demands may and may not be set off against each other.
5. What is the meaning of estoppel? Give instances of estoppel by matters *in pais*.
6. What is a tort? Enumerate the various forms of actions *ex delicto*.
7. What is the distinction between libel and slander? What is a privileged communication?
8. Is a warranty made subsequent to a sale valid?
9. Is a seller ever answerable for the quality of goods which he declines to warrant?

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10. As a general rule, should an action against a carrier for the loss of or injury to goods be brought in the name of the consignor, or the consignee? and state any exceptions to the rule.
11. What authority does an agent require to execute a deed for his principal, so as to bind his principal?
12. Is a principal bound by the acts of a sub-agent?
13. What is meant by stoppage *in transitu*, and how is the right lost?
14. What is the meaning of "Donatio mortis causâ"? How does it differ from a legacy; and how from a gift *inter vivos*?
15. Mention the principal contracts of bailment.
16. Give instances of the application of the rule, that the best evidence of a transaction must be given.
17. After what lapse of time does the legal presumption of the death of a missing person arise?

REAL PROPERTY AND EQUITY.

18. What words in a conveyance are necessary to create an estate in fee-simple or fee-tail? Whence arose the necessity for the use of these words?
19. Lands are given to a man and his heirs male—(*a*) by deed, (*b*) by will; what estate does he take in each case?
20. What are the principal rules which govern the descent of an estate in fee-simple?
21. Is a voluntary settlement good against a subsequent purchaser who had no notice of it?
22. Is the vendor of a leasehold bound to produce the lessor's title?
23. What are trustees to preserve contingent remainders? Are such trustees now required, and why?
24. If an agent be employed to sell an estate, has he authority as such to receive payment of the purchase-money?
25. State some of the principal acts of legal waste. What is equitable waste? Can a tenant in tail in possession be restrained from equitable waste?
26. If, on the sale of an estate, part of the purchase-money is unpaid, has the vendor any claim on the estate or it?
27. What rights has a husband over his wife's term of years?
28. How will the cancellation of a lease by tearing, &c., affect the estate conveyed by it?
29. If, after a landlord has sold his estate, his tenant continues to pay him rent, can the tenant be called on to pay it over again?
30. Who may and who may not make a will?
31. What is an executor according to the tenor? An executor *de son tort*.
32. What is the nature of a proceeding to perpetuate testimony?
33. What is the meaning of the principle, that equity acts *in personam*.
34. Will equity relieve against acts performed under mistaken notions of law or of fact?

A DISTINGUISHED LAW STUDENT.

It is particularly gratifying to find that the post of distinction at the recent general examination of students of the Inns of Court, held in Lincoln's Inn Hall. was won by a young Irishman, Mr. Thomas de Courcy Atkins, of Killarney. The collegiate career of this young gentleman has been a remarkable one. In 1865 he attained the "Exhibition" in equity, and the following year in common law. A first class certificate of honour was awarded to him at Michaelmas in the same year, and now he has carried off from a host of competitors, including Oxford classmen and Cambridge wranglers, the studentship of fifty guineas per annum, which continues for a period of three years. We are happy to perceive that, in presenting him with this handsome prize, Sir Laurence Peel, the treasurer and senior bencher of the Middle Temple, and one of the judges of the Privy Council, spoke of our clever young countryman as "the most distinguished student they ever had." Such honours are now-a-days rarely won, and having been won in so distinguished and creditable a manner, are well deserving of public notice.—*Freeman's Journal.*

THE COURTS AND COURT PAPERS.

SUMMER ASSIZES.

MUNSTER CIRCUIT.

Ennis, 15th July, five o'clock.
Limerick, 19th July, ten o'clock.
Kerry, 24th July, one o'clock.
Cork County, 29th July, four o'clock.
Cork City, 2nd August, eleven o'clock.
Judges—Mr. Justice Fitzgerald and Mr. Justice Keogh.

LEINSTER CIRCUIT.

County of Wicklow, at Wicklow, Monday, July 8th—11 o'clock.
County of Wexford, at Wexford, Thursday, July 11th—10 o'clock.
County of Waterford, at Waterford, Monday, July 15th—8 o'clock.
County of Tipperary (South Riding), at Clonmel, Thursday, July 18th—12 o'clock.
County of Kilkenny, at Kilkenny, Wednesday, July 24th—2 o'clock.
City of Kilkenny, same day and hour.
County of Tipperary (North Riding), at Nenagh, Monday, July 29th—2 o'clock.
Judges—The Right Hon. Baron Deasy and the Right Hon. Justice Morris.

SALARIES OF OFFICERS IN THE IRISH LAW COURTS.

COURT OF QUEEN'S BENCH—WESTMINSTER, JUNE 18.

(Before the Lord Chief Justice and Justices Mellor and Shee.)

Yeo v. the Lords Commissioners of the Treasury.

In this case a conditional order for a *mandamus* was obtained a few days ago calling upon the Lords Commissioners of the Treasury to show cause why they should not give the necessary directions for payment to Mr. Yeo of a certain sum of money, being the arrears of salary claimed by him.

When the case was called on,

The Solicitor-General said—In this case I appear for the Lords of the Treasury to consent to the rule *nisi* being made absolute.

The Lord Chief Justice—You do not show cause?

The Solicitor-General—No, my lord. There is an important question at issue, which must be argued. It turns upon the construction of the particular section of the statute referred to (7 and 8 Vic., cap. 107) by my learned friend, Mr. Raymond, when moving for the rule. The Lords Commissioners do not, therefore, show cause.

Mr. Raymond appeared for Mr. Yeo.

The conditional order for the issuing of a writ of *mandamus* was made absolute.

LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before Judge Dobbs.

Jane Rawson, schedule. E. Croker, allocation. Jane Rawson, re-embursement. John Murphy, proposal. James Egan, from 18th inst. William Talbot, costs. John Delany, vary order.

Before the Examiner.

John Legg, proofs. B. Kelly, do. John Stratford, rental. John Bournes, do.

Before Judge Lynch.

Lord Valentia, from 15th inst. J. Flood and others, allocation. J. T. R. Colclough and wife, stay proceedings. Thomas Wogan Browne, objection to schedule. C. S. Courtenay, as to passing accounts. Executrix of Michael Doherty, deceased, private offer. Frederick Carolin, for deeds.

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Tuesday—Before JUDGE DOBBS.

William Brophy, from 4th inst. Trustees of John Legg, allocation. B. Kelly, do.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

Percy Smith—13 lots—Cork and Waterford—Fee. Profit rent, £1,738. Solicitor, *John Maunsell.*

E. Pittar and others—9 lots—Antrim and Dublin—Years and lives, and fee farm rents. Profit rent, £296. Solicitor, *John Smith.*

Thomas Cuthbert and others—15 lots—Tipperary and Cork—Fee. Profit rent, £1,357 18s. 11d. Solicitor, *Richard Atkinson.*

Assignees of William Stewart—2 lots—Dublin—long terms. Profit rent, £151. Solicitors, *Chomley & Brown.*

John Franklin—2 lots—Cork—Leaseholds. Profit rent, £63. Solicitor, *George Bernard.*

Trustees of Thomas K. Sullivan—4 lots—Cork—Fee and fee-farm, and long lease. Profit rent, £230. Solicitors, *Meldon & Son.*

Sir R. Howard—2 lots—Wicklow. Profit rent, £98. Solicitor, *Alfred M'Dermott.*

Before Mr. UBLIN.

Thomas Neale, rental. James Young, do.

Wednesday—Before JUDGE DOBBS.

Emily Francis, allocation.

Before JUDGE LYNCH.

M. M'Allister, final schedule. J. C. Mee, do. L. D'Andrie and others, do. B. Irwin, do. A. Burke, do. Trustee of J. K. Sullivan, do. Peter M'Coy, do. G. G. Stokes and another, do.

Before the EXAMINER.

H. Jevers, rental. Assignees of Scott, to vouch.

Thursday—Before JUDGE DOBBS.

Assignee of Thomas Daly, schedule. Joseph Buckley, do. R. E. Donovan and others, do. W. J. Sidney, do. W. Prenter and another, do.

Before the EXAMINER.

H. T. C. Saunders, rental. Rev. Robert Oliver and another, schedule.

Before JUDGE LYNCH.

J. J. C. Fitzgerald, from 20th instant. E. Dowell, do.

Friday—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

A. Dewar, 1 lot.

Elizabeth Little, 1 lot.

R. C. Lawrenson, 79 lots.

Before the EXAMINER.

W. Kelly, rental.

LANDED ESTATES' COURT.—PETITIONS FILED, *from 14th to 21st June,* 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
June 14	2381B	G. S. Brereton & others	*W. W. Brereton—Supplemental Petition to appoint Trustees*	—	—	*Alma and Hackett*	Lynch
June 18	3890	Philip Burton & others, and Thomas Bechinor, their Trustee	*Francis Burton*	Cork	17 13 10	*C. J. Daly*	Lynch
June 19	3891	George Wyse, M.D.	*The Owner—a Vendor of Land*	City of Dublin	87 0 0	*James Blaquiere*	Dobbs
June 20	1784A	Rev. Sir Wm. Palmer, Bart., and another	*The Owners—Supplemental Petition for Exchange*	—	—	*Gresson and Clarke*	Dobbs
"	3892	Baron Templemore	*The Owner*	Down	2,554 0 0	*W. C. Cunningham*	Lynch
"	3893	Thomas Curran	*Alexander Foy*	City of Dublin	86 0 0	*D. C. Bergin*	Dobbs
June 21	3894	Rev. L. H Bolton	*P. L. Massy*	Dublin	305 0 0	*Wm. D'Alton*	Lynch

LANDED ESTATES COURT.

SALES.

June 14.—Before the Hon. JUDGE DOBBS.

COUNTY OF CORK.—Estate of Jane Sheehy, widow, administratrix of William Keays, deceased, owner and petitioner.

Plot of strand or ground, with the dwelling-house and premises thereon, situate at Harbour row, in the town of Queenstown (late Cove), in the united parishes of Clonmel and Templerobin, barony of Barrymore, and county of Cork, held under lease dated 28th January, 1816, for the lives therein named, and twenty years from the death of the last surviving life; estimated yearly value, £42; estimated yearly profit rent, £32 15s. 4½d. Sale adjourned. Solicitor, *T. J. Purcell.*

CITY OF DUBLIN.—Estate of Patrick Murray, Joseph Franklin, and Thomas Rogers, or some or one of them, owners; Joseph Watkins and Joseph Farran Darley, petitioners.

Premises known as No. 1, Caroline-row, Lower Summerhill, in the city of Dublin, held under lease, dated 25th of May, 1854, for a term of 21 years, from the 22nd of May, 1854, subject to the yearly rent of £52, above taxes, payable weekly, poor law valuation, £43. Sold to Mr. Rogers for £190. Solicitor, *William G. Bradley.*

QUEEN'S COUNTY.—Estate of John Delaney, Esq., owner and petitioner.

Part of the lands of Garrafin, containing 201a. 2r. 9p., statute measure, situate in the barony of Upper Woods and Queen's County, held under lease bearing date 26th of March, 1789, for the term of 999 years, and producing a net profit rent of £49 18s. 1d. Sold to Mrs. Senior for £800. Solicitor, *George Bolton.*

COUNTY OF CAVAN.—Estate of James Gibson, owner; Judith Keenan, petitioner.

Part of the lands of Toneyaraher, otherwise Toneyarahill, containing 87a. 2r. 36p., statute measure, situate in the

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parish of Drumlane, in the barony of Lower Loughter, in the county of Cavan, held with other lands for the residue of a term of 17 years from 29th September, 1852, renewable *toties quoties*, at an entire rent of £18 8s. 4d., and an annual renewable fine of £4 7s. 9d., and one moidore and fines in aid. Sold to Dr. Lavery for £1,450, in trust, for the petitioner. Solicitor, *J. Vogan*.

COUNTY OF DOWN.—Estate of William Valentine and George M'Auliffe, trustees of Samuel Walker, owners and petitioners.

Part of the lands of Ballyknockan and Tullygirvan, in the barony of Castlereagh and county of Down.

Lot 1. An annual chief rent of £28 11s. 2d. sterling, issuing and payable out of the mill and part of the lands of Ballyknockan, containing 8a. 3r. 18p., statute measure, or thereabouts, and also the mines, minerals, and quarries. Sold to Mr. John Warnock for £570.

Lot 2. Part of the lands of Ballyknockan, in the barony of Castlereagh, and county of Down, containing 38a. 3r. 16p., statute measure, or thereabouts, held in fee simple; yearly rent, £77 14s. Sold to Rev. John Jelly for £1,300.

Lot 3. Other part of the lands of Ballyknockan, 40a. 1r. 32p., statute measure, or thereabouts, held in fee simple; yearly rent, £39 9s. 10d. Sold to Mr. D. Bouchier (tenant) for £1,300.

Lot 4. Other part of the lands of Ballyknockan, containing 27a. 3r. 12p., statute measure, or thereabouts, held in fee-simple; yearly rent, £81. Sold to Mr. Casey, in trust, for £1,070.

Lot 5. Other part of the lands of Ballyknockan, 23a. 0r. 25p., held in fee-simple; yearly rent, £58. Sold to Mr. Warnock for £820.

Lot 6. Other part of the lands of Ballyknockan, held in fee-simple, and part of the lands of Tullygirvan, held by fee-farm grant, bearing date 27th June, 1739, containing together 41a. 1r. 10p.; yearly rent, £102. Sold to Mr. Casey, in trust, for £1,360.

Lot 7. An annual chief rent of £225, issuing out of the lands, mills, and buildings known as the Tullygirvan Flax Spinning Mill. Sold to Mr. Warnock for £750.

Lot 8. Sale adjourned.

Lot 9. Corn mill and buildings appurtenant thereto, situate on other part of Tullygirvan, held under fee-farm grant; yearly rent, £26 6s. Sold to Mr. James Magilton for £280.

Lot 10. Sale adjourned. Solicitors, *Buckley and Smith*.

June 18.—Before the Hon. JUDGE LYNCH.

COUNTY OF TIPPERARY AND KING'S COUNTY.—Estate of Eliza Smallman, owner; Richard Atkinson, petitioner.

Lot 1. Houses on the Mall and in Rosemary-street, Roscrea; held in fee; net rental, £28 5s. 4d. Sold for £300 to Mr. Edward Kirwan, Roscrea.

Lot 2. Houses in same place, held in fee; net rental, £37 12s. 4d. Sold to Mr. Andrew Phelan for £165.

Lot 3. Houses in Abbey-street, same town, held in fee; net rental, £42 7s. Same purchaser for £355.

Lot 4. Houses at Dublin-road and River-lane, same town, held in fee; net rental, £29 10s. 6d. Sold to Mr. Vizor, Bridge Cottage, Roscrea, for £365.

Lot 5. House and premises on the Mall and near the barrack ground, same town, held in fee; net rental, £42 4s. Sold to Mr. Atkinson for £220.

Lot 6. House and store, Main-street, same town, held in fee; net rental, £31 6s. Sold to Mr. Andrew Phelan for £300.

Lot 7. House in same street, held in fee; net rental, £21. Sold to Mr. Samuel Dann, of Roscrea, for £280.

Lot 8. Houses called Parker's plot, same town, held in fee-farm; net rental, £62 8s. 3d. Sold for £670 to Mr. William Bourke, Roscrea.

Lot 9. Houses in Main-street and Rosemary street, and premises at Glanagour, same town, and part of lands of Irby, near the town, held in fee-farm; net rental, £54 4s. 10d. Sold to Mrs. Mary Mackey, Roscrea, for £500.

Lot 10. Houses in Church-street, Ballyhall-street, and Castle street, same town, held partly in fee and partly in fee-farm; net rental, £90 15s. 5½d. Sold to Mr. Richard Atkinson for £485.

Lot 11. The Manor Mills of Roscrea, and plot contiguous, with houses, and houses in River-lane and Castle-street, Roscrea, held partly for two lives in being and 61 years in reversion, and partly in fee; net rental, £72 10s. Sale adjourned, biddings having only reached £220.

Lot 12. Part of the lands of Fancroft, near Roscrea, containing 51a. 1r. 12p., statute measure, held in fee-farm; net rental, £101 6s. 8d. Sold for £1,230 to Mr. Frank Sheppard, in trust for Mr. George Austin Malin.

Lot 13. Lands of Dangeonreagh, near Roscrea, held in fee-farm, containing 87a. 1r. 5p., statute measure; net rental, £86 3s. 8d. Sold to Mr. William Burke, 26, Lincoln-place, for £1,060.

Lot 14. Part of Clybanane Mill holding, near Roscrea, containing 14 acres statute measure, held in fee, and producing a net rent of £76 8s. 10d. Sale adjourned, biddings having only reached £715.

Lot 15. Part of lands of Clybanane and Timeighter, near Roscrea, held in fee, containing 123a. 3r. 36p., statute measure, and producing a net rent of £132 19s. 7d. Sold to Mr. Richard Atkinson for £2,500. Solicitor, *Allan Nesbitt*.

CITY OF DUBLIN.—Estate of Anne Jane Boylan and Susanna T. Boylan, owners and petitioners.

An undivided seventh share of the houses and premises 1, 2, and 3, Lower Fitzwilliam-street, and 1 and 2, Fitzwilliam lane, held under lease from 1792 for 143 years, and an undivided seventh share of the houses 4 and 5, Lower Fitzwilliam street, and 10, Fitzwilliam-lane, held under lease for 143 years from 1797. Net rental for sale, £41 1s. 6d. Sale adjourned, biddings having only reached £260. Solicitor, *Thomas Donnelly*.

COUNTY OF MEATH.—Estate of William Jenkins Howard, owner; Emma Fetherstonhaugh, petitioner.

Lot 1. Not offered for sale.

Lot 2. Part of the lands of Baskinagh, otherwise Millend, barony of Lune, held in fee simple, and containing 80a. 3r. 18p., statute measure; net profit rent, £56 10s. 8d. Sold to Mr. Charles Fitzgerald for £1,200, in trust for Mr. Francis M. Hart. Solicitor, *Edward Fetherstonhaugh*.

COUNTY OF DONEGAL.—Estate of Charles King Kennedy, owner; John Dwyer Healy, administrator of Eleanor Healy, his wife, petitioner.

Lot 1. Part of the lands of Kilpheak, held under fee-farm grant. Sale adjourned.

Lot 2. The mill lands of Roughan, held under renewable lease. Sale adjourned. Solicitor, *Michael Macnamara*.

COUNTY LONGFORD.—Estate of Alexander Henry Slator, continued in the name of his assignees, owner; George Warner Wilson, petitioner.

Life estate of owner, aged 28, in the lands of Rossduff and acres of Cornadrung, in the barony of Granard, held in fee-simple, containing 763a, 1r. 19p., statute measure, producing a yearly rent of £405, subject to a half-yearly drainage charge of £8 18s, to expire in November, 1880. Sale adjourned, the biddings having only reached £1,300. Solicitor, *J. Hone*.

COUNTY KILDARE.—Estate of Thomas Wogan Browne, owner; Arthur French, petitioner.

Lot 1. Part of the lands of Boherhole, held in fee-simple, containing 61a. 2r. 29p., statute measure, barony of Ikeathy and Oughterany, producing a net rent of £40 9s. 10d. Sold to Mr. Christopher Rynd for £900, in trust for Mr. Gerald Aylmer.

Lot 2. Part of the lands of Boherhole, Mainham, and Ballinaboly, containing 78a. 1r., statute measure, held in fee-simple, and producing a net rental of £67 18s. 8d. Adjourned, the biddings having only reached £900.

Lot 3. Part of the lands of Moonantrane, Mainham, and Loughanure, containing 92a. 2r. 31p., statute measure, held in fee-simple, and producing a net rent of £55 1s. 8d. Sold to Mr. Patrick Sweetman, brewer, for £980. Solicitors, *Hone and Son*.

CITY OF CORK.—Estate of the Rev. Thomas G. Smith and others, owners and petitioners.

Houses on Lavitt's-quay, producing a net annual profit rent of £11 1s. 6d. Sold for £165 to Mr. J. E. Madden, Belgrave-square, Monkstown. Solicitor, *J. T. Hinds*.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
June 24	12 o'clock	Edward Thornton	Vouch assignee's account	*Bourke*
"	"	Arrangement case	do.	*Findlater & Collins*
"	"	J. J. Farrall	Vouch mortgagee's account	*Morgan*
"	"	Samuel Brickenough	Prove debts and vouch assignee's acct.	*Morgan*
"	"	Alexander Hall	do. do.	*Kernan & Tracy*
"	"	Thomas Rothwell	do. do.	*Larkin*
		Tuesday. Before the COURT.		
June 25	11 o'clock	William Young	Final examination	*Lynch*
"	"	Arrangement case	First sitting	*Perry*
"	"	do.	do. do.	*Leahy*
"	"	do.	Second sitting	*O'Dowda*
"	"	do.	do.	*Black*
"	"	Samuel Pickering	Prove charge	*Boxwell*
"	"	Arrangement case	Charge and discharge	*Dickie*
"	"	The Patent Peat Company	Settled	*Molloy & Watson*
"	"	Adjudication sitting	- - - -	*Perry*
"	"	R. P. Brown	Audit and dividend	*Green & Co.*
"	"	J. J. Farrall	do.	*Morgan*
"	"	do	Audit and vouch mortgagee's acct.	*Morgan*
"	"	Arrangement case	Audit	*Findlater & Collins*
"	"	Robert Humphrey	Motion	*O'Rorke & Neilson*
"	"	John Leddy	do.	*Hunter*
"	"	Arrangement case	Adjourned motion	*Findlater & Collins*
"	"	do.	do.	*Daniel*
"	"	Private sitting	- - - -	*Bloomfield & Leahy*
"	"	do.	- - - -	*Irvine*
		Thursday. Before CHIEF REGISTRAR.		
June 27	12 o'clock	John O'Brien	Vouch assignee's account	*Batt*
"	"	John Cunningham	do.	*Batt*
"	"	William Young	Reference	*Black*
"	"	S. & A. Kingston	Adjourned proof of debts	*Perry*
"	"	Arrangement case	Prove debts and vouch assignee's acct.	*Boughey*
"	"	George P. Magrath	do. do.	*Lawless*
"	"	Arrangement case	Prove debts	*Moore & Barlow*
"	"	Nicholas Peterson	Vouch mortgagee's account	*Larkin*
		Friday. Before the COURT.		
June 28	11 o'clock	J. & R. Callaghan	Final examination	*Molloy & Watson*
"	"	James Byrne	do.	*Meldon & Son*
"	"	Richard Flood	do.	*Forsythe*
"	"	Nicholas J. Anderson	do.	*Mathews*
"	"	John F. W. Templeton	do.	*Perry*
"	"	Thomas O'Toole	Audit and dividend	*Fay & M'Gough*
"	"	Josh. O'Hara	do.	*Findlater & Collins*
"	"	Michael Ryan	do.	*Molloy & Watson*
"	"	John Murphy	do.	*Molloy & Watson*
"	"	Patrick M'Swiney	do.	*Meldon & Son*
"	"	Edward Thornton	do.	*Bourke*
"	"	John A. Malet	Examine witnesses	*Mathews*
"	"	Arrangement case	First sitting	*Lynch*
"	"	do.	Second sitting	*Cronhelm*
"	"	Fleming and Hennessy	Sur., prove debts, and choose assignee	*Larkin*
"	"	Arrangement sitting	Under 351st section	*Mildon*
"	"	Nicholas Peterson	Audit mortgagee's account	*Larkin*
"	"	Thomas Rothwell	Audit	*Larkin*
"	"	Samuel Brickenough	Audit and dividend	*Morgan*
"	"	Private sitting	- - - -	*Molloy & Watson*
		Before CHIEF REGISTRAR.		
"	12 o clock	Peter Grehan	Prove debts and vouch assignee's acct.	*Meldon*
"	"	Denis Lyons	do. do.	*Meldon*
"	"	J. W. Ridley	Prove debts	*Batt*
"	"	Patrick Ronayne	Prove debts and vouch assignee's acct	*Perry*

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TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
June 21	Austin Riordan, of Ennistymon, county Clare, butter merchant,	John Fagan, of Cooke-street, city of Dublin, paper manufacturer,	*Larkin*

BANKRUPTS.

Copeland, Hugh, of Enniskillen, county of Fermanagh, draper. Petition for arrangement filed May 13, 1867. To sur. Tuesday, July 2, and Tuesday, July 16. C. H. James, Official Assignee. *Larkin*, solr.

Dower, Robert V., of Broad-street, Waterford, chemist and druggist. Petition of bankruptcy filed June 14, 1867. To sur. Tuesday, July 2, and Tuesday, July 16, L. H. Deering, Official Assignee. *Molloy and Watson*, solrs.

Fleming, Mathew, and Hennessy, Denis, of Knox's-street, Sligo, county Sligo, drapers, co-partners in trade, trading as Fleming, Hennessy and Company. Petition for arrangement filed May 15, 1867. To sur. Friday, June 28, and Friday, July 12. L. H. Deering, Official Assignee. *Larkin*, solr.

Phelan, Edmond, of Mayor's walk, Waterford, and having a place of business at King-street, in said city, baker and flour dealer. Petition of baukruptcy filed June 11. 1867. To sur. Tuesday, July 2, and Tuesday, July 16. L. H. Deering, Official Assignee. *Dobbyn and Tandy*, solrs.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
June 24	12 o'clock	Thomas Roche Rice	To prove debts	*Huggard*
		Tuesday.		
June 25	12 o'clock	Isabella Georgina Brabazon	To tax costs	*Bergin*
,,	,,	Thomas MacDonnell	do.	*Macnally*
,,	,,	David Quin	do.	*Macnally*
,,	,,	William Johnston	do.	*Graham*
		Wednesday. Before the COURT.		
June 26	11 o'clock	David Quinn	Audit and dividend	*Macnally*
,,	,,	Thomas MacDonnell,	do.	*Macnally*
,,	,,	James Doran	Adjourned do.	*Macnally*
,,	,,	Rev. Charles Lomax Thomas	do.	*Macnally*
,,	,,	John Roney	Audit mortgage account	*Wallace & Co.*
,,	,,	John Gleeson	Adjourned choice of assignee	*O'Connell*
,,	,,	John Dillon	To confirm sale	*Howe*
,,	,,	Hugh Stewart	Adjourned notice of motion	*Atkinson*
,,	,,	Thomas Weekes	Hearing	*Macnally*
,,	,,	Edmund Burke	Adjourned hearing	*Graves*
,,	,,	Patrick Coleman	do.	*Rynd*
,,	,,	Hugh Lyons Montgomery	do.	*Graves*
		Friday.		
June 28		———	For Bail Motions only.	———
		Saturday. Before the CHIEF CLERK.		
June 29	12 o'clock	Alfred Faulks	To vouch assignee's account	*Seeds*
,,	,,	William Strain	do.	*Stone*
,,	,,	Neal O'Donel Caulfield	do.	*Bclas*

CASES DISPOSED OF.

Flood, Alexander. Discharged.

Lynch, Peter. Adjourned to Wednesday, December 11th, 1867.

Lynham, Mathew. Adjourned to Wednesday, July 3rd, 1867.

MacIvor, Stephen. Discharged.

INSOLVENTS DISCHARGED ON BAIL until the Day of Hearing their petitions.

Bowyer, Henry Joseph, Clerk in Common Pleas, Dublin.

Carter, Richard, Deputy Clerk of Peace, Galway.

Graham, James, grocer, county Londonderry.

Murphy, Edward Joseph, grocer, now grocer's assistant, Cork.

Redden, William, coach painter, Cork.

INSOLVENTS.

To be heard in Dublin.

Bowyer, Henry Joseph, of Laburnum Lodge, North Strand-road, city of Dublin; previously of Victoria House, London Bridge road, county Dublin, clerk in Common Pleas Office, Dublin. Hearing on Wednesday, July 10, at 11. *Irvine*, solicitor.

Home, Richard Hare, of Clonakilty, county Cork, Ireland; previously of Aldershott, Plymouth, and London, England; arrested in Cork; lately a lieutenant in H. M. 13th Light Infantry. Hearing on Wednesday, July 3rd, at 11. *Macnally*, solicitor.

To be heard in the Country.

Aldwell, Michael, of Oldcastle, county Meath, not in any business; previously of same place, baker, grocer, spirit and general dealer. Hearing at Trim, July 1st, at 9·30 o'clock. *Goodman* solicitor.

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Green, Daniel, of Drumherve, county Donegal, farmer, grocer, and egg dealer. Hearing at Lifford, July 3, at 10. *Dickie*, solicitor.

Linehan, John, of Caroline-street, Cork, window blind manufacturer. Hearing at Cork, July 8, at 10. *Collins*, solicitor.

M'Inerney, Patt, of Six-mile bridge, and Ballyroe, county Clare, farmer. Hearing at Ennis, October 16, at 10. *Moloney*, solicitor.

Murphy, Edward Joseph, of Lancaster-quay, city of Cork; previously of Grand parade, in said city, grocer, now grocer's assistant. Hearing at Cork, July 8, at 10. *Drinan*, solicitor.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

KELLY—June 14, at Rock-square, Castlebar, County of Mayo, the wife of Alfred B. Kelly, Esq., solicitor, of a daughter.

O'KEARNEY—June 18, at Tobernea-terrace, Monkstown, the wife of Hatton R. O'Kearney, Esq., solicitor, of a daughter.

DEATH.

RUTTLE—June 16, at his residence, 69, Lower Gardiner-street, Michael John Ruttle, Esq., solicitor.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JUNE Sat. 15	Mon. 17	Tues. 18	Wed. 19	Thur 20	Fri. 21
Government						
New 3 p c Stock	92⅞	92⅞	92⅝	92⅝	92⅝	92½
3 p c Consols	94⅝	94¼	94¼	—	—	94
Foreign and Colonial.						
India 5 p c Stock	—	109⅞	109⅝	109⅝	109⅛	109⅝
Joint-Stock Banks.						
Ireland, £100 pd	232	231¾	—	231⅞	—	231⅛
Hibernian, £25 pd	—	—	36	36	36	36
Munster (Limited.), £3 10s pd ..	4½	—	4½	4½	—	—
National, £30 pd	60½	60½	60	60	59½	59½
National of L'pool (Ltd.), £15 pd	—	—	13	—	13	—
Provincial, £25 pd	—	—	89	—	89	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32⅝	—	32½	—	32⅝	—
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	—	—	13¾	13½
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	99½	99½	—	99½	—
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	7½
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	—
Do., £5 pd B	—	6½	—	—	6½	—
Do., £4 pd 2 C	—	5½	—	—	5½	—
Grand Canal, £100 pd	—	—	—	—	—	47
Patriotic Insurance, £10 pd ..	—	—	—	—	—	9
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	46	46	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	74½	—	—	—	75½
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	190
Dublin & Drogheda, £100 pd ..	—	—	83	—	—	—
D., W., & W., £100 pd	—	40	40	40	40½	40½
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	96	96	—	—	—	—
Midland Gt. Western, £100 pd ..	—	59	—	—	—	—
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	92	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	49	—	—	—	—	48
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	96½	—	—	—	—	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	46	45	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	100½
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3½ per cent., 20th December, 1866.

Of Deposit—1½ per cent., 7th February, 1867.

Name Days—June 13th and June 27th.

Account Days—June 14th and June 28th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

IN CHANCERY.

SALE OF RENT-CHARGES CHARGED ON PREMISES IN THE COUNTY AND CITY OF DUBLIN.

In the Matter of
Robert Bradshaw, Charles Caldow, and the Rev. Loftus T. Shire, Executors of Edwd. Harwood, deceased,
Petitioners;
Henry Burke and others,
Respondents.

Cause Petition, "Court of Chancery (Ireland) Regulation Act, 1850," section 15.

TO BE SOLD BY AUCTION, at Messrs. Littledale & Co., Sale-rooms, No. 9, Upper Ormond-quay, Dublin, by directions of Edward Litton, Esquire, the Master in this Matter, on Friday, the 12th day of July, 1867, at the hour of One o'clock in the afternoon,

IN THREE LOTS,

The following Rent-charges.

LOT 1. An annuity or rent-charge of £24 10s., reducible to £20 16s. on punctual payment, held for several lives, created by deed dated 6th day of October, 1649, charged on premises at Richmond Hill, Rathmines, in the County of Dublin, held for the residue of 99 years, from 1830, producing the net annual rental of £93 7s. per annum.

LOT 2. An annuity or rent charge of £20, held for lives renewable for ever, created by deed dated 14th August, 1834, charged on premises called Catherine-ville, Royal Conal, Glasnevin-road, in the County of Dublin, which are held for lives renewable for ever, and which produce the net annual rental of £51 16s 8d.

LOT 3. An annuity or rent-charge of £36, reducible to £30 on punctual payment, held for several lives created by deed dated 17th May, 1845, charged on premises known as Hughes'-place and Hanover-street, in the City of Dublin, which are held for the residue of a term of 56 years from 1824, with a covenant for renewal if intermediate landlord obtain a renewal of his lease, and on premises in Great Brunswick-street, in the City of Dublin, held for a term of 900 years, and producing a net annual rental of £47 3s. 1d.

For Rentals, Conditions of Sale, and other particulars, apply to

SYDENHAM DAVIS, Solicitor for Petitioners, 81, Lower Gardiner-street;

MICHAEL DRISCOLL, Solicitor for Respondents, 81, Lower Camden-street; and to

Messrs LITTLEDALE & Co., Auctioneers, No. 9, Upper Ormond-quay, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
John Waters, Administrator of Joshua Porter, deceased,
Petitioner;
Anne Porter, Joshua Henry Porter, and John Henry Nunn,
Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of Joshua Porter, late of Grafton-street, in the City of Dublin, Printer, deceased, on or before the 15th day of JULY, 1867, to furnish, in writing, to the Petitioner's Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 14th day of June, 1867.

WM. BROOKE, Master in Chancery.

MICHAEL LARKIN, Solicitor for Petitioner, No. 1, Merchant's-quay.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," 15th sec.

In the Matter of
Christopher Tuite, John Tuite, Margaret Tuite, and Michael Tuite, Infants under the age of 21 years, by said Christopher Tuite, their next friend,
Petitioners.
Elizabeth Tuite and Richd. Tuite,
Respondents.

I HEREBY require all persons claiming to be Creditors, Pecuniary Legatees, or Next of Kin of Michael Tuite, late of George's-quay, in the City of Dublin, Coal Merchant, deceased, on or before the 16th day of July, 1867, to furnish, in writing, to the said Respondents, or Mr. MICHAEL KEOGH CULLEN, of No. 5, Hardwicke-place, in the City of Dublin, their Solicitor, the amount and particulars of their several demands, (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove or allow in this matter such or so much of their demands as she shall think just, of the allowance or disallowance of which, or any part of same, said Creditors, Legatees, and Next of Kin, shall receive due Notice. And all such Creditors, Legatees, and Next of Kin, whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 17th day of June, 1867.

WM. BROOKE, Master in Chancery.

THOMAS LYNCH, Solicitor for the Petitioners, No. 23, Middle Gardiner-street, Dublin.

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LANDED ESTATES' COURT, IRELAND.

COUNTIES OF KILKENNY AND CARLOW AND QUEEN'S COUNTY.

In the Matter of the Estate of
James Young, Esq., Owner;
Exparte,
Richard Charles Pratt and John Hamilton, Esqrs., Petitioners.

TO BE SOLD BY AUCTION,
IN EIGHT LOTS,
Before the Honourable JUDGE DOBBS, in his Court,
LANDED ESTATES' COURT, INN'S-QUAY,
In the City of Dublin,

On FRIDAY, the 5th day of JULY, 1867,
At the hour of Twelve o'clock, noon,

The following Valuable Properties, as particularized in the printed Rental in this Matter, viz :—

The Lands of Ballyogan, containing 319a. 1r. 15p., situate in the Barony of Gowran, and County of Kilkenny, held in Fee-farm; also certain well secured profit rents arising out of Houses and Premises situate in Tullow-street, Tullow-gate, Dublin-street, Bridewell-lane, Brown-street, Charlotte-street, and Montgomery-street, all in the Town of Carlow, and County of Carlow, held in Fee-farm, and for lives renewable for ever. Also, the Lands of Bocka, containing 1,217 acres situate in the Barony of Ossory, and Queen's County, held for 999 years. Also, part of the Lands of Graigue, known as Wallfield, and part of the Town of Graigue, situate in the Barony of Sleevemurrigue, and Queen's County, held for lives renewable for ever, as particularized in the Rental in this Matter.

SUMMARY OF LOTS.

No. of Lot	Denominations	Quantity	Tenants' Rents	Head Rents	Net Annual Profit	Poor Law Valuation	Owner's Tenure
	COUNTY OF KILKENNY,	A. R. P.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1	Ballyogan, ...	321 3 9	140 15 10	0 4 7½	126 10 2	104 10 0	Fee-farm
	CARLOW,						
2	Tullow-street, Carlow, ...	1 0 21 Houses, &c.	28 14 6	10 5 4	18 9 2	123 5 0	Like
3	Dublin-street, do., ...	Houses &c.	59 0 0	28 3 1	30 16 10	47 5 0	Like, and lease for 61 years
4	Bridewell-lane, do., ...	do.	35 1 0	10 3 1	25 17 11	36 0 0	Lease for lives renewable
5	Brown-street and Charlotte-street, Carlow,	do.	24 0 0	4 0 0	20 0 0	43 10 0	Like
6	Montgomery-street, Carlow, ..	do.	25 0 0	10 0 0	15 0 0	20 0 0	Like
	QUEEN'S COUNTY,						
7	Bocka, ...	1,217 0 37	223 0 0	96 9 7½	126 10 4½	104 0 0	999 years, and part 99 years
8	Wallfield, and part of the Town of Graigue,	11 2 11	83 9 2	46 17 2	36 12 0	59 10 0	Fee-farm lease for lives renewable
	Total, ...	1,551 2 38	620 0 6	2[illegible]6 2 11	399 16 5	538 0 0	

Dated this 27th day of May, 1867.

R. DENNY URLIN, Examiner.

ALFRED H. MIDDLETON, Solicitor.

DESCRIPTIVE PARTICULARS.

LOT 1.
COUNTY OF KILKENNY.

This Lot, consisting of the Lands of Ballyogan partly adjoins the River Barrow; and there is frequent and cheap communication by the Barrow Navigation Company's Boats, between Waterford and Dublin, and the intermediate towns; an excellent road from Graigue to the flourishing town of New Ross passes through the Lands.

The Lands are capable of being much increased in value by drainage; the tenants are solvent and respectable, and pay their rents punctually.

LOTS 2 TO 6.
TOWN OF CARLOW.

These Lots consist of well secured profit rents, arising out of Houses and Premises situate in Tullow-street, Tullow-gate, Dublin-street, Bridewell-lane, Brown-street, Charlotte-street, and Montgomery-street, in the Town of Carlow.

LOT 7.
QUEEN'S COUNTY.

This Lot consists of the Lands of Bocka. A considerable sum has been recently expended by the Owner on this Lot, in making roads, drains &c., and the Lands are capable of further improvement. The shooting of the mountains is valuable.

LOT 8.
QUEEN'S COUNTY.

The Lands of Graigue, known as Wallfield, and portion of the Town of Graigue, the entire of which is held only by two tenants, who are respectable and pay their rents regularly.

For Rentals and further particulars apply at the Landed Estates' Court, Dublin; to
JAMES YOUNG, Esq., the Owner, Maryborough, Queen's County; to
Messrs. DURDIN, Solicitors, 16, Westland-row, Dublin; to
JAMES R. WHITELAW, Esq., Solicitor, 43, Dame-street, Dublin; or to
ALFRED H. MIDDLETON, Solicitor having Carriage of Proceedings, 26, Eustace-street, Dublin.

In the LANDED ESTATES' COURT, IRELAND.

SALE,

On THURSDAY, the 4th day of JULY, 1867.

COUNTY OF DUBLIN.

In the Matter of the Estate of
Thomas Kirby, Owner;
Patrick Fanning, Petitioner.

TO BE SOLD, before the Honourable Judge Lynch, at the Landed Estates' Court, Inn's-quay, in the City of Dublin, on THURSDAY, the 4th day of July, 1867, at noon, the Houses and Premises No. 108 and 110, Tritonville-road, Sandymount, in the Parish of St. Mary's, Donnybrook, and County of Dublin, and a Plot of Building Ground and Garden adjoining said Houses, and a Small House thereon, held under lease dated the 27th November, 1845, for the residue of the term of 96 years, from the 29th September, 1845, subject to the annual rent of £22 1s., and producing a net profit rent of £70 9s.

Dated this 8th day of June, 1867.

RICHARD C. TOPHAM, for Chief Clerk.

For Rentals and further particulars apply to
THOMAS H. KANE, Esq., Solicitor for the Owner, 79, Talbot-street;
At the Registrar's Office, Landed Estates' Court, Dublin; or to
J. W. COPPINGER, Solicitor having the Carriage of the Sale, 14, Fleet-street.

DESCRIPTIVE PARTICULARS.

These premises are situate within a few minutes' walk of Sydney-parade Railway Station, and quite close to the Village of Sandymount, a populous and rising district, and within easy access of Dublin, by cars and buses, which ply at all hours.

The Houses are modern, having been built within the last few years.

The Plot of Building Ground and Garden adjoining No. 110, have recently been Let on lease to a respectable and solvent tenant, who is understood to intend building thereon.

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In the LANDED ESTATES' COURT, IRELAND.

KING'S COUNTY.

In the Matter of the Estate of The Trustees of Mary Jennings, Owners; Patrick Fanning, Petitioner.

And in the Matter of the Estate of The Trustees of Mary Jennings and Richard John Jennings, Owners; J. Casimir O'Meagher, Petitioner.

TO BE SOLD, before the Honourable Judge Dobbs, at the Landed Estates' Court, Inn's-quay, in the City of Dublin, on FRIDAY, the 5th day of JULY, 1867, that part of the Lands of Derreen called the Cottage Division, containing 154a. 0r. 30p. statute measure, situate in the Upper Half Barony of Phillipstown, and King's County, held under lease for lives renewable for ever, subject to the annual head rent of £43 10s. sterling, and to two terminable annuities set forth in rental, producing a profit rent of £98 11s. 4d. sterling.

Dated this 3rd day of June, 1867.

GEORGE T. HOPKINS, Chief Clerk.

For Rentals and further particulars apply to

J. CASIMIR O'MEAGHER, Esq., 33, Upper Sackville-street;

J. MARA, Esq., Solicitor, Portarlington;

At the Registrar's Office, Landed Estates' Court, Dublin; or to

J. W. COPPINGER, Esq., Solicitor having the Carriage of the Sale, 14, Fleet-street.

DESCRIPTIVE PARTICULARS.

These Lands are situate within three miles of Portarlington, an important market town, and a principal station on the Great Southern and Western Railway, and on the high road from thence to Tullamore.

They are of a superior quality, suitable for grazing or tillage purposes, and are Let to comfortable and solvent tenants, who have, for the most part, interests in their holdings.

The purchaser will be entitled to cut turf for his own consumption on the neighbouring Bog of Moneenagagh.

The Portarlington and Tullamore Railway runs through the southern portion of this property.

LANDED ESTATES' COURT, IRELAND.

COUNTY OF DONEGAL.

In the Matter of the Estate of Michael Murphy & Charles Henry James and Hugh Dining, Assignees of Hugh M'Menamin, Owners; Exparte, Joseph White, Petitioner.

TO BE SOLD BY PUBLIC AUCTION, before the Right Honourable Judge Dobbs, on FRIDAY, the 8th day of NOVEMBER, 1867, at the Landed Estates' Court, Dublin,

IN ONE LOT,

Part of the Lands of Lifford Commons, containing 7 acres 3 roods, statute measure, situate in the Parish of Clonleigh, Barony of Raphoe, and County of Donegal, held under Fee-farm Grant, bearing date the 7th day of June, 1695, subject to a chief rent of 5s. yearly, present currency.

The Lands are situate about a mile and a quarter from the Town of Strabane, and within a quarter of a mile of Lifford, both first class market towns. The Lands are of a very superior quality, and most eligibly circumstanced.

Dated this 13th day of June, 1867.

GEORGE T. HOPKINS, Chief Clerk.

Rentals and further particulars can be had at

Messrs. WILSON & HODGES, Solicitors having the Carriage of the Sale, No. 34, Lower Ormond-quay, Dublin; at the

REGISTRAR'S OFFICE, Landed Estates' Court, Inn's quay, Dublin.

ROBERT WILSON, Solicitor, Strabane.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James Byrne, of Thomas-street, in the City of Dublin, Grocer and Spirit Merchant, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 28th day of JUNE, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 15th day of June, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

JAMES D. MELDON & SON, Agents to the Bankruptcy, No. 14, Upper Ormond-quay, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Hugh Copeland, of Enniskillen, in the County of Fermanagh, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 2nd day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 18th day of June, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, 1, Merchant's-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of William Campbell, of Enniskillen, in the County of Fermanagh, Builder and Contractor, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 1st day of JULY, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on TUESDAY, the 16th day of JULY, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 19th day of June, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay, Dublin.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelor's-walk, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Peter Moore Fisher, of Youghal, in the County of Cork, Miller, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 1st day of JULY, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on TUSEDAY, the 9th day of JULY, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 20th day of June, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

M. J. WHITE, Agent to the Bankruptcy, No 12, Bachelor's-walk, Dublin.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 22.] SATURDAY, JUNE 29, 1867. {Single Copy, 6d. By Post, 7d.

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office,* 53, *Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, 53, *Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, JUNE 29, 1867.

IT is to be hoped that, with the introduction of the new Chancery and Common Law Bills, a new system of transacting the business of the several Courts will be inaugurated, and that many irregularities and abuses which exist at present, and are productive of inconvenience to the Bench, and both branches of the profession, will pass away for ever with the old *regime*.

It would be a problem of hopeless difficulty to determine, to the satisfaction of all concerned, to whom principally the causes of the many prevailing irregularities and abuses are to be attributed; but we must protest against the unfair and usual habit of throwing the censure and responsibility on the heads of the Solicitors and Attorneys, in almost every instance, where anything goes astray. "*Quicquid delirant reges plectuntur Achivi,*" may be stated as the almost invariable rule in such cases. It may, however, be said that there was an exception to this rule in the late indignant manifesto, which the Lord Chancellor caused to be borne on the wings of the Press to the remotest corner of his jurisdiction. His Lordship, it will be said, administered his censure on both branches of the profession without favour or affection. No one knows better than his Lordship that in cases of a similar nature to that of which he complained, the fault most frequently lies with the Bar, and not with the Solicitors, and if he intended to make them equally objects of his animadversion we have no complaint to make. The remedy for correcting this state of things lies, not with the Bench, but the Solicitors themselves. If, in the seven cases out of the twelve in the list for the day, the fault really lay with Counsel retained for the petitioners, it is not surprising that every Solicitor, on whom so grave a censure was pronounced, should feel deeply aggrieved. The unlucky five at the end of the list, who came in for the heaviest share of the denunciation, have the greatest cause of complaint. So far from being culpable, it was only reasonable for them to suppose that they need not be in punctual attendance at the sitting of the Court. It is, therefore, no matter for surprise that they felt more keenly than the seven defaulters that preceded them, the remarks of the Chancellor. Like schoolboys who have committed some offence outside the jurisdiction of the pedagogue, and are by him kindly recommended to the attention of their

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parents and guardians for special chastisement, the solicitors of the High Court of Chancery in Ireland are for the future to be specially mentioned in official despatches to their clients.

In order to extend to suitors in general the benefit of the new scheme, it might be suggested by some speculative reformer, that an index of the names of all transgressors should be established, and placed within the reach of all inquirers, at a small charge. In course of time we might expect an "Equity Black List," with all the benefits likely to flow from a salutary publication of the kind.

But, in sober truth, it must be conceded that, no matter where the fault lay, the Chancellor had good grounds for complaining that the Court was trifled with to an extent not to be tolerated; and every well-wisher of the legal profession must deprecate the recurrence of what took place on the occasion to which we allude. What has occurred will, we trust, lead to results satisfactory to practitioners, and promote a degree of certainty and regularity in conducting the business of the Court, which at present is most desirable.

The threat of the Chancellor may have been made in the warmth of the moment, and the intention so positively announced may never be carried into effect. For our own part, we must confess a desire to see the experiment tried on the first opportunity; and if any Solicitor, who may be reported to his client as guilty of gross negligence, shall not be able to vindicate his conduct before a jury, in the name of all that is just, let him be punished, and make adequate compensation in damages for any injury he has occasioned. If, on the other hand, the blame imputed to him is fairly attributable to others—be they Judges, or their immediate officials, or Barristers-at-law, whether humble or eminent—the sooner the subject is thoroughly ventilated, and matters placed in their true light before the public, the better it will be, not alone for the individual Solicitor concerned, but for every one having any interest in the matter.

We urge these few remarks on the attention of the Solicitors, in the hope that they will, in future, take up a manly and independent position, and protest against the practice now prevailing of visiting them, in every instance, with the blame and responsibility of every miscarriage and default, no matter how innocent *in fact* they may be.

It will be seen, from an announcement in our columns, that Belfast is to be favoured this year with a visit from the Social Science Association, and from the distinguished reputation of the Presidents of the different sections, we may rest assured that the questions under discussion will receive the fullest elucidation. Amongst the subjects to be discussed are some in which the Profession are highly interested, and we confidently anticipate that its members in Belfast, and those who visit that city on the occasion, will avail themselves of the opportunity thus to be afforded them of interchanging opinions with some of the highest functionaries of the law, who are connected with the Association.

The sections of the first division, under the presidency of the Right Hon. Justice O'Hagan, are exclusively legal, and the subjects under the head of "Municipal Law" in Section B, cannot fail to elicit a full discussion, viz.:—"On what points should the laws and procedure of England and Ireland be assimilated?" There is no doubt, that on many points, particularly in the laws relating to bankruptcy and imprisonment for debt, this country would have much to gain from an assimilation, and the opinion of the Profession is generally strong in its favour. The Profession is not quite so unanimous in favour of another point under the same section, viz., "How far is it desirable to further centralize or localize the administration of justice?" We have examples how extreme centralization works on the Continent, and they certainly do not prepossess us in favour of the system. In the second division, of which Thomas Andrews, M.D., F.R.S., is President, the Association proposes to consider whether the National or Denominational system of Education is best suited to the circumstances of Ireland. But it is in the questions comprised under the fourth division, over which Sir Robert Kane, F.R.S., presides, that the legal and general public will be most interested, as these questions have all, during this session, been brought before the Houses of Parliament. The first is "What Legislative or other measures can be adopted to improve the relations between landlord and tenant in Ireland?" and the second is "What are the economic results of the continuous emigration from Ireland?" The fate that attended the bills brought in by members of both Liberal and Conservative Governments, to amend the law on these subjects, forbids us to hope that any very definite proposals will be agreed to; but from the well-known ability and practical statesmanship of the President of the Association, Lord Dufferin, who has shown himself so thoroughly master of this difficult and delicate question by his late letters to *The Times*, and from the reputation and long experience of Sir Robert Kane in dealing with the Economy and Trade of Ireland, it is certain that all that can be urged on both sides will be said, and the English visitors, and members of the Social Science Association will be able to judge for themselves what are the comparative merits of the custom rather than law which secures to the Ulster tenant the enjoyment of that envied privilege quoted by so many of our countrymen, as the source of the prosperity of the north of Ireland.

An unusual but not uninteresting suit is now pending in a Court comparatively unknown to the general body of Solicitors. The tribunal to which we refer is the Provincial Court of Dublin, and the suit, that of *Mills v. Craig*, appointed to be heard before it on Tuesday, the 9th proximo. The Provincial Court of Dublin may be said to represent the late Consistorial Court, and is presided over by Dr. Battersby, its "Official, Principal, Chancellor, and Judge," and its jurisdiction is governed by the Ecclesiastical Courts and Registries Act (Ireland), 1864 (27 and 28 Vic., cap. 54), whilst its procedure is guided by "The Rules and Orders" thereunder approved of by the Lord Lieutenant in Council on the 16th September, 1865.

In the case in question, "The office of the Judge" is "promoted by the Rev. Thos. Mills, clk., A.M., petitioner, against the Rev. Herbert Tudor Craig

respondent;" and the prayer of the petition, which is in a suit of intrusion, seeks a citation to the respondent, requiring his answer to the facts alleged, and this citation has been granted by the Archbishop.

The suit brought by the Rev. Mr. Mills may be said to be one to restrain the Rev. Mr. Craig from performing certain spiritual offices, or celebrating Divine service within the parish of St. Jude, of which the petitioner is the incumbent. The ministrations complained of as invasions of the petitioner's rights in his incumbency are the officiations of the respondent under pretence of an authority from the Secretary for War, to the office of Military Chaplain of Richmond Barracks, which is stated to be within the limits of St. Jude's; and the petitioner also complains of the respondent doing other acts within the parish, such as visiting the sick, administering the sacraments of baptism and the Lord's Supper, and preparing for Confirmation, without the consent of the Archbishop or the licence of the incumbent.

It is manifestly apparent that the suit is brought to ascertain the limits of the duties of a military or garrison chaplain, appointed as such; and as the "answer" has not yet been filed, we will at present do no more than take the opportunity to draw the attention of our readers to the varied and extensive jurisdiction and easily acquired practice of the Provincial Court of Dublin—a Court which, by sec. 53 of the Act alluded to, is open to all branches of the legal profession.

Our readers will see, on reference to our Parliamentary reports, that the "Attorneys' Certificate Duty Bill" passed through Committee, without alteration, on Tuesday night. Mr. Walpole intimated, however, that the motion for the third reading would meet with opposition from the Government. Another strenuous and united effort will therefore be necessary on the part of the supporters of the measure, and, despite even of Ministerial hostility, we may be able to announce next week a triumphant result.

SOCIAL SCIENCE ASSOCIATION.

The eleventh annual meeting of the National Association for the Promotion of Social Science will be held in Belfast, from the 18th to the 25th of September, 1867. President—The Right Hon. Lord Dufferin and Clandeboye. President of the council—The Right Hon. Lord Brougham. General secretary—George Woodyatt Hastings. Foreign secretary—John Westlake.

The following are the special questions chosen by the standing committees of the several departments for discussion at the meeting:—

I.—JURISPRUDENCE AND AMENDMENT OF THE LAW.

President—The Right Hon. Justice O'Hagan.

Section A.—International Law.

1.—Is it desirable that there should be an International currency? and, if so, on what basis? 2.—Is it desirable to establish a general system of arbitration? and, if so, on what principle should it be organized?

Section B.—Municipal Law.

1.—On what points should the laws and procedure of England and Ireland be assimilated? 2.—Is it desirable to establish a Court of Criminal Appeal on the facts? and if so, on what plan? 3.—How far is it desirable to further centralize or localize the administration of justice?

Section C.—Repression of Crime.

President—The Right Hon. the Master of the Rolls.

1.—What better measures can be adopted for the repression of crimes of violence against the person? 2.—How can the organization of our police be improved with a view to the more effectual repression of crime.

II.—EDUCATION.

President—Thomas Andrews, M.D., F.R.S.

1.—Is the "National" or "denominational" system of education best suited to the circumstances of Ireland? 2.—What are the best means for improving the *status* of teachers, and for securing for the public sufficient guarantees for the efficiency of their teaching? 3.—What is the best method for educating the idiotic and imbecile? and ought the State to subsidize educational establishments for such persons?

III.—PUBLIC HEALTH.

President—Sir James Y. Simpson, Bart.

1.—What measures are necessary to secure efficiency and uniformity in the working of the sanitary laws throughout the kingdom? 2.—In what respects do the registration systems of England, Ireland, and Scotland, need improvement? and is it desirable that they should be assimilated? 3.—In what form and to what extent is it desirable that the public should provide means for the recreation of the working classes?

IV.—ECONOMY AND TRADE.

President—Sir Robert Kane, F.R.S.

Section A.

1.—What legislative or other measures can be adopted to improve the relations between landlord and tenant in Ireland? 2.—What are the economic results of the continuous emigration from Ireland? 3.—Should the Local Government Acts be extended to Ireland.

Section B.

1.—Can any measures be taken to develop and extend the manufactures of Ireland? 2.—What action, if any, ought the Government to take with regard to railways? 3.—How may the extension of the Irish fisheries be best promoted?

The days not devoted to special questions will be reserved for voluntary papers.

THE CIVIL SERVICE.—Tuesday afternoon, in the Members' Tea Room of the House of Commons, a large body of the Excise branch of the Civil Service waited upon members of the House of Commons, to urge upon their consideration the many disadvantages their class suffer, and, among other things, the great advantage which would accrue to the public service and to the revenue if the three branches of the Customs—namely, Stamps, Taxes, and Excise—were consolidated. Among the members present were Baron Rothschild, Mr. Serjeant King, Mr. P. O'Brien, Mr. Horsfall, Mr. George S. Smyth, Lord Curzon, Mr. John Candlish, Mr. P. A. Taylor, Sir John Gray, Mr. Bass, and many others. While the deputation were explaining, through Mr. Meikle, Mr. Steel, and other spokesmen, the various points for the consideration of the members, showing that the excise officers have heavy responsibilities and duties, at comparatively low salaries, many of the members were called away to the House. The deputation proceeded to urge that there would be great advantage in combining such offices as the collection of the excise and the collection of the assessed taxes, for now the two offices were carried out separately in cases where one officer could perform both duties, and the members who remained agreed that a case for inquiry had been made out, and urged the deputation to draw up their statements concisely, so that attention might be given to the various points. The deputation thanked the members and withdrew. This branch of the Civil servants, whose case was reported a few weeks since in *The Times*, is holding a day-to-day conference at Exeter-hall.

THE BAR OF SCOTLAND.—The *Edinburgh Courant* says a meeting of the Faculty of Advocates was to be held on Friday for the purpose of considering the following resolution to be moved by the Dean:—"That the Faculty are of opinion that the Bar of Scotland should be put on the same footing as regards the appointment of Queen's Counsel as the Bar of England and of Ireland, and direct the Dean and his council to communicate this resolution to her Majesty's Government."

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

FRENCH *v.* DE HAESSELEE.

May 14.—*Practice—Substitution on Decree.*

The petition was filed by a holder of a bill of exchange of the respondent, the Baroness of Haesselee, a married woman, to recover the amount out of certain lands in Ireland, settled to her separate use. The respondent resided abroad, and her agent, who was in receipt of the rents, when applied to refused to give her address. Neither the respondent nor her agent had any residence in Ireland.

Vereker moved to substitute service on the land agent, and the Court made a conditional order.

Solicitor for petitioner, *W. M'Cay.*

In re PERCY.

May 10.—*Practice—Discharge of Ward of Court—Usual Reference Dispensed with.*

E. F. Litton moved a petition that a minor should be discharged from the wardship of the Court, and asked for an order, without the usual reference to enquire whether anything was due for maintenance or costs. The petition stated that nothing was due for maintenance or costs. The annual income of the minor was not more than £31. The Court discharged the minor without a reference.

Solicitors, *Cullen, Coffey, and Co.*

In re SETTLED ESTATES' ACT, *ex parte* GILMORE.

June 5.—*Practice—Settled Estates' Act—Advertisement.*

In this case, which was an application to pay out money under the Settled Estates' Act, His Honor stated that he should in future, in such cases, require that the advertisements should be approved of and vouched by his secretary, as in cases under the Railway Act.

SHANNON *v.* BELLEW.

June 11.—*Sale by Auction—Puffer—Leave to a Party to Bid.*

This was a mortgage suit, and a decree was made for a sale of the mortgaged property. The sale took place by auction before Mr. Littledale, one of the conditions of sale being that the highest bidder should be the purchaser, with the approval of the Master. Mr. Powell was declared the purchaser for £500. All the biddings beyond £300 were made by a Mr. Reardon, who was clerk of the solicitor for the mortgagees, and who admittedly bid on their behalf without having obtained the leave of the Court. An application was made before the Master to whom the cause was referred, under the 15th section of the Chancery Regulation Act, to set aside the sale. The Master refused the motion, and the purchaser appealed.

The motion was put on two grounds—1st, that Reardon was a puffer; 2ndly, that he bid for the mortgagees without the leave of the Court.

The MASTER of the ROLLS was of opinion that even if Reardon was a puffer, the practice in sales under the Court was that one puffer does not invalidate a sale. But he held that Reardon was not a puffer—that term applying to a person who bids at an auction but does not intend, and is not bound to complete the purchase; and that the objection that the leave of the Court was not obtained was an irregularity which the purchaser could not take advantage of, and the motion was refused with costs.

Counsel for the purchaser, *Jellett*, Q.C., and *H. Fitzgibbon.* Solicitors, *Byrne and Lambert.*

Counsel for the petitioners, *Sherlock*, Q C., and *Meldon.* Solicitor, *J. D. Meldon.*

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law

Before KEATING, J.

HARVEY *v.* BUCHANAN AND OTHERS.

June 23.—*Motion for New Trial—When Refused.*

Dr. Ball, Q.C., for some of the defendants, moved for a conditional order for a new trial of the issue. The issue was in respect of two alleged wills, made by John Norris, dated respectively the 12th and 13th October, 1866, each in favour of the plaintiff, but the second nominated executors, which the first omitted to do.

The case was at trial for several days before the Court and a special jury. The deceased, it appeared, had been subject to eccentricities, and even to delusions, on some matters, but they did not appear to exist at the time of the making of the alleged wills.

The testator was entitled to freehold estates of the annual value of £700, besides considerable personal assets.

He died a bachelor, and his next of kin were cousins, of whom the plaintiff was one. He died on the evening of the 13th October 1866; the last will having been made on the morning of that day. A draft of a will, in the handwriting of the testator, made several years before, and in favour of a brother of the plaintiff, but who had gone abroad, and had not been heard of for many years, was given in evidence by the plaintiff, to show testamentary intention in favour of his family.

The testator had, amongst other oddities, a peculiar aversion to doctors, and in fact died, as was proved, from want of proper attention in that respect. A letter was also proved, in the deceased's handwriting, written on the 11th of October, 1866, to the plaintiff, urging him to come over and take care of the deceased and all his property, as he had the best right to it. Several medical gentlemen were examined for the defendants, who deposed, from a *post mortem* examination of the body of the deceased, that he must have been delirious and under delusions for three or four weeks previous to his death. He had a severe anthrax on his back, that had been entirely neglected, and the deceased took little nourishment, but lived entirely on milk, or weak tea, and vegetable diet, and was greatly emaciated; and he also lived an excluded life, not associating with his friends or relatives.

On the trial the learned Judge charged the jury strongly in favour of the defendants, and against the validity of the wills; but at the same time left the question to the jury for their exclusive consideration on the evidence.

The jury found a verdict establishing both the wills, as together containing the last will of the testator; and the Judge, therefore, made a decree to that effect, awarding to the defendants their costs out of the estate. Counsel argued that from the nature of the property, being inheritable, and from the difficulties of the case, the verdict was not satisfactory, and ought not to bind the inheritor; and cited *Boyce* v. *Rossborough*, 6 H. L. C. 45; *Tatham* v. *Wright*, 2 R. & M. 16, in support of his argument.

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KEATINGE, J.—I am afraid that I charged the jury too favourably for you, but the question was especially a jury question, and I am not at all prepared to say that I am dissatisfied with the verdict. I was very much struck by the unquestioned fact of a draft of a will being proved in the handwriting of the deceased in favour of a brother of the plaintiff, in addition to the other evidence given by documents, and by parol for the plaintiff. No doubt the conduct of the plaintiff was disgraceful in not taking proper care of the deceased, when he was sent for; and I visited him, so far as I could, with a penalty for his misconduct, by ordering him to pay the costs of the defendants; but as the question was a fair jury question, I will make no rule on the present motion.

No rule.

Attorney for defendants, *Cecil Moore*.

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Before DOBBS, J.

Estate of JOHN S. KIRWAN.

June 19.—*Compensation—County Road.*

Ormsby, Q.C., for Mr. Armstrong, the purchaser of Lot No. 4 of the lands sold in this matter, applied that compensation might be given to him under the following circumstances:—It appeared by this affidavit that Mr. Armstrong was the purchaser of the lot in question for £1,625, and that he was a trustee for his son; that on the map connected with the rental there was marked upon the lands a county road; that previously to the sale he visited the lands, but his attention was principally directed to that portion of them which was under cultivation; that, relying upon the rental, he believed there was a county road over the lands, and that three or four months after the sale he learned that no such road existed, or had been presented for. Mr. Armstrong's son, in the affidavit made by him, claimed such a sum as would be sufficient to construct the road, and stated that there was merely a lane. An affidavit made by one of the tenants stated that there was no road leading into these lands from the adjoining lands, and that the tenants had to convey their stock by boats upon the Shannon. Another tenant stated in his affidavit that the road through the lands was never a county road, and that it would require a sum of about £130 to make a good farm road.

DOBBS, J., without calling on the counsel who opposed the motion, said that if the purchaser had not got his conveyance he would have felt inclined to discharge him from his purchase, but it would be difficult to give him compensation; that the existence of a road or a right of way over lands was generally regarded as lessening their value rather than the reverse; that what was marked on the map was a road not leading from one extremity of the lands to the other, but, in fact, leading nowhere, and therefore it would not be an advantage to the purchaser to have such a road; that it was a principle acted on in this Court, that if there was a right of way over lands sold in it, and the purchaser had visited them before the sale, he could not afterwards allege that he did not know of its existence; that this case was the converse of that one; that the purchaser in this case must have seen what sort of a road did run over the lands, as the only houses on them were in a cluster near to it; that the Court could not make a road for him, and it would be impossible to say what would be compensation for the want of it; but the Court could not give the purchaser compensation since he had visited the lands before the sale.

Solicitors having carriage of the sale, *Hallowes and Hamilton*.

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by JOHN LEVY, Esq., Barrister-at-law.

IN BANKRUPTCY.

Before BERWICK, J.

June, 1867.—*Re the Bagnalstown and Wexford Railway Co., ex parte Smith and Others.*

Railway Company made Bankrupt—Sale of Undertaking — Railway Mortgages — Statutable Mortgage — Priority of Mortgages created by Directors under the Special Act—Lands on which a Railway is Constructed—Validity of Bonds and Mortgages of a Railway Co.

Where a Railway Co. is made bankrupt, and an Act of Parliament is obtained to enable the Assignees in bankruptcy to sell the undertaking, and a sale accordingly takes place, and the proceeds are brought into Court and claimed by two classes of Mortgage Creditors—first, those having mortgages granted by the Company under their Special Act, and the borrowing powers contained therein; secondly, those having statutable mortgages, registered under the Judgment Mortgages Act, and declared by the Court of Appeal to be well charged upon the lands of the Company, the mortgages created by the Company in pursuance of their powers will be entitled to payment in priority out of the und in Court, the proceeds of the sale of such undertaking.

The word undertaking is an ambiguous one, and where it occurs it must be decided by the context; but the sale of a railway as an undertaking means the lands on which it is constructed, as well as the whole line, with its tolls, &c. There cannot be a sale of the land on which a railway is constructed without the sale of the entire undertaking.

Debentures, bonds, and mortgages issued by a Railway Company, and regularly entered in their books according to the provisions of their Act, must be presumed to be valid, and no question can be raised respecting them.

This case came before the Court upon charge and discharge. The charge was filed by *J. Smith*, solicitor, on the part of several mortgagees and bondholders of the company, and the discharge was filed by Messrs. Smith and Bagnal, contractors for making the line, to whom a simple contract debt was due, on foot of which they obtained a judgment which was registered as a statutable mortgage.

Palles, Q.C., and *P. Martin*, were for the parties filing the charge; *Kernan*, Q.C., *J. T. Ball*, Q.C., *and Falkiner*, Q.C., were for Messrs. Bagnal and Smith. *T. White* was for Captain Lefroy, a bondholder. The facts appear in the judgment of Judge BERWICK.

Judge BERWICK said—At the close of the arguments in this case I expressed a very decided opinion upon the points raised, but as a great number of authorities were referred to which I wished to examine, I deferred giving my final judgment until I could do so, and the result has been to confirm my original views; and as it may be of importance to the parties, I now state, as distinctly as I can, the grounds of my opinion. In this case Mr. John Smith, a mortgage-creditor of this company, has filed a charge on behalf of himself and several other mortgagees, specified in a schedule to his charge, claiming to be entitled to a first charge on the funds now remaining in Court arising from the sale of the railway. To this charge Mr. John Joseph Bagnal has filed a discharge, setting forth his title to a judgment obtained against the company on the 11th May, 1863, and registered as a statutable mortgage, against the lands of which the company were then seized, and which, by the judgment of this Court, confirmed by the Court of Appeal, was declared well charged on the lands of the company, specified in the affidavit on which his judgment was registered, and he thereby impeaches these mortgages

on the ground therein stated, and claims a paramount charge on the funds in Court, or at least on such part thereof as represents the lands upon which his judgment is made a specific charge. He sets forth, besides, certain specified grounds on which he disputes the amount claimed on some of these mortgages; but this part of the case was not gone into, inasmuch as it was conceded that if he could not displace the mortgages generally and establish his priority to all, either against the whole fund, or at least such part as represented the value of the lands, the fund in Court would be exhausted by these mortgages, against which no such particular ground of objection existed. All the mortgages referred to in the charge were, with one exception, issued in the year 1859, and bore date on or after the 2nd of August, 1859; they were all in the same form, sealed with the common seal of the company, duly attested and registered as mortgages in the office of the company by its secretary on the respective days of their dates, and purported to be executed in pursuance of the several Acts under which the company was incorporated, and to grant and assign to the mortgagees, in consideration of the sum then paid to the company, "*the undertaking known as the Bagnalstown and Wexford Railway;* and all future calls, and tolls, and sums of money arising by virtue of said Acts, and all the estate, right, title, and interest of the Company in the same." As a matter of fact all these mortgages were granted, and duly registered in the books of the company long before the registration of Mr. Bagnal's judgment. The general ground on which these mortgages were impeached by Mr. Bagnal was that they were not granted in pursuance of the powers contained in the Act of incorporation, and were therefore invalid. By the 7th section of the 17 and 18 Victoria (the original Act of incorporation), the company was empowered, as soon as the whole capital of the company was subscribed for, and one-half actually paid up, to borrow any sum not exceeding £90,000, and to mortgage and assure all future calls, and also the railway undertaking, and the works, lands, &c., of the company connected therewith, and all other property of which the company might be seized for securing repayment. By the 19 and 20 Victoria, cap. 88, passed on the 14th July, 1856, reciting the powers so given to the company to raise £90,000 by mortgage, and that the whole of the capital had not been subscribed for, and the company were unable to obtain the funds necessary to execute their undertaking unless additional facilities were afforded to enable them to raise a portion of the monies necessary for the purpose, the powers so given by the former Act to borrow on mortgage to the extent of £90,000, were modified by enabling the company, when and so soon as the first division of the line was completed and opened for public traffic, to raise by mortgage such portion of the £90,000, not exceeding one-third of such amount, as should be certified by the Board of Trade to have been actually expended on executing that portion of their undertaking; and the mortgagees were empowered to enforce the principal and interest in the same manner as if the mortgage had been made under the powers of the first recited Act. By the 22 and 23 Victoria, cap. 36, passed on the first of August 1859, reciting that the first division of the railway had been completed and opened for public traffic, and that the company had not borrowed any money on mortgage or bond, and that the powers given by the last recited Act for borrowing money for the purposes of the undertaking had been found insufficient; the power of the company to raise money by mortgage was extended to £35,000, of which they were empowered to raise, so soon as the first division of the line was completed and opened for public traffic, a portion not exceeding one-half of the amount to be certified by the Board of Trade as actually expended on that part of the undertaking. It was conceded that the first portion of the line was completed and opened for traffic on the 20th of October, 1858, before the execution of any of the mortgages in question, and that the amount certified by the Board of Trade to have been expended thereon was more than double the amount of all the mortgages mentioned in the charge, and the whole monies raised thereon did not exceed £21,510. It was, however, contended, on the part of Mr. Bagnal, that the Companies Clauses Consolidation Act of 1845 was incorporated with, and formed part of, the Acts of this company, and that it was by the 38 section of that Act required that the determination of the amount of money to be borrowed on mortgage shall be exercised only at a general meeting of the company, and that no sufficient general meeting was held to authorize the raising of the money included in any of these mortgages. In answer to this objection a number of cases were cited, on the part of the mortgagees, to show that, as a general principle, a departure from the formalities required by the Act of incorporation does not affect the validity of contracts under the seal of the company, affixed in due form, inasmuch as corporations are bound by their act under their corporate seals; and I was called upon to adopt this principle in this case.

His Lordship, after most fully reviewing all the facts of the case, and referring to the authorities cited, said:—In my opinion the mortgagees specified in the schedule to the charge have established their prior claim to the fund now to be distributed, to the extent of the sums found to be due on foot of their mortgages. The case of Mr. Bagnal is a very hard one. He was the contractor who was engaged in making the railway of which the mortgagees derive, in part, the advantage, and I will not give any costs against him of this argument. Of course, the mortgagees must have their costs against the fund, but only one set of costs, as all the mortgagees agreed to join in this proceeding.

Solicitor for the mortgagees filing the charge, *John Smith.*

Solicitor for Mr. Bagnal, who filed the discharge, *Falkiner.*

Solicitor for Captain Gibton, the creditor on whose petition the company was made bankrupt, *Boxwell.*

ENGLAND.

HOUSE OF LORDS—JUNE 20.

The noble and learned lords present were the Lord Chancellor, Lord Cranworth, and Lord Colonsay.

LONGWORTH OR YELVERTON v. LONGWORTH.

In this case, in which it was understood that the appellant would appear on her own behalf, an application was made to postpone the hearing for a few days, on account of the illness of the lady.

The case comes before their lordships upon a very curious point. The question whether a marriage had taken place between the parties having been determined by their lordships in the previous appeal adversely to Miss Longworth, or as she still claims to be, Mrs. Yelverton, she applied to the Court of Session in Scotland to refer the matter to the oath of the respondent, the Hon. Major Yelverton. The Court of Session having refused her application, the present appeal was brought.

The Lord Chancellor said it was difficult to determine what course their lordships ought to adopt under the circumstances, seeing that time after time the case has been put off at the instance of the appellant.

Mr. Anderson, who appeared on behalf of the respondent, stated that the learned counsel who was to appear for the appellant had been telegraphed for to come to London this

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morning, but had not yet arrived. He had no objection to the case standing over for a day or two.

The Lord Chancellor said their lordships had understood that the lady was going to argue her case in person. If she was to be represented by counsel the hearing need not be postponed on account of her ill health. However, under the circumstances, it would be better to fix this day week for the case to come on peremptorily, unless an application were made on behalf of the appellant in the course of the day for the case to be taken earlier.

No application having been made during the day, the case stands fixed for Thursday next.

THURSDAY.

The noble and learned lords present this morning were the Lord Chancellor, Lord Cranworth, Lord Westbury, and Lord Colonsay.

This case, which has been so long litigated in various courts in England, Scotland, and Ireland, came before the House of Lords this morning upon a very curious point. The question of a marriage between the parties as established by evidence having been decided by their Lordships in the previous appeal adversely to Miss Longworth, or, as she still claims to be, Mrs. Yelverton, she applied to the Court of Session in Scotland to refer the matter to the oath of the respondent, the Hon. Major Yelverton. The origin of probation by oath under the Scotch law may be traced to the Roman law, and, indeed, is traced by Stair to more authoritative sources, and its competency in certain cases is fully admitted by the law of Scotland. It is an appeal to the conscience of the adversary, chiefly resorted to as a last resource, when ordinary proof has failed in establishing a fact important to the just decision of the question at issue.

It is a singular fact that in scarcely any instance has a Court been unanimous in rejecting the claims of the appellant.

Owing to its having transpired that the appellant would argue her case in person, the bar of the House was crowded, a considerable number of ladies and members of the Bar being present.

The appellant addressed their Lordships in a firm, clear voice, which became loud and impassioned when she adverted to the unfortunate position in which she was placed by the conflicting decisions that had been given on her case. When the case was called on the appellant said that her counsel was detained in Edinburgh upon important business, and would be unable to argue the case on her behalf. She therefore proposed to argue the case herself. She then proceeded to read passages from her printed case and the judgments of the Court below. In commenting upon the judgment of the Lord President, she said she failed to discover any prominent reason advanced by that learned judge why a general rule of law should be stayed on this occasion save the one so forcibly put by his Lordship—namely, "that Mrs. Forbes would not like it were she asked;" but even, with his vast learning, he admitted that he knew no precedent for such a question being put. It would surely be the advent of a curious state of matrimonial arrangements if the second wife were permitted to raise her hand and bar the investigation of a prior marriage; yet, if the argument of the learned judge was good for anything, it was good for that. "But," said his Lordship, "she has the last judgment in her favour," did that reason meet the case? If so, upon the same ground, it should have been equally competent for the first wife, when possessed of a judgment, in her favour, to have raised her hand and have stopped further proceedings. "But," said his Lordship, "Mrs. Forbes was married in a church *in facie ecclesiae*, and we must support this particular form of religious ceremony." "Oh! my Lords," said the appellant upon this point, "I should like to see a little less specialistic ritualism, and a little more religious adherence to the immutable and everlasting law of God. That Major Yelverton at two different altars, in two different churches, but in presence of the one God solemnly vowed himself, and took two different women to love and cherish till death did them part all within the short space of a twelvemonth, has been proved beyond yea or nay; but one was in Scotland, the other in Ireland; one was a Catholic and the other was a Protestant altar; that was the only tangible difference. We Catholics are not Fire Worshippers, or followers of Vishnu; we are Christians, and adore the same Christ Saviour, and desire to following his teaching in respect to being the wife of one husband. Is not this ligitation as irksome to the one lady as to the other? Is the expense not as great to the unfortunate lady dragged into this cause by Major Yelverton—for I have to state distinctly that this is purely Major Yelverton's action—that there was no action pending against him when this was instituted, and no proceedings have been raised against him for five years; that he was offered the withdrawal of any further demands, or claims, or litigation, after the Irish trial, but he has chosen to pursue this most revolting and disgraceful of actions to the feelings and honour of a lady—an action which is a disgrace to the statute-book of a civilized land. True that your Lordships with the delicacy of Christian gentlemen, did not grant the full *solatium* prayed for by the respondent. True that your Lordships put your veto upon the revolting and barbarous spectacle of a lady being fined, prosecuted, and despoiled of her substance and her just earnings for the only reason that she maintained before God and man the assertion and proof of her untarnished honour, because she refused to sully her breath of life by owning, even under the dastardly torture of a £50 penalty, she was other than a virtuous wife. This appeal to your Lordship's House would not have taken place had the respondent not refused to depone on oath, when, if his conscience would have allowed him to depone negatively, it must have been conclusive; nor does it seem more pertinent to advance the delicate sensitiveness of a man's feelings whose reckless want of it brought down upon him in the Dublin court the bitter hisses of his fellow-countrymen." For seven long years had her claims been bandied about in various courts in the three kingdoms; they had been submitted to 18 judges, and handled by nearly a hundred lawyers without any unanimous decision being arrived at. "It is not my intention," continued the appellant, "to trespass upon the time of your Lordships by a recital of my bitter wrongs and unprecedented sufferings for years, but when the Scotch judges devote arguments to the pleading *in misericordia* for Major Yelverton, and exercise the discretion of the Court in his behalf, it gives me the right to plead before this Court, the highest tribunal of equity, that the Scotch judges had done well to be just before they were generous, that they had done well to remember the outraged, unprotected stranger standing at their bar for the measure of justice, waiting for several long years in the agonizing alternations of hope and despair—one moment pronounced to be a lawful wife and the next degraded to the lowest depth to which a woman can fall when guilty. Reft of home, of husband, and of honour, cast ruthlessly on the cold and blighting world, desolate yet undaunted, she has been drifted a pauper before your Lordships."

At this stage of the proceedings the further hearing of the case was adjourned, the presence of the Lord Chancellor being required elsewhere on important public business.

The Attorney-General and Mr. Anderson appeared for the respondent.

HOUSE OF COMMONS.

COURT OF CHANCERY BILL (IRELAND).

On the 21st instant, in the House of Commons, on the motion that this bill be read a third time, Mr. O'Beirne moved that the bill be re-committed. He stated his regret that the course which the right hon. gentleman the Attorney-General for Ireland had adopted in the conduct of this measure left him (Mr. O'Beirne) no alternative, if the many important amendments which had been put upon the paper with reference to this bill were to be considered. In moving that the bill be re-committed he had no desire whatever to offer any obstruction to its becoming law; he merely desired to give the hon. and learned member for Clare the opportunity of explaining the nature and im-

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portance of the amendments of which he had given notice —an opportunity which, by the proceeding of the Attorney-General, had been hitherto denied him. The conduct of this bill from its introduction to this moment was, he would venture to say, of a most unusual character. There was a disregard of all professional and parliamentary courtesy. The right hon. gentleman had no doubt acted quite within his right, and had suited his own convenience also, but at the sacrifice of all consideration either for the hon. and learned members of his own profession, or of the hon. members who took an interest in the measure, and whose only desire was that if it became law it should be as free from blemish as it could be made by descussion in that house (hear, hear). He (Mr. O'Beirne) had stated that a most unusual course had been adopted by the right hon. gentleman. He would now state the facts upon which he relied in proof of that charge, and he believed the house would agree with him that the bill had been forced on without that care to which a measure of such serious import to the Irish public as well as to the practice of the court so largely entitled it. On the 22nd of February last the right hon. gentleman introduced the bill, and on the 14th March it was read a second time. No opposition whatever was offered to its principles, but it was considered faulty in detail, and several amendments seemed to be required. The next stage was taken on the 22nd of March, when, at a very late hour, it was discussed in committee. On the 4th of April it was again under consideration, the law officers of her Majesty's late Government having taken part in the discusion. To suit his personal convenience he (Mr. O'B.) presumed the right hon. gentleman fixed May 10th for the next stage of the bill. The special commission, in consequence of lamentable occurences in Ireland which it was unnecessary to recall to the house, had commenced its labours soon after the 4th of April, at which the right hon. gentleman found it necessary to be present. But what next occurs. On the 10th of May, the commission being then in full sitting in Dublin, and five of the hon. and learned members who had amendments on the paper being engaged in the discharge of their duties at that commission, an attempt was made to force the bill forward. That attempt being resisted by hon. members sitting on his (Mr. O'B.'s) side of the house, it was not until the right hon. gentleman the member for South Lancashire interfered, and was supported in his interference by the Chancellor of the Exchequer as leader of the house, that the Attorney-General yielded an unwilling assent to postpone the bill. In doing so he stated that postponement was unnecessary, as the principal featues of the bill had passed through committee, and that no material question remained to be discussed. But the house would, no doubt, be surprised to hear that when the right hon. gentleman made that statement there were no less than 58 notices of amendments on the paper, of which 32 stood in his (the Attorney-General's) own name (hear, hear). Well, he gave way, and in three weeks afterwards he returned to his work, and in defiance of all efforts to obtain fair consideration for the contested clauses, the bill was carried almost through on Monday, the 3rd. Three days after, all the legal members being still absent, occurred that remarkable struggle, when, after five divisions, the right hon. gentleman found it not alone expedient but necessary to yield upon the point most pressed upon him by hon. members, and to abandon his resolution to perpetuate the unjust monopoly which had so long existed with reference to the exclusion of the general body of the stockbrokers from Chancery, and the clause by which that monopoly was abolished, and which although introduced by himself into the draft of the bill as originally presented to the house, he had attempted to strike out, and it now is his desire to pass the bill through its last stage. He (Mr. O'Beirne) hoped the house would not approve of such proceedings—the measure is one of the vast importance. There are questions of much moment still to be discussed in connexion with it. One of them refers to taking *viva-voce* evidence in Chancery proceedings and many others. The right hon. gentleman was not entitled to the consideration of the house, as he had shown so little consideration himself to others. He (Mr. O'Beirne) hadbeen informed that the right hon. gentleman had been engaged in one of the Dublin law courts on a particular day in May in conjunction with an hon. and learned member who was deeply interested in this bill, and had left Dublin on that very evening without giving the slightest intimation to that hon. and learned member of his intention to be in his place in this house the next evening. The house, he (Mr. O'B.) felt satisfied, would not approve of such means being adopted to carry through any measure, much less such a measure as this (a laugh). Hon. members opposite might laugh, but he (Mr. O'B.) would tell them that if hereafter they were unfortunate enough to fall within the grasp of the Irish Court of Chancery they might be taught to feel that they had but lightly estimated the serious nature of the law they were enacting. and might find that some more concession at the right time would have saved much cost and great injustice. The resistance which bills upon this subject had hitherto met with in this house by the right hon. gentleman, who was now the Lord Chief Justice of Ireland, ought to be fresh in the memory of hon. gentlemen opposite. No doubt the measures opposed were then introduced by the Liberal Government, and the resistance came from the Opposition. Every possible means were adopted, and for four sessions successfully adopted. In the year 1864 the Government bill was defeated. In 1865 the Government bill was also defeated, and two bills which were introduced by Mr. Whiteside and Mr. George on their own account, were defeated also. In the session of 1866 the Government bill was again defeated, and now it is reserved for the right hon. gentleman to carry his bill through if he can do so. He (Mr. O'B.) stated in the commenceenmt of his remarks that he had no desire to obstruct the bill (oh! oh!) He repeated that statement, notwithstanding the exclamations of hon. members opposite. He merely desired that a crude, ill-considered, and very insufficient measure should not pass merely to secure the personal objects of any one (hear, hear). He had submitted to the house the grounds upon which he had moved that the bill be recommitted. He hoped the house would agree with him in thinking there were good reasons for stopping the bill until it had been more fully discussed, and that the right hon. gentleman would be instructed to reconsider the amendments which he had so entirely disregarded. He (Mr. O'B.) had now only to move the motion of which he had given notice, that the bill be re-committed (hear, hear).

Mr. Childers stated that he had supported the Government in their various attempts to carry the bill through the several stages, and therefore he now considered he was justified in urging the right hon. gentleman to accede to the recommital of the bill. He would support his hon. friend the member for Cashel on the motion he had made.

Mr. Vance protested against any delay, and urged the Government to proceed with the bill.

Mr. Lawson explained that he was quite aware that the hon. member for Clare took a deep interest in the bill, that his professional duties prevented him from being in his place, and that he believed if the bill was re-committed it could be materially improved.

The Attorney-General for Ireland refused to accede to the motion, and repeated the statement often before made that the bill required no alteration, and added that the member for Clare, might have been in his place if he pleased.

After some further discussion the motion to recommit the the bill was negatived without a division, and the bill passed the third reading.

TUESDAY, JUNE 25.

ATTORNEYS', ETC., CERTIFICATE DUTY BILL.

Mr. DENMAN moved that the House go into committee on this Bill. He said the attorneys were taxed in this wise—that they had to pay £80 upon entrance into the profession—a £25 stamp upon their articles—income-tax—and the annual tax which it was the object of this Bill to abolish altogether. Every member of the House connected with the law had at one time or another voted in favour of the object of the Bill. He contended that the tax in all of the licenses was an exceptional and unfair tax, and he was not sure that licenses at all were expedient media of taxation. The tax had been paid for the present year, and therefore

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its removal could not interfere with the Chancellor of the Exchequer's arrangements. It was only £80,000 or £90,000 in all, and its removal would hardly be felt upon the gross revenue, in only reducing the surplus from £240,000 to £150,000. He answered the various objections that were urged against the proposal to repeal this tax, and trusted that the Government would be induced to think that there was no longer any reason for staving off this measure of justice by any of the stock arguments that had hitherto been used against it.

The House then went into committee, when the various clauses passed without discussion or amendment.

Mr. WALPOLE said that his right hon. friend the Chancellor of the Exchequer, who had been in the House until just now, had no particular amendment to insert, and therefore did not oppose any of the clauses; but the hon. and learned gentleman must not suppose that the Bill would pass unchallenged upon the third reading.

Mr. DENMAN said the understanding he had was that the discussion would take place on going into committee.

Mr. WALPOLE said that the only understanding he knew of was that there was to be a discussion at a further stage.

The Bill then passed through committee.

WEDNESDAY, JUNE 26.

ADMIRALTY COURT (IRELAND BILL).—The Attorney-General for Ireland brought in a Bill to extend the jurisdiction to alter and amend the procedure and practice, and to regulate the establishment of the High Court of Admiralty in Ireland.

THURSDAY, JUNE 27.

THE COURTS OF LAW OFFICERS (IRELAND) (RE-COMMITTED) BILL

Was considered in Committee. The majority of the clauses were agreed to, and the remainder postponed, after which the Committee reported progress.

NOTES OF ENGLISH DECISIONS.

(From *The Law Times*.)

CLERK OF THE PEACE—DISMISSAL BY QUARTER SESSIONS FOR MISCONDUCT.—The quarter sessions ordered that a lump sum of £169 16s. 6d., the costs of their attorney in and about some litigation, should be paid, and thereupon it was the duty of the clerk of the peace to have entered and recorded such order, and have reported the same to the county treasurer for payment. That functionary, however, believing that he ought to have the items of the bill of costs, wrote to the chairman of the quarter sessions upon the subject, stating his objections to recording the order. In reply he was told that the order was regular, and he was to record. He thereupon again wrote, stating that, for the reasons given in his former letter, he should consider that he was acting contrary to his duty if he recorded the order, and therefore he must decline to do so, but would report to the court. He accordingly reported to the next sessions his reasons for refusing to record the order, and for holding it to be illegal. After some discussion, the chairman said to the clerk of the peace, "I understand you still refuse to enter the order?" to which he replied, "Yes." After this the matter was referred to the finance committee, to take what steps they thought proper. Proceedings were then taken against him under the 1 Will. & M. c. 21, s. 6, for a misdemeanour in his office, in contumaciously refusing to record the order. The case was heard in due form, and in the result the clerk of the peace was dismissed from his office, and subsequently Mr. Russell was appointed thereto. Upon a rule for a *quo warranto* information against Mr. Russell for exercising the office: Held, by Cockburn, C. J. and Shee, J. (Blackburn, J. *dissentiente*), that there was no such refusal on the part of the clerk of the peace as amounted to misdemeaning himself in his office within the meaning of the 1 Will. & M. c. 21, s. 6: (*Reg.* v. *Russell*, 16 L. T. Rep. N. S. 478. Q.B.)

MUSIC AND DANCING LICENCE.—25 Geo. II., c. 26, s. 2, enacts that "any house, room, garden, or other place kept for public dancing, music, or other public entertainment of the like kind, without a licence had for that purpose, shall be deemed a disorderly house or place," and every person having such house or room, garden, or other place without such licence as aforesaid, shall forfeit the sum of £100 to such person as will sue for the same. Where a room above the bar of a public-house was used for music or dancing every night, although no payment was required, and there was no public invitation, the keeper of the house was held to be liable to the penalty: (*Frailing* v. *Messenger*, 16 L. T. Rep. N. S. 494. C. P.)

THE LAW STUDENTS' JOURNAL.

The last meeting for the Session of the Law Students' Debating Society was held on Monday evening, 24th inst., R. Dowse, Esq., Q.C., in the Chair, when the result of the ballot was made known, and the following gentlemen were declared Officers of the Society for the ensuing year:—Mr. C. H. Teeling, Auditor; Mr. A. G. Meldon, Secretary; and Mr. C. Boughey, Treasurer.

THE STATISTICAL SOCIETY.

The last meeting of this society for the session was held on Monday evening, at 35, Molesworth-street, James Haughton Esq., V.P., in the chair.

THE JURY SYSTEM—

CENTRAL CRIMINAL COURT FOR DUBLIN AND COUNTY.

Mr. Monroe, honorary secretary, read a paper by Mr. J. Lowry Whittle, on the "Laws with regard to the Constitution of Juries in Ireland." It was notorious to all in any degree familiar with their courts that common juries were made up of a class of professional jurors, men who lounged about the courts, to some of whom the miserable fee of a common juror—namely, 1s. 9d.—was not a matter of indifference. The same circumstances and motives affected even some of those who acted as special jurors. Many of the jurors to whom he referred were not qualified for the function entrusted to them. They had been qualified, but had not been struck off the list when they ceased to be qualified. The bill before Parliament, which was itself an evidence that some improvement in the jury system was necessary, proposed an annual revision of the jurors' lists before the chairman or revising barrister, upon the analogy of the revision of electoral lists; but, although this might do good, there was no provision in the bill which might not become an empty form. Increased remuneration would not have any material effect in filling the jury boxes with responsible people. He submitted that the most effectual way of reform was to increase the supply of jurors, and that not by lowering the qualification, but by the abolition of exemptions. All professional gentlemen were at present exempted; all bank clerks and clerks in large commercial establishments were practically exempted. These would be a most suitable class to fill up the common juries. The only ground of exemption which he deemed legitimate was that of the judicial class. Another way of adding to the panels would be by a lodger franchise. He thought the possession of 100*l*. per annum income should qualify. As the class of jurors would be greatly increased by the abolition of exemptions, they might with advantage introduce the Scotch plan of having a "special" element in every common jury. The jury bill now before Parliament, although a valuable recognition of the deficiencies of the system, would not supply an adequate remedy. It would not secure the necessary number of qualified persons without aggravating the hardships of those jurors who at present did the duty.

Mr. Constantine Molloy read a paper on a "Central Criminal Court for the County and the City of Dublin." Previous to the year 1729 all serious offences, such as treasons or felonies, committed in either the city or county of Dublin were triable only at the bar of the Court of Queen's Bench in term time, or under a special commission. To obviate the inconvenience entailed by this a statute was passed in 1729, by which it was enacted that commissioners to be appointed under any Commission of Oyer and Terminer, or of jail delivery, should be empowered to meet and deliver the jails of the counties. The Commission Court at Green-street, which was a Court of Oyer and Terminer, sat six times

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each year, and its sessions were held under district commissioners for the county and the city. The commissioners were the same persons, with the exception that the Lord Mayor was named in that for the city. The summoning of two panels of jurors were productive of much inconvenience and additional trouble to jurors. It had the effect of virtually doubling their duties, for the duties on either panel would be amply sufficient for the discharge of all duties which both panels had to perform. The recent special commissions of 1865 and 1867 showed a further inconvenience that arose from having two separate commissions. Very many persons were summoned as jurors who were not qualified. Residence must always form an essential part of the juror's qualification. In 1865 the prisoners were tried under the special commission for the city, and several jurors were disqualified by want of residence. On the trial of Luby forty three jurors were disqualified, and about the same number on each of the subsequent trials, and the vast majority of those so disqualified were possessed of property within the city more than sufficient to qualify them. At the special commissions of this year the prisoners were tried under that for the county, and it so happened that a large number of the jurors who were disqualified for non-residence at the city commission of 1865, were summoned as county jurors, but a good proportion of them were again disqualified on the ground that though they possessed the qualification of residence their limited tenure disqualified them. Again, if the trial of an offence committed within the county lasted beyond a day the jury could not be sent to a hotel; but it was unnecessary to keep them imprisoned in the court house during the whole of the trial. During the last special commission many of the trials lasted several days, during which it was necessary to keep the jurors within the court house, because if they happened to go outside the court house even for the shortest distance, they would pass into another county, and there would be a mis-trial, whereas if it had been a city jury they could, at night, have been sent to some hotel. The hardships thus entailed in the case of a protracted trial loudly called for amendment. This and the other inconveniencies would be obviated by the establishment of a central Criminal Court for both City and County. There was a president for such a court in London.

The Chairman remarked that loss of time and inconvenience would be obviated if a plan were adopted in the courts here similar to that in use in England, by which jurors, after having attended for a certain time after the sitting of a court, could liberate themselves from further delay upon signing their names in a book.

Professor Houston, Mr. O'Malley, Mr. Munroe, Mr. Norwood, Mr. Littledale, Mr. Daly, Mr. Taylor, and other gentlemen took part in an interesting discussion on the papers read. Some of the speakers complained strongly of the present jury system, by which persons who were obliged to resort to law to obtain their rights were treated to the same old familiar faces, who lounged about the courts very much for the small remuneration to which jurors were entitled. In the course of the discussion Mr. Molloy strongly urged that the jury system in England, that of summoning jurors by rotation, should be extended to Ireland, the result of which would be a better class of jurors than those who now attended the courts.

THE COURTS AND COURT PAPERS.

SUMMER ASSIZES, 1867.

HOME CIRCUIT.

County of	Serve Notice of Trial on
Meath, at Trim, Friday, 19 July, 11 a.m.	8 July.
Westmeath, at Mullingar, Monday, 22 July, 12 noon	10 „
King's County, at Tullamore, Wednesday, 24 July, 11 a.m.	12 „
Queen's County, at Maryborough, Friday, 26 July, 11 a.m.	15 „
Carlow, at Carlow, Monday, 29 July, 11 a.m.	17 „
Kildare, at Naas, Thursday, 1 August, 11 a.m.	20 „

Justices:

The Right Hon. THE LORD CHIEF JUSTICE.
The Right Hon. THE LORD CHIEF BARON.

Registrars:

WILLIAM J NAPIER, Esq., 4, Merrion-square, South.
JONES Q. PIGOT, Esq., 52, Stephen's-green.

NORTH-WEST CIRCUIT.

County of	Serve Notice of Trial on
Longford, at Longford, Monday, 22 July, 1 p.m.	10 July.
Cavan, at Cavan, Wednesday, 24 July, 3 p.m.	12 „
Fermanagh, at Enniskillen, Friday, 26 July, 3 p.m.	15 „
Tyrone, at Omagh, Monday, 29 July, 3 p.m.	17 „
Donegal, at Lifford, Thursday, 1 August, 10 a.m.	20 „
City and County of	
Londonderry, at Londonderry, Saturday, 3 August, 1 p.m.	23 „

Justices:

The Hon. BARON FITZGERALD.
The Hon. BARON HUGHES.

Registrars:

JOHN ALLEN SHONE, Esq., 24, Middle Gardiner-street.
EDWARD TREVOR HUGHES, Esq., 64, Harcourt-street.

CONNAUGHT CIRCUIT.

County of	Serve Notice of Trial on
Leitrim, at Carrick-on-Shannon, Tuesday, 16 July, 2 p.m.	4 July.
Sligo, at Sligo, Thursday, 18 July, 11 a.m.	6 „
Roscommon, at Roscommon, Monday, 22 July, 1 p.m.	10 „
Mayo, at Castlebar, Thursday, 25 July, 10 a.m.	13 „
Galway, at Galway, Tuesday, 30 July, 11 a.m.	18 „
The Town of Galway, at Galway, same day and hour.	

Justices:

The Right Hon. THE LORD CHIEF JUSTICE, Common Pleas.
The Hon. Mr. JUSTICE O'BRIEN.

Registrars:

HENRY MONAHAN, Esq., 5, Fitzwilliam-square, East.
PETER O'BRIEN, Esq., 28, South Frederick-street.

NORTH-EAST CIRCUIT.

County of the Town of	Serve Notice of Trial on
Drogheda, at Drogheda, Monday, 15 July, 11 a.m.	3 July.
County of	
Louth, at Dundalk, Tuesday, 16 July, 11 a.m.	4 „
Monaghan, at Monaghan, Friday, 19 July, 10 a.m.	8 „
Armagh, at Armagh, Monday, 22 July, 10 a.m.	10 „
Down, at Downpatrick, Thursday, 25 July, 4 p.m.	13 „
Antrim, at Belfast, Tuesday, 30 July, 12 noon.	18 „
The Town of	
Carrickfergus, at Belfast, same day and hour.	

Justices:

The Right Hon. MR. JUSTICE O'HAGAN.
The Right Hon. MR. JUSTICE GEORGE.

Registrars:

CHARLES H. TEELING, Esq., 6, Mountjoy-place.
HENRY PHILIP WOODROOFE, Esq., 30, Upper Mount-st.

LEINSTER CIRCUIT.

County of	Serve Notice of Trial of
Wicklow, at Wicklow, Monday, 8 July, 11 a.m.	26 June.
Wexford, at Wexford, Thursday, 11 July, 10 a.m.	29 „
City and County of	
Waterford, at Waterfotd, Monday, 15 July, 3 p.m.	3 July.
County of	
Tipperary (Sth. Riding), at Clonmel, Thursday, 18 July, 12 n'n.	6 „
City and County of	
Kilkenny, at Kilkenny, Wednesday, 24 July, 2 p.m.	12 „
County of	
Tipperary (Nth. Riding), at Nenagh, Monday, 29 July, 2 p.m.	17 „

Justices:

The Right Hon. BARON DEASY.
The Right Hon. Mr. JUSTICE MORRIS.

Registrars:

JOHN WM. CLERKE, Esq., 27, Merrion-square, North.
GEORGE MORRIS, Esq., 22, Lower Fitzwilliam-street.

MUNSTER CIRCUIT.

County of	Serve Notice of Trial on
Clare, at Ennis, Monday, 15 July, 5 p.m.	3 July.
Limerick, at Limerick, Friday, 19 July, 10 a.m.	8 „
City of Limerick, at Limerick, same day and hour.	
Kerry, at Tralee, Wednesday, 24 July, 1 p.m.	12 „
Cork, at Cork, Monday, 29 July, 4 p.m.	17 „
City of Cork, at Cork, Friday, 2 August, 10 a.m.	22 „

Justices:

The Right Hon. MR. JUSTICE KEOGH.
The Right Hon. Mr. JUSTICE FITZGERALD.

Registrars:

WILLIAM KEOGH, Esq., 38, Trinity College.
THOMAS FITZGERALD, Esq., 20, St. Andrew-street.

By the Rules of the Munster Bar Record Briefs cannot be received by Counsel after the sitting of the Court on the second day of the Assizes for each County on the Munster Circuit, except the County of the City of Cork, for which Briefs must be given out at latest on the day before the opening of the Commission.

[CO]MMON LAW COURTS' GUIDE,

[So far as it] relates to the marking of Judgments by Default.

JULY, 1867.

[Plai]nt Served on		Filed not later than	Last Day to Plead	Entitled to Judgment
Monday,	.. 1 July	10 July	15 July	16 July
Tuesday,	.. 2 "	11 "	16 "	17 "
Wednesday,	.. 3 "	12 "	17 "	18 "
Thursday,	.. 4 "	13 "	18 "	19 "
Friday,	.. 5 "	15 "	19 "	20 "
Saturday,	.. 6 "	16 "	20 "	22 "
Monday,	.. 8 "	17 "	22 "	23 "
Tuesday,	.. 9 "	18 "	23 "	24 "
Wednesday,	.. 10 "	19 "	24 "	25 "
Thursday,	.. 11 "	20 "	25 "	26 "
Friday,	.. 12 "	22 "	26 "	27 "
Saturday,	.. 13 "	23 "	27 "	29 "
Monday,	.. 15 "	24 "	29 "	30 "
Tuesday,	.. 16 "	25 "	30 "	31 "
Wednesday,	.. 17 "	26 "	31 "	1 Aug.
Thursday,	.. 18 "	27 "	* 1 Aug.	* 2 "
Friday,	.. 19 "	29 "	* 2 "	* 3 "
Saturday,	.. 20 "	30 "	* 3 "	* 5 "
Monday,	.. 22 "	31 "	* 5 "	* 6 "
Tuesday,	.. 23 "	* 1 Aug.	* 6 "	* 7 "
Wednesday,	.. 24 "	* 2 "	* 7 "	* 8 "
Thursday,	.. 25 "	* 3 "	* 8 "	* 9 "
Friday,	.. 26 "	* 5 "	* 9 "	*10 "
Saturday,	.. 27 "	* 6 "	*10 "	*12 "
Monday,	.. 29 "	* 7 "	*12 "	*13 "
Tuesday,	.. 30 "	* 8 "	*13 "	*14 "
Wednesday,	.. 31 "	* 9 "	*14 "	*15 "

Wednesday, 17th August, last to serve writ of Summons and Plaint to have judgment before the Long Vacation, save under the Bills of Exchange Act.

* The days marked thus relate to Plaints served under the Bills of Exchange Acts only.

COURT OF CHANCERY—SATURDAY.

In the Matter of Richard W. Joynt seeking to be appointed Master Extraordinary.—*Walter Bourke*, Q.C., instructed by *Robert Paget Bourke*, solicitor, moved that Mr. Joynt, the proprietor of the *Tyrawley Herald*, be appointed Master Extraordinary of this Court. Counsel moved on the affidavit of Mr. Joynt, and upon the usual certificates, which, he stated, were signed by Colonel Gore, the lieutenant of the county Sligo, and by a number of deputy lieutenants, magistrates, by clergmen of all denominations, and by the members of the Connaught Bar. The Lord Chancellor said he had looked into the certificates, which were most respectably signed. His lordship made the appointment moved for.

PROVINCIAL COURT—June 25th.

(Before Judge Battersby.)

The office of Judge promoted by the Rev. Thomas Mills, A.M., *v* the Rev. Herbert Tudor Craig, A.B.

This is a suit of intrusion, brought by the Rev. Mr. Mills, who is incumbent and perpetual curate of St. Jude's parish, to restrain the respondent from exercising spiritual functions as chaplain of the forces in Richmond Barracks. The allegation of the petition is that the barracks are within the parish of St. Jude, and that the respondent has not been licensed by the Archbishop of Dublin, or permitted by the petitioner to officiate therein. The respondent officiates by virtue of a letter from the Secretary at War.

Dr. Elrington (instructed by the Queen's proctor), on behalf of the respondent, applied for an extension of the time to plead. The papers had been laid before the Queen's Advocate, whose opinion had not yet been obtained.

Mr. Samuels opposed the application, on behalf of Mr. Mills, and applied, upon a registrar's certificate, that no answer had been filed for an order to set the case down for hearing on default.

After some discussion, Judge Battersby appointed that day fortnight for the hearing of the cause, with liberty to the respondent to file an answer in the meantime; each party to be at liberty to make such application for the further postponement of the suit as they saw fit.

LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before JUDGE DOBBS.

Samuel Connor, from 6th May.—Margery Connell, from 6th June.—J. S. Kirwan, schedule.—Assignees of E. Birmingham, from 25th inst.—William M'Auley, schedule.—James Symes, from 26th inst.—Henry Burke, make order absolute.—Jeremiah Tully, continued proceedings.—Weir Johnston.

Before the EXAMINER.

John Wade, schedule.—Richard E. Donovan, proofs.—W. J. Sydney, do.—William Prenter, do.—Rev. R. Oliver, do.

Before JUDGE LYNCH.

Maryanne Mersh, allocation.

Tuesday.—Before JUDGE DOBBS.

William Brophy, from 20th inst.

Before JUDGE LYNCH.

SALES AT 12 O'CLOCK.

Assignees of Watts—2 lots—Dublin and Wicklow—fee and fee-farm and lives—profit rent, £294 16s. 8d.—Solr., *Henry Oldham.*

Susanna O'Reilly—1 lot—Meath—fee—tenement value, £27. Solr., *J. T. Hinds.*

C. F. Allnatt and others—1 lot—Dublin—profit rent, £100. Solr., *Cathcart and Hemphill.*

Richard Thomas Bunbury—1 lot—county Down—fee—profit rent, £1,014. Solr., *James Lane.*

Henrietta Shallcross—1 lot—Drogheda—life estate—profit rent, £20. Solr., *Arthur Ellis.*

W. S. Wolfe—2 lots—Tipperary—fee-farm—profit rent, £167. Solr., *George Bolton.*

J. Mack—1 lot—Dublin—years. Solr., *J. Hone.*

George Ross and others—1 lot—Cork—profit rent, £88.

Before the EXAMINER.

B. Irwin, vouch—J. C. Mee, do.

Wednesday.—Before JUDGE DOBBS.

Edmond Butler, payment.—William Talbot, from 26th inst.—Anne Mooney, objection schedule.

Before JUDGE LYNCH.

FINAL SCHEDULE.

A. J. Boylan and another.—Sir R. Howard—R. T. Bunbury.—C. Wilson and another.—A. A. M. Kerr.—Charles K. Kennedy.—James Whyte.—T. Ryves.—R. Pennefather.—T. Mackie.—James D. O'Rorke.—Patrick John Murphy.—W. R. Farmer.—William A. Caulfield.—John Franklin.

Before the EXAMINER.

James T. Campbell, reference from Judge.

Thursday.—Before JUDGE DOBBS.

Henry Nisbett, schedule.—Assignees of Thomas Daly, allocation.—Joseph Buckley, do.—William J. Sidney, do.—William Prenter, do.—Rev. R. Oliver, do.

Before JUDGE LYNCH.

SALES AT 12 O'CLOCK.

M. Mullally—1 lot—Tipperary—fee-farm—profit rent, £37 10s.

D. Nugent—1 lot—Dublin—profit rent, £138 17s. 4d.

Trustees of Wheatley—7 lots—Dublin—perpetuity—profit rent, £380.

William Morgan, administrator of Robert Farrell.

P. Sullivan—2 lots—Dublin—99 years.

Administratrix of Lynch—5 lots—county and city of

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Dublin and county Kerry—fee-farm—leases for years and lives renewable—profit rent, £307 1s. 1d.
Francis Brew—1 lot—county Clare—fee farm—profit rent, £104.
Francis Alexander O'Malley—1 lot—county Dublin—fee—profit rent, £225.
Thomas Kirby—1 lot—Dublin—long leases—profit rent, £43 10s.
Assignees of J. L. Gun—2 lots—Kerry.
A. H. Slator—1 lot—Longford—life estate—profit rent, £405.

Friday.—Before JUDGE DOBBS.

SALES AT 12 O'CLOCK.

Lord Trimbleston—1 lot
James Young—8 lots
J. T. Armstrong—1 lot
Hon. G. French—2 lots
W. M. Blake—5 lots
James Credin—1 lot
Trustees of Henry Jennings—1 lot
John Little—1 lot
Trustees of Thomas Keogh
Thomas Sargint—1 lot
Commissioners of Carrickfergus
Thomas L. Jones—2 lots
Executors of Thomas Power—4 lots
P. C. Lynch—2 lots
R. E. Donovan—2 lots
S. B. Handy—1 lot
Thomas Connolly—1 lot.

Before the EXAMINER to JUDGE LYNCH.

L. B. Beasley, rental.

Saturday.—Before JUDGE DOBBS.

Thomas Connolly, schedule.

Before JUDGE LYNCH.

A. H. Slator, from 20th June.—P. Stanford, final schedule.

LANDED ESTATES' COURT.

SALES.

June 21.—Before the Hon. JUDGE DOBBS.

Estate of James H. Smyth, owner and petitioner.

Houses and premises Nos. 14 and 15, Pitt street, 8 and 9, Johnson's-court, 19, 20, 21, 22, and 23, Clarendon-street, held for 300 years from May, 1832, producing a net annual rental of £91; Poor Law valuation, £143. Sold to Mr. Tyndal for £630. Solicitors, *Carey and Clay.*

QUEEN'S COUNTY.—Estate of N. S. May, owner; James Hamilton, petitioner.

The life estate of the owner, now aged 65 years, in the coal mines in and under the lands of Ballylehane, with the engine and house and dwelling-houses thereon, situate in the barony of Ballyadams. The lands contain 55a. 3r. 31p. Sold to Mrs. May for £220. Solicitor, *Thomas Craig.*

COUNTY OF FERMANAGH.—Estate of James Smyth, owner; the Rev. J. G. Porter, petitioner.

Part of the lands of Echnadarragh, in the barony of Magherestaphina, held in fee-farm, containing 185 statute acres; estimated profit rent, £32 19s. 7d.; valuation, £47. Sold to Mr. Edward Trimble for £125. Solicitors, *Collum and Son.*

TOWN OF BELFAST.—Estate of William Prentice and Thomas Prentice, owners; William Grogan and another, petitioners.

Lot 1. Parcel of ground situate in Stewart-street and Stanhope street, with stores and premises thereon, held in fee-farm; estimated profit rent, £50. Sold to Mr. M'Arthur, in trust, for £500.

Lot 2. Parcel of land, with stores, &c., situate in Gordon-street, held in fee-farm; Griffith's valuation, £42. Sold to Mr. W. H. Moore, in trust, for £1,000. Solicitor, *Henry Mitford.*

COUNTY OF GALWAY.—Estate of John Burke and others, owners; Clene Burke and others, petitioners.

Lot 1. Part of the lands of Coolagh, situate in the barony of Longford, held in fee, and containing 50 statute acres; net rent, £36 15s.; valuation, £28 15s. Sold to Mr. Stapleton, in trust, for £1,015.

The sale of Lots 2 and 3 was adjourned, the sum realized on lot 1 being nearly sufficient to pay off the incumbrance, and the owner undertaking to bring in any deficiency. Solicitor, *J. Blaquiere.*

COUNTY OF TIPPERARY.—Estate of John Canny and others, owners; Murdock Green and another, petitioners.

Lot 1. Part of the lands of Castlelake, 270 statute acres, held in fee; profit rent, £208 16s. 1d. Sold to Mr. Morrogh for £3,730.

Lot 2. Part of the lands of Castlelake, held under lease of lives renewable for ever; 132 acres; net rent, £41 1s. 1d. Sold to Mr. Hackett for £820.

Lot 3. Part of the lands of Castlelake, held in fee; 181 acres; yearly rent, £78. Sold to Mr. Hackett for £1,170. Solicitors, *Murdock Green and Co.*

June 25th.—Before the Hon. JUDGE LYNCH.

COUNTY OF CORK.—Estate of the trustee of Thomas K. Sullivan, owner; John K. Sullivan, petitioner.

Lot 1. The lands of Kilbane, situate in the barony of East Muskerry, held in fee-simple, and containing 620a. 1r. 25p.; net profit rent, £45 13s. 4d. Sold to Mr. Thomas K. Sullivan for £1,500.

Lot 2. Sold by private contract.

Lot 3. The lands of Gurteenasawney, containing 784a. 0r. 14p., held under fee-farm grant. Sold to Mr. Sullivan for £650.

Lot 4. The half plough-land of Dronmiticlough, containing 293a. 0r. 1p., held under lease for 999 years; net profit rent, £142 16s. 5d. Sold to Mr. Sullivan for £2,950. Solicitors, *James D. Meldon & Son.*

COUNTY AND BOROUGH OF CORK.—Estate of John Franklin, owner and petitioner.

Lot 1. The dwelling-house at 4, Montenotti-terrace, with garden, coach-house, and stable attached, held under lease for 1,000 years, from 19th September, 1831; tenant valuation, £40. Sold to Mr. John Wrixon for £675.

Lot 2. A net rent charge of £23 1s. 6½d., arising out of the lands of Kilbane and Knockaheily. Sold to Mr. Woodroofe for £300. Solicitor, *George Barnard.*

COUNTIES OF TIPPERARY AND CORK.—Estate of Thomas Cuthbert and others, owners; ex-parte Abraham Thomas Forster and Thomas Franks, petitioners.

Lot 1. Part of the lands of Ardmoyle and Ballydine, barony of Middlethird, county Tipperary, held in fee-simple, and containing 60a. 0r. 18p.; net rental, £56 10s. 9d. Sold to Mr. John Hannigan for £1,040.

Lot 2. Part of the lands of Ardmoyle, containing 85a. 3r. 38p., and part of Clareen, containing 24a. 3r. 18p., situate in the barony of Middlethird, held in fee-simple; net annual rent, £101 11s. 11d. Sold to Mr. Abbott, in trust, for £2,310.

Lot 3. Part of same lands, containing 161a. 1r. 14p., held in fee-simple; net annual rent, £134 2s. 10d. Sold to Mr. Molony, in trust, for £2,320.

Lot 4. Part of same lands, containing 205a. 1r. 29p., held in fee-simple; net annual rent, £131 7s. Sold to Mr. Vincent Scully for £2,390.

Lot 5. Part of same lands, containing 85a. 2r. 28p., held in fee-simple; net annual rent, £81 6s. 6d. Sold to Mr. Foley, in trust, for £1,650.

Lot 6. Part of same lands, containing 84a. 0r. 2p., with 5 acres of the river Suir, held in fee simple; net annual rent, £72 10s. Sold to Dr. Tuohill for £1,560.

Lot 7. Portions of same lands, containing 69a. 2r. 16p., held in fee-simple; net annual rent, £150 7s. Sold to Dr. Tuohill for £3,350.

Lot 8. Part of same lands, containing 163a. 1r. 7p., with 6a. 1r. 30p. of the river Suir, held in fee simple; net annual

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8s. 9d. Sold to Mr. A. M'Dermott, in trust, for

Part of the lands of Corbally, containing together 38p., held in fee; net annual rent, £169 1s. 6d. Mr. Seymour, in trust, for £3,790.

Two other parts of the lands of Corbally, held in fee, containing 224a. 1r. 36p.; net annual rent, 8d. Sold to Mr. J. Smyth for £2,676.

Lot 11. Part of same lands, held in fee-simple, containing 117a. 0r. 19p.; net annual rent, £43 17s. 4d. Sold to Mr. Davies for £1,000.

Lot 12. Part of the lands of Ballymacadane, containing 282a. 1r. 18p., held in fee-simple; net annual rent, £183 13s. 9d. Sold to Mr. Seymour, in trust, for £4,000.

Lot 13. The advowson or right of presentation to the rectory of Innishannon, in the diocese of Cork; the tithe rent-charge of the parish amounts to £474 per annum; the present incumbent is aged about 55 years. Sold to Mr. Leech, in trust, for £1,600.

Lot 14. The advowson or right of presentation to the rectory of Dunderron, in same diocese; the tithe rent-charge amounts to £375 per annum; the present incumbent is aged 70; tenant valuation of the glebe land, £25. Sold to Mr. Pardue for £1,210.

Lot 15. The advowson or right of presentation to the rectory of Templetrine, same diocese; the tithe rent charge of the parish amounts to £371 per annum. The present incumbent is aged about 50 years. There is a charge of £153 upon this rectory, which is being reduced at the rate of £4 7s. 6d. per annum. The tenant valuation of the glebe land is £23 15s. Sale adjourned. Solicitor, *Richard Atkinson.*

Town of Belfast, County of Antrim, and City of Dublin.—Estate of Elizabeth Pittar, widow, and others, owners and petitioners, continued in the name of Richard Waring Pittar, deceased.

Lot 1. Consisting of a plot of ground, upon which is erected a range of substantially built dwelling-houses in College square, East, facing the Royal Academic Institute, and two dwelling-houses in Wellington place, in the parish of Shankhill and town of Belfast, held with lots 2, 3, and part of lot 4, under lease dated 1st of August, 1810, for three lives (two of whom are in being), and 99 years, concurrent, from the 1st May, 1810, containing 60 feet in front, and 247 feet backwards; profit rent, £37 6s. 8d.; tenement valuation, £406. Sold to Mr. Charles W. Lepper for £500.

Lot 2. Consists of a plot of ground whereon are erected three dwelling-houses and premises, situate in College-street, adjoining College-square, East, in same parish, held under same tenure, and containing 57 feet 6 inches in front, 122 feet from front to rere, and 58 feet in breadth to rere; tenement valuation, £70. Sold to same for £205.

Lot 3. Consists of a valuable plot of building ground in front of Wellington-place, held under same tenure. Sold to same purchaser for £750.

Lot 4. Plot of ground and large dwelling-house, 27, Wellington-place, in same parish; yearly rent, £70. Sold to same for £770.

Lot 5. Plot of ground and premises on which are erected several dwelling-houses and premises in Queen-street, held under same tenure; profit rent, £28 10s.; gross tenement valuation, £160. Sold to Mr. James Torrens for £510.

Lot 6. Plot of ground, situate at the corner of Wellington-place and Queen-street; tenement valuation, £10. Sold to same for £120.

Lot 7. Premises on the north side of the South parade, known as No. 14, Callendar-street, and 2, Chichester-street, held under same lease; profit rent, £16 4s. 7d. Sold to Mr. L. Warring, for £150.

Lot 8. A fee-farm grant of £59 12s., late currency, together with 6d. in the pound, same currency, for every pound of said yearly rent issuing out of the lands of Culranmoney and other denominations, in the barony of Dunluce, county of Antrim. Sold to Mr. James Adams, for £1,255.

Lot 9. Two dwelling-houses, 34 and 35, Hardwicke-street, in the city of Dublin, held under lease for 999 years; profit rent, £32 13s. 10d. Sold to Mr. E. S. Dix for £100. Solicitor, *J. Smyth.*

County of Wicklow.—Estate of Sir Ralph Howard Bart., owner and petitioner.

Lot 1. A fee farm rent, payable out of the lands of Ballynamina and of part of said lands, the entire being held in fee and in perpetuity; net profit rent, £63 4s. 7d. Sold to Mr. E. F. Beatty for £1,500.

Lot 2. Fee-farm rent, payable out of the lands of Carnebrow; same tenure; quantity of land, 216a. 3r. 35p., statute measure; yearly rent, £27 13s. 10d. Sold to Mr. Frederick Beatty, in trust, for Mr. E. F. Beatty, for £700. Solicitor, *Alfred M'Dermott.*

County of Dublin.—Estate of the assignees of Wm. Stewart, a bankrupt, deceased, owners; ex-parte George Farren, petitioner

Lot 1. Part of the lands of Frescati, now known as Sydney Lodge, Sunnyside, Annaville, Eagle Cottage, and Eagle Lodge, containing 4a. 1r. 36p., Irish measure, held under lease dated 5th January, 1830, for the residue of the term of 69 years and six months, from the 29th of September, 1829; net rental, £45. Sold to Mr. Kennedy, in trust, for £260.

Lot 2. Part of the lands of Booterstown, known as Marymount, otherwise Harrymount, Springfield, Pembroke Lodge, Herbert Lodge, Woodbine Retreat, Ferns, and Albion-hill, and county of Dublin, held under lease of 1st February, 1812, held for the residue of the term of ninety-one years from the 25th March, 1808, at the yearly rent of £60 8s. 5½d., and 8s. Christmas duties. The premises, Herbert Lodge, were liable to a further rent of £21; and the premises, Retreat, Ferns, and that part of Woodbine held by William Mackie, under lease of 13th September, 1832, being liable to a further rent of £50; quantity of land, statute measure, 4a. and 34p.; net rental, £160 13s. 7½d. Sold for £905 to Mr. Carter, in trust, for J. J. Hamilton. Solicitors, *Chomley and Browne.*

Counties of Cork and Waterford.—Estate of Percy Smythe, Esq., owner and petitioner.

Lot 1. Perpetual advowson to the rectory of Rathcormack, diocese of Cloyne; amount of tithe rent-charge payable, £632 14s. 10d. The present incumbent is in his 23rd year. Sold to Mr. Orpen, in trust, for £1,520.

Lot 2. Lands of Ballygarrane and Ballynahela, county Waterford, held under lease for 999 years from 1702, containing 427a. 2r. 8p.; profit rent, £101 8s. 5d. Sold to Mr. D. Fitzgerald, in trust, for £2,360.

Lot 3. Fee farm rent of £13 16s. 6d. out of lands of Blackbog, held in fee simple. Sold to Mr. Littledale, in trust, for £200.

Lot 4. Part of lands of Newtown, county Waterford, held in fee-farm, containing 159a. 3r. 33p.; profit rent, £151 0s. 1d.

Lot 5. Part of same, containing 51a. 1r. 32p., same tenure; profit rent, £56 9s. 7d. Mr. Power purchased Lots 4 and 5, in trust, for Mr. J. H. Fleming, of Waterford, for £3,700.

Lot 6. Part of the lands of Killenagh, same county, held in fee-simple, containing 202a. 1r. 2p.; profit rent, £130. Sale adjourned.

Lot 7. Part of the lands of Killenagh Mountain, 271a. 0r. 33p.; profit rent, £61 12s. Sale adjourned.

Lot 8. Part of same lands, held in fee, 207a. 3r. 10p. Sold to Mr. Parker, in trust, for £1,800.

Lot 9. Part of the lands of Killenagh Mountain, north and south, held in fee, 122a. 1r. 32p.; profit rent, £23 6s. Sold to Mr. Littledale, in trust, for £290.

Lot 10. Part of the lands of Killenagh North, Bainlawe, and Lisglass, held in fee, 185a. 3r.; profit rent, £150 10s. 11d. Sold to Mr. W. J. Littledale for £1,950, in trust, for Sir Richard Musgrave, Bart., and J. P. Maxwell, Esq.

Lot 11. Part of the lands of Smeborrough, and part of Ballymuddy, same tenure, 244a. 1r. 20p.; valuation, £209 5s. Sold to Mr. J. Barry, in trust, for £5,025, for Mr. Patrick Joseph Walsh.

Lot 12. Part of same lands and other lands, held in fee, 69a. 0r. 11p.; profit rent, £13 1s. 8d. Sold to Mr. Henry L. Young for £1,800. Solicitor, *John Maunsell.*

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.		
		Before Mr. BRADY, Chief Registrar.		
July 1	12 o'clock	Robert O'Leary - - - - -	Prove debts and vouch assignee's acct.	*White*
"	"	Andrew Olden - - - -	do. do.	*Forsythe*
"	"	C. and J. O'Reilly - - -	do. do.	*Molloy & Watson*
"	"	J. K. Hume - - - -	do. do.	*Leachman*
"	"	Thomas Potter - - - -	do. do.	*White*
"	"	P. M. Fisher - - - -	do. do.	*White*
"	"	Hugh Porter - - - -	do. do.	*Riddick*
"	"	William Campbell - - -	do. do.	*Perry*
"	"	Andrew O'Sullivan - - -	do. do.	*Perry*
"	"	Alexander O'D. Taylor - - -	do. do.	*Buckley & Smith*
"	"	D. Brady - - - -	do. do.	*Stuart*
"	"	Edward M'Dermott - - -	do. do.	*Larkin*
"	"	Sarah Delany - - - -	Vouch assignee's account - -	*Harvey*
"	"	Arrangement sitting - - -	Prove debts - - - -	*Larkin*
"	"	do. - - - -	do. - - - - -	*Larkin*
		Tuesday.		
		Before the COURT.		
July 2	11 o'clock	John F. Clarke - - - -	Final examination - - - -	*Mulhall*
"	"	Edward M'Dermott - - -	do. - - - -	*Larkin*
"	"	Arrangement case - - -	First private sitting - - -	*Perry*
"	"	do. - - - -	do. - - - - -	*Perry*
"	"	do. - - - -	do. - - - - -	*Larkin*
"	"	do. - - - -	Second private sitting - - -	*M'Kenny*
"	"	do. - - - -	do. - - - - -	*Goff*
"	"	do. - - - -	do. - - - - -	*Perry*
"	"	do. - - - -	do. - - - - -	*Perry*
"	"	do. - - - -	do. - - - - -	*Campbell*
"	"	Greene & King - - - -	Audit and dividend - - -	*Larkin*
"	"	Alexander Hall - - - -	do. - - - -	*Kernan & Tracy*
"	"	G. P. Magrath - - - -	do. - - - -	*Lawless*
"	"	John J. O'Brien - - - -	Audit - - - - - - -	*Batt*
"	"	John Cunningham - - -	do. - - - - - - -	*Batt*
"	"	Hugh Copeland - - - -	Sur., prove debts, and choose assignee	*Larkin*
"	"	Edmond Phelan - - - -	do. do.	*Dobbyn & Tandy*
"	"	Robert Dower - - - -	do. do.	*Molloy & Watson*
"	"	J. J. Farrall - - - -	Prove charge - - - - -	*Newtons & Armstrong*
"	"	Mary Foley - - - -	Examine witnesses - - -	*Larkin*
"	"	Bagnalstown & Wexford Railway	Motion - - - - -	*Maddock*
"	"	John Redmond - - - - -	do. - - - - - - -	*Leachman*
"	"	Private sitting - - - -	- - - - - - - -	*Irvine*
		Before CHIEF REGISTRAR.		
"	12 o'clock	Arrangement case - - -	Prove debts - - - - -	*Redington*
"	"	do. - - - -	Vouch assignee's account - -	*Oldham*
		Thursday.		
		Before the COURT.		
July 4	11 o'clock	The Patent Peat Company - -	Charge and discharge - - -	*Galloways & Connor*
		Before CHIEF REGISTRAR.		
"	12 o clock	Goodwin & Nethercott - - -	Prove debts and vouch assignee's acct.	*Fitgerald*
"	"	H. B. Webb - - - -	do. do.	*Casey & Clay*
"	"	Arrangement case - - -	do. do.	*Perry*
		Friday.		
		Before the COURT.		
July 5	11 o'clock	Austin Riordan - - - -	Final examination - - - -	*Larkin*
"	"	Francis O'Meara - - - -	do. - - - -	*Barry*
"	"	Arrangement case - - -	Second private sitting - - -	*Perry*
"	"	do. - - - -	First do. - - - -	*Lynch*
"	"	do. - - - -	Sitting under 351st section - -	*Rosenthall*
"	"	Denis Lyons - - - -	Audit and dividend - - -	*Meldon*
"	"	Hugh Porter - - - -	do. - - - -	*Riddick*
"	"	Sarah Delany - - - -	Audit - - - - -	*Harvey*
"	"	Arrangement case - - -	do. - - - - -	*Oldham*
"	"	Hugh Copeland - - - -	Composition - - - - -	*Perry*
"	"	John Langan - - - -	do. - - - - -	*Mathews*
"	"	Daniel J. Bergin - - - -	Sur., prove debts, and choose assignee	*Lynott*
"	"	William Campbell - - -	Sale - - - - - - -	*Collum*
"	"	P. M. Fisher - - - -	Audit and dividend - - -	*White*

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TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
June 28	Fleming & Hennessy, of Sligo, drapers,	J. J. Coleman, of Merchant's-quay, Dublin, Merchant,	*Larkin*

BANKRUPTS.

Bergin, Daniel Joseph, of Nos. 11 and 12, Inns-quay, city of Dublin, hotel-keeper. Petition of bankruptcy filed 19th June, 1867. To sur. Friday, July 5, and Friday, July 19. L. H. Deering, official assignee. *Lynott*, solicitor.

Eyre, Edmond, of Glin, in the county of Limerick, grocer and hotel keeper. Petition for arrangement filed 4th June, 1867. To sur. Tuesday, July 9, and Tuesday, July 23. L. H. Deering, official assignee. *Larkin*, solicitor.

Geoghegan, Andrew, of Mountrath, Queen's County, tobacconist, grocer, and baker. Petition for arrangement filed 3rd May, 1867. To sur. Tuesday, July 9, and Tuesday, July 23. C. H. James, official assignee. *Fay and M'Gough*, solicitors.

Certificates Allowed.

Unless Appeal filed within 30 days from date.

June 14.

Hume, James Kidd, of No. 9, Westmoreland-street, Dublin, hosier and outfitter, a bankrupt. *Leachman* solicitor.

June 21.

Burroughs, George, of Athy, county Kildare, corn dealer and farmer, a bankrupt. *Fottrell*, solicitor.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Tuesday. Before the CHIEF CLERK.		
July 2	12 o'clock	Alfred Faulks	To tax costs	*Lynch*
,,	,,	William Strain	do.	*Stone*
,,	,,	Neal O'Donel Caulfield	do.	*Belas*
		Wednesday. Before the COURT.		
July 3	11 o'clock	Alfred Faulks	Audit and dividend	*Lynch*
,,	,,	William Strain	do.	*Stone*
,,	,,	Neal O'Donel Caulfield	do.	*Belas*
,,	,,	Abraham Campbell	Choice of assignee	*Simpson*
,,	,,	Basil King	do.	*Perry*
,,	,,	John Murphy	Adjourned choice of assignee	*Cronhelm & Lett*
,,	,,	Same	Adjourned notice of motion	*Ebbs*
,,	,,	George Hopper	Hearing of petition	*Rynd*
,,	,,	Richard Hare Home	do.	*Macnally*
,,	,,	Mathew Lynham	Adjourned hearing of petition	*Rynd*
,,	,,	Thomas Weekes	do. do.	*Macnally*
		Friday.		
July 5	11 o'clock	———	For Bail Motions only	———
		Saturday. Before the CHIEF CLERK.		
July 6	12 o'clock	Thomas Roche Rice	To vouch assignee's account	*Huggard*
,,	,,	Donald J. Macqueen	do.	*Byrne*
,,	,,	James Wilson	do.	*Armstrong*
,,	,,	James J. Sherlock	do.	*Batt*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	SOLICITOR	OFFICIAL ASSIGNEE
June 5	O'Reilly, Edmond Bernard	1st dividend 3s. in £ on £337.	*Macnally*	*James*
June 12	Callaghan, Michael	1st and final dividend 5¾d. in £ on £575.	*Perry*	*James*
,,	Evers, Michael	1st dividend 3¾d. in £ on £229.	*Macnally*	*James*
,,	Keating, Myles	1st and final dividend 3s. 3¾d. in £ on £85.	*Macnally*	*Deering*
,,	Kean, Patrick	1st and final dividend 4½d. in £ on £155.	*Macnally*	*James*
,,	Morrison, James	1st and final dividend $3\frac{1}{16}$d. in £ on £275.	*Macnally*	*James*
,,	M'Auliffe, Michael John	1st and final dividend 2d. in £ on £296.	*Macnally*	*James*

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INSOLVENTS DISCHARGED ON BAIL.

Hopper, George, merchant tailor, Dublin.
Knox, the Rev. Thomas, clerk, co. Autrim.
M'Donald, Michael, farmer. co. Cavan.

CASES DISPOSED OF IN THE COUNTRY.

At CAVAN, June 18.

Before LOFTUS H. BLAND, Esq., Chairman.

Jones, Thomas, discharged.

At CARLOW, June 18.

Before T. RICE HENN, Esq., Chairman.

Connolly, James, adjourned to next Sessions.
Smith, Samuel, discharged.

At ROSCOMMON, June 21.

Before FRANCIS W. BRADY, Chairman.

Harrington, Patrick, } Discharged.
Williams, Edward, }

At Newtownlimavady, June 22.

Before JAMES C. COFFEY, Chairman.

Campbell, Michael, }
Johnston, William James, } Discharged.
Maturin, John, }
M'Laughlin, Patrick. }
M'Teague, John, remanded for two years at suit of detaining creditors.
White, James, discharged.

CASES DISPOSED OF IN DUBLIN.

Wednesday, June 26.

Before JUDGE MILLER.

Burke, Edmond. Discharged.
Coleman, Patrick. Do.
Montgomery, Hugh Lyons. Adjourned to Wednesday, Dec. 11th, 1867.
Weekes, Thomas. Adjourned to Wednesday, July 3rd, 1867.

INSOLVENTS.

To be heard in Dublin.

M'Donnell, Joseph Patrick, of New-row, West, Dublin, rope and twine manufacturer. Hearing on Wednesday, July 10, at 11. *Rynd*, solicitor.

To be heard in the Country.

Acheson, James, of Belfast, county Antrim, brace manufacturer. Hearing at Belfast, July 10, at 3. *Macnally*, solicitor.

Buckley, Timothy, of Parliament-street, and Lavitt's-quay, Cork, corkcutter. Hearing at Cork, Oct. 17, at 10. *Drinan*, solicitor.

Dane, William, of Belfast, county Antrim, commission agent. Hearing at Belfast, July 10, at 3. *Macnally*, solicitor.

Lynch, John, of Dublin-road, county Carlow, builder. Hearing at Carlow, Oct. 15, at 4. *Mulhall*, solicitor.

Murphy, William, of North Main-street, city of Cork, baker and shopkeeper. Hearing at Cork, Oct. 17, at 10. *Collins*, solicitor.

Robinson, George Frederick Handel, of Belfast, county Antrim, not in business; previously of Belfast aforesaid, sewed muslin manufacturer, trading as "Messrs. Alexander and Co." Hearing at Belfast, July 10, at 3. *Macnally*, solicitor.

Whyte, William, of Aghnahederna, county Cavan, farmer. Hearing at Cavan, Oct. 15, at 1. *Ramsay*, solicitor.

PETITION OF INSOLVENCY FILED.

June 27.

By Crozier, William, of Belfast, county Antrim, builder, a prisoner in the gaol of Belfast. *Macnally*, solicitor.

PAUPER DECLARATION FILED

For Discharge of Prisoner, unless Creditor's Petition lodged within 21 Days from date.

June 27.

Brennan, Joseph Denis, detained by Edmond Johnston. *C. Walker*, solicitor.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JUNE Sat. 22	Mon. 24	Tues. 25	Wed. 26	Thur 27	Fri. 28
Government						
New 3 p c Stock	92½	92⅝	92½	92¾	93⅛	92⅞
3 p c Consols	—	93⅛	93⅛	—	94⅛	94⅜
Foreign and Colonial.						
India 5 p c Stock	—	109½	—	109¾	—	109¼
Joint-Stock Banks.						
Ireland, £100 pd	231½	—	—	231	—	230½
Hibernian, £25 pd	—	36½	—	36½	—	—
Munster (Limited.), £3 10s pd ..	—	—	—	—	4½	—
National, £30 pd	59	57½	57	57½	59½	60
National of L'pool (Ltd.), £15 pd	—	—	12¾	—	—	—
Provincial, £25 pd	88½	—	—	88½	—	86½
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32½	—	32⅝	32½	32⅝	—
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	—	—	13½	—
Steam.						
British & Irish, £50 pd ..	—	—	49	—	—	—
City of Dublin, £100 pd ..	—	—	—	99½	—	—
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	—
Do., £5 pd B	—	6½	—	—	—	—
Do., £4 pd 2 C	—	5½	—	—	—	—
Grand Canal, £100 pd	—	—	—	—	—	—
Patriotic Insurance, £10 pd ..	—	—	—	—	—	—
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—		—	46	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	—	75	75	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	—	—	83½	—	—
D., W., & W., £100 pd	40½	40½	—	40½	40½	40½
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	—	—	95¾	95	—	—
Midland Gt. Western, £100 pd ..	—	—	—	57½	—	—
Waterford & Limerick, £50 pd ..	12½	12½	12½	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	95½	96½	96½	96	—	95
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	100½
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3½ per cent., 20th December, 1866.
Of Deposit—1½ per cent., 7th February, 1867.

Name Days—June 27th and July 15th.
Account Days—June 28th and July 16th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

Mr. William D'Alton, of Stephen's-green, Dublin, solicitor, has been appointed by his Honor the Chief Justice of the Supreme Court of Victoria a commissioner for taking affidavits in Ireland for that colony.

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LANDED ESTATES' COURT, IRELAND.

COUNTIES OF KILKENNY AND CARLOW AND QUEEN'S COUNTY.

In the Matter of the Estate of
James Young, Esq.,
Owner;
Exparte,
Richard Charles Pratt and John Hamilton, Esqrs.,
Petitioners.

TO BE SOLD BY AUCTION,
IN EIGHT LOTS,
Before the Honourable JUDGE DOBBS, in his Court,
LANDED ESTATES' COURT, INN'S-QUAY,
In the City of Dublin,

On FRIDAY, the 5th day of JULY, 1867,

At the hour of Twelve o'clock, noon,

The following Valuable Properties, as particularized in the printed Rental in this Matter, viz :—

The Lands of Ballyogan, containing 319a. 1r. 15p., situate in the Barony of Gowran, and County of Kilkenny, held in Fee-farm; also certain well secured profit rents arising out of Houses and Premises situate in Tullow-street, Tullow-gate, Dublin-street, Bridewell-lane, Brown-street, Charlotte-street, and Montgomery-street, all in the Town of Carlow, and County of Carlow, held in Fee-farm, and for lives renewable for ever. Also, the Lands of Bocka, containing 1,217 acres situate in the Barony of Ossory, and Queen's County, held for 999 years. Also, part of the Lands of Graigue, known as Wallfield, and part of the Town of Graigue, situate in the Barony of Sleevemurrigue, and Queen's County, held for lives renewable for ever, as particularized in the Rental in this Matter.

SUMMARY OF LOTS.

No. of Lot	Denominations	Quantity	Tenants' Rents	Head Rents	Net Annual Profit	Poor Law Valuation	Owner's Tenure
	COUNTY OF KILKENNY,	A. R. P.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1	Ballyogan, ...	321 3 9	140 15 10	0 4 7½	126 10 2	104 10 0	Fee-farm
	CARLOW,						
2	Tullow-street, Carlow, ...	1 0 21 Houses, &c.	28 14 6	10 5 4	18 9 2	123 5 0	Like
3	Dublin-street, do., ...	Houses, &c.	59 0 0	28 3 1	30 16 10	47 5 0	Like, and lease for 61 years
4	Bridewell-lane, do., ...	do.	35 1 0	10 3 1	25 17 11	36 0 0	Lease for lives renewable
5	Brown-street and Charlotte-street, Carlow,	do.	24 0 0	4 0 0	20 0 0	43 10 0	Like
6	Montgomery-street, Carlow, ..	do.	25 0 0	10 0 0	15 0 0	20 0 0	Like
	QUEEN'S COUNTY,						
7	Bocka, ...	1,217 0 37	223 0 0	96 9 7½	126 10 4½	104 0 0	999 years, and part 99 years
8	Wallfield, and part of the Town of Graigue,	11 2 11	83 9 2	46 17 2	36 12 0	59 10 0	Fee-farm lease for lives renewable
	Total, ...	1,551 2 38	620 0 6	206 2 11	399 16 5	538 0 0	

Dated this 27th day of May, 1867.

R. DENNY URLIN, Examiner.

ALFRED H. MIDDLETON, Solicitor.

DESCRIPTIVE PARTICULARS.

LOT 1.
COUNTY OF KILKENNY.

This Lot, consisting of the Lands of Ballyogan, partly adjoins the River Barrow; and there is frequent and cheap communication by the Barrow Navigation Company's Boats, between Waterford and Dublin, and the intermediate towns; an exeellent road from Graigue to the flourishing town of New Ross passes through the Lands.

The Lands are capable of being much increased in value by drainage; the tenants are solvent and respectable, and pay their rents punctually.

LOTS 2 TO 6.
TOWN OF CARLOW.

These Lots consist of well secured profit rents, arising out of Houses and Premises situate in Tullow-street, Tullow-gate, Dublin-street, Bridewell-lane, Brown-street, Charlotte-street, and Montgomery-street, in the Town of Carlow.

LOT 7.

QUEEN'S COUNTY.

This Lot consists of the Lands of Bocka. A considerable sum has been recently expended by the Owner on this Lot, in making roads, drains, &c., and the Lands are capable of further improvement. The shooting of the mountains is valuable.

LOT 8.

QUEEN'S COUNTY.

The Lands of Graigue, known as Wallfield, and portion of the Town of Graigue, the entire of which is held only by two tenants, who are respectable and pay their rents regularly.

For Rentals and further particulars apply at the Landed Estates' Court, Dublin; to

JAMES YOUNG, Esq., the Owner, Maryborough, Queen's County; to

Messrs. DURDIN, Solicitors, 16, Westland-row, Dublin; to

JAMES R. WHITELAW, Esq., Solicitor, 43, Dame-street, Dublin; or to

ALFRED H. MIDDLETON, Solicitor having Carriage of Proceedings, 26, Eustace-street, Dublin.

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BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

MACNAMARA—June 26, at 31, North Great George's-street, the wife of Richard Macnamara, Esq., solicitor, of a son.

MARRIAGE.

BUTLER and LOCKE—June 20, at St. Paul's, Knightsbridge, by the Rev. Dr. Wilson, D.D., Domestic Chaplain to the Right Hon. the Earl of Antrim, James H. E. Butler, Esq., Record Assistant of the Court of Common Pleas in Ireland, eldest son of the Hon. St. John Butler, to Minney, adopted daughter and heiress of the late Joseph Locke, Esq., M.P. for Honiton, and of his widow Phœbe.

DEATHS.

GLYNN—June 17, Maria, the beloved wife of Patrick Glynn, Esq., solicitor, Millbrook, County Mayo.

JACKSON—June 25, at 114, Lower Gardiner-street, aged 99 years, Mrs. Elizabeth Jackson, relict of Peter Jackson, Esq., for some time Clerk of the Rules, Court of Common Pleas, Ireland.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
Patrick Hogan,
Petitioner;
John Hogan and Laurence Bermingham,
Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of John Hogan, late of Rathcannon, in the County of Limerick, Farmer, deceased, on or before the 9th day of JULY, 1867, to furnish, in writing, to JOHN HOGAN, of Rathcannon, Athlacca, in the County of Limerick, and LAURENCE BERMINGHAM, of Kilbreedy, Kilmallock, in the said County of Limerick, the Respondents in this Matter; or to THOMAS M. WARD, 4, South Frederick-street, Dublin, Solicitor for said Respondent, Laurence Bermingham, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the said Respondents may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 15th day of June, 1867.

E. LITTON, Master in Chancery.

FRANCIS KEARNEY, Solicitor for the Petitioner, No. 32, Lower Ormond-quay, Dublin; and No. 4, Glentworth-street, Limerick.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
John Nelson Bennett, and Anne Bennett, his wife,
Petitioner;
John Wolfe,
Respondent.

By Amendment.
Same, Petitioners.
Bartholomew Maziere Prentice, and Elizabeth Prentice, otherwise Wolfe, his wife,
Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of Robert Wolfe, late of Tentower, near Durrow, in the Queen's County, Esq., deceased, on or before the 24th day of JULY, 1867, to furnish, in writing, to B. M. PRENTICE and ELIZABETH PRENTICE, Gorey, County Wexford; or to Messrs. J. and P. POE, Solicitors, Upper Temple-street, Dublin, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that they may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 24th day of June, 1867.

WM. BROOKE, Master in Chancery.

WEST & FITZSIMONS, Solicitor for the Petitioner, No. 33, North Great George's-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Joseph Reynolds, of Tralee, in the County of Kerry, Draper, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 8th day of JULY, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 16th day of JULY, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 24th day of June, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchant's-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of
Thomas Howard, of Kilnabone, in the County of Cork, Miller, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 8th day of JULY, 1867, at the hour of Twelve o'clock noon, *to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 12th day of JULY, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account* in this Matter; whereof all persons concerned are to Take Notice.

Dated this 26th day of June, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

JOHN WALTER BURKE, Agent to the Bankruptcy, No. 29, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Robert Humfrey, junior, of Queen's-quay, Belfast, in the County of Antrim, Coal Merchant, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 9th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Proof of Debts, and choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 26th day of June, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

DANIEL O'RORKE & HENRY C. NEILSON, Agent to the Bankruptcy, No. 8, Lower Gardiner-street, Dublin.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 23.] SATURDAY, JULY 6, 1867. {Single Copy, 6d. By Post, 7d.}

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TO READERS AND CORRESPONDENTS.

Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office, 53, Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, *53, Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, JULY 6, 1867.

IN Numbers 6 and 7 of this Journal we have published a summary of the provisions of the Draft Bill to amend the Constitution, Practice, and Procedure of the Court of Chancery in Ireland.

The Bill has just become law without undergoing any alteration of importance in its passage through committee; and it now only remains to frame Orders for regulating the practice of the Court. The Act just passed had for its paramount object the assimilation of the law and practice in both countries, and it has effected that object so far, that no material difference will in future exist between the English and Irish systems. For this reason there will, we apprehend, be little or no difficulty in framing the necessary Orders, as it will be simply a matter of *adopting*, and not *adapting*, the existing English Orders.

The Vice-Chancellor is to take office about the middle of August, and will, no doubt, at once vigorously commence operations, so as to have the machinery of the Court in good working order before his attention is engrossed by the actual discharge of his new judicial functions.

A complete and well digested collection of Orders will be accepted, as an especial boon, by both branches of the profession, as tending to save their time and facilitate their duties. Nothing could be more perplexing to the practitioner than the present condition of the Chancery Rules, contained, as they are, in so many successive General Orders, and Master's Orders, made at so many different times—many of them conflicting with each other—some wholly obsolete—others retaining a semi-vitality; and all forming together a collection which defies every attempt to reduce them to anything like order or consistency. It has been remarked that the practice has been altered and amended on no less than "sixty different occasions since the new code of General Orders of 1843; so that it is not to be wondered at that the young practitioner at least should find his duties in the Chancery Courts surrounded by many difficulties and perplexities."

It will take a year or upwards to dispose of the suits now pending before the Masters, and during that period we must endeavour to live patiently under the old style, until it gradually dies out, and three of the present Masters are released by the Chancellor from the onerous duties which, by assiduous attention, great ability and

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integrity, they have for so many years discharged so much to the satisfaction both of suitors and practitioners.

Although there is no ground to apprehend that the retiring Masters will be in any indecent haste to be released, the coming legal year will be a busy one for both branches of the legal profession. It will, of course, be necessary to put on high pressure for the purpose of winding up all matters now remaining undisposed of in the offices, and little time will be left available for becoming familiar with the new law and practice, under which all new suits are to be conducted.

As a matter of necessity, the Receiver Master is to be retained, and the difficult and unsettled practice relating to Receivers, which has been altered or amended at twenty different times since the year 1843, is still left as a thorn in the side of barristers and solicitors.

Until the new orders are promulgated it may be deemed premature to direct particular attention to the new law and practice; but, as before intimated, the difference between the English and Irish systems cannot by possibility be considerable, and we will, from time to time, in future numbers, endeavour to impart to our readers such information as will be useful to them, when they come to the discharge of business under the new act, which is so soon to come into operation.

HOUSE OF LORDS.

THE YELVERTON CASE.

YELVERTON (OR LONGWORTH) *v.* YELVERTON.

The hearing of this case was resumed in the House of Lords on Friday morning.

The appellant resumed her argument on Friday morning by reading extracts from the judgments in the court below. In commenting upon that of Lord Curriehill she contended that the decision of the House of Lords in the first appeal was not final in favour of Mrs. Forbes, as it did not bar the present appellant from establishing her Irish marriage before an Irish Consistorial Court, neither did it assoilzie Major Yelverton from the judgment debt which Mr. Thelwell held against him for necessaries supplied to his wife, Theresa Yelverton. It did not avail him, exiled from his own country, on that account to set at defiance that country's laws. A full court judgment of one country could not be set aside or rendered futile by a side wind from another country, whose laws it neither knew nor recognized, such judgment having been based upon different and more complete evidence. By that judgment she had been pronounced by a jury and a judge, whose decision was confirmed by the full Court, to be the lawful wife of Major Yelverton. That judgment might be brought before their Lordships, and under the more positive and conclusive evidence they might see fit to confirm the unanimous decision of the Irish judges. Where then was the force of Mrs. Forbes's marriage, which Lord Curriehill was pleased to treat as a solemn marriage *in facie ecclesiæ*, so solemn, imposing, and religious that he thought it should not be molested by a prior poor, paltry *de presenti* marriage? She had not expected the cry of "Church, Church," from Scotch Law Lords, who regarded marriage as a mere contract, not as a sacrament. She ventured to believe that none of those who joined in the cry had been married in a church themselves. But if religious solemnities and sacramental observances were to take precedence in Scotch law, why had its interpreters failed to notice what was now on record in favour of the appellant—an equally solemn marriage *in facie ecclesiæ* at Rostrevor? What were the facts of Mrs. Forbes's marriage with Major Yelverton? On the 25th of June the appellant arrived at Leith; she came to meet him, her husband, and was met by him. She had quitted the affectionate care of her sister, Madame Lefevre, though still in a feeble state of health, because Major Yelverton had informed her that unless he could have about £2,000 immediately he was a ruined man. She came with the wifely hope of saving him by the sacrifice of a portion of her own property. She had known of his pecuniary difficulties, and attributed his present wretchedness to a crisis having arisen, but she had no warning that could lead her to a doubt of his faithfulness to her, no warning of the nature of the storm cloud about to burst over her lonely deserted head, no glimmering of the vortex of misery which was to engulph her in its dark fold for many weary years. He left her, alleging an appointment that evening, and promising to return to take her to a more suitable home. At 11 o'clock that same evening Mrs. Forbes went to Dean Ramsay to ask him to marry her to Major Yelverton the next morning early. Major Yelverton had informed her of the arrival of his first wife, and she asked to be married not in his own church in Prince's-street, with all publicity and solemnity as supposed by Lord Curriehill, but in a small out of the way chapel in the fishing hamlet of Newhaven, a couple of miles from Edinburgh. Had it been in England that marriage would have been illegal, or at least voidable, for Mrs. Forbes was not married in her own parish. Upon that very point Sir Marcus Slade had seemingly lost his baronetcy. Both marriages were alike private, the dispensing of banns being sought for in both instances. Both were celebrated by duly qualified ministers, in secluded country churches, in order to avoid observation; neither were proclaimed by ringing of bells, by breakfasts, or bridesmaids, and neither were announced in the public newspapers. She defied the keenest casuist to draw any distinction on this point between them, and yet the Scotch Law Lords had assigned the publicity of the second marriage as a reason for refusing to allow the law to take its usual course. Such were the solemnities of Mrs. Forbes's marriage arranged over night at 11, and performed the next morning at 10—hasty, to say the least of them, doubtless owing to Major Yelverton's announcing the arrival of the first wife, whom Mrs. Forbes acknowledged he had told her about prior to the marriage during their short acquaintance of five weeks. This circumstance, coupled with the circumstance of the rumours of his first marriage, which reached her, left her complete innocence open to considerable doubt. If a second marriage were to be introduced as an estoppel to the full and complete proving of the first it would be holding out an escape for bigamists in Scotland by making the first wife the helpless victim of the husband's crime. Mrs. Forbes enjoyed the undisputed possession of the legal *status* of a wife only for 48 hours, when she was solemnly informed by her own clergyman, Dean Ramsay, that Major Yelverton was claimed as husband by another lady, and the marriage certificate was produced. If his lordship meant that for seven years, in spite of adverse judgments to the effect that she was not his wife, Mrs. Forbes had chosen to live with Major Yelverton and become the mother of several children, on such a proceeding she had no remark to make; but she denied that in law, in justice, or in common decency, it was a reason why her interests should be upheld, and she was equally persuaded that Lord Curriehill had inadvertently everlooked some of those circumstances when he pleaded so feelingly the interests of that lady. His lordship had said that the laws of this country which forbade polygamy did not permit a man to have two legal wives simultaneously. That might be true, but a man was permitted to have them alternately if he contrived it well, and the law seemed to assist him in that. Some matrimonial suits had lasted 12, others 15 or 30 years, during which period a man, if he had gone through a marriage ceremony with two ladies, might legally change from one to the other. Lord Curriehill suggested that it was barely possible Major Yelverton would admit an oath in the affirmative, but, peradventure, he might, and this was a contingency the court were

bound to prevent. Did his lordship forget that he had given it as his deliberate and conscientious opinion that marriage according to law and fact had taken place between Major Yelverton and Miss Longworth? Was he afraid that what he believed to be the truth should be confirmed by the defendant, and thereby injure the innocent third party? Was he afraid that the unfortunate Major Yelverton, with bigamy behind him and perjury before him, placed once more on his oath in the presence of his Maker, might speak the truth, might assert his manhood, and redeem his soul by bearing down with one fell swoop the gigantic lie which it had cost him his fortune and his fame to build up in seven yerrs? Such things had been. Scottish law lords had seen it more than once, trials had been won, appeals had been gained, evidence and documents had been duly weighed and judgments passed, and wrong had still prevailed. The oath had been tendered to the triumphant party, who had shrunk aghast and refused to blast his soul, and preferred to resign all his unholy gains. Should not, therefore, Major Yelverton be allowed to be put upon his oath, because that "still small voice" might make itself heard amid the din of fierce passions which had relentlessly heaped misery, poverty, odium, heart-breaking sorrow upon the unoffending head of one of the most truthful, devoted, and loving of helpmates? "I am pleading," said the appellant, "for nothing before this hon. House but my right to the truth—my right to challenge the respondent to this ordeal of truth, and am I to be refused because, peradventure, he might speak it? I am not pleading for something as yet unheard of—vague and hopeless. What I am pleading for is a law which, as admitted by the judges, is one of the oldest and most firmly established in Scotland. The facts I am seeking to bring to light have already been sworn to. Yes, my lords, sworn to by the respondent himself, and are on record, not in these volumes unfortunately, but in the Irish Court, and in every journal in that country. This is no vague dream of an excited fancy wrought to frenzy by its sufferings. I appeal to every honest heart in Great Britain, and ask if Major Yelverton did not marry Theresa Longworth." The appellant then proceeded to read at length the judgment of Lord Deas, who pronounced in her favour, and concluded by a lengthened address at half-past 1 o'clock by praying of their lordships to consider her case mercifully as far as was consistent with strict justice.

HOUSE OF COMMONS.—Tuesday, July 2.

ATTORNEYS, ETC, CERTIFICATE DUTY BILL.

Mr. Denman moved the third reading of this Bill.

Mr. Hunt opposed the motion. The Bill attempted to deal with license duties in a piecemeal manner. The certificate duty was at present £9 for attorneys in London, and £6 for those in the country. Till 1853 it was £12 and £8. For the first two years after their admission attorneys had only to pay one-half the duty. The impost did not seem to keep gentlemen from going to the profession, for there were at present 13,475 attorneys on the roll. His hon. and learned friend did not touch the license duties paid by pawnbrokers and auctioneers, nor the license duty paid by certificated conveyancers. The loss to the revenue of the duty which his hon. and learned friend sought to abolish would amount to £100,000 a year. He begged to move, as an amendment, that the Bill be read a third time that day three months (hear, hear).

Mr. Fawcett said that very great pressure was put upon hon. members to support this Bill. He thought the House ought to resist pressure coming from such a class of gentlemen as attorneys; and if for no other reason, he should give the Bill his decided hostility.

Mr. Denman had frequently answered the objections to the Bill, which, he repeated, were unfounded.

Lord Elcho had received from attorneys in his constituency letters requesting him to support the Bill. The answer he had made was that he considered the question to be one for the Government, and that as long as the Government thought it necessary to support this tax, he would support them in doing so (hear, hear).

Order for Third Reading read; Motion made and Question proposed, "That the Bill be now read the third time:"—

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months:"—(*Mr. Hunt*:)—Question put, "That the word 'now' stand part of the Question:—The House *divided*: Ayes 66, Noes, 87.

AYES.

Barry, Chas. R. (Dungarvan)
Blake, John Aloysius
Bowen, James Bevan
Brady, Dr.
Brooks, Robert
Buller, Sir A. Wm., (Liskeard)
Calcraft, John Hales M.
Carnegie, Hon. Charles
Castlerosse, Viscount
Colthurst, Sir George Conway
Conolly, Thomas
Cowen, Joseph
Craufurd, Ed. Henry J. (Ayr)
Crawford, Robt. W. (London)
Dawson, Robert Peel
Dimsdale, Robert
Dunne, General
Eckersley, Nathaniel
Eykyn, Roger
Fitzgerald, Rt. Hon. Lord O.A.
Garth, Richard
Gavin, Major
Griffith, Christopher Darby
Guinness, Sir Benjamin Lee
Gwyn, Howel
Hamilton, Lord C. J. (L.derry)
Hamilton, Viscount (Donegal)
Hay, Lord John, (Ripon)
Henderson, John
Herbert, Henry A. (Kerry)
Hughes, Thomas (Lambeth)
Hughes, W. B. (Carnarvon)
Jervoise, Sir Jervoise Clarke
Kavanagh, Arthur
Kendall, Nicholas
Labouchere, Henry
Lanyon, Charles
Leader, Nicholas Philpot
M'Lagan, Peter
Maguire, John Francis
Martin, C. W. (Newport, I.W.)
Milbank, Frederick Acclom
Monk, Charles James
Murphy, Nicholas Daniel
O'Beirne, James Lyster
O'Brien, Sir Patrick
Ogilvy, Sir John
Oliphant, Lawrence
O'Loghlen, Sir Colman Michl.
Parker, Major Windsor
Parry, Thomas
Paull, Henry
Pim, Jonathan
Price, Wm. Philip (Gloucester)
Rearden, Denis Joseph
Schreiber, Charles
Stackpoole, William
Sturt, Lt.-Col. N. (Dorchester)
Synan, Edmund John
Vance, John
Vandeleur, Colonel
Vivian, H. Hussey (Glamor.)
Whalley, George Hammond
White, Hon. Capt. C. (Tip.Co.)
Wise, Henry Christopher
Wyld, James

Tellers for the Ayes, Mr. Denman and Mr. Philip Wykeham Martin.

NOES.

Ackland, Thomas Dyke
Adam, William Patrick
Adderley, Rt. Hn. Chas. Bowyer
Archdall, Captain Mervyn
Ayrton, Acton Smee
Bagge, Sir William
Barnett, Henry
Barrington, Viscount
Bass, Michael Thomas (Derby)
Beach, Sir Michl. Hicks (Glo. E)
Bentinck, George Cavendish
Bingham, Lord
Brett, William Baliol
Bridges, Sir Brooke William
Burrell, Sir Percy
Candlish, John
Capper, Charles
Cave, Rt. Hn. Steph. (New Shore
Cavendish, Lord G. (Derbysh. N.
Chatterton, Rt. Hn. Hedges Eyre
Clinton, Lord Edw. P. (Notts, N.
Corry, Rt. Hon. Henry Lowry
Cox, William Thomas
Crossley, Sir Francis
Dalkeith, Earl of
Dick, Fitzwilliam
Disraeli, Rt. Hon. Benjamin
Du Cane, Charles
Edwards, Sir Henry (Beverley)
Elcho, Lord
Fane, Lt. Col. H. H. (Hants, S.)
Fawcett, Henry
Galway, Viscount
Glyn, Geo. Grenfell (Shaftes.)
Gore, J. Ralph Ormsby (Salop, N
Gower, Hon. F. Leveson (Bodm.
Gurney, Rt. Hn. Russell (South.
Hamilton, Lord Claud (Tyrone)
Hardy, Rt. Hn. Gathrne. (Oxf. U
Hervey, Lord Aug. H. C. (Suff. W
Hay, Sir J. C. Dalrymple (Stam.
Herbert, Hn. Col. Percy (Salop, S
Hood, Sir Alexander Acland
Howard, Hn. Cha. W. G. (Cum.
Hunt, George Ward
Jardine, Robert
Jones, David
Karslake, Sir John B. (Andov.)
Knatchbull-Hugessen, Edw.
Langton, W. Gore
Lechmere, Sir Edm. A. Harley
Lennox, Lord H. G. (Chiches.
Leslie, C. Powell
Lindsay, Hn. Col. Chas. (Abing.)
Lindsay, Col. Robt. L. (Berks.)
Locke, John
Lowther, James (York)
M'Laren, Duncan
Manners, Rt. Hn. Lord J. (Leic. N
Montagu, Rt. Hn. Lord Robert
Montgomery, Sir Graham
Morgan, Hn. Maj. (Breconshire)
Morrison, Walter
Mowbray, Right Hon. John
Naas, Lord
Noel, Hon. Gerard James
Patten, Rt. Hon. Col. Wilson
Portman, Hon. W. Hen. B.
Read, Clare Sewell
Ridley, Sir Matthew White
Robertson, P. F. (Hastings)
Rolt, Sir John
Royston, Viscount
St. Aubyn, John
Sclater-Booth, George
Selwyn, Chas J. (Camb. Univ.)
Severne, John Edmund
Seymour, George H. (Antrim C.
Smith, John Abel (Chichester)
Stanley, Hon. Fred. (Preston)
Stirling-Maxwell, Sir Wm.
Stopford, Sackville George
Verner, E. Wingfield (Lisburn)
Walpole, Rt. Hn. Spencer Hor.
Wynham, Hon. P. (Cum. W.)
Wynn, Chas. W. Wm. (Mont.)
Young, Richard, (Cambridgs.)

Tellers for the Noes, Colonel Taylor and Mr. Whitmore.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

O'SHAUGHNESSY *v.* LYNCH.

May 14.—*Practice—Title of Petition—Substitution of Service—Chancery Regulation Act*, s. 15.

The petition was entitled under the Court of Chancery Regulation Act, 1850, s. 15. It was set down for a summary order under the 15th section. But the Lord Chancellor refused to make a summary order, and directed notice of it to be served.

Lynch moved to amend the petition by omitting the words "sec. 15."

The MASTER of the ROLLS said that the petition was irregularly entitled, but it was better to make no change in it unless the Lord Chancellor had required it to be amended.

May 28.—*Lynch* moved to substitute service of the notice of the cause petition, on an affidavit which stated that the petition was filed for the purpose of dissolving the partnership of a ship, purchased jointly by the petitioner and the respondent. That Patrick Lynch, who was the sole manager of the partnership, business, and transactions, had been absent from Ireland for six months in South America; that he had been for several years, and still was the proprietor and owner of the George Hotel, in the city of Limerick, and that his wife, Frances Lynch, had managed the said hotel, and conducted the business thereof as the agent of and for the said Patrick Lynch since and during his absence from this country, and that she still continued to manage said hotel, and conduct the business of same as such agent as aforesaid, that the deponent believed that she was in communication with the said Patrick Lynch, and that the share of the petitioner's purchase money of the ship had been remitted to the respondent, Patrick Lynch, through the hands of his wife, Frances Lynch, by his desire. Counsel sought to substitute service by serving the wife, Frances Lynch, with notice of the cause petition, and cited *Hope* v. *Hope*, 4 D. M. & G. 341.

No rule.

Solicitor for the petitioner, *John O'Donnell.*

COURT OF QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

NOLAN *v.* SHEA.

June 15.—*Particulars of Slander granted after Plea Pleaded.*

Wm. Anderson, on behalf of the defendant, moved that the plaintiff should be directed to give particulars of the time and place of uttering the slander for which the action was brought. The defendant had pleaded a traverse of the speaking of the slander. There was an affidavit by him, stating that he had no recollection of the slanderous words; that he believed he did not use them, and that he could not safely go to trial without knowing the occasion on which it was alleged he had uttered them. The Court at first was disposed to consider that, as the defendant had pleaded, the motion could not be granted, but finally made the order, *the plaintiff not appearing to oppose the motion.*

Attorney for plaintiff, *George Lowe.*

Attorneys for defendant, *J. & P. Poe.*

COURT OF EXCHEQUER.

Reported by J. LOWRY WHITTLE, Esq., Barrister-at-law.

Coram FITZGERALD, B.*

QUIN *v.* QUIN.

May 13.—*Change of Venue—Delay.*

S. Y. Johnstone, for the defendant, moved to change the venue from the County of the City of Dublin to the County of Tyrone. The action was for £63, and it appeared from defendant's affidavit that all his witnesses resided in or near Omagh, and that he was unable to bear the expense of taking them to Dublin.

Dowse, Q.C., with him *S. N. Fay*, for plaintiff. The defence was filed on the 13th of February last, before the Spring Assizes. A replication was filed and notice of trial served on the 2nd of May. The defendant returned the issues approved of on the 7th. Plaintiff's subpœnas were issued and served on the 9th. The defendant's notice of motion was only served on the 9th. As the case was in the list for the after sittings to commence on the 14th,

The COURT held that the defendant was too late in making the application now, after so long a delay.

Notice refused with costs.

Attorney for plaintiff, *Chas. M'Crossan.*

Attorney for defendant, *Cecil Moore.*

ELLEN BRENNAN *v.* FRANCE.

May 30.—*Security for Costs—Affidavit of Merits.*

This was an action for seduction of the plaintiff's daughter Jane.

E. Gibson, for defendant, moved to compel plaintiff to give security for costs. Defendant, by his affidavit in support of the motion, "admitted that he had intercourse with Jane Brennan in the plaint mentioned, but that said Jane Brennan at the time of said intercourse resided, and still resided, in Ireland, and rendered no service whatever to the plaintiff."

Harkan and *Butt*, Q.C., objected that this was not such an affidavit of merits as would suffice in the Exchequer. For all that appeared from defendant's affidavit Jane Brennan might have been only temporarily resident in Ireland, and still in her mother's service.

FITZGERALD, B.—We have never held that the affidavit of merits should be as full as a special plea.

The COURT granted the motion.

Attorney for plaintiff, *J. W. Ramsay.*

Attorney for defendant, *Henry Ebbs.*

CRAWFORD *v.* CINNAMEND.

May 29 & 30.—*Action for Negligence against an Attorney—Bankruptcy—Right of Assignee.*

To an action against an attorney for negligence in marking a judgment against one F. for too large a sum, and issuing execution thereon, whereby the plaintiff became liable to an action by F., and further alleging that F. brought said action and obtained a verdict and judgment against plaintiff, and plaintiff incurred expenses in defending said action, and was so injured in his credit as a trader that he was adjudicated a bankrupt. Defendant pleaded first that the alleged causes of action were vested in plaintiff's assignees by reason of his bankruptcy; and secondly that the judgment against F. for the sum for which the defendant issued execution was still in full force and validity. Plaintiff demurred to both defences.

T. White and *Carleton*, Q.C., in support of the demurrer.

Porter, *Kisbey*, and *Falkner*, Q.C., contra.

The COURT (Fitzgerald, Hughes, and Deasy, B.B.)

* The other Barons were engaged in the Court of Criminal Appeal.

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overruled the demurrer to the first defence, but allowed that to the second.

Attorney for plaintiff, *S Boxwell.*

Attorney for defendant, *Wm. Whitton Dwyer.*

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-law.

In the Goods of JAMES BALL, deceased.

June 17.—*Will—Execution by a Line—Held Invalid.*

Dr. Miller, on behalf of Thomas Carey and James Murphy, the executors named in the alleged will of the said James Ball, deceased, applied for liberty to get probate of said will. The will was dated the 28th April, 1867, and was entirely in favour of the testator's wife. The two executors and another person named Richard Murphy were the attesting witnesses, and they all deposed to the capacity of the deceased at the time of giving instructions for, and of the execution of the will, and that the execution took place as follows, viz.: The deceased, after he had heard the will read, and having approved of it, the same having been written by Carey, took hold of a pen, and tried to make his mark, and touched the will with the pen, and drew a line on said will after *the name* of the witness Richard Murphy (who was a marksman), and deceased said, "All is right," after which the witnesses attested said will, Carey having signed the names of his co-attesting witnesses, who put their marks thereto.

The deceased was illiterate, and the assets were trifling, not more than £125 in value.

(Goods of Bryce 2 Curt. 325, Baker *v.* Dening, 8 Ad. & Ell. 94).

KEATINGE, J.—It appears that two of the witnesses signed by a regular mark, and I cannot understand why the deceased should only sign by a line. I am not satisfied on the affidavit, that the transaction was *bona fide*, and I therefore make no rule on the motion, it appearing to me that the document is not a valid will.

No rule.

Attorneys, *C. Fitzgerald and Cane.*

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Coram LYNCH, J.

Sir J. J. FITZGERALD's Estate.

June 27.—*Right of Remainderman to compel Rents collected after the death of the Tenant for life to be applied towards payment of the interest on charges affecting the inheritance created by such tenant for life.*

This case came on upon an objection to the schedule of incumbrances by Lady Fitzgerald, the guardian, *ad litem*, of the owner, a minor. The petitioners, who were the trustees of the Scottish Provincial Assurance Company, claimed to be paid interest on a sum of £2,000 from 11th December, 1860, under the following circumstances:—

By marriage settlement of January 23rd, 1845, the lands of Sir J. J. Fitzgerald were settled to himself for life, and, subject to a jointure to his wife, to his first and other sons in tail; and by the same settlement a power was given to Sir J. J. Fitzgerald to raise £2,000 for his own purposes by mortgage of the estate.

In 1860 Sir J. J. Fitzgerald borrowed £8,000 from the Standard Insurance Company, and to secure its repayment he executed the power given to him, and by deed of December 11th, 1860, gave the company a mortgage of his life estate in his lands, with other securities, and effected an insurance on his life. In November, 1862, the petitioners agreed to take an assignment of these securities, and to advance to Sir J. J. Fitzgerald a further sum of £2,500; and a deed of November 22, 1862, to which Sir J. J. Fitzgerald was a party, was executed. This deed contained a recital, "whereas £8,000 is still due, but all interest has been paid up to the date hereof, as the Standard Insurance Company doth hereby testify." Sir J. J. Fitzgerald died on the 27th April, 1864, and two letters were written by Mr. Casey, the petitioners' solicitor, to Lady Fitzgerald, his widow and executrix, and a consent entered into under which Lady Fitzgerald collected from the tenants £382 6s. 5d., being the rents due respectively in November, 1863, and May, 1864. This sum was paid by her to the Scottish Provincial Company. It was now contended that, interest being only due to them from the time of the assignment by the Standard Insurance Company, the apportioned part of the second gale ought to be appropriated to the payment of such interest, in which case none would remain due.

Finch White, Q.C., for Lady Fitzgerald, who was guardian of her son, a minor, as well as executrix of her late husband, cited *Mountcashel* v. *Kilworth*, (7 Ir. Chan. R. 12 Ir. Chan. R.); *Fitzmaurice* v. *Murphy* (8 Ir. Chan. R.); *In re White* (7 Ir. Chan. R. 61).

The tenant for life is bound to keep down the interest on a charge on the inheritance which he has power to create, and the tenant in tail can enforce this right by a suit against the mortgagees of the tenant for life. The petitioners could not have received these rents except through the guardian of the minor, and they took them subject to the same equities as if they had instituted a suit.

Flanagan, Q.C., and *Wheeler*, for the petitioners, contended that other clauses in the deed of November, 1862, showed that the recital relied on did not mean what was contended for. As to the other question, the common law of the land applies, and the petitioners had a right to appropriate this money to the payment of principal or interest as they pleased. They received this proportion of the half-year's rent from Lady Fitzgerald, *quâ* executrix.

Finch White, Q.C., replied.

LYNCH, J.—I think it was the duty of this lady, when making this payment, to take care of the rights of the minor. She made a general payment. The very circumstance relied on by the petitioners as to the character in which the money was received—executrix and guardian—was notice to them. They would make her commit a breach of duty in respect to its application. I think, with regard to the apportioned part of the rents coming to the tenant for life, it must be applied, in the first instance, to keep down the interest. On the other point—the construction of the deed of 1862—I am quite clear.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN INSOLVENCY.

Before MILLER, J.

Re THOMAS WEEKES.

July 3.—*Contracting Debt without necessity—Pledging the Property Purchased.*

The insolvent was opposed on the part of Mr. Crichton, a watchmaker, from whom the insolvent purchased a watch, and from whom he obtained cash for a twenty pound bill. It appeared that the insolvent went to Mr. Crichton, and purchased a watch for twelve pounds, which, he said, he intended as a present for his son; and whilst the watch was taken on approbation, he induced Mr. Crichton to give him cash for a twenty pound bill, which was afterwards renewed, but

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never paid. It was discovered that the watch had been pawned, and the insolvent having been processed for the amount, was compelled to pay it under the pressure of a decree.

Judge MILLER said he considered the case a very bad one, and persons who pursued such a course as the insolvent had done would never get a free discharge at his hands. If the insolvent's accounts were true, he made no profit by his trade as a tobacconist from 1863 to 1867; and in the meantime he incurs a debt for a gold watch to make a present to his son. That watch is afterwards sent to the pawnbroker's, and the insolvent makes the purchase of the watch the foundation of another transaction by which Crichton loses twenty pounds. Purchasing a gold watch under such circumstances was contracting a debt without necessity, and although he was compelled to pay for it under the pressure of a decree, he left his creditor to pay the twenty pound bill, for which he got cash on the ground of having purchased the watch. The Court considered this a fraudulent case, and would remand the insolvent for twelve months at the suit of Mr. Crichton.

Attorney for the insolvent, *Macnally*.

Attorney for the opposing creditor, *Casey and Clay*.

QUARTER SESSIONS' CASES.

COUNTY WESTMEATH—MOATE.

Before JOHN O'HAGAN, Esq., Q.C., Chairman.

CLARKE *v.* DALY.

April 4; June 27.—*Payment by Receiver—Right of Action—Evidence—Certified Copies of Official Documents—Proof of Order in Chancery.*

The Civil Bill in this case was brought to recover £40, "portion of the sum of £65 15s. paid by the plaintiff for the use of the defendant for half a year's rent of the lands of Lissoy, due by the said defendant in a certain cause of William Roberts and others, petitioners, Andrew Murray and others, respondents, lately depending in the Court of Chancery in Ireland, and which said sum was charged against and paid by the plaintiff as receiver in the said cause, in the month of May, 1863."

It appeared that the defendant Thomas Daly had been a tenant from year to year of part of the lands of Lissoy, over which the plaintiff James Clarke was appointed receiver in the cause of *Roberts* v. *Murray*. These lands were sold in the Landed Estates' Court in 1860; and at the time of the sale half a year's rent was due by the defendant, which the plaintiff, on passing his final account as receiver in 1863, was compelled to pay in order to obtain his discharge. The plaintiff now sought to recover from the defendant £40 of the money so paid, abandoning the excess. In support of the plaintiff's case an office copy of the order appointing the plaintiff receiver, duly certified to be a true copy, as described by the 14 & 15 Vic., c. 57, s. 107, was given in evidence. Office copies of the receiver's accounts, in which the sum was charged against him, and of the order directing him to account, were also produced, but the latter, although signed by the proper officers, were not on the face of them expressed to be true copies.

Bewley, for the defendant, submitted:—1. That the payment of the rent by the plaintiff was made to cover his own default in not having collected it in proper time, and that the action did not lie against the defendant. 2. That as the rent had accrued due in 1860, the payment by the plaintiff, although within six years, could not prevent the operation of the statute of limitations. 3. That the order directing the plaintiff to account and the final account were not admissible in evidence without producing attested copies of the cause petition, and answering affidavit in the cause. 4. That the copies of the final accounts and the order directing the receiver to account were not admissible in evidence, inasmuch as they were not certified to be true copies within the meaning of the 14 & 15 Vic., c. 57, s. 107, or the 14 & 15 Vic., c. 99, s. 14. No indictment could be maintained under the 15th section of the latter Act against an officer for wilfully certifying a document as being a true copy, knowing the same not to be a true copy, when the copy was merely signed by him without any allegation of its being a true copy.

Montgomery, for the plaintiff, *contra*. The payment of the rent to the landlord by the plaintiff, who was the proper officer to receive the rent, might have been pleaded in an action by the landlord against the tenant for the same rent; and, if so, the present action is maintainable. This payment having been made within six years, if the action lies, no question can be raised as to the statute of limitations. Under the provisions of the 14 & 15 Vic., c. 57, s. 107, attested copies of the cause petition and answering affidavit are unnecessary in the present proceeding. As to the copies of the final account and order, they are in the only form of certified copies given by the officers of the Court of Chancery.

June 27.—The CHAIRMAN dismissed the case on the merits, being of opinion that the payment of the rent by the plaintiff gave him no right of action against the defendant. With regard to the other questions in the case, his Worship stated that if it had been necessary to decide them he would have held that the final account and order were inadmissible without giving in evidence attested copies of the cause petition and answer. As to what constituted "a certified copy" he would not express any opinion.

Counsel for the plaintiff, *L. S. Montgomery*.

Attorney, *J. W. Fair*.

Counsel for the defendant, *E. T. Bewley*.

Attorney, *William Kelly*.

ENGLAND.

THE TICHBORNE BARONETCY.

It has already been made known that a bill has been filed in the Court of Chancery by the claimant of the Tichborne inheritance. The following extracts from this document will throw some additional light upon the mystery of the Tichborne succession, as well as present a more consecutive story of the adventures of the Australian claimant to the titles and estates of the Tichborne family than has yet been made public. The bill sets forth that the plaintiff resided with his parents at Paris from his birth until 1845, when he was brought over to this country and placed at Stonyhurst College, in Lancashire, where he received his English education. In July, 1849, he was appointed cornet in the 6th Dragoon Guards, which regiment he joined in the following October, at Dublin, and remained on duty, excepting temporary leave of absence, until January, 1853. In February, 1853, he retired from the regiment. During his vacations from college and leave of absence he usually resided, until he left this country to travel in foreign parts, with his uncle, Sir E. Doughty, at Tichborne Park, and was in the habit of shooting over the Tichborne estates, and hunting in that neighbourhood, and he gave up much time to field sports and the management of horses. He left his regiment with the object of travelling for some years in distant parts, and in the first instance he determined to proceed to South America. In March, 1853, he took passage on board a ship bound for Valparaiso, where he arrived in due course, and from that time until April, 1854, he travelled from place to place in various parts of South America. In April, 1854, the ship Bella, of Liverpool, Captain Birkett, master, was at Rio de Janeiro, and

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learning that she was shortly to leave for New York, the plaintiff took his passage for that city. The Bella left Rio on the 20th of April, 1854, her crew consisting of seventeen persons, the plaintiff being the only passenger. All went well until the fourth day after their departure from Rio, when they were far out of sight of land, and on the morning of that day the mate reported to the captain that the vessel had sprung a leak, and all hands were instantly set to work the pumps, and every effort made to save the ship, but without effect; and the captain shortly afterwards announced that all on board must take to the boats. The Bella carried a long-boat on deck and two smaller boats, one of which was slung to the davits on each quarter. One of these small boats was stove in and rendered useless, but the crew succeeded in safely lowering the long-boat and the larger of the two small ones. The plaintiff and eight of the crew got into the second boat, and the captain and the rest of the crew got into the long-boat, and immediately pushed off from the Bella, which soon afterwards sank. The captain, who had the ship's charts, ordered that the second boat should keep in sight of the long-boat, which she did for two days; but, in the night of the second day, a high wind and storm came on, and the boats were soon out of sight of each other, and the long-boat was not again seen. The man in command of the second boat determined to let her drift with the wind, and on the fourth day after the Bella had sunk they descried a ship in the distance, and a red flannel shirt was attached to an oar and hoisted as a signal. Ultimately, a signal was made in reply, and the crew rowed to the ship, and the plaintiff and the whole of the crew of the second boat were thus saved, after they had been three days and nights at sea in an open boat. The plaintiff was in a very exhausted state, and was for some time seriously ill on board the ship which saved him; but he was landed at Melbourne about July, 1854, having nothing but the clothes he wore, and no means whatever for his support. On the first day after the plaintiff landed, the captain of the ship which saved him took him to an office believed to be the Custom-house, and had a conversation there with some person as to what should be done with the plaintiff, but nothing was arranged except that the plaintiff should sleep on board that night, which he did. Before returning to the ship, the captain and plaintiff together called at an office, and made inquiries as to how he could get a passage to England, but without any useful result. On the day after he landed plaintiff was strolling about the town, and went into a yard, called Row's yard, in Burke-street, where a large number of horses were being sold. Mr. William Foster, an extensive stockkeeper of Gippsland, spoke to him, and, after ascertaining that he was a good rider, offered to take the plaintiff to Gippsland, where there were good hunting and shooting. The plaintiff accepted such offer, and, for family reasons, assumed the name of Thomas Castro, and was known in Australia by that name until shortly prior to his return to England. The plaintiff immediately afterwards left Melbourne with Mr. Foster, and proceeded to his residence at Boisdale, on the Avon River, nearly 300 miles from Melbourne, where he remained about 19 months. Mr. Foster then gave him charge of the Dargo station in the Australian Alps, about 115 miles further inland, where he remained about 18 months, and then returned to Boisdale, and stayed there about three months. The plaintiff then further traces his career until his settlement in Wagga-Wagga; where the bill states, on the 29th of January, 1865, he intermarried with Maryanne Bryant. The plaintiff and his wife are both Roman Catholics, but being then desirous of concealing his real name, and which he could not have done if married by a priest of the Church of Rome, the marriage was solemnized by the Rev. F. J. Burnside, a minister of the Wesleyan congregation. About 1858, a sailor, whose name was unknown to the plaintiff, solicited alms at Tichborne Park, and represented that he had come from Australia. The plaintiff's mother had a conversation with the sailor, and made inquiries as to whether he had ever heard of the Bella, or of any of her crew having been saved, and he replied that he had heard, when in Australia, of some of the crew of a ship which was thought was the Bella, having been picked up at sea. The plaintiff's father, to whom the sailor's statement was announced, expressed the opinion that it was not worth attention, and no further notice was taken of it in his lifetime, save that the plaintiff's mother frequently referred to it; and, when the marriage between her younger son and the Honourable Teresa Mary Josephine Arundell was in contemplation, she stated that she had a sensation that the plaintiff was still living. After the death of his father, and in 1863, the plaintiff's mother caused advertisements for the plaintiff, in the English, French, and Spanish languages, to be inserted in the *Times*, and subsequently communicated with Mr. Cubitt, of the Missing Friends' Office, Sydney, and he caused advertisements to be inserted in various newspapers published at Melbourne, Sydney, and elsewhere, announcing the death of the plaintiff's father, and giving a description of the plaintiff, and offering a reward for his discovery. Ultimately, towards the end of 1865, the plaintiff for the first time learned of his father's death, and in the early part of January, 1866, he sent a letter to his mother, informing her that he had at last made up his mind to face the sea once more, and requesting that money might be sent out to him to return. She received such letter, and in reply sent him a letter urging his immediate return, and she subsequently remitted a draft for £400 to defray the expense of the voyage. In the year 1866 the plaintiff made arrangements to return home with his wife and child, without awaiting the receipt of that draft, which reached Australia after he had left, and it has since returned to plaintiff's mother, through the post. On the 9th of July, 1866, the plaintiff again went through the ceremony of marriage with his wife under his proper name, at the Roman Catholic Church of St. Peter and St. Paul, at Goulbourn, New South Wales, according to the rites of the Church of Rome. There have been issue of the said marriage two children—namely, Teresa Mary Agnes, who was born at Wagga-Wagga, on the 18th March, 1866, and Robert Joseph Doughty Tichborne, who was born at Croydon on the 20th March, 1867. Whilst remaining at Sydney, previous to his embarkation for England, the plaintiff accidentally met a person named Guilfoyle, who was for many years in the employ of plaintiff's uncle, Sir Edward Doughty, and who, as well as his wife, knew the plaintiff before he left England in 1853; and upon seeing him they recognised him as the eldest son of Sir James Francis Doughty Tichborne. The plaintiff also met at Sydney Andrew Bogle, to whom the plaintiff was well known before he left England, and he also recognised plaintiff, and, at his own request, accompanied him to England. In September, 1866, the plaintiff, his wife, and child embarked at Sydney, on board the Rakaia, bound for Panama, and, having arrived there, proceeded across the Isthmus, to Aspinwall, and from thence, by way of New York, to England, and arrived on the 25th of December, 1866, at the Victoria Docks. The bill then proceeds to relate evidence in favour of the plaintiff's identity, and states that he stayed for a few days at the Clarendon Hotel, at Gravesend, and on or about the 5th January, 1867, Mr. Vincent Gosford, accompanied by Mr. Plowden, a distant relative of the plaintiff, and Mr. Cullington of the firm of Messrs. Slaughter and Cullington, solicitors for several of the defendants, visited Gravesend, and saw the plaintiff. On Tuesday, the 8th of January, Mr. Gosford again called, and had a protracted interview with the plaintiff, and accompanied him in the train to London. They discussed various matters relating to the Tichborne and Doughty families. Mr. Gosford has had another interview with the plaintiff, who recalled various facts which occurred previous to the plaintiff leaving England, some of which were only known to him and Mr. Gosford, who admitted that some of them had escaped his recollection until they were recalled to his memory by the plaintiff. As soon as practicable after his arrival in England, he proceeded to Paris, where his mother was then residing, and had an interview with her, when she at once recognised the plaintiff as her first-born son. On his return from Paris, the plaintiff took the earliest opportunity of visiting Tichborne Park and its neighbourhood, and has since had various interviews with many of his old friends and others, and he has been identified by many—among others by Mr. Hopkins; also by his cousins, Mrs. Radclyffe and Mr.

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Biddulph. Mr. Hopkins, shortly after his interview with the plaintiff in February last, wrote letters to Lord Arundell, Danby Seymour, Esq., M.P., and Mr. Cullington, informing them in positive terms, that he recognised the plaintiff as the eldest son of the late Sir F. D. Tichborne, and that there was not the slightest doubt of his identity.

HOW TO DEAL WITH THE TRADES' UNIONS.

(From the *Law Times.*)

PICKETING—RATTENING—MURDER. They follow in logical sequence. Admit the right of a trades union to dictate to workmen what they shall do or not do in the exercise of their abilities, and to masters in what manner they shall conduct their business, and how many apprentices they shall take, and the conclusion is inevitable. There is an object to be attained at any price; by fair means if possible, by foul means if necessary. If picketing will not prevail, the rattening must be tried; if rattening fails, then gunpowder and the bullet. The necessity is said to contemplate, but the laws of the union must be enforced at any price. Such is the course of argument through which Sheffield unions have marched to murder. It is contended by the advocates for trades unions that all are not to be judged by the conduct of the unions in Sheffield. True. We hope and believe that no other union has yet gone so far as to enforce its decrees by the bullet or the shell. Doubtless, the members of most of them would indignantly, and with perfect sincerity, protest their abhorrence of the crimes confessed at Sheffield. But the grave question for themselves and for the public is, whether the very principles upon which trades unions are based, and the objects for which they are established, do not conduce, stealthily and slowly, perhaps, but yet certainly, to the results reported from one of the largest and most flourishing of our manufacturing towns? There is nothing in the character of the locality to induce the supposition that its artisans are more barbarous, brutal, and ignorant than their fellow-workmen in other districts. They have, in fact, but carried to the logical result the principles for which they are associated. They are formed expressly to fetter the liberty of the individual workman, by imposing upon him rules dictated by his fellows. If those rules are not obeyed implicitly, the very purpose for which the union exists is frustrated. Having no legal power of constraint, they can control only by self-framed, extra-legal penalties, either moral or physical. They send the disobedient member "to Coventry." If that process fails, they attack his pocket. They filch from him his tools and working gear, and so mulct him of wages. If that does not succeed, they endeavour to crush by the infliction of physical pain; they blow out his eyes by gun-powder placed under the wheel at which he works where the sparks fly from the metal; they blow up his house by an infernal machine; finally, if these punishments fail, in the last resort, with much pain and reluctance, but without remorse or consciousness of crime, they shoot him.

The confession of Broadhead, the secretary to the union, by whom the assassins were hired and paid, reveals the manner in which trades unionism, as it exists, is liable at any time and anywhere to issue in acts of violence. He was not at all conscience stricken; he was not even conscious that he had committed a crime; there was not the slightest expression of remorse as for a great wrong done. Manifestly he was convinced that he had a moral right to punish with death a man who would not submit to the laws of the union; he was sorry for his victim's fate; he regretted that such a step should have been necessary, but it *was* necessary to the salvation of the union, and therefore the punishment of death was decreed. This is no exaggeration, but the obvious meaning of his own language and conduct, which we cite from the *verbatim* report in the *Times*. "He (the murdered man), was doing great harm to the union, by setting all the rules at defiance and introducing such a large number of apprentices. I thought he would ruin the trade and bring ruin upon all of us. After the first shooting I had begun to dismiss the thing from my mind, when on my visiting the Eagle Works, Hallam came up to me and said, 'What about Linley? He can be done for £15.' I paused, for it came upon me as an unpleasant subject. Something was said about the mischief, and I then said I would consider of it. I left him. On consideration, *I felt that for the salvation of the union it was necessary something should be done.* With great pain I assented to this."

Mr. Overend: Why?

Mark the answer.

"Because I felt the necessity of doing something, or the union would be destroyed, as there was no legal defence for the union. *I looked upon the thing as an absolute necessity.* Linley had a wheel full of apprentices."

Mr. Overend: And was your only reason for consenting to the shooting of this poor man the fact that he had six apprentices?—Yes, I knew if it was allowed to go on others would do the same, and the trades would be ruined.

Again he said, "I employed Hallam and Crookes to blow up Wheatman and Smith."

Mr. Overend: Why?—"Because they had introduced machinery for grinding straight saws."

Again: "I have employed men to ratten in hundreds of cases during my twenty years' secretaryship. All the rattening in which I have been concerned has been done for the benefit of the trade. Other trades unions have adopted the same system."

Hence it is clear that Sheffield is only an instance of the system carried to its logical results. The unions cannot accomplish the objects of their existence unless they can control the entire body of workmen. This control they can exercise only by intimidation; and if obedience can be in no other manner secured, violence is the *ultima ratio.*

If so it be, the conclusion is inevitable. Trades unions, as at present constituted, and with their present objects, cannot co-exist with social law and order. They must be greatly modified and legalized, or they must be suppressed. The problem for social philosophers, no less than for Parliament, to solve will be, how best to deal with them.

It is a formidable fact, to be noticed incidentally, that the outrages at Sheffield are not the work of ignorant men. Broadhead stated emphatically that "in the admission of members ability is rather considered than character. There have been ticket-of-leave men members." Thus the panacea of education, so popular with unreflecting persons, does not offer the hope of a remedy for this terrible social malady.

Is there, then, a cure, and in what direction is it to be sought?

Suppression is impossible. By attempting it we should merely substitute conspiracy for union. Prudence prescribes the regulation by the law of that which the law cannot prevent. The obvious remedy is to *legalize* the trade unions, giving them power to make rules for their own regulation, and the assistance of the law to enforce those rules, the just condition of this recognition being that the rules should not be antagonistic to the well-being of the community, or to individual liberty. To this end, those rules should be submitted for approval to a competent officer of state, in the first instance, and then to Parliament. Any departure from those rules, or any secret combination or regulation, express or understood, other than is apparent upon the sanctioned and registered rules, to subject the society to suppression, and all concerned in the evasion to severe penalties.

This might be the general scheme of such a law. The details will require careful consideration; but they should be framed in a generous spirit, imposing as little restraint, and giving as much power to the associated workmen as may be compatible with liberty protected by law.

NEWSPAPER PRESS FUND.

On Saturday evening the anniversary festival of this institution was held at Willis's Rooms, London, under the chairmanship of the Right Hon. W. E. Gladstone, M.P. There was a numerous and distinguished company, including the Right Hon. Lord Stratford de Redcliffe, Sir B. L. Guinness, M.P.; the Right Hon. W. B. Monsell, M.P.; Mr. Maguire, M.P.; Mr. O'Beirne, M.P.; Mr. Osborne Stock, M.P.; Mr. Hepworth Dixon, Mr. Shirley Brooks, Mr. Anthony Trollope, Mr. Edmond Yates. A number of ladies were also present. The usual loyal and patriotic toasts having been proposed and responded to,

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The Chairman, in proposing "Success to the Newspaper Press Fund," said :—I cannot but congratulate you very cordially, and not you only, but the country at large, upon the satisfactory progress which is now being made through Parliament by a bill intended to alter, and in my opinion to bring much nearer to a standard of reason and of justice the law of libel in this country in its bearing upon the proceedings of the press. (Cheers). I say advisedly in its bearings upon the proceedings of the press rather than upon the interests of the press, because I am quite sure that whatever adverse bearing that law may have had upon the interests of the press has been in reality—though perhaps striking those interests in the front rank and in the first place—has had in reality an adverse bearing upon the interests of the public at large. The interests of the public at large are essentially bound up with those of the press. We live in times when the newspaper is a great social, political, and moral power, one so great that it cannot be overlooked by any of those who would comprehend the character of their country or the nature of those processes by which the action of a mighty nation is directed. (Cheers.) While the newspaper has thus become a power in the land, those who are connected with the management of newspapers, those who supply daily or weekly to the public the food which they derive from them, have become a body so important to us all, that we may well say that they are entitled not less than others to the name and to the dignity of a profession. (Hear, hear.) They are persons engaged in supplying from day to day one of those primary wants of society without which it is hardly too much to say society, as we comprehend and understand it, could not exist. (Cheers.) The purpose of this institution is to recognize those ties of duty, charity, and brotherhood which bind together the members of this profession, and also to give an opportunity to others beyond its strictly defined limits for manifesting their interest in its welfare, and in both points of view to encourage it. (Cheers.) This is a profession fed from time to time by the ardent and unsparing efforts of our youth for the discharge of duties, to which I believe no man, except in the perfection of both mental and physical faculties, is really equal; it is a profession beyond which be hopes to pass. Many of those who belonged to it have risen to the highest places of society, of literature, and of the State. The press, which was formerly the privilege of the educated class, has become the patrimony of the people. (Loud cheers.) The law, the Government, the proceedings of the Legislature, make their daily appeal through the daily newspapers to the mind and understanding of every member of the community: they weave new ties of interest and affection between the private individual and the public authority under which he lives. They give a new cement to society, and to the venerated institutions of the country. (Loud cheers.) I think you have been told on former occasions from this place that the press would be invaluable were it only for the beneficial processes which it applies to the utterances of the members, I believe, of both Houses of Parliament—(laughter)—during the brief intermediate period that elapses between the time they leave the speakers and the time they meet the eyes of the readers. (Hear, hear.) I think it is our duty, therefore, to acknowledge the debt we owe to the press. (Hear, hear.) But, besides that debt, there is another obligation which we owe, not to the reporters, but to the writers for the newspapers, and I frankly confess that without them I do not know how we should get on. (Cheers.) I think that their encouragement and enconiums are of very great value to us; they cheer us in the hour of need and of difficulty; but I assure you that I for one, and I believe all who have similar experience will join me in saying this, set far higher value upon their criticisms and upon their censures; for no man is ever injured by criticism or by censure. (Hear, hear.) I am afraid that were it not for the honest and truthful censures of the press, each of us would be apt to spend his existence in a paradise of fools; to go on hugging more and more his own errors and defects, exaggerating his imperfections, avoiding the means by which excellence is to be obtained, and failing in efficiency in the service of his country. (Cheers.) It is not for me to pretend to a minute or accurate acquaintance with the moral tone of the newspaper press since the time it first became a great power in this country; but the knowledge of it that I do possess impresses me with a deep conviction that the newspaper press has become more upright, more candid, more regardful of the sanctities of private life and personal character—more careful to avoid whatever could raise a blush or stain the mind or conscience, exactly in proportion as it has become more popular and more broad. (Cheers.) Therefore, in recognizing the existence of this great power, of this new power, among us, let us give it hearty welcome. (Cheers.) I ask you now to testify to your share in that feeling, by drinking with me a bumper toast to the prosperity of "The Newspaper Press Fund." (Loud cheering.)

CROSSED CHEQUES.

Crossing a cheque is generally considered to have simply the negative effect of a warning to the banker on whom it is drawn not to pay it, unless at his peril, otherwise than on presentation through a banker. But, according to a recent judgment of Mr. Justice Mellor, at Nisi Prius, in *Stringfield* v. *Lanezzari*, 16 L. T. Rep. N. S. 361, the "and Co." written on a cheque has a positive effect of which we think the commercial public may not be sufficiently aware. Hence it is desirable to give the case some prominence, that it may not escape the general view among those which are mere food for the lawyers. The cheque in question was drawn in the defendant's favour, and paid by him to the plaintiffs, who duly paid it in to their bankers; but the bankers were not sufficiently diligent in presenting it. The defendant's point was, their unreasonable delay. But Mr. Justice Mellor held that the point did not arise; the crossing of a cheque was a direction on the part of the person who gave it to pay it only through a banker, and if you paid it into a banker within a reasonable time, you had done all in your power to comply with the directions of the giver of the cheque to you. You had then done your part, and the rest remained with the banker.

A crossed cheque, therefore, will differ from one that is not crossed, not only in the restriction as to the character of the person by whom it must be presented, but in the relief which is afforded to the person paying it into his bankers, from responsibility for the negligence of the bankers. In the absence of this decision, it might, we think, have been supposed that the direction implied by the crossing meant to indicate the character only of the person to present the cheque, and not that, if it were paid to a banker, the question of his agency should be precluded. We confess that we are unable fully to appreciate the force of this doctrine. There can be no doubt that, practically, crossing a cheque is intended to be a safeguard against its falling into improper hands. Beyond this, any operation attributed to the practice will, if we mistake not, be a surprise on men of business. It will not be the first surprise in the matter. After the practice had been in general use for a long period, it was decided to be inefficacious at law, and obtained the sanction of an Act of Parliament. A similar remedy will be necessary if payment by a crossed cheque, at a time when there are assets to meet it, can be frustrated to the payee's loss by delay of the payee's banker to present it before the assets are gone. But perhaps the law of *Stringfield* v. *Lanezzari* may be open to reconsideration.—*Law Times.*

"A debtor of the Second Class" writes to the *Times* attacking the English county courts. The burden of his complaint is that "they are becoming more and more a means of extortion on behalf of the least respectable of petty tradesmen, to enforce immediate payment of sums which in a great majority of instances are not due to them at all."

A case tried last month before Mr. Justice Mellor has excited some surprise in consequence of the supposed ruling of the learned judge upon the subject of crossed cheques. We allude to the case of *Stringfiel* v. *Lanezzari*, in which it appeared on the evidence that the defendants had paid the

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plaintiffs a cheque crossed "& Co.," that the plaintiff had duly paid it in to their bankers, and that the bankers had not used proper diligence in presenting it. The defendant's counsel in the course of the case, submitted that due diligence had not been used in presenting the cheque, and the learned judge is reported to have ruled that the point did not arise, that the crossing of a cheque was a direction on the part of the person who gave it to pay it only through a banker, and if paid into a banker within a reasonable time, all in the power of the recipient had been done to comply with the directions of the giver, and the rest remained with the banker. The jury found a verdict for the plaintiff.

We confess to some surprise at this construction of the rights and liabilities attaching to crossed cheques. The case in question is nowhere very clearly reported, and we can hardly think that the learned judge intended to lay down that in every case, a person by giving a crossed cheque to his creditor is to be taken to absolve him from the duty of seeing to its due presentment and from the consequences of the neglect of such duty by his agent. That the banker is the agent for his customer, is, we suppose, undoubted. In ordinary cases of contract a principal cannot escape from the consequences entailed upon him by the negligence of his agent, and in what way does the contract of agency between a customer and his banker differ from them.

Of course there may be cases in which the express terms of the contract, or the usual course of dealing between the parties, afford evidence that the debtor, in paying over a crossed cheque to his creditor, intends that he shall be bound only to see that it is duly paid in to his bankers, and not that his bankers duly presented it for payment. It is possible that this was so in the case in question, and that the learned judge only intended his remarks to apply to the particular circumstances before him, and not to be taken as a precise statement of the law.—*Solicitors' Journal.*

BILLS OF EXCHANGE—DAYS OF GRACE.

Mr. J. H. Grain, notary public, has put forth some useful suggestions with regard to bills of exchange—namely, that days of grace should be abolished, that bills falling due on Sundays or holidays should be paid on the day after instead of the day prior to maturity, and that for noting or protesting bills and notes, instead of the notarial demand for payment being necessary on the day of maturity, a demand on the following day should be sufficient. Mr. Grain supports these recommendations by cogent remarks, and it is surprising that the changes recommended have not long ago been adopted. Not only is the system of days of grace an anachronism in the present age of business, but it leads to difficulties, and is also inconsistent with the practice of a majority of the leading commercial nations. As regards the proposal for paying bills due on Sundays or holidays on the subsequent instead of the previous day, the chief advantage in the case of Sundays would be that it would throw the work at the banking houses on to Mondays instead of Saturdays, when the general desire is to close at an early hour, while at the same time it would be more consistent with convenience and justice that payment should not be demanded in anticipation—a consideration especially applicable in cases where special holidays are appointed on public occasions. The proposal that the notarial presentation of dishonoured bills should take place on the following day instead of the same evening is founded on some considerations of convenience, but is of less importance than the other recommendations.

LAW REPORTING.—The report of the Council for Law Reporting for the year ending December 31, 1866, has just been published, and a more satisfactory document has never been presented by any body to their members. The society started into existence about the middle of the year 1865, at which time there were in existence 14 distinct sets of contemporary reports, published at an annual cost of little less than £40. Of these 14 series 12 or 13 are either superseded or merged in the council's own reports, published at an annual cost of 5 guineas. With one or two exceptions all the authorized reporters have voluntarily accepted office under the council. With regard to the financial part of the matter, the facts are equally favourable. The subscriptions for the year ending November, 1866, have enabled the council (taking credit for the stock on hand), to pay all the reporters their salaries in full, to add to the series (at no further cost to the subscribers) an authorized edition of the statutes, and a weekly summary of all the points of law decided in all the superior courts. There really seems little more to be desired, but we would suggest to the profession whether the value of these their own reports would not be much enhanced by awarding to them the privilege of exclusive citation. The report contains a well merited tribute to Sir Fitzroy Kelly, for his valuable aid in the important reform in the practice of law reporting.—*Morning Herald.*

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

POOR LAW—IRREMOVABILITY—WIFE LIVING APART FROM HUSBAND.—B., the husband of the pauper, before his marriage with her was house-surgeon at a lunatic asylum, in the parish of Norwood, where he resided. After marriage he continued to reside there at the asylum, upon duty. His Sundays were allowed to himself, but on other days he only left the asylum with leave. He took lodgings for his wife and family in St. Pancras, where they lived several years, and where he visited them from Saturday night till Monday morning. Being discharged from the asylum, he remained with his family for a week, when he was apprehended on a criminal charge. The wife becoming chargeable, she was held, under these circumstances, not to have acquired a status of irremovability in the parish of St. Pancras, by reason of the alleged residence of the husband: (*Reg.* v. *The Inhabitants of Norwood,* 16 L. T. Rep. N. S. 484. Q. B.)

FALSE WEIGHT—SALE OF BREAD—THE DECISION IN *Jones* v. *Huxtable,* 16 L. T. Rep. N. S. 381.—In a similar case it was held that the enactment of sect. 4 of 6 & 7 Will. IV., c. 37, that all bread sold beyond the limits of the metropolis shall be sold by weight, requires that the bread shall not only be sold as of a certain weight, but should be actually weighed before being sold. But it was left in doubt whether the weighing must be at the time of sale: (*Williams* v. *Deggan,* 16 L. T. Rep. N. S. 492. Q. B.)

CAB-OWNERS AND DRIVERS.—A driver who hires a cab from its proprietor by the day does not stand in such relationship to him that he is deprived of his remedy by action for personal injuries sustained by him by reason of the proprietor hiring out to him a horse not fit and safe to drive. Nor is notice of action in such a case necessary under 16 & 17 Vic., c. 86, s. 17: (*Gibbons* v. *Standon,* 16 L. T. Rep. N. S. 497. Byles, J.)

NECESSARIES SUPPLIED TO WIFE.—The test whereby to judge whether things supplied to an infant wife before marriage were necessaries, is the real and not the apparent or assumed position which the husband may hold or take upon himself: (*Stacy* v. *Firth and Wife,* 16 L. T. Rep. N. S. 498. Lush, J.)

CHANCERY PRACTICE.—Where the justice of the case required it, the addition of co-plaintiffs to a suit was allowed to be made at the hearing of it: (*Maughan* v. *Blake,* 16 L. T. Rep. N. S. 513. Rolls.)

NOTICES OF NEW BOOKS.

The Fusion of Law and Equity. By ARTHUR HOUSTON, LL.D. London: Henry Sweet, 3, Chancery-lane. Dublin: William M'Gee, Nassau-street. 1867.

THE above subject, which has for many years been a theme of controversy amongst law reformers, is ably treated in the *brochure* before us by a member of the Irish Bar. It is rather a puzzling question to answer, when put by a client or other unprofessional person, "What is the difference between Law and Equity?" The popular estimate of the latter principle seems to be that it represents *justice,* as contradistinguished from *Law,* which, in the public mind,

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seems to be a very different thing. The best and most concise definition of Equity, it appears to us, is that of Grotius, viz., "The correction of that wherein the law, in consequence of its universality, is deficient." The question discussed by our author is, whether the distinction which has hitherto been observed in the administration of these two principles cannot, with advantage, be obliterated and both combined in one tribunal, as is done in the United States of America. There can be no doubt that the current of legal public opinion is flowing strongly in that direction. We have all seen (some with regret) the partial obliteration of the strong line of demarcation which divided Law and Equity. The introduction of *viva voce* evidence and trial by jury (21 & 22 Vic., cap. 27) into Chancery, and the sanction of equitable defences at law, are both movements towards amalgamation.

We should be very sorry, however, to say that this progress towards fusion is conclusive evidence of its wisdom and expediency. It does not take a very long professional experience to find instances of mistaken legislation in the administration of the law. At this moment two Bills are before Parliament to undo what was done in this country under the name of legal Reform 17 years ago. "The Chancery Regulation Act," which was introduced, according to its preamble, to "regulate" and "improve" the proceedings in the Court of Chancery, is about to be repealed, having been found a total failure, and after 17 years wasted in bungling through its anomalies and confusion we are to return to "Bill and answer" again, and a regular system of pleading. The same failure followed the Law Reform inaugurated about the same time, by "The Common Law Procedure Act," and here again we are to return to declarations and pleas as formerly. We do not, therefore, conclude that because there has been a tendency to the fusion of Law and Equity in our modern legislation, that therefore it is a movement in the right direction. It is quite possible that experience may, in the course of time, lead public opinion back again, and that Law and Equity may become more separate than ever.

Doctor Houston admits that the principles of Equity could never have been completely developed into a perfect system if they had not been administered by separate equity tribunals, but he seems to consider that having through that separate administration become perfected into a positive code, it can now be safely combined with law, and be administered with the same certainty and rule. We differ from him entirely in this conclusion. We believe the principles of Equity to have, so to speak, an exceptional birth, and to arise from the special and unusual character of the circumstances which elicit them. Various as these circumstances are the principles which they elicit, so that it is impossible to say when the code of Equity will be perfected. Every day new complications are giving rise to new Equities, of the most delicate character, as different as possible from the clearly defined questions of law, which engage legal tribunals, and requiring a totally different class of mind and education to unravel them. True it is that Equity Lawyers sometimes make good Common Law Judges, although they as frequently fail to do so, but how rarely do we see a Common Law Lawyer make a good Equity Judge.

Entertaining this opinion we cannot avoid looking with some concern to the increase of Equity jurisdiction given (and proposed to be still further extended) to the Civil Bill Courts. Apart from the inefficiency of the machinery for the carrying out of what (if the Equity is fully administered) are, in fact, small Chancery suits, we think the appeal on points of Equity to a Common Law Judge is exceedingly objectionable and unsatisfactory. It may be said that the expense of the Court of Chancery amounts to a denial of justice in very small cases, such as will now come before the Civil Bill Courts, but surely it would be better, by some modification of the suit "in forma pauperis," and reduction of the Court fees to meet the necessities of such cases.

While we admire the ability with which Dr. Houston discusses this very important subject, and strongly recommend his pamphlet to the consideration of those of our readers who feel interested in the question, we confess that we do not agree with his conclusions, and have therefore candidly so stated.

THE COURTS AND COURT PAPERS.

LANDED ESTATES' COURT.—PETITIONS FILED, *from 22nd June to 5th July*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
June 22	3895	Thomas Shirley Ball	*The Owner*	Meath	639 10 10	*Fletcher & Meade*	Dobbs
June 25	3896	John Robinson	*The Owner*	Antrim	417 11 6½	*Joseph Dickie*	Lynch
June 27	3897	James Matthew Lynch	*Richd. O'Shaughnessy*	Wicklow	819 10 0	*W.K. O'Shaughnessy*	Dobbs
"	3898	Elizabeth Sinclair and others, vendors of land	*The Owners*	Antrim	*Not given*	*L'Estrange & Brett*	Lynch
"	3899	William J. Quinton	*John M'Donald*	Fermanagh	85 4 0	*Archibald Collum*	Dobbs
June 28	3900	Amelia Griffin and others	*John T. Tweedy*	City of Dublin	116 0 0	*Keene and Tweedy*	Lynch
"	3901	Charles Coates	*William P. Bowes*	City of Dublin	15 0 0	*F. G. Tincler*	Lynch
June 29	3902	William Henderson	*John Bannerman*	Carlow	13 2 0	*Michael Larkin*	Lynch
July 1	3903	Rev. Lorenzo Clutterbuck	*The Owner*	Tipperary	818 1 10	*Geo. O'B. Kennedy*	Dobbs
"	3904	Hugh M'Keown	*John Dinnen*	Antrim	*Not given*	*Edward F. Smith*	Lynch
July 2	3905	Robert A. G. Cosby and others	*The Owners*	—	—	*Fletcher & Meade*	Dobbs
July 3	3906	Samuel Brindley	*The Owner*	Tipperary	781 15 8	*George Bolton*	Lynch
July 5	3907	Rowland Campion	*Richard Carroll and another*	Cork	195 18 8	*Carroll and Barry*	Dbbs
"	3908	Jane Russell and others, Trustees of James Russell, deceased.	*The Owners*	Donegal	*Not given*	*Thomas Stott*	Lynch

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LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before JUDGE DOBBS.

John S. Kirwan, allocation. Same—motion. Weir Johnston, from 1st inst. John Wade, allocation. Laurence M'Ternan, do. John F. Purcell, building lease. Henry Lamb, make order absolute. Rev. R. Oliver, allocation. J. B. Kennedy, judgment. James Symes, from 4th inst. A. Tallon, do. Philip Reilly. Henry Lambe, make order absolute. Alicia Mulhall, schedule. John Burke, do. Jane Bashford, do. Elizabeth Carpenter, do. J. H. C. Smyth, do.

Before the EXAMINER.

Laurence M'Ternan, proofs. S. W. F. Kenny, rental. A. Chute, do.

Before JUDGE LYNCH.

L. D'Andrè, schedule. William Craig, from 17th June. Assignees of John Johnston, examine witnesses. F. Le Toler, allocation. Richard Pennefather, do. J. C. Mee, do.

Before the EXAMINER.

C. K. Kennedy, to vouch. Thomas Ryves, do.

Before Mr. URLIN.

W. A. Caulfield, proofs. W. & E. Thompson, do.

Tuesday.—Before JUDGE DOBBS.

Bernard Kelly, from 3rd inst.

Before the EXAMINER.

Trustee of Margaret Kelly, explain delay.

Before JUDGE LYNCH.

Thomas Mackie, allocation.

Before Mr. URLIN.

A. Gaffikin, rental. J. L. Spear, do.

Wednesday.—Before JUDGE DOBBS.

Francis Maunsell, trustee of French. W. B. Gardiner, from 29th June. Joseph Lipsett, adopt petition. William Williamson, proposals.

Before the EXAMINER.

Simon Davenport, rental.

Before JUDGE LYNCH.

FINAL SCHEDULES.

W. Bottomley. G. V. Harte and another. Rev. T. G. Smyth and others. T. Cuthbert and others. Trustees of Wheatley. E. L. Griffin. Trustees of Lord Clare. E. Smallman. J. R. F. Day. R. Doherty. J. Lennon. P. J. Murphy.

Before the EXAMINER.

George Evans, rental. Administrator of John Classon, do. H. Jevers, do. Thomas Jones, do. J. Franklin, to vouch. R. T. Bunbury, do. J. D. O'Rorke, do.

Before the EXAMINER to JUDGE DOBBS.

W. Bailie, rental. Trustees of Keogh, schedule. John Tew Armstrong, do.

Thursday.—Before JUDGE LYNCH'S EXAMINER.

G. R. Farmer, to vouch.

Friday.—Before the EXAMINER to JUDGE DOBBS.

E. J. Donelan, rental.

Before the EXAMINER to JUDGE LYNCH.

Piers F. White, rental. P. Smyth, to vouch.

LANDED ESTATES' COURT.

SALES.

June 28.—Before the Hon. JUDGE DOBBS.

COUNTY OF FERMANAGH.—Estate of Elizabeth Little and another, owners; Alex. Hamilton and another, petitioners.

Part of the lands of Pubble, situate in the barony of Tyrkennedy, containing 23 statute acres; net rent, £18 5s.; held for seveb years, with *toties quoties* covenant for renewal. Sold to Mr. Elliott, in trust, for £600. Solicitor, *William A. Dane.*

Estate of Alex. Dewar, owner; Richard H. Carroll, petitioner.

The sale of this property was postponed, there being no competition. Solicitor, *W. R. Meredith.*

COUNTY OF DUBLIN.—Estate of Ralph Crofton Lawrenson, owner; Michael Fowler, petitioner.

Lot 1. Part of the property known as Grosvenor-square, Rathmines, consisting of ground on which 20 houses have been built, and also the house, premises, out-offices, and garden in Drummond avenue, Harold's-cross. The lands contain 2 roods and 17 perches; net annual profit rent, £109 5s. 10d.; held in fee-farm. The sale was postponed, £1,750 being the highest bidding. The sale of the remaining lots (78) was adjourned, there being no competition. Solicitors, *J. D. Meldon and Son.*

July 3.—Before the Hon. JUDGE LYNCH.

COUNTY OF MEATH.—Estate of Susanna O'Reilly, owner and petitioner.

The glebe lands of Patrickstown, in the barony of Fore, and county of Meath, consisting of 20a. 1r. 10p.; held under lease, at the yearly rent of £28 11s. 7½d. Sold to Mr. R. O. Armstrong, in trust, for Mr. Rotheram, for £700. Solicitor, *J. T. Hinds.*

CITY OF DUBLIN.—Estate of John Mack, owner and petitioner.

Houses and premises, Nos. 20, 21, and 22, Hardwicke-street, Dublin, held under lease dated 12th February, 1806, for a term of 999 years; estimated value of profit rent, £54 9s. 2¾d. Sold to Mr. Patrick Cunningham for £270. Solicitors, *John Hone and Son.*

Estate of Charles Francis Allnatt, Esq., the Rev. John Hawksworth and Ellen Maria Hawksworth, his wife, and Maria Catherine Beilby, widow, owners and petitioners.

Houses and premises, Nos. 6, 7, 8, and 9, Hardwicke-street, Dublin, held under lease for a term of 998 years; net rental, £97 10s. 8d. Sold to Mr. George Tickell for £300. Solicitors, *Cathcart and Hemphill.*

COUNTY OF DOWN.—Estate of Richard Thomas Bunbury and Richard Simon Bunbury, owners and petitioners.

The lands of Leggagowan, containing 1,140a. 2r. 28p., statute measure, held in fee-farm, subject to a fee-farm rent of £4 12s. 3½d. per annum, situate in the barony of Castlereagh and county of Down; net annual rental, £1,014 2s. 3½d., subject to a contingent jointure for Mrs. Bunbury and a charge of £5,000 for younger children of Richard T. Bunbury, and an annuity of £200 during the life of Thomas Bunbury; Ordnance valuation, £1,054 5s. Sold to Mr. Samuel Black, solicitor, Belfast, in trust, for Mr. Robert Edward Ward, Bangor Castle, county Down, for £18,000. Solicitor, *James Lane.*

COUNTY OF WICKLOW AND CITY OF DUBLIN.—Estate of the assignees of George Richard Watts, an insolvent, owners and petitioners.

The life estate of the said G. R. Watts, now aged 24 years, with his remainder expectant in default of issue by his wife by the said George R. Watts, who should attain a vested interest in part of the lands of St. Pulchre's, otherwise St. Sepulchre's, in the parish of St. Peter, city of Dublin, containing 12a. 2r. 20p., statute measure, with the house and premises thereon, held under fee-farm grant 15th of February, 1836; net profit rent, £167 7s. 7d. Sold, subject to a moiety of an annuity of £60 per annum, to be increased to £100 on the death of the owner, for the life of Mrs. Frances Watts, for £1,550, to Mr. Fred. Stokes.

Lot 2. The lands of Kilpedder, situate in the barony of Newcastle and county of Wicklow, containing 179 acres; net profit rent, £127 8s. 11d. Sold to Mr. John Hayden, in trust for Mr. Thomas Walsh, for £950. Solicitor, *Henry Oldham.*

COUNTY OF THE TOWN OF DROGHEDA. — Estate of Henrietta Shallcross, owner; George Knaggs, petitioner.

Two houses and premises in Fair-street, in the county of

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the town of Drogheda; Ordnance valuation, £16. Sold to Mr. Knaggs for £70. Solicitor, *Arthur Ellis.*

COUNTY OF CORK.—Estate of George Ross, owner; Arthur Ellis, petitioner; and in the matter of the estate of Margaret Ross and others, owners and petitioners.

The divided one-third part of the lands of Killavolling, in the barony of Barrymore, county Cork, with its sub-denominations of Parkside, Gortnamona, and Sullivan's Farm, held by lease for lives renewable for ever, dated 1st November, 1804. The property contains 248a. 2r. 7p., statute measure, and yields a profit rent of £88 1s. 4d. Sold for £1,350 to Mr. Daniel Howe, in trust, for Mr. Wm. Patrick Burke. Solicitor, *Arthur Ellis.*

July 4.—Before JUDGE LYNCH.

COUNTY OF LONGFORD.—Estate of Alexander Henry Slator and others, owners; George Warren Wilson Slator, petitioner.

The life interest of Alexander Henry Slator, aged 28 years, in the lands of Rossduff, in the barony of Granard, containing 763a. 1r. 19p., statute measure, held in fee-simple; yearly rent, £237 14s. 8d. Sold to Mr. Thomas Charles Nowlan for £3,060. Solicitor, *John Dudgeon.*

COUNTY OF CLARE.—Estate of Francis Brew, owner; Patrick Enright, petitioner.

Lands of Newtown East, 182a. 3r. 25p.; held under fee-farm grant; estimated profit rent, £104 2s. 3d. Sold to Mr. Galloway. in trust, for £1,160. Solicitor, *Joseph Murphy.*

COUNTY OF DUBLIN.—Estate of Thomas Kirby, owner; Patrick Fanning, petitioner.

Houses and premises, Nos. 108 and 110, Tritonville-road, Sandymount, and the plot of building-ground and garden adjoining, with small house thereto, held under lease for 96 years from 1845, subject to the annual rent of £22; profit rent, £70 9s. Sold to Mr. John Cavanagh at £670. Solicitor, *J. W. Coppinger.*

COUNTY OF TIPPERARY.—Estate of Michael Mulcally, owner; John Ryan, petitioner.

Plot of ground, with house thereon, situate in Henry-street, in the town of Tipperary, held in fee-farm; profit rent, £37 10s. 3d. Sold to Mr. Henry O'Connor for £220. Solicitor, *D. O'Kelly.*

COUNTY OF DUBLIN.—Estate of Patrick Sullivan, owner and petitioner.

Lot 1. Clifden Lodge, Merrion-strand, held under lease from 1861 for 99 years, subject to the annual rent of £2 10s.; yearly rent, £47 10s. The sale of this lot was adjourned, the biddings only reaching £470.

Lot 2. The house No. 11, Carysfort-avenue, Blackrock, held for 50 years from November, 1852; yearly estimated value, £31. Sale adjourned. Solicitor, *W. K. O'Shaughnessy.*

COUNTY OF KERRY.—Estate of the official and trade assignee of John Leslie Gun, an insolvent debtor, deceased, owner; Gerald O'Connor, petitioner.

Lot 1. Lands of Down East, part of Down West, and Mowbrane, containing 777a. 2r. 7p.; barony of Iraghticonnor; held for 92 years from 1863, with *toties quoties* covenant for renewal, subject to the yearly rent of £227 16s. 9d., with 6d. in the pound receiver's fees. Sold to Mr. Wilson Gunn for £1,850.

Lot 2. Lands of Rahoon, containing 209a. 3r. 8p., held for 92 years from 1863, with *toties quoties* covenant for renewal, subject to the yearly rent of £98 9s. 7½d., with 6d. in the pound receiver's fees. Sold to Mr. George James, in trust, for £1,910.

Lot 3. Lands of Lahardane, containing 413a. 0r. 30p., same tenure and covenant as before, subject to the yearly rent of £84 9s. 3½d., with 6d. in the pound receiver's fees. Sold to Mr. Patrick Griffin for £200.

Lot 4. Lands of Beheem West, 287a. 3r. 2p., barony of Claremanna; held in fee; yearly rent, £103 16s. 11½d. Sold to Mr. Gerald O'Connor for £3,260. Solicitors, *M. and R. Neligan.*

COUNTY OF MAYO.—Estate of Francis Alexander O'Malley, owner; Anne O'Malley, petitioner.

Lands of Cullatumny and Eden, barony of Costello; held in fee; yearly rent, £127 10s. 11½d. Sold, by arrangement, to Mr. R. R. Robinson, in trust, for £4,000. Solicitor, *Thomas Hodgens.*

CITY OF DUBLIN AND COUNTY OF WICKLOW.—Estate of Wm. Morgan, administrator of Robert Farrell, owner; Mary Morgan, petitioner; and in the matter of the estate of said W. Morgan, administrator of Robert Farrell, owner and petitioner.

Lot 1. Two yards and premises in Mark's-lane and Mark's-alley; the premises in Mark's-lane are held for 99 years from 1855; the premises in Mark's-alley are held by lease for 43 years from 1863; estimated profit rent, £10 6s. Sold to Mr. James Healy for £60.

Lot 2. Houses and premises Nos. 3 and 4, Lombard-street, Dublin, the former held by lease from 1834 for 900 years; profit rent, £52 1s. Sold to Mr. Mullins for £665.

Lot 3. Houses and premises No. 11, Quinsboro'-road, Bray, held by lease for 900 years from 1859, subject to £20 a year in exoneration of lots 4, 5, and 6; estimated profit rent, £70. Sold to same purchaser for £370.

Lot 4. The house and premises No. 8, Quinsboro'-road, held by lease for 900 years from 1859; indemnified from head rent by lot No. 3; profit rent, £80. Sold to Mr. Mulligan for £550.

Lot 5. Houses and premises, No. 9, Quinsboro'-road, held for 900 years from 1859; indemnified from head rent by lot 3; estimated profit rent, £80. Sold to Mr. Burke for £530.

Lot 6. The house and premises No. 10, Quinsboro'-road, held for 900 years from 1859; indemnified from head rent by lot 3; yearly rent, £80. Sold to John Mulligan for £670. Solicitor, *W. P. M'Evoy.*

COUNTY AND CITY OF DUBLIN.—Estate of the Rev. William Law Pope, the Rev. Edward W. Whately, and Elizabeth Whately, executors and executrix of the Most Rev. Richard Whately, deceased, and of William Hale Carroll, a trustee of the said Richard Whately, deceased, owners and petitioners.

Lot 1. Rental of premises, held under two indentures of lease, dated respectively 22nd October, 1862, from the Archbishop to William Hales Carroll, one of the said owners, for 21 years from 1862, and which premises are known on the Ordnance map as part of the lands of Tallaght, containing 216a. 0r. 4p.; net annual rental, £97 1s. 6½d. Sold to Mr. Thomas Jameson for £780.

Lot 2. Part of the lands of Tallaght, called Dairy Farm, containing 49a. 2r. 36p., held for a residue of 16 years, with a covenant for renewal *toties quoties;* net annual rental, £21 7s. 10d. Sold to Mr. John O'Connor for £170.

Lot 3. Part of the lands of Tallaght, held by lease for 21 years from 1866, containing 103a. 0r. 19p.; profit rent, £42 9s. 11d. Sold to same purchaser for £830.

Lot 4. Rental of premises held for 21 years from 1866, containing 30a. 0r. 10p.; profit rent, £54 17s. 1½d. Sold to Mr. O'Connor for £680.

Lot 5 withdrawn.

Lot 6. Rental of the premises known as the Magillstown and Bellewstown, containing 190a. 3r. 35p., held under lease for several lives, the youngest being now 22 years; net annual value of the premises, £39 5s. 3d. Sale adjourned till November.

Lot 7. Rental of houses and premises, Nos. 63 and 64, New-street, and premises in the rere thereof, held under lease for 40 years from 1866; profit rent, £10. Sold to Mr. B. B. Dillon, in trust, for Matthew Cassidy, at £180. Solicitor, *Henry Brown.*

COUNTIES OF KERRY AND DUBLIN.—Estate of Anna Cantwell, administratrix of Michael Lynch, deceased, James Cantwell, and others, owners; Frances H. Devany, and others, petitioners.

Lot 1. The lands of Glownagillogh, with sub-denominations, with right of fishery, held under lease of lives renewable for ever from 1857; profit rent, £117 16s. 9d. Sold to the Rev. Mr. Kennedy, in trust, for £960.

Lot 2. Rental of a house and premises at Rathgar, with two acres, held under fee-farm grant from 1857; profit rent, £30. Sold to Mr. J. O'Connor for £170.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
July 8	12 o'clock	J. W. Sidney	Prove debts and vouch	*Rosenthal*
"	"	H. M. Beck	Hear claims	*Meldon*
"	"	Wm. Egan	Prove debts and vouch	*Nolan*
"	"	James Breen	Vouch	*Egan*
"	"	Arrangement case	Prove debts	*Redington*
"	"	do.	do.	*Kelly*
"	"	Joseph Reynolds	Prove debts and vouch	*Larkin*
"	"	James Burke	do.	*Larkin*
"	"	Thomas Howard	Vouch assignee's account	*Bourke*
		Tuesday. Before the COURT.		
July 9	11 o'clock	Patrick Ronayne	Audit and dividend	*Perry*
"	"	Daniel Brady	do.	*Stuart*
"	"	J. K. Hume	do.	*Leachman*
"	"	Thomas Potter	do.	*White*
"	"	Robert O'Leary	do.	*White*
"	"	Denis Lyons	do.	*Meldon*
"	"	Samuel Pickering	Examine debtors	*Larkin*
"	"	Edmond Eyre	Sur., prove debts, and assignee	*Larkin*
"	"	Andrew Geoghegan	do. do.	*Fay & M'Gough*
"	"	Robert Humphrey	Prove debts and new assignee	*O'Rorke & Neilson*
"	"	Martin W. Moran	Examine witnesses	*Larkin*
"	"	Arrangement case	First sitting	*Stanley & Stone*
"	"	do.	Second sitting	*Leachman*
"	"	do.	First sitting	*Perry*
		Thursday. Before CHIEF REGISTRAR.		
July 11	12 o'clock	Philip Murphy	Prove debts and vouch	*Sheppard*
"	"	John Doyle	Vouch mortgagee's account	*Stuart*
"	"	Patrick Nolan	Prove debts and vouch	*Langan*
"	"	John Murphy	Reference	*Forsythe*
"	"	E. W. Savage	Prove debts and vouch	*Perry*
"	"	J. J. Farrell	Reference	*Morgan*
		Friday. Before the COURT.		
July 12	11 o'clock	Fleming and Hennessy	Final examination	*Larkin*
"	"	Richard Flood	do.	*Forsythe*
"	"	Ellis Rowland	Composition	*Eyre*
"	"	John Marshall	Sale	*Oldham*
"	"	James Byrne	Final examination	*Meldon*
"	"	Arrangement case	First sitting	*Ebbs*
"	"	do.	do.	*Riddick*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Nolan*
"	"	Thomas Dwyer	Surrender, prove debts, and assignee	*Perry*
"	"	Goodwin and Netherco tt	Audit and dividend	*Fitzgerald*
"	"	Alexander O. Taylor	do.	*Buckley & Smith*
"	"	Edmond M'Dermott	do.	*Larkin*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
July 2	Hugh Copeland,	John A. Wood, of Enniskillen, Esq.,	*Larkin*
"	Edmond Phelan,	Richard G. Purcell, Grace Dieu Villa, co. Waterford, merchant,	*Dobbyn & Tandy.*
"	Robt. Dower, of Broad-street, Waterford, chemist and druggist,	Isaac Thomas Smallman, of Westland-row, Dublin, druggist,	*Molloy & Watson.*
"	Danl. Josh. Bergin, of Inn's-quay, Dublin, hotel-keeper,	Joseph Kelly, of Thomas-street, Dublin, merchant,	*Casey & Clay.*

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DIVIDENDS DECLARED.

The Official ssignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE
July 5	Michael Hayes,	5s. 6d. in the £ on £388.	*Deering.*
"	R. P. Brown,	2¾d. in the £ on £1,299.	*Deering.*
"	Separate Estate of Henry Green, of the Firm of Green and King,	20s. in the £ on £101.	*Deering.*

BANKRUPTS.

Balfe, Edward, of Upper Baggot-street, Dublin, and of Moore-street, Dublin, Italian warehouseman. Petition of bankruptcy filed July 3, 1867. To sur. Tuesday, July 16, and Tuesday, July 30. C. H. James, Official Assignee. *Perry*, solr.

Dwyer, Thomas, of Tipperary, county Tipperary, spirit retailer. Petition of bankruptcy filed June 21, 1867. To sur. Friday, July 12, and Friday, July 26. L. H. Deering, Official Assignee. *Perry*, solr.

Gass, John, of Gillis, county Armagh, flax spinner and linen manufacturer. Petition of bankruptcy filed June 22, 1867. To sur. Tuesday, July 16, and Tuesday, July 30. C. H. James, Official Assignee. *M'Combe*, solr.

Hourigan, Patrick, of Newman's-passage, Cork, corn dealer and cattle dealer. Petition of bankruptcy filed July 2, 1867. To sur. Tuesday, July 16, and Tuesday, July 30. L. H. Deering, Official Assignee. *Cleary*, solr.

Verlin, Patrick Richard, of Broad-street, Limerick, grocer and wine merchant. Petition of bankruptcy filed July 2, 1867. To sur. Tuesday, July 16, and Tuesday, July 30. L. H. Deering, Official Assignee. *Perry*, solr.

Certificates Allowed.

March 27.

MacGouran, James, of Belfast, county Antrim, spirit dealer and publican, a bankrupt. *Larkin*, solr.

June 4.

Rynhart, Humphrey, of Ferns, county Wexford, farmer, grocer, and shopkeeper, a bankrupt. *Batt*, solr.

June 18.

Costello, Charles, Ballina, county Mayo, grocer and baker, a bankrupt. *Kiernan*, solr.

June 28.

Tackaberry, William, of New Ross, county Wexford, draper, a bankrupt. *Leachman*, solr.

June 28.

Templeton, John Fleming White, of Londonderry and Strabane, county Tyrone, tobacconist and pipe manufacturer, a bankrupt. *Perry*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
July 8	12 o'clock	William Henry Jackson,	To prove debts	*Casey and Clay*
"	"	Michael Fitzgerald,	To inquire if debts paid	*Casey and Clay*
"	"	Patrick Lambe,	To prove debts	*Irvine*
		Tuesday.		
July 9	12 o'clock	Thomas Roche Rice	To tax costs	*Huggard*
"	"	Donald J. Macqueen	do.	*Byrne*
"	"	James Wilson	do.	*Armstrong*
"	"	John Joseph Sherlock	do.	*Batt*
		Wednesday. Before the COURT.		
July 10	11 o'clock	Thomas Roche Rice	Audit and dividend	*Huggard*
"	"	Donald John Macqueen	do.	*Byrne*
"	"	Rev. Charles L. Thomas	Adjourned dividend	*Macnally*
"	"	John Joseph Sherlock	Audit mortgage account	*Batt*
"	"	James Wilson	do.	*Armstrong*
"	"	Henry Joseph Bowyer	Hearing of petition	*Irvine*
"	"	Joseph Patrick M'Donnell	do.	*Rynd*
"	"	Joseph Maddock	Adjourned hearing	*Hunter*
"	"	Michael Flynn	do.	*Parsons*
"	"	Patrick Coleman	Re-hearing	*Rynd*
		Friday.		
July 12	11 o'clock	——	For Bail Motions only	——
		Saturday. Before the CHIEF CLERK.		
July 13	12 o'clock	Patrick Lambe	To vouch assignee's account	*Irvine*

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DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	SOLICITOR	OFFICIAL ASSIGNEE
June 19	Curran, Edward	1st and final dividend 1s. 5½d. in £ on £37.	*Macnally*	*James*
"	Fossitt, James	2nd dividend 1s. 7¼d. in £ on £345.	*Craig*	*James*
"	Hayes, William,	1st and final dividend 10d. in £ on £844.	*Mathews* *Macnally*	*James*
"	Reardon, Michael Joseph,	1st and final dividend 1⅛d. in £ on £676.	*Macnally*	*James*
June 26	Brabazon, Isabella Georgina	Dividend of 20s. in £ on £60.	*Bergin*	*Deering*
"	Doran, James,	1st and final dividend 2½d. in £ on £254.	*Macnally*	*James*
"	MacDonnell, Thomas,	3rd dividend 5s. 10½d. in £ on £312.	*Macnally*	*James*
"	Quin, David,	2nd dividend 3s 9d. in £ on £322.	*Macnally*	*James*

INSOLVENTS DISCHARGED ON BAIL.

Buckley, Timothy, cork-cutter, Cork.
Lynch, John, builder, Carlow.
M'Donnell, Joseph Patrick, rope-maker, Dublin.
Walker, James, gardener, co. Wicklow.

CASES DISPOSED OF IN DUBLIN.

Wednesday, July 3.

Before JUDGE MILLER.

Home, Richard Hare. Adjourned to Wednesday, the 17th July, instant.
Hopper, George. Discharged.
Lynham, Matthew. Do.
Weekes, Thomas. Remanded for 12 months, from 27th May, 1867, at suit of George Crichton, a creditor.

CASES DISPOSED OF IN THE COUNTRY.

At DOWNPATRICK, county Down, June 20,

Before ROBERT JOHNSTON, Chairman.

Bradford, Isaac. Discharged.
Heaslip, Anne. Do.
Keenan, Mary. Remanded for 6 months, from May 1, 1867, at suit of George Dickson, a creditor.
M'Alea, Patrick. Discharged.
Shooter, William. Remanded for 4 months, from June 1, 1867, at suit of Samuel Dennison, a creditor.

At GALWAY, county Galway, June 22.

Before WILLIAM W. BRERETON, Q.C., Chairman.

Connor, Patrick. Discharged.
Fahy, Patrick. Remanded for 18 months.
Fahy, Patrick. } Discharged.
Finn, John. }
Kelly, Edmond Walter. }

At CASHEL, county Tipperary, June 24.

Before CHARLES ROLLESTON, Q.C., Chairman.,

Connors, Edmond. Discharged.

At DROGHEDA, county Louth, June 25.

Before JOHN C. NELIGAN, Chairman.

Balfe, James. Adjourned to next Quarter Sessions.
Darby, Thomas. Discharged.

At MULLINGAR, county Westmeath, June 25.

Before JOHN O'HAGAN, Q.C., Chairman.

Murray, Thomas. Adjourned to next Quarter Sessions.

At LONGFORD, county Longford, June 26.

Before CHARLES KELLY, Q.C., Chairman.

M'Dermott, George. Adjourned to next Quarter Sessions.

At DUNDALK, county Louth, June 28.

Before JOHN C. NELIGAN, Chairman.

Jones, John James. Discharged.

INSOLVENTS.

To be heard in Dublin.

Ardrey, Daniel, of Cuffe-street and Lemon-street, shell-fish tavern proprietor. Hearing on Wednesday, July 24, at 11. *Rynd*, solicitor.
MacDonald, George Robert, of No. 16, Usher's-quay, city of Dublin; previously of No. 31, Upper Dorset-street; and formerly of Marlborough-street, both in Dublin aforesaid, superannuated clerk in the Poor Law Commission Office, detained in custody as George M'Donnell. Hearing on Wednesday, July 4, at 11. *Macnally*, solicitor.

To be heard in the Country.

Colville, Mary, of Ballymagee, county Down, widow, not in business; previously grocer and farmer. Hearing at Downpatrick, October 9, at 10. *Macnally*, solicitor.
Courtney, William, of Craigyrogan, county Antrim, grocer and spirit dealer. Hearing at Belfast, October 21, at 3. *Macnally*, solicitor.
Crozier, William, of Belfast, county Antrim, builder. Hearing at Belfast, October 21, at 3. *Macnally*, solicitor.
Quinn, Michael, of Strabane, county Tyrone, provision dealer; previously of Castlefin, county Donegal, spirit dealer and road contractor. Hearing at Omagh, October, 17, at 10. *Dickie*, solicitor.

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Walker, James, of Ballycurry, county Wicklow, gardener. Hearing at Wicklow, October 16, at 12. *Duff*, solicitor.

Westwater, Margaret, of the Quay, city of Waterford, haberdasher. Hearing at Waterford, October 21, at 10. *Penrose*, solicitor.

Creditor's Petition of Insolvency Filed,

June 29, 1867.

Against Lowe, Richard B., of No. 4, Homeville, Rathmines-road, county Dublin, Esq., late a major in the army—a prisoner in the gaol of Kilmainham.

PETTY SESSIONS DISTRICT.—A notice appears in the *Dublin Gazette* of the 25th ult., ordering that on and after the first day of July inst, the petty sessions districts of Raheny, Drumcondra, and Howth shall be served by one and the same person as clerk.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JUNE Sat. 29	JULY Mon. 1	Tues. 2	Wed. 3	Thur 4	Fri. 5
Government						
New 3 p c Stock	92⅝	92⅝	92⅝	92¾	93⅛	92⅝
3 p c Consols	94⅛	94⅛	—	94⅛	94⅛	94⅛
Foreign and Colonial.						
India 5 p c Stock	—	109⅞	109⅞	—	109⅞	—
Joint-Stock Banks.						
Ireland, £100 pd	—	230	—	230	229	229
Hibernian, £25 pd	—	36¼	—	36¼	36¼	—
Munster (Limited.), £3 10s pd ..	—	—	—	—	—	—
National, £30 pd	60½	60½	61¼	62¼	62⅝	63⅛
National of L'pool (Ltd.), £15 pd	12⅝	—	—	13	—	—
Provincial, £25 pd	—	—	85⅝	—	—	85⅛
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32⅝	—	32¼	32¼	—	32⅛
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	13¼	—	—	—	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	—	99¾	—	—	99⅞
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	7⅛	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	11	—	—
Do., £5 pd B	—	—	—	—	—	—
Do., £4 pd 2 C	—	—	—	—	—	—
Grand Canal, £100 pd	—	—	46⅞	—	—	—
Patriotic Insurance, £10 pd ..	—	—	—	—	—	—
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—		—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	—	—	—	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	83	—	—	83	—	—
D., W., & W., £100 pd	—	40½	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	95	95	—	95	—	94⅛
Midland Gt. Western, £100 pd ..	—	—	—	57⅛	—	—
Waterford & Limerick, £50 pd ..	12½	12½	12½	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	92
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	95⅛	—	95⅛	—	—	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun, &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	97

Bank Rate

Of Discount—3½ per cent., 20th December, 1866.
Of Deposit—1½ per cent., 7th February, 1867.

Name Days—July 15th and July 30th.
Account Days—July 16th and July 31st.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
Rupell Patterson and William Parker, Executors of John Parker, deceased, Petitioners;

Thomas Hugh, Henry Parker, and Bridget Parker, Respondents.

I HEREBY require all Persons claiming to be Creditors or General Legatees of John Parker, late of Silverbridge, in the County of Armagh, Esquire, deceased, on or before the 4th day of AUGUST next, to furnish, in writing, to RUPELL PATTESON, of Dundalk, in the County of Louth; or to WILLIAM PARKER, of Newry, in the County of Down, Executors of said John Parker; or to JOSEPH DICKIE, their Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Claims affecting the Chattels real of the said John Parker, to file same at my Chambers, Inn's-quay, in the City of Dublin, on or before the 4th day of AUGUST, 1867, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1857.

Dated this 4th day of July, 1867.

J. J. MURPHY, Master in Chancery.

JOSEPH DICKIE, Solicitor for the Petitioners, No. 30, South Frederick-street, Dublin; and Dundalk.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Robert V. Dower, of Broad-street, in the City of Waterford, Chemist and Druggist, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 16th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 3rd day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

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COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Edmond Eyre**, of Glen, in the County of Limerick, Grocer and Hotel-keeper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 9th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 27th day of June, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Thomas Dwyer**, of Tipperary, in the County of Tipperary, Spirit Retailer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 12th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 1st day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY & PATRICK S. CONNOLLY, Agents to the Bankruptcy, No. 11, Bachelors'-walk, Dublin; and 13, Thomas-street, Limerick.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Hugh Copeland**, of Enniskillen, in the County Fermanagh, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 16th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 2nd day of July, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Edward Balfe**, of Upper Baggot-street, in the County of Dublin, and of Moore-street, in the City of Dublin, Italian Warehouseman, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 16th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 4th day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelors'-walk, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **John Marshall**, of Charlemont Mall, in the City of Dublin, Commission Agent, a Bankrupt.

TO BE SOLD BY PUBLIC AUCTION, at the said Court, Four Courts, Inn's-quay, Dublin, on FRIDAY, the 12th day of JULY, 1867, at noon, pursuant to Order, all the Estate, right, title, and interest of the said Bankrupt, his Assignees and Mortgagees of, in and to the Houses and Premises, Nos. 18, 19, and 20, Charlemont Mall, situate in the Parish of St. Peter, and City of Dublin, held in Fee-farm, subject to the yearly rent of £38 11s.

Dated this 6th day of June, 1867.

CHEYNE BRADY, Chief Registrar.

A Statement of Title and Conditions of Sale, are lodged in the Court, and can be seen in the Office of the Solicitor for the Mortgagees having Carriage of the Sale.

For particulars and further information apply to

LUCIUS HENRY DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

WILLIAM HOLMES BATT, Solicitor for Assignees, 50, Fleet-street, Dublin.

HENRY OLDHAM, Solicitor for the Mortgagee, having Carriage of Sale, 42, Fleet-street, Dublin.

CHARLES BENNETT & SON, Auctioneers.

The House, No. 18, is Let, by accepted proposal, for 3 years, from 1st August, 1866, at the yearly rent of £40, payable quarterly, landlord paying taxes.

No. 19 is in the occupation of the Bankrupt, but possession will be given to purchaser. Estimated value, £50.

No. 20 is Let, by accepted proposal, for 4 years, from 1st December, 1866, at the yearly rent of £30, payable quarterly, with liberty to surrender on any gale day, on giving three months' notice, after first year's tenancy, landlord paying taxes.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Mathew Fleming** and Denis Hennessy, of Knox's-street, Sligo, in the County of Sligo, Draper, co-partner in trade, trading as Fleming, Hennessy, Comp, and Co., Bankrupts.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 15th day of JULY, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 26th day of JULY, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account* and make a *First Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 3rd day of July, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 24.] SATURDAY, JULY 13, 1867. {Single Copy, 6d. By Post, 7d.

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Letters and Communications intended for publication must be authenticated by the name of the writer, not necessarily for publication, but as a guarantee of good faith, and addressed to THE EDITOR, *Temporary Office, 53, Upper Sackville-street, Dublin.*

Letters in reference to Advertisements, &c., are to be addressed to THE MANAGER, *53, Upper Sackville-street, Dublin.*

THE IRISH LAW TIMES.

DUBLIN, JULY 13, 1867.

THE Report of the Committee appointed at the late meeting of the Quarter Sessions Solicitors, which we published in our number of the 22nd June last, has been fully considered by the Practitioners throughout Ireland during the past Sessions, and, as far as we can learn, has, in its main features, been approved of by them. The report contains many valuable suggestions and shadows out a variety of amendments in the practice and procedure of the Civil Bill Courts, with regard to the desirability and even necessity for most of which there can be no second opinion. We propose to discuss occasionally, before the adjourned meeting is held, some of the intended changes.

The first paragraph of the Report suggests that the Bill to be introduced to consolidate and amend the several Acts relating to these Courts should be entitled "The Irish County Courts Act." We think the Bill should go further than it does in the direction indicated by its title, and modify somewhat the constitution of the Courts themselves.

Public opinion is not, perhaps, as yet ripe for the change which will, we believe, eventually be made, that is, to assimilate these Courts entirely to the County Courts of England, and to divide the country into certain districts, which need not necessarily coincide with the various counties, and to appoint a Judge to each district, who should receive a salary sufficient to enable him to devote his time exclusively to his duties as such Judge, and that the Courts should sit, not quarterly, as at present, but at such short intervals as the state of business in each district might require.

In the meantime, it would be most desirable at once to separate the civil side of the Quarter Sessions Court altogether from the criminal; the Courts should be styled "County Courts," and the presiding barrister should have the rank and title of "Judge," instead of being, as now, simply the "Chairman" of a Bench of Magistrates; this would add considerably to his dignity in the eyes of the generality of the suitors who frequent these Courts. At present the Chairman disposes of the criminal business with the assistance of the other Justices who may be in attendance; and immediately thereupon, without any adjournment or public intimation that the constitution of the Court has been, in fact, changed, proceeds to dispose of the civil business. The first case called on may be one in which the Magistrate

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sitting next the Chairman is a suitor, but he still retains his seat, and still—to his ignorant opponent in the suit—appears to form part of the tribunal that is about to pronounce a decision in the case; a change in this respect would not only relieve the Chairman from the embarrassment in which he is sometimes placed by a brother Justice attempting to converse with him upon a case in which he may be interested actually at hearing, but would prevent any suspicion of partiality arising in the mind of the humble suitor.

One of the most important improvements suggested in the procedure of the Civil Bill Courts is (to our view) that which deals with the method of proving a plaintiff's demand in an undefended case. Whenever a summons and plaint, to recover a debt of a very small amount, comes under the notice of a Judge of one of the Superior Courts, the Attorney issuing it is censured by the Judge, in almost every instance, most unjustly. The fact is, the plaintiff insists on proceeding in the Superior Courts, owing to the trouble and expense he must necessarily undergo to establish his claim by Civil Bill. He, or some witness on his behalf, must attend personally on a particular day to prove the debt, and if he be obliged to come from England, Scotland, or a distant part of Ireland, this involves a serious outlay of time and money to recover, perhaps, a few pounds, from a defendant whose solvency may be very questionable. The suggestion with respect to this, in the Report, is that plaintiffs should be enabled to obtain decrees in undefended cases, in all actions of debt, on filing affidavits of debt made by plaintiff or his agent, &c., such affidavits to be made before a Justice of the Peace *in Ireland.* A difficulty in the practical working of this suggestion would be that the plaintiff's attorney never knows whether the case will be defended or not until immediately before the commencement of the Sessions, and altogether too late to enable him to have the plaintiff or his witnesses in attendance, if they live at a distance. A better plan would, we think, be, that in all actions of debt, where the plaintiff's claim is for a liquidated demand, he should be at liberty, upon issuing his process, to file an affidavit of debt (to be made before a Justice of the Peace in *Great Britain or Ireland)* in the office of the Clerk of the Peace, and thereupon to cause defendant to be served, not only with the process, but also with a copy of the affidavit, and a notice informing him that a decree would issue unless notice of defendant's intention to defend the case were given to plaintiff's attorney a certain number of days before the commencement of the Sessions.

In connexion with the foregoing we may remark that the present rule as to costs in the Superior Courts often works great injustice to the holder of a Bill of Exchange for a small amount; should such holder sue a party to the Bill in the Superior Courts he gets a judgment in fourteen days, and if the amount of his Bill be £20 can issue execution for his debt and costs, but if the Bill only amount to £19 10s., all must be done at his own expense, as he can recover no costs. If the Bill fall due immediately after Sessions, he must wait three months before procuring a decree upon it, which may then be quite valueless; it was to obviate such delay as this that the recent "Bills of Exchange Act" was passed; and it would be just either that the rule depriving a plaintiff of all costs, where he recovers less than £20 in an action of contract, should not be extended to Bills of Exchange, or else that a provision should be made in the proposed County Courts Act, enabling the holder of a Bill for a sum under £20 to obtain a decree upon it during the interval between Sessions, on lodging with the Clerk of the Peace the Bill and an affidavit of debt, and serving defendant with a process; the decree to issue (upon proof of personal service) unless defendant within fourteen days file an affidavit stating that he has a good defence.

A Meeting of the Profession will be held in the Solicitor's Hall, Four Courts, on Monday next, the 15th inst., at Three o'clock in the afternoon, for the purpose of presenting an address to Mr. Orpin, President of the Incorporated Law Society, on the occasion of inaugurating his portrait, painted at the desire of his professional brethren.

THE ATTORNEYS' CERTIFICATE DUTY.

The Bill for abolishing this tax has been thrown out by a majority of twenty-one in a House of 153 members. The reason for opposition alleged by several of those members who voted against it was, that great pressure had been put upon them by attorneys among their constituents. We should be glad to know whether this is invariably a reason for opposing a Bill? By pressure of course we understand a fair amount of urgent representation, and not threats of opposition at future elections. And this being our apprehension, we would ask whether in nearly every case where the personal interests of a large body of men are involved, urgent representations are not made to members? Take the malt-tax for instance. Are we to suppose that the county constituencies are entirely passive when the question is pending? Yet we never find among the reasons assigned for opposition that pressure has been exercised. Very possibly attorneys know better than most people how to secure attention from members of the House of Commons; but is it to be that because they take the most effectual means of attaining the abolition of an oppressive tax, the tax is not to be abolished? We are not disposed to complain very bitterly of the result of the division, inasmuch as we believe the duty will be repealed in time. But we do complain that it should be said that the attorneys have caused by their conduct the rejection of a measure

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which they assisted in the only manner in their power. And we are certainly surprised that members should be led to avow that their objection to be subjected to direct personal influence was the main reason why they voted against the Bill.—*Law Times.*

Hugh Hyndman, Esq., Solicitor, 6, Waring-street' Belfast, has been appointed a Commissioner for taking affidavits in Ireland for the Court of Chancery and Court of Probate in England, and the Superior Courts of Common Law at Westminster.

ADMIRALTY COURT (IRELAND) BILL.

A Bill to Extend the Jurisdiction, alter and amend the Procedure and Practice, and to Regulate the Establishment of the Court of Admiralty in Ireland. (Prepared and brought in by Mr. Attorney-General and Lord Naas.)

The following is an abstract of the clauses of this Bill:—

PRELIMINARY.

1. This act may be cited as "The Court of Admiralty (Ireland) Act, 1867."
2. Interpretation of terms.
3. Except with respect to the appointment of officers, in which respect this Act shall take effect from its passing, this act shall take effect from and immediately after the second day of November, 1867.
4. After the commencement of Act, the first, second, and third sections of the act passed by the Parliament in Ireland, of the 23rd and 24th George the Third, chapter 14, and so much of the first section of the act of the second and third King William the Fourth, chapter 116, as relates to the salary of the Judge of the Admiralty in Ireland, and the 14th section of the Probate and Letters of Administration Act (Ireland), 1857. shall be repealed.
5. After the commencement of this act, the present judge, registrar (if any), marshal and seal keeper of the High Court of Admiralty of Ireland shall cease to hold their respective offices.

PART I.—COURT AND OFFICES.

6. There shall be one judge and one registrar of court.
7. Her Majesty, &c., may, from time to time, by letters patent, appoint a person, being or having been an advocate of the Court of Admiralty of Ireland, or a barrister of not less than fifteen years' standing, to be such judge; to hold office during good behaviour; and the same judge shall have full power and authority to hear and determine all manner of civil, maritime, and other causes to the jurisdiction of the said court now belonging, and shall also have such jurisdiction as is hereinafter by this act given to the said Court of Admiralty.
8. Every judge before acting shall take an oath prescribed.
9. The judge shall not sit in Parliament, nor practice as an advocate or barrister.
10. The Lord Lieutenant may appoint the registrar and marshal.
11. The registrar shall attend the Court of Appeal in Chancery.
12. The officers shall not execute their duties by deputy, except in cases of illness, &c.
13. No officer of the court shall practise therein.
14. Power of judge to appoint chief clerk to registrar and other clerks.
15. Appointment of train-bearer, crier, tipstaff, and servants by the judge.
16. The salaries of the judge and officers of the said Court of Admiralty shall be as follow—namely, of the judge, pounds a-year; of the registrar, pounds a-year; of the marshal, pounds a-year; besides such travelling and other expenses necessarily incurred in the execution of his duty as the judge, with the approval of the Commissioners of her Majesty's Treasury, shall allow; of the chief clerk in the registrar's office, and the clerk of the said court, and of the crier, tipstaff, and servants of the said court, such salaries respectively as the judge, with the consent of the Commissioners of her Majesty's Treasury, shall appoint.
17. Retiring pension may be granted to judge after fifteen years' service, or in case of infirmity.
18. In case the present Judge of the Court of Admiralty be not appointed to the office of judge of the said court under this act, he shall be entitled to receive, by way of compensation, during his life an annuity equal to his salary at the commencement of this act; such annuity payable out of Consolidated Fund; and, in case any other person who shall cease by the provisions of this act to hold any office in the said court be not appointed to some office of not less emolument under this Act, it shall be lawful for the Commissioners of her Majesty's Treasury to grant such person such special annual allowance, and in such manner as by the 7th section of "The Superannuation Act, 1859," is provided in case of persons whose offices have been abolished.
19. Any officer of the said Court of Admiralty who shall resign his office shall be entitled to receive such superannuation allowance as the Commissioners of her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the amount of such superannuation allowance the said Commissioners shall take into consideration the whole period during which any such person shall have been permanently employed in the said office or in any other public office, and shall proceed according to the principles laid down by the Superannuation Act, 1859.
20. The salary of the judge of the said Court of Admiralty, and any retiring annuity granted to a judge of the said court under this act, shall be payable out of the Consolidated Fund; and the salaries of all officers or servants of the said court, and any superannuation allowance which may be granted to any such officer or servant under the act, shall be paid out of such funds as Parliament shall, from time to time, provide for that purpose.
21. The salaries to be paid quarterly.
22. The Court of Admiralty shall be a court of record for all intents and purposes.
23. No action shall lie against the judge of the said Court of Admiralty for error in judgment, and the judge shall be entitled to all privileges and protection which by law appertain to the judges of the superior courts of common law in the exercise of their several jurisdictions.
24. The judge may appoint a surrogate.
25. The surrogate or deputy to be appointed by the judge as aforesaid shall be paid such remuneration as the judge, with the approbation of the Commissioners of her Majesty's Treasury, shall allow, provided that the same shall not exceed in any one year the sum of one hundred pounds.
26. Judge may, with the consent of the Commissioners of the Treasury, from time to time appoint a competent writer of shorthand to attend the Court; and any person so appointed shall hold office during the pleasure of the said judge, and shall be paid such annual salary as the Commissioners of the Treasury, on the recommendation of the judge, shall appoint; and there shall be charged, as part of the costs in any cause in the said court, such fees for copies of the minutes of any evidence taken down by such shorthand-writer during the progress of such cause as shall be appointed by general orders, and sanctioned by the Commissioners of her Majesty's Treasury; and there shall be one such copy made in every cause for the use of the Court, and certified as true and correct by such shorthand-writer, and filed as a record of the Court, and the fees payable therefor shall be charged as court fees, and be paid for by such party in the first instance, and in such manner as shall be directed by general orders, and shall be deemed to be part of such party's costs in the cause.
27. Barristers-at law, attorneys at-law, and solicitors shall be at liberty to practise in High Court of Admiralty.
28. Wm. Russell Kelly, lately admitted a proctor, and the four apprentices to proctors, therein named, to be admitted within six months after commencement of act, as solicitors and attorneys without any payment, &c.

(To be continued.)

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by EDMOND T. BEWLEY, Esq., Barrister-at-law.

GORE *v.* O'GRADY.

June 7, 8; July 9.—*Injunction—Waste—Bog—Cutting Turf for Sale—Renewable Leasehold Conversion Act.*

This was an appeal from a decretal order of Lord Chancellor Blackburne, dated the 22nd of January, 1867 (*vide ante*, p. 5). The cause petition in this case was filed by Colonel Knox Gore to restrain the respondent Richard O'Grady, his workmen, labourers, and servants, from cutting, or permitting to be cut, any turf for the purposes of sale on the lands of Carrowkenibly, in the county of Mayo. These lands, which were described as containing "310 acres profitable land, together with the great bog containing 633 acres," were demised, in 1782, by Sir Richard Steele to Edward Moore for three lives renewable for ever, and this lease was converted into a fee-farm grant in 1854, under the provisions of the Renewable Leasehold Conversion Act. The estate of the grantor was now vested in the respondent Colonel Knox Gore, and that of the grantee in the appellant; and the latter had for some years been in the habit of cutting turf for sale on the bog in question, and claimed the right to do so from an alleged uninterrupted user since the date of the original lease of 1782, and also from the legal operation of the fee-farm grant of 1854. It appeared that a bill had been filed in 1849 to restrain the then tenant of these lands and his under-tenants from committing similar wastes, and that a conditional order for an injunction was made absolute in March, 1850, no cause having been shown against it. On the part of the appellant, however, it was alleged that the principal tenant was resident out of the jurisdiction of the Court at the time of these proceedings, and was never served with any notice of them; and that notwithstanding the injunction order the practice of cutting turf for sale had continued without cessation.

Flanagan, Q.C., and *E. Sullivan*, Q.C. (with them *Romney Foley*, Q.C., and *Harkan*), for the appellant.

Lawson, Q.C., and *Finch White*, Q.C. (with them *Owen*, Q.C., and *Buchanan*), for the respondent.

The COURT affirmed the decision of Lord Chancellor Blackburne, holding that there was not evidence of any uninterrupted and undisturbed user of the bog in the manner claimed, and being of opinion that the fee-farm grant did not enlarge in any way the rights of the tenant with respect to the cutting of turf.

Solicitors for the appellant, *Dillon and Hart.*

Solicitor for the respondent, *R. Peyton.*

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

KELLY *v.* FRENCH.

Ecclesiastical Lease — Renewal Fine — Purchase in Landed Estates' Court.

On the 11th of February, 1828, a sub-lease of lands, held under the See of Elphin, was made by Charles Simpson to Denis Kelly, for 21 years, at a rent of £153 11s. 3d. The lease contained a *toties quoties* covenant by the lessor to grant a renewal, reserving any additional or increased fines that should be demanded by the Bishop. By the custom of the see an annual renewal fine of £36 10s. 9d. was payable for the lands to the Bishop. This fine was always paid by Charles Simpson and those representing him. The reversion in fee became vested in the Ecclesiastical Commissioners. The persons entitled to Charles Simpson's interest granted a renewal to the representatives of Denis Kelly on the 9th of August, 1847. The lease of the 11th of February, 1828, was recited in this renewal, which purported to be made in pursuance of the covenant contained in that lease, but the covenant for renewal was a covenant to renew, reserving and paying any additional or renewed fines. The rent reserved was £150 18s. 2d. The difference between that and the rent reserved by the lease of 1828 was the tithe rent-charge which had been deducted from the original rent. In 1862 Charles Simpson's interest was sold in the Landed Estates' Court, and conveyed to the respondent, Arthur French, subject to the lease of 1847, which was stated in the rental to contain a covenant for renewal on payment of any additional or *renewed* fines. The purchaser obtained a perpetuity grant from the Ecclesiastical Commissioners, and insisted that in the perpetuity grant from him to the representatives of the sub-tenant, he was entitled to add the annual renewal fine to the rent reserved by the lease of 1847. The petition, which was presented under the 3 & 4 Wm. IV., c. 37, and 6 & 7 Wm. IV., c. 99, prayed that it might be declared by the Court that the respondent, Arthur French, was bound to convey the said lands to the petitioner, subject to the annual rent of £150 18s. 2d. only, and for a reference to settle the conveyance pursuant to such declaration.

The MASTER of the ROLLS held that the purchaser took subject to the covenant in the lease of 1847 only, but on the construction of that covenant, that he was not entitled to the annual fine in addition to the covenant.

Counsel for the petitioner, *James Robinson*, Q.C., and *Richey.*

Solicitors, *Cronhelm and Lett.*

Counsel for the respondent, *Lefroy*, Q.C., *J. T. Ball*, Q.C.

Solicitors, *J. & C. Ball.*

In re CONNELLAN'S TRUST and the TRUSTEE RELIEF ACT, *Ex-parte* FOX.

June 4.—*Trustee Relief Act—Lunatic—Dividends of Fund.*

The amount of two legacies had been lodged by the executors of the will under the Trustee Relief Act. The legatee entitled to them was of weak mind, though not found a lunatic, and was an inmate of an asylum in England. She presented a petition by her next friend, who also resided in England, praying that the dividends might be paid to the next friend, she undertaking to apply them for the maintenance, clothing, or otherwise for the benefit of the petitioner.

The MASTER of the ROLLS said that he would not make the order to pay the dividends to a person out of the jurisdiction, and not amenable to the Court.

A written undertaking was afterwards procured from a gentleman residing within the jurisdiction to apply the dividends as stated in the prayer of the petition; and his Honor made an order for payment of the dividends to him, and directed by the order that he should account to the Court by affidavit every three years.

Counsel for petitioner, *C. Leech.*

Solicitor, *T. W. Hardman.*

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COURT OF QUEEN'S BENCH.

Reported by Wm. Woodlock, Esq., Barrister-at-law.

Kelly *v.* Fleming.

June 15.—*Action for Rent—Set Off—Landlord and Tenant Act, s.* 21.

This case came on upon a report from the Master, to whom it had been referred, setting out the facts for the decision of the Court. The action was one for rent upon a demise from the plaintiff to the defendant, dated the 2nd May, 1861, at a rent of £40 a year. The summons and plaint claimed £100 for two years and a half rent. The defendant paid £15 into Court, and pleaded to the rest of the claim a set-off for seven half-yearly gales of rent paid to the head landlord of the premises. The facts appeared to be as follow :—

Andrew Miller, being entitled to certain lands of Killiney, which he held for a term of 99 years from the 25th March, 1791, on the 29th September, 1794, made a lease of a portion of the lands to Garrett Neil for 70 years, at a rent of £6 16s. 6d., late Irish currency.

In 1806 Garrett Neil demised a portion of the portion which he so held to John Seaton for 54 years, at a rent of £2 5s. 6d. The interest in that lease became vested in a person named Dowling.

On the 7th December, 1809, Garrett Neil made another lease of another portion of the lands which he held to William Mackenzie, for 55 years, at a rent of £11 7s. 6d. That lease also vested in Dowling.

In 1806 Andrew Miller demised another portion of the premises to John Sherwood, for a term of 61 years from the 25th March, 1806.

On the 27th November, 1809, the representatives of Sherwood subdemised the portion of land included in the lease of 1806 to Garrett Neil for 55 years, at a rent of £14 a year; and on the 10th February, 1830, Garrett Neill made a lease to Dowling for twenty-four years and six months.

On the 28th January, 1858, a deed was executed between the representatives of Andrew Miller and William Dowling, by which, in consideration of £50 the representatives of Miller demised to Dowling the three portions of the lands for a term of 33 years from the 25th March, 1857, at a rent of £17 0s. 7d. That demise was for the entire residue of the term which Miller or his representatives had in the lands. The first payment of rent was to be made on the 25th March next ensuing the date of the deed, and the deed contained a clause expressing that it was made subject, and without prejudice, to the three leases made by Andrew Miller.

By his will, dated the 18th April, 1859, Dowling bequeathed his interest to Kelly, the plaintiff. Fleming, the defendant, was an under-tenant to Kelly, and actions having been brought by the representatives of Miller against Fleming, as the party in occupation, for the rent reserved by the deed of 1858, the defendant paid that rent, and thus arose the claim of set-off. No demand under the deed of 1858 was ever made by the representatives of Miller for that rent upon Kelly.

The question was, whether, under this state of facts, Fleming had a right, under the 21st section of the Landlord and Tenant Act, or otherwise, to pay the rent demanded under the deed of 1858, and set it off against the claim of his immediate landlord, Kelly.

Counsel for the plaintiff, *Wall*, Q.C., and *J. F. Walker*.

Counsel for the defendant, *Jellett*, Q.C., and *E. N. Blake*.

The Court held that the set-off was good, and gave judgment for the defendant.

Attorney for the plaintiff, *R. Magrath.*

Attorneys for the defendant, *Byrne and Lambert.*

COURT OF EXCHEQUER.

Reported by R. R. Kane, Esq., Barrister-at-law.

Tighe *v.* Hickey.

June 4.—*Ejectment—Lost Lease—Verdict against Evidence—Newly discovered Evidence.*

Ejectment on the title. The case was heard before Monahan, C.J., at the Carlow Spring Assizes, 1866. The plaintiff's case was that the defendant held as tenant from year to year, and that the tenancy was determined by notice to quit. The defendant relied on a lease made to her late husband's father, in 1796, by the plaintiff's ancestor, Patrick Hickey the elder, for the life of his son, Patrick Hickey the younger, who was said to be still alive. The lease of 1796 was lost or destroyed, and the only one who had seen it was the defendant, who said she had not read it. Patrick Hickey the younger, went to America in 1827, and was not heard of from that time till 1865, when a letter was received, purporting to be from him, and which was proved at the trial, by comparison with the handwriting of the signature of a lease made by Patrick Hickey the younger, shortly before he went to America. The jury found for the defendant. An affidavit was afterwards received by the plaintiff from America stating that the Patrick Hickey who lived at the address in America, mentioned in the letter, was a much younger man than the Patrick Hickey, the cestui que vie, could be.

Battersby, Q.C., having obtained a conditional order for a new trial on the grounds of misdirection, surprise, and the discovery of new evidence,

J. A. Curran and *Byrne* now showed cause.

Battersby, Q.C., *Palles*, Q.C., and *Gamble* in support of the rule.

The Court (Fitzgerald, Hughes, and Deasy, B.B.) discharged the order, holding that the Lord Chief Justice had properly directed the jury, and that even if the balance of evidence was in favour of the plaintiff, still as the action was one of ejectment, and his rights were not concluded by the verdict, they would not give a new trial.

T. T. Mecredy, attorney for the plaintiff.

C. Thorp, attorney for the defendant.

COURT OF BANKRUPTCY and INSOLVENCY.

IN INSOLVENCY.

Reported by J. Levy, Esq., Barrister-at-law.

Before Miller, J.

In Re J. A. Mons, an Insolvent.

July 10.—*Officers in Public Departments having fixed Incomes—Allocation Orders.*

In this case the insolvent holds a public appointment worth about £450 a year, and having been arrested for debt he was obliged to file his petition and schedule. On coming up to be heard it appeared that his debts amounted to £2,576, some of which were secured, and he consented that an order should be made allocating £200 a year out of his salary towards the payment of the debts. There was a reference to the chief clerk to ascertain the amount of the debts, and the report of the chief clerk found that the debts of creditors entitled to dividend amounted only to £1,212. Upon foot of the allocation order an arrear of £156 13s. 4d. had accrued, and a conditional order was obtained, calling on the insolvent to show cause why he should not pay that sum into Court. In reply he served notice that he would show cause why he should not be called upon to bring in the arrears, and that the

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sum allocated should be reduced. A cross motion had been served on the part of the assignees, that as the pay of the insolvent had been increased since the allocation of £200 a year was made, the sum allocated should be increased in proportion.

Levy now moved, on the part of the insolvent. When the allocation order of £200 a year was made it was upon the assumption that the debts amounted to £2,578, but the chief clerk found that they did not amount to half that sum. The insolvent had paid £166 into Court, and to one of the large creditors a sum of £34, so that his liabilities were brought down to one thousand pounds in round numbers. Under these circumstances it was reasonable that the allocation should be reduced in proportion, and that the insolvent should not be called upon to pay up the arrears.

Kernan, Q.C., said the insolvent's application should be refused with costs. Instead of reducing the allocation there was a notice to increase it. The insolvent had not shown any cause whatever why he should not bring in the arrears due, or why the allocation should be reduced. He kept back the fact that his salary had been increased since the allocation order had been made, and he did not swear that he had sustained any loss calculated to diminish his means of payment. He alleged that he paid several creditors outside the allocation order, which he had no right to do. On the whole, the application was most unwarrantable, and although the creditors would not press to have the allocation increased, they would press for the arrears to be brought in.

Judge MILLER said that counsel for the insolvent had put forward his case upon the ground that the debts to which a dividend would be applicable were only about half what they appeared to be on the schedule, and that therefore the allocation order ought to be reduced. That was not the question for the Court; the question was the ability of the insolvent to pay, and it was not denied that he had a good and certain income, which was paid to the day. He (Judge Miller) would take that opportunity of announcing to all those public officers who had fixed incomes, that if they did not live within their means, and that they should come before the Court, they would never get a free discharge at his hands. Their case differed from that of people subject to the vicissitudes of trades and professions, which at one time might be prosperous, and at another unproductive and insufficient to meet even the most necessary expenses. When misfortune overtook such people there should be commiseration for them; but people with fixed incomes, who did not live within their means, should receive no favour at his hands. He would make absolute the order for paying up the arrears, which should be paid within a month, and he would refuse the motion with costs.

Solicitor for creditors, *Casey and Clay.*

Solicitor for the insolvent, *Macnally.*

In Re JAMES WILLIAM KAVANAGH.

Allocation Order—Warrant for Contempt in Disobeying Order for Payment of Money—Arrest on a Sunday.

In this case the insolvent, who holds an appointment at a salary of £200 a year in the Catholic University, was discharged upon an undertaking to allocate £50 a year towards the payment of his debts. Having allowed this allocation to run in arrear, and it appearing that he was concealing himself, an order to substitute service was obtained, and ultimately an attachment was issued against him for not performing his undertaking, and he was arrested on a Sunday on his way to Church.

John M'Mahon, in the absence of *Heron*, Q.C., who was with him, now moved that the insolvent be discharged. The warrant was illegal. He had not been personally served with the order, and no attachment could issue without personal service of the order.

Judge MILLER.—There was an order to substitute, and the insolvent afterwards appeared in Court by his attorney. The real point in the case is the arrest on a Sunday. Then on that point the law was clear. The 7 Wm. III., ch. 17, s. 7, points out the offences for which a person may be arrested on Sunday, but the present was a mere money order, and an arrest under it was clearly illegal. The Judge cited *The King* v *Myers*, 1 Term Reports, 266; *Wade* v. *Wood*, 1 C. B., 462; *Alfred Edgenton's Case*, 20 *E. & B.*

Levy, as *amicus curiæ*, submitted that the 215th section of the Act showed that the insolvent was clearly entitled to be discharged. It should govern the case.

Kernan, Q.C., said that arrests for contempt in not paying money orders of the Court of Chancery were frequently made on Sundays, and their validity was never questioned. In the case of Walsh and Jordan, reported in Smith and Batty's reports, and referred to in Mr. Levy's book, it was decided that an attachment issuing from the Insolvent Court could be executed on Sunday. However, he would advise his client to consent to Mr. Kavanagh's discharge, upon an undertaking that there would be no action brought.

Judge MILLER.—I don't think there is much to apprehend on that ground—the whole point is, was the arrest legal on a Sunday? My recollection of the practice of the Court of Chancery is that attachments for non-payment of money could be executed on Sunday.

Heron, Q.C., said there could be no compromise or settlement of the matter, they should have the decision of the Court. Since the arrest detainers had been laid on, and if it were decided that the first arrest was illegal, any detainer subsequently laid on could not prevail. There was no doubt that the arrest on a Sunday for any contempt in the non-payment of money was illegal; the 218th section of the present Bankruptcy and Insolvency Act showed that any money contempt was a debt from which the party could be discharged by the Act, and an arrest for it was an arrest for debt, and clearly could not be made on a Sunday.

Judge MILLER said he had no difficulty in the case: it was by the 215th section an arrest for a debt, and could not be made on a Sunday. He would direct the insolvent to be discharged, simply on the ground of having been arrested on a Sunday. He would impose no terms on him; but he should be well advised before he brought an action for the arrest and imprisonment. The insolvent was ordered to be discharged.

Attorney for the detaining creditor, *Fay* and *M'Gough.*

Attorney for the insolvent, *Kennan.*

HOUSE OF LORDS, July 9.

PUBLIC RECORDS (IRELAND) BILL.

On going into committee on this bill, on clause 16,

Lord ROMILLY said that inconvenience would arise if there were no regulations as to the manner in which the Record office was to be conducted. He moved the omission of the clause, with a view to the bringing up of a new one.

The clause was struck out.

The other clauses were agreed to, and the house resumed.

THE YELVERTON CASE.

APPEAL TO THE HOUSE OF LORDS.

The noble and learned lords present this morning were

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the Lord Chancellor, Lord Cranworth, and Lord Colonsay. Lord Westbury was again absent this morning.

YELVERTON (OR LONGWORTH) v. YELVERTON.

The Appellant read the following reply:—The arguments which are capable of being advanced on both sides are already so fully before this House I feel that there is not much to be said by way of reply. It is but little that I can say, but, so far as I can understand, very little is necessary to be said. All that is really material is already in print before your lordships, and for an answer to all the arguments for the respondent that were not founded on mistakes I refer to the opinions of the judges of the Court of Session, and in particular to the opinion of Lord Deas. Their opinions are adverse to the respondent's argument on all points except the point of discretion, and his counsel have been driven, in substance, to argue that all the judges in the court below were wrong in their interpretation of the law of Scotland respecting reference to oath, but that three of them were right in their discretion in relieving Major Yelverton from the objection to come and swear as to the facts relating to his marriage with me. They say the Court of Session law is bad, but that its discretion is good. I say the reverse I say their discretion is the thing that is bad, and I further say that if judges err in four or five points of law with which they have been familiar all their days it is not to be presumed that they will not err in a question of discretion that has come before them for the first time; for it is the duty of judges to administer the law, and not to fetter legal principles by considerations of expediency and discretion. The rule of law for the application of which I contend has been settled for a century at least, and is acted on every day in all the civil courts of Scotland. The rule is, that a reference to oath of the whole cause is competent any time before extract. The counsel for the respondent at the outset admitted the rule, and then straightway proceeded to deny it. They say that it rests on three old cases, and that it was practically abolished by the 11th George IV., and 1st William IV., chap. 69, sec. 36. The three cases are referred to, and commented on in the ap. case, p. 10, Dalziel v. Richmond, Gray v. Leny, M'Innes v. Moore, Pennycook v. Grante and Gunton. I have been informed that there have been many other cases of declaration of marriage besides these—three or four—in which this kind of evidence was allowed; and to this matter I appeal to the intimate acquaintance with Scotch practice of one of your lordships. There have been several cases where judicial declarations even, emitted not on oath, were used as evidence. The sole evidence in the well-known case of Kennedy v. M'Dowall was a deposition of Colonel M'Dowall either on oath of reference or judicially. He made three different statements, denying that marriage was mentioned in the first two, and admitting a conditional promise of marriage in the last. It is certain that a reference to oath in a declaration of marriage was never refused before, and that is a peculiar fact as to the practice of the law. On each of these three cases I have a small mistake on the part of the respondent to correct. Dalziel was said to settle only, that after general evidence the oath of a party could be resorted to; but surely that implies that reference to oath was competent where there had been no general evidence attempted. Gray v. Leny was said not to have been opposed; but that is a mistake, for the commission refused to sustain the oath, apparently on the ground that the woman was a person of bad character much less than the man, and this decision, arrived at, no doubt, in the exercise of their discretion, was reversed by the Court of Session. It is said that in Pennycook v Grante and Gunton, the oath was only admitted along with other evidence, but that also is an error. The oath was the only evidence. It was open to all the objections that are pleadable in this case, and to the additional objection that it was not admitted in the declaration of marriage, but in a different action. It was, no doubt, admitted prior to the second marriage; but if the second marriage had been a proper legal bar to its emission, it ought to have been equally a bar to its use as evidence. If it be incompetent to take an oath after a second marriage, it is equally incompetent to use one which had been previously taken. The object of the 11th George IV. and 1st William IV., c. 69, secs. 33 to 36, was to merge the Consistorial Court in the Court of Session, and to preserve the old rules of the Consistorial Court as to giving decree only after evidence, and not on the admissions of parties. It never was the practice of the Consistorial Court to give decree of divorce, and the like, in absence. Collusion was always guarded against by the rule requiring that the case should be proved by evidence other than mere admission or record. In Jolly v. M'Gregor, of which Mr. Anderson talked as if there had been no evidence except the admission of parties, there was a very long proof. There was some evidence of admissions of a marriage ceremony on the part of Mrs. Jolly. That evidence was not held to be incompetent, but it was disbelieved. But what are the admissions of parties? What they say in presence of the clergyman and witnesses at a regular marriage are nothing more than admissions. They may be called the contract, but they are only evidence of it. But leaving them aside, would the speech of a new-made husband, returning thanks for the toast of himself and his new-made wife, not be evidence by way of admission of a contract of marriage? In all Scotch irregular marriages the evidence is and must be either the oral or written admissions of parties. For example, the whole evidence in the Breadalbane case is of the nature of admissions, and the same holds in all cases of habit and repute. If Mr. Anderson's doctrine be right, no Scotch marriage, regular or irregular, was ever competently proved. It is to be hoped that it cannot be successfully denied that by the law of Scotland reference to oath is competent any time before extract. There are two facts in the present cause, and two only, that are alleged to take it out of the common rule: (1) there has been an appeal to the House of Lords, and a judgment by that House of the merits as then were disclosed by *prout de jure* evidence; (2) there has been a second marriage on the part of the gentleman who objects to the oath of reference, and he says that to depone may involve him in a confession of bigamy, and may cause prejudice to the lady with whom he has committed bigamy. No distinction has been suggested—not to say established—between a final judgment of this House and any other court administering the law of Scotland; and it is impossible to meet assertions of distinctions when there are none that can be put into words, much less presented to the scrutiny of reason, except by counter-assertions. If there be a distinction it has to be established, and established on principles not patent to ordinary common sense and reason; for this House, when deciding on the evidence before it, could not foresee, and is not understood having professed to foresee what would be the effect of a deposition emitted by Major Yelverton on oath—that being a kind of evidence not before it, not yet in existence, and the substance of it being even now a matter of very great uncertainty. This House decided on the printed evidence according to its light, or rather according to its darkness (for what was held was that there was not clear and sufficient proof of a marriage); but to decide as to Major Yelverton's oath and its contents would have required not the light of evidence, but at least the light of prophecy. Hitherto this House has not laid claim to the possession of any such light. When it does so, it will probably be found to possess it by virtue of its containing within itself the ornaments of another profession than that of law. The cases of Reid v. Hope and Robinson v. Robinson are said to establish that a reference to oath after judgment of the House of Lords is incompetent. I submit that they establish the contrary, if they establish anything at all. The first was decided on the ground that the House of Lords might have decided it, on the grounds of the intention of the testator to discharge the debt and give the legacy in addition; the second was decided on the ground that there had been a previous reference to oath on which nothing had been done. It appears, therefore, that these cases were both decided on special grounds, which they would not have been had the general ground, that reference after appeal to the House of Lords is incompetent, been sound in law. What took place at the tendering of the minute of reference has been misrepresented. The minute was tendered before the judgment of this was applied, as appears from *The Jurist*, page 326 (read). It was admitted at the time, both on the Bench and at the Bar, that

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applying the judgment made no difference, so long as it was not extracted. Your lordship on the woolsack asked, "when the conclusiveness of the judgment of this House began," and the answer was not very direct or explicit, because it was erroneous. The short and only correct answer is, that the conclusiveness of a judgment begins when it is extracted. Every judge in the court below recognises this, and the principle may be concealed, but no principle of Scotch law is more certain. The Attorney-General said that the proper time to refer was after the Lord Ordinary's hostile judgment. That is just precisely the position of the case at this moment, for the judgment of the Lord Ordinary has been returned to by the direction of this House. The judgment is no doubt slightly altered in my favour, but it is the judgment of the Lord Ordinary nevertheless. If it acquired any new quality distinguishing it from other final judgments of Scotch Courts it would be desirable to know what that new quality is. As yet it is a matter of mystery which has never been expressed in human speech. 2. There are two short answers to the objection that Major Yelverton may be led to confess himself guilty of bigamy. The first answer is, that he cannot be asked anything about his second marriage, which was the transaction that involved bigamy; and the second answer is, that, if asked any question a true answer to which would be a confession of a crime, he can exercise the usual privilege of witnesses, and decline to answer that question and all such questions. That a witness may be asked about questions which may criminate himself is no ground of objection to the competency of examining him—no ground for his refusing to step into the witness-box; but the necessity of self-crimination is a good ground for his declining to answer. His declinature to answer might have civil effects against him, but silence can never produce criminal consequences against any one. All criminals in Scotland are asked questions about their guilt before being committed for trial, and their statements form what is called a declaration, and is used as evidence against them; but they may decline to answer, and those who are sufficiently knowing to decline, and their refusal to answer is not evidence against them. The interest of a second wife, assumed to be an innocent third party, is no good ground for doing injustice to a first wife, or innocent first party. To sustain this plea for Major Yelverton would be to allow him to benefit by his own wrong. As to Mrs. Forbes, I deny, in the first place, that her good faith, or *bona fides*, would make any difference; and, in the second, I undertake to prove her want of *bona fides*—I undertake to prove that at the time she married Major Yelverton she knew of my existence, and that I claimed to be the wife of Major Yelverton. It has been said that to allow the oath of a husband to displace a second marriage, or a regular marriage, would be to introduce a new peril into the law of Scotland. What is the new peril? It has been settled, at least, since the case of Dalrymple, that a private regular marriage may displace a public regular marriage, so there is no new peril in that. The peril then assumes a new aspect merely as to evidence. Surely the peril is a slight one to trust to the oath of a party—the proof of a fact which it is his interest to deny. But it is suggested that there may be collusion. There may be collusion in all consistorial cases, especially in cases of divorce. There never would be a divorce if the mere vague dread of collusion were to shut out evidence. The possibility of collusion is not a reason for denying justice when there is no collusion. Every judge has a duty to watch for and defeat collusion when it appears in special instances, but is an undefined fear of collusion to shut the door of consistorial courts? Collusion in marriage cases is almost unknown. It need not excite any fear of a general character. It is, no doubt, easy to imagine cases of collusion, of a husband swearing what is false to get rid of his wife, or declining to answer. But who ever heard of a case established by collusion being conclusive against any one? Again, is collusion by writ not quite as easy as by oath? If a husband is to displace a regular marriage by collusive means, it is quite as easy to write and antedate a few letters acknowledging the marriage relation as to emit an oath to that effect. Even in the Dalrymple case there was a possibility of collusion. The evidence in that case was a written promise of marriage and a written declaration of marriage *de presenti*. Was it not perfectly possible to fabricate these in order to displace the marriage with Miss Laura Manners? And in the present case, if Major Yelverton intended by collusive means to displace Mrs. Forbes, how easy it would have been to have given the appellant a writing under his hand which would have proved that marriage which she has as yet failed to prove? I do not deny the possibility of collusion. I do not dispute that there should be a discretion on the part of judges to prevent abuse of the forms of law. But surely the time to defeat collusion is when it displays itself in a concrete form, the time to exercise discretion is when there is some plain, clear reason to exercise it. If judges have so much discretion before sustaining a reference to oath, they have surely some discretion after the oath has been emitted. If the deposition consists of palpable lies they can surely disregard it, in the exercise of their discretion. If it consists of probable lies, if it raises the suspicion of collusion, would it be beyond their discretion to order investigation? Let Major Yelverton's deposition be taken. If it indicate a desire to prove false to Mrs. Forbes let it be disregarded, or let her come into the process to prove its falsehood and protect her own interest. All this talk about discretion proceeds on three false assumptions—1. On the false assumption that discretion does not exist after the reference is sustained; 2. On the false assumption that Major Yelverton is in collusion with me; and 3. On the false assumption that a judgment obtained by fraud and collusion would be conclusive against Mrs. Forbes, when in point of law it would be entirely null. At the previous judgment of the House, although the reference to oath was asked to be provided for, the matter was not argued, and it was not decided. The only one of your lordships who said a word was Lord Westbury, and he said that this House "would make an order for or against further proceedings." What was asked was, that there should be a reservation as to reference to oath; but that was unnecessary, if the law itself reserved the right up to the time of extract, which was the view of the law taken by all the judges in the Court of Session. In cases of bankruptcy, when the oath has been included, the principle on which that was done was that the bankrupt had himself ceased to be a party to the cause. It was not because of the interest of the creditors, but because he himself had no interest. In the case of the £20,000 lottery ticket this is clear, because the oath was admitted as to the £15,000 which the creditors did not have a right to, but included as to the rest to which they did have a right If Major Yelverton had himself ceased to have an interest in this action these cases would be in point, but as he still has the true interest they are quite beside the point, though the judicial opinions are valuable for other purposes than those for which they were cited on the other side. Mr. Anderson says that a deposition in a reference to oath is not evidence. If not, what is it? What is that is given on oath if not evidence? All the writers on Scotch law treat it as evidence. They treat it as evidence, and as something more than evidence. It has the effect of evidence, though it be not true against the party referring, but if it be plainly false, it has not been settled that it would have that effect against any other party. The other side have denied that there can be a competent reference to oath in a declaration of marriage; if so, it is strange that no writer on the law of Scotland knew of this doctrine. All the Scotch writers on the law of marriage say that marriage can be proved by writ and by oath of party, and they further say that promise of marriage cannot be completely proved except by the writ or oath of the promiser; that is to say, cannot be completely proved except by evidence which Mr. Anderson asserts to be incompetent. If Mr. Anderson be right, all the lawyers in Scotland have been wrong, at least since Lord Bradfield, the greatest Scotch judge of his time, who decided Dalziel *v.* Richmond. It may be, my lords, that this process to which I cling as bringing about the long-wished-for goal, the end of this wearying strife, is but the frail plank which brings me up for a moment only to sink beneath me, and leave me a prey to the boisterous waves of life, alone, un-

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protected. It may be that, instead of giving me the relief I seek, it is but the renewal of strife; but my heart and soul is vowed to live or perish in the truth, and, until it is recognised, the light of heaven cannot shine for me, or the lap of earth cradle me in its sweetness. "Yet, I will not argue against Heaven's decree, nor bate one jot of heart or hope, but still bear up and steer right onward." I have made my last appeal to your lordships, but my prayer will ever be—"Judica me, Deus, et discerne causam meam de gente non sancta; ab homine iniquo et doloso erue me." Lord Camden is said to have described the law of discretion as the law of tyrants; and it is certainly a word much oftener in the mouths of despots than of judges, who decide not according to convenience, but according to justice. Why should the discretion of any court shut up the avenues of justice against me? I say that to do so is not in accordance with the law or the Constitution of this country. It is impossible to understand a Court saying that the truth is certain not to be reached in that way, and we will not allow it to be attempted. Can that be said here? Does Major Yelverton plead that "the truth is not in me," therefore it is useless to seek for it by putting me on oath? If he can swear that he never married me why should he not do it? And if he cannot swear this, why should anybody's discretion deprive me of that evidence, and so deprive of justice? If Major Yelverton, after this seven years' litigation, were to admit on oath facts inferring marriage with me, can any human being who knows the history of both of us believe that his admissions in my favour would be untrue in point of fact? There may be some who would disbelieve his statements to a contrary effect, but I make bold to affirm that no rational man or woman would disbelieve admissions on his part, if these admissions were to prove my marriage with him which he has denied so long. Every consideration that departs from the settled rule of law breaks down. It has been said that this litigation has lasted nine years, and that nine years is long enough for a litigation. I have good reason to be tired of its length and of its many anxieties. Not a few of the best years of my life have been spent in it, have been what some of the proper votaries of happiness may think wasted in it. But I have sought for justice, and for justice alone do I beg to protest against being debarred from the pursuit of justice, simply because I have not been so fortunate as to reach it in nine years. I have seen it to be my duty to do what I have done, and I feel that I should be false to my conscientious convictions if, because of any considerations of expediency, or convenience, or selfish comfort of body or of mind, I should desist, so long as effort is possible, to strive after what I know to be truth and justice, as certainly as I can ever know anything in this dark world of life and time. If the right shall not prevail in the end, the fault will not be mine.

The appellant having come to a portion of the manuscript which she could not decipher, handed it to Mr. Anderson, and asked him if he could make it out.

Mr. Anderson said that the writing was quite illegible.

The Lord Chancellor remarked that her counsel must write a very bad hand, and called upon Mr. Campbell Smith to read the remainder of the reply himself, but cautioned him to confine himself within the four corners of the written reply.

Mr. Campbell Smith then proceeded to read the remainder of the appellant's reply, while the appellant herself took his seat, and, exhausted with her labours, having spoken for upwards of three hours, leaned her head upon the desk behind the bar.

At the conclusion of the legal argument,

The Lord Chancellor—I do not know whether the appellant would wish to address the House further. We consider this as merely Mr. Smith reading for you what he had previously prepared for you. If you have anything further to address to the House we shall be happy to hear you.

After consulting for a few minutes with her counsel,

The Appellant said—If your lordships would be good enough to adjourn for a short time, I should be in a better position to proceed with my case.

The Lord Chancellor—You have something more you wish to read to us?

The Appellant—Yes, my lord.

The Lord Chancellor—Very well, it is near our usual time for adjourning. We usually adjourn for a quarter of an hour, but we will now adjourn for half an hour in order to give you time to prepare yourself.

The House then adjourned for half an hour.

On the House reassembling,

The Appellant proceeded to say—This unfortunate case, my lords, has brought to light and developed the hideous proportions, the anomalous state of the marriage laws of the three kingdoms—a purely civil contract in Scotland, it is a tyrannical, fanatical, religious one in Ireland. Has a man professed himself a Protestant by going to church and sacrilegiously receiving the Holy Sacrament for the first time in his life, he can then possess himself, with all the formalities and religious ceremonies prescribed by law, of the person and property of any Catholic lady his evil eye may have fallen upon, and then turn her adrift to ignominy, poverty, and shame by setting up his Protestantism, by setting up his religion, forsooth, as the cloak and shield of the vilest of crime—the mockery of his God on His consecrated altar—the defiance of His laws in his very temple—the worse than murder of his helpless victim. Such, however, my lords, is the existing law of Ireland, framed in the dark hour of religious persecution, remaining on the statute-book as a snare only for the innocent. I quite object to the attempt made by my learned friends on the opposite side to change the defender in this case—to substitute Mrs. Forbes for Major Yelverton. We hear no more of his rights, of justice to be done him; he has ceased even to demand the *solatium* for the wound inflicted on his feelings in the shape of consecutive £50 penalties. This balm of Gilead was not applied, but you are asked now to prescribe for Mrs. Forbes equally at the expense of the appellant. Major Yelverton, in the prayer of his petition, demands, much in the style of Dick Turpin, "Your honour or your purse." If you say you are a wife, pay for it; pay me, or I can cast you into prison; pay me, because I persuaded you that a Scotch marriage in a private room was binding in that land; pay me, because yielding to your scrupulous nature, I took you before a priest of the Most High to sanction in the sight of Heaven our union; because with my own hand I took the helm and steered the frail bark which bore us over the bright Bay of Rostrevor to the lonely church of Killowen. I declare now I had no intention of marrying you. I am a Protestant now, and I have taken the Sacrament and disclaim you. I bring an action against you, by which, if you dare to utter a word to the contrary, I can fine and starve you to death in prison, and put you to shame. My lords, it required a bold heart to withstand this. It required the conscientiousness of truth not to bow before such impending ruin. But, "although all the fiends from heaven that fell" had pealed the threat in her ears, she had not yielded; her cheek might blanch and her woman's nature quail, but the quivering lip shall speak the truth until the solemn hand of Death shall lay them still. True, that in the little parlour at Mrs. Gamble's there were none present to note the vows save the guardian angel that registered them in heaven; yet I challenge the defender in the presence of his Maker to deny that he took her as his wife. And such, my lords, I humbly submit, is the law of Scotland. This dire struggle for mere existence was spared her by the merciful consideration of your lordships in refusing the *solatium* damages and penalties forming a portion of the action. Your lordships render this putting to silence innoxious; it became nugatory and futile; for your lordships must be aware that it would be hopeless to put a woman to silence except by the ancient practice of the bridal, or the present singular method of first starving her to death. But what I am coming to is this, that I submit to your lordships that the almost obsolete suit for jactitation—the English translation of it—is not such an action, even in its full vigour, as should bind all the world, and settle irrevocably and unassailably the status of individuals, of families, and of society. It is not such an action carrying a judgment which would entitle a peer to take his seat on these benches. I think this noble House would scrutinise closely the title of a man which hung upon the ignoble suit of jactitation, or putting to silence of a supposed wife. The Duchess of Kingstown was a prominent instance of of this, for she was arraigned at this very bar for bigamy—

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what though she held a judgment of jactitation, or putting to silence, in her favour, she was convicted by her peers of bigamy, and only escaped branding in those days because, I believe, in her right of peeress she could not be branded as a punishment. Setting aside for a moment the individual rights of a poor woman, there is a wider question to be settled, which concerns society at large, which concerns this noble House in particular, for in the future a peerage will be at stake—a cornet nobly worn, such as grace the brows of your lordships—that the evidence which I am now pleading to have admitted will then be unattainable. Major Yelverton will be no more. "O'er the world which folds his grave let them rave;" but his secret will be for ever locked therein, and years of litigation must necessarily ensue, and the rightful heir to Barry Yelverton, one of Nature's noblemen, as of Royal Letters Patent, may or may not be able to establish his right. In the Townshend Peerage, if I am rightly informed, your lordships exercised your prerogative and initiated proceedings prior to the death of the only man who knew the facts, the Marquis of Townshend, which, had he died silent, would never have been truly ascertained, but the right of the peerage would have been questioned at his death, and to spare this litigation your lordships took the steps mentioned. This, then, is my argument, that evidence now available should be taken when in time, not commit to a future generation the legacy of a lawsuit, to which they certainly were innocent parties. It is argued to your lordships, and cases are cited to prove that you are sticking at a regular subsisting marriage. Now, Mrs. Forbes's marriage has not subsisted any more than the appellant's; they have alternated one with the other from 1861 to 1865. Mrs. Forbes had no subsisting marriage, the judgment in both courts, Irish and Scotch, being against her marriage. In 1857, Major Yelverton married Theresa Longworth, first according to the law of Scotland as declared by the full Scotch Court, and again in Ireland *in facie ecclesia*, and here we have the first subsisting marriage; for, my lords, whatever may have been the fluctuation and vicissitude since—is until a marriage is held void, it is to be held legal. Then, in 1858, we have the marriage of Major Yelverton to Mrs. Forbes, which, for the sake of argument merely, we will admit, casts a doubt upon the first marriage; but it would not, under these circumstances, be regarded as a *bona fide* established marriage. In 1859, the case of bigamy brought by the Procurator Fiscal was withdrawn. But this withdrawal of a criminal charge did not fix either one marriage or the other. In 1860, in an action brought against Major Yelverton by the Messrs. Grant and Gask, he admitted his liability by paying the demands and expenses in court. In 1861, a jury found a legal marriage between Major Yelverton and Theresa Yelverton. In 1862, the Lord Ordinary Ardmillan gave an interlocutor, by which he ordained that Theresa Longworth should be put to silence there anent, pay a *solatium* to Major Yelverton to soothe his wounded feelings, pay the expenses of this action for putting her to silence, and be fined £50 for every new offence of talking. Subsequently, in the same year, in Ireland, the full Court confimed the finding of the jury. In 1862, the High Court of Session reversed the interlocutor of Lord Ardmillan, and declared Major Yelverton and Theresa Longworth legally married persons according to the law of Scotland. In 1865, your lordships reversed this interlocutor, not finding sufficient evidence to instruct a marriage; but you refused to grant either expenses, solatium, or penalties. I humbly submit, my lords, that upon these facts it is a cruelty and injustice to ask your lordships to cut short further proceedings, and arrest a fact so all-important, so vital to the truth, on the lips of the defender; for, my lords, though labouring under the fear of wearying the kind attention of your lordships, I must repeat that if Major Yelverton had not exchanged marriage consent with Theresa Yelverton in the parlour of her respectable friend, Mrs. Gamble, is it not the simplest thing in the world for him to swear he did not. If the last great judgment day were revealed in all its awful majesty to the poor appellant this moment, she could swear he did. If he did, my lords, I am persuaded—nay, I am positive—your lordships will not allow him to escape upon a mere technical pretext—a mere formality. You will uphold the honour and equity of this House. You will uphold that truth and justice are the guiding stars of the laws of the British Empire. I am not certain that the Court of Session in their judgment (though it seemed to me hard at the time) did not reserve this special duty to your lordships. They had given their opinion, and it differed from your lordships. They declined to interfere with your lordships' judgment, but they return to you the case with the means in your power to ascertain if a marriage could or could not be proved in Scotland, and they leave it to your lordships graciously to examine the question for yourselves, and, at your lordships' bidding, will undertake the matter of reference to oath. For your lordships, sitting as the highest tribunal of appeal, are not, as assumed by my learned friend, therefore, arbitrary and absolute, so that a case having once been adjudicated upon, right or wrong, it can never again appear under a different aspect or point of law. In the case of Campbell *v.* Cochrane your lordships used your powers to grant a proof refused by the lower court. Your lordships have never arrogated any such privilege. As stated by Lord Eldon, your lordships constitute the supreme court, but, I humbly believe, supreme also in justice and equity. In the Dalrymple case, the defender, Dalrymple, was examined, and his evidence or statement, though sealed up, was looked at by Sir W. Scott and used against him In the Divorce and Matrimonial Court of England the parties to the suit can be examined. In the Slade case, the other day, the lady, or party to the marriage, was examined; also in the Dundonald peerage, simply because, my lords, the parties to the fact are often the only persons with whom rests the knowledge; and justice cannot be done until that knowledge is brought to light. Your lordships' adverse judgment was based upon the want of it, upon the inadequacy of the proof, principally of letters produced from the possession of the defender and Mrs. Forbes; the many foolish ones were given, and the few wise ones withheld; the chaff briskly winnowed to the public and your lordships, but the wheat had been artfully filched and hidden away. The words used by your lordships in your judgment are—"We find that the respondent has failed to instruct a marriage, her rights then, however, are . . . and one cannot be sustained without the other." If this point of justice were refused her position would be untenable—bound to a man by the law and religion of his own country, yet that man pronounced free by a dictum of the House of Lords, given in a Scotch suit, where their powers were confined to the Scoth marriage in dispute, and where the jurisdiction did not extend over the Irish marriage. for whether it might or might not be. But the Act of Parliament 19 Geo. II., is a point not to be decided by a Scotch court. Your lordships settled that the jurisdiction of a Scotch court did not extend to foreign marriages, where no sufficient domicile could be established, as in the case of Robins *v.* De Pontes, and more recently of Pitt *v.* Pitt. Shall it go forth to the world that an English lady, who, for seven of the best years of her life, has devoted her fortune, her energies, and every means at her disposal to ascertain the simple fact whether she was married or single, that, through the exercise of a discretionary power of the Court, she is to be left for another seven years, and that. if borne down by weight of woe and hope too long deferred, hope of peace, my lords, and some surely happier destiny than this, nature should succumb, another generation of lawyers, and another generation of litigants, must still break their hearts and vex their souls in the Yelverton case? The Court below are agreed that I should have a right to the reference to oath, except for some particular circumstance which they suppose to exist; and is it not the proudest boast that every Englishman, however lonely and poor, has a free-born right to justice, and it is exemplified in this very instance, that, poor and helpless woman as I am, I am still allowed to stand at this bar, and your lordships deign me your most benignant attention. And had I the inspired tongue to lay my manifold and complicated wrongs clearly before your lordships, you certainly would redress them—you would do me the justice to at least probe the truth to the bottom where you have the power. The Court in Ireland did me justice, and for twelve days investigated every fact and circumstance. The Scotch Court also took

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infinite pains to apply their peculiar law to this peculiar case. Shall this, then, be the first time that justice has been refused, for the sole object of putting an end to a litigation? That would not be a British principle, but something alien. Justice has never been refused to an Englishman unless he has proved himself unworthy of his rights and of his country. It has been urged upon your lordships several times, and the question has been raised—What is to become of Mrs. Forbes in case Major Yelverton depones affirmative? I believe I could solve that problem. I have already stated that there is no fear for Major Yelverton of punishment for bigamy; but if there remains the slightest doubt upon his mind as to any danger from this source, he has it in his own power to secure himself most effectually against any attempt to inflict the punishment of bigamy upon him. He has only to reveal his hiding-place, and accept the service of citation into the Divorce Court, or if he object to the jurisdiction of an English court, being an Irishman, I will apply for a citation from your lordships, as representative peers of Ireland, having jurisdiction over that kingdom. Then, my lords, freed from all marriage with the appellant by this the only mode of dissolving the double marriage in different countries, he could then marry Mrs. Forbes, and give her the status so urgently pleaded for her, without any risk of its being disputed by posterity. Then he might safely walk abroad in open day, "his lovely Thais by his side;" for "none but the brave, none but the brave deserve the fair."

At the conclusion of the appellant's address,

Their lordships consulted for a short time, after which

The Lord Chancellor said—The House will take time to consider its decision in this case.

The further consideration was therefore adjourned *sine die*.

HOUSE OF COMMONS, July 8.

COURTS OF LAW OFFICERS (IRELAND) BILL.

The consideration of this bill in committee was resumed.

On clause 35,

Mr. VANCE proposed, in line 28, to leave out "judges of the court," and insert "Chief Justice or Chief Baron, as the case may be." His object was that the chief judges of the court shall have the appointment of the superior officers, as was the case in England.

The ATTORNEY-GENERAL for IRELAND said that the only object he had in view was to secure the appointment of efficient officers, and that could be best done by leaving the matter to all the judges, every one of whom was as much interested in having proper officers appointed as the chief judge.

Sir C. O'LOGHLEN would rather give patronage to the Government than to judges; but if it were conferred on the judges there should be a practicable system of exercising it.

Lord NAAS defended the proposal of the bill.

Mr. CHILDERS said that the patronage, if left to four, would be exercised without responsibility.

Mr. HENLEY concurred in this view.

Mr. SYNAN asked on what principle the patronage was to be exercised if the four judges differed in opinion?

Mr. VANCE having replied,

The committee divided, with the following result:—

For the amendment,	35
Against it,	88
Majority against,	—53

The clause was then agreed to.

On clause 37,

The ATTORNEY-GENERAL for IRELAND moved an amendment to the effect that officers who had served twenty-five years, and whose services were no longer required in the same capacity, should be required to serve in some other suitable position, and that if they refused to do so they should not be allowed to retire on full pay.

Agreed to.

Some other clauses were agreed to, and the committee reported progress.

JULY 11.

BANKRUPTCY BILL (ENGLAND).

The order of the day for going into committee on this Bill having been read,

The ATTORNEY-GENERAL took occasion to say that when a question was put to him a week ago as to whether the Government intended to proceed with the Bill in the present Session he had some hope, though not a very sanguine one, that something might be done in the direction proposed even before the recess. Looking, however, at the position in which the public business now stood, he frankly admitted that it would be, in his opinion, impossible to go on with a Bill which contained 479 clauses, and to pass which it would be necessary at this period of the Session to ask the House to sit *de die in diem*. (Hear, hear.) He was of that opinion, notwithstanding that the general provisions of the Bill had been received with very general assent throughout the country, and that he believed it would not be found expedient to introduce into it any very great alterations. The measure, at the same time, ought, no doubt, to receive full and fair discussion, and he did not think, therefore, that he should be justified in pressing it forward under present circumstances. He trusted, he might add, that the care and labour which had been expended on the measure would not be wholly thrown away. The criticisms upon it which had reached him from all quarters, especially from the Chambers of Commerce, were upon the whole extremely favourable; the only adverse criticism, indeed, being contained in the statement that it was impossible to tell whether it was a debtors' or a creditors' Bill. That was, however, he thought, the highest compliment which could be paid it, for it was a Bill which had been framed in the interest of the whole community, and not of any particular class. In conclusion, he had only to say that he hoped to be able at the earliest possible moment next session to introduce another Bill of substantially the same character, which would lead to the satisfactory settlement of a long vexed question. (Hear, hear.) He begged to move that the order for going into committee on the Bill be discharged.

Mr. LEEMAN thanked the hon. and learned gentleman for taking the course which he had adopted, inasmuch as the House was thereby secured from much inconvenience. He would suggest that before the measure was re-introduced it should, as far as possible, be divested of the cumbrous machinery with which, as it now stood, the arrangements with creditors were surrounded.

Mr. NORWOOD also thanked the hon. and learned gentleman for the great attention which he had paid to the subject, and the courtesy which he had manifested in dealing with it. (Hear, hear.) The withdrawal of so important a Bill might occasion some disappointment in the country; but at the present advanced period of the Session it could not, he thought, with advantage be proceeded with.

The order for going into committee on the Bill was then discharged, as were also the orders for going into committee on the Judgment Debtors' Bill, and the Bankruptcy Acts Repeal Bill.

THE COURTS OF LAW OFFICERS' (IRELAND) BILL passed through committee, with the addition of some new clauses.

ENGLAND.

DISFRANCHISEMENT OF THE SOLICITORS.

A vote of the House has imported into the Reform Bill a provision disfranchising all agents, canvassers, and other persons paid for their services at elections. This is no novelty. It was the law some years ago; it was fairly tried and failed, and the prohibition was repealed. Strong objections were made to the exclusion, and it was easily evaded by the simple process of employing a son, or nephew. Earnest endeavours were made to omit the word "agents," it being rightly contended that solicitors were too costly to be employed in large numbers; but the House has a virtuous fit of hostility to bribery, and the committee resolved to retain the exclusion. The case of canvassers and messengers

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is very different. They can be, and in practice are, employed extensively for no real purpose or use, but merely as another form of bribery. The payment of messengers has been grievously abused, and although ingenuity will find means of evasion, this will be attended with some risk, and the practice will be checked though not destroyed. At all events, the prohibition will be a good reason for resistance by candidates to *this* form of corruption. But the solicitors, who are to be disfranchised for the performance of their professional duties, hold quite a different position, and the arguments that weigh so strongly against the rest, are not applicable to them. They should at once petition against the insult that has been put upon them, and use their personal influence with their members individually to aid the petition with their votes. A general election is near, and the request will be prudently complied with.—*Law Times.*

SHAREHOLDERS IN RAILWAY COMPANIES.

From *The Solicitors' Journal.*

No little anxiety appears to have been occasioned by some recent proceedings at Westminster taken by creditors against shareholders of railway companies, an alarm which must, we think, be due to a misapprehension of the duties and liabilities of shareholders, and we desire to point out to the shareholding public the reasons for our conclusion.

The 36th section of the Companies Clauses Consolidation Act, 1845, which is the groundwork of these proceedings, empowers a creditor of any company, in whose private Act that General Act is incorporated, to levy execution against any shareholder, and so raise the amount due if an execution against the property of the company has first been issued, and has failed to produce the desired result.

The first point to be observed is that shareholders in companies which are able to pay their way need lie under no fear of execution being issued against them, for they cannot be touched until the company has been proved to be insolvent. But more than this, the clause in question specially provides that the execution shall only be issued against shareholders to the extent of their shares in the capital of the company not then paid up, and the liability of shareholders in railway companies (which is as clearly a limited liability as that of shareholders in companies under the Act of 1862) is not in anywise interfered with, nor can a shareholder who has once paid up the nominal amount of his shares in full, be thus, or in any other manner, called upon to make any further payment. But the clause provides still further protection. No execution is to issue against a shareholder except on an order of the Court, made upon notice to him, and every shareholder therefore must have an opportunity before execution issued, of arguing his case, and of resisting the claim against him as fully as if he were a defendant in an ordinary action at law. The notice which he must receive would give him an opportunity of applying to the Court of Chancery for an injunction, if the claim, though indefensible at law, were contrary to the rules of equity, and in one of the cases which has occurred within the last few months an injunction was granted by the Vice-Chancellor, Sir William Page Wood, to restrain proceedings against a shareholder who had taken shares on the terms of their being treated as fully paid up. It is to be observed, too, that if by any such proceedings a shareholder is made to pay any sum beyond the amount due from him in respect of calls, the 37th section provides that he shall forthwith be reimbursed such additional sums by the directors out of the funds of the company, so that not only cannot he be made to pay more than the nominal value of his shares, but if the sum recovered is more than the amount called up he is a creditor of the company for the difference.

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

MINES—RIGHT OF LORD OF MANOR.—Where the property in the surface of land is in another person the lord of the manor, having the right to minerals, may not so work a mine as to destroy that surface: (*Wakefield* v. *The Duke of Buccleuch*, 16 L. T. Rep. N. S. 475. V. C. M.)

COMPOSITION-DEEDS—SECT. 192 B. A. 1861.—This section does not sanction deeds which are tainted with fraud, or such as are entered into otherwise than with a *bona fide* view to the benefit of the creditors assenting and non-assenting alike. The statutory power given to a majority to bind a minority must be exercised fairly: (*Ex-parte Cowen, re Cowen*, 16 L. T. Rep. N. S. 469. Chan.)

Where a composition-deed duly executed by the bare requisite majority of the creditors, intimate friends of the debtor, providing a composition much below that which the assets would have sufficed to pay, and it was believed, by some at least of those so executing, that they should be paid in full, or receive payments *ultra* the composition, a non-assenting creditor was allowed to issue execution, the deed notwithstanding: (*Ibid.*)

RAILWAY—PURCHASE OF LAND.—Where a decree for specific performance of a contract for sale had been obtained by a vendor against a railway company, which afterwards became insolvent, he was held to be entitled to a declaration of lien for his unpaid purchase-money: (*Heriot* v. *The London, Chatham, and Dover Railway Company*, 16 L. T. Rep. N. S. 473. V.C.S.)

LIABILITIES OF RAILWAYS.—A railway company is not liable for personal injuries to passengers caused by the breaking down of a carriage through a hidden defect in the manufacture of the tire of a wheel not discoverable by the usual and reasonable mode of examination: (*Redhead* v. *The Midland Railway Company*, 16 L. T. Rep. N. S. 485 Q. B.)

CONTRIBUTORY.—The manager of a company had subscribed the memorandum of association for forty shares. By an agreement sanctioned by the articles, he was to have 250 paid-up shares as soon as the company received £5,000 in respect of shares. When the company had received less than £1,500, 150 shares were allotted to him. This was held not to release him from his obligations upon the forty shares for which he had executed the memorandum: (*Re Bennet*, 16 L. T. Rep. N. S. 475. V.C.W.)

SOLICITOR AND CLIENT.—A firm of country solicitors intrusted W., one of their partners, with the management of their business in London. In the course of this branch of the business certain persons, for the purposes of investment, advanced moneys to W., which were misapplied by him and lost. Subsequently all of the members of the firm, with the exception of G., became insolvent. G. afterwards died, and on his estate being administered, a claim for the first time was made against him in respect of the moneys misapplied by W.: Held, that the claim was good as against G.'s estate: (*Sawyer* v. *Goodwin*, 16 L. T. Rep. N. S. 514. V.C.S.)

TRANSFER OF SHARES.—Company B. agreed to take shares in company C., and they were allotted to D., a nominee of the company, in trust to be afterwards transferred, and a deed of transfer was prepared in blank so far as regarded the names of the transferees and the number of the shares. D., however, refused to execute it unless the name of the company as transferee was inserted, which was done. Then D. executed, and the numbers of the shares were inserted, after which the deed was duly registered; but before this was done a petition was presented for winding-up company C. Company B. was held to be liable as a contributory to company C.; (*Re Barned's Banking Company*, 16 L. T. Rep. N. S. 514. M. R.)

CORRESPONDENCE.

TO THE EDITOR OF "THE IRISH LAW TIMES."

MAGHERAFELT, 28*th June*, 1867.

DEAR SIR,—I beg to call your attention to the present state of the law of *attachment*. Until lately I was under the impression that the judges of the superior courts could fine a witness in £100 for not attending when duly served with a subpœna, and payment or tender of a proper viaticum. In a case in which I have been lately concerned, I found

that this was all fiction, and that, after I had obtained an attachment at a cost of £39, the fees to the Marshal of the Court would come to near £40, to lodge the witness in gaol. No other person would be allowed to execute the attachment. This state of the law should now be brought under the notice of the Attorney-General, and a clause inserted in the new Bill to enable the Judge to fine the witness unless cause shown in a specified time.

Yours,
J. GLOVER.

[We are compelled to hold over until next week the letter of our correspondent Mr. Lowe.]

THE COURTS AND COURT PAPERS.

THE PROVINCIAL COURT OF DUBLIN.

(Before Judge Battersby.)

The Rev. Thomas Mills, A.M., petitioner; the Rev. Herbert Tudor Craig, A.B., respondent.

The petitioner in this cause is the incumbent and perpetual curate of the parish of St. Jude, and the respondent is military chaplain to the chapel in connexion with Richmond Barracks, situate within the parish of the petitioner, and to which he had been lately appointed by the Secretary of State for War. The petition alleged that during the last three or four years the respondent, under pretence of authority derived from an appointment of the then Secretary of State for War to the office of military chaplain to Richmond Barracks, in a building called the military chapel attached to the barracks, officiated on Sundays and other days, performing Divine service according to the usage of the Established Church, from the Book of Common Prayer, to congregations composed of soldiers, and also preached and lectured explanatory of Scriptural doctrines; and that he visited the sick, solemnized marriage, and administered the sacraments. The petitioner had frequently protested against this invasion of his rights by the military chaplain; that he had offered to make provision for doing the duties himself; and that, further, the respondent had no license from the Archbishop of Dublin for officiating in his diocese. In conclusion, the petitioner prayed that the respondent be cited to appear in that court to answer the allegations of the petition, and that he be admonished to refrain for the future from preaching or officiating in the manner complained of.

Counsel for the petitioner, Mr. Samuel Walker, instructed by Mr. Arthur Samuels, proctor; for the respondent, Dr. Elrington, instructed by Mr. Hamerton, Queen's proctor.

Dr. Elrington stated that this cause had been set down for hearing on Tuesday, the 9th of July, and he now moved that the time for answering the allegations in the petition be extended for one week longer from that date, inasmuch as from the number of documents in connexion with the case, and the novelty and difficulty of the question arising in it, it was found impossible for the respondent to file his answer within the time specified by the order of the 25th June last.

Mr. Walker opposed the application for postponement, on the ground that it would cause still further delay. The judge who would try the case would be going on circuit next week, and if it were not brought before him at once there was a probability that it would not then be heard until the next November term. Great inconvenience would arise to his client in consequence of such delay, but if Dr. Elrington would undertake not to put anything into their pleading that would cause a further postponement, or that would throw them into next term, he would consent to an extension of the time.

Dr. Elrington said he would agree to the proposition if the present motion for a postponement were granted.

After some conversation—

The Court ordered, the parties consenting, that the respondent be at liberty to file his answer on or before Thursday next, the 11th inst., he undertaking to file said answer, and furnish a copy thereof same day to the petitioner; and that the petitioner be at liberty to set down the case for hearing on any day after Thursday next, giving one day's previous notice to the respondent, who was to pay the costs of the motion.

The case stands adjourned accordingly.

LANDED ESTATES' COURT.—PETITIONS FILED, *from 6th to 12th July*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
July	3909	Charles Tench Leslie	*Graham Egerton Huddlestone*	Wexford	166 0 0	*William Neilson*	Dobbs
July	3910	William Lane	*Edward T. Stapleton*	Cork	*Not given*	*Edward T. Stapleton*	Lynch
July 11	933A	Charles Count Conestabile, Mary, Countess Conestabile, and Romney Foley	*The Owners—Supplemental petition to appoint trustees*	—	—	*Pierse Kelly*	Dobbs
"	3911	Mathew Knox, senior	*David Johnston*	Tyrone	26 13 2	*Cecil Moore*	Dobbs
"	3912	James Donagh	*Michael Keogh*	Dublin	170 15 5	*Michael K. Cullen*	Lynch
"	3913	Denis Rowley	*Samuel Hemphill*	Queen's County	54 14 9	*Cathcart & Hemphill*	Dobbs
"	3714A	Burton Irwin	*Supplemental petition by the Hon. J W. Stokes and wife, to appoint trustees*	—	—	*Martin & King*	Lynch
July 12	3914	R. Griffin and another, trustees of George Franks, deceased, and wife	*The Owners*	City of Dublin	155 9 9	*F. B. Falkiner*	Lynch
"	3915	Lieut.-Colonel George Browne	*Anna C. Peile*	Dublin	72 0 0	*J. W. Wright & Son*	Dobbs

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LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before JUDGE DOBBS.

Assignees of Edmond Burke, schedule. William Brophy, from 2nd inst. Jane Bashford, Margery Connell, payment. A. Mulhall, allocation. A. Fallon, do. Arthur Chute, schedule. Trustees of Boyle, Son, and Co., do. James Gilman, do. Thomas L. Jones, do. Valentine Aylmer, do.

Before the EXAMINER.

John Burke, proofs. William Rutledge, rental. Elizabeth Carpenter, do. Anthony Fallon, proofs.

Before JUDGE LYNCH.

J. C. Mee, allocation. P. Smyth, do. O. LaTouche, do. Rev. T. G. Smythe and others, do.

Before the EXAMINER.

John Lalor, rental. John Franklin, to vouch. Trustees of Wheatley, do. V. Harte, do. P. J. Murphy, do. R. Doherty, to vouch. William Crawford, do.

Before Mr. URLIN.

Ismenia O'Connor, rental.

Tuesday.—Before JUDGE DOBBS.

John Burke, allocation. John Bingham, from 12th inst. Wexford Embankment Company.

Before Mr. URLIN.

A. Gaffikin, rental.

Wednesday.—Before JUDGE LYNCH.

W. Bottomley, from 10th inst. R. T. Bembury, allocation. Rev. J. N. H. Thomas, as to lodgment of a mortgage. E. Wilson and another, schedule.

Before the EXAMINER.

A. W. White, rental. Lord Valentia, do. James Dowds and another, do. J. Reddan and another, do. H. Jevers, do. Administrator of Classon, do. J. D. Hearne, do.

Thursday.—Before Mr. URLIN.

T. Conolly, proofs.

Friday.—Before the EXAMINER to JUDGE DOBBS.

Samuel and Robert Biggs, rental.

Saturday.—Before JUDGE LYNCH.

James Hunter, final schedule. G. Ross, do. Assignees of Skelton, from 12th inst.

LANDED ESTATES' COURT.

SALES.

July 5th.—Before JUDGE DOBBS.

CITY OF DUBLIN.—Estate of John Tew Armstrong, owner; William Jones Armstrong, petitioner.

House and premises, 15, Lower Dominick-street, held in fee; yearly rent, £12 4s. Sold to Mr. B. F. Hardy for £220. Solicitors, *Nunn and Jones.*

COUNTY OF GALWAY.—Estate of Thomas Sargent and Charles Hay, trustees of the will of Thomas Keogh, deceased, owners and petitioners.

Houses and premises in Main-street, Market-square, and Tea-lane, Ballinasloe, held under leases for lives renewable for ever; estimated value, £200 4s. 3d. Sold to Mr. F. Egar for £1,600. Solicitors, *Kernan and Tracy.*

COUNTY OF MAYO.—Estate of Michael Murphy, Charles Henry James, and Henry Lyons, assignees of the Hon. Greville French, owners and petitioners.

The fee-farm rent of £237 17s. 6½d., issuing out of the lands of Gorteens, containing 370a. 0r. 16p.; also part of the lands of Tobernadarry, containing 182a. 1r. 23p. statute measure; held in fee. Sold to Mr. A. Kyne for £1,960. Solicitor, *Henry C. Stephens.*

Estate of Samuel Bennett Roden Handy, Bennett Richard Fleming Handy, Richard Fleming Handy, Christopher Rebecca Handy, and John Henry Nunn, owners and petitioners.

The lands of Kinnavally, containing 167a. 3r. 10p. statute measure; yearly rent, £11 10s.; and 150a. in owner's hands. Sold to Mr. Findlater, in trust, for £3,205. Solicitors, *Nunn and Jones.*

Estate of John Little and William Little, owners; John Little, petitioner.

The lands of Ballyknock and Sralagagh East, containing 460a. 2r. 15p. plantation measure, held in fee; ordnance valuation, £214 7s. Sold to Colonel Knox Gore for £4,600. Solicitor, *S. C. M'Cormick.*

Estate of Patrick Crean Lynch and his trustee, owners and petitioners.

Lot 1. The life estate of the owner, aged 53 years, in the Clogher demesne and deerpark, containing 409a. 0r. 18p.; ordnance valuation, £159 19s. 1d. Sold to Mr. Thomas Brennan for £1,500.

Lot 2. The life estate in Colfort, &c., containing 273a. 3r. 18p.; net yearly rent, £24 10s. Sold to Mr. Thomas Brennan for £335. Solicitor, *Louis G. O'Neill.*

COUNTY OF FERMANAGH.—Estate of James Credin, owner; *ex parte* the Rev. John G. Porter, petitioner.

House and premises, 32, Darling-street, Enniskillen, held under lease for lives renewable for ever; annual value, £44 0s. 2d.; Griffith's valuation, £42. Sold to Mr. Johnston for £600. Solicitor, *A. Collum.*

CITY OF WATERFORD.—Estate of Michael Doyle; *ex parte* James Thomas Power, deceased, owner; *ex parte* John A. Condon, petitioner.

Lot 1. Dwelling-house, No. 25, Barrow-strand; yearly rent, £60; held for 999 years from 1767, at a pepper-corn yearly rent. Sold to Mr. G. Crowe, in trust, for £740.

Lot 2. Dwelling-house and premises, No. 26, in same street; yearly rent, £40. Sold to Mr. Power, in trust, for £540.

Lot 3. Dwelling-house, No. 27, in same street; yearly rent, £47. Sold to Mr. Howard, in trust, for £510.

Lot 4. Dwelling-house and premises, No. 9, Arundel-lane; yearly rent, £28. Sold to Mr. Howard, in trust, for £330. Solicitor, *P. Kelly.*

COUNTIES OF KILKENNY, CARLOW, AND QUEEN'S COUNTY.—Estate of James Young, owner; Richard Charles Pratt and John Hamilton, petitioners.

Lot 1. The lands of Ballyogan, containing 321a. 3r. 9p.; net annual profit, £126 10s. 2d.; Poor Law valuation, £104 10s.; held in fee-farm. Sold to Mr. Joyce for £2,510.

Lot 2. Houses, &c., in Tullow-street, Carlow; net annual profit, £18 9s. 2d.; Poor Law valuation, £123 5s.; held in fee-farm. Sold to Mr. Byrne for £215.

Lot 4. Houses, &c., in Bridewell-lane, Carlow; net annual profit, £25 17s. 11d.; Poor Law valuation, £36; held by lease for lives renewable for ever. Sold to Mr. Murphy for £280.

Lot 6. Houses, &c., in Montgomery-street, Carlow; net annual profit, £15; held for lives renewable for ever. Sold to Mr. Hickey, in trust for Mr. F. R. Malcomson, for £165. Solicitor, *Alfred H. Middleton.*

COUNTY OF DONEGAL.—Estate of Thomas Conolly, Esq., M.P., owner and petitioner.

The salmon and eel fisheries of Ballyshannon, and all other fisheries within or belonging to the manor; profit rent, £1,099 4s. 7d. Sold to Mr. Charles Campbell, in trust, for £45,250. Solicitor, *Robert Cooper.*

LANDED ESTATES' COURT.

TAXING OFFICE NOTICE.

Costs of proceeding payable under orders of Court (not being against the fund), also Solicitor and Client Costs, will be taxed on the 14th to the 20th day of September inclusive, and one day in every subsequent week during the Vacation.

Costs of Sales will be received now, and during Vacation, and Summonses given for next October.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before Mr. BRADY, Chief Registrar.		
July 15	12 o'clock	Arrangement case	Prove debts	*Goff*
"	"	do.	do.	*Saunders*
"	"	do.	do.	*Kelly*
"	"	Alexander Driscoll Taylor	do.	*Irvine*
"	"	Barry and Rumley	Prove debts and vouch	*Oldham*
"	"	Fleming and Hennessy	do.	*Larkin*
"	"	Arrangement case	do.	*M'Kenny*
"	"	do.	do.	*Campbell*
		Tuesday. Before the COURT.		
July 16	11 o'clock	Hugh Copeland	Final examination	*Larkin*
"	"	Edmond Phelan	do.	*Dobbyn & Tandy*
"	"	Andrew O'Sullivan	Audit and dividend	*Perry*
"	"	William Campbell	do.	*Perry*
"	"	Patrick R. Verlin	Sur., prove debts, and assignee	*Perry*
"	"	John Gass	do.	*M'Court*
"	"	Edward Balfe	do.	*Perry*
"	"	Robert V. Dower,	Final examination	*Molloy & Watson*
"	"	James Burke	Audit and dividend	*Larkin*
"	"	Joseph Reynolds	do.	*Larkin*
"	"	Francis O'Meara	Examine witnesses	*Maxwell & Weldon*
"	"	Patrick Hourigan	Surrender, prove debts, and assignee	*Cleary*
"	"	Arrangement case	First sitting	*Perry*
		Thursday. Before CHIEF REGISTRAR.		
July 18	12 o'clock	Arrangement case	Vouch assignee's account	*Hughes*
		Friday. Before the COURT.		
July 19	11 o'clock	Daniel Joseph Bergin	Final examination	*Casey & Clay*
"	"	J. and R. Callaghan	Composition	*Molloy & Watson*
"	"	do.	Final examination and new assignee	*Molloy & Watson*
"	"	George M'Donald	Surrender, prove debts, and assignee	*M'Govern*
"	"	William Scott	do. do.	*Lynch*
"	"	J. W. Savage	Audit and dividend	*Perry*
"	"	Philip Murphy	do.	*Sheppard*
"	"	Richard Flood	Final examinatiou	*Forsythe*
"	"	John Doyle	Audit mortgagee's account	*Stuart*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE
July 5	North, J. C.	2nd and final dividend 7¼d. in £, making 8s. 7¼d. in £ on £3,439.	*Deering*
July 9	Magrath, George Ponder	3rd dividend 4d. in £, making 1s. 8d. in £ on £12,067.	*Deering*
"	Lyons, Denis	1st and final dividend 2s. 10½d. in £ on £364.	*Deering*
"	Judge, John	2nd and final dividend $\frac{1}{16}$d. in £, making $8\frac{1}{16}$d. in £ on £1,232.	*Deering*
"	O'Toole, Thomas	1st and final dividend 5¾d. in £ on £830.	*Deering*
"	O'Sullivan, Joseph	1st and final dividend 2s. 8¼d. in £ on £590.	*Deering*
"	Magee, Mary	1st dividend 1s in £ on £841.	*Deering*

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TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
July 9	Eyre, Edmond, of Glyn, county of Limerick, hotel-keeper,	W. F. Hungerford, of Cork, merchant,	*Larkin*
,,	Geoghegan, Andrew, of Mountrath, Queen's County, tobacconist,	Mathew O'Farrell, of Thomas-street, Dublin, merchant,	*Fay & M'Gough*
July 12	Dwyer, Thomas, of Tipperary, spirit retailer,	Daniel M'Swiney, of Limerick, merchant,	*Perry*
,,	Humphry, Robert, of Belfast, county Antrim, coal merchant,	John M'Kibbon, of Belfast, county Antrim, merchant,	*Neilson & O'Rourke*

BANKRUPTS.

MacDonald, George, of Nassau-street, city of Dublin, merchant tailor. Petition of bankruptcy filed June 29, 1867. To sur. Friday, 19th July, and Tuesday, 6th August. L. H. Deering, Official Assignee. *M'Govern*, solr.

O'Neill, John, junr., of Dolphin's Barn, county of the city of Dublin, farmer. Petition of bankruptcy filed July 5, 1867. C. H. James, Official Assignee. *Neilson and Son*, solrs.

Scott, William, of the Phœnix Iron Works, Phœnix Docks, Belfast, county of Antrim, engineer and machinist. Petition of bankruptcy filed July 5, 1867. To sur. Friday, 19th July, and Friday, 2nd August. C. H. James, Official Assignee. *Lynch*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
July 15	12 o'clock	John Joseph Sherlock	To prove debts	*Byrne and Lambert*
		Tuesday.		
July 16	12 o'clock	Patrick Lynch	To tax costs	*Irvine*
,,	,,	Mathew Gardiner	To examine witnesses	*Fitzgerald*
,,	,,	John Joseph Sherlock	To vouch mortgagee's account	*Batt*
		Wednesday. Before the COURT.		
July 17	11 o'clock	Patrick Lynch	Audit and dividend	*Dickie*
,,	,,	John Joseph Sherlock	Audit mortgagee's account	*Batt*
,,	,,	William Doyle	Adjourned notice of motion	*Cronhelm and Lett*
,,	,,	John Murphy	Adjourned choice of assignee	*Cronhelm and Lett*
,,	,,	Thomas Weekes	Examination of witness	*Casey and Clay*
,,	,,	Richard Hare Home	Adjourned Hearing of Petition	*Macnally*
,,	,,	Rev. Charles L. Thomas	do.	*Macnally*
,,	,,	Laurence Moylan	do.	*Macnally*
		Thursday. Before the CHIEF CLERK.		
July 18	12 o'clock	William Henry Jackson,	To prove debts	*Casey and Clay*
		Friday. Before the COURT.		
July 19	11 o'clock	———	For Bail Motions only	———
		Saturday. Before the CHIEF CLERK.		
July 20	12 o'clock	John J. Sherlock	To vouch assignee's account	*Byrne and Lambert*
,,	,,	John A. Mons	do.	*Casey and Clay*
,,	,,	John Dillon	do.	*Howe*
,,	,,	William Frazer	do.	*Macnally*

INSOLVENTS DISCHARGED ON BAIL.

Colville, Mary, county Down, grocer.
Courtney, William, county Antrim, grocer.
Quinn, Michael, county Tyrone, provision dealer.
Quinn, Edward, Dublin, grocer's assistant, previously grocer.
Tynan, Hamilton, county Tyrone, grocer.
Westwater, Margaret, Waterford, haberdasher.

CASES DISPOSED OF IN DUBLIN.

Wednesday, July 10.

Before JUDGE MILLER.

Bowyer, Henry Joseph. Adjourned to Wednesday, November 6th, 1867. A provisional allocation at rate of £40 per annum, out of the insolvent's salary, ordered in the meantime.

Coleman, Patrick. Petition of insolvency re-heard. The insolvent is ordered to be apprehended and committed to prison, unless premises mentioned in schedule be given up to the landlord.

Maddock, Joseph. Adjourned to Wednesday, July 24th, 1867.

M'Donnell, Joseph Patrick. Adjourned to Wednesday, November 6th, 1867.

Flynn, Michael. Ditto.

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CASES DISPOSED OF IN THE COUNTRY.

At KILKENNY, June 28,

Before T. DE MOLEYNS, Q.C., Chairman.

Scott, Barnaby, adjourned to next October Sessions, pursuant to consent order.

At WICKLOW, June 28.

Before JAMES W. J. LENDRICK, Q.C., Chairman.

Mooney, Christopher, adjourned to next October Sessions.
O'Neill, Owen, discharged.

At WESTMEATH, co. Mayo, June 29.

Before JOHN HY. RICHARDS, Chairman.

M'Govern, Mary, } discharged.
Tierney, Patrick, }

At MONAGHAN, June 29.

Before JAMES MAJOR, Q.C., Chairman.

Campbell, John, }
Cross, Joseph, } discharged.
Cross, Thomas, }
M'Vittie, John Thomas, }

At TRIM, co. Meath, July 1.

Before ECHLIN MOLYNEUX, Q.C., Chairman.

Aldwell, Michael, } discharged.
Reilly, Christopher, }
Sheridan, William, remanded for one month, from 1st July, 1867.

At TULLAMORE, King's County, July 2.

Before HEWITT P. JELLETT, Q.C., Chairman.

Beauman, James, adjourned to next October Sessions.
Garrett, Anne. } discharged.
Mulrooney, Mary, }

At LIFFORD, co. Donegal, July 3.

Before JAMES GIBSON, Chairman.

Green, Daniel, remanded for three months, from 8th June, 1867.
M'Cay, Andrew, discharged.
Steele, Robert, Petition dismissed.

At LIMERICK, July 3.

Before JOHN LEAHY, Q.C., Chairman.

Ryan, Patrick, adjourned to next October Sessions.
Rynne, Thomas, remanded for six months, from 2nd May, 1867.

At SLIGO, July 4.

Before HARTSTONGE ROBINSON, Chairman.

Heraghty, James, }
Johnston, John, } discharged.
M'Dermott, Patrick, }
O'Connor, Charles, adjourned to next Sessions.

INSOLVENTS.

To be heard in Dublin.

Neagle, Nicholas, of Lower Gloucester-street, Dublin, public accountant, registry agent, and collector of debts. Hearing on Wednesday, July 24, at 11. *Rynd*, solicitor.

Quinn, Edward, of Townsend-street, Dublin, grocer's assistant; previously of same place, grocer and spirit dealer. Hearing on Wednesday, July 31st, at 11. *Magrath*, Solicitor.

To be heard in the Country.

Kerin, Denis, of Drumbane, co. Clare, farmer. Hearing at Ennis, October 16th, at 10. *Molony*, solicitor.

M'Gilton, Thomas, of Ballycopeland, co. Down, farm labourer. Hearing at Downpatrick, October 9th, at 10. *Macnally*, solicitor.

PAUPER DECLARATION FILED

For Discharge of Prisoner, unless Creditor's Petition lodged within 21 Days from date.

JULY 8th.

Thompson, Robert William, detained by James Synnott, a creditor. *Bloomfield*, solicitor.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JULY					
	Sat. 6	Mon. 8	Tues. 9	Wed. 10	Thur 11	Fri. 5
Government						
New 3 p c Stock	92⅞	93	93	93⅛	93⅛	93⅛
3 p c Consols	94⅛	94½	94⅝	94⅝	94⅜	94⅝
Foreign and Colonial.						
India 5 p c Stock	—	110¼	110	110	110⅛	110¼
Joint-Stock Banks.						
Ireland, £100 pd	229	—	230	231	—	—
Hibernian, £25 pd	—	—	—	—	36	—
Munster (Limited.), £8 10s pd ..	—	—	—	4½	—	—
National, £30 pd	64⅛	65	64½	64⅝	65	63¾
National of L'pool (Ltd.), £15 pl	—	—	—	—	—	13
Provincial, £25 pd	—	—	85	—	85	85
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32⅛	32½	32⅝	32⅛	32⅛	32⅛
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	13¾	—	13⅛	13	—	—
Steam.						
British & Irish, £50 pd ..	50	—	—	—	—	50½
City of Dublin, £100 pd ..	100	—	—	—	—	—
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	7	7
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	—
Do., £5 pd B	—	—	6⅛	—	—	—
Do., £4 pd 2 C	—	—	—	—	—	5⅛
Grand Canal, £100 pd	—	47	—	—	47	—
Patriotic Insurance, £10 pd ..	—	—	—	—	—	—
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	75	—	—	75	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	194
Dublin & Drogheda, £100 pd ..	—	—	—	—	—	—
D, W., & W., £100 pd	—	40½	—	—	40½	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	94½	—	95	95⅛	95½	95⅛
Midland Gt. Western, £100 pd ..	—	—	—	56⅛	—	57
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	96	96	—	—	—	96
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun, &c., 6 p c, £25 pd ..	—	—	—	—	—	24⅞
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd. £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3½ per cent., 20th December, 1866.
Of Deposit—1½ per cent., 7th February, 1867.

Name Days—July 15th and July 30th.
Account Days—July 16th and July 31st.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
Rupell Patterson and William Parker, Executors of John Parker, deceased, Petitioners;
Thomas Hugh, Henry Parker, and Bridget Parker, Respondents.

I HEREBY require all Persons claiming to be Creditors or General Legatees of John Parker, late of Silverbridge, in the County of Armagh, Esquire, deceased, on or before the 4th day of AUGUST next, to furnish, in writing, to RUPELL PATTESON, of Dundalk, in the County of Louth; or to WILLIAM PARKER, of Newry, in the County of Down, Executors of said John Parker; or to JOSEPH DICKIE, their Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Claims affecting the Chattels real of the said John Parker, to file same at my Chambers, Inn's-quay, in the City of Dublin, on or before the 4th day of AUGUST, 1867, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1857.

Dated this 4th day of July, 1867.

J. J. MURPHY, Master in Chancery.

JOSEPH DICKIE, Solicitor for the Petitioners, No. 30, South Frederick-street, Dublin; and Dundalk.

IN CHANCERY.

IN LUNACY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

In the Matter of
Daniel Flanagan, a Lunatic;
Exparte,
Michael King, Petitioner.

I HEREBY require all persons claiming to be Creditors, Next of Kin, or Heirs at Law, of Daniel Flanagan, formerly of Dromin, near Broadford, in the County of Clare, and late of the Lucan Lunatic Asylum, in the County of Dublin, deceased, on or before the 20th day of SEPTEMBER next, to furnish, in writing, to MICHAEL KING, of Broadford, in the County of Clare, Shopkeeper, the Petitioner in this Matter; or to JOHN FROST, of 11, Lower Dominick-street, in the City of Dublin, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having claims affecting the real and freehold estate of the said Daniel Flanagan, the Lunatic in this matter, to file same, at my Chambers, Inn's quay, in the City of Dublin, on or before the 20th day of September next, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1867.

Dated this 4th day of July, 1867.

WM. BROOKE, Master in Chancery.

JOHN FROST, Solicitor for the Petitioner, No. 11, Lower Dominick-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
George M'Donald, of Nassau-street, in the City of Dublin, Merchant Tailor, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 19th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 5th day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

THOMAS M'GOVERN, Agent to the Bankruptcy, No. 54, Dame-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Daniel J. Bergin, of No. 11 and 12, Inn's-quay, in the City of Dublin, Hotel-keeper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 19th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 5th day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

CASEY & CLAY, Agents to the Bankruptcy, No. 21, St. Andrew-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Andrew Geoghegan, of Mountrath, in the Queen's County, Tobacconist, Baker, and Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 23rd day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 9th day of July, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

FAY & M'GOUGH, Agents to the Bankruptcy, No. 8, Inn's-quay, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 25.] SATURDAY, JULY 20, 1867. {Single Copy, 6d. By Post, 7d.

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THE IRISH LAW TIMES.

DUBLIN, JULY 20, 1867.

IT must be admitted that, during the present Session, Ireland has received a considerable share of the attention of the Legislature. From the Irish Chancery Regulation Act, down to the Dogs' Regulation Act, no measure of reform seemed too great or too insignificant for the special consideration of the collective wisdom of our representatives. It seems, however, that the Attorneys and Solicitors alone have failed to make their complaints heard, and to enlist the favourable attention of the faithful Commons, for the redress of a state of things under which they feel themselves so seriously aggrieved.

In matters of purely legal reform, the process of assimilation has been carried out to an extent, and with a rapidity, which is perfectly astounding. The Chancery Bill will come into operation in November. The Common Law Bill is deferred but for a short time, and the new Admiralty Bill is passing rapidly through Committee. This Admiralty Bill, of which we have given an abstract in our last and present numbers, is, so far as we can see, an embodiment of the several existing English statutes regulating the procedure and practice of the English Court of Admiralty, *mutatis mutandis.* The present Judge of the Court and official staff have been unceremoniously sent adrift by the 5th section of the Act. There is, to be sure, a subsequent provision, that in case the present Judge be not appointed to the office of Judge of the new Court, he shall be entitled to receive, by way of compensation, during his life, an annuity equal to his salary at the commencement of this Act.

All Barristers-at-Law, and all Attorneys-at-Law, and Solicitors, will be entitled to practise in all matters and causes whatever in the new Court. If the new Act opens as wide and profitable a field for the profession in general, as the Probate Act did, there will be no ground for complaint, unless, indeed, on the part of the six Proctors, whose fees and emoluments may be damaged beyond the power of a lump sum of money, or an annual payment for life, to console them for their loss.

It is gratifying now to find that the scheme formerly conceived of amalgamating the two Courts, as provided for in the Probate Act of 1857, and compelling the Judge of the Probate Court to do duty over the dead to-day, and go to sea to-morrow, has now been wholly abandoned; and the present eminent Judge of that Court will be still allowed to bestow the undivided atten-

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tion of his acute mind on the difficult and all-important questions with which his jurisdiction is conversant.

The Sessional Attorneys too, in certain districts, will have a fresh and important accession to their duties; the Chairmen of Quarter Sessions and the Recorders of Borough Courts being invested with jurisdiction in Admiralty causes, as they shall be specially appointed for that purpose by the Lord Lieutenant. Remuneration will be given to Recorders and Chairmen for the additional duties which may be thus thrown upon them.

Part II. regulates the jurisdiction of the Court, and, subject to the provisions of "The Merchant Shipping Act, 1854," and "The Merchant Shipping Amendment Act, 1862," it will have power to decide upon all claims whatsoever relating to salvage, and to enforce the payment thereof, whether the service, in respect of which salvage is claimed, was performed on the high seas or within the body of any country, or partly in one place and partly in another; and whether the wreck is found at sea or cast upon the land, or partly in the sea and partly on land. There is a like jurisdiction in respect of all claims and demands in the nature of towage, and damage received or done by any ship, and claims for the building, equipping, and repairing of any ship. So, also, questions as to necessaries and of ownership, and claims for wages will come within the jurisdiction of the new Court, with increased powers for enforcing the orders of the Court. There are other important powers conferred by this statute in different matters, which the law, as it hitherto existed in this country, was not adequate to entertain, so as fully to satisfy the requirements of justice.

Whaley v. Massereene and others, or now correctly known as Whaley v. Carlisle and others, was called on in the House of Lords on Tuesday, when the Lord Chancellor delivered judgment, in which the other learned Law Lords present concurred We refer our readers to the report which appears in another column. We allude to this cause, as it is one that has long been in litigation. It is an action of *Quare Impedit*, brought by Richard William Whaley against the late Lord Massereene and others, to try the right of the plaintiff to the advowson of the Rectory of the Church of Killead, county Antrim, to which the plaintiff claimed to be entitled. The first trial of the case took place before Baron Hughes, at the Summer Assizes for the county Antrim, in 1861. Since then, however, the case has been litigated, and passed from the Common Pleas to the Court of Exchequer Chamber, and finally to the House of Lords, where judgment has just been given.

The Lord Chancellor, however, as the report states, "severely animadverted on the repeated trials after error was brought, notice of which, he was of opinion, should have operated as a *stet processus*." The action of *Quare Impedit* is of very ancient origin, and is one of the very few forms of action not abolished by the Common Law Procedure Act. And we believe the case now before us is the only "Quare Impedit" that has occupied the attention of the Court of Common Pleas for a very great number of years. It would, however, appear that a defect exists in the administration of the law of error when issues in fact and issues in law have been decided, and judgments obtained in the court below, in one party being permitted to obtain an order for a new trial, when the other party has an appeal on a writ of error to the House of Lords, actually pending as to the judgment obtained on the issues in law. The proceedings in this case appear the more remarkable, as no less than three or four new trials were actually permitted, and the verdicts in each set aside in their turn, new writs of *venire de novo* being granted, pending proceedings in error in the House of Lords, on one of the early judgments, the Lord Chancellor, when delivering judgment, distinctly stating that the proceedings in error in the House of Lords should have had the effect of a *stet processus* to the proceedings in the court below. The state of the law which allows of this abuse should be attended to when the Bill to amend the Practice and Procedure of the Courts of Common Law in Ireland, is again introduced before Parliament, and, if necessary, such clauses added as will have the effect of preventing a repetition of such a case as Whaley v. Carlisle.

The Courts of Law Officers' Bill (Ireland) has passed through its several stages in the House of Commons, and will, possibly, ere the next week is gone, have become law. Taking the measure in its entirety, we believe it will prove a fair one, and calculated to very much benefit those gentlemen who may be selected to form the new establishments of the Common Law and Equity Courts. It is whispered that the Bill is likely to meet with opposition in the Lords. But if such be the case, we presume it can only be to the Patronage Clauses that any hostility is to be shown. The Chiefs of the Common Law Courts look to have the sole patronage, while the Bill confers on the several Benches the power of appointment when future vacancies shall occur in the junior clerkships. The Puisne Judges seek to have the clause confirmed which empowers them, in common with their Chiefs, to make appointments, and so far it has been supported, backed by the influence of the Attorney-General. We conceive that vesting the patronage in the four Judges of each Court is attended with safety, and that it will ensure to the public useful and competent servants. We would, however, suggest that the system of *competitive* examination should be extended to the establishments of the Courts of Common Law and Equity in Ireland; and that each Judge should have the power of nominating a candidate whenever a vacancy shall occur in the junior clerkships of any Court The Chief Judge might be given the privilege of two nominations, and by that means five competitors would be named, and he who best stood the test should be appointed; thereby assuring to the public and the profession a competent and properly educated official, and at the same time, one in whom the Judges could repose every confidence.

The Bill introduced by the Attorney-General to Amend the Pleading, Practice, and Procedure of the Courts of Common Law in Ireland, was withdrawn on Monday evening last. It had received the second reading in the House of Commons, and stood for Committee; but the order of the day was discharged, and another year must now elapse before the Common Law Practice of this country is assimilated to that of England. It is, perhaps, well on the whole that such is the case, as the change in the Equity Practice, and the creation of a Vice-Chancellor's Court, effected by the "Chancery Act, 1867," will give the profession ample occupation in mastering its details, so that when the Bill relating

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to the practice of the Law Courts becomes law, which it most probably will next Session, both branches of the profession will be prepared to give its clauses that undivided attention which a voluminous measure of the kind requires.

THE INCORPORATED LAW SOCIETY.

A meeting of attorneys and solicitors was held on Monday last in the Solicitors' Hall, Four Courts, for the purpose of presenting an address to Mr. Orpen, President of the Incorporated Law Society, upon the occasion of inaugurating his portrait. The Chair was occupied by Mr. ARTHUR BARLOW, Vice-President.

Although a more inconvenient time could scarcely have been selected for the meeting, and although no notice of the intention to hold it had been given to the Profession, save an intimation in the morning papers, published on Saturday, we were glad to find that many were enabled to be present.

We are confident that had a notification of the proposed meeting been given in due time to the Profession at large, or even to the subscribers to the testimonial, there are very few who would not, at any personal inconvenience, have attended to do honour to one so thoroughly and universally esteemed as Mr. Orpen.

Amongst those present were:

Messrs. Macrory, P. Joseph Kelly, Foley, Merrick, W. P. Fletcher, A. Collum, S. Walker, W. J. Cooper, Robert Johnston, Wm. D'Alton, Bond, Wm. Johnston, W. W. Dwyer, Palles, Weldon, Ponclue, Lord, G. D. Fottrell, R. Macnamara, Geoghegan, Morrogh, Beamish, Reeves, Daly, Roche, J. E. O'Ferrall, L. Mooney, H. T. Dix, &c.

The portrait was unveiled shortly after three o'clock by Messrs. Gibson and Roche, members of the committee. It is hung at the upper end of the hall, immediately behind the president's chair, and between the portraits of the late Mr. Goddard and the late Mr. Meade, former presidents of the society. The picture, which was executed by Mr. Catterson Smith, R.H.A., is one of his finest efforts in portrait painting. The frame is handsomely gilt, and is the work of Mr. Cranfield, of Grafton-street.

Mr. Goddard (Secretary), read letters of apology from the Lord Mayor and Mr. Alexander D. Kennedy, both of whom were unable to be present.

Mr. Barlow then read the address, which was as follows:—

Sir—Your professional brethren being desirous of expressing their feelings of respect for your public character, and esteem for your private worth, and of showing their appreciation of your untiring exertions on all occasions during the many years you have filled the distinguished and honourable office of President of the Society, to advance the interests of their profession, and elevate its status; and your brethren being at the same time anxious to preserve amongst them a life-like resemblance of your person, so dear to all, they engaged an eminent artist to paint your portrait. To inaugurate that picture and place it in their hall, amongst those of your predecessors, they have now met. Small though this tribute be in comparison with the sentiments of which it is the symbol, they feel assured you will accept it in the spirit in which it is proffered by them. They earnestly hope that you may be long spared to preside over their body, esteemed, respected, and honoured by all, and a bright example to the future members of their profession.

Mr. Orpen returned the following reply:—Gentlemen, it is with no ordinary feelings that I have received the address which you, on behalf of the members of our profession, have presented to me. That I have acquired the friendship and esteem of my professional brethren is to me a source of the greatest pleasure. You have kindly alluded to my endeavours, while filling the office of President of the Incorporated Law Society, to advance the interests of our profession, and to place it in that social position which it is entitled to hold; but all such endeavours on my part would have been unavailing if I had not been so efficiently aided by the vice-presidents and council of our society and other members of our body. We have now, after a struggle during several years, succeeded in obtaining self-government for our profession, and we have established a system of literary and professional education, which I trust will tend to cultivate the minds and expand the intellects of those young gentlemen who seek to become attorneys. I acknowledge with gratitude the honour you have conferred upon me in placing my portrait in your hall amongst those of my lamented predecessors. You express a hope that I may be long spared to preside over your body. This I cannot, at this very advanced period of my life, expect, but while permitted to do so it shall always be my anxious desire to promote the true interests of our profession and to assert its social rights.

The proceedings then terminated.

ADMIRALTY COURT (IRELAND) BILL.

A Bill to Extend the Jurisdiction, alter and amend the Procedure and Practice, and to Regulate the Establishment of the Court of Admiralty in Ireland. (Prepared and brought in by Mr. Attorney-General and Lord Naas).

The following is an abstract of the clauses of this Bill.

(Continued from our last.)

PART II.—JURISDICTION OF THE COURT.

29. Subject to the provisions of "The Merchant Shipping Act, 1854," and "The Merchant Shipping Amendment Act, 1862," the Court of Admiralty shall have jurisdiction to decide upon all claims whatsoever relating to salvage, and to enforce the payment thereof, whether the service in respect of which salvage is claimed were performed upon the high seas or within the body of any county, or partly in the one place and partly in the other, and whether the wreck is found at sea or cast upon the land, or partly in the sea and partly on the land.

30. Court shall have jurisdiction to decide all claims and demands in the nature of towage, and to enforce the payment thereof, whether such towage was performed within the body of a county or upon the high seas.

31. Court shall have jurisdiction over any claims for damage received or done by any ship, whether within the body of a county or not.

32. Court shall have jurisdiction over any claim for the building, equipping, or repairing of any ship.

33. Court shall have jurisdiction over any claim for necessaries supplied to any ship elsewhere than in the port to which the ship belongs.

34. Court shall have jurisdiction to decide all questions arising between the co-owners or any of them touching the title or the ownership, possession, employment, and earnings of any ship registered at any port in Ireland, or any share thereof, and may settle all accounts outstanding and unsettled between the parties in relation thereto, and may direct the said ship or any share thereof to be sold, &c.

35. Court shall have jurisdiction over any claim by a seaman of any ship for wages earned by him on board the ship, and also over any claim by the master of any ship for wages earned by him on board the ship, and for disbursements made by him on account of the ship.

36. Court shall have jurisdiction over any claim in respect of any mortgage duly registered according to the provisions of "The Merchant Shipping Act, 1854," whether the ship or the proceeds thereof be under arrest of the said Court or not.

37. Court shall have the same powers over any British ship, or any share therein, as are conferred upon the High Court of Chancery in Ireland by the sixty-second, sixty-third, sixty-fourth, and sixty-fifth sections of "The Merchant Shipping Act, 1854."

38. Court shall have the same powers as are conferred upon the High Court of Chancery in Ireland by the ninth part of the "Merchant Shipping Act, 1854."

39. Court shall have jurisdiction over any claim arising on any charter party, bill of lading, or other contract respecting the use or hire of any ship, or the carriage of goods therein, as between the immediate parties to such

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contract, or as between the owner of the ship and any person claiming through or under any such party, and over any claim relating to freight, insurance, demurrage, &c., and generally over any claim of a civil and maritime nature relating to any ship or the goods carried therein.

40. Where agreement for a reference for adjustment of losses and expenses in respect of general average entered into, any party to the agreement may file an attested copy.

41. On filing such agreement the court in which it is filed shall have jurisdiction to entertain any application of any party to the agreement, or of the referee thereunder, respecting the execution of any of the provisions of the agreement, or respecting any of the rights, &c., of the parties thereto, or any of them; and on any such application, as far as appears to the Court requisite for disposing of such application, but not further or otherwise, the Court may proceed and direct and authorise proceedings with respect to the issuing of processes and summoning and examination of witnesses, and in other respects, as if suit of Admiralty cause had been regularly instituted in the Court, and may make orders concerning the subject of the application and costs of it as seem just; and every such order shall have the effect and consequence of an order of the Court in a suit or admiralty cause regularly instituted.

42. The jurisdiction conferred by this act may be exercised either by proceedings *in rem* or by proceedings *in personam.*

43. General orders shall be from time to time made under this act for the purposes in this act directed, and for regulating the practice and procedure of the High Court of Admiralty, and of the local courts, and the forms of writs, warrants, summonses, processes, and proceedings therein or issuing therefrom, and the duties of the judges and officers thereof, and the fees to be taken therein.

44. General orders under this act shall be made by the Lord Chancellor, with the advice and assistance of the Judge of the Court of Admiralty, and as far as they relate to fees, or receipt and expenditure of and accounting for money, with the approval of the Commissioners of her Majesty's Treasury.

45. The Judge of the Court of Admiralty shall have all such powers as are possessed by any of the superior courts of common law in Ireland, or any judge thereof, to compel either party in any cause or matter to answer interrogatories, and to enforce the production, inspection, and delivery of copies of any document in his possession or power.

46. Gaolers to receive prisoners committed by Court of Admiralty.

47. Prisoners in contempt may be discharged.

48. The judge and registrar to have same power as to arbitration as judges and masters at common law.

49. The Registrar of the Court of Admiralty shall have the same powers under the fifteenth section of the Merchant Shipping Act, 1854, as are by the said section conferred on the Masters of her Majesty's Court of Queen's Bench in England and Ireland.

50. The registrar to have power to administer oaths.

51. Limitation of maritime liens.

52. The party at whose instance any property is arrested under a warrant of the High Court of Admiralty shall be liable to be condemned in all costs and expenses occasioned thereby, and in damages for the detention of the property, unless he shows to the satisfaction of the Court that he could not, without such arrest, have obtained bail or other security, or had otherwise good and sufficient reason for having caused the issue and execution of the warrant of arrest.

PART III.—PRACTICE AND PROCEDURE.

1.—PAYMENT OF MONEY INTO COURT, ETC.

53. Money payable into court to be lodged in the Bank of Ireland.

2.—EVIDENCE.

54. The rules of evidence observed in the courts of common law shall be observed in the trial of all matters and facts in the Court of Admiralty.

55. In any cause depending in the court, the court may summon before it and examine, or cause to be examined, witnesses by word of mouth; and either before or after examination, by deposition or before a commissioner, as hereafter mentioned; and notes of such evidence shall be taken down in writing by the judge or registrar, or by such other person or persons, and in such manner as the judge of the said court shall direct.

56. Evidence may be taken *viva voce* before a commissioner.

57. The attendance of witnesses and the production of books, &c., may be compelled by subpœna.

58. The Judge of Admiralty may appoint solicitors, &c., to administer oaths, &c.

59. The fiat or document by which any such commissioner shall be appointed shall bear a stamp of one pound, and it shall not be necessary that any such appointment shall be published in the *Dublin Gazette.*

60. Personal answers may be taken without a commission.

61. All answers, affidavits, &c., may be taken in Ireland before any commissioner appointed as aforesaid, or before any commissioner to administer oaths in Chancery.

62. Answers, affidavits, &c., how to be sworn and taken out of Ireland.

63. Penalties for false swearing.

64. Penalty for forging signature or seal of judge, &c., empowered to administer oaths under this act.

65. Power of judge to issue commissions as heretofore, to administer oaths, &c.

3.—ISSUES AND NEW TRIALS.

66. In any contested cause depending in said court, the court shall have power to direct a trial by jury of any issue on any question of fact, and the substance and form of such issue or issues shall be specified by the judge at the time of directing the same; and if the parties differ in drawing such issue or issues, it shall be referred to the judge to settle the same, and such trial shall be held before the judge himself, or before some judge of assize at Nisi Prius.

67. Costs of issues in discretion of court.

68. Power to direct new trials.

69. The granting or refusing to grant an issue, or a new trial of any such issue, may be matter of appeal to the Court of Appeal in Chancery in Ireland.

70. The record of the issue to be lodged with the registrar.

71. Any party in court may apply for an order for inspection by jurors.

72. Any party in a cause may call on any other party, by notice in writing, to admit any document, saving all just exceptions; and in case of refusal or neglect, the costs of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the cause may be, unless at the trial the judge shall testify that the refusal to admit was reasonable.

73. Power of the court, when personal service of citation has not been effected, to order parties to proceed.

74. The service, in any part of the United Kingdom, of any writ of *subpœna ad testificandum* or *subpœna duces tecum*, issued under seal of the Court of Admiralty, shall be as effectual as if the same had been served in Ireland.

75. Decrees and orders of the Court of Admiralty to have the effect of judgments at common law.

4.—OTHER BRANCHES OF PRACTICE AND PROCEDURE.

76. As to claims to goods taken in execution.

77. As to the hearing of causes and cross causes.

5.—ASSESSORS.

78. List of assessors.

PART IV.—JURISDICTION OF LOCAL COURTS.

79. The local courts shall, in the cases following, have all the like civil and maritime jurisdiction (with all powers and authorities relative thereto) as for the time being belongs to the Court of Admiralty (otherwise than by way of appeal)—that is to say,

(1.) Where the amount or value of the money or thing in dispute does not exceed two hundred pounds.

(2.) Where the amount or value of the money or thing in dispute exceeds two hundred pounds, but the parties agree by a memorandum signed by them, or by their attorneys or agents, that a local court or courts specified in the memorandum shall have jurisdiction.

(3.) Where this act provides for the retention or prosecution of a cause in a local court.

A cause in which jurisdiction is by this act given to the local courts is in this act referred to as an Admiralty cause

80. Subject to general orders, proceedings in an Admiralty cause in a local court shall be commenced as follows :—

(1.) In the local court within the jurisdiction whereof the ship or goods to which the cause relates is or are at the commencement of the proceedings.

(2.) If the foregoing rule is not applicable, then in the local court in the district whereof an action should or might be commenced under the ordinary jurisdiction of the court.

(3.) In any case in the local court, or one of the local courts, which the parties by a memorandum signed by them, or by their attorneys or agents, agree shall have jurisdiction.

81. The court, on motion by any party to an Admiralty cause pending in a local court, may, if he thinks fit (with or without service and hearing of a summons to the other party, as he thinks fit), transfer the cause to the Court of Admiralty, on such terms (if any) as to security for costs or other things as the court thinks fit.

82. Transfer by order of county court.

83. Transfer to other local court or Court of Admiralty.

84. Costs of proceedings in Court of Admiralty.

85. Powers and authorities of judges of local courts.

86. The marshal, &c., to act for local courts.

87. A scale of costs and charges in Admiralty causes in the local courts shall be prescribed by general order.

88. For the execution of any decree or order of a local court in an Admiralty cause the court may order, and the Clerk of the Peace on such order may issue, and any officer of the said court may execute, any writ or warrant of arrest, possession, or execution, or other process.

89. Appointment of special courts of quarter sessions for Admiralty jurisdiction.

90. The recorders of the boroughs of Cork and Belfast shall respectively be paid, as remuneration for additional duty, by virtue of this act, such annual or other sum as the Lord Lieutenant, with consent of the Commissioners of the Treasury, shall think fit, out of money provided by Parliament.

91. When, under any such Order in Council as aforesaid, jurisdiction in Admiralty causes shall be given to any recorder of a borough or chairman of a county, such recorder or chairman shall be paid as remuneration such annual or other sum as the Lord Lieutenant, with consent of the Commissioners of the Treasury, shall think fit, out of money provided by Parliament.

92. Appeal from County Court to the Court of Admiralty.

93. Time for appeal from County Court.

94. Agreement not to appeal.

95. Appeal to the Court of Delegates abolished.

96. Appeal given to Court of Appeal in Chancery and Privy Council.

97. Powers and jurisdiction of the Court of Appeal.

98. Power to the Court of Appeal in Chancery to make rules.

99. Power to the Court of Appeal in Chancery to call in nautical assessors.

100. Evidence in the Court of Appeal in Chancery may be taken *viva voce*, or upon written depositions.

101. Court of Appeal in Chancery may order any particular witness to be examined, and as to any particular facts, and may remit the cause for rehearing.

102. Witnesses to be examined on oath, and to be liable to punishment for perjury.

103. Court of Appeal in Chancery may direct an issue to try any fact.

104. Court of Appeal in Chancery may direct depositions to be read at trial of the issue.

105. May make such orders as to admission of evidence as are made by Court of Chancery.

106. And may direct new trials of issues.

107. Powers, &c., of 13 Geo. III., c. 63, and 1 Wm. IV, c. 22, to examination of witnesses extended to Court in Chancery.

108. Costs to be in the discretion of Court of Appeal in Chancery.

109. Attendance of witnesses and production of papers may be enforced by subpœna.

110. The Privy Council empowered to determine appeals under this act.

111. Bail given in the Court of Admiralty good in the Court of Appeal.

112. Certified notes of evidence may be admitted on Appeal.

113. Notes of evidence on appeals to Court of Appeal in Chancery to be certified to the Privy Council.

114. Appeal from an order, &c., of the court made on an appeal to it.

115. Costs of appeal.

116. Limit of time for all appeals from Court of Admiralty.

117. The Lord Chancellor may, with consent of the Treasury, vary, alter, or abolish fees.

118. From commencement of act, judge, registrar, &c., not to receive fees on their own account.

119. From commencement of act, fees to be collected by stamps.

120. Such fees to be stamp duties.

121. Stamps to be impressed or adhesive, as the Treasury shall direct.

122. The Treasury, with concurrence of judge, may make rules regulating the use of stamps and cancellation of adhesive stamps.

123. No document to be received or used unless stamped.

124. Officers guilty of fraud or wilful neglect in relation to stamps liable to be dismissed.

125. Compensation to the Registrar of the Court of Delegates.

126. Compensation to proctors.

127. Compensation to proctors in partnership.

128. Except, as is hereinbefore expressly provided, the several retiring pensions and compensations granted by this act shall be paid by the Commissioners of Her Majesty's Treasury out of such funds as may be provided by Parliament for that purpose.

129. This act shall apply to Ireland only.

THE HABITS OF NEWLY-MADE JUDGES.

The *Pall Mall Gazette*, in an article entitled "Judges and Counsel," has commented upon the habits which are apt to characterize the initiatory proceedings of a newly-made judge, and its remarks are for the most part very sensible. The main argument of the article is directed against judges who take the business out of the hands of counsel. "It is hardly to be expected," says the *Gazette*, "that the man who has passed twenty or more years in making his fortune out of his wits, his plausibility and his confidence can, at a moment's notice, be translated into the calm judicial being who is the ideal of a dispenser of justice. The force of habit is strong, and if the new judge ever and anon forgets his real position, and takes to interrogating and cross-interrogating witnesses, and conducting one side instead of deciding on the whole of a case, it is not to be wondered at. At the same time the evils of such a course of proceeding are so great that they must be checked at the outset." We entirely concur in these observations. Within our own recent experience we have seen a chief take the case completely out of the hands of counsel, and as effectively talk the case on one side out of court, as if he had gagged counsel and turned them out of doors. But we do not concur in the importance of "checking" this system, simply because the system cures itself. A little time is all that is required. The new judge learns the quiet judicial habits of his colleagues, and rapidly acquires the dignified ease with which they discharge their judicial duties. The inconvenience is only temporary, and we are not quite sure that it is not useful as an occasional corrective of the overweening confidence of counsel of long standing.

Collaterally our contemporary speaks of the advisability of having, were it possible, an intermediate state. This is obviously impossible, and we are not at all clear that any intermediate training would be of use. A barrister of standing has numerous judicial functions to discharge before he gets to the Bench. He sits as arbitrator, and his award is final if good in point of law. He is entrusted, moreover, in ordinary cases in court with a large discretion, and is frequently called upon to exercise considerable moral courage. All these things prepare him for the fulfilment of judicial duties, and the evil effects of a career of advocacy are soon mitigated by the growth of the higher judicial acultics.—*Law Times.*

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by Edmond T. Bewley, Esq., Barrister-at-law.

M'Cormick *v.* Grogan.

June 28, 29; July 9.—*Will—Letter accompanying—Trust—Discretionary Power of Trustee.*

This was an appeal from a decretal order of Lord Chancellor Blackburne, dated the 26th of November, 1866, whereby it was declared that a certain letter written by the late Mr. Abraham Walter Craig to the respondent, Mr. William Grogan, and enclosed in the same envelope with Mr. Craig's will, was binding on Mr. Grogan, and was an effectual declaration of trust of the property therein mentioned; and that the annuity of £10 per annum, directed by the said letter to be paid to the petitioner, James M'Cormick, was well charged on the real freehold and personal estate of the said testator.

It appeared that on the day of Mr. Craig's death, he sent for Mr. Grogan, who was an intimate friend of his, and informed him that he had made a will, leaving all to him, and that a letter would be found with the will in the testator's desk. By this will all the testator's property was left absolutely to Mr. Grogan. The letter accompanying the will was addressed to Mr. Grogan; and by it the testator, after stating that to prevent litigation and quarrelling, he had thought it best to invest the whole of his property in Mr. Grogan's hand, knowing that he would carry out the testator's intentions to the best of his ability, proceeded to make a number of pecuniary gifts (including an annuity of £10 per annum to James M'Cormick), and stated that after arranging for the due payment of these in whatever manner Mr. Grogan thought best, he wished the remainder of his property to go to Mr. Grogan and the testator's brothers in equal proportions. The letter also contained a statement that the testator did not wish Mr. Grogan to act strictly to these instructions, but left it entirely to his own good judgment to do as he thought the testator would do, if living, and as the parties were deserving; adding that, as it was not the testator's wish that Mr. Grogan should say anything about this document, no fault could be found with him, by any of the parties, if he should not act in strict accordance with it. There were also other expressions in the letter showing that a very large discretion was given to Mr. Grogan

Ball, Q.C., *May*, Q.C., *Harrison*, Q.C., and *Porter*, for the appellant.

Sullivan, Q.C., *Law*, Q.C., and *Bruce*, for the respondent.

The Court reversed the decision of Lord Chancellor Blackburne, holding that under the provisions of the letter there was no trust in favour of James M'Cormick that could be enforced in a Court of Equity.

Solicitors for the appellant, *L'Estrange* and *Brett*.

Solicitors for the respondent, *Buckley* and *Smith*.

ROLLS COURT.

Reported by Edward S. Trevor, Esq., Barrister-at-law.

Kelly *v.* French.

June 5.—*In re the Poor Law Commissioners of Ireland in relation to the Ballinrobe Union Workhouse, and the Acts 7, Geo. IV., c. 74; and 1 & 2 Vic., c. 56.*

In 1845 the Poor Law Commissioners took the site of the Ballinrobe Union Workhouse, and lodged the purchase money in Court under the 7 Geo. IV., c. 74 (Prison's Act), the parties then entitled to the lands being tenants for life. A petition was now presented by Mr. C. H. Knox, who was entitled to the money absolutely, to draw it out of Court. It also prayed that the Poor Law Commissioners should pay the costs of the petition. The 7 Geo. IV., c. 74, did not provide expressly for the payment of the costs, but the 32nd section empowered the Court to order distribution of the money, or payment of the dividends, "and to make such other order in the premises as to the Court shall seem meet."

W. C. King, for the petitioner, contended that he was entitled to the costs on the authority of *Ex parte Marshall in re the Great Western Railway Company* (4 Railw. Ca. 58); *In re the North Midland Railway Company* (5 Railw. Ca. 700).

Monahan, for the Poor Law Commissioners, contended that the Court had no jurisdiction to give the costs.

The Master of the Rolls made an order giving the costs to the petitioners.

Solicitors for the petitioners, *Read* and *Crawford*.

For the Poor Law Commissioners, *Geale* and *Dwyer*.

COURT OF QUEEN'S BENCH.

Reported by Wm. Woodlock, Esq., Barrister-at-law.

Hibbert *v.* Cunningham.

June 17, 29.—*Bill of Exchange—Trust Deed under English Bankruptcy Act*, 1861.

This was a motion to show cause against a conditional order to change the verdict had for the plaintiff into a verdict for the defendant, pursuant to leave reserved.

The action was brought by indorsee against drawer upon a bill of exchange drawn by the defendant upon one Smart, and indorsed to the plaintiff. The defence raised, by amendment upon the trial, was upon equitable grounds, that by a deed of the 7th August, 1865, made under the provisions of the English Bankruptcy Act of 1861, between Smart, of the first part, John Corry and others, of the second part, and several creditors of Smart, of the third part. All the property of Smart was conveyed to the parties of the second part upon trust, to sell and distribute the proceeds amongst the creditors. This deed contained a proviso that the creditors should be at liberty to sue sureties. The bill was not due until the 13th September, 1865, and was therefore current at the date of the deed. Hibbert had realized nothing under it. For the defendant it was argued that he was a surety only for Smart, the principal debtor, and that the effect of the deed was to discharge him from his liability.

Palles, Q.C., and *Byrne*, for the plaintiff.

William M. Johnson, for the defendant.

The Court discharged the conditional order.

LANDED ESTATES' COURT.

Reported by J. Field Johnston, Esq., Barrister-at-law.

Coram, Dobbs, J.

In the Matter of the Estate of James Birch Kennedy and his Trustees, Owners and Petitioners.

June 13, 15; July 8.—*Bankers' Act—33 Geo. II., c. 14 (Ir.)—Meaning of Banker within the Bankers' Act—Meaning of Creditor.*

The contention in this case was between the trustees of a deed of 27th August, 1866, to which three-fifths of

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the creditors of J. B. Kennedy were parties, and Messrs. Brunker and Peebles, Q.C., who claimed to be paid the entire amount due to them in priority to the general creditors of Kennedy. Their joint demand was for £700 on foot of a judgment obtained by them as trustees of Mr. Kennedy's marriage settlement, and registered as a mortgage against the lands sold in this matter; and Mr. Peebles further claimed £700, such sum having been advanced by him to Kennedy in May, 1859, upon the deposit of the title deed of the lands of Clarwarrahan, with a verbal agreement, and without any contemporaneous writing. It was alleged that a few days afterwards Kennedy, at the request of Peebles, gave him a memorandum in his own handwriting, and signed by him, acknowledging the loan of £700.

Vivâ voce evidence was given as to the nature of the business carried on by Kennedy, and a number of affidavits upon this part of the case was read to the Court during the argument.

Rogers, Q.C., and *Kernan*, Q.C., with them *Martin*, for the trustees, contended—1. That the Bankers' Act, 33 Geo. II., c. 14, was still in operation; 2. That Kennedy was a banker within the meaning of that statute, although the bank he kept was one of discount and deposit only, and not a bank of issue, and therefore, 3. That both the judgment mortgage and the equitable mortgage were void, as against his general creditors, since neither of these debts was secured by deed or conveyance registered as required by the Bankers' Act, and the bond on which the judgment was obtained was not registered within the time required by the said Acts; 4. That the affidavit made to register the judgment as a mortgage was defective in several respects; 5. That the equitable mortgage was void for want of registry; 6. That the Bank of Ireland and Royal Bank were creditors of Kennedy, although their advances to him had been made on bills of exchange, the acceptances of third parties, and only endorsed by him.

Hemphill, Q.C., and *Lawson*, Q.C., with them *M'Kenna*, for Brunker and Peebles, contended—1. That the 33 Geo. II., c. 14, must be considered to be repealed, as appeared by the language of Lord St. Leonards in *O'Flaherty* v. *M'Dowell*, H. of L.; 2. That Kennedy was not a banker within its meaning; 3. That in Guinness's case cited on the other side, in which Master Litton had decided that the party was a banker, Guinness paid £30 a year, the banker's licence, and if he did not issue notes, he might have done so; 4. That the *regime* of common sense regarding flaws in affidavits made to register judgments as mortgages, had been restored by the recent decision in the House of Lords, not yet reported in the authorized reports; 5. That the equitable mortgage was created by the mere deposit, the subsequent memorandum forming no part of it, and therefore that registration was unnecessary or impossible; 6. That in any case the trustees had no *locus standi*, as the Bank of Ireland and the Royal Bank were not entitled to be reckoned as creditors of Kennedy, in which case the deed of 27th August, 1866, had not been executed by three-fifths of such creditors.

July 8.—Dobbs, J., delivered his judgment at considerable length, holding that the 33 Geo. II., c. 14, had not been repealed, and that Kennedy was a banker within its meaning, the distinction between banks of issue and banks which were not of issue being implicitly taken in the Irish Bankers' Act. Neither this judgment mortgage nor this equitable mortgage was a security within the excepting clause of the 33 Geo. II., c. 14. If the acceptances discounted by the two banks for Kennedy had been paid at the time of the execution of the deed, these banks would not have been creditors of Kennedy; but they were creditors. He should therefore decide in favour of the trustees, who should have their costs of the objection, but not as against Messrs. Brunker and Peebles.

Solicitor for the trustees, *Michael Larkin.*

In the Matter of the Estate of H. T. Woodward, Owner and Petitioner.

July 15.—*Cause against Absolute Order for Sale—Outstanding Mortgage.*

S. Walker appeared on a motion in this case to make absolute the order for sale. The cause intended to have been shown against it was a mortgage of the estate in question, dated August, 1866, by one of the provisions in which the mortgagee was not to be required to take repayment of his loan within five years. It had been agreed between the mortgagee and the petitioner that no cause should be shown, the Court making an order that a sufficient sum should be retained out of the purchase-money to answer the mortgagee's claim for interest.

Dobbs, J., said that no order was necessary, as the Court would do this as of course.

Ormsby, Q.C., for the mortgagee, to show that he was entitled to the costs of the motion, cited cases decided in the Court of Chancery, in some of which a subsequent mortgagee was not allowed to redeem a prior one, and referred to a case before Dobbs, J., in the L. E. Court.

Dobbs, J., said that he had no recollection of the case before himself referred to in argument, but the circumstances of it must have been different. The cases decided in the Court of Chancery rested on a different foundation, and were entirely over-ridden, as regarded the L. E. Court, by two sections of the L. E. Act. The existence of such a mortgage was no cause against making absolute the order for sale, and he would not give the mortgagee the costs of the motion. He would make the order absolute with costs, if the owner and petitioner asked for costs, but, as he did not, he would make it absolute without costs.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN INSOLVENCY.

Reported by J. Levy, Esq., Barrister-at-law.

Before Miller, J.

In re Richard Hare Home.

July 17.—*Opposition by Creditor charging exorbitant interest for money—High interest is Primâ Facie evidence of embarrassment.*

The Insolvent was an officer in the army, and had been opposed by several creditors. The case had been adjourned with a view to an arrangement, and on coming before the Court again, it was announced that all the oppositions had been withdrawn but one, namely that of a creditor named Harrington, who had advanced the Insolvent money at a very large rate of interest, and when he knew he was in embarrassed circumstances.

Kernan, Q.C., and *Frazer*, appeared for the Insolvent.

Beaty was for creditors.

Judge Miller, upon hearing that all the oppositions had been withdrawn, except that of Harrington, said when the case was last before the Court he had heard all the facts relating to the insolvent's transactions with Mr. Harrington, and felt it was not a case in which the Court would be justified in remanding the insolvent on the grounds of the opposition of the money-lender. The Insolvent had gone to the opposing creditor when

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in embarrassed circumstances—in fact, the high rate he consented to pay for money was, at least, *primâ facie* evidence of that fact. To all intents and purposes he appeared as an embarrassed man, and as such opened negociations with the creditor, who then opposed him. The creditor dealt with him as one plainly in needy and embarrassed circumstances. That was clear from the fact that in the first instance he refused to lend the money he required without some reference or security, whereupon the insolvent brought a friend to him to use pressure with a view to induce him to give the money; but the opposing creditor was not satisfied with the recommendation of that friend, and he went to the manager of the National Bank, and having learned from him that the insolvent was, as far as he knew, a person safe to deal with, he then lent him the money at a rate of interest which was evidence sufficient to show the needy circumstances he was in. The creditor should now abide by the consequences. He did not charge the insolvent five or six per cent., or any per centage that might be reasonable, but he charged such a per centage as made him, as it were, an insurer against the risk he knew he was running; and as the creditor thought proper to run the risk, he should now abide by it. The insolvent was discharged.

Attorney for the insolvent, *Macnally.*

RULES FOR CROWN SOLICITORS AND SESSIONAL CROWN SOLICITORS.

The Attorney-General having read and considered the several instructions, rules and directions which, from time to time, have been given by his predecessors in office to the several Crown Solicitors and Sessional Crown Solicitors in Ireland, and finding that several of the same were at variance with others, and that many had become obsolete, and being of opinion that it would tend to the better conduct of the Crown prosecutions, and assist the persons engaged in the management of them, to have the several rules relating to the same revised, arranged and numbered, and having caused this to be done, directs that for the future the rules hereinafter set forth shall be followed by the several Crown Solicitors and Sessional Crown Solicitors in Ireland in the conduct of the Crown cases in which they may be employed, in substitution for any rules and directions now in use on the same subjects.

CROWN SOLICITORS.

1. The several Clerks of the Crown shall, within four days after they shall have received same from the Clerks of Petty Sessions, transmit copies of all informations to the Crown Solicitors of their respective counties; and it shall be the duty of the several Crown Solicitors forthwith to submit them to the Attorney-General for his directions, unless such informations shall have been received so short a time before the commencement of the assizes as not to allow of sending them to the Attorney-General, in which cases the informations shall be laid immediately before the Senior Crown Counsel for the county in which the offence is alleged to have been committed for his directions, of which the Crown Solicitor shall at once inform the Attorney-General, stating the dates and reasons of this course being adopted.

2. In all cases in which the Attorney-General shall direct a prosecution at the assizes, save for high treason and treason-felony, the Crown Solicitor shall cause the indictment to be prepared by the junior permanent Crown Counsel for the place in which the accused is to be tried; and previously to the sending up of any indictment to the Grand Jury, shall lay a case with a copy of the indictment before the senior permanent Crown Counsel for the same place, for his opinion as to the sufficiency of the evidence to sustain the indictment, and for his general advice as to the conduct of the case, and, except in cases of magnitude and difficulty, no larger fee than one guinea shall be paid to counsel either on the indictment or case, and when any such larger fee shall be paid, the Crown Solicitor shall state this specially in his return. In all cases of high treason and treason-felony the special directions of the Attorney-General shall be obtained as to the course of proceeding and the counsel to be employed.

3. In ordinary cases, save as hereinafter provided, the permanent Crown Counsel only shall be employed on the part of the Crown when one Court is sitting for criminal business; but when both Courts in any assize town shall be engaged in criminal business at the same time, the two senior supernumerary Crown Counsel shall be employed for the Crown, and the Crown Solicitor shall arrange, if possible, that one permanent and one supernumerary Counsel shall act for the Crown in each court; but this arrangement may be varied in any particular case by the senior Crown Counsel. In all cases of homicide, and in other cases of difficulty or importance, or where many witnesses are to be examined, the Crown Solicitor shall, if time permit, obtain the directions of the Attorney-General before the assizes as to the counsel to be employed, and in the absence of any such direction may employ one, or, in very special cases, two of the supernumerary Crown Counsel. The Crown Solicitor may, in all important and difficult cases, on the written direction of the senior Crown Counsel, have, previous to the trial, a consultation of the Counsel engaged for the Crown in any such case.

4. The Attorney-General expects that every Counsel employed for the Crown will give his undivided attention to each case, and that if he is likely to be engaged in the Civil Court when any Crown case is to be tried, he will decline to accept such Crown brief, and that if, after having taken such brief, he finds that he cannot attend in the Crown Court, he will return his brief to the Crown Solicitor, who shall give same to some other of the Crown Counsel in the town; and in every case where any Crown Counsel shall absent himself from a Crown case in which he holds a brief, the fact shall be specially stated by the Crown Solicitor in his return to the Attorney-General.

5. Where Crown briefs are sent to one of her Majesty's Sergeants (which is only to be done when he attends in an assize town), it is expected by the Attorney-General that in all serious cases, when required by the Crown Solicitor, such Sergeant will give the Crown the full benefit of his assistance in the conduct of the same; and when the services of a Sergeant can be secured, the Crown Solicitor will dispense with the services of one of the supernumerary Crown Counsel, who would otherwise be employed under Rule 3.

6. When prisoners are put upon trial in different places for crimes springing from a common cause or plot, or connected with the same conspiracy, or provable by the same evidence, it is expected by the Attorney-General that Counsel employed for the Crown in any of such places will not act for the defence in any other of such places, and if any departure from this rule take place it shall be reported by the Crown Solicitor to the Attorney-General.

7. In ordinary cases, no higher fees shall be given to the Crown Counsel than three guineas to the senior and two guineas to the junior; but in cases of magnitude and difficulty the Crown Solicitor shall be at liberty to give such larger fees as he shall consider reasonable; and in all cases where the trial shall not conclude in one day, each of the Counsel for the Crown shall be entitled to a fee of two guineas as a refresher; but in every case where either increased fees or refreshers are paid, same shall be specially reported to the Attorney-General.

8. In all cases in which it is practicable the Crown Solicitor shall, at latest, on the first day of the assizes for each town, deliver to the Counsel to be employed in each case his brief, which shall contain a copy or full abstract of the indictment, copies of the informations and examinations of the several witnesses, and such observations upon the case as the Crown Solicitor may think it necessary to make.

9. The Clerks of the Crown for the several counties shall procure from the Sheriff and furnish to the respective Crown Solicitors, four days at the least before the day appointed for the commencement of each assizes, a true list of the jury summoned; and for the purpose of daily exercising the right of the Crown to direct jurors to stand by, and, if need be, to challenge for cause, the Crown Solicitor shall make due inquiries in reference to the persons sum-

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moned, and when in any case he shall have sufficient reason to believe that any person coming to be sworn as a juror is open to challenge for affinity to the person on trial, partiality, bodily or mental infirmity rendering him unfit to serve as a juror, or other sufficient ground on which a challenge, if made, could be sustained, he shall direct such juror to stand by; and he shall also, in the exercise of a due discretion, direct to stand by all such persons as he shall have reason to believe are likely to be hindered from giving an impartial verdict, by favour towards the accused, fear of the consequences to their persons, property, or trade, or other improper motive, although same may not amount to a legal ground of challenge, or may not admit of legal proof; and in the discharge of this duty the Crown Solicitors will not interfere unless the circumstances of the case require it, and will then act with due care and caution, but also with promptness and decision, and, if time permit, should consult the leading Crown Counsel in the case. In all cases of peculiar local excitement in any particular town or district of the county, it will be prudent, if the panel permit, to set aside all persons returned from such locality; and in all cases every vintner, publican, retailer of spirituous or malt liquors, shall, as a matter of course, be ordered to stand by.

10. Crown Solicitors may, in proper cases—with the previous opprobation, in writing, of the Attorney-General in each case—have copies of the indictments and informations printed for the trial, and charge the expense of same in their accounts.

11. Within one fortnight from the termination of the circuit or commission, the respective Crown Solicitors shall send to the Attorney-General full and accurate returns of the several cases in which the prosecutions have been carried on by the Crown, and the result of such prosecutions, and these returns shall be under the following headings:—

"RETURNS OF PROSECUTIONS for the County of at the Assizes [or Commission].

"No. on brief.

"Name of person charged.

"Nature of the offence as stated in the informations, and when sworn.

"When copies of the informations were received by the Crown Solicitor.

"When case first submitted to the Attorney-General or other Crown Counsel.

"Nature of the directions thereon, name of counsel directing, and when given.

"Offence as laid in indictment.

"Whether bills found or ignored.

"Bench warrant, if issued, and when.

"Name of supernumerary or extra Counsel (if any employed).

"Result, showing the acquittal, or conviction and sentence, of each person, and if no trial and verdict, why.

"Statement of any special circumstances.

(Signed) "Crown Solicitor for said

12. The Crown Solicitor shall not, in any case, without the direction, in writing, of the Attorney-General, undertake or consent that the Crown shall be at the expense of defending prisoners; but in cases in which any person is put upon trial for murder, and the Court shall have assigned counsel or attorney to the prisoner, the Crown Solicitor will bring the circumstances before the Attorney-General, and take his directions as to whether and what sum shall be allowed, and in no case will the costs of more than one counsel for all the prisoners be allowed. Cases of high treason will be dealt with by special minute of the Attorney-General.

13. On the motions for the discharge of prisoners on bail, briefs for the Crown shall be given to the Law Adviser to the Castle, and if he shall be unable to attend, then to the Attorney-General's counsel. In any case of special importance briefs may be sent to both. All applications for writs of *habeas corpus* to produce a prisoner for trial or as a witness at assizes, shall be made by the Law Adviser, or, in his absence, by the counsel of the Attorney-General, upon instructions from the Crown Solicitor for the county or city where the prisoner's attendance is required; and a like course shall be adopted in applications for writs of *habeas corpus* to bring up prisoners to Dublin for the purpose of having sentences amended or altered.

SESSIONAL CROWN SOLICITORS.

14. The Sessional Crown Solicitors shall prosecute for the Crown at the several Quarter Sessions in their respective counties in all criminal cases, and they shall not act in the prosecution or defence of any civil bill which may be in any way connected with the prosecutions which they are to conduct for the Crown.

15. So soon as the Sessional Crown Solicitor shall have received from the clerk of any petty sessions in his county copies of informations in any case returned for trial at the Quarter Sessions, it shall be his duty to read and note the same; and if any question of difficulty arises on the same, or if any case is returned for trial at the Quarter Sessions which he thinks would more properly be tried at the assizes, he is to communicate with the Crown Solicitor for the county, in order that he may, if necessary, take the opinion of the Attorney-General upon the case.

16. In cases in which any Sessional Crown Solicitor shall consider it necessary to enforce the attendance of witnesses who have been bound over to prosecute, he may cause Crown summonses to be taken out; and when any bill of indictment has been found at Quarter Sessions against persons not amenable, he may procure bench warrants against such parties, and he shall charge such fees as he shall pay for such matters in next account.

17. The expense of taking out copies of indictments can only be allowed to be charged for by Sessional Crown Solicitors in special cases, in which the chairman of sessions shall certify it was necessary for the proper carrying on of the prosecution that such copies should have been taken out by the solicitor.

18. Medical witnesses should only be summoned to attend Quarter Sessions in cases in which their testimony is necessary to sustain the prosecution, and they should not, in any case, be summoned to attend at Petty Sessions without the previous sanction of the Crown Solicitor in writing.

19. When a medical witness is summoned to attend at sessions in the town in which he resides, the usual fee of one guinea only is to be paid; but when he is summoned to attend in any other town he is to be paid one guinea for every day he is necessarily kept from home, besides his actual travelling expenses and hotel charges, such hotel charges not to exceed fifteen shillings per day.

20. The following cases shall not be tried at Quarter Sessions, and when any such are returned for trial there it shall be the duty of the Sessional Crown Solicitor to apply to the Chairman of Sessions to order that the case be sent for trial at the next assizes, and the witnesses bound over to attend and give evidence there, viz.—treason, murder, treason-felony, rape, perjury, assaults with intent to murder, party processions, election riots, and all offences of a political and insurrectionary character.

21. Within one fortnight from the termination of the Quarter Sessions in each county, the Sessional Crown Solicitor shall furnish to the Crown Solicitor for said county, for the purpose of being at once forwarded by him to the Attorney-General, a tabular list of the several prosecutions at such sessions, and the result, and which return shall be under the following headings:—

COUNTY OF QUARTER SESSIONS.

"A RETURN OF PROSECUTIONS conducted by the Sessional Crown Prosecutor at the day of 186

"A. B.,

"Sessional Crown Solicitor.

"No. of case.

"Name of person charged.

"Nature of the offence as stated in the informations, and when sworn.

"Offence as laid in the indictment.

"Whether Bills found or ignored.

"Warrants, if issued, and when.

"Result, showing acquittal, or conviction and sentence, of each person, and if no verdict or trial, why.

"Statement of any special circumstances."

22. All accounts from Sessional Crown Solicitors shall be furnished to the Crown Solicitors of their respective counties quarterly—that is to say, ending the 31st day of March,

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the 30th day of June, the 30th day of September, and the 31st day of December in every year; and all expenses incurred in the quarter must be included in each account, and cannot be allowed if charged for in any later account, except under special circumstances, to be approved by the Attorney-General.

23. Sessional Crown Solicitors in each county, when required by the Crown Solicitor conducting the prosecutions for the Crown at the assizes for such county, will be expected to furnish him with such local information as is in their power both as regards jurors and any other matters on which the Crown Solicitor may find it necessary to require their assistance in any prosecution by the Crown at the assizes; and the Sessional Crown Solicitors shall also attend at the revision of the Lists of Jurors of their respective counties, and assist in such revision; and such services are to be considered as part of the ordinary duty of the Sessional Crown Solicitors, and not entitling them to make any separate charge in relation thereto.

24. Whenever any Sessional Crown Solicitor finds it necessary that a writ of *habeas corpus* should be obtained to bring up a person in custody, in order to be examined as a witness, or stand his trial for any offence, or to appear in court by reason of a change being necessary either in the record or sentence, he shall in all such cases send up full particulars to the Chief or Under-Secretary, in order that directions may be given to the Crown and Treasury solicitor to have the proper application made for the writ.

CROWN SOLICITORS AND SESSIONAL CROWN SOLICITORS.

25. Every Crown Solicitor and Sessional Crown Solicitor shall attend at the assizes, commission, or sessions where he prosecutes for the Crown, and discharge his duties there in person, and in no case, save of a casualty occurring during the assizes, commission, or sessions, or so shortly before as to render an application to the Attorney-General impracticable, shall he discharge such duties by substitute or deputy without the permission in writing of the Attorney-General previously obtained for the special occasion, on an application in writing stating the grounds of such application; and such permission will not be granted, except in cases of actual and temporary incapacity to attend.

26. Crown Solicitors, or Sessional Crown Solicitors, shall not act as attorneys or agents at any registration of Parliamentary electors, or at any revision of any Burgess Roll, nor act, directly or indirectly, as agents at or in preparation for any election on behalf of any candidate for the representation in Parliament of their respective counties, or any borough or town within same, nor shall they act as attorneys for any person charged before a coroner's inquest, or at any Petty Sessions, with any indictable offence, except by the express direction of the Attorney-General, or the Chief or Under-Secretary for Ireland.

27. Before undertaking any "special duty," a Crown Solicitor, or Sessional Crown Solicitor, shall obtain authority for undertaking same in writing, either from the Attorney-General, or the Chief or Under Secretary; unless the case is one of such urgency as not to allow time for applying for such authority, and in such case he shall report the circumstance as soon as possible afterwards, and apply for authority to charge the allowances for special duty—viz., two guineas a day, with travelling charges and other actual payments, except hotel expenses; and the authority for undertaking or charging for such special duty must accompany any application for payment, or allowance for the same. HEDGES EYRE CHATTERTON.

1st July, 1867.

ENGLAND.

HOUSE OF LORDS—JULY 16.

CARLISLE AND ANOTHER *v.* WHALEY.

(Appeal from the Irish Court of Common Pleas.)

Mr. Mellish, Q.C., and Mr. Cohen, appeared for plaintiffs in error. Attorney—Mr. Showbridge. Mr. Prentice, Q.C., and Mr. Hume Williams appeared for defendant in error. Attorneys—Mr. P. B. Markey, London; Mr. E. Hudson, Dublin.

The Lord Chancellor having read the pleadings, gave judgment for the appellant: First, on the ground that, by the Irish Common Law Procedure Act, special demurrers were abolished; and though the plea was bad on special demurrer, yet, that being good in substance, judgment should be given accordingly. He held that the judgment of the court below on the second plea was wrong, and should be reversed. On the third plea, which alleged the due registration of the deed under which the plaintiffs claimed, and its admissibility in evidence, for the purpose of defence, registration not having been effected till after the commencement of the action, but before the plea pleaded, his lordship was of opinion that such registration was good, and held that the bill of exceptions ought not to have been admitted. He advised the judgment of the court below to be reversed.

Lords Cranworth and Colonsay concurred.

The Lord Chancellor severely animadverted on the repeated trials after error was brought, notice of which, he was of opinion, should have operated as a *stet processus*.

VICE-CHANCELLOR'S COURT—TUESDAY.

(*Before Vice-Chancellor Sir* W. P. WOOD.)

TICHBORNE *v.* MOSTYN—TICHBORNE *v.* TICHBORNE.

In Vice-Chancellor Sir W. P. Wood's Court on Tuesday, Mr. Giffard, Q.C. (with whom was Mr. Locock Webb), applied on behalf of the plaintiff in the suit, *Tichborne* v. *Tichborne*, and *Tichborne* v. *Mostyn*, for leave to serve notice of motion for the next seal for the attendance of the printers and publishers of the *Pall Mall Gazette*, the *Times*, the *Morning Post*, and four Hampshire newspapers, to show cause why they should not be committed for contempt in having published, with comments calculated to damage the plaintiff's case, an abstract of the affidavits filed in this cause on behalf of the plaintiff, but not yet brought before the court. The offending statement appeared in the first instance in the *Pall Mall Gazette* of Saturday, and was published as an extract therefrom in the *Times* of Monday, and in other papers.

The Vice-Chancellor gave leave to serve notice of motion, and at the same time observed that he had been urgently requested by the writers of some anonymous letters to read certain papers, and, among others, his attention had been specially invited to a tale in *All the Year Round*, where he was told that he would find this case illustrated. He might add that he had not followed the advice of the correspondents; in fact, he made a point of never reading the discussion of a case in a newspaper.

THURSDAY.

This case came before the Court upon a motion on behalf of the plaintiff, who claims to be Sir Roger Charles Doughty Tichborne, eldest son of Sir James Francis Tichborne and 11th baronet, that the publishers and printers of the *Pall-mall Gazette*, *The Times*, the *Morning Advertiser*, the *Morning Post*, and three Hampshire newspapers should show cause why they should not be committed for contempt of Court in publishing an abstract of the affidavits put in on behalf of the plaintiff (but not as yet before the Court) with comments calculated to prejudice the plaintiff's case.

In *The Times* of Monday last there appeared an article, headed "Tichborne *v.* Tichborne," taken, with acknowledgement, from the *Pall-mall Gazette* of Saturday. This article contained a statement of the story told by the claimant of his life and adventures from his leaving England in 1853, until his return in December, 1866, and attention was called not only to the affidavit of Lady Tichborne and others who have identified the claimant as the genuine Sir Roger, but also to the absence of affidavits from persons who might have been expected to have come forward and recognized him. The passages which were principally complained of were the following:—

"We have not space to enter into detail as to the statements of the 34 persons whose affidavits follow those of the claimant and Lady Tichborne. Many of them are important enough if the deponents can endure cross-examination in the witness box, many are obviously false, absurd, and worthless, being those of persons who never having seen

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the claimant before he left England, are, nevertheless convinced that he is the person he claims to be. One is made by a blind man who once heard Mr. Roger Tichborne speak before he left England in 1853, and having heard the claimant speak in 1867, is convinced of his identity because he has a 'Tichborne' voice."

The article, after mentioning the evidence of Major Heywood, late of the Carbineers, and of two or three persons formerly non-commissioned officers, privates, and servants in that regiment, all of whom stated their conviction that the claimant is identical with Cornet Tichborne, formerly of the Carbineers, proceeded thus :—

"No single member of either the Tichborne or Seymour families, nor any of the numerous officers with whom he served in the Carbineers, with the single exception of Major Heywood, have made any affidavit of their belief in the claimant's identity."

The article, after pointing out various sources of identification open to the claimant, concluded thus :—

"We happen to know as a fact that Mr. Danby Seymour, M.P., the claimant's uncle, Mr. M'Evoy, M.P., and Major Phillips, formerly of the Carbineers, his brother officers, his aunt, Mrs. Nagle, and his cousins, Mrs. John Townley and Mrs. Radcliffe, have had interviews with him; but as we do not find any affidavits from them in corroboration of his identity among the documents included in the volume now before us, we presume that they failed to recognize in the claimant their long-lost relative."

Mr. Giffard, Q.C., *Mr. Bruce*, Q.C., and *Mr. Locock Webb*, in support of the motion against the publisher of the *Pall-mall Gazette*, contended that the comments contained in the article in question were calculated to prejudice the mind of the Court and the verdict of the jury. Even if they did not bring about this result they might deter persons who would otherwise be disposed to do so from coming forward to give evidence, when the case which they were prepared to support was held up by anticipation as worthless and absurd, and their own testimony denounced as false. An actual committal was not pressed for, but such an order at least ought to be made as would effectually prevent a repetition of this grave offence and contempt of Court.

Sir R. Palmer, for the publisher of the *Pall-mall Gazette*, contended that the article in question had nothing in common with those which were held in the cases referred to in support of the motion to amount to a contempt of Court. In his own individual opinion any such publication of affidavits intended to be brought before the Court in a pending suit would have been better abstained from; but what did this article amount to? It was a perfectly fair abstract of the affidavits made without any extenuation, exaggeration, malice, or error. It assumed the truth of the plaintiff's statement, and was in reality calculated to assist his case and produce an impression in his favour out of doors. The points which were unfavourable to the plaintiff's case and the difficulties in his way were supported by anticipation in a way that he, as one of the counsels for the defendants would have preferred left to himself to have made at the hearing of the cause. The plaintiff's solicitor might, for aught they knew, have himself put these affidavits in circulation. He had already placed an advertisement in *The Times*, in January last, in reference to the case. It was the constant practice of newspapers to make comments upon cases which excited public attention pending their decision, and in the very important proceedings in the Overend, Gurney case, before Vice-Chancellor Malins, no one had thought of interfering with the articles that were constantly appearing. The plaintiff sought in substance to restrain publication of a statement of his own rights.

Mr. Speed followed on the same side.

The VICE-CHANCELLOR had no hesitation in saying that there had been a gross contempt of Court committed in this case. From the time of Lord Hardwicke this Court had acted upon the rule which was laid down by that eminent Judge in the case against the publishers of the *St. James's Evening Post* and the *Champion* newspapers in these words :—

"Nothing is more incumbent upon Courts of Justice than to preserve their proceedings from being misrepresented; nor is there anything of more pernicious consequences than to prejudice the minds of the public against persons concerned as parties in causes before the cause is finally heard. It has always been my opinion, as well as the opinion of those who have sat here before me, that such a proceeding ought to be discountenanced."—(2 *Atk.*, 469).

That such an attempt had been made, and made in a most offensive manner, he had not the slightest doubt. The author of the article in question had pronounced his opinion upon the documents before him with a clear and decided bias, and with all that boldness in which persons under the screen of the anonymous, and who had no responsibility cast upon them, thought themselves entitled to indulge. Those who had responsibility cast upon them, and especially that Court, before whom the case was now pending, were bound to protect every suitor from such an attempt to pervert the course of justice, and especially to affect the minds of persons who might be otherwise ready to give evidence in the case, but would hesitate in coming forward when they found that they would expose themselves to criticisms of this kind. The article in question was obviously the work of a gentleman of education and information, and, adopting the words of Lord Langdale in *Littler* v. *Thompson* (2 *Beavan*), he felt surprised that a gentleman of education and science should think that he was serving the cause of truth and justice by taking a set of documents which have not even been submitted to the Judge who has to try the cause, and in making comments upon them, the bias of which was manifested by the concluding sentence—"We happen to know," &c. The writer must, of course, have been in communication with some of those parties who might, from not having made affidavits, be presumed not to be favourable to the claimant's case, and some clue to the source from which this article emanated was thus afforded. He disregarded altogether the suggestion that the article was furnished by the plaintiff's own advisers, and when it was urged that neither the plaintiff nor his solicitor had denied this charge he answered, *Qui s'excuse s'accuse.* Why should the plaintiff have defended himself against any such charge which was not even suggested by any affidavit on the other side? It was said, however—and he was astonished at the confidence with which it was said—that this was a fair and unbiased comment, and did not err against those rules which have been laid down as to fair comments on matters of public notoriety. Those rules, however, did not extend to comments on matters still pending, which were not yet decided, and had not as yet been even brought before the Court. In such a case, which was the one with which we now had to deal, the Court would fail greatly in the administration of justice if it allowed any such comments to be made.

The article in question was unquestionably a very able argument addressed to the public in opposition to the view put forward by the plaintiff. He did not accuse the writer of incompetency. Far from it. Every turn of the case was with great ingenuity presented in the most unfavourable way to the plaintiff. The bias was most obvious, and the comments passed the terms of any legitimate comment, even if comment could legitimately be made upon proceedings pending, but not yet actually before the Court. They manifestly tended to direct and sway the minds of the judge and jury by whom the case would ultimately have to be determined, and in his opinion it was plain and manifest that there had been a most improper attempt at interference with the administration of justice. He reserved, however, saying what was to be done until he had heard the other cases.

Mr Giffard, Q.C., then proceeded with the motions against the other papers.

Mr. Roxburgh, Q.C., and *Mr. A. G. Marten*, for *The Times* and the *Morning Advertiser*, submitted that they had merely republished from the *Pall-mall Gazette*, without any comments of their own, the article in question, acknowledging the source from which it had been taken.

Mr. Kay, Q.C., for the printer of the *Morning Post* (in which paper a leading article on the case appeared about a week back), was instructed to make a most humble apology to the Court if, by any inadvertence, he had been guilty of a contempt of Court. It was submitted, however, that nothing of the sort had been done, and that, at any rate, the printer was not the person responsible.

Mr. Shebbeare, for the *Southampton Times*, submitted that

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the article in that paper contained a mere *resumé* of the plaintiff's own evidence, without one word of unfavourable comment, and he could only suppose that the article had not been read by the plaintiff's advisers, or the motion would not have been pressed.

Mr. W. W. Cooper appeared for the *Hampshire Chronicle*, the editor of which paper stated that a print of the plaintiff's affidavits had been handed to the editor by a gentleman of Winchester who had made an affidavit in favour of the plaintiff, and was one of his intimate friends and most active local supporters.

Mr J. Napier Higgins, for the editor of the *Hampshire Independent*, asked for time to meet the case raised against his client.

Sir R. Palmer, Q.C., at this stage of the proceedings, stated that as soon as the proprietor of the *Pall-mall Gazette* had been informed of his Honour's opinion, he had at once desired to make his humble submission and apology to the Court.

The VICE-CHANCELLOR expressed his satisfaction at the statement, and observed that after this submission the ends of justice would be met by making the *Pall mall Gazette*, which was the most serious case, pay the costs of the motion. With regard to *The Times* and the *Morning Advertiser* there would be no order, each side paying their own costs. In the case of the article in the *Morning Post*, which went beyond a mere reprint of the affidavits, the printer must (as in the case of the *Pall-mall Gazette*) pay the costs of this motion, and as to the printer being made responsible for the contents of the paper he would, no doubt, be indemnified, and there was ample precedent for the course, among other instances in the prosecution of Mr. Woodfall, the printer, arising out of the proceedings in reference to Junius's letters. The cases of the Hampshire papers would all stand over.

TERMS OF IMPRISONMENT.

Consecutive and cumulative sentences of imprisonment, and the right of justices to inflict such sentences, have been often called in question; but never until the decision of *Paine's case*, 16 W. R. 742, in the Court of Queen's Bench, has an authoritative judicial opinion been given on the subject. And strangely enough, although the statute which regulates the passing of such sentences by the judges at assizes is almost in the same words as the 25th section of Jervis's Act (11 & 12 Vict., c. 43), which applies to convictions before justices, the point appears to have been brought now for the first time before a court, and it has been, we venture to say, well established once and for all that it is in accordance with statutory enactments for justices of the peace to inflict consecutive terms of imprisonment.

In *Paine's case* an application was made to the Court of Queen's Bench for a *habeas corpus* to discharge the applicant out of custody on a sentence of imprisonment passed by the magistrates at Maidstone. He had been convicted under the 5 Geo. IV., c. 85. s. 4, of a certain offence for which the statute says the magistrates may commit him to the House of Correction for any period not exceeding three months, and he was accordingly sentenced to three months' imprisonment. He was then again charged (being still at the bar) with another similar offence against the same statute, and pleaded guilty thereto, upon which he was again sentenced to the same punishment of imprisonment for three months, to commence from the expiration of the first sentence; and there were two other similar convictions and similar sentences, making four convictions and twelve months' imprisonment. The first period of three months expired, and this application was made to test the legality of the subsequent sentences.

The whole case appears to have turned upon the construction of the 25th section of Jervis's Act, "That where a justice shall adjudge the defendant to be imprisoned, and he shall then be in prison undergoing imprisonment upon a conviction for any other offence, the warrant for the subsequent offence shall be delivered to the goaler, and it shall be lawful for the justices to order that the imprisonment for the subsequent offence shall commence at the expiration of the imprisonment to which the defendant shall have been previously sentenced."

As the Lord Chief Justice remarked in delivering judgment dismissing the application, "by some degree of technical and professional straining the words are capable of the interpretation that the imprisonment commences from the moment that the prisoner is convicted and sentenced;" but it is scarcely necessary to strain words to prove such a position. When a defendant is convicted, he is not released without having undergone the penalty, and he is, therefore, from that moment, not only constructively, but actually, a prisoner. It is a much nicer point to ascertain whether the words of the statute contemplated convictions for more than one offence at the same session of justices; but if we look at the universal practice existing at the time of the passing of Jervis's Act, which prevailed at assizes and at the Central Criminal Court, and the similarity of the wording of this section to that of the 10th section of 7 & 8 Geo. IV., c. 23, there can be little doubt that the intention was to give justices the same powers as are exercised in such cases by the judges. And, moreover, the common sense view of the matter renders it absurd that it should be possible for a man to be convicted of two or more desperate assaults at the same time, and that all his sentences should begin and expire concurrently, just as if a man could live two or more lives at once. Nothing would in the present day go farther towards encouraging such offences, for instance as have recently been but too common in the streets of London, than the knowledge that when once an assault on a policeman had been committed, the perpetrator of the outrage might "run amuck" and assault as many more as he pleased without suffering any greater punishment than the maximum term of imprisonment awarded to such an offence.—*Solicitors' Journal.*

A curious example of the perversion of a salutary enactment has been afforded in the case of *Barraclough* v. *Greenhough*, which lately came before the Exchequer Chamber, and which is reported in the *Weekly Reporter* It will be remembered that formerly, in all cases where a will concerning lands had to be proved, it was necessary to produce the original will, as the probate was not evidence. But by section 64 of the Probate Court Act (20 & 21 Vict., c. 77) it was provided that in any action where, according to the existing law, it would be necessary to produce and prove an original will in order to establish a devise of real estate, it should be lawful for the party intending to establish in proof such devise to give to the opposite party ten days' notice that he intended at the trial to give in evidence as proof of the devise the probate of the will; and in every such case such probate should be "sufficient evidence of such will, and of its validity and contents," notwithstanding the same might not have been proved in solemn form, unless the party receiving such notice should, within four days after receipt, give notice that he disputed the validity of such devise.

In an ejectment which came on for trial at the Leeds Summer Assizes of last year, the plaintiff claimed under the heir-at law and the defendant relied on a devise. The plaintiff came prepared to dispute the validity of this devise, on the ground of undue influence, and both parties had brought many witnesses at considerable expense to the assize town. The defendant's attorney had served upon the plaintiff personally notice of intention to give the probate in evidence as proof of the devise. The plaintiff, who was an ignorant woman, kept the notice several days, so that her attorney was prevented giving notice in due time that the plaintiff disputed "the validity of the devise." The defendant's counsel, at the trial, admitted the plaintiff's title under the heir-at-law, and relied on the devise, in proof of which he put in the probate in common form, and proved the service of the statutory notice. He contended that as the plaintiff's counter-notice had not been served in due time the probate was conclusive. Mr. Justice Mellor, after consulting Mr. Justice Montague Smith, adopted this opinion, and non-suited the plaintiff.

We have not space to enter into a full discussion here of the question thus arising, and we must content ourselves with saying, with all respect, that the opinion of these two

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learned judges appears contrary to common sense. We are bound, however, to assume that a ruling which was upheld by the Court of Queen's Bench admits of stronger arguments in its favour than we are able to discover. In the absence of authority to the contrary we should have said that, although the statute makes the probate "sufficient evidence" of the will it does not make it conclusive. Indeed, we should have regarded the decision as not only unsound, but as inflicting very great hardship on the plaintiff, who had come prepared with witnesses to enter into the question of undue influence. The remark has been made before that judges show a tendency to nonsuit plaintiffs in heavy cases towards the end of the summer assizes. Certainly it is not uncommon to hear of a nonsuit in August set aside in November.

The Exchequer Chamber has unanimously decided that the probate was not conclusive, and the Court seemed inclined to hold that the notice ought to have been served upon the plaintiff's attorney and not personally; and thus there will be a new trial. This is rather a costly remedy for a mistake in what might have been thought a simple matter.—*Solicitors' Journal.*

At Bow-street Mr. William Gill, barrister, appeared to a summons charging him with having obtained £2,000 from Miss Mary Dodd by false pretences. Mr. G. Lewis opened the case as one of great hardship against his client. The complainant deposed that she was tempted from her home at Edinburgh, in 1858, when she was 17 years of age, and induced to live in London with the defendant, by whom she had a child. By his advice she commenced a suit in Chancery against her own brother, and three months after the termination of the suit in 1861 she became entitled to £2,000, which sum she was induced to invest in a Cornish quarry which the defendant had represented as his own free and unencumbered property. He agreed to give her £400 a year interest, and a portion of this had been paid to her. She had lived with him at different times and places, but for nearly two years past she had been without any regular home, at times reduced almost to starvation. It was only lately she discovered that there was a mortgage on the quarry of £2,000, and that the defendant had never had any ownership in it except as a trustee. She could not recover a farthing of the interest due or of the capital, and was now supported entirely by the charity of friends. The defendant cross-examined Miss Dodd as to her age and habits, and, having elicited from her a denial that she was informed of the mortgage on the quarry, he produced a letter in the handwriting of the complainant, in which she expressly consented to the arrangement as to £400 interest, in consequence of the quarry being encumbered, as alleged, by a banker's claim of £2,000 upon it. Mr. Vaughan examined the letter, and said if it was really written by Miss Dodd it was an answer to the summons. The complainant admitted that she wrote the letter, but it was at the express dictation of the defendant, who always advised her to write and sign the documents, and she had often done so without being conscious of their purport. Mr. Lewis reminded the Court that there was no allusion to the encumbrance on the quarry in the deed produced by which defendant agreed to settle the £400 interest upon her. Mr. Vaughan repeated that he had no alternative in the face of that letter than to dismiss he summons.

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

TAXATION.—An agent had taken an agreement in his own name and denied his agency, and his principal had established the agency by a suit. The property in respect of which the agency was established was not worth £1,000: Held, that the costs of the suit ought to be taxed on the higher scale, as the suit did not come within any of the cases specified in the regulations made by the court: *Stamford* v. *Dawson*, 16 L. T. Rep. N. S. 516. V. C. W.)

ACTION ON IRISH JUDGMENT.—Declaration on a judgment in the Court of Ex. in Ireland. Plea, that the defendant was never served with any writ of summons, nor had any notice of the action. Replication, that the court, under the provisions of an Act of Parliament in that behalf, and upon an affidavit of the plaintiff's attorney, made an order directing that the personal service of the writ of summons and plaint in the action on defendant's attorney, and the transmission of copies thereof, and of the said order in a registered letter to the defendant, addressed to his place of business in London, should be deemed good service of the said writ upon the defendant, unless cause was shown to the contrary in six days after service of the rule making the order on the defendant's attorney and such transmission by post as aforesaid, and that such service and transmission were effected as directed by the said court, and that the rule of court making the order was made absolute. Rejoinders, that the order of the court was obtained on the strength of the affidavit of the plaintiff's attorney, which said affidavit was untrue, and that the plaintiff never had any right of action against the defendant in respect of the cause of action in respect of which the said judgment was obtained: Held, that the rejoinders were bad, and that the replication was good. Per Bramwell, B.—The repugnancy to "natural justice" in respect of which a foreign judgment is impeachable in an action thereon, is a repugnancy to natural justice in reference to the conduct or mode of procedure of the foreign court, and not in reference to the merits of the action: (*Crawley* v. *Isaacs*, 16 L. T. Rep. N. S. 529. Ex.)

LIABILITY OF DIRECTORS—GUARANTEE.—The directors of a company gave to the banker of the company a guarantee worded thus: "We hereby severally acknowledge ourselves responsible to the bank for the sum of," &c. The money thus guaranteed was given by the directors as compensation to certain directors of another bank which had been amalgamated with theirs, for not being appointed members of the amalgamated board, and it was the intention of all the parties that each guarantor should be liable only for his share of the whole sum. B. and two others paid their shares, and the secretary struck their names from the document. On an action against the other directors for the balance, it was held that the alteration thus made had destroyed the validity of the guarantee: (*Bank of Hindustan* v. *Smith*, 16 L. T. Rep. N. S. 518. C. P.)

RAILWAY — OBSTRUCTING A PUBLIC-HOUSE — LANDS CLAUSES ACT.—R. was lessee of a public-house situated in a street, the approaches to which were temporarily and partially obstructed by a railway then in course of construction. The obstruction continued for twenty months, and caused a loss of custom to R.'s house, but did not affect the structure itself of the house and premises: Held (affirming the judgment of the Ex. Ch.), that (1) no action would lie at common law for such temporary obstruction, because it was not an injury to any one individual more than to the rest of the public; (2) that R. had no right to compensation under the Lands Clauses Act, s. 68: (*Ricket* v. *Metropolitan Railway Company*, 16 L. T. Rep. N. S. 542. H. of L.)

WILL—ATTESTATION.—B. produced a holograph will in the presence of two persons, to whom she expressly stated its nature, and asked them to witness it. They did not see her write anything on it at the time, nor could they say whether or not her signature, which alone appeared in the attestation clause, was there when she subscribed it. This was held to be sufficient: (*Re Huckvale*, 16 L. T. Rep. N. S. 434. Prob. Ct.)

SUCCESSION DUTY—TRUST FOR SALE UNDER A WILL.—Trustees for sale under a will entered into a contract with a purchaser, and paid legacy duty on the purchase-money, and afterwards vested the property in the person to whom the land was devised, whereby he became the proper party to convey. The contention was, that succession duty and not legacy duty ought to have been paid: Held (affirming the decision of the M. R.), that a certificate from the Inland Revenue Office that legacy duty was paid, was sufficient to discharge the land, and that the purchaser could require no further evidence on the subject: (*Earl Howe* v. *Earl of Lichfield*, 16 L. T. Rep. N. S. 436. L.C.)

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VENDOR AND PURCHASER.—B. and C. had equal moieties in certain land. They mutually contracted to buy or sell one to the other his interest. At the time of that contract B. had conditionally agreed to sell the whole of the property to D. for a larger sum than the originally estimated value of his one half of it. B. and C. were held not to be partners in this increased amount to be paid for the whole property, and B. was entitled to specific performance of the contract by C.: (*Cartwright* v. *Insole,* 16 L. T. Rep. N. S. 445. M. R.)

PAROL AGREEMENT FOR LEASE—PART PERFORMANCE.—R. took four houses and land of J., it being agreed by J. to grant a lease for forty years at £185 a year, and R. agreeing to erect certain buildings within three years. This agreement being embodied in a short memorandum, a more extended agreement in a legal form was drawn up by J.'s solicitor, but neither document was ever executed. R remained in possession for twenty five years, and erected some of the buildings, not being able to erect the remainder owing to J. failing to give possession of the requisite land. R. having regularly paid the rent, and there being documentary evidence to show that J. considered that R. was in possession on the terms of the unsigned agreement, on a bill filed by R. for specific performance of the contract to grant the lease, decree made without costs: (*Reddin* v. *Jarman,* 16 L. T. Rep. N. S. 449. V. C. M.

WILL—JOINT TENANCY OR TENANCY IN COMMON.—B. gave certain real estate to trustees to raise £4,000, without words of inheritance, and, subject thereto, to his eldest son C. for his special use. He gave the residue of his estate, after certain payments, to his two sons C. and D., to be held or divided equally at their pleasure. They were held to take, as to the special gifts, for life, and as to the residue, as tenants in common: (*Oakley* v. *Wood,* 16 L. T. Rep. N. S. 450. V. C. M.)

SOLICITOR AND CLIENT—COSTS.—Where the same solicitors appear for different parties in the same suit, the costs of only one attendance in chambers can be allowed; but the costs of separate briefs to counsel and of business done out of chambers will be allowed: (*Brown* v. *Gallatly,* 16 L. T. Rep. N. S. 553. V. C. S.)

PRIVILEGE OF THE BAR.—An attorney cannot consent to a verdict; counsel must be instructed; (*London Engineering, &c., Company* v. *Cowan,* 16 L. T. Rep. N. S. 573. Byles, J.)

BILL OF SALE—FRAUDULENT PREFERENCE.—C. executed a bill of sale to secure advances of goods to the amount of £60, and three days after its execution made an assignment of all his property for the benefit of his creditors. Held, that the giving of the bill of sale was not a fraudulent preference on the part of C., and that the bill of sale was valid, although C. knew, at the time he gave it, that he was in difficulties: (*Curties* v. *Jacobs,* 16 L. T. Rep. N. S. 574. Lush, J.)

THE COURTS AND COURT PAPERS.

LANDED ESTATES' COURT.—PETITIONS FILED, *from 13th to 19th July,* 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
July 13	3916	Robert Doughty	*Charles Murphy*	Cavan	831 14 0	*Thos. E. Wright*	Lynch
July 16	3917	Richard Scott and another	*The Owners, for Declaration of Title*	Tipperary	446 0 6	*Richard Scott*	Dobbs
July 17	3918	John Weldon Creaghe	*The Owner, for Declaration of Title*	—	—	*Samuel F. Adair*	Lynch
July 18	3919	James M'Ennery	*R. M. Hickson and another*	Limerick	*Not known*	*M'Carthy and Hanrahan*	Dobbs
"	3920	Alfred Sothern	*Royal Bank of Ireland*	—	—	*Orpen, Sons, and Sweeny*	Lynch

LANDED ESTATES' COURT.

Sittings for next week, so far as at present appointed.

Monday—Before JUDGE DOBBS.

William Prenter, allocation. Thomas Conolly, do. Thomas Lipsett, from 10th inst. William Thompson, schedule (objections). W. B. Gardiner, from 10th inst. M. C. Condon, from 12th inst. Anthony Fallon, from 15th inst. Laurence M'Ternan, do. Edmund Burke, allocation. Thomas L. Jones, do. A. Chute, do. J. T. Armstrong, do. John Roberts, from 17th inst. Trustees of M. French, do. James Young, do. James Gilmour, do. John Murphy, from 18th inst. G. C. C. Hare, allocation. Baptist Kernaghan, attachment. Thomas Dooley, make order for sale absolute.

Tuesday.—Before JUDGE DOBBS'S EXAMINER.
Sir William Palmer, rental.

Wednesday.—Before JUDGE DOBBS'S EXAMINER.
John Saul, rental.

Thursday.—Before JUDGE DOBBS'S EXAMINER.
H. H. De Burgh, rental. J. A. Mons, do.

Friday.—Before JUDGE DOBBS'S EXAMINER.
William Mussenden, rental.

Before JUDGE LYNCH'S EXAMINER.
E. Smallman, to vouch.

Saturday.—SALE at BALLYSHANNON.
Forbes Johnston—1 lot—county Donegal—Fee-farm—Profit rent, £124. Solicitor, *J. Teevan.*

NOTICE.

Saturday, the 27th instant, will be the last day for the execution of conveyances by Judge Dobbs previous to the Long Vacation. The engrossments of such conveyances to be lodged in his Examiner's Office on or before Thursday next, the 25th inst.

Thursday next, the 25th instant, will be the last day for execution of conveyances by Judge Lynch previous to the Long Vacation. The engrossments of such conveyances to be lodged in his Examiner's Office on or before Tuesday next.

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COURT OF BANKRUPTCY AND INSOLVENCY.

MICHAELMAS SESSIONS, 1867.

Courts for the Hearing of Petitions of Insolvency will be held on the days named before the Chairmen for the respective Counties.

Day for Hearing	Last Day for Filing	County	Sessions Town	Hours of Sitting	Chairmen
Wednesday, 9th October,	Saturday, 21st September,	Down,	Downpatrick,	10	Robert Johnston.
Wednesday, 9th October,	Monday, 23rd September,	Mayo,	Castlebar,	10	John H. Richards.
Thursday, 10th October,	Saturday, 21st September,	Kerry,	Tralee,	10	William N. Barron.
Thursday, 10th October,	Monday, 23rd September,	Londonderry,	Londonderry,	10	James C. Coffey, Q.C.
Monday, 14th October,	Thursday, 26th September,	Galway,	Galway,	10	William W. Brereton, Q.C.
Monday, 14th October,	Thursday, 26th September,	Kilkenny,	Kilkenny,	10	Thomas De Moleyns, Q.C.
Tuesday, 15th October,	Saturday, 28th September,	Carlow,	Carlow,	4	Thomas R. Henn, Q.C.
Tuesday, 15th October,	Saturday, 28th September,	Cavan,	Cavan,	1	Loftus H. Bland, Q.C.
Tuesday, 15th October,	Saturday, 28th September,	County of Town of Drogheda,	Drogheda,	10	John C. Neligan.
Tuesday, 15th Oct., at 11 o'c.	Saturday, 28th September,	Wexford,	Enniscorthy,	12 & 11	Henry West, Q.C.
Wednesday, 16th October,	Monday, 30th September,	Clare,	Ennis,	10	Michael O'Shaughnessy, Q.C.
Wednesday, 16th October,	Monday, 30th September,	Tipperary, South Riding,	Clonmel,	11	Charles Rolleston, Q.C.
Wednesday, 16th October,	Monday, 30th September,	Wicklow,	Wicklow,	12	James W. J. Lendrick, Q.C.
Thursday, 17th October,	Saturday, 28th September,	Cork,	Cork,	10	Daniel R. Kane, Q.C.
Thursday, 17th October,	Monday, 30th September,	Leitrim,	Ballinamore,	10	Charles H. Hemphill, Q.C.
Thursday, 17th October,	Monday 30th September,	Queen's,	Maryborough,	10	Joshua Clarke, Q.C.
Thursday, 17th October,	Monday, 30th September,	Roscommon,	Castlerea,	10	Francis W. Brady, Q.C.
Thursday, 17th October,	Monday, 30th September,	Sligo,	Sligo,	10	Hartstonge Robinson.
Thursday, 17th October,	Monday, 30th September,	Tyrone,	Omagh,	10	James Robinson, Q.C.
Friday, 18th October,	Wednesday, 2nd October,	Louth,	Dundalk,	10	John C. Neligan.
Saturday, 19th October,	Monday, 30th September,	King's,	Tullamore,	10	Hewitt P. Jellet, Q.C.
Monday, 21st October,	Thursday, 3rd October,	Antrim,	Belfast,	3	John H. Otway, Q.C.
Monday, 21st October,	Thursday, 3rd October,	Armagh,	Armagh,	10	Hans H. Hamilton. Q.C.
Monday, 21st October,	Thursday, 3rd October,	Waterford,	Waterford,	10	Bartholomew C. Lloyd, Q.C.
Monday, 21st October,	Thursday, 3rd October,	Westmeath,	Mullingar,	12	John O'Hagan, Q.C.
Tuesday, 22nd October,	Saturday, 5th October,	Kildare,	Naas,	10	Thomas Lefroy, jun., Q.C.
Tuesday, 22nd October,	Saturday, 5th October,	Meath,	Trim,	9½	Echlin Molyneux, Q.C.
Wednesday, 23rd October,	Saturday, 5th October,	Fermanagh,	Enniskillen,	3	Patrick J. Blake, Q.C.
Thursday, 24th October,	Saturday, 5th October,	Limerick,	Limerick,	10	John Leahy, Q.C.
Thursday, 24th October,	Saturday, 5th October,	Longford,	Longford,	10	Charles Kelly, Q.C.
Thursday, 24th October,	Saturday, 5th October,	Monaghan,	Monaghan,	10	James Major, Q.C.,
Saturday, 26th October,	Saturday, 5th October,	Donegal,	Letterkenny,	10	James Gibson.
Monday, 28th October,	Thursday, 10th October,	Tipperary, North Riding,	Thurles,	11	Charles Rolleston, Q.C.

CIVIL BILL COURT, DUBLIN.

The sittings of this court will commence on Tuesday next. The Right Hon. Frederick Shaw will hear and dispose of the business in the order following :—

1st day, Tuesday, 23rd July—First, ejectments, and then ordinary civil bills, A to B.
2nd day, Wednesday, 24th July, C to D.
3rd day, Thursday, 25th July, E to G.
4th day, Friday, 26th July, H to J.
5th day, Saturday, 27th July, K to L.
6th day, Monday, 29th July, M.
7th day, Tuesday, 30th July, N to P.
8th day, Wednesday, 31st July, Q to R.
9th day, Thursday, 1st August, S to T.
10th day, Friday, 2nd August, U to Y.

The Court will sit each day at ten o'clock a.m.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Tuesday. Before the COURT.		
July 23	11 o'clock	Barfoot and Shaw	Final examination	*Lynch*
"	"	Edmond Eyre	do.	*Larkin*
"	"	Andrew Geoghegan	do.	*Fay and M'Gough*
"	"	Patrick Grehan	Audit and dividend	*Meldon*
"	"	Patrick Nolan	do.	*Langan*
"	"	Barry and Rumley	do.	*Oldham*
"	"	H. B. Webb	do.	*Casey & Clay*
"	"	John O'Neill	Sur., prove debts, and assignee	*Neilson*
"	"	Martin W. Moran	Confirm sale	*Larkin*
"	"	Alexander O'Driscoll Taylor	Certificate	*Lynch*
"	"	Samuel Lilburn	Audit and dividend	*M'Cully*
"	"	J. W. Savage	Motion	*Larkin*
		Thursday. Before ASSISTANT REGISTRAR.		
July 25	12 o'clock	H. M. Beck	Prove debts and vouch assignee's acct.	*Meldon*
"	"	Arrangement case	do. do.	*Leachman*
		Friday. Before the COURT.		
July 26	11 o'clock	Thomas Dwyer	Final examination	*Perry*
"	"	Ellis Rowland	do.	*Graham*
"	"	James Byrne,	do.	*Meldon*
"	"	Fleming and Hennessy	Audit and dividend	*Larkin*
"	"	John Langan	Composition	*Matthews*
"	"	Arrangement case	Prove charge	*O'Reilly*
"	"	do.	Second sitting	*Lynch*
"	"	do.	First sitting	*Irvine*
"	"	do.	do.	*Irvine*
"	"	do.	do.	*Irvine*
"	"	Henry Magrath	Motion	*Franklin*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
July 16	Patrick R. Verlin, of Broad-street, Limerick, grocer and wine merchant,	Fred. Wm. Kennedy, of Limerick, commission agent,	*Perry*
"	John Gass, of Gillis, Armagh, linen manufacturer,	Samuel Gardiner, of Armagh, merchant,	*M'Combe*
"	Patrick Hanrigan, of Cork, corn dealer,	John Wm. Green, of Cork, corn merchant,	*Bennett & Dealy*
"	Edward Balfe, of Up. Baggot-street, Dublin, provision dealer,	Edward Thos. Ennis, of Kimmage, county Dublin, miller,	*Perry*
July 19	George M'Donald, of Nassau-street, Dublin, merchant tailor,	Thomas James Robinson, College-green, Dublin, tailor,	*M'Govern*
"	William Scott, of Phœnix Engine Works, Prince's Docks, Belfast, engineer and merchant,	Robert Potts, of Belfast, merchant,	*Lynch*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE
July 19	Hall, Alexander	5th and final dividend on £40,242, at $\frac{7}{16}$d., making, with former, 7$\frac{7}{16}$d.	*Deering*
"	O'Brien, John T.	2nd dividend on £533, at $\frac{3}{4}$d., making, with former dividend, 1s. 4$\frac{3}{4}$d.	*Deering*
"	Hannigan, Thomas	2nd dividend on £525, at 1s. 11d., making, with former dividend, 6s. 5d.	*Deering*

BANKRUPTS.

Little, Thomas, of High-street, town of Sligo, county Sligo, woollendraper and haberdasher. Petition of bankruptcy filed July 15, 1867. To sur. Tuesday, July 30, and Tuesday, August 20. L. H. Deering, official assignee. *Kernaghan and Saunders*, solrs.

Parker, Robert, of Camden-street, county of the city of Dublin, boot and shoemaker; also having a house and place of business at Stephen's-green, in said city. Petition for arrangement filed January 5, 1867. To sur. Tuesday, July 30, and Tuesday, August 13. C. H. James, official assignee. *Goff*, solr.

Soulsby, Edward, of Nassau-place, city of Dublin, and of Stillorgan, county of Dublin, mineral water manufacturer, holding a situation in the Rules Office of the Court of Common Pleas in Ireland. Petition for

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arrangement filed October 22, 1866. To sur. Tuesday, July 30, and Tuesday, August 13. L. H. Deering, official assignee. *Casey and Clay*, solrs.

Certificates Allowed.

July 5, 1867.

Coffey, Laurence, of No. 1, Lower Gloucester-place, city of Dublin, grocer, a bankrupt. *Casey and Clay*, solrs.

M'Dermott, Edward, of Ballina, county Mayo, draper, a bankrupt. *Larkin*, solr.

July 12, 1867.

Dunne, John Henry, of York-street, city of Dublin, solicitor, builder, and farmer, a bankrupt. *Rosenthal*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
July 22	12 o'clock	John Coleman	Proof of debt by a creditor	*Lee*
		Tuesday.		
July 23	12 o'clock	John Joseph Sherlock	To tax costs	*Byrne and Lambert*
,,	,,	John A. Mons	do.	*Casey and Clay*
,,	,,	John Dillon	do.	*Howe*
,,	,,	William Frazer	do.	*Macnally*
		Wednesday. Before the COURT.		
July 24	11 o'clock	John Joseph Sherlock	Audit and dividend	*Byrne and Lambert*
,,	,,	John Albert Mons	do.	*Casey and Clay*
,,	,,	William Frazer	do.	*Macnally*
,,	,,	John Dillon	Audit mortgagee's account	*Howe*
,,	,,	Thomas Roche Rice	Adjourned audit and dividend	*Huggard*
,,	,,	Edward Keane	Choice and appointment of assignee	*Molloy & Watson*
,,	,,	Thomas Weekes	Examination of witness	*Casey and Clay*
,,	,,	Daniel Ardrey	Hearing of petition	*Rynd*
,,	,,	George Robert M'Donald	do.	*Macnally*
,,	,,	Joseph Maddock	Adjourned hearing of petition	*Hunter*
		Friday.		
July 26	11 o'clock	———	For Bail Motions only	———
		Saturday. Before the CHIEF CLERK.		
July 27	12 o'clock	James Joseph Balfe	To vouch assignee's account	*Cronhelm and Lett*

INSOLVENTS DISCHARGED ON BAIL.

Lambert, Thomas Walter, gentleman, county Galway.
Langstaff, Charles Joseph, accountant, commission agent, and statuary, Cork.
Murphy, William, baker and shopkeeper, Cork.
M'Feat, James, hotel-keeper, Cork.

CASES DISPOSED OF IN DUBLIN.

Wednesday, July 17.
Before JUDGE MILLER.

Home, Richard Hare. Discharged.
Moylan, Laurence. Discharged.
Thomas, Rev. Charles Lomax. Adjourned to January 15th, 1868.

CASES DISPOSED OF IN THE COUNTRY.

At OMAGH, co. Tyrone, June 29.
Before JAMES ROBINSON, Q.C., Chairman.

Donnell, Fanny. Adjourned to next sessions.
Kilpatrick, Thomas. Adjourned to next sessions.
M'Dowell, John. Discharged.
M'Menamin, William. Adjourned to next sessions.
Reid, James, jun. Discharged.
Rogan, Michael. Adjourned to next sessions.
Tynan, Hamilton. Adjourned to next sessions.

At ARMAGH, June 29.
Before HANS H. HAMILTON, Q.C., Chairman.

Blaney, Patrick. Discharged.
Feighan, Thomas. Discharged.
Jones, Robert. Discharged.
O'Callaghan, Patrick. Discharged.
Rice, Patrick. Discharged.

PETITION OF INSOLVENCY FILED.

July 12.

Against Bryan, Michael, of Listellick, county Kerry, farmer; a prisoner in the gaol of Tralee. *Huggard*, solr.

INSOLVENTS.

To be heard in Dublin.

Alley, George, of Aungier-street, city of Dublin, having an office in Lower Merrion-street, in said city, Esq., solicitor and insurance agent; previously residing at Rathgar, county of Dublin. Hearing on Wednesday, Nov. 6th, 1867, at 11. *Macnally*, solr.

Brown, Michael, of Merrion; previously of Sandymount and Rathgar, county Dublin, commission agent, having an office in Cope street, city of Dublin. Hearing on Wednesday, July 31st, 1867, at 11. *Rynd*, solr.

Thompson, Robert William, of Villa Bank, Royal Canal, city of Dublin; previously of Margaret-place, Glasnevin, county of Dublin, superannuated clerk of Registry of Deeds Office. Hearing on Wednesday, July 31st, 1867, at 11. *Rynd*, solr.

To be heard in the Country.

Lambert, Thomas Walter, of Beaghmore, county Galway; previously of Aggard, in said county, gentleman; sued as "Thomas W. Lambert." Hearing at Galway, Oct. 14th, at 10. *Jennings*, solr.

Langstaff, Charles Joseph, of Prince's street, city of Cork, accountant, commission agent and statuary; sued as "Charles Langstaff." Hearing at Cork, October 17th, at 10. *Drinan*, solr.

M'Feat, James, of George's-street, city of Cork, hotel keeper and hotel assistant. Hearing at Cork, October 17th, at 10. *Drinan*, solr.

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BIRTHS, MARRIAGES, AND DEATHS.

DEATHS.

BALL - July 17, at Kingstown, Ellen, daughter of the late John Ball, Esq., sergeant-at-law, and M.P. for Drogheda.

HENN - July 15, at her residence, No. 3, Wilton-place, in the 83rd year of her age, Mary Rice Henn, widow of the late William Henn, Esq., Master in Chancery.

"THE IRISH LAW TIMES & SOLICITORS' JOURNAL."

CASES for holding THE IRISH LAW TIMES, AND SOLICITORS' JOURNAL, for One Year, can now be had, Lettered on side, Price—whole-bound Cloth, 2s 6d.; half-bound Leather, 3s. 6d.; whole-bound Leather, 4s. 6d., by Post 4d. extra, from J. FALCONER, 53, Upper Sackville-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS.

CAUSE PETITION.

In the Matter of **The Kildeema Flag Quarry Company, Limited.**

Ex parte **William Edwd. Armstrong M'Donnell,** Petitioner.

I HEREBY require all persons claiming to be Creditors of the Kildeema Flag Quarry Company, Limited, on or before the 27th day of JULY, 1867, to furnish, in writing, to JOHN FROST, Esq., Solicitor for Shareholders, 11, Lower Dominick-street, Dublin, the amount and particulars of their several demands, (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that they may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors, whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 5th day of July, 1867.

WM. BROOKE, Master in Chancery.

TIMOTHY BUNTON, Solicitor for the Petitioner, No. 18, Middle Gardiner-street, Dublin.

LANDED ESTATES' COURT, IRELAND.

GENERAL NOTICE TO CLAIMANTS.

In the Matter of the Estate of **Maria Morron and Edward Morron, her husband,** Owners;

Ex parte **Charles W. Hoysted,** Petitioner.

THE Court having Ordered a Sale of the Dwelling-house and Premises known as No. 6, Lower Dominick-street, in the Parish of Saint Mary, and City of Dublin, held under Fee-farm Grant, dated the 20th day of February, 1864, all parties objecting to such Sale of the said Premises are hereby required to take Notice of such Order. And all persons having claims thereon, may file such claims, duly verified, with the Clerk of the Records.

Dated this 18th day of July, 1867.

C. E. DOBBS, Examiner.

THOMAS A. W. HODGES, Solicitor for Petitioner having Carriage of Sale, No. 34, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Thomas Dwyer, of Tipperary,** in the County of Tipperary, Spirit Retailer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 26th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 15th day of July, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

JEREMIAH PERRY & PATRICK S. CONNOLLY, Agents to the Bankruptcy, No. 11, Bachelors'-walk, Dublin; and 13, Thomas-street, Limerick.

LUCIUS HENRY DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Edward Balfe, of Upper** Baggot-street, in the County of Dublin, and of Moore-street, in the City of Dublin, Italian Warehouseman, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 30th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 19th day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelors'-walk, Dublin

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of **Robert Parker, of Camden-**street, in the City of Dublin, Boot and Shoe Maker; also having a House and place of Business at Stephen's-green, in said City, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 30th day of JULY, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 17th day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JAMES GOFF, Agent to the Bankruptcy, No. 17, Upper Ormond-quay, Dublin.

STATUTORY NOTICE TO CREDITORS.

In the Matter of **John Hanson, late of** Brootally, in the County of Armargh, Farmer, deceased.

PURSUANT to the Statute 22nd and 23rd Victoria, chapter 35, intituled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," Notice is hereby given, requiring all persons claiming to be Creditors, or who may have any claims or demands against the Estate and Effects of the said John Hanson who died at Brootally, aforesaid, on or about the 9th day of May, 1867 on or before the 1st day of SEPTEMBER, 1867, to furnish the particulars (in writing) of their debts, claims, or demands, to ALEXANDER M'COMBE, Solicitor for Thomas Henry Hanson, of Brootally, aforesaid, Farmer, to whom Letters of Administration of all and singular the personal Estate and Effects of the said deceased were granted forth of the Armagh District Registry of Her Majesty's Court of Probate in Ireland, on the 22nd day of June 1867. And Notice is hereby given, that after the said 1st day of September, 1867, the said Administrator will proceed to distribute the Assets of said deceased amongst the parties entitled thereto, having regard only to those debts, claims, or demands, of which his said Solicitor shall have had Notice, as aforesaid.

Dated this 13th day of July, 1867.

ALEXANDER M'COMBE, Solicitor for said Administrator, 19, Upper Ormond-quay, Dublin; and Armagh.

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HIS MAJESTY KING GEORGE THE FIRST, A.D. 1720.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 26.] SATURDAY, JULY 27, 1867. {Single Copy, 6d. By Post, 7d.}

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THE IRISH LAW TIMES.

DUBLIN, JULY 27, 1867.

THE Court of Chancery Appeal gave judgment on Wednesday in the important case of *Beecher* v. *Downing*. It was an appeal from a decree of ex-Chancellor Blackburne, made in favour of the petitioner. The petition was presented for the purpose of obtaining a declaration that the respondent, Mr. T. M'Carthy Downing, of Skibbereen, should be held to be a trustee for the petitioner, Mr. Edward George Beecher, of certain property purchased by the respondent in the Incumbered Estates' Court, in the year 1854. It appeared that a Mr. Edward B. Beecher became entitled (amongst others) to the lands in question, as tenant for life, subject to a jointure for his mother, and portions for his sisters, with remainder to the petitioner for life, and, after his death, to his first and other sons in tail male. It was alleged that Mr. E. B. Beecher was a person of improvident habits; and, having become embarrassed in his circumstances, neglected to pay his mother her jointure, or his sisters the interest on their charges. In 1850, one of his sisters presented a petition in the Incumbered Estates' Court for a sale of the lands, and the respondent acted as her solicitor, and had the carriage of the proceedings. In February, 1851, the order for sale was made absolute, although opposed by Mr. E. B. Beecher. In the same year Mrs. Beecher took proceedings in Chancery to raise the arrears of her jointure, and the respondent acted as her solicitor. A receiver was appointed in October, 1851, and it was stated the respondent also acted as solicitor for the receiver. Mr. E. B. Beecher's solicitor was, as alleged, a Mr. Francis M. Murphy, whose business was transacted in Dublin by Mr. John Conroy. The petitioner charged that soon after the order for sale was made absolute in the Incumbered Estates' Court, Mr. E. B. Beecher quarrelled with Mr. Murphy, who, in consequence, ceased to act as his solicitor: and that about this period the respondent became the solicitor of Mr. E. B. Beecher: that in an action brought by Mr. Murphy against Mr. Beecher, to recover certain costs incurred in opposing the sale in the Incumbered Estates' Court, the respondent took defence for Mr. E. B. Beecher, and induced Mr. Murphy to take Mr. Beecher's bond for the amount, undertaking that it should be paid out of the produce of sale: that the respondent also acted for Mr. Beecher in effecting the sale of his house and farm to a Mr. Spring in the month of March, 1854. On the

5th of May, 1854, the lands were advertised for sale in the Incumbered Estates' Court, and an agreement was entered into between the respondent and Beecher for a private sale of certain lots to the respondent for the sum of £7,100: and it was alleged that, on the 24th of April, 1854, a notice was served by the respondent on the solicitors of all parties concerned that he would submit an offer of £7,100, for six of the lots, to Judge Hargreave: that this notice did not state that this offer was to be made by the respondent, or on his behalf.

It appeared that the offer was, in fact, made by a Mr. Alexander M'Carthy, and accepted by the late Judge Hargreave, and an entry was made in the Court-book that Mr. A. M'Carthy was accepted as purchaser in trust for the respondent. The six lots were then withdrawn, and duly conveyed by the Court to the respondent. The petitioner charged that shortly before the sale to the respondent, E. B. Beecher came to Dublin, and was, during his stay, the daily guest and companion of the respondent, and that in progress of their intercourse a secret bargain was come to, which resulted in the offer of the respondent being made to, and accepted by, the Court. It was also charged, that in order to obtain the aid and sanction of Mr. Beecher large sums of money were given to him by the respondent "in consideration of his services," and Mr. Beecher left this country for America, where he died. The petition charged that by the contrivances of the respondent a sum of at least £2,500 was lost to the persons entitled in remainder, and prayed a declaration that the sale was made collusively, and in violation of the trust reposed in respondent as solicitor having the carriage of the sale.

The respondent, in his answer, denied he acted for Mr. Beecher as his legal adviser in any matter connected with the sale. That the lots referred to were first valued at £8,000, and afterwards at £7,500, which the respondent alleged he refused to give. That after some treaty on the subject Mr. Beecher, having consulted with his friends, agreed to accept £7,100. That all parties and the Court knew that Mr. A. M'Carthy was a trustee for the respondent, and there was no concealment in the matter.

The Lord Chancellor in giving judgment said that in his opinion—

"The respondent would have discharged himself by proving that, irrespective of his character as a solicitor, being in a fiduciary position, he gave the full value of the property, and that he never entered into a secret treaty to defraud a helpless remainder-man, a widow, and woman. However, the respondent went at length into all the allegations in the position, and denied all the charges brought against him. He denied that he was on terms of intimacy with Edward B. Beecher, who only came to his office on business occasionally, and said he did not know that he was of improvident habits, but was aware that his property was incumbered. When he came to deal with the charges of acting as the confidential adviser of Edward B. Beecher, he was most anxious to keep foremost his allegation that Mr. Conroy acted for him as attorney. Now, he (the Lord Chancellor) believed that Beecher either had no attorney at all, or that, to some extent, Mr. Downing had acted for him. The respondent explicitly denied that he was anxious for Beecher's departure for America; and said that so far as the question of money was concerned he never gave him more than £20 in consideration of the impoverished condition in which he represented himself to be. He added, that the sale being made privately was to prevent knowledge of it getting abroad, so that Beecher might not be arrested. His lordship expressed his opinion that the purchase money paid for the property was the outside price of its value at the time of the sale, and the only increase in value which had since taken place was by the falling in of a life. With respect to the purchase itself, however, and the circumstances by which it was surrounded, a different question arose. On this point the evidence of Mr. Alexander M'Carthy was of vital importance, and should have been obtained by the respondent. The statement that he was not on friendly terms at present with the respondent, and that he did not volunteer to give evidence was no excuse for his not being produced. It was a most unaccountable thing also, that most important documents connected with the transaction were not forthcoming. So far, however, as actual fraud was concerned, he was bound in charity as he felt bound in law, to acquit the respondent from any charge of that kind. If the petitioner thought he could contradict the case made by the respondent, it was his duty to counterplead. He had not done so, and the case was now for the Court on the pleadings as they stood, and the evidence given by the respondent as to the value of the property. His opinion, as he had before stated, was that Mr. Downing had established that he gave full value for his purchase; and he also was of opinion that the charge of his having entered into a secret treaty had not been sustained." The Lord Chancellor having further reviewed the facts of the case, said the Court had come to the conclusion that the petition should be dismissed with costs, but reserving to the petitioner the opportunity of making a new case by establishing a fresh petition certain equities which it was contended at the bar he had.

The Lord Justice of Appeal expressed his concurrence in the judgment of the Lord Chancellor, and observed "that the charges of fraud and collusion brought by the petitioner against Mr. Downing, had not only not been sustained, but appeared to be purely imaginative and illusive."

The appeal was accordingly allowed, the petition being dismissed with costs.

The judgments of the Court occupied nearly five hours in their delivery, and the case was admitted to be one of considerable difficulty, having regard to the conflicting allegations, on both sides. We are sincerely glad, for the sake of the profession, that Mr. Downing has now successfully vindicated his character from the charges of fraud, which were so directly preferred against him, at the same time we can well conceive that upon a question of fact Lord Chancellor Blackburne might have conscientiously arrived at the conclusion he did; and that, Mr. Downing being the solicitor having the carriage of the proceedings, and clothed at the time

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with a fiduciary character, the case thus came within the well-established doctrines of Courts of Equity, upon a question of trust, or constructive fraud.

We published in our last number an article from the *Solicitors' Journal* commenting on a case of *Barraclough* v. *Greenhough*, as affording a curious example of the perversion of the section of the English Probate Court Act, which enacts that a Probate may (on service of certain notices) be given in evidence to establish a devise of real estate.

A point (which affords an equally curious example of careless legislation) was raised sometime since in one of our Quarter Sessions' Courts, upon the corresponding section of the Irish Probate Act, viz., that in a Civil Bill Ejectment the Probate of a will cannot be offered in evidence of a devise affecting real estate. It did not become necessary to decide the point in the case in which it was raised, but we believe the objection to be a good one; and the result is, that in a proceeding in the Civil Bill Courts, and in these Courts alone, there is now no other means of proving a devise affecting real estate than by the production of the original will, and this result is produced by enactments intended to have the very opposite effect.

The 68th section of the Probate Act (20 & 21 Vic., c. 79) enacts that "in any Action at Law or Suit in Equity where, according to the existing Law, it would be necessary to produce and prove an original will in order to establish a devise or other testamentary disposition of or affecting real estate, it shall be lawful for the party intending to establish in proof such devise, &c., on giving notice, &c., to give in evidence as proof of the devise the Probate of said will, or a copy thereof, stamped with any Seal of the Court of Probate."

Now, independently of the question whether a Civil Bill Ejectment can be considered as included in the words *Action at Law or Suit in Equity*, this section is inoperative, as it only refers to cases *where, according to the existing Law, it would be necessary to produce and prove an original will*, and so is not applicable to any proceeding by Civil Bill, as in any such proceeding it was not necessary to produce and prove the original will, it being provided by the 108th section of the Civil Bill Act, 14th & 15th Vic., c. 57 (which has not been repealed or amended by the Probate Act), that "in any proceeding an office copy of any original will, &c., lodged in any Ecclesiastical Court in Ireland which shall appear by such copy to have been duly proved, and probate, &c., granted, shall, upon proof of the signature of the proper officer of such Ecclesiastical Court, certifying the same to be a true copy, &c., be admitted as *primâ facie* evidence of the contents of such will, &c., without the production of the original will." This section is also now quite inoperative, as there is no such officer of any Ecclesiastical Court, and the officers of the Probate Court will not give the certificate required by that section; a copy of the will stamped with the Seal of the Court of Probate being by the Probate Act substituted for a certified copy. We recommend this matter to the consideration of the Committee who are at present occupied in preparing amendments to the Civil Bill code.

At the commencement of the present vacation, lists of the intended sittings of the judges of the Common Law Courts to hear chamber motions were published with more than the usual formality, the name of the judge who would sit on each chamber motion day being given. On Tuesday last the Hall was filled by numbers anxiously expecting the arrival of a judge, as it was positively stated there was one in town; but no judge appeared. On yesterday the number of those who were in attendance, many having motions of a very pressing nature to be heard, was largely increased; and the expressions of vexation and disappointment which were uttered upon every side when again no judge appeared, seemed certainly excusable. We are confident there is good reason for these repeated disappointments, but they would be less grievous if the profession had not been induced to believe that such arrangements had been made as would have prevented them.

HOUSE OF COMMONS, July 22.

COURTS OF LAW OFFICERS (IRELAND) BILL.

On the motion that this bill be read a third time,

Sir C. O'Loghlen asked what had been done with respect to a memorial praying the Treasury to increase the salary of the Taxing Masters of the Common Law Courts of Ireland.

The Attorney-General for Ireland said the returns called for in the case showed that the business of the office annually decreased, so that it was thought improper to make the increase asked for.

Mr. Murphy pointed out that the returns of business done were inaccurate, because only those cases in which duty or taxation was paid were returned.

The bill was read a third time and passed.

Thursday, July 25.

PETTY SESSIONS CLERKS IN IRELAND.

In reply to General Dunne,

Lord Naas said he had no objection to the return for which his hon. and gallant friend intended to move, of the remuneration assigned to each Petty Sessions clerk in Ireland in connexion with the administration of the Act for the licensing of dogs in that country. The remuneration given this year, however, was only of a temporary character and by way of experiment. The Government must not be held pledged to give the same amount in future; but the whole question would be considered during the recess.

THE ADMIRALTY COURT (IRELAND) BILL.

The House resumed the consideration of this Bill in Committee.

On the postponed clause, 16, in which it was proposed by the Government to fill up the blank by fixing the salary of the Judge of the Court under the Bill at £1,200 a-year.

Sir C. O'Loghlen moved as an amendment that the amount should be fixed at £2,000, observing that the new Judge would have very extensive jurisdiction, and that

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£1,200 a-year was not a sufficient sum to give him in the shape of salary.

After a short discussion, the Committee decided that the salary should be fixed at £1,200 a-year.

On clause 18,

The ATTORNEY-GENERAL for IRELAND moved to insert the words fixing the superannuation allowance of the present Judge at £500 a-year.

Sir C. O'LOGHLEN proposed that it should be £800, observing that the present Judge had discharged the duties of the office at a very inadequate salary for 11 years, and had been 24 years in the public service.

Mr. HUNT opposed the amendment. The proposition amounted to this—that the officer should be relieved of his duties and receive as a superannuation £300 a-year more than his original salary. (A laugh.)

Mr. M'LAREN thought it a monstrous proposition.

Mr. MAGUIRE, Sir P. O'BRIEN, and Mr. PIM supported the amendment.

Mr. CHILDERS thought the subject should be left in the hands of the Government.

The amendment was negatived, and the clause ordered to stand part of the Bill.

The other postponed clauses were agreed to.

The House resumed.

RATES ON UNOCCUPIED FURNISHED HOUSES.

The following is a copy of a letter issued by the Poor Law Commissioners, showing the liability of the owners of furnished unoccupied houses for the payment of rates assessed upon them. The subject is one of much importance :—

"SIR—The Commissioners for Administering the Laws for Relief of the Poor in Ireland desire to inform the Board of Guardians that a judgment has been given in the Court of Exchequer Chamber, on the question of the liability of a house which is furnished for letting, but which is not actually occupied, to be rated to the poor rate. The question has very frequently arisen at boards of guardians, who have from time to time applied to the Commissioners on the subject, and the Commissioners have in all such cases advised, on the authority of eminent counsel, that the premises were rateable. The point was recently argued in the Court of Queen's Bench, in a case which arose in the city of Dublin, under the 62nd section of the Dublin Collection of Rates Act (12 and 13 Vic., chap. 91), which corresponds in its terms with the 12th section of the 25 and 26 Vic., c. 83, and the decision of the Court was adverse to the rating; but this decision having been brought, by appeal, into the Court of Exchequer Chamber, the Court ruled that the owner of a furnished house is liable to be rated in respect of the house, even though it remained unlet, and unoccupied by a tenant. The case in which this decision was given was Staunton v. Powell, and is reported in the Irish Reports, Common Law Series, Part IV., published in the month of June last."

BILL TO ALTER THE SUPERANNUATION ALLOWANCES OF THE DUBLIN METROPOLITAN POLICE.

A bill "to Amend the Laws Regulating the Superannuation Allowance of the Dublin Metropolitan Police," which was lately brought into the House of Commons by Lord Naas, the Attorney-General for Ireland, and Mr. Hunt, was printed to-day (July 20th), and its provisions will be found of some interest. The preamble sets forth that by an act passed in the 10th and 11th years of the reign of her present Majesty, cap. 100, regulations were made for the granting of superannuation allowances to members of the Dublin Metropolitan Police, and that, as it is expedient to alter and amend those regulations, this act has been introduced.

Clause 1 repeals, from and after the passing of this act, so much of the recited act as provides for the payment of a contribution in aid of the funds applicable to the support of the said Dublin Metropolitan Police equal to 2 per cent. per annum on the salary or pay of the several parties mentioned therein, but provides that such repeal shall not be held to destroy, or in any manner lessen, the rights of such parties as shall have so contributed to the benefit of the scale of superannuation.

Clause 2 authorizes the Lord Lieutenant or other Chief Governor or Governors of Ireland, under the conditions afterwards mentioned, to direct that any superintendent-inspectors, acting-inspector, sergeant, acting-sergeant, or constable of the Dublin Metropolitan Police, appointed to the force after the passing of this act, may be superannuated and receive a gratuity or yearly pension not exceeding the proportion of his salary stated in the following scale :—

1. A gratuity of one month's pay for each year's services after five years and less than fifteen years.
2. On completion of fifteen years' service an annual pension of fifteen-fiftieths of the pay, and an increase of one-fiftieth for each successive year up to thirty years' service completed.
3. After thirty years' service, or after the person to be superannuated has attained the age of sixty years, the pension to be equal to thirty-fiftieths of the pay, or a larger proportion in cases of extraordinary merit or good conduct.
4. For injuries received at any time in the actual performance of duty, a pension for life to be granted of an amount in proportion to the injury received, but not exceeding the full pay—the grounds of disability to be carefully investigated and fully set forth in the authority granting the pension. But no such pension, retiring allowance, or gratuity is to be granted in any case to any person except on the certificate of the surgeon of the force, or such other competent medical officer or officers as the Lord Lieutenant shall name for the purpose, that such person is from mental or bodily incapacity unable to perform his duty any longer, and the certificate of one of the Commissioners of the Dublin Metropolitan Police that he has served with diligence and fidelity. Any member of the force who shall have attained the age of sixty years or upwards may, upon his petition, be superannuated without such medical certificate.

Clause 3, after setting forth that it is expedient that the present members of the Dublin Metropolitan Police establishment should continue to be entitled to receive retiring allowances calculated upon the scale of superannuation and rates of pay to which they were entitled before the passing of this act—provides that the provisions of the recited act shall apply to the members of the said Dublin Metropolitan Police establishment appointed before the passing of this act, as fully and effectually as if this act had not been passed.

Clause 4 provides that any pension or retiring allowance shall be granted to members of the force appointed after the passing of this act only upon the condition that it becomes forfeited, and may be withdrawn by the Lord Lieutenant in any of the following cases :—

1. On conviction of the grantee for any indictable offence.
2. On his knowingly associating with suspected persons, thieves, or other offenders.
3. On his refusing to give information and assistance to the police whenever in his power for the detection and apprehension of criminals, and for the suppression of any disturbance of the public peace.
4. If he enter into or continue to carry on any business, occupation, or employment which, in the opinion of the Lord Lieutenant, shall be disgraceful or injurious to the public, or in which he shall make use of the fact of his former employment in the police force in a manner which the Lord Lieutenant considers to be discreditable and improper.

And nothing herein contained is to entitle any member of the Dublin Metropolitan Police absolutely to any superannuation allowance, nor prevent him from being dismissed or discharged for misconduct or other sufficient cause without superannuation allowance.

The Right Hon. the Attorney-General has appointed John George Gibbon, Esq., of the Leinster Bar, to be his counsel, in place of Edward Spencer Dix, Esq., appointed a Divisional Justice of Dublin.

The French bill for the abolition of imprisonment for debt having been passed on Thursday last, the debtors confined in Clichy had an illumination at the prison the same evening.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

In the Matter of GILLMAN'S Trusts and the Trustee Relief Act.

May 14, 1867.—*Trustee Relief Act—Minor—Guardian ad litem.*

A petition was presented, under the Trustee Relief Act, praying that a sum of £490 7s. stock, might be transferred to the petitioners, or that it might be referred to the Master, to inquire who was entitled thereto, and to allocate the same accordingly. Henry Bennett Gillman, a minor, claimed to be entitled to a portion of the said stock. He resided within the jurisdiction.

Webb moved to appoint a guardian *ad litem* to the said minor. He cited *Re* the *trusts* of *Ward's will*, 2 Gif. 122; *In re Barrington*, 27 Beav., 272.

The MASTER of the ROLLS made an order for the appointment of the minor's mother, who had no interest conflicting with that of the minor, as guardian *ad litem*.

Solicitor for the petition, *Thomas R. Wright*.

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-Law

In the Goods of JOHN NORRIS, deceased.

July 13.—*Practice as to Lodging Caveats.*

A Caveat lodged by a Solicitor for certain next of kin of the deceased, who were abroad, but lodged on the same day on which a Conditional Order for a new trial respecting the validity of the will of the deceased had been refused, and lodged under the directions of the Solicitor who acted on the trial for the Defendants, was set aside with costs, the same to be paid by the Solicitor who lodged the Caveat.

Dr. Miller moved, on behalf of Robert Harvey, the residuary legatee and executor named in the will of John Norris, the deceased in this matter, to set aside the caveat lodged on behalf of certain persons resident in America, who were some of the next of kin of the said deceased, or to require the proxy or retainer of the persons authorizing such caveat to be produced.

A suit was pending in the Court, in which Robert Harvey was the plaintiff, and Andrew Buchanan and several others, next of kin of the deceased, were defendants, and in which the issue was as to the validity of the testamentary papers executed by the deceased, dated respectively the 12th and 13th days of October, 1866, and in the former of which the said Robert Harvey was named residuary legatee, and in the latter also sole executor. The persons for whom the caveat had been now lodged had not been cited to see proceedings, as their residences or even existence were unknown to the said Robert Harvey or his advisers. All other next of kin and heirs-at-law had been duly cited and made parties to the cause, which came on for trial early in the month of June last, before a special jury, who, after several days' hearing, found a verdict that the two paper writings of the dates already mentioned, were together the last will and testament of the said deceased.

A decree was then made by the learned Judge of the Court, establishing the said two paper writings as the last will and testament of the said deceased. A motion was then made in due time on the part of the defendants in the cause for a conditional order for a new trial, whereupon, on the 21st day of June last, the learned Judge made no rule on the motion. On the same day a caveat was lodged by a Solicitor, under the directions of the Solicitor who had acted for the defendants, for several persons who were by the caveat stated to be resident in America, and to be some of the next of kin of the deceased. The Solicitor for the defendants, in an affidavit made by him to resist the motion, admitted that he was, before the trial, in privity and communication with persons who were acting in this country for, and were near connexions of the parties abroad.

Counsel for the applicant submitted that either the proxy or retainer authorizing the caveat to be lodged should be produced, and that if not produced the caveat should, according to the practice of the Prerogative Court, be dismissed with costs (*Cormack* v. *Rourke*, Milw. 578), or that the caveat should be set aside as having been entered, in fact, by the same Solicitor who conducted the defence, and who had, before the hearing, instructions to act for the parties who had thus become caveators.

The stamp duty and all necessary fees had been paid, and all the papers lodged when this caveat was discovered.

Mr. Twigg, for the caveators, objected to the motion. These persons had not been cited by Robert Harvey, and were in no way bound by the verdict or judgment in the cause referred to, and were entitled to require that the person seeking to establish the will should do so in solemn form of law.

KEATINGE, J.—There is nothing that the Court is bound to watch more carefully than that of lodging caveats, which may be made the means of great oppression; and in this case it is plain that the Solicitor who acted for the defendants in the suit was in privity with the parties abroad, who were in the same interest precisely with the defendants. I must, therefore, set aside this caveat; and as the caveators are abroad, I direct that the costs of the application be paid to the applicant by the Solicitor who lodged the caveat.

Solicitor for the applicant, *Dickie*.
Solicitor for the caveators, *Twigg*.

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by J. LEVY, Esq., Barrister-at-law.

IN INSOLVENCY.

Before JUDGE MILLER.

In re DANIEL ARDREY.

July 25, 1867.—*Bringing an Unfounded Action—Mistaken Identity.*

The insolvent was opposed by *Clay*, solicitor, on the part of a creditor named M'Cluskey, on the ground of having brought an unfounded action. It appeared that the insolvent commenced an action for assault and slander against Mr. M'Cluskey, and upon that gentleman receiving an attorney's letter he instructed his solicitor, Mr. Clay, to reply by saying that he never saw the insolvent at all, that he never had anything whatever to do with him, and that there must have been some mistake in the matter, and requested that he would come and see Mr. M'Cluskey and identify him if he could; he, however, took no notice of these letters, but went on with the action. On the trial Ardrey persevered in stating that M'Cluskey was the person who assaulted him; but it was satisfactorily proved that he was not in Dublin at all on the night or day when the assault took place, that in fact he was at that time in Killarney; and there was a verdict for the defendant, the costs of which constituted his present debt, which, under the circumstances, was alleged to be fradulently contracted.

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O'Driscoll for the insolvent submitted that even if his client was mistaken as to the identity of the man, yet having been grossly assaulted by some person—two of his fingers broken and other injuries done him—it was clear that he brought the action *bonâ fide* and there was no ground for remand.

JUDGE MILLER said that the insolvent ought to have replied to the attorney's letter, that he should have gone and inquired into the facts, and when he ascertained how they were he would not have gone on with the action. The Court remanded the insolvent for twelve months.

IN BANKRUPTCY.

In re A. B., AN ARRANGING TRADER.

July 26.—*Attorneys' Apprentices and Conducting Clerks.*

An attorney's apprentice was proceeding to move a matter in Bankruptcy, when Judge Miller called attention to the 372nd section of the Irish Bankrupt and Insolvent Act, which conferred the important privilege of allowing attorneys to act as advocates in matters of bankruptcy and insolvency, without employing counsel, but the attorney so acting should be the attorney on record, or to the matter. A most important decision was made on that point last week in London, where the conducting clerk to the attorney on record was an attorney himself, and still he would not be permitted to address the Court. The case was *ex-parte Broadhouse*, and appeared in the *Times*. Now he (Judge Miller) was determined to uphold the statute, and he could not permit the apprentice or conducting clerk of the attorney on record, even if that clerk was an attorney himself, to act as an advocate in that Court. It was right that the profession should be aware of this.

CIRCUIT CASES.

MUNSTER CIRCUIT.

SUMMER ASSIZES, 1867.

Reported by W. GRIFFIN, Barrister-at-Law.

ENNIS, *July* 16.

MORONY, *Appellant;* SULLIVAN, *Respondent.*

In this case the Civil Bill was in the form directed by sec. 116 of the 14 & 15 Vic., c. 57, calling upon the defendant to show cause why execution of arrest should not issue against his person in respect of an affirmance of a dismiss for £2 17s. for costs and witnesses' expenses. The respondent had been defendant in a previous Civil Bill brought by the appellant, which had been dismissed, and the dismiss affirmed on appeal. The respondent finding the appellant had no goods off which to levy his costs, brought the present Civil Bill, and the Chairman granted execution against the person under the 116 & 117 secs. From this order there was an appeal, which now came before FITZGERALD, J.

For the respondent it was argued that the power of appeal was by the 117th sec. expressly withheld in cases under the 116th sec., and that the judge could not entertain any appeal in such a case.

For the appellant it was urged that the new Civil Bill Act, 28 & 29 Vic., c. 99, gave an appeal from all "decrees" under "this" Act (sec. 34) that decree included dismiss (sec. 1), and that as the old and new Civil Bill Acts are to be read as one Act (sec. 54), a dismiss under the old Act was a decree under the new within the 34th sec. Besides this proceeding does not apply to costs at all.

FITZGERALD, J.—On the assumption that this is a process within the 116 & 117 secs. of the C. B. Act, I am clearly of opinion that there would be no appeal from the decision of the Chairman. But there is another question to be considered; this process is based upon a dismiss, and it appears to me that a proceeding of this kind cannot be supported on a dismiss. It never was the intention of the legislature that the powers under the 116th sec. should be put in force for the recovery of costs. The word plaintiff, in the 117th sec., might possibly mean the plaintiff in the process under that and the preceding sec.; but the words in the 116th sec. are:—"when a plaintiff having obtained a decree shall not have recovered," &c. That clearly cannot include the case of a defendant who had obtained a dismiss, and the Chairman having made an order without jurisdiction, that order must be reversed; but I will reverse it without prejudice, so that the respondent's original affirmance may not be interfered with.

Attorney for appellant, *J. F. Cullinan.*

Attorney for respondent, *C. B. Molony.*

ENGLAND.

SOLICITORS' PARTNERSHIP LIABILITY.

The theoretical advocates for a code of English law who do not read the current reports can scarcely be aware of the difficulty of the undertaking. Perhaps they would reason that the greater the difficulty the greater the advantage. If there is diversity of decision or opinion among judges and text writers on principles, or if main points lie unsettled, inviting contention, let the oracle, when it is decided what the oracle shall be, lay down the law, so that at least the great thoroughfares of it may become broad and straight, although the ramifying passages may still remain a little intricate. The principle of partnership liability has been among the vexed questions. It made *Waugh* v. *Carver* a leading case seventy or eighty years ago, and, notwithstanding this leading case, it took *Cox* v. *Hickman* to the House of Lords in 1860. In *Waugh* v. *Carver*, 2 Sm. L. C., the Lord Chief Justice (Eyre) held that he who took a moiety of the profits indefinitely should, by operation of law, be made liable to losses if losses arose; upon the principle that by taking a part of the profits he took from the creditors a part of that fund which was the proper security to them for payments. But in *Cox* v. *Hickman*, 3 L. T. Rep. N. S. 185, on the question whether creditors under an old business, parties to a deed of arrangement, were liable as partners on bills accepted by the trustees constituted by the deed to carry on a new business formed out of the old one, and to pay those creditors from the profits—on which question the Judges of the Court of Exchequer had been equally divided, and there was the same difference of opinion between the Judges who advised the House of Lords—the Lord Chancellor (Campbell) was of opinion that the creditors could only be liable on the supposition that the person who wrote the acceptance on the bills of exchange was their mandatory for that purpose, and that they had not, by executing the deed, so authorized the trustees as their agents. Lord Wensleydale put the principle of partnership liability very distinctly. If two agreed that they should carry on a trade and share the profits of it, each was a principal and each an agent for the other, and each was bound by the other's contracts in carrying on the trade, as much as a single principal would be by the act of an agent who was to give the whole of the profits to his employer. Hence it became the test of liability of one for the contract of another, that he was to receive the whole or a part of the profits arising from that contract by virtue of the agreement made at the time of the employment. He believed that was the true principle of partnership liability. Perhaps the maxim, "ought to bear the loss," often stated in the earlier cases, as *Waugh* v. *Carver*, was only the consequence, not the cause, why a man was made liable as a partner.

Agency, then, according to the judgment of the House of Lords, is the cause of partnership liability; taking the profits is a test of agency; and bearing the loss a conse-

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quence of the agency. But Stuart, V.C., in *Sawyer* v. *Goodwin*, 16 L. T. Rep. N. S. 623, considered that, in questions of liability, to rest the relation of partners upon the principle of agency might, perhaps, not be a very perfect mode of describing the principle upon which that liability depended; but, as far as it went, it was accurate enough. The case before him was where a firm of solicitors were employed by a client to negotiate an advance for him on mortgage, and the partner who conducted the transaction furnished to the mortgagee's solicitor an abstract which suppressed prior mortgages known to the partner; on the title made by which abstract the mortgage was completed. One of the partners died worth considerable property, and afterwards the persons interested in the mortgage claimed to be indemnified out of his estate for the loss occasioned by the suppression. Against the claim it was argued that the deceased partner was innocent of the fraud, and that, if fraud were imputed against the partner who acted in the mortgage, relief must be against him personally. But the Vice-Chancellor put the matter on the footing of profit. It was not, he said, suggested that the profit to be derived from the making out and delivery ef the abstract was for the separate benefit of the partner, or that it was to be applied in any other way except as ordinary partnership profits. Although the mortgage was created through the agency of the partner in London, where he had the sole management of the business of the firm, the Vice Chancellor thought it was impossible, upon the "well-understood principles" of the law of partnership, to say that it was not a partnership transaction, and that the partners one and all were not liable for the breach of professional duty which had been committed. To say, as the Vice-Chancellor said, that the view taken by the House of Lords of the foundation of partnership liability was not a perfect mode of describing the principle on which the liability depended, was, in fact, to imply that there was some other foundation, which could only be participation of profit. But, as we have seen, such participation was not regarded by the House of Lords as fundamental or causative, but as a test of the existence of the foundation or cause.

The profit principle is scarcely consistent with the important distinction between the cases where money is left in the hands of one of a firm of solicitors generally for investment, and where it is left for an investment then in contemplation. Thus in *Harman* v. *Johnson*, 2 Ell. & Bl. 67, Wightman, J., thought that in the absence of evidence that the firm acted generally as scriveners, the mere effect of their being solicitors would not make one partner liable for the act of another, unless upon evidence that the money was deposited in order to be invested in the particular mortgage. Solicitors might, in the opinion also of Crompton, J., often become liable for non-investment by their partners, where the partnership was in the habit of carrying on business on what might be called a general commission, but they did not necessarily act under such a general commission. They might, however, as incidental to their business as solicitors, receive money for the purpose of laying it out upon a certain mortgage, so as to be liable on the transaction.

This distinction was the ground of the decision in the earlier case of *Blair* v. *Bromley*, 2 Ph. 354, and in the latter cases of *Bourdillon* v. *Roche*, 6 W. R. 618, and *Eager* v. *Barnes*, 7 L. T. Rep. N. S. 408. In the first case, on a representation by one of a firm of solicitors to trustees that he had an available mortgage, the trustees furnished him with money for the purpose of the investment, which, however, was never made, while the contrary was represented to the clients. Lord Cottenham held that the other partner was liable, for the duty of laying out the money was in the ordinary course of the business of the firm. What, asked Lord Cottenham, was the nature of the liability which arose from the misrepresentation? Merely a guarantee that the parties whose interest might be affected by the misrepresentation should be placed in the same situation as if the fact were true. The misrepresentation was probably made for a fraudulent purpose; but the consequence was a mere civil liability; and as one partner might certainly bind another as to any matter within the limits of their joint business, so he might by an act which, though not constituting a contract by itself, was in equity considered as having all the consequences of one. *Eager* v. *Barnes* was a similar case, similarly decided by Lord Romilly. But in *Bourdillon* v. *Roche*, where the solicitors of trustees, who had been employed in making an investment for them on mortgage, received the interest, and afterwards, acting for the trustees in a sale of the property by the mortgager, received the mortgage money, which was left in their hands, the partner who attended to the business of this sale was held not to be liable on a fraudulent misrepresentation, made subsequently to the trustees by the other partner, that the firm had made a new investment of the money on another mortgage recommended by him. The receipt of the money in this case by the firm was not in view of that particular mortgage, but for the purpose of investment generally, and therefore not within the scope of a solicitor's business.

If the theory of partnership liability is agency, the liability of one of the partners for the fraud of the other cannot be regarded as settled by decision any more than, we should submit, it is settled by principle. In the Mercantile Law the author, learned not by courtesy, remarks, with his caution, that "the principal has been thought to be responsible, not merely for the negligence, but for the deliberate fraud of his agent committed in the execution of his employment, though without the principal's authority; as, for instance, by selling false jewels for true ones;" and he quotes the reason given by Lord Holt, that some one must be the loser, and he who confides in the deceiver ought, rather than a stranger, to be such loser. But in the Exchequer, in *Udell* v. *Atherton*, 4 L. T. Rep. N. S. 797, on a sale by an agent of a log of mahogany represented by him as sound, with a fraudulent concealment of a defect and an action of deceit brought against the principal, the court was equally divided; Pollock, C.B., and Wilde, B., holding that the principal was liable; but Martin and Bramwell, BB., the contrary. Bramwell, B., looked on the fraud as no part of the sale; no part of the contract—it was collateral to it; and thought that Lord Holt's reason affected the purchaser more than the principal. He reviewed all the authorities, ending with *Wilde* v. *Gibson* in the House of Lords. In like manner Martin, B., argued that the agent was not authorized to make the misrepresentation respecting the state of the log; and all that the principal did was to authorize him to sell it honestly. No doubt the principal afforded the occasion on which the fraudulent misrepresentation was made, but he did nothing more.

Besides the opportunity of misappropriation by a member of a solicitor's firm as to mortgage money, cases have occurred of a like danger relating to money in court. Thus, in *Brydges* v. *Branfill*, 12 Sim. 369, on a sale of estates under the direction of the court, the tenant for life obtained an order for payment out of part of it to him by fraud, to which the member of the firm who acted for him in the suit was privy. The Vice-Chancellor decreed all the members of the firm liable. Upon "general principles," with respect to liability, he could not distinguish the innocent members from the peccant members. They were all of them solicitors and officers of the court, and the court could not regard any division of labour as among themselves, but must look upon the act of the partnership towards the court as the act of all and every of them. The safety of the public required this. *Todd* v. *Studholme*, 3 K. & J. 324, was a case of the same descriptiou.

The doctrine of partnership in fraud falls with peculiar hardship on solicitors, owing to the confidential relation subsisting between a partner and the client, whose business is attended to by him, and the largeness, in many instances, of the interests involved.

It is a standing tribute to the profession that, holding as they do men's fortunes and good names in their hands, they habitually deal with both as faithful stewards, and that an unjust steward in the law is seldom found. In one sense their interest in ascertaining the true bounds of partnership liability is small, but in another it is great. Notwithstanding, then, the cases above noticed supporting the doctrine of liability for a partner's fraud, we venture to think that when partnership liability is rested on agency,

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as after *Cox* v. *Hickman*, and in the interest of jurisprudence, it should be rested, considerable doubt arises whether the foundation of all those cases is not sapped. The operation of law which would attach on an innocent person liability for the moral fraud of another, because those persons have agreed to share between them the profits of business, meaning, of course, honest business, and because the fraud is committed in the business, is repugnant to reason as well as to morals. Fraud is in its nature personal. There can be no technical participation in it. It is altogether out of the region of partnership.

OUR JUDICIAL SYSTEM.—No. I.

There are few topics (if we except Parliamentary Reform, perhaps none) to which public attention has been of late so eagerly or so ignorantly directed, as the reform of our judicial system. Commencing with the scheme, now happily abandoned, of simply adding an extra judge to each of the superior courts of common law, and bringing forward in turn almost every possible proposition except that which seems to us obviously the right one, the Government have for many months been vainly endeavouring to discover, and the opposition lawyers as vainly endeavouring to suggest, some possible scheme for facilitating the administration of justice. The united efforts of all the "big wigs" in and out of Parliament have culminated in the production of three measures, all of which will, we presume, in due time, receive the royal assent; of which it is not perhaps too much to say that two are positively prejudicial, and the three at any rate of very doubtful benefit.

The proposed alterations in the Court of Chancery reproduce or exaggerate two of the most serious defects in the old system, viz., the entrusting of judicial functions to subordinates, and the appeals to a single judge.

There are, we take it, three cardinal defects in our present system of Chancery practice, no one of which is in the least alleviated by the proposed changes, whilst the accumulation of arrears in chambers and in the appellate court are to be removed simply by deteriorating the quality of the tribunal in each case;—

"Et propter vitam, vivendi perdere causas."

The public desire rapid justice, and it is proposed to make it rapid by making it less trustworthy than at present. The absurdity of endeavouring to meet the want of judicial power in Chancery—the fact that there are more questions of law arising there than the judges can decide on the present system by an increase in the staff of clerks, has been ably exposed by our contemporary the *Saturday Review*, in an article which forcibly points that the inevitable result of the measure will be to reproduce the old system of masters, without indeed the delay which used to take place in the masters' offices, but with all the other evils of that essentially vicious system aggravated and intensified.

The vice in the proposed alteration in the constitution of the Court of Appeal, though different, is not less grave; we scarcely know any system more calculated to produce uncertainty—more sure to bring the administration of justice, if not the law itself, into contempt, than the practice of appeals from one judge to one judge, except in the cases where there is a manifest and necessary difference in the status and qualifications of the judges in question. An appeal from a county court judge to a Vice-Chancellor, or to a single Common Law judge is unobjectionable, because there is a presumption, from the mere relative position of the judges, that the appellate court is the stronger; but in an appeal from a Vice-Chancellor to the Lord Chancellor or to a single Lord Justice (apart from any consideration of the *personnel* of the judges who, for the time being, may fill these offices), there is no such presumption, because the qualifications of the judges are identical, the difference in their *status* is purely official; for example, and we purposely avoid all reference to any present occupant of the bench, what weight would have been attached to a judgment of Lord Truro or Lord Campbell reversing a judgment of Vice-Chancellor Kindersley, or of the late Lord Justice Turner when Vice-Chancellor? And yet, whether this has or not in effect happened, there is no improbability in the suggestion. It is matter of notoriety that the question which of two particular judges should be the one entitled to reverse the decrees of the other has depended more than once, and that at no distant period, not on any question of their relative judicial fitness, but simply on the greater or less weight which a particular nobleman had in the Cabinet. An appeal court, consisting of a single Lord Justice (which is now proposed as a remedy for the arrears in the appeal court), is, in three important particulars, the very worst court of appeal which would be created; rivalling in all its defects the old abolished appellate jurisdiction of the Court of Queen's Bench, and differing from that system only for the worse.

There are, we take it, three qualifications necessary for a good Court of Appeal. First—The judges should be of the highest class. Secondly—They should be as numerous as possible. Thirdly—The constitution of the court should be as varied as is consistent with due attention to the other two requisites. The existing Court of Appeal in Chancery possesses the first requisite only, and, relatively speaking, does not possess even that, the judges of that court not being selected from any higher class than the judges of first instance. Indeed, as these latter are, and ought to be, themselves of the very first class, it would be simply impossible that any such difference should exist.*

We have said that there are three grave defects in our present Chancery system—by these we mean:—first, the large extent to which judicial functions are exercised by "deputy judges," *i. e.*, the chief clerks; secondly, the small number of judges (one or two as the case may be) who sit to decide important questions of law; thirdly, the constitution of the Court of Appeal.

All these evils might, we think, be greatly mitigated, if not removed, by the adoption of a sounder system, to which we have never heard any sounder objection urged than that it is "new;" an objection not, we think, entitled to any very great weight.

In order to this, however, it is essential that the proposed Civil Law court should not be constituted, and we think that there are good reasons why it should not. True, it contains some elements of good, and if the present system of exclusive and divided jurisdiction is to be continued, it supplies perhaps the readiest means of stopping the gap at present felt in the ranks of the common law judges. But, then, this very exclusive jurisdiction is itself an evil, as it tends to beget narrow and exclusive views of particular branches of the law, and moreover bandies the suitor about from court to court, to the great prejudice of the interests of justice, and in complete opposition to that "fusion" for which all men appear to long, though none seem to know how it is to be attained. Besides, this court, if constituted, would perpetuate an unnatural division and not less unnatural conjunction. The only true ground for distinct jurisdiction is, as has been well pointed out by Mr. Arthur Houston, a difference of procedure; and the proposed court will, if constituted, have jurisdiction over a variety of subjects requiring very different procedure, while it will withdraw those subjects from the cognizance of the courts whose procedure is strictly fitted to them respectively; and all this for no better reason than that the old-abolished ecclesiastical courts had managed, in the general scramble of jurisdiction in the seventeenth century, to keep exclusive hold upon these particular classes of cases.

The proceedings in matrimonial cases are almost exclusively issues of fact or simple questions of law between two parties, and the judgments in such cases are simple, and capable of being reduced to a few unvarying forms, and no administrative process (properly so called) is ever required; that is to say, the proceedings are essentially analogous to those of an ordinary action at law. The probate proceedings, on the other hand, are also exclusively administrative, and disputed issues of fact are comparatively few, the vast majority of questions of doubt being decided by the judge on motion; that is to say, the proceedings are very analogous to those of a suit in equity of the simpler sort, and require no machinery not already to be found in the Court of Chancery.

* We speak, of course, of the *constitution* of the court. We desire to repeat that we do not refer, directly or indirectly, to the *personnel* of the Bench as at present constituted.

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The proceedings in Admiralty are of a mixed class ; and while we think that the majority of collision suits are fitter for the determination of a jury of seamen than for any other tribunal, there are various administration questions of different kinds, which require a machinery not now to be found in a court of common law. It would perhaps be best to leave the present commonest jurisdiction, simply transferring the general jurisdiction of the Court to the Court of Equity, but empowering the Common Law Courts to entertain proceedings *in rem* against the ship in any case where an action can now be maintained against the owner. By this scheme we place three judges at the disposal of the country—for it is clear that on the present system it will require not less than three judges to do the work—and, having regard to the division of jurisdiction already mentioned we propose to allot two of these to the Equity Bench, one to that of Common Law.

We should propose, in the next place, to abolish the Court of Appeal altogether. We quite agree with Sir Roundell Palmer that intermediate courts of appeal are, provided always that the Court of first instance is well constituted, a mistake, and that—from this qualification—the sooner we get rid of them, both at law and in equity, the better. The Lords Justices, thus rendered *functi officio*, we propose to replace by two vice-chancellors (subject, of course, to any rights of the existing judges) but without any corresponding increase in the number of courts or chambers or clerks.

Lastly, we would abolish the London Court of Bankruptcy, transferring its jurisdiction to the Court of Chancery, and substituting for the three commissioners (subject to existing rights) two vice-chancellors.

We could thus have, when the proposed changes were completed, ten equity judges besides the Lord Chancellor, whose united cost to the country would not exceed that of the judges whom they are intended to replace.

The question how to employ these judges, together with the corresponding amendments of the common law system, must be reserved for a future number.—*Solicitors' Journal.*

A NEW EDITION OF THE STATUTE BOOK.

A Bill repealing, wholly or in part, some 1,300 acts of Parliament, has just passed swiftly, and almost without remark, through both Houses, and received the Royal assent on Monday last. Such a fact as this is, to the lawyer of the old school, nothing less than a terrible portent. It is true, he says, that all these condemned acts are alleged to be obsolete; but is this really the case, and how is one to be sure of it? A single stone can hardly be displaced, in the complicated structure of English law, without dislocating some portion of it which we would willingly leave untouched. It is still less likely, he argues, that 1,300 blocks can in one operation be pulled out of different parts of the building, without causing its utter ruin; which indeed becomes a certainty when we remember that the operation just performed is but the last of a series, the effect of which has been to withdraw more than 3,000 pieces from the fabric of our jurisprudence. To the majority, however, of the legal profession, and probably to all persons who take the trouble to reflect upon the matter, this operation is one of the greatest legal reforms which have ever been effected in England; and, being strongly of this way of thinking ourselves, we propose to state briefly what it is that has just been accomplished, and in what manner the results thus obtained may be turned to the best advantage.

Acts of Parliament are at present classed practically under two heads—1, "Public General;" 2, "Public Local and Personal, and Private." The first are what are generally known as "the Statutes," and occupy usually from forty-five to eighty-five volumes, according to the size and completeness of the edition. The second kind extend to about 400 folio volumes, and are to be found in a collected form only in very large public libraries. The distinction between the two classes of statutes is entirely arbitrary, depending merely upon the fact that those composing Class I. were introduced into Parliament at the public expense, and those in Class II at the expense of private persons or bodies. It happens, however, that this merely arbitrary distinction coincides, though not very accurately, with one that is most essential. While Class II., with very few exceptions, contains only statutes which alter the rights of definite individuals, Class I. comprises nearly all those which affect the whole population, and thus deserve a place in the general body of law.

It is not very important that acts of the second class should be arranged in any sort of order, or should be made easily accessible as a whole. The general public is no more concerned with them than with the title-deeds of individual proprietors, or the charters of particular corporations, which are in many respects very similar in their nature to private Acts of Parliament. It is enough if each person has in his own possession such documents of this nature as may affect himself, and can produce them whenever it may be necessary. It is far otherwise with the so-called "Public General" statutes which are comprised in Class I. They contain rules with which it is as necessary that every citizen should be acquainted as with the maxims of the common law. It is therefore highly desirable that these statutes should be well arranged and clearly expressed, that such of them as are repealed should be easily distinguishable from such as remain in force, and that they should be published in as cheap and convenient a form as possible; and this not only that the people at large may have a chance of acquiring some acquaintance with the laws which they are expected to know and to obey, but also that the Legislature may be enabled to discover readily what is the actual state of things which it is from time to time called upon to alter or amend.

Now it is well known that the existing collections of so-called Public General statutes are as far as possible from fulfilling these requirements. In the first place, the volumes in which they are contained preserve dead law as well as living. Acts long ago repealed are in no way distinguishable from those which are in full force, and many which are wholly inapplicable to the present state of society are, or rather were but a few weeks since, still nominally operative. To these causes is mainly due the intolerable bulk of our Statute-book. Indeed their mischievous effect was perceived even as early as the time of Edward VI., who says that he could wish that, when time should serve, "the superfluous and tedious statutes were brought into one sum together, and made more plain and short, to the intent that men might better understand them." The evil became, however, far more serious in later times, as may be readily inferred from the fact that in an edition of the statutes from Henry III. to 21 & 22 Victoria, in forty-one volumes, no less than twenty-three volumes are filled with Acts passed subsequently to the Union; and of the 6,887 Acts comprised in these twenty-three volumes, 3,523 are no longer in operation.

Measures have, however, at length been taken to remedy this state of things. Lord Cranworth, in 1854, obtained the appointment of the Statute Law Commission, under whose direction a careful register was made of all repealed statutes; but this register left untouched a vast number of acts which, though unrepealed, were practically obsolete. That these have been carefully catalogued and then expressly repealed is due to Lord Westbury. In 1860, as Attorney-General, he announced that Mr. Reilly and Mr. Wood had been engaged to carry out the work, and their labours have resulted in three "expurgation Acts," as they are called, by which, as before mentioned, about three thousand obsolete enactments have been swept out of the Statute book. Lord Westbury, in introducing the measure, stated that it was undertaken with a view to a revised and greatly abbreviated edition of the statutes; and Lord Chelmsford has accordingly, in moving the second reading of the final expurgation Act, announced that such an edition may be expected at no very distant date. It is to be comprised in six or seven volumes, and is to be accompanied by a complete classified index. The subsequent annual volumes of the statutes are to be provided with similar indices. Such an edition would no doubt prove a very great boon both to the profession and the public. It would contain all the living statute law, weeded of all that is obsolete and dead, and would certainly not extend beyond ten volumes. The proposed indices would also be of the greatest service. But when we have said this, we have said all that can be said of the superiority of the new edition over those which now exist. The new edition will contain no dead law, and will be comprised in a

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comparatively small compass; but still greater improvements are within our reach.

In the first place, the present would be a favourable opportunity for the adoption of a more rational system of classifying the statutes than that which now prevails. The cardinal distinction ought evidently to be between those which impose general rules of conduct, and those which only affect the rights of definite individuals. These classes should be called "Public" and "Private" respectively, and the accidental circumstance of the mode in which acts are introduced into Parliament should no longer be allowed to determine the class to which they are to be assigned. To the "Private" class should be relegated all those acts which, though really of "local and personal" character, are now, because they happen to be passed at the public expense, classed as "Public General." How little they answer to such a description will appear from a few instances culled from the so-called Public General statutes of last Session. One of these exempts Mr. Forsyth from such penal consequences as he may have incurred by sitting as a member of Parliament while holding a certain place of profit under the Crown. Several others confirm, and embody at great length, certain provisional orders, such as an order of the Home Secretary enabling the West Hove Improvement Commissioners, acting under their private Act, to effect minute improvements in the streets of that pleasant suburb of Brighton. After this rectification of frontier between the "Public" and "Private" statutes, it would be desirable that the two collections should be issued, as usual, every year; but the Statute-book about to be published by Government should be far from comprising all even of the statutes which are distinctly of a public character. Two kinds of really public acts are passed every year which are quite unsuited for a place in a permanent body of law—namely, those which are of annual recurrence, such as the Mutiny and Supply Acts, and those which are passed for a definite purpose, and whose operation is exhausted when that purpose is accomplished, such as acts to dower a princess, or to enable the Government to build a new National Gallery. If all the acts to which we have objected as unsuitable were omitted from the revised edition, it would contain none but true general laws, but it would still contain many laws which are of little use to the English lawyer, because they operate exclusively in India, the Colonies, Ireland, or Scotland. What is required is not one collection of the heterogeneous laws by which these widely different localities are governed, but distinct collections of the statutes affecting the various kingdoms and dependencies which are subject to the British Crown. Perhaps the most convenient arrangement would be the following:—The first and most important collection would contain only statutes operative in England; the second, only those operative in Scotland; the third, those operative in Ireland; while the fourth would contain all those which relate to India, the Colonies, and the Slave-trade.

To sum up what has been advanced, the annual volumes of statutes should for the future be distinguished as Public and Private; and the line between the two classes should be drawn in accordance with a logical principle. The revised edition about to be issued by the Government should be relieved, not only, as is already proposed, of all dead laws, but also of all which are not really of a general nature, and of all which, from their limited effect, may be described as "annual acts," or as mere "legislative warrants." The residuum should be divided into four separate works, which might be distinguished as the "English," the "Scotch," the "Irish," and the "Imperial" statutes respectively. An edition compiled upon these principles would be much less bulky and much more convenient than that announced by the Government, nor need it occupy more than two or three months longer in preparation. Such an edition would also be a step in the direction of a statute code; into which statute law, expressed as it already is in distinct propositions, might be with very little difficulty converted, without waiting for the application of a similar process to the common law. For the first step towards such a code must be the selection of such statutes as are fitted for a place in it—in other words, statutes which are not only still in force, but are also of a really general and permanent character.

The scheme of the Government is apparently to arrange the new edition in a merely chronological order; and this would probably, in the first instance, be the best plan. Much time would, at any rate, be lost if the measure were now delayed till a really philosophical system of arrangement had been devised, and till the acts and fragments of acts had been distributed according to such a system. What the profession and the public require, and what they ought to have in their hands a year hence, is a perfectly complete edition, in about three volumes, of all the general and permanent statutes operative in England which are now in force.—*Saturday Review.*

THE LAW OF COMPENSATION FOR INJURIOUS AFFECTION UNDER THE RAILWAY AND LANDS CLAUSES ACTS.

The judgments delivered in the House of Lords in the important case of *Rickets* v. *The Metropolitan Railway*, are reported in a recent number of the *Weekly Reporter* (15 W. R. 937). We, therefore, take this opportunity of commenting upon the law of "injurious affection," of which this case is the most important development, at a time when it is probably being studied by our readers. We share the regret which Lord Westbury so pathetically expresses at the state in which the law was left by the judgment of the Court of Exchequer Chamber, and also that which he no doubt felt not less acutely, but which modesty prevented him from expressing, that in the result, his opinion in the matter should have been overruled. We cannot, however, say that we should have been glad to see his judgment entirely adopted by the House of Lords. It would have been most unfortunate that the rule that an injurious affection in the statute means an injury for which, but for the Act of Parliament making it lawful, an action would have lain, should have been entirely and unreservedly abrogated. This rule has been laid down on the highest authority, is constantly acted on, and is taken as the test in many other doubtful claims for compensation besides that for trade profits. In all of these the law would have been unsettled, if the reasons given by Lord Westbury for reversing this judgment had been adopted by the House. Whether that rule might not, with advantage, have been modified so as to go merely to this extent—that in cases where there would have been no remedy, either by action or other proceeding, no compensation was meant to be given—and thus, to preserve the present rule, excluding claims for compensation for mere amenities—is an important, and perhaps doubtful, question. To abrogate the rule entirely would, we think, not only have been unnecessary for the purpose of deciding Rickets' case in his favour, but would have interfered with a right decision in other cases. It seems to us that, without going as far as Lord Westbury did, there were ample grounds for reversing the decision of the majority of the judges in the Exchequer Chamber, and for establishing—as the Lord Chancellor as well as Sir William Erle was so anxious to do—a precise and definite rule. This, owing to Lord Westbury's differing in opinion, and some difficulties which arise from the Lord Chancellor and Lord Cranworth not entirely agreeing, has not, we think, been done; but, as the failure calls peremptorily for the interference of the Legislature, we can scarcely say we regret it.

Perhaps the most noticeable point in the judgments is, that *Chamberlain's case*, 11 W. R. 472, is upheld, and on the ground of distinction pointed out by Erle, C.J., in delivering the judgment in *Rickets' case* in the Exchequer Chamber. This is that in *Chamberlain's case* the frontage was altered, so that, instead of fronting an important street, the houses were made to front a kind of back alley. In fact the road was the same as before, but it was blocked up at the end by the railway, so as to cease to be a thoroughfare for carriages, and was only a thoroughfare for foot-passengers by their going up some steps opposite the houses and so on to the substituted road, which crossed the railway by a bridge. There it was admitted that it was a natural and immediate consequence of the alteration that the property would be less valuable for business purposes, and that the

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owner might be compensated for this expected future loss of profit. In *Rickets' case* the street immediately in front of the house was left the same as before, but, owing to an obstruction at the end of the street, over which people had to pass by a bridge, the traffic along it was found, after the event, to be actually as much altered as if it had been converted into a back alley. Here it is said—True the people do not come; but, as they might do so, their not coming is not the natural and immediate consequence of what the company have done: so that here, although the loss had actually happened, and was not merely expected as in the other case, it is held that no compensation can be claimed.

It is a natural and direct consequence that few persons will pass along a street in consequence of its being blocked up by an embankment, over which there is no outlet, though there is one by some steps at the side; yet it is a remote and indirect consequence that few persons do pass when the obstruction consists of a hoarding with a foot bridge over it. This is the distinction which it was so distressing to Lord Westbury to be told that the Judges of the Common Pleas and Exchequer had failed to understand.

We are not surprised at his feelings, but we must confess to a greater obtuseness than that attributed to the learned judges in question. They only failed to find out the distinction, we fail to see it when it is pointed out.

Of course there might happen to be a difference made by the statute between an obstruction by the temporary and by the permanent works, but the only one suggested is that pointed out by Lord Westbury, which makes the claim stronger and not weaker in the case of the temporary works. It ought also to be remembered that in order to arrive at this startling result the Lord Chancellor was compelled to overrule *Wilkes's case*, 2 Bing. N. C. 281, which has been law since 1835, where an action was actually maintained for this very class of damage. That case has never been objected to, except in these cases of compensation, where the point incidentally arises. It has been the law in this country for more than thirty years; it has been quoted with approval in America, and is stated in Sedgwick on Damages to lay down what is now the law in the American courts. The objection to this case is founded entirely on the doctrine of remoteness of damage, a doctrine unsatisfactory in many of its applications, especially to actions of tort, and in none more so than in this. For it must be remembered that in the question whether an action is maintainable for the obstruction of a highway there is no question of the existence of the right or wrong involved. It is merely a question of the appropriate remedy for enforcing the right and redressing the wrong. If the damage sustained is common to all the Queen's subjects, then it is the business of any one who complains to proceed by indictment, and get the obstruction removed for the benefit of others as well as himself. If, however, he has sustained some particular damage, he may sue to recover it. Surely if the value of a man's property to let or to sell is diminished, that is damage particular to him and not common to all the Queen's subjects, for which, therefore, he ought to be allowed to bring an action. And if he does not happen to want to let or sell his property, but occupies it himself in its less valuable state, making less profit out of it than he would have done but for the obstruction, the damage he has sustained is quite as much peculiar to himself and as little shared by the rest of the Queen's subjects. Nor does the damage seem to be at all more remote in the one case than in the other. We think that all persons who are in the habit of referring to the cases quoted in judgments which they read, or who are acquainted with the particular cases here referred to, will be somewhat surprised at the prominence given by the Lord Chancellor and Lord Cranworth to the case of *The King* v. *The London Dock Company*, 5 A. & E. 163. That case was not only, as they both incidentally remark, decided upon a statute differently worded from the Railway Clauses Act, but the decision was expressly founded on that form of expression which constitutes the most important difference. The Dock Act contemplated that what was authorized to be done would not cause damage, but provided that if, contrary to expectation, damage was done, compensation should be paid. This, said the Court, shows that there was to be no compensation for such damage as must necessarily be done, and must have been foreseen. The Railway Clauses Act, on the other hand, contemplates that damage will be done, directs that as little as possible shall be done, and says that what is done is to be paid for. The Lord Chancellor says that in *The King* v. *The London Docks* it was held that the consequential damage was too remote to be the subject of an action. In fact, any one who reads the end of the judgment will see that just the contrary was held, viz., that the consequence was so direct and immediate as to be necessarily legalized by the Act of Parliament.

We think, therefore, that it would have been much more satisfactory if the House of Lords had decided that Rickets might have maintained an action for the injury and depreciation in value of his property, and that on this ground he was entitled to compensation. We say depreciation in value, for we see no difference between temporary depreciation by temporary works and permanent depreciation by permanent works. One is a diminution of value let, the other of value to sell.

It will be noticed that, while the Lord Chancellor says that Rickets could not have maintained an action at all, Lord Cranworth only says that if he could, it would not have been for an injury to his property, but to himself as occupier. There may, therefore, yet be some uncertainty whether *Wilkes's case* (*ubi sup*) is overruled.

We think we have said enough about this case to justify our proposition that the interference of the Legislature is peremptorily called for, in order to put this branch of the law in a more satisfactory condition. We must defer to another occasion our observations on the nature and extent of the interference called for.—*Solicitors' Journal.*

LORD JUSTICE TURNER.

From *The Solicitors' Journal.*

We record with much regret the death of Sir George James Turner, the senior Lord Justice of Appeal, which took place at his residence in London on the night of Tuesday, the 9th inst. His illness was of but short duration, and at first excited no alarm among his friends until very shortly before his decease. Until ten days before his death he continued to perform his duties in court. Subsequently the affection assumed the character of bronchitis, which, before Sunday, the 7th, developed into congestion of the lungs. On that day, though seriously ill, there was no anticipation of immediate danger, and Lord Chelmsford was admitted to his chamber to see him, although he was forbidden to converse. From that moment he appears gradually to have sunk until Tuesday night, when Lady Turner, who was absent, returned only to find that his death had taken place an hour previously to her arrival.

Sir George James Turner, born on the 5th February, 1798, was the youngest but one of the twelve children of the Rev. Richard Turner, B.D., Incumbent of Great Yarmouth, by his second wife Elizabeth, daughter of Thomas Rede, Esq. The family of Turner were settled, for many generations, at Keningham, in Norfolk; one of them, Francis Turner, born in 1662, and bred to the law, settled at Yarmouth, and became town clerk of that place; was a person of great literary attainments, and was the intimate friend of the poet Crabbe, by whose son, in the preface to his edition of the poet's works, he is spoken of in the highest terms of commendation.

On the mother's side Sir George Turner was descended from Sir Robert Naunton, Secretary of State to James I., and author of *Fragmenta Regalia*, and from his wife Mary, grand-daughter of Sir Edward Coke, Lord Chief Justice of England, through whose wife Bridget, the daughter of John Paston, Esq., Sir George Turner was also descended from the ancient Norfolk family of that name, and from William Paston, Judge of the Common Pleas temp. Henry VI.

Sir George Turner was educated at Charterhouse, of which foundation he was a governor at the time of his death. He was a member of Pembroke College, Cambridge, of which his uncle, Dr. Joseph Turner, Dean of Norwich,

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and formerly the tutor of William Pitt, was then the master. In 1819 he took his degree as eighth wrangler, and afterwards became a fellow of his College. His name having been entered at Lincoln's-inn, he became a pupil of the late Lord Cottenham, and was called to the bar in 1821. Shortly after he edited a volume of Chancery Reports in conjunction with the late James Russell, Esq., Q.C. In May, 1840, he became a Q.C. simultaneously with Mr. Bethell, now Lord Westbury, who was two years his junior. In July, 1847, he was elected M.P. for Coventry, and retained his seat until April, 1851, when he was appointed Vice-Chancellor, soon after which he received the honour of knighthood, and was made a Privy Councillor. In January, 1853, he was appointed one of the Lord Justices of Appeal, in succession to Lord Cranworth, who became Chancellor.

Besides being a governor of the Charterhouse, he was a Bencher of Lincoln's-inn and a Fellow of the Royal Society, and had received the honorary degree of D.C.L. of the University of Oxford.

As a member of the House of Commons, Sir George Turner introduced and carried the measure known as Sir George Turner's Act, which, with other minor improvements upon the cumbrous practice of that day, enabled the Court of Chancery to decide, upon a special case, questions in which the parties were agreed upon the facts. To him also in a great degree, as a member of the Chancery Commission, are due many of the great improvements in the practice of the court which were effected in 1852; and he may be said to have been the father of the present chamber practice in Chancery.

He married, in 1823, Louisa, the daughter of Edward Jones, Esq., of Brackiey, in Northamptonshire, by whom he had six sons and three daughters, who, with Lady Turner, all survive him.

As a judge Sir George Turner cannot be better described than in the words which Lord Chelmsford addressed to the Bar on Wednesday morning:—"The unvarying kindness and courtesy which he showed to every one, his devoted and patient attention to every case brought before him, and the anxious care with which he worked out his judgments, which were always full and satisfactory, will never be forgotten; and I am sure that there is hardly anyone connected with the Court of Chancery who does not feel that he has almost lost a personal friend in that most amiable and estimable man, and upright and conscientious judge."

When we call to mind the remarks he made respecting Sir James Lewis Knight Bruce, his late colleague, whom he survived but a few months, of the perfect harmony existing between them during the long period they had sat together, we cannot but attribute this to the great personal qualities possessed in so eminent a degree by the judge whose loss we now mourn.

It may not be inopportune to add that an elder brother of Sir George Turner, namely, Mr. Francis Turner, who died in 1864, also contained considerable eminence as a conveyancer, and was a Bencher of the Inner Temple; and another brother, Mr. C. R. Turner, has for many years been a Master of the Court of Queen's Bench.

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

DIVORCE PRACTICE.—The fact that a husband's safety is not endangered by the wife's cruelty, including acts of personal violence, is no bar to his obtaining relief in judicial separation. In such a case the court will look, in the interest of the wife herself as well as the husband, to the danger of his being provoked to retaliate, and will not, by refusing to interfere, drive the husband to the necessity of meeting force by force: (*Forth* v. *Forth*, 16 L. T. Rep. N. S. 574. Div.)

SYMBOLIC DELIVERY.—The Court of Ex. Ch. has affirmed the well-known decision of the C. P. in *Meyerstein* v. *Barber*. Martin B. said: The 11 Vict., c. 18, s. 5, provides that till the lien for freight is disposed of the wharfinger shall not give up the goods. There are two symbols of the goods, the bill of lading and the wharfinger's certificate, and until the certificate is given the bill of lading gives the goods as far as they can be given, and any one who had the bill of lading endorsed to him would be entitled to hold the goods against any person claiming under Abraham. I think that the judgment of the Court of C.P. was perfectly right: (16 L. T. Rep. N. S. 570.)

CONTRACT FOR COTTON TO ARRIVE.—By a contract for the purchase of cotton to arrive, guaranteed equal to sample, it was agreed that should the quality prove inferior to the sample, an allowance should be made. The bulk turned out to be composed of a different kind of cotton from that in the sample, and was of no use to the buyer for the purposes he had bought it: Held (affirming the decision of the Court of C.P.), that the buyer was justified in repudiating the contract: (*Azemar* v. *Casella*, 16 L. T. Rep. N. S. 371. Ex. Ch.)

RESPONSIBILITY FOR ACTS OF BAILIFFS.—An execution was issued at the suit of A. The bailiff broke and entered the house and took away the goods of another person than the execution-debtor. The owner of the house and goods, Mrs. J., gave notice to the bailiff that they did not belong to the execution-debtor, and the bailiff communicated this to A. A.'s attorney wrote in reply to the bailiff:—"My client has handed me yours of the 8th inst. She thinks Mrs. J.'s claim has no foundation, but declines to give you any instructions. You will please to do what is right in the matter:" Held, that this did not render A. liable for the wrongful acts of the bailiff: (*Jones* v. *Smith*, 16 L. T. Rep. N. S. 609. Byles, J.)

EQUITABLE PLEADING.—To a declaration containing indebitatus counts, a plea to the following effect was held good: that after the accruing of the claim, the defendant, by and with the authority, and at the request of the plaintiffs, delivered to certain persons his promissory note, whereby he promised to pay, &c., and the said note was made, delivered, accepted, and renewed by the said persons with the authority of the plaintiffs, on account of the claim therein pleaded to, and the said persons thenceforth have been and still are holders of the said note, and entitled thereto, and to the amount thereof. Replication on equitable grounds that the said persons were and are trustees of and for the plaintiffs, of which the defendant had notice, and the said note was and is still due and unpaid; (*The National Savings Bank Association* v. *Tranah*, 16 L. T. Rep. N. S. 592. C. P.)

COUNT IN SLANDER.—The following count (special damage, be it observed, being alleged) was held good. It stated that the plaintiff was a gamekeeper, and was used to be in that capacity employed by the occupiers of land in the neighbourhood of a certain wood; that many of the said occupiers were accustomed to hunt foxes for recreation, and it was considered to be a very improper act to destroy foxes in the said neighbourhood, and a person destroying them would be looked upon by them with disfavour, and would not be employed; that the plaintiff was always employed as gamekeeper on the terms that he should not kill foxes; that the plaintiff had been employed as gamekeeper on the terms aforesaid by one of the said occupiers of land, and had to perform his calling in the said wood, but not to kill foxes there, and it would have been a gross breach of his duty as gamekeeper had he killed foxes there; of all which premises the defendant had notice; yet that the defendant falsely and maliciously spoke and published of the plaintiff as such gamekeeper that he had trapped three foxes in the said wood, meaning thereby that the plaintiff, whilst so employed as aforesaid, in breach of his duty, killed and destroyed three foxes in the said wood, whereby the plaintiff was greatly injured in his credit, reputation, and circumstances, and in his business of a gamekeeper, and divers of the said occupiers of lands (naming them) ceased to employ him as gamekeeper, and his profits as a gamekeeper were diminished: it would have been good without the allegation of special damage, for, although the words used were not of themselves without more shown *prima facie* actionable, yet the averments in the declaration, with respect to the nature of the plaintiff's business, sufficiently showed that the words used were spoken in reference to the plaintiff's business, and were such as to be prejudicial to him therein: (*Foulger* v. *Newcombe*, 16 L. T. Rep N. S. 595. Ex.)

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EQUITY PRACTICE—SUITS BY DEBENTURE-HOLDERS.—It a suit instituted by a debenture-holder against a railway company, it was ordered that the proceedings in another suit commenced by an earlier debenture-holder against the company were to be stayed, and that the plaintiff, in that suit should be allowed to prove his claim under the decree made in the suit of the second debenture-holder. The Court subsequently refused with costs an application on the part of the first debenture-holder to discharge the order.

WRONGFUL DISMISSAL—JUSTIFICATION.—A traveller to a distillery company, was bound by the terms of his agreement to remit immediately all sums collected. He sold some of the company's wines to a brothel-keeper, and neglected to remit immediately, sums of money collected by him: Held, that either circumstance was sufficient to justify his dismissal without a notice: (*Blenkarn* v. *Hodges' Distillery Company*, 16 L. T. Rep. N. S. 608. Byles, J.)

COMPANY'S SERVANT—RESPONSIBILITY.—A quarrel having arisen on the premises of a railway company between a servant of the company and a number of persons, amongst whom was A.; the company's servant gave A. into custody on a charge of assaulting and obstructing him in the discharge of his duty. In an action brought by A. against the company for assault and false imprisonment: Held, that the company could not be made responsible for this act of their servant: (*Lumsden* v. *The London and South-Western Railway Company*, 16 L. T. Rep. N. S. 609. Bramwell, B.)

WRONGFUL DISTRESS—POSSESSION.—Where the plaintiff had assigned her interest in the premises before the date of the distress, but still remained upon the premises (the person to whom her interest was assigned not having entered), it was held that she was there merely as the agent of such other person, and that she therefore could not maintain an action for distress: (*Nash* v. *Lucas*, 16 L. T. Rep. N. S. 610. Lush, J.)

PROBATE PRACTICE—ADMINISTRATION.—The court granted a child born within six months of the marriage administration of the goods of her deceased father. The marriage of the parties is the criterion adopted by the law, in cases of ante-nuptial generation, for ascertaining the actual parentage of the child. For this purpose it will not examine when gestation began, looking only to the recognition of it by the husband in the subsequent act of marriage: (*Turnock* v. *Turnock*, 16 L, T. Rep. N. S. 611. Prob.)

LEGITIMACY DECLARATION ACT.—The Legitimacy Declaration Act is an enabling statute, to enable persons to prove their legitimacy. The court, therefore, refused to allow a suit to be instituted on behalf of an infant, where the real object was to establish not the legitimacy, but the illegitimacy of such infant: (*Re Chaplin*, 16 L. T. Rep. N. S. 612. Div. & M.)

ACTION FOR CALLS.—To a declaration for calls the defendant pleaded that he was induced to become the holder of the shares by the fraud of the plaintiffs, and that the defendant never after he had notice of the said fraud recognized any rights or liabilities in him as a shareholder, and had never received, and would not receive, any benefit whatever from the said shares, and within a reasonable time after he had notice of the said fraud, and before he had received any benefit from or in respect of the said shares or any of them, he (the defendant) repudiated and disclaimed the said shares, and all title thereto, and all liabilities in respect thereof, and gave notice of his repudiation and disclaimer thereof to the plaintiff, and it was held a good plea: (*Bwlch-y-Plwm Lead Mining Company* v. *Baynes*, 16 L. T. Rep. N. S. 597. Ex.)

COMPULSORY WINDING-UP—RIGHTS OF CREDITORS.—A company passed a resolution for a voluntary winding up under supervision. The liquidator called up all the remaining unpaid capital, but declared no dividend, the only excuse given by him being that the company was prosecuting a claim against their manager. On a petition by creditors, whose debt amounted to three-fourths of the whole debts, and which had remained unpaid for a year and a half: Held, that they were entitled to an order for a compulsory winding-up: (*Re Manchester Queensland Cotton Company*, 16 L. T. Rep. N. S. 583. V.C.W.)

BANKRUPT CONTRIBUTORY—SET-OFF.—D. was a contributory of a company, and liable for calls upon his shares. The company was indebted to him. He executed an assignment to trustees for the benefit of his creditors. The trustees claimed the right of setting-off the calls against the debt which the company owed him: Held affirming the decision of Mr. Commissioner Winslow, that they were entitled to the set-off claimed. The case was not governed by *Grissell's case* (14 L. T. Rep. N. S. 443), for there the contributory was not bankrupt, and the question was accordingly one for the jurisdiction of the Court of Chancery, under the Companies Act, 1862; but in the case of bankruptcy the rules of that jurisdiction apply, and under the 171st section of the Bankruptcy Law Consolidation Act, 1849, the right of set-off exists: (*Ex-parte Cooper, re Duckworth*, 16 L. T. Rep. N. S. 580. Ch.)

LIABILITIES OF LEGAL PARTNERSHIP.—W., one of a firm of solicitors, fraudulently concealed from a mortgagee that a certain estate belonging to a client was incumbered. All the members of the firm except G. became insolvent. G.'s estate was held liable for the tort of W.: (*Sawyer* v. *Goodwin*, 16 L. T. Rep. N. S. 622. V. C. S.)

DISTRESS ON HIGHWAY.—Part of a highway near a house was paved for a cart-stand, and it was held that the landlord of the house might seize a cart standing on the paved ground as a distress for rent: (*Gillingham* v. *Gwyer*, 16 L. T. Rep. N. S. 640. Lush, J.)

SOVEREIGN STATE.—ACTION BY.—The United States is a Sovereign State, and as its form of government is republican, the State itself stands in the position of a foreign monarch suing in England, who sues not in his representative but individual character, for in all relations with foreign governments, the public property of his country is assumed to be vested in him. If discovery were required the State would be bound to name some person to give it: (*The United States of America* v. *Wagner*, 16 L. T. Rep. N.S. 646. Ch.)

FISHERY.—A custom to claim a licence to fish on payment of a fee is bad, because it admits that the claimant cannot lawfully fish without the leave of the owner of the fishery, and that the enjoyment is at the will of the owner and not as of right: (*Mills* v. *The Mayor, &c., of Colchester*, 16 L. T. Rep. N. S. 626. C. P.)

ASSAULT—MANSLAUGHTER.—A previous summary conviction for an assault is not a bar to an indictment for manslaughter founded on the same facts: (*Reg.* v. *Morris*, 16 L. T. Rep. N. S. 636. Cr. Cas. Res.)

WHAT IS AN INTEREST IN LAND?—An umpire, appointed under the 27th section of the Lands Clauses Consolidation Act, 1845, found by his award that a railway company had in and by the execution of their works occasioned a diminution of light to the premises of the claimant under that Act, and that the said premises were consequently rendered less convenient and suitable for the purposes and requirements of the trade or business of a wool warehouse keeper, carried on therein by the claimant, than they otherwise would have been; the damages were assessed at £656, and the umpire also found that notwithstanding this diminution of light the saleable value of the claimant's interest in the said premises was not diminished, and that, except the damage to the trade, the claimant would not sustain any damage to the premises: Held, in action upon this award by the claimant against the railway company, that these damages were awarded for injury to an interest in land within the meaning of the Lands Clauses Consolidation Act: Held, also, that an omission to attempt to settle the claim by a single arbitrator was no objection to the umpire's award under the 25th section: (*Eagle* v. *Charing Cross Railway Company*, 16 L. T. Rep. N. S. 593. C. P.)

CONSTRUCTION OF WILL.—A testatrix gave to trustees £1,000 Stock in an assurance company to receive the dividends and increase, and after paying an annuity, the remainder to be laid out in Consols to accumulate during the annuitant's life, and on her death, the accumulations with the £1,000, to be equally divided between all the children of W. L. as they should attain his or her age of twenty-one years, with a gift of the residue to W. L.: Held, that the gift of the children was contingent, and that those only who were born when the eldest attained twenty-one, and attained twenty-one, could take: (*Locke* v. *Lamb*, 16 L. T. Rep., N. S. 616. V.C. M.)

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WHITEHALL, JULY 18.—The Queen has been pleased by letters patent under the Great Seal of the United Kingdom to appoint Sir John Rolt, Knt., to be a Judge of the Court of Appeal in Chancery, in the room of the Right Hon. Sir George James Turner, Knt., deceased.—*London Gazette.*

THE SLADE BARONETCY.

The Slade Baronetcy case has been compromised. General Slade abandons all claims to the titles and estates, receiving from his nephew, the present inheritor, £28,000, and the amount of costs for which he had become liable in connexion with the recent extensive litigation.

NEW LEGAL APPOINTMENTS.

The *Times* announces that Sir Robert Phillimore has accepted the office of Judge of the Admiralty, but objects to the rumoured appointment of Dr. Deane as his successor in the office of Queen's Advocate, and urges the Government not to postpone substantial claims either to personal favour or party interests.

THE NEW JUDGE OF THE ADMIRALTY COURT.—Sir Robert John Phillimore, Q.C., who has been appointed Judge of the Court of Admiralty in the room of the Right Hon. Dr. Lushington, who has resigned, is a son of Dr. Joseph Phillimore, formerly Chancellor of the dioceses of Worcester, Oxford, and Bristol, Commissioner of the India Board, and M.P. for St. Mawes and Newport. He was educated at Westminster School and Christ Church, Oxford, where he graduated in 1831, and took a second-class Prize in classics—among those who came out in honours at the time being Mr. W. E. Gladstone, M.P., Professor F. D. Maurice, the late Lord Herbert, and Mr. Prideaux, Q.C. In 1841 he was called to the Bar by the Middle Temple, and he was for many years a distinguished advocate in Doctors'-commons, where he was admitted as D.C.L. in 1839. In 1843 he entered the House of Commons as member for the borough of Tavistock, and retained his seat until 1847. He has held the post of Queen's Advocate since 1862, and is Judge of the Cinque Ports and Chancellor of the dioceses of Oxford, Salisbury, and Chichester. Sir Robert was married in 1844, to Charlotte, daughter of Mr. John Denison, of Ossington-hall, Newark, a sister of the Right Hon. John Evelyn Denison, M.P. (Speaker of the House of Commons), Sir William Denison, K.C.B., and the late Bishop of Salisbury.

LIMITED LIABILITY COMPANIES.

An influential deputation, representing companies whose nominal share capital exceed £20,000,000, waited on the Vice-President of the Board of Trade, on Tuesday, to urge him to proceed with the bill for amending the acts relating to limited liability companies, in accordance with the report of the committee. Mr. Cave promised that the bill for that purpose, which had been prepared, should be in the hands of members at latest on Friday, and that he would move the second reading on the first day he could find convenient.

Considerable interest has been excited in Bengal by the death of the Hon. Sumlonath Pundit, the only native yet found worthy of a seat on the bench of an Indian High Court. The deceased judge was of Cashmere origin; his family never intermarried with Bengalees, and he kept aloof from all Bengalee usages. He began life on £24 a year as a clerk, and then went to the native bar.

Judgment in the appeal of Longworth *v.* Yelverton will be given in the Lords on Tuesday next.

It is rumoured that the Prince of Wales will next year preside at the Press Fund dinner.

ACTION BY ADMINISTRATOR FOR TESTATOR'S SALARY.—A contract for work to be personally done by the party contracting is rescinded or determined, so far as regards the future only, by his death before its completion: but a right of action for salary in respect of services performed, which had vested in the party before his death is not thereby divested, and the administrator may sue: (*Stubbs* v. *The Holywell Railway Company*, 16 L. T. Rep. N. S. 631. Ex.)

YEARLY HIRING.—Where a clerk is hired at a certain sum per "annum" simply, the hiring is a hiring for a year, and, in absence of a custom to the contrary, he cannot be discharged before the end of the year: (*Foxall* v. *The International Land credit Company*, 16 L. T. Rep. N. S. 637. Byles, J.

PROBATE PRACTICE.—DISCOVERY.—Where, in a testamentary suit, the real question at issue was the capacity of the testator, the Court refused an application, made on behalf of the next of kin, for the production of all papers in the handwriting of the deceased, and in the possession of the executors, the application being in substance for a discovery, and not merely for the production of scripts. *Semble*, that the Court of Probate has the power of discovery, but it will not exercise the power in the absence of any rule on the subject: (*Peacock* v. *Lowe*, 16 L. T. Rep. N. S. 641. Prob.)

THE LAW STUDENTS' JOURNAL.

Attorneys' Apprentices who have duly Enrolled their Indentures pursuant to the 29th & 30th Vic., cap. 84, sec. 15.

Date	Name and Abode of Apprentices	Name and Address of Attorney to whom bound
1867 June 19	Michael Cecil Egan, London-bridge-road, Co. Dublin,	John Edward Tarleton, 20, Up. Temple-street, Dublin.
" 24	Hugh Cunningham Kelly, 20, Upper Temple-street, and Belfast,	Robert Kelly, 20, Upper Temple-street, Dublin, and Belfast.
July 2	William Henry Atkinson, Tandragee, Co. Armagh,	Edward Dawson Atkinson, 9, Suffolk-street, Dublin, and Tandragee, County Armagh.

THE COURTS AND COURT PAPERS.

COMMON LAW COURTS' GUIDE,

So far as relates to marking Judgments by Default under the Bills of Exchange Act.

AUGUST, 1867.

Plaint Served on		Filed not later than	Last Day to Plead	Entitled to Judgment
Thursday,	.. 1 Aug.	10 Aug.	15 Aug.	16 Aug.
Friday,	.. 2 "	12 "	16 "	17 "
Saturday,	.. 3 "	13 "	17 "	19 "
Monday,	.. 5 "	14 "	19 "	20 "
Tuesday,	.. 6 "	15 "	20 "	21 "
Wednesday,	.. 7 "	16 "	21 "	22 "
Thursday,	.. 8 "	17 "	22 "	23 "
Friday,	.. 9 "	19 "	23 "	24 "
Saturday,	.. 10 "	20 "	24 "	26 "
Monday,	.. 12 "	21 "	26 "	27 "
Tuesday,	.. 13 "	22 "	27 "	28 "
Wednesday,	.. 14 "	23 "	28 "	29 "
Thursday,	.. 15 "	24 "	29 "	30 "
Friday,	.. 16 "	26 "	30 "	31 "
Saturday,	.. 17 "	27 "	31 "	2 Sept.
Monday,	.. 19 "	28 "	2 Sept.	3 "
Tuesday,	.. 20 "	29 "	3 "	4 "
Wednesday,	.. 21 "	30 "	4 "	5 "
Thursday,	.. 22 "	31 "	5 "	6 "
Friday,	.. 23 "	2 Sept.	6 "	7 "
Saturday,	.. 24 "	3 "	7 "	9 "
Monday,	.. 26 "	4 "	9 "	10 "
Tuesday,	.. 27 "	5 "	10 "	11 "
Wednesday,	.. 28 "	6 "	11 "	12 "
Thursday,	.. 29 "	7 "	12 "	13 "
Friday,	.. 30 "	9 "	13 "	14 "
Saturday,	.. 31 "	10 "	14 "	16 "

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LANDED ESTATES' COURT.

PETITIONS FILED, *from* 20*th to* 26*th July*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
July 20	3921	Thomas P. Hackett and J. J. Hackett	*Charles Going Malone*	Dublin	87 10 0	*A. H. Middleton*	Dobbs
"	3749A	J. M. Jones and another, Trustees of Will of Jn. M'Cance, deceased	*The Owners—Supplemental Petition for Sale*	—	—	*Crawford and Lockhart*	Dobbs
July 22	3922	James John Segrave	*George Riddick*	Meath	320 0 0	*George H. Lowe*	Lynch
July 23	3923	James Murray	*Cornelius Doherty*	Clare	18 15 0	*John Frost*	Dobbs
"	3924	Richard Fosberry and others	*The Owners*	Limerick	72 17 5½	*Richard Huggard*	Lynch
July 24	3925	Mary Chichester and others	*Elizabeth J. H. De Burgh & another*	Limerick	742 0 0	*Wm. Roche & Son*	Dobbs

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
July 29	12 o'clock	H. M. Beck	Proof of debts	*Meldon*
"	"	Patrick Grehan	do.	*Meldon*
		Tuesday. Before the COURT.		
July 30	11 o'clock	Patrick R. Verlin	Final examination	*Perry*
"	"	John Gass	do.	*M'Combe*
"	"	Edward Balfe	do. and composition	*Perry*
"	"	Patrick Hanrigan	do.	*Bennett and Dealy*
"	"	Thomas Dwyer	do.	*Perry*
"	"	Austin Riordan	do.	*Larkin*
"	"	John Langan	Composition	*Mathews*
"	"	Thomas Little	Sur., prove debts, and assignee	*Kernaghan and Saunders*
"	"	Robert Parker	do.	*Goff*
"	"	Edward Soulsby	do.	*Casey and Clay*
"	"	Arrangement case	First sitting	*Goff*
"	"	do.	Second sitting	*Perry*
"	"	Hugh Copeland	Composition	*Perry*
		Friday. Before the COURT.		
Aug. 2	11 o'clock	John Woods	Final examination	*Molloy and Watson*
"	"	William Scott	do.	*Lynch*
"	"	M. J. M. & A. Scott	Sur., prove debts, and assignee	*Forsythe*
"	"	James Canning	do.	*Irvine*
"	"	James Sutherland	do.	*Larkin*
"	"	James Byrne	Final examination	*Meldon*
"	"	Arrangement case	First sitting	*Sullivan*
"	"	do.	do.	*Boughey*
"	"	do.	do.	*Riddick*

TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
July 23	John O'Neill, junr., of Dolphin's-barn, co. Dublin, tanner	Richard Walsh, of Gt. Brunswick-street, Dublin, merchant	*Neilson and Son*

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DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE	SOLICITOR
July 26	Barry and Rumley, - -	2nd and final dividend 1s. 10$\frac{1}{5}$d. in the £, making with former dividend 9s. 10$\frac{1}{5}$d. on £2,755.	*Deering*	*Oldham*
"	Goodwin and Nethercott, -	2nd and final dividend 1$\frac{3}{8}$d. in the £, making with former dividend 8s. 4$\frac{3}{8}$d. on £246.	*Deering*	*Fitzgerald*

BANKRUPTS.

Canning, James, of Belfast, co. Antrim, flax dealer. Petition for arrangement filed May 31, 1867. To sur. Friday, August 2, and Friday, August 16. C. H. James, Official Assignee. *Buckley and Smith*, solrs.

Murphy, John, senr., and Murphy, John, junr., both of Baltinglass, co. of Wicklow, drapers and general shop-keepers. Petition of bankruptcy, filed July 13, 1867. L. H. Deering, Official Assignee. *Meldon and Son*, solrs.

Pyke, Robert S., of Cloughjordan, co. of Tipperary, draper. Petition of bankruptcy filed July 12, 1867. To sur. Tuesday, August 6, and Tuesday, August 20. L. H. Deering, Official Assignee. *Molloy and Watson*, solr.

Scott, Martha Jenkins, Scott, Matilda, and Scott, Adelaide, all of the quay, city of Waterford, spinsters, trading as "M. Scott and Company," cabinet-makers. Petition of bankruptcy, filed July 11, 1867. To sur. Friday, August 2, and Friday, August 16. L. H. Deering, Official Assignee. *Forsythe*, solr.

Sutherland, James, of Newbridge, co. Kildare, saddler and harness-maker. Petition of bankruptcy, filed July 19, 1867. To sur. Friday, August 2, and Friday, August 16. C. H. James, Official Assignee. *Larkin*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Tuesday. Before the CHIEF CLERK.		
July 30	12 o'clock	James Joseph Balfe - - -	To tax costs - - - -	*Cronhelm and Lett*
		Wednesday. Before the COURT.		
July 31	11 o'clock	James Joseph Balfe - - -	Audit and dividend - - -	*Cronhelm and Lett*
"	"	Wm. Henry Jackson - - -	Choice of assignee - - -	*Casey and Clay*
"	"	Robert Wm. Thompson - - -	Hearing of petition - - -	*Rynd*
"	"	Michael Brown - - - -	do. - - - - - -	*Rynd*
"	"	Edward Quinn - - - -	do. - - - - - -	*Magrath*
"	"	Ralph Moore Forster - - -	Adjourned hearing - - -	*Irvine*
"	"	Nicholas Neagle - - - -	do. - - -	*Rynd*
"	"	George Robert Macdonald - -	do. - - -	*Macnally*
"	"	Joseph Maddock - - - -	do. - - -	*Hunter*
		Friday.		
Aug. 2	11 o'clock	- - - - - - - - -	For Bail Motions only	———

INSOLVENTS DISCHARGED ON BAIL.

Alley, George, solicitor and insurance agent, Dublin.
M'Inerney, Patt, farmer, county Clare.
Thompson, Robert Wm., superannuated clerk, Dublin.
Crawley, Joseph, commercial traveller, Dublin.

CASES DISPOSED OF IN DUBLIN.

Wednesday, July 24.

Before JUDGE MILLER.

Ardrey, Daniel. Remanded for twelve months, from July 2nd, 1867, at suit of Joseph M'Cluskey, a creditor.
Neagle, Nicholas. Adjourned to Wednesday next, the 31st instant.
Macdonald, George Robert. Adjourned to Wednesday next, the 31st instant.
Maddock, Joseph. Adjourned to Wednesday next, the 31st instant.

CASES DISPOSED OF IN THE COUNTRY.

At TRALEE, co. Kerry, June 20.

Before WILLIAM N. BARRON, Chairman.

Dillon, John. Adjourned to next October sessions.
Shea, James. Discharged.
Whelan, Jeremiah. Discharged.

At WEXFORD, June 28.

Before HENRY WEST, Q.C., Chairman.

Cody, Thomas. Discharged.
Fitzpatrick, Stephen. Discharged.
Keane, Edward. Discharged.

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At WATERFORD, July 1.
Before B. C. LLOYD, Q.C., Chairman.

Egan, Patrick. Discharged.
Power, Michael. Discharged.
Quinn, Thomas. Discharged.

At CORK, July 8.
Before DANIEL R. KANE, Q.C., Chairman.

Connell, Robert. Remanded at suit of Daniel Murphy, Honora O'Connor, and Daniel O'Sullivan, for four months, from May 17th, 1867.
Conran, Robert Ronayne. Adjourned to next sessions.
Cunningham, William. Petition dismissed.
Cussen, Robert. Petition dismissed.
Delany, Martin. Discharged.
Flint, Arthur. Discharged.
Foley, Bartholomew. Discharged.
Herbert, Maurice. Insolvent out of custody. Order for hearing discharged.
Horgan, Laurence. Remanded at suit of Julia O'Leary, for three months, from April 18th, 1867.
Lenehan, John. Discharged.
Murphy, Edward Joseph. Discharged.
M'Kenna, John. Adjourned to next sessions.
Philpott, John. Insolvent called, but does not appear. Order for hearing discharged.
Redden, William. Discharged.
Rogers, George Aleyne. Discharged.
Sergent, William. Discharged.
Sheehan, James. Discharged.
Wheatley, Henry Miller Hewitt. Adjourned to next sessions.

At BELFAST, co. Antrim, July 10.
Before J. HASTINGS OTWAY, Q.C., Chairman.

Acheson, James. Discharged.
Brennan, Eliza. Discharged.
Carson, Agnes. Discharged.
Crozier, John. Discharged.
Dalton, Charles. Discharged.
Dane, William. Discharged.
Haslett, Robert. Discharged.
Johnston, William. Discharged.
Knox, Rev. Thomas. Adjourned to next sessions.
Magivern, James. Discharged.
Murray, Hugh. Discharged.
Peebles, William. Discharged.
Pinkerton, John. Discharged.
Robinson, Geo. Frederick Handel. Discharged.

INSOLVENTS.

To be heard in Dublin.

Crawley, Joseph, of Sandford-avenue, county of Dublin, previously of Gloucester-street, in the city of Dublin, and formerly of Roscrea, in the county of Tipperary, commercial traveller, and formerly a druggist. Hearing on November 6th, 1867. *Macnally*, solr.

To be heard in the Country.

Canning, William, of 38, Earl-street, Belfast, county Antrim, cooper. Hearing at Belfast, October 21st, at 3. *Ferguson*, solr.
Carroll, Margaret, of Tullow, county Carlow, widow, retailer in leather and victualler. Hearing at Carlow, October 15th, at 4. *Butler*, solr.
Devlin, Thomas, of Aughnaboy, near Portglenone, Ballymena, county Antrim, out of business, previously of same place, farmer; sued as "Thomas Devlin, of Portglenone, publican." Hearing at Belfast, October 21st, at 3. *Ferguson*, solr.
Doyle, Edward, of Tullow-street, Carlow, grocer. Hearing at Carlow, October 15th, at 4. *Mulhall*, solr.
Roche, Edward, of Ballindaggin, county Wexford, shopkeeper. Hearing at Enniscorthy, October 15th, at 11. *Sinnott*, solr.
Savage, Henry, of Londonderry, county Londonderry, publican. Hearing at Londonderry, October 10th, at 10. *Glover*, solr.
Young, Mary, of Patrick-street, city of Waterford, widow, clothes dealer. Hearing at Waterford, October 21st, at 10. *Howard*, solr.

PETITION OF INSOLVENCY FILED.

July 19.

Against Brenan, Joseph Denis, of Palace-street, city of Dublin, clerk and cashier; a prisoner in the Four Courts' Marshalsea. Edmond Johnson, petitioning creditor. *Batt*, solr.

PAUPER DECLARATIONS FILED.

For Discharge of Prisoner, &c.

July 23.

Kilroy, Michael; detained by Patrick Gilbert O'Loughlin. *Irvine*, solr.

July 26.

Lowry, Gregory; detained by Patrick Sweetman and Edmond Sweetman. *Ennis*, solr.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JULY					
	Sat. 20	Mon. 22	Tues. 23	Wed. 24	Thur 25	Fri. 26
Government						
New 3 p c Stock	Holiday.	93	92⅞	92⅝	92⅞	92⅝
3 p c Consols		94⅛	—	94	—	—
Foreign and Colonial.		—				
India 5 p c Stock		—	111½	111½	111½	—
Joint-Stock Banks.						
Ireland, £100 pd		—	—	—	—	235
Hibernian, £25 pd		—	36	—	—	—
Munster (Limited.), £3 10s pd ..		4½	4½	4½	—	—
National, £30 pd		61¾	61½	62	62	61⅞
National of L'pool (Ltd.), £15 pd		—	—	—	—	—
Provincial, £25 pd		86¼	—	—	—	87
Do., New, (pd £10)		—	—	—	—	—
Royal, £10 pd		33	—	—	—	—
Ulster Banking Co., £2 10s pd ..		—	—	—	—	—
Union, £22 pd		12¾	—	—	—	—
Steam.						
British & Irish, £50 pd ..		—	—	—	—	—
City of Dublin, £100 pd ..		99⅞	—	—	100	—
D. & L. St. S. B. Co. £50 pd (rd) ..		—	—	—	—	—
Dub. and Glasgow, £50 pd ..		—	—	—	—	—
Dundalk (Limited), £10 pd ..		7	7	7	—	—
Do., New, Second Issue, pd £5 ..		—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..		—	—	—	10⅞	—
Do., £5 pd B		—	—	—	—	6⅛
Do., £4 pd 2 C		5⅛	5⅛	—	—	—
Grand Canal, £100 pd		—	—	—	—	—
Patriotic Insurance, £10 pd ..		—	—	9⅞	9½	—
National Insurance, £25 pd ..		—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..		—	—	—	—	—
Cork & Bandon, 50 pd		—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..		—	—	76	—	—
Dublin & Kingstown, £100 pd ..		—	—	—	195	—
Dublin & Drogheda, £100 pd ..		—	—	—	—	—
D., W., & W., £100 pd		—	—	—	—	—
Gt. N'rn & Western, £10 pd ..		—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..		95⅞	—	95⅜	96	—
Midland Gt. Western, £100 pd ..		56¼	56¼	—	—	—
Waterford & Limerick, £50 pd ..		12	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd		—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..		—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..		—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..		—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10		—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..		—	96½	96⅞	97	97
Irish N. W., 5 p c pp, £10 pd, A ..		—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..		—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..		—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..		—	45	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..		—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..		—	—	—	—	—
Railway Debentures.						
Gt. Sonth. & Western, 4½ p c ..		—	—	—	—	—
Mid. Gt. Western 5 p c ..		—	—	—	—	—
Do., 4½ p c		—	—	—	—	—
Dublin & Kingstown		—	—	—	—	98

Bank Rate

Of Discount—3½ per cent., 20th December, 1866.
Of Deposit—1½ per cent., 7th February, 1867.

Name Day—July 30th.
Account Day—July 31st.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BROWNING—July 20, at 5, Warrick-terrace, Leeson Park, the wife of Jeffery Browning, Esq., solicitor, of a son.

FITTON—July 19, the wife of Richard Fitton, Esq., solicitor, of a son.

MORRIS—July 22, the wife of the Right Hon. Mr. Justice Morris, of a son.

MARRIAGE.

BRETT and KINGSTON—July 18, at St. Paul's Church, Upper Norwood, by the Rev. Edward Kingston, M.A., of Caius College, Cambridge, Charles E. K. Brett, Esq., Lieutenant R.N., to Caroline, youngest daughter of the late Lucy Henry Kingston, Esq., and grand-daughter of the late Hon. Mr. Justice Rooke.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850."

In the Matter of The Rev. John Kelly, P.P., Petitioner; John Thomas Campion, M.D., Respondent.

I HEREBY require all persons claiming to be Creditors, or Pecuniary Legatees of Kenny Scott, late of the Ormond Mills, in the City of Kilkenny, Woollen Merchant, deceased, on or before the 2nd day of SEPTEMBER next, to furnish, in writing, to the undersigned, GEORGE H. LOWE, Solicitor for the Petitioner, the Rev. John Kelly, P.P., one of the Executors of said deceased, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Charges or Incumbrances affecting the real and freehold Estate of the said Kenny Scott, to come in before me, at my Chambers, Inn's-quay, in the City of Dublin, on or before the 2nd day of September next, and proceed to prove the same.

Dated this 17th day of July, 1867.

E. LITTON, Master in Chancery.

GEORGE HAMILTON LOWE, Solicitor for the Petitioner, No. 64, Lower Dominick-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of The Rev. William Brandon, Clerk, and Jane Johnston Brandon, otherwise Walker, his wife, which said Jane Johnston Brandon is Administratrix of Anne Walker, deceased, Petitioners; James Johnston & Charles Johnston, Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of Joseph Johnston, formerly of Summer-hill, in the County of Donegal, Esq., deceased, on or before the 26th day of AUGUST next, to furnish, in writing, to said JAMES JOHNSTON, of Summer-hill, Stranorlar, in the County of Donegal, the Executor of said Joseph Johnston, deceased, or to Mr. JOHN COLQUHOUN, of No. 6, Bachelors'-walk, in the City of Dublin, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Respondents may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Charges or Incumbrances affecting the real and freehold Estate of the said Joseph Johnston, to come in before me, at my Chambers, Inn's-quay, in the City of Dublin, on or before the 26th day of August next, and proceed to prove same.

Dated this 13th day of July, 1867.

E. LITTON, Master in Chancery.

THOMAS JAMESON, Solicitor for the Petitioners, No. 189, Great Brunswick-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Callaghan & Richard Callaghan, of Midleton, in the County of Cork, Drapers, trading as M. Callaghan and Company, Bankrupts.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 1st day of AUGUST, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on TUESDAY, the 19th day of NOVEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first Sitting.

Dated this 22nd day of July, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James Sutherland, of Newbridge, in the County of Kildare, Saddler and Harness Maker, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 2nd day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 22nd day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John O'Neill, junior, of Dolphin's-barn, in the County of the City of Dublin, Tanner, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 6th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts*, and the *Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 23rd day of July, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

WM. NEILSON & SON, Agent to the Bankruptcy, No. 104, Middle Abbey-street, Dublin.

THE LONDON ASSURANCE CORPORATION

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 27.] SATURDAY, AUGUST 3, 1867. {Single Copy, 6d. By Post, 7d.

In a case in the Court of Bankruptcy, which is reported in our Notes of Cases last week, Judge Miller made an announcement of considerable importance to the attorneys practising in that Court. By the 372nd section of the Irish Bankrupt and Insolvent Act an attorney may appear, act, and plead in any proceeding in the Court of Bankruptcy and Insolvency, without being required to employ counsel; but the Judge held that the attorney so acting as an advocate should be the attorney on record, and that he could not delegate that duty to his apprentice or conducting clerk, even if that clerk was an attorney himself. The Judge referred to an English case of *In re Broadhouse*, decided by the Lords Justices on appeal from an order of the Commissioner of the Birmingham Bankruptcy Court, a full report of which we publish in our present number. The circumstances of that case are very peculiar, and the order of the Commissioner, refusing to hear Mr. Dale, even when retained by the bankrupt, made, as it was, immediately after the order in the former case appealed from, would (had it been made by a Chairman of a County here) have been deemed worthy of comment. We have no doubt, however, that Judge Miller is quite right in his expressed determination to uphold the statute. Cairns, L. J., in his judgment observes :—"The object of this rule was that the Court should have before it one of its own responsible officers, and, on the other hand, that the person appearing should be a person in privity with the particular suitor before the Court, and unless this chain of connexion existed the object of the Court in requiring the attendance of a solicitor was not fulfilled."

We quite agree with the foregoing observations of the learned Lord Justice, but at the same time we cannot but feel that in some cases the strictness of a rule of this kind might, with benefit to the suitors and the profession, be relaxed.

In all contentious business where an advocate is required, we have no hesitation in saying that nothing can be more improper than according permission to a clerk or other unqualified person to discuss questions of law or fact upon equal terms with professional gentlemen. Statements may be made or language used unscrupulously, and the business of the Court might be paralysed and disturbed by unseemly squabbles, which could never arise from the contentions of its responsible officers. No one is more desirous of upholding a high order of professional morality and practice in his Court than Judge Miller, and we are sure the Attorneys practising there are desirous of co-operating heartily with him in this most laudable object. There is, however, a class of routine business which, to men of arge practice, it would be a hardship to compel them to transact in person, and which, without injury to the interests of the suitors, the judge might permit to be performed by a clerk. We refer to motions of course, and other non-contentious business involving merely statements to the court, for the accuracy of which the attorney, in whose employment the clerk making the application is, should be responsible. This responsibility could be assured by a system of registration, similar to that at present existing in the Landed Estates' Court. If the Judges of the Court of Bankruptcy and Insolvency would make some arrangement of this kind, we feel assured that a troublesome question, which has long been a source of disturbance in this Court, would be for ever put an end to, in a manner satisfactory to all the practitioners. It is not the first time that the right of clerks to be heard in the Court has been debated. Judge Lynch, when presiding, has repeatedly stated that he would not be astute on his own part to recognize the person addressing him as disqualified by reason of his being a clerk; but that if the objection was made he would at once yield to it. This of course left to practitioners the unpleasant and invidious duty of objecting to the clerk, probably of a friend or respectable pro-

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fessional brother, and, consequently, it was only in rare cases that the objection was made. Some attorneys have objected that a system of registration would give clerks a status and recognition they have not yet received in the court. When regulated within proper bounds we think a recognition of this kind decidedly beneficial. Leave the duties of the advocate, and those involving the higher branches of professional skill, to the attorney. The client and the Court are entitled to this; we are sure, however, that the routine business to which we have alluded might, with convenience and advantage, be discharged by a properly qualified and respectable clerk, and thus the Judge of the Court might settle a long pending *vexata quæstio* in a manner satisfactory to the practitioners and the public, and without injustice to anyone.

HOUSE OF COMMONS.

COUNTY COURTS ACTS AMENDMENT BILL—ENGLAND.

On clause 5, Mr. Ayrton asked whether the provisions contained in it were to apply to the Westminster Courts only, and not to other courts where high rates of costs were in vogue.

The Attorney-General said it would be necessary to make very extensive inquiries in order to ascertain in what courts the higher scale of costs prevailed, so that it was thought expedient to confine the operations of this Bill to the London Courts.

The clause was agreed to, as also was clause 6.

On clause 7, Mr. Newdegate remarked that the whole purpose of the Bill was to increase the jurisdiction of County Courts. If they went on increasing the jurisdiction and labours of the officers of these courts, it was only fair to increase their salaries and retiring allowances.

Sir R. Palmer said it was of great importance that no encouragement should be given to the idea that as often as Parliament found it necessary to adjust and enlarge the jurisdiction of these courts an addition was to be made to the salary of these officers. It ought to be generally understood that gentlemen who accepted these offices were bound to perform the duties which Parliament might impose upon them. While he desired that they should be fairly remunerated, he protested against making every measure which gave them new jurisdiction an occasion to increase their salaries.

After a few words from Mr. Newdegate,

The Attorney-General said that the registrars gave up the whole of their time to the performance of their functions, but he agreed with his hon. and learned friend that if Parliament thought fit to increase their duties it was hardly fair to come to that House and claim additional salary. Fresh duties were constantly imposed upon the judges of the Superior Courts, but no claim for additional salary was ever made by them. At the same time additional duties had been thrown upon the registrars, and the subject had been brought under his consideration in consequence of an application made by them. Under the Act of Parliament a discretionary power was given to the Lord Chancellor, and it was only fair that when additional duties were thrown upon the registrars they should have an additional salary if it were thought right by the Lord Chancellor to give it to them.

The clause was agreed to.

On clause 9, Mr. Ayrton objected to the clause because it restricted the right of the people to obtain justice in the Superior Courts, and compelled them to resort to the County Courts.

Sir C. O'Loghlen thought the clause one of the best in the whole Bill. It gave only a permissive power to the judge to order security for costs.

The Attorney-General was of opinion that the clause would be found a useful provision. It was a common practice in respect to the offences named in the clause for an attorney to bring an action for the plaintiff, and the defendant was mulcted in a considerable sum of money, as the plaintiff, in many a case, was unable to pay the costs. The judge might be trusted not to make the order for security, if he saw that there was reasonable cause for action.

Mr. Ayrton asked whether the Attorney-General would consent to introduce into the clause words signifying that security for costs should not be required in case the judge was satisfied that the cause was a proper one to be tried in a superior court of law.

The Attorney-General consented to the introduction of the words, and the clause so amended was agreed to.

Clauses 11 to 23 inclusive were agreed to. Clauses 24, 25, and 26 were postponed. Clauses 27 and 28 were agreed to. Clause 29 was negatived.

On clause 30, Mr. Monk said that this clause proposed to abolish the power of County Courts to imprison for debt. He thought such an alteration in the law would operate very hardly upon the poor, who would be unable to obtain credit if it were effected.

The Attorney-General said the hon. gentleman had entirely misunderstood the effect of the clause, which did not abolish the power of the County Courts to imprison for debt.

The clause was then agreed to, as was clause 31. Clause 32 was postponed. Clause 33 was agreed to, when progress was reported and the House resumed.

Tuesday, July 30.

COURTS OF LAW AND EQUITY (ENGLAND).

Sir R. Palmer asked the Chancellor of the Exchequer whether the Government was prepared to advise her Majesty to issue a commission of inquiry into the operation and effect of the present constitution of the superior courts of law and equity in England (including the Courts of Exchequer Chamber and of Appeal in Chancery), and the Courts of Admiralty and of Probate and Divorce respectively, and into the operation and effect of the present separation and division of jurisdictions between the said several courts, and also into the operation and effect of the present arrangements for holding and transacting the business of the Assizes throughout England and Wales, and of the present divisions of the legal year into terms and otherwise; and generally into the operation and effect of the existing laws and arrangements for distributing and transacting the judicial business of the said courts respectively, as well in open court as at chambers, with a view to ascertain whether any and what changes and improvements, either by uniting and consolidating the said courts, or any of them; or by extending or altering their several jurisdictions, or assigning any matters or causes now within their respective cognizance to any other jurisdiction, or by increasing or reducing the number of judges in the said courts, or any of them, or empowering one or more judges in any of the said courts to transact any kind of business now transacted by a greater number; or by any new arrangement of the divisions of the legal year; or by altering the mode in which the business of the said courts, or any of them, or of the assizes, or any part thereof, was now distributed or conducted; or otherwise, might be advantageously made, so as to provide for the more speedy, economical, and satisfactory despatch of the judicial business now transacted by the same courts, and at the Assizes respectively."

The Chancellor of the Exchequer said that the Government had considered the subject to which the question referred, and it was their opinion that it would be expedient to issue a Commission for the purpose indicated.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by J. Levy, Esq., Barrister-at-law.

IN INSOLVENCY.

Before Judge Miller.

Re Nicholas Neagle.

July 31.—*Carrying on a Fictitious Business—Contracting Debt by causing a party employed as Collector to lodge Money as Security—Exorbitant Interest for Money.*

The insolvent was opposed by two parties; first, the detaining creditor, a person named Rossney, whom the insolvent had employed as a collector of debts; secondly, a Mrs. Reid, who claimed to be a creditor for a sum of three pounds, which she alleged she gave the insolvent to register a bill of sale, and which he omitted to do. This lady was not returned on the schedule; and *Levy*, who appeared for the insolvent, objected to any opposition being heard until the creditor proved her debt.

Judge Miller, after hearing the evidence, admitted Mrs. Reid as a creditor for three pounds.

It appeared that the insolvent attempted to establish what he called a "Mutual Negotiation and Discount Office." In the prospectus which he issued he stated that interest on deposits would be allowed at 7½ per cent., that depositors lodging ten shillings would be entitled to borrow a pound, depositors of ten pounds to borrow twenty, and depositors of twenty and upwards to borrow double the amount deposited. Deposits received in pence, shillings, or pounds, as circumstances might permit, and children making small deposits to be entitled to a loan on the security of their parents or other responsible parties.

In addition to this Deposit and Discount office, the insolvent had what he called a "Mutual Self-Collection Agency Office," where he undertook to collect the debts due to merchants and traders, and others to whom money might be due in various parts of the country; he had also a registry for clerks and servants seeking employment.

O'Brien, instructed by *P. J. Kelly*, opposed on the part of Mrs. Reid, who had been admitted a creditor for three pounds, his object being to get up a bill of exchange, and a bill of sale which were given as a security for the loan of forty pounds, and which were to be given back on payment of the money; the money was in Mr. Kelly's hands, but, before paying it over to Mrs Reid, it was necessary to give back to the parties the bill of sale and the bill of exchange. The money advanced by Mrs. Reid was forty pounds for three months, and for this it appears that she got a sum of *twelve* pounds.

T. H. Treacy opposed on the part of the detaining creditor, Mr. William Rossney, who, having left the constabulary force on getting married, was attracted by one of the insolvent's advertisements for a collector for his establishment. The insolvent stated that he would require solvent security for two hundred pounds, and, when that was obtained, he would give Rossney employment as collector at one pound five shillings a week. Rossney stated, that in order to get the security, he had to go to Limerick, at considerable expense. He ultimately obtained the security of Mr. Robert Corbett, stock broker, for one hundred pounds, and then the insolvent required that twenty pounds in cash should be lodged in addition. This having been done, Rossney was duly appointed collector, and a number of bills handed to him for collection; he found that most of them had the statute of limitations against them, and when he went to look for the debtors he could not find them; the few whom he did find denied owing anything, or alleged that they had taken the benefit of the Insolvent Act, and therefore set Neagle at defiance, and Rossney was therefore unable to collect anything. He was nine weeks in the employment, five of which he was paid for. He then left, sued Neagle, and having obtained a decree against him, put him in prison.

Levy, for the insolvent, contended that the debt was an ordinary debt, which existed because the speculation of the insolvent had failed. When he found the speculation was a failure, he did what an honest man ought to do, he gave instructions to his attorney to sell a small property he had to raise money to enable him to pay Rossney his twenty pounds.

Egan, solicitor, having been sworn, stated that such was the fact.

Judge Miller, in giving judgment, said he had given the whole case a most attentive hearing; it occupied the Court a long time, but not longer than it merited. If there had been no creditor opposing but Mrs. Reid, who contrived to get twelve pounds for the loan of forty for a few months, he would not think of remanding the insolvent at her suit; where exorbitant interest was charged for money the party charging it should abide the consequences; but it appeared in the present case that Mrs. Reid, the creditor, was to be paid back her money. The case of Rossney was of a far different character, and the mode in which the debt was contracted was most fraudulent. The whole of the business in which Neagle was engaged was fictitious; it had no vitality or truth in it. The Mutual Association Bank was carried on, if the prospectus was to be believed, by "O'Carroll, Neagle, and Son," whereas there was no one there but Neagle himself. His name was Nicholas O'Carroll Neagle; he dropped the christian name Nicholas, and said the firm consisted of O'Carroll, Neagle, and Son, the son being in America. It was clearly evident that it was a fictitious firm, and a fictitious business, and that Rossney was induced to lodge his money in the belief that the business was honest and *bonâ fide*. It was therefore a debt contracted by false pretences. Neagle had admitted, when the case was last before the Court, that he had on one occasion been convicted of obtaining money under false pretences; and if he had been criminally prosecuted in the present case, there could be little doubt as to what the result would be. The defence made for him was the only defence that could be made, if it were real—namely, that he was about to sell some property he had to pay the unfortunate creditor his twenty pounds. Some arrangement of this kind might be made still, for Rossney might be said to be the only creditor he had. Then, upon the ground of the debt having been fraudulently contracted, the Court would remand the insolvent for twelve months at the suit of Rossney.

Solicitor for the insolvent, *Rynd*.

Solicitor for Rossney, *Treacy*.

Solicitor for Mrs. Reid, *P. J. Kelly*.

CIRCUIT CASES.

HOME CIRCUIT.

Reported by Edmund T. Bewley, Esq., Barrister-at-law.

Queen's County Summer Assizes.

Before Whiteside, C.J.

Moore, *Appellant;* The Attorney-General, *Respondent.*

July 26.—*Civil Bill under the 6 & 7 Vict., c.* 116, *s.* 168—*Road Contractor—Recognizance—Breach of Contract—Damages.*

The civil bill in this case was brought by the Attor-

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ney-General on behalf of the Crown on a recognizance entered into by Moore the appellant, in the sum of £99, conditioned for the performance of a contract to remove a hill and fill up a hollow upon one of the roads in this county.

It appeared from the evidence that, under the terms of the contract, the work was to be completed before the 1st of January, 1866, and that it had not been finished until June, 1867, shortly before the present civil bill was brought. The Chairman had made a decree against Moore for £10, and from this decision Moore now appealed.

Mr. Townsend, the County Surveyor, was examined on behalf of the plaintiff, and stated that in consequence of the non-performance of the contract by the defendant, the road at this point had been impassable from November, 1866, to February, 1867, and great inconvenience to the public had been thereby occasioned.

Evidence was given in support of the appellant's case to show that the work had ultimately been well finished, and that, although a portion of the road could not for some time be traversed by heavy carts, all vehicles could avoid this spot by making a *détour* of about 60 or 100 perches. It appeared also that the amount of the contract was £49 10s., and that £20 of this had been advanced to the appellant under the provisions of the 128th section of the 6 & 7 Wm. IV., c. 116, and that the residue was still unpaid.

S. Walker, on behalf of the appellant.

The penalty mentioned in the recognizance is not in the nature of liquidated damages, and although, as there has been a breach of contract, the plaintiff is entitled to a decree, the damages should be merely nominal, as no evidence has been given of any pecuniary loss. No evidence of any actual damage has been offered, and the case of *The Attorney-General, appellant, Wilson, respondent* (1 Cr. & Dix, C. C. 447), is a clear authority that this is necessary in order to sustain the plaintiff's case. Mr. Townsend has, no doubt, stated that the public were inconvenienced by the delay, but no person who was in the habit of using the road has been produced in support of this assertion. If the county had been compelled to get some other contractor to complete the work at an increased rate, then the plaintiff would have been entitled to substantial damages. Admittedly the work was now well done, and as a sum of £29 10s. was still due to the appellant on foot of the contract, the Grand Jury have power to withhold payment of that if they consider that the delay had been really injurious.

J. A. Byrne, *contra*.—Substantial damages may be recovered in many cases of breach of contract where no actual pecuniary damage can be shown. Thus, in *Rolin* v. *Steward* (14 C. B. 595), which was an action for dishonouring the plaintiff's cheque, the plaintiff was held entitled to recover large and ample damages, although no loss or injury was proved.—*Chitty on Contracts*, p. 789. Here the County Surveyor has given evidence of the impassable state of the road, resulting from the defendant's breach of contract; and no more satisfactory proof of actual injury and damage could be given. It may be difficult, perhaps, to estimate the proper amount of the damages, but where the Chairman has exercised his discretion in measuring the amount, the Court will not interfere with his decision. *Gillespie* v. *Croker* (15 Ir. Ch. Rep. 182).

WHITESIDE, C.J.—The breach of contract being admitted in this case, the only question is the measure of damages. Now, while it is quite clear—as established in the case of *The Attorney-General, appellant, Wilson, respondent*—that some evidence must be given to show that damage has been sustained, it is not necessary that this should be done by producing a witness to prove that he has suffered actual pecuniary loss. The evidence of Mr. Townsend, the County Surveyor, appears to me fully to warrant a decree for substantial damages, but at the same time the justice of the case will be met by reducing the amount of the decree to £5.

Attorney for the appellant, *J. Roe*.

Attorney for the respondent, *Jeremiah Mara, jun.*

NORTH-EAST CIRCUIT.

DUNDALK, July 16.

Reported by R. LONGWORTH DAMES, Esq., Barrister-at-law.

Before O'HAGAN, J.

MURPHY, *Appellant*; KIERNAN, *Respondent*.

Jurisdiction—Question of Title.

In this case there had been a decree below for £27, and from this decree Murphy, the defendant below, appealed.

Monroe, for appellant.

M'Blain, LL.D., for respondent.

The facts were as follows:—

Kiernan was the owner of a house in the town of Dundalk, which he claimed to hold in fee-simple. The house was put up for sale by auction, and there was amongst the conditions of sale, a condition to the following effect:—"The vendor has been in the occupation of the premises for 22 years, during which time he has paid no rent for it; it was also in the possession of the vendor's father and grandfather for a long space of time. A statutory declaration in accordance with these facts will be furnished to the purchaser, and *must* be accepted by him as conclusive evidence of the vendor's title."

Murphy became the purchaser of the house at the auction for £127, and some time afterwards discovered that there was in existence a lease of the premises in question, dated the 25th of January, 1810, and made to an ancestor of the vendor; the term of years, however, for which and the rent at which the premises had been demised, were both obliterated.

Under these circumstances Murphy refused to complete, and in consequence of his refusal the premises were put up again and re-sold for £100. The civil bill was then brought for the balance (£27), and the defence sought to be raised was that a question of title was involved, and the jurisdiction of the Court consequently ousted. It was also insisted upon that the vendor had shown *mala fides* in not disclosing the fact of the existence of the lease. It was, however, proved that the auctioneer had said at the auction:—"There is a lease, but we do not sell under it."

O'HAGAN, J., in giving judgment, said:—"If the fact had been that a lease had been suppressed, that would have been fatal to the plaintiff's case, but that is not so here. If it is at all probable that a question of title may arise in a case, the Chairman or Judge should not entertain it; but there is no question of title here; it is a question of contract—the plaintiff, in effect, contracted to sell, and Murphy to take such title as the former possessed.

Decree affirmed.

MONAGHAN, July 20.

Before GEORGE, J.

WM. WILLIAMSON, *Appellant*; WM. GRAY, *Respondent*.

Bailee—Notice.

The civil bill in this case was brought to recover £11, the value of a cow which was alleged by the appellant to have been lost by the respondent's carelessness, and there had been a dismiss below.

Munroe appeared for the appellant, and *Mulholland* for the respondent.

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The facts of the case were as follows:—

The respondent was the owner of a yard in the town of Ballybay, and on fair days used to take cattle into this yard, and keep them during the fair at the charge of 1d. per head. On the morning of the 19th of January, 1867 (being a fair day) the appellant's son took a cow to the yard and delivered it over to the charge of respondent's yard-man. Upon his return in a few hours afterwards he found that the yard-man was not at the yard, and that the cow had disappeared. The respondent gave in evidence the following notice, which was proved to have been hung up close adjoining the gate of the yard on the day in question, but at a height of 8 or 9 feet from the ground:—"The proprietor of this yard will not hold himself responsible for any loss occurring to cattle from exchange or otherwise; parties putting in cattle do so at their own risk." The appellant and his son swore, however, that they had not seen this notice.

George, J., said that it was clear that the loss was occasioned by the negligence of respondent's servant, and that, *primâ facie*, respondent was liable, being, as a bailee for hire, bound to use ordinary care, which the learned Judge held had not been used. The learned Judge further held that the notice did not relieve respondent from this liability, as it had not been brought home to the knowledge of plaintiff.

Attorney for appellant, *T. G. Wright.*

Attorney for respondent, *Chas. M'Mahon.*

MUNSTER CIRCUIT.

Reported by William Griffin, Esq., Barrister-at-law.

Kerry Summer Assizes, 1867.

Before Fitzgerald, J.

Butler, *Appellant*, Leahy, *Respondent.*

In this case the appellant had processed the respondent for injury done to his farm by the respondent having entered and dug for gravel, &c.

The respondent, who was a road contractor, justified under an order of magistrates, purporting to be made by virtue of the 162nd section of the 6 and 7 Wm. IV., c. 116.

The order was as follows:—

"Whereas the complainant hath this day proved to the satisfaction of the Justices assembled at Petty Sessions in Milltown on this day, *that the most convenient place* for obtaining materials for repairing the road between Drummavalla and Ahare, of which he is contractor, is on the land of Coolroe, in the occupation of the defendant, and that the defendant has prevented him of doing so, it is ordered by the Court that the complainant obtain an order to enter said lands for said purpose.

"I, therefore, the undersigned Justice, hereby authorize E. Leahy and his assistants to enter upon any part of said lands, not being a deerpark, bleach-green, orchard, walled garden, haggard-yard, plantation, walk, lawn, or avenue to a mansion house; and to dig for, raise, and carry away, in or out of same, any gravel, sand, stones, or other material wanted for the making, repairing, or preserving said road, making satisfaction for the damage thereby done, as shall be assessed by the householders.

"Given under my hand this 31st day of December.

"Ed. Rae."

The Chairman had dismissed the process.

J. C. Neligan, for the appellant. This order is bad. "An order of magistrates, as well as a conviction, must show upon the face of it that the magistrates who made it did so in the exercise of lawful authority within their jurisdiction." *Fitzpatrick* v. *Byrne*, 13 Ir. C. L. 32. Here the order does not show that it was proved to the satisfaction of the Justices that the material "cannot conveniently be obtained elsewhere;" it only says that they were satisfied it was the most convenient place—the most convenient place, of course, to the contractor is the field adjoining the part of the road he is repairing; but there might be a piece of waste ground at some little distance, from which it could be conveniently procured.

[Fitzgerald, J.—It does not appear on the order that the Justice who signed the order was one of the Justices who was satisfied this was a convenient place; and on the Act it is clear that the Justice who makes the order must be himself satisfied that the gravel cannot conveniently be obtained elsewhere.]

Nor does the order show that the respondent is a contractor under the grand jury for a presented road at all; as far as appears from it he might be a contractor with a private individual.

W. Murphy in support of the order.

Fitzgerald, J.—An entry to take materials under this section is made in the exercise of a very arbitrary power, and the requisite conditions must be strictly complied with. The jurisdiction ought to appear on the face of the order. Mr. Neligan's argument is unanswerable. The order is clearly bad, and affords no justification to the defendant.

Dismiss reversed; decree for two pounds.

Attorney for plaintiff, *F. H. Downing.*

Attorney for defendant, *E. Murphy.*

SESSIONS CASES.

NEWRY QUARTER SESSIONS—JULY 2.

Before Robert Johnstone, Esq., Chairman.

Reported by J. L. Whittle, Esq., Barrister-at-law.

Fagan *v.* Mangan.

This was a process in ejectment. The plaintiff claimed as devisee under the will of defendant's previous landlord.

J. M. Magee, for plaintiff.

Woods, for the defendant, objected that the notice to quit had been served prior to the date of the probate of the will.

The Chairman over-ruled the objection.

Frazer *v.* Williams.

This was a process in replevin. The plaintiff held under a yearly tenancy to the defendant. Notice of distress stated the distress as made for six months' rent, at 1s. 9d. per week, from the 6th October, 1866, £2 2s.

M'Clellan, for the plaintiff, maintained that this was an irregular notice, as it implied a weekly tenancy, and did not state when the sum claimed accrued due.

Morris, for the defendant.

The Chairman ruled that the notice was invalid. See *Davis* v. *Jackson*, Ir. Circ. R. 384.

ENGLAND.

HOUSE OF LORDS, July 30.

LONGWORTH (OR YELVERTON) *v.* YELVERTON.

The noble and learned Lords present this morning were the Lord Chancellor, Lord Cranworth, Lord Westbury, and Lord Colonsay.

The facts have been so often and so recently before the public that it is not necessary to do more than state that the question as to the marriage in Ireland was decided by the Irish Courts in favour of the present appellant, and that the question as to the Scotch marriage was decided by the Courts of Scotland also in her favour, but that this

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latter decision was reversed upon appeal to their Lordships. The appellant then resorted to an ancient form of Scotch law, and petitioned the Court of Session to have the question of the Scotch marriage referred to the oath of the respondent, but their Lordships by a majority dismissed the application on the ground that the matter being within their discretion, and considering that the judgment of the House of Lords had been pronounced declaring that no marriage had taken place between the parties, that the respondent, if bound to answer, might be compelled to criminate himself by confessing that he had been guilty of bigamy, and that the interests of Mrs. Forbes, who, as a third party, was not represented in the proceedings, would be affected, it would not be right to grant the reference to oath, even if they had the power to do so in a case in which the question of marriage or no marriage was involved. Against that decision the appellant brought the present appeal: and she argued the case on her own behalf some few weeks since.

Their Lordships, at the sitting of the House at half-past 10 o'clock, delivered judgment as follows:—

The LORD CHANCELLOR.—This is an appeal from an interlocutor of the First Division of the Court of Session refusing to sustain a reference to the oath of the respondent upon a minute of reference tendered by the appellant for that purpose, and finding the appellant liable to the respondent in the expenses incurred by him since the 12th of December, 1864, the date of lodging the minute of reference to oath. The proceedings which had taken place in the cause (which was a conjoint action of declarator of marriage and putting to silence) before the proposed reference to oath must be shortly recalled to your Lordships' attention. The two actions having been conjoined and debated before the Lord Ordinary, his lordship, on the 3rd of July, 1862, issued an interlocutor finding that in the action of declarator of marriage the appellant had not instructed that she was the wife of the respondent, and assoilzied the respondent from the conclusions of the action and in the action of declarator of freedom and putting to silence declaring against the appellant, conform to the conclusions of the said action. The appellant presented to the First Division of the Court of Session a reclaiming note against the above judgment of the Lord Ordinary, and on the 19th of December, 1862, the Lords pronounced an interlocutor recalling the interlocutor of the Lord Ordinary, and in the action of declarator of marriage finding that the appellant had instructed that she was the wife of the respondent, and in the action of declarator of freedom and putting to silence assoilzieing the appellant from the conclusion of the said action. This interlocutor was brought by appeal to this House, and after long argument at the bar your Lordships ordered that the interlocutor complained of be reversed, and declared that the Inner House (First Division) of the Court of Session ought to have refused the reclaiming note of the present appellant against the interlocutor of the Lord Ordinary of the 3rd of July, 1862, and to have adhered to the said interlocutor of the Lord Ordinary, save as to damages and expenses, and further ordered "that the cause be remitted back to the Court of Session in Scotland, to do therein as shall be just and consistent with this declaration, direction, and judgment." The respondent presented the usual petition to the Court to apply the judgment, which was opposed on the part of the appellant, for whom a note was lodged praying the Court to supersede consideration of the petition in the meantime, and craving leave to put in a condescendence of *res noviter veniens ad notitiam.* The proposed condescendence alleged that since the judgment of this House the pursuer was informed that Major Yelverton, the respondent, when on a visit to his deceased brother, the Hon. Frederick Yelverton, in the presence of Sarah Mallins, who was at the time attending the brother as a sick nurse, acknowledged and admitted that he had married the appellant in Scotland, and renewed his marriage vows in Ireland; that Sarah Mallins died in the Meath Hospital, and when she was in a dying state, and attended by the Rev. Edward George Campbell, informed him what had passed between the two brothers, and Mr. Campbell communicated it to the appellant. The Court of the First Division, after argument, pronounced an interlocutor on the 10th of December, 1864, by which they refused the desire of the appellant's note, and applied the judgment of this House. After this interlocutor a minute of reference to oath was tendered on behalf of the appellant, which minute was in the following terms:—"The pursuer in the said declarator of marriage hereby refers the whole cause to the oath of the defender, the said William Charles Yelverton;" and a petition was presented praying the Court to sustain the minute of reference to oath. The Court of the First Division, on the 10th of March, 1865, pronounced the interlocutor appealed from. Against this interlocutor and a subsequent one approving of the auditor's report on the account of the expenses this appeal is brought. It must be taken as a settled rule of law in Scotland that there may be a reference to the oath of a party at any time between the closing of the record and the extracting of the decree, although every other mode of proof has been previously tried and has failed. If the reference to oath is made originally, there can be no subsequent trial, because, as Lord Stair says, 4. 44. 2., "the party to whose oath of verity a point is referred may refuse to swear till the adverse party not only renounce all other methods of proof, but depose that he knows of none, and particularly that he is possessed of no probative writing by which he may make good his plea." But, however strange it may appear to those who are unaccustomed to the practice of the Scotch Courts, that a party having attempted to prove a case by testimony, and having failed, should be allowed, almost at the last moment, even after final judgment, to resort to a new method of proceeding of which he had his choice from the first, yet such being the law we are bound not to question but to administer it. The reason why this reference to oath is allowed at so late a stage of the proceedings seems to be that until judgment is extracted the cause is still in court. This being so there can be no difference in principle between the case where a judgment is final in the Scotch Courts because not appealed from, and a final judgment of this House, which equally requires extract before execution can issue. It was argued for the respondent that the appeal from the interlocutor having brought away the whole record, the cause is as much out of court as it is after extract. But this is not correct. Pending the appeal, the record was taken away from the court, and all proceedings upon it were suspended; but upon the judgment of the House being pronounced it was ordered "that the cause be, and is hereby remitted back to the Court of Session, to do therein as shall be just and consistent with this declaration, direction, and judgment." So that after the judgment of the House the record was sent back to the Court of Session, and was exactly in the same position as if a final judgment had been pronounced by that Court, which was either unappealable or unappealed from, and the cause remains in the Court until extract. I think, therefore, that the appellant's reference to oath was competent in respect of the time at which the minute was tendered. But it was contended on the part of the respondent that a reference to oath is inadmissible in a case of declarator of marriage, and especially where, as in this case, the interests of third persons are concerned. With respect to the competency of a reference to oath in a declarator of marriage, I am strongly of opinion that, whatever may have been the practice formerly, since the statute 11 Geo. IV. and 1 Wm. IV., chap. 69, such a proceeding is incompetent. The 33rd section of this Act enacts, "that all actions of declarator of marriage," and other enumerated consistorial actions, "shall be competent to be brought and insisted upon only before the Court of Session." And by the 36th section, "no decree or judgment in favour of the pursuer shall be pronounced in any of the consistorial actions therein before enumerated until the grounds of action shall be substantiated by sufficient evidence." In the case of "Muirhead *v.* Muirhead," 8 Dunlop, p. 786, which was an action of separation *a mensa et thoro*, brought by a wife on the ground of ill usage, the husband admitted on the record conduct which in the opinion of the Lord Ordinary was sufficient to justify the conclusions of the action. Upon the case coming before the Court upon a verbal report by the Lord Ordinary for instructions, Lord Mackenzie said, and the rest of the Court concurred, "I read the words 'sufficient evidence' as meaning sufficient evidence independent of the admissions of the party. I think the Act meant entirely to

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exclude admissions, and requires extrinsic evidence. Now, it is quite clear that an admission upon the record can never be regarded as evidence, but the Court could not have meant to say that if proof had been led in the case admissions proved to have been made by the husband that he had ill-used his wife would not have been evidence, and might not have been sufficient evidence. But an oath upon reference is not evidence at all. As my noble and learned friend Lord Colonsay said in this case in the Court of Session, "A reference to oath is not what we are accustomed to regard as testimony proper. It is neither parol nor documentary evidence. An oath taken upon a reference is not the examination of a witness. It is what is technically called oath of party." And again, "It is not to be taken in connexion with documentary or parol evidence that has been adduced. It may be hostile to all other evidence. It is to be judged by itself; and the question for the Court to determine, upon an oath emitted under a reference, is not what upon the aspect of the whole cause appears to be the truth of the matter, but it is, what has the party sworn?" As a party by referring to the oath of his adversary renounces all other species of proof, and as the "oath emitted under a reference" is not evidence, a decree pronounced in a declarator of marriage, founded upon this mode of proceeding, would be a violation of the express words of the statute, as the grounds of the action would not have been substantiated by "sufficient evidence." A reference to oath, therefore, cannot, in my opinion, be competent in this description of action. But supposing a reference to oath to be admissible in an action of declarator of marriage it ought not to be permitted in any case where the rights and interests of third persons would be prejudiced by a decree founded upon an oath affirmative of the reference. That would be the necessary consequence of such a decree in the present case. It appears upon the record that after the time of the alleged marriage with the appellant the respondent was married in June, 1858, in Edinburgh, to Mrs. Forbes, the widow of Professor Forbes. A decree, therefore, establishing the validity of the marriage of the appellant and the respondent must necessarily deprive Mrs. Forbes of the *status* which she acquired by her marriage with the respondent; and this consequence would be the result of what is called a "transaction" or "judicial contract" between persons engaged in a litigation to which she is no party. It was said, however, by the appellant that the reference to oath could not prejudice Mrs. Forbes, because the oath affects the parties to the transaction only; and that no judgment on it could be *res judicata* against her, being *res inter alias acta*. It is quite true that the oath of verity would not affect third persons; but there may be cases in which it must of necessity prejudice, if not conclude, the rights of strangers to the proceeding. In such cases the reference to oath is not admissible, for, as was said by Lord Moncreiff, in "Adam *v.* Maclachlan," 9 D. 560, "the general case of reference to the oath of party is where the party referring and the party referred to stand with opposed interests on the matter referred, and where no other interest is involved." Upon this point I may borrow the language of Lord Stowell in "Dalrymple *v.* Dalrymple," where he says, "the lady of the second marriage is not here made a party to the suit. She might have been so in point of form if she had chosen to intervene. In substance she is, for her marriage is distinctly pleaded and proved, and is as much, therefore, under the eye and under the attention and under the protection of the Court as if she were formally a party to the question respecting the validity of this marriage, which is in effect to decide upon the validity of her own. For I take it to be a position beyond the reach of all argument and contradiction, that if the first marriage be legally good, the second marriage must be legally bad." If upon the oath of reference in this case a decree were made, establishing the marriage of the appellant and respondent, there can be no doubt that it would be binding upon Mrs. Forbes. It would be a judgment *in rem*, which has been defined to be "an adjudication pronounced upon the *status* of some particular subject matter by a tribunal having competent authority for that purpose" (2, *Smith's Leading Cases*, 439); and the characteristic quality of a judgment *in rem* is that it furnishes in general conclusive proof of the facts adjudicated, and is binding on all persons whomsoever. If the reference to oath were to be admitted in this case, Mrs. Forbes might be deprived of her *status* as a wife by a decree made behind her back, and which she would never afterwards be able to question. But there is a further objection to the reference to oath in this case—that the answer to it in the affirmative (an answer which the appellant must be taken by her reference to expect to receive) necessarily involves an admission by the respondent of criminality. If the respondent were to admit the alleged marriage between himself and the appellant, he must confess that he has been guilty of bigamy. And this necessary effect of an affirmative answer plainly appears upon the record, where the marriage of the respondent with Mrs. Forbes at a date subsequent to the time of his alleged marriage with the appellant is pleaded. The appellant says in her printed case, "There are cases in which a reference to oath was refused on the ground that a party should not be compelled to swear *in suam turpitudinem.*" But all these cases were prior in date to the Act 1st Wm. IV., chap. 37, the ninth section of which abolished infamy as a ground of incompetency of a witness. The Act 15th and 16th of Victoria, chap. 27, further removes all impediments to the admissibility of the evidence of persons convicted of crime. In the present state of the law of evidence it is obvious that in the case of "Rogers," 2 S. 444, M'Eacharn, 3 S. 9, and "Thomson," 7 S. 32, the parties who were not obliged to swear *in suam turpitudinem* would now be competent and compellable witnesses in similar cases, with the option of declining to answer any question that might criminate themselves. Such is the argument of the appellant upon this point, which leaves out of view one very important consideration. It is true that the party in a case of reference to oath may refuse to answer, if thereby he would criminate himself. But then the effect is that he is taken to have confessed the facts which are referred to his oath, and exactly the same benefit results to the party making the reference as if he had obtained an affirmative answer. In the present case, therefore, the respondent, if he answered affirmatively, would have admitted himself to have been guilty of bigamy; or, if he had refused to answer, Mrs. Forbes would have been conclusively deprived of all the rights which she had acquired by her marriage with the respondent. All the preceding objections to the reference to oath in the present case naturally lead to the conclusion at which I have arrived—that the Court of Session was right in refusing to sustain the reference. There can be no doubt that a reference to oath is not the absolute right of a party, but that it is in the equitable discretion of the Court to admit or to refuse. Lord Moncreiff, in the case of "Patterson *v.* Robertson," said:—"I could not, perhaps, go quite so far as Lord Congleton did in the case of 'Robertson,' though in that approved by Lord Chancellor Lyndhurst, that the reference to oath is in our law a mere appeal to the equitable discretion of the Court; but I agree so far that, though regarding it as a legal right to appeal by motion to the Court to that mode of proof as an ultimate *remedium*, it may still be in the discretion of the Court to allow it, under the circumstances of any particular case." Now, assuming that there may be a reference to oath in an action of declarator of marriage, yet where, as in this case, the interests of a third person are affected, and may be irrevocably sound, and where the effect of the reference may be either to compel the confession of a crime or to conclude the rights of another by a refusal to answer, I think that the Court of Session were perfectly justified in the exercise of a sound judicial discretion in refusing to sustain the reference to oath in this case, and that their interlocutors ought to be affirmed.

Lord CRANWORTH said his noble and learned friend on the woolsack had communicated to him the outline of the opinion he intended to pronounce in moving the judgment of the House, and concurring, as he did, in the whole of the judgment, he did not think that he was called upon to trouble the House with many observations. He wished it, however, to be understood that though his noble and learned friend had referred to the statute of George IV. and William IV., which transferred the consistorial jurisdiction of Scotland to the Court of Session, as being in some respects the foundation of his judgment, he thought that while that statute might confirm the view of the

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judgment, yet that, independently of it, he could not believe that in such a case as this it could be the law of Scotland that there should be a reference to oath, because, as he took it, the principle on which reference was allowed was so clearly stated by Lord Moncreiff in the case quoted by his noble and learned friend that he should be content to rest his judgment on that authority, even if the statute had not existed. The words used by Lord Moncreiff were, "The general case of reference to the oath or party is where the party referring and the party referred to stand with opposed interests on the matter referred, and where no other interest is involved." Where such was the case there was, perhaps, no absurdity, so to say, even at the very last moment of time, in allowing a reference to the oath of a party. But the moment they got beyond that—the moment they got to cases in which the interests of third parties were involved, it appeared to him to be a sort of proposition that could not be sustained, that such could be the law of Scotland or of any civilized country. He admitted that there was a case referred to in which the reference was admitted in a consistorial case, but there was no case in which the doctrine was affirmed by that House, and he could not admit that that was a principle that could be recognized and acted upon in those cases in which it involved the rights of third parties, as certainly was the case here. Even if there had been no marriage with Mrs. Forbes, he very much doubted whether in a question of *status* there could be such a reference, because the interests of third parties were necessarily involved. When the person was a married woman the interests of all the creditors who had trusted her must be involved. Therefore he thought the general principle excluded it in all cases. But, even if that were not so, the last observations of his noble and learned friend were quite satisfactory, namely, that it was not the absolute right of any party, but a right which the Court might or might not exercise in its discretion; and it would be a highly improper exercise to exercise it in this case.

Lord WESTBURY said it was not his intention to give any vote upon the question. He was compelled to be absent during part of the argument, and, as some reference had been made to that absence, he might say it was involuntary, being constrained by a severe domestic affliction. He had, however, the advantage of hearing the whole of the appellant's address, and if he had felt that there was any reasonable ground for believing that this appeal could be sustained, he should have struggled very much to compel himself to attend during the rest of the argument. But he was obliged to say he felt that after that argument there was no ground on which from the impression he then received this judgment ought not to be affirmed. He would not, however, give that in the form of a judicial opinion. He said these few words merely as an explanation of his reasons for having failed to attend the whole of the argument.

Lord COLONSAY said that, after the expression of opinion which had now been made the case was practically decided, and would therefore not be in any way affected by the conclusion at which he had arrived. He thought it, however, incumbent upon him in a case of such vast importance to the law of Scotland to express the opinion he entertained upon the case. When the case was presented to the Court below the novelty of a proposition of a reference to oath in such a case appeared to him so great that he suggested after a full oral argument that the case should be re-argued, and after hearing the case twice fully argued the Court below came to the conclusion that it would be improper for them to exercise the discretion they possessed in favour of referring the case to the oath of the respondent. From that decision he saw no reason by what had been urged in that House to differ. He fully concurred in the judgment of the noble and learned lord that the appeal should be dismissed.

The appeal was then dismissed.

COURT OF CHANCERY (ENGLAND).

LORDS JUSTICES.

July 22.—*Re Broadhouse; Ex parte Dale.*—This was an appeal from two orders of Mr. Commissioner Sanders, of the Birmingham Bankruptcy Court, committing Mr. Dale to prison for refusing to be sworn, and directing him to pay costs.

Mr. Dale is a solicitor employed as clerk to Messrs. Duignan, Lewis, & Lewis, of Walsall. He was summoned to appear in the Birmingham Bankruptcy Court on the 27th May last, in the matter of the bankruptcy of Mr. Broadhouse, and to produce a deed of which he (Mr. Dale) is an attesting witness. He had produced the deed and given evidence before one of the Registrars of the Court. Messrs. Duignan, Lewis, & Lewis permitted him to attend, but instructed him to apply for his expenses before giving his evidence. The Commissioner admitted that Mr. Dale was entitled to his expenses, but the solicitors on whose behalf he had been summoned refused to pay. The Commissioner nevertheless required him to be sworn. In consequence of his refusal a warrant was made out for his committal, and he was detained in the custody of one of the officials of the court. Messrs. Duignan & Co., being informed by telegraph of what had happened, advised him to submit under protest, which he did accordingly. An order to pay the costs was first made upon Messrs. Duignan & Co., but subsequently upon Mr. Dale himself. The only sum paid to him for his second attendance was 5s.

Kay, Q.C., and *Knight*, for Mr. Dale, said that in addition to travelling expenses and subsistence money, he was entitled to between two and three guineas. They characterized the conduct of the Commissioner, in committing him without hearing an explanation, as most improper. It was the invariable practice of Commissioners in Bankruptcy to give witnesses an opportunity of raising questions of this character by way of appeal.

De Gex, Q.C., and *Napier Higgins*, for the respondent, contended that Mr. Dale was not entitled to anything more than the travelling expenses. Although a solicitor, he appeared in the character of a solicitor's clerk only. The second attendance was rendered necessary by his own default.

CAIRNS, L.J., said that by a little reflection on both sides the necessity of submitting the case to the Court might have been avoided. He thought, however, that Mr. Dale was entitled to something for subsistence money, and that he was quite right in standing upon his strict rights. The order appealed against must be discharged.

ROLT, L.J., was of the same opinion. He thought the Commissioner was not right in committing Mr. Dale, or in ordering him to pay the costs.

Both orders were, therefore, discharged, but without costs.

July 23.—*Re Broadhouse.*—This was an appeal by the bankrupt himself in the same case. The case came before the Commissioner on June 6. Mr. Dale appeared for the bankrupt to oppose the adjudication. The Commissioner, however, refused to hear him, on the ground that he appeared as a clerk. The bankrupt in person requested the Commissioner to hear Mr. Dale, but the Commissioner persisted in his refusal, dismissed the bankrupt's application, and confirmed the adjudication of bankruptcy. On these grounds the bankrupt appealed.

Kay, Q.C., and *Knight*, for the appellant.

De Gex, Q.C., and *Napier Higgins*, for the respondents.

CAIRNS, L.J., said it was clear that Mr. Dale went in the first instance before the Commissioner, and claimed to be heard—not as solicitor to Mr. Broadhouse, but as clerk and representative of Messrs. Duignan, Lewis, & Lewis, who were Mr. Broadhouse's solicitors. The Commissioner was not bound to hear Mr. Dale as clerk and representative of Messrs. Duignan, Lewis, & Lewis, even although Mr Dale was himself a solicitor of the court. A solicitor was entitled to appear only as the solicitor of a particular client. The main object of the Court in allowing and being anxious to favour the appearance of solicitors as representing other persons was that the Court should in each case have before it one of its own officers, who, on the one hand, was under an obligation to the Court, as an officer of the Court, and, on the other hand, was under an obligation as the person representing the suitor; and unless that connexion was maintained and kept complete, the object of the Court in having the assistance of and allowing the work of solicitors to be performed would be entirely defeated. So long as Mr. Dale

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claimed to be heard not as solicitor of Broadhouse, but as clerk of Messrs. Duignan, Lewis, & Lewis, who were the solicitors of Broadhouse—so long was the Commissioner justified in refusing to hear him. There was no foundation for the argument that Mr. Dale was appearing there doing "agency" business in the ordinary technical sense in which that term was understood among solicitors. He clearly was not doing agency business for Messrs. Duignan, Lewis, & Lewis. He was the agent of Messrs. Duignan, Lewis, & Lewis in one sense—in the legal sense in which a servant was the agent of his master, or a clerk was the agent of his employers—but not in the technical sense in which that term was used when solicitors acted in the manner referred to. But when the Commissioner refused to hear Mr. Dale as clerk of Messrs. Duignan, Lewis, & Lewis, and when the bankrupt begged that Mr. Dale might be heard, then it would have been well if the Commissioner had clearly informed the bankrupt of the position in which he stood, by saying, "If you continue to look to Messrs. Duignan, Lewis, & Lewis as your solicitors, Mr. Dale cannot be heard as their representative in the capacity of clerk; you, therefore, must have a solicitor, or speak for yourself, or take the consequences." Then the bankrupt might, if he pleased, have chosen Mr. Dale as his solicitor, and Mr. Dale would have been entitled to be heard as a solicitor of the Court. The matter should go back to the Commissioner in order that the bankrupt might be heard.

ROLT, L.J., said it was not intended that the clerk of a solicitor should be permitted to appear and plead in Courts of Bankruptcy. But it was said that the practice as to agents would allow the clerk of a solicitor, being himself a solicitor, to appear and act as an agent. That argument could not be maintained, because Mr. Dale was unquestionably not the agent of Messrs. Duignan, Lewis, & Lewis in the technical sense in which the term was understood by the profession. There remained the question, what order should have been made under the circumstances? The bankrupt at the end of the examination said, "I am the bankrupt, and I wish Mr. Dale to be heard;" and after that he said, "I have engaged Mr. Dale, he has the whole matter in hand, I wish him to be heard before you." It was impossible to hold, after that, that the order made by the Commissioner was the right order under the circumstances. Instead of confirming the adjudication the Commissioner should have given the bankrupt complete information as to the consequences of his adhering to the course he was taking, or the case might have been adjourned a day, the Commissioner saying to the bankrupt, "In the meantime you had better consider whether you will not appear by some other person. The Court is quite willing to give you an opportunity of being heard, but you must be heard according to the rules and practice of the Court." To say instead, "We confirm the adjudication, and there is an end of the matter," was rather hard upon the bankrupt. Therefore, the order should be discharged, but the case did not appear to be one for costs.

Solicitors for the appellant, *Duignan, Lewis, & Lewis*, of Birmingham.

Solicitors for the respondent, *Southall & Nelson*, of Walsall.

(From *The Times*.)

NEW CHANCERY ACT.—The Act to make further provision for the despatch of business in the Court of Appeal in Chancery, which was passed on Thursday, was only issued yesterday, and the first sittings were held that day under the new statute, when Lord Cairns, as Lord Justice, sat in his own court, and Lord Justice Rolt in the Lord Chancellor's Court. The Court of Appeal in Chancery was constituted by the 14th and 15th of Victoria, cap. 83, and the present Act is to be read with the recited Act as one. It declares that all the jurisdiction, powers, and authorities, except as mentioned, may be exercised either by both of the Judges appointed under the former Act then sitting together, or by either of the Judges when sitting separately, or by the Lord Chancellor when sitting with the said judges, or either of them, provided that no decree made on the hearing of a cause or on further consideration is to be reheard before the Judges when sitting separately. It is also provided that the Lord Chancellor shall and may, while sitting alone, exercise all the powers he might have exercised if this Act had not been passed. The Lord Chancellor is to appoint the sittings under the new statute, and yesterday the Lords Justices sat separately for the first time.

THE YELVERTON CASE.

The long litigation in the Yelverton case was on 30th ult. brought to a close by the judgment of the House of Lords, which dismissed Miss Longworth's second appeal, and declared that the Court of Session was justified in not allowing the matter to be reopened by a proceeding which, even if lawful, was inexpedient and perhaps unjust. The judgment will not have for the general public the interest of that former one, in which all the circumstances of the case, and even the private correspondence of the parties, were scanned by the most acute legal intellects of the time, and in which the high authority of Lords Brougham and Westbury was found opposed to the decision of a majority of the Law Lords. The second appeal was on a most technical question, and it has been decided on grounds which, though quite clear and intelligible even to the non-legal mind, do not involve the merits of Major Yelverton or the wrongs of his deserted companion. It will be remembered that in the various and protracted suits by which Miss Longworth sought to assert her alleged rights victory at first seemed to incline to her side. An action was brought in Ireland, and after an animated and somewhat dramatic trial, a verdict was given in favour of the legality of the Irish marriage. In Scotland proceedings were taken by each of the parties—by Major Yelverton to have it declared that the lady was not his wife, and by her to establish the validity of her Scottish marriage. As the two actions involved substantially the same questions of fact, they were conjoined, and the Lord Ordinary, in July, 1862, found that Miss Longworth had failed to prove a marriage, and decided accordingly for Major Yelverton in both actions. This decision was, however, reversed by a majority of the Judges of the First Division in the ensuing December, and Miss Longworth might hope that her *status* as a wife was legally established. But there still remained the appeal to the House of Lords, and after the usual delays the whole question was argued at extraordinary length before this supreme tribunal. On the 28th July, 1864, their Lordships delivered judgment, and the difficulty of the case may be understood from the difference of opinion which was disclosed. The Lord Chancellor, Lord Westbury, and Lord Brougham, whose written judgment, however, was not received in his absence, were for affirming the judgment of the Court below. Lords Chelmsford, Wensleydale, and Kingsdown were of the contrary opinion, and considered that the Scottish Court had wrongfully decided in favour of Miss Longworth. These being the majority, in consequence of the exclusion of Lord Brougham's judgment, the judgment was reversed, and the respondent declared not to be legally married to the appellant.

The blow was a heavy one; but a woman, when her mind is concentrated on one idea, often pursues it with a surpassing perseverance and fortitude. Miss Longworth's passion was to be declared the legal wife of Major Yelverton, and this object, which, after what had passed, would seem to have been almost valueless, she would not forego as long as any expedient remained to be tried. She was advised that, according to ancient Scottish usage, one of the parties to a suit may refer the cause to the oath of the other, even though the party thus tendering the reference is unable to adduce proof of the facts alleged. The law on the subject may be gathered sufficiently for a general comprehension of it from the Lord Chancellor's judgment; we need only state here that there seems to be no doubt such a right of claiming a reference to oath exists, but that in the opinion of the House of Lords, as just pronounced, the reference ought only to be made when the Court shall deem it conducive to the ends of justice. In this case the Lord Chancellor decided against the appellant—firstly, on the ground that such a reference to the oath of a party should

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only be allowed where the party referring and the party referred to stand with opposed interests on the matter referred, and where no other interest is involved. In the present case it was not so. inasmuch as the interests of Mrs. Forbes, whom Major Yelverton had married, were clearly involved. As the Lord Chancellor said, "If the reference to oath were admitted in this case, Mrs. Forbes might be deprived of her *status* as a wife by a decree made behind her back which she would never afterwards be able to question." A second objection to the reference is that "the answer to it in the affirmative—an answer which the appellant must be taken by her reference to expect to receive—necessarily involves an admission by the respondent of criminality," since if he were to admit the alleged marriage between himself and the appellant he must confess that he has been guilty of bigamy. Though, too, a party in a case of reference to oath may refuse to answer, the effect would be that he would be taken to have confessed the facts, and exactly the same benefit would accrue to the party making the reference as if an affirmative answer had been obtained. "In the present case, therefore, the respondent, if he had answered affirmatively, would have admitted himself to have been guilty of bigamy; or, if he had refused to answer, Mrs. Forbes would have been conclusively deprived of all the rights which she had acquired by her marriage with the respondent." The Lord Chancellor also held that in the case of a declaration of marriage the competency of a reference to oath had been taken away by statute, so that accumulated reasons existed for affirming the judgment of the Court below. The other Lords concurred in these opinions, and the appeal was dismissed.

So ends the long contest between Major Yelverton and his unfortunate companion. Whatever may have been her imprudences or her errors, it is impossible not to feel regret for a woman of education and of no small ability whose life has been so wrecked. To recall the circumstances of her connexion with Major Yelverton can serve no useful purpose; but the people, and particularly the influential men, of Scotland and Ireland cannot too attentively consider those parts of her history which testify to the absurdity of the marriage laws in their respective countries. It requires no argument to prove that a state of the law ought not to exist under which, with an immense mass of evidence and a long correspondence before them, two Law Lords can differ from three as to the fact whether a man was or was not married to a woman. We may add, indeed, it is a disgrace to civilization that letters and gossip should be evidence at all of so momentous a contract. In giving judgment in 1864 Lord Wensleydale expressed his regret that in the nineteenth century the most important relation of life should depend on the loose recollection of witnesses, and "sometimes on the meaning of an amatory expression in impassioned letters." Every one out of Scotland will concur in this opinion, and it is to be hoped that some day the subject will be considered without prejudice and national bigotry north of the Tweed. Scarcely a month passes in which there are not attempts at imposition and extortion, the direct consequences of a law which allows an illicit connexion to merge into a legal marriage by imperceptible gradations, or to be converted into it by some incautious word or act. In the Breadalbane case it has been doubtful for a generation how an earldom and a vast estate would descend, and now the question has been decided confessedly on presumption. In the Yelverton case the position not only of the parties but of her who is now decided to be the real wife of Major Yelverton has been left in doubt for years; and if Miss Longworth had borne a child, and had not herself prosecuted her claim, the litigation might have been deferred till all who are now living had passed away. To make the marriage laws of the three kingdoms identical, and consistent with reason and justice, would be one of the most worthy achievements of a great statesman.—*The Times*.

NOTES OF ENGLISH DECISIONS.

(From *The Law Times*.)

RATEABILITY OF GOVERNMENT BUILDINGS.—In the first case the appellants are the chief constable of the county of C. and the inspector of police, and the occupiers of buildings and offices provided for the purposes of the county constabulary, which was established under stat. 2 & 3 Vict., c. 93. The buildings in question were erected under stat. 3 & 4 Vict., c. 88, and in addition to the necessary domestic accommodation of the appellants, who are required, as a condition of their appointment, to reside upon the premises, comprise rooms used as a place of deposit for records, police stores, cells, magistrates room, a room for stamping weights and measures, &c. The county police are annually inspected by a Government officer, who reports as to their efficiency. If the report be satisfactory, a grant is made by the Government in aid of the police rate. but the grant is not compulsory, and may be withheld if the Government think proper to do so. In the second case the justices of the county of L. were assessed as the occupiers of the Castle of L. The Castle was formerly a portion of the Duchy of Lancaster, was subsequently united to the Crown, and has since formed part of the Crown property. It is used by the justices (in whose custody it is, and who appoint a person at a salary to take care of it) for the purposes of the assizes, quarter sessions, and for keeping the county records, and also for holding the sheriff's court, the county court, for meetings of the turnpike road commissioners, the highway board of the district, sittings of the revising barristers, and other similar purposes: Held, that in both cases the premises were exempt from rateability as being occupied for the service of the Crown, and therefore not within 43 Eliz., c. 2, s. 1: (*Reg.* v. *St. Martin's, Leicester*, 16 L. T. Rep. N. S. 625. Q. B.)

MORTGAGE PRIORITY—NEGLIGENCE.—B. contracted for the purchase of an advowson. He then executed an indenture charging property already in mortgage in fee to C., and the advowson with £2,500 to C. with a covenant to convey the advowson as soon as the purchase should be completed. This was done, and then B. borrowed £1,000 from D., giving him a charge on the advowson, with power of sale and deposit of the deeds, without notice of C.'s charge. C. never got a conveyance of the advowson nor deposit of the deeds. On a bill for foreclosure by his representatives, it was held that he must be postponed to D.: (*Layard* v. *Maud*, 16 L. T. Rep. N. S. 618. V. C. M.)

LIABILITIES OF RAILWAYS—CONTRIBUTORY NEGLIGENCE.—B. being at a station, and wishing to cross the line, where there was no footpath, and which was unlighted, while doing so, fell into a hole and dislocated his shoulder. The company were held not to be bound to light the line at a place where there was no recognized footpath: (*Paddock* v. *The North Eastern Railway Company*, 16 L. T. Rep. N. S. 649. Bramwell, B.)

POWER OF A COMPANY TO ACCEPT BILLS.—The Companies' Act 1862 does not give to companies incorporated under it, as an incident of their incorporation, the power of accepting bills of exchange or issuing negotiable instruments, but it leaves it to the memorandum and articles of association to confer or withhold such a power. The P. Railways Company was incorporated under the Act, and by its memorandum its main objects were stated, and it was provided that the company might do whatsoever they, from time to time, should think incidental or conductive thereto: Held, that under this provision the power of accepting bills or issuing negotiable instruments was conferred. The articles of association provided that the board of directors should have the general conduct of the company's business, and especially the doing of all things, and the making and performing of all contracts, which in their judgment were necessary and proper for carrying into effect the object mentioned in the memorandum: Held, that under this provision the power above referred to was delegated to the directors, although there was no mention, *eo nomine*, of bills of exchange, &c. The order of Malins, V. C. was affirmed; but as it had proceeded solely upon the ground that the Companies Act of itself conferred the power, the appeal, though dismissed, was dismissed without costs. Although when the bills were given there was no debt due from the acceptors to the drawers, a judgment recovered upon the bills by *bona fide* holders for value without notice is one which this court will not set aside: (*Re The Peruvian Railways Company*, 16 L. T. Rep. N. S. 644. L. JJ.)

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THE COURTS AND COURT PAPERS.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before the COURT.		
Aug. 5	11 o'clock	The Patent Peat Company	Judgment	*Galloway & Connor*
"	"	James Newman	Charge and discharge	*Rooney*
		Before ASSISTANT REGISTER.		
"	"	Arrangement case	Proof of debts	*Lynch*
"	"	do.	do.	*Perry*
"	"	John Marshall	Vouch assignee's account	*Oldham*
"	"	H. M. Beck	Taxation of costs	*Meldon*
"	"	H. Drysdale	Examine title	*Goff*
		Tuesday. Before the COURT.		
Aug. 6	11 o'clock	George M'Donald	Final examination	*M'Govern*
"	"	John O'Neill	do.	*Neilson & Son*
"	"	Andrew Geoghegan	do.	*Fay & M'Gough*
"	"	J. W. Savage	do.	*Perry*
"	"	Patrick Hanrigan	do.	*Dealy*
"	"	Thomas Toner	do.	*Kernan*
"	"	John Gass	do.	*M'Combe*
"	"	H. M. Beck	Audit and dividend	*Meldon*
"	"	R. S. Pyke	Sur., prove debts, and choose assignee	*Molloy and Watson*
"	"	J. & J. Murphy	do.	*Meldon*
"	"	———	Adjudication	*Tinkler*
"	"	Edmond Phelan	Confirm sale	*Dobbin & Tandy*
"	"	Fleming and Hennessy	Prove charge	*Delany*
"	"	Arrangement case	Second sitting	*Larkin*
"	"	do.	First sitting	*Goff*
"	"	Edward Power	Motion	*Goff*
"	"	Arrangement case	do.	*Denvir*
"	"	Trader Debtor	———	*Hughes*
"	"	do.	———	*Russell*
		Before ASSISTANT REGISTRAR.		
Aug. 8	11 o'clock	Arrangement case	Proof of debts	*Nolan*
"	"	do.	do.	*Perry*
"	"	John Langan	Prove debts and vouch account	*Mathews*
"	"	Michael Cleary	Vouch mortgagee's account.	*Meldon*
		Friday. Before the COURT.		
Aug. 9	11 o'clock	D. J. Bergin	Final examination	*Casey and Clay*
"	"	G. and J. Rogerson	Examine witnesses	*Dodd*
"	"	John Healy	Sur., prove debts, and assignee, and adjourned exam. of witnesses	*Dalton*
"	"	Michael Cleary	Audit mortgagee's account	*Meldon*
"	"	Arrangement case	First sitting	*Dodd*
"	"	do.	Second sitting	*Perry*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
August 2	Thomas Little, of High street, Sligo, woollen draper,	Thomas Pim, of George's-street, Dublin, merchant,	*Molloy and Watson.*
"	Robert Parker, of Camden-street, Dublin, boot and shoe maker,	Thomas Power, of Eustace-street, Gentleman,	*Goff.*
"	Edward Soulsby, of Nassau-place, Dublin, and Stillorgan, co. Dublin, mineral-water manufacturer,	Henry Berney, of Dame-street, Dublin, merchant tailor,	*Mathews.*
"	James Sutherland, of Newbridge, co. Kildare, saddler,	John Wilson, Capel-street, Dublin, wholesale saddler,	*Boughey.*
"	Martha J., Matilda, and Adelaide Scott, of the Quay, Waterford, trading as M. Scott & Co.,	Joseph M'Dermott, of Arran-quay, merchant,	*Dodd.*

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DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE	SOLICITOR
August 2,	Josh. Reynolds	3rd and final dividend on £2,913, at 5d., making with former dividend 5s. 0⅛d.	*Larkin*	*Deering*
"	James Burke	2nd dividend on £1,764, at 1⅛d. in the £, making 4s. 1⅛d.	*Larkin*	*Deering*
"	Patrick Grehan	2nd dividend on £14,960, at 5d. in the £, making 2s. 11d.	*Meldon*	*Deering*
"	S. and A. Kingston	2nd and final dividend on £1,238, at 2s. 2¼d. in the £ making with former dividend, 6s. 8¼d.	*Perry*	*Deering*
"	Andrew O'Sullivan	2nd and final dividend on £822, at 1⅛d. in the £, making with former dividend, 15s. 1⅛d.	*Perry*	*Deering*

BANKRUPTS.

Healy, John, of Tullow, co. Carlow, grocer and general dealer. Petition of bankruptcy filed 22nd July, 1867. To sur. Friday, August 9th, and Friday, August 23rd. C. H. James, official assignee. *D'Alton*, solr.

Maginnis, Bernard, of Newry, co. Armagh, builder. Petition of bankruptcy filed July 29th, 1867. To sur. Tuesday, August 13th, and Tuesday, August 27th. C. H. James, official assignee. *Sinnott*, solr.

Certificates Allowed.

July 23.

Pickering, Samuel, of No. 22, Lower Ormond-quay and 22, Capel-street, Dublin, tobacco and snuff manufacturer, a bankrupt. *Larkin*, solr.

Redmond, John, of Grange, Loughgall, co. of Armagh, linen manufacturer, a bankrupt. *Cochrane*, solr.

Taylor, Alexander O'Driscoll, of Victoria-street, Belfast, yarn and linen merchant, a bankrupt. *Irvine*, solr.

IN INSOLVENCY.

VACATION SITTINGS.

August, 1867.

The Court will sit every *Tuesday* and *Friday*, at 11 o'clock, a.m., for *Bail motions only.*

NOTICE.

August 1, 1867.

It is ordered that from this date until the 2nd of November next, the Offices of the Court shall be open from 12 o'clock to 2 o'clock each day, and further when the Court is sitting.

CASES DISPOSED OF IN DUBLIN.

Wednesday, July 31.

Before Judge Miller.

Brown, Michael, adjourned to 13th November next.
Forster, Ralph Moore, adjourned to Wednesday, July 29, 1868.
Maddock, Joseph, adjourned to 13th November next.
M'Donald, George Robert, adjourned to 6th November next.
Neagle, Nicholas, remanded at suit of William Rossney for 12 months from 10th June, 1867.
Quinn, Edward, discharged.
Thompson, Robert William, discharged. £20 a year out of the insolvent's pension is allocated for the payment of his debts.

INSOLVENTS DISCHARGED ON BAIL.

Canning, William, Belfast, cooper.
Carroll, Margaret, co. Carlow, widow.
Devlin, Thomas, co. Antrim, publican.
Doyle, Edward, co. Carlow, grocer.
Kerin, Denis, co. Clare, farmer.
Neill, John, Dublin, car owner.
Wybrants, Richard H., Dublin, attorney-at-law.

INSOLVENTS.

To be heard in Dublin.

Brennan, Joseph Denis, of No. 1, Palace-street, city of Dublin, mercantile clerk. Hearing November 6th, at 11. *Magrath*, solr.

Neill, John, of Rathmines-avenue, Upper Rathmines, co. Dublin, car owner and cab driver. Hearing November 6th, at 11. *Rynd*, solr.

Wybrants, Richard Harrison, of Longwood-avenue, city of Dublin; previously of Mountpleasant-square, co. of Dublin; formerly of Hacketstown, co. Carlow; and then formerly of Rogerstown, Edenderry, King's Co., attorney-at-law. Hearing November 6th, at 11 *Molloy*, solr.

To be heard in the Country.

Casey, James, of Carrickbracken, co. Armagh, not in any business. Hearing at Armagh, Oct. 21st, at 10. *Cochrane*, solr.

Doherty, George, of Ballybay, co. Monaghan, spirit dealer and flax dealer, sued as grocer. Hearing at Monaghan, October 24th, at 10. *Wright*, solr.

Doughan, Martin, of Summerhill, co. Tipperary, farmer, Hearing at Thurles, October 28th, at 11. *Kelly*, solr.

Flaherty, Hugh, of Drumkeran, co. Leitrim, egg dealer. Hearing at Ballinamore, October 17th, at 10. *Croker*, solr.

Foley, Bartholomew, of Middleton, co. Cork; previously of Springhill, in said county, dairyman. Hearing at Cork, October 17th, at 10. *Drinan*, solr.

Fox, Patrick, of Oldcastle, co. Meath, not in business; previously of same place, grocer and spirit dealer. Hearing at Trim, October 22nd, at 9·30. *Goodman*, solr.

Grady, Mary, of Claremorris, co. Mayo, widow, dealer, not now in business. Hearing at Castlebar, October 9th, at 10. *Kelly*, solr.

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Hynes, William, of Kilfenora, co. Clare, shopkeeper, previously of Ruane, in said county, constable of police. Hearing at Ennis, October 16th, at 10. *Cullinan*, solr.

Purcell, Patrick, of Ballinclay, near Gorey, co. Wexford, farmer and carpenter. Hearing at Enniscorthy, Oct. 15th, at 11. *Ryan*, solr.

PAUPER DECLARATIONS FILED.

For Discharge of Prisoners, &c.

July 30.

Fetherston, John J., detained by Henry Gorman. *C. Fitzgerald*, solr.

August 2.

Keogh, Martin, detained by Daniel Livingstone. *Rosenthal*, solr.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JULY Sat. 27	JULY Mon. 29	JULY Tues. 30	JULY Wed. 31	AUG. Thur 1	AUG. Fri. 2
Government						
New 3 p c Stock	92¾	92¾	92⅝	92⅝	92⅝	92¾
3 p c Consols	94	93⅞	93¾	93¾	—	93⅞
Foreign and Colonial.						
India 5 p c Stock	—	111¼	—	111⅛	111⅛	111⅛
Joint-Stock Banks.						
Ireland, £100 pd	233	234	234	—	234½	235
Hibernian, £25 pd	—	—	35¾	—	—	35¾
Munster (Limited.), £3 10s pd ..	—	4½	4½	—	4⅝	—
National, £30 pd	61	61½	61½	61¼	—	61
National of L'pool (Ltd.), £15 pd	—	—	—	—	—	12xdiv
Provincial, £25 pd	87	—	—	87½	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	32⅞	—	33	—	33
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	12¼	—	13	13
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	—	100	—	—	100
D. & L. St. S. B. Co. £50 pd (rd) ..	54½	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	7	7	7	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	—
Do., £5 pd B	—	—	—	—	—	6⅝
Do., £4 pd 2 C	—	5⅛	5⅛	—	—	—
Grand Canal, £100 pd	47	47	—	—	—	—
Patriotic Insurance, £10 pd ..	9¾	—	9¾	—	—	—
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	48	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	76	—	—	76	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	195	—
Dublin & Drogheda, £100 pd ..	—	—	—	—	33	—
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	95¾	95¾	—	—	95⅝	95⅛
Midland Gt. Western, £100 pd ..	—	—	56½	—	56⅜	57
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	97½	97½	—	97½	97⅛
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun, &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	24⅝
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Days—July 30th and August 14th.
Account Days—July 31st and August 15th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Margaret Hynes, widow, Petitioner; James Hynes, Respondent.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of Mathew Hynes, late of Harold's-cross, in the County of Dublin, previously of Prospect, Glasnevin, in the County of Dublin, Stone Cutter, deceased, on or before the 8th day of AUGUST, 1867, to furnish, in writing, to MARGARET HYNES, of Glasnevin, in the County of Dublin, widow, and Administratrix of said deceased, or to ROBERT HARVEY IRVINE, of 29, Upper Ormond-quay, Dublin, Petitioner's Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors, whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 17th day of July, 1867.

WM. BROOKE, Master in Chancery.

ROBERT HARVEY IRVINE, Solicitor for the Petitioner, No. 29, Upper Ormond-quay, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Martin Clarke and Mary Clarke, otherwise Moyles, his wife, Petitioners; Maria Moyles, widow, and Administratrix of William Moyles, deceased, Respondent.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of William Moyles, late of Upper Dorset-street, in the City of Dublin, and Geraldine-house, Milltown, in the County of Dublin, Coachmaker, deceased, on or before the 2nd day of SEPTEMBER, 1867, to furnish, in writing, to HENRY F. DIX, of No. 9, Upper Gardiner-street, in said City of Dublin, Solicitor for said Respondent, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioners may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Charges or Incumbrances affecting the real and freehold Estate of the said William Moyles, to come in before me, at my Chambers, Inn's-quay, in the City of Dublin, on or before the 2nd day of September, 1867, and proceed to prove the same.

Dated this 22nd day of July, 1867.

EDWARD LITTON, Master in Chancery.

GEORGE RIDDICK, Solicitor for the Petitioners, No. 64, Lower Dominick-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850."

In the Matter of The Rev. John Kelly, P.P., Petitioner; John Thomas Campion, M.D. Respondent.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of Kenny Scott, late of the Ormond Mills, in the City of Kilkenny, Woollen Merchant, deceased, on or before the 2nd day of SEPTEMBER next, to furnish, in writing, to the undersigned, GEORGE H. LOWE, Solicitor for the Petitioner, the Rev. John Kelly, P.P., one of the Executors of said deceased, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Charges or Incumbrances affecting the real and freehold Estate of the said Kenny Scott, to come in before me, at my Chambers, Inn's-quay, in the City of Dublin, on or before the 2nd day of September next, and proceed to prove the same.

Dated this 17th day of July, 1867.

E. LITTON, Master in Chancery.

GEORGE HAMILTON LOWE, Solicitor for the Petitioner, No. 64, Lower Dominick-street, Dublin.

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COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of George M'Donald, of Nassau-street, in the City of Dublin, Merchant Tailor, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 6th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 19th day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

THOMAS M'GOVERN, Agent to the Bankruptcy, No. 54, Dame-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edward Soulsby, of Nassau-place, in the City of Dublin, and Stillorgan, in the County of Dublin, Mineral Water Manufacturer, holding a situation in the Rules Office of the Court of Common Pleas in Ireland, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 13th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 30th day of July, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

JEHU MATHEWS, Agent to the Bankruptcy, No. 12, Lower Dominick-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Bernard Maginnis, of Newry, in the County of Armagh, Builder, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 13th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 30th day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JAMES SINNOTT, Agent to the Bankruptcy, No. 18, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Robert Parker, of Camden-street, in the County of the City of Dublin, Boot and Shoe Maker; also having a House and place of Business in Stephen's-green, in said City, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 13th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 30th day of July, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JAMES GOFF, Agent to the Bankruptcy, No. 17, Upper Ormond-quay, Dublin.

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Little, of Sligo, in the County of Sligo, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 20th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankruptcy in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 1st day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Martha Jenkins Scott, Matilda Scott, and Adelaide Scott, all of the Quay, in the City of Waterford, spinsters, trading as M. Scott and Company, Cabinet Makers, Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 16th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 2nd day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JOHN JOSEPH DODD, Agent to the Bankruptcy, No. 36, York-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James Sutherland, of Newbridge, in the County of Kildare, Saddler, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 16th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 2nd day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

WILLIAM BOUGHEY, Agent to the Bankruptcy, No. 38, Hardwicke-street, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 28.] SATURDAY, AUGUST 10, 1867. {Single Copy, 6d. By Post, 7d.

THE Amendments made in the House of Lords to the "Courts of Law Officers Bill" are of such a nature as may probably shelve the Bill for the present Session, as it is not likely they will be accepted by the Commons. The first amendment, moved by Lord Cranworth, vests the appointment to the office of Master and Clerk of the Rules in the Chief Judge of each Court instead of, as at present, in the Lord Lieutenant. It appears that an amendment of exactly the same nature, made by the House of Lords when Lord Lyndhurst was Chancellor, and supported by him (as the present amendment is by the present Lord Chancellor), was rejected by the Commons. The other amendment is also conversant with patronage alone, and gives the appointment of the other officers in each Court to the Chief Judge thereof, instead of to the Judges in common. An attempt was made to introduce this provision into the Bill when passing through the Commons, but failed. The arguments in favour of both amendments are the same, viz., that they are consistent with the practice in England, and have been recommended by the Royal Commission; many, however, are of opinion, that the appointment to the office of Master of the Common Law Courts should continue as at present vested in the Crown. The duties of the office are of vast importance, being judicial as well as ministerial in their character, and not, as in the case of Clerks of the Rules, bringing the Masters into immediate contact with the Judges. There does not therefore appear to be any good grounds for the argument that it is desirable to shift the responsibility, as to the qualification and conduct of those officers, from the Executive to the Judges.

THE recent angry encounter between Chief Justice Bovill and Mr. James, Q.C., the Attorney-General for the Duchy of Lancaster, however much to be deplored, will lead to a full discussion of a subject with which every member of the community is deeply concerned. In giving greater publicity to those unpleasant scenes we disclaim anything like a feeling of satisfaction arising from the fact that England is not wholly free from displays which, if they had occurred in Ireland, would have been designated as peculiarly "Irish brawls." Now, considering the different temperaments of the two races, and the existence in this country of certain disturbing elements which enter largely into the discussion of public topics, it might be fairly expected that exhibitions of temper and angry encounters, even in Courts of Justice, would be of more frequent occurrence here than at the other side of the Channel. But this is a subject which we are not now going to discuss. It does not appear, from the reports of the English papers, on whose side the fault lay. It would seem, however, that the judge appeared to Mr. James to be usurping the functions of the advocate. If this be the fact the determined spirit assumed by counsel redounds highly to his credit; and we hope, if any similar attempt shall be made in Ireland, the Bar will not be found inferior in like manly and independent resistance to any encroachments on the part of the Bench. Such unseemly passages between Bench and Bar must be regretted, as calculated to throw a slur on the administration of justice, which ought not only to be pure but above all suspicion. However, it is of vastly higher importance, that when they do occur, they

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should be publicly discussed, and that just reprobation should fall on the right person, let him be the most eminent member of the Bench or the Bar.

IN this country, as well as in England, questions of considerable moment have arisen, and have been the subject of discussion in the Courts of Equity, with regard to the powers of a *quasi* tenant in tail, holding *pur auter vie*, to make a valid disposition of the estate.

Estates held under this tenure are very general in this country as well as in England, and it is of importance that the law on the subject of their transfer and disposition by will should be clearly understood; the main question of interest is, whether a *quasi* tenant in tail of an estate held *pur auter vie*, whether in possession or in remainder, can by his will pass the whole estate; or, in other words, whether he can, by his will, bar the *quasi* estate tail in remainder after his estate.

This subject has for many years occupied the attention of the judges. So long since as the year 1737, in a case of *Norton* v. *Frecker* (1 Atk., 523), Lord Hardwicke, Ch., said that it was determined in the House of Lords, even in the year 1712, in a case of *Wastneys* v. *Chappel* (1 Bro. P. C. 457) that "in respect to estates granted in fee, determinable on lives, a Person may take by way of remainder, as a special occupant; but that as such an estate tail is not within the statute *de donis*, nor barrable properly by a recovery as an estate tail, any limitations depending thereupon are entirely in the power of the first taker in tail, and may be destroyed by any conveyance, or even articles in equity;" and he adds that such was decided in *Grafton* v. *Euston*, in 1723, in which he was counsel; and to the like effect is the judgment, in the year 1741, of the same learned judge, in *Forster* v. *Forster* (2 Atk., 259), where he held that the limitations which in the case of an inheritance would create an estate tail, would, in the case of a freehold, give the party the whole interest, so as to empower him to dispose of it. Again, in the case of *Saltern* v. *Saltern* (2 Atk., 376), the same judge remarks that "when there is a devise of a lease for years to a man, and if he die without issue, remainder over, there is no doubt but that the whole interest vests in the first taker; otherwise, if it had been a lease for lives, for there the first taker had a power over it *only during his own life* to have disposed of it, but if he makes no use of that power, immediately upon his death it vests in the remainder man who takes as a special occupant."

On the other hand, Lord Redesdale, in *Campbell* v. *Sandys* (1 S. & L., 294), differed with that doctrine, and said that no decision warranted it, and he referred to *Blake* v. *Blake* (3 P. W., 10 N. 1), where it was considered that a will could not have such an operation; and that has been followed in Ireland by the case of Lessee of *Hopkins* v. *Ramage* (1 Batty, 365), where it was held that a *quasi* tenant in tail cannot bar by a testamentary disposition the *quasi* entail and remainders.

The point has, in more moderntimes, received great consideration, especially at the hands of Lord St. Leonards, when Lord Chancellor of Ireland. In the case of *Allen* v. *Allen* (2 Dr. & W., 307), the law on this subject is fully gone into—and there it was held that a tenant *quasi* in tail of an estate held *pur auter vie*, if in possession, may, by act *inter vivos*, deal with the entail as if no settlement existed; but that a *quasi* tenant in tail in remainder cannot, without the concurrence of the tenant for life, defeat the subsequent remainders. In that case the Chancellor says:—"A *quasi* tenant in tail in remainder has, strictly speaking, no estate; he has a mere expectancy of filling up, by special occupancy, the vacancy upon the death of the tenant for life, which, if there were no special occupant, would be the subject of general occupancy"—and with great clearness he examined and observed upon all the cases on the subject, and his decision was, that a *quasi* tenant in tail in possession may, by alienation, even before issue born, by an act *inter vivos*, defeat the settlement—but that he could not do so by his will; and accordingly, in page 327, his Lordship says:—"A *quasi* tenant in tail in possession has complete power over the estate to bar the entail and the remainders over; he may, by any act *inter vivos*, deal with the estate precisely as if there had never been any settlement. No technicalities are required. He need not declare his intention of barring the *quasi* entail. It is sufficient if he do any act which would vest in him a new or different estate," and he refers to a number of cases to sustain his position. But in page 332, he considers the case of a *quasi* tenant in tail in remainder, and he there considered that the concurrence of the tenant for life was essential to enable the *quasi* tenant in tail in remainder to bar the subsequent limitations.

This appears to be the rational and legal view of the matter—viz., that by any disposition taking effect *inter vivos*, a *quasi* tenant in tail in possession has full disposition of the estate; but that a tenant in tail in remainder of such an estate must have the concurrence of the tenant for life; and to that extent the dicta of Lord Hardwicke, which are equivocal and indefinite, may be satisfied.

In fact, an estate *pur auter vie* is, in a legal sense, inferior in degree to that for one's own life (Co. Litt., 41, a); and therefore a grant by a tenant *pur auter vie generally*, without words of limitation, is construed as a grant for the life of the grantor only, and a *devise* can have no greater effect (see Co. Litt., 41, b; and also see *Crozier* v. *Crozier*, 3 D. & W., 373).

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

In re ADRIEN'S Trusts and the Trustee Relief Act.

May 14, 1867.—*Trustee Relief Act—Minor Legatees Wards of Court—Guardian—Payment of Dividends.*

Bridget Darling, by her will, bequeathed a sum of £800 to her executors and trustees, upon trust, to invest the same, and to apply the interest thereof, for the support, maintenance, and education of her grandson, John Joseph Adrien, until he should attain the age of 21 years, and, upon his attaining that age, to pay and transfer the said sum to him. The testatrix also bequeathed a sum of £400 to her said trustees and executors, upon trust, to invest it, and apply the interest for the maintenance, support, and education of her granddaughter, Anne Mary Adrien, until she should attain the age of 21, or marry under that age, and on her attaining that age, or marrying under that age, to transfer the same to her. The testatrix died in December, 1866, and the executors lodged the amount of the said legacies in Court under the Trustee Relief Act.

A petition was presented on behalf of the legatees by Eliza Mary Adrien, their mother and next friend, which stated that their father was dead, that they were of the ages of eight and six years, that their mother had no means, except a pension of £50 a year, and they had only a pension of £12 a year each, and praying that their mother might be appointed guardian of the persons and fortune of the said minors, and that the dividends of the sums lodged in Court, which had been invested in stock, might be paid to her for their support, maintenance, and education.

Jordan, for the petitioners, cited *In the matter of the trusts of Hodges' will* (3 K. & J. 213), to show that the minor petitioners had become wards of Court, by the lodgment of the amount of the legacies bequeathed to them, under the Trustee Relief Act.

The MASTER of the ROLLS made the order according to the prayer of the petition, the mother undertaking to apply the dividends to the maintenance and support of the minors.

COURT OF QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

M'CARTHY *v.* THE GUARDIANS OF THE POOR OF THE SOUTH DUBLIN UNION.

July 5, 9.—*Corporation—Poor Law—Medical Charities Act.*

Heron, Q.C., with him *O'Moore* and *Keogh*, on behalf of the plaintiff, showed cause against a conditional order to set aside the verdict had for the plaintiff, or to enter a verdict for the defendant. The action was brought for work and labour done by the plaintiff as apothecary at the Meath-street Dispensary. The defence was a traverse of the work and labour. The plaintiff was an apothecary, and one of the four appointed under the Medical Charities Act for the South Dublin Union by the Dispensary Committee of that district. On the approach of the cholera last year the Dispensary Committee met, and passed a resolution that each of the four apothecaries should be in readiness at all times, both by day and by night, to furnish medicine to applicants. On the 16th October a resolution was passed by the Board of Guardians ordering extra remuneration to the four apothecaries, at the rate of one guinea a week each, for the time during which the extra duties imposed on them by reason of the prevalence of cholera should continue, and three payments were made to the plaintiff. The present action was brought by him to recover the remainder of the sum alleged by him to be due for these services. It was proved that he had performed his duties faithfully, but the Guardians resisted the claim on the grounds, first, that they, as distinguished from the Dispensary Committee, had not contracted with the plaintiff at all; 2ndly, that they, as a corporation, could not be bound by a contract unless it was made under their seal; 3rdly, that in order to make the extra remuneration enforceable it should have been sanctioned by the Poor Law Commissioners, and that that had not been shown to be done.

Shaw, Q.C., appeared for the defendants.

O'BRIEN, J., and GEORGE, J., held that the plaintiff was entitled to recover.

FITZGERALD, J., dissented.

Cause shown allowed, with costs.

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Before LYNCH, J.

In re the Estate of J. DE BURGH LYNCH.

June 13.—*Compensation.—Fixture.*

Gerald Fitzgibbon applied on behalf of James Campbell, the purchaser of Lot No. 3 of the premises sold in this matter, that £20 might be given him as compensation under the following circumstances:—

Mr. Campbell's affidavit stated that the premises in question were advertised to be sold on the 20th of March, 1866; that he was desirous of purchasing Lot No. 3, being a store in Galway; that previously to the sale he inspected the place and saw there a valuable iron safe, which had been erected and was permanently embedded in the premises; that he bid £75, which was the highest offer, and which was not approved of; that on the 19th of March, 1867, the premises were again set up for sale, when he bid £100, and offered to pay in addition £36 10s. 6d., being the amount of rent which had accrued due in the meantime; that this offer was brought before the Court, and he was declared the purchaser; that he lodged the purchase-money, and again inspected the premises, when he discovered that the safe had been removed, and a portion of the wall torn down; that he was informed that it had been removed by Mr. De Burgh Lynch, one of the owners; that he was impressed with the belief that the safe was still there, and would not have made the last offer if he had known it was not.

The attention of the solicitor having carriage was called to this, and he says, in a letter to us, "If you think you are entitled to compensation I will not oppose your application." We presume that the safe was removed before the sale, but without doubt, it was not removed before the publication of the rental, and it was part of the premises put up for sale. The principles relating to specifice performance are the same in this Court as in the Court of Chancery.—*Fry on Specific Performance.*

Nolan, for the solicitor having carriage. This estate is insolvent, and, therefore, the creditors are the parties who will suffer if this motion be granted. An iron safe is not necessarily a fixture. Trade fixtures are removable.—*Chitty on Contracts*, 332. It was said damage was done to the wall, but compensation is not claimed for that damage. We knew nothing of this removal, and

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would not have sanctioned it. If waste were being committed, it is not clear, but that the proper remedy would be to apply for an injunction against the parties committing it.

Gerald Fitzgibbon replied.

Lynch, J.—I think this is a case in which it is reasonable to give compensation. The removal of the safe took place after the rental was published, and the premises were inspected. It was an existing thing when the rental was prepared, and when the premises were inspected, and the purchaser swears that he was deceived, and would not have bid as he did if he had known of its removal. It is not clear to me that it is not a fixture. It was so firmly attached that the freehold was considerably injured by taking it away. Allowing compensation, I will give time to ascertain whether the sum asked for is reasonable.

[It was then arranged to take £13 to cover the damage, and costs of the application.]

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by J. Levy, Esq., Barrister-at-law.

Before Judge Miller.

In re James Byrne, a Bankrupt.

August 2nd.—*Conduct as a Trader—Pledging Goods bought from wholesale Merchants—Giving a full account—Suspension of Certificate.*

The bankrupt was a grocer and spirit dealer in Thomas-street, in this city, and now came up for final examination. *Levy*, instructed by *Meldon*, was for the assignees, and objected to the passing of the examination, or at all events to his obtaining a certificate for a very lengthened period. The case had been previously before the Court, when the bankrupt was examined touching his conduct generally as a trader, but particularly as regarded his dealings with a bill-discounter and money-lender. The money-lender was examined on a previous day, and from his examination it appeared that interest at the rate of at least thirty per cent. was charged for advances, the lender having besides, teas and wines deposited with him fully sufficient to cover the money so advanced. The bankrupt was directed to furnish an account of the goods lodged with the money-lender, and the date of lodgment, and the following account was rendered:—June 5, 1856, Bought four chests of tea; June 7, transferred; March 16, tea and sherry bought; March 24, transferred; 14th June, three chests of tea bought; June 16, transferred; July 20, three quarter casks of sherry bought; July 24, transferred; October 12, one chest of tea bought; same day transferred; November 7, nine packages of tea bought; transferred on the 11th; November 24, six packages of tea bought; December 18, transferred; November 27, six packages bought; November 29, transferred; January 21, 1867, four quarter casks of port wine bought; transferred on the 11th of February; March 14, eight chests of tea bought; transferred on the 11th of April; January 18, two chests of tea bought; transferred on the 31st.

The money raised on the goods thus pledged amounted to about £260, and the rate of interest paid was something about thirty per cent.; as a natural result failure and bankruptcy followed. *Levy* now, on the part of the creditors, called on the Court either to adjourn the examination *sine die*, or postpone the granting of the certificate for a very lengthened period.

Stewart, for the bankrupt, said his Lordship was bound to pass the examination, as the man had given a full account, but he admitted that some stay might be put on the certificate.

Judge Miller said he would pass the examination, but he would be guilty of a gross violation of his duty if he allowed such a case to pass without punishment, and he was at a loss to know how he could adequately punish him. The case was a disgrace to the trade of Dublin, and if such a system were allowed to exist, the Bankrupt Court might as well be shut up, and the wholesale merchants might as well close their places of business. Here was a man buying their goods, and pawning them with a usurer, in the vain hope of keeping up trade by money thus raised. His attorney said that having got into the usurer's hands he could not get out of them; but instead of going to such persons he should have appealed at once to the merciful and liberal provisions of the bankrupt law. He would suspend the certificate for two years.

Solicitor to the bankruptcy, *Meldon.*

Solicitor for the bankrupt, *Stewart.*

CIRCUIT CASES.

MUNSTER CIRCUIT.

Reported by William Griffin, Esq., Barrister-at-law

Cork Summer Assizes, 1867.

Dalton, *Appellant;* Barlow, *Respondent.*

Ejectment for non-payment of Rent—Set-off—L. & T. Act.

Ejectment for non-payment of rent. The defendant sought to set-off a debt due to him by the plaintiff, and so defend the ejectment by showing that there was not a year's rent due.

Murphy, Q.C., and *W. M. Johnson*, for the defendant. The 48th sec. of the Landlord and Tenant Act (23 & 24 Vic., c. 154) enables the tenant to set-off against the landlord's claim any just debts due to him by the landlord. This must apply to ejectment, otherwise the section was unnecessary.

O'Brien for the plaintiff. The set-off cannot be relied on in an action of ejectment. The 54th sec. of the Landlord and Tenant Act, which regulates ejectments for non-payment of rent, entitles the landlord to a decree when there is a year's rent due "after all just and fair allowances." The language of the 85th sec., providing for ejectments in the case of cottier tenancies, shows that the legislature did not mean to include "debts" from the landlord to the tenant under these words. That action requires one gale of rent to be due "over and above all just credits and allowances, *and any valid set-off.*" "Claims and demands" in the 48th sec. refers to actions for the recovery of the rent, covenant, &c. Sec. 48 is amongst the sections regulating actions for the recovery of rent, and the first section of the Act which is conversant with ejectments is the 52nd. The rent cannot be recovered at all in an action of ejectment in the Civil Bill Court. Mr. Justice Fitzgerald is stated to have been of opinion, that a set-off could not be relied on in ejectment for non-payment of rent (*De Moleyns*, L. O. G. 199, n).

Keogh, J.—I have no doubt in this case. I am clearly of opinion the set-off is not admissible to defend the ejectment.

Attorney for plaintiff, *P. O'Connell.*

Attorney for defendant, *Jullian.*

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ENGLAND.

HOUSE OF LORDS.—Monday, Aug. 5.

The Chancellor took his seat at five o'clock.

Courts of Law Officers (Ireland) Bill.

Their lordships went into committee on this bill.

Lord Cranworth rose to move the insertion of a clause. In England each law court appointed its own officers, and Lord Coke three centuries ago laid it down as one of the characteristic advantages of the English courts of law that the officers of the courts were appointed by the heads of the court, who were responsible for their conduct. In Ireland the practice was, and had been, different. Early in the reign of George IV. a revision took place in the Irish courts, under which the Master in the courts and one other officer were to be selected, not by the heads of the court, but by the Lord Lieutenant. That was an extraordinary provision, which would not have been tolerated for a moment in England. In the 7th and 8th of Victoria, when Lord Lyndhurst was Chancellor, further inquiry was made, and a bill was introduced regulating the Irish courts. That bill, which first passed through the other house, made no alteration in regard to the appointment of the Master and the other officer by the Crown. Lord Campbell, when the bill reached their lordships' house, pointed out the anomaly that the selection of these officers should be any other than a judicial selection. Lord Chancellor Lyndhurst entirely concurred, and a clause was introduced giving the appointment to the Chief Justices of the courts. The House of Commons thought, however, that such a clause would rob the Castle of a certain degree of patronage which it ought to possess. When the bill came back to their lordships' house Lord Lyndhurst, to his great honour, adhered to the clause, and went into the lobby against the Government of which he was a member. The Government, however, obtained a majority, and the clause was struck out. A Royal Commission was not long since issued to inquire into the state of affairs in the different Courts of Common Law and Equity in this country and in Ireland. That commission unanimously recommended that in Ireland, as in England, the appointment of chief officers to the courts should be vested in the judges of those courts, and he was surprised to find that in this bill, for no possible object, except that of bestowing patronage on the Lord Lieutenant, it was proposed to continue the old system. The noble and learned lord concluded by proposing a clause providing that vacancies in the office of Master or of Clerk to the Rules in any of the superior courts of common law should be filled up by the judge of such court.

The Lord Chancellor found himself in the same position that Lord Lyndhurst occupied in 1844, in being compelled to support the amendment of his noble and learned friend. It was most unreasonable to vest in the Irish Government the appointments of these officers. The bill professed to be founded on the report of the commissioners, and he could not conceive any reason for disregarding their recommendation in this respect. The present arrangement was one which ought never to have existed.

The Earl of Kimberley could see no reason for vesting this patronage in the Irish Executive. It was more important, even in Ireland than in England, that these officers should have no connexion with the Government.

Lord Cranworth's clause was then agreed to.

Lord Cairns proposed an amendment providing that the junior officers in each court should be appointed by the Chief Judge thereof, instead of by the Judges in common. This proposal was consistent with the practice in England, and with the report of the commissioners, and it would avoid divided responsibility.

The Lord Chancellor supported the amendment, which was agreed to, and the bill passed through commit.ee.

Thursday, Aug. 8.

The Courts of Law Officers (Ireland) Bill was (amongst others) read a third time, and passed.

THE BENCH AND THE BAR.

The *Manchester Guardian* reports an extraordinary altercation between Chief Justice Bovill and Mr. E. James, in the assize court. In the course of a case Mr. Jones called for some papers from the gentleman instructing the other side, and they were handed, through Mr. Jones, to the Judge. While his lordship was examining them, Mr. James said that he should like to be informed what was going on, and complained that the Judge was conducting the case differently to the usual custom of the court. He said he thought the papers produced should be read, so that both sides might hear what they related to. The Judge replied that a large mass of papers had been produced, and before they were read he preferred to see them. If it had not been the practice for the court to exercise that preference he would introduce it. Mr. James said that such a course would be exceedingly inconvenient to the bar. The Judge said he should adopt his own course. Mr. James said he had never known such a course taken before. The matter then dropped for a time, but was soon after again referred to.

Mr. James said he had been forty years at the bar, and had never seen such a course adopted. He regretted that his lordship had introduced a plan so inconvenient to the bar.

The Judge—I have never heard such an objection raised before—that a series of delivery notes should be handed in, and that any one should object to the judge looking at them, and should require them to be read by the officer of the court.

Mr. James—Before that is done I wish to see them myself, that they are properly produced.

The Judge—That was not your objection.

Mr. James—My objection was that your interposition prevents the counsel from conducting their case in the way they have been accustomed.

The Judge—Mr. Jones was conducting his own case. It does not prevent your going on.

Mr. James—It does prevent me going on, and I am entitled to say that it prevents other counsel also.

The Judge (to Mr. Jones)—Does it prevent you?

Mr. Jones—No, your lordship.

The Judge—When you are prevented or interfered with I will hear your objection. As the case goes on I propose to look at the papers, and assist the jury and the court. Mr. Jones was not interrupted, and I shall not permit you to interrupt me.

Mr. James—Of course I am bound to yield to the court.

The Judge—And it is only because you are bound that you yield the slightest deference to the court. I am sorry to say it.

Mr. James—We should get on much better if your lordship permitted us to go on our own way.

The Judge—Mr. Jones is conducting his case. Do you wish these papers to be read by the officers of the court?

Mr. James did not reply.

The Judge—That is the deference you pay to the court This is not the first time I have had occasion——

Mr. James—Really this is most distressing.

The Judge—I asked you in terms loud enough for any gentleman to hear if you wished these papers to be read.

Mr. James—Your lordship is the only gentleman on the bench who makes these remarks. There must be some cause——

The Judge—I spoke in terms loud enough to be heard. I asked if the Attorney General wished these papers to be read.

Mr. James—I do not wish them to be read.

The cause was then gone on with.

During the progress of a trial, also at Manchester, some days after, another squabble, which appears to have been enjoyed by a crowded court, is thus reported:—

Mr. James, the Attorney-General, differed with the Chief Justice as to the terms of a question put to a witness by one of the jurors.

As the discussion was proceeding,

The Chief Justice suddenly stopped it, and, addressing the

Attorney-General, said—I must beg you will not contradict me so peremptorily.

The Attorney-General—My lord, I did not. I said I must insist on the rights of the Bar, and I will have them.

The Chief Justice—You shall have the rights of the Bar, and of clients, to the fullest possible extent; but you must respect the position of the judge who presides.

The Attorney-General—I respect your position undoubtedly.

The Chief Justice—I very much regret to hear the leader of the Bar make use of such remarks, conveyed in such terms, and in such a manner.

The Attorney-General—I am sorry there should be occasion for it.

LIMITED COMPANIES' FINANCIAL POWERS.

From *The Law Times*.

The creatures of the Act of 1862, like their betters, which have been dignified with Acts passed for their special benefit, struggle to save themselves by all the devices that render financial engineering famous. Amalgamation, reconstruction, preference dividends, consolidation of shares, splitting of shares, and all protean shapes of joint-stock existence, are tried, so that sweet existence be only prolonged, and Minos and Rhadamanthus of the dread chambers of Lincoln's inn for a time avoided. No wonder, then, that in the general effort men's minds are carried away from the fundamental provisions of the constitution of limited companies. Yet those provisions are very stringent, and the power to change the foundation is jealously confined. Even Lord Westbury, in *Hutton* v. *The Scarborough Cliff Hotel Company* (12 L. T. Rep. N. S. 290), did not guard his language sufficiently when he said that "any company may modify its memorandum of association if authorized to do so by the regulations" (meaning those of the articles of association), "as originally framed, or as altered by special resolution." Some such want of precision, probably, led to that assumption of power by the Financial Corporation, which recently brought *Holme's*, *Pritchard's*, and other cases of its shareholders before the Lords Justices (16 L. T. Rep. N. S. 684) on appeal from the Master of the Rolls.

The case before Lord Westbury was one of an attempted creation of preference shares in the Hotel Company, against which Kindersley, V. C., had granted an injunction; and Lord Westbury, in refusing to discharge the Vice-Chancellor's order, while he considered such a creation to be contrary to the memorandum of association of the company, would not say conclusively whether it could not be done by a special resolution altering the articles of association. The memorandum, he observed, directed that the capital should be divided into a certain number of shares of a certain amount each, which showed that these shares were necessarily *inter se* equal, and of equal rights and privileges. It is to such an inexact view of the relation between the articles and the memorandum that we desire to draw attention. If that relation had been fully perceived, one can scarcely imagine how the difficulty in *Re The Financial Corporation* should have arisen.

The nominal capital of the Financial Corporation was £30,000, in shares of £100 each, subject, according to the memorandum of association, to be increased or modified; then the articles provided that the board of directors might either reduce the nominal value of the shares, by dividing them into a greater number, or consolidate them into shares of a larger nominal value. After 15,000 shares of £100 had been issued, the board reduced the shares to £20 each, so that for each of the 15,000 (£5 paid) five new shares (£1 paid) were given in exchange. The list forwarded to the registrar of companies was of the £20 shares, but he refused to receive it; nevertheless, the company treated the conversion as valid. Now the relation between the memorandum and the articles of association is clearly defined by the 12th section of the Act. First, in a company limited by shares, there are five things to be contained in the memorandum. The name, the registered office, the objects, the limit of liability, and "the amount of capital with which the company proposes to be registered divided into shares of a certain fixed amount." The fixed amount, be it remarked, is express and clear. The conditions in the memorandum may be so far modified by the company "as to increase its capital, by the issue of new shares of such amount as it thinks expedient, or to consolidate and divide its capital into shares of larger amount than its existing shares, or to convert its paid-up shares into stock;" but otherwise, except as to a change of name, which is provided for by a subsequent section, "no alteration shall be made by any company in the conditions contained in its memorandum of association." As to the capital, then, there can only be three changes at all, increase of it by issue of new shares of any amount, consolidation of shares, and conversion into stock. In these three particulars, too, the allowed modifications must, by the 15th section, be made under authority of the articles of association as originally framed, or as altered by a "special" resolution. There resides, therefore, no power whatever in a company, whether by its memorandum or by its articles, original or altered, to make any other than the three specified changes in its capital; and the capital itself must, in the memorandum of association, be divided into shares of a certain fixed amount. Consequently it is directly contrary to the Act to say in the memorandum, as was said by the corporation, that the amount shall be subject to be increased or modified, or anything of the kind. If this expression was used by the corporation with a view to some power to be given by the articles, then "modified" could not possibly mean reduced, since the 12th section, while it permits consolidation into shares of larger amount, forbids any other alteration of the shares.

We dwell on these fundamental provisions of the Act, because we judge from many cases which come before the courts that there is an impression that a company may mould its capital almost as it pleases, either by authority conferred by its articles, as originally made, or as varied by a special resolution; whereas in truth the company's powers are restricted, as we have seen, within narrow and well-defined bounds. The policy of not permitting shares to be reduced in amount was explained by Lord Cairns in the recent case which we have mentioned. Consolidation, he remarked, was an incident to which the company was subject; a subdivision of shares on the other hand, if valid at all, must be valid to whatever extent it might be carried, and thus creditors of the company might, upon a winding-up, be left, and left without any previous notice given them by Act of Parliament, with the unpaid capital of the company scattered through such a number of hands that the sum recoverable from each would not pay for the trouble and expense of collection. Regard to the rights of creditors has also, no doubt, influenced the Legislature not to give limited companies any power to reduce their capital. It is plain from what appears above, that they have no such power; yet in this very case of *The Contract Corporation* there was a provision in the articles that the board might "reduce the nominal amount of the capital for the time being."

In a general way, the justice of this policy may be admitted; but we think it must also be admitted that the total inability of a limited company to reduce its capital, be it by diminishing the amount of the shares or their number, is not consistent with that liberty of action which should in some shape or other be reserved to all commercial bodies. In one shape it may be contended that the liberty does exist indirectly; but this very indirectness is a clumsy absurdity. Thus, a company may, if it wishes to reduce its capital, wind itself up voluntarily, cease to exist, and in the same moment rise again, by means of a transfer under the 161st section, of all its property through the liquidators to a new company formed under a slight change of name, but in all other respects the same, in consideration of shares in the new company—*La compagnie est morte, vive la compagnie.* Such winding up involves theoretically payment and satisfaction of all the company's liabilities; but in fact, we suppose, they are seldom paid or satisfied when a company is so reconstructed. Probably an arrangement is made with them. Why, then, should not power be given to limited companies to reduce their capital with the consent of their creditors, or of a binding majority of them? If the creditors would be content, why should Parliament be discontent?

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Here is an instance of what was very lately noticed in this journal, the inexpedient way in which Parliament interposes between the partnerships called companies and their creditors. *We doubted* whether all that the cumbrous machinery of registration can effect might not as well be done by some regulations applicable to the counting-house of the associate traders. It is usual to talk about the public having an opportunity of informing itself of this and that particular by means of a registry. But the public as a public cares *nothing* about nineteen companies out of twenty that are established. A trader's public are his customers and his creditors, or, so far as concerns the purpose we are now considering, his creditors only. What appears to be wanted is a code of law to be operative immediately between a limited trader or limited body of traders—for there *seems* to be no difference in principle between the two cases—and the creditors, just as the common or other law of partnership operates in commerce where there is no *limit of liability*. The statutory apparatus, which at the present moment is entangling everybody and obstructing the courts, is meant for the protection of the creditor; but it seems never to have occurred to the Legislature that, while by the Bankruptcy Act of 1861 they treated the creditor as a full grown man who must look out for *himself*; by the Companies Act of 1862 he is still kept a child, who must run in a statutory go-cart. If a creditor of a company should require information on the points revealed at the registry of companies, he can very well ask the company for the information in the counting-house before he risks anything. If he does not want the information, then it is of no use to him in either place. The delusion is, that somehow or other creditors are protected because there is an official repository of particulars by Act of Parliament. But all these matters might, for any useful purpose, be just as well kept on the desk with the company's account-books. If a company failed to keep them there ready for inspection, the simple consequence would be that any one who wished to inspect them would refuse to trust the company. *Laissez faire.* An Act of a dozen or half-a-dozen sections might do the business. There would be no occasion even to make twenty things misdemeanours for which no one ever thinks of prosecuting. Misdemeanour to protect credit is a proved failure. From beginning to end it has turned out a mistake to suppose that credit can be kept in a sound or safe state by statutory mechanism. *Caveat creditor.* Worship in temples set up by Parliament in the shape of Companies Acts is the superstition of the day. The priests are the financiers, who, like the augurs of old, laugh in each others' faces when they meet. There is one other class which gathers some offerings from the devotees—a fact, proving with what disinterestedness the subject is here treated by us—the lawyers.

THE BAR AND TRADES' UNIONS.

The question whether the Bar is a Trades' Union is one frequently asked. It is also a question to which replies are given with a good deal of hasty dogmatism and ignorance. It is constantly said by artisans and their friends that the learned professions are, under very dignified names, essentially societies in restraint of trade; and from this assertion the inference is drawn that no objection can be brought against a trade society which cannot with equal force be brought against the Bar. On the other hand lawyers who know that there is a great deal of fallacy in the comparison drawn between the laws of the Bar and the rules of Trades' Unions are often ready to assert that the supposed resemblance is perfectly fanciful; that the career of a lawyer is a perfectly open career, ruled by no other laws than the principles of free trade. Between zealots for Trades' Unions and zealots for professional dignity, the public is likely not to learn the truth. It may not indeed, of itself, be of great consequence whether the Bar does or does not in some degree resemble the associations formed by workmen. For to a candid mind it would appear that neither the likeness nor want of likeness between learned professions and trade societies greatly advances the argument either for or against the latter. But it is always worth while to clear away popular misconceptions; and since there really are points both of likeness and of dissimilarity between the Bar and a Trades' Union, it may be of some service to persons who wish to know the truth, to point out distinctly wherein the similarity and the dissimilarity consists.

In the first place the profession of the law is like a trade under the rule of a guild, in that it is a close or protected profession. No man, for example, can be called without a delay of at least three years, and the payment of somewhere between £100 and £120. The whole arrangements, further, of circuit, as well as other arrangements which might be mentioned, add considerably to what may be termed the natural expense of the Bar; and thus, though poor men often in spite of difficulties rise to eminence as lawyers, there is, nevertheless, a real and effective barrier raised against the pressure into the Bar of any large number of persons who can be fairly called poor. It is, of course, extremely hard to estimate the extent to which existing barristers gain by this system of protection. That they are protected is indubitable.

The Bar is in the second place like a Trades' Union, in that it restrains the freedom of its members. That this is so is indeed occasionally disputed, but a little reflection will show any candid person the truth of the assertion. There are many courses of action open to an honest tradesman in pursuit of his business which are not open even to an unscrupulous barrister. Thus no barrister can advertise his merits, can enter into partnership with an attorney, can pay an attorney a commission on business, or can, at least avowedly, take less than what has been called the regulation fee, that is, speaking generally, a fee of one guinea. These restrictions on individual freedom are some of them obviously wise, and all of them defensible; but they are restrictions upon individual liberty quite as certainly as are rules which prevent the member of a trade from taking more than a given number of apprentices, or from working more than a given number of hours.

The Bar, again, resembles a Trades' Union, in that it supports rules which are meant to check, and to some degree do check competition amongst its members. Of such a character are regulations against a change of circuit or sessions, and laws which confine a barrister's activity to a particular circuit. Moreover, the system of enforced division of labour, under which head may be included the distinction mantained between ibarristers and pleaders, restrains competition. The distinction between attorneys and barristers may itself be considered under the head either of a protective arrangement, or of a hindrance to competition amongst the members of what is in a wide sense of the term the same profession.

Another feature in which the Bar resembles a Union is that it maintains its rules by bringing to bear on individuals the pressure of professional feeling. It is, indeed, possible greatly to overestimate the force of this pressure. Whatever other penalties a barrister might incur by defying the opinion of his profession, he certainly would not be "rattened." Not only life and limb, but wig and gown would be perfectly safe, whatever the bad opinion held of him by his circuit. But, on the other hand, if it is possible to exaggerate, it is equally possible greatly to underrate the force by which the laws of the Bar are maintained. A barrister, it has been said, if not quite accurately yet with substantial truth, may break every rule of legal etiquette if only he is prepared to leave the circuit mess. This is true. The error is to treat expulsion from the circuit mess as though it were a light penalty. A man of an unsocial turn might not greatly regret losing the doubtful wit of circuit courts. But any one who was expelled from the mess would find that he had lost far more than the opportunity of associating with the members of his profession. He would almost certainly experience great difficulty in the successful pursuit of his professional career. In all professions, and at the Bar, perhaps, more than others, success is, to a great extent, dependent upon the goodwill of one's associates. A man who had defied the opinion of his circuit would find that he had lost all the goodwill of those with whom his business necessarily brought him into contact. He would be very lucky if he did not suffer from their ill-will. He would, at any rate, incur all the disadvantages—and professionally they are enormous—of

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being under a social ban. No doubt he might find some compensation in neglecting the rules by which other barristers are bound, but the compensation would be dearly purchased. He might gain some low business from some low attorneys, but such attorneys are not always very punctual in their payments; and the man who, having defied all the rules of the Bar, relies on his unscrupulosity to gain him doubtful business, may no doubt extend his practice, but will rarely become a Queen's Counsel, and will never become a judge.

It is, of course, true that the rules of the Bar are extremely vague and changeable. Thus, at one time, it was considered a breach of etiquette for a barrister to lodge at an hotel whilst on circuit. Now on some circuits the rule has entirely broken down; on others, it is of very doubtful validity. The same remark applies to some of the regulations as to the social relations between barristers and attorneys when on circuit. It is further true that no one can tell whether, in any given case, a severe penalty, such as expulsion from the mess, would actually be enforced for the breach of a universally acknowledged Bar rule; but it must be remembered that the mere chance of incurring a severe penalty is often sufficient to deter from the breach of a law, if that law be supported by general approval.

Still, if the Bar is marked by traits common to Trade Societies, it is in some important respects utterly unlike any Union. The main points of disimilarity arse as follows:—

The Bar enforces its laws wholly, or almost wholly, by the power of professional opinion. This power is exerted openly, and in the face of day. If the Bar is a guild it is a guild of no secret laws. Again, though the Bar does aim, though not very effectively, at keeping up a minimum of wages, it makes no attempt whatever to fix a maximum. A successful barrister may take, and in practice does take, any fee, however large, which his client thinks it worth while to pay. Hence, whatever other evils the laws of the Bar produce—and they produce some considerable evils—they do not produce the special evil of placing a limit upon the reward attainable by individual genius.

The main point, however, in which the Bar differs from any Trades' Union is that it occupies a public, or, so to speak, official position. A barrister has peculiar legal rights, and suffers from peculiar legal disabilities. The law, on the one hand, protects him from the competition of persons not called to the Bar, and also gives him the anomalous privilege of not being sued for incompetence in the management of his business. On the other hand, he is legally incapacitated from entering into a contract for his services as a lawyer. In other words he cannot sue for his fees. From these circumstances, the rules of the Bar have a double character. They are in part simple trade rules for the real or supposed benefit of the guild; but they are also rules for the real or supposed benefit of the public. Whether these rules are, on the whole, really for the benefit either of the Bar or of the public is an important question well worth consideration; but as long as the Bar is in a sense an official body, its rules rest on a different basis from the laws of a trade and may be defended on grounds not available in defence of the rules of a Union.—*The Chronicle.*

JUDGES AND COUNSEL.

(From the *Pall Mall Gazette.*)

The remarks we made some short time ago upon the relative position of judges and counsel were conspicuously illustrated by an altercation reported to have taken place last week in a large manufacturing town in the North. Unfortunately, such altercations have been far from rare during the present year. Hitherto, though of frequent occurrence, they have not been noticed in the press. The reporters for the papers at Westminster and Guildhall are themselves members of the bar, and, as such, are very properly impressed with the idea that whatever little squabbles they may witness between the judges and the members of their profession, it is a mistake to expose the foul linen to a washing in public. Though publicity is the safeguard of our courts, and the press a most valuable organ in exposing, and thereby restraining, the errors of judges, to note every little squabble or display of temper on the part of the bench or the bar would serve no purpose except that of pampering the craving appetite for something sensational. At the same time it is not improbable that had more notice been taken of the scenes now so familiar to members of the profession, and to all frequenters of one of the courts of common law, the altercation we have mentioned would never have occurred. Apparently one person who appears to be ignorant of their occurrence, or at least not to understand their significance, is the judge himself, and this could scarcely have been the case had they been commented on by the press. When a certain Queen's Counsel informed his lordship that his interposition prevented counsel conducting cases in the way they were accustomed to, his lordship by his answer evidently showed that his impression was that no counsel felt the grievance except the one who made the complaint. It is to be feared that his appeal to the counsel on the other side is not a satisfactory mode of acquiring correct information. As might have been expected, the learned gentleman had the presence of mind to acquiesce immediately, and the ingenuousness to confess that his lordship's interference materially aided him and saved him trouble. This confession must have been very satisfactory to his client. To secure the aid not only of an eminent leading counsel, but also of a judge who a short time since was himself a most skilful advocate, is a piece of good luck not calculated upon by the generality of suitors at the present day. In what may very properly be termed the dark ages of the profession—in the time of the Stuarts—such aid was not unfrequently obtained by obsequiousness to the bench. Lord Guildford when at the bar was a most consummate sycophant, and used to win his cases by the most servile submissiveness to the judges. Of Maynard it is related that he would sacrifice a poor client to a judge's error, so that having pleased the judge by his apparent acquiescence he would secure his aid in the interests of some more powerful client. Such mean tricks would now simply defeat themselves, for our judges are fortunately of far too high a class to be influenced by such personal motives. Nevertheless, even now it is always a matter of importance for counsel, and especially for junior counsel, to stand well by the judges. A judge in his own court is for the time all-powerful, and it is only natural that counsel in the interests of their clients should endeavour to secure his good opinion. One consequence is that it does not follow that because they do not openly object to the conduct of a judge, they therefore approve it. The reverse is frequently the case. They do disapprove, but they endeavour not to show it. With regard to the judge in question, we venture to say that there is scarcely a barrister who has conducted a cause before him who has not complained of his lordship's interruptions. If his lordship is not aware of the fact, it is for the reasons we have mentioned. That much irritation should be felt is only natural. We will not now refer to former cases, but only to the one which is said to have occurred last week. Of the particular merits or demerits of this individual fracas it is impossible for any one to judge except those who were present in court. In such cases as much depends upon the tone, manner, and gesture as upon the words which are uttered. It reads like an Irish brawl. Strong assertions and equally strong counter-assertions, unenlivened by one grain of wit or one single good *mot*, make up the whole affair. The asseveration of a judge that if a certain thing were not the practice of the court he would introduce it as an assertion of the "I can and I will" doctrine of irresponsible power which is only comic because it is harmless; while the reference of counsel to the "gentleman on the bench" must have sounded oddly in the ears of those accustomed to the language ordinarily addressed to her Majesty's judges. But the burden of the grievance was the judge's interference in the conduct of the case; and there can be no possible doubt that such interference is a great annoyance to counsel, and inflicts serious injustice upon all parties concerned. Bacon's dictum that "an over-speaking judge is no well-tuned cymbal," is as true now as it was in his day, and it would serve well for a phylactery for judicial personages. For the conduct of a case is a matter of peculiar nicety. The outside public may think that a great orator is necessarily a good barrister, but an attorney in good practice

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knows that far above eloquence or wit, or even learning, is to be ranked discretion in the management of a case. An action is a battle, and the leading counsel on either side are the generals, and in the marshalling of their facts, the production of evidence, and in the examination and cross-examination of witnesses, all depends upon the manner in which they present their case to the jury. To interrupt them and take the conduct of the case out of their hands is to upset and discourage all their plans. In cross-examination this is especially so. A good cross examiner frequently asks a question with apparently no bearing on the case, and by so doing leads a witness on step by step to say what he requires. One answer suggests another question, and the essence of the whole process is for the witness to be left alone in the hands of the cross-examining counsel. If the examination is to be interrupted every time the judge wants to satisfy his own mind upon some particular point, the whole sequence of question and answer is spoilt, and cross-examination rendered entirely nugatory. When it is over, the judge has his time to ask any question he desires without interfering with counsel on either side.

It is sincerely to be hoped that such scenes as those to which we have alluded will not occur again. At the bar, the judge to whom we have referred had a high reputation, and was as much and as justly valued for his social qualities as for his legal ability. Of the Queen's Counsel who has held his own before him it may be said with truth that no member of the profession could possibly possess a higher character for integrity and straightforwardness of purpose than he does. Of his ability it is enough to say that by it alone he has risen to his present position, and that is more than can be said of all successful members of the profession. It is, indeed, a pity when such men fall out, and especially when they do so in an open court of justice. For the comfort of all concerned, and for the public interest, it is desirable that a good understanding and friendly feeling should subsist between judges and counsel. It should be the aim of every judge to be able to say in like circumstances what Sir William Erle said to the crowd of barristers who had assembled to do him honour upon his retirement from the bench. One of his greatest consolations he told them, with convincing earnestness, was the conviction he felt that he carried with him the respect and friendship of those members of his former profession who had practised before him.

AN AMERICAN LAWYER IN ENGLAND.*

By being in London one learns something about the administration of justice and the course of law reform which would seldom or never come to the knowledge of an American lawyer at home. But it is, after all, matter of surprise how very little of that which it is most important to know in regard to English jurisprudence may not be fully understood by a careful study of the reports, and a diligent reading of the law journals, and the elementary treatises. And the very little that we do come more fully to understand by a closer inspection, or to understand differently, perhaps, from what we otherwise should, cannot be regarded as altogether of unmixed good.

For instance, one cannot feel quite the same veneration for the wisdom of a decision in the British court of last resort, that august tribunal, the House of Lords, after carefully watching the course of a trial there, that he would from merely reading and reflecting upon the subject. One naturally reflects upon a subject of that character with some reference to the vastness of the interests at stake, and comes to regard the character of the court which gives them their final shape and destination, as important and weighty somewhat in proportion to the vastness or the insignificance of those interests in themselves. And men themselves, while sitting in the seat of justice, evoke greater and nobler powers of reflection, discrimination, and judgment, as the demands for the exercise of such powers rise. Hence we very naturally expect the weight and dignity of the English House of Lords to rise above that of all other judicial tribunals, in proportion as the vastness and variety of the questions finally determined by it are higher and greater than those of almost any other court. But when we come to view it with the naked eye of sense, we feel greatly in danger of losing the ordinary standard of weight and measurement. To an American it has very much the appearance of a trial before a committee of the legislature, with even less form and ceremony, if possible. It is true that lookers-on approach with something more of reserve. They meet more public men and more subordinate officers, and at first blush there is more of authority and solemnity in the going forward of the hearing. But this, so far as any undue reserve is concerned, is rather apparent than real. For the moment one breaks through the crust of this official reserve, he finds himself accepted in the fullest and most cordial manner, and thereafter really treated with more watchfulness of attention, and less of official hauteur than almost anywhere else; so that all one needs, in such cases, is the proper introduction to secure the fullest and most considerate attention; or, if he choose to float along with the mass of spectators, and to conform to the mere outward conventionality, which is by far the readiest and most successful mode of finding out the exterior of judicial procedure everywhere, there will not be the slightest obstacle to *standing* all day in the purlieus of an English court of justice, or sitting indeed, if one can only find room—and a chair or seat to sit upon.

[After describing the architecture, &c., of the House of Lords in terms of high encomium, the writer proceeds :—]

At the time I watched an argument there for a few minutes, the present Attorney-General, Sir John Rolt, was discussing a Scottish appeal in his usual quiet manner through an opening towards the law lords, which seemed very like a window. The presiding law lord on that occasion was the twice Lord Chancellor, Cranworth, a name almost as familiar as any other in America. The Lord Chancellor, Chelmsford, for some reason was not able to sit that day. My Lord Cranworth was supported on his right by Lord Westbury, the late Lord Chancellor . . . There was every reason to feel that the case was receiving a very patient examination both by Court and counsel. The papers were very voluminous, all being in print, and bound in volumes, and referred to by counsel by the page, when the law lords would very deliberately turn to the place, and after listening to the suggestions of counsel, suggest their own difficulties or doubts and obtain such relief as might be in the power of the advocate to give.

There is one feature in all English courts, so far as we have observed, which is worthy of all commendation; and it is one which we do not always witness in the American courts to the same extent. We mean the entire absence of all apparent anxiety to bend the decision to meet any preconceived theory, either of politics, religion or morals, or even of philosophy. In other words, it is a seeming indifference to the present popular sentiment. We say the *present* popular sentiment, because we do not intend to intimate that a judge, any more than any other man, should attempt to educate himself up to the point of absolute indifference to a wise, far-seeing, and just public opinion; or that he can, if he would, feel entirely indifferent to that just boon of a good name and fame, which is the inevitable concomitant of worthy actions worthily performed. All we mean is, that a judge as we well as any other public man, or private man indeed, who in all that he says, and all that he does, is measuring himself and his conduct by the low standard of present public opinion, is not likely to accomplish any very heroic deed, or to initiate any very permanent or valuable reforms, either in legislation or general jurisprudence. We can comprehend well enough that even this low standard of judicial action is not the very lowest. There are still many lower depths unexplored we trust, as yet, by any American judicial officer of high grade, and which, unfortunately for the credit of the mother country, and fortunately for the warning of her offspring, have figured but too prominently at different periods in English history. We feel entirely sensible that even a judge, who struggles all his life to keep in with popular sentiment, must be regarded as an amiable and kind hearted man, if nothing more. We certainly could not regard such a man as in any sense a bad man. He could not be classed either with Jeffries or Scroggs, and certainly not with Lord Bacon or his more recent imitators.

* From the *American Law Register*, an article contributed by the Hon. Isaac F. Redfield, late Chief Justice of Vermont.

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But one must be either very short-sighted or very timid who cannot rise above such a standard. A judge who feels that his highest and noblest aims are centered in making himself a reputation, either present or future, is certainly not worthy of the very highest degree of public confidence. One may, indeed, act from far lower and base motives. He may be a mere blind partisan; he may have espoused certain theories of philosophy, or politics, or religion, with such intense zeal, that he will in the end be in danger of becoming morbid upon the subject, and, with the best intentions, he may become incapable of seeing any good, or any rights, out of that particular line of thought which he may have espoused. And we conceive it possible for a very well-meaning judge, and one of large capacity, originally, and of very considerable attainments, to become so perverted by partisanship as to be really incapable of viewing any subject, except through a false or perverted medium. There is no doubt great danger, in periods of great political or partisan heat, that in regard to questions affecting large and fundamental interests in governmental and social relations, something of this kind may sometimes occur, even in discussions and decisions before or by the gravest judicial tribunals. We do not know that such things are likely to occur in the American judicial tribunals of last resort, in regard to the vast and almost illimitable public interests now so much in agitation. We hope it is not so; and that there is no danger in that direction. Some things have occurred, within the last few years, especially in the decisions of the national tribunal of last resort, tending very strongly to show that there is really no danger of this character, and that those, if any such there be, who believe, or affect to believe, that the judicial tribunals of the country should be subordinated to the voice of the numerical popular majority, are not likely to find support or countenance in the conduct of the judges themselves. We hope this may be so. We believe it will prove so. . . We know that the legislative power of a nation is almost supreme, and that it may seem for a time quite irresistible. But the formative power of a wise, and able, and an upright court of last resort, in a quiet and impressive manner, wields a force ten times as powerful as it is possible for any legislative power to put forth, and one that is ten thousand times more efficient either for good or for evil. Those men, if any such there be, who desire to break the power, or check the independence of that conservative and life-giving tribunal, in the sustaining of law and order, and of every other interest dear to the true patriot, if they are at all aware of what they ask, and of the awful consequences of obtaining a full answer to their prayer, should be held up to the public indignation and scorn as the basest and vilest traitors to their country; such men, if they really comprehend what it is that they ask, should be classed among the wickedst of the fomentors of the late rebellion. But we do not suppose it possible for any man at all capable of estimating the awful consequences of breaking down the legitimate power of a pure and independent judiciary in a free country, to be base and degraded enough to desire any such thing.

But, to return from this partial digression, it is certainly a very pleasant sight to sit in an English court, and witness the entire absence of all rivalry, not only between the Court and the Bar, but apparently between the different members of the bar. Court and counsel alike seem to feel that every other consideration must be laid aside except that of reaching the absolute justice of the case. In this pursuit there is observable a quietness in the course of the arguments of counsel, and especially in the conversational discussions between the Court and the counsel, which cannot fail far more effectually to enable each to see the other's views, difficulties and doubts, than if the same were had in a spirit of controversy and opposition, and with a disposition occasionally apparent in our own country, to show the spectators the superiority of the Bench over the Bar. Nothing could more effectually belittle the Court, without in the same degree elevating the Bar. A truly great judge is never jealous of any one, and least of all of his bar, which is his brightest crown, the very jewels of his judicial life.

But this communication will be in danger of too great extension. The most important decision made in the English courts within the last few months, is that in the case of *Gardiner* v. *The London, Chatham, and Dover Railway*, 15 Weekly Reporter 325, by the Lords Justices in the Court of Chancery appeal, near the last of January. By this case it was determined that railway debentures in England, which are a mortgage of the "undertaking" in terms, do not create any specific lien upon any portion of the property itself belonging to the company, but only a right to receive the net earnings of the works, which includes all the rolling stock and fixtures as incidents until the last is paid. But in the meantime the undertaking, which is but another name for all the works with all its incidents and accessories, remains under the management and control of the officers of the corporation itself, or of trustees appointed by the parties, the Courts refusing to assume the responsibility of placing the road, or the "undertaking," as it is called in the Act creating the debentures, under the management of its own officers. This is a very important decision, and the cool, careful, and well-reasoned opinion of the present Lord Justice Cairns, who has since been promoted, at the early age of less than fifty, to the House of Lords, by special patent, will repay patient perusal and study, and may possibly lead to very important modifications of the present views in America in regard to the rights created by railway mortgages and preferred stocks. . . .

We were present a few days since in the Court of Divorce and Matrimonial Causes, during the argument and the summing up of the Court to the jury, in the important cause of *White* v. *White and Field*. . . . . We were especially and favourably impressed with the quiet conversational tone of the leading counsel, Sir Robert Collier, late Solicitor-General, and Dr. Spinks, Q.C., and the especial fairness and freedom from all parade or attempt at oratorical effect of the charge given to the jury by the learned judge, Sir J. P. Wilde. We noticed with special gratification that the English judges address the jury sitting, the jury also remaining in the same position. We have long regarded this as the only mode in which a case could be fairly presented to a jury by the Court, and practised it during most of our own long period of service in that capacity, but we believe this is rather an exceptional mode of proceeding in the American courts, and as far as we know, as a general rule, is confined to New Hampshire,* where the change occurred, at an early day; by the embarrassment of one of their ablest Chief Justices, the late Jeremiah Smith, in delivering his first charge to the jury, which proceeded so far as to compel the judge to resume his seat and to request the jury to do the same, when he continued his charge in a very able and satisfactory manner, never after attempting to address the jury standing. and this precedent thus accidentally introduced soon became general in that state, and has so continued ever since. It also exists in some portions of Vermont, but not universally. But on the occasion to which we refer, the learned judge continued his instructions to the jury for more than an hour in the most quiet and conversational mode.

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

BANKRUPTCY OF "VOLUNTARY" SETTLER.—M., by a voluntary deed, assigned a reversionary interest to trustees upon trusts for his wife and children. The trustees never executed the settlement. After the reversion fell in, M. was adjudicated a bankrupt. No notice of the settlement was given to the trustees until after the bankruptcy, when they declined the trusts: Held, that the reversionary interest was within M.'s "order and disposition," and passed to his assignees in bankruptcy: (*Hnesley* v. *Wills*, 16 L. T. Rep. N. S. 582. V.C.W.)

* An editorial note of the *American Law Register* suggests that the writer is here mistaken, and that the habit of *standing* while charging the jury is peculiar and local to the New England courts, even if it obtain in all of those. The note proceeds:—"We have the authority of a distinguished ex-judge of the Supreme Court of New Jersey for saying that when he was a junior at the bar, it was the general custom for the judge to rise in addressing the grand jury, but even that has since fallen into disuse. The only occasion upon which a Pennsylvania judge stands is while pronouncing sentence of death, and we think the undignified novelty of the judge's rising to charge a jury would be resented alike by the bench and bar of that state, as savouring far too much of advocacy rather than judicial serenity."

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"ISSUE, CHILD OR CHILDREN."—Devise of land, &c. to S. B. for life, and to trustees, and from and after the decease of S. B., to preserve contingent remainders to "all and every the issue, child, or children, of the body of the said S. B. lawfully to be begotten, in such shares and proportions, manner, and form, as he the said S. B. at any time during his life" or by will "shall limit or appoint, give or devise the said premises, and in default of such issue," to J. B., W. B., and J. B., sons of the testator, and to their respective heirs and assigns for ever, to take as tenants in common: Held, that S. B. was entitled to an estate for life only; that the words "issue, child, or children" must be taken to have been used in the sense of "children" and to be words of purchase, and therefore that the children of S. B., upon their father's death, were entitled to take distributively in fee, by implication from the power of appointment: (*Bradley* v. *Cartwright*, 16 L. T. Rep. N. S. 587. C. P.)

LOCKE KING'S ACT—ESTATE IN SCOTLAND—ELECTION.—A domiciled Englishman, by a testamentary disposition in the Scotch form, gave certain real estate in Scotland, and by a subsequent will in the English form, after referring to the Scotch disposition, and declaring that the trusts of his present will should not affect the Scotch estate, nor should put to his election any person who should claim both under the trust disposition and the will, gave the residue of his estate upon trust for sale and payment of debts and legacies. By the trust disposition the testator's widow was to have the rents of the Scotch estate and thereout to maintain the children; and by the will certain benefits were given to the children, and there was also a trust for maintenance. Subsequently to the date of the will the testator executed a heritable bond, charging the Scotch estate with the money thus raised. He also subsequently purchased another estate in Scotland, of which he made no disposition: Held, that the testator's domicile being English, the law of England governed the construction of the will, even when it affected the Scotch estate, and that a contrary intention (under Locke King's Act) having been disclosed, the heritable bond must be paid out of the residuary estate: Held, also, that the heir-at-law was not put to his election as to the Scotch estate purchased subsequently to the date of the will; and that the trust for maintenance in the will was in addition to that made by the trust disposition: (*Maxwell* v. *Hyslop*, 16 L. T. Rep. N. S. 660. V. C. Malins.)

LANDLORD AND TENANT—LEASE—RESERVATION OF THE FREE RUNNING OF WATER AND SOIL.—A reservation in a lease of the free running of *water and soil* from any other buildings and lands contiguous to the demised premises, in and through the sewers and watercourses within, through, or under the said demised premises, applies only to water naturally falling or arising on or naturally falling or arising elsewhere and coming to the contiguous lands, and to such matters as are the product of the ordinary use of the land for habitation, such as night-soil and sewage, and does not give a right to discharge through such sewers the refuse matter from tanpits on contiguous land, erected and worked subsequently to the date of the lease: (*Chadwick and another* v. *Marsden*, 16 L. T. Rep. N. S. 666. Ex.)

AGREEMENT FOR LEASE OF FISHERY—RESCINDED FOR MISTAKE—MAXIM OF IGNORANTIA JURIS.—E. the owner of a fishery called the B. fishery took by mistake a lease of the same for three years from P., who was a trustee for other parties. The settlement under which E. claimed had conveyed the lands of B., and all other estates of inheritance and hereditaments of which J. was then seized; and J. had previously obtained a conveyance of and was seized in "the lands of B. and the salmon fisheries in the rivers." J. had applied for an Act of Parliament to improve certain parts of the river, and as he died while the Bill was being passed, the name of H. his heir-at law, as the owner, was inserted in the Bill which recited in effect that H. was a trustee, though H. represented himself to be owner in fee, and hence the mistake: Held, that the fishery passed under the words "estate of inheritance:" Held, further, that E. was entitled to have the lease rescinded on the ground of mistake, subject to a lien in favour of H., for expenditure on improvements. The maxim "Ignorantia juris haud excusat" extends only to general law, but not to private rights of ownership, which are matters of fact. Per L. Westbury: (*Cooper* v. *Phibbs*, 16 L. T. Rep. N. S. 678. H. of L.)

The decision in *Tetley* v. *Wanless* (reported in the court below, 15 L. T. Rep. N. S. 255) has been affirmed in the Ex. Ch.: (16 L. T. Rep. N. S 601.)

PARTNER IN TWO FIRMS.—B., the bankrupt, was a banker in Devonshire, and formed a partnership with M. and P. as Indian merchants in London. B. was to bring in capital as it might be required to a stated amount, he covenanting with M. and P. jointly and severally to do so. It was also agreed that B. should accept bills for M. and Co., at a fixed commission, and that M. and Co. should negotiate the bills, keeping B. in funds to meet them. B. became bankrupt, and M. and P. executed creditors' deeds, Claims were then carried in against B.'s estate (1) for an alleged balance of account due from B. to M. and Co.; (2) for an alleged deficiency of the capital covenanted to be brought by B. into the firm of M. and Co.; and (3) in respect of some bills alleged to be held by M. and Co. as security for a loan to B. It was held (affirming the decision of the commissioner) (1), that the transaction was a dealing by B. for the convenience of the general partnership, and not a dealing between two distinct trades; (2) that the firm could not prove against one of its members for a debt due to it while the state of the partnership accounts remained unascertained; and (3) that the evidence did not render B. liable to M. and Co. upon bills, but showed that they were remitted to M. and Co. for collection only. The appeal of M. was accordingly dismissed with costs: (*Ex parte Maude*, 16 L .T. Rep. N. S. 577. Chan.)

NOTICES OF NEW BOOKS.

Ireland before the Union; with Extracts from the Unpublished Diary of John Scott, LL.D., Earl of Clonmell, Chief Justice of the King's Bench, 1774–1798. *A Sequel to the Sham Squire and the Informers of* 1798. By WM. J. FITZPATRICK, J.P., Second Edition, Revised and Enlarged. W. B. Kelly, Dublin; J. C. Hotten, London.

Mr. Fitzpatrick has already established a reputation as an industrious and honest biographer; but in this book he extends the scope of his work to an interesting history of the social and political state of Ireland before the Union; and there cannot be a better proof of the value the public set on the work than the fact that the first edition was sold almost as soon as published, and a second edition has already been published.

Amongst the numerous *dramatis personæ* that Mr. Fitzpatrick introduces to his readers as acting on the stage of Irish public life before the Union, none played more prominent parts than Lord Chief Justice Clonmell and Mr. Higgins, commonly called the Sham Squire. The latter personage is well known to the reading public through Mr. Fitzpatrick's last volume, and to which the present forms a sequel, but it is in the life and sayings of the former that we, as lawyers, are chiefly interested. Our author derives his information about Lord Clonmell from every available source, but chiefly from an unpublished diary of the Lord Chief Justice, which, judging from the extracts presented, is highly interesting, and makes us wish to read more of it. In it we find Lord Clonmell's view of the state of Ireland, and his acute remarks on the various hypocrisies that his contemporaries were enacting. Not the least interesting part is his account of the line of conduct necessary to success as a lawyer (page 27-28, sec. ed.) Mr. Fitzpatrick has ransacked the Records of the Rolls Office, and has brought to light, and published, as an appendix to the present work, a bill filed in 1797, charging the Chief Justice with such a number of offences against the law which he was appointed to administer, as would now excite a great sensation, not only amongst the members of the bar but also the general public. In conclusion we have only to remark that Mr. Fitzpatrick has very considerably increased his second edition, and has produced a work which gives the reader a very complete, though not flattering, view of Irish society at the end of the last century.

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THE COURTS AND COURT PAPERS.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Aug. 12	12 o'clock	Arrangement case	Proof of debts	*Cronhelm*
"	"	John Langan	do.	*Mathews*
"	"	H. M. Beck	do.	*Meldon*
"	"	Ellis Rowland	Tax costs	*Hazlett*
"	"	The Patent Peat Company	do.	*West*
		Tuesday. Before the COURT.		
Aug. 13	11 o'clock	Robert Parker	Final examination	*Goff*
"	"	Edward Soulsby	do.	*Mathews*
"	"	James M'Parland	do.	*Tinkler*
"	"	Richard Flood	do.	*Forsythe*
"	"	Thomas Toner	do.	*Kernan*
"	"	Bernard Maginnis	Sur., prove debts, and choose assignee	*Sinnott*
"	"	James Sutherland	Composition	*Larkin*
"	"	———	Adjudication	*Neilson*
"	"	Edward Power	Motion	*Goff*
		Thursday. Before the COURT.		
Aug. 15	11 o'clock	Hugh M. Beck	Charge and discharge	*Meldon*
"	"	do.	Motion	*Irvine*
		Friday. Before the COURT.		
Aug. 16	11 o'clock	M. J. M. & A. Scott	Final examination	*Forsythe*
"	"	James Canning	do.	*Irvine*
"	"	James Sutherland	do.	*Boughey*
"	"	John O'Neill	do.	*Neilson & Son*
"	"	D. J. Bergin	do.	*Casey and Clay*
"	"	Thomas Pettigrew	Sur., prove debts, and assignee	*M'Govern*
"	"	Thomas Reynolds	Sale	*Forsythe*
"	"	Arrangement case	First sitting	*Perry*
"	"	do.	Second sitting	*Irvine*
"	"	do.	do.	*Irvine*
"	"	do.	do.	*Eyre*
"	"	do.	do.	*Perry*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
August 6	Robert S. Pyke, of Cloughjordan, co. Tipperary, draper,	Wm. Henry Robinson, of George's-street, Dublin, manager for Pim, Brothers, and Co.,	*Molloy and Watson*
"	J. & J. Murphy, of Baltinglass, co. Wicklow, draper and general shopkeeper,	Thomas Vance, of Bridge-street, Dublin, merchant,	*Meldon*
August 9	John Healy, of Tullow, co. Carlow, grocer and general dealer,	James William Mackey, of Westmoreland-street, Dublin, seed merchant,	*D'Alton*

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BANKRUPTS.

Pettigrew, Thomas, of No. 1, St. Andrew-street, city of Dublin, printer and bookbinder. Petition of bankruptcy filed 2nd August, 1867. To sur. Friday, 16th August, and Friday, 30th August. L. H. Deering, official assignee. *M'Govern*, solr.

Certificates Allowed.

August 2.

Barfoot, William, and Shaw, William M., of Belfast, co. Antrim, wholesale grocers and druggists, trading as "Barfoot and Shaw," bankrupts. *Lynch and Seeds*, solrs.

Clarke, John F., of Cambridge-road, co. of Dublin, and of Monecurragh, co. Carlow, dealer in grain and flour, and commission agent, a bankrupt. *Mulhall*, solr.

Shaw, Samuel, of 6, York-street, Belfast, co. Antrim, sewed muslin manufacturer, a bankrupt. *M'Cully*, solr.

August 6.

Woods, John, of Monaghan, county of Monaghan, grocer and baker, a bankrupt. *Molloy and Watson*, sols.

IN INSOLVENCY.

INSOLVENTS DISCHARGED ON BAIL.

Casey, James, co. Armagh, no occupation.
Cooke, Daniel, co. Tyrone, farmer.
Crozier, William, Belfast, builder.
Doherty, George, co. Monaghan, spirit dealer and flax dealer.
Doughan, Martin, co. Tipperary, farmer.
Fox, Patrick, co. Meath, formerly grocer.
Hynes, William, co. Clare, shopkeeper.
Lyons, James, co. Dublin, grocer and law clerk.
M'Donald, George Robert, Dublin, pensioned clerk.
Purcell, Patrick, co. Wexford, farmer and carpenter.
Roche, Edward, co. Wexford, shopkeeper.
Whyte, William, co. Cavan, farmer.

INSOLVENTS.

To be heard in Dublin.

Lyons, James, of Dalkey, co. Dublin, grocer and law clerk. Hearing on 6th November, at 11. *Macnally*, solr.

To be heard in the Country.

Bryan, Michael, or O'Brien, Michael, of Listellick, co. Kerry, farmer; previously of same place, farmer and road contractor. Hearing at Tralee, 10th October, at 10. *Huggard*, solr.

Cooke, Daniel, of Casorna, co. Tyrone, farmer. Hearing at Omagh, 17th October, at 10. *Dickie*, solr.

Cuddy, Michael, of No. 123, Avenue, E., New York, United States of America, cotton dealer and commission agent, in copartnership with James Shea, of No. 82, Pearl-street, New York, aforesaid; previously of Graigue, co. Tipperary, commission agent; sued as M. Cuddy. Hearing at Clonmel, 16th October, at 11. *Vowell*, solr.

Cussen, Robert, of Kielberehert, co. Cork; previously of Curraheen, in said county, farmer, now farmer's labourer. Hearing at Cork, 17th October, at 10. *Drinan*, solr.

Derby, William, of Great Britain-street, city of Cork, publican, shop-keeper, and shovel-maker. Hearing at Cork, 17th October, at 10. *Collins*, solr.

Dermody, James, of Athenry, co. Galway, farmer and shop-keeper. Hearing at Galway, 14th October, at 10. *Regan*, solr.

M'Conville, Elizabeth, of Ardarragh, Newry, co. Down, widow, draper, grocer, and spirit dealer. Hearing at Downpatrick, 9th October, at 10. *Evans*, solr.

M'Kenna, Francis, of Sarah-street, Belfast, co. Antrim, journeyman carpenter. Hearing at Belfast, 21st October, at 3. *Ferguson*, solr.

Sheehan, James George, of Evergreen, Cork, in no trade or occupation; formerly of Mallow, in said county, in no trade or business; previously of Killevullen, co. Cork, farmer; and theretofore of Kingsland, London, England, clerk in the office of Mr. Vancella, Portuguese consul. Hearing at Cork, 17th October, at 10. *Collins*, solr.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

FERGUSON—August 3, at 101, Baggot-street, the wife of Chaworth Ferguson, Esq., barrister-at-law, of a daughter.

WALKER—July 28, at 23, Gardiner's-place, the wife of Richard Crampton Walker, Esq., solicitor, of a son.

MARRIAGE.

MAUNSELL and LLOYD—August 7, at St. Stephen's Church, by the Rev. Horatio Maunsell, Rector of Drumbo, Lisburn, uncle to the bridegroom, assisted by the Rev. James Rynd, John Maunsell, Esq., solicitor, Edenmore, Raheny, to Fanny Caroline, youngest daughter of the late Edward Lloyd, Esq., M.D., of Limerick.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	AUGUST.					
	Sat. 3	Mon. 5	Tues. 6	Wed. 7	Thur 8	Fri. 9
Government						
New 3 p c Stock	92¾	93	92¾	92⅝	92⅝	93
3 p c Consols	—	—	93⅜	93¾	94	94⅛
Foreign and Colonial.						
India 5 p c Stock	111⅛	111⅜	111⅛	—	—	112
Joint-Stock Banks.						
Ireland, £100 pd	235	—	—	234⅝	234⅝	—
Hibernian, £25 pd	—	—	35¾	—	—	36
Munster (Limited.), £3 10s pd ..	—	4½	4½	—	—	—
National, £30 pd	61	61⅛	61⅞	61⅝	61⅝	62
National of L'pool (Ltd.), £15 pd	—	—	—	—	—	—
Provincial, £25 pd	87	—	—	87½	—	87⅛
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	—	33	33	33	33
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	—	12¾	—	—
Steam.						
British & Irish, £50 pd ..	—	—	—	50	—	—
City of Dublin, £100 pd ..	—	100	—	100	100	—
D. & L. St. S. B. Co. £50 pd (rd) ..	—	55½	55⅛	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	7	7	7	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	10⅝
Do., £5 pd B	6⅝	—	—	—	—	—
Do., £4 pd 2 C	—	5⅛	5⅛	—	—	—
Grand Canal, £100 pd	—	47⅛	—	47⅛	—	47
Patriotic Insurance, £10 pd ..	9½	—	9½	—	—	—
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	10½	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	76½	—	—	76½	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	84⅛	85⅛	85⅛	—	—	—
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	95⅛	95¾	—	—	95⅝	—
Midland Gt. Western, £100 pd ..	57¾	58½	—	58⅛	—	—
Waterford & Limerick, £50 pd ..	—	—	—	—	—	11⅛
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	48½	48½	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	97⅛	97⅛	—	97⅛	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868. £25 pd ..	—	—	—	—	—	25
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Days—August 14th and August 29th.
Account Days—August 15th and August 30th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
Martin Clarke and Mary Clarke, otherwise Moyles, his wife,
Petitioners;
Maria Moyles, widow, and Administratrix of William Moyles, deceased,
Respondent.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of William Moyles, late of Upper Dorset-street, in the City of Dublin, and Geraldine-house, Milltown, in the County of Dublin, Coachmaker, deceased, on or before the 2nd day of SEPTEMBER, 1867, to furnish, in writing, to HENRY F. DIX, of No. 9, Upper Gardiner-street, in said City of Dublin, Solicitor for said Respondent, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioners may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Charges or Incumbrances affecting the real and freehold Estate of the said William Moyles, to come in before me, at my Chambers, Inn's-quay, in the City of Dublin, on or before the 2nd day of September, 1867, and proceed to prove the same.

Dated this 22nd day of July, 1867. E. LITTON, Master in Chancery.

GEORGE RIDDICK, Solicitor for the Petitioners, No. 64, Lower Dominick-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850."

In the Matter of
The Rev. John Kelly, P.P.,
Petitioner;
John Thomas Campion, M.D.
Respondent.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of Kenny Scott, late of the Ormond Mills, in the City of Kilkenny, Woollen Merchant, deceased, on or before the 2nd day of SEPTEMBER next, to furnish, in writing, to the undersigned, GEORGE H. LOWE, Solicitor for the Petitioner, the Rev. John Kelly, P.P., one of the Executors of said deceased, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having Charges or Incumbrances affecting the real and freehold Estate of the said Kenny Scott, to come in before me, at my Chambers, Inn's-quay, in the City of Dublin, on or before the 2nd day of September next, and proceed to prove the same.

Dated this 17th day of July, 1867. E. LITTON, Master in Chancery.

GEORGE HAMILTON LOWE, Solicitor for the Petitioner, No. 64, Lower Dominick-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS AND LEGATEES.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
Edward Carty and Walter Tyrrell, Executors of John Batson, deceased,
Petitioners;
Anne Batson, widow, Charles Henry James, Lucius Henry Deering, and John Murtagh, the official and trade assignees of Simon Peter Batson, James Joseph Batson, Mary Theresa Batson, Patrick Batson, and Stephen Batson, of whom the said Mary Theresa Batson, Patrick Batson, and Stephen Batson are infants, under the age of twenty-one years, and said Simon Peter Batson, John Paul Batson, and Edward Theodore Batson
Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of John Batson, late of 122, Church-street, in the city of Dublin, Baker, deceased, on or before the 5th day of September next, to furnish in writing to the Petitioners, or to Patrick Joseph Kelly, Solicitor for said Edward Carty, and Walter Tyrrell, the Petitioners, No. 12, Blessington-street, Dublin, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioners may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 5th day of August, 1867.

J. J. MURPHY, Master in Chancery.

PATRICK JOSEPH KELLY, Solicitor for the Petitioners, No. 12, Blessington-street, Dublin.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850."

In the Matter of
John Henry, Thomas Mahon Richardson, and Jane Stewart Henry, widow,
Petitioners;
Alexander Joseph Henry, Joseph Francis William Henry, Sophia Olivia Holmes Henry, Frances Jane Stewart Henry, and Alexandrina Mary Henry, minors,
Respondents.

I HEREBY require all persons claiming to be Creditors or Legatees of Alexander Henry, late of Rathescar, in the County of Louth, Esq., deceased, on or before the 5th day of SEPTEMBER, 1867, to furnish, in writing, to the Petitioners' Solicitors, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors, whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

I also require all persons having claims affecting the real and freehold estate of the said Alexander Henry, to file same, at my Chambers, Inn's-quay, in the City of Dublin, on or before the 5th day of September, 1867, in order that same may be proceeded on, and proved according to the General Orders of the 19th May, 1867.

Dated this 5th day of August, 1867.

J. J. MURPHY, Master in Chancery.

WEST & FITZSIMONS, Solicitors for Petitioners, No. 33, North Great George's-street, Dublin.

LANDED ESTATES' COURT, IRELAND.

GENERAL NOTICE TO CLAIMANTS.

In the Matter of the Estate of
Thomas Feeny,
Owner and Petitioner.

THE Court having Ordered a Sale of the Plot of Ground and Premises situate in the Town of Knockcroghery, in the Barony of Athlone, and County of Roscommon, all parties objecting to such Sale of the said Lands are hereby required to take Notice of such Order. And all persons having claims thereon, may file such claims, duly verified, with the Clerk of the Records.

Dated this 5th day of August, 1867.

GEORGE T. HOPKINS, Chief Clerk.

JOSEPH BURKE, Solicitor having Carriage of Sale, 12, Blessington-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Thomas Pettigrew, of No. 1, Saint Andrew-street, in the City of Dublin, Printer and Bookbinder, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 16th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 2nd day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

THOMAS M'GOVERN, Agent to the Bankruptcy, No. 54, Dame-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Robert S. Pyke, of Clough-jordan, in the County of Tipperary, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 20th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 7th day of August, 1867.

JOHN F. TEELING, Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, August* 10, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 29.] SATURDAY, AUGUST 17, 1867. {Single Copy, 6d. By Post, 7d.

THE Halls of the Four Courts have now thoroughly assumed their long-vacation aspect. A very short time since they were thronged with a vast concourse of professional men representing the pent-up business of three weeks, vainly waiting for a judge to discharge them. Then there was a late sitting of the Chancery Appeal Court, and a still later sitting of the Lord Chancellor, causing the unusual phenomenon of busy barristers in full array in the sultry month of August. But things have now regained their normal state, and the stillness is rendered the more intense by the dismal footfall of the summer-lawyer, who attends the sittings of the Vacation-Master, or of the Judges of the Bankrupt and Insolvent Courts. The latter, we fear, are destined to enjoy, less than ever, during this recess, an unbroken rest from their ungrateful labours. In their melancholy records will be written the sad history of recent events in all their disastrous reality. It is to be remarked, too, that the same causes which have swelled the business of these latter Courts, have produced a sensible decline in the business of the other Courts, both of Law and Equity. But this decline will cease with the causes which have produced it. To be sure, we have heard men, in the spirit of a certain noble Lord, animated with an inveterate hatred of our Irish legal establishments, express themselves in a tone of pious congratulation on the advent of an Irish legal millenium. But on fair and careful examination it will be found, that there was no real ground for their congratulations, and that they were prejudiced, or superficial observers. Experience tells us, that an increase in the legitimate business of our Courts keeps pace with the advancing prosperity of the country; and it will be found that any decline or falling off which has taken place, has been due, and ought to be attributed to purely exceptional causes; and once they are removed by continuing tranquillity, and a gradual reassurance of the public mind, the usual dealings of men will be resumed, things will flow in their proper channels; and, as a matter of necessity—to put it on no higher grounds—our legal prospects will brighten with the revival of general public prosperity.

The coming legal year, unless we are greatly deceived, will prove a very busy one for Equity practitioners, and we hope to see early indications of our expectations in this respect being realized in the fruits of the opening Term. There is nothing to prevent this, unless it be the fact that some seem deterred from setting at once vigorously to work under a new system of things—the law and practice by which all new business will be regulated, being wholly unknown in this country. But the same law has been in operation in England for many years, and the practice is now well established; and assuming, as we think we may safely do, that the General Orders to be framed in Ireland shall be identical with the Orders now existing in England, there will be no excuse for solicitors not making themselves sufficiently familiar with the practice, so as not to feel any difficulty in bringing new business into Court without hesitation or delay. We intend publishing in this Journal the new Chancery Act, and a simple and concise Commentary on the Practice, in the form of short articles, which we trust will be found useful, and supply a want, until a more full and elaborate work on the subject shall appear. It is also intended, as soon as the new Rules are promulgated, to publish, in a collected form, the Act, Rules, and Commentary, with an Index and Table of Contents.

As we anticipated, the first of the Lords' amendments to the Court of Law Officers' Bill has not been accepted by the Commons. With regard to the important office of Master we believe it is much better that the existing arrangement should not be departed from; the other amendment has been agreed to.

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HOUSE OF LORDS, AUG. 9.

ADMIRALTY COURT (IRELAND) BILL.

On the motion for going into committee on this Bill,

The Marquis of CLANRICARDE presented a petition from the Judge of the Admiralty Court in Ireland against the fifth clause of the Bill removing him from his office, and moved for a correspondence between the Irish Government and the Lord Chancellor of Ireland relating to that Judge.

The Lord CHANCELLOR said that inquiry had been made, no such correspondence could be found, and the belief was that no such correspondence existed.

The House then went into committee. On clause 4,

Lord CRANWORTH said that this gentleman, the Judge of the Admiralty Court, held office under an Act of Parliament which made him irremovable except upon an address from both Houses of Parliament. His tenure was, therefore, the same as that of the Lord Chief Justice of the Queen's Bench; yet, for the first time in the annals of English history, the enactment which fixed his tenure on this footing was to be repealed by this clause, in order that he might be immediately removed. Now, it might be that this gentleman was an unfit person to discharge the duties. In that case it would be proper to say so, but the Judge defied anybody to show this. There had been a constitutional safeguard against the removal of Judges, and it was now proposed to take it away. He had stated the case, and he appealed to their lordships to consider whether they ought not to pause in what they were doing.

The LORD CHANCELLOR said when his noble and learned friend spoke to him on this matter he stated that he felt placed in a position of the greatest embarrassment, because he was desirous of sparing the feelings of the gentleman who was involved. He believed there was no such correspondence as the noble Marquis alluded to in reference to the conduct of this gentleman with regard to a will and acquitting him of any impropriety, nor indeed was there in the minds of those who had considered this subject any suspicion in regard to this gentleman. He quite admitted that this was an exceptional case, and it might perhaps be the first in which it had been necessary to act in the way proposed by this Bill. The late Government introduced a Bill upon this very subject, and there was in it a clause with respect to this gentleman which was much more offensive than the clause of this Bill, for it actually removed him by name from office. This clause provided that in case the gentleman should not be reappointed, he was to retire upon his full salary, which was, as far as he was concerned, a little improvement in the way of dealing with him. He took upon himself the responsibility of saying it was absolutely necessary the gentleman should be removed, or it was impossible the Bill could be allowed to pass. The Bill would introduce great improvements into the Court of Admiralty, extend its jurisdiction, and bring within its cognizance matters connected with the common law, of which this gentleman had had no experience; therefore he would not be competent to perform the enlarged duties which would be thrown upon the Judge. There was a little mistake about this gentleman having given up a large practice to accept the office of Judge, because he gave up the position of stipendiary magistrate at £600 a year for that of Judge of the Admiralty Court at £500 a year, making a sacrifice for an advance of position. However distressing it might be to him it was absolutely necessary he should take upon himself the responsibility of dealing with the question in the manner proposed by the Bill, and it was done in the least offensive manner, because the gentleman was to retire upon his full salary. Let it not be understood he held out any hope that the gentleman would be reappointed, for there was no intention of reappointing him. It was considered that this was a better way of dealing with him than that proposed by the late Government. He was most anxious to avoid saying anything which might hurt the feelings of this gentleman, but he must insist on the clause being retained in the Bill, or the Bill being given up altogether.

The Marquis of CLANRICARDE said that if there were no correspondence, that made the case of this gentleman much stronger, because it showed the Irish Government had not been consulted on the question whether he ought to be removed or not. Both he and his predecessor in the office of stipendiary magistrate had had private practice, and clearly he would not have given up this office and practice for an office with less salary but that he believed he had got a place for life. He relied upon the Acts of Parliament, and the Act of Settlement, which, extending to Ireland, placed Judges on the same footing that they occupied in England, and he believed that he could not be removed. This was a constitutional point of the highest importance. If the objectionable clause of the Bill were agreed to, it would be a precedent for introducing into any Bill to amend the practice, procedure, and jurisdiction of the Court of Queen's Bench a similar clause removing Judges. The course proposed was totally at variance with all previous practice, and its adoption in this case would have the worst possible effect in Ireland. In all other respects the Bill was an excellent one. In the report of the Commission which inquired into the Court of Admiralty it was distinctly stated that the office of Judge was a patent office, and that the Judge could not be removed, except upon an address to the two Houses of Parliament, and there was a precedent in the case of Sir John Barrington, who, in 1829, was removed from this judgeship for malversation of suitors' money. If this gentleman was incompetent, as was alleged, the matter could have been settled by private arrangement. There was one aspect of the case which was not a good one, and that was that this gentleman was to be pensioned at his full salary, and that another gentleman was to be appointed at £1,000 a year. At all events, the change, if necessary, ought to be made in a more regular manner. The gentleman was not aware of this Bill until it was actually read a first time in this House. The Bill of the late Government was a very different measure. By it the Court was to be united with the Court of Probate, and one judgeship was to have been done away with; and the removal of this gentleman in that manner would have been a constitutional mode of proceeding. He had no alternative but to move the omission of so much of the fifth clause as related to this matter.

Lord CRANWORTH put it to his noble and learned friend (the Lord Chancellor) whether he would really insist upon this strong measure. This gentleman might be removed in a proper manner if there were a good reason; but he could not imagine why the security for the independence of Judges should be sacrificed. At any time this would be an extraordinary proceeding, and it was especially so in the last days of the Session, when there were few except the members of the Government in attendance. He put it to his noble and learned friend whether the course proposed was a proper one. The reference to the Bill of the late Government was an argument *ad hominem*, but his "withers are unwrung," for he never heard of such a Bill.

Lord ROMILLY was understood to support the clause, and to assume that the gentleman to whom it referred had been guilty of no misconduct, but that his removal was contemplated entirely, because it was believed that he would not be equal to the performance of the new duties.

Lord CRANWORTH said that since he had last spoken he had received, he presumed from the gentleman to whom this matter referred, a card, on which was written, "I demand an inquiry into my conduct."

The LORD CHANCELLOR maintained that the course contemplated in this Bill was a much preferable one to that which had been contemplated by the Bill of the late Government. It certainly was the impression that this gentleman would not be equal to the new duties, although he might be and no doubt was fully competent for those at present assigned him.

The Marquis of CLANRICARDE said that, whether the course proposed were right or wrong, there could be no doubt that by the repeal which was now proposed the security for the independence of the Irish Judges was struck at. Such a thing would not, he would venture to say, be attempted in England.

Their lordships divided, with the following result:—

For the clause	25
Against	5
Majority in favour of the clause .	—20

The clause was therefore agreed to.

The remaining clauses were agreed to, and the Bill passed through committee.

TUESDAY, AUG. 13.

The BILL was read a third time and passed.

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HOUSE OF LORDS—APPEALS.

(Before the Lord Chancellor, Lord Cranworth, and Lord Colonsay.)

Oakes, appellant, v. *Turquand and another, respondents—first and second appeals; Peek (the younger), appellant,* v. *Turquand and another, respondents—first and second appeals; in the matter of Overend, Gurney, and Co. (Limited).*

Wednesday morning having been fixed for the delivering of judgment in these cases of appeals from two orders of Vice-Chancellor Malins, the bar of the House of Lords was much crowded by persons interested in the cases.

The appellants, whose names had been returned on the register of shareholders in Overend, Gurney, and Co., moved before Vice-Chancellor Malins that their names should be struck off the register, on the ground that they had been induced to take their shares upon the fraudulent representations contained in the prospectus of the company. The learned Vice-Chancellor made an order in the cases, from which the present appeals were made.

The LORD CHANCELLOR first delivered judgment, and dwelt at length on the condition of the old company when the prospectus of the new company of Overend, Gurney, and Co. was issued. The prospectus was headed "Overend Gurney, and Co.," printed in large characters. The capital was stated at £5,000,000, in 100,000 shares of £50 each, of which it was stated not more than £15 would be called up. Now, there could be no doubt that everything which was stated in the prospectus was true; but the objection to it was, not that it did not state the truth as far as it went, but that it concealed most material facts which the public ought to have known, and this gave to the truth the character of falsehood. It had been said that if the truth were known the old company would have been ruined, but the only answer to that was that no new company ought to have been formed, because the prospectus induced people to join the company by a concealment of facts. Advances had for years been made by the old company upon securities of an uncertain nature, the firm was actually losing £500,000 a-year, and an immense amount of the returned assets was not and could not be realized. Under all these circumstances, there could be no doubt the prospectus of the company was of a fraudulent character. Could any one suppose that if, at the time the prospectus was issued, the business of the company was brought into the market, the public having a real knowledge of the facts, it would have realized 1s.? At the same time he believed that the directors honestly and conscientiously believed that, if additional capital were procured, the company would succeed; but as the experiment was to be made with other people's money, they were bound to let the real state of affairs of the company be known. Now, the real question was whether the Companies' Act of 1862 made it competent for the appellant to defend himself from his liability by showing that he was induced by fraud to become a shareholder to the extent of 100 shares. An agreement induced by fraud could not be said to be a binding agreement, but the appellant had become a member of the company, and as, when the order for winding-up was made, his name was found upon the register, it could not be said that he was not then a member of the company. He thought that persons who took shares in companies were bound to make themselves acquainted with the memorandum of association, and with the business in which the companies were established. If they failed to do so, and the objects of the companies were extended beyond those stated in the prospectus, which could be easily ascertained, then those persons ought to be held bound by their shares. Having quoted a number of authorities, including Lord Cairns, in support of his views, his lordship said that in the conclusion at which he arrived he relied upon the words of the act, and he could not help remarking upon the singular state of things which would result from the appellant being relieved from his responsibility. It would be this—that in the winding-up of this company the only contributories to the debts of the company would be the directors and those unfortunate people who purchased their shares in the market. All these remarks applied with greater force to the case of the appellant Peek, and his opinion was, that the decree of Vice-Chancellor Malins ought to be affirmed. The appeal should therefore be dismissed with costs, each appellant to pay his own proportion of them.

Lord CRANWORTH concurred in the judgment of the Lord Chancellor, and said he wished, for the sake of the honour of the great mercantile community of the city of London, he could say that the prospectus of the company was not a fraudulent one. It contained not only a *suppressio veri*, but also a *suggestio falsi*. Still the appellant should have made himself acquainted with the real state of affairs, and he should be held liable for his shares.

Lord COLONSAY concurred in the judgments of their lordships. He denounced the fraudulent character of the prospectus of the company, but held that the appellants did agree to become members of the company, and must be held liable for the amount of their shares.

The effect of the unanimous judgment of their lordships is that the appellants are held as contributories for the amount of their respective shares.

HOUSE OF COMMONS, AUG. 13.

THE COURTS OF LAW OFFICERS (IRELAND) BILL.

The house proceeded to consider the Lords' amendments to this bill.

The ATTORNEY-GENERAL for Ireland moved that the house disagree to the Lords' amendment, which inserted the following new clause:—

When and so often as any vacancy happens in the office of master or clerk of the rules in any of the said Superior Courts of Common Law by the death, resignation, or removal of the person holding such office, the Chief Justice of the Court of Queen's Bench and the Court of Common Pleas respectively as to vacancies occurring in those courts respectively, and the Chief Baron of the Court of Exchequer as to vacancies occurring in that court, shall appoint some duly qualified person to supply the place of the person so dying, resigning, or being removed.

The bill, as it went up from this house to the Lords, did not deal with patronage at all. The offices in question had long been patent offices, the appointment to which had been vested in the crown. An act passed in 1844 substituting the office of master for that of prothonotory, expressly provided that the right of appointment should still remain vested in the Crown. In the other house, Lord Lyndhurst proposed an amendment similar to the present, and it was carried. The Commons, however, disagreed, and the other house, on further consideration, did not insist on their amendment. This bill was founded on the report of a commission (hear, hear), which, although it dealt with patronage, made a proposal very different from that embodied in this amendment, and was not unanimous in its recommendation. No inconvenience could arise from the omission of the clause introduced in the House of Lords. He moved that the house do disagree with clause A.

Mr. LAWSON opposed the motion. The amendment had been moved by Lord Cranworth and supported by the Lord Chancellor and Lord Cairns. It had also been recommended by the commissioners.

Sir C. O'LOGHLEN also opposed the motion.

Mr. HENLEY thought they ought to defer to the authority of the commissioners.

The house divided, when the numbers were—

For the motion, - - -	33
Against, - - - - - -	25
Majority for the motion, - -	—8

The motion for disagreeing with the Lords' amendments was therefore carried.

Mr. G. MORRIS moved that the house do disagree with the Lords' amendment, which transferred the power of appointment of the junior officers from the full court to a single judge.

Mr. RUSSELL GURNEY supported the Lords' amendment on the ground that it was better to place the power of appointing these officers in the hands of the chief judge rather than that there should be a sort of canvass of the judges every time it became necessary to appoint.

Mr. SULLIVAN took the same view as the hon. and learned member.

Mr. G. MORRIS then withdrew his motion, and the amendment was agreed to.

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NOTES OF CASES.

Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by Edward S. Trevor, Esq., Barrister-at-law.

In the Matter of Shuter's Trust and the Trustee Acts, 1850, 1852.

June 17.—*Trustee Acts—Appointment of a new Trustee in the place of a Trustee declining to act.*

By a deed dated the 10th of April, 1861, Hugh Halliday assigned to Edward Litton Holmes lands in the county of Tyrone upon certain trusts. The deed contained no power to appoint new trustees. E. L. Holmes was appointed trustee without his consent or approval, and he refused to act. A petition was presented for the appointment of a new trustee under the Trustee Acts, 1850, 1852.

W. Boyd, for the petitioner, cited *Re Robinson's* will, 11 W. R. 1035.

The Master of the Rolls, after taking time to consider, made an order for the appointment of a new trustee.

Solicitors for the petitioner, *Anderson* and *Lee.*

COURT OF COMMON PLEAS.

Reported by W. Griffin, Esq., Barrister-at-law.

Naghten *v.* Kelly.

April 15.—*Embarrassing Replication—Distress.*

The third count of the summons and plaint complained that the defendant broke and entered the rooms of the plaintiff, and broke open the doors of the said rooms, and took and carried away the goods of the plaintiff, and disposed of the same to the defendant's own use.

The fourth count complained that the defendant converted to his own use, and wrongfully deprived the plaintiff of the use and possession of his goods, &c.

The defendant, to the third count, pleaded "that the said plaintiff, being tenant to the defendant of a certain messuage, at a weekly rent of 2s. a week, a sum of 12s. for six weeks' rent of said premises was due to the defendant, and in arrear on the 7th November, 1866, and thereupon the said defendant did, on the 7th November, 1866 (the outer door of said messuage being open) enter upon said messuage and did take, seize, and distrain the said goods and chattels of the said plaintiff in said count mentioned, the same then being on said premises, as for a distress for rent so due and in arrear; and for the purpose of making said distress, necessarily and peaceably opened the inner doors of said messuage and premises, and which aforesaid entry, so made for the purpose aforesaid, is the breaking and entering in said count mentioned, and which said taking, seizing, and distraining of said goods is the seizing, taking, and carrying away and disposing to defendant's use in said count mentioned.

The plea to the fourth count justified the taking of the plaintiff's goods under the same distress.

M'Dermott had, on a previous day, obtained leave from B. Hughes, in the Consolidated Chamber, to reply and demur; but as he had only the common affidavit, the leave was only to reply by way of traverse. The replication filed was that the defendant had not "distrained the goods and chattels," as alleged.

The case now came before the Court on motion to set aside the replication.

Coates, in support of the motion. This replication raises precisely the question raised by their demurrer, and it also raises a question of fact—a plea raising an issue of law, as well as of fact, is embarrassing.

M'Dermott, in support of the replication. The replication only traverses a mixed allegation of law and fact, which is allowable. Stephens' Pleading, 167. Baron Hughes's order did not allow any allegation of new matter, only a replication by way of traverse.

Monahan, C. J.—This replication is embarrassing. If it relies on mere compliance with the requirements of the 8 and 9 Vic., c. 111, it should be more specific. Plaintiff may reply that no notice was served, &c. The defence to be good must involve an allegation of such compliance, and any matter of fact necessarily implied may be traversed, and such replication will be a traverse and not allegation of new matter.

Attorney for plaintiff, *C. Hennigan.*

Attorney for defendant, *W. Bloomfield.*

LANDED ESTATES' COURT.

Reported by J. Field Johnston, Esq., Barrister-at-law.

Before Lynch, J.

In re Casey's Estate.

June 20.—*Foreshore "Gurges."*

Blood Smyth in this case contended that the right to the foreshore passed to the owner of the adjoining lands. The word "gurgites" occurred in the ancient grant through which the title was derived, and this word passed the foreshore, as appeared from its use in *Virgil's Æneid*:—

"Apparent rari nantes in gurgite vasto."

Another passage in the *Æneid*, Book II, was more applicable, and showed that "gurges" meant the foreshore. The word "manor" alone would pass the shore, 3 Ex., 413, *Malcolmson* v. *O'Dea* (10 H. of L.) He also relied on acts of ownership over the place in question from the end of the last century, and was willing to take an issue to be tried before a jury.

Hunter appeared for the Commissioners of Woods and Forests, and contended that "gurges" did not pass the foreshore. The acts of ownership relied on were of a trifling character, but if an attempt had been made to prevent persons from disembarking from boats, the Crown would soon have interfered.

It was directed that the Crown should file a specific objection.

In the Matter of the Estate of Richard Thomas Bunbury and Richard Simon Bunbury, Owners and Petitioners.

July 20. — *Compensation. — Mines, Minerals, and Royalties.*

This was an application, upon the allocation of the funds in this matter, on behalf of the purchaser of the lands sold, Mr. Robert Edward Ward, that a sufficient part of the sum of £18,000, the purchase money, lodged by him in Court, might be set apart to meet his claim for compensation in respect of the exceptions of mines, minerals, and royalties inserted in the draft conveyance of said lands to him, and which exceptions were not mentioned or set out on the rental under which he purchased said lands, and the value of which exceptions he had not had time to ascertain by examination and opinions of competent parties, or whether same were excepted from the leases and fee-farm grants of the tenants on the estate.

The lands in question, which were the lands of Leggagowar, in the Barony of Castlereagh Upper, and County

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of Down, contained 1,140a. 2r. 28p., and were sold on July 2nd. The draft conveyance was furnished to the solicitor having carriage on July 15th, and on July 18th returned by him amended by excepting out of it "mines, minerals, and royalties," in the same manner as they were excepted out of a conveyance of the said lands made by an indenture dated 30th day of April, 1706.

Palles, Q.C., and *E. F. Litton*, in support of the application.

Finch White, Q C., contra.

The following authorities were cited:—

Dart on V. & P. 91; *Graham* v. *Oliver* (3 Beavan, 128); *Smithson* v. *Powell* (20 L. T., 105).

Lynch, J.—I agree with the principle propounded, that the Court, more than any other class of vendors, is bound to carry out sales to their completion. And if, as in this case, there has been a mistake in the representation of the property, this Court is bound to do full justice to the party who purchased on the faith of that representation. The question here is, how this is to be done? It is impossible I can do otherwise than say to the purchaser—"There is here a mistake to which, perhaps, the endorsement on the deed of 1706 led. If you are dissatisfied with your purchase, I will give you back all the purchase money and all costs." If he will not do this, but asks for compensation, the case is one in which I can have no measure of damages to apply to it.

Solicitor for the purchaser, *Samuel Black*.

Solicitor having carriage, *James Lane*.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by J. Levy, Esq., Barrister-at-law.

Before Judge Miller.

In re Heally.

Aug. 9. *Expenses of Witnesses—Removal of Goods.*

The bankrupt was a grocer and shopkeeper in Tullow, county Carlow, and the meeting was for the examination of witnesses.

C. Meldon was of counsel with the assignees, and examined several witnesses, who swore that several quantities of goods had been removed to various places or given in payment of debts due to several creditors. One of the witnesses did business for the bankrupt, and when examined seemed very reluctant in giving his evidence, and then applied for his expenses.

His Lordship said that witnesses who had anything to do in the removal of the goods of a bankrupt, and did not give every information respecting them—in fact, who did not assist in the recovery of them, as far as they could, should have no expenses; the witness had already got a *viaticum* which could not be taken back from him; if he had not got it, the Court would not give him anything.

Solicitor to the bankruptcy, *Dalton*.

CIRCUIT CASES.

CONNAUGHT CIRCUIT.

Leitrim Assizes.

Reported by Oliver J. Burke, Esq., Barrister-at-law.

Before O'Brien, J.

Reynolds *v.* Costello.

July 16.—*Bar Privilege.*

This was an action of ejectment brought by the plaintiff, a person in very humble life, to recover five acres of land.

Montgomery, attorney for the plaintiff, applied for liberty to examine as a witness the plaintiff, who was in such miserable circumstances that he could not even make out counsel's fee.

T. W. Whyte, as senior member of the junior bar, objected to any attorney either opening the pleadings or examining witnesses. The bar, as a body, never sought to invade the privileges of the other profession, and it was the ancient and undoubted privilege of the bar to address the court, to open pleadings, and to examine witnesses both in the Superior Courts in Dublin and in the Courts of Assize on circuit. Even in the Crown Courts on circuit attorneys are not allowed to address a jury.

M'Dermot said he was counsel in this action for the defendant, and he submitted that an attorney could not conduct this case. [O'Brien, J., inquired what was to prevent the plaintiff examining his own witnesses himself, and could he not give his evidence without the aid of any professional adviser whatever?] Clearly he could, had he issued his own plaint, but it appeared that not only had he employed an attorney to do so, but the summons and plaint was signed by counsel, and he did not sue *in forma pauperis*—that being so he must now appear by counsel.

His Lordship said that while he was clearly of opinion that an attorney could neither open pleadings nor address the Court or Jury, he did not see how he could prevent the plaintiff conducting his own case, and examining his own witnesses. The attorney could not be permitted to take any part in the case other than making such suggestions to his clients, as presented themselves to his mind. He (the learned Judge) had spoken to his brother Judge on the circuit, Chief Justice Monahan, on the subject, and he also concurred in this view. It was stated that owing to the plaintiff's poverty he was unable to procure a fee for counsel, and by a most proper rule of the Connaught Bar—a rule which his Lordship would be most happy to see adopted on all the other circuits in Ireland—no counsel could take a brief on circuit unless the fee were paid with his brief. He, however, could not exclude a client from advocating his own case—a practice which he should be sorry, indeed, for their own sakes, that suitors would have recourse to. Mrs. Yelverton had, in her case, lately at hearing in the House of Lords, addressed the highest Court in the land herself; that, however, was quite a different thing from permitting an attorney to address the Court. The client might do so, but the attorney could not.

The trial then proceeded, the plaintiff acting as his own witness and advocate.

Sligo Assizes.

Before O'Brien, J.

In the Matter of John M'Donough, Coroner of the County of Sligo.

July 18.—*Coroner's Inquests—Fees—Grand Jury—* 9 and 10 Vict., ch. 37, ss. 22 and 24.

Harkan, of counsel, applied on behalf of John M'Donough, one of the coroners of the county of Sligo, to the Judge to direct the Grand Jury to present payments for nine inquests which were held by the said coroner, upon the requisition of the constabulary of the county, and which he, the said coroner, had considered it was fit and proper to hold.

It appeared from reference to the 22nd section of the 9th and 10th Victoria, ch. 37, that when any dead body should be found, or in case of sudden death, or of death attended with suspicious circumstances, the

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constabulary were bound to give immediate notice thereof to the coroner of the district, together with such information as came to their knowledge with regard to the said death, and thereupon the coroner, if he should deem it necessary, upon such information, was bound to hold an inquest, and to comply, in every other respect, with the requisites of that Act of Parliament. Counsel also referred to the 24th section, which provides that the inquest was to be held upon the belief of the coroner as to the necessity for holding such inquest. The learned counsel contended that if the coroner, *bona fide*, believed that it was necessary to hold an inquest; upon such statement before the Grand Jury, then they were bound to present the usual fees provided by Act of Parliament for holding inquests, and that it was not upon their own belief of the necessity of holding an inquest that such presentment should be made, but what they had to consider was whether they were of opinion that the coroner (at the time of holding such inquest) *bona fide* believed that it was necessary to hold same.

O'BRIEN, J., upon reading the sections of the Act of Parliament above mentioned, considered that the interpretation of counsel was the true interpretation of the Act, and his Lordship accordingly directed the Grand Jury to reconsider those several cases which they had previously refused; and he told them that if, upon the whole, they were of opinion that the coroner, *bona fide*, believed (not that they believed) that it was necessary to hold such inquests, they were bound to present for same.

The Grand Jury accordingly presented, having first inquired in manner directed by the learned Judge.

THE COURTS AND COURT PAPERS.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Aug. 19	12 o'clock	Arrangement case	Adjourned proof of debts	*Nolan*
"	"	do.	do.	*Larkin*
"	"	do.	do.	*Lynch*
"	"	do.	do.	*Mathews*
"	"	do.	Reference	*Daniel*
"	"	do.	Vouch assignee's account	*Perry*
"	"	M. Drysdale, jun.	Posting and rental	*Goff*
"	"	Thomas Rothwell	Adjourned proof of debts	*Larkin*
"	"	Pyke	Costs	*Molloy & Watson*
"	"	Cleary	do.	*Meldon & Son*
"	"	Carroll	do.	*Larkin*
		Tuesday. Before the COURT.		
Aug. 20	11 o'clock	Thomas Little	Final examination	*Molloy & Watson*
"	"	Robert S. Pyke	do.	*Molloy & Watson*
"	"	J. and J. Murphy	do.	*Meldon & Son*
"	"	William Healy	Adjourned final examination	*O'Dowda*
"	"	Edmond Eyre	do.	*Larkin*
"	"	James M'Parland	do.	*Tinkler*
"	"	Charles Johnston	Composition	*Perry*
"	"	Arrangement case	2nd private sitting	*Riddick*
"	"	do.	do.	*Boughey*
"	"	Patrick Waldron,	Sur., prove debts, and choose assignee	*Madden*
"	"	Arrangement case	Audit	*Perry*
"	"	Samuel Pickering	Prove charge	*Russell*
"	"	Robert Donovan,	Examine witnesses	*Meldon & Son*
"	"	Michael Cleary,	Audit mortgagee's account	*Meldon & Son*
"	"	The Banbridge Extension Railway	Settle priorities	*Perry*
"	"	Francis O'Meara	Motion	*Keily & Jones*
		Thursday. Before the ASSISTANT REGISTRAR.		
Aug. 22	12 o'clock	William Nelson	Adjudicate, prove debts, and vouch	*Larkin*
"	"	Arrangement case	Proof of debts	*Irvine*
		Friday. Before the COURT.		
Aug. 23	11 o'clock	John Healy	Final examination	*Dalton*
"	"	William Scott	Adjourned final examination	*Lynch*
"	"	William Lunham	Sur., prove debts, and assignee	*Howe*
"	"	Richard Cantrell	do.	*Tinkler*
"	"	Edward Balfe	Composition	*Perry*
"	"	H. M. Beck	Prove charge	*Irvine*
"	"	Arrangement case	1st sitting	*Perry*

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TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
August 13 .	Maginnis, Bernard, of Newry, co. Armagh, builder	Thomas Boyd, of Newry, co. Down, brickmaker	*Sinnott*
„ .	Canning, James, of Belfast, co. Antrim, flax merchant, trading as "James Canning and Co."	James Johnston, of Belfast, co. Antrim, merchant, one of the firm of Johnston, Stewart, and Co., of Belfast	*Lynch*

BANKRUPTS.

Cantrell, Richard, of Ballinasloe, co. Galway, shopkeeper and ironmonger. Petition of bankruptcy filed 31st July, 1867. To sur. Friday, 23rd August, and Tuesday, 10th September L. H. Deering, official assignee. *Tincler*, solr.

Devlin, James E., of Saint Luke's in the city of Cork, builder and contractor. Petition of bankruptcy filed 7th August, 1867. To sur. Tuesday, 27th August, and Tuesday, 17th September. L. H. Deering, official assignee. *Cleary* and *Ware*, solrs.

Donovan, Robert, of Courtduff, co. of Dublin, market gardener. Petition of bankruptcy filed 27th July, 1867. To sur. Tuesday, 27th August, and Friday, 13th September. L. H. Deering, official assingee. *Meldon* and *Son*, solrs.

Lunham, William, of Tralee, co. Kerry, provision merchant. Petition of bankruptcy filed 30th July, 1867. To sur. Friday, 23rd August, and Tuesday, 10th September. L. H. Deering, official assignee. *Howe*, solr.

O'Callaghan, Peter John, of No. 5, Temple-lane, city of Dublin, wine merchant. Petition of bankruptcy filed 7th August, 1867. To sur. Tuesday, 27th August, and Friday, 13th September. L. H. Deering, official assignee. *Hughes*, solr.

Waldron, Patrick, of Tuam, co. Galway, grocer and shopkeeper. Petition of bankruptcy filed 25th July, 1867. To sur. Tuesday, 20th August, and Tuesday, 3rd September. L. H. Deering, official assignee. *Madden*, solr.

Certificates Allowed.

JULY 30.

Dwyer, Thomas, of Tipperary, co. Tipperary, spirit retailer. a bankrupt. *Perry*, solr.

Verlin, Patrick Richard, of Broad-street, city of Limerick, grocer and wine merchant, a bankrupt. *Perry*, solr.

AUGUST 9.

Lyons, Denis, of Listowel, co. of Kerry, draper, a bankrupt. *Meldon* and *Son*, solrs.

IN INSOLVENCY.

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE	SOLICITOR
July 3,	Caulfield, Neal O'Donel,	3rd dividend, 3s. 9d. in £, on £306.	*Belas*	*James*
„	Faulks, Alfred,	1st dividend, 9s. 4⅜d. in £, on £449.	*Lynch*	*James*
July 10,	MacQueen, Donald J.,	1st and final dividend, 20s. in £, on £863.	*Byrne*	*James*
„	Strain, William,	1st and final dividend, 1s. 9d. in £, on £250.	*Stone*	*James*
„	Thomas, Rev. Charles Lomax,	1st dividend, 3s. 2⅜d. in £, on £667.	*Macnally*	*James*
July 17,	Lynch, Patrick,	1st & final dividend, 17s. 8½d. in £, on £72.	*Irvine*	*James*
July 24,	Frazer, William,	5th & final dividend, 5s. 11½d. in £, making with former dividends 20s., on £247.	*Macnally*	*James*

INSOLVENTS DISCHARGED ON BAIL.

Brennan, Joseph Denis, Dublin, mercantile clerk.
Brown, Michael, Dublin, commission agent.
Cussen, Robert, co. Cork, farm labourer.
Dermody, James, co. Galway, farmer.
Grady, Mary, co. Mayo, widow and dealer.
M'Kenna, Francis, Belfast, journeyman carpenter.
Savage, Henry, Londonderry, publican.

INSOLVENTS.

To be heard in the Country.

Griffith, John, of Belturbet, co. of Cavan, grocer and baker. Hearing at Cavan, October 15th, at 1. *Ramsay*, solr.

Hogg, James, of Belfast, co. of Antrim, bricklayer and builder, trading as J. and J. Hogg, with Joseph Hogg. Hearing at Belfast, October 17th, at 3. *Macnally*, solr.

Hogg, Joseph, of Belfast, co. of Antrim, bricklayer and builder, trading as J. and J., with James Hogg. Hearing at Belfast, October 17th, at 3. *Macnally*, solr.

To be heard in Dublin.

Quinn, Eliza, of Ventnor-terrace, Dalkey, co. of Dublin, widow, not in any business; previously of Great Brunswick-street, city of Dublin, board and lodging-housekeeper. Hearing on Wednesday, November 13th, at 11. *Macnally*, solr.

PETITIONS OF INSOLVENCY FILED.

August 9.

Against Keogh, Martin, of No. 204, Great Britain-street, city of Dublin, shopkeeper. David Livingstone, petitioning creditor. *Rosenthal*, solr.

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August 13.

Against Fetherstone, John J., of 22, Anglesea-street, city of Dublin, engraver. Henry Gorman, petitioning creditor. *Macnally*, solr.

Against Kilroy, Michael, of Glasnevin, county of Dublin, labourer. Patrick Gilbert O'Loughlin, petitioning creditor. *Irvine*, solr.

Against O'Gorman, James, of Upper Ormond-quay, city of Dublin; previously of Bachelor's walk, in said city, auctioneer and valuator. Luke John Ryan, petitioning creditor. *Hunter*, solr.

August 15.

Against Lowry, Gregory, of Grattan-street, city of Dublin, out of business; formerly of Luke-street, in said city, publican. Patrick Sweetman and Edmond Sweetman, petitioning creditors. *Macnally*, solr.

PAUPER DECLARATION FILED.

August 16.

Dalton, William; detained by Ellen Moran. *Curran*, solr.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	AUGUST. Sat. 10	Mon. 12	Tues. 13	Wed. 14	Thur 15	Fri. 16
Government						
New 3 p c Stock	93¼	93⅜	93¼	93⅝	93⅝	93½
3 p c Consols	—	94⅛	94⅞	94⅞	94⅞	—
Foreign and Colonial.						
India 5 p c Stock	112	112	111⅞	—	112	—
Joint-Stock Banks.						
Ireland, £100 pd	—	—	235	—	235	235
Hibernian, £25 pd	—	36	—	—	36½	36½
Munster (Limited.), £3 10s pd ..	4½	—	—	—	—	—
National, £30 pd	—	61½	61¼	61¼	61	61
National of L'pool (Ltd.), £15 pd	—	—	—	—	—	12½
Provincial, £25 pd	—	87½	87½	—	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	33	—	—	33½	33½
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	—	—	—	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	—	100¼	100½	—	100¾
D. & L. St. S. B. Co. £50 pd (rd) ..	55½	—	—	—	—	55½
Dub. and Glasgow, £50 pd ..	62	—	—	—	62½	—
Dundalk (Limited), £10 pd ..	—	—	7½	—	7½	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	10½	—	—	10⅝	10⅝
Do., £5 pd B	—	—	—	6⅝	-	—
Do., £4 pd 2 C	—	5½	5½	—	—	5¼
Grand Canal, £100 pd	—	47½	—	47½	—	—
Patriotic Insurance, £10 pd ..	9½	—	9½	—	—	-
National Insurance, £25 pd ..	—	—	—	—	—	30½
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	10¼	—	—	—
Dublin & Belfast Junc., £100 pd ..	76	—	76	—	76½	76
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	86	86	85½	89	89½	—
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	96⅞	98	98¼	—	96	97
Midland Gt. Western, £100 pd ..	—	—	57	—	58	58
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	93	—	—	92	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	98½	—	—	97	-
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	45
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Days—August 29th.
Account Days—August 30th.

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LEGAL POSTINGS:

IN CHANCERY.

ADVERTISEMENT TO CREDITORS AND LEGATEES.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Edward Carty and Walter Tyrrell, Executors of John Batson, deceased, Petitioners;

Anne Batson, widow, Charles Henry James, Lucius Henry Deering, and John Murtagh, the official and trade assignees of Simon Peter Batson, James Joseph Batson, Mary Theresa Batson, Patrick Batson, and Stephen Batson, of whom the said Mary Theresa Batson, Patrick Batson, and Stephen Batson are infants, under the age of twenty-one years, and said Simon Peter Batson, John Paul Batson, and Edward Theodore Batson Respondents.

I HEREBY require all Persons claiming to be Creditors or Pecuniary Legatees of John Batson, late of 122, Church-street, in the city of Dublin, Baker, deceased, on or before the 5th day of September next, to furnish in writing to the Petitioners, or to Patrick Joseph Kelly, Solicitor for said Edward Carty, and Walter Tyrrell, the Petitioners, No. 12, Blessington-street, Dublin, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioners may, without any expense to them, prove in this matter such or so much of their demands as they shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 5th day of August, 1867.

J. J. MURPHY, Master in Chancery.

PATRICK JOSEPH KELLY, Solicitor for the Petitioners, No. 12, Blessington-street, Dublin.

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IN CHANCERY.

ADVERTISEMENT TO CREDITORS AND LEGATEES.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
Elizabeth Georgina Wharton, and Jane Julia Anne Wilme Wharton, minors, by James Henry Wharton, their Guardian and next friend,
Petitioners;

Esther Jane Wharton, Sarah Elizabeth Coulter, and John Gibbons, and by Amendment, George Henry Wharton,
Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of John Lee Wharton, late of 53, York-street, in the City of Dublin, deceased, on or before the 5th day of SEPTEMBER next, to furnish, in writing, to JAMES HENRY WHARTON, of 27, Upper Merrion-street, in the City of Dublin; or to FLETCHER WILME, of 29, Lower Ormond-quay, in said city, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors, whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 5th day of August, 1867.

J. J. MURPHY, Master in Chancery.

FLETCHER WILME, Solicitor for the Petitioner, No. 29, Lower Ormond-quay.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
Elizabeth Crofts, widow,
Petitioner;

Freeman Crofts, the younger, and Basil Orpin,
Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of the Rev. Freeman Crofts, late of Churchtown, in the County of Cork, deceased, on or before the 21st day of SEPTEMBER, 1867, to furnish, in writing, to the Respondent, FREEMAN CROFTS, of Clogheen, Buttevant, in the County of Cork; or to GEORGE BERNARD, of No. 8, Inn's-quay, in the City of Dublin, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Respondent may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 10th day of August, 1867.

WM. BROOKE, Master in Chancery.

WILLIAM WHITE, Solicitor for the Petitioner, No. 4, South Frederick-street, Dublin.

NOTICE TO CREDITORS.

In the Goods of
John Farren, late of Booterstown, in the County of Dublin, deceased.

TAKE NOTICE that pursuant to the Act of Parliament passed in the 22nd and 23rd years of the reign of Her present Majesty, chap. 35, sec. 29, intituled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," all persons claiming to be Next of Kin or Creditors of, or having any debts, claims, or demands upon or against the Estate or Assets of the above-named John Farren, deceased—who died on or about the 15th day of November, 1866, at Booterstown, in the County of Dublin, aforesaid, and of whose Estate Letters of Administration as of a person dying intestate were granted by the Principal Registry of Her Majesty's Court of Probate in Dublin, on the 4th day of July, 1867, to John Flanagan, of Beamore, in the County of Meath, Farmer, a lawful second cousin, and one of the Next of Kin of the said deceased—are hereby required to furnish, in writing, the particulars of their respective claims, debts, or demands, to the said JOHN FLANAGAN, or to me, JOHN THOMAS HINDS, No. 28, Westmoreland-street, Dublin, his Solicitor, on or before the 1st day of NOVEMBER, 1867. And Take Notice, that after the said 1st day of November next, the said John Flanagan will proceed to distribute the Assets of the said deceased amongst the parties entitled thereto, having regard only to the claims, debts, and demands of which he shall then have had due Notice. And Take Notice, that the said Administrator will not, after the said 1st day of November next, be liable for the Assets, or any part thereof, so distributed to any person of whose claims he shall not then have had Notice.

Dated this 25th day of July, 1867.

JOHN THOMAS HINDS, Solicitor for said Administrator, 28, Westmoreland-street, Dublin.

STATUTORY NOTICE.

Mrs. Maria Rowe, late of No. 10, Blessington-street, in the County of the City of Dublin, widow, deceased.

NOTICE is hereby given, pursuant to the Statute made and passed in the 22nd and 23rd years of the reign of Her Majesty Queen Victoria, chap. 35, intituled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," that all persons claiming to be Creditors of, or otherwise to have any claims or demands against or affecting the Estate of Maria Rowe, late of No. 10, Blessington-street, in the County of the City of Dublin, widow (of the late John Rowe, of same place, Solicitor), deceased—who died on the 25th day of July, 1866, and whose Will and Codicil thereto annexed were proved in the Principal Registry of the Court of Probate at Dublin, on the 3rd day of January, 1867, and Probate thereof was granted to Patrick Joseph Kelly, Solicitor, of No. 12, Blessington-street, in the City of Dublin, the Executor therein named—are hereby required, on or before the 20th day of SEPTEMBER, 1867, to furnish to the said PATRICK JOSEPH KELLY, 12, Blessington-street, Dublin, Solicitor; or to Messrs. HORAN & BOURKE, his Solicitors, 47, York-street, Dublin, the particulars, in writing, of such debts, claims, or demands, or in default thereof, the said Executor will, at the expiration of the time above mentioned, proceed to distribute the Assets of the said Maria Rowe, deceased, amongst the parties entitled thereto, having regard only to the debts, claims, or demands of which he shall then have Notice in pursuance of said Statute.

Dated this 13th day of August, 1867.

HORAN & BOURKE, Solicitors for said Executor, No. 47, York-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Thomas Robert Griffith, of Grattan-street Factory, in the City of Dublin, Stay and Crinoline Manufacturer, Trading as T. R. Griffith and Company, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 13th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 16th day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

GEORGE RIDDICK, Agent to the Bankruptcy, No. 64, Lower Dominick-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
William Quin, of William-street, in the City of Limerick, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 30th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 16th day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Bernard Maginnis, of Newry, in the County of Armagh, Builder, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 27th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 14th day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JAMES SINNOTT, Agent to the Bankruptcy, No. 18, Lower Ormond quay, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

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INSURANCE.

THE TWENTY-EIGHTH ANNUAL MEETING

OF THE

LIFE ASSOCIATION OF SCOTLAND,

Was held within the HEAD OFFICE AT EDINBURGH, on WEDNESDAY, 31st JULY, 1867—
Sir ARCHIBALD HOPE, of Craighall and Pinkie, Bart., in the Chair.

THE Report by the Directors for the Year ending 5th April, 1867, with Statements of the position and progress of the Institution, and the Accounts certified by the Auditor in terms of the Act of Parliament, were submitted. The Report congratulated the Meeting on the continued satisfactory progress of the Institution. The following are the principal details:—

The PROPOSALS FOR NEW ASSURANCES during the year were ... ... 1,762 for £890,894
Of which the TRANSACTIONS were ... ... 1,403 for £668,386
LIFE ANNUITIES were purchased for ... ... Per Annum £850
The DEATHS among the Assured were ... ... 191 for £95,760
This Sum is under deduction of Sums Re-Assured.
The DEATHS among the Annuitants were Seventeen, relieving the Funds of Claims for Per Annum £693
The Gross ANNUAL INCOME from Premiums and Interest on Investments at 5th April, without taking into account Reductions of Premiums, is £261,852
The NET ANNUAL INCOME, after Reductions of Premiums, is £225,630
The ACCUMULATED FUND at 5th April was £1,106,053

The INVESTIGATION of the contingent Assets and Liabilities in Class A has been made as at the date of the last Balance. The whole of the necessary calculations have been checked by Professor Kelland, who has been the Auditor of this department on all previous occasions, and it is scarcely necessary to state that every care has been taken in the computations not to draw upon any part whatever of future Profits. The results of the investigation have been entirely satisfactory, and the Directors are justified in not only maintaining abatements at the rates that have been allowed from the Premiums for some years past, but in increasing these to 30 per cent. for the oldest Class of the Second Series of Policy-holders. The First Series, who still number about one half of the Policy-holders at present participating in Profits, will continue to receive the large Abatement of 37½ per cent., and the latest participating Policy-holders will be allowed an Abatement at the rate of 25 per cent. from their Premiums. The Directors have accordingly now to declare that the following Abatements will be made from the Premiums for the year ending 5th April, 1868, on Policies entitled to participate in the Profits in Class A, viz.:—

On Policies effected on or before 5th April, 1855, a Reduction or Abatement of 37½ per cent.
On Policies effected from 6th April, 1855, to 5th April. 1856, an Abatement of 30 per cent.
On Policies effected from 6th April, 1856, to 5th April, 1862, an Abatement of 25 per cent.

The Quinquennial Investigation and Division of Profits in Class B, as at 5th December, 1865, were reported at last Annual Meeting. The number of Policy-holders in this Class is steadily increasing. All the Branches have been conducted most satisfactorily by the several Boards and Officers in charge of them.

THE PROGRESS OF THE INSTITUTION HAS BEEN AS FOLLOWS:—

THE NEW ASSURANCES EFFECTED.				THE ACCUMULATED FUND.	
From 1838 to 1842	were	258 for	£131,824	At 5th April, 1842 .. .. .. was	£10,743
,, 1843 ,, 1847	,,	637 ,,	357,193	,, ,, 1847 .. .. .. ,,	47,239
,, 1848 ,, 1852	,,	3,936 ,,	1,364,297	,, ,, 1852 .. .. .. ,,	129,963
,, 1853 ,, 1857	,,	5,372 ,,	2,466,446	,, ,, 1857 .. .. .. ,,	332,792
,, 1858 ,, 1862	,,	5,915 ,,	2,787,802	,, ,, 1862 .. .. .. ,,	673,613
,, 1863 ,, 1867	,,	7,191 ,,	3,163,684	,, ,, 1867 .. .. .. ,,	1,106,053

The Chairman, Professor Kelland, Mr. Wood, the Auditor, and other Gentlemen, addressed the Meeting in congratulatory terms as to the position of the Association, and the benefits it has conferred on all interested in it. The Report was then unanimously approved of by the Meeting, and the vacancies in the Directorate were filled up, as recommended in the Report.

Thanks were voted to the Directors and Officers at Edinburgh and at the Branches, to the Agents of the Association, and to the Chairman for his conduct in the chair, and the Meeting separated.

HEAD OFFICES FOR IRELAND—40, DAME-STREET, DUBLIN.

DIRECTORS—

John Jameson, Esq., Distiller, and Director of Bank of Ireland.
Matthew Anderson, Esq., Crown Solicitor.
David Drummond, Esq., J.P., Merchant, 58, Dawson-street.
Robert Gray, Esq., J.P., Temple Hill House, Blackrock.
Francis William Brady, Esq., Q.C.

Medical Officer—James F. Duncan, Esq., M.D., 8, Upper Merrion-street.

Secretary—T. MUIR GRANT.

BELFAST BRANCH—21, HIGH-STREET.

DIRECTORS.

Wm. Coates, Esq., D.L., J.P., Chairman Ulster Railway Company.
Bernard Hughes, Esq., Merchant.
Thomas Sinclair, Esq., Merchant.
David Taylor, Esq., J.P. (Sir John Arnot and Co.)
Henry Kirk, Esq. (Lowry, Valentine, and Kirk.)

MEDICAL OFFICERS—

Dr. John M. Pirrie. | Dr. J. Seaton Reid. | Dr. Archibald Dunlop.

Secretary—WILLIAM SHEPHERD.

Printed and Published for the Proprietors, every Saturday, by John Falconer, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, August 17, 1867.*

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 30.] SATURDAY, AUGUST 24, 1867. {Single Copy, 6d. / By Post, 7d.

Now that we actually have a Vice-Chancellor, it may not be deemed premature, or impertinent, to inquire whether there has been any thought about providing a Court suitable to the dignity of a Judge, who has such high and important interests committed to his care, and affording to the legal public proper accommodation for the due and regular discharge of business.

We confess ourselves in favour of "pomp and circumstance," believing that, so far from engendering a feeling of ridicule or contempt, they almost invariably inspire the very opposite feelings, and promote order and decency, and so facilitate the despatch of the public business. The very idea of the Masters' Offices being reproduced on a larger scale is enough to make one shudder—Judge, practitioners, clerks, suitors, huddled together in one indiscriminate mass. Yet who that has had to pass a great portion of his life in those "chambers of horrors," called Masters' Offices, can feel surprised, that the Masters, although in the vast majority of cases which came before them, they were invested with all the powers of the Lord High Chancellor of Ireland, were unable to enforce that degree of regularity and decorum with which the proceedings ought to have been conducted. The most important business of the country was transacted in the Masters' Offices, and will now be transferred to the Vice-Chancellor and his staff. We therefore expect that, from the first, there will be proper accommodation for the regular and decent discharge of business, and that first impressions will be favourable, and augur well for the success of the new system of things.

THE LEGAL APPOINTMENTS.

THE late Attorney-General, Hedges Eyre Chatterton, Esq., has been appointed Vice-Chancellor of Ireland, under the recent Chancery Act. We have no hesitation in saying that the appointment is one which must meet the entire approval of the public and the legal professions. Mr. Chatterton was called to the Bar in 1843, after a distinguished collegiate career, and long before his promotion to the office of Solicitor-General had earned a high reputation at the Irish Bar, and was acknowledged as one of the first of our Chancery Lawyers. As an advocate he was zealous and temperate, forcible and clear in argument, and ready in reply, while in chamber practice his opinion was always that of a sound lawyer, perfectly simple and explicit, and free from all those refinements of special pleading which so often lead the suitor into hopeless litigation. No man at the profession had a higher character for rectitude and honour, or was more popular with his professional brethren, and the solicitors of the Court.

We have lately been informed, on reliable authority, that in England, too, no Attorney-General for Ireland ever acquired a higher reputation than Mr. Chatterton, both in the House and at the Irish Office, for that prompt and efficient mode of doing business which our English friends are disposed to imagine is only to be found on their side of the Channel.

Although we have been often disappointed in the judicial character of men who have been eminent at the Bar, we feel that in the various qualities we have mentioned, we have some security for Mr. Chatterton's efficient discharge of the very important and responsible duties with which he has been entrusted by the Crown—duties which, from their novelty (at least in this country), will require not only learning, ability, and experience as a lawyer, but also a practical business capacity, to grapple with the difficulties and regulate the practice of a new system. We shall be much surprised if he does not make an able and efficient Judge, and prove a valuable acquisition to the already brilliant Chancery Bench of Ireland.

THE rapid promotion of Mr. Warren and his appointment to the first place at the Irish Bar, has given universal satisfaction. So great was the confidence placed in his ability and learning, that on his appointment as Solicitor-General, although the sphere to which he was transferred was comparatively new to him, the public felt that he was fully competent efficiently to

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discharge the very arduous duties which at that critical period were certain to devolve upon him. Not only have those anticipations been fully realized, but his brief tenure of office has given an earnest that there is no one at the Bar more competent satisfactorily to discharge the duties of his new appointment. In a few days the distinguished honour of representing the University in Parliament will open to Mr. Warren a career in which we believe the qualities of his mind are eminently calculated to insure success. Although Mr. Warren had always entertained and strongly expressed a disinclination to enter Parliament; and although many of the electors of Trinity College declared that the interests of the University required that the system of electing the first law officer of the Crown as her representative should be discontinued, and that they would no longer be content with a "fleeting Member," yet Mr. Warren's qualifications were felt to be sufficient to overcome all objections, and a requisition was presented to him, calling upon him to allow himself to be put in nomination, so influentially signed as to induce Mr. Warren to yield. We believe the University has acted wisely in this, and that she could not have placed her interests in abler or more faithful hands.

Mr. Samuel Ferguson, Q.C., of the North East Bar, has been appointed to the important post of Deputy Keeper of the Records, created under recent Acts of Parliament. He was called to the Bar in the year 1838, and to the Inner Bar in the year 1859, during the Chancellorship of Sir Joseph Napier. In 1866, on the death of Sir Thomas Staples, he was promoted by the late Government to the office of Crown Prosecutor for the County of Armagh.

The fact of his having been the recipient of favours from opposite administrations, is the most convincing proof that the present appointment has been made solely from a regard for merit and peculiar suitableness for the position.

Mr. Ferguson has been fortunate enough to gain, what few men, especially in Ireland, have gained before,—a distinguished reputation for legal as well as literary attainments. His peculiar love for antiquarian research will render a task, which would be drudgery to other men, comparatively easy and agreeable to him; and we expect to see the very order and elegance, for which his style, both of speaking and writing, was so remarkable, manifested even in the arrangements of the department which he is now called on to organize.

In short, it may be safely said that his appointment will afford satisfaction, not alone to a large circle of private and professional friends, by whom he is so highly and deservedly esteemed, but to every member of the community who desires to see merit made the passport to preferment.

HOUSE OF LORDS, Aug. 16.

COURTS OF LAW OFFICERS (IRELAND) BILL.

On the order of the day for considering the reasons put forward by the House of Commons for disagreeing to one of the amendments made by the House of Lords in this Bill, that for transferring the appointment of particular officers from the Government of the day to the chief Judges of the different courts,

Lord Cranworth at some length proceeded to vindicate the alteration made by their lordships at his instance in the bill—an alteration which would have had the effect of assimilating the Irish to the English practice, and would have been in conformity with the opinions of Lord Lyndhurst and Lord Campbell, and with the recommendations of the English and Irish Law Commission. His attention was called to the fact that no provision was made in the Bill for putting the chief Judges in Ireland in the same position as those in England with respect to the appointment of officers in the courts. He moved a clause vesting the appointment in the chief Judge of each court. That clause passed their lordships' House without objection, but the Commons rejected it; and one of the reasons they assigned for the rejection was that the clause was an interference with an ancient prerogative of the Crown in Ireland, no allegation having been made by any one that the said prerogative had been exercised improperly. A similar reason might be assigned for the preservation of any piece of patronage enjoyed by the Government. There were other reasons assigned, but he thought that none of them were better founded than the one to which he had just alluded. At this period of the session legislation practically depended on the Government, and it was useless for an independent member of either House to attempt to carry anything which the Government opposed. The noble and learned lord concluded by moving that their lordships should insist upon their amendment.

The Lord Chancellor fully agreed with the opinions which the noble and learned lord had expressed, and deeply regretted that the Commons should have thought fit to reject the clause. The clause had been supported in that House, not by the lawyers alone, but by noble lords formerly connected with the Government of Ireland, among whom were Lord Clarendon and the Earl of Kimberley, both ex-Lord Lieutenants of that country. Had it not been so late in the session, he should, following the example of his distinguished predecessor Lord Lyndhurst, have advised their lordships to insist upon the amendment they had made. Such a course would, however, now involve the defeat of the measure, which was generally of so advantageous a nature that, though he felt very strongly on the point, he did not feel justified in taking a course which would result in deciding the fate of the Bill. He was anxious, therefore, to explain the reason, and the only reason, why he could not support the motion of his noble and learned friend.

Their Lordships divided, with the following result:—

For the Commons' amendment,	11
Against,	7
Majority in favour of the amendment,	4

The amendment was therefore agreed to.

Their Lordships adjourned at twenty minutes to eight o'clock.

THE QUEEN'S SPEECH.

Prorogation of Parliament—Wednesday, August 21.

The Lord Chancellor read Her Majesty's speech, as follows:—

"My Lords and Gentlemen,—I am happy to be enabled to release you from the labours of a long and more than usually eventful session, and to offer you my acknow

ledgements for the successful diligence with which you have applied yourselves to your Parliamentary duties.

"My relations with foreign countries continue on a friendly footing.

"At the commencement of the present year great fears were entertained that differences would arise between France and Prussia which might lead to a war, of which it was impossible to foresee the ultimate result. Happily the advice tendered by my Government and by those of the neutral States, aided by the moderation of the two Powers chiefly interested, sufficed to avert the threatened calamity, and I trust that no grounds at present exist for apprehending any disturbance of the general peace.

"The communications which I have made to the reigning Monarch of Abyssinia, with a view to obtain the release of the British subjects whom he detains in his dominions, have, I regret to say, thus far proved ineffectual. I have, therefore, found it necessary to address to him a peremptory demand for their immediate liberation, and to take measures for supporting that demand should it ultimately be found necessary to resort to force.

"The treasonable conspiracy in Ireland, to which I have before called your attention, broke out in the early part of the present year in a futile attempt at insurrection. That it was suppressed almost without bloodshed is due not more to the discipline and valour of my troops and to the admirable conduct of the police than to the general loyalty of the population and the absence of any token of sympathy with the insurgents on the part of any considerable portion of my subjects. I rejoice that the supremacy of the law was vindicated without imposing on me the painful necessity of sacrificing a single life.

"The Bill for the Abolition of certain Local Exemptions from Taxation enabled me to avail myself of a liberal concession made in anticipation by the Emperor of the French, whereby several taxes were removed which pressed heavily upon British shipping.

"I have concluded a postal convention with the United States of America, whereby the rate of postage between the two countries will be diminished by one-half; and further arrangements are in progress for increasing the intercourse between this country and the Continent of North America. The Act for the Union of the British North American Provinces is the final accomplishment of a scheme long contemplated, whereby those colonies, now combined in one dominion, may be expected to gain not only additional strength for the purpose of defence against external aggression, but may be united among themselves by fresh ties of mutual interest, and attached to the mother country by the only bonds which can effectually secure such important dependencies—those of loyalty to the Crown and attachment to British connexion.

"GENTLEMEN OF THE HOUSE OF COMMONS,—I thank you for the liberal supplies which you have voted for the public service.

"MY LORDS AND GENTLEMEN,—I have had great satisfaction in giving my assent to a Bill for Amending the Representation of the People in Parliament. I earnestly trust that the extensive and liberal measure which you have passed may effect the durable settlement of a question which has long engaged public attention, and that the large number of my subjects who will be for the first time admitted to the exercise of the elective franchise may, in discharge of the duties thereby devolving upon them, prove themselves worthy of the confidence which Parliament has reposed in them. It is gratifying to me to find that the lengthened consideration which you have necessarily given to this important question has not prevented your entering on many subjects to which your attention was directed at the commencement of the session, and particularly to such as have immediate reference to the well-being of the industrial classes.

"I have had especial pleasure in giving my assent to bills for extending to various trades, with such modifications as have been found necessary, the provisions of the Factory Act, the success of which has proved the possibility of extending effectual protection to the labour of women and children, with a due consideration for the interests of the trades immediately concerned. I confidently anticipate, from the operation of the present acts, the same improvement in the physical, social, and moral condition of the working classes which has been found to accompany the application of the acts to those trades to which they have been hitherto confined.

"The restraints alleged to be imposed on workmen and their employers by Trades' Unions and other associations appeared to me to call for inquiry, and the revelations derived from the examinations before the commission, to which you gave your legislative sanction, have disclosed a state of things which will deserve your most earnest attention.

"The administration of the Poor Laws, which generally has conferred great benefit on the community, and especially on the poor themselves, requires constant supervision, and I have readily consented to a bill which, applied to the metropolis alone, will tend to equalize the pressure of taxation and improve the treatment of the sick poor, whose condition will be greatly benefited by your well-considered legislation.

"The Bill for the Regulation of the Merchant Shipping contains important provisions calculated to add to the health and comfort of those engaged in the mercantile marine.

"These and other valuable amendments of the law have been the result of your labours during the present session, and in returning to your own homes you carry with you the gratifying consciousness that your time and pains have not been misapplied, and that they have resulted in a series of measures which, I hope and earnestly pray, may contribute to the welfare of the country, and the contentment and happiness of my people."

The Lord Chancellor then declared Parliament prorogued until Wednesday, the 6th of November.

LEGAL APPOINTMENTS.

At three o'clock on Thursday, before the Lord Chancellor, at his house in Merrion-square, Mr. Chatterton was sworn in as Vice-Chancellor of Ireland, and Mr. Warren as Attorney-General for Ireland, by Mr. Ralph Cusack, the Clerk of the Crown and Hanaper.

J. F. Elrington, Esq., LLD., has been appointed to the Crown Prosecutorship at Armagh, made vacant by the promotion of Samuel Ferguson, Esq., Q.C., LL.D., to the new office of Deputy Keeper of the Records. The appointment was made by the late Attorney-General before his advancement to the Bench.

The Attorney-General has appointed Mr. T. Pakenham Law to be his counsel, and Mr. John Orpin to be his clerk.

We understand that one of the most valuable appointments under the new Bill—that next to Mr. Ferguson in the Records Office—has been conferred on J. T. Gilbert, Esq., whose reputation as author of the History of Dublin and other valuable works is well known.

WHITEHALL, AUG. 17.—The Queen has been pleased to direct letters patent to be passed under the Great Seal of the United Kingdom of Great Britain and Ireland, appointing the Right Hon. Sir Robert Joseph Phillimore, Knt., D.C.L., to be Judge of the High Court of Admiralty of England, in the room of the Right Hon. Stephen Lushington, D.C.L., resigned.—*London Gazette.*

THE NEW LAW ON THE PROROGATION OF PARLIAMENT.—On Friday the Act of Parliament to simplify the forms of prorogation during the recess was issued. The Queen is now empowered to issue a proclamation, which is to be deemed a full and sufficient notice to all persons, and Parliament is to stand prorogued to the day mentioned, notwithstanding any former law, usage, or practice to the contrary. The new law is not to apply to a prorogation at the close of a session, but will be enforced at the next prorogation after the forthcoming ceremony, when the Royal Speech is delivered.

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NOTES OF CASES.

Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

EXCHEQUER CHAMBER.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

KEANEY *v* TOTTENHAM.

June 13, 14; July 1.—*New Trial—Pleading—New Assignment—Issues.*

This was an appeal from an order of the Court of Common Pleas. The action was one of trespass, brought by the plaintiff, Rose Keaney, against the defendants, Arthur Tottenham and Phelim M'Gowan. The summons and plaint contained one paragraph complaining that the defendants assaulted and beat the plaintiff, and gave her into the custody of a policeman, and caused her to be imprisoned in a police barrack, to the plaintiff's damage £200. The defendant Tottenham pleaded, first, that he did not commit the trespasses in the plaint mentioned, or any of them, as alleged; second, that he was a Justice of the Peace, that the alleged trespasses were committed by him in the execution of his office as such justice, and that more than six months had elapsed between the committal of the acts complained of and the commencement of the action thirdly, a similar plea, averring want of notice of the action. The defendant M'Gowan pleaded a traverse of the trespasses. The issues were:—1st. Whether the defendants, or either of them, committed the trespasses in the plaint complained of, or any of them, as alleged. 2nd. Whether the said alleged trespasses, or any of them, were committed by the defendant, Tottenham, in the execution of his office as Justice of the Peace, as alleged.

It appeared that the plaintiff held a house and some ground from the defendant Tottenham. That the defendant M'Gowan was Tottenham's bailiff. That by directions of Tottenham some interference with the plaintiff's premises took place, which was carried out by M'Gowan. That the interference was resisted by the plaintiff, and that a struggle ensued, in the course of which M'Gowan beat the plaintiff, and gave her into custody, who took her before Mr. Tottenham, as a magistrate, by whom she was committed to bridewell. Notice was served by the plaintiff that the trespasses of which she complained were the trespasses prior to any proceeding before the defendant as a Justice of the Peace.

The case was tried at the Spring Assizes of 1865 for the County of Tyrone, before Hayes, J. His Lordship directed the jury to leave out of consideration everything that happened after the assault by M'Gowan, and that if they believed that that assault took place they should find for the plaintiff. Counsel for the defendant Tottenham called on his Lordship to direct the jury that if they believed that the defendant Tottenham, as a Justice of the Peace, committed the plaintiff to prison, the plaintiff not having new assigned, they should find for the defendant Tottenham. The Judge refused so to direct, and the jury found, first, that the defendants assaulted and beat the plaintiff; secondly, that none of the trespasses were committed by Tottenham in the execution of his office as a Justice of the Peace, and they found for the plaintiff with £50 damages. A conditional order for a new trial having been obtained by the defendant, it was made absolute by the Court of Common Pleas, and the plaintiff now appealed, the question being whether, under the circumstances, it was necessary for the plaintiff to have new assigned.

Porse, Q.C., and *J. P. Hamilton*, for the plaintiff.

M'Causland, Q.C., and *Carson*, for the defendant Tottenham.

The decision of the Court of Common Pleas was reversed, the Court of Exchequer Chamber holding that a new assignment would have been improper.

Attorney for the plaintiff, *Patrick Brady.*

Attorney for the defendant, *Johnston Teevan.*

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by J. LEVY, Esq., Barrister-at-law.

Before Judge MILLER.

In re SIMON CARROLL, *a Bankrupt*

Aug. 13.—*Composition after Bankruptcy—Omitting Creditor from Schedule.*

The 149th section of the Bankruptcy and Insolvency Act provides that any bankrupt at any time after adjudication may call a meeting of his creditors whereof, and of the purport whereof, ten days' notice shall be given in the *Dublin Gazette;* and if the bankrupt or his friends shall make an offer of composition, and three-fifths in number and value of the creditors assembled at such meeting, or by an agent authorized in writing, shall agree to accept the same, another meeting for the purpose of deciding upon such offer shall be appointed to be holden, whereof such notice shall be given as aforesaid, and notice of the composition to be offered shall be delivered to each creditor, or left at his last place of business, or last usual place of abode, or transmitted to him by post, ten days before such meeting; and if three-fifths in number and value of the creditors then present, or represented by agents, shall agree to such composition, the other creditors shall be bound by it, &c. The 150th section provides that a second meeting shall be called to confirm what was done at the first, notice to be given to every creditor of the holding of such meeting, &c. In the present case the meetings were regularly held pursuant to the statute, and every creditor but one got notice; this creditor got no notice, nor was his name returned in the bankrupt's schedule. A composition of seven shillings in the pound was agreed to by all the other creditors, and one-half of it paid; and the bankrupt was going on in business, with a certainty of paying the other instalment, when the omitted creditor applied to him to be paid his debt in full. In answer to this application the bankrupt said that the omission was a mere oversight, that it was an old debt that had been forgotten, and that he was ready to pay the composition which all the other creditors had accepted, but the omitted creditor would not agree to this; and Mr. *Larkin* now came in upon motion, detailing these facts, and asking for an order to have the bankruptcy proceeded with, and the estate realized, unless his client was paid in full.

Levy, for the bankrupt, submitted that the Court had an equitable jurisdiction over all its proceedings, which was always exercised for the protection of suitors and the benefit of creditors. The Court had no power to direct the omitted creditor to be paid in full, and it ought not allow the bankruptcy to be proceeded with, for if that were done the creditors would get nothing more than they had got—the payment of the composition depended chiefly on the man's exertions in his trade; and if the present assets were to be realized they would do no more than pay the costs, and he would ask the Court to make no rule on the application, or to postpone it for a month until the bankrupt would try to make some arrangement. He would be able to show that the omission was a mere oversight,

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and that he had no improper motive whatever in omitting the creditor.

Judge MILLER said, although it might be a hardship on the trader, who most probably intended nothing wrong by the omission of the debt, and although it might act injuriously to other creditors to have the bankruptcy proceeded with, it was a case where he had no discretionary power. Every Court had no doubt jurisdiction over its own proceedings, but no jurisdiction could be exercised in contravention of the Act of Parliament. The statute directed notice to be served on every creditor; here was a creditor omitted who got no notice of the intended composition, and that creditor then came in and asked the Court for an order to have the estate realized, and he thought he had no power to refuse it if the creditor insisted on it. At the same time it might be prudent, on the part of the creditor, to give some time to make an arrangement. His Lordship made the order, and, with consent of the creditor, not to be acted on for ten days.

Agent for the bankrupt, *Creagh.*

Agent for the creditor, *Larkin.*

CIRCUIT CASES.

NORTH-EAST CIRCUIT.

LONDONDERRY SUMMER ASSIZES, 1867.

Before HUGHES, B.

A presentment for £17 for malicious injury, under the 135th sec. of the Grand Jury Act, was traversed on the ground that no *application* had been lodged with the Secretary of the Grand Jury or High Constable of the Barony, as required by the section. A notice was served on the High Constable of the Barony, which, it was contended, stated substantially the matters which the section requires to be stated in the application.

For the traverse it was argued that the section requires both an application and a notice, and that the notice served could not be made to answer the twofold purpose, and that a presentment should be based on an application which was in such cases the record of the Court. It was further contended for the traverse that the High Constable was not bound under the 14th section to forward to the Secretary of the Grand Jury a *notice*, but that he was bound to forward an application, and that no application having been lodged with him, the case did not come before the Presentment Sessions of the Grand Jury.

Baron HUGHES held that inasmuch as the notice stated substantially all that was required by the application, the want of the application was not fatal, and fiated the presentment.

MUNSTER CIRCUIT.

CORK SUMMER ASSIZES.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-law

Before FITZGERALD, J.

CHANDER *v.* HAYES.

Motion to stay Execution in Ejectment after Compromise.

The action in this case was one of ejectment on the title, and had been tried in Limerick, and by a compromise a verdict was taken for a portion only of the premises sought to be recovered. The present motion was made in Cork before Fitzgerald, J., who had tried the case on behalf of the defendant, who was mortgagee of the premises. It sought to obtain a stay of execution until the 6th November next, to enable defendant to apply to set aside the verdict.

Murphy, Q.C., who now appeared in support of the motion referred to defendant's affidavit, which stated that he is mortgagee of the premises. That B. M'Nulty is mortgagor, and entitled to the equity of redemption, and to an account of the profits, and without his sanction defendant cannot dispose of the premises; that defendant is also grantee of the premises under a conveyance from the L. E. Court. That defendant was not present at the trial, and had not been in Ireland since the commencement of the action. That defendant instructed Mr. Murdock Green to defend the ejectment, and in nowise authorized Green and Co., or any counsel or any person whatsoever to enter into any compromise touching the premises or the ejectment proceedings. That to his great surprise he has been informed a compromise has been entered into by counsel, instructed by Green, on said trial. That he gave no sanction to the compromise, and on hearing of the same, repudiated, and does repudiate it, and denies the right of counsel or any other person to compromise said action without his authority; and he submits it is not binding and should be set aside, and that the possession should not be disturbed until the 6th November, to give defendant an opportunity of applying to the Court to set aside the compromise and for a new trial, and B. T. M'Nulty also objects and refuses to be bound by the compromise.

Sergeant *Barry*, Q.C., and *Joshua Clarke*, Q.C., to resist the motion.

FITZGERALD, J.—This case is in the Common Pleas, and the application to me now is, as Judge of Assize, to restrain execution. The case was tried before me in Limerick, and, with full knowledge of all the facts, I refuse the motion with costs. This is a most unfounded application.

Attorney for plaintiff, *J. Blackall.*

Attorneys for defendant, *Fletcher* and *Meade.*

CUNNINGHAM'S PRESENTMENT.

Malicious Injuries—Posting.

In this presentment, which was for compensation for malicious injury, the damages had been directed by the Grand Jury to be levied off a particular parish. The notices had been posted for the police in "the nearest" police barrack, which, however, was not situated in the parish off which the compensation was to be levied.

FITZGERALD, J., refused to fiat the presentment, as he did not consider the posting sufficient.

Jullian for the cess-payers.

ENGLAND.

DISFRANCHISEMENT OF AGENTS.

We had hoped that the Lords would have rescued the Profession from the unmerited insult inflicted upon them by the House of Commons by disfranchising all solicitors whose professional services are retained at an election. The clause was based on the assumption that solicitors habitually vote for any party that will employ them, and that the vote is the object of the retainer—in plain terms, that they sell their franchise for a fee. Members of Parliament ought to have known that such an assumption is wholly false and unfounded. The solicitors are not for sale either in boroughs or counties. They have principles, and they belong to parties, like other men; but their knowledge of law, their aptitude for business, and their necessarily extensive local information, peculiarly adapt them to be election agents, and they are retained exclusively with reference to their services, and not to their votes. If the retainer was the purchase of a vote it would be a very costly one, and the

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same money might be used much more profitably. Why, then, are they to be disfranchised? The object of the exclusion of agents was to prevent bribery under colour of employment. Notoriously messengers were engaged in multitudes, for no other purpose than, under name of employment, to put money in their pockets, and so buy their votes without liability to the penalties for bribery. It was right to prevent this to some extent by forbidding persons so employed to vote, and thus to destroy the motive for sham engagements. But it is quite otherwise with professional agents. They cannot be dispensed with. An election could not be conducted without their assistance, and they are so costly, that no candidate would employ more of them than necessity compelled. To exact that they shall not vote is an insult for which the parties to it should be called to account by those whom they have insulted. It is too late to repair the wrong now, but we trust the solicitors will not rest until this undeserved stigma shall have been removed from them.—*Law Times.*

The following letter appears in *The Solicitors' Journal*:—

LEGAL ETIQUETTE.

SIR,—A writer in the *Fortnightly Review*, Mr. Dicey, a barrister, and, I believe, a large contributor to the periodical literature of the day, dealing with the question how far legal etiquette contributes to or impedes the public and private advantage of both branches of the legal profession, draws the following conclusions, unfavourable to its continuance:—

1. It excludes solicitors from the prizes of professional eminence, while there is no other profession pursued by persons in the position of gentlemen which offers no public prizes as a reward for eminence.

2. It tends to lessen the rapidity with which any given barrister can obtain a reward for his labours, and hence, in most cases these rewards come late in life.

3. It makes eminence at the bar depend on connexion.

With regard to the first and second of these conclusions I have nothing to say at present, having formed no fixed opinion on the subject, and I therefore leave your readers to form their own opinion of their soundness. Only I would say that, constituted as the professions are at present, it seems to me that it would be a very dangerous experiment to open to solicitors the prizes which are now open to barristers, for the obvious reason that their previous training does not fit them for the discharge of the higher judicial functions as it does in the case of barristers. I must, moreover, remark that the position in society in which his affluence places the prosperous attorney, seems no small prize to place before the young solicitor who aspires to eminence. With regard to the third conclusion, there is no doubt considerable force in the remark that success at the bar depends on connexion. It seems to me, however, that this is only partly true. Connexion at starting, and during the early part of a barrister's career, undoubtedly gives the person who possesses it an enormous advantage over him who does not. And, of course, the position acquired by a barrister in the early part of his career generally affects his permanent position in the profession. This is, no doubt, sufficiently disheartening to those who start without professional connexion in the great race for forensic eminence. However, it is gratifying to reflect that some—perhaps the majority—of the most distinguished men at the bar, and on the bench, were without professional connexion at starting. With regard to the manner in which Mr. Dicey proposes to cure the evil, viz., by adopting the American system, or by allowing barristers to take instructions direct from the litigant, I think the former would place a very large class of junior barristers at a still greater disadvantage than the "unconnected" labour under at present; for if the American system were introduced, those who possess capital at starting would, of course, at once eclipse those who do not.

The other alternative presents some formidable objections into which time does not now permit me to enter, and it is so generally distasteful to the bar itself that it is out of the question.

A BARRISTER.

THE IRISH STATE TRIALS.

It was hardly possible that the late Irish State Trials could fail to produce a crop of important decisions upon the law of conspiracy. The basis of all the indictments was the existence of one of the most gigantic and widespread conspiracies the world has ever seen, and when we add to this that the prisoners had the benefit of some of the most ingenious advocates of the Irish Bar, and that the learned judges who presided at the several trials were possessed of a genuine and conscientious desire to reserve for a higher tribunal the consideration of every point which appeared to admit of any discussion, we are not surprised to find the Superior Courts in Ireland frequently engaged in settling the law applicable to such cases.

Although a contrary course would not have affected the fate of any of the prisoners except one (*Meany's case*), we cannot help thinking that the highly extensible law of conspiracy has been considerably enlarged or widened by the late *dicta* and new decisions of the Irish Bench, and we therefore propose to consider the principal cases which have lately been before the Superior Courts in Ireland on appeal from the various commission courts for the trial of persons connected with the Fenian conspiracy.

The first case of importance which came before a Court of Appeal was that of Thomas Clarke Luby, the first person tried at the first special court for the trial of the Fenian prisoners. The principal question submitted to the Court involved the validity not only of all the convictions for Fenianism then obtained, but of many other convictions recorded in various volumes of the State trials; for, although a verbal distinction was attempted to be taken between the indictment in those cases and in *Luby's case*, it was hardly tenable, and the argument must be pushed all the way. The point was this—that it is a bad overt act of the treasonable compassing to allege that the prisoner "conspired, combined, confederated, and agreed" to do certain treasonable acts. It was argued that conspiracy is not necessarily an act, nor is an allegation of a conspiracy an allegation of a fact, any more than in a declaration in *assumpsit* a statement of an actual promise to pay which need not be proved; it is a mere legal inference which might arise upon various states of facts proved, and the prisoner is not thereby informed what is to be proved against him, as the statute intends. But the Court of Queen's Bench rightly held, on writ of error brought, that the allegation of a conspiracy may be the allegation of an act done, and requires to be so proved. They seem to have contented themselves with merely referring to the long roll of precedents; but the only ground on which we can escape a clear evasion of the statute is the plain and common-sense answer that conspiracy is proveable as an act, and when laid as an overt act, it is to be taken as the allegation of a personal act, and not as a legal inference. It will be the duty of the judge who tries the case, however, to see that it is proved as a personal act done within the venue by the defendant

This position, however, appears to be disturbed considerably by the cases of *Reg.* v. *McCafferty*, 15 W. R. 1025, and *Reg.* v. *Meany*, 15 W. R. 1082, and if the judgment of the majority in those cases contains a correct exposition of the law of conspiracy, the safeguards of the statute seem certainly very much weaker where a treasonable conspiracy is proved than in other cases of treason. It is now possible, and, indeed, it is now the practice, in all indictments for Fenianism, whether as treason-felony or high treason, to lay, as overt acts of the treason, every levying of war and act of treason done by any members of the conspiracy in Ireland or elsewhere. For instance, an informer swears that a given individual attended a Fenian meeting, or was sworn in as a member of the conspiracy. Instantly the accused may be indicted for compassing the death of the Queen; and the indictment may lay as overt acts—the acts intended by the statute to be so specified as to inform him of the evidence about to be given against him—the various outbreaks which have lately occurred all over the country, of which he may have known nothing except from the newspapers. The legality of such a course we shall consider presently, but we desire to remark, at all events, that it does not appear to carry out the spirit of the statute.

McCafferty's case was this. The defendant was proved

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to have been an active member of the Fenian conspiracy prior to his arrest. He was arrested on the 25th February, and a rising took place in Dublin on the 5th March, while he was in confinement. The judges held that he was liable for the rising of the 5th March just as though he himself had taken part in it, the acts of his co-conspirators, done in furtherance of the design of the conspiracy, being in law his acts.

Now the law on the subject, as laid down in the authorities, is quite clear as to the responsibility of co-conspirators for one another's acts. The act of one co-conspirator, done in pursuance of the common design, is no doubt in law taken to be the act of all. But for what purpose? For the purpose, we are inclined to think with Pigot, C.B. (*McCafferty's case*, 15 W. R. 1025), of fixing a guilty intent on the conspiracy, and of defining the guilt of belonging to the conspiracy, which is the offence. Every criminal act done by certain members of a conspiracy, although done in furtherance of a common design, is not a new crime done by each individual of the remaining members, but is an additional proof of the guilty design of the whole company. When, therefore, the act of conspiracy itself is laid as an overt act in an indictment against one conspirator, there is no necessity, nor is it proper, we submit, to lay as his personal acts all the acts of guilt done by the various members of the conspiracy from time to time.

It might be said, however, that there can be no harm in laying these as overt acts, because to prove them you must first prove a conspiracy, and that being laid as an overt act, when it is proved the offence is proved, and the remaining overt acts are superfluous either one way or other. But without admitting this as a reason for inserting them in the indictment, it will be seen that the effect of such a course has been to abolish the law of venue in connexion with indictments for this offence.

In *Meany's case* it was held sufficient to give the Court jurisdiction that the defendant was a member of a conspiracy ramifying into the venue, although he had joined that conspiracy out of the venue, and had never been within the venue from the time of his becoming a member of the conspiracy till after his arrest. The overt acts laid there were all conspiracies for various treasonable purposes. No other act was alleged. It was held that to conspire in America was to conspire in the venue, because some of the conspirators were within the venue, and an overt act done within the venue manifested a compassing within the venue. Some difficulty existed in the fact that in proving the overt act of conspiracy the Crown were assuming the conspiracy already proved—were proving a conspiracy by a conspiracy—were proving an act done by deputy without proving the existence of a deputation. But if overt acts of levying war in the venue as laid against McCafferty had been laid against Meany, there would have been no difficulty, as, according to the doctrine of McCafferty's case, the conspiracy might have been proved anywhere out of the venue, and the acts done by co-conspirators in the venue would at once have been proveable.

We do think, then, with all respect, that the Irish courts have gone too far in laying down the broad rule that a conspirator is liable for the acts of all members of the conspiracy in exactly the same degree, and in every respect as if they were done by his own hand. And further, as we already pointed out, the only intelligible ground on which conspiracy can be laid as an overt act is—that it is proveable as a personal act done within the venue. That was a good reason for deciding *Mulcahy's case* as it was decided. But in *Meany's case* that rule has been departed from, and an overt act of conspiracy within the venue is held to be sustained by proof of the defendant's connexion in America with a conspiracy which ramified into the venue. The personal act is disregarded, and the legal inference takes its place.

It may be said that there is little or no difference between supposing each individual of the conspiracy personally guilty of committing the acts done by the others, and holding him guilty of being a member of a conspiracy having such crime as its object. But we have shown that in one case the difference was sufficient to overturn completely the law of venue, and there probably will arise further novel complications. In addition to this it must be remarked that it does not add to our respect for the administration of justice to know that a tailor or a shoemaker, whose acts in complicity with the conspiracy do not extend beyond swearing an oath upon a Prayer-book—may be, and actually is, charged in the indictment with the very same overt acts which are laid against those arch traitors who have been leading the various attempts at insurrection against the Government of the country.—*Solicitors' Journal.*

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

Enlargement of Time to Amend in Equity.—Where a specified time is fixed by the orders of the court to take a certain step, and it appears in evidence that unless that time is enlarged the step cannot be taken, and the party cannot have the advantage of it by reason of his residing out of the jurisdiction, the court, in the exercise of its general inherent discretion, will enlarge the time: (*Crossley* v. *Dorning*, 16 L. T. Rep. N. S. 698. V. C. M.)

Will—Construction of Devise.—B. devised land to his wife for life, and after her decease "I give and bequeath the same to my daughter M., wife of A. R., to her and her children for ever." M. was held to take an estate tail, although she was *enceinte* at B.'s death, for the devise must be construed to mean such an estate as she could hold to her and her children for ever; and that "children" must be here a word of limitation and not of purchase: (*Roper* v. *Roper*, 16 L. T. Rep. N. S. 700. C. P.)

Equity Procedure.—The United States filed a bill against an English agent of the Confederate States for discovery and payment of moneys. It was pleaded that the plaintiffs had instituted proceedings under an Act of Congress for forfeiture of property of the defendant in Alabama, and that discovery would expose him to forfeiture of such property unless plaintiffs waived their claim to him: It was held a bar to the discovery and relief sought: (*United States* v. *McRae*, 16 L. T. Rep. N. S. 691. V. C. W.)

Maintenance of Infant—Father's Ability.—Two sums of £10,000 each were vested in trustees, one under a settlement, and the other under a codicil to a will, on certain trusts for the wife and husband and children, with a power to the husband and wife jointly during their lives, by any deed, &c., to be by them, or the survivor of them, sealed, &c., to appoint the whole or any part of their dividends for the maintenance of the children. And it was declared that the trustees should and might apply the income, or a competent part, for maintenance as they thought proper. The husband survived the wife, and filed a bill to determine whether he was entitled to apply the income of the trust-funds for the maintenance of his children without reference to his ability: Held, that he was, and that there was a trust for maintenance, and not a mere power: (*Newton* v. *Curzon*, 16 L. T. Rep. N. S. 697. V. C. W.)

CORRESPONDENCE.

To the Editor of "The Irish Law Times."

Sir,—Will you or any of your correspondents be good enough to state whether there is any and what method of effecting the compulsory apportionment of tithe-rent charge in Ireland between the several owners of land, which is subject to one entire rent charge, so as to be binding on the landowner and the tithe owner.

Yours obediently,

9th August, 1867. V. W.

[We do not believe that there is any distinction in this respect between a tithe-rent charge and an ordinary rent. The owner of an entire rent issuing out of lands cannot be compelled to apportion that rent amongst several holders.—Ed. I.L.T.]

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THE COURTS AND COURT PAPERS.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Aug. 26	12 o'clock	Patrick Lynch	Proof of debts	*Perry*
"	"	James M'Menamin	Examine title	*Hayden & Rogan*
"	"	Thomas Rothwell	Proof of debts	*Larkin*
"	"	Fleming and Hennessy	do. and vouch	*Larkin*
		Tuesday. Before the COURT.		
Aug. 27	11 o'clock	Bernard Maginnis	Final examination	*Sinnott*
"	"	Edward Soulsby	do.	*Mathews*
"	"	John O'Neill	do. and examine witnesses	*Neilson & Son*
"	"	Andrew Geoghegan	Final examination	*O'Dowda*
"	"	P. J. O'Callaghan	Sur., prove debts, and choose assignee	*Hughes*
"	"	Robert Donovan,	do.	*Meldon*
"	"	James E. Devlin	do.	*Cleary*
"	"	John Donnelly	Charge and discharge	*Oldham*
"	"	Fleming and Hennessy	Audit and dividend	*Larkin*
		Thursday. Before the COURT.		
Aug. 29	11 o'clock	H. M. Beck	Final examination	*Meldon*
"	"	John Gass	Examine witnesses	*Caicy & M'Combe*
"	"	do.	Charge and discharge	*Wallace*
"	"	do.	do.	*Leachman*
		Friday. Before the COURT.		
Aug. 30	11 o'clock	Thomas Pettigrew	Final examination	*Forsythe*
"	"	Arrangement case	2nd sitting	*Dodd*
"	"	do.	do.	*Sullivan*
"	"	Thomas R. Griffith	Sur., prove debts, and assignee	*Riddick*
"	"	John Tate	do.	*Neilson*
"	"	Patrick Waldron	Examine witnesses	*Madden*
"	"	James Canning	Final examination	*Lynch*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
20th August,	Patrick Waldron, of Tuam, co. Galway, grocer,	Patrick M'Cabe Fay, of Thomas-street, Dublin, grocer,	*Madden.*
23rd August,	William Lunham, of Tralee, co. Kerry, provision merchant,	Thomas Donnelly, of Brabazon-street, Dublin, merchant,	*Casey and Clay.*
"	Richard Cantrell, of Ballinasloe, co. Galway, shopkeeper and iron-monger,	John R. Courtney, of Bridgefoot-street, Dublin, iron merchant,	*Tinkler.*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE	SOLICITOR
August 20,	Taylor, Alexander O'Driscoll, of Belfast, yarn and linen merchant,	1st dividend, 1s. 8d. in the £, on £34,025,	*C. H. James,*	*Larkin.*
"	Porter, Hugh, of Downpatrick, co. Down, woollen-draper,	1st and final dividend, 3s. $11\frac{1}{16}$d. in the £, on £1,693,	*C. H. James,*	*Riddick.*
"	Groom, Samuel Henry, of Moore-st., Dublin, baker,	1st and final dividend, $1\frac{1}{4}$d. in the £, on £945,	*C. H. James,*	*Batt.*
"	Skinner, Thomas, and M'Kee, James, of Clady Print Works, Ballymarther, co. Antrim, linen printers, bleachers, and finishers,	1st and final dividend, of $4\frac{3}{4}$d. in the £, on £1,936,	*C. H. James,*	*Lynch.*

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BANKRUPTS.

Griffith, Thomas Robert, of Grattan-street Factory, city of Dublin, stay and crinoline manufacturer, trading as T. R. Grffith & Co. Petition for arrangement filed 29th December, 1866. To sur. Friday, 30th August, and Tuesday, 17th September. C. H. James, official assignee. *Riddick*, solr.

Quinn, William, of William-street, city of Limerick, grocer. Petition for arrangement filed 6th June, 1867. To sur. Friday, 30th August, and Tuesday, 17th September. L. H. Deering, official assignee. *Molloy & Watson*, sols.

Tate, John, of Portadown, co. of Armagh, leather merchant and linen manufacturer. Petition of bankruptcy filed 9th August, 1867. To sur. Friday, 30th August, and Tuesday, 17th September. C. H. James, official assignee. *Neilson*, solr.

Certificate Allowed.

August 16.

Parker, Robert, of Camden-street, co. of the city of Dublin, boot and shoe maker, having a house or place of business at Stephen's-green, in said city, a bankrupt. *Goff*, solr.

IN INSOLVENCY.

DIVIDENDS DECLARED.—(*The Official Assignees are given, who will pay on application.*)

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE	SOLICITOR
July 24,	Mons, John A.,	1st dividend, 2s. 1d. in £, on £1,212.	*James*	*Casey & Clay*
"	Sherlock, John Joseph,	1st and final dividend, 1s. 7⅜d. in £, on £172.	*James*	*Byrne & Lambert*
July 31,	Balfe, James Joseph,	Further dividend, 9¾d. in £, on £2,086.	*Deering*	*Cronhelm*

INSOLVENTS DISCHARGED ON BAIL.

Bryan, Michael, co. Kerry, farmer.
Fox, Thomas, Dublin, builder.
Griffith, John, co. Cavan, grocer and baker.
Hogg, Joseph, Belfast, bricklayer and builder.
Hogg, James, Belfast, bricklayer and builder.
Lowry, Gregory, Dublin, warehouse porter, vanman, and formerly grocer.
M'Ferran, John, Carrickfergus, master mariner.
Quinn, Eliza, co. Dublin, widow.

INSOLVENTS.

To be heard in the Country.

Concannon, Thomas, of Briarfield, co. Galway, farmer, and lately skopkeeper, not now in business. Hearing at Galway, October 14th, at 10. *Regan*, solr.

Dobbyn, William, of Nurney, co. Kildare, civil bill officer and pensioner. Hearing at Naas, October 22nd, at 10. *White*, solr.

Leslie, Richard, of Bandon Road, city of Cork, watchman and shopkeeper. Hearing at Cork, October 17th, at 10. *Drinan*, solr.

Nagle, Pierce, of Bridge-street, Mallow, co. of Cork, grocer, wine and spirit dealer, and farmer. Hearing at Cork, October 17th, at 10. *Collins*, solr.

M'Ferran, John, of the parish of St. Nicholas, town of Carrickfergus, master mariner; previously of same place, shipowner and master mariner. Hearing at Belfast, October 21st, at 3. *Ferguson*, solr.

Smith, William, of Drumillar, near Newry, co. of Down, miller and labourer. Hearing at Downpatrick, October 9th, at 10. *Evans*, solr.

To be heard in Dublin.

Fox, Thomas, of South King-street, previously of William-street, and formerly of Mark-street, city of Dublin, builder. Hearing on Wednesday, November 13th, at 11. *Rynd*, solr.

Lowry, Gregory, of No. 8, Grattan-street, city of Dublin, warehouse porter; previously of same place, vanman; and formerly of No. 37, Poolbeg-street and Great Clarence-place, grocer and spirit dealer. Hearing on Wednesday, November 13th, at 11. *Magrath*, solr.

Smith, James, of New-street, city of Dublin, previously of Richmond, co. of Dublin, dairyman and provision dealer. Hearing on Wednesday, November 13th, at 11. *Casey & Clay*, sols.

PAUPER DECLARATION FILED.

August 19.

Holloway, Thomas, sued and arrested as "Thomas Halloway," detained by John Chaytor Grubb. *C. Fitzgerald*, solr.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	AUGUST.					
	Sat. 17	Mon. 19	Tues. 20	Wed. 21	Thur. 22	Fri. 23
Government						
New 3 p c Stock	93½	93⅝	93¼	93¼	93¼	93⅜
3 p c Consols	94⅛	94¼	94	—	—	94⅛
Foreign and Colonial.						
India 5 p c Stock	—	112½	112⅝	—	—	—
Joint-Stock Banks.						
Ireland, £100 pd	—	235	235	235	235	235½
Hibernian, £25 pd	—	37	37¼	—	37⅛	37¼
Munster (Limited.), £3 10s pd ..	4¼	—	—	4¼	—	—
National, £30 pd	—	61½	61½	61½	61¾	—
National of L'pool (Ltd.), £15 pd	13	—	—	—	13¼	—
Provincial, £25 pd	—	—	87½	—	87½	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	33¼	—	—	33½	33½
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	—	—	—	13
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	—	—	103	103½	104⅝
D. & L. St. S. B. Co. £50 pd (rd) ..	—	55¾	—	—	56	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	10½	—	—	10⅝	11
Do., £5 pd B	—	—	—	6⅝	—	—
Do., £4 pd 2 C	—	5½	5½	—	—	—
Grand Canal, £100 pd	—	—	47	—	—	47½
Patriotic Insurance, £10 pd ..	9⅝	—	9⅝	—	9⅝	—
National Insurance, £25 pd ..	—	31	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	10½	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	76	—	—	76	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	91	—	90	—	—	90
D., W., & W., £100 pd	—	36	36	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	—	—	—	95½	95	—
Midland Gt. Western, £100 pd ..	—	58	58½	—	—	57
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	—	97	96⅝	—	96
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—August 29th.
Account Day—August 30th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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BIRTHS, MARRIAGES, AND DEATHS.

DEATHS.

L'ESTRANGE—August 17, at Mount Anthony, Rathmines, Alfred, youngest child of E. W. L'Estrange, Esq., solicitor.

LINDSAY—August 17, at the residence of his father, Maryville, Blackrock, Cork, Edward Lindsay, Esq., barrister-at-law.

SARSFIELD—August 17, at his residence, Western-road, Cork, Dominick Sarsfield, Esq., barrister-at-law.

SHEGOG—August 18, at Drogheda, Wellington Shegog, Esq., solicitor.

ALEXANDER FINDLATER & CO.
Wine and Spirit Merchants,
30 & 31, UPPER SACKVILLE-STREET,
188, NORTH KING-STREET,
67, SOUTH GREAT GEORGE'S-STREET, } DUBLIN.
85, LOWER GEORGE'S-STREET, KINGSTOWN;
AND
S. FINDLATER & CO.,
9, RATHMINES-TERRACE.

Mr. HENRY OLDHAM, SOLICITOR,
42, FLEET-STREET, DUBLIN,
COMMISSIONER to administer, in Ireland, Oaths for the Court of Chancery and Court of Probate in England; and for the Courts of Queen's Bench, Common Pleas, and Exchequer at Westminster.

PUBLICATIONS:

CHANCERY GUIDE.
A MANUAL
OF THE
PRACTICE OF THE COURT OF CHANCERY.
By W. D. BOSTON, BARRISTER-AT-LAW.
CONTAINING the Act, Orders, and a Commentary on the Practice; with an Index, and Table of Contents, is now in course of preparation, and will be Published immediately on the promulgation of the Rules. *Price, 3s. 6d.*
DUBLIN: JOHN FALCONER, 53, UPPER SACKVILLE-STREET.

LEGAL POSTINGS:

IN CHANCERY.

ADVERTISEMENT TO CREDITORS AND LEGATEES.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Elizabeth Georgina Wharton, and Jane Julia Anne Wilme Wharton, minors, by James Henry Wharton, their Guardian and next friend, Petitioners; Esther Jane Wharton, Sarah Elizabeth Coulter, and John Gibbons, and by Amendment, George Henry Wharton, Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of John Lee Wharton, late of 53, York-street, in the City of Dublin, deceased, on or before the 5th day of SEPTEMBER next, to furnish, in writing, to JAMES HENRY WHARTON, of 27, Upper Merrion-street, in the City of Dublin; or to FLETCHER WILME, of 29, Lower Ormond-quay, in said city, his Solicitor, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors, whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 5th day of August, 1867.

J. J. MURPHY, Master in Chancery.

FLETCHER WILME, Solicitor for the Petitioner, No. 29, Lower Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edward Soulsby, a Bankrupt.

PURSUANT to the Order of the said Court, the Official Assignee in this Matter, will receive Tenders for the purchase of the Interest of the said Bankrupt and of his Assignees, in the House, Premises, and Offices, now known as Old Brighton, situate on the road leading from Dublin to Monkstown and Kingstown, in the Parish of Monkstown, Half Barony of Rathdown, and County of Dublin, held under lease dated the 14th day of September, 1838, for the term of 89 years, from the 25th day of March, 1838, at the rent of £21 per annum, payable half-yearly.

Dated this 19th day of August, 1867.

JOHN FRANCIS TEELING, Assistant Registrar.

JEHU MATHEWS, Solicitor.

DESCRIPTIVE PARTICULARS.

The said premises were conveyed by the Landed Estates' Court, on the 21st day of July, 1862, to the Bankrupt, who has expended a considerable sum on their improvement.

They are within a few minutes' walk of the Salthill and Seapoint Stations of the Dublin and Kingstown Railway, and, being situate in the salubrious and fashionable neighbourhood of Monkstown, they are well worth the attention of intending purchasers.

It will be observed that the rent is merely nominal.

For further particulars apply to

LUCIUS H. DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

JEHU MATHEWS, Solicitor, Agent to the Bankruptcy and Assignees, No. 12, Lower Dominick-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Pettigrew, of No. 1, Saint Andrew-street, in the City of Dublin, Printer and Bookbinder, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 30th day of AUGUST, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 20th day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JOHN FORSYTHE, Agent to the Bankruptcy, No. 20, Eustace-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

NOTICE TO CREDITORS.

In the Goods of John Farren, late of Booterstown, in the County of Dublin, deceased.

TAKE NOTICE that pursuant to the Act of Parliament passed in the 22nd and 23rd years of the reign of Her present Majesty, chap. 35, sec. 29, intituled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," all persons claiming to be Next of Kin or Creditors of, or having any debts, claims, or demands upon or against the Estate or Assets of the above-named John Farren, deceased—who died on or about the 15th day of November, 1866, at Booterstown, in the County of Dublin, aforesaid, and of whose Estate Letters of Administration as of a person dying intestate were granted by the Principal Registry of Her Majesty's Court of Probate in Dublin, on the 4th day of July, 1867, to John Flanagan, of Beamore, in the County of Meath, Farmer, a lawful second cousin, and one of the Next of Kin of the said deceased—are hereby required to furnish, in writing, the particulars of their respective claims, debts, or demands, to the said JOHN FLANAGAN, or to me, JOHN THOMAS HINDS, No. 28, Westmoreland-street, Dublin, his Solicitor, on or before the 1st day of NOVEMBER, 1867. And Take Notice, that after the said 1st day of November next, the said John Flanagan will proceed to distribute the Assets of the said deceased amongst the parties entitled thereto, having regard only to the claims, debts, and demands of which he shall then have had due Notice. And Take Notice, that the said Administrator will not, after the said 1st day of November next, be liable for the Assets, or any part thereof, so distributed to any person of whose claims he shall not then have had Notice.

Dated this 25th day of July, 1867.

JOHN THOMAS HINDS, Solicitor for said Administrator, 28, Westmoreland-street, Dublin.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, August 24, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 31.] SATURDAY, AUGUST 31, 1867. {Single Copy, 6d. By Post, 7d.

THE "Court of Chancery Ireland Act, 1867," will come into operation on the first day of Michaelmas Term, 1867, except as to Part I. (relating to the appointment of a Vice-Chancellor), which, with clause 176 (relating to the framing of General Rules and Orders), took effect from the first day of August, 1867.

Part I. commences with the 4th Section, and ends with the 26th Section of the Act.

The 4th Section creates the power to appoint a Vice-Chancellor, "to be Judge-Assistant to the Lord Chancellor in the discharge of the judicial functions of his office, such additional Judge to be called the Vice-Chancellor of *Ireland*."

The 6th Section relates to the Jurisdiction and Powers of the Vice-Chancellor, and enables him to hear and determine—firstly, all suits depending in the Court of Chancery *as a Court of Equity*; secondly, all suits incident to any ministerial office of the Court of Chancery; thirdly, all suits which shall have been, or shall be, submitted to the jurisdiction of the Court, or of the Lord Chancellor, by the special authority of any Act of Parliament. The jurisdiction in all such suits is to be exercised as the Court shall, from time to time, by any General Order, direct. The same Section enacts that all Decrees, Orders, and Acts of the Vice-Chancellor, shall be deemed or taken to be Decrees, Orders, and Acts of the Court of Chancery, or of such incident jurisdiction, or under such special authority, and shall have the same force and validity, and be executed accordingly, subject to be afterwards reversed or altered, in like manner as if they were Decrees, Orders, or Acts of the Lord Chancellor or the Master of the Rolls; and that no such Decree or Order shall be enrolled until the same shall be signed by the Lord Chancellor.

The 7th Section provides that the Vice-Chancellor shall sit for the Lord Chancellor whenever he shall require him so to do.

The 11th Section regulates the appointment of Chief Clerks, and gives power to the Master of the Rolls, and the Vice-Chancellor for the time being, with the approbation of the Lord Chancellor, to appoint one Chief Clerk each, to be attached to the Court of each of those Judges, for the purpose of assisting them in business not of a judicial character.

By the 13th Section the Master of the Rolls and Vice-Chancellor are empowered to appoint two Junior Clerks, to assist the Chief Clerk of each Court, subject to the provisions of the 43rd Section.

Under the 25th Section the Lord Chancellor, if he considers that the business of his Court renders it expedient, can, with the assent of the Commissioners of the Treasury, appoint one Chief Clerk and two Junior Clerks, to be attached to his Court.

And the 26th Section gives the Chancellor, with the consent of the Master of the Rolls and the Vice-Chancellor, subject to the approbation of the Commissioners of the Treasury, power to appoint an additional Chief Clerk, or additional Junior Clerks, to the Master of the Rolls, and the Vice-Chancellor, or to either of them.

Part II. begins with the 27th Section, and ends with the 51st.

The 27th Section abolishes the office of Master in Ordinary, except the office of Receiving Master, which is to be maintained for the performance of certain special duties which are regulated by the 49th, 50th, and 51st Sections, but reserving to the several Masters whose offices are abolished, all the powers conferred on them by any Act of Parliament, or otherwise vested in them, until they are released by the Lord Chancellor, under the provisions of the 29th Section.

The 31st Section, with the view of expeditiously winding up all pending suits, confers powers on the Masters to summon parties, or their solicitors, and to give such directions, and make such orders, as they may think necessary for the purpose of settling and winding up pending suits; such order to be subject to be discharged or varied by the Lord Chancellor, upon application made for that purpose.

The Lord Chancellor also has power, under the 32nd Section, upon Masters' Report or Certificate, to make orders for the prosecution or final disposal of any suit, and for the payment of the costs thereof, including any costs occasioned by the conduct of any of the parties,

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which prevented the Masters from finally disposing of them.

The 41st Section provides for the appointment of a second Assistant Registrar to the Court.

THE last barrier of legal monopoly has been at length removed, and all the Courts of Justice in this country are now open to the practice of each branch of the legal profession. On the 20th of August instant, the Royal assent was given to a Bill, which will be henceforth known as "The Court of Admiralty (Ireland) Act, 1867." To the ability and skill, the energy and perseverance, of the first and present Vice-Chancellor of Ireland, are the thanks of the legal professions, as well as of the mercantile and maritime communities, pre-eminently due, for this completion of law reform in Ireland. The Vice-Chancellor of Ireland has been long and well known as a leading advocate of the Admiralty Court. He was conversant with its law, familiar with its practice, conscious of its defects. He knew its vast jurisdiction—its right to try cases arising in every sea, involving ships of every flag. He was not ignorant of the frequent attempts from time to time made to legislate for that court, and place it on a proper footing—attempts that from various reasons proved unsuccessful; and it was left for him to end his career at the Bar, and to commence it on the Bench, with the conciousness of having introduced, and vigorously and successfully carried, a measure for the re-constitution of the Court, in which, perhaps, it may be said he made his first step towards the high and honourable position he now so deservedly holds.

The Act being now law, we may ask our readers, or most of them, what they know of this *terra incognita*, if such a term can be applied to a Court of Admiralty. Its existence is well known, and by those who have to do with maritime questions, its exclusiveness also. But this latter is now happily all done away with, for by a section in the Act it is provided that "all barristers and all attorneys-at-law, and solicitors, shall, from and after the time when this Act shall come into operation, be entitled to practise as barristers, attorneys, and solicitors, in all matters and causes whatsoever, in the said Court of Admiralty."

The jurisdiction of the Court is now clearly defined. It is in cases of salvage, towage, damage, building or repairing ships, necessaries, ownership, mortgages, and wages—a jurisdiction amply extensive to secure a lucrative practice to solicitors having any maritime or mercantile connexion. Of course the practice of the newly-made tribunal is yet, and, doubtless, for a short time will be, unknown; but the aspiring practitioner in the Court as now constituted may be reminded that MacLachlan, or Dowdeswell, on *The Merchant Shipping Act*, and Pritchard's *Digest*, would well repay the outlay on their cost.

As the jurisdiction of the Court will, as to its law, be mainly administered under the provisions of "The Merchant Shipping Act, 1854," and its amended Acts, now for some years in force, it is necessary, in starting this comparatively new Court, that a Judge should be selected who, acquainted with the law in question, would be thus enabled to give confidence to the new practitioners. This, we are happy to be enabled to state, has been done to general satisfaction, as the appointment to the new judgeship has been conferred on Dr. Townsend, Q.C., an advocate of extensive practice in the Admiralty Court, and it is gratifying to know, therefore, that the new tribunal will be presided over by a lawyer intimately conversant with the law of shipping and nautical questions.

THE NEW JUDGE OF THE ADMIRALTY COURT.

QUITE a number of legal appointments, both in England as well as in this country, have fallen to the lot of, and been given away by, the present Government. In Ireland two Chancellors, a Judge of Appeal, a Chief Justice, a Master of the Rolls, a Vice-Chancellor, and two puisne Judgeships have been appointed by Lord Derby's Government. The Landed Estates' Court and the Court of Bankruptcy have each also obtained a new Judge; and the mutations of the respective offices of Attorney and Solicitor-General have been more rapid than we can remember occurring in a similar period of time to that which has elapsed since the formation of the present Government, some thirteen months ago. All these appointments were praised or blamed, as the case might be; but we do not think that, perhaps, with the exception of the learned Lord Justice of Appeal, any were received with such unanimous approbation as the one we to-day announce, namely, that of John Fitzhenry Townsend, as Judge of the High Court of Admiralty of Ireland.

The newly-made Judge was called to the Bar in Trinity Term, 1834, after which he joined the Munster Circuit. In 1847, having previously obtained the degree of LL.D. in Trinity College, he was admitted an advocate of the Admiralty Court, then presided over by Dr. Stock. Immediately after his admission Dr. Townsend obtained a large share of the practice, and soon became a leading advocate of the Court, a position he has to the present successfully kept; indeed there were few cases tried in that period of twenty years in which he did not hold a brief. In 1863, when a Royal Commission was appointed to inquire into the constitution, &c., of the Irish Court of Admiralty, and which contained the names of Judges Fitzgerald and

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Longfield, the present Judge O'Hagan, then Attorney-General, Sir Robert Phillimore, now Judge of the English Court of Admiralty, and other legal celebrities, the Commissioners selected Dr. Townsend to prepare a statement for their information as to the difference in practice and procedure between the Courts of the two countries, and the able statement drawn up by him may be deemed the basis on which evidence was subsequently taken by the Commissioners, and may be said also to be the groundwork of the recent legislation.

Dr. Townsend is widely known as a mercantile and maritime lawyer of great soundness and experience, as well as possessing great nautical knowledge; and in selecting him from the ranks of the advocates of the Court the authorities have rightly followed the precedent in the case of the sister Court in Doctors' Commons, where Sir Robert Phillimore, an advocate of it, was recently selected to succeed Dr. Lushington, one of the ablest Judges that ever presided in any maritime Court.

THE NEW SOLICITOR-GENERAL.

THE office of Solicitor-General for Ireland, rendered vacant by the promotion of Mr. Warren, has been conferred on Mr. Michael Harrison, Q.C., of the North-East Circuit. Mr. Harrison has for some years held a deservedly high position in his profession, and is much esteemed by his brethren. He was called to the Bar in Trinity Term, 1840, after a distinguished collegiate career in our national University. He very quickly got into large practice, and was soon looked upon as a "rising" man. In February, 1863, he was made a Queen's Counsel. From that time he has been one of the leaders on his circuit, and has also enjoyed extensive business in our Courts in Dublin. In the matter of the Queen's University and the Supplemental Charter, Mr. Harrison was retained by the graduates, and argued the case on their behalf with great ability. He is a sound lawyer, courteous, and painstaking, and we entertain no doubt but that the important duties of the high office to which he has been appointed will be satisfactorily and efficiently discharged.

JUSTICE IN AMERICA.

If an example is wanted of the disastrous consequences of electing judges by universal suffrage we have only to refer to New York. There not only judges, but all the officers concerned in the judiciary, are chosen by popular election. The *North American Review* has given an account of the working of this system. The cause of the debasement of the judges is the patronage placed in their hands by the great increase in the number of referable causes. The referee suffers it to be understood that he is "open to offers" from the parties seeking a decision, and sometimes he manages to pocket 50 dollars or 100 dollars a day as his fee. Receiverships are also offices of profit to the judges. A public journal of respectable character recently asserted that upon the settlement of a certain receiver's accounts the judge demanded half his fees, which amounted to some 10,000 dols. Besides taking money as bribes the New York judges will hear counsel *ex parte, out of court*. The *North American Review* says:—"It very naturally follows that the judge who will do this is often utterly indifferent to the argument in open court; and it also follows, in not a few cases, that he pledges his decision beforehand. We have known extensive stock speculations to be conducted on the faith of decisions thus promised, and it is not to be wondered at if the judge was strongly suspected of having an interest, as he certainly had a friend, in the speculation." The reviewer gives a "portrait" of one of the judges. He sometimes cuts short a case before it is fairly stated. "You can go on," he will say to the lawyer who is pleading before him, "all day if you like; but I have decided this case, and I never take back a decision," He indulges considerably in coarse language or profane jokes while on the Bench. Once he said in open court "that William Cullen Bryant was the most notorious liar in the United States." On another occasion he referred to the President (Lincoln) and the Secretary of War as "those villains down there." He is greatly under the influence of certain lawyers who are supposed to share their fees with him. One Judge (not now on the Bench) before whom an assault case was brought, was asked during the progress of the trial to go with the prisoner and his counsel to dinner. He accepted the offer, and found a bill for £100 under his plate. He was "astonished," but he literally "pocketed the affront" and decided in favour of the accused. Another Judge accepted £500 in return for a decision. "Within a much more recent period," says the reviewer, "a man was indicted for a series of enormous frauds, by which he had made himself wealthy. The indictment was quashed for some informality, and he openly boasted that he knew how to manage the drawing of future grand juries so as to secure himself against any renewal of the indictment—a boast which the failure of all subsequent attempts to indict him seems to justify. We are assured, on the most respectable authority, that the judge received 10,000 dollars for his decision." If the guilty person be wealthy and the accused poor, there is very little chance of justice being done. When a person gets "into trouble" his jailer, or some friend, recommends him to trust his defence to one or other of a certain set of lawyers. From Lamirande, the French cashier, these harpies extorted 20,000 dollars, and bribed his jailers with part of the plunder to let him escape. Servant girls are stripped of all they possess, and during the war thousands of men were liberated from prison on condition that they would enlist in the army, the judge, lawyer, and prison officials receiving the bounty money, amounting to 600 dollars, or even 1,500 dollars for each person. And all this, the reviewer implies, is little to the revelations which might be made.

PROPOSED REMOVAL OF A JUDGE.

In South Australia proceedings for the removal of Mr. Justice Boothby have now been taken under the Act 22 George III, which authorizes governors of colonies in executive council to effect such removal in cases of misbehaviour or neglect of duty. The charges brought against him are as follows:—1. Conduct and language contumacious and disrespectful to the Court of Appeals, and obstructive to the said court in the performance of its duties. 2. Perverse refusal to recognize the authority of Parliament, and to administer the laws of the province. 3. Expressions on the bench disparaging and insulting to the Legislature, the Government, and the institutions of the province, and language and behaviour on the bench calculated to bring the administration of justice into contempt. 4. Language on the bench offensive and irritating to the other Judges, and public denial of their authority. 5. Allowing private and personal feeling to interfere with the fair and impartial administration of justice." In addition to these there is a further charge against his Honor "of having assumed a position inconsistent with the equal administration of justice, and which in certain events would put a stop to the exercise of the functions of the Supreme Court—such charge being contained in a letter from their Honors the Chief Justice and Mr. Justice Gwynne to his Excellency the Governor."

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NOTES OF CASES.

Specially reported for this Journal by the Reporters of the Council o Law Reporting in Ireland.]

CIRCUIT CASES.

Reported by W. GRIFFIN, Esq., Barrister-at-law.

MUNSTER CIRCUIT.

CORK SUMMER ASSIZES.

Before KEOGH, J.

SHEEHAN, *Appellant;* M'DONALD, *Respondent.*

Amendment of Ejectment Process.

This was an action of ejectment for non-payment of rent. The ejectment process described the defendant as tenant from year to year. The defendant had set up a lease below, but had no witness who could identify the premises in this lease as being those in the ejectment. Decree was obtained below. It being now shown that there was a lease of the premises in question, *Johnson*, for the plaintiff, applied to have the process amended by describing the defendant as holding under a lease at the same rent.

O'Reardon contra.

KEOGH, J., made the amendment on the terms of the plaintiff paying all the costs, both of the appeal and in the court below.

Attorney for plaintiff, *Honohan.*

Attorney for defendant, *Jullian.*

O'BRIEN, *Appellant;* CLOHANE, *Respondent.*

Ejectment on Notice to Quit—Insolvency of Plaintiff.

In this case the landlord had been insolvent some years before, but his assignees had never taken any step with regard to his interest in the property, the subject of the ejectment, which was not returned on his schedule.

O'Brien, for the defendant, objected that the interest in this property, whatever it was, passed to the assignees, 20 and 21 Vic., c. 60, sec. 268, and that as they were not parties to the ejectment, it could not be maintained.

Wm. Johnson, for the plaintiff. The insolvent can maintain this ejectment, as the assignees have never elected to take his interest. It has been decided on the English Act which corresponds—12 and 13 Vic., c. 106—that the insolvent is liable until the assignee elect: *Copeland and Stephens*, 1 B. & A., 593; *Woodfall* (1863), 216.

O'Brien.—The insolvent's liability on covenants in leases depends on the 271st section, and does not govern this case.

KEOGH, J , gave a decree.

Attorney for plaintiff, *Rice.*

Attorneys for defendant, *Carroll and Barry.*

CONNAUGHT CIRCUIT.

LEITRIM ASSIZES.

Reported by OLIVER J. BURKE, Esq., Barrister-at-law.

Before MONAHAN, C.J.

July 16.—*Grand Jury—Unappropriated Balance in Treasurer's Hands—Motion to apply same in Payment of Barony Cess Collector's Fees—No Rule on the Motion.*

M'Dermott, of counsel, applied to his Lordship on behalf of the barony cess collectors of the county Leitrim, for an order that the treasurer of the county be at liberty to pay out of any available funds he might then have in his hands the poundage fees due to said cess collectors, which had been presented for at the present Assizes. Hitherto the custom had been to levy the amount presented for, and to pay it to the cess collectors at the ensuing or following Assizes. Counsel relied upon orders of a similar nature made at two last successive Assizes for the county of Roscommon by Keogh and Christian, J.J.

MONAHAN, C.J., was free to confess that he did not see his way to making such an order as that now sought to be made, in the absence of any section of the Grand Jury Act empowering him to do so. His Lordship would not now make any order on the motion.

JULY 22ND—ROSCOMMON.

M'Dermott said that he had an application similar to that which he had already made in Leitrim, on behalf of the Roscommon barony cess collectors. Counsel, as in the Leitrim application, relied upon the orders already made by other Judges on this circuit.

MONAHAN, C.J.—This is an application exactly similar to the one made the other day at the Leitrim Assizes in Carrick-on-Shannon; and on considering the case I do not think I have any jurisdiction to make the order sought for, inasmuch as any funds in the hands of the treasurer have been levied for other specific purposes, and if there be any balance in the treasurer's hands that balance was levied for the purposes specified in the levy, and for none other. No doubt a larger sum had been estimated than was absolutely required, but how can that unappropriated sum be now applied in the manner in which counsel seeks to apply it? Besides, the order sought for was not mandatory, it was a mere permissive one, contingent on the treasurer's having any unappropriated balance in his hands; the treasurer might not have any surplus worth talking about in his hands at all, and, if he had not, of what use would this order be? In that case I do not see that it would have any operation whatever. I shall not, therefore, make any order in this case: by adopting this course I shall not disturb the orders made by previous Judges on this circuit. In fact I shall not interfere in the matter at all, and say no rule on the motion. My adopting this course will not interfere with the Grand Jury's action in the matter.

The matter was subsequently brought before the Grand Jury, who thereupon passed a resolution directing the treasurer to appropriate the funds then remaining in his hands in the manner sought for by the above motion. This course the Grand Jury took, inasmuch as the learned Chief Justice had declined to interfere in the matter, or to disturb the orders made at former Assizes by other Judges.

ENGLAND.

ABOLITION OF IMPRISONMENT FOR DEBT IN FRANCE.

A law, dated July 22, 1867, has just been promulgated in France, by which imprisonment is abolished in commercial and civil cases, and is reserved for criminal and police offences. The change was not adopted without strong opposition both in the *Corps Législatif* and in the Senate; and the result has been a thorough discussion of the question. It may be useful to note some of the arguments adduced on either side, and to combine them with a few significant figures, not generally known.

From the time of St. Louis protests were every now and then raised against imprisonment for debt; but the principle was still firmly rooted when the Revolution broke out. It is hard to say whether "the principles of '89" would have exercised any influence in the matter without the anarchy of 1793. It was not till the 9th of March, 1793,

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that imprisonment for debt was abolished. But it was re-established by the law of 15 Germinal in the year VI. (April 5, 1798), with new rigours; for anarchy had caused so many disorders, and the misery of the times had made the relations between debtor and creditor so uncertain, that recourse was had to all possible means of restoring order and regularity to business. Since then the law has been several times altered with the view of modifying its severity. In 1848 it was temporarily suspended by the provisional Government, by a decree of the 9th of March; but it was not till the present year that imprisonment for debt was abolished by a regular, and, it is to be hoped, definitive law.

In the year VI. the French Legislature considered arrest for debt as *a punishment*, and this is expressly stated in the 3rd article of the law of Germinal. This point of view has been maintained also by the authors of the Civil Code. One of them, in the *exposé des motifs* to the chapter on personal arrest, characterizes it by saying: "C'est le premier degré des peines nécessaires pour maintenir l'ordre public." In 1832, when the law was modified, the idea of punishment was dropped, and imprisonment was said to be *a means of coercion*, to overcome "la mauvaise volonté de celui qui chercherait à cacher son avoir." M. Mallet Butini, of Geneva, defines the imprisonment as *a torture* "pour arracher au malheureux qui la subit . . . . . le remboursement de ce qu'il ne peut pas payer." To call it torture is, of course, to condemn it. And it deserves condemnation, for it is unjust in confounding those who cannot with those who will not pay. Moreover, it gives one man, for a small sum, an almost unlimited power over the liberty of another. Again, it very rarely ends in the creditor being paid, and this naturally, inasmuch as it deprives a man of the opportunity of getting money, except, indeed, when his family is tortured into making a sacrifice on his behalf. In most cases the whole family suffers without being able to effect a release, and thus the innocent are punished with the guilty, if indeed any one is guilty. The *exposé des motifs* of the law of 1867 finds additional arguments to show the injustice of imprisonment for debt, which might extend over five years. There is less risk, it says, in committing a murder through carelessness than in making an imprudent loan, less danger in setting up a brothel than in opening a house of business; it is better to be guilty of libel, of armed rebellion, of a breach of trust, or even, in most cases, of swindling or robbery, than to endorse a bill thoughtlessly; and, lastly, there is less risk in failing for a million than in deferring the payment of a business debt for 6,000 fr., two years' imprisonment being inflicted in one case and three in the other.

The Government accumulates still further arguments against the system. Facts prove that the number of debtors imprisoned diminishes in times of distress, and increases when business is flourishing. In the year 1862, out of 1,794 debtors of both sexes imprisoned in France, 664 owed less than 500 fr., 333 owed between 500 and 1,000 fr., and only 265 owed more than 5,000 fr. If we take the debtors' prison in Paris, out of 5,924 persons imprisoned for debt in ten years, 2,778 owed less than 1,000 fr., 1,224 owed between 1,000 fr. and 2,000 fr. Again, out of 1,486 persons released from prison in the whole of France, in 1862, 407 had paid, and in Paris, out of 6,577 releases obtained in ten years, 545 prisoners only had paid in full, and 3,149 prisoners were discharged, owing to creditors failing to provide them with board; for in France the creditor had to pay formerly 30 fr. and more recently 40 fr. a month, in advance, for the keep of his debtor. It has been remarked with justice that if imprisonment produces such small results, the fear of it is not likely to do more. So that the practice does not act as a deterrent

There is one point in French legislation which exhibits more than any other the abuses arising from imprisonment for debt, and that is the marriage contract. In the interest of the wife the law allows a partition of property, and the property of the wife cannot be seized for the debts of the husband. There is also the *régime dotal*, which is a sort of partition of property, with this difference, that in the case of the partition of property the wife is mistress of the interest of her property, while the husband disposes freely of the interest of his wife's dowry, which is fixed once for all in the marriage contract, and can neither be increased nor diminished, except in a small number of cases, one of which is that the wife can alienate her dowry to deliver her husband from a debtor's prison. Now it has been observed that in the provinces where *régime dotal* is most usual, imprisonment for debt is facilitated, and the protective intentions of the law made illusory. The *exposé des motifs* of the new law speaks of cases in which husbands, with or without the consent of their wives, have caused themselves to be arrested by a sham creditor, in reality an accomplice, in order to effect a sale of the dowry property. It also says that men have been imprisoned by creditors who had criminal designs upon their wives.

These reasons, however, and many more added to them, did not suffice to convince the Chamber. The Committee nominated to inquire into the scheme determined upon its rejection, and, it must be admitted, advanced some arguments which were at least plausible. In the first place, it pointed out that the Government could hardly brand imprisonment for debt as illegitimate, while it maintained imprisonment on account of fines and costs in criminal and police cases. To the charge of injustice in visiting imprudence and misfortune with the same penalties as perversity and bad faith, it was answered that the accusation has no foundation in civil cases, in which this punishment is confined to acts accompanied by false pretences or serious culpability, and its application is often left to the discretion of the magistrate. With regard to commercial transactions, the Commission asks whether that be called an unjust law which in an interest of a higher order—that of the public credit—binds the debtor rigorously to fulfil his engagements. But, as we have seen, the real question is whether the fear of a prison can produce money from an empty purse. The Report also attacks the comparisons made in the *exposé des motifs*, quoted above, between the possible duration of confinement for debt and imprisonment for certain serious offences. It declares them to be exaggerated, and reminds the Government that a man may easily get out of prison, either, in a civil case, by surrendering his property, or in a commercial case, by declaring himself a bankrupt. It forgets, however, that the debtor has not an absolute right of surrendering his property, for the surrender may be refused: and, as for a declaration of bankruptcy, it is a remedy which would often be worse than the disease. Lastly, the Report declares that cases of exorbitant and disgraceful speculation, resulting from the law of imprisonment for debt, are exceptional, and too rare to need to be dwelt on.

After arguing thus against the *exposé des motifs*, the Report proceeds to maintain that execution on the body is of use in civil cases by preventing a good deal of mischief, and necessary in commercial cases, because, as Napoleon I. said, "It is impossible to confound the engagements of traders with those of other citizens. A trader who contracts a debt binds himself not only to pay the amount, but to pay it at a precise time, which must not be postponed under any pretence whatever. The obligations of private persons have not this character of precision. . . . Imprisonment is therefore necessary in commercial cases to ensure punctuality of payment." M. Troplong, at present President both of the Senate and of the *Cour de Cassation*, also declares imprisonment to be indispensable in commerce, because "the credit of a merchant is associated with the credit of twenty other merchants, who will all be compromised by his failure." He is, accordingly, of opinion that commercial credit requires a law of public safety, to enable it to stand unembarrassed and unshaken.

To this and to similar arguments it has been answered that no one, when he gives a merchant credit, takes into account the possibility of imprisoning him in case of non-payment, but rather, if anything, that of having him made a bankrupt. But a declaration of bankruptcy saves a man from prison. By an adjudication of bankruptcy a merchant is dispossessed of all his property; and this is all that the creditor can reasonably demand. It ought to be added, that no real man of business will open an account with a man of whose solvency he is not well assured; and the idea of arresting him has no influence in the transaction. It is

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not the honourable trader who resorts to imprisonment; the registers show that nearly all arrests are made at the suit of money-lenders, small bill discounters, and the like, and in the case of men whose social position is at stake, or of small manufacturers, or poor working people, who have no resource but their labour. This was the opinion given by the President of the *Tribunal de Commerce* at Paris.

The new law was violently opposed in the Corps Législatif, and gave occasion to a phenomenon rare in the parliamentary annals of France; for the Government was frequently supported by the Opposition, and opposed by its habitual supporters. Nevertheless the law passed. In the Senate it met with fresh difficulties. The Report of the Committee decided, it is true, in favour of the law, but it dwelt rather upon those arguments against than for it. Some eminent magistrates spoke against it with an energy which must have astonished the echos of the Senate House. At last the measure was passed by 53 votes to 46—a thing unheard of in an assembly which is habitually unanimous. M. Troplong did not vote; but we have already stated the opinion he has given in his writings. Now that the measure has become law, some of its opponents have made up their minds to find it liberal and reasonable; and it is not probable that any mischievous results will follow from it. Commercial honesty is protected by the experience of reward rather than by the fear of punishment.—*The Chronicle.*

REAL PROPERTY *VERSUS* PERSONAL.

There is probably no subject in discussing which people are more apt to confound how with why than law, and especially English law. Legal arguments are necessarily founded more often on authority than on reason; and our legal system is the result of many centuries of continuous growth. Thus a habit is fostered among lawyers, whose business it is to administer the law as it stands, of merely considering what the law is, and how it has come to be so, and not troubling themselves to inquire into its rational basis. The fundamental distinction between real and personal property is a case strongly in point. There may undoubtedly be reason in laying down different rules for regulating property in different things, according to their nature, that the ownership of land, for instance, should be transferred in one manner, the ownership of a cargo of goods in another, and that property in money should change hands in a manner different from either. But it is hard indeed to give a reason why a house held for sixty years should be a totally different kind of property from a house held for life. Historically there is no difficulty in accounting for it at all; the distinction between real and personal property dates from the very commencement of English law, and has given rise to a very large proportion of the anomalies and complications which disfigure our legal system. That it could not be abolished at once without affecting more mischief than good we very readily admit; social convenience is more important than legal symmetry. The average citizen, knowing next to nothing of the law, finds that the purchase of real property is far more costly and troublesome than any other kind of investment. Being surrounded by a social system in which landowners are very powerful, and possess great practical privileges, and knowing that the tenure of real property is a mysterious subject somehow mixed up with the Feudal system, and the whole history of the Middle Ages, he takes it for granted, with the reticence of a man of business slow to confess ignorance, that the interminable parchments and heavy lawyers' bills are parts of the immutable order of things, and is only inclined to value the more highly a possession so difficult of acquisition. Real property law is a subject extensive and complicated enough to engross a man's whole attention; and consequently lawyers whose thoughts are mainly directed to commercial matters and forensic practice, though they have a general acquaintance with the law of real property, can seldom be masters of it. They know by experience that there is no end to the subtle distinctions which may be deduced from it, and to the unexpected ways in which it controls the interpretation of statutes. Few men are equal to the Herculean task of discerning every point in which the law of real property and the law of contract (to use that phrase in a very wide sense) may cross one another, in connexion with any one subject of legislation; and even if the man who draws an important bill conquers this difficulty his work is exposed, in and out of Parliament, to the opposition of critics of all kinds, critics purely ignorant, critics blind to all but party feeling, and, worst of all, critics who thoroughly understand one-half of the subject, and one-half only. It is no wonder that law officers, under these circumstances, shrink from introducing great measures of law reform, or that when they do so, they leave untouched or even emphasize the anomalous distinctions between real and personal property, preferring rather to bear those ills they have than fly to others that they know not of.

To enumerate all the subjects in respect of which this distinction operates to cause injustice, or at least to create confusion, would be to pass in review the whole law of England, but a few of them may with advantage be cursorily mentioned. If there is a subject matter in which equal justice ought to be specially studied in legislation, in which the way ought to be carefully pointed out and smoothed to individual citizens by the operation of the law, it is the subject of inheritance. Yet the rules of succession *ab intestato* to real and personal property respectively are so opposite that both cannot possibly be just. We do not propose at present to discuss the merits of either, but it is obvious at once that the rule which gives the eldest son all if the intestate's property be land, and that which gives all the children equal shares if it be money, cannot both be founded on principles of abstract justice. Most of the practical hardships which arise under the law of wills may be traced to the same source, for the framers of the Act of 1837, while they assimilated the two kinds of property in several important respects, had not the courage or the power to complete their task. Again there are few practical grievances worse than the unequal pressure of rates, especially poor-rates. Much of the actual inequality arises of course from the fact that the ancient districts, which were charged with the duty of rating themselves separately, have many of them changed their character, and really ceased to be separate units. But the assumption at the bottom of all is, that land is the only property substantial enough to be rated: and though specific statutes have subjected to rating other things than the mere surface of the soil, such as coal mines, yet this is only a fragmentary remedy. A somewhat nearer approach to justice is practically attained; but the principle, totally out of place in our present social condition, is left uncorrected. Again, to take the case of the parliamentary franchise, what possible reason can there be why a freehold worth forty shillings should confer a vote, and a leasehold, for however long a period, must be worth five times that sum to obtain for its possessor the same privilege? It is true that the one estate is permanent, and the other is not; but though this affects the price at which either can be purchased, it makes no difference in the yearly value to the possessor, on which consideration alone the vote is made to depend. The difficulties which beset the transfer of land arise quite as much from the confusion and collision between realty and personalty as from the intricacies of the real-property law itself. One sort of mortgage is real estate, and passes to the heir-at-law of the mortgagee; another sort is personal, and passes to his executors. The same trust estate often comprises both kinds of property, and it may easily happen that when a long-continuing trust is finally disposed of, two or three different people may be legal owners of different parts, without possessing the smallest beneficial interest. When an estate is sold by an embarrassed proprietor, it is so expensive to give purchasers a properly perfect title that the owner gains much less relief from the sacrifice than he ought: and one-half of this at least might be saved, were it not for the different legal incidents attending on encumbrances different in form, but not in real effect. The same difficulties impede the operation of Lord Westbury's Land Transfer Act, almost the only measure which tends theoretically to the abolition of that distinction of which we have been speaking, though its practical utility has hitherto not been great. Such are a

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few among the many anomalies which we owe to the feudal system, and to the gradual and accidental manner in which the edifice of English law has been built up. That the same process of slow growth has produced many advantages to the nation is unquestionable; and it is equally certain that the law, complicated as it is, is administered with perfect integrity and independence. But the existence of so much practical good need not blind us to the imperfections of theory; the sun does not shine the brighter because of the spots upon its surface. Meanwhile it is discouraging to see Parliament neglect every opportunity of incidentally removing anomalies. During the session which is now virtually over the electoral franchise has been remodelled, but the absurd distinctions between freehold and leasehold property remain untouched: an Act, most important in the principle which it implicitly recognizes, has considerably shifted the burden of rates in London, but there has been no attempt to clear away any anomalies except those which were starving the East End. No one has ventured to revive the proposition for making succession *ab intestato* the same to realty as to personalty, which failed last year. All that has been done, even remotely tending to improvement, is the appointment of a Royal Commission, which has reported what every one knew already. If practical steps follow this report, and a Digest of the Law, and ultimately a code, be prepared, we shall have made a slight advance. To have it compendiously and clearly stated what the law is, before proceeding to consider what it ought to be, is, no doubt, necessary, but it ought to be only the first step. The two things must be jealously kept apart, for no form of codification would be accepted, if there was any suspicion that the compilers of the code were really introducing new legislation; but there is no reason why they should not be carried on simultaneously. Probably the last enemy to justice and simplicity which law reformers will venture directly to assail will be the division between real and personal property; but it will perish some day, and every piece of statutory legislation ought to bring us nearer to that desirable consummation.—(Abridged from *The Spectator.*)

NOTES OF ENGLISH DECISIONS.

JURISDICTION OVER ATTORNEYS.—The court will not exercise its summary jurisdiction over an attorney simply because he has, from improper motives, given information which might be used against a former client. There must be actual misconduct *qua* attorney, by the adverse use of information, while the relation of attorney and client is still subsisting, or by the betrayal of secrets relating to the client's business, obtained by the attorney while acting in a confidential capacity, and acquired also in consequence of his so acting. The test for determining whether the court has or has not jurisdiction is, whether, if the attorney had been called as a witness, the court would or would not have held him justified in refusing to answer on the ground of privilege: (*Re Cutts*, 16 L. T. Rep. N. S. 715. Bail.)

RESIDUARY ESTATE—RULE AS TO PAYMENT OF DEBTS AND LEGACIES OUT OF CAPITAL OR INCOME.—Portions of a fund constituting the residuary personal estate of a testator were set apart by his executors to meet contingent legacies payable on certain infants attaining their respective ages of twenty-one: Held. that the tenant for life of the general residue was entitled to the income derivable from those portions of the testator's residuary estate so set apart until such capital, or portions of it, were wanted for the payment of those contingent legacies, in case they should become payable: Held, also, that the tenant for life was not entitled to the income which might have been derived from what was clearly necessary for the payment of debts and legacies out of the capital of the residue: (*Allhusen* v. *Whittell*, 16 L. T. Rep. N. S. 695. V. C. W.)

DIVIDENDS ON SHARES.—Dividends in certain bank shares were reported to be due on the 25th June, but not to be payable until the 15th July and 15th January following. The owner died on the 31st December. The dividends payable in January were held to form part of her general residuary estate: (*De Gendre* v. *Kent*, 16 L. T. Rep. N. S. 694. V. C. W.)

ACCEPTANCE OF BILLS BY LIQUIDATORS.—Where there are several liquidators, the acceptance of a bill on the part of the company must be signed by two or more of them, unless at the time of their appointment it be determined that the acceptance of one shall be sufficient: (*Re The London and Mediterranean Bank*, 16 L. T. Rep. N. S. 631. V. C. S.)

CONTRIBUTORY—CLAIM—COMPROMISE.—In the voluntary winding-up of a company a claim was made, which was opposed, and the liquidator took out a summons to have it adjudicated upon by the court, to which the claimant consented. Evidence having been gone into, the liquidator was advised to effect a compromise, and terms were agreed upon, subject to the approval by extraordinary resolution (under sect. 159) on the part of the shareholders. A meeting was accordingly summoned, and although the compromise was objected to by some of the shareholders, it was adopted. Further proceedings being threatened by the dissentients, another summons was taken out by the liquidator to show cause why the agreement should not be carried out, and upon its being adjourned into court the M. R. declined to make any order, thinking that the court was bound, before giving its sanction, to satisfy itself that the compromise was advantageous to the company, and that he had not sufficient materials to enable him to decide whether it was. The claimant appealed: Held, that as by the original summons the question was before the court when the meeting was held, the compromise could not be carried into effect without its sanction: and that being so, that the court was not limited to the mere duty of seeing whether the approval of the company had been duly obtained, but was bound to satisfy itself that the agreement was a proper one; but, in the face of the resolution of approval, the onus of showing the impropriety of the compromise was shifted to the dissentients. Per Rolt, L. J.: Under the 138th section a contributory was not entitled to have the whole question reopened, and the propriety of the compromise determined, as if the company was being wound-up by the court, and as if the company had not in meeting approved of the compromise: (*Re The Lama Coal Company*, 16 L. T. Rep. N. S. 726. L. J. J.)

THE COURTS AND COURT PAPERS.

COMMON LAW COURTS' GUIDE,

So far as relates to marking Judgments by Default under the Bills of Exchange Act.

SEPTEMBER, 1867.

Plaint Served on		Filed not later than	Last Day to Plead	Entitled to Judgment
Monday,	.. 2 Sept.	11 Sept.	16 Sept.	17 Sept.
Tuesday,	.. 3 "	12 "	17 "	18 "
Wednesday,	.. 4 "	13 "	18 "	19 "
Thursday,	.. 5 "	14 "	19 "	20 "
Friday,	.. 6 "	16 "	20 "	21 "
Saturday,	.. 7 "	17 "	21 "	23 "
Monday,	.. 9 "	18 "	23 "	24 "
Tuesday,	.. 10 "	19 "	24 "	25 "
Wednesday,	.. 11 "	20 "	25 "	26 "
Thursday,	.. 12 "	21 "	26 "	27 "
Friday,	.. 13 "	23 "	27 "	28 "
Saturday,	.. 14 "	24 "	28 "	30 "
Monday,	.. 16 "	25 "	30 "	1 Oct.
Tuesday,	.. 17 "	26 "	1 Oct.	2 "
Wednesday,	.. 18 "	27 "	2 "	3 "
Thursday,	.. 19 "	28 "	3 "	4 "
Friday,	.. 20 "	30 "	4 "	5 "
Saturday,	.. 21 "	1 Oct.	5 "	7 "
Monday,	.. 23 "	2 "	7 "	8 "
Tuesday,	.. 24 "	3 "	8 "	9 "
Wednesday,	.. 25 "	4 "	9 "	10 "
Thursday,	.. 26 "	5 "	10 "	11 "
Friday,	.. 27 "	7 "	11 "	12 "
Saturday,	.. 28 "	8 "	12 "	14 "
Monday,	.. 30 "	9 "	14 "	15 "

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Sept. 2	12 o'clock	Arrangement case	Proof of debts	*Riddick*
"	"	do.	do.	*Boughey*
"	"	J. and R. Callaghan	do.	*Molloy & Watson*
"	"	Thomas Little	Examine title	*Molloy & Watson*
"	"	R. Lunham	do.	*Mahony*
"	"	N. J. Anderson	do.	*Mathews*
"	"	E. Soulsby	do.	*Mathews*
		Tuesday. Before the COURT.		
Sept. 3	11 o'clock	Patrick Waldron	Final examination	*Madden*
"	"	William Quinn	Composition	*Perry*
"	"	E. Soulsby	Final examination	*Mathews*
"	"	Arrangement case	Charge and discharge	*Irvine*
"	"	do.	1st sitting	*Fay & M'Gough*
"	"	do.	do.	*Meldon*
"	"	William Scott	Motion	*Moore*
		Friday. Before the COURT.		
Sept. 6	11 o'clock	Arrangement case	1st sitting	*Barlow*
"	"	do.	do.	*M'Govern*
"	"	do.	2nd sitting	*Sullivan*
"	"	John Pettigrew	Final examination	*Forsythe*
"	"	M. J. and M. Scott	do.	*Forsythe*
"	"	Matthew Drysdale	Sale	*Goff*
"	"	Andrew Geoghegan	Final examination	*Fay & M'Gough*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
30th August,	Devlin, James E., of St. Luke's, Cork, builder and contractor,	Joshua J. Carroll, Leitrim-street, Cork, merchant,	*Cleary.*
"	O'Callaghan, Peter John, of 5, Temple-lane, Dublin, wine merchant,	John C. O'Callaghan, North Earl-street, Dublin, merchant,	*Hughes.*
"	Donovan, Robert, of Court Duff, co. Dublin, market gardener,	Ada O'Brien, executrix of Daniel O'Brien, late of Smithfield, Dublin,	*Meldon.*
"	Griffith, Thomas R., of Grattan-street Factory, Dublin, stay and crinoline manufacturer,	Nicholas Lynch, of St. Andrew-street, Dublin, merchant,	*Riddick.*
"	Tate, John, of Portadown, county Armagh, leather merchant and linen manufacturer,	Robert Greenhill, Belfast, tanner,	*Lynch.*

BANKRUPTS.

Tate, Dawson, sen., and Tate, Dawson, jun., of Portadown, co. of Armagh, linen manufacturers, trading as "Dawson, Tate, and Co." Petition of bankruptcy filed, August 21st, 1867. To sur. Tuesday, September 10, and Friday, September 27. C. H. James, official assignee. *Darley*, solr.

Certificates Allowed.

July 30.

Riordan, Austin, of Ennistymon, in the co. of Clare, butter merchant and general dealer, a bankrupt. *Larkin*, solr.

August 23.

Scott, William, of the Phœnix Engine Works, Prince's Dock, Belfast, co. of Antrim, engineer and machinist, a bankrupt. *Seeds & Lynch*, solrs.

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INSOLVENTS DISCHARGED ON BAIL.

Concannon, Thomas, co. Galway, farmer.
Derby, William, Cork, publican.
Dobbyn, William, co. Kildare, civil bill officer and pensioner.
Holloway, Thomas, Dublin, baker.
Leslie, Richard, Cork, watchman and shopkeeper.
Smith, James, Dublin, dairyman and provision dealer.
Smith, William, co. Down, miller and labourer.
Weekes, John, Dublin, book-keeper.
Young, Mary, Waterford, clothes dealer and widow.

INSOLVENTS.

To be heard in Dublin.

Dillon, William, of Jefferknock, Trim, co. of Meath, farmer. Hearing on Wednesday, November 13, at 11 o'clock. *Macnally*, solr.

Holloway, Thomas, of No. 180, James's-street, city of Dublin, journeyman baker; previously of No. 53, New-street, in said city, provision dealer; and formerly of Belfast, in the county of Antrim, journeyman baker, sued and arrested as "Thomas Halloway." Hearing on Wednesday, November 13, at 11. *Magrath*, solr.

Weekes, John, of 91, Great Britain-street, city of Dublin, book-keeper. Hearing on Wednesday, November 13, at 11 o'clock. *Macnally*, solr.

To be heard in the Country.

Doherty, John, of Gurteens, county of Kilkenny, road contractor. Hearing at Kilkenny, October 14, at 10. *Hartford*, solr.

Flanagan, Martin, of Westport, in the co. of Mayo, carpenter and shopkeeper. Hearing at Galway, October 14, at 10. *Regan*, solr.

Mellon, John, of Monaseed, co. of Wexford, shopkeeper and publican, and road contractor. Hearing at Enniscorthy, October 15, at 11. *Waddy*, solr.

Treacy, William, of Coolnamuck, co. of Waterford, farmer and road contractor; previously of same place, farmer. *Penrose*, jun., sol.

Wallace, John, of Back Clare-street, city of Limerick, publican and storeman. Hearing at Limerick, October 24, at 10. *Vowell*, solr.

PETITION OF INSOLVENCY FILED.

August 24.

Against M'Connell, Hugh, of Sheephouse, co. of Meath, farmer—a prisoner in the gaol of Trim.

PAUPER DECLARATION FILED.

August 26.

Anderson, George—a prisoner in the Four Courts Marshalsea—detained by William John Kelly, a creditor.

THE NEW LAW ON IMPRISONMENT FOR DEBT IN FRANCE.—The Civil Tribunal of the Seine has just been called upon to decide the first case which has come before it under the new act abolishing imprisonment for debt. Three men, named Carpentier, Grellet, and Guerin, had been condemned, the first and last in 1862, and Grellet in 1865, for fraud and embezzlement on the Northern Railway Company, and to make restitution. They now applied to be set at liberty, as the new law has a retrospective action, and enacts that, even when imprisonment is maintained for debts resulting from the reparation for a crime or misdemeanour, such imprisonment shall not exceed two years. The court, considering that their case came within the meaning of the act, ordered them to be immediately set at liberty, notwithstanding that notice of appeal against the decision was given.—*Galignani*.

LEGAL APPOINTMENT.—Mr. Augustine Henry Barton, at present secretary to the Right Hon. Judge Keatinge, has been appointed registrar of the Court of Admiralty, as reconstituted by the Act passed during the last session. Mr. Barton's appointment will meet with general approval.

PATRICK AND PETER.—A curious incident occurred on Tuesday in the House of Lords during the progress of the Breadalbane Peerage case. Mr. Anderson, Q.C., in alluding to one of the persons whose name had been mentioned, called him Captain Patrick Campbell. The Lord Chancellor said the captain's name was not Patrick, but Peter. Mr. Anderson said they were convertible terms. The Chancellor: "What! are St. Patrick and St. Peter the same?" Mr. Anderson: "Yes, the names are the same." Lord Colonsay informed the Lord Chancellor that the learned counsel was right. In Scotland Patrick was Peter and Peter was Patrick. The Lord Chancellor said it certainly was information to him.

The Queen has conferred the honour of knighthood upon Mr. John I. Mantell, of the Middle Temple, late Chief Justice of her Majesty's Settlements on the Gambia. Sir John Mantell has served his country with distinction for 27 years on the West Coast of Africa, 20 years as chief justice, and seven years previously as law officer of the crown.

A London solicitor writes to the *Times*, pointing out that the Companies' Act comes into force on the 1st prox., which is on a Sunday.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	AUGUST. Sat. 24	Mon. 26	Tues. 27	Wed. 28	Thur. 29	Fri. 30
Government						
New 3 p c Stock	93½	93⅜	93¼	93¼	93¼	93½
3 p c Consols	94⅛	94¼	94	94	94	94⅛
Foreign and Colonial.						
India 5 p c Stock	—	112⅛	112⅞	112⅝	112	—
Joint-Stock Banks.						
Ireland, £100 pd	235½	—	235¼	235¼	235½	235¼
Hibernian, £25 pd	—	—	37¼	—	—	37¼
Munster (Limited.), £3 10s pd ..	4¼	—	—	4¼	—	—
National, £30 pd	—	61¼	61⅛	61½	61⅞	—
National of L'pool (Ltd.), £15 pd	13	—	—	—	13¼	—
Provincial, £25 pd	—	—	—	—	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	33¼	33	—	—	33⅛
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	13	—	—	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	104	—	103	103¼	—
D. & L. St. S. B. Co. £50 pd (rd) ..	—	55¾	—	—	56¼	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	11	—	—	—	11
Do., £5 pd B	—	—	—	—	—	—
Do., £4 pd 2 C	—	5⅛	5⅛	—	—	—
Grand Canal, £100 pd	—	—	47½	—	—	47½
Patriotic Insurance, £10 pd ..	9⅞	—	9⅝	—	9⅝	—
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	10¼	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	76	—	—	76	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	91	—	90	—	—	90
D., W., & W., £100 pd	—	36	36	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	—	—	—	95⅛	95	—
Midland Gt. Western, £100 pd ..	—	58	58¼	—	—	57⅛
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd ..	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	—	97	96⅞	—	97
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—September 12th.
Account Day—September 13th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

LITTLE—August 28, at 74, Pembroke-road, the wife of the Hon. Judge Little, of a daughter.

MARRIAGES.

CROZIER and WHITTON—August 27, at the Cathedral, Bangor, North Wales, by the Rev. J. A. Crozier, M.A., Chaplain to the Forces, brother to the bridegroom, William Crozier, Esq., LL.D., barrister-at-law, Dublin, to Susanna Sophia, youngest daughter of the late Charles Whitton, Esq., of Mountjoy-square.

WARREN and BESSONNET—August 29, at Christ Church, Bray, by the Rev. L. C. Warren, Major Henry Edward Warren, second son of the late Richard Benson Warren, Esq., sergeant-at-law, to Annie Margaret, youngest daugher of the late James Bessonnet, Esq., Q.C.

DEATHS.

KING—August 23, at 75, Wellington-road, James Smyth King, Esq., barrister-at-law.

LYONS—August 27, at 8, Upper Gloucester-street, Timothy Lyons, Esq., solicitor, aged 64.

ALEXANDER FINDLATER & CO.
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85, LOWER GEORGE'S-STREET, KINGSTOWN;
AND
S. FINDLATER & CO.,
9, RATHMINES-TERRACE.

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PUBLICATIONS:

CHANCERY GUIDE.
A MANUAL
OF THE
PRACTICE OF THE COURT OF CHANCERY.
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CONTAINING the Act, Orders, and a Commentary on the Practice; with an Index, and Table of Contents, is now in course of preparation, and will be Published immediately on the promulgation of the Rules. *Price*, 3s. 6d.
DUBLIN: JOHN FALCONER, 53, UPPER SACKVILLE-STREET.

COURT OF CHANCERY ACT (IRELAND), 1867.
HODGES, SMITH, & CO.
Beg to inform the Profession that when the General Rules and Orders under the "ACT TO AMEND THE CONSTITUTION, PRACTICE, AND PROCEDURE OF THE COURT OF CHANCERY IN IRELAND" are promulgated, they will Publish, in a portable form, an Edition of the Act, with the RULES AND ORDERS, TABLES OF COSTS, and a GENERAL INDEX.
104, GRAFTON-STREET.
26th August, 1867.

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LEGAL POSTINGS:

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of Margaret Hynes, Petitioner; James Hynes, Respondent.

I HEREBY require all persons Claiming to be Next of Kin of Mathew Hynes, late of Harold's Cross, in the County of Dublin, previously of Prospect, Glasnevin, in the County of Dublin, Stonecutter, deceased, on or before the 30th day of SEPTEMBER next, to furnish, in writing, to the Petitioner, Mrs. MARGARET HYNES, Glasnevin; or to ROBERT HARVEY IRVINE, Solicitor, their degrees of Kindred.

Dated this 27th day of August, 1867.

WM. BROOKE, Master in Chancery.

ROBERT HARVEY IRVINE, Solicitor for Petitioner, No. 29, Upper Ormond-quay, Dublin.

LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of Thomas Dawson Finucane, and Mary Emily Ada Finucane, his wife, Vendors of Land; and in the matter of an Act passed in the 20th year of the Reign of Queen Victoria, cap. 120, and of a Settlement dated 2nd Feb. 1860, Owners and Petitioners.

WHEREAS by a Contract, in writing, dated 29th day of March, 1867, made between said Thomas Dawson Finucane and Mary Emily Ada Finucane, of the one part, and Michael Buckley, of the other part, it was agreed that the three undivided eighth parts of the Parcel of Ground situate on the North side of High-street, in the Town of Belfast, and County of Antrim, containing, in front of said street, 26 feet, with the Houses and Buildings thereon, held, with the other parts thereof, under Fee-farm Grant, dated 17th June, 1861, in lieu of a Lease dated 21st September, 1831, for lives renewable for ever, should be sold and conveyed to the said Michael Buckley; and, whereas, the Landed Estates' Court, Ireland, has ordered that the above-mentioned Contract should be carried into effect, and a statutable conveyance of the said Lands executed: now, all parties objecting to a Sale of the said Lands are hereby required to take Notice of such order; and all persons having claims on the said Lands, or on the purchase-money thereof, may file such claim, duly verfied, with the Clerk of the Records.

Dated this 23rd day of August, 1867.

J. E. MADDEN, for Examiner.

ANDREWS & MACLAINE, Solicitors for Vendors, 9, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Patrick Waldron, of Tuam, in the County of Galway, Grocer and Shopkeeper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 3rd day of SEPTEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 27th day of August, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

JAMES PATRICK MADDEN, Agent to the Bankruptcy, No. 57, Talbot-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, August* 31, 1867.

THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 32.] SATURDAY, SEPTEMBER 7, 1867. {Single Copy, 6d. By Post, 7d.

THE CHANCERY (IRELAND) ACT, 1867.

(30 and 31 Vict., cap. 44.)

THE objects of the Act are threefold:—

1st. To alter the Constitution and amend the Practice and Course of Proceeding of the Court of Chancery in *Ireland*, with a view of establishing uniformity of Practice and Procedure in the Courts of Chancery in *England* and *Ireland*.

2nd. To make provision for the receipt of fees of the Court of Chancery in *Ireland* by Stamps.

3rd. To give increased power over funds in that Court, the dividends of which have not been dealt with for a certain period.

The Act consists of five parts, which deal with its proposed objects in detail:—

Part I. relating to the Appointment of a Vice-Chancellor.

Part II. to the Abolition of the Office of Master in Ordinary.

Part III. to Procedure and Practice.

Part IV. to Stamps and Fees.

Part V. to Miscellaneous Matters.

We have already briefly adverted to the changes in the Constitution of the Court to be effected by Parts I. and II., of which the result may be shortly stated as follows:—The Abolition of the Masters in Ordinary, except the Receiver Master, who is to be retained for the discharge of the special duties relating to Receivers, the Auditing of Accounts, and Inquiries in Lunacy. The temporary retention of the existing Masters, who are to have all their former powers, in addition to certain special powers, to enable them to wind up expeditiously the business now pending before them under existing references. The Appointment of a Vice-Chancellor and a staff of Chief and Junior Clerks, by which a new system is established, under which all future Equity business is to be disposed of by the Lord Chancellor, the Lord Justice of Appeal, the Master of the Rolls, one Vice-Chancellor, and the Receiver Master; the Master of the Rolls and the Vice-Chancellor having each one Chief and two Assistant Clerks attached to their Courts; and the Lord Chancellor, if expedient, having the power to appoint one Chief and two Junior Clerks to be attached to his own Court, and additional Chief or Junior Clerks to the Master of the Rolls, and to the Vice-Chancellor.

Part III., relating to Procedure and Practice, begins with the 52nd Section, and ends with the 177th.

Before entering on the consideration of this, the most important portion of the Act, it may not be immaterial to remark, that there are at the present moment existing in Ireland two different systems of Equity Practice and Procedure, viz., the system which prevailed at the time of the passing of the "Chancery Regulation Act (1850)," and the system introduced by that Act. For although the mode of procedure so introduced did, in fact, supersede the old practice, such an effect was never intended, for the 1st Section of the Act leaves it optional to suitors to proceed by Bill or Information, and the 2nd and 3rd Sections give the Court the power, where suits have been instituted by Cause Petition, either in the exercise of its own discretion or upon the application of any party interested in the subject matter of the suit, to direct that the suit shall be prosecuted in the ordinary way by way of Bill or Information.

But the Court in the case of *Glascock* v. *Ross* (1st Ir. Ch. Rep., 55), intimated, that it was desirable that all cases should, in the first instance, be commenced under the new system of Petition and Answer, and that it should be left to the Court itself to direct further or other proceedings; and the costs being in the discretion of the Court, the result was, that the Proceedings by Bill or Information have never been resorted to, except in continuation of suits instituted under the old system, and practically, this jurisdiction has fallen into disuse. But strictly speaking, the Act of this year, while it will abolish the provisions of the Chancery Regulation Act of 1850, will merely alter or reform the old system of Equity Practice and Procedure. Before the passing of the Regulation Act the practice in England and Ireland was similar.

In the preliminary observations to the statements of Messrs. Barber and Jellett, who were appointed by the Commissioners to draw up statements of the course of

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the Courts of Equity in the two countries, the following passage occurs:—"On proceeding to draw up a concise statement of such parts of the Practice and Procedure of the Superior Courts of Equity as are peculiar to England, and of such parts as are peculiar to Ireland, we found that the Practice and Procedure of the two countries, originally similar, had, by the effect of modern legislation, become almost entirely different." And the Commissioners, in their first Report, state that the differences in Equity are of recent origin, and have been caused by separate attempts at carrying out Chancery Reform in each of the two countries: and that in England some of the chief measures of Chancery Reform originated with the Report of the Commissioners which inquired into the Practice of the Court of Chancery in England in 1825-26. The Report of that Commission was followed by the General Orders of 1828 and 1830, during the Chancellorship of Lord Lyndhurst. Under the Act of 3 & 4 Wm. IV., c. 94, extending and confirming the power of the Lord Chancellor, with the advice of the Master of the Rolls and Vice-Chancellor, to make rules for regulating the Practice of the Court, General Orders were made in 1833, 1841, and 1845, during the Chancellorships of Lord Brougham, Lord Cottenham, and Lord Lyndhurst respectively. In Ireland there was no Commission of Inquiry corresponding to the English Commission of 1825-26, but in 1834, by statute 4 & 5 Wm. IV., c. 78, a power of regulating the Practice of the Irish Court of Chancery by General Orders (similar to the power given in England in the preceding year by 3 & 4 Wm. IV., c. 94) was conferred on the Lord Chancellor of Ireland, with the advice and assistance of the Master of the Rolls in Ireland. Under this statute, and prior to the Irish Chancery Regulation Act of 1850, General Orders were made in 1834 and in 1843, during the Chancellorships of Lord Plunkett and Lord St. Leonards respectively. The tendency of the General Orders of both Lord Plunkett and Lord St. Leonards was to introduce into Ireland Reforms similar to those already introduced by the previous General Orders, above referred to, into England, so that the present diversity of Equity Practice and Procedure between England and Ireland did not exist to any great extent prior to 1850. In that year the Irish Chancery Regulation Act was introduced without any previous Commission of Inquiry, and its provisions effected very extensive changes in the system theretofore existing in Ireland. At the close of the year 1850 another Commission was appointed to inquire into the Process, Practice, and System of Pleading of the Court of Chancery in England, and other matters relating to that Court. The Commission continued its inquiries until August, 1854, and during its proceedings made three Reports. Upon these Reports very important changes were introduced into the Court of Chancery in England, such as the abolition of the Office of Master, and the making permanent provision for a third Vice-Chancellor, and for the appointment of Chief Clerks to the Master of the Rolls and Vice-Chancellor, in lieu of the Masters. Upon the Reports of this Commission other important statutes were founded, the provisions of which were not extended to Ireland.

THE MASTERSHIP OF THE COURT OF EXCHEQUER.

THIS appointment, formerly held by Master Hitchcock, has been conferred upon JAMES CORRY LOWRY, Esq., Q.C. of the North-West Circuit. The learned gentleman was called to the Bar in 1837. He is much esteemed by his friends for his personal qualities, and has won the respect of his professional brethren by an honourable and consistent career. We have no doubt he will most suitably fill the position which he has been called on to occupy. The salary of the office, as fixed by the Act passed in the late session, is £1,200 a year.

LORD BROUGHAM.—The *Carlisle Journal*, reporting Lord Brougham's arrival at Brougham Hall, says:—"His lordship appeared to be in a very feeble condition, considerably more so than on his visit last year, and it seemed to require all his exertions, with the assistance of his valet, to get out of the carriage. Having descended to the platform, he sat down in a chair until the train passed on, his only inquiry being as to the state of the weather, and he was then carried across the line on another chair brought for the purpose. With the assistance of his valet he walked the short distance to his carriage, which was in waiting for him, and having been assisted inside, he was driven to Brougham Hall. We are informed that his lordship was in as good health as could be expected, but he was suffering from the fatigue occasioned by his journey from London. Lord Brougham will attain his ninetieth year on the 18th of September inst."

THE INTELLIGENT JURYMAN.—We often hear of the humours of the bench and the bar, but the jests of the jury box, if only collated, would be quite as amusing. The other day, in the Supreme Court here, a civil case was on trial. The suit was important, the lawyers laboured, and a full day was occupied. The jury were faithful and attentive, and one Prussian juryman, of Bismarckian face, was observed to be specially sagacious and interested. At length, the case being argued, the jury retired, but soon sent back the message that one of their number could not speak a word of English, much less understand one. It was the intelligent juryman, who had sat with the rapt expression of fidelity and interest all through the day, who had been the special object to which the counsel on both sides addressed their pleas, and who only revealed his misfortune when, being asked for his opinion in the jury room, he confessed he did not *verstehen*.—*New York Times*.

TITHES.—A case of a curious nature has just been through all the law courts. Some years ago, some land belonging to a layman was exempted from paying tithe, as it was non-producing. Lately, however, hops were grown on it—the tithe on hop land is £1 an acre—and the tithe was demanded, and refused. An action was taken to recover it, and the Court of Queen's Bench ruled in favour of the plaintiff; the defendant appealed, and the Exchequer Chamber reversed the decision; whereupon the plaintiff appealed, and the House of Lords have reversed the decision of the Exchequer Chamber.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

SKELTON *v.* FLANAGAN.

June 1, 6.—*Power—Appointment—Mortgage—Fraud in Power.*

By a marriage settlement dated the 30th of October, 1809, the lands of Seatown, in the county of Louth, were settled to the use of Hamilton Skelton for life, and subject thereto, and to a jointure of £165 a year, to Mrs. Skelton, to the use of such of the children of the intended marriage, in such shares and proportions, and for such estate and estates, and subject to such sum or sums of money as provision for the other children, the issue of the marriage, as he should by deed or will appoint, and, in default of appointment, to the use of such of the children as should attain the age of twenty-one years, and their heirs as tenants in common.

There was issue of the marriage, the petitioner, John Skelton, and six daughers, who, in 1854, had all attained their age, except Harriett Victoria, who afterwards married Patrick Hynes.

Hamilton Skelton was indebted to John Flanagan, who had obtained a receiver over his life estate, and on the 2nd of March, 1853, he entered into an agreement with Flanagan, that he, his wife, and all his children, should join in granting a mortgage of the lands of Seatown to Flanagan, who consented that the receiver should be discharged.

In pursuance of that agreement, by a deed of appointment of the 13th of May, 1854, H. Skelton appointed the lands of Seatown to the petitioner, subject to certain charges in favour of the other children, and, on the 31st of May, 1854, H. Skelton, his wife, and all their children, except Harriett Victoria, joined in a mortgage of the lands to Flanagan.

A petition for a sale was filed in the Landed Estates' Court in 1862. A conditional order for a sale having been made, cause was shown against it and disallowed, without prejudice to any steps which might be taken in Chancery to set aside the mortgage. The original petition in this matter was filed in April, 1863, praying that the mortgage of the 31st of May, 1863, might be set aside as fraudulent and void. The cause came on to be heard before the late Master of the Rolls, on the 15th of December, 1863, when the charges of actual fraud having failed, the petitioners were allowed to amend the petition by praying that the appointment of the 13th of May, 1854, might be set aside as a fraud on the power. The respondent Flanagan appealed from the order of the Master of the Rolls, which the Court of Appeal affirmed. After the amendment of the petition, Mrs. Hynes, one of the respondents, died without issue, and administration was taken to her by her husband, P. Hynes. Her father, H. Skelton, was her heir-at-law. Both were respondents in the suit, which was not revived either by suggestion or petition of revivor.

Sullivan, Q.C., *Walsh*, Q.C., and *Gamble*, for the petitioner.

Lawson, Q.C., *Harrison*, Q.C., and *M'Blain*, for the respondent.

The MASTER of the ROLLS held that there being no evidence of fraud or undue parental influence, the mere fact that the appointment was solely for the father's benefit was not sufficient to avoid it. He was also of opinion that the suit had become defective on the death of Mrs. Hynes, and should have been revived by suggestion, and he dismissed the petition with costs.

Solicitor for the petitioner, *S. Gerrard.*

Solicitor for the respondent, *J. Dickie.*

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

In the Matter of the Estate of the Rev. J. N. H. THOMAS and Others, Owners; *Ex parte* FRANCES MEYLER, Spinster, Petitioner.

June 14, 17.—*Title by Estoppel—Effect of Proceedings in an Administration Suit in the Court of Chancery to bind the Landed Estates' Court.*

By marriage settlement of 16th November, 1810, executed on the marriage of Lodge Hall and Elizabeth Woodcock, a sum of money, subsequently increased to £1,300, was transferred to Samuel Woodcock, brother of Elizabeth Woodcock, upon the trusts contained therein.

By marriage settlement of 1st September, 1837, executed upon the marriage of the said Samuel Woodcock and Sarah Thomas, certain lands, the estate of the said Woodcock, were conveyed to a trustee, upon trust, to the use of Woodcock for life, then as to one moiety to the use of his wife for life, then to the use of the issue of the marriage, and failing such issue, to the use of the Rev. J. N. H. Thomas (who was the brother of the said Sarah Thomas and the owner in this matter), his heirs and assigns.

Samuel Woodcock converted the sum of £1,300 to his own purposes, in violation of the trust of the indenture of 16th November, 1810, and on the 16th November, 1853, Lodge Hall and his son, William Henry Hall, filed a cause petition against him in the Court of Chancery, and by an order made by the Lord Chancellor on the 4th March, 1854, it was declared that there was due by Woodcock to the petitioners the sum of £1,644 8s. 7d. on foot of said trust fund. New trustees were also subsequently appointed in his room. The decretal order was registered under 13 and 14 Vic., c. 29, against the estate of the said Samuel Woodcock, including the moiety ultimately limited to Thomas.

Woodcock having died without issue, the new trustees and Wm. H. Hall filed a petition against the widow of Woodcock, the trustee of the indenture of 1st September, 1837, and Thomas, praying to have Woodcock's assets administered; and by an order made by Master Litton, to whom the matter was referred, dated 27th July, 1857, it was declared that the sum of £1,864 7s. 4d. (due for principal and interest on foot of the order of 4th March, 1854), was charged upon the moiety in the lands ultimately limited to Thomas.

During part of the progress of the matter before the Master, Thomas was resident out of the jurisdiction of the Court, but on the 5th September, 1859, he was personally served with a notice (pursuant to the 30th general order, 31st July, 1851), in order to bind him in the proceedings in said matter. Upon subsequent proceedings in said matter, Thomas, by his solicitor, attended, and he did not appeal against the decretal order of the 27th July, 1857. The Master subsequently ordered that the sale of the lands should be effected in the Landed Estates' Court.

On the 23rd of January, 1860, the petitioners (the new trustees) presented their petition to the Landed Estates' Court, praying for a sale, amongst others, of the reversion in the moiety of the lands expectant on the determination of the life estate of Woodcock's widow therein, and an absolute order for sale was made on the 6th of February, 1860.

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Pursuant to an order made by the late Judge Hargreave, to whom the petition was referred, an application on behalf of the petitioners was made for an order that the reversion in the moiety should be sold discharged from all right or title of Thomas thereto, upon which an order was made on the 5th and 7th of June, 1860, refusing the motion, and directing the petition and order for sale to be varied by expunging therefrom the said reversion, the Court being of opinion that the limitation to Thomas was valid.

Woodcock's widow having died, and Thomas' estate having become an estate in possession, the same was sold in this matter, and the new trustees appointed in Woodcock's room appeared as No. 5 upon the schedule of incumbrances, claiming the balance of the sum of £1,644 8s. 7d., with interest, under the decretal order of the 4th March, 1854, and under the decretal order of the 27th July, 1857. Objections to the claim were taken by the infant children of Thomas (whose title to the lands was derived through their father) by their next friend, and also by the general solicitor of the Court of Chancery for minors and guardian *ad litem* of the infants. The objection of the solicitor for minors alleged, amongst other things—1. Thatneither Thomas nor the infants were bound by the decree in the administration suit. 2. That the decree of the 4th of March, 1854, was incapable of being registered as a mortgage under 13 and 14 Vic., c. 29. 3. That the affidavit made to register the decree was defective.

Ormsby (with him *Gamble*), for the claimants, contended that their main reliance was on the decree made in the administration suit; that Thomas was a party to that suit, and ought to have made a special application for liberty to appear and defend his rights, or else to have appealed against the decretal order; that the Judges of the Landed Estates' Court were bound by a final decree made by the Court of Chancery: *In re Lanange* (11 Ir. Ch. R. 19).

Lawless, Q.C., for the general solicitor for minors, contended that as the decree of 4th March, 1854, did not direct any sum of money to be paid to the petitioners, but into Court, it was incapable of being registered as a mortgage under 13 and 14 Vic., c. 29; that the affidavit to register it contained no sum for costs, and was therefore defective; that there was no evidence to show that Woodcock was in such embarrassed circumstances in 1837 as would invalidate the marriage settlement of that date; that in serving Thomas with notice in the administration suit the parties should have proceeded under the 50th order of 1857; that Thomas was not bound to go to the Court of Chancery to have the decretal order set aside when every subsequent step was to be taken in the Landed Estates' Court; that the Landed Estates' Court was not bound by a decree made by the Court of Chancery, if erroneous. *In re Kelly* (9 Ir. Ch. R.); *Cookney* v. *Anderson* (1 De Gex. Jones and Smith, 365); *Lynch* v. *Skerrett*, 5 Ir. Ex. R 494); *Fitzgerald's Estates* (11 Ir. Ch. R. 278), 3 and 4 Vic., c. 105, sec. 27.

Fetherston H, on the same side, contended that the decision of Hargreave, J., was a decision of a Court of competent jurisdiction upon the question now being argued, from which the other side might have appealed. Upon the point of notice he would quote from Gamble's *Chancery Orders*, pp. 305, 306, which recalled to his mind the lines of the poet—

> "Keen were his pangs, but keener far to feel,
> He nursed the pinion which impelled the steel."

By the 20th section of the Chancery Regulation Act, Ireland, 1850, the service should be the same as that of a letter missive. As to the decree of 4th March and its incapability of affecting the estate, he referred to the authorities collected in Blackham's *Chancery Practice*, pp. 229 and 239.

Harris, for the next friend of the minors, contended that the decree of 1854 was made behind the back of Thomas, and that the order made by Master Litton showed on the face of it that his attention had not been called to any circumstance showing that the ultimate remainder to Thomas was part of Woodcock's assets.

Gamble replied.

June 17.

LYNCH, J., delivered a written judgment of considerable length, stating that after the Landed Estates' Court had decided that it could not sell Thomas' estate as a remainder, it could not be argued that it could sell it when it became an estate in possession: that titles arising out of estoppel on parties by proceedings in the Court of Chancery would be dangerous titles to acknowledge in the Landed Estates' Court: that the Court of Chancery had power to cure the errors in its proceedings; but if the Landed Estates' Court sold an estate in error the error became incurable, and that he never would, unless coerced by higher authority, sell one man's estate to pay the debts of another, because the former lapsed the opportunity of making his case in the Court of Chancery, and suffered his estate, by inference only, to be declared the assets of a stranger; that, therefore, if the claimants were before him as petitioners to sell, he would be bound, by Judge Hargreave's decision, to dismiss their petition; but they were there as claimants upon the assets acquired by the sale of the estate; that he assented to the proposition that the Landed Estates' Court was bound by a decree of the Court of Chancery, but that there was no decree in this case; that Thomas' estate was liable to this debt; that if a plenary suit existed wherein there was a decree that Thomas' estate was liable to this debt, he (Lynch, J.) might be bound by it; but that in a mere administration suit, in which no relief was sought in respect of this estate so limited to Thomas, to hold conclusively that his estate was bound as being assets of Woodcock, would be a stretching of the principle of obligation beyond reason: that at the time when the decretal order was made in the administration suit, Thomas was a respondent named, but not served with notice, and that afterwards he was served with a notice, but not by any order directing such service, and that no judicial order was ever made consequent on such service; that a plain distinction undoubtedly existed between a petition for sale and the case of a claimant on the schedule, as a refusal to sell gave no decision as to right, and this consideration might weaken the force of Judge Hargreave's decision. However, in this case Judge Hargreave had recorded the grounds of his decision.

Solicitor having carriage of the proceedings, and solicitor for the claimants No. 5, *John Mallett Williamson*.

Solicitor for minors and guardian *ad litem* of the infants, *Allan Nesbitt*.

CIRCUIT CASES.

Reported by J. L. WHITTLE, Esq., Barrister-at-law.

NORTH-EAST CIRCUIT.

JULY 22ND, 1867—ARMAGH.

Before O'HAGAN, J.

BURNS *v.* THE ULSTER RAILWAY COMPANY.

Railway Company—Passenger—Reasonable Condition.

This was one of a number of cases arising out of the

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same occurrence. The plaintiff was a dealer in the habit of attending the cattle fair at Killylea. The 25th January last was a fair day, and Burns took a ticket for Killylea on that morning at Belfast, and proceeded thence by the 7 a.m. train. This train did not on ordinary days go beyond Armagh, but on fair days it brought passengers on to Killylea, according to the following announcement in the company's time table:—

	A.M.	A.M.	A.M.
"Belfast, - -	—	7 0*	8 5
Portadown, arr.	—	7 50	* The 7 a.m. train from Belfast runs to Killylea and Glasslough on fair days."
Portadown, dep.	—	8 0	
Armagh, - -	6 0	—	
Killylea, - -	6 18	—	

This train generally arrives at Killylea at 9 o'clock, according to the usual practice, but no hour of arrival was mentioned in the time tables. On the 25th January, however, it did not arrive at Killylea until 12·20, when the fair was over. Burns arrived at Armagh about 8·30, but there was no train to take him on for nearly three hours. The process was for the damages occasioned by the company's alleged breach of contract in not bringing plaintiff on in time. The defence was that the company were not bound by the time tables to send on the train to Killylea in time for the fair; that there was but one line of rails from Armagh to Killylea; that on this occasion the 6·10 a.m, goods train from Clones did not arrive in time at Armagh to enable the passenger train for Killylea to be sent on. It appeared that this goods train was late at Tynan station, next beyond Killylea, on the road from Armagh, and after leaving this station the driver, fearing a collision with the train from Armagh, put back to Tynan, as there was a telegraph station there and none at Killylea. The station-master had meanwhile telegraphed that the goods train was gone. The result was that the trains were kept waiting on each other. Plaintiff further relied on the following statement on the cover of the company's time table:—

"ULSTER RAILWAY TIME TABLE.

"Showing the time at which the trains are expected to depart from, and arrive at, the several stations. But their departure from, or arrival at, the times stated is not guaranteed, nor does the company hold itself responsible for delay of any train, or non starting of any particular train from any station, or any consequences arising from either cause. In cases where any of the company's trains mentioned in time table do not start, or fail to arrive, any passenger who has taken a ticket shall, on application by him to the ticket-clerk, receive back his money for such portion of the distance as he shall not be carried."

Harrison, Q.C., and *Porter*, for the defendants, referred to *Taylor* v. *Great Northern Railway Company*, L. R. 1 C. P. 385; *Hurst* v. *Great Western Railway Company*, 19 C. B. N. S. 310. [O'HAGAN, J.—Do you admit that you were bound, by the statement in the table, to bring the plaintiff in time for the fair?] No; the statement in the table only amounts to a representation that there was generally a train at that time: F 4 *Lord* v. *Midland Railway Company*, L. R. 2 C. P. 339.

Munroe, *Kisbey*, and *Hamill*, for the plaintiff.

The Chairman had given decrees in each case against the company for £1 10s. and costs.

O'HAGAN, J., having taken time to consider the case and the authorities cited, affirmed the decrees.

Attorneys for plaintiffs, *Harris*, *Archer*, *Cochrane*.

For defendants, *Newtons and Armstrong*.

HARTY v. COMISKEY.

July 23.—*Civil Bill Procedure—Recognizance—Bond.*

This was a process for £7. The defendant did not appear below, and the Chairman gave a decree for the amount claimed. Defendant appealed.

Porter, for the plaintiff, objected that the defendant had not entered into a bond as required by sec. 128 of the Civil Bill Act: "Any person who shall think himself aggrieved by such decree of such Assistant Barrister, and shall not have entered into such recognizance as aforesaid, may deposit the money decreed against him and the costs thereof in the hands of the Sheriff, and enter into a bond of £5 to the adverse party, such bond to be free from stamp duty, conditioned to perform and abide the decree of the next coming judge of assize of such county, and on his so doing, &c." The defendant had entered into a recognizance according to the form provided under the preceding section, but that section did not apply to a case like the present, where the party appealing had not appeared below. Johnston, County Court Pract., p. 144. Anon. 2 C. & D. C. C. 212.

Hamill, contra.

O'HAGAN, J., reversed the decree.

Attorney for plaintiff, *R. J. Brown.*

Attorney for defendant, *Carey.*

In Re ALLEN'S PRESENTMENT.

Costs—Jurisdiction.

Boyd had, on the first day of the assizes, obtained leave, under the 138th sec. 6 & 7 Wm. IV., c. 116, to enter a traverse to this presentment, but had not acted on the leave so obtained.

Kaye, *R.* and *Weir*, for Allen, now applied to the Court for the costs incurred in preparing to support the presentment.

Boyd contended that no traverse having been entered pursuant to the leave obtained, the Court had no jurisdiction under the section to grant the application.

GEORGE, J., held that he had no jurisdiction to give any relief.

Attorney for Allen, *W. A. Simpson.*

Attorney for Boyd's client, *E. D. Atkinson.*

ENGLAND.

THE OLD SYSTEM AT NISI PRIUS AND THE NEW.

Much has been written lately about the function of the judge in the trial of cases at Nisi Prius, and the extent to which he ought to interfere in the examination of witnesses, and other details of the trial. These discussions have been suggested by one or two recent "scenes," as they are commonly called, *anglice*, quarrels, between judge and advocate; and therefore, not unnaturally, the whole matter has been treated as if it concerned only the idiosyncracies of particular judges or advocates, and as if those idiosyncracies were the sole cause of certain modern practices which most of the writers have united in condemning. If we thought the subject had no other interest than this we should not meddle with it. But in our judgment the matter is one of far wider importance, and deserves to be treated far more comprehensively. The details which have been so much discussed are, in fact, only symptoms of a revolution which has long been in progress in the whole system of conducting trials at Nisi Prius.

The normal system of trying causes at Nisi Prius, as it is described in all the books, and recognized in countless Acts of Parliament and elsewhere, is a complete system, founded on a definite theory, and perfectly harmonious in all its parts. Cases are tried before a double tribunal, a judge and a jury, the one to decide issues of law, the other to decide questions of fact. In questions of law the jury have no right to interfere, with questions of fact the judge has nothing to do, except to keep order in court while the jury

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are trying them. In determining what issues of fact shall be brought before the jury, the judge has no voice; the parties may, by their pleadings, raise what questions they please, and in what form they please; what they choose to raise the judge cannot keep from the jury, what they have not raised the judge cannot originate. And when the case comes for trial it is for the parties, represented by their counsel, to decide how they shall present their case to the jury who are to try it, what facts shall be told, what witnesses called, and what kept back, what points insisted on, and what abandoned. The judge sits in the ring as a mere referee to see that both parties fight fair. It is true that he may have incidentally to decide questions of law as they arise from time to time, and to exercise the power of the Court in granting or refusing applications to his discretion, applications to amend the pleadings, to adjourn the trial, to re-call witnesses, and the like. It is true, too, that, when the case is closed he will have to recapitulate the evidence to the jury, and, in order that he may do so correctly, he is at liberty to put such questions to the witnesses as seem necessary to him. But otherwise he is as much a stranger to the trial as any spectator in the Court. In harmony with this are two characteristic features of our system of procedure—the cross-examination of witnesses, and our strict rules of evidence. Witnesses are cross-examined, not by the judge, or to satisfy the mind of the judge, but by the hostile counsel from instructions of which the judge knows nothing, and for purposes which the judge may never understand, the object of the whole being to produce an impression on the minds of the jury. So as to our peculiar and strict rules of evidence, their necessity, as every authority states it, arises from this very method. The issues having to be decided by an unskilled tribunal, and the control of the cause being in the hands, not of an impartial judge, but of the parties themselves, it is absolutely necessary to define, with minute accuracy, what they may bring before the jury, and what they may not. The judge enforces these rules, but he has no discretion whatever as to what shall be admitted and what shall not.

There can be no question that such is in theory the mode of trying issues of fact according to the law of England. It is plain that, owing to the constant appeals to him in his judicial capacity to decide points incidentally arising, the judge could never be anything like a cypher in court. And, apart from his strictly official authority, the influence of a wise and able man in such a position both with counsel and jury must, of course, be immense. But we believe that until lately the two fundamental principles, that the jury alone are judges of fact, and that the parties alone have the control and conduct of the cause, were very generally observed. Judges and counsel alike were scrupulous in sifting law from fact, and assigning each to the proper jurisdiction. The judge habitually abstained from taking any part in the case except such as belonged to him as judge of the law, and referee in the contest. And causes were ordinarily tried out in due form, addresses to the jury, examination, cross-examination, summing up, and verdict following one another in the regular and unbroken sequence contemplated by law. And this is an admirable mode of trial; indeed, we believe that in the long run it is the only system by which justice can be done before such a tribunal. The tribunal being one wholly untrained in judicial inquiry, this system provides that the case in court shall be conducted by men who thoroughly know the case behind and know what it is desirable to bring forward and what it is not, and who are chosen for their special skill in presenting facts to the minds of a jury; and thus it secures a thorough investigation of the case. Moreover, it peculiarly guards the dignity of the judge. The judge reigns, but does not rule; he is first in dignity but not first in power; he presides over the inquiry but has no voice in its result. This is a somewhat delicate position when filled by a man of energy, and in the presence of zealous counsel who have nothing but the verdict of the jury in view; and it is obvious that a strict adherence to the order of proceedings, and a strict observance by each party—judge, jury, and counsel—of the province which theoretically belongs to each, is the surest way to avoid any collision or misunderstanding between them.

But this regular and formal mode of trying out cases has one drawback—it is not always the quickest mode. Counsel may waste time by tedious speeches, or needless elaboration of evidence, or vague fishing cross-examination; the judge may often see a short cut over a stile much shorter than the high road, some mode of getting at the facts quicker than the regular one, some way of disposing of the case without trying it out; and the one object in all our Courts now is to save time. They are burdened with arrears, the judges are pushing a Sisyphus' load up hill. There are, of course, differences between judges. They, like other men, are not all equal in self control, in patience, in temper, in discretion, and some have shown themselves grievously deficient in these qualities. But the main cause of the great change which has taken place is the desire to get through the work as quickly as possible. The result is that, instead of cases being for the most part tried out in all form, like a game of chess, as they once were in England, and as they still generally are in Ireland, it is not one case in ten that is tried at all; they are forced to a compromise, or a reference, or something to drive them out of Court. If a case is tried, it is commonly tried in a rough and ready fashion, the one object is to get the two stories known and the facts on the judge's notes as fast as possible, regularly—irregularly—anyhow. As for the solemn order of procedure, the sifting of law from fact, and distinguishing the functions of the judge, jury, and counsel in the old-fashioned way, there is no time for all that. Cross-examination, which, to be of any real use, must be slow, cautious, tentative, must win, if at all, not by assault, but by the patient and covert labour of the engineer, and must therefore occupy time, is being practically abandoned.

No one familiar with Nisi Prius trials will think that we have exaggerated the change which has taken place and is still going on in the conduct of business.

We believe this to be a most serious evil, for we hold that cases before a judge and jury can only be fairly tried in the old strict fashion, all parties adhering to their several functions. But we are not much inclined to blame judges or counsel for the pass that things have come to; they have only acted on the belief that it is better to settle many cases somehow than a few cases well. The remedy must come from the Legislature. In the first place, whether by adding to the number of judges, or by redistributing their work, or both, more judges for Nisi Prius must be provided. In the second place, trial before a jury is by far the slowest of all possible modes of trial, and is by no means in all cases the most suitable. It would be an enormous saving of time, and in the opinion of many a great improvement also in the administration of justice, if many cases now tried before judge and jury were tried before a judge alone. Instead of, as now, trial by jury being in all cases the rule, with only a power to try before a judge by consent, it may well be questioned whether, in many large classes of cases, the trial should not be before a judge, unless either party specially applied for a jury. This system works admirably in the Divorce Court, and in the county courts. At any rate it would be a less evil to change the tribunal at once, than, as at present, to retain the tribunal and abandon the procedure which can alone make that tribunal a safe one.—*Solicitors' Journal.*

SINGULAR ACTION AGAINST THE SHERIFF OF SURREY.—A singular action for trespass and false imprisonment was brought, at the Croydon Assizes, against the High Sheriff of the county of Surrey. The plaintiff, Mr. May, was summoned to serve on the Grand Jury. He did not serve, and was fined £5, for which he was arrested and lodged in Horsemonger-lane Gaol; and it was alleged that the officers had behaved with great brutality, thrusting the plaintiff into a cab without his hat and boots, which were afterwards handed to him through the window by his wife. The contention was that the sheriff's officers ought to have distrained the goods, and not taken the person of the plaintiff. It was replied that the plaintiff, on being apprehended, told the officers he had no goods, and the jury returned a verdict for defendant.

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Promotion at the Criminal Bar.—The disposal of the two recently vacant police magistracies in London in favour of gentlemen whose names were seldom or never heard of in connexion with the administration of the criminal law suggests remark. Why do we so rarely hear of celebrated Old Bailey barristers being promoted to anything? At the civil bar the usual course of progression of a successful man is to a silk gown and to the Bench. To a criminal lawyer a silk gown is the object of no ambition, but it does not at all follow that an office carrying with it a certain amount of dignity and a settled stipend would not be highly acceptable to a great many men at the criminal bar who are thoroughly versed in the law and procedure of criminal tribunals. And this being so, we cannot regard with satisfaction the appointment of men whose competency no one disputes, but whose principal recommendation is that they have been of service to the party in office. The criminal law is a branch of our jurisprudence which is growing in importance, and some prospect of ultimate reward ought to be held out to those members of the Bar who are willing to devote to it the best energies of their lives.—*Law Times.*

The New Queen's Advocate.—Dr. Travers Twiss, Q.C., who has been nominated by the Earl of Derby to the post of Queen's Advocate, vacant by the appointment of Sir Robert Phillimore to the office of Judge of the Admiralty and Dean of the Court of Arches, is a son of the late Rev. Robert Twiss, LL.D., of Pembroke College, Cambridge, and Trevallyn, Denbighshire. He was educated at University College, Oxford, where he graduated in 1830, taking a first class in mathematics and a second class in classics. He subsequently became Fellow and tutor of his college. From 1835 to 1840 he was one of the public examiners in classics and mathematics, and amongst those who were "passed" by him in honours were many gentlemen who have risen to distinction in Church and State. From 1842 to 1847 Dr. Travers Twiss was Professor of Political Economy in the University of Oxford, and from 1852 to 1855 Professor of International Law in King's College, London. This appointment he resigned on being appointed Regius Professor of Civil Law in the University of Oxford. In 1840 he was called to the Bar by the Hon. Society of Lincoln's Inn, and was subsequently admitted an advocate in Doctors' Commons. In 1849 he was appointed commissary-general of the city and diocese of Canterbury, and in 1852 vicar-general of the province. In 1858, on the advancement of Dr. Lushington to the office of the Court of Appeal of his province, Dr. Twiss was appointed by the bishop chancellor of the diocese of London. On the transfer of the testamentary and matrimonial jurisdiction from the Ecclesiastical to the Civil Courts, Dr. Twiss was created a Queen's Counsel, and was elected a bencher of Lincoln's Inn. He is the author of several valuable works on international law. Since his appointment as vicar-general Dr. Twiss has rendered great assistance to the Convocation of the Province of Canterbury, and has scarcely ever been absent an hour from the sittings of the Upper House. The new Queen's Advocate will, according to custom, receive the honour of knighthood.

Story of a Negro Jury.—In Texas, in several of the civil courts, cases have been tried before juries composed wholly of negroes. The intelligence of these juries may be judged by an anecdote. A negro in Bexar had committed an assault on a brother freedman. The offender was arrested and brought before a justice of the peace, who summoned a jury of six (as by municipal law he was permitted to do) to try the case. The testimony having been given, the jury was requested, under instruction, to "find a verdict according to the evidence." After an absence of an hour the foreman returned and said, "Mr. Court—We be lukked up de chimnbly and ebbry in crack and under the floah, and, by gowy, we can't find nodin' lukks like a wordick." Explanations ensued and Sambo retired. In a few minutes the foreman returned and asked, "Lukk heah, Mr. Court, isn't I de foreman of this jury?" The court replied in the affirmative. "Well, den, I told dem cusses so, and dat dey must gree as I said, and dey wont do it? Mussn't dey do it, Mr. Court?" At last the counsel in the cause were sent to the jury to explain the circumstances and a "wordick" was ultimately obtained.

NOTES OF ENGLISH DECISIONS.

(From the *Law Times.*)

Railway—Contract with Landowner—Legality of Agreement for Personal Compensation for withholding Opposition—"Ultra Vires."—By articles of agreement under seal, between defendants of the one part and plaintiff of the other part, after reciting that the plaintiff was the owner of a certain estate, and that the defendants had given notice of their intention to apply, in the then session of Parliament, for an Act enabling them to construct a certain extension line of railway in the said agreement described, and that, inasmuch as the line of the said railway would pass through the plaintiff's said estate in such manner as to intersect and damage the same, the plaintiff had intimated to the defendants his intention to oppose the passing of the said bill, but had agreed to withhold his said intended opposition upon the terms therein-after contained. It was (*inter alia*) agreed between plaintiff and defendants, 1st, that in the event of the said bill being passed into an Act during the then session of Parliament, the defendants would construct the said line of railway so as to enter and pass through the said estate of the plaintiff, within certain specified limits; and 2ndly, in the like event, the defendants would purchase from the plaintiff, at the price of £2,000, certain land of his required for the construction of such railway; and 3rdly, in the like event, the defendants would, in addition to the said sum of £2,000, and within three calendar months next after the passing of the said bill, pay to the plaintiff the further sum of £2,000, as and for a personal compensation for the annoyance, disturbance, and inconvenience, damage, loss, and injury which he had sustained, and might or would sustain in respect of the "sporting and preservation of game upon his said estate, by or in consequence of the construction of the said intended railway, and of the Parliamentary or other surveys, and other works connected therewith and incidental thereto;" and by the last clause of the said agreement it was provided that the agreement should be void if the defendants failed to obtain the said Act in the then present session of Parliament: Held by the majority of the Court of Ex. Ch. (Keating, Mellor, M. Smith, and Lush, J.J.) reversing the decision of the Court of Ex. below (Willes and Blackburn, J.J., dissentientibus) that the £2,000 for personal compensation being made payable to the plaintiff absolutely, whether his land was taken or not, and notwithstanding that the damage and inconvenience may never be done or suffered, the covenant in question provides for a misappropriation of the funds of the company to a purpose not authorized, and by implication prohibited, by their Act of incorporation, and is therefore *ultra vires*, and so cannot be made the foundation of an action. *The Eastern Counties Railway Company* v. *Hawkes*, 5 H. L. Cas., 331; 24 L. J. 601, Ch., discussed and distinguished.—Per Willes and Blackburn, J. J. (on the authority of that case). Such a contract is not forbidden by the Act of incorporation, and is not illegal or *ultra vires*, a statutory corporation being fully capable of binding itself by any contract under its common seal, except where the statute by which it is created or regulated expressly, or by necessary implication, prohibits such contract.—And per Blackburn, J. (Willes, J., dubitante). Though the contract be legal against the company, a shareholder not acquiescing in the promotion of the bill, and the making of the contract by the directors, might perhaps have a right in equity to have it set aside: (*Taylor* v. *The Chichester and Midhurst Railway Company*, 16 L. T. Rep. N. S. 703. Ex. Ch.)

Covenant in Composition-deed.—By a deed of composition the debtor covenanted with all his creditors to pay them a composition of 12s. in the pound upon their debts by instalments; and further, "so soon as the deed should be delivered to him, signed and sealed by the said several creditors," to give to each of them, the said several creditors, his promissory notes or acceptances for the instalments of the composition, signed or endorsed by two sureties: Held, that the effect of the covenant was, that if the promissory notes and acceptances were given at all, they should be given to all creditors, without distinction, and therefore there was no inequality and the deed was good (*dissentiente* Martin, B.): (*Peel* v. *Webster*, 16 L. T. Rep. N. S. 598. Ex.)

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BANKRUPTCY NO BAR TO CLAIM UNDER INDEMNITY.—Defendant covenanted with plaintiff to keep him harmless and indemnified from and against all calls that might at any time or times be made upon certain shares in a mining company, worked on the cost-book principle, which had previously been transferred by the defendant into the name of the plaintiff for the better securing a sum of money, and also from and against all charges, liabilities, and costs, attaching to the said shares. Defendant became bankrupt: Held, upon action brought upon this covenant for charges and costs paid by the plaintiff in respect of these shares, that defendant's bankruptcy was no bar to the claims; that the plaintiff was not a surety under the 173rd section of the B. L. C. A., 1849, nor were these liabilities upon a contingency under the 178th section: (*Bettelcy* v. *Skinsby*, 16 L. T. Rep. N. S. 701. C. P.)

PROCESS IN OUTLAWRY.—Proceedings in outlawry are not process against the person or property of a debtor who has executed a deed under 24 & 25 Vict., c. 134, s. 192, within the meaning of sect. 198 of that statute. And the Court of Q. B. will entertain and decide questions arising on such deed, and will not send them to be determined by the Court of Bankruptcy: (*Purkin* v. *Ernest*, 16 L. T. Rep. N. S. 713. Bail.)

TRUST-FUND EMPLOYED IN TRADE.—A trust fund which the settlor authorizes the trustees to employ in a trading concern becomes part of the capital embarked to which the creditors of the firm have priority of resort as against all claims on behalf of the *cestuis que trustent*: (*Ex parte Edmonds*, 16 L. T. Rep. N. S. 718. Bank.)

TAXATION—TRUSTEE.—Where a *cestui que trust* successfully taxes the bill of costs of the trustee's solicitor, the master will be allowed to exercise a certain discretion as to particular items, and the fact of the business being trust business will not be disregarded: (*Re Brown, a Solicitor*, 16 L. T. Rep. N. S. 729. Rolls.)

COSTS OF CONVEYANCE.—The costs of a conveyance within the Lands Clauses Act, 1845, s. 82, do not include costs of a collateral agreement which forms no part of the conveyance: (*Re Leitch and Kewney, Solicitors*, 16 L. T. Rep. N. S. 729. Rolls.)

EQUITY PRACTICE—MORTGAGE.—Where, in a foreclosure suit, a defendant, a subsequent incumbrancer, is held to have priority, by reason of the possession of deeds, in case the plaintiff (the first mortgagee) elects not to redeem him, the bill will be dismissed against him only, and as against the subsequent incumbrancers, defendants, there will be the usual foreclosure decree. Costs as between the plaintiff and mortgagor to be a charge on the estate, but not as between the plaintiff and the other mortgagees: (*Layard* v. *Maud*, 16 L. T. Rep. N. S. 738. V. C. M.)

DISMISSAL OF BILL WITH COSTS.—Where a bill is dismissed with costs, and there is evidence that the defendant intends to proceed with the subject-matter to Australia, the court will order payment of such subject-matter into court, and direct a stay of all proceedings at law and in equity pending the appeal. The plaintiff to appeal within a time limited; costs reserved: (*Webster* v. *Robinson*, 16 L. T. Rep. N. S. 738. V. C. M.)

THE COURTS AND COURT PAPERS.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Sept. 9	12 o'clock	Arrangement case	Proof of debts	*Goff*
"	"	do.	do.	*Larkin*
"	"	Edward Balfe	Composition	*Perry*
		Tuesday. Before the COURT.		
Sept. 10	11 o'clock	William Lunham	Final examination	*Casey & Clay*
"	"	Richard Cantrell	do.	*Tinkler*
"	"	Dawson Tate, senr. and junr.	Sur., prove debts, and assignee	*Darley*
"	"	Trader debtor	Summons	*Goff*
"	"	do.	do.	*Molloy & Watson*
"	"	James M'Kenna	do.	*Larkin*
"	"	Michael Callinan	do.	*Larkin*
		Friday. Before the COURT.		
Sept. 13	11 o'clock	P. J. O'Callaghan	Final examination	*Hughes*
"	"	Robert Donovan	do.	*Meldon*
"	"	Bernard Maginnis	do.	*Sinnott*
"	"	Arrangement case	1st sitting	*Casey & Clay*
"	"	do.	do.	*Rosenthal*
"	"	do.	do.	*Perry*
"	"	Charles Johnston	Composition	*Perry*

DIVIDENDS DECLARED.

The Official Assignees are given, who will pay on application.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE	SOLICITOR
September 6,	Asken, Morrison,	3rd and final dividend of 3¼d. in the £, on £65,632,	*C. H. James,*	*Orpen & Sweeny.*
"	Fleming and Hennessy,	1st dividend of 8s. in the £, on £3,551,	*L. H. Deering,*	*Larkin.*

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BANKRUPTS.

M'Donnell, George, of Kanturk, co of Cork, builder and contractor. Petition of bankruptcy filed, August 26th, 1867. To sur. Tuesday, September 17, and Friday, October 4th. L. H. Deering, official assignee. *Barry & Meldon*, solrs.

Certificates Allowed.

August 20.

Phelan, Edward, of Mayor's-walk, city of Waterford, and having a place of business at King-street, in said city, baker and flour dealer, a bankrupt. *Dobbyn & Tandy*, solrs.

August 27.

Toner, Thomas, of Maynooth, co. of Kildare, grocer and farmer, a bankrupt. *Kennan*, solr.

INSOLVENTS DISCHARGED ON BAIL.

Blake, Henry Robert, Dublin, book-keeper.
Doherty, John, co. Kilkenny, road contractor.
Jones, Joshua, Belfast, bootmaker's assistant.
Mellon, John, co. Wexford, shopkeeper.
Nagle, Pierce, co. Cork, grocer.
Wallace, John, Limerick, publican and storeman.
Warren, Catherine, Dublin, formerly furniture broker.

INSOLVENTS.

To be heard in Dublin.

Anderson, George, of No. 4, Waterloo-terrace, North Strand city of Dublin, gentleman. Hearing on Wednesday, October 9, at 11. *Magrath*, Solr.

Blake, Henry Robert, of No. 7, Upper Sheriff-street, city of Dublin; previously of No. 6, Newcomen-avenue, in said city; and formerly of No. 4, Newcomen-avenue aforesaid; book-keeper and writing clerk. Hearing on Wednesday, November 20, at 11. *Rynd*, Solr.

Warren, Catherine, of Upper Liffey-street, city of Dublin, widow, formerly furniture broker, latterly out of business. Hearing on Wednesday, November 20, at 11. *Egan*, Solr.

To be heard in the Country.

Golden, senior, John, of French-park, co. of Roscommon, formerly a grocer and baker, but not now in any business. Hearing at Castlerea, October 17, at 10. *Harkan*, Solr.

Jones, Joshua, of Belfast, co. of Antrim, not now in business; previously of Belfast aforesaid, boot manufacturer's assistant; formerly of Belfast, boot and shoemaker. Hearing at Belfast, October 21, at 3. *Macnally*, Solr.

Thompson, Shepherd, of Belfast, co. of Antrim, commission agent; having a house at Ballyhackamore, co. of Down; sued and arrested as "Sheppard Thompson." Hearing at Belfast, October 21, at 3. *Macnally*, Solr.

BANKRUPTCY EXPENSES.—As an illustration of the way in which the English Bankruptcy Court absorbs the assets of estates placed under its jurisdiction, a correspondent of *The Times* forwards the account of an estate which was at first expected to realize 10s. in the £1, and on which the creditors finally received 5½d. The sums collected amounted to £229, and of this £135 was disbursed for "solicitors' bills," and £41 for other charges, leaving £53 for division among the creditors.

IMPRISONMENT FOR DEBT.—The Brussels journals state that a bill is being prepared there to abolish imprisonment for debt.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	AUG Sat. 31	SEPTEMBER. Mon. 2	Tues. 3	Wed. 4	Thur. 5	Fri. 6
Government						
3 p c Consols	94½	94½	94½	94½	—	94½
New 3 p c Stock	93⅞	93½	93½	93⅞	93⅝	93½
Foreign and Colonial.						
India 5 p c Stock	—	—	—	111⅞	—	112
Joint-Stock Banks.						
Ireland, £100 pd	—	—	—	235	—	—
Hibernian, £25 pd	—	36½	—	36½	—	—
Munster (Limited.), £3 10s pd ..	4¼	—	—	4¼	—	4⅜
National, £30 pd	61½	61½	62	61⅝	61½	61½
National of L'pool (Ltd.), £15 pd	14½	14½	—	14½	14⅝	—
Provincial, £25 pd	—	—	—	—	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	33½	33½	—	—	32½
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	12½	12½	—	—	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	103	—	—	102½	101½	101
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	56	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	7½
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	11½	—	—	—
Do., £5 pd B	—	—	—	—	—	—
Do., £4 pd 2 C	—	5½	5½	—	—	5⅝
Grand Canal, £100 pd	47½	—	—	—	47½	—
Patriotic Insurance, £10 pd ..	9⅝	—	9	—	—	—
National Insurance, £25 pd ..	—	—	—	—	32	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	10½	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	74	—	—	74	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	88	88	—	—	—
D., W., & W., £100 pd	39	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt Southern & W'rn, £100 pd ..	96	96½	96½	96	—	96
Midland Gt. Western, £100 pd ..	57	—	—	—	—	—
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	—	97	96⅝	—	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Lmk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—September 26th.
Account Day—September 27th.
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IN BANKRUPTCY.

In the Matter of William Quin, of William-street, in the City of Limerick, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 17th day of SEPTEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankruptcy in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 4th day of September, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Robert Griffith, of Grattan-street Factory, in the City of Dublin, Stay and Crinoline Manufacturer, Trading as T. R. Griffith and Company, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 17th day of SEPTEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 30th day of August, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

GEORGE RIDDICK, Agent to the Bankruptcy, No. 64, Lower Dominick-street, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of George M'Donnell, of Kanturk, in the County of Cork, Builder and Contractor, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 17th day of SEPTEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 3rd day of September, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JAMES BARRY & JOHN WELDON, Agents to the Bankruptcy, No. 37, North Great George's-street, Dublin.

In the LANDED ESTATES' COURT, IRELAND.

COUNTY OF LOUTH.

In the Matter of the Estate of Sir John Benjamin Macneill, Owner; Christopher Domville Savage, Petitioner.

TO BE SOLD, before the Honourable Judge Dobbs, at the Landed Estates' Court, Dublin, on FRIDAY, the 29th day of NOVEMBER, 1867, at the hour of Twelve o'clock, noon, BY PUBLIC AUCTION, in Four Lots, this valuable Estate, situate in the Barony of Lower Dundalk, and County of Louth.

LOT 1.

Part of the Lands of Rath Lower, containing 167a. 1r. 15p. statute measure, held under Lease for Lives renewable for ever, subject to the head rent of £36 18s. 5½d., present currency, and producing a profit rent of £176 0s. 10½d. sterling.

LOT 2.

Part of the Lands of Ballagan, containing 135a. 3r. 2p. statute measure, held under Lease for three Lives (all of whom are in being) or 61 years, from 1st November, 1844, subject to the head rent of £162 19s. 3d., present currency, and producing a profit rent of £48 17s. 5d. sterling.

LOT 3.

Part of the Lands of Fanghart Upper, containing 29a. 1r. 1p. statute measure, held under Lease for 65 years, from 1st November, 1850, subject to the head rent of £35 sterling. And Part of the Lands of Plaister, or Plaster, with the Mansion-house and Offices known as "Thistle," containing 77a. 1r. 25p. statute measure, held under Lease bearing date the 24th March, 1851, for three Lives (only one of whom is now in being), subject to the head rent of £143 sterling, and producing a profit rent of £26 7s. 3d. sterling.

LOT 4.

The Lands of Culfore, and Part of the Lands of Aughaboys and Fanghart, containing in the whole 219a. 0r. 31p. statute measure, held partly under Fee-farm Grants and partly under Leases for Lives renewable for ever, and for lives and years, subject to the head rents of £114 8s. 6d., and producing a profit rent of £524 15s. 8d. sterling.

C. E. DOBBS, Examiner.

Dated 26th day of July, 1867.

For rentals and further particulars apply to the Landed Estates' Court; to

SAMUEL BRUCE, Solicitor, 24, Dame-street, Dublin, and Donegall-place, Belfast; or to

MACRORY and CO., Solicitors having carriage of Sale, 48, Rutland square, Dublin, and Ulster Chambers, Belfast.

DESCRIPTIVE PARTICULARS.

Lot 1—Comprises Part of the Lands of Rath Lower, which is situate about 12 miles north-east from the town of Dundalk, and is nearly equally distant from the town of Newry. It is within 1½ miles of Carlingford, a seaport and market town. The Lands are of good quality, and set at very moderate rents to respectable tenants.

Lot 2—Comprises Part of the Townland of Ballagan, situated about two miles east of Rath Lower (Lot 1). This is a very good Farm, and the occupying tenants are very respectable and solvent.

Lot 3—Comprises Part of the Lands of Fanghart Upper, together with Part of the Lands of Plaister, upon which stands the Mansion-house and Offices known as "Thistle," which is handsomely situated, with neat Garden and Pleasure Grounds. The Lands comprising this Lot are of good quality, well fenced and watered, and divided into nicely shaped fields. This Lot adjoins the demesne of Mountpleasant (portion of Lot 4) on the north side, and is occupied by respectable and solvent tenants.

Lot 4—The Mansion-house and Offices of Mountpleasant (forming part of this lot), are delightfully situated with picturesque lands and wooded boundaries, handsome pleasure grounds, ornamented with the choicest flowers, plants, and trees. The kitchen gardens, &c., which comprises about 14 acres statute measure, contain an excellent selection of fruit trees and flowers (home and exotic), with vineries and forcing houses, all of modern construction, and got up regardless of expense. The demesne is neatly walled in, and rivulets of clear spring water flow through it in different parts. The water to the mansion-house and gardens is supplied by conduits acting from hydraulic pressure.

The mansion-house is situated about two miles north of the town of Dundalk, to the east of the public road leading to Newry, from which it is approached by an avenue about half a mile in length. The principal avenue leading from the Ballymascanlan road is of equal length, and forms a most beautiful carriage drive. The Mountpleasant Station of the Dublin and Belfast Junction Railway is about a mile distant from the house, and the Mountpleasant and Ballymascanlan Post-offices about three-quarters of a mile respectively.

The Spinning and Scutching Mills (which are very valuable) are situated on this lot, in connexion with which is a gas factory, having connexions for lighting the mansion-house and offices of Mountpleasant. There are also valuable stone and lime quarries and kilns on this lot.

The demesne lands are of good quality, rich and fertile, and the farm-yard and buildings attached thereto are very extensive and permanent. The town of Dundalk is a rising seaport, having steam communication with Liverpool three or four times weekly, and railway communication with Dublin, Belfast, and all the north-west of Ireland, several times daily. Large markets are held in that town on every Monday in each week.

The lands are of good quality, and the tenants are respectable and punctual in the payments of their rents.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, September* 7, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 33.] SATURDAY, SEPTEMBER 14, 1867. {Single Copy, 6d. By Post, 7d.

THOUGH we do not put much faith in the results of amateur legislation, yet as the National Association for the Promotion of Social Science is to hold its first meeting for this year, on the 18th inst., in Belfast, we avail ourselves of the opportunity to suggest two important branches of the law relating to the United Kingdom in general, which are urgently in need of improval, and which we regret should have been omitted from the programme of the Association.

The first is the present state of the laws relating to marriage, which is allowed on all hands to be a disgrace to our Statute Book. During last Session we had numerous instances of the incongruity and uncertainty of decisions on that most social subject. The Yelverton case has dragged its weary length along to what we hope will prove its final end; and the lady who was declared by an Irish court to be the wife of Major Yelverton, has, by the ultimate verdict of the House of Lords, been adjudged to have no claim to that title. Nor have there been wanting instances in which the possession of immense property has been imperilled from the unsettled condition of our marriage law. The details of the Breadalbane Peerage case are fresh in the minds of most of our readers, and consequently we need not repeat them, but it is monstrous that the succession to the noblest title and most extensive estates in Scotland should depend on the opinion of the Law Lords as to whether the issue of a certain couple who cohabited during the lifetime of the lady's husband, and who did not go through the formal and public ceremony of marriage on his decease, were legitimate, without any well-admitted principles to guide the decision. In fact the law, as it now stands, offers every facility in the one country to the arts of the practised seducer, and in the other to those of the designing woman. But all the public time which these and many other similar cases have taken up will not have been spent in vain, if by their means Parliament can be induced to pass some law which, while granting perfect freedom of action to the tenderest religious susceptibility, will yet insure that similarity and publicity so necessary to establish legitimacy.

The next subject to which we would call the attention of the learned members of the National Association for the Promotion of Social Science, is that of the Trades' Unions. It is now admitted that their case must be legislatively prescribed for, we can no longer ignore their existence, and it is much wiser policy to be guided by the signs of the times and to try to direct that current which we can no longer safely dam up. We have already made a small beginning by the establishment of *Conseils des Prud'hommes*, as they are called in France; but these will not prove sufficient or satisfactory either for masters or men, for the simple reason that they are little better than voluntary associations, and can only adjudicate on such differences between masters and workmen as may be submitted to them by mutual consent. Nor have they been as efficient as was expected in France, where strikes are almost as frequent as in England. The Act referred to, is not to extend to domestic servants or agricultural labourers, and is to be cited as "The Councils of Conciliation Act, 1867." The Trades' Union Commission has removed the place of its labours to Manchester, where horrible disclosures are being made similar to those that excited such intense indignation before the Commission that sat in Sheffield, and the result seems to be to fill the public mind more and more with terror and disgust at a system which it does not comprehend, and with which it cannot sympathize. Mr. Hume's Commission succeeded in repealing the Combination Laws, and thereby took away half the workmen's grievances; let us hope that this present Commission may eventuate in an addition to the Statutes which will do an equal amount of good, and render even-handed justice to all.

We do not think, therefore, that the members of the Association, numbering, as they do, men who have experience in legal, scientific, and manufacturing affairs, can better employ their time in the interests of the public, than by discussing amongst themselves those very important subjects.

THE Chancery (Ireland) Act, 1867, embodies the provisions of several English Statutes and General Orders. The 15 and 16 Vic., cap. 80, entitled, "An Act to

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Abolish the Office of Master in Ordinary of the High Court of Chancery, and to make provision for the more speedy and efficient despatch of business in the said Court," came into operation on the first day of Michaelmas Term, 1852. The 15 and 16 Vic., cap. 86, entitled, "An Act to Amend the Practice and Course of Proceeding in the High Court of Chancery;" and the 15 and 16 Vic., cap. 87, entitled, "An Act for the Relief of the Suitors of the High Court of Chancery," took effect about the same time, nearly two years after the passing of the Irish Chancery Regulation Act (13 and 14 Vic., cap. 89). The provisions of sections 1, 2, and 3 of the Statute 16 and 17 Vic., c. 98, with reference to funds, the dividends of which have not been dealt with for 15 years, are by the new Act extended, *mutatis mutandis*, to the Court of Chancery in Ireland; as are also the provisions of the 15 and 16 Vic., c. 86, s. 22; 16 and 17 Vic., c. 78; and 18 and 19 Vic., c. 42, with regard to the taking of affidavits for the Court of Chancery in Ireland.

By Section 52 (Part III.) the Chancery Regulation Act is repealed down to Section 33, except so far as may be necessary for supporting, continuing, or prosecuting suits begun before the first day of next Term. The remaining sections unrepealed relate to the appointment of a Secretary by the Master of the Rolls, and to salaries of Secretaries, Masters, Clerks, and Examiners.

Section 53 of the new Act enacts that the Deputy Keeper of the Rolls shall receive and file a *printed* Bill of Complaint in lieu of an engrossment. This section corresponds with the 1st Section of the 15 and 16 Vic., c. 86.

Section 54 abolishes the old Writ of Subpœna to appear and answer a Bill of Complaint, and Section 55 directs that in lieu of serving the Defendant with a Writ of Subpœna that he shall be served with a printed Bill, previously stamped with a proper stamp, indicating the filing and the date of filing, with an endorsement calling on him, within eight days after the service of the Bill, to cause an appearance to be entered for him, at the office of the Clerk of Appearances and Writs, and informing him that if he fails to comply with the directions in the endorsement, he will be liable to be arrested and imprisoned. The filing of a printed Bill and the service of it on the defendant so stamped and endorsed will have the same effect as the service of a Writ of Subpœna now has.

In certain cases, where the Bill prays a Writ of Injunction or a Writ of Ne exeat regno, *written* copies of Bills may be filed and served in the same manner as a printed copy, but the plaintiff, or his Solicitor, must undertake to file a printed copy within fourteen days.

Section 61 enacts that every Bill of Complaint shall contain, as concisely as may be, a narrative of the material facts, matters, and circumstances upon which the plaintiff relies, such narrative to be divided into paragraphs, numbered consecutively, and each paragraph to contain, as nearly as may be, a separate and distinct statement or allegation; and the Bill is to pray for specific and general relief, but is not to contain any interrogatories for the examination of the defendant. This statement and prayer form the substance and essence of every Bill. A Bill as usually framed before the passing of the English Amendment Act in England, and heretofore in Ireland, consisted of nine parts.

I. The address to the person or persons holding the Great Seal.

II. The names and addresses of the parties complainant.

III. The statement of the plaintiff's case, commonly called *the stating part.*

IV. The charge that the defendant unlawfully confederated with others to deprive the plaintiff of his right.

V. The allegation that the defendants intend to set up a particular defence which the plaintiff anticipates, by stating matters in reply to such defence. This was termed the *charging* part, as the plaintiff's allegations were generally introduced by way of charge instead of statement.

VI. The statement that the plaintiff has no remedy without the assistance of a Court of Equity, which was termed the *averment of jurisdiction.*

VII. The *interrogating part*, in which the stating and charging part were converted into interrogatories, for the purpose of eliciting, from the defendant, a discovery upon oath of the truth or falsehood of the matters stated and charged.

VIII. The prayer for relief.

IX. The prayer that process might issue requiring the defendant to appear and answer, and in certain cases praying for a Writ of Injunction, or a Writ of *Ne exeat regno;* see Burroughs and Gresson on *Equity Pleading*, and Daniel's *Chancery Practice*, 4th Ed., Vol. I., p. 331. A bill now usually consists of parts 1, 2, 3, and 8, and part 9, when circumstances require it.

THE HON. JUDGE BERWICK.

WE are happy to learn that Judge Berwick, who has returned to town, and who will sit in Bankruptcy next Tuesday, has derived great benefit from his Continental trip. The rest and relaxation, so needful to all active-minded workers, have had their natural restorative effects. The learned Judge will continue to preside in Court each week until November, when vacation ends, and when the usual sittings by both Judges will be resumed.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by J. LEVY, Esq., Barrister-at-law.

Before JUDGE MILLER.

Re THE PATENT PEAT COMPANY (LIMITED).

August, 1867.—*Mortgagee's Fixtures attached to the Soil and Freehold—Sale under Execution—Reputed Ownership—The Landlord and Tenant Act of* 1861—*A Railway or Tramway is a Fixture.*

This case came before the Court upon the charge of Mr. Wright as a mortgagee of the premises of the Patent Peat Company; and a discharge filed by Mr. Fleming, a purchaser.

Kernan, Q.C., was for the mortgagee.

Henderson was for the purchaser under an execution against the Company.

MILLER, J.—This case comes before the Court on the charge of T. F. Wright, claiming as a mortgagee of the "Patent Peat Company, Limited," and the discharge of B P. Fleming, claiming as a purchaser under certain executions issued against the same Peat Company.

The subject matter of claim on either side consists of—

1st. 40,000 kishes of turf valued, on the one hand, at 5s., and on the other, at 1s. per kish, purchased by Fleming for £10.

2nd. Derrick crane.

3rd. Drilling machine.

4th. The tramway or railway over the demised lands leading from the Peat Works to the Canal.

The charge states that by a lease of the 24th of October, 1862, the lands and bog of Derrylea and Aughrim were demised to Charles Hodgson for 99 years.

That Charles Hodgson erected on the demised premises certain works and manufactures for the purpose of manufacturing fuel from peat.

That by an indenture of the 21st of April, 1864, between Charles Hodgson of the first part, Henry Hodgson of the second part, Octavius O'Brien and Wm. Anderson of the third part, the Patent Peat Company of the fourth part, the said Charles and Henry Hodgson assigned the demised premises, with the buildings, erections, fixtures, and improvements, then erected, together with the plant, machinery, machines, engines, tools, boilers, materials, and premises used in the manufacture of fuel from peat, to the "Peat Company," for the residue of the term for which the lease of 1862 had been granted.

That the Patent Peat Company laid out large sums of money in erecting engines, machinery, and works, for the manufacture of peat fuel, *and in making railways or tramways upon the demised premises.*

That by a deed of mortgage of the 12th of April, 1865, between the Peat Company of the first part, Henry Hodgson, Charles Hodgson, and Octavius O'Brien, of the second part, Thomas Frederick Wright of the third part, the Peat Company demised to Wright the premises demised by the lease of 1862, with all buildings, erections, *fixtures*, and improvements thereon or to be thereafter erected, standing, or made, on the said premises, together with all the plant, machinery, machines, engines, *tramways, rails*, tools, boilers, materials, and premises, which had been used and employed by the said Company, their workmen and servants, for the business and manufacture of fuel, &c.

That Henry Hodgson, Charles Hodgson, and Octavius O'Brien, by the direction of the Peat Company, demised to Wright the premises demised by the lease of the 13th of July, 1864, together *with the rail or tramway laid down thereon*, for the full term for which they had been demised, less by six months.

That all the articles (which I have enumerated, except the turf) were included in and conveyed by the mortgage of the 12th of April, 1865, to Wright, as a trustee for Henry Hodgson, and were firmly fixed and attached to the ground and soil of the demised premises.

The discharge of Fleming in substance puts the mortgagee upon proof that the matters claimed by the charge were firmly fixed and attached to the ground and soil of the demised premises, and were fixtures incapable of being sold under the execution in the discharge stated, and relies upon his title to such articles as a purchaser under such executions.

His Lordship said he would first dispose of the question raised with regard to the turf. It was urged by counsel on the part of the mortgagee that the Peat Company, at the time the turf was manufactured, were tenants at will to the mortgagee, and therefore came within the operation of the 29th section, 24 Vic., chap. 154, and were thereby, as such tenants at will, rendered incapable of manufacturing turf for sale. He did not understand how the mortgagor could be tenant at will to the mortgagee. But the question more immediately for my consideration is, did such a tenancy exist between the mortgagee and mortgagor, under the mortgage of 1865, as came within the 29th section of the 23rd and 24th Vict., chap. 154? and I am clearly of opinion that no such tenancy existed, as by that section it is provided, "Where any lease or demise shall be made on or after the 1st of January, 1861, of lands containing turf bog unreclaimed and unprofitable for agriculture, it shall be lawful for the tenant, unless by the said lease it be specially provided to the contrary, to cut, &c."

Without reading more of the section, it was clear that the lease contemplated by it was a formal lease in writing, and not such a tenancy or relation as existed between a mortgagor and mortgagee, and he (Judge Miller) could not attach any weight to that point.

As regards what property constitutes a fixture, it may be taken as a general rule, that if the goods or property are so affixed as not to be moveable without injury to the freehold, they should pass to the mortgagee. But the novel, and indeed the important point of the case was, whether a Railway or Tramway embedded in the soil was a fixture to which the mortgagee was entitled. He (Judge MILLER) thought it was. As the mortgagee had claimed more than he was entitled to, the Court would leave each party to pay his own costs.

Solicitors for the mortgagee, *Galloway and Connor.*

Solicitor for the purchaser, *Best.*

Re HUGH BECK.

September, 1867.—*Final Examination of Bankrupt—Duty of Trade Assignee—Necessity for most rigid Inquiry where Books are not accurately kept, and where two Schedules have been filed contradictory of each other—an Adjournment* sine die *under the 140th section ought to be confined to the purpose of compelling discovery as to the property of the Bankrupt, and ample time will be given for that purpose.*

This case came originally before the Court under a petition for arrangement presented by the trader; and in 1st *Irish Law Times*, page 29, an important decision will be found by Judge Berwick, which was to the effect that although an arranging trader may have an overwhelming majority of creditors to sanction his

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proposal, yet, if it is ascertained that gross injustice has been done to one particular creditor, the case will be turned into bankruptcy, and the creditor who so opposed will get his costs. On the case being turned into bankruptcy a new schedule and new accounts were filed.

Heron, Q.C., and *Charles Meldon*, instructed by *J. D. Meldon* and *Son*, appeared for the assignees in bankruptcy, ultimately the final examination was adjourned *sine die*, with liberty to apply to have it opened.

Kernan, Q.C., instructed by *Irvine*, on the part of the bankrupt, obtained liberty to proceed with the examination. The assignees still expressed their dissatisfaction, and contended that the examination ought to be again adjourned *sine die*, or that if passed, and that the case ultimately became one of conduct merely, that the certificate ought to be suspended for the longest period the law would permit.

Judge MILLER, in pronouncing judgment, said—In consequence of what has passed before me connected with this case, I feel bound to state in the outset that, in my opinion, there has not been any investigation into the circumstances of this case beyond what such circumstances and the commonest interests of the trading community imperatively demanded, and that the necessity for such close investigation must be altogether attributed to the acts of the bankrupt himself, as well before as since the date of his bankruptcy. And I will further add, that it was the plain duty of the trade assignee, who had undertaken that responsible office, not only to have promoted such investigation, but also, as the consequence of such investigation, to have brought before the court on the proper occasion the matters which, in his judgment, forced him in his official capacity to oppose the passing of the final examination of the bankrupt, and which I do not hesitate to say called for the deliberate consideration and decision of the court. And I will further add, that I shall always hold in respect the man who devotes his time and professional knowledge fairly to the discharge of the duties of an unpaid, and often thankless office, such as that of trade assignee, which is assumed largely for the interests of others, and which must, otherwise, fall under the necessarily more formal management of the agent to the commission and of the official assignee. I must here express my astonishment that a case of the nature of the present could have proceeded from the immediate vicinity of Belfast, where establishments which embrace transactions of equal magnitude with that in which the bankrupt was engaged, were not confined to the bankrupt himself, or even to a few persons; but where such establishments are numerous, and the mode of conducting them is reduced to a code perfectly well recognised by all who could lay any claim to the name or character of either extensive manufacturers or merchants, and is made the almost daily subject of discussion on the Exchange, in which it appears that the bankrupt, who held himself out to the trading community for several years as an extensive manufacturer and merchant, had not kept books properly posted or balanced, which constitutes the very foundation of all honest mercantile dealings; but, further, that such books, when produced, contain, in some instances, double entries, and also further entries made in red ink therein since the date when this case came into this court, to the extent of several thousand pounds, and in which it further appears that such books as I have described had been kept for a considerable period previous to the bankruptcy by a book-keeper who admitted upon his last examination, and so lately as on the 30th of the last month, that he had received moneys which he had never entered, and added, that he was glad of the opportunity of stating, in his own defence, that although he filled the office of book-keeper to such an establishment, "he had a good deal of travelling to do as well as book-keeping," and who further deposed to the fact that the cash book went through the form of being balanced (I believe he said) every fortnight, and from which he was forced to admit some cash receipts had been omitted. and therefore such balances must have been in many cases purely fictitious. It is difficult to understand how an establishment of that magnitude and conducted in that manner, could end in anything else than bankruptcy, and when the bankrupt found himself compelled from the state of his affairs to resort to this court for protection, he was, from the improper condition of his books, such as I have described, forced as a first step to call in the aid of professional accountants—although the same book-keeper continued and was then in his employment—for the purpose of having such a document placed before his creditors and upon the files of this court as would entitle him to that protection; and the bankrupt accordingly, on the 7th November, 1866, placed a schedule upon the files of this court purporting to be a full statement of his affairs, and annexed affidavit to that schedule pledging his oath in terms as follows:—"That he had carefully (I repeat the word carefully) read and examined the within schedule and balance sheet, and on each of which pages he subscribed his name, and that so much thereof as related to his own acts and deeds was true, and that so much thereof as related to the acts and deeds of any other person he believed to be true." Upon that schedule, thus verified, he obtained the protection of this court, and yet so lately as the 6th of July, 1867, the bankrupt placed upon the files of this court a fresh schedule to which an affidavit similar in terms to that which I have already stated was of necessity annexed, and which latter schedule was in many very essential particulars, and to the extent of many thousand pounds, at variance with the former schedule filed by him; and the official assignee, before whom these accounts went for the purpose of investigation and vouching, by his last report, which bears date so lately as the 24th of July, 1867, states to me "that the bankrupt disowned the former schedule to which he had thus pledged his oath altogether, and that on subsequent deliberate investigations of the books and accounts, he (the bankrupt) had found the former schedules wrong in many essential respects." It must be observed, as a fact bearing upon the questions now under consideration, that the second schedule, of so late a date as the 6th of July, 1867, discloses for the first time several transactions, as to one of which, with others, an examination was held before this court still more lately, on the 8th of August last (I refer to a transaction of the transfer of wine, pending the proceedings in this court, to a creditor named M'Kebbins), upon which occasion the bankrupt admitted that the persons who had supplied that wine remained still unpaid, and, notwithstanding, had not been placed even upon the new schedule. And it must be further particularly observed, that as the result of that examination, had so lately as the 8th of August, property of considerable amount in value, has since that date, and within a very recent period, been restored for the benefit of the general creditors. With these general remarks, which circumstances known to all engaged in this case have forced me to make in the very outset, I will now deal with this case in rather more detail. This case came before the court on the 29th of August last, on the application of the bankrupt, for the single purpose of obtaining liberty to pass his final examination. There can be no doubt that an authority was by the 140th section of the Bankrupt Act, to which reference has been made, "vested in me either at the time originally appointed for the last examination of the bankrupt, or at any enlargement or

adjournment thereof to adjourn such examination *sine die.*" But I will unequivocally declare as my understanding of the proper exercise of such a power as given by that section, "that it should be confined to the purpose of compelling discovery as to the property of the bankrupt, or the more full and effectual realization of the assets of the bankrupt.

The learned Judge concluded by saying that this application is, at all events, premature, and that the final examination of the bankrupt should not pass now, or even for a considerable period; but while I make that announcement I would declare it as my opinion that when the assignee, with the means of information which he has at his disposal, is of opinion that no further assets can be realised out of the estate, he should, in the common interests of all creditors, close a profitless investigation, and impeach the conduct of the bankrupt in the only legitimate manner pointed out by the Act of Parliament, by filing objections to the passing of his certificate. As a reference has been made to a document which has been termed a "round robin," the particulars of which I declined to hear, I will only say, that the trade assignee who was formally selected by the creditor to fill that office would have forgotten what was due to his office, to himself, and to the court if he had paid the slightest attention to any such document emanating from any section of the creditors. My intention is not to hear this question re-opened sooner than the first sitting day in Hilary Term, and I will embody that intention in whatever form I can best meet the object of the parties.

Solicitor for the assignees, *J. D. Meldon & Son.*

Solicitor for the bankrupt, *R. H. Irvine.*

ENGLAND.

THE ADMINISTRATION OF JUSTICE.

One of the innocents that fell in the massacre at the end of the session was the bill for increasing the number of judges by two, which would, of course, have involved a certain amount of alteration in the present arrangement of the circuits. The bill, however, fell not ingloriously, inasmuch as it was announced that a Commission was to be issued to inquire into the whole subject, and recommend such changes as might be required. We hope that the Commissioners will take an adequate view of the subject, and will try to make a good job for once and for all, instead of merely cobbling and patching arrangements which have been thoroughly outgrown by the progress of events. As we have suggested long since, and have shown in detail on several occasions, the best and simplest bit of patchwork that can be devised would consist in adding two new judges to the existing list, cutting the old Northern circuit into an Eastern and a Western division, and reviving the old Midland circuit with the addition of assize at Birmingham; but this would be a mere device, though probably a useful one, and other devices which might be suggested for the rearrangement of the circuits with the present staff of judges would only amount to cutting off one end of a blanket to stitch it on to the other end. To alter a circuit inflicts extreme inconvenience and in many cases most serious loss on all the barristers who attend it. It is a matter of indifference to the public at large, and it cannot possibly affect the work of the judges so long as fourteen of them have to try all the causes and all the serious crimes throughout the whole country twice a year. The truth is that a thorough revision of our present judicial arrangements, from the highest to the lowest, is a matter of urgent practical importance, and that it would be no very difficult matter to frame a comprehensive scheme which would amply repay any outlay of trouble or money which it would involve.

We will try to suggest a few points as to objects which such a scheme should embrace, and the manner in which they might be attained. The work to be done may be divided into ordinary jurisdiction and appellate jurisdiction. These consist of civil and criminal jurisdiction. The civil jurisdiction is either legal, equitable, or civil in the sense of being founded on the Roman law, as is the case with Admiralty, probate, and part of the matrimonial business. The criminal jurisdiction is either preparatory or final. From historical causes sufficiently well known to every one who is interested in such subjects, this business has come to be distributed amongst the various judges who transact it in a manner almost incredibly singular and intricate. The more the matter is observed the more will the total want of any sort of principle in any of our arrangements be brought to light.

There are two supreme courts of appeal, between which the appellate business is divided according to the place in which it arises; but in subordinate courts of appeal the division of business depends on the subject matter. The appellate jurisdiction of the Lord Chancellor, the Lord Justices, and the Court of Exchequer Chamber is exercised over equitable and legal matters respectively; but the question whether a case is to come before the House of Lords or the Privy Council is not decided by its being legal or equitable, but by its having arisen at home or in the colonies. If it is an ecclesiastical case, the strangest result takes place. An Irish ecclesiastical case goes to the House of Lords, but a case from England or the colonies goes to the Privy Council. Not only is the appellate jurisdiction thus intricate and divided, but the original jurisdiction proceeds upon totally different principles in different cases. In the case of judges of the superior courts, civil and criminal jurisdiction are united in the same judge, but when they sit as criminal judges their jurisdiction is local. The courts of equity are restricted to equitable questions, but are locally unrestricted. The courts of quarter session have a local criminal jurisdiction and what may be called an administrative jurisdiction, but no civil jurisdiction. The county courts have every sort of civil jurisdiction, legal and equitable, but it is strictly local, and they have no criminal jurisdiction. The police courts and courts of petty session are exclusively local and criminal. Admirers of variety have thus an opportunity of comparing in our judicial institutions the effects of every sort of system. We have judges restricted to one subject, judges expected to know any subject, judges whose jurisdiction is local, judges whose jurisdiction is general; courts of appeal for special localities, courts of appeal for special classes of cases; paid judges and unpaid judges; courts of which the members are fixed, courts of which the members fluctuate, and other varieties too numerous to mention. Might it not be well to try to put all this experience to some profitable use, and to devise out of all these many varieties a general, coherent, and permanent system; especially as our courts exhibit one other most important variety, namely, that the most important of them are most absurdly overworked, whilst others which might be highly important are left with hardly anything to do because they give their time (when they do give it) for nothing, except honour and glory?

It would of course be presumptuous to propound such a scheme as one which had the least chance of being carried, but fancy sketches have their uses, inasmuch as they suggest the sort of alterations which might be made if we had to deal with a *tabula rasa,* not only as to institutions, but as to expense.

If the speedy and rational administration of justice were the only matter to be considered in reference to the organization of courts of justice, it is no very difficult thing to see what should be done. It is obviously desirable, both for the sake of economy, and in order to preserve as much unity as possible in different branches of the law, to have as few courts and as few judges as possible, and this implies that in a nation like this there should be a certain number of superior courts, taking cognizance of causes of all sorts, and kept in correspondence with each other by the operation of one supreme court of appeal. This is practically the case with colonial courts, which in most cases adjudicate upon all sorts of questions, legal, equitable, Admiralty cases, matrimonial cases, criminal trials, &c., subject only to an appeal in matters of importance to the Privy Council. The natural

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course, if we had to start afresh, would be to introduce this state of things into England, to have four or five superior courts at places of great importance; for instance, at Liverpool, Leeds, Birmingham, Bristol, and perhaps Norwich and Swansea, which should exercise within certain local limits all the powers of the superior courts of Law, Equity, Admiralty, and Probate, just as the supreme court of a colony does. The judges of these courts might go circuit in their respective districts, so as to familiarize the people at large with the administration of justice, as at present. In term time and in the sittings after term they would dispose of such of the various matters arising in their own districts as are now put upon the new trial paper, the special paper, and the Crown paper in the courts at Westminster Hall, and of the more important part of the nisi prius business. On circuit they would try such matters as are now tried on the civil and criminal side at the assizes. The result of this would be that a smaller number of judges would be required in London than at present, though of course the capital and the home counties would always be the most important part of the country in a judicial as well as in other points of view. Their great function, however, would be that they, together with a certain number of other eminent persons, might form a general court of appeal, not only from the other English superior courts, but also from the courts in the Colonies. The advantages of this arrangement were powerfully set forth, and the necessity of some arrangement of the kind was put, in our judgment, beyond all doubt, by a speech made early in the last session by Sir Roundell Palmer. Strong grasp of all the principles of the subject entitles all that he says on the broader points of the subject to the most respectful attention, though his ignorance of the practical working of the common law courts would make him as dangerous a councillor in mere practical patchwork. Of course all manner of adjustments would be required before such a plan as we have thus slightly indicated could be brought into anything approaching to fitness for practical use, and when it was brought into shape there must be a great change in all the common ways of thinking and feeling before it would meet with anything like serious discussion; for it must be owned that it would shock a good many associations, and would perhaps be injurious to some existing interests, whilst the questions of expense and patronage would, of course, oppose most formidable objections to its reception. Though these reasons are conclusive against its practical success, they do not in any way interfere with the question of its theoretical advantages. The establishment of such courts would do away with arrears, it would give ample time for the full settlement of the many questions which are at present slurred over or thrown on one side by reason of the choked condition of the courts. It would relieve London from a mass of judicial business which is at present brought to it from every part of the country at an enormous expense, and without the slightest corresponding advantage. It may appear at first sight as if it would injure the prestige of the bench and the bar by diffusing them over the country instead of concentrating them in London, but this we believe to be a mistake. The bar at large would gain by the greater division of business which would arise upon the establishment of new courts, and a large local bar in a provincial capital could hardly fail to be at once a respectable and an influential body. There are twenty-seven such courts in France, but the bar of Paris is certainly neither uninfluential nor undignified. The judges would be the greatest gainers of all; for they would gain some reasonable degree of rest and leisure, and time to follow the noblest of all pursuits in a spirit more worthy of it than any one can attain who has, as our fifteen judges have at present, to work all day long, and every day in the week, for perhaps forty-three or forty-four weeks in the year.—*Pall Mall Gazette.*

POST OFFICE LAW.

The justice, if not the legality, of a decision by Sir Thomas Henry, prohibiting the carrying on by a company of the business of carriers of letters within the London district, has been very much discussed and questioned. As at present advised, we do not think that the legal validity of the decision could be successfully impugned, inasmuch as what the letter-carrying company seeks to do is to set up an opposition post-office. It will be remembered by those versed in the history of the Revenue that this was not the first time that the attempt had been made. Attorney-General Prideaux was chairman of a committee in 1642 for considering what rates should be set upon inland letters, and he was afterwards appointed postmaster by an ordinance of both the Houses. His emoluments were very considerable after the establishment of the weekly conveyance of letters, and the Common Council of London endeavoured to erect another post-office in opposition to his, till checked by a resolution of the House of Commons, declaring that the office of postmaster is and ought to be in the sole power and disposal of the Parliament. If, therefore, the Post-office be regarded strictly as a source of revenue, and not merely as an institution adapted to promote the convenience of the nation, it is difficult to see how a company can establish a system of letter delivery without infringing the rights of the Crown as established by Parliament. If, on the other hand, public convenience alone is to be consulted, the formation of independent companies for delivering circulars and addresses within a small radius should be encouraged. The revenue from the Post-office is, however, steadily increasing, we believe, and it is hardly likely that the Court of Queen's Bench would mitigate the rigour of the law in favour of a scheme for stopping that increase and assuring a diminution; and the public would not wish, we conceive, to be burdened with another fraction on the income-tax to make up for any loss of revenue so accruing.—*Law Times.*

THE PRIVILEGES OF THE POST-OFFICE.

The *Standard* observes that, whether Sir Thomas Henry's decision on the recent circular delivery case be or be not good law, it seems likely enough in many instances to involve considerable hardship. Her Majesty's Post office is a "protected" institution, to which a monopoly of the country's letter-carrying trade has been granted, and by which, as the profit of such monopoly, a very large and constantly increasing amount is annually contributed to the national revenue. Persons violating its privilege are rendered liable to a penalty of £5 for each letter delivered, or to one of £100 per week if their offences become habitual. As regards letters pure and simple, no one wishes to interfere with this; but when the statute was passed delivering thousands of circulars by post was a thing undreamt of. Year by year we have been getting more into the habit of sending and receiving printed communications in almost indefinite numbers, while every legislative lightening of the "taxes on knowledge," and every improved mechanical appliance which has come into use in the art of typography, has tended to increase the ever-augmenting number of these printed missives. To post a candidate's address to the constituents of a metropolitan borough involves an outlay of from eighty to a hundred and fifty pounds. Hitherto it has been common enough to send these things from house to house by hand, even if they were previously put into an envelope and addressed letter fashion, from prudent desire to propitiate the £10 householders' respect for appearances. Henceforth, however, this cannot be done, at least if Sir Thomas Henry's decision is to be interpreted strictly and applied universally.

NOTES OF ENGLISH DECISIONS.

(From the *Law Times.*)

Probate Practice.—Where a will was limited to property in Chili, the Court refused probate to the executor named therein. It would seem, however, that the grant would be made if the property reached this country, and probate were necessary to obtain possession of it: (*In the Goods of G. T. Cood,* 16 L. T. Rep. N. S. 746. Prob.)

Mortgage — Misrepresentation — Liabilities of Trustees.—B. being embarrassed, consulted her solicitor as to the best means of raising money to pay her creditors.

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He suggested that certain leaseholds which had been voluntarily settled by her upon trust for the benefit of herself and her infant children might be treated as if they belonged to her absolutely and mortgaged. The trustees of the settlement, however, refused to comply with this arrangement, but eventually consented to retire from the trust, and to the appointment of new trustees. The mortgage was then effected, the new trustees giving their consent on the understanding that the mortgage should be confirmed by B.'s children on coming of age. The existence of the settlement was concealed from the mortgagee at the date of the transaction, and on discovering it he took no immediate steps for the recovery of his money; but subsequently, on the children coming of age, and refusing to confirm the mortgage, he filed a bill (nine years after the discovery) against B., her solicitor, and the old and new trustees, praying for a declaration that all and each were liable to make good the money he had advanced: Held, that all of the defendants were liable to repay him his principal, interest, and costs: (*Clark* v. *Hoskins*, 16 L. T. Rep. N. S. 730. V. C. S.)

WIFE'S REVERSIONARY INTEREST—DIVORCE.—By a post-nuptial settlement in 1842, a reversionary interest of the wife was settled upon trust for the wife for life, remainder to the husband for life, remainder to the children, and in default of children in trust for the survivor of husband and wife. There never was any issue, and by a decree of the Divorce Court in 1862 the marriage was dissolved. In April, 1865, the reversion fell in, and the divorced wife became a co-plaintiff in a suit for the distribution of the fund. She died in Nov., 1865: Held, that her executors were entitled to her share against an assignee for value of the husband, as his right *jure mariti* was determined by the divorce: (*Wilkinson* v. *Gibson*, 16 L. T. Rep. N. S. 763. V. C. W.)

FAILURE TO PERFORM CONTRACT FROM ACCIDENT.—Where a person contracts to do work on the premises of another, to be paid for on completion, the law will not imply any absolute promise or warranty on the part of the employer that the premises shall at all events continue fit to receive the work; and, therefore, if, while the work is in progress, the premises are destroyed by inevitable accident, and without fault on either side, it is a misfortune equally affecting both parties, and excusing both from the further performance of the contract, but giving a right of action to neither: (*Appleby* v. *Myers*, 16 T.L. Rep. N. S. 669. Ex. Ch.)

POOR-RATE — BENEFICIAL OCCUPATION. — Within the precincts of the City of Lincoln there is a commonable pasture, called Holmes-Common, the soil of which is vested in the corporation of the city as lords of the manor, over which the resident freemen only have always enjoyed, by prescription, a right of depasturing two heads of cattle each. The corporation, now the town council, derived no advantage whatever from the common, but were actual losers by the expense to which they were put in appointing and paying a common-warden to protect the stocking of the common and the maintenance of the fences. The mayor, aldermen, and citizens having been assessed to the poor-rate as the occupiers of such common: Held, that as there was no beneficial occupation, they were not liable to be rated: (*Corporation of Lincoln* v. *The Overseers of Holmes-Common*, 16 L. T. Rep. N. S. 739. Q. B.)

PRACTICE — FOREIGN CONTRIBUTORIES — SERVICE.—A company carried on business in London and Paris, having many shareholders resident in France. On its being wound-up, and a call made, notice of such call is sufficiently served on the French shareholders by letter sent by the post: (*Re The General International Agency Company*, 16 L. T. Rep. N. S. 725. L. J. J.)

BANKRUPTCY OF FEME COVERT.—A feme covert, on her own petition, in which she stated herself to be a widow, was adjudicated bankrupt, and she was afterwards indicted for concealment and embezzlement of her property with intent to defraud her creditors (24 & 25 Vict. c. 134, s. 221, par. 3), and two other persons were also indicted with aiding her. The examinations and answers of the three defendants in bankruptcy were given in evidence in support of the prosecution. No caution was given to them by the commissioner on such examination, and they did not object to answer on the ground that their answers might tend to criminate them: Held, that although the wife was adjudicated a bankrupt, the property belonged to her husband, and that the property was not proved as laid in the indictment. Quære: 1. Whether a married woman can be made a bankrupt. 2. Whether the *Gazette* is conclusive evidence of bankruptcy against a married woman adjudicated bankrupt after the lapse of the time mentioned, 13 & 14 Vict. c. 106, s. 233: (*Reg* v. *Mary Robinson*, 16 L. T. Rep. N. S. 605. Cr. Cas. Res.)

BANKING COMPANY—SALE OF SECURITIES.—Messrs. H. and Co. drew bills upon, and they were excepted by, the N. Z. Banking Company, with whom at the same time other securities were deposited to meet the bills of maturity. The N. Z. Company discounted the bills with the H. C. and J. Company, who then became the holders of them. Messrs. H. and Co. became bankrupt; the bills were dishonoured, and the two banks were ordered to be wound-up. The securities in the hands of the N. Z. bank were sold. On a summons by the official liquidator of the H. C. and J. Bank for payment of the proceeds of the sale of the securities to them as the holders of the bills, it was held, that the proceeds could not be transferred, but must be earmarked and retained till the result of the account between the parties was fully ascertained: (*Re The New Zealand Banking Corporation*, 16 L. T. Rep. N. S. 654. Ch.)

A deed to the following effect was held bad: it contained a covenant by the creditors, each in respect of his own acts only to indemnify the debtor against any sums of money, costs, charges, or expenses in, about, or relating to any bill of exchange, or note, or other security which he might have given them, the said creditors respectively, for or on account of their said several debts respectively. The plea averred that no such bills, notes, or securities had been given to any of the said creditors other than certain creditors who had, before registration of the deed, assented in writing to, and executed the same: (*Oldis* v. *Armston*, 16 L. T. Rep. N. S. 601.)

RIGHTS OF TRUSTEES UNDER DEEDS.—The 197th section of the B. A. 1861 gives to trustees under a deed the same rights as are given to assignees under a bankruptcy by the 129th section of the B. L. C. A. 1849. Trustees under a deed of arrangement for the benefit of creditors of a sum of stock standing in the name of the debtor at the date of the deed, are entitled to a transfer of the stock into their own names without taking out letters of administration to the debtor, since deceased. The latter part of the 128th section of the B. L. C. A. 1849, directing dividends upon stock to be paid to the official assignee, is inconsistent with the provisions of the B. A. 1861, and therefore repealed: (*Ex parte Eddison, re Price*, 16 L. T. Rep. N. S. 613. Bank.)

COSTS.—POWER OF COURT.—There is no discretion given to the court by the second proviso in section 86 of the B. L. C. A 1849, (12 & 13 Vict., c. 86), in the matter of an application by the defendant for his costs of suit in a case where the plaintiff in the action has recovered a less sum than the amount sworn to in his affidavit of debt, filed on taking out a trader-debtor summons against the defendant, under section 78 of the same statute; and the court, on its being "made to appear, to their satisfaction," that the plaintiff had no "reasonable or probable cause" for making such affidavit in such amount, are bound to make an order allowing the defendant such costs as aforesaid: (*Falconer* v. *Mackenzie*, 16 L. T. Rep. N. S. 630. Ex.)

COMPOSITION-DEED—EQUALITY.—A composition-deed under section 102 of the B. A. 1861, expressed to be made "between the several persons whose names and seals are subscribed, &c., in the schedule, being respectively, either individually or in co-partnership with others, creditors of the debtor, on behalf of themselves and all and every other the creditors of the said debtor of the first part, and the said debtor of the second part," by which deed, after reciting that the debtor was indebted "to the said several persons parties thereto of the first part in the sum set opposite their names in the said schedule, and also to certain other persons in divers sums of money," the said debtor

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covenanted "with his said creditors" to pay a composition to "all and every the creditors of the said debtor, whether they executed the said deed or not," at the expiration of one calendar month after complete registration thereof; and in consideration of such payment they "the said several persons parties thereto of the first part, for themselves and their respective partners," thereby released the said debtor from all actions, debts, claims, and demands, &c., was held good on the ground that the true intent of the parties was that the whole body of creditors should be included, whether assenting or non-assenting: (*Isaacs* v. *Green*, 16 L. T. Rep. N. S. 633. Ex.)

EXECUTION AN ACT OF BANKRUPTCY.—A judgment creditor who has seized and sold his debtor's property under an execution, may afterwards set up the execution as an act of bankruptcy in support of a petition for adjudication: (*Re T. H. Smith*, 16 L. T. Rep. N. S. 643. Bank.)

B. A. 1861, s. 153.— This section applies only to cases of adjudication of bankruptcy, and not to deeds of arrangement between debtors and their creditors; but it does apply to deeds in the form of Schedule D. under the Act, when duly registered. According to the Lord Chancellor, the section applies only to cases in which a bankrupt admits his breach of contract, but requires the amount of damages to be proved: (*Re Thompson* v. *Fryer*, 16 L. T. Rep. N. S. 650. Chan.)

UNLIQUIDATED DAMAGES.—The Court of Chancery has no jurisdiction to assess damages for breach of contract by bankrupt, before executing a deed of composition. There is no appeal, from a finding of the Court of Bankruptcy on the subject of unliquidated damages

EQUITY PROCEDURE —The vacation judge has jurisdiction over every court immediately upon the rising for the vacation of the judge of that court: (*Re The Bank of Hindoostan, China, and Japan*, 16 L. T. Rep. N. S. 790. V. C. M.)

THE COURTS AND COURT PAPERS.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Sept. 16	12 o'clock	Arrangement case	Proof of debts	*Sullivan*
”	”	do.	do.	*Larkin*
”	”	Nolan	Tax costs	*Langan*
”	”	Arrangement case	do.	*Dodd*
		Tuesday. Before the COURT.		
Sept. 17	11 o'clock	James C. Devlin	Final examination	*Cleary and Ware*
”	”	William Quin	do. and adjourned assignee	*Molloy & Watson*
”	”	Thomas R. Griffith	Final examination	*Riddick*
”	”	John Tate	do.	*Lynch*
”	”	John Griffin	Adjourned do.	*Fay and M'Gough*
”	”	George M'Donnell	Sur., prove debts, and assignee	*Barry*
”	”	Arrangement case	1st private sitting	*Cronhelm*
”	”	Trader debtor sitting	-	*Morton*
”	”	do.	-	*Goff*
”	”	do.	-	*Kent*
		Thursday. Before ASSISTANT REGISTRAR.		
Sept. 19	12 o'clock	Arrangement case	Prove debts	*Black*
		Friday. Before the COURT.		
Sept. 20	11 o'clock	Charles Weekes	Sur. prove debts, and assignee	*Molloy and Watson*
”	”	Robert S. Pyke	Examine witnesses	*Molloy and Watson*
”	”	William Quin	Composition	*Perry*
”	”	Arrangement case	Adjourned 1st sitting	*Barlow*
”	”	Francis Reynolds	Adjourned motion	*Rynd*

TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
10th September,	Dawson, Tate, and Co., of Portadown, co. Armagh, linen manufacturer,	Andrew James Luton, of Portadown, merchant,	*Carleton & Sinnott*

BANKRUPTS.

M'Ewen, John, of College-square, North, Belfast, and of Springfield, near Belfast, county of Antrim, commission agent and linen bleacher, trading under style and firm of "Black and Company." Petition of bankruptcy filed 7th September, 1867. To sur. Tuesday, 24th September, and Friday, 11th October. C. H. James, official assignee. *Seeds and Lynch*, Solrs.

Weekes, Charles, of No. 78, Grafton-street, city of Dublin, outfitter, trading as "Weekes and Company." Petition of bankruptcy filed 3rd September, 1867. To sur. Friday, 20th September, and Tuesday, 8th October. C. H. James, official assignee. *Molloy and Watson*, Solrs.

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Certificates Allowed,

Unless Appeal Filed within 30 Days from date.

August 30.

Gass, John, of Gillis, county of Armagh, flax spinner and linen manufacturer, a bankrupt. *Caisy and M'Combe*, Solrs.

September 10.

Bergin, Daniel J., of Nos. 11 and 12, Inn's-quay, city of Dublin, hotel-keeper, a bankrupt. *Casey and Clay*, Solrs.

Richards, John B., of No. 83, Upper Rathmines, county of Dublin, grocer, trading as Wylde and Company, a bankrupt. *Rosenthal*, Solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENT'S NAME	PURPOSE OF SITTING	SOLICITOR
		Tuesday. Before the COURT.		
Sep. 17	11 o'clock	John Clifford - - - -	Adjourned hearing of petition -	*Murray*
		Friday.		
		- - - - - - - -	For Bail Motions only	——

INSOLVENTS DISCHARGED ON BAIL.

Dillon, William, county Meath, farmer.

Golden, senr., John, county Roscommon, formerly grocer and baker.

Thompson, Shepherd, Belfast, commission agent.

INSOLVENTS.

To be heard in Dublin.

Burke, Catherine Winifred, of Bath-avenue, county Dublin, previously of Clanbrassil-street, city of Dublin, widow; arrested as "Anne Burke," otherwise "Anne De Lusey." Hearing on Wednesday, 20th November, at 11. *Rynd*, Solr.

Keogh, Martin Joseph, of No. 204, Great Britain-street, and of No. 56, South King-street, city of Dublin, general dealer; formerly pawnbroker's assistant; sued and committed as "Martin Keogh." Hearing on Wednesday, 20th November, at 11. *Macnally*, Solr.

Laird, Mary, of Tullyvenny, Raphoe, county of Donegal, widow. Hearing on Wednesday, 9th October, at 11. *Rynd*, Solr.

To be heard in the Country.

Brown, Thomas, of Ballyneen, county of Cork, shopkeeper, vintner, farmer, and car driver. Hearing at Cork, 17th October, at 10. *Drinan*, Solr.

M'Dermott, William, of 200, North-street, Belfast, county of Antrim, out of business; previously of same place; tea, wine, and spirit merchant. Hearing at Belfast, 21st October, at 3. *Ferguson*, Solr.

PETITION OF INSOLVENCY FILED.

September 6.

Against **Dalton**, William, of 32, Lower Dominick-street, city of Dublin, gentleman—a prisoner for debt in the Four Courts Marshalsea; Ellen Moran, petitioning creditor. *Walsh*, Solr.

PAUPER DECLARATIONS FILED.

September 9.

Norton, Elizabeth, sued and arrested as "Eliza Norton"—detained by James Caldwell. *C. Fitzgerald*, Solr.

September 12.

Wilson, Henry—detained by Laurence Cuffe. *Ennis*, Solr.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	SEPTEMBER. Sat. 7	Mon. 9	Tues. 10	Wed. 11	Thur. 12	Fri. 13
Government						
3 p c Consols	—	94	93⅞	93⅞	93⅞	94⅛
New 3 p c Stock	93½	93½	—	93¾	93¾	93⅝
Foreign and Colonial.						
India 5 p c Stock	111⅞	—	—	111½	111¼	111⅞
Joint-Stock Banks.						
Ireland, £100 pd	235½	235½	—	—	—	—
Hibernian, £25 pd	—	36½	—	36¼	—	36½
Munster (Limited.), £3 10s pd ..	4½	—	—	4½	—	4¾
National, £30 pd	61½	—	61¾	61¾	62	62
National of L'pool (Ltd.), £15 pd	—	—	—	—	14½	—
Provincial, £25 pd	—	—	—	87½	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32¾	32½	—	—	—	32½
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	8½
Union, £22 pd	—	—	—	—	—	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	100¾	100½	—	101½	102½	102¾
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	65	65	—	65	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	11½	—	—	—	—	11½
Do., £5 pd B	—	—	—	—	—	[illegible]
Do., £4 pd 2 C	5⅝	—	—	—	—	5⅝
Grand Canal, £100 pd	47½	—	—	47⅝	46½	—
Patriotic Insurance, £10 pd ..	—	8½	—	—	—	—
National Insurance, £25 pd ..	—	—	—	—	32	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	45½	—	—	—
Cork & Bandon, 50 pd	—	—	10¼	—	—	11
Dublin & Belfast Junc., £100 pd ..	—	74	—	—	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	x d
Dublin & Drogheda, £100 pd ..	—	87½	—	—	—	—
D., W., & W., £100 pd	39	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	96	—	—	95	95¼	95¾
Midland Gt. Western, £100 pd ..	—	56½	—	—	—	57
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	10½	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	97	—	97	—	—	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868. £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

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LEGAL POSTINGS:

STATUTORY NOTICE TO CREDITORS.

In the Matter of James Morrison, late of Dundrum, in the County of Armagh, Merchant, deceased.

PURSUANT to the statute 22nd and 23rd Victoria, chapter 35, intituled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," Notice is hereby given, requiring all persons claiming to be Creditors, or who may have any claims or demands against the Estate and Effects of the said James Morrison—who died at Warrenpoint, in the County of Down, on or about the 24th day of July, 1867—on or before the 1st day of NOVEMBER, 1867, to furnish the particulars, in writing, of their Debts, Claims, or Demands, to ALEXANDER M'COMBE, Solicitor for Catherine Morrison, of Dundrum, aforesaid, widow, the Executrix named in the last Will and Testament of the said James Morrison, deceased, to whom Probate of the said last Will and Testament of the said deceased was granted forth of the Armagh District Registry of Her Majesty's Court of Probate in Ireland, on the 10th day of September, 1867. And Notice is hereby given, that after the said 1st day of November, 1867, the said Executrix will proceed to distribute the Assets of said deceased amongst the parties entitled thereto, having regard only to those Debts, Claims, or Demand, of which her said Solicitor shall have had notice, as aforesaid.

Dated this 12th day of September, 1867.

ALEXANDER M'COMBE, Solicitor for said Executrix, 19, Upper Ormond-quay, Dublin; and Armagh.

In the LANDED ESTATES' COURT, IRELAND.

COUNTY OF LOUTH.

In the Matter of the Estate of Sir John Benjamin Macneill, Owner; Christopher Domville Savage, Petitioner.

TO BE SOLD, before the Honourable Judge Dobbs, at the Landed Estates' Court, Dublin, on FRIDAY, the 29th day of NOVEMBER, 1867, at the hour of Twelve o'clock, noon, BY PUBLIC AUCTION, in Four Lots, this valuable Estate, situate in the Barony of Lower Dundalk, and County of Louth.

LOT 1.

Part of the Lands of Rath Lower, containing 167a. 1r. 15p. statute measure, held under Lease for Lives renewable for ever, subject to the head rent of £36 18s. 5½d., present currency, and producing a profit rent of £176 0s. 10½d. sterling.

LOT 2.

Part of the Lands of Ballagan, containing 135a. 3r. 2p. statute measure, held under Lease for three Lives (all of whom are in being) or 61 years, from 1st November, 1844, subject to the head rent of £162 19s. 3d., present currency, and producing a profit rent of £48 17s. 5d. sterling.

LOT 3.

Part of the Lands of Fanghart Upper, containing 29a. 1r. 1p. statute measure, held under Lease for 65 years, from 1st November, 1850, subject to the head rent of £35 sterling. And Part of the Lands of Plaister, or Plaster, with the Mansion-house and Offices known as "Thistle," containing 77a. 1r. 25p. statute measure, held under Lease bearing date the 24th March, 1851, for three Lives (only one of whom is now in being), subject to the head rent of £143 sterling, and producing a profit rent of £26 7s. 3d. sterling.

LOT 4.

The Lands of Culfore, and Part of the Lands of Aughaboys and Fanghart, containing in the whole 219a. 0r. 31p. statute measure, held partly under Fee-farm Grants and partly under Leases for Lives renewable for ever, and for lives and years, subject to the head rents of £114 8s. 6d., and producing a profit rent of £524 15s. 8d. sterling.

C. E. DOBBS, Examiner.

Dated 26th day of July, 1867.

For rentals and further particulars apply to the Landed Estates' Court; to

SAMUEL BRUCE, Solicitor, 24, Dame-street, Dublin, and Donegall-place, Belfast; or to

MACRORY and CO., Solicitors having carriage of Sale, 48, Rutland square, Dublin, and Ulster Chambers, Belfast.

DESCRIPTIVE PARTICULARS.

Lot 1—Comprises Part of the Lands of Rath Lower, which is situate about 12 miles north-east from the town of Dundalk, and is nearly equally distant from the town of Newry. It is within 1¼ miles of Carlingford, a seaport and market town. The Lands are of good quality, and set at very moderate rents to respectable tenants.

Lot 2—Comprises Part of the Townland of Ballagan, situated about two miles east of Rath Lower (Lot 1). This is a very good Farm, and the occupying tenants are very respectable and solvent.

Lot 3—Comprises Part of the Lands of Fanghart Upper, together with Part of the Lands of Plaister, upon which stands the Mansion-house and Offices known as "Thistle," which is handsomely situated, with neat Garden and Pleasure Grounds. The Lands comprising this Lot are of good quality, well fenced and watered, and divided into nicely shaped fields This Lot adjoins the demesne of Mountpleasant (portion of Lot 4) on the north side, and is occupied by respectable and solvent tenants.

Lot 4—The Mansion-house and Offices of Mountpleasant (forming part of this lot), are delightfully situated with picturesque lands and wooded boundaries, handsome pleasure grounds, ornamented with the choicest flowers, plants, and trees. The kitchen gardens, &c., which comprises about 14 acres statute measure, contain an excellent selection of fruit trees and flowers (home and exotic), with vineries and forcing houses, all of modern construction, and got up regardless of expense. The demesne is neatly walled in, and rivulets of clear spring water flow through it in different parts. The water to the mansion-house and gardens is supplied by conduits acting from hydraulic pressure.

The mansion-house is situated about two miles north of the town of Dundalk, to the east of the public road leading to Newry, from which it is approached by an avenue about half a mile in length. The principal avenue leading from the Ballymascanlan road is of equal length, and forms a most beautiful carriage drive. The Mountpleasant Station of the Dublin and Belfast Junction Railway is about a mile distant from the house, and the Mountpleasant and Ballymascanlan Post-offices about three-quarters of a mile respectively.

The Spinning and Scutching Mills (which are very valuable) are situated on this lot, in connexion with which is a gas factory, having connexions for lighting the mansion-house and offices of Mountpleasant. There are also valuable stone and lime quarries and kilns on this lot.

The demesne lands are of good quality, rich and fertile, and the farm-yard and buildings attached thereto are very extensive and permanent. The town of Dundalk is a rising seaport, having steam communication with Liverpool three or four times weekly, and railway communication with Dublin, Belfast, and all the north-west of Ireland, several times daily. Large markets are held in that town on every Monday in each week.

The lands are of good quality, and the tenants are respectable and punctual in the payments of their rents.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, September 14, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 34.] SATURDAY, SEPTEMBER 21, 1867. {Single Copy, 6d. By Post, 7d.

On the 22nd of last March we had to announce the retirement of the Right Hon. Francis Blackburne from the high office of Lord Chancellor of Ireland, and express our regret for the causes that compelled him to that step. It is now our sad duty to chronicle the death of that good man, great lawyer, and true patriot. Courtesy, and respect for the departed, in all cases would induce us to say, *de mortuis nil nisi bonum;* but the influence of no such conventional maxim is required to make us acknowledge the worth of him who has departed from among us. A history of his public life would occupy a volume. He lived and worked during what was, perhaps, the most critical period of Ireland's history—the years immediately following the Union; and notwithstaning the temptations which those stirring and troubled times must have held out to a man of his ability, to his credit be it written, he never became a mere partisan lawyer. From the beginning to the end of his career, the law was his sole mistress; he never wooed the uncertain wind of political intrigue, or parliamentary influence, to waft him to any appointment; nor did he make the votes of a constituency the stepping stone to the Bench. In consequence, he was entrusted by the successive Governments of Lord Melbourne and of Sir Robert Peel, with the post of Attorney-General; and in 1856, when the high office of Lord Justice of Appeal was created, Mr. Blackburne was appointed to it by Lord Palmerston, solely for the reason that he was admittedly the most competent man to discharge its duties, and in spite of the fact that he had never supported Lord Palmerston's Government. Again, in 1830, when Mr. Blackburne was directed by the Wellesley Government to inquire into the cause and progress of the riots in the North of Ireland, so great was the confidence reposed in him that his appointment was considered by the Liberal party as a proof of the honest intentions of the Government towards them.

Mr. Blackburne was born at Footstown, in the county of Meath, in 1782—that year so famous in the annals of Ireland for the inauguration of our independent legislature. In 1798 he entered Trinity College, Dublin, and obtained, in 1802, First Scholarship in Classics. He graduated the next year as gold medallist. During his College course, Mr. Blackburne was a distinguished member of the old Historical Society, in which he gained medals for oratory and history. In 1805 he was called, and chose the Home Circuit. His success was not so great at first as to give any expectation of his ultimate eminence; and that *res angusta domi* which withheld from him the advantage of studying under a special pleader or conveyancer, may have been the reason why he did not take silk until 1822, seventeen years after his entrance into the profession; but from this period his advancement was as rapid as his deserts were great. He was appointed third sergeant-at-law in 1826, and second sergeant on the resignation of Mr. Lefroy, in 1830. In the same year he also became Attorney-General of the Whigs, when the office was, in truth, no sinecure, for then commenced the agitation for Repeal. In the next year commenced the Tithe Agitation, and it became Mr. Blackburne's duty to prosecute, at Kilkenny, some unfortunate men charged with the murder of certain police and a process-server, at Carrickshock. Though true bills were found against thirteen persons, only one, Kennedy by name, was tried at that Assizes, and when he was acquitted on the first indictment after a long contest between Blackburne and O'Connell, the Attorney-General stated, in reference to the second indictment, that as the defendant had been acquitted on the charge of murder, he would never put a person in jeopardy twice for the same transaction. At this time there happened an event in Mr. Blackburne's career which, if the report given of it be true, is very illustrative of his character, and would go far to explain his popularity with the Government and with his colleagues. On the death of Mr. Justice Jebb a vacancy on the Bench occurred, which, according to the usual practice, Mr. Blackburne should have filled, yet, although the vacant seat had been offered to him, it is said that, at the subsequent request of Lords Wellesley and Melbourne, and for the convenience of the

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Government, he yielded up his rights as Attorney-General, and allowed Mr. Crampton, the Solicitor-General to be appointed in his stead. Sir Robert Peel succeeded Lord Melbourne in power, and retained the Attorney-General in his office, a most unusual occurrence, referred to above. It was in 1842, on the death of Sir Michael O'Loghlen, that Mr. Blackburne, at last bade adieu to the struggles and victories of the Bar and took his seat on the Bench as Master of the Rolls, and, in 1846, he was appointed Lord Chief Justice of Ireland; in 1852 he held the Great Seal of Ireland, and in 1856 he was appointed by Lord Palmerston to the newly created office of Lord Justice of Appeal. On the accession of the present Government to power he again accepted the Great Seal and held it until March last, when ill-health compelled him to resign.

Such is a short sketch of the public life of one who worked for sixty-two years, and in that period filled more offices than any other lawyer on record. Nor while he discharged his legal and judicial functions did he neglect those appertaining to his position as a statesman, since he was associated with the present Lord Derby (then Mr. Stanley), in preparing the Tithe Rent Charge and the Church Temporalities Acts. His advice was frequently asked by the Government during the troublous times through which we have lately passed, and as often acted upon. He never was an advocate for stern measures, his voice being always heard on the side of moderation and mercy. It should not be unrecorded that he was Vice-Chancellor of the University of Dublin up to the time of his death. While at the Bar the chief characteristic of his style was brevity; in cross-examination he was very skilful, never using that overpowering loudness of tone and violence of language, which sometimes succeed in breaking down a dishonest witness. Mr. Blackburne rather used his dexterity in leading on a witness, by cautiously and calmly putting questions calculated to commit him, and bringing him from point to point to the statement at which he wished to arrive. As Law Officer for the Crown he did his duty conscientiously, but never erred on the side of severity. On the bench he was all that could be desired as an Equity and Common Law Judge; his decisions were clear and logical, and his judgments calm, dignified, and excelling in the quality of discrimination. In truth, he was a representative of a class of lawyers who were famous, and of whom but one remains—and he is of even older standing than the late Lord Chancellor, we mean Ex-Chief Justice Lefroy.

The Right Hon. Francis Blackburne died in Rathfarnham Castle, near Dublin, surrounded by a circle of lamenting friends attracted by the high accomplishments and kindliness of feeling which he ever displayed in private life; regretted by the occupants of the Bench who long looked upon him as its brightest light, and by the members of the Bar for the solicitude he continually showed for their interests and well-being, not less than by the other branch of the profession by whom he deserves to be remembered as the chief agent in instituting the examinations for Attornies' Apprentices.

ALL suits in Equity, after the first day of next Michaelmas Term, must be commenced by Bill. An original Bill is said to be in the nature of a declaration at Common Law. It is in form a petition to the Lord Chancellor. It must be signed by counsel, and should be drawn, or perused, by him before signed. A note should be appended stating the address of the plaintiff's solicitor, or of the plaintiff himself, where he sues in person. It must be intituled between the parties, plaintiff and defendant, and repeat at the end the names of the defendants as defendants to the Bill. If the defendants, or any of them, are merely formal parties, the words, "to be bound upon service of a copy of the Bill," should be added; and if out of the jurisdiction, there should be a statement to that effect.

The Bill need not be verified; but in certain cases, *e.g.*, in suits to perpetuate testimony, interpleader suits, &c., it must be accompanied by an affidavit, to be filed with it.

If the suit is instituted on behalf of the Crown, or of those who partake of its prerogative, or whose rights are under its particular protection—as the objects of a public charity—the matter of complaint is offered to the Court by way of *Information* by the Attorney-General. But an Information differs very little from a Bill, except in the style, and the practice applicable to both may be considered as identical.

A mode of procedure, by way of *Special Case*, is introduced by the new Act, in certain cases coming within the provisions of the 111th section, where persons interested in any question cognizable in the Court of Chancery as to the construction of any Act of Parliament, will, deed, or other instrument in writing, or any clause, matter, or thing, therein contained, or as to the title to any real or personal estate, contracted to be sold, or otherwise dealt with, or as to the parties to, or the form of, any deed or instrument for carrying any such contract into effect, or as to any other matter falling within the original jurisdiction of the Court as a Court of Equity, or made subject to the jurisdiction or authority of the Court, by any Statute (not being one of the Statutes relating to bankrupts), and including amongst such persons all lunatics, married women, and infants, shall concur in stating such question in the form of a special case for the opinion of the Court. In cases of this description the

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parties interested can conveniently submit a case, and speedily obtain a judicial decision upon any point of law arising from admitted facts. This form of application was introduced in England by the 13th and 14th Vic., c. 35, ss. 1-18. The 11th and 27th sections of the Chancery Regulation Act, 1850, created a somewhat similar jurisdiction, and authorized the presenting of a petition in two cases, in neither of which a Bill could be sustained, the one for the purpose of obtaining the opinion of the Court upon a special case, or state of facts, and the other for the purpose of obtaining partial relief.—(*Vide* 21 G.O., May, 1857.)

The manner in which lunatics, married women, and infants, are to concur in stating a special case is regulated by sections 112, 113, 114, 115, and 116.

The special case is to be entitled as a Cause between some, or one, of the parties interested as plaintiffs or plaintiff, and the others, or other, of them as defendants.

Again, by section 145, and following sections, down to section 154, a cheap and expeditious mode of administering the estate of deceased persons is established. In these cases proceedings are commenced by summons, which may be at once obtained at the Chambers of the Master of the Rolls, or Vice-Chancellor, without any formal proceeding or application to the Court itself, and an order in the form set out in Schedule B to the Act, may be made by the Court, or a Judge, on the hearing of such summons, to administer the estate.

Besides these different methods of originating applications to the Court, there are several forms of proceedings under Acts of Parliament passed for special purposes of relief, as for the appointment of new trustees under the Railway Acts, the Renewable Leasehold Act, and many others.—(*Vide Reilly on Summary Petition.*)

We have, then, the following different methods of originating applications to the Court of Chancery :—

1st.—By Bill, in suits on behalf of a subject.

2nd.—By Information, in suits on behalf of the Crown, or of those who partake of its prerogatives, or whose rights are under its particular protection.

3rd.—By Special Case, under the Act where parties interested concur in stating a case for the opinion of the Court.

4th.—By Summons, in administration cases.

5th.—By Petitions, under particular Acts of Parliament.

ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

ADDRESS ON JURISPRUDENCE AND AMENDMENT OF THE LAW.

By the RIGHT HON. MR. JUSTICE O'HAGAN.

Not without reason has the association which I have the honour to address placed the science of jurisprudence foremost amongst the great subjects of social interest. Whether we regard the foundations on which it is established, the faculties which it exercises, the knowledge it exacts, or the influence it wields in the affairs of life and the intercourse of nations, we shall not wonder that it was described by one of the wisest of men as "the pride of the human intellect, which, with all its defects, redundancies, and errors, is the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns." Having dwelt at some length on this subject, his lordship said:—We cannot expect that jurisprudence should command more than a comparatively moderate attention, save from those whose special avocations, legal or political, put them in close connexion with it, at this time of hot and bustling progress, when it is so hard to keep up with the march of discovery and the perennial growth of a multitudinous literature. We shall not again see, what Fortescue describes, the thronging of 2,000 *filii nobiles*—the children of the gentle-folks of England—to the Inns of Court and Chancery, to be indoctrinated in a knowledge of the laws, as a part of their common education; but we may suggest to the student who would be more than a mere workman at the Bar, and rise to the proper level of his order, that he will find in cultivation, a knowledge of the general principles which underlie all legislation, and of the great system which still, more than all others, protects the interests and regulates the action of civilized men throughout the world, a needful aid towards the true appreciation of the law he designs to practice, and may be called to administer. Great English judges have pointed to the connexion of the law of England with the Roman Jurisprudence. Lord Holt (12 Mod. 482) speaks of it in a solemn judgement; and we are informed by Bishop Burnet that "Lord Hale often said the true grounds and reasons of law were so well determined in the (Roman) digest, that a man could never understand law as a science so well as by seeking it there; and, therefore, lamented much that it was so little studied in England." That, although it was worsted in the contest with the common law, left its mark deeply on English thought and the English judicature. Lord Bacon says, somewhere, "Our laws are as mixed as our language;" and, undoubtedly, during the Roman occupation of Britain, for nearly five hundred years, the native views of justice and its administration were interfused much with those of the invaders. And, when the composite system came afterwards to be shaped and expanded, the early masters of it—Fleta and Glanville, and eminently Bracton, the great legal classic of England—were versed in the Roman system, and drew from it many a doctrine and many a form of thought and speech. The early judges got much of their wisdom there, and their decisions, so inspired, became part of the common law. The old inimical systems ran thus into each other, and became indistinguishable in the stream of legal tradition and judicial resolution, as it moved downward, with ever-gathering volume, from century to century. Still more clearly and directly the Roman code operated on the action of the courts of equity and admiralty, the ecclesiastical courts, and the courts-martial, and in all of these knowledge of it could not be dispensed with by a practitioner who valued the accomplishments becoming his position. Therefore, because of its connexion with the laws of his own land, the study of the Jurisprudence of Rome, which is, with modifications, the jurisprudence of mankind, should be full of interest to the English and the Irish student. It was so to Lord Mansfield. He admired the civil law, as "a venerable monument of ancient wisdom;" and his wide acquaintance with it and with the modes of thought and action it had made common in other countries, freeing him from superstitious reverence for the rigidity of the system he so well administered, supplied impulse and direction for the salutary legal revolution which rendered memorable his long and luminous career. But, more than this, and beyond our need of the knowledge to be derived from it, as to the sources and doctrines of our ancient laws, the study of the Roman code—although it is not free from some shortcomings and imperfections in definition, arrangement, and erroneous principle—is commended to us as that of the most perfect scheme of jurisprudence which the mind of man has ever devised. It was the creation of Imperial power; and our political rights and liberties have another origin and other guarantees; but, regarding it as a system of civil law, the greatest thinkers of the modern world have

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exhausted all forms of eulogy in describing its excellence. St. Augustine says that "Providence made use of the Roman people to subdue the universe and govern it the better by their laws after their empire had been destroyed." Fortescue speaks of the civil law as exalted by fame throughout the earth, above all other laws—"*Super humanas cunctas leges alias fama per orbem extollit gloriosa.* Bacon describes it as "a fitting and most sacred temple dedicated to justice—"*Proprium et sanctissimum templum justitiæ consecratum.*" The Chancellor D'Aguesseau adopts the idea of the great Bishop of Hippo, declaring that "the grand destinies of Rome are not yet accomplished; she reigns throughout the world by her reason, after having ceased to reign by her authority"—*Non ratione imperii sed imperio rationis*—and Gibbon calls it "the fair and everlasting monument" of the Emperor whose name it bears. His lordship then said—The time is coming fast when the body of our law must be digested and reduced to the proportions of a simple and manageable code. The work which was done for Rome when Tribonian and his fellows digested such a code from the chaotic mass of judgments and ordinances, which is said to have burthened many camels—the work which Bacon was willing to undertake for England, in the midst of his mighty labours—for which Romilly pleaded with persuasive eloquence—of which all thoughtful men have long appreciated the importance, whilst they have felt the difficulty—that work, I repeat, by some means, and in some fashion, must at last be done. Its beginnings are in progress and its completion is assured. What has been accomplished so well in New York for the English law, cannot be incapable of imitation and extension in the country which produced it. We have already consolidated our criminal legislation, and the success of the experiment must urge to further effort in the same direction. And if this be so, and if an imminent duty of the time may prove to be, the digest or the codification of our statute and reports, it behoves those on whom that duty may be cast to look behind them and around them, and see what has been accomplished in other times and countries, that they may be guided to avoid mistakes, and obtain encouragement and wise direction for the worthy completion of their appointed task. They will find that what remains to be achieved for us has been effected for most other countries. They will find in Bavaria the oldest of the recent codes; in Prussia, the Landrecht, which Savigny holds in the highest estimation; in Austria, the Gesetzbuch, originated by the genius of Maria Theresa; in Russia, the Zakonow, the *corpus juris* of that great empire, containing, we are told, a digest of the most extended body of laws existing in the world, framed by continuing commissions under successive sovereigns; and, in France, the Code Napoleon, not very complete and too hastily prepared, but the purest, perhaps the only unstained, glory of the wonderful man, whose boast was that he would go down to posterity with that code in his hand. They will see that all these various systems have derived their animating principles of equity and order largely from the Roman precedents; and that, even as to the last, though it rose from the chaos of the Revolution, it owed to the training and traditions of the French Bar, in the great days of the parliaments, when the study of the civil law was essential, not only to the advocate but to all candidates for high public office, the shape and substance which it ultimately took through the learned toil of Cambaceres and Tronchet, and Napoleon's keen intuition and energetic will. If the business of the digest or the code is to be fitly done for us, the ancient jurisprudence and its emanations throughout modern Europe must not be unknown to those who undertake it. They will need practical acquaintance with the system they undertake to improve; but they must also understand the science of law, and be trained to apply it, by familiarity with its great creations. But, further still, the knowledge of these things may be, in the coming time, of value and significance in other ways. We live in a period of transition. Many old things are vanishing away. We have seen political changes which cannot be barren of great results for evil or for good. Of these results we have no sure pre-vision; no man can pretend to have it. But we may look confidently forward, sustained and heartened by the teachings of the past, in which we have so often seen gloomy anticipations falsified, and unreal terrors turned to hope and joy.

> "The future hides in it
> Good hap and sorrow•
> Still we go thorow:
> Nought that abides in it
> Daunting us, Onward!"

The question as to the assimilation of the laws of England and Ireland is, I observe, with great propriety, submitted to our attention. I cordially approve the application of the principle, whenever it can be made, in fair consistency with local needs and feelings We should not assimilate merely for the purpose of assimilation; but it is very desirable that we should interchange good laws, and make our entire system of judicature as uniform and homogeneous as may be reasonably possible. With a view to this desirable result, I mean to point to some noteworthy portions of our legal system, which belong to us peculiarly, and in which, to some extent, we have outrun the legislation of England. The formation of a general register of deeds and assurances has, for several centuries, occupied the attention of English statesmen and lawyers. Its great necessity was recognized by Parliament so long ago as the year 1535 (27th H. VIII, c. 6), and again during the Chancellorship of Lord Bacon, in 1617, by the issue of letters-patent; but nothing came of the attempts, abortively made, at both those periods. In 1703 a register was provided, by statute, for the county of York; and, in 1708, a similar statute gave its register to the county of Middlesex. No further provision of the kind was made for England. The seventeenth century passed. The want continued to be acknowledged. Lord Hale, and others of high authority, recognised and lamented it; but nothing was done. In 1815 and 1816, Sir Samuel Romilly and Sergeant Onslow tried, severally, to induce the House of Commons to approve of bills for a general registration; and both failed to carry their measures beyond a second reading. Repeated commissions have since given solemn consideration to the subject, and produced elaborate reports. Repeated attempts were made, in the Houses of Lords and Commons, by Lord Campbell, Lord Cranworth, Mr. William Broughham and others, to pass into law various schemes which had high approval. But they were one and all defeated; and to this hour England remains without any general register of conveyances. Now, it is very remarkable that Ireland has possessed such a register since the sixth year of Queen Anne. It was established by an Act of the Irish Parliament, passed in that year, "to secure purchasers and prevent forgeries and fraudulent gifts, &c.," which provided for that object by authorizing the registry of deeds, and giving a subsequent conveyance, if registered, priority over a prior conveyance, if unregistered. The act directed the formation of a full official staff, and prescribed minutely the formalities needful to be observed for validating the registry. From the date of this statute until the present time it has been in full and effective operation, modified by various intermediate acts, but unchanged in its essential character; and, upon the whole, working well and satisfactorily for the security of purchasers and the prevention of frauds. Some amendments in the system are required, and would have been accomplished three years ago, but for difficulties with the Treasury. They have been considered in an elaborate report by Mr. Lane, Q.C., and an able paper by Colonel Roberts, and they can be easily carried into effect. A bill for the purpose was prepared under my direction when I was Attorney-General, and was carried to a second reading, but no further. I trust the changes it designed may be soon effected. They are of great and pressing necessity in Ireland. I am not here, however, concerned with the details of the scheme, or its prospective changes. I desire only to point to our registry office as an Irish institution, which has supplied to us for a century and a half, a social want keenly felt for three hundred years in England, and still existing there; and to invite to it and its machinery the consideration of those who have intelligent interest in the matter, and may profit in the work of assimilation, by our long experience. We are not yet in a condition to judge how far the registration and record of title system which were introduced in the House of Commons, for England, by

Lord Cairns in 1859, and for Ireland, by myself, in July, 1864, in bills which have since substantially become law, may hereafter affect the operation and necessity of a registration of assurances. The Irish measure applies only to cases in which the Landed Estates' Court has given a parliamentary title, and does not extend to ordinary transactions of purchase and incumbrance. By and bye, I trust that its operation may be enlarged, so as to assist, still better, in making the transfer of land simple, cheap, and easy. I agree with Mr. Mill in holding this to be "one of the greatest economical improvements which could be bestowed on a country"—and especially, I will add, on a country like Ireland, which so eminently needs the creation of a small independent proprietary—an industrious middle class—with a settled interest in the soil, attaching them to the maintenance of our laws and institutions. I am glad to be able to say that, although the Irish Act has been scarcely twelve months in real working order, and in spite of the peculiar difficulties, professional and other, which at first obstruct endeavours to simplify and cheapen legal procedure, no less than two hundred and twelve properties have already been completely registered under it, the value which, determined by the amount of the purchase-money, is £657,074. This seems, in a high degree, satisfactory and encouraging; and the importance of the fact will justify the small digression which has enabled me to mention it, in connexion with the registration of assurances. If, in the course of time, it be found possible to substitute for registration a universal and complete record of title, so much the better; but the question of that substitution is very difficult, and must be long postponed. I do not stay to discuss it; and, in the meantime, our system has its value for use in Ireland, and for example elsewhere. Another legal institution in which the Parliament of Ireland anticipated English progress, and which has still some special qualities, perhaps inviting imitation, is that of our county courts. The proceeding by English—afterwards civil—bill for the recovery of small debts existed in Ireland from an early period. It was originally entertained by the Judges of Assize, and was regulated by various statutes, from the reign of George I. downwards. In the year 1796 the Irish Parliament by an Act (36 Geo. III.;) after reciting, that "it would contribute much to the ease of the poor, whose causes principally were tried by civil bills, and who were frequently brought far from their homes and unavoidably kept for many days at the assizes, as parties or witnesses on such civil bills, and sometimes at an expense exceeding the sum in contest, if there should be more frequent opportunities of hearing and determining causes by civil bill, within the several counties of this kingdom," created the office of assistant-barrister, providing that he should be a lawyer of a certain standing, appointed to aid and advise the justice at quarter sessions, and, at the same time, to hold a civil court, of which he was constituted the sole judge, with a specified jurisdiction in cases of tort and contract. The Sessions Court, so arranged, worked well and became popular. The assistant barrister soon assumed the leading position in the despatch of Crown business, which his training and knowledge qualified him to hold; and he is now made by statute the permanent chairman of the justices. His jurisdiction as civil judge has been greatly extended, and a large proportion of the legal controversies of the country come before his tribunal. Thus, in the Irish Civil Bill Court, the English county courts found a model, existing for full half a century before they were established, and operating with an efficiency which they have fully emulated. The old local jurisdictions of England had become effete and generally useless for public purposes; and the county courts took their place in the year 1846. It is remarkable that in the civil bill procedure of Ireland we find the germ of that fusion of law and equity, towards the consummation of which we are daily advancing. The Civil Bill Court is a court of equity for the defendant; and was so long before the statute permitted the pleading of equitable pleas in the superior law courts, or armed them with the powers of injunction, mandamus, and compulsory accounting, which enables the suitor, sometimes with great advantage, to dispense with the intervention of a proceeding in Chancery. We are destined, I have no doubt, to witness more and more that consolidation of jurisdictions with which our Scottish brethren are familiar; and which the experience of the American tribunals seems to assure us may be safely adventured here for the more speedy and economical decision of causes, and the removal from us of the reproach that in the same country, with the same subject matter, separate courts are required to deal on different, and sometimes conflicting, principles. I would add the expression of my opinion, that the equitable jurisdiction which belongs to the judge of the English court should be given, within proper limits, to the Irish Chairman of Quarter Sessions. It will be well and wisely used, and in many cases it will prevent the defeat of justice, which the impossibility of a poor man's access to the Court of Chancery sometimes makes inevitable. The supreme law of social safety is the warrant, as it should be the bounding measure, of the infliction of punishment by man on man. That infliction is not designed to compensate for individual wrong, or satisfy individual vengeance. The "lex talionis" of the Hebrews is obsolete; and we hold in horror the "vendetta" of the South. We punish crime, only that we may prevent the repetition of it, and work the amendment of the criminal. Vindictive justice does not belong to human law. It cannot penetrate the depths of the soul, and gauge the worth of human actions by reaching their hidden springs in the tangled motives and the various trainings which make men what they are. It must be guided, in its conflict with fraud and violence, by a regard for the results to the community which requires protection, and to the offender who needs reform. Another Irish institution I cannot pass without a word in this hurried reference to those which peculiarly belong to us. The calamity which swept myriads of our people from the earth in 1847 and 1848, while it filled the country with mourning and desolation, was made by that Providence which draws the "soul of goodness" from evil things, fruitful of vast results. It precipitated the progress of events, compelled statesmanship to action through the teaching of a terrible necessity, and aided in securing commercial freedom of the empire and the world. In that great achievement Ireland aided, although to herself its immediate consequences—affecting rudely a diseased society and a demoralized land system—were in no way beneficial. She strove for true principles and the cause of universal progress, and not for profit to herself

"Vos non vobis mellificatis, apes!"

That was one great collateral result of the dread Irish famine. Another was the establishment of the Incumbered Estates' Court, which wrought essential public good at the expense of much individual loss and suffering; removed an insolvent proprietary, with which true national progress was incompatible; and prepared the way for a sounder state of things. That temporary tribunal has grown into permanence, with extended powers, and continues to confer upon us many benefits—cheapening conveyances, facilitating the disposal of estates, and making titles clear and indefeasible; and so, in connexion with the recording scheme of which I have already spoken, preparing for a gradual distribution of landed property more largely amongst the occupants of the soil, which will yet conduce, with other influences, to give settled order, industrial energy, and a hopeful future to the Irish people. Something has been done in the same direction in England. Lord Cairns endeavoured, in 1859, to establish for her, also, a Landed Estates' Court, but his bill was not passed, and subsequent legislation has not reached the point at which he aimed. It seems desirable that the success of the Irish experiment should secure its effective repetition. England, also, needs the disencumbring of embarrassed properties, the clearing of complicated titles, the relief of the land from the feudal fetters and the ponderous conveyancing which impede its free transfer. And she, as well as Ireland, will find safety and profit in a change, which, healthily diffusing small estates amongst multitudes of honest purchasers, may, more or less, antagonize the growing tendency to excessive territorial accumulation in few hands, and close the widening chasm which separates unbounded wealth from toil and poverty, with possible results of serious interest to the thoughtful student of the history of the fall of empires. I have left myself no space to speak of one of the

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most remarkable of our special institutions—the Irish Convict system. Nor is this needful. It has gained the applause of Europe, and finds continually larger and more cordial acceptance in England. Its great principles of individualised discipline during imprisonment, progressive reformation through the varying stages of it, and protective supervision at its close, are working everywhere the best results. And I am glad to find that the Irish refuge for fallen women finds itself reproduced in the great English towns. I shall say no more of assimilation in this respect, especially as the subject will be more fit considered in another section; but, feeling strongly the importance of the subject, I would repeat the statement of an opinion which I uttered before at our Dublin meeting—that the entire of our prison arrangements should be conducted on the same principle and controlled by the same authority. The reasons for amalgamating the county and the convict systems are patent in the increased economy, efficiency, and completeness which the amalgamation would certainly afford; and we are encouraged to attempt it promptly by the wonderful diminution of offences, which is a fortunate characteristic of our social state. Our gaols are comparatively empty. We may easily bring them under one central government, and so approach a solution of a much vexed problem. The circumstances of Ireland were especially favourable for the great experiment of the convict system. They are no less favourable for testing the possibility and discovering the means of establishing a general uniformity in prison discipline. His Lordship, in referring to the Brehon code, said—To the study of that ancient system which, for so many ages held sway in Ireland, some of us, children of the soil, will be attracted, as by "ancestral voices" from the buried past. And for all the learned of Europe who have interest in the history of jurisprudence and the archæology of law, it must be the subject of intelligent curiosity and careful investigation. I can say no more of it here; but, having said so much, I should be untrue to my own feelings and convictions if I did not seize the occasion to add the expression of my great regret that an end has been put to the study of the Irish language in those hospitable halls which are opening to receive us. You will find in them the amplest appliances for scientific and literary teaching; but, amongst their accomplished professors, there is not one to give instruction in the ancient tongue, which is still sounding with melodious sweetness and expressive power amongst the glens and mountains of the fair county in which we are assembled. There is not one to help in training future O'Currys and O'Donovans; so that the remnants of our old literature, scattered in mouldering manuscripts through the libraries of Europe—from Copenhagen to the Vatican—may be saved from destruction, as these Brehon laws have been, and made available for the honour of Ireland, and the benefit of the world. When the Queen's Colleges were established, each of them had a small endowment for a professorship of Irish. In two of them that endowment has been diverted to other purposes, and the professorships are abolished. As to the third the same course is contemplated. The time was strangely chosen for such a questionable act when Englishmen, like Matthew Arnold and Professor Morley, are labouring with generous enthusiasm, to assert the dignity and celebrate the achievements of the Celtic race; when Germany produces an unmatched Irish Grammar, and continental scholars, recognising the wisdom of Leibnitz, who urged the cultivation of the Irish language—*Linguæ Hibernicæ*—for the general purposes of European literature, found in the pursuit of Celtic studies, the necessary and efficient means of advancing ethnological and philological inquiry. Irishmen have been too justly reproached as "*incuriosi suorum;*" but that reproach would not have found confirmation in a change so needless, so injurious, so little in harmony with the spirit of a self-respecting people, and the tendency of cultivated thought throughout the world. I trust that the publication of the Brehon Laws, and the attention it must attract to Celtic literature and jurisprudence, may contribute to make plain, and undo quickly, the mischief of this retrogressive step. One necessary word before I close. I have stated my approval of the principle of assimilation, when applied on certain conditions and within certain limits; and I have sought to show that Ireland has some special institutions which should be held in view for the purpose of its application to other portions of the United Kingdom. But by assimilation I do not mean absorption. I do not regard identity of laws as involving unity of administration. I confess my intolerance of schemes which have been advocated, even by Irishmen, for imperializing our Irish tribunals; attracting our Bar to English courts; disposing of great Irish causes there; leaving to us narrow jurisdictions and a debased profession; and making the capital of England the legal metropolis of Ireland also. If results like these were to follow assimilation of the legal systems of the two countries, I should lament it as a grave calamity. Ireland, and Scotland too, have suffered enough from the action of excessive centralization. They both endure many of the inevitable evils of a provincial state. They both have plain interest in resisting the further progress of those evils; and they can best resist it by maintaining such local institutions as may counteract the tendency of the elements of national life to withdraw themselves from the extremities of the empire and gather at the centre of power and wealth, where success is worth the trouble of achievement, and merit is sure to seek distinction and reward. We may labour, in all proper cases, to assimilate the laws of the three kingdoms, giving for that purpose from every district what light and help we can reciprocally furnish; but we should maintain for all the integrity of their independent judicatures, in the assurance that they will not less enjoy the benefits of a common code, if it do not aim to subordinate any one to any other of them, or unduly exalt a part, at the expense of exhaustion and depression to the rest. On this matter I can speak freely, as I speak without personal interest. In my position, men bid farewell, not always joyously, to hope and fortune, and my warning counsel has no taint of self-seeking or any indirectness when I say, that for Ireland, at least, it is essential to maintain a high judiciary and an educated Bar, if she would preserve anything of the informed opinion, the productive energy, and the public spirit, without which a people stagnates and sinks into contempt.

ENGLAND.

LIMITED LIABILITY.

One of the most useful of the measures of practical legislation due to Lord Derby's Government is the new Limited Liability Act, which came into operation at the beginning of September. By rather a curious coincidence the Bill was read a second time in the House of Peers on the evening of the day on which the law-lords pronounced the celebrated judgment in the matter of Overend, Gurney and Co., Limited. The coincidence was curious, because while their judgment had undoubtedly the effect of further depressing both the holders of shares and shares themselves, the passing of the new Act must have precisely an opposite tendency. The Government has established a claim to the gratitude of the commercial and monetary worlds, by the energy and firmness with which it carried through Parliament at the close of an eventful Session this measure of financial relief. Shares in Limited Companies—on the supposition, of course, that these have a sound basis and are properly administered—need no longer remain unsaleable, because their holders are liable for a large amount of unpaid capital. The Act permits, on terms just to creditors, the reduction of the nominal capital of a company, an operation which could formerly be effected only by a costly and troublesome process of liquidation and reconstruction. A company may have been—many have been—started in perfect good faith with too large a nominal capital, and it may be in flourishing circumstances, while owing to the liability for unpaid calls its shares are virtually unsaleable. One of the witnesses examined before the Select Committee of the House of Commons last Session cited the case of a prosperous bank which had been in successful operation for four or five years, but the shares of which are almost entirely unmarketable; because while they had been fixed at £100, the directors found that a call of £20 or £30 per share yielded sufficient capital for the requirements of the

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business. The liability for the balance, however, frightens away purchasers, and in the case of a bank, the voluntary liquidation, allowed by the old law with a view to reconstruction and the reduction of the capital, would obviously be fatal to the credit of the concern. All that justice requires before allowing a reduction of capital is that the rights of creditors should be safeguarded, and this is amply provided for by the Act, the operation of which, before many months have elapsed, will very considerably enhance, no doubt, the value of the shares of all sound Limited Companies and rescue them from their present inanimate condition. Another excellent provision of the Act, framed with the same view of making shares more marketable and more available as securities, allows a company to arrange with a shareholder for the payment in full of the nominal amount of his shares. When this is done, the Act authorizes the company to issue to the holder share-warrants, transferable to bearer, which will be easily negotiable or available as a security. If the Act had done nothing more than strengthen and relieve share property by these permissive provisions, it would deserve to be hailed as a boon by the commercial and investing community.

A great deal more, however, is done, or permitted to be done, by the measure which is modestly entitled, "An Act to Amend the Companies' Act, 1862." Omitting minor provisions, useful but less interesting, we come at once to the chief remaining achievement of the Act—the permission which it bestows on present and future Limited Companies to adopt the French system of partnership *en commandite*. Strange to say, when the Limited Liability system was imported from France into this country, what was best in the French working of the system was rejected by our legislation. Though Lord Romilly, in his examination before the Select Committee of the House of Commons, pleaded a scarcely excusable ignorance of the fact, yet the French had Limited Companies very much like our own at present in all but one essential respect, namely, the mode in which they were allowed to be originated. In France a Government inquiry had to be made into the objects, status, and constitution of each projected company; and a Government authorization was required before it could be legally formed and commence operations. In obedience to the then fashionable philosophy of Free Trade at any price, we, however, rushed into the other extreme; and at last, by that famous sample of "Liberal" legislation, the Companies' Act of 1862, Parliamentary sanction was given to a state of things under which seven "roughs," sitting over their beer at a public-house could, by assuming a liability for a farthing each, and going through some easy formalities, constitute themselves a corporation in perpetuity with power to hold lands and prey upon the public to an extent only limited by its credulity! While discarding all the safeguards prescribed by the French law in the formation of ordinary Limited Companies, our legislators at the same time, with curious infelicity, neglected to sanction much the most desirable and promising application of the Limited principle—that which had been made so successfully under the French system of partnerships *en commandite*. In the working of this system the ordinary shareholders, who supply the bulk of the capital, are liable only for the amount of their shares; but the managers or managing directors (*gérants*) are responsible to their last farthing, and have, therefore, every motive to administer the affairs of the concern with prudence and care:—here, in fact, is combined what is best in the unlimited and in the limited principles. A few years ago a partial application of the *commandite* principle was sanctioned by an Act which does not seem to be very much known, and which permitted capitalists to lend money to a person in business and to share the profits, while they were liable only for the amount lent. But it was reserved for the Act of last Session to introduce into this country the *commandite*-system in its integrity. With the present week any Limited Company, to be formed or already formed, is authorized so to constitute or reconstitute itself that the liability of its directors, or managers, or managing director shall be unlimited; the liability of the ordinary shareholders remaining limited as before. It is needless to point out what new confidence in Limited Companies will accrue, and what new strength will be given, with the adoption of the *commandite* principle, in all cases where the directors or managers are men of weight or reputation. Much, of course, depends on the extent to which the principle is adopted; but as want of confidence is the malady from which the Limited system is at present suffering, it is reasonable to suppose that an extensive application of the remedy sanctioned by the Act of last Session will be attempted; and, probably, a beneficent revolution may thus be effected in the whole of that section of Joint Stock enterprise which is based on the Limited Liability of ordinary shareholders.—*The Imperial Review*.

RECORDERS.

Why should the offenders of a county be judged by their own landlords, while a small town county pays some £40 to a barrister to come down and make a gaol delivery? It may happen that the Chairman of County Sessions is a good lawyer, while the Recorder of some borough has been appointed by favouritism, and knows nothing. But the chairman is more likely to be a worthy squire, a zealous agriculturist, an admirable silent member, and a perfect gentleman. He forms his opinion of cases from their merits. We have heard of one who summed up a case as follows:—"Gentlemen of the jury, the prosecutor states that the prisoner stole his watch; the prisoner says that she was living with the prosecutor, and that he gave it to her. It is for you to decide which of these accounts is the true one. If you think the prisoner is not guilty, you will acquit her; if you believe the prosecutor's story, you will convict her; but I can only say, I don't believe a word of it." Of course the jury came to the same conclusion. Under the circumstances, this was probably justice. It was not law.

We do not pretend that Recorders are infallible, but at all events they have gone through some professional training. If their numbers were diminished, their sphere enlarged, and their salaries increased, they would become more prominent and more open to criticism; their posts would be competed for by better men, and they would furnish a sort of preparatory school for the judicial bench. At present there are a great many Recorders of small boroughs, who sit four days in the year and receive a salary of £40. The first Recorder in the kingdom, both in merit and emolument, is the Recorder of London, with a salary of £3,000 a year, and the reputation of being the best criminal judge in England. Manchester, we believe, pays its Recorder £800, and Liverpool, £525; the other large towns scarcely rise above £300; and one borough returns its Recorder's salary as "£2 2s., paid by the Mayor out of his own pocket." There seems no reason why Recorder should exist in all boroughs, or why they should be confined to boroughs. If no other change is made in the system of sessions, the Chairman of the county sessions might be replaced by a paid lawyer, whatever title was conferred upon him. But as the same judge holds assizes for city and county, why should not the Recorder of a borough sit in two courts, and transact the whole business of the district? Some such arrangement, we believe, exists in Ireland. The chairman of quarter sessions receives a salary, and the sessions have a civil jurisdiction. If such a system was introduced in England many of the present objections would be answered. The county courts have not given satisfaction, and the wish that is ascribed to the Lord Chancellor of transferring more business to them is an aggravation of the old complaint. Yet the business increases so fast that it is not enough to hold three assizes in the year at the most important places, and the London lists are full enough already, without being swelled by contributions from the country. Moreover, the expense of bringing up witnesses to London, or of keeping them in the assize towns from the commission day till the close, is a heavy tax on suitors, and might be avoided. One reason why the county courts are insufficient is, the best men will not debar themselves from the hope of future advancement by settling down on £1,500 a year. But a recorder need not be contented with what he has attained already, and is neither tempted to shirk his duties nor to confine himself to to their execution. His post brings him business, if he had none before, and if he does that business well he becomes known to a still wider circle.—*Spectator*.

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The Lords and Commons — Amended Forms of Procedure.—Several amendments were recently made in the forms of procedure regulating the communications between the two Houses. The Lords always used to send messages by the Masters-in-chancery, their attendants, and on special occasions by their assistants, the judges of the superior courts. The arrival of these messages necessarily caused an interruption to the debate. When the member then speaking had resumed his seat, the sergeant-at-arms went to the table and announced "a message from the Lords." The Speaker had to put the question that the messengers be called in, and then they marched up to the table with three obeisances, and read the messages or delivered the bills. They then returned with the same ceremonial. Now messages and bills are brought down from the Lords by Sir J. Lefevre, the Clerk of the Parliaments, in his wig and gown. When he is seen at the bar, Sir D. Le Marchant, Chief Clerk of the House of Commons, leaves his place at the table, and takes the bills or message. Bills are sent from the Upper to the Lower House in the same way, with the exception of the Appropriation Bill, which is always taken by the Speaker himself. Until within the last two or three years the Lords would receive no bill or message unless it was brought by a deputation of eight members. A standing order of the Lords loftily declares:—"We never send to the Lower House by any members of our own;" and adds, "But the Lower House never send unto us any but of their own body." These cumbrous formalities were swept away, and with them went the ordinary conference for receiving the reasons for disagreeing to the amendments, such reasons being quite as conveniently brought up by the Chief Clerk or the Clerk of the Parliaments.

The Bench and Bar at Hong Kong.—The "scenes" in court between judge and counsel on the Northern Circuit, upon which we commented a few weeks ago, undignified as they were, will yet bear favourable comparison with an incident which is reported by the Hong Kong papers received by the last mail. Mr. Pollard, Q.C., a barrister who has practised in China for the last twenty years, was conducting a civil action in the Supreme Court at Hong Kong, before the Hon. J. Smale, Chief Justice of he colony, and some reference being made to a Chinaman in the service of the plaintiffs in the case, the Chief Justice said that as the man was a servant of the plaintiffs they should have produced him, to which Mr. Pollard, the plaintiffs' counsel, replied, "You cannot produce him like a piece of paper; let him be subpœned in the usual way." The judge rejoined that if the witness were not produced, he would "take that into account" in his direction to the jury, upon which Mr. Pollard exclaimed, "I will put only those witnesses in the box which I, as counsel for the plaintiffs, may see fit. I may make a mistake, but I will not be dictated to or talked down by any one as to what I am to do." The Chief Justice, after declaring that the language which Mr. Pollard was in the habit of using was most disrespectful to the court, left the bench, but shortly afterwards returned and asked Mr. Pollard if he apologized. After a good deal of altercation between the judge and the barrister, the case was adjourned "indefinitely," his Lordship declaring that he must have an apology from Mr. Pollard before the trial could go on. The litigants, however, preferred submitting their differences to arbitration to waiting for the restoration of a good understanding between judge and counsel. Two days afterwards (on June 29) another "scene" took place, and the Chief Justice announced that he would give his decision on the matter on July 2, when he pronounced Mr. Pollard guilty of grave contempt of court, fined him 200 dollars, and suspended him from practice for a fortnight, or until the fine was paid. His Lordship read his judgment, which was of considerable length, from a MS., occasionally, however, interrupting the thread of his argument to remark upon the deportment of the offending counsel. Once Mr. Pollard smiled, on which the Chief Justice remarked, "This is very amusing, Mr. Pollard, but it is law." Shortly afterwards he suddenly exclaimed, "I am astonished at your staring, Mr. Pollard." "It was a stare of astonishment, my Lord," remarked the learned counsel. "Stare on, Mr. Pollard," said the Chief Justice; "this is a subject for staring." At another passage in his address his Lordship paused, and looking at the contumacious barrister, said, emphatically, "Mr. Pollard, your eyes are opened very wide." "And with cause, my Lord," replied Mr. Pollard. His Lordship pronounced Mr. Pollard to have been guilty of six contempts, which consisted briefly of one "pointed and curt answer," with an "apparent" purpose of raising a laugh against the Chief Justice; two "tones and manners," with "inferences;" one "imputation, the converse of what had occurred;" one avowal of a desire not to be "aggressive;" and one "tone" "inferring" that Mr. Pollard had more respect for the bench—*i.e.*, for the wooden chair—than he had for its occupant. At the conclusion of the Chief Justice's address Mr. Pollard endeavoured to speak, but his Lordship declined to hear him, and advised him to appeal to the Privy Council, or to bring the matter before the Benchers of the Inn of Court of which he was a member. Popular sympathy in the colony appears to be strongly in favour of the offending barrister, and the fine imposed upon him has been raised by subscription in small sums and presented to him with an address.—*Pall-Mall Gazette.*

NOTES OF ENGLISH DECISIONS.

(From the *Law Times.*)

Commission to examine Witnesses—Variance between Judge's Order and Commission.—A judge's order, directing the issuing of a commission for the examination of witnesses abroad, under 1 Will. 4, c. 22, contained a clause that the depositions should be signed by the witness or witnesses. There was no such clause in the commission, which nevertheless complied with the requirements of sect. 4 of the statute as to the time, place, and manner of the examination. The depositions were not signed by the witnesses, but were nevertheless admitted in evidence upon the trial. Their admission was held to be proper, the order of the judge as to the signature of the witnesses being directory only, and the non observance thereof not calculated to work injustice to the defendant: (*Hodges* v. *Cobb*, 16 L. T. Rep. N. S. 792. Q. B.)

Probate Practice.—Where a foreign grant was made to the widow of the testator as "executrix according to the tenor," but who, according to the English law of wills, had no claim to the character, the Court, in the exercise of the power vested in it by the 73rd section of the Probate Act, followed the grant, but made it to the applicant, not as executrix according to the tenor, but as the person who had been clothed with the duty and power of executrix by the court of the domicile of the deceased: (*In the Goods of G. Earl*, 16 L. T. Rep. N. S. 799. Prob.)

False Imprisonment and Malicious Prosecution.—In an action for false imprisonment and malicious prosecution, the counsel for the defendant, when summing up, is justified in discussing the question of probable damages, because, if the trial result in a verdict for the plaintiff, the question becomes one of damages merely: (*Tulley* v. *Corrie*, 16 L. T. Rep. N. S. 796. Cockburn, C. J.)

Pleading.—Where a plea is in accordance with the construction put upon a statute by the presiding judge, and leave is given to move the court in banco, it is not necessary to amend the plea by inserting the exact words of the statute. (*Ibid.*)

Marriage-Settlement.—A marriage-settlement contained a covenant to settle any property which should come to or devolve upon the intended wife, or her husband in her right, "at any time or times after the solemnization of the said intended marriage and during the continuance thereof." At the date of the settlement the intended wife was entitled to a reversionary interest in personalty, subject to the life-interest of her mother. The wife died before the tenant for life, leaving the husband surviving: Held (following *Graffley* v. *Humpage*, 1 Beav. 46, and 3 Jur. 322, on appeal), that the wife's reversionary interest was bound by the covenant: (*Rose* v. *Cornish*, 16 L. T. Rep. N. S. 786. V. C. W.)

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ALTERATION IN ARTICLES — VARIATION BETWEEN PROSPECTUS AND MEMORANDUM OF ASSOCIATION.—SHAREHOLDERS—ACQUIESCENCE BY DELAY.—After the memorandum of association of a company was executed by the seven original subscribers it was taken to the office of the Registrar of Joint-Stock Companies for registration. Some words in the memorandum, the effect of which was to make the objects for which the company was established very extensive, were objected to by the registrar, who refused to register the memorandum unless those words were struck out. The solicitor's clerk who brought the memorandum for registration thereupon struck out with a pen the words in question, and the memorandum so altered was then and there registered, and the registrar gave a certificate of the registration: Held, that the way in which this alteration was made, and the receiving for registration the memorandum so altered, was in the very highest degree censurable, and that, so far as the original parties to the document were concerned, the alteration so made entirely neutralized and annihilated the original execution of the document. But, inasmuch as the 18th section of the Companies Act, 1862, makes the registrar's certificate of the incorporation of a company conclusive evidence that all the requisitions of the Act in respect of registration have been complied with, a person who applied for and obtained shares in the company after its incorporation could not escape from liability as a contributory upon the ground that the company was not duly constituted. A person who applies for shares in a company formed under the Act of 1862 ought, if a memorandum and articles of association are in existence, to look at them before he applies for shares, and if those documents are not in existence at the time of his application, he ought, at the very latest, when he receives his allotment of shares, to satisfy himself that there is nothing in the memorandum or articles to which he desires to object. If he does not do this he will be held bound by the contents of the memorandum and articles, even although he were in fact ignorant of those contents. Therefore, where the prospectus of a company stated that copies of the memorandum and articles of association could be seen at the office of the solicitors of the company, P., who applied for shares on the 27th June, 1865 (the day on which the company was registered), received an allotment on the 18th July, 1865, received a dividend on his shares in Feb., 1866, and took out a summons to have his name removed from the register of shareholders of the company in Jan., 1867, upon the ground of a material variation between the memorandum of association and the prospectus, on the faith of which he applied for his shares, was held to be too late in his application, although he swore that he was, until Dec., 1866 (more than six months after an order had been made to wind-up the company) ignorant of the variation of which he complained: (*Re Barned's Banking Company, Peel's case*, 16 L. T. Rep. N. S. 780. Cairns, L. J.)

MISMANAGEMENT BY DIRECTORS.—Directors alleged to have mismanaged the affairs of the company were on a voluntary winding-up appointed official liquidators. The Court refused to entertain the question of their mismanagement in dealing with the winding-up matters, the proper course being for the shareholders to file a bill against them: (*Re The London Bank of Scotland*, 16 L. T. Rep. N. S. 783. M. R.)

PRACTICE—OLD AND NEW COMPANY—LIST OF CONTRIBUTORIES.—A company, conducted on the cost-book principle, was registered as a limited company under the Act of 1856. In 1864 an order was made to wind-up the company, and liquidators were appointed. A creditor of the old and new company then took out a summons for an order directing the liquidators to settle the lists of the old and new contributories, and to make a call on the old ones for payment of his debt. The old contributories were not before the court at the hearing of the summons: Held, that the liquidators could only be ordered to settle the list of contributories as asked; the creditors indemnifying the liquidators against costs, and leave being reserved to the old contributories to show cause against the call: (*Bleckly's case*, 16 L. T. Rep. N. S. 784. M. R.)

CONTRIBUTORY — APPLICATION FOR SHARES — ALLOTMENT.—G. applied for and paid a deposit on shares in the B. company. Five months afterwards he wrote to the manager of the company requesting to be informed whether any shares had been allotted to him, and was answered that his case would be inquired into. He heard nothing further till two months later, when the company was wound-up, and his name placed on the list of contributories. It appeared that shortly after the date of his application shares had been allotted to him, and his name entered in the register: Held, that, inasmuch as he had received no notice of the allotment, he was entitled to have his name struck out of the list of contributories: (*Ex parte Gunn*, 16 L. T. Rep. N. S. 784. V. C. S.)

COMPANY LAW AND THE B. A. 1861.—A contributory to a company had executed a deed of arrangement under the 192nd section of the B. A. 1861, and it contained a covenant on his part to pay his debts within two years. The majority of the creditors assented to this arrangement, and the instrument was held to be not a mere letter of licence, but a valid deed within the meaning of the Act: (*Re The Richmond Hill Hotel Company, King's case*, 16 L. T. Rep. N. S. 785. V. C. W.)

FRAUDULENT CONVEYANCE.—A trader being indebted to the defendant, gave his acceptance to the defendant for the amount of the debt. Three days before it fell due, in consideration of defendant's advancing him money to take it up, he entered into an agreement to execute a mortgage of his goods, chattels, and stock-in-trade as a security for the advance, and for any future advances that might be made. The acceptance, which had been deposited by the defendant with his bankers for collection, was paid by him with the money mentioned in the agreement as having been advanced. A further advance was made, and a bill of sale was subsequently executed by the trader, conveying all his property to the defendant in pursuance of the prior agreement to secure the two advances. The trader was afterwards adjudicated bankrupt, upon the petition of the plaintiff, the creditors' assignee. The date of the agreement was more than twelve months, but the date of the bill of sale was less than twelve months, before the adjudication: Held, in an action for conversion of the goods included in the bill of sale by the defendant, that the bill of sale must be referred back to, and treated as though executed at the date of the agreement, and the agreement not being fraudulent, and being more than twelve months before the adjudication, the bill of sale was not void, as being fraudulent, or an act of bankruptcy, and the plaintiff was therefore not entitled to recover: (*Mercer* v. *Peterson*, 16 L. T. Rep. N. S. 792. Ex.)

DEVISE—MORTMAIN.—B. devised his real estate in trust for his widow for life, and after her death to sell same, and out of the proceeds to appropriate the sum of £6,000, of which £3,000 was to be given to certain legatees. C. purchased the reversionary interest in those legacies, and by her will bequeathed her personal estate to charitable purposes. At her death she was also entitled to £250 for rent or royalties for working a mine. The widow of B. was still living. The bequest of the £3,000 was held to be in fact a devise of an interest in land, and void under the Statute of Mortmain, and the £250 was held to be pure personalty: (*Brook* v. *Badley*, 16 L. T. Rep. N. S. 762. M. R.)

WILL—CONSTRUCTION.—A will directed that in default of appointment, &c., certain legacies should go "to the next personal representatives of such of the legatees so dying aforesaid." The nearest of kin were held to be entitled upon such default happening, and not the executors and administrators: *Stockdale* v. *Nicholson*, 16 L. T. Rep. N. S. 767. V. C. M.)

MORTGAGE BY HUSBAND OF WIFE'S INTEREST IN REDEEMED LAND-TAX.—A testator, in the lifetime of his wife, by deed-poll, according to the form prescribed by the Land Tax Acts, and duly registered, professed to assign a sum of yearly land-tax, which had been created by a redemption of that tax for a considerable sum on estates in Somersetshire, as a mortgage for £3,100, reserving the

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equity of redemption to himself. The mortgage was subsequently paid off, and duly transferred, to secure another advance of £3,000. Out of the land-tax the trustees paid the interest on the first mortgage, and part of the interest on the second. The property had been originally devised and bequeathed to the wife for her separate use, and she now claimed, in respect of her right to such separate estate, the amount of the said mortgage, and a proportionate sum of the second, as having been improperly paid by the trustees of the husband out of the personal estate: Held, that the first mortgage was a simple mortgage, and did not affect the wife's interest in the land-tax redemption-money: Held also, that the land-tax was the property of the wife subject to the payment of the mortgage-debt: (*Pigott* v. *Pigott*, 16 L. T. Rep. N. S. 766. V. C. W.)

EQUITY PRACTICE—BILL NOT BONA FIDE.—The plaintiff having lost money by speculations in the shares of a company, consulted with his solicitor and other persons as to filing a bill to impeach, on the ground of fraud, certain alleged transactions of the company and its managing director, he being not at that time a holder of any shares, he bought five only three days before his bill was filed, long before which it was prepared, and he bought them for the purpose of enabling himself to file a bill. The bill was then filed seeking to set aside the transaction. Before they had put in a sufficient answer the defendants moved to take the bill off the file, on the ground, first, of the plaintiff's conduct; secondly, that his interest in the subject-matter was too small to sustain a bill; and thirdly, that by subsequent resolutions of the company it was being wound-up, and the subject-matter at an end: Held, that until a sufficient answer was put in, it could not be assumed that the charges of fraud were groundless, and that the plaintiff's conduct was not such as to deprive him of all right in the suit: secondly, as his bill was filed on behalf of himself and all other shareholders, the objection on account of the amount of his interest could not be sustained; and thirdly, that as the winding-up proceedings were subsequent to the institution of the suit, and were, so far as they were then contemplated, impeached by the bill, the motion must be refused with costs: (*Seaton* v. *Grant*, 16 L. T. Rep. N. S. 758. Ch.)

EQUITY PRACTICE—EVIDENCE.—Before notice of motion for decree or replication filed, a witness was subpœned by the plaintiff to attend before the examiner. On the day appointed for the examination, the defendant, by counsel, attended, and before the witness had been sworn, objected to the course pursued as irregular in the then stage of the cause, and at his request the witness refused to be examined. The plaintiff subsequently filed replication, and then having obtained an order at the Rolls, set down the objection of the witness to be heard as a demurrer, and in that form the question came before the court to be argued: Held, that the objection taken on the part of the defendant was good: Held, also, that the plaintiff was not entitled to treat the refusal of the witness to be examined as a demurrer, but that his proper course was to have applied at chambers or in court for an order that the examination should be proceeded with: (*Rendle* v. *The Metropolitan and Provincial Bank*, 16 L. T. Rep. N. S. 764. V. C. S.)

DIVORCE PRACTICE—WIFE'S STATEMENT.—*Semble*, that the statement of a wife as to the last time she had connexion with her husband is inadmissible as evidence against her in a suit by the husband for the dissolution of marriage on the ground of her adultery; such statement falling within the rule which excludes the evidence of husband and wife as to non-access: (*Inglis* v. *Inglis*, 16 L. T. Rep. N. S. 775. Div. & M.)

PRACTICE—FORM OF LEAVE RESERVED.—Notwithstanding that the form of leave reserved by the judge at the trial is to enter a nonsuit, the court above will, if it deems that course to be best fitted to doing justice between the parties, direct the verdict to be entered for the defendant on one issue, leaving the plaintiff in the undisturbed possession of the verdict found for him on another and substantial issue in the action: (*Winterbottom* v. *Earl of Derby*, 16 L. T. Rep. N. S. 771. Ex.)

HIGHWAY—EVIDENCE OF USER.—Evidence was given of acts of user extending over a period of seventy years, but it also appeared that during that time, and for seventy years previously, the farm over which the way in question passed had been under lease. The judge was held rightly to have directed the jury that they might, if they pleased, presume that the way had been dedicated to the public by the defendant's ancestor before the commencement of the first lease in 1725: (*Winterbottom* v. *The Earl of Derby*, 16 L. T. Rep. N. S. 771. Ex.)

BAD JUDGES.

The qualifications of a good Judge are so high that we cannot be surprised at their rarity, and when we remember the way in which many Judges are selected, we can hardly complain that there are such flagrant examples of unfitness. As we observed last week, the Borough Recorders are sometimes jobbed into their places, and even when fairly chosen they are not appointed by those who can test their capacity. In the Superior Courts a seat on the Bench is the reward of political service. The Bar has had too good an opportunity of judging the wisdom of rapid promotions from advocacy in opposition to the cushen of a Chief Justice. But though such extreme instances are rare, the general course of advancement has been faulty, and if instead of fifteen Judges we are to have twenty, it is to be feared that an increase in the number of appointments will cause the multiplication of jobberies. When people talk of the higher standard of judicial capacity which prevailed in their youth, they forget that while the work was not so multifarious the Judges were fewer. The Government had not so many places to give away, and of course the claims of the real chiefs of the profession could not be disregarded. Add a junior judge to each Court, and you have posts which are not so conspicuous, but which are extremely serviceable. A man must have done something for the party to be made a Chief Justice. Two or three contested elections are enough for a *puisne*. Yet, while the chances are in favour of the first being a man of eminence, and great lawyers are often keen politicians, the man who merely stands for places is apt to be a mediocrity. One can point to judges of this kind, unfortunately, and it is not right that judges should be made to be pointed at. There is no reason why a man should not be a good lawyer because he has strong opinions on Reform. But we have no right to assume that he is a good lawyer because he has such opinions, and, of the two, his legal qualifications are more important than his political ones. The assumption to which we object is quite different, and does not follow logically from that we have been considering. Even if a man's politics enable you to judge of his law, and the strength of his mind as it is displayed on some points is a promise of general capacity, there is nothing to show that one who is willing to spend money for his party, is either a political thinker or a fit subject for professional advancement. We know something about a man who has borne the burden and heat of the day. One who comes in at the eleventh hour with a cheque-book in his pocket, or after beginning to work has been put out into the market-place, as only fit to stand there and idle, does not deserve the penny.—*Spectator*.

ANECDOTES OF IMPRISONED DEBTORS.—The French journals are giving anecdotes of the now closed debtors' prison at Clichy. We translate the following:—"If you entered into a conversation with some of the old guardians of this house of detention, you would hear them speak with respect, amongst other noble prisoners of all lands, of the great foreign lord who spent two louis every day for his dinner, which was brought to him from the Cafe de Paris. He remained a prisoner four months, although he was in a position to pay his debts and obtain his liberty; but it was his fancy to stay where he was. Another inmate (this was an Englishman) had sworn, though immensely rich, that he would never pay his creditor. The creditor, on his part, declared that he would keep him in Clichy as long as he could; and he kept him there eight years. The carriage of the English millionaire might be seen every day in the Bois de Boulogne and the Champs Elysees, as if the proprietor were taking his accustomed airing therein. He gave positive orders with regard to this singular proceeding. At

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his death a special clause was found in his will peremptorily forbidding his heirs to pay the creditor who had made him a prisoner for eight years. The case was different with M. V——, a geometrician and mechanician, who ruined himself in endeavouring to discover perpetual motion. This debtor thought only of the means of gaining his liberty, and practised the following *ruse* to accomplish his purpose:— Being aware that his detaining creditor, who had retired into the country, took in only one journal, which he always read from beginning to end, the debtor caused to be inserted in it a formal notice of his death in the debtors' prison, whereupon the creditor neglected to pay the necessary periodical contribution to his maintenance in 'durance vile,' and in half an hour afterwards the debtor was a free man."

We at this side of the water are likely to rival you in our law appointments. There are good grounds for believing that vacancies will occur in the Court of Exchequer by the resignation of Barons Martin and Channell. The former, an Irishman, discharged the most onerous duties on the Home circuit during the recent assizes. I may mention, that in one town, Croydon, besides criminal business, Mr. Baron Martin and Mr. Justice Blackburn tried and disposed of 189 causes, 59 of which have special juries. At the close of the assizes the learned Baron suffered from extreme exhaustion, and gave manifest indications of overwork. Mr. Baron Martin is a native of the north of Ireland, he has served his full judicial period, and has long been regarded as one of the best judges for nisi prius cases. A genial kindheartedness, a quick practical common sense, a natural love for fair play, a thorough contempt of trick, and a perfect acquaintance with human nature, which certain authorities consider as unwritten common law. These qualities have been and are this learned judge's characteristics, combined with a ready power of analysis, and a manly desire under all circumstances to do what was right as well as what the law permitted and required, invested Mr. Baron Martin with as high a personal reputation as any judge can ever hope to obtain. Irishmen have reason to be proud of the success of their fellow-countrymen, and it is well they be informed of an opinion universally entertained. In the event of these vacancies, Mr. Brett, Q.C., M.P., will be certain to succeed to a judicial seat, for which he is eminently fitted. Rumour assigns the other vacancy to Mr. Mellish, Q.C., generally regarded as one of our most profound black letter lawyers.—*London Correspondent of Irish Times.*

THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

CONSOLIDATED CHAMBER SITTINGS.

The Right Hon. Mr. Justice Morris will sit in Chamber on Tuesday, the 1st of October, at twelve o'clock, to hear motions for the three Superior Courts of Common Law.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Sept. 23	12 o'clock	J. J. Farrell	Reference	*Mathews*
”	”	John Langan	do.	*Mathews*
”	”	Arrangement case	Proof of debts	*Goff*
”	”	J. M'Nemamin	Title	*Hyndman*
”	”	E. Soulsby	do.	*Mathews*
”	”	Arrangement case	Costs	*Mathews*
		Tuesday. Before the COURT.		
Sept. 24	11 o'clock	Arrangement case	Private sitting	*Meldon*
”	”	do.	———	*Fay and M'Gough*
”	”	do.	———	*Ramsay*
”	”	John M'Owen	Sur., prove debts, and choose assignee	*Lynch*
”	”	Bernard Maginnis	Examine witnesses	*Sinnott*
”	”	Trader debtor sitting	———	*Donnelly*
		Thursday. Before ASSISTANT REGISTRAR.		
Sept. 26	12 o'clock	Arrangement case	Prove debts	*Hughes*
”	”	Tate	Costs	*Darley*
		Friday. Before the COURT.		
Sept. 27	11 o'clock	Arrangement case	Private sitting	*Findlater & Collins*
”	”	do.		*Black*
”	”	Dawson, Tate, & Co.	Final examination	*Carleton & Sinnott*
”	”	John Healy	Adjourned do.	*O'Dowda*
”	”	Fleming & Hennessy	Sale	*Delany*

TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
17th September,	M'Donnell, George, of Kanturk, county Cork, builder and contractor,	Joshua J. Clarke, of Leitrim-street, city of Cork, merchant,	*Barry*

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BANKRUPTS.

Flynn, Denis, of Catherine-street, city of Waterford, coach factor. Petition of bankruptcy filed September 12, 1867. To sur. Tuesday, October 1, and Friday, October 18. L. H. Deering, official assignee. *Cronhelm*, solr.

M'Carthy, Daniel, of Prince's-street, city of Cork, master baker. Petition of bankruptcy filed September 12, 1867. To sur. Tuesday, October 1, and Tuesday, October 22. L. H. Deering, official assignee. *Perry*, solr.

M'Kenna, James, of Monaghan, county of Monaghan, ironmonger and general shop-keeper. Petition of bankruptcy filed September 12, 1867. To sur. Tuesday, October 1, and Tuesday, October 22. C. H. James, official assignee. *Larkin*, solr.

Certificate Allowed,

September 13.

O'Callaghan, Peter John, of Temple-lane, city of Dublin, wine merchant, a bankrupt. *Hughes*, solr.

IN INSOLVENCY.

VACATION SITTINGS.

September, 1867.

The Court will sit every *Tuesday* and *Friday*, at 12 o'clock, a.m., for *Bail motions only.*

NOTICE UNDER SECTION 239.

Pursuant to the Act 20 & 21 *Vic., cap.* 60, *sec.* 239.

Scully, John, late of Lad-lane, Lower Baggot-street, city of Dublin, car and cab owner, being a person of unsound mind, and a prisoner for debt in the Four Courts Marshalsea.
Hearing on Wednesday, the 9th of October next, at 11. *Rynd*, solicitor for John Scully, junr.

INSOLVENTS DISCHARGED ON BAIL.

Burke, Catherine Winfred, Dublin, widow.
Donovan, Ellen, Cork, widow, milk dealer.
Magee, James Lucien, Dublin, clerk in Registry of Deeds Office.
Rigali Giuseppe, Dublin, confectioner.
Wilson, Henry, Dublin, victualler.

INSOLVENTS.

To be heard in Dublin.

Campbell, Duncan, of the Rock-road; previously of Tritonville-road and Newgrove-avenue, Sandymount, county of Dublin; formerly of Bebington, county of Chester, England. Hearing on Wednesday, 27th November, at 11. *Rynd*, solr.

Magee, James Lucien, of No. 2, Richmond-terrace, Fairview, county Dublin; previously of Goose-green, Drumcondra, in said county; and formerly of Bayview-avenue, city of Dublin, clerk in the Registry of Deeds Office, sued and detained as "James Magee." Hearing on Wednesday, 27th November, at 11. *Macnally*, solr.

Rigali, Giuseppe, of Upper Erne-street, city of Dublin, confectioner, sued and committed as "Joseph Regalli." Hearing on Wednesday, November 20th, at 11. *Macnally*, solr.

Wilson, Henry, of Upper Dorset-street, city of Dublin; formerly of Upper George's-street, Kingstown, county of Dublin, victualler. Hearing on Wednesday, November 20th, at 11. *Rynd*, solr.

To be heard in the Country.

Connell senr., Hugh, commonly called M'Connell, and M'Connor, of Sheephouse, county of Meath, farmer, sued and arrested as "Hugh M'Connell." Hearing at Trim, 22nd October, at 9 30 o'clock. *Simpson*, solr.

Donovan, Ellen, of Farrell's square, city of Cork, widow, and milk dealer. Hearing at Cork, 17th October, at 10. *Cremen*, solr.

Finlay, William, of Coolbawn, county of Cavan, grocer. Hearing at Cavan, 15th October, at 1. *Rynd*, solr.

Kerrigan, Patrick, of Galway, county Galway, lately publican, and messenger at Provincial Bank of Ireland, Galway, but at present carrying on no business. Hearing at Galway, 14th October, at 10. *Magrath*, solr.

Scullion, James, of Killyberry, county of Londonderry; previously of Belfast, county of Antrim; formerly of Glasgow, county of Lanark, Scotland, labourer. Hearing at Londonderry, 10th October, at 10. *Proctor*, solr.

PAUPER DECLARATIONS FILED.

September 16.

Beckey, Edward, sued and arrested as "Edward Beakey"—detained by Henry Peat. *Bloomfield*, solr.

September 19.

Meehan, Michael—detained by William Thomas Saunderson. *M'Cully*, solr.

M'Lorinan, Hugh—detained by Peter Paul M'Swiney and George Delany. *Delany*, solr.

Newport, John W.—detained by John Browne Johnston. *Byrne*, solr.

WHAT IS A LEGAL MONTH?

The Irish Government have issued the following circular, addressed to Magistrates and Petty Sessions Clerks:—
"Dublin Castle, 9th September, 1867.

"GENTLEMEN—I am directed by the Lord Lieutenant to inform you that a question as to the meaning of the word 'month,' in the committal of a prisoner, having been submitted to the Law Officers of the Crown, with reference to the Act 13 Vic., cap. 21, which declared that in acts passed after the commencement of that act, the word 'month' should be taken to mean calendar month, unless words were added showing lunar months to be intended; and also with reference to the 44th sec. of the 14th and 15th Vic., cap. 93, the law officers have given the following opinion:—"The word month means lunar month, unless interpreted to mean calendar month by a statute, or by the context of the document in which the word month is used. We do not think that the statutes referred to interpret the word month, when used in a committal, to mean anything else than a lunar month.' I am, therefore, to request that, in order to prevent any future mistake or doubt, you will cause the word 'calendar' to be inserted in every sentence and committal comprising a month or months, and that you will give directions to your clerk accordingly.—I am, gentlemen, your obedient servant,
"THOMAS A. LARCOM."

The Lord Lieutenant has been pleased to approve of the appointment of Sir John Arnott to be a Deputy-Lieutenant for the county of Cork, in the room of David Leopold Lewis, Esq., deceased.

It is understood that the Reform League and the Working Men's Society are determined to make a desperate effort to get some of their friends into Parliament for the metropolitan boroughs at the next general election. There seems to be no doubt that the advanced Reformers in Lambeth will support Mr. Beales; and Mr. George Potter is said to be making some way among the working classes of Marylebone, with a view to the representation of that borough. Mr. Baxter Langley will go to Greenwich; Mr. Bradlaugh, it is said, to the Tower Hamlets. Mr. Perfitt, who unsuccessfully contested Finsbury some time ago, is said to be willing to stand again. Colonel Dickson is spoken of for Westminster.—*Pall-Mall Gazette.*

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Personating a Juryman.—At the Central Criminal Court, London, Mr. Avory, the Clerk of Arraigns, called the attention of the Recorder (Mr. Russell Gurney) to a matter of great importance. A juror, named Frederick Lee, of 37, Brownlow-street, Drury lane, had been summoned to serve in the present sessions, and his (Mr. Avory's) attention was called to doubt whether a person who represented himself as Frederick Lee was really that person. Accordingly he went to the jury-box and inquired whether any one of the name of Frederick Lee was there, and in reply a gentleman in the back seat said that was his name. Subsequently he made inquiries, and the result had been that he had again taxed that gentleman with not being Frederick Lee, and he had avowed that that was so. He (Mr. Avory) might add that Lee on being summoned said he would send his foreman. The representative juryman was in court and confessed that his name was William Cuss. The Recorder fined him £5, and the real Lee £100, adding that it would be considered whether further steps should not be taken to indict them for conspiracy.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	SEPTEMBER. Sat. 14	Mon. 16	Tues. 17	Wed. 18	Thur. 19	Fri. 20
Government						
3 p c Consols	94⅛	94⅛	94⅛	94⅛	94	94
New 3 p c Stock	93⅛	93⅛	93¼	93¼	93¼	93⅜
Foreign and Colonial.						
India 5 p c Stock	—	—	112	112½	—	112⅝
Joint-Stock Banks.						
Ireland, £100 pd	234	234	234	234	234	—
Hibernian, £25 pd	—	—	—	—	—	—
Munster (Limited.), £3 10s pd ..	—	—	—	—	—	—
National, £30 pd	—	—	61¾	61¼	61¼	61¼
National of L'pool (Ltd.), £15 pd	—	14¼	—	—	14⅛	—
Provincial, £25 pd	—	—	—	87½	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	32⅛	32⅛	32	32	32
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	—	—	—	—
Steam.						
British & Irish, £50 pd ..	50	—	—	—	—	—
City of Dublin, £100 pd ..	—	102⅝	—	—	—	102¾
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	7⅝	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	—
Do., £5 pd B	—	—	—	—	—	—
Do., £4 pd 2 C	5⅝	—	—	—	—	5⅝
Grand Canal, £100 pd	—	—	—	—	46½	—
Patriotic Insurance, £10 pd ..	—	8 x d	—	—	—	..
National Insurance, £25 pd ..	—	..	—	—	32	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	45½	—	—	—	—	—
Cork & Bandon, 50 pd	11	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	74	—	—	—	74⅜
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	87⅝	—	—	—	—
D., W., & W., £100 pd	39	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	95¾	95⅝	—	95⅞	95¼	95⅞
Midland Gt. Western, £100 pd ..	—	57	—	—	—	57
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	10½	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	—	96½	—	—	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

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LEGAL POSTINGS:

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Denis Flynn, of Catherine-street, in the City of Waterford, Coach Factor, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 1st day of OCTOBER, 1867, at the hour of Twelve o'clock noon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to Lucius H. Deering, Esq., No. 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 13th day of September, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JACOB PENROSE, Junr., & THEODORE CRONHELM, Agents to the Bankruptcy, No. 9, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James M'Kenna, of Monaghan, in the County of Monaghan, Ironmonger and Shopkeeper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 1st day of OCTOBER, 1867, at the hour of Twelve o'clock noon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to Charles Henry James, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 19th day of September, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 35.] SATURDAY, SEPTEMBER 28, 1867. {Single Copy, 6d. By Post, 7d.}

A DISTINGUISHED and learned judge, in speaking at the President's dinner, in connexion with the Belfast meeting of the Social Science Congress, gave utterance to a sentiment which most sensible people will admit to have held. He said, "I thought it was more or less a matter of talk—more or less a matter of exhibition—more or less an arena or a platform on which people came to perform, without real results to society." He found reason to change his opinion ; and we must confess to having undergone a similar conversion. There were many eloquent and profound papers read before the various sections by men with world-wide reputation for learning in their particular subjects; while in the Jurisprudence Department, in which we are especially interested, there were two Addresses delivered, which for eloquence, profound thought, and long experience in the subjects discussed, might vie with any read in the other departments, and would, of themselves, be sufficient to exonerate the Association from the unfavourable opinion held of it by those unacquainted with its merits. We refer to the address delivered by the Right Hon. Mr. Justice O'Hagan, on "Jurisprudence and the Amendment of the Law," and that on "Repression of Crime," spoken by the Master of the Rolls. And here we may congratulate the profession on the interest they displayed, and the very active part they took in the discussions of the Association, a course which we ventured to recommend in a former article as likely to be of service to the cause of judicial reform. There were interesting papers read in the section under Judge O'Hagan's presidency, which will be found at length in another part of the paper, but it would take more space than is available to give even a slight sketch of the principles enunciated in each; we shall, therefore, at the present, confine ourselves to a few remarks on the subjects of the more important matters discussed. The opening address, on "Jurisprudence and the Amendment of the Laws" was worthy of its learned author's reputation, and he defined Jurisprudence not unreasonably as "the pride of the human intellect, which, with all its defects, redundancies, and errors, is the collected reason of ages, combining the principles of original justice with the infinite variety of human concerns." He next pointed out how strong is the connexion of the law of England with the Roman Jurisprudence, and recommended the study of the latter to all who wished to acquire a thorough knowledge of the former, quoting the celebrated saying of the Chancellor D'Aguessean "the grand destinies of Rome are not yet accomplished; she reigns throughout the world by her reason, after having ceased to reign by her authority"—*non ratione imperii sed imperio rationis.* Closely connected with the study of the Roman law is the question of making a digest of our own law, and reducing it to a manageable code, since it is from the principles of equity laid down by Tribonian and his colleagues that the modern systems have been adapted. There are some notable instances of success in the work of codification, such as the Code Napoleon, and those in use in British India and New York, and the various countries of the European Continent, chiefly imitated from the Roman Code, *mutatis mutandis.*

Now that the all-engrossing subject of Reform is practically disposed of, we hope that this will be taken up, and the work, which all the great lawyers of the country from Bacon down to Brougham, have declared necessary, will be performed. A committee, numbering among its members Lords Cranworth, Westbury, and Cairns, and many of the lesser lights of the law, has been appointed, to inquire into the expediency of a Digest of Law, and the best means of accomplishing that object, and in their first report, made last May, they stated that, in their opinion, "a digest correctly framed, and revised from time to time, would go far to remedy the evils we have pointed out. It would bring the mass of the law within a moderate compass, and it would give order and method to the constituent parts. This Digest would be a condensed summary of the law as it exists, arranged in systematic order, under appropriate titles and subdivisions, and divided into distinct articles or propositions, which would be supported by references to the sources of law whence they are severally derived, and might be illustrated by citations of the principal instances in which the rules had been discussed or

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applied." But we fear that *parturiunt montes, nascetur ridiculus mus*, is as true now as when Horace wrote it.

The learned Judge next directed his attention to the assimilation of the laws of England and Ireland, a principle which undoubtedly ought to be carried out, but it does not appear, on consideration, as might at first be imagined, that all the benefits would accrue to Ireland, as there are some points on which England would gain. We are particularly fortunate in our system of Registry of Deeds, while England remains without any general register of conveyances. The principle of the English County Courts has been adopted from our Civil Bill Courts, and the method and practice of our convict system have gained its acceptance in England and on the Continent of Europe.

The President, in concluding his address, cautions his hearers to observe the distinction between assimilation and absorbtion, and we quote his words, which are important as coming from such an authority. "I do not regard identity of laws as involving unity of administration; I confess my intolerance of schemes which have been advocated even by Irishmen, for imperializing our Irish Tribunals; attracting our Bar to English Courts; disposing of great Irish causes there; leaving to us narrow jurisdictions and a debased profession; and making the capital of England the legal metropolis of Ireland also."

We shall reserve our remarks on the Right Hon. J. E. Walshe's address on Repression of Crime, and the papers on the Jury System, till next week.

AMONGST the more thoughtful papers which were read and discussed in the Sections of the Social Science Congress, there was none, perhaps, of greater importance than that of Mr. James Heron on the Law of Bankruptcy in Ireland. This subject may not have for the general community an interest equal to some others, such as those of Education or of Health; and yet the principles and rules which regulate the transactions between debtor and creditor must more or less concern every one, and will certainly exercise no immaterial influence, for good or evil, upon the advancing prosperity of the country. For many of the readers of this journal, however, it is unnecessary to do more, in order to engage their attention, than to refer them to the valuable and suggestive paper in which the topic is fully treated.

Into the discussion of the suggestions which the paper contains we do not purpose just now to enter. We content ourselves with briefly repeating some of the remarks to which its reading gave rise. One member, who agreed with it in most points, doubted the propriety of introducing arrangement Deeds into Ireland as being likely to encourage fraud, but thought the suggestion to introduce the Scotch system of allowing creditors to realize and administer the debtor's estate themselves, was simply the principle of common sense. Another member agreed that the right course with regard to fraudulent debtors was to punish them criminally. Others remarked on the necessity for local administration, for amending the machinery by which the law is wrought, for dealing with chattels and real property in the same way, and for assimilating the commercial code of England and Ireland. It was also stated that the Belfast Chamber of Commerce had petitioned for the extension to Ireland of the proposed English Bankruptcy Bill, but had always been told that the Bill must be passed for England first; it was hoped, however, that steps would be taken to have a Bankruptcy Law for Ireland introduced next year. Lastly, the Report of the Council in reference to the business of the week, alluded to the paper as one in which the writer expressed opinions in accordance with the views so often enunciated in the Association, and affirmed that it was a matter of the deepest interest to the mercantile community that the estates of insolvent debtors should be administered by a committee of creditors, and not by the Court.

Although not intending, as we have said, to comment at present on the legislative changes recommended, we cannot close without emphasizing the judgment unanimously arrived at by the members of the Section, that in this respect at least the law of England and Ireland should be one and the same. Surely the principles of commercial morality, the obligations incurred in money dealings, the rights and duties of creditors and debtors, should not be differently regarded at different sides of St. George's Channel. Are not the interests of the trading and non-trading public here as much concerned in a good enactment on this subject as those of their English customers or dealers, and should not identity of interest dictate identity of laws? Is it just to inflict penalties differing in degree and kind for the commission of the same offence; and if six years ago it was advisable virtually to abolish, in England, imprisonment for debt, can it be statesmanlike or politic to continue the process in Ireland? We, therefore, quite concur in the suggestion that Government should not allow another year to pass without correcting this anomaly; and—as our contemporary, the *Saturday Review*, considers that, in the general desire of political parties to avoid the discussion next session of *party* politics, the subject of Bankruptcy law would be a "very nice one" to occupy our law-makers—we sincerely trust that the case of Ireland may not be forgotten, but that the obsolete principles and antiquated procedure of our mercantile law may be modified, and made uniform with that of the rest of the United Kingdom.

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THE CHANCERY (IRELAND) ACT, 1867—*continued.*

GENERALLY speaking, all persons who are interested in the subject-matter of the litigation should be parties to the bill either as plaintiffs or defendants; but the strict rule has been considerably modified by the 66th section of the Act, and no objection can be taken for want of parties in any case to which the rules set forth in that section extend. It may, however, be still necessary or convenient for a plaintiff, in some cases, to make defendants to a bill persons from whom no account or other direct relief is sought. In such cases, as before stated, the bill merely prays that they may, upon being served with a copy of the bill, be bound by the proceedings in the cause.

In England the plaintiff determines the particular branch of the Court to which the suit is to be attached, and the bill is marked accordingly; but the Lord Chancellor has the power of transferring the causes as he may think fit.

When a defendant (not being an infant or a person of weak or unsound mind) who is duly served either within or without the jurisdiction, fails to appear within the time limited for appearance, the plaintiff may, as of course, when the service is within the jurisdiction, and he takes that step within three weeks after the time for appearance has expired, and in other cases with leave of the Court obtained on special application, enter an appearance for the defendant. The object of the entry of an appearance for the defendant by the plaintiff is to limit the time within which a demurrer may be filed to the bill, which runs from the entry of the appearance, and to provide for taking the bill *pro confesso* against the defendant.

Within twelve days after the appearance entered by or for him, the defendant may demur to the bill. There are various grounds upon which a demurrer may be filed. When founded on substantial grounds a demurrer frequently determines the suit with great advantage to the parties, both as to expedition and expense. When founded on a technical objection it is seldom attended with any result but additional costs and delay, for, if allowed on a technical objection, it is allowed with liberty to amend. The subject having been brought under the consideration of the commissioners, they recommended that demurrers should be allowed, but only for the substantial grounds of want of equity or multifariousness.

If the bill states a case for relief, but the defendant has a short simple defence, he may raise the defence by means of a plea—*e.g.*, the Statute of Limitations, or a release, &c. Demurrers and pleas must be signed by counsel. A plea, unless it is founded upon matters of record, is verified by the defendant. In reference to a plea two questions arise—viz., (1) whether it is a sufficient answer in law? and (2) whether it is true in fact? The first question is disposed of by setting the plea down for argument before the Court; when the Court decides whether, assuming the *truth* of the plea, it is or not an answer to the case made by the bill. In the former case it is allowed, in the latter overruled. Technically the allowance of a plea only determines its sufficiency in *law*, and leaves the question of its *truth* to be litigated by the parties going into evidence upon the short point raised by the plea. In most cases, however, upon a plea being allowed, the bill is out of Court, for the plea having been put in on oath, or being capable of proof by record, it is almost invariably true. If, therefore, the plea is, in law, an answer to the plaintiff's case, it is generally useless for the plaintiff to continue the litigation. When a plea is overruled, the order overruling it commonly directs the plea to stand as an answer to the bill, with liberty for the plaintiff to call for a fuller answer as to any matter which may not be sufficiently met by the plea.—(See *Mr. Barber's Statement, tit. plea.*)

If the defendant neither demurs nor pleads to the whole bill, or does so unsuccessfully, the suit proceeds in the usual course, and the defendant puts in an answer. By the 63rd section the defendant is not called on or required to put in any answer to a bill, unless interrogatories are filed, and a copy of them delivered to him, or his solicitor, within a limited time. But where the plaintiff does not require the defendant to answer, the latter may put in a voluntary answer, which is sworn and filed like a compulsory answer. An answer, the draft of which must be signed by counsel, does not, at the commencement or in the body of it, appear to be made on oath. It is, however, verified in the same manner as cause petitions under the Chancery Regulation Act (1850). The answer *filed* may be either printed or written. Any schedules annexed to the answer must be filed with it, whether the answer actually filed is printed or not. Printed copies are made of the answer for the use of the parties to the suit, omitting the schedules. The plaintiff obtains a written copy of the schedules from the office.

Thus, it will be perceived, the defence of the defendant, if he has a valid one, must fall within one of the three following heads:—

1st. The defence by *demurrer*, by which the defendant says—"admitting, for the sake of argument, that your statements are true, you have no case for relief in equity."

2nd. By *plea*, stating some fact omitted in the bill affording a defence.

3rd. By *answer*, meeting in detail—by denial, explanation, or otherwise—the statements contained in the bill.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by J. LEVY, Esq., Barrister-at-law.

Before JUDGE MILLER.

Re FLEMING AND HENNESSY.

August, 1867.—*Misrepresentation of Bankrupts as to their circumstances.*

Where Bankrupts make an untrue representation as to their position and circumstances, and where goods are offered to be returned when a part of them was sold at the time, although no credit was given on the faith of the representations made, and although no particular stipulation was made as to the mode of payment when the goods were sold, the Court, in order to uphold commercial integrity and truth, will suspend the certificate for twelve months.

The bankrupts were traders in Sligo, and after the case having been adjourned, they came before the Court for final examination. *Kernan*, Q.C., appeared for them. *Larkin*, Solicitor, was for creditors who opposed the granting of an immediate certificate. The facts fully appear in the important judgment of Judge Miller.

JUDGE MILLER said: I have given my very best consideration to this case, as being one of that painful character in which the bankrupts appear to have carried on their trade for a considerable period, up to the 12th of April last (1867), with unblemished characters as traders, and to have kept, if not the customary, at least reliable books.

The condition of the bankrupts on the 12th of April, 1867, was, they were obliged to apply to Mr. M'Swiney, of M'Swiney, Delany, and Company, for his introduction in order to obtain a further renewal of a bill of small amount which had been previously renewed at one month's date. When that application was made to Mr. M'Swiney, he, as was natural, questioned them as to their position; in reply to which one of the bankrupts read a list of their bills outstanding from a piece of paper he had with him, and stated his stock to be £2,500. Whatever that statement to Mr. M'Swiney as to their stock may have been, it appears to have been made after stock had been taken in the month previous to the 12th of April, but that such stock list is not forthcoming, by reason, as is alleged by the bankrupts, of the circumstance that it had been taken in sheets in a rough form and not correctly totted. If I take the evidence of Mr. M'Swiney, his belief in which was manifested by his having acted on it, I have it clearly established before me that a misrepresentation of the value of his stock, as being on the 12th of April, £2,500, was made to Mr. M'Swiney, and borne out by the schedule of the bankrupts in the arrangement matter, verified by the bankrupts on the 15th of May, after stock had been taken, which commenced on the 11th of May. The whole stock, including the goods obtained in Glasgow, of the value of between £800 and £900, and the Dublin goods, of the value of £100, is represented as being altogether £2,659 5s. 8d., as to which I need scarcely advert to the evidence of the professional accountants, which does not, in my mind, and under the circumstances of this case, afford any sufficient or reliable explanation. The first explanation offered is the broad allegation that Mr. M'Swiney was mistaken, and that the bankrupts in their representation to Mr. M'Swiney included in the £2,500 the value of the business premises. I could not for a moment accept that explanation, when I have established before me the fact that Mr. M'Swiney was himself perfectly aware of the house property, and had himself a charge of £500 upon it; or as against the positive swearing of Mr. M'Swiney, that he questioned the bankrupts on the subject, not as a matter on which he had no personal interest, but upon which he was asked by the bankrupts to act, and pledge his reputation as a commercial man, in order to obtain a renewal of their bills then current. The next explanation offered as to the misrepresentation was that no goods had been supplied in consequence, or upon the faith of it. But even assuming such to have been the case, I would not have it understood that an explanation of that nature would clear away, however it might palliate in degree, so serious an offence as an intentional misrepresentation on the part of a trader, as regarded his position and property, when made in the course of his trade dealings, for whatever special purpose such a misrepresentation may have been made. But the bankrupt himself states that after the interview with Mr. M'Swiney he went to Glasgow, and that he told him he was going. And the bankrupt, under the circumstances, and in the condition I have described, entered the Glasgow market, and in the latter end of April purchased goods of the value of between £800 and £900; and I am unable to understand the value of a portion of the evidence urged on the part of the bankrupt, namely, as to accidental meetings with agents or principals of the Glasgow houses, and pressure of sales on their part, when I find it was not a first or second transaction with Anderson and Co., one of the Glasgow firms, and I must assume that all wholesale dealers are equally anxious, and will resort to all legitimate means in order to effect sales to persons whom they believe to be honest and solvent purchasers. However, when the goods were purchased from Anderson and Co., no cash payments were made, nor was any arrangement made in Glasgow as to the manner in which payment was to be secured, but the bankrupts allege that the security usually given was a bill at five months. And it appears that before any arrangement was made as to the mode of payment for the goods, a reference was required from the bankrupts by Anderson, and although I specifically called for an explanation as to what led to that reference, I am even now left in the dark as to what led to a demand by Anderson for a reference, unless it was in consequence of some statement made in Glasgow by the bankrupts. And upon the 6th of May, and after a reference had been obtained by Anderson and Co, when the most important arrangement, namely, as to the manner of providing for payment remained incomplete, the bankrupt wrote the letter of the 6th of May to Anderson and Co., as follows:—"In reply to yours of Saturday we think it very unbusinesslike to look for a reference after the goods are in our warehouse." There is not reference to any importunity on the part of Anderson and Co., or to any circumstance peculiar to the sale, but simply to the fact that the goods were in their warehouse. The letter then goes on to state "that in order to satisfy your mind we refer you to the house of M'Swiney, Delany, and Co., Dublin." And I am asked by the bankrupts, after that reference given on the 6th of May, to believe that M'Swiney was mistaken as to the representation made by the bankrupts on the 12th of April, upon which I have already observed. I can only say that after the evidence of Mr. M'Swiney, and where the bankrupts themselves, upon the 6th of May, nominating Mr. M'Swiney as their referee, I could not without the clearest evidence, and I have nothing of the kind, listen to any such suggestion as to want of recollection, as regards the contents of a letter so specific in its terms as almost to preclude the possibility of any mistake. It is as follows:—10th May, 1867,

M'Swiney to Anderson.—"We beg to state in reply to your letter of yesterday, that we have known Messrs. Fleming and Hennessy for some years, that we have confidence in their integrity, and have no reason to doubt the statement recently submitted to us, namely, that their stock amounted to £2,500, and their liabilities to £1,000, leaving a margin of £1,500 to their credit. The lease of their premises, the interest in which is valued at £500, is deposited in our hands to cover that amount, being the purchase money." It would be difficult to conceive a more specific letter as to the information required, or a more palpable misrepresentation as to the real condition or position of the parties founded upon information given by the bankrupts themselves. But the letter of the 6th of May goes on further to say, "and if you do not find that letter pleasing you can have back the parcel, which is untouched, and which will be forwarded to you on receipt of your reply." Now it appeared upon the evidence of the bankrupts themselves, that a portion of Anderson's goods had been sold, which was a direct falsification of the statement in that letter, or was a violation of their undertaking that the goods should remain untouched until the receipt of the reply of Anderson. But the letter of the 6th of May concludes thus:—"But allow me to say you need not be in the least alarmed about same; if the reference is satisfactory you can draw on us at five months from the 1st of May." I cannot come to any other conclusion than that the letter of the 6th of May, containing, upon their own confession, a misrepresentation of a very essential fact, was written with the express object of obtaining the five months credit, which, upon the evidence of the bankrupts, was usually accorded to solvent traders. If I looked to the letter of the 6th of May alone, and the circumstances connected with it, irrespective of the other very gross features of this case, I cannot, in the language of the certificate, say that, having regard to the conduct of the bankrupts, they are entitled to their certificate, without an utter disregard of the commonest principles which should be observed between mercantile men, and I must suspend the certificate in this case for twelve months.

I must add that in my opinion the trading community are very much indebted to the Glasgow merchants for the course pursued by them in this case, and that if other merchants would pursue the same course, the mercantile atmosphere would very soon in such respects be purified.

Solicitor for the creditors, *Larkin*.

Solicitor for the bankrupts, *Gough*.

NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

Address on the Repression of Crime.

By the Right Hon. J. E. Walshe, Master of the Rolls.

The inquiries to which this section of the Association devotes itself assume the existence of a class of criminals to be dealt with. The "repression of crime," in its widest sense, might include a very extensive field, but our peculiar investigations are confined to questions which arise only where crimes are likely to be committed. The means hitherto chiefly applied are primitive laws—relying on the deterrent effect of punishment and the education of criminals with a view to their reformation. This latter object is now regarded as all important; but a century—nay, half a century ago—it was scarcely thought of, except as a field for the exercise of private benevolence, and was generally regarded as wholly outside the province of the State. Among the nations of antiquity, the prevention of crime was rested on two broad devices, incapacitating the criminal from doing mischief, by consigning him to death or banishment, or else, in cases not requiring so severe a remedy, the deterrent effect of punishment. The Romans—the only civilized people of antiquity whose institutions have had any appreciable influence on the formation of the laws of modern nations—had not before them the same problem as we have. The equivalent for the classes which supply our criminals were with them found principally among their slaves or subjects not enjoying the privileges of citizenship, in whom their criminal code scarcely recognized any claim to justice. In the codes of mediæval Europe we cannot, of course, expect to find any philosophic regard to principle; they naturally rested on the same dominant and obvious ideas which, through more modern and civilized ages, long continued to be the basis of the laws of punishment. The deterrent element of punishment applied to a criminal, besides preventing him from repeating his offence by making him feel pain as its consequence, aims at preventing others by making the punishment what is called "exemplary." The interest of the subject now consists much in its bearing on the great question of capital punishment, in reference to which we know its importance. How changed are our views since the middle of the last century! Of the 160 offences which were capital in England, and the 115 which were capital in France eighty years ago, each country now practically retains the penalty of death for murder only, and even in that—the most favourable case for its infliction—its propriety is not unchallenged. One principal cause of the failure of punishment as a deterrent is its uncertainty. It has been roughly estimated that of the crimes committed and the criminals engaged in them more than six-sevenths escape undetected or punished. But the mere failure to detect a crime counteracts the deterrent effect of laws far less than the greater evil which our courts continually exhibit: a crime detected and exposed, yet unpunished. Every such case operates as a direct incentive to criminals, just as witnessing a successful gambler is a powerful temptation to play; our Courts become counter reformatories. It is vain for the most grave or the most eloquent of Judges to attempt to counteract the effect of such scenes by any warning or admonition. Speaking of the extent to which confessions should be used he said—Would it not be better that the tendency of prisoners to confess should be left wholly unchecked, and that all self-accusing statements should be receivable in evidence; hearing the objections now commonly made to them as objections to their weight only, and not to their legal admissibility? I have no doubt that if it should appear that a statement was obtained by improper means, likely to affect its truth, a jury would be quite competent to judge of it, and by no means disinclined to disregard it. I may mention one practice which appears to me exceedingly objectionable—the rewarding of officers, directly or indirectly, according to the number of convictions obtained on their evidence. I shall perhaps be pardoned for referring to another instance in which our criminal law appears to me to treat the guilty with an over-refined delicacy. Notorious offenders are a class whose existence is undoubted by the police, but ignored by the law. Why should not a man who is supposed to have committed several offences of the same kind be tried for them together? If he has been in several successive employments, in all of which his employer was robbed, though never robbed before or since, the inference must be that the accused committed the thefts which always happened where he was, and never when he was not there. This becomes stronger with each successive instance; yet in all the more grave offences called "felonies" each charge must be tried wholly by itself, and a profound silence be observed as to the others. The practised thief must be treated as if never before suspected. This rule does not apply to misdemeanours, and has been relaxed by the statutes which allow three cases of larceny or embezzlement against the same prisoner, committed within six months, to be comprised in one indictment. That a limitation should be fixed as to the period within which the offences should be committed is reasonable, though "six months" seems a short one; but what is the reason for requiring that the property should be the property of the same person, or that no more than three repetitions of the crime should be investigated? If a lodger and the landlord in the same

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house are robbed, or a man is employed in collecting debts for several employers whose moneys are embezzled, the diversity of the ownership of the property rather increases the probability of the identity of the criminal. It is unreasonable that the commission of twenty peculations should expose the rogue to no more risk than the three to which the prosecutor is confined, and that a privilege should be accorded to the more heinous offenders who commit felonies which is denied to the less guilty, who commit only misdemeanours. There are minor technical difficulties which still embarrass criminal trials, notwithstanding the numbers that have been removed; such, for example, as the rules relating to venue and amendments. I think we are, in considering such matters, apt to forget the circumstances under which our criminal law has grown into a system. It was at one time most unjust to the accused, and shockingly bloody. Judges endeavoured to counteract the effects of a system at once unfair and cruel, by strained but merciful applications of legal doctrines. But it is not reasonable to apply in favour of a prisoner allowed professional assistance, who may examine his witnesses on oath, and is tried under a humane and merciful code, considerations adapted to a procedure in which he was denied the right of advocacy or calling sworn evidence, and to a code of most terrific severity. Speaking of the influence of Reformatory treatment, he said :—To shut up together ascertained guilt and suspected innocence, hardened crime and youthful weakness, shocks by its injustice. It converted the prison into a school for moral corruption. But when such obvious evils, and the common abuses incident to institutions without proper control were removed, the more difficult questions which engage us now began to develope themselves. Among the first was that concerning the relative merits of associated discipline and solitary discipline. The result has been the adoption, in our Government prisons, of a system combining both. This system, which has now met with general approval, not only among ourselves, but also from distinguished foreign jurists, rests on a theory simple and consistent. It is based on the proposition that reclaimable criminals relapse into crime from want of moral strength and self-control sufficient to meet influences to which they are exposed when released from prison ; and it aims at supplying this want by a gradual process of discipline, accompanied by successive trials of the prisoners' strength against temptation. The discipline begins with *separate*, not strictly solitary, confinement, which both operates as a very severe punishment, and, by its psychological effects in most instances, predisposes the mind to receive better impressions. The prisoner, from this, passes to the stages of associated labour in prison, arranged progressively, each being less irksome and less subject to restraint than the preceding. The convict's conduct in each stage is tested by daily marks, according to which his advancement is retarded or accelerated ; and if the tests of his improvement are satisfactory, he is able to obtain his discharge or license before the expiration of the period of his original sentence, according to a uniform scale, varying in proportion to that period. When at length a license is obtained and the convict is allowed to go abroad among his fellow-men, and endeavour to take his place as an honest citizen, he is not left wholly to himself, and for the remainder of the period of his original sentence he must report himself to the police. He must, and, what is more important, knows that he must be again arrested and imprisoned to undergo that sentence, if even, at this last moment, he shows signs of relapsing. His connexion with the police is, however, of the slightest character, and wholly different from the French system of "surveillance," which, far from reducing, rather increases the difficulties in the way of becoming an honest citizen. It has been proposed by some—I believe it was originally suggested in France—to employ convicts in unwholesome or repulsive works as a punishment. I have been informed that in Dublin—I know not how far it is the case elsewhere—the proprietors of manufactories where there is unhealthy or disagreeable work to be performed, for which it is difficult to procure other hands, largely employ discharged convicts, who willingly undertake such work as opening the door to an honest livelihood by free labour to contractors, according to the American system, which seems for many reasons objectionable. The present scale of diet in our Irish prisons is probably too low ; but it was adopted because it had become a practice to commit crimes in order to get from the poorhouse into prison, for the sake of an improved dietary. I was struck by an observation of Mr. Runden Hill, in a paper read in 1864, condemning a practice at public works, by which convict labourers were provided with shelter while it was raining, although free labourers employed at the same works were exposed to it and continued to work under all weathers. It is a most pernicious overflow of good nature to surround convict discipline with luxuries such as an honest freeman cannot obtain. The Reformatory system in its integrity is applied only to persons undergoing severe sentences. Minor punishments are carried out in our county and local jails, of which there are, I believe, in England and Wales 143, in Scotland 44, and in Ireland 42, besides bridewells. The vast majority of sentences undergone in them are for very short terms,* in which Reformatory discipline could not be attempted. But when the term exceeds twelve months, or even six, though it may be impossible to apply the process of reformation suitable to an imprisonment for five or seven years, still, I trust, we shall find that some more of the advantages accorded to worse criminals may be extended to these less guilty prisoners. By the statute of last August a very great improvement has been made in our local jails by abolishing the power of sending lunatics to them, under a practice which, I believe, was peculiar to Ireland. For such unhappy beings a jail is a totally unfit abode, and their presence seriously interfered with proper discipline. Yet the daily average number of them in custody in our Irish jails, during the year 1866 exceeded 400. Owing in a great measure to the exertions of members of this Association, considerable attention has been recently directed to the reclamation of female culprits. Women, as a general rule, are less prone to crime than men. The proportion among our criminals is generally about one-third females and two-thirds males. In towns where there are peculiar temptations to female degradation—generally seaports—the proportion is different. In Liverpool, for example, occasionally the female criminals are more numerous than the males. But all prison experience seems to show that the reclamation of female is more difficult than that of male prisoners. "Refuges" correspond in their case in a great degree to "intermediate prisons." And the last few years mark an epoch in the history of female reformation by the establishment of the "Carlisle Memorial Refuge." The efforts to promote juvenile reformation have been already signally successful. I see no reason to doubt the estimate made by a member of this Association, that 70 per cent. of those who passed through reformatories become industrious and honest. There was the most surprising reduction of commitments to prison within ten years of their establishment ; and, though the rate of progression may not now be so rapid as marked by this test, there is no reason to doubt the continued success of the system. Referring to Ireland only, I observe by the returns that there was but one juvenile under 16 sentenced to penal servitude in 1865, and only one last year ; and the entire number convicted in Ireland at Assizes and Sessions in the last year was but 59, of whom 18 were charged with misdemeanours only. I believe the almost uniform result of the statistics of crime would show—as has been done frequently in special instances—that Reformatories and other cognate institutions, ragged schools, and industrial schools, have a most marked influence in reducing the number of criminals. This at once brings before the mind another social problem which is now in course of solution ; and, though not directly connected with punishment, appears a sort of corollary to the propositions established in the case of Reformatories. How far should the State interpose in dealing with children who have not committed actual crime, but who, for the vice or neglect of those about them are likely to fall into criminal courses ? How far is the State justified in interfering with parental authority, and the natural relations of society, merely in

* Of 24,334 sentences passed in Ireland in 1855, 20,349 (or nearly 84 per cent.) are for terms less than a mouth ; and of these, 7,999 (or more than three-eighths) are for forty-eight or twenty-four hours. In sentences of this class, all that is or can be aimed at is to deter, by giving the offender a salutary warning from the pain of the punishment : 102 exceeded the term of twelve months, and 365 were for periods between twelve and six months.

the hope of making better citizens? The nation has decided to a certain extent upon this vital question. The Industrial Schools Act of 1866 is framed so as to have a close correspondence with the Reformatory Act of the same session. Both owe much of their usefulness to our Association. The Industrial Schools Act is perpetual, so that the principle at least is now authoritatively adopted. The further question has been discussed whether the imprisonment of young children as a punishment merely, should not be wholly abolished? The general theory of our law favours their irresponsibility. If a child is naturally so perverse and wicked that, without being educated in, or compelled to practise crime, he will do so, he seems rather a fit subject for an asylum for mental disease than for a prison; and if his misdeeds are the consequence of training or compulsion, it is unjust to punish him without giving him an opportunity of escaping from the irresistible influences which he of himself could not avoid. There is, and probably always will be, much difficulty in the way of Reformatories and industrial schools in enforcing payment from parents for their children—and there is the risk of affording advantages greater than the industrious and well-conducted poor can obtain. It would be a grievous injustice that the commission of crime by the young, or the neglect of plain moral duties by the adult, should open a door to worldly advancement which is closed to the innocent child and moral parent. In this faint outline of the progress of opinion respecting the treatment of the criminal classes, I have spoken of punishment in the two aspects in which it can be practically applied—deterring and reforming. I do not, however, hold the theory advanced by many, that the sole justification for judicial punishment rests on its adaptability to these purposes. I think the idea of retribution should not be disregarded in any criminal code. I mean by "retribution" the infliction of pain as a consequence of guilt, irrespective of making satisfaction to the party injured. The emotion of resentment—deliberate resentment, as it has been called by moralists, to distinguish it from passion or revenge—is a part of our human nature, and given to us for some purpose. The expression in reference to one who has committed a crime, that he "deserves to be punished," involves a truth which our moral perceptions compel us to recognize, and which means more than that the person spoken of "requires to be improved." It seems part of the scheme of Providence that guilt should deserve pain, and that man should be the means of inflicting that pain on his fellow man in cases involving their mutual relations. The question is not barren of practical consequences. If the theory which denies the right of inflicting pain for its own sake as an act of justice be carried to its legitimate consequences, the enormity of the crime should have no effect on the amount of the punishment. Indeed, on this theory, it is hard to see why the infliction of pain, in some form or other, should be the means invariably employed with criminals.

LAW OF BANKRUPTCY IN IRELAND.

James Heron, Esq., J.P., read a paper on "The Law of Bankruptcy in Ireland, with Suggestions for its Amendment." Mr. Heron commenced by referring to the frequency with which the general subject of bankruptcy had been brought before the society, and to the endeavours made in Parliament to amend and consolidate the law. In Ireland the system of administration was utterly inadequate to the commercial wants of the country. In view of the legislative changes which cannot be much longer postponed, and as one entirely free from any professional bias, and not without some experience of the practical working of the present system, he ventured to offer a few suggestions towards the amendment of this important branch of our commercial jurisprudence. The bankrupt laws had in recent times been greatly modified in accordance with the better opinion of the age, so that the danger we now incur is, that in the excess of sympathy for the unfortunate, the opposite scheme may be realized, and fraud and bad faith may escape just exposure and punishment. The delay and expense attending the administration of the Bankrupt law made many so disgusted with the whole system that the expediency of such a law at all had been often called in question, and a desire expressed for a return to

> "The good old plan,
> That he may take who has the power,
> And he may keep who can."

The number of enactments upon bankruptcy, and the contrariety of decision in the courts of law and equity, are causes of great embarrassment and fruitful sources of litigation. Lawyers proverbially make bad legislators, and it has been too much the practice of Parliament to hand over this subject to members of the legal profession, who are sure to surround it with so many complicated clauses and forms as to make the law unworkable from the weight of its own machinery. He dwelt on the want of uniformity between the Bankrupt law in England and in Ireland, which is frequently both vexatious and embarrassing. The objects of the Bankrupt law were happily expressed in a few words by Lord Russell when introducing the Bill of 1859—"To obtain as quickly as possible a full explanation and revelation of the affairs of a Bankrupt, and having ascertained what property he possessed, to divide that property amongst his creditors." We, therefore, want a law which will enable the creditors cheaply, quickly, and efficiently to realize and divide a Bankrupt's estate, one which will encourage and not deter the debtor when in a state of insolvency to surrender his property, and which will provide a competent court where all matters in dispute may be investigated and adjudicated upon with convenience and economy. It was scarcely necessary for him to say that the Bankrupt law now in force in Ireland does not fulfil these conditions. It is notorious that a debtor's estate, estimated to yield under proper management 10s. in the pound, often tumbles down under the manipulation of the present system to something like 2s. 6d., or even less; and in one celebrated case, which called forth public comment at the time, the accounts show seven and sixpence, whilst the dividend out of the court was only 5¼d. in the pound. The result is that merchants, rather than waste their time and money in Bankruptcy proceedings, often submit to unpaid settlements, and are thus led to encourage a practice prejudicial to commercial morality. Our neighbours in Scotland, with their usual acuteness, manage that sort of business much better than is done in either England or Ireland; and he was disposed to borrow from their system of sequestration some suggestions which he considered would be a vast improvement on the present system.

First. He would make a thorough separation of the administrative from the judicial department of Bankruptcy procedure. He would limit the Court to the administration of the law, and would place the realization of the estate under the immediate and exclusive control of the creditors themselves. No one will contend that a gentleman sitting, as at present, in his office in Dublin, can direct the sale of merchandise or call in debts at Belfast so well as a person conversant with the business and resident on the spot. At the first meeting after adjudication the creditors should appoint a committee to act as trustees in realizing and distributing the estate. This committee would have large powers, and be responsible to the Court for the proper administration of the estate. They should be fairly remunerated for their services. The Court should be at all times accessible for instruction and advice. He would abolish the distinction which now exists between trader and non-trader, and likewise do away with imprisonment for debt, except when the debtor was about to leave the country. The office of official assignee might also be abolished, as the business would be better done by a local clerk or accountant, as in Scotland. There is no good reason why the Chairman of a county, or the Recorder in a town like Belfast, should not have jurisdiction in Bankruptcy, and thus save the mercantile community from the present waste of time and money attending the court in Dublin. He would approve of the clause in the English Act of 1861, which enables a debtor to execute a deed of assignment for the benefit of his creditors, which, if assented to by a majority in number, and by three-fourths in value within twenty-eight days after its erection, can be adjusted to have all the effects of an adjudication in Bankruptcy. He would alter the present vicious system of voting by creditors holding bills of exchange by permitting them to rank only for the

net instead of the gross amount of their claim. He complained that the practice now pursued of striking dividends, not upon the sum originally due by the bankrupt, but on the amount due after deducting collateral payments, was unfair in principle, and should be altered. He thought the provision in the English Act, which provides that the proceeds of all executions, if followed by an adjudication in Bankruptcy within fourteen days of the sale, shall pass to the assignee, was a most important one for checking fraudulent preferences, and should, therefore, be extended to Ireland. A serious grievance still exists in our Irish law, and which was rectified, as regards England, by the Act of 1861. A creditor having a claim on two or more Bankrupt firms, where one and the same person is a partner in each, is compelled in Ireland to claim on one estate only, while in England, under precisely similar circumstances, he can rank on each estate. The distinction kept up between land and chattels requires modification and amendment. He objected to the novel provision introduced into the Bankruptcy Bill last session in the House of Commons. It provided that where a Bankrupt's estate pays ten shillings in the pound, he shall be absolutely free, but where the estate paid less, his future earnings shall be liable to make good that amount of dividend. He thought this provision was inequitable towards the debtor, and would have a bad effect in practice. If a man is made a bankrupt, his business and property pass by the action of the law to his creditors, and if you take from him all he has in common fairness, you ought to relieve him from his debts. This is only equitable—on the one side a full, complete, and honest surrender of the property for a full and complete discharge on the other. If a debtor in difficulties has not this full discharge as an encouragement for a timely surrender of all his property, you give encouragement for delay, concealment, and every kind of commercial immorality. Credit is a voluntary act; if the debtor fails in honesty punish him through the agency of the public prosecutor as you would any other criminal offence; but if he fails in means, through any misfortune which he could not help, then I consider he ought not to be punished. Do not, therefore, substitute for the existing high moral obligation that of a mere legal compulsion which a man may easily evade by a resort to trickery and fraud. He purposely dwelt on this new principle in Bankruptcy, because it was pressed by some leading members of Parliament; and, so far he was aware, it had not been endorsed by any of our chambers of commerce or approved of by our merchants generally. He concluded an excellent paper by stating that he had embraced the present opportunity of bringing this subject before the society, not with the object of intruding his own views, but with the confident expectation that the question would elicit the expression of opinion from others in this great mercantile town, who, like himself, were free of professional bias—men who were so much better qualified by experience and ability to offer suggestions for the improvement of so important a part of our commercial jurisprudence.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Sept. 30	12 o'clock	Arrangement case	Proof of debts	*Perry*
"	"	do.	do.	*Perry*
"	"	William Quin	do.	*Perry*
"	"	Verlin	Costs	*Perry*
		Tuesday. Before the COURT.		
Oct. 1	12 o'clock	Arrangement case	1st sitting	*Molloy & Watson*
"	"	Denis Flynn	Sur., prove debts, and choose assignee	*Cronhelm*
"	"	Daniel M'Carthy	do.	*Perry*
"	"	James M'Kenna	do.	*Larkin*
"	"	Trader debtor sitting	———	*Martin & Irvine*
"	"	do.	———	*Molloy & Watson*
"	"	do.	———	*Johns, Hewitt, & Johns*
		Friday. Before the COURT.		
Oct. 4	12 o'clock	George M'Donnell	Final examination	*Barry*
"	"	Arrangement case	2nd sitting	*Cronhelm*
"	"	Francis O'Meara	Adjourned motion	*Jones*

TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
24th September,	John M'Ewen, of Belfast, commission agent and linen manufacturer,	James Alexander Beck, of Belfast, drysalter,	*Lynch*

Certificate Allowed,

September 13.

Maginnis, Bernard, of Newry, county of Armagh, builder, a bankrupt. *Sinnott*, solr.

IN INSOLVENCY.

INSOLVENTS DISCHARGED ON BAIL.

Barrett, Robert, *Dublin*, mercantile clerk.
Campbell, Duncan, *Dublin*, book-keeper.

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Daniel, Edward M'Namara, *Dublin*, house painter.
Kerrigan, Patrick, *Galway*, messenger at Provincial Bank; formerly publican.

INSOLVENTS.

To be heard in Dublin.

Barrett, Robert, of Marino Villa, Donnycarney, county of Dublin, mercantile clerk. Hearing on Wednesday, November 27, at 11. *Magrath*, solr.

Carey, Christopher, of Dame-street, city of Dublin; previously of Burgh-quay, in said city, vintner. Hearing on Wednesday, October 9, at 11. *Macnally*, solr.

Daniel, Edward M'Namara, of No. 3, Charlemont-place, Grand Canal, city of Dublin, house painter, sued and detained as Edward M. Daniel. Hearing on Wednesday, November 27, at 11. *Macnally*, solr.

To be heard in the Country.

Knox, James, of Virginia, county of Cavan; previously of Kells, county of Meath, dealer in articles of clothing and jewellery. Hearing at Cavan, October 15, at 1. *Rynd*, solr.

Lynch, Terence, of Ballyjamesduff, county Cavan, dealer in cattle, and butcher. Hearing at Cavan, October 15, at 1. *Rynd*, solr.

Maguire, John, of Killabeg, county of Wicklow, gentleman, sued as miller and farmer. Hearing at Wicklow, October 16, at 12. *Duff*, solr.

Sullivan, Callaghan, of York-street, Blackpool, city of Cork, in no trade or business; previously of Winthrop-street, and formerly of Maylor-street, both in said city, wine and spirit merchant, and mineral water manufacturer. Hearing at Cork, October 17, at 10. *Dickie*, solr.

White, James, of Grange, county of Tyrone, labourer, sued and arrested as farmer. Hearing at Omagh, October 17, at 10. *Dickie*, solr.

PETITION OF INSOLVENCY FILED.

September 23.

Against Norton, Eliza, of Harcourt-street, city of Dublin, widow—a prisoner in the Four Courts Marshalsea. James Caldwell, petitioning creditor. *Macnally*. solr.

LEGAL POSTING:

LANDED ESTATES' COURT, IRELAND.

COUNTY OF CORK.

In the Matter of the Estate of
James Shields, Assignee of Thomas Saunders Cave, Owner, Thomas Saunders Cave, Owner, and John Flather, an Incumbrancer,
Petitioners.

TO BE SOLD, before the Honourable Judge Dobbs,
On FRIDAY, the 8th day of NOVEMBER, 1867,
at the hour of Twelve o'clock, at Noon,
In the LANDED ESTATES' COURT, DUBLIN, IN ONE LOT,

The following Lands and Premises (late the Audley Estate), held in Fee-simple, and producing the following Net Annual Incomes or value, all situate in the Barony of Carbery, and County of Cork:—

NAME OF TOWNLAND	Contents, Statute Measure			Gross Rent or Value			Tithe Rent-charge			Net Profit Rent		
	A.	R.	P.	£	s.	d.	£	s	d.	£	s.	d.
Cooragurteen, ...	291	1	32	37	3	2	2	16	7½	34	6	6½
Gurteenroe, ...	234	3	26	49	7	2	2	2	6	47	4	8
Derryconnell, ...	530	2	17	165	7	2	4	1	6½	161	5	7½
Clashmore, ...	228	2	30	35	0	0	1	1	0	33	19	0
Cappaghnacallee, ...	228	0	14	85	4	7	5	5	0	79	19	7
Stoake, ...	247	3	38	100	14	0	5	1	9½	95	12	2½
Ballycummisk, ...	191	2	39	224	5	0	6	16	6½	217	3	5½
Ditto Royalty of Mine, ...		—		150	0	0		—		150	0	0
Rossbrin	276	1	20	163	13	5		—		151	14	3½
Island, ...	0	0	20		—			—			—	
Cappaghglass, ...	426	3	26	356	14	3	16	1	3	340	13	0
Ditto Royalty of Mine, ...		—		90	0	0		—		90	0	0
Filemuck, ...	378	2	19	148	9	10	12	17	7½	135	12	2½
Cusleena Island, ...	0	1	11		—			—			—	
Horse Island, ...	154	1	15	167	15	8	9	6	0	158	9	8
	3,190	0	27	1,823	14	3	77	9	0	1,746	5	3

For Mines and Minerals, see Rental.

Also the Fee-simple of all Mines and Minerals and Slate Quarries to be found in and upon the Lands of English Island, Ardagh East, Lislinane, otherwise Reavillen, Castlehaven, Flea Island, Horse Island, and Blackrock; Farrandeligan, Glasheenaulin, Lickowen, Gortacrossig, Toehead, North Reen, South Reen, Cooragurteen, Gurteenroe, Derryconnell, Clashmore, Cappaghnacallee, Stoake, Ballycummisk, Rossbrin, Cappaghglass, Filemuck, Horse Island, otherwise Island of Mullen, Lackareagh, and Raheenroe, situate respectively in the Baronies of East and West Carbery, and County of Cork.

Proposals for the purchase of the foregoing will be received by the Solicitor having Carriage of the Sale, up to the 21st day of October next, and submitted to the Judge for his approval.

Dated this 5th day of July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

For Rentals and further particulars apply at the LANDED ESTATES' COURT, Dublin; to
Messrs. JOSEPH & H. T. LOVEGROVE, Solicitors, Gloucester;
Messrs. HARRISONS, Solicitors, 5, Walbrook, London;
Messrs. EWBANK & PARTINGTON, Solicitors, 7, South-square, Gray's-Inn, London;
Messrs. GALLOWAY & CONNOR, Solicitors, 55, Upper Sackville-street, Dublin;
Messrs. HALLOWES & HAMILTON, 34, Westland-row, Dublin;
WILLIAM SULLIVAN, Solicitor, 8, Inn's-quay, Dublin; or to
M'CARTHY DOWNING, Solicitor having Carriage of the Sale, Skibbereen, County of Cork; and 8, Inn's-quay, Dublin.

DESCRIPTIVE PARTICULARS.

The Estate affords a good opportunity for a large investment, having regard both to the value of the Lands and to the very valuable Mines and Slate Quarries thereon.

The Lands adjoin each other, and are situate about one mile from the Village of Ballydehob, and three from that of Skull, on both of which Fairs and Markets are held. They are about eight miles from the important Town of Skibbereen, to which the railway in course of construction from the Town of Bandon is now opened to Dunmanway, being half the distance.

All the Tenancies on the Estate (except that on the Ballycummisk Mine) are from year to year.

There is a large handsome residence on the Lands of Cappaghglass, known as Rossbrin Manor, occupied by the family of the present owner for the past Twelve years. It is finely situate, facing Filemuck Harbour, commanding an extensive sea view.

Reports as to the valuable copper mines on the estate have been made under orders of the Court—one by Mr. English, in the year 1853, and another by Mr. Lisabe, in the year 1865. Both will be found in the printed rentals for sale.

Large sums have been expended by the present owner within the past ten years in the purchase of machinery now at the said mines, and generally in connexion therewith.

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NICHOLAS JAS. LALOR, Esq., (Messrs. E. Lalor and Sons, Spitalfields), Director of the Dublin and Drogheda Railway Company, and Mining Company of Ireland.

RICHARD MARTIN, Esq., Director of the Dublin and Wicklow Railway Company, and of the Mining Company of Ireland.

VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

SIR JAMES POWER, Bart., M.P., Director of the Bank of Ireland.

JOSHUA WATSON, Esq., Director of the Royal Bank of Ireland.

RICHARD WELCH, Esq. (Charles Haliday & Co., West Arran-street), Trustee of the Association of Underwriters.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, September 28, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 36.] SATURDAY, OCTOBER 5, 1867. {Single Copy, 6d. By Post, 7d.

In the last number of the IRISH LAW TIMES we laid before our readers the subject of the Right Hon. Judge O'Hagan's address on "Jurisprudence and the Amendment of the Law," delivered at Belfast before the Association for the Promotion of Social Science. We shall now proceed to offer some remarks on the address delivered by the Master of the Rolls before the same assembly. He chose for his subject "The Repression of Crime," and showed, from the independent manner in which he treated it, that he did not consider it necessary to confine himself to mere platitudes and truisms; but, for that very reason, he found that the favour with which some of his proposals were received was not by any means unanimous. He did not investigate the repression of crime in the widest sense that the term is capable of conveying, but only those questions which arise where crimes are likely to be committed. The means hitherto in use are the deterrent effect of punishment, and the education of criminals, with a view to their reformation. To these two aspects of punishment—deterring and reforming—the Master of the Rolls would add a third—the idea of retribution, which he defines as the infliction of pain as a consequeace of guilt, irrespective of making satisfaction to the party injured; and he goes on to say that if the theory which denies the right of inflicting pain for its own sake, as an act of justice, be carried to its legitimate consequences, the enormity of the crime should have no effect on the amount of the punishment. Indeed, on this theory, it is hard to see why the infliction of pain, in some form or other, should be the means invariably employed with criminals. This is a difficulty from which it is not easy for the opponents of his theory to escape, but yet which their instinctive ideas of what is just and fit will not allow them to adopt.

It is calculated that of the crimes committed, and the criminals engaged in them, more than six-sevenths escape undetected or unpunished; and in some respects to remedy this undoubtedly great misfortune to society, Judge Walshe asks, would it not be better that the tendency of prisoners to make a confession of their guilt, at the moment of capture, should be encouraged instead of being restrained, and that all self-accusing statements should be received in evidence, hearing the objections now commonly made to them as objections to their weight only, and not to their legal admissibility; and he argues that at no time is a guilty person so likely to state the truth as in the first surprise of detection—"it is the first step to repentance." The safeguards which protect our prisoners now, and which the public so jealously guard, were first allowed to protect them against rude and sanguinary laws; but since we have greatly mitigated the severity of the punishment, and ameliorated the condition of the prisoner in confinement, it is right that we should, on the other hand, protect the interests of society. Plausible, however, as this seems, we do not think the suggestions of the Master of the Rolls could be carried into effect with beneficial results, for our criminal trials, as well as popular notions of fairness and justice, are based on the principle of requiring no man to commit himself; the opposite principle of encouraging confessions, or even receiving them would, we humbly submit, be a retrograde step in civilization, and would not only lead us to the system of interrogation, little short of torture, practised in some parts of the Continent of Europe, but would open up an unlimited field to the misdirected energy of officers in inducing confessions, and would lead to false ones made through timidity or nervousness, or volunteered from some calculation of advantage.

The next point discussed in the address is one which is continually brought before such societies, and no adequate solution has yet been proposed; but the Master of the Rolls has thrown out some suggestions which might well be adopted by our legislators in treating of the important question as to what is to be done with that class of society who are known to live by crime, and who subsist by depredation on their fellows, as birds or beasts of prey do. The guardians of the peace could at any time, in our large towns, by one fell swoop, seize on such characters, and restore security to the neighbourhood kept in terror by their misdeeds; and although this summary procedure would amount to a continual suspension of the *Habeas Corpus* Act, which is not to be

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thought of, yet it is time to determine whether the collective interests of the community should not weigh down the individual interests of the all-but-convicted criminal.

Another subject touched upon was that of the Reformatories. Speaking of their influence, he said, "To shut up together ascertained guilt and suspected innocence, hardened crime and youthful weakness, shocks by its injustice. It converted the prison into a school for moral corruption; but when such obvious evils, and the common abuses incident to institutions without proper control were removed, the more difficult questions which engage us now began to develope themselves. Among the first was that concerning the relative merits of associated and solitary discipline. The result has been the adoption in our prisons of a system combining both." He then went on to explain the various distinctions between the working of the reformatories in Ireland and other countries; but this part of his address requires less comment, since no one has ventured to doubt the soundness of the principles on which the Irish Reformatory system is based; but their consideration brings before our mind another problem now to be solved. How far should the State interpose in dealing with children who have not committed actual crime, but who from the vice and neglect of those about them are likely to fall into criminal courses? The nation has decided to a certain extent, and the Industrial Schools' Act, 1866, is framed to correspond with the Reformatory Act of the same session; both are probably due to the exertions of members of the Social Science Association; and for the reforms in our social system the Association is entitled to our gratitude. There are these difficulties, however, in managing Reformatories and Industrial Schools, the enforcing payment from parents for their children—thereby approaching the principle of compulsory education—and the danger of giving greater advantages to young criminals than the children of the industrious and honest poor can obtain.

ON Tuesday last there came into operation an Act of Parliament which materially alters the official constitution of the Courts of Law in this country. Some such measure has for many years past been promised, and has come at last. Whether the present Act will prove one of useful legal reform remains to be seen; for although carried through Parliament by the late Attorney-General—now the Vice-Chancellor of Ireland—the bill was not of his own creation, but emanated from the Treasury authorities. Certainly we must say that its most ardent admirers, if there are such, cannot reproach the framers of the bill with extravagance when meting out the amount of remuneration annually to be enjoyed by those gentlemen forming the new establishments. The favourite system of the Treasury of dividing subordinate officers into grades, defined as "First," "Second," and "Third Class" clerkships, has now for the first time been introduced into the establishments of the Irish Courts of Law. To such a system we do not object, but, on the contrary, highly approve of such a classification, as not only useful but correct in all Government departments, as it will simplify the task of that statesman who may happily carry out the project of placing the Civil Service of the State on a common and permanent footing, by means of a universal classification of ranks, the several grades of which should receive a uniform salary, according to their position, whether serving in Ireland or Great Britain. But here it may not be amiss to inquire why there should be a difference existing in the salaries of the officers of the new Consolidated Chancery Department and their brethren of the Law Courts; such however is the case, and is enacted by the measure we are now discussing. This anomaly is worthy of notice, for we cannot conceive why any such distinction as this should exist between gentlemen serving under the same roof, enjoying the same rank, and performing analogous duties. But while calling attention to this mistake in the Act, we do not consider the officers of the Chancery, Record, and Writ Office, more than adequately paid, especially when contrasting them with the officers of other departments of the public service in this country. For the Court of Chancery and the Superior Courts of Common Law are unquestionably the departments that rank highest in Ireland. On the officers of the several Courts devolves the responsibility of investigating all the preliminary proceedings in suits and causes, before they ultimately appear in Court, so that somewhat more than the ordinary mental capacity that is popularly supposed to be possessed by government clerks is necessary to those who are employed in the Equity and Law Offices. Mere labour, such as the mechanical routine of the Post Office, Customs, or other ordinary departments, not excepting "The Castle," will not be the lot of the gentleman who finds himself nominated to the Queen's Bench, Common Pleas, or Exchequer; a few months may prove him a good and attentive officer, but it takes years to make him an experienced one. It is of daily occurrence for some new question of office or court practice to arise, which it behoves the officers to be acquainted with, or else applications to the Court will be made, involving expense, trouble, and delay. Very frequently the officer is applied to by both attorneys and counsel as to what should be done, and occasionally, also, his experience assists the Court. Under such circumstances where it is necessary for the public safety, that competent and well-trained officials should be retained in all our legal establishments, we conceive it to be short-sighted policy on the part of the Lords of

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the Treasury to create equality in rank, but with a difference in pay.

Pending the return of the Lord Chancellor, nothing has been finally done towards selecting that part of the staff (not nominated by the Act) for the new Record and Writ Office of the Court of Chancery.

The Common Law Judges have, however, performed their duty, and the three Superior Courts of Common Law are now working under the new *régime* created by the 30 and 31 Vic., cap. 129. Ten officers (instead of fourteen as formerly), inclusive of the Master and Clerk of the Rules, now perform the duties incident to each of the Common Law Courts, the Queen's Bench excepted, where the duties of the Crown side are administered by the Clerk of the Crown and two assistants.

Next session we are promised a "Bill to Regulate the Practice and Procedure of the Courts of Common Law in Ireland." Would it not, under the circumstances, have been more prudent to have postponed passing the "Courts of Law Officers Act (Ireland)" until the Procedure Bill had become law? When the practice is altered it is more than probable that it will become necessary to again reorganize the official constitution of the three Courts, to meet the requirements of the Act passed to assimilate the Procedure and Practice of the two countries; if so, we trust that the authorities will see the wisdom of assimilating the position of all grades of law officers in this country to that enjoyed by their English brethren.

LEGAL APPOINTMENT.

Abraham Thomas Chatterton, Esq., Solicitor, has been appointed Chief Clerk to the Right Honourable the Vice Chancellor of Ireland. The salary of the office is £800 per annum, to be increased by £25 a-year until it shall amount to £1,000.

THE ADMINISTRATION OF JUSTICE COMMISSION.

We are glad to see that the Commission for Inquiring into the Administration of Justice has at last been issued. The great thing to be hoped is, that they will have spirit enough to propose reforms really adequate to the occasion. If the present state of things be analyzed it will be found to have been constructed by degrees out of three heterogeneous systems; that which, *pace* Mr. Freeman, must, for fault of a better name, be called the Anglo-Saxon system, the system or systems which the Norman or Angevine kings bequeathed to their successors, and the system which has been called into existence by the county court legislation of our own times. Of the Anglo-Saxon system it is unnecessary to say more than that it was local, and that the fact that it was supposed to provide, and probably did provide, in very early times for the local administration of justice in matters of minor importance accounts for the comparatively slight provision which was made for the same purpose by the early kings of England. Their system was the great Aula Regia, the ancestor of the courts at Westminster, the Courts of Assize, and the Court of Chancery amongst other things. The justices in eyre (*in itinere*), said to have been originally appointed, or at least systematized, by Henry II., were the local representatives of the Aula Regia, and the direct ancestors of our present courts of assize. The extreme dignity with which they are surrounded to the present day, the infrequency of their circuits, and the smallness of their number may all no doubt be explained by the fact that their duties were originally not merely judicial but administrative. They were, as any one may see who turns to their Commission given at length in Bracton, local representatives of the Crown, bound by their office to inquire into and report upon all matters affecting the Royal prerogative and the Royal revenue, which was in those days composed to a very great extent of minute local profits which required careful detailed supervision. The administration of justice in particular cases of importance was only one of their functions, though no doubt a most important one. It would be difficult and not very profitable to trace the steps by which this function became substantially their only one, and by which they and the courts at Westminster, of which they became by degrees the local representatives, superseded the old Anglo-Saxon system of county courts and sheriffs tourns, and were modelled into the curious system with which we are all familiar, under which fifteen judges administer justice to a population of upwards of 20,000,000 people—a state of things probably unparalleled in any other part of the world. It is enough to say that such was the result. Exceptions excepted, the courts at Westminster and the assizes, their local representatives, became practically the only general system for the administration of civil and criminal justice in England and Wales. The exceptions, however, were highly important. In the first place, the courts of quarter sessions administered, as they still administer, a good deal of the less important criminal justice of the country. In the next place, charters were granted to various towns, and in some instances to populous manors, under which a vast number of inferior courts, both civil and criminal, were called into existence; and, in the third place, large and most important branches of jurisdiction were never exercised at all by the courts of Westminster, but were confided to other great officers of the Crown, especially to the Chancellor and the Lord High Admiral. This state of things, with various changes and fortunes which it is needless to refer to, continued till our own times, when systematic law reform first began to be cultivated. Those who turned their attention to the subject naturally perceived at once that the courts of assize were not founded with a view to litigation on matters of small importance, and that they had rendered such litigation ruinously expensive and dilatory by engrossing it to themselves. They also saw that the local courts established by charter or otherwise were not only a very imperfect substitute for a general system, but that their forms of procedure were in many cases modelled on those of the superior courts which were far too elaborate for cases of small amount. The system of county courts which has now been in operation for nearly thirty years, and which has been continually growing in importance, was intended to supply this defect. This is sufficient to show what is the nature of the problem which the Commission has to solve. It is nothing less than to weld into one coherent harmonious system the complicated whole at present formed by these courts. The sketch just given will enable us to specify shortly a few of the principal gaps in the system, and to show how the existence of such gaps is a necessary consequence of the history of the system itself. Incidentally this will show at what point reforms are required, and what should be their nature. The first great gap in the system is the separation of law and equity, the origin of which is obvious enough. It has arisen from dividing the courts according to the subject matter of which they were to take cognizance, and not locally. The result of this has been that they have by degrees produced different systems of law, proceeding upon principles in many respects radically different and even conflicting. The evil is too obstinate and deeply seated to be removed except by degrees, but it can be set right to some extent by reversing the policy which originally produced it. Whenever it is possible, fuse into one not the law, but the court which administers the law. Probably this would not be practicable in the case of the superior courts in London, but it is already done in the county courts, and there is no reason why, if a new general court of appeal were established, that consolidation which has been already effected at the bottom should not take place at the top of the scale. This would be a very long step in the right direction, and it involves, as the first task of the Commission, the making of suggestions for a new general court of appeal.—*Pall Mall Gazette.*

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

STRATTON *v.* MURPHY.

1867—May 10, 11; June 3.—*New Lease—Graft—Insolvency—Purchase for Valuable Consideration without Notice—Pleading.*

By a marriage settlement dated the 14th of February, 1823, certain property was vested in trustees to the use of Samuel Ferguson Stratton for life; remainder to his wife, Alice Phillis Stratton, for life; remainder to the children of the marriage, subject to a power of appointment to the husband and wife, or the survivor, and to leasing powers to them for three lives, or 31 years. Part of the property put in settlement was a sum of £500, which was invested in 1824, in the purchase of a house in William-street, Dublin, which was held under a lease of the 8th of April, 1801, for 200 years, at the rent of £63. S. F. Stratton died in 1836, leaving the petitioner, Emma Stratton, and two other children, and his wife, A. P. Stratton, surviving him. On the 1st of February, 1838, A. P. Stratton, in consideration of a sum of money, made a lease to James Birkett for 31 years, at the yearly rent of £73 10s., and contemporaneously with the lease she executed a bond for £100, the condition of which was that within three months after the first of her children should attain the age of twenty-one, she would procure to be made out a good title and conveyance to Birkett of the entire interest under the lease of 1801. On the 2nd of April, 1842, Birkett assigned the lease and bond of 1838 to the respondent, Michael Murphy, who went into possession. Murphy entered into an agreement with the respondent, Edgar Bredin, who was entitled to the reversion and rent reserved by the lease of 1801, to reduce the rent from £63 to £42, and, to carry out that agreement, a year's rent was allowed to accrue, and an ejectment was brought in December, 1854, by which the premises were evicted. On the 14th of July, 1855, Bredin granted a lease to Murphy for 100 years at the reduced rent of £42, and on the 15th of September, 1855, Murphy assigned his interest in that lease to Thomas Bewly and William Hogg for £300, and they, in 1862, assigned it to Thomas Pim. The petitioner, Emma Stratton, became an insolvent in 1865, and afterwards, in the same year, her mother, A. P. Stratton, exercised the power of appointment contained in the settlement of 1823 in her favour. The petition was filed by her against Michael Murphy, Edgar Bredin, Thomas Bewly, William Hogg, and Thomas Pim. It prayed that the eviction of the premises might be declared to be fraudulent and void, and that the lease of the 8th of April, 1801, should be deemed to be still subsisting, or that the lease of the 14th of July, 1855, should be deemed a graft on it, and subject to the trusts of the settlement of the 14th of February, 1823. The respondent, Thomas Pim, did not file any affidavit, but he appeared by counsel at the hearing, and set up the defence of a purchase for valuable consideration without notice.

Butt, Q.C., *Harris*, Q.C., and *O'Driscoll*, for the petitioner.

Lawless, Q.C., and *G. Fitzgibbon*, for the respondent Murphy.

Purcell, Q.C., and *Kaye*, for Thomas Pim.

E. Gibson for Bredin.

J. Harris for the trustees of the settlement.

The MASTER of the ROLLS held that the lease of 1855 was a graft on the lease of 1801, and subject to the trusts of the settlement; that the petitioner's interest did not vest in her assignee in insolvency, and that the respondent, Thomas Pim, could not avail himself of the defence of a purchase for valuable consideration without notice at the hearing, without raising it by an affidavit in answer.

Solicitor for the petitioner, *T. A. W. Hodges.*
Solicitor for Murphy, *D. and T. Fitzgerald.*
Solicitor for Thomas Pim, *Molloy and Watson.*
Solicitor for Bredin, *T. T. Mecredy.*

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Coram LYNCH, J.

In the Matter of the Estate of THOMAS WOGAN BROWNE, Owner; ARTHUR FFRENCH, Petitioner.

June 26; July 27.—*Title by Estoppel—Effect of Proceedings in the Court of Chancery to bind the Landed Estates' Court.*

This case came on upon the argument of an objection to the schedule of incumbrances taken by the owner of the incumbrance No. 58, who claimed to be paid in priority to the owner of the incumbrance No. 56. The latter incumbrance was stated to be a judgment obtained in the Court of Queen's Bench on the 19th August, 1844, and No. 58 was described as a judgment obtained in the same court on the same day. Admittedly, however, the incumbrance No. 56 was misstated, and ought to have been described as a judgment obtained in the Court of Common Pleas on the 26th August; but it was contended that no claim existed on foot of the incumbrance No. 58, by reason of the omission by the party interested in it to bring it under the notice of the Court of Chancery, in a cause petition matter of *Patrickson* v. *Browne.* Concurrent but not dependent proceedings had gone on in the Landed Estates' Court and the Court of Chancery. The latter court did not decree any sale in furtherance of the rights declared by it, but the former court, on a petition for a sale, sold the lands, and was now administering the proceeds. In the proceedings in *Patrickson* v. *Browne* the primary charge (to which this judgment placed as No. 58 was collateral) was proved and declared; the collateral charge was not proved or noticed, and had the estate been sufficient to be affected by the primary charge, would not have been heard of: but the primary charge failed.

Flanagan, Q.C., for the owner of the incumbrance No. 58.

Rodgers, Q.C., for the petitioner, who was owner of the incumbrance No. 56.

They cited *Graves* v *Davies* (15 Ir. Ch. R. 204); *Montefiore* v. *Brown* (7 H. of L. 241); *Gurney* v. *L. Oranmore* (5 Ir. Ch. R. 470); *In re Lanauze* (11 Ir. Ch. R. 19); *Abbott* v. *Stratten* (3 Jones & La Touche, 603).

LYNCH, J., delivered a written judgment, stating that he greatly disliked the admission in the Landed Estates' Court of estoppels created by procedure in the Court of Chancery: that the former court acted with too much of finality to shut out the truth on such grounds; that if the Court of Chancery ruled a question brought before it by the suitors there, he would act upon its decision; but when the case was put on the ground that by reason of the proceedings in that court the parties were too late to show the truth, he was unwilling to allow such an estoppel to bind him; that he was not prepared to finally decide as a precedent what he would do in a case where an order of the Court of Chancery existed, made during the pendency of proceedings in the Landed Estates' Court, and made manifestly without having had before it the full

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information that was necessarily obtained in the latter court by its procedure, for he was not prepared to say that in such circumstances he would adopt the proceedings of the Court of Chancery as conclusive, or hold even that he was obliged to put the parties to the expense of an equity proceeding to set right a plain mistake, and for this reason, amongst others, that he was not prepared to say that if the case came back to him with a ruling of the Court of Chancery that relief could not, by its procedure, be given to the party, he would act on such ruling in contravention of plain, admitted rights. Disclaiming, therefore, that the present decision was any decision as to the obligation on the Landed Estates' Court of proceedings in the Court of Chancery independently adopted and carried on, he would, in this case, follow a precedent of Judge Hargreave in the same matter, and would hold over the question until there was an opportunity to apply to the Court of Chancery in respect of this claim. The decision by Judge Hargreave was not a ruling on the point before him (LYNCH, J.), but it was sufficiently analogous to make it safer for him (LYNCH, J.) to rule now in the same way. But he wished it to be understood that in making this ruling he by no means declared that he would pay out this money to No. 56, and declare nothing due to No. 58, if the decision in the Court of Chancery merely was that the laches of the parties disentitled them to have this claim considered in the Court of Chancery. The parties should, within one fortnight, apply to the Court of Chancery to have their rights in respect of this judgment, as a collateral security, adjudicated on.

NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

AMENDMENT OF THE LAW AND PRACTICE RELATING TO CIVIL BILLS.

The following is an abstract of a valuable paper read by HUGH HYNDMAN, Esq., LL.B., Solicitor, on "The Amendment of the Law and Practice Relating to Civil Bills and the Inferior Courts of Record in Ireland."

Mr. Hyndman reviewed the law and practice of the Civil Bill Courts in Ireland, and stated as follows the difference of the English County Courts' law and practice :—

The English County Courts are presided over by Judges, as they are styled, appointed by the Chancellor, and precluded from practising in their profession ; and the duties which, in this country, are performed by the Clerks of the Peace and Sheriffs, are there executed respectively by Registrars and High Bailiffs appointed by the Judges, and attached to the Courts.

But the English County Courts have no jurisdiction in cases of seduction, nor can they decide claims in any action in which the title to hereditaments, or to any toll, fair, market, or franchise shall incidentally come in question, unless by consent in writing of the parties. And they have no jurisdiction in actions in which the validity of any devise, bequest, or limitation under a will or settlement may be disputed ; nor, as yet, in Admiralty causes, although a bill having that object in view was introduced into Parliament during last session, but was not proceeded with.

On the other hand, they possess powers not given to the Civil Bill Courts in Ireland in several important and extensive classes of cases.

The County Courts have authority to try all actions (other than for *crim. con.*) which may be brought in the Superior Courts of Common Law, if the parties sign a written memorandum agreeing to such trial ; and they are, by the English Bankrupt Law Consolidation Act, empowered to adjudicate upon matters in Bankruptcy, where the bankrupt has resided or carried on business within the district of the Court for the six months immediately preceding the filing of the petition for adjudication, and to allow the certificate of conformity to a bankrupt, and to superintend and control arrangements between petitioning trader debtors and their creditors, and to order the prosecution of a bankrupt for offences against the Bankrupt Laws, and to commit persons disobeying the requirements of the Court ; and the act provides for the appointment of official assignees to be attached to the County Courts, and enacts that the several Courts, acting on petitions in Bankruptcy, should be auxiliary to each other for proof of debts and examination of witnesses upon oath. And the provisions of the summary procedure on Bills of Exchange Act, by which a plaintiff is enabled to procure immediate execution upon foot of a bill of exchange or promissory note, unless the defendant obtain leave within twelve days from service of plaint to defend the action, have been extended to the County Courts. And in addition to the three foregoing powers, jurisdiction in Equity has been conferred upon these Courts by the Act of the 28th and 29th Vic., cap. 99, in the following cases, where the property, estate, fund, money, encumbrance, lien, stock, and credits involved do not in the aggregate exceed £500 in amount or value ; namely :—

1st. In all suits by creditors, legatees (whether specific, pecuniary, or residuary), devisees (whether in trust or otherwise), heirs at law, or next of kin, against or for an account or administration of real or personal or real and personal property.

2ndly. In all suits for the execution of trusts.

3rdly. In all suits for foreclosure or redemption, or for enforcing any charge or lien.

4thly. In all suits for specific performance, or for delivering up or cancelling any agreement for sale or purchase.

5thly. In all proceedings under the Trustee Relief Acts, or under the Trustee Acts, or under any of such Acts.

6thly. In all proceedings relating to the maintenance or advancement of infants.

7thly. In all suits for the dissolution or winding up of any partnership ; and

8thly. In all proceedings for orders in the nature of injunction where same are necessary for granting relief in any matter in which jurisdiction is given by this Act to the County Courts, or for the stay of proceedings at law to recover any debt provable under a decree for the administration of an estate made by the court to which application for order to stay proceedings is made.

The County Courts in England are held in each court town, once at least in every calendar month.

The suit is commenced by the entry of a plaint by the Registrar in a book kept for the purpose, upon which a summons, stating the substance of the action, is issued under the seal of the court. Except in cases coming under the recently conferred equity jurisdiction, when he is permitted no exercise of discretion, the Registrar may issue the summons against a defendant residing out of his jurisdiction. And it may be issued in the district where one of the defendants reside, or, by leave of the court, where one has dwelt within six months previously, or where the cause of action arose.

But the Judge may change the venue in any cause which can, in his judgment, be more conveniently or fairly tried elsewhere, or if he be himself an interested party.

The defendant is not allowed to set up in defence a set-off or a claim of infancy or coverture, or any statute of limitations or discharge in Bankruptcy or Insolvency, without plaintiff's consent, unless he has given notice thereof to the Registrar, who must communicate same to the plaintiff; and where the claim is for a liquidated demand exceeding £5, the plaintiff may require the defendant to give notice of his intention to defend, on pain of judgment by default.

Proof of service out of the district, or in the absence of the bailiff, may be made by affidavit.

The Judge alone, as in the Civil Bill Courts, determines all questions, unless where a jury is empannelled ; but where the amount claimed exceeds £5, either of the parties may claim a jury, and when it is under £5 the Judge may admit a jury on application of one of the parties and deposit of its fees.

Judgments cannot be made payable by instalments where the debt exceeds £20 without the consent of the creditor. Where cross judgments have been given execution is only to be issued for the balance due out of the larger sum. The warrant for execution is issued by the Registrar and executed by the High Bailiff. Executions appear to be issued by the County Courts only against the goods and chattels of

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the debtor; but where the judgment remains unsatisfied, the debtor may be summoned before the court and committed for fraud or wilful default; and such summons may issue out of the court which granted the judgment, although the debtor is not residing or carrying on business within its district.

He then mentioned some points of Superior Court jurisdiction affecting the Inferior Courts, and stated some of the principal recommendations in the report of the committee appointed at the recent meeting of Quarter Sessions' practitioners in Dublin.

He considered that the jurisdiction of the Civil Bill Court ought to be extended to cases of breach of promise of marriage, with power to the Court to examine on oath all the parties to the action; and also to actions for criminal conversation.

He considered (but with some hesitation) that civil jurisdiction in slander and libel should be given, but that in any case the damages should not exceed £5, and jurisdiction in Bankruptcy ought to be given to the Quarter Sessions, for receiving proof of debt and oral testimony; and that the jurisdiction in equity conferred upon the English Courts by the Act of 28th and 29th Vict., cap. 99, should be extended to the Civil Bill Courts in Ireland; and also, with the consent of the parties, the power to try actions beyond their jurisdiction.

He considered that the English practice as to the issue and service of the processes of the Court, and as to the venue, and also as to the notice of intention to defend and the nature of the defence in cases of disability, ought to be adopted in Ireland. He condemned the present system of execution in Ireland, the limited term for which a decree remains in force, the necessity for its frequent renewal, and the difficulties attending renewal by notice rendering it completely unavailable in many instances, and vitiating the whole jurisdiction of the courts, so much so that notwithstanding the penalty for proceeding in the Superior Courts for a sum under £20, attorneys invariably advise recourse to the Superior Courts, where there is a suspicion as to the value of the civil bill decree. He illustrated the pressure of the rule as to costs in the Superior Courts where the debt in contract did not amount to £20; in cases of bills of exchange, the summary procedure on Bills of Exchange Act, 1861, not extending to the Civil Bill Courts, as the corresponding English statute did, to the County Courts; and he claimed that in those cases the existing law as to costs should be modified unless the provisions of the Act were made available in the Civil Bill Courts.

He considered it might prove beneficial to suitors in the Irish Civil Bill Courts if the English provisions for removing County Court causes into the Superior Courts were extended to them; and if the power of removing civil bill decrees by *certiorari* into the Superior Courts in Ireland were enlarged, but the objection to that course was the expense.

It might be vain to urge amendment in Ireland beyond assimilation with the law and practice in England, but he suggested a cheap and simple means of converting the civil bill decree into a judgment that would carry interest, would operate as a charge in equity on lands, would enable the Sheriff to seize and sell chattels real, and might be registered as a mortgage, with its ordinary priority, or upon which government stock and securities in public companies could be charged, or a debt in the hands of a garnishee attached; or when the decree was under the proposed equitable jurisdiction, of giving it the force and effect of a decree of the Court of Chancery. These objects he proposed to accomplish by a registry of the decree, under certain restrictions, in the office established under the 7th and 8th Vic., cap. 90, or according to the prescribed practice of the Court of Chancery.

The policy of our Constitution, according to Blackstone, and the principle advocated by Bentham, was to bring justice to every man's door; and the intention of the Legislature in founding the Civil Bill Courts was to protect the humble suitor from expensive proceedings; but that policy was dormant, and the local courts were insufficient if the humble trader was denied the remedies accorded to the merchant prince, or the property of the knave who confines himself to small dealings, were less amenable to the adjudication of the law than that of the large purchaser whose word was as gold.

THE JURY SYSTEM.

Mr. O'Hagan, Q.C., read a paper "On the Amendment of the Jury System in Ireland." After adverting to the Bill of the past session, dealing with the qualification of jurors, and the absolute necessity which existed for legislation upon that subject, inasmuch as jurors qualified according to the existing law were fast disappearing, Mr. O'Hagan said his object was to call attention to other defects in the existing law which called loudly for a remedy. Foremost among these, he said, was the absolute discretion entrusted to the sheriff of selecting jury panels. He traced this power to the early common law, when the sheriff was chosen by popular election, and when the jury were not merely taken from the body of the county, but from the very neighbourhood where the fact took place, and were rather in the nature of witnesses than impartial judges. At present the sheriff has an uncontrolled choice, which in practice is not exercised by himself or the sub-sheriff, but by some unknown subordinate in the sheriff's office who has thus an absolute discretion in the selection of those who decide upon men's lives, liberties, and properties. Mr. O'Hagan spoke of the unsatisfactory nature of this arrangement, and the distrust which it awakens. As to the legal means of impeaching a panel by challenges to the array, it was wholly nugatory from impossibility of proof, no matter how suspicious the case. He also referred to the common experience that the same men, and those by no means the fittest, were perpetually returned to serve, and to the growing discontent of the public with this system. He proposed to abolish altogether the power of arbitrary selection in the sheriff, and to have the panels selected by lot from the jurors' book. In support of this view he referred to the New York Code and Code Napoleon, and to former Bills introduced into Parliament. He said that it may sometimes be urged in sustainment of the present system that in criminal cases, especially of a political character, the sheriffs should have a discretion for the purpose of excluding those whose prejudices might lead them to refuse to convict, however clear the evidence. This was one mischievous principle, and, historically speaking, the evil of more mischief than could be well expressed. The true means of excluding from the box any one not likely to do justice was by the exercise and the right of challenge, which he proposed to give in definite and equal number to prosecutor and prisoner, and to extend to misdemeanours as well as felonies, it being observed that when a man for some statutable misdemeanour may be subjected to penal servitude for life, he should have that right of challenge which is given to persons accused of the larceny of sixpence. He gave the history of the right of peremptory challenge in Crown cases, which was abolished by an early statute, but restored in substance by a decision of the judges, who held that, although the prosecutor could not stoutly challenge, he might bid jurors "stand by" and not be sworn, if a full jury could be procured without them; and the result was that the panel was first selected by an officer substantially appointed by Government, and next, that the prosecutor had a really unlimited power of challenge. Mr. O'Hagan advocated a proper remuneration to jurors for their time and expenses, and the abolition of the absurb system of keeping of juries without food or other refreshment, and thus starving them into returning a verdict. He said in conclusion, that much had been finely and eloquently said in praise of trial by jury, to all of which he cordially subscribed, but in this, as in other cases, the corruption of the best might prove the worst, and there was nothing which more interested the community than to remove blots and imperfections from a system which in the ideal is so admirable.

Mr. Whittle read Serjeant Pulling's paper "On the English Jury System." Trial by jury, which was one of the most ancient features of the English Constitution, had the advantage of enlisting the affections of every class, both of those who had to administer and those who had to call on the aid of the law, or submit to its decrees. He had some suggestions to make, the proposed object of them being to keep in proper order the system now in operation, so that

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its true principles might be uniformly adhered to, and the practice accorded with the theory that all good citizens should take their own share as jurymen in the dispensing of justice. The practice at present was to throw the powers and duties of jurymen on a narrow and inferior class of men, instead of on the whole community, or on those of it who were capable of performing their duties satisfactorily. Hardly one in 100 in the population serve as jurymen, and the larger part who do serve are not of the proper character. It had been shown that a Grand Jury who had called themselves merchants were found to be for the greater part coal and spirit merchants—a good many of them of questionable character—and that on the petty juries were to be found men serving who had themselves been in the dock as criminals. He would propose that the legal qualification of jurymen should be altered, and that instead of the honorary test at present existing some more liberal test should be had, so as to include, in addition to those already serving, others who were exempted. Street lists should be made out, revised and compiled as the Parliamentary lists are—that there be a roll of service kept—and that there be a rotary service, so that all persons who were marked for juries would take their proper share of the work. Let all persons connected with the marking out of the lists be adequately remunerated, and a penalty inflicted on those who neglect their duty. Every man called to attend as a juryman should be remunerated, and those who did not should be punished. He submitted these suggestions so that a healthy action should be restored to the system of trial by jury, and with the view of increasing the number of those who serve as jurors, and the lessening of the burden on other individuals.

Mr. G. R. Tennent read a paper on "Distinctive Features of the system of Jury Trial in Scotland, as compared with that adopted in England and Ireland." Jury trial in civil causes was unknown to the law of Scotland, at least in modern times, until introduced by statute in 1815. From its institution in 1815 down to 1830 the Jury Court was independent of, and separate from, the Court of Session; but in 1830 the two courts were united. The whole arrangements were borrowed from England, the number of the jury being twelve, and unanimity being required. But subsequently this has been modified, so that after three hours' deliberation, the verdict of nine jurymen can competently be taken. Any question of fact which emerges in a litigation may be (in the discretion of the Court) tried by a jury. But the following classes of cases are specially appropriated to this mode of trial, viz.:—Claims for damages in respect of injuries done to the person; libel or defamation; injury to personal or real estate when the title is not in question; breach of promise of marriage, seduction or adultery, and for delinquency or *quasi* delinquency, for nuisances, and for reduction (the cancellation) of deeds on the ground of incapacity in the granter; actions against shipmasters and public carriers, on policies of insurance, charter parties, bills of lading, and the wages of seamen, &c. Common jurors must have real estate of the yearly value of £5, or personalty to the extent of £200. Special jurors must pay cess on real estate of £100 of valued rent, or be occupiers of houses at a yearly rental of £30. The exceptions as to age and professions are similar to what holds in England. Special juries can only be had by leave of the Court, and are rarely resorted to. The number of jurors is not less than thirty-six nor more than fifty. The parties alternately strike out names till the list is reduced to twenty, who are cited to attend—such jury consisting of two-thirds common and one-third special jurors. Each party, irrespective of challenge for special cause, is entitled to four peremptory challenges; and where there are several defendants, they are collectively entitled to four challenges. Payment of jurors practically is £1, if the trial does not exceed one day, and £2 if it is continued for a longer period. But, of consent, the daily fee of £1 is sometimes extended to each day's sitting. The procedure is similar to that followed in England; but unanimity of the jury is not required after the expiry of three hours' deliberation. The expenses of jury trial are much greater in Scotland than in any other part of the Kingdom, and are never less on an average than £300 a side. There can be no question that trial by jury is extremely unpopular, and great, and perhaps uncalled for, sacrifices are made to avoid it. The tendency now is to dispense with it as much as possible. And indeed, except as regards actions for libel or slander, and injuries to the person, there is a general desire to avoid it. During the last judicial year of our Supreme Court, the number of causes set down for jury trial did not exceed sixty-two, and of these it is estimated that not more than one-half actually went to trial. It is to be regretted that the strict common law sometimes over rides the equity; and that when an equity question is not so pleaded, it may actually be sent to trial, as in the case of any matter of common law. A striking illustration of this is to be found in the case of "Urquhart *v.* Bonnar," where a pure question of equity was actually submitted to three separate juries, who all gave the same verdict—the jury maintaining the equity; the Judges, to some extent, the common law—while the value of the subject-matter of the contest did not exceed £200. Miscarriages such as these, no doubt, have materially aided in creating a repugnance to jury trial in civil procedure. The qualification of jurors in criminal cases is the same as in civil proceedings as regards common juries, but criminal juries receive no remuneration. If the prisoner pleads guilty, his plea must be signed by himself or his counsel. The prosecutor, however, cannot be compelled to receive such a plea, but may proceed to lead evidence before a jury after it has been recorded. When the plea is not guilty, the jury are at once balloted and sworn. The verdict may be pronounced by a majority of the jury when they are not unanimous; and, as is well known, when guilt is not clearly established, the middle course may be taken of returning "not proven," supposed to be derived from the *non liquet* of the Roman law. There is no appeal from the judgment of the Court of Justiciary, either as to fact or law, but the Court of Session has an incidental criminal jurisdiction as to forgery or falsehood committed in any cause before it, and the sentence therein can be appealed to the House of Lords. The system of criminal jury procedure may be regarded as very efficient. On the one hand, the prosecutor is unfettered by technicalities—those "iron rules" which are too often mistaken for "golden precepts;" and on the other, great care is taken that no oppression shall be exercised towards the accused. The native vigour of the law of Scotland is generally sufficient to meet any new description of crime which may arise without the support of statutory aid. It is preeminently an elastic system. The efficiency of the system is demonstrated by the Parliamentary returns. Proportion of convictions to committals in 1865 was 32·07 per cent., and in 1866, 30 per cent.; and of acquittals to convictions, 1865, 8 per cent.; 1866, 9·65.

The Chairman, in summing up the debate, said the points were serious, and he wished to say something on them, as his silence might be taken as consent to opinions which had been ably advocated in a discussion which did credit to every gentleman engaged in it. Nothing in the world could be more important. The question as to how to get a good jury was considerably more important than a great many matters of dispute about theoretic questions to which their attention was sometimes confined. There was one thing about it on which they were all agreed—that was, that the existing system greatly requires amendment. The wise and sagacious suggestions which had been made in the course of that discussion were worthy of the attention of Parliament itself. He did not in the least agree with the observation of his friend Mr. Baggot, for whose opinions he had the highest respect, that a man once acquitted should be tried again. The present law with regard to that point was a humane law and a wise law, and he would not alter it. He agreed with one of the speakers that in some cases the substitution of the deliberations of a jury for that of a magistrate who could give six or nine months, was not to be desired, and he would rather contract than extend the operation in that respect. Mr. Tennant read an admirable paper showing certain things in the Scotch system we ought to avoid, and several things worthy of imitation. A man's guilt on a former occasion, it was his (Judge O'Hagan's) opinion, should in no instance be mixed up in a new charge, which should be judged on its own merits alone. With regard to unanimity of juries, it was better to maintain the

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ancient system. He had great experience for a multitude of years, and he had seen no evil coming from it. Out of many instances he could name against it he would give one which took place in the County Monaghan. Two men were tried for murder. It was expected they would be hanged. The jury differed. They were tried again, amd again the jury differed. They were again tried and in the third case the jury also differed; and in every case a majority was for hanging the men. In the meantime, new evidence came to light, and three other men were put on trial, when it was proved that the first two men could not have been connected with the murder at all; and these three men were convicted, to the entire satisfaction of the county, and every man hanged. If the Scotch system had been then existing in Ireland, these innocent men would have gone to their long account. Cases like that made him slow to interfere with a system sanctified by the use of ages. With regard to the payment of juries he was doubtful. Behind the mere question of payment of juries, there was the great question of what they were to do in all public things—whether or not men are to make small sacrifices to do public duty. It was a serious thing, to say the least of it; and he would hesitate a good deal before he would adopt the course of paying juries. The Grand Jury question, which had been alluded to, was not really a very important question. He did not think the operation of the Grand Jury, in adjudicating upon a case before it went to the petty jury, after that case had already been heard before a magistrate, was injurious, and that sometimes it was very useful, and he thought it was in negative quantities. And as to the change of venue, as one of the solutions of the difficulty with reference to the unanimity of jurors, he doubted extremely whether that would entirely answer the case. It had been forgotten that the Court of Queen's Bench, at that moment, had the power of changing the venue in a proper case, and he thought that answered the difficulties.

LAW AS TO THE PROPERTY OF MARRIED WOMEN.

Mr. HASTINGS, general secretary, gave a brief sketch of the history of the law upon this subject. There were two systems—the Roman and the Teutonic—the former invariably left some rights over her property to the wife; but the latter handed over absolutely the property of the wife to the husband. In return, however, she had certain privileges; for instance, she had a right to a dowry of a third of every acre of her husband's land; and as land in the feudal ages was the only real property, there was no hardship to the woman in this rule. The law in this respect, however, still remained the same; and gradually it had come to be that the husband had the most absolute control over the property of his wife. This had, no doubt, been so far modified by the action of the Court of Equity; but practically the law was that every shilling belonging to the woman became the property of the man on his marriage. This, however, had the effect of making one law for the rich and another for the poor, as only ladies with a considerable amount of property could have a marriage settlement. In the cases of working women who may have saved, say £50 or £100 before her marriage, there was no protection. Her husband could do with her money as he liked; and very often he did not make a very good use of it. Not only so, but he might continue afterwards spending her weekly wages as he thought proper. This was a monstrous injury which should not be allowed to continue; and they should try to have the law so altered that the woman should have as complete a control over her property after as before marriage. It had been argued that this would create a division of interest in families; but if they were so very much afraid of dividing their interests let them insist upon the whole property of the man being handed over to the woman on marriage, and in nine cases out of ten it would be better disposed of than at present.

Mr. FALKINER, Q.C., read a paper "On the Rule of Evidence excluding the Testimony of Witnesses, especially that of Married Persons, in certain cases, and of the Parties to Action for Breach of Promise." After describing and illustrating the untenable grounds on which the principle rested, and the great injustice and inconsistencies that followed the attempt of applying it as a general rule, Mr. Falkiner traced the course of legislation in this century by which, under the auspices of Lord Denman and Lord Brougham, the principle has been subverted as a rule of general application. He showed that the remnants now existing have become exceptions, and that the burden of proving their wisdom has therefore shifted. They were, he said, permitted to remain, not because the statesmen and jurists who had assailed the present rule thought there was substantial ground for the retention, but they had been thrown as medicated cakes to the Cerberus who stood growling at the gates of the Paradise of common sense. The cases of excluding witnesses on the ground of interest still existing he stated to be four—1. Parties to actions for breach of promise of marriage; 2. Married persons in criminal proceedings brought against either of them; 3. Married persons and parties to the suit in proceedings instituted for adultery; 4. Criminals. The last he did not then intend to deal with, as it required a substantive and separate treatment. The three other cases he considered, showing by several examples and illustrations that all the reasons which had existed for the abrogation of the general rule were in full force for that of their exceptions. The rule, as applied to cases of alleged conjugal infidelity, he illustrated by reference to the drama of "Othello," showing that the flood of tragedy let loose by the jealous husband in that play originated in his refusal to listen to the testimony of *Desdemona, Cassio,* and *Emilia*; in which course, whilst driven by passion and misconception, he was virtually acting on the present rule of English law under discussion. The action of breach of promise was also illustrated by several instances taken from the speaker's professional experience, but chiefly by the leading cause of "Bardell *v.* Pickwick," in which, had the plaintiff and defendant been submitted to examination and cross-examination, the learned gentleman asked the audience to conclude that Mr. Pickwick would have had his verdict, and the speculation of those friends of humanity, Dodson and Fogg, would have failed.

A paper "On the Law of Bankruptcy," by Mr. GEORGE PERRY, Barrister-at-law, was read by the Secretary of the Section. He compared the English and Irish Bankruptcy laws, and made several suggestions as to improving the laws, making a quicker return of the Bankrupt's assets, and to have a more complete system of punishing dishonest Bankrupts—a punishment which, at present, was impossible. He suggested that, in certain cases, the dishonest Bankrupt should be punished by refusing to allow him to pass his final examination; and, in cases of greater dishonesty or extravagance, aud gambling trade, such other punishment should be added to the refusal of certificate as would prevent the Bankrupt from again beginning to trade.

ENGLAND.

NOTES OF ENGLISH DECISIONS.

(From the *Law Times.*)

CRIMINAL LAW—NEW TRIAL—PRACTICE—EVIDENCE.—A new and curious question has been decided by the Privy Council. A prisoner was tried in Australia. The jury, not agreeing, were discharged, and a new trial had. At the second trial with the prisoner's consent, and to shorten the proceedings, the witnesses were sworn, and their evidence given at the first trial was read from the judge's notes, liberty being given, both to the prosecution and to the prisoner, to examine and cross-examine them. It was held that this was an irregularity not to be cured even by the prisoner's consent. In the same case it was also held, that there was no power in any court to grant a new trial in cases of felony, *Reg.* v. *Scaife*, 17 Q. B., 238, notwithstanding; and also that an appeal lies to the Privy Council from the judgments of the colonial courts in criminal cases: (*Reg.* v. *Bertrand*, 16 L. T- Rep. N. S. 752. Priv. Co.)

LIABILITY OF SECRETARY.—Before the incorporation of a limited company, the defendant acting as secretary, *pro tem.* for the provisional directors, gave an order for an advertisement, signing himself "secretary *pro tem.*" No authority for this from the promoters was proved. He was held to be personally liable: (*Hopcroft* v. *Parker*, 16 L. T. Rep. N. S. 561. C. P.)

Misrepresentations in the Prospectus—Liabilities of Shareholders.—A prospectus of the company was issued in June, 1865, which stated that the company had contracted for valuable mining claims, some of which were in full operation, and making large daily returns; that great success had attended all operations in the district; and that the vendor had amassed a large fortune during the past eighteen months. Upon the faith of this prospectus S. took 100 shares. The directors then deputed two of the board to ascertain the real position of affairs, and they reported that the claims so bought were almost valueless, and that they had purchased other property in the same neighbourhood on very advantageous terms The directors on the 30th Dec. forwarded that report to the shareholders, promising to send them a further report, which was expected soon to arrive. On the 19th Jan., 1866, that further report was issued, and it stated that there had long been great deception in New York as to mines in that district; that these had been detected, and the speculators had addressed themselves to England: that the aforesaid claims were of such worthless mines; and that the property was on a hill where all works had been abandoned months before. S. then took proceedings to have his name removed from the list of contributories (a winding-up order having been made); and it was held that the representations in the prospectus were of such materiality that, as they were utterly untrue, the name could not be retained, and this, although the memorandum of association authorized the company to acquire and work other mines in the district than those contracted for at the establishment of the company. The fact that the directors themselves acted *bona fide*, and were deceived into believing that the statements in the prospectus were true, would make no difference, as they had taken it upon themselves to declare the statements it contained true as matters of fact. The test of the materiality of such representations is the influence which they may be held to have exercised in the conclusion of the contract to take shares. Per Cairns, L. J.: In the case of companies incorporated under the Act of 1862, there is no contract whatever between a creditor of the company and a member of it; the contract is between the creditor and the company; the interest, therefore, of creditors would not affect the consideration, for in dealing with such companies they must be prepared to undertake the risk that, in order to induce persons to become members, such representations may have been made as will entitle them to have their names removed: (*Re The Reese River Silver Mining Company*, 16 L. T. Rep. N. S. 549. L. J. J.)

Liability of Carriers of Passengers.—Latent defects in the manufacture of carriages used by carriers of passengers will not render the carriers liable to an action for an accident resulting from such a defect. Negligence must in all cases be proved, and no negligence could be alleged by reason that something was discovered which was not discoverable by ordinary means. This was the view of Lush and Mellor, J.J. Blackburn, J. dissented from this view, but not without doubting his own conclusion, considering that there was an absolute obligation upon the carrier at his peril to supply a vehicle reasonably sufficient for the purpose or be responsible for any damage resulting from a defect: (*Renhead* v. *The Midland Railway Company*, 16 L. T. Rep. N. S. 485. Q. B.)

The "Lumber Room" at the Treasury.—It is understood that a searching investigation will shortly be made in order to ascertain the actual contents of what is called the "Lumber Room" in the Solicitors' Department of the Treasury. Besides title deeds, which have been smouldering there for years, a large quantity of valuable property found upon persons who have died in the streets, or whose bodies have not been identified, is also stowed away in this "depository.' It is proposed that the various articles should be advertised, and that then, after a certain time, they should be dealt with in the same manner as unclaimed goods are now disposed of by the Commissioners of Police—namely, by a sale by auction. It is thought that publicity will lead to identification in many cases.—*Globe.*

THE COURTS AND COURT PAPERS.

QUEEN'S BENCH.—Crown Side.

NOTICE.

On and after the 1st of October, 1867, the payment of fees in money on the Crown side of the Court of Queen's Bench is to be discontinued, and the several documents, on account of which fees were formerly payable, are to be impressed with a stamp-duty equal in amount to the fees formerly payable on account of such documents; and in the case of fees payable by entry, requisitions, stamped with the proper amount of duty, must be delivered to the proper officer.—30th and 31st Vic., c. 129, s. 48.

James Nagle,
Master of the Crown Office in Ireland, Queen's Coroner and Attorney, and Clerk of the Crown.

SUPERIOR COURTS OF COMMON LAW.

Guide so far as relates to marking Judgments by Default.

October, 1867.

Plaint Served on		Filed not later than	Last Day to Plead	Entitled to Judgment
Tuesday,	.. 1 Oct.	10 Oct.	15 Oct.	16 Oct.
Wednesday,	.. 2 „	11 „	16 „	17 „
Thursday,	.. 3 „	12 „	17 „	18 „
Friday,	.. 4 „	14 „	18 „	19 „
Saturday,	.. 5 „	15 „	19 „	21 „
Monday,	.. 7 „	16 „	21 „	22 „
Tuesday,	.. 8 „	17 „	22 „	23 „
Wednesday,	.. 9 „	18 „	23 „	24 „
Thursday,	.. 10 „	19 „	24 „	25 „
Friday,	.. 11 „	21 „	25 „	26 „
Saturday,	.. 12 „	22 „	26 „	28 „
Monday,	.. 14 „	23 „	28 „	29 „
Tuesday,	.. 15 „	24 „	29 „	30 „
Wednesday.	.. 16 „	25 „	30 „	31 „
Thursday,	.. 17 „	26 „	31 „	1 Nov.
Friday,	.. 18 „	28 „	1 Nov.	2 „
Saturday,	.. 19 „	29 „	2 „	4 „
Monday,	.. 21 „	30 „	4 „	5 „
Tuesday.	.. 22 „	31 „	5 „	6 „
Wednesday.	.. 23 „	1 Nov.	6 „	7 „
Thursday,	.. 24 „	2 „	7 „	8 „
Friday.	.. 25 „	4 „	8 „	9 „
Saturday,	.. 26 „	5 „	9 „	11 „
Monday,	.. 28 „	6 „	11 „	12 „
Tuesday,	.. 29 „	7 „	12 „	13 „
Wednesday,	.. 30 „	8 „	13 „	14 „
Thursday,	.. 31 „	9 „	14 „	15 „

List for Plaints, not on Bills of Exchange, served after 17th July, 1867.

Plaint Served on		Filed not later than	Last Day to Plead	Entitled to Judgment
Thursday,	.. 18 July.	27 July.	21 Oct	22 Oct.
Friday,	.. 19 „	29 „	22 „	23 „
Saturday,	.. 20 „	30 „	23 „	24 „
Monday,	.. 22 „	31 „	24 „	25 „
Tuesday,	.. 23 „	21 Oct.	25 „	26 „
Wednesday,	.. 24 „	22 „	26 „	28 „
Thursday,	.. 25 „	23 „	28 „	29 „
Friday,	.. 26 „	24 „	29 „	30 „
Saturday,	.. 27 „	25 „	30 „	31 „
Monday,	.. 29 „	26 „	31 „	1st Nov.
Tuesday,	.. 30 „	28 „	1 Nov.	2 „
Wednesday.	.. 31 „	29 „	2 „	4 „
During Vacation,	.. ..	29 „	2 „	4 „

CONSOLIDATED NISI PRIUS COURT.

The Sittings of this Court will commence on Monday, the 4th November, 1867.

Serve Notice of Trial on			For		
Wednesday,	23	October.	Monday,	4	November.
Thursday,	24	„	Tuesday,	5	„
Friday,	25	„	Wednesday,	6	„
Saturday,	26	„	Thursday	7	„
Monday,	28	„	Friday,	8	„
Tuesday.	29	„	Saturday,	9	„
Wednesday,	30	„	Monday,	11	„
Thursday,	31	„	Tuesday,	12	„

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LEAVE OF ABSENCE TO CORONERS.—The 9th and 10th Victoria, cap. 37, enacts that a coroner may absent himself from his district for 28 days in the year. And it further enacts that any two magistrates are empowered to hold inquests in the absence of either or of both coroners, and according to the 44th section of same act, "To summon such jurors and such medical and other witnesses, to attend such inquests, and to administer all necessary oaths, and to give such orders and directions, and to impose such fines for neglect or refusal in like manner as any coroner is empowered to do under the provisions of this Act."

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Oct. 7	12 o'clock	Arrangement case	Proof of debts	*Meldon*
,,	,,	do.	do.	*Perry*
,,	,,	William Quin	do.	*Perry*
,,	,,	Charles Johnston	do.	*Perry*
,,	,,	Patrick Ronayne	Title	*Perry*
,,	,,	Tate	Costs	*Neilson*
		Tuesday. Before the COURT.		
Oct. 8	12 o'clock	Charles Weekes	Final examination	*Molloy & Watson*
,,	,,	Arrangement case	Adjourned 1st sitting	*Moore & Barlow*
,,	,,	do.	do.	*Molloy & Watson*
,,	,,	Adjudication sitting	———	*Donnelly*
,,	,,	Francis O'Meara	Motion	*Jones*
,,	,,	Edward M'Dermott	do.	*Stephens*
,,	,,	Arrangement case	do.	*Findlater & Collins*
,,	,,	Trader debtor sitting	———	*Meldon*
,,	,,	do.	———	*Stewart*
		Friday.		
Oct. 11	12 o'clock	John M'Ewen	Final examination	*Lynch*
,,	,,	William Lunham	Adjourned do.	*Casey & Clay*
,,	,,	Hugh Jameson	Sur., prove debts, and choose assignee	*Larkin*
,,	,,	Arrangement case	2nd sitting	*M'Govern*
,,	,,	do.	Adjourned 1st sitting	*Ramsay*
,,	,,	Samuel Pickering	Sale	*Russell*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
1st October,	M'Kenna, James, of Monaghan, county Monaghan, ironmonger and general shopkeepeer,	William Madine, of New-row, Dublin, merchant,	*Larkin*
,,	Flynn, Denis, of Catherine-street, Waterford, coach factor,	George White, of King-street, Waterford, merchant,	*White*
,,	M'Carthy, Daniel, of Princes-street, Cork, master baker,	John Furlong Lambert, of Glen Mills, Cork, miller and merchant,	*Perry*

BANKRUPTS.

Byrne, Charles, and Byrne, Edward, of No. 34, Henry-street, city of Dublin, grocers and provision merchants, trading as Byrne and Company. Petition of bankruptcy filed 21st September, 1867. To sur. Tuesday, Oct. 15, and Tuesday, November 5, 1867. C. H. James, official assignee. *Casey and Clay*, solrs.

Jameson, Hugh, of Maryborough, Queen's County, grocer. Petition of bankruptcy filed 17th September, 1867. To sur. Friday, October 11, and Tuesday, November 5, 1867. C. H. James, official assignee. *Larkin*, solr.

Eckford, Thomas, of Newbridge, in the county of Kildare, grocer and provision dealer, trading as "T. and J. Eckford." Petition of bankruptcy filed 30th September, 1867. To sur. Tuesday, October 15, and Tuesday, November 5, 1867. C. H. James, official assignee. *Mulhall*, solr.

Certificates Allowed,

September 24.

Eyre, Edmond, of Glyn, county of Limerick, grocer and hotel-keeper, a bankrupt. *Larkin*, solr.

October 1.

Nolan, Christopher, of No. 47, Mary's-lane, city of Dublin, grocer and spirit merchant, a bankrupt. *Molloy and Watson*, solrs.

Healy, William, of Monivea, county of Galway, a bankrupt. *O'Dowda*, solr.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Tuesday. Before the COURT.		
Oct. 8	12 o'clock	- - - - - - - -	For Bail Motions only - -	———
		Wednesday.		
Oct. 9	12 o'clock	George Anderson - - - - -	Hearing of petition of insolvency -	*Magrath*
"	"	Mary Laird - - - - - -	do. - - -	*Rynd*
"	"	Christopher Carey - - - - -	do. - - -	*Macnally*
"	"	John Scully, a person of unsound mind	Hearing under 239th section -	*Rynd*
		Friday.		
Oct. 11	12 o'clock	- - - - - - - -	For Bail motions only - -	———

INSOLVENTS.

To be heard in Dublin.

King, Patrick, of Upper Bridge-street, city of Dublin, dairyman and cattle dealer. Hearing on Wednesday, the 27th November, at 11. *Rynd*, solr.

O'Dowd, Thomas, of Swinford, county of Mayo, and of Blessington-street, city of Dublin, gentleman, and one of the attorneys. Hearing on Wednesday, the 27th November, at 11. *Kelly*, solr.

To be heard in the Country.

Clerkin, Mary, of Ballymote, county of Sligo, widow, and publican. Hearing at Sligo, October 17, at 10. *Macniffe*, solr.

Clery, John Thomas, of Upper Glanmire-road, city of Cork; previously of Beales-hill, in said city; and formerly of Ballincollig, county of Cork, farmer. Hearing at Cork, October 17, at 10. *Drinan*, solr.

Conroy, John, of Drim, Queen's County, farmer. Hearing at Maryborough, October 17, at 10. *Byrne*, solr.

Donovan, Daniel, of Gurrane, county of Cork, farmer and road contractor. Hearing at Cork, October 17, at 10. *Drinan*, solr.

Flynn, William, of Dungarvan, county of Waterford, sanitary officer; previously of Dungarvan aforesaid, labourer and publican. Hearing at Waterford, October 21, at 10. *Howard*, solr.

Goss, James, of Killeen, county of Armagh, miller, grocer, and dealer in meal. Hearing at Dundalk, October 18, at 10. *Johnston*, solr.

Lennon, Michael, of Belfast, county of Antrim, pensioner; previously of Belfast aforesaid, pensioner and provision dealer; formerly of Galdanagh, county of Antrim, pensioner and farmer. Hearing at Belfast, October 21, at 3. *Macnally*, solr.

Mitchell, David, of Belfast, county of Antrim, credit draper's assistant; previously of Belfast aforesaid, credit draper. Hearing at Belfast, October 21, at 3. *Macnally*, solr.

O'Neill, Lewis, of Tubbercurry, county of Sligo, trader and farmer. Hearing at Sligo, October 17, at 10. *Macniffe*, solr.

PETITIONS OF INSOLVENCY FILED.

September 27.

Against Newport, John W., of Great Brunswick street, city of Dublin, late a Lieutenant in Royal Navy—a prisoner for debt in the Four Courts Marshalsea. *Byrne*, solr.

September 28.

Against Beckey, Edward, sued as "Edward Beakey," of No. 30, Pleasant-street, city of Dublin, gentleman—a prisoner in the Four Courts Marshalsea. *Bloomfield*, solr.

October 2.

By Schofield, William, of Ardfinnan, county of Tipperary, woollen cloth manufacturer; previously of Cahir, in said county; and formerly of Mitchelstown, county of Cork, woollen cloth manufacturer—a prisoner in the gaol of Clonmel. *Macnally*, solr.

PAUPER DECLARATION FILED.

October 3.

Bolger, John—detained by William Garvey. *Fitzgerald*, solr.

INSOLVENTS DISCHARGED ON BAIL.

Brown, Thomas, county Cork, vintner, farmer, and car-driver.

Lynch, Terence, county Cavan, butcher and cattle dealer.

Mitchell, David, Belfast, credit draper's assistant.

Sullivan, Callaghan, Cork, of no business.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	SEPTEMBER. Sat. 21	Mon. 23	Tues. 24	Wed. 25	Thur. 26	Fri. 27
Government						
3 p c Consols	94¼	94	93⅞	93⅝	93⅝	—
New 3 p c Stock	93¾	93	94¼	92⅞	92¾	92⅞
Foreign and Colonial.						
India 5 p c Stock	112⅜	—	—	112⅝	—	112¾
Joint-Stock Banks.						
Ireland, £100 pd	—	—	232½	—	—	—
Hibernian, £25 pd	—	—	—	—	—	—
Munster (Limited.), £3 10s pd ..	—	4⅝	—	—	—	4⅝
National, £30 pd	—	—	61¾	62	61½	61½
National of L'pool (Ltd.), £15 pd	—	—	—	—	—	—
Provincial, £25 pd	—	—	—	87½	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	—	—	—	32½	—
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	12	12	—	12	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	102¾	—	102½	—	—
D. & L. St. S. B. Co £50 pd (rd) ..	—	—	55½	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	7⅝	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	11¾
Do., £5 pd B	—	6⅛	—	—	—	—
Do., £4 pd 2 C	5⅝	—	—	—	—	5⅝
Grand Canal, £100 pd	46	—	—	—	—	—
Patriotic Insurance, £10 pd ..	32	32	32	—	—	..
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	45	45	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	—	—	75	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	87½	—	87	—	—	—
D., W., & W., £100 pd	39	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	95¾	95½	—	95⅞	95½	95½
Midland Gt. Western, £100 pd ..	57	—	—	—	—	58 x d
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	10⅓	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	—	96	—	—	..
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	x d
P'down, Dun, &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—October 15th.
Account Day—October 16th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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LEGAL POSTINGS:

LANDED ESTATES' COURT, IRELAND.

COUNTY OF CORK.

In the Matter of the Estate of
James Shields, Assignee of Thomas Saunders Cave, Owner, Thomas Saunders Cave, Owner, and John Flather, an Incumbrancer,
Petitioners.

TO BE SOLD, before the Honourable Judge Dobbs,
On FRIDAY, the 8th day of NOVEMBER, 1867,
at the hour of Twelve o'clock, at Noon,
In the LANDED ESTATES' COURT, DUBLIN, IN ONE LOT,

The following Lands and Premises (late the Audley Estate), held in Fee-simple, and producing the following Net Annual Incomes or value, all situate in the Barony of Carbery, and County of Cork:—

NAME OF TOWNLAND	Contents, Statute Measure			Gross Rent or Value			Tithe Rent-charge			Net Profit Rent		
	A.	R.	P.	£	s.	d.	£	s	d.	£	s.	d.
Cooragurteen, ...	291	1	32	37	3	2	2	16	7½	34	6	6½
Gurteenroe, ...	234	3	26	49	7	2	2	2	6	47	4	8
Derryconnell, ...	530	2	17	165	7	2	4	1	6½	161	5	7½
Clashmore, ...	228	2	30	35	0	0	1	1	0	33	19	0
Cappaghnacallee, ...	228	0	14	85	4	7	5	5	0	79	19	7
Stoake, ...	247	3	38	100	14	0	5	1	9½	95	12	2½
Ballycummisk, ...	191	2	39	224	5	0	6	16	6½	217	3	5½
Ditto Royalty of Mine, ...	—			150	0	0	—			150	0	0
Rossbrin	276	1	20	163	13	5	—			151	14	3½
Island.	0	0	20	—			—			—		
Cappaghglass, ...	426	3	26	356	14	3	16	1	3	340	13	0
Ditto Royalty of Mine, ...	—			90	0	0	—			90	0	0
Filemuck, ...	378	2	19	148	9	10	12	17	7½	135	12	2½
Cusleena Island, ...	0	1	11	—			—			—		
Horse Island, ...	154	1	15	167	15	8	9	6	0	158	9	8
	3,190	0	27	1,823	14	3	77	9	0	1,746	5	3

For Mines and Minerals, see Rental.

Also the Fee-simple of all Mines and Minerals and Slate Quarries to be found in and upon the Lands of English Island, Ardagh East, Lisllnane, otherwise Reavillen, Castlehaven, Flea Island, Horse Island, and Blackrock; Farrandeligan, Glasheenaulin, Lickowen, Gortacrossig, Toehead, North Reen, South Reen, Cooragurteen, Gurteenroe, Derryconnell, Clashmore, Cappaghnacallee, Stoake, Ballycummisk, Rossbrin, Cappaghglass, Filemuck, Horse Island, otherwise Island of Mullen, Lackareagh, and Raheenroe, situate respectively in the Baronies of East and West Carbery, and County of Cork.

Proposals for the purchase of the foregoing will be received by the Solicitor having Carriage of the Sale, up to the 21st day of October next, and submitted to the Judge for his approval.

Dated this 5th day of July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

For Rentals and further particulars apply at the LANDED ESTATES' COURT, Dublin; to
Messrs. JOSEPH & H. T. LOVEGROVE, Solicitors, Gloucester;
Messrs. HARRISONS, Solicitors, 5, Walbrook, London;
Messrs. EWBANK & PARTINGTON, Solicitors, 7, South-square, Gray's-Inn, London;
Messrs. GALLOWAY & CONNOR, Solicitors, 55, Upper Sackville-street, Dublin;
Messrs. HALLOWES & HAMILTON, 34, Westland-row, Dublin;
WILLIAM SULLIVAN, Solicitor, 8, Inn's-quay, Dublin; or to
M'CARTHY DOWNING, Solicitor having Carriage of the Sale, Skibbereen, County of Cork; and 8, Inn's-quay, Dublin.

DESCRIPTIVE PARTICULARS.

The Estate affords a good opportunity for a large investment, having regard both to the value of the Lands and to the very valuable Mines and Slate Quarries thereon.

The Lands adjoin each other, and are situate about one mile from the Village of Ballydehob, and three from that of Skull, on both of which Fairs and Markets are held. They are about eight miles from the important Town of Skibbereen, to which the railway in course of construction from the Town of Bandon is now opened to Dunmanway, being half the distance.

All the Tenancies on the Estate (except that on the Ballycummisk Mine) are from year to year.

There is a large handsome residence on the Lands of Cappaghglass, known as Rossbrin Manor, occupied by the family of the present owner for the past Twelve years. It is finely situate, facing Filemuck Harbour, commanding an extensive sea view.

Reports as to the valuable copper mines on the estate have been made under orders of the Court—one by Mr. English, in the year 1853, and another by Mr. Lisabe, in the year 1865. Both will be found in the printed rentals for sale.

Large sums have been expended by the present owner within the past ten years in the purchase of machinery now at the said mines, and generally in connexion therewith.

In the LANDED ESTATES' COURT.

COUNTY OF CORK.

In the Matter of the Estate of
Richard C. D. Oliver, Owner and Petitioner.

TO BE SOLD, before the Honourable Judge Lynch, at the Landed Estates' Court, Dublin, on TUESDAY, the 12th day of NOVEMBER, 1867, at the hour of 12 o'clock noon, the several Lands and Premises situate in the Barony of Fermoy, and County of Cork, in THREE LOTS.

LOT 1.—Part of the Lands of Castletownroche, called Raghard, containing 134a. 3r. 28p. statute measure, held for ever, subject to the yearly fee-farm rent of £88 8s. 5½d., and tithe rent-charge of £8 10s. 2½d., producing a net rental of £32 5s. 6d. per annum.

LOT 2.—Part of said Lands of Castletownroche, containing 650a. 3r. 25p. statute measure, held, for the residue of the term of 966 years, under lease dated the 19th January, 1774, subject to the yearly rent of £387 3s. 10d., and tithe rent-charge £45 15s. 11d., producing a net rental of £409 5s. 10d. per annum.

LOT 3.—Part of said Lands of Castletownroche, with several Houses and Premises in the Town of Castletownroche, held under same lease, to be sold indemnified from head rent by Lot 2, and producing a net rental of £41 4s. 3d.

LOT 4.—Part of the Lands of Ballydoyle, otherwise Rockwood, situate in said Barony and County, held under lease, dated 6th August, 1829, for three lives, and three years after the death of the survivor, at the yearly rent of £13 2s., including the Plantation of valuable Timber thereon. This Lot is in owner's possession, and the Timber is valued at £490.

Dated this 27th day of July, 1867.

H. R. GREENE, Chief Clerk.

The following is the Summary of Mr. S. M. HUSSEY'S Valuation of Lots 1, 2, and 3, made pursuant to the Order of the Court, dated 11th May, 1867:—

LOT 1, - - - - - -	£186	10	0
LOT 2, - - - - - -	883	17	0
LOT 3, - - - - - -	273	0	0

Lot 4 is situated within seven miles of Fermoy; the Lands are planted with valuable Timber, consisting of Oak, Ash, Larch, Scotch Alder, and Elm; the principal part was planted upwards of thirty years ago. Two of the lives in the lease, respectively aged forty-five and forty-seven years, are still in being, and a term of three years after the death of the survivor will remain to enable the purchaser to cut down and dispose of all timber remaining on the Lands undisposed of.

Lot 2 will be sold subject to the entire head rent reserved by lease of 19th January, 1774, and tithe rent-charge, in indemnification of the residue of the Lands liable thereto; and Lot 3 will be sold subject to said head rent and tithe rent-charge, but indemnified against the same by Lot 2.

For Rentals and further particulars apply at the LANDED ESTATES' COURT, Inn's-quay, Dublin;
JAMES LANE, Solicitor having Carriage of the Sale, 26, South Mall, Cork; and 33, North Great George's-street, Dublin; and
Messrs. WEST & FITZSIMONS, Solicitors, 33, North Great George's-street, Dublin.

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In the LANDED ESTATES' COURT, IRELAND.

KING'S COUNTY.

In the Matter of the Estate of The Trustees of Mrs. Mary Jennings, Owners; Patrick Fannin, Petitioner; And of the Estate of The Trustees of Mrs. Mary Jennings, and Richard John Jennings, Owners; Joseph Casimir O'Meagher, Petitioner.

TO BE SOLD, before the Honourable Judge Dobbs, at the Landed Estates' Court, in the City of Dublin, on FRIDAY, the 15th day of NOVEMBER, 1867, that part of the Lands of Derreen, called the Cottage Division, containing 154 acres and 30 perches statute measure, situate in the Upper Half Barony of Phillipstown, and King's County, held under lease for lives renewable for ever, subject to an annual head rent of £43 10s. sterling, and two annuities set forth in the rental, and producing a profit rent of £98 10s. 4d.

Dated this 18th day of July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

DESCRIPTIVE PARTICULARS.

These Lands are situate within three miles of Portarlington, an important market town, and a principal station on the Great Southern and Western Railway, and on the high road from thence to Tullamore.

They are of a superior quality, suitable for grazing or tillage purposes, and are let to comfortable and solvent tenants, who have for the most part interests in their holdings.

The purchaser will be entitled to cut turf for his own consumption on the neighbouring bog of Moweenagagh.

The Portarlington and Tullamore Railway runs through the southern portion of this property.

For Rentals and further particulars apply to

J. CASIMIR O'MEAGHER, Esq., 33, Upper Sackville-street;

J. MARA, Esq., Solicitor, Portarlington; at the

REGISTRAR'S OFFICE, Landed Estates' Court, Dublin; or to

J. W. COPPINGER, Solicitor having the carriage of the sale, No. 14, Fleet-street, Dublin.

In the LANDED ESTATES' COURT.

COUNTY OF MEATH.

In the Matter of the Estate of The Right Hon. Henry, Baron Annaly, Owner and Petitioner.

TO BE SOLD, at the Landed Estates' Court, Dublin, before the Hon. Judge Lynch, on TUESDAY, the 19th day of NOVEMBER, 1867, at Twelve o'clock noon, in Two Lots, that part of the Lands of Augherskea, otherwise Aghersheate, situate in the Barony of Lower Deece, and County of Meath, held in fee-simple, containing 518a. 3r. 26p. statute measure, or thereabouts.

LOT No. 1, containing 295a. 1r. 37p., and producing £318 3s. 0d. per annum.

LOT No. 2, containing 233a. 1r. 29p., and producing £293 18s. 2d. per annum.

Dated this 6th day of July, 1867.

J. E. MADDEN, for Chief Clerk.

This Estate is held in fee-simple. The Lands are some of the finest in the County of Meath. The tenants have good interests, and pay their rents punctually. The Estate is about a mile from the Drumree Station, on the Dublin and Meath Line.

Proposals for purchase of all or either of the lots will be received and submitted to the Court by the Solicitor having carriage of the Sale, up to the 4th day of November, 1867.

Rentals and further particulars may be obtained at the Office of the Landed Estates' Court, Dublin; from

JOHN MACSHEEHY, Solicitor having carriage of the Sale, 46, Lower Gardiner-street, Dublin; and from

Messrs. BIRCHAM, DALRYMPLE, DRAKE, and Company, 40, Parliament-street, London, S.W.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Hugh Jameson, of Maryboro', in the Queen's County, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 11th day of OCTOBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 27th day of September, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Denis Flynn, of Catherine-street, in the City of Waterford, Coach Factor, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 18th day of OCTOBER, 1867, at the hour of Twelve o'clock noon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 1st day of October, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

JOSEPH AMBROSE & GEORGE CARR LETT, Agents to the Bankruptcy, No. 43, Dame-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Daniel M'Carthy, of Princess-street, in the City of Cork, Master Baker, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 22nd day of OCTOBER, 1867, at the hour of Twelve o'clock noon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 3rd day of October, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelors'-walk, Dublin.

LUCIUS H. DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James Sutherland, of Newbridge, in the County of Kildare, Saddle and Harness Maker, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 4th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on TUESDAY, the 12th day of NOVEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First and Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 2nd day of October, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

WILLIAM BOUGHEY, Agent to the Bankruptcy, No. 33, Hardwicke-street, Dublin.

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THE Proprietor of the Extensive Anthracite Coal Mines, known as Clough Collieries, is prepared to enter into arrangements with parties willing to contract for the immediate working of these mines.

They comprise about 2,200 acres of land, situate in the Leinster Coal District, within three miles of Castlecomer, in the County of Kilkenny.

Besides others, the exceedingly valuable seam, known as the 4-feet or Jarrow Seam, is largely developed, and can be won at the moderate depth of between 40 and 50 fathoms.

The Mines are held under Lease for the unexpired term of 31 years, from March, 1854.

For further particulars apply to

Proprietor, Mr. PATRICK FENLON, Clough, Castlecomer; or to

J. B. KENNEDY, Solicitor, 61, Mountjoy-square, Dublin.

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RICHARD MARTIN, Esq., Director of the Dublin and Wicklow Railway Company, and of the Mining Company of Ireland.

VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

SIR JAMES POWER, Bart., M.P., Director of the Bank of Ireland.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—Saturday, October 5, 1867.

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 37.] SATURDAY, OCTOBER 12, 1867. {Single Copy, 6d. By Post, 7d.

THE Constitution of England has been praised so often, and for so long, by statesmen, philosophers, and poets, and its institutions, "slowly broadening down from precedent to precedent," have been quoted by so many as the ultimate result of perfect legislation, that it is strange, notwithstanding all that has been said in their favour, how little is known of the origin and progress of these institutions, even by people engaged all their lives in the practice of the law. That protection to our liberties which foreigners most envy, is the Jury system. Its history is lost in the dim shade of antiquity, and it is even doubtful whether we owe it to the strong spirit of justice prevalent in our Teutonic ancestors, or to the judicial turn of character grafted on the originally barbarous Norman, by contact with the comparatively civilized races then inhabiting France. We propose then, for the present, to give a short historical sketch of the Jury system in England, and afterwards, if circumstances permit, to discuss its more modern development, its present working, and what seem to be its special failings in execution, with the remedies commonly proposed for them.

Some few years ago, it would have been superfluous to attempt a defence of the Jury system; but now—unfortunately, we think, for the best interests of justice—a fashion has arisen, even among lawyers and legislators, of sneering at the decisions of jurors, and plans are frequently proposed for transferring the duties of jurymen to the occupants of the Bench, at least in civil cases. But there are so many advantages to be derived by society from the system, that we think it ought to be as universally adopted as possible. The advantages also re-act on the jurors themselves, and we doubt if there is a more potent method of training the faculties of the adult than that supplied by the Jury system. In the words of M. De Tocqueville "It is a school into which each juror enters to be instructed in his legal rights, where he engages in daily communication with the most accomplished and enlightened of the upper classes, where the laws are taught him in a practical manner, and are brought down to the level of his apprehension by the efforts of the advocates, the instruction of the judge, and the very passions of the parties in the cause." It spreads among all classes a respect for the decisions of the law; it teaches them the practice of equitable dealing. It clothes every citizen with a kind of magisterial office, and forces men to occupy themselves with something else than their own affairs, and thus combats that individual selfishness which is, as it were, the rust of the community.

It is unquestionably in criminal charges that the value of trial by jury is most apparent; but the prevalence of that mode of trial in civil causes also, so far as they involve disputes of fact, is of inestimable advantage to the community. Nor is it by any means certain that the errors of judgment committed by jurymen are so frequent or so outrageous as the antagonists of the system would have us believe. Twelve men conversant with life (as Curran describes them) and practised in the feelings which mark the common and necessary intercourse between man and man, are generally able to judge well between truth and falsehood, and are, perhaps, better qualified to come to a correct and unbiassed conclusion about disputed facts than most individual men, no matter how refined or sharpened their intellects may be by education or habit.

It would be impossible, within the space at our disposal, to discuss the vexed question of when the introduction of the Jury system took place, though we hope to be able to show that there is not so much discrepancy between the conflicting accounts as the upholders of each consider; they disagree more in the meaning they attach to the terms than in the facts themselves. If we mean by a jury twelve men taken from the general body of private citizens, with no possibility of its being known beforehand who they will be, who are sworn to give a true verdict, not according to their own knowledge of the transaction, but according to the evidence which others lay before them on a distinct question of fact, who act under the presidency of a professional judge, from whom they must take directions in matters of law, and who must act according to their findings in matters of fact, then, indeed, we shall not

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find the system in practice until a comparatively recent date—not for two centuries after King John's reign, when the general principle was first enunciated in the Magna Charta by these words, *nullus liber homo capiatur, vel imprisonetur, aut exulet, aut aliquo alio modo destruatur* NISI PER LEGALE JUDICIUM PARIUM SUORUM. But if we mean by trial by jury the principle that a man's guiltiness or innocence of a criminal charge should be determined by a free and independent body of his fellow-citizens, and not by officers appointed by the Government for the purpose, we shall find the principle working among and acknowledged by our Saxon ancestors on their settlement in England. The great difference between modern jurors and those who represented them in ancient trials is that what formed the primary qualification for the duty of the latter, namely, a personal knowledge of the circumstances of the case, is now the greatest disqualification; in a word, jurors were formerly *witnesses*, nor was the practice of summoning witnesses, who had no other interference in the management of the trial, perfectly established till the fifteenth century, as we learn by the celebrated treatise *De Laudibus Legum Angliæ*, written by Fortescue, Chancellor to Henry VI.

Those who contend for the greatest antiquity of the system agree with Stiernhook in ascribing the invention of the Jury to Regner, King of Sweden and Denmark, a contemporary of the English King, Egbert; as a matter of course, the credit of the invention has also been given to Alfred; but, indeed, it requires great imaginative faculty to connect the Saxon system of trial with what we have been accustomed to consider as the attributes of the Jury. According to the Anglo-Saxon custom, the criminal was tried before the Hundred or County Court (from which an appeal lay to the King in Council), in it all the land-owners of the county had a right to sit, with the bishop and sheriff, for presidents; the accused might be tried either by compurgation or by ordeal—the latter method was only resorted to when he could not obtain compurgators; by the former method he might clear himself by his own oath, together with that of a number of compurgators, to whom the system of Frank-pledge, as it was called by the Normans, and by the Saxons, Friburg, gave ample opportunities of judging of the accused's guilt or innocence; but, they are thus seen to be rather witnesses to character than the prototypes of the modern jurymen; nor did the Thanes who formed the Committee of the Court, and who found the verdict, present a much nearer resemblance, except the accident of their being generally twelve in number.

The effect of the compurgators' oaths was not estimated even by their knowledge of the case, or their character or number, but simply by their position in the social scale. The oath of a Thane in a court of justice being worth those of twelve Ceorls, and that of an Ealdorman the oath of six Thanes. It is impossible to imagine any regulation more calculated to defeat the end of justice than this, as, in consequence, the fountains of justice were corrupted at their source, and not only the Ceorls and Ealdormen, but even the King himself, were sometimes influenced by bribes.

If it be admitted, then, that the principle of trial by jury cannot be derived from the Saxon customs, or any of earlier date, we have to consider whether it was introduced by the Normans into England, or brought by them from England into Normandy. Both theories have eminent supporters, but the weight of evidence would go to prove the latter, viz., that it was introduced into Normandy itself from England, whilst the English Kings were still Dukes of the former country, and that it was developed out of the different judicial customs existing in England by Henry II. and his justiciaries. The decision between these theories depends on whether the book called the Grand Coûtumier is believed to describe Anglo-Norman or purely Norman customs. The author gives a description of a trial in a criminal case; in it twenty-four men were summoned from the neighbourhood where the crime was committed; these were sworn (*jurati*) to deliver a true judgment (*veredictum*); none were to be called who were known friends or enemies of either party. The criminal had also the privilege of challenging for lawful cause, and the presiding Judge then recorded the verdict of the jurors, in which twenty were required to agree. This trial by jury was at last firmly established in England by the appointment of the Judges in Eyre (*in itinere*), since they held Courts where there was no assembly of local numbers, and in which the Judges formed the Courts, and delivered judgment; but they did not themselves determine on the question of fact as to guilt or innocence—that was arrived at in one of three ways, by event of ordeal, appeal to battle, or the true saying of twelve sworn men, summoned from the immediate neighbourhood. This latter was the first trial by jury, properly so called, and gradually superseded the other methods of determining guilt or innocence.

Trial by compurgation was abolished by the Normans soon after the Conquest, from its evident inaptitude to the oustoms of the time as well as the facilities it presented for corruption and perjury; and trial by ordeal was prohibited throughout the Christian world by proclamation of the Lateran Council in 1215, the same year that trial by jury was established in England by the words of the great Charter quoted above.

The custom of trial by battle remained prevalent for a long time from its peculiar suitability to the chivalrous and warlike spirit of the age, nor was it formally abolished in England till 1818.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

BROWNE *v.* RAINSFORD.

May 16, 17, 27; June 10.—*Will—Construction—"Survivor or Survivors" construed in their ordinary meaning.*

William Rainsford made his will on the 20th of Feb., 1817, and thereby devised to trustees all his estate and interest in houses, lands, tenements, and hereditaments in the county and city of Dublin, in trust, to pay his wife an annuity of £200, and subject thereto, in further trust, to pay the rents, issues, and profits thereof to and amongst his six daughters, Elizabeth, Anna Maria, Eleanor, Matilda, Charlotte, and Sophia, equally, share and share alike, same to be paid to them as and when they should respectively attain the age of 21 years, or days of marriage, whichever should first happen, and to continue for and during their respective lives; "and in case any of my said children shall die without leaving any child or children, then as to the share or shares of her or them so dying, in trust, to pay the same to the *survivors or survivor* of them, to be equally divided between them, if more than one, and if but one to pay the whole to her." Provided that the trustees should pay the daughters their respective shares to and for their sole and separate use; and in case any of his daughters should have any child or children living at their respective deaths, it should be lawful for such of his said daughters to dispose "of their property hereby devised to her to and among her said child or children," as she might by deed or will appoint; "and in case all my said daughters shall die without leaving any child or children as aforesaid, then in trust for my said wife." And he left to his six children, after bequeathing certain legacies, all his other personal property, interest in houses, lands, &c., or any other income or property of any description, as tenants in common. In case he should have any other child or children born after his will, he directed them to have an equal share with his other children; and he gave and devised all the rest, residue, and remainder of his property, real and personal, to his six daughters and whatever other child or children he might have, equally.

The testator died in 1818, leaving his six daughters surviving him. Sophia and Matilda died under age, unmarried, and without issue. Charlotte married, and died, leaving children whose interests the petitioners represented. Anna Maria married, and died, leaving issue the respondent, Maria Catherine Smith. Elizabeth died in 1861, unmarried, and without issue. Eleanor, called in the proceedings in this case, Ellen Louisa, was the sole survivor of the daughters.

The petition was filed to carry the trusts of the will into execution, and to obtain the declaration of the Court as to the rights of the parties. The principal question raised and the only question decided at the hearing was as to the share of Elizabeth—whether it should be equally divided between the petitioners, Maria C. Smith and Ellen Louisa Rainsford, or whether the entire went to the last as the survivor of the six daughters.

The *Solicitor-General*, *Jellett*, Q.C., and the Hon. *D. R. Plunket*, for the petitioners.

Lawson, Q.C., *Sullivan*, Q.C., *Lawless*, Q.C., *Neligan*, and *Gamble*, for the respondents.

The MASTER of the ROLLS decided that the words "survivors or survivor" should be read in their ordinary meaning of "longest liver," and consequently that Ellen Louisa Rainsford took Elizabeth's share for her life.

Solicitors for the petitioners, *Orpen, Sons*, and *Sweeny*.

Solicitor for the respondents, *W. H. Peyton.*

NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

OATHS.

A paper was read on this subject by Mr. Edward Gardner, solicitor, Downpatrick, which evoked considerable discussion. The paper first dealt with oaths of office—a class of oaths which, Mr. Gardner seemed to think, the growing intelligence of the times can no longer tolerate, and which the recommendations of a recent Commission would tend to abolish at a very early day. He contended that they were thoroughly inefficacious. "They never," he said, "stop the unworthy at the threshold, and the worthy do not require them to quicken their sense of duty. There are two sanctions, or motives, for the observance of these oaths—that of interest, and that of religion. If an enlightened self-interest does not prompt to honesty, it is questionable if the religious sanction will. The oath does not generate a conscience." This notice, however, must be confined to oaths taken in courts of justice. In dealing with this class, Mr. Gardner secured the concurrence of the many gentlemen, English, Irish, and Scotch, who discussed his paper, in a condemnation of the absurd anomaly of our law, which excludes from the witness box persons who profess disbelief. A case brought by a man called Maden, in an English county court, was instanced, where his wife, who was his only witness, was not allowed to be sworn because she stated she did not believe in a God. "Had she lied, and professed belief, her evidence must have been received. Truth is what a court of justice desires; the exclusion of the honest infidel will not secure it, and the dishonest will not hesitate to profess the necessary qualifications for giving evidence." Mr. Justice O'Hagan, as president of the department, in commenting on this point, said—"The examination on the *voir-dire* made the oath itself be based on a statement which was not given under the sanction of an oath. We have the naked statement as the foundation or groundwork for a sworn superstructure, which was a manifest absurdity." On the further question—Whether all oaths might not be entirely done away with?—the affirmative of which was the ultimate object of Mr. Gardner's paper, he was not so fortunate as to secure a similar unanimity of opinion. But notwithstanding the novelty of the doctrine propounded, there were some of the speakers who agreed with him in questioning their utility. To bring his views on this subject prominently forward, we must give them at some length. Stripped of the legal sanction, or penalty for perjury, which Mr. Gardner would still maintain, oaths in a court of justice are very similar to oaths of office. "It is every one's real interest to speak the truth, and should any motive induce one to swerve from it, the oath has no charm to prevent if conscience be dead to the sacred character of truth itself. A lie is a lie on the street or on 'Change as much as in a court of justice. If we exalt truth in the one place, of necessity its position in the other is altered, and it becomes a less crime to tell your neighbour such a lie as may enrich you and impoverish him than to swear falsely to some insignificant fact in a court of justice. Yet a lie has been told in the presence of God as deliberately in the one case as in the other; but truth has received in a court of justice a fictitious importance, and the tendency outside is not to stamp a lie with the severe condemnation which it really merits. The interests of truth generally have been overlooked, and the result desired is not obtained. Oaths can be only justified on grounds of expediency—it must be shown that the religious sanction is of avail where conscience would be otherwise insufficient, and that our lives and properties are really protected by the notions which people are supposed to entertain upon being put through the oath formula. It is

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our common experience that the religious sanction of the oath does not deter a dishonest witness, though the penalty for perjury frequently does. It is the regard for truth itself which secures reliable evidence in our tribunals. This receives additional corroboration by resort to negative proof; for instance we are informed that judges in countries where mendacity is the normal condition of the people, are puzzled to discover the real facts of cases brought before them. The opinions of some eminent jurists having been quoted, the paper went on to show that jurors decide on the credibility of facts alone, irrespective of the consideration that they have been sworn to. The oath is prejudicial to truth, and cannot be justified on grounds of expediency. There is hardly a sin against society that is not referable to a disregard of truth. Were the securing of truth the aim of legislation, the end of all laws would be attained—that men should live happily together."

The majority of the speakers on this part of the paper were inclined to think that there is a class in the community who are affected in some way or other by the oath, and from whom truth could not otherwise be secured. The subject is one of considerable importance, and much good must result from its discussion. No doubt Mr. Gardner will give the expediency argument, as we may call it, his consideration, and be prepared, on some other occasion, to put forward his views on that point with greater force and more persuasion.

ENGLAND.

SOCIAL SCIENCE AND ASSURANCE REGISTRIES.

The contrast drawn by Mr. Justice O'Hagan at Belfast between England and Ireland as to registration of deeds and instruments will not be gainsaid as matter of fact. But when this difference between the two parts of the kingdom is pointed to by him with a view to the desirable result of assimilating their legal systems by the interchange of good laws, many will refuse to acknowledge the justice or expediency of such a treatment of the subject. It is true that here, as Mr. Justice O'Hagan says, Ireland "has outrun the legislation of England;" but whether she has outrun it to a profitable end or not is the main question.

We are not altogether without experience of such registers on this side of the channel, and the latest opinion, or suggestion of an opinion, on the estimation in which the system in the two English register counties is held may be found in Mr. Greenwood's recent report to the Home Office on the somewhat notorious Middlesex registry. The question of its continued existence he leaves for the Legislature; but the strongest standing testimony against the supposed advantages of the system he considers to be, that, after a trial of 160 years, it has not been adopted universally, or at all events in other suburban counties.

The history presented by Mr. Justice O'Hagan of legislation, proposed and attempted, to establish a register of assurances throughout England, is at first sight favourable to a conclusion that the measure would be beneficial, but, when pursued to the end, raises a strong presumption in the contrary direction. We are reminded that for centuries the subject has occupied the attention of English statesmen and lawyers; that its necessity was recognized by Parliament so long ago as the year 1535 (27 Hen. VIII., c. 6), and again during the Chancellorship of Lord Bacon, in 1617, by the issue of letters patent, but abortively; that Lord Hale, and others of high authority, recognized and lamented the failure. Then, in 1815 and 1816, the efforts and ill success are noticed of Sir Samuel Romilly and Sergeant Onslow, when they tried to induce the House of Commons to approve of Bills for a general registration; also the solemn consideration of the subject and elaborate reports of numerous Commissions, followed by repeated attempts in both Houses by Lord Campbell, Lord Cranworth, and others, to pass into law various schemes which had high approval, but all which were defeated. To this hour England remains without any general register of conveyances.

But between the time of these attempts and the present there has been an intervening period of ten years, during which discussion of law reform has been systematic and active, not only in the Lords and Commons, but in the very society in which the learned president of the department of jurisprudence and amendment of the law delivered his oration; and, during the same period, an increasing number of legal publications has afforded enlarged opportunity for bringing forward or advocating plans for the improvement of conveyancing. The legal societies, too, in London and the provinces, have grown in number and strength. Yet, save in such addresses as this at Belfast, which touch many subjects but go to the bottom of none, no hint of the desirableness of continuing the three centuries' struggle for a general register is heard. There must at least be some reason for this; and we should have thought it incumbent on social science to deal with reasons.

Let us make one or two additions to the president's historical review. Shortly after the time at which he has left it unfinished, a commission, including Mr. Walpole, Mr. Joseph Napier, Sir Alexander Cockburn, Sir Richard Bethell, Mr. Lowe, Mr. W. D. Lewis, Mr. Robert Wilson, and Mr. W. S. Cookson, entered fully into the subject, with the benefit of all the work and argument of their long train of predecessors. What was the result of their deliberations? They admitted that a register of assurances would remedy the evils of suppression of documentary evidence of title, and guard against the ordinary accidents to which deeds and instruments are subject, and so far be beneficial; but they thought that the technicalities and anomalies of the law of real property would be confirmed rather than lessened or relieved by such a register. They offered seven distinct objections to it: 1, the bulk, which would have to be searched and examined on every transaction; 2, the cost, which would be an additional burden on land transfer; 3, increased complication arising from the omission to register instruments in particular cases; 4, risk of unnecessary and uncalled-for disclosure; 5, enhanced difficulty of obtaining loans by a deposit of deeds; 6, diminution of the security of possessory titles; 7, difficulty of classification of deeds or titles for the purpose of furnishing the requisite indexes to a register, and affording the necessary facilities for search. Although from time to time the best brains in the country, as in the case of the late Mr. Duval, have been studiously applied to the last point, the commissioners were not satisfied that any mode had been or could be devised sufficiently free from complication. As to the Middlesex and Yorkshire registers, they consider them signally defective in not presenting at one view all the documentary evidence which a party investigating a title might have occasion to use. There was no guide to the searches to be made on a scale, except a previous investigation of the documents which might happen to be included in the vendor's abstract of title, and from which the names of former grantors or owners were ascertained, and these searches must be repeated in new names, as new light was from time to time thrown on the title; whereas a register of deeds ought itself to furnish consecutive information of the dealings with the land which had taken place, when once a reference to the proper head of the index had been obtained.

The opinions of the Commissioners of 1857 on the kind of register which had so long occupied men's minds was adopted by Lord Cairns in 1859, when he introduced his Land Bills, and have been since generally accepted in this country. It can then scarcely be considered a reproach to England that in this respect she has been outrun by Ireland, nor ought this want of assimilation in their laws to be a source of regret or uneasiness. To enter more fully into the question now would be out of place. If fraud and suppression or loss of documents were the rule or the common characteristics of conveyancing, the case would be different; but in the present state of such business, great weight has always appeared to us due to the argument, that it is a false principle to make the convenience of men in the great bulk of their transactions subservient to burdensome measures intended to be safeguards in casual and exceptional instances.—*Law Times.*

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THE PUBLIC RECORDS.

The Deputy-Keeper of the Public Records, Mr. T. Duffus Hardy, gives in his 28th annual report an interesting account of the progress made during the year 1866 in the classification and calendaring of the valuable State papers and other documents under his care. It appears that the distinction formerly drawn between literary and legal applicants has been abolished, and that all persons, whatever their objects may be, can inspect and copy the public records gratuitously. The photozincographic operations at the Ordnance Survey Office at Southampton were continued during the year, under the superintendence of Mr. William Basevi Sanders, the second part of the English series having been published in the course of the summer. The third part will comprise documents of the reigns of Queen Mary and Queen Elizabeth. Mr. Sanders has selected for photozincography a number of curious documents relating to State prisoners in the Tower of London. Among them are the warrant for the commitment of Sir Henry Vane, July 7, 1660; the warrant for the commitment of the regicides, Colonel Martin, Colonel Downes, Colonel Lilbourne, and others, August 15, 1660; a Secretary of State's order to "put Dr. Heyden into the dungeon this night, that wee may see what effect this will have upon him towards his confession," January 24, 1866–7; an order under the Royal sign manual to suffer the Lord Archbishop of Canterbury to have access unto the Lord Stafford "to confer with him upon certaine matters in which Wee have given him Our commands," January 21, 1678–9; writ for the delivery of Algernon Sydney to the Sheriff of London, on the 17th of December, 1683, for execution—the writ specifies that he is to be dragged through the city of London to the gallows of Tyburn, and recites all the details of a sentence for high treason, the Sheriff's receipt being attached, witnessed by Sir George Jeffreys, Chief Justice of the King's Bench; an order under the Royal sign manual, signed with a trembling hand, for the commitment of the Duke of Monmouth's children, July 9, 1685; warrant for the delivery of the body of James, Duke of Monmouth to the Sheriff of London, on the 15th of July, between the hours of 9 and 11 in the forenoon, for execution on Tower-hill, July 13, 1685; the King's order to allow the Duke of Monmouth and Lord Grey to have each a servant; that the Bishop of Ely is to acquaint the Duke of Monmouth "that he is to dy to-morrow," and that he may see his children, 14th July, 1685; the King's order for the Duchess of Monmouth to have access to the Duke either this day "or to morrow morning," 14th July, 1685; the King's order to permit the Duchess of Monmouth "to dispose of the body of her daughter, that is now dead in the Tower, as shee shall think fitt," 12th of August, 1685; an order for the commitment as "safe" prisoner, of George, Lord Jeffreys, 12th December, 1688; an Order in Council to permit Mr. Laurence Braddon, who wrote several works respecting the mysterious and of the Earl of Essex "to see and viewe ye chamber in the Tower of London where the late Earl of Essex was found dead," 24th January, 1688–9; an order under the Queen's sign manual to deliver the body of George, late Lord Jeffreys, to his relations, and permit them to carry it out of the Tower "in a private and decent manner" for burial, 30th September, 1692; and the Speaker's order for the commitment of Mr. Secretary Walpole, for corruption in receiving 500 guineas, and a note for 500 more, on account of two contracts for forage for the troops in North Britain, January 17, 1711–12.

Mr. Prendergast and Rev. Dr. Russell, the commissioners appointed to select for transcription the Irish official documents now among the Carte papers in the Bodleian Library at Oxford, prosecuted their labours during the year with much zeal and discretion, having examined 23 volumes, containing upwards of 10,000 documents, ranging in date from October, 1649 to 1689, a period full of events of the utmost importance in the history of Ireland. The papers selected for transcription amount to between 2,500 and 2,600 in number. On the value and importance of these papers, the commissioners remark that, as they proceed in their researches they are the more confirmed in the belief that it is to this great collection of papers that the statesman and student must principally have recourse in order to form an adequate conception of the events which have most materially influenced the latter period of Irish history.

Of the papers selected by the commissioners, transcripts of 1,157 documents have been made in duplicate in 16 volumes, and deposited in the Public Record Office, one copy to be preserved there and the other to be kept in such place in Dublin as may be selected for its deposit. The calendar of the Carew papers, which likewise contain highly valuable materials for the elucidation of Irish history, has been continued by the Rev. J. S. Brewer and Mr. William Bullen. It will thus be seen that her Majesty's Government has not been unmindful of the claims of Ireland to have the materials for its history made public.

As the important historical documents in Rymer's "Fœdera" are comparatively unknown to scholars, in consequence of the scanty and almost useless indexes to the various editions, the Rev. E. Cobham Brewer, LL.D., has been engaged, at the suggestion of the Master of the Rolls, to draw up a syllabus, or catalogue *raisonné*, of the contents of the entire work. Various other catalogues and calendars calculated to facilitate the labours of literary inquirers, were also in course of preparation; and during the year nine volumes were published of the "Chronicles and Memorials of Great Britain and Ireland during the Middle Ages," making a total of 75 volumes. It is satisfactory to learn that the public demand for these publications continued to increase, 17,014 having been sold up to the end of the year. The fees received at the office in respect of searches, authenticated copies, and attendances amounted to only £628 12s. 10d. The decrease in this item, however, is simply owing to the fact that all fees were abolished after the 26th of May, 1866.—*Times*.

NOTES OF ENGLISH DECISIONS.

(From the *Law Times*.)

LIABILITIES OF RAILWAYS.—The defendants' railway crossed, on a level near to the station, an occupation road, where there was a public way for foot passengers. On each side of the railway there were gates across the carriage way, which were kept locked, and a swing gate for foot passengers. The swing gate was so arranged that when opened it closed of itself, and there was an apparatus communicating with a lever in a signal-box a short distance off, by which, when the lever was pushed forward, a ring dropped on to the gate so as to fasten it, and it was usually fastened in this way when trains were approaching. A person standing at the gate could see only about twenty yards up the line; when he got on to the up line he could see about 300 yards; and when on the six-foot way about 500 yards in the same direction. The deceased, who was in the habit of crossing the line daily, came up to the gate, and the ring was then up and the gate free, but a coal-train was standing on the line across the road. As soon as the coal train was gone the deceased, who was deaf, proceeded to cross the line without looking to the right or left, and while he was crossing the up line and the six-foot way, three persons called out to him to warn him of the approach of a train on the down line; he did not, however, appear to hear them, but walked straight on, and was knocked down by the train and killed: Held, that the accident was caused by the negligence of the deceased; that there was no evidence of negligence on the part of the company; and that the fact of the ring being up, being only the omission to use a precaution, which the company were not bound to use, could not be considered as an invitation to the public to come on the line, or be made the foundation of a right of action: (*Skelton* v. *The London and North-Western Railway Company*, 16 L. T. Rep. N. S. 563. C. P.)

AUTHORITY TO PLEDGE GOODS.—B. was employed at a salary to carry on his father's business during his illness, and for that purpose to draw cheques on his father's bankers and to accept bills. Requiring money to carry on the business, he deposited goods with C. for money advanced by him. The father became bankrupt, and in an action by his assignees against C. for the goods so deposited, it was held to have been within the scope of B.'s authority to pledge the goods for such a purpose, and so the jury found: (*Dickson* v. *Dobree*, 16 L. T. Rep. N. S. 831. Bramwell, B.)

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LIABILITY OF DIRECTORS.—Defendants, directors of a company, gave to a bank a promissory note, signed by themselves as directors, but running "we promise to pay," without any further indication in the body of the note. This was held to pledge the personal liability of the makers, and an equitable plea, alleging the form to be a mistake, and the intention to have been only to make the company responsible was not proved, where the payer maintained that he always intended to secure their personal liability: (*Courtuld* v. *Saunders*, 16 L. T. Rep. N. S. 562. C. P.)

UNIVERSITY INTELLIGENCE.

TRINITY COLLEGE, DUBLIN.

A Professor of Moral Philosophy will be elected this day by the Board of Trinity College.

THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

CONSOLIDATED CHAMBER SITTINGS.

A Judge will sit in Chamber on the 22nd and 25th inst., to hear motions for the three Superior Courts of Common Law.

CONSOLIDATED NISI PRIUS COURT.

MICHAELMAS TERM, 1867.

This Court will commence its Sittings on Monday, the 4th day of November, and will sit continuously, or by Adjournment, as occasion may require, until the end of Michaelmas Term.

The Right Honourable Judge Keogh will preside, and the Registrar appointed in pursuance of the 21st & 22nd Vic., chap. 52, will attend as Registrar of the Court.

The Court will sit each day at *Eleven o'clock precisely*, and every Case will be struck out in which the Plaintiff's Attorney does not attend when called on, or is not ready to proceed.

ORDERED,

That no case shall be entered for trial unless a docket be lodged with the Registrar *four clear days* before the day for which notice of trial shall have been served, stating the names of the parties—in what capacity they sue and are sued—the general nature of the cause or causes of action and of defence and other pleadings, and the names of the attorneys of the parties;—and all abstracts for trial shall be sealed and lodged with the Registrar the day before the same shall be called on; and in all cases wherein a confession or consent for judgment shall subsequently be given, the plaintiff's attorney shall immediately give notice to the Registrar that such cause will not proceed to trial.

All dockets of appeals must be entered with the Registrar *two clear days* before the day for which notice of hearing shall have been given, stating the names of the parties—the attorneys—the nature of the decree, dismiss, or order appealed from—and from what Court the appeal is brought, the decree or dismiss must be in Court, as also a certificate of the appeal.

HENRY J. MONAHAN, Registrar,
Office, Common Pleas.

GENERAL ORDER

IN RELATION TO THE CONSOLIDATED NISI PRIUS COURT,
18th January, 1862.

That no certificate of counsel shall be requisite in order to enable plaintiffs to have cases coming within the terms of the 237th section of the Common Law Procedure Act (1853) tried in the Consolidated Nisi Prius Court for the future; and that, in addition to the cases specified in that section, all cases may be tried in that Court which shall be ordered to be tried therein by any of the three Superior Courts of Common Law, or by any Judge of any such Courts. Provided, however, that nothing in this order contained shall be deemed to interfere with the discretion of the Judge sitting in that Court to postpone the trial of any case to the After Sittings, on his being satisfied that it cannot be conveniently tried in the Consolidated Nisi Prius Court.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Oct. 14	12 o'clock	Arrangement case	Prove debts	*Fay & M'Gough*
,,	,,	do.	do.	*Meldon*
,,	,,	John Langan	Report	*Mathews*
		Tuesday. Before the COURT.		
Oct. 15	12 o'clock	Arrangement case	Adjourned 1st sitting	*Casey & Clay*
,,	,,	do.	2nd sitting	*Rosenthal*
,,	,,	Charles and Edward Byrne	Sdr., prove debts, and assignee	*Casey & Clay*
,,	,,	Thomas Eckford	do.	*Mulhall*
,,	,,	N. J. Anderson	Examine title	*Mathews*
,,	,,	Charles Weekes	Examine witnesses	*Molloy & Watson*
,,	,,	Fleming and Hennessey	Confirm sale	*Delany*
,,	,,	J. W. Savage	Motion	*Perry*
		Friday. Before the COURT.		
Oct. 18	12 o'clock	Denis Flynn	Final examination	*Lett*
,,	,,	James E. Devlin	Adjourned examination	*Cleary*
,,	,,	John Hall	Sur., prove debts, and assignee	*Forsythe*

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TRADE ASSIGNEE APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
Oct. 11	Jameson, Hugh, of Maryborough, grocer,	John Guy, of Cork, merchant,	*Larkin*

BANKRUPTS.

Hall, John, of No. 13, Grenville-street, city of Dublin, tea merchant and printer. Petition of bankruptcy filed 27th September, 1867. To sur. Friday, October 18, and Friday, November 8. L. H. Deering, official assignee. *Forsythe*, solr.

Lynch, Owen, of Balbriggan, county of Dublin, draper. Petition of bankruptcy filed 4th October, 1867. To sur. Tuesday, October 22, and Friday, November 8. L. H. Deering, official assignee. *Casey and Clay*, solrs.

Thornton, James, of Bray, county of Wicklow, builder. Petition of bankruptcy filed 4th October, 1867. To sur. Tuesday, October 22, and Friday, November 8. C. H. James, official assignee. *Casey and Clay*, solrs.

Certificates Allowed,

September 17.

Griffith, Thomas Robert, of Grattan-street Factory, city of Dublin, stay and crinoline manufacturer; trading as T. R. Griffith and Company, a bankrupt. *Riddick*, solr.

October 4.

Pidgeon, John, of Castlewardenkill, county of Kildare, cattle-dealer and grazier, a bankrupt. *Sullivan*, solr.

IN INSOLVENCY.

CASES DISPOSED OF IN DUBLIN.

Before Judge Berwick.

Wednesday, October 9.

Anderson, George.
Carey, Christopher. } Discharged.
Laird, Mary.

Scully, John (a person of unsound mind). Discharged under the 239th section.

INSOLVENT DISCHARGED ON BAIL.

O'Dowd, Thomas, county Mayo, attorney-at-law.

INSOLVENTS.

To be heard in Dublin.

King, Patrick, of Upper Bridge-street, city of Dublin, dairyman and cattle-dealer. Hearing on Wednesday, November 6th, 1867, at 11, instead of Wednesday, November 27th, pursuant to new order of the Court. *Rynd*, solr.

To be heard in the Country.

Scanlan, Anne Teresa, otherwise Anne Scanlan, of Mungret-street, city of Limerick, spinster. Hearing at Limerick, 24th October, 1867. *Connolly*, solr.

PETITIONS OF INSOLVENCY and SCHEDULES FILED.

(*No Day of Hearing yet fixed.*)

Davey, Peter, of Grayfield, county of Sligo, farmer. *M'Nijfe*, solr.

Kelly, John, of Oranmore, county of Galway, farmer and brewer, not now in any trade or business. *Jennings*, solr.

White, Thomas, of Suckeen, county of the town of Galway, miller and yeoman. *Regan*, solr.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

KAYE—On the 10th inst., at 16, Gardiner's-place, the wife of Wm. B. Kay, Esq., LL.D., barrister-at-law, of a son.

LEGGE—On the 7th inst., at 48, Waterloo-road, the wife of John Vincent Legge, Esq., chief clerk of H.M. Court of Exchequer, of a daughter.

LITTLEDALE—On the 5th inst., at 3, Sydenham Villas, Bray, the wife of Wm. F. Littledale, Esq., solicitor, of a son.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	SEPT. Sat. 28	Mon. 30	OCTOBER. Tues. 1	Wed. 2	Thur. 3	Fri. 4
Government						
3 p c Consols	93½ ⅝	—	—	93⅝ ¾	93⅝ ¾	—
New 3 p c Stock	92¼	92⅝ ¾	92½	92¼	92⅜	92¼
Foreign and Colonial.						
India 5 p c Stock	—	—	—	—	—	—
Joint-Stock Banks.						
Ireland, £100 pd	—	230	—	—	223	—
Hibernian, £25 pd	—	36⅞	—	—	37	38
Munster (Limited.), £3 10s pd ..	4⅞	—	4⅞	-	4⅞	—
National, £30 pd	61⅛	61⅛	61⅛	61⅞	61⅞	61⅞
National of L'pool (Ltd.), £15 pd	—		—	—		—
Provincial, £25 pd	—	87	—	87½	87½	—
Do., New, (pd £10)	—	34⅞	—	—		—
Royal, £10 pd	—	32⅝	32½	32¾	32¾	32¾
Ulster Banking Co., £2 10s pd ..	—	—	—	--		9¼
Union, £22 pd	—	—	12⅛	—	—	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	102½	102⅝	—	102½	102½	102⅝
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	7⅞	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	11½xd	11⅝xd	—
Do., £5 pd B	—	6⅜	6⅜	—	6⅜ x d	—
Do., £4 pd 2 C	—	—	5½	5⅝	5¾	5⅝
Grand Canal, £100 pd	—	—	—	—	—	—
Patriotic Insurance, £10 pd ..	—	—	—	8	—	..
National Insurance, £25 pd ..	—	--	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	--	—	—	—	--
Dublin & Belfast Junc., £100 pd ..	—	—	—	74½	75	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	87½	—	87	—	—	—
D., W., & W., £100 pd	39	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	—	—	95½	95½	95½	95½
Midland Gt. Western, £100 pd ..	—	—	—	56¼	56	58 x d
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	-	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	--	—	—	--	—
D., W., & W., 5 p c £50 pd rd ..	—	46½	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	—	—	—	—	..
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun, &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	45 x d	—	--	—
D. & D., 5 p c rd, 1868. £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd. £100 pd ..	—	—	—	—	--	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	--	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—October 15th and 29th.
Account Day—October 16th and 30th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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LEGAL POSTINGS:

LANDED ESTATES' COURT, IRELAND.

COUNTY OF CORK.

In the Matter of the Estate of
James Shields, Assignee of Thomas Saunders Cave, Owner,
Thomas Saunders Cave, Owner, and John Flather, an Incumbrancer,
Petitioners.

TO BE SOLD, before the Honourable Judge Dobbs,
On FRIDAY, the 8th day of NOVEMBER, 1867,
at the hour of Twelve o'clock, at Noon,
In the Landed Estates' Court, Dublin, in One Lot,

The following Lands and Premises (late the Audley Estate), held in Fee-simple, and producing the following Net Annual Incomes or value, all situate in the Barony of Carbery, and County of Cork:—

Name of Townland	Contents, Statute Measure	Gross Rent or Value	Tithe Rent-charge	Net Profit Rent
	A. R. P.	£ s. d.	£ s d.	£ s. d.
Cooragurteen, ...	291 1 32	37 3 2	2 16 7½	34 6 6½
Gurteenroe, ...	234 3 26	49 7 2	2 2 6	47 4 8
Derryconnell, ...	530 2 17	165 7 2	4 1 6½	161 5 7½
Clashmore, ...	228 2 30	35 0 0	1 1 0	33 19 0
Cappaghnacallee, ...	228 0 14	85 4 7	5 5 0	79 19 7
Stoake, ...	247 3 38	100 14 0	5 1 9½	95 12 2½
Ballycummisk, ...	191 2 39	224 5 0	6 16 6½	217 8 5½
Ditto Royalty of Mine, ...	—	150 0 0	—	150 0 0
Rossbrin	276 1 20	163 13 5	—	151 14 3½
Island, ...	0 0 20	—	—	—
Cappaghglass, ...	426 3 26	356 14 3	16 1 3	340 13 0
Ditto Royalty of Mine, ...	—	90 0 0	—	90 0 0
Filemuck, ...	378 2 19	148 9 10	12 17 7½	135 12 2½
Cusleena Island, ...	0 1 11	—	—	—
Horse Island, ...	154 1 15	167 15 8	9 6 0	158 9 8
	3,190 0 27	1,823 14 3	77 9 0	1,746 5 3

For Mines and Minerals, see Rental.

Also the Fee-simple of all Mines and Minerals and Slate Quarries to be found in and upon the Lands of English Island, Ardagh East, Lisilnane, otherwise Reavillen, Castlehaven, Flea Island, Horse Island, and Blackrock; Farrandeligan, Glasheenaulin, Lickowen, Gortacrossig, Toehead, North Reen, South Reen, Cooragurteen, Gurteenroe, Derryconnell, Clashmore, Cappaghnacallee, Stoake, Ballycummisk, Rossbrin, Cappaghglass, Filemuck, Horse Island, otherwise Island of Mullen, Lackareagh, and Raheenroe, situate respectively in the Baronies of East and West Carbery, and County of Cork.

Proposals for the purchase of the foregoing will be received by the Solicitor having Carriage of the Sale, up to the 21st day of October next, and submitted to the Judge for his approval.

Dated this 5th day of July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

For Rentals and further particulars apply at the LANDED ESTATES' COURT, Dublin; to
Messrs. JOSEPH & H. T. LOVEGROVE, Solicitors, Gloucester;
Messrs. HARRISONS, Solicitors, 5, Walbrook, London;
Messrs. EWBANK & PARTINGTON, Solicitors, 7, South-square, Gray's-Inn, London;
Messrs. GALLOWAY & CONNOR, Solicitors, 55, Upper Sackville-street, Dublin;
Messrs. HALLOWES & HAMILTON, 34, Westland-row, Dublin;
WILLIAM SULLIVAN, Solicitor, 8, Inn's-quay, Dublin; or to
M'CARTHY DOWNING, Solicitor having Carriage of the Sale, Skibbereen, County of Cork; and 8, Inn's-quay, Dublin.

DESCRIPTIVE PARTICULARS.

The Estate affords a good opportunity for a large investment, having regard both to the value of the Lands and to the very valuable Mines and Slate Quarries thereon.

The Lands adjoin each other, and are situate about one mile from the Village of Ballydehob, and three from that of Skull, on both of which Fairs and Markets are held. They are about eight miles from the important Town of Skibbereen, to which the railway in course of construction from the Town of Bandon is now opened to Dunmanway, being half the distance.

All the Tenancies on the Estate (except that on the Ballycummisk Mine) are from year to year.

There is a large handsome residence on the Lands of Cappaghglass known as Rossbrin Manor, occupied by the family of the present owner for the past Twelve years. It is finely situate, facing Filemuck Harbour, commanding an extensive sea view.

Reports as to the valuable copper mines on the estate have been made under orders of the Court—one by Mr. English, in the year 1853, and another by Mr. Lisabe, in the year 1865. Both will be found in the printed rentals for sale.

Large sums have been expended by the present owner within the past ten years in the purchase of machinery now at the said mines, and generally in connexion therewith.

In the LANDED ESTATES' COURT.

COUNTY OF CORK.

In the Matter of the Estate of
Richard C. D. Oliver, Owner and Petitioner.

TO BE SOLD, before the Honourable Judge Lynch, at the Landed Estates' Court, Dublin, on TUESDAY, the 12th day of NOVEMBER, 1867, at the hour of 12 o'clock noon, the several Lands and Premises situate in the Barony of Fermoy, and County of Cork, in Three Lots.

LOT 1.—Part of the Lands of Castletownroche, called Raghard, containing 134a. 3r. 28p. statute measure, held for ever, subject to the yearly fee-farm rent of £88 8s. 5½d., and tithe rent-charge of £8 10s. 2½d., producing a net rental of £32 5s. 6d. per annum.

LOT 2.—Part of said Lands of Castletownroche, containing 650a. 3r. 25p. statute measure, held, for the residue of the term of 966 years, under lease dated the 19th January, 1774, subject to the yearly rent of £387 3s. 10d., and tithe rent-charge £45 15s. 11d., producing a net rental of £409 5s. 10d. per annum.

LOT 3.—Part of said Lands of Castletownroche, with several Houses and Premises in the Town of Castletownroche, held under same lease, to be sold indemnified from head rent by Lot 2, and producing a net rental of £41 4s. 3d.

LOT 4.—Part of the Lands of Ballydoyle, otherwise Rockwood, situate in said Barony and County, held under lease, dated 6th August, 1829, for three lives, and three years after the death of the survivor, at the yearly rent of £13 2s., including the Plantation of valuable Timber thereon. This Lot is in owner's possession, and the Timber is valued at £490.

Dated this 27th day of July, 1867.

H. R. GREENE, Chief Clerk.

The following is the Summary of Mr. S. M. Hussey's Valuation of Lots 1, 2, and 3, made pursuant to the Order of the Court, dated 11th May, 1867:—

Lot 1, - - - - - -	£186 10 0
Lot 2, - - - - - -	883 17 0
Lot 3, - - - - - -	273 0 0

Lot 4 is situated within seven miles of Fermoy; the Lands are planted with valuable Timber, consisting of Oak, Ash, Larch, Scotch Alder, and Elm; the principal part was planted upwards of thirty years ago. Two of the lives in the lease, respectively aged forty-five and forty-seven years, are still in being, and a term of three years after the death of the survivor will remain to enable the purchaser to cut down and dispose of all timber remaining on the Lands undisposed of.

Lot 2 will be sold subject to the entire head rent reserved by lease of 19th January, 1774, and tithe rent-charge, in indemnification of the residue of the Lands liable thereto; and Lot 3 will be sold subject to said head rent and tithe rent-charge, but indemnified against the same by Lot 2.

For Rentals and further particulars apply at the LANDED ESTATES' COURT, Inn's-quay, Dublin;
JAMES LANE, Solicitor having Carriage of the Sale, 26, South Mall, Cork; and 33, North Great George's-street, Dublin; and
Messrs. WEST & FITZSIMONS, Solicitors, 33, North Great George's-street, Dublin.

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ADJOURNED SALE.

In the LANDED ESTATES' COURT, IRELAND.

COUNTY OF MEATH.

In the Matter of the Estate of The Right Honourable Henry Baron of Annaly, Owner and Petitioner.

TO BE SOLD, at the Landed Estates' Court, Dublin, before the Honourable Judge Dobbs, on FRIDAY, the 15th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, the MEATH HILL ESTATE, in the Barony of Slane, Lower, and County of Meath, held in fee-simple, and producing a well-paid rental of £837 14s. 6d. a year, viz.:—

LOT No. 1.—Part of the Lands of Meath Hill, containing 380a. 3r. 2p. statute measure.

LOT No. 2.—Part of the Lands of Meath Hill, containing 197a. 2r. 3p. statute measure.

LOT No. 3.—Part of the Lands of Meath Hill, containing 193a. 3r. 15p. statute measure.

LOT No. 4.—Part of the Lands of Meath Hill, containing 186a. 0r. 16p. statute measure.

Dated this 15th day of July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

The Lands of Meath Hill, known as the Meath Hill Estate, are within two miles of King's Court, County Cavan, and three miles of Carrickmacross, County Monaghan.

Proposals for purchase by private contract will be received and submitted to the Court by the Solicitor having Carriage of the Sale up to the 3rd day of November, 1867.

Rentals and further particulars may be obtained at the Landed Estates' Court, Four Courts, Dublin; from

WILLIAM LANE JOYNT, Solicitor having Carriage of the Sale, 46, Lower Gardiner-street, Dublin; or from

Messrs. BIRCHAM, DALRYMPLE, DRAKE, & CO., 46, Parliament-street, London, S.W.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Owen Lynch, of Balbriggan, in the County of Dublin, Draper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 22nd day of OCTOBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 10th day of October, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

CASEY & CLAY, Agents to the Bankruptcy, No. 21, St. Andrew-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Hall, of No. 13, Grenville-street, in the City of Dublin, Tea Merchant and Printer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 18th day of OCTOBER, 1867, at the hour of Twelve o'clock noon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., No. 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 5th day of October, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JOHN FORSYTHE, Agent to the Bankruptcy, No. 20, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Calvert, of Rostrevor, in the County of Down, Grocer and Publican, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 4th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 15th day of NOVEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First and Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 10th day of October, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

JOHN RUCKLEY & THOMAS CAREY, Agents to the Bankruptcy, No. 31, South Frederick-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edmund Eyre, of Glyn, in the County of Limerick, Grocer and Hotel Keeper, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 7th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on TUESDAY, the 19th day of NOVEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 10th day of October, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James W. Reilly, of Bridge-foot-street, in the City of Dublin, Ironmonger, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 18th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 29th day of NOVEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 10th day of October, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Robert Griffith, of Grattan-street Factory, in the City of Dublin, Stay and Crinoline Manufacturer, Trading as T. R. Griffith and Company, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 21st day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 29th day of NOVEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account, and make a First Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debts, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 11th day of October, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

GEORGE RIDDICK, Agent to the Bankruptcy, No. 64, Lower Dominick-street, Dublin.

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RENTALS, &c.

SOLICITORS having the Carriage of Sales of Property in the Landed Estates' Court, are respectfully informed that they can have their Printing executed correctly, and with the utmost despatch.

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THE

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NICHOLAS JAS. LALOR, Esq., (Messrs. E. Lalor and Sons, Spitalfields), Director of the Dublin and Drogheda Railway Company, and Mining Company of Ireland.

RICHARD MARTIN, Esq., Director of the Dublin and Wicklow Railway Company, and of the Mining Company of Ireland.

VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

SIR JAMES POWER, Bart., M.P., Director of the Bank of Ireland.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, October* 12, 1867.

THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 38.] SATURDAY, OCTOBER 19, 1867. {Single Copy, 6d. {By Post. 7d.

THE County Court Practitioners being now assembled at Quarter Sessions throughout Ireland, we desire to call their attention to the Report of the Committee published in June last, with a view to the amendment of the Civil Bill Acts; and as the adjourned meeting is to be held in November next, it would be desirable to ascertain the opinion of the Profession on the many important amendments proposed. The Committee did not think it practicable, at present, to effect so great a change as the complete assimilation of our County Court practice to that of England, and therefore (wisely, we think) were content to recommend such amendment as seemed to them of pressing necessity. In a former article we discussed some of the most important changes proposed, and wish now to call attention to some of the others.

The Report suggests that ordinary jurisdiction of the Civil Bill Courts should be enlarged, so as to include, in the first place, actions for slander. In this recommendation we concur, inasmuch as, if it would effect no other good, it would (coupled with their proposal as to the costs of such actions in the superior courts), prove a serious check to the many paltry cases of this nature which at present, in every after sittings, appear in the Nisi Prius list, and reflect no small discredit on professional gentlemen engaged for the plaintiff. Next, that the jurisdiction should include actions for breach of promise of marriage. This, also, we think desirable; for, so long as a pecuniary compensation is considered a recompense for wounded feelings, there is no reason why the means of obtaining it should not be placed within the reach of a suitor of humble, as well as of more exalted rank. But the most practical and important enlargement of this jurisdiction is that relating to partnership accounts; and with respect to this we do not concur in the recommendation of the Committee, which is, that the Chairmain should have jurisdiction in cases where the sum claimed does not exceed £40. The limit of the jurisdiction should, in such cases, be regulated, not by the amount claimed by the plaintiff, but by the amount of assets involved in the partnership. This is so in England, and the proposal of the Committee, while it would meet with the most strenuous opposition, would also fail to effect the very object which renders the proposed change desirable. It is quite possible that although thousands of pounds have been engaged in a partnership concern, and the transactions have been of such a varied and extensive nature as to render it extremely inconvenient to throw the investigation of them upon the necessarily imperfect machinery of the County Court; yet that the balance claimed by either parties might not exceed £40. While, on the other hand, in the very cases in which the want of jurisdiction is felt, viz., when the partnership assets do not exceed one or two hundred pounds, the balance claimed on either side might be more than the proposed limit of the jurisdiction. For these reasons we adhere to the views put forward by us in an early number, in which we laid before the Profession the draft of a Bill to confer jurisdiction in such cases.

The subject next in importance with which the Report deals is that of the execution of Civil Bill Decrees. With respect to this there is much diversity of opinion; the Report proposes simply a return to the old system, enabling the plaintiff to nominate his own bailiffs at his own peril. This proposal appears to have been made simply because it was generally felt that there could scarcely be a more unsatisfactory system than that at present in force. If, however, a return is to be made to the old method, it should be limited, we think, to decrees for small amounts, and much of the evil of that system would be obviated by an arrangement which does not appear (although beset by some difficulties) by any means impracticable—that is, to appoint, at a small salary, bailiffs for each barony, who should be under the control of the chairman, and from

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among whom alone the plaintiff might select his special bailiff.

The Report contains many other valuable suggestions, and the Profession will merit the thanks of the public if they succeed next session in procuring a wise measure of legislative reform in the County Courts, the business of which is every day increasing in importance.

The Right Honorable the Lord Chancellor has returned to town from Fort Augustus, Scotland.

Professor Webb, F.T.C.D., LL.D., Barrister-at-Law, has been appointed Professor of Civil Law in the University of Dublin, in place of the late Dr. Anster, LL.D.

James A. Kift, Esq., Barrister-at-Law, has been appointed Reader to the High Court of Admiralty.

The Registrarship to Mr. Baron Hughes is vacant through the death of Edward Trevor Hughes, Esq., Solicitor.

The announcement of the death of Michael Murphy, Esq., lately one of the Official Assignees of the Court of Bankruptcy and Insolvency, will be received with regret by very many amongst our readers, both of the legal and commercial public. He died at his residence in Donnybrook, yesterday morning, in the 56th year of his age. Some months since we noticed his retirement, by reason of ill-health, which has just proved fatal. Seldom has an official won more general regard, or will be more kindly remembered than the deceased. The interment is to take place at nine o'clock on Monday morning.

NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE, BELFAST.

JURISPRUDENCE.

The following paper, "On the Rule of Evidence, excluding the Testimony of the Accused," was read by J. LOWRY WHITTLE, Esq., Barrister-at-Law :—

Certainty is essential to give effect to any criminal code in the repression of crime. If it once comes to this that the criminal can calculate his chances of escape as bearing a large ratio to his chances of conviction, the repressive effect of the code is diminished in a much larger ratio. This uncertainty in criminal trials has become so great in England as to call forth frequent complaints. The explanation of all this is, I believe, to be found rather in the incomplete nature of reforms in criminal law, then in the superior craft of modern criminals. Though our law was careful to throw every safeguard round personal liberty and jealously provided against political abuse of legal authority, it was mercilessly severe in its dealing with the convicted criminals. This, of course, was not peculiar to our English criminal law. Like all other codes of a more primitive character, as it was inartificial in its procedure, it was savage in its punishment. Now our people are characteristically diffident of change, and this barbarous system was preserved longer among us than among other equally civilized communities, and, consequently, there grew up a system of artificial obstruction to the administration of our criminal code, which system had gone on for nearly a hundred years when Romilly entered upon his labours of law reform in 1810. From that time down to the passing of the consolidation acts of the 24th and 25th Victoria, we have had a series of reforms in our criminal law which have swept away all the barbarous punishments of old times. Some efforts have also been made to simplify the system of pleading in criminal cases, and no doubt these simplifications have swept away many of the contrivances for the escape of prisoners, but the general system was too deep-rooted to be got rid of at once, and though our criminal code is now one of the mildest in existence, it has undergone no remodelling with a view to remove all these artificial checks on the administration of justice. We, every day, feel how defective our procedure is in punishing crime. I shall devote this paper to noticing what I consider one of our great difficulties in detecting guilt, and bringing home guilt to the criminal, and a difficulty, I believe, clearly traceable to that tendency to which I have already referred, the disposition to nullify in practice a code which was revolting from its savagery. *Nemo tenetur seipsum prodere* is a common law maxim, which we have the authority of Taylor for saying, has grown to its present importance within the last century. It is quite true that it was only at the close of the previous century that our judicial system attained its present independence and character, but that also is the period at which the judges began to temper the severity of our penal code by legal subtlety. Accordingly anything like an examination of the prisoner as a witness on the trial has been precluded by our law.

In the examinations before the magistrate, preliminary to a committal for trial, it is the duty of the magistrate to ask the prisoner if he wishes to make any statement, and to take down his answer; this examination of the accused may be given in evidence on the trial of the prisoner if all the formalities, prescribed by our law, have been complied with, but these are numerous and often trivial. The examination must not be taken on oath, and even the carelessness of the clerk using a form of deposition, beginning with the words on oath has excluded the prisoner's examination. The law, moreover, since the judges declared against torture in 1628, has been most careful to guard against any improper influence operating on the prisoner's mind to induce him to answer to this examination. He must be warned that it will be used against him; he must not be tampered with, by any person in authority, to induce him to confess. Everything is directed to provide that the prisoner's statements be made deliberately and with the full consciousness of their effect. Yet, what in the case of other witnesses is considered the very best means of engaging the witness's serious attention to what he is about, of reminding him that he is speaking in a court of justice, and not engaged in a casual conversation, is not only omitted but forbidden. If an oath is administered the prisoner's examination cannot be read. The illogical position assumed by the law amounts to this: it first excludes the prisoner from giving evidence because he is not a reliable witness on the ground of interest. The injustice of utterly closing the prisoner's mouth, and of sending a man to the gallows, without allowing him to make any statement if he so desired, being most manifest, the law allows him to be called on for his own account of the transaction. But as this account cannot be given in the way any other witness would speak in a court of justice, a new danger arises. The statement may be loose and unconnected, and so capable of misrepresentation. It may be more of a conversation than an examination. The law endeavours to protect the prisoner from being misled into criminating himself; in fact endeavours by every kind of technicality to prevent the prisoner's natural right to speak for himself from falling into the abuse to which the exclusion of the prisoner from the witness box exposed him, and the result is, in the words of an eminent jurist, "the shutting up of one of our most valuable sources of justice and truth."

In this we differ not only from France but from Scotland. In Scotland the prisoner is subjected, in private, to a regular cross-examination, and the result may or may not be produced at the trial, according to the pleasure of the prosecuting counsel. At the trial our system prevails, and the prisoner's mouth is closed. In France the interrogation of the accused is one of the most important preliminary steps previous to the actual trial. There, as in Scotland, it is taken in private, and the statement of the examination is one of the documents before the Court, a part of the Record, as it were. But further, at the trial the accused is examined, or rather cross-examined, by the judge as to any fact that arises in the evidence. He is, so to speak, under examination the whole time, that examination being interrupted occasionally for the testimony of other witnesses. I rather refer to the French and Scotch systems, as showing how unreasonable the jurists of those countries regarded it

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to shut up the mouths of the accused, than as affording illustrations of systems perfect in this respect. In many respects I consider the Scotch system worse than our own, and the French is very defective in detail. I would venture to urge that the whole difficulty may be settled by eradicating from our criminal law, as it has been already eradicated from our civil law, the principle of excluding evidence on account of interest. Let the prisoner be made a witness like any other witness, and at once we sweep away all the technicalities about personal examinations and confessions. The only point in which I think the prisoner put into the witness box should be treated as different from an ordinary witness is, that there ought to be no cross-examination as to general credit. Under the head of cross-examination as to general credit it is not uncommon to drag in all sorts of charges against a witness which may or may not be true, but which cannot be examined into by the Court. Such a system would expose a prisoner to be questioned as to a previous conviction, a matter which the law very properly withdraws from the jury altogether till the first charge is disposed of. Such an exception is clearly necessary, but it is, moreover, perfectly harmless, for the mere fact that the prisoner is charged with a criminal offence is as strong an impeachment of his credit as could well be urged. With this exception an ordinary cross-examination of the prisoner might be allowed.

The reasons urged against this charge are of the most opposite and heterogeneous description. It is said the timidity of innocence will excite suspicion, the craft of the hardened criminal will gain credence for his plausible tale. All this is true to a certain extent; but, on the other hand, will not the very artlessness of innocence bring conviction to a jury where the adroitness of counsel would have been quite unavailing. Mr. Greaves, writing lately on a different subject, tells an anecdote of a man whom he defended on the charge of murdering a poacher. The case against him was a very strong one. He had been at an inn with his gun a short time before the body was discovered, and had left saying he was going to his own land in search of poachers. The murdered man was found on his land, close under a hay-rick, with his head smashed in, and his dog beside him, and around were the fragments of the prisoner's gun. The prisoner's story briefed to counsel was that when crossing a stile in the dark on to his own land he was set on by the dog; that he tried to fire his gun at the dog, but it burst in his hand. He then took up the stock to defend himself with, and beat the dog furiously in the dark, and it retreated under the hay-rick under which the dead man was found, the prisoner still striking at it. His counsel thought this a hopeless tale, but his trial took place before the act allowing prisoner's counsel to address the jury, and so the prisoner was directed to tell his own story. He did this in so artless a manner, says Mr. Greaves, that the jury were convinced of its truth, and acquitted him. Mr. Greaves seems to concur completely in the verdict of the jury. One may venture to think that had the prisoner not been obliged to state his own case to the jury, and had he not had the opportunity of giving his own evidence, had he made this case merely by the mouth of counsel, that he would hardly have found evidence. As far as the innocent are concerned the opportunity of stating the facts to the jury would be a great boon. In further illustration of this we may recollect the case of Eugenie Plummer, where a gentleman was tried and convicted on her evidence. He afterwards prosecuted her for perjury, was examined himself, and she was convicted.

The plan suggested has another great advantage. It gets rid of the besetting sin of the French system, the examination by the judge. The mischief resulting from the cross-examination of the prisoner by the judge has been often pointed out. Its effect upon the prisoner is not, however, its worst feature. It presents the prisoner to the public as a man contending before a tribunal already convinced of his guilt. Moreover, it deprives the examination of that check which is essential to conducting such examination with decorum. The judge cannot at once perform, with efficiency, the function of examiner and moderator of the examination. It has been generally assumed that the mischief to the general administration of justice, incident to allowing the judge to worry the prisoner, was so great that the present system ought to be maintained, but all this argument contains the fallacy that this judicial examination was the only practical method of allowing the prisoner to be examined. Again, it is said every man is assumed to be innocent till he is proved guilty, and the prosecutor should not be allowed, by a fishing examination, to make out his case, or some other case against the prisoner. This objection might, I think, safely be recognized so far that the prosecutor should never be at liberty to call the prisoner till the Grand Jury have found a bill against him. If a *prima facie* case sufficient to support a bill has been made, then the prisoner might be called on to answer on oath. This could only happen before a jury and a competent tribunal, and then there would be every guarantee that the examination was conducted fairly towards the prisoner. The secret examination of the prisoner is one of the great defects in the Scotch and French systems. The fact that the questions are put to elicit conviction by the examining magistrate or the prosecutor is another. In an open Court, with the examination conducted by the prisoner's solicitor or counsel, none of these objections could apply. No examination of the prisoner should be permitted unless in the presence of his attorney or counsel, nor until after the attorney or counsel had put such questions as he thought fit, subject to the approval of the Court. This would apply to the examination in the Police Court. Suppose the case on for trial, the prisoner would tell his story there also; if he mended his hand since his previous examination he could be examined as to that. His testimony would thus be given, subject to the ordinary laws which govern evidence, and such a statement, so protected, would surely be most favourable to innocence.

But it is said every man would be called on to go into the witness box, and if he refused to answer the questions he would be condemned; and we are told of instances of men who, to save their brothers or their wives, or other kindred, have gone through trials for offences which they knew other people to be guilty of. These instances are just the abuses that are favoured by the present system. If in these instances those men had been called on to give their evidence like other witnesses, to tell the truth and the whole truth, they probably would have done so, but they were accused, and took advantage of the law closing their mouths to shirk a public duty in helping to bring the offenders to justice. If the prisoner was, however, brought on the table, and declined to speak, it would, no doubt, be a very strong presumption against him, but it would probably point the officers of justice to some concealed motive like that mentioned in the instances I have referred to, and they might thus be helped to the truth. I do not believe that there is any danger of this change in any form producing the scenes so often described and complained of in France. We are never likely to forget that it is the duty of the Court not to convict the prisoner, but to elicit the truth. Merlin, in his repertoire of French law, explains this system as having for its object the obtaining, from the very lips of the accused, the avowal of his crime. He evidently regards the accused and the criminal as convertible terms. This is the spirit that has led to the abuse of this plan in France where a sounder view of the position of the accused has never prevailed. The leaving it to the parties to produce the evidence of the prisoner disposes of a great part of this danger, and gets us over the chief difficulty urged against this reform. As to the large number of instances of false and mistaken self-criminative statements in such cases, if the prisoner has not pleaded guilty he would naturally be examined by the prosecutor, and it would be the business of his counsel to cross-examine him as to his confession. The admission of the prisoner in such cases is always before the jury in one form or another, and has an enormous influence on their minds, whereas if the prisoner was subjected to a cross-examination in support of the hypothesis that he was misstating the facts, there would be a much better chance of the jury giving full consideration to the element of possible doubt existing in the case. This is only one of the points in which, I think, our criminal reform should be rendered more complete. Whatever we do for the future in this department of legislation, it is time now to recollect that our efforts should be directed to render our criminal system more effective and certain in its operation.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

CRAWFORD *v.* CRAWFORD.

June 15; July 2, 1867.—*Solicitor—Agent—Trust—Statute of Limitations.*

Mr. Samuel Law Crawford was from the year 1847 until his death, which occurred in 1861, Solicitor for the Londonderry and Coleraine Railway Company, and was employed by them to negotiate for the purchase of land for the purposes of the railway. Sums of money were from time to time remitted to him for the purpose of settling claims for compensation. Mr. Crawford applied the moneys as directed, and entered the sums received and the application of them in separate debtor and creditor accounts in his ledger. One sum of £428, received in 1854, was entered as received by him in the ledger, but did not appear to have been applied or returned by him. In 1856 he recovered a judgment against the company for a large amount of costs, and after his death an account was settled between the company and his administrator, on which a balance of £6,243 8s. 0d. was found due by the company on foot of the judgment and other bills of costs. The balance was paid by debentures of the railway. The suit was instituted for the administration of Mr. Crawford's assets in 1865. On the 23rd of April, 1866, the company filed a charge for the £428 which was unaccounted for. The Master disallowed the claim as barred by the Statute of Limitations. The company appealed from his decision.

Pallas, Q.C., *Falkiner*, Q.C., and *E. F. Litton* for the company.

F. W. Walsh, Q.C., *D. M'Causland*, Q.C., and *J. P. Hamilton*, for the petitioner.

The MASTER of the ROLLS was of opinion that even at law the Statute of Limitations did not apply, as no demand of the money was proved to have been made, nor had the application of it been countermanded by the company in Mr. Crawford's lifetime; but his Honor held that there was a trust as to the money, which prevented the bar of the Statute of Limitations in a Court of Equity, and that he could not presume, in the absence of proof, that the claim was included in the settled account. The Master's order was reversed.

Solicitor for the petitioner, *George T. Kinder.*

Solicitor for the respondent, *John Burgess.*

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Coram, LYNCH, J.

In re ALLEN'S ESTATE.

June, July.—*Notice to Assignee of Mortgage—Security of prior Equitable Mortgage of the same Mortgage—Security by reason of his omission to get into his possession the Mortgage Deed.*

This case came on upon argument of an objection to the schedule of incumbrances taken by Mr. Nunn, who claimed, as equitable mortgagee of a mortgage security, dated 9th July, 1859, and affecting the estate sold in this matter, to be paid in priority to the petitioners, who were assignees of the same mortgage debt and security under a deed of date subsequent to the creation of the equitable mortgage.

Mr. Nunn's claim was founded on a deposit of the mortgage deed on the contract shown by two letters, one of the mortgagor, the other of the mortgagee, and both acknowledging the contract on which the lodgment was made. This deposit and contract took effect on the 20th January, 1864. The petitioners claimed under a deed of assignment of 2nd June, 1864, registered on 7th June, 1864. It was stated for the petitioners (though this fact was not verified by them) that at the time when the assignment was made, Lindsay Hall, who appeared on the registry search to be owner of the mortgage of 9th July, 1859, represented himself to be such owner, and said he "had said mortgage at his residence in the country, and would forthwith procure it and hand it over to petitioners." The petitioners, however, took no steps to obtain possession of it. It was now contended that this omission on their part was constructive notice of the prior equitable mortgage.

LYNCH, J., delivered a written judgment, holding that the conduct of the petitioners in not inquiring after the custody of the mortgage deed, and not obtaining possession of it, was constructive notice of the prior equitable mortgage; that to deal with a mortgagee without getting the mortgage security was the greatest negligence that could be committed in respect of such a transaction; that if there was any obligation on the parties to get the deed, its non-fulfilment, so far from being excused by what happened, was made worse; that the present case was much stronger than that of a dealing with a property of which the title deeds were only evidence; that though the dissatisfaction so often expressed at admitting the rule regarding notice affecting registered conveyances was intelligible, still the rule was an established rule, and was not confined to the case of actual notice, that is, notice, in fact, brought home to personal knowledge in the party dealing; that gross negligence was, in effect, a connivance at fraud, by leaving so much room for its commission, which ordinary care would prevent, and therefore, in furtherance of the detection of fraud, the duty of ordinary care was cast on a party dealing as a purchaser, and that this duty was neglected when a dealing took place as to the assignment of a mortgage, without inquiry as to the custody of the mortgage deed; that judgment must be given in favour of Mr. Nunn's equitable charge to the extent of the sum due on foot of it.

Coram, LYNCH, J.

In the Matter of the Estate of JOSEPH THOMAS FULLER, Owner; LUKE CLARKE HUGHES, Petitioner.

July 17.—*Right of Turbary.*

This was an objection by Miss Thomasina Henderson to the final notice to tenants in this matter. Miss Henderson's affidavit stated that she objected, inasmuch as the notice did not set out her right to cut turf on the bog of Curraghboy or Woodfield; that she claimed a prescriptive right to cut turf for the use of Springfield House on said bog to the extent of 56 yards; that she was seised as of freehold, for lives renewable for ever, of said lands of Springfield, and that, as long as her memory extended, she and those under whom she derived had been in the habit of cutting turf for the use of the house of Springfield, on the part of said bog marked on an ordnance map, and that she and they had done this as of right, and not by permission from any person as appurtenant to said messuage and farm of Springfield.

Patrick Baslick, in an affidavit made by him, stated that he resided within half a mile from the lands of Curraghboy or Woodfield, the lands for sale in this matter, and the bog attached to said lands, and had always resided within a short distance of said lands; that Miss Henderson and her predecessors cut turf on the part of the bog marked on the ordnance map for

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the use of the house of Springfield, as of right and not by permission; that on several occasions for upwards of forty years, by the directions of Miss Henderson and her predecessors, he assisted in the cutting of turf on said bog for the use of said house, and was never prevented.

Beytagh in support of the objection.

Meares Kelly, for the petitioner, suggested that the affidavits ought to be more precise. The Court was selling only a life estate in these lands, and this claim, if allowed, would bind the inheritance. The owner was out of the country, and the petitioner did not know how the matter stood.

LYNCH, J., said that his ruling would not make the claim affect the inheritance. He would make a declaration that the estate in the lands should be sold subject to this right to cut turf. The costs of the objection should be allowed.

Solicitor for Miss Henderson, *Whitney*.

ENGLAND.

PRISONERS AT THE BAR.

The prisoners charged with participating in the Fenian outrage at Manchester were brought handcuffed to the bar of the police-court for examination, and so kept there during its progress. Mr. Ernest Jones, who defended some of them, peremptorily demanded the removal of the handcuffs, and on refusal by the stipendiary and other magistrates upon the bench, threw up his brief and left the court.

Was he right in this?

Undoubtedly the incident was unusual, if not unprecedented, in modern times. It is the invariable practice to place the prisoner at the bar, whether for examination or trial, with full freedom of limb; and even in the cases where he has committed or attempted to commit an assault upon the judge by throwing at him any missile at hand, or upon the gaoler, warder, or person having him in custody, we remember no instance in which resort has been had to handcuffs or other instruments of bodily restraint save the strong arms of the attendants. The custom clearly is as contended for by Mr. Jones, and is so commendable an one that neither judge nor justices would depart from it but under circumstances of most urgent necessity.

But Mr. Jones seemed to assert that it was something more than a custom—that it was a *right* with which an unconvicted prisoner is invested to stand in the dock as a freeman, because the law presumes a man to be innocent until his guilt is proved. This was the only argument advanced by Mr. Jones in support of his assertion; but it will not bear examination.

If a defendant has a *right* to freedom of limb in the dock because he is presumed to be innocent, that right for that reason could not be limited to the moment of his standing at the bar of a criminal court; it would extend to the whole time from capture to conviction. To handcuff him while in the custody of the police, or in conveyance to or from the prison and the court, would be no less an invasion of that *right*. But even Mr. Jones could not dispute either the right or the propriety of instruments of restraint either before or after the appearance of the prisoner in court. Thus considered, it is plain that the removal of fetters during examination or trial is a custom of courtesy only, and not a right, and is designed to relieve the prisoner, so far as it is practicable, for all that might enlist prejudice against him or unduly disturb his own self-possession. But, being only a custom and not a right, handcuffs being used before and after the hearing, because such a precaution is deemed to be a necessary security against escape or rescue, it is manifestly only a question of propriety whether the restraint, used without objection up to the moment of appearance in court, should then be continued or removed. In practice, the irons have always been removed, because the circumstances have permitted it to be done with safety. But on this occasion (and it is gratifying to think that it was without precedent), the authorities who were responsible for the safe custody of the prisoners and the peace of the country were of opinion that the prisoners could not be left free of limb without imminent risk of an escape or rescue. How could there be other than danger, seeing that the very charge against them was a rescue accomplished by armed force in the streets of Manchester.

There being then an obvious necessity for the precaution, that necessity overruled the custom, and the magistrates rightly refused to hazard the defeat of justice by granting that which is a courtesy and not a right.

And, the magistrates, acting within their jurisdiction, Mr. Jones was clearly wrong in throwing up his brief. Had they acted illegally, his duty might have been otherwise; but as they were within the scope of their authority, and he could question only the propriety, and not the legality, of their decision, Mr. Ernest Jones erred professionally in abandoning his clients.—*Law Times.*

TITLE RECORD (IRELAND).

Record of title business has been more brisk in Ireland than in England. The Irish Title Act came into operation in November, 1865, and by July, 1867, 200 parliamentary titles were fully registered. The system in Ireland had this advantage over the Land Registry in Lincoln's-inn-Fields, that it started from the Landed Estates Court. By the Act of 1865, a person, on obtaining a conveyance or declaration of title from that court, is enabled to have it entered in the record, whereupon the estate becomes a "recorded estate;" after which, as under the English Act of 1862, every transfer must be recorded, and the recorded owner for the time being has an indefeasible title, no entry being liable to be called in question against a purchaser, for value by reason of any irregularity or informality therein, or in the proceedings previous to the making thereof. Here the later Act is an improvement on the earlier, as it affords a better indemnity; for the English Act does not provide against irregularity or informality in the entry itself, but only in the previous proceedings—an omission much to be regretted. In England the registrations of title in the first year or two were insignificant in number, and according to the return made in 1866, the total number from the beginning was not more than 114. What it may be up to the present time we do not know, for Lord Chelmsford, who used to stir up the office every year while he was in opposition, has left it in peace since he took his seat as Chancellor. The value of the estates held under the 200 recorded titles in Ireland, is set down at £564,049.

The arrangements respecting fees in the Land Court are favourable to the recording of titles. There is no fee payable on recording a conveyance immediately after its execution by the court; but if an interval is allowed to elapse, then, during 1867 or within a year from the execution of the conveyance, the fee is only 5s. where the value is £1,000 or under, and 2s. 6d. for every additional £500 of value; after 1857, if a year be allowed to elapse after the conveyance, the fee will be 10s. for £100. The whole expense of recording a conveyance *now* executed by the court, is not great, inasmuch as, including solicitors' fees, it varies from 10s. to £1 15s. 6d.; but in the case of a title formerly granted by the court, it varies from £5 to £18, according to the nature of the estate, changes in the tenancies, and other matters.—*Law Times.*

DEATH OF LORD KINGSDOWN.—Lord Kingsdown died on Monday night at his seat, Torrehill, in Kent. He was born in London on the 11th of February, 1793, his family name being Pemberton. He descended on his father's side from a family in Warrington, and on his mother's from a branch of the family of Leigh, to whose vast possessions near Wigan he eventually succeeded. He was at no public school, at no university, and he began his legal career in a solicitor's office. Yet his scholarship was correct, and his taste for classica literature constant and unabated. He read for the Bar in the chambers of his

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maternal uncle, Mr. Cooke, and in 1816 Mr. Pemberton was called to the Bar by the Honourable Society of Lincoln's-inn. In 1829 he received a silk gown, and for many years he stood at the head of the Bar, in his own court, the Rolls. In 1841, upon the formation of Sir R. Peel's administration, he accepted the office of Attorney-General to the Prince of Wales. In January, 1843, the death of his aged and eccentric kinsman, Sir Robert Leigh, placed Mr. Pemberton in possession of a life interest in the Wigan estates, amounting to about £17,000 a year. He retired from the Bar, was sworn of the Privy Council as Chancellor of the Duchy of Cornwall, and shortly afterwards entered upon his judicial duties as a member of the Judicial Committee of that body. These duties he continued to perform for twenty years with unremitting diligence, but entirely without emolument, and with no outward recognition of his services except the peerage, which was first offered to him by Lord John Russell in 1853, and eventually conferred on him by Lord Derby in 1858. During the greater part of his career at the Bar Mr. Pemberton sat in the House of Commons, in the Conservative interest, for the borough of Rye, and afterwards for the borough of Ripon. In 1858, upon the formation of Lord Derby's administration, the Great Seal was offered to Mr. Pemberton Leigh (as he was then called), but it was refused. The cases of "Gorham *v.* the Bishop of Exeter," of "Liddell *v.* Westerton," "Long *v.* Bishop of Cape Town," and "Essays and Reviews," were decided by committees of the Privy Council, in which Lord Kingsdown took an active part, and they were decided in entire conformity with his views. Lord Kingsdown was never married; his title, therefore, is extinct. Of his property the larger part reverts to a descendant of Sir Robert Leigh; the remainder passes to the brother and nephews of the late peer. The *Sun* observes:—"The predominant quality of Lord Kingsdown's character was a fastidious refinement, which removed him altogether from the common pursuits of fame and power. 'No breath of popularity,' as he once expressed it, 'ever touched his sail.' But, if he was sensitive to the shortcomings and imperfections of others, he was not less exacting in all that concerned himself. Nothing satisfied him in his own productions short of the highest perfection which he was able to attain. Many of his judgments were written several times over; all were revised with elaborate minuteness. In 1858, when the Great Seal was offered him, he had already quitted the Court of Chancery for fifteen years, and, strange as it may seem, we suspect that the reason which mainly determined his refusal was a distrust of his ability to perform the duties of the Chancellor after so long an interval in a manner entirely adequate to his conception of their importance. Perhaps it is fortunate for the world that all men are not equally scrupulous or conscientious."

Another Law Lord Wanted.—The *Globe* says:—The death of Lord Kingsdown naturally leads to a renewed consideration of the strength of the Supreme Court of Appeal. The judicial committee is now nominally constituted of eight law lords; but advanced age precludes Lords Brougham, St. Leonards, and Wensleydale from discharging their legal functions. There remain, therefore, but Lord Chelmsford, Cranworth, Westbury, Cairns, and Colonsay, to transact the appellate business, including the appeals from Scotland; but practically it is found to devolve upon two of that body—a result which is often regarded, though it may be without cause, with some concern.

NOTES OF ENGLISH DECISIONS.

(From the *Law Times.*)

Joint Speculation.—The plaintiffs and four other firms of merchants, by a written memorandum, which was signed by them all, and stated that the plaintiffs had ordered their agents to contract for 1,200 tons of sugar, agreed that they should have "one-fifth interest each;" that as the bills would be drawn on the plaintiffs they should have a power of sale; that "the various parties interested agreed to pay their shares of the marginal draughts; and finally, that "the purchaser should be at the risk of the undersigned in the proportion of one-fifth each." The cargo arrived, but the result was a heavy loss, and two of the firms became unable to meet their engagements: Held, that this was a joint mercantile adventure on the part of all five firms, and that the deficiency arising from the failure of two of them was a loss which must be borne equally by the three solvent firms, and not by the plaintiffs alone: (*McInroy* v. *Hargrove*, 16 L. T. Rep. N. S. 509. Chan.)

Will under a Power—Feme Covert.—A *feme covert* made a will under a power, survived her husband, and subsequently died a widow, without having republished it. The Court granted general administration with the will annexed to her executor on the consent of all the next of kin except one, who was absent in New Zealand, but required the administrator to give justifying security: (*Re Thorild*, 10 L. T. Rep. N. S. 853. Prob. Court.)

Contributory.—The articles of association incorporated table A. of the Companies Act 1862. The directors issued shares to shareholders in lieu of those originally held by them, but did not observe the provisions of table A. B. received a dividend on the new shares, and was ignorant that they bad been illegally issued. He was nevertheless held not to be liable as a contributory in respect of such new shares: (*Sewell's case*, 16 L. T. Rep. N. S. 836. M. R.)

B. A. 1861, ss. 192, 197, 198—Composition-Deed—Execution—Undertaking by Attorney to Pay.—The plaintiffs commenced an action under the Bills of Exchange Act against the defendant on the 15th Jan., and notwithstanding that he received notice on the 25th of the same month that the defendant had executed a composition-deed under sect. 199 of the B. A. 1861, and that it was about to be registered, he proceeded to sign judgment in default, and issued execution, on the 29th, under which the sheriff entered and levied on the 30th, and issued handbills fixing the sale of the goods for the 1st Feb. On the 31st Jan. notice was given to the bailiff in possession that the deed was about to be immediately registered, but he refused to withdraw except upon an undertaking by the defendant's attorneys to pay debt and costs, and upon that being given to him, at 7.30 p.m. of the 31st Jan., he withdrew. It turned out that the deed, which contained a release of all "claims and demands" of creditors, was in fact registered at 2 p.m. of that same day. The defendant's attorneys subsequently paid the amount of debt, costs, and poundage to the sheriff's officer under protest, and the sheriff paid the amount into Court under an interpleader order, and the defendant having moved to have the money paid out of court to himself, it was Held, that as the plaintiffs could only claim the money in question on the ground of its representing the proceeds of an execution, for the purposes of which there were at the time the undertaking was given no goods of the defendant available, by reason of the prior registration of the deed of composition; therefore the defendant was entitled to have the money paid out of court to him: (*Milner* v. *Rawlins*, 16 L. T. Rep. N. S. 829. Ex.)

Codicil.—B. wrote certain legacies on three separate sheets of paper. He signed each sheet in the presence of witnesses, but they subscribed only the first. The second and third sheets were held to be insufficiently attested: (*Re Pearse*, 16 L. T. Rep. N. S 853. Prob. Court.)

Mercantile Law Amendment Act, s. 1—Knowledge of Assignor, when Knowledge of the Assignee.—On a writ of *fi. fa.* being issued against B. he assigned his property to trustees for the benefit of creditors without their knowledge or consent. The knowledge of the assignor was nevertheless held to be knowledge of the assignee within s. 1 of 19 and 20 Vict. c. 97: (*Hobson* v. *Thellusson*, 16 L. T. Rep. N. S. 837. Q. B.)

Stamp—Partnership—Conveyance of Share to Continuing Partner.—On the dissolution of a partnership the retiring partner conveyed his share of the partnership property to the continuing partners. The instrument was held to be liable to *ad valorem* duty on the whole consideration therein expressed: (*Philips* v. *The Commissioners of Inland Revenue*, 16 L. T. Rep. N. S. 839. Ex.)

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FRAUDULENT PREFERENCE—EVIDENCE.—B., in June, 1866, borrowed £350 from defendant on a promissory note, and at the same time deposited with the defendant as security an agreement to transfer fifteen scrip certificates in a limited company. By the articles of association shares in the company were not transferable till the month of Jan., 1867. On the 14th Jan., 1867, B. handed over the scrip to defendant, and on the next day he (B.) stopped payment. In an action by the assignee of B. and D. against the defendant for fraudulent preference and conversion: Held, that as the handing over of the scrip in Jan. 1867, was merely a carrying out of the agreement made in June, 1866, this was not a fraudulent preference. Held, also, that a witness cannot have the proceedings in another court put into his hands for the purpose of refreshing his memory as to the matters on which he is giving evidence: (*Halliday* v. *Holgate*, 17 L. T. Rep. N. S. 18. Nisi Prius.)

WILL—CONSTRUCTION—ESTATE TAIL.—A testator gave real estate to trustees upon trust for his grandson (the plaintiff) for life, and directed that the trustees, until the plaintiff should attain twenty-five, should receive the rents, and after certain deductions, should pay them in their discretion, to the separate use of his (the testator's) daughter and her children. And upon his grandson's attaining twenty-five should put him into possession of the property, and any surplus rents, and immediately after his demise he gave the same property to the heirs of the body of his said grandson lawfully issuing, and for default of such issue over in somewhat similar terms to the other children of his daughter, with an ultimate limitation to his (the testator's) father's right heirs. There was then a gift of other property somewhat in the same terms to the other grandchildren, excluding the plaintiff: Held, that the plaintiff took an equitable estate in tail: (*Denman* v. *Jones*, 16 L. T. Rep. N. S. 787. V. C. M.)

OBSTRUCTION OF VIEW—NUISANCE—LEASE—POWER TO DIVERT A ROADWAY.—The plaintiff was the lessee of a piece of land belonging to the Regent's Canal Company, including a roadway, and by the lease the company reserved a right to divert the road for the purpose of extending their lay-bye or basin. The Imperial Gas Company afterwards bought the land leased to the plaintiff and other land belonging to the canal company, including the lay-bye. The gas company wished to build a new gasometer, and attempted to enter into some arrangement with the plaintiff for diverting the roadway, in order to obtain more room. The plaintiff objected, and the gas company afterwards announced their intention of enlarging the lay-bye, and, for that purpose, of altering the road. The plaintiff filed his bill to restrain them, but Kindersley, V. C., dismissed the bill with costs. The erection of a building obstructing the view of business premises, but without obstructing light and air, cannot be made the subject of an injunction: Held (affirming the decision of Kindersley, V. C.), that where a lessor had power under the lease to alter a road if he made a certain other alteration, he had power at any time to make the alteration and divert the road, although he might have made the alteration for the purpose of entitling himself to divert the road, and that in this respect a covenant in a deed differed from a power conferred by Act of Parliament: (*Butt* v. *Imperial Gas Company*, 16 L. T. Rep. N. S. 820. L. C.)

WILL—CONSTRUCTION.—B. gave certain parts of his real and personal estate to trustees for the benefit of his daughter, and if she should die under twenty-one or afterwards, without leaving any child or children, then over. His words were held to be equivalent to "never having had any child or children:" (*White* v. *Hill*, 16 L. T. Rep. N. S. 826. V. C. W.)

COVENANT TO SETTLE AFTER-ACQUIRED PROPERTY.—An infant *feme sole*, being entitled to property under a will if she attained twenty-one, married, and by the settlement made immediately previously to such marriage, the intended husband covenanted with the trustees that all the estate, property, and effects, real and personal, which he and his intended wife, or either in her right, should at any time during the coverture become seised or possessed of, or entitled to at law or in equity, of the value of £200 and upwards, under any gift, devise, or bequest, or by descent, representation, or any other means whatsoever, should be settled, and that they should do all necessary acts, &c.: Held, that the contingent interest, to which the intended wife was entitled, was within the covenant: (*Re Worsley's Trusts*, 16 L. T. Rep. N. S. 826. V. C. M.)

THE COURTS AND COURT PAPERS.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Oct. 21	12 o'clock	P. Ronayne	Examine title	*Perry*
"	"	Arrangement case	Proof of debts	*Perry*
"	"	J. Quin	do.	*Perry*
"	"	John Johnston	do.	*Perry*
		Tuesday. Before the COURT.		
Oct. 22	12 o'clock	Daniel M'Carthy	Final examination	*Perry*
"	"	James M'Kenna	do.	*Larkin*
"	"	Thomas Pettigrew	Composition	*M'Govern*
"	"	James Canning	Final examination	*Lynch*
"	"	Owen Lynch	Sur., prove debts, and assignee	*Casey & Clay*
"	"	James Thornton	do.	*Casey & Clay*
		Friday. Before the COURT.		
Oct. 25	12 o'clock	Arrangement case	2nd private sitting	*Sullivan*
"	"	do.	do.	*Molloy & Watson*
"	"	John M'Ewen	Final examination	*Lynch*
"	"	James Murphy	Sur., prove debts, and assignee	*Donnelly*

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TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
Oct. 15	Byrne, Charles and Edward, of Henry-street, Dublin, grocers and provision merchants,	Thomas Donnelly, of Brabazon-street, Dublin, merchant,	*Casey & Clay*
"	Eckford, Thomas, of Newbridge, county Kildare, grocer and provision dealer,	Peter M'Mahon, of Merchants'-quay, merchant,	*Larkin*
Oct. 18	Hall, John, of Grenville-street, Dublin, tea merchant and printer,	James Bolger, of William-street, Dublin, wine merchant,	*Stuart*

BANKRUPTS.

Murphy, James, and Murphy, Michael, both of Fermoy, county Cork, agricultural implement and coach manufacturers, trading under the name and firm of "James Murphy and Sons." Petition of bankruptcy filed 3rd October, 1867. To sur. Friday, 25th October, and Tuesday, 12th November. L. H. Deering, official assignee. *Donnelly*, solr.

IN INSOLVENCY.

INSOLVENTS DISCHARGED ON BAIL.

Byrne, Thomas, county Dublin, bootmaker and dealer in groceries.

White, Thomas, Galway, miller and yeoman.

INSOLVENTS.

To be heard in Dublin.

Byrne, Thomas, of Rathfarnham, county Dublin, boot and shoe maker, and dealer in groceries. Hearing on Wednesday, November 27, at 11. *Rynd*, solr.

Newport, John Wallis, of Great Brunswick street, city of Dublin, lieutenant on half-pay, retired list, Royal Navy; formerly Admiralty Agent in charge of Her Majesty's Mails on board Mail Packets between East and West Indies and Southampton. Hearing on Wednesday, November 6, at 11. *Rynd*, solr.

PETITION OF INSOLVENCY FILED.

Against Walker, Eleanor, of Cottage-place, city of Dublin, widow—a prisoner in the Four Courts Marshalsea. William Swords, petitioning creditor. *Trexton*, solr.

PETITIONS OF INSOLVENCY and SCHEDULES FILED.

(*No Day of Hearing yet fixed.*)

Fulton, Joseph, of Aughnacloy, county Tyrone, watchmaker; previously watchmaker and farmer. *Moore*, solr.

Greene, Honora, of Abbeyleix, Queen's County, widow. *Roe*, solr.

Hannon, Joseph, of Mallow, county Cork, hotel-keeper, posting establishment proprietor, farmer, and lime-burner. *Drinan*, solr.

Madigan, Denis, of Glin, county Limerick, shopkeeper; previously of Newcastle West, in said county, shopkeeper. *Doyle*, solr.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

LYNCH—On the 15th inst., at 14, Blessington-street, the wife of Thomas P. Lynch, Esq., barrister-at-law, of a daughter.

DEATHS.

BLACKHAM—On the 11th inst., at Maryboro', John Blackham, Esq., barrister-at-law.

HUGHES—On the 16th inst., at 64, Harcourt-street, Edward Trevor Hughes, Esq., solicitor, registrar to Mr. Baron Hughes.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	OCTOBER. Sat. 5	Mon. 7	Tues. 8	Wed. 9	Thur. 10	Fri. 11
Government						
3 p c Consols	93⅝	—	93⅝	—	93⅜	—
New 3 p c Stock	92¾	92½	92⅝	92½	92⅝	92½
Foreign and Colonial.						
India 5 p c Stock	—	—	113¼	—	112⅞	—
Joint-Stock Banks.						
Ireland, £100 pd	—	—	232½	231¾	231½	—
Hibernian, £25 pd	39½	40	40	—	39½	38
Munster (Limited.), £3 10s pd ..	4⅝	—	4⅝	—	4⅝	—
National, £30 pd	—	61⅛	61⅛	—	61⅜	61⅜
National of L'pool (Ltd.), £15 pd	—	—	—	—	—	—
Provincial, £25 pd	—	—	—	—	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32⅞	32⅞	—	33	—	32¾
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	9¼
Union, £22 pd	—	14½	14	14⅛	14	—
Steam.						
British & Irish, £50 pd ..	—	—	—	50	—	—
City of Dublin, £100 pd ..	—	—	—	—	—	—
D. & L. St. S. B. Co £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	7⅝	—	—	7⅝	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	11⅝	11⅝	—	—	—	—
Do., £5 pd B	—	6⅛	—	—	—	—
Do., £4 pd 2 C	—	—	5⅛	5⅝	5⅝	5⅝
Grand Canal, £100 pd	—	—	—	—	—	—
Patriotic Insurance, £10 pd ..	—	—	8	—	—	·
National Insurance, £25 pd ..	—	·	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	45⅛	—
Cork & Bandon, 50 pd	—	—	—	—	-	—
Dublin & Belfast Junc., £100 pd ..	—	—	—	—	75	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	—	—	—	—	—
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	-	—
Gt. Southern & W'rn, £100 pd ..	95½	95⅜	95⅜	95⅜	95½	95⅜
Midland Gt. Western, £100 pd ..	55½	55⅜	—	--	—	58 xd
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	-	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	-	—	—	--	—
D., W., & W., 5 p c £50 pd rd ..	—	—	-	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	95½	—	95⅜	—	...
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	--	—
D. & D., 5 p c rd, 1868. £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	--	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	--	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—October 15th and 29th.
Account Day—October 16th and 30th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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TO SOLICITORS, ESTATE OWNERS, & LAND AGENTS.—A Member of the Legal Profession, who has also had extensive experience acquired in the management of several important Land Agencies, but who, owing to ill-health, was obliged to decline business for a time, and resign his appointments as Agent, is now anxious to obtain employment in Town or Country, as Assistant in the Office of a respectable Solicitor or Land Agent. Advertiser's professional character is unimpeachable, and in an Agent's Office his professional knowledge would be found of special service. Meanwhile he would be glad to accept temporary employment, at his present residence, in the Copying or Engrossing of Legal Documents, the Preparation of Rentals, &c. Please Address E. W. LEX, Office of this paper.

LEGAL POSTINGS:

LANDED ESTATES' COURT, IRELAND.

COUNTY OF DONEGAL.

In the Matter of the Estate of John George Laird, Owner; Ex-parte Samuel Donnell, Petitioner.

TO BE SOLD BY PUBLIC AUCTION, before the Hon. Judge Lynch, at the Landed Estates' Court, Inn's-quay, Dublin, on TUESDAY, the 5th day of NOVEMBER, 1867, in One Lot. Dwelling-houses and Premises, situate in the Town of Ballybofey, in the Barony of Raphoe, and County of Donegal, held under two leases for lives renewable for ever, and producing a net profit rent of £84 13s. 4d. per annum.

Dated this 26th day of June, 1867.

H. R. GREENE, Chief Clerk.

DESCRIPTIVE PARTICULARS.

The Dwelling-houses and Premises to be sold, are situate on the south side of the Street of Ballybofey, in the Barony of Raphoe, and County of Donegal, held under lease dated 18th March, 1778, for lives renewable for ever. A fee-farm grant of said lease will be executed to the purchaser. The rent payable thereunder is £11 1s. 8d. sterling, and 6d. in the £ Receiver's fees

The other portion of the premises to be sold, are held under lease, dated 20th September, 1853, for lives renewable for ever, subject to the yearly rent of £10 10s. sterling.

The premises are situate in the best and most central part of the thriving Town of Ballybofey, and well circumstanced for any kind of business on an extensive scale, and within ten minutes' walk of the Fin Valley Railway.

One of the four tenements is occupied as a bank, by the Northern Banking Company, and is three stories high. The other three houses are also three stories high, and have good shops in an excellent situation for any business; all the premises are in good order, and will not require a shilling outlay.

The value of property in Ballybofey is gradually increasing since the railway was opened in that locality.

Ballybofey is one of the most promising towns of the kind in all the County, having the advantage of good markets for sale of agricultural produce, which is abundant in that locality, therefore the property for sale is a most eligible investment.

For Rentals and further particulars apply to

Messrs. WILSON & HODGES, Solicitors having the Carriage of the Sale, 34, Lower Ormond-quay, Dublin; at the

REGISTRAR'S OFFICE, Landed Estates' Court, Inn's-quay, Dublin.

ROBERT WILSON, Solicitor, Strabane.

In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of Charles Bushe Hearn, Owner and Petitioner, now deceased; Continued in the Names of Elizabeth Sarah Maude Hearn, Minnie Charlotte Hearn, and Posey Gertrude Hearn, devisees of the said Charles Bushe Hearn, by Richard Holmes Hearn, and Richard James O'Flaherty, their Testamentary Guardians.

TO BE SOLD, in One Lot, by the Honourable Judge Dobbs, at the Landed Estates' Court, Inns'-quay, in the City of Dublin, on FRIDAY, the 8th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, the following Lands, situate in the Barony of Moycashel, and County of Westmeath, held in fee-simple.

Part of the Lands of Kilbeg, and the Lands of Corrcagh, with its sub-denominations; and part of the Lands of Moycashel, containing, in the whole, 593a. 1r. 22p. statute measure, or thereabouts, and producing a net profit rent of £517 1s. 3d.

Dated this 4th day of July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

The above Lands all join each other, save Moycashel, which is Bog, and upon which the tenants have a right of turbary.

Part of the Lands containing 351a. 1r., is held under lease for a term of two lives, aged respectively 29 and 32 years, by one respectable tenant, at a yearly rent of £360, which is paid with the greatest regularity; the remainder is in the hands of twelve tenants, holding from year to year, at moderate rents.

The Lands are of good quality, a considerable portion thereof being first-class feeding ground; they lie about six miles from Tullamore, two from Kilbeggan, three from Clara, and six from Streamstown, all of which, save Kilbeggan, are railway stations.

Proposals for purchase will be received by the Solicitor having the Carriage of the Sale, up to the 29th day of October, 1867.

For Rentals and further particulars apply at the

REGISTRAR'S OFFICE, Landed Estates' Court, Inns'-quay, Dublin; or to

EDWARD FETHERSTONHAUGH, Solicitor having Carriage of Sale, No. 20, Clare-street, Dublin.

In the LANDED ESTATES' COURT.

COUNTY OF MEATH.

In the Matter of the Estate of The Right Hon. Henry, Baron Annaly, Owner and Petitioner.

TO BE SOLD, at the Landed Estates' Court, Dublin, before the Hon. Judge Lynch, on TUESDAY, the 19th day of NOVEMBER, 1867, at Twelve o'clock noon, in Two Lots, that part of the Lands of Augherskea, otherwise Aghersheate, situate in the Barony of Lower Deece, and County of Meath, held in fee-simple, containing 518a. 3r. 26p. statute measure, or thereabouts.

LOT No. 1, containing 295a. 1r. 37p., and producing £318 3s. 0d. per annum.

LOT No. 2, containing 233a. 1r. 29p., and producing £293 18s. 2d. per annum.

Dated this 6th day of July, 1867.

J. E. MADDEN, for Chief Clerk.

This Estate is held in fee-simple. The Lands are some of the finest in the County of Meath. The tenants have good interests, and pay their rents punctually. The Estate is about a mile from the Drumree Station, on the Dublin and Meath Line.

Proposals for purchase of all or either of the lots will be received and submitted to the Court by the Solicitor having carriage of the Sale, up to the 4th day of November, 1867.

Rentals and further particulars may be obtained at the Office of the Landed Estates' Court, Dublin; from

JOHN MACSHEEHY, Solicitor having carriage of the Sale, 46, Lower Gardiner-street, Dublin; and from

Messrs. BIRCHAM, DALRYMPLE, DRAKE, and Company, 46, Parliament-street, London, S.W.

LANDED ESTATES' COURT.

SALE,

On FRIDAY, the 22nd day of NOVEMBER, 1867.

COUNTY OF LEITRIM.

In the Matter of the Estate of Edward Francis Waldron, Owner; Ex-parte Thomas Reilly, and others, Petitioners. And in the Matter of the Estate of said Edward Francis Waldron, Owner; Mary Anne Waldron, Petitioner.

Consolidated by Order of 3rd December, 1866.

TO BE SOLD BY AUCTION, before the Honourable Judge Dobbs, in Five Lots, on FRIDAY, the 22nd day of NOVEMBER, 1867, at the Landed Estates' Court, Inns'-quay, Dublin, at the hour of 12 o'clock noon, the following Lands and Premises:—

LOT No. 1.—The Lands of Lismacoyle, otherwise Lismoyle, situate in the Barony and County of Leitrim, with Mansion House, and Buildings thereon, containing 185a. 0r. 13p. statute measure, held under fee-farm grant bearing date the 9th March, 1855, subject to the yearly rent of £78 9s. 2¾d., and producing a net profit rent of £86 11s. 10¼d.

LOT No. 2.—The Lands of Lismanagh and Coolcreive, including one acre of Lismoyle, same Barony and County, held in fee-farm, subject to the yearly rent of £57 7s. 9d., and produeing a net profit rent of £95 7s 1d. Contents—174a. 1r. 2p., statute measure.

LOT No. 3.—Plot of Ground, and House, and Buildings, situate in Quay-street, situate in the Town of Drumsna, held under lease, dated 22nd December, 1821, for three lives renewable for the period of 61 years, at annual rent of £2 10s. Profit rent, £7 10s.

LOT No. 4.—One moiety of the fee-farm rent of £78 9s. 2¾d. reserved by the above fee-farm grant of 9th March, 1855, and payable out of said Lands of Lismoyle, for the lives of the owner, Edward Francis Waldron, aged 29 years, and of Mary Anne Waldron, aged 50 years.

LOT No. 5.—One moiety of the fee-farm rent of £57 7s. 9d., issuing out of the Lands of Lismanagh and Coolcreive, created by fee-farm grant dated 10th March, 1793, for the joint life estates of the owner, Edward Francis Waldron, aged 29 years, and of Mary Anne Waldron, aged 50 years.

Dated 31st July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

DESCRIPTIVE PARTICULARS.

LOTS 1 AND 2.—The Lands of Lismoyle and Corryard, Lismanagh, and Coolcreive, comprising these Lots, are in the vicinity of several good market towns, being within one mile of the Town of Drumsna, three of Carrick-on-Shannon, five of Dromod, three from Leitrim, and fourteen from Longford; and the tenantry are solvent and punctual in the payment of their rents.

LOT No 1, consisting of the Mansion House and Lands of Lismoyle, is almost entirely occupied by one tenant, who holds under Lease, and has a valuable interest in his holding. There is a quantity of valuable Timber on this Townland, which is reserved by the Lease, and to which the purchaser will be entitled.

Proposals for purchase of said Estate, or any part thereof, will be received by the Solicitor having Carriage of proceedings up to 15th day of November, 1867, and submitted to the Judge.

For Rentals and further particulars apply at the Office of the Landed Estates' Court, Inns'-quay, Dublin; or to

GEORGE O. B. KENNEDY, Solicitor having Carriage of the Proceedings, 21, York-street, Dublin;

Messrs. SEYMOUR, WEBB, & CO., Solicitors, 4, Kildare-street, Dublin; or to

MICHAEL FLYNN, Esq., Strokestown, County Roscommon.

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LANDED ESTATES' COURT, IRELAND.

COUNTY OF FERMANAGH.

SALE,

On FRIDAY, the 22nd day of NOVEMBER, 1867.

In the Matter of the Estate of Elizabeth Carpenter, Owner and Petitioner.

TO BE SOLD BY AUCTION, before the Honourable Judge Dobbs, at the Landed Estates' Court, Inn's-quay, in the City of Dublin, on Friday, the 22nd day of November, 1867.

LOT No. 1.—Part of the Lands of Skea, containing 140A. 2R. 12P., statute measure, held in fee-farm; net profit rent, £113 14s. 4d.

LOT No. 2.—Part of same Lands, held in fee-farm, consisting of 27a. 1r. 29p., statute measure, of valuable Turbary, to be sold free of all rent; estimated value, £67 15s.

LOT No. 3.—Sold by Private Contract.

LOT No. 4.—One-third part of the yearly fee-farm rent of £23 1s. 6d., present currency, payable out of the Lands of Skea, Shankill, Derrylara, Derrywarra, and Derryburra, otherwise Arney-bridge, created by Indenture dated 23rd November, 1711.

Dated 31st July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

DESCRIPTIVE PARTICULARS.

Lot No. 1 consists of grazing land of the best quality, and includes about 6¼ acres of valuable Turbary.

Lot No. 2 consists of 27A. 1R. 29P. of valuable Turbary, which is very scarce in this part of the country, and readily sets at from £8 to £10 the acre.

Proposals for purchase of said Estate, or any part thereof, will be received by the Solicitor having Carriage of Proceedings up to 15th day of November, 1867, and submitted to the Judge.

For Maps, Rentals, and further particulars apply at the Landed Estates' Court, Inns'-quay, Dublin; or to

GEORGE O. B. KENNEDY, Solicitor having Carriage of Proceedings, No. 21, York-street, Dublin; and to

JOHN GRAHAM, Esq., Solicitor, Enniskillen.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Hugh Jameson, of Maryboro', in the Queen's County, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 5th day of NOVEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 15th day of October, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Eckford, of Newbridge, in the County of Kildare, Grocer, Trading as L. & J. Eckford, Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 5th day of NOVEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 16th day of October, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Michael Curran, of Cappoquin, in the County of Waterford, Draper and Haberdasher, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 2nd day of DECEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 13th day of DECEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 11th day of October, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

FINDLATER & COLLINS, Agents to the Bankruptcy, No. 35, Upper Ormond-quay, Dublin.

IN CHANCERY.

Columbus Drake, Petitioner;
Dudley Brennan, and others, Respondents.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

PURSUANT to the Decretal Orders made in this matter, bearing date respectively the 29th day of June, 1865, 12th May, 1866, and 31st May, 1867, I will, on MONDAY, the 4th day of NOVEMBER next, at the hour of One o'clock in the afternoon of said day, at my Court, Four Courts, Inn's-quay, in the City of Dublin, SET UP and SELL BY PUBLIC AUCTION, either together or in Two Lots, to the highest and best Bidder, all the Estate and Interest of Michael Brennan, deceased, and of Patrick Brennan, his eldest son and heir at law, also deceased, of and in all that and those the Concerns formerly called Saint Francis's Abbey Distillery, with the Malthouse, Stores, Brewhouse, Forge, Stables, Garden, Yard, and Water Courses thereunto belonging, together with the Distillery and other Utensils, Vessels, and Implements mentioned in a Schedule annexed to an underlease of said Premises from Michael Brennan, deceased, to Edmond Smithwick, Esq., dated the 25th day of April, 1827; and also an undivided moiety of all that and those the Dwelling-house, Alehouse, Brewery, and Malthouse, Stores, Stables, Offices, and Gardens adjoining, together with that part of said Brewery Concerns adjoining to and formerly part of Coal's-yard, called in the underlease the Coal-yard; all which Premises are now held by said Edmond Smithwick, under two leases—one thereof from Michael Brennan, deceased, to Edmond Smithwick, dated 25th April, 1827; and the other from Patrick Brennan, deceased, to said Edmond Smithwick, dated 12th August, 1833, for the respective terms of 999 years, as set out in the Rental of said Premises, and are now known as Saint Francis's Abbey Brewery, and are situate in the City of Kilkenny, or a competent part thereof, for the purposes in said Decretal Orders mentioned.

Dated this 20th day of August, 1867.

EDWARD LITTON, Master in Chancery.

A. C. PALLAS, Solicitor.

These Premises are held under two distinct leases for lives renewable for ever, one of them dated the 5th July, 1753, from William Archbold and Anne, his wife, to Ambrose Evans, of which a fee-farm grant is now being procured, and the other of said leases, dated 21st July, 1780, from the Reverend George Evans to Edward Evans, which has been converted into a fee-farm grant; and another portion of said premises is held under a grant in fee-farm from the Earl of Ormond. The entire premises now produce a profit rent of £252 8s. 4d., as more particularly set out in the rental thereof. The present tenant has expended several thousand pounds on permanent improvements on the Premises, which are now in perfect order, and amongst the most thriving establishments in the South of Ireland.

To small capitalists whose object is a well-secured income, with a safe and adequate return for capital, these premises offer an investment rarely to be met with.

For Rentals and further particulars application to be made to

HENRY THOMAS DIX, Esq., Solicitor for Respondents BRENNAN, No. 9, Upper Gardiner-street; to

Messrs. CHARLES GAUSSEN & SON, No. 12, Gardiner's-place; to

HENRY FALLS, Esq., No. 7, Lower Dominick-street; to

RICHARD BAILLIE, Esq., No. 116, Lower Baggot-street, Solicitor for Creditors; to

ANDREW CHRISTOPHER PALLES, Solicitor for Petitioner, having Carriage of Sale, No. 12, Belvidere-place, Dublin; or to

JOHN M'CREERY, Esq., Larch Hill, Kilkenny, the Receiver.

A GENTLEMAN is anxious to Buy or Exchange for a second-hand edition of "Chitty's Equity Index" (1853); also, would dispose of "Sugden on Powers," 8th edition; Sugden on Vendors," 13th edition; "Jarman on Wills," 3rd edition; and "Petersdorff's Abridgment," 1st series. Apply to A B C, at this Office.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, October* 19, 1867.

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／THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 39.] SATURDAY, OCTOBER 26, 1867. {Single Copy, 6d. By Post, 7d.

IN a former number we treated of the history of the jury as regards its origin, and we found that the principle of trying a man by the country, whether by ordeal, battle, or compurgation, was one definitely admitted, so early as the Anglo-Saxon times; but we saw how very little resemblance this system could be made to bear, even by its most strenuous advocates, to our modern system of trial by jury; and we may consider the practice adopted by Henry II. as the intermediate state between the system which we have now, by the help of long experience and guidance of reason, and the development of the principles of justice so well elaborated. The history of juries would include an account of all the more important legal-constitutional liberties which the awakening of the spirit of freedom, and the renaissance of learning—caused by the political confusion consequent upon the termination of the middle ages, and the foundation of the modern system of polity in Europe—have gained for the people of England. It would include an account of the contest between the Crown and the nobles under the Tudor sovereigns; the contest between the king and the nobles on the one side, and the commons on the other, under the Stuarts; and finally, the contests which have been going on since the Revolution, in the different ranks of society, for perfect equality in the eye of the law, which has been long admitted in theory, but only lately admitted in practice. Even to give a list of the *causes célèbres* which have for the last 600 years been the turning points on which our judicial system of trial by jury has been hinged, and which may each be said to have added one more precedent for the great principle quoted in our last number from King John's Charter, "that every man by the English law has a right to be tried by a jury of his equals," be he peer or peasant, would be so tedious as to be uninteresting, and so long as to be impossible in execution. We shall, therefore, take up the history of trial by jury at the point where we left off in our former article, and note only such important cases in its progress from infancy to maturity as seem to be most necessary to explain its modern development.

At first then, even where trial by jury was legally established as one of the ways in which a case might be settled, it was by no means compulsory on the prosecutor, or appellant, as he was formerly called, to adopt that method. In suits for the recovery of property, the nation became gradually accustomed to see the jurisdiction of the freeholders transferred to a smaller number of sworn men, well acquainted with the facts of the case; and it was in this state when Henry II. introduced the *assise of novel disseisin.* This gave the alternative to the tenant, in a suit for the recovery of land, to put himself on the assise if he did not wish to risk the combat—that is, he might be tried by four knights, summoned by the sheriff, and twelve more selected by them, forming the sixteen sworn recognitors by whose verdict the case might be determined. This *assise of novel disseisin* was always held in the King's Court, or that of the judges *in eyre*, and not before the County or Hundred Court. The proceedings are explained at great length by Glanville, justiciary to Henry II. Equally important changes were effected in criminal processes about the same time. Henry II. abolished the ancient privilege of compurgation by the oaths of friends—the means of so much perjury; and the Church, in the fourth Lateran Council, held 1215, abolished all kinds of ordeal, such as chewing consecrated bread, and handling hot irons, as mentioned in our former article; and thus trial by jury in criminal cases became common, though no one could be compelled to plead, or, in other words, the *inquest* must be of defendant's own choice.

If any one declined the inquest, however, he was remanded to prison, and treated with such severity that it was called *peine forte et dure.* At this time the jury were not empanelled to examine into the credibility of the evidence; the question was not discussed and

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argued before them; they, the jury, were the witnesses themselves, and the verdict of the jury was substantially the examination of these witnesses who, of their own knowledge and without the aid of other testimony, afforded their evidence respecting the facts in question to the best of their belief. "In its primitive form, therefore, a trial by jury was only a trial by witnesses; and jurymen were distinguished from any other witnesses only by customs which imposed upon them the obligation of an oath and regulated their number, and which prescribed their rank and defined the territorial qualifications from whence they obtained their degree and their influence in society."—(*Palgrave's Commonwealth*).

There is some difficulty about determining the time when the evidence of those persons was admitted who knew the circumstances and cause of action, but were not summoned on the jury by reason of want of some of the necessary qualifications, as a verdict was generally rendered without hearing any other testimony in court than that of the parties themselves, fortified, if necessary, by written documents; and hence the knights of the grand assise were often called *recognitors*. Thus, in the words of Palgrave, "where a charter was pleaded, the witnesses named in the attesting clause of the instrument, and who had been present in the folkmoot, the shire, or the manor court, where the seal was affixed by the donor, were included in the panel; and where a grant had been made by parol, the witnesses were sought out by the sheriff and returned upon the jury." But soon many cases occurred which required further evidence than that of common notoriety, and these could not always be managed by swearing upon the panel such witnesses as might instruct their fellow jurors, as, for instance, when the only persons acquainted with the matter in dispute were not possessed of the necessary qualifications, or were women or villeins, it is evident that such cases must soon have led to the distinction of jurors from witnesses. In criminal cases we know that witnesses for the defendant were not allowed to be sworn till the reign of Mary, as the verdict was most often determined by the previous fame of the accused. But even with these drawbacks the trial by jury was soon esteemed a privilege for which accused persons were willing to pay, as we learn from the curious chronicle of Jocelyn de Brakeloude, where we are told an accused person paid the sum of one mark in order to have an inquest, or trial by jury, instead of trial by combat; which also shows that the former had not yet become a matter of right. Later we find from Glanville, justiciary to Henry II., in a criminal process, that a woman could be a witness only where her husband had been murdered, or her person assaulted; and in cases of secret murder only the kindred of the murdered person could be heard, and in the case of open murder the prosecutor must have been actually present. In trials before the justiciaries, however, from the nature of the construction of their court, witnesses must always have been necessary. A plan sometimes adopted, instead of calling witnesses distinct from the jurors, was to *afforce* the jury; that is, to reject those unacquainted with the matter in dispute, and to fill their place with better informed witnesses until twelve men were found who agreed in the same verdict; though it is by no means certain that unanimity was required till the time of Edward III., but twelve always, as in the present grand jury, must concur. In the *Law Review* there is an interesting account of 20 Ed. III., in which Chief-Justice Thorpe was reproved for taking a verdict from eleven jurors. It is in the same year that we first find witnesses summoned to assist in a trial without having any voice in the verdict, which, as has been well said, "forms the connecting link between the ancient and modern jury," and caused jurors, from being the mere recipients and depositories of knowledge, to exercise the more intellectual faculty of forming conclusions from testimony.

THE Commissioners appointed by Government to inquire into the state of Railways in Ireland hold their meetings at Victoria-street, Westminster. As yet they have merely arranged the preliminary inquiries, and the classification of the different branches of the subject under their consideration. The two remedies proposed for the improvement of the present depressed state of railway property in Ireland are—that the Government should purchase all the railways; or that Government should advance money to the companies at low rates of interest. As to which of these plans is most sound in design the public are not agreed. The first seems contrary to the maxims of political economy, and the latter appears certainly expedient. There is no doubt that in the relapse after the violent political discussion in the last session of Parliament general Irish subjects will receive a thorough investigation in the next, which is to commence in November, so that the report of the Irish Railway Committee will be looked for with some anxiety. The following is a list of the gentlemen composing the Committee:—Chairman, Sir Alexander Young Spearman, Bart., a celebrated political economist, and Secretary and Comptroller-General of the Reduction of the National Debt Office; Mr. John Mulholland, an extensive linen merchant, of Belfast; Mr. John Fowler, C.E., an eminent London engineer; Mr. Seymour Clarke, manager of the Great Northern Railway, of England; Mr. Christopher Johnstone, late manager of the Caledonian Railway. The Secre-

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tary is Mr. William Neilson Hancock, LL.D., and Superintendent of Judicial and Criminal Statistics, &c.

There has been some disappointment expressed that the railway interest of Ireland was not more largely represented; but we may rest assured, from the reputations of the several gentlemen who were appointed, on mercantile and railway subjects, that their report will embody, in a tangible form, what may be most expedient and desirable, not for any particular section of the community but for the kingdom at large.

We would call the attention of the profession to a meeting which is to be held in the Solicitors' Hall, on the 21st of next month, for the purpose of considering the present Civil Bill Acts, with a view to have the same amended. It will be remembered that a meeting was held for the same purpose last June, and was very influentially attended, Mr. Hinds being in the chair, and Mr. Proctor acting as hon. secretary. We publish an official announcement of the proposed meeting in our present number.

COURT FOR THE VICE-CHANCELLOR OF IRELAND.

The question, "Where is the Vice-Chancellor to hold his Sittings?" is being answered by the Board of Works, who are busily engaged in altering and refitting some of the apartments of the new Public Record Building, in order to serve the purposes of his Lordship's Court, until more suitable accommodation shall be provided. The principal room, which is forty-six feet long by twenty-six feet wide, will be arranged as a miniature court, with a canopied dais at one end, and seats rising in tiers at the other. Two side doorways have been opened; the one, facing Church-street, by which the Judge will gain access to his chamber; the other, fronting the court-yard, will admit the public to those parts of the building reserved for the uses of the new Record Department. The entrance to the Court will be through the front door of the building that looks towards Morgan-place. These altered arrangements are to be completed, and the place made ready for occupation, by the first week of Michaelmas Term, which commences on Saturday next.

The Commission of Oyer and Terminer was opened yesterday, in the Court-house, Green-street, by the Lord Chief Baron and Mr. Justice Morris, the latter taking the place of Mr. Justice Keogh. The Lord Chief Baron delivered a long and eloquent address to the Grand Jury. True bills for treason-felony were found against twenty-eight Fenian prisoners.

The Special Commission opens to-day in Manchester for the trial of the prisoners charged with being concerned in the murder of Brett. Mr. Justice Blackburn and Mr. Justice Mellor, senior puisne Judges of the Queen's Bench, will sit.

LEGAL APPOINTMENTS.

John Norwood, Esq., Barrister-at-Law, and Randal W. M'Donnell, Esq., Barrister-at-Law, have been appointed legal assessors to the Mayor of Belfast (David Taylor, Esq.), in the revision of the municipal burgess roll of that borough.

Pelham J. Mayne, Esq., solicitor, has been appointed Clerk of the Peace for the county of the town of Drogheda, in the place of the late William Magee, Esq. Mr. Mayne's long and extensive professional experience, and straightforward, honourable character, justify the Government in the selection they have made.

THE NEW ADMIRALTY COURT.

The New Admiralty Court, as constituted under the Act of last Session, will commence its sittings on the 4th November. The present judge (Judge Kelly) retires on full pay, and will be succeeded by Judge Townsend. Mr. Barton is the Registrar, Mr. Moore the Chief Clerk, and Mr. Anderson the Marshal.

A curious question in regard to the liability of railway companies for goods lost on a through journey, came before the Chairman of the County of Sligo at the Quarter Sessions just held at Sligo. The Midland Great Western Railway Company was sued for the value of certain articles abstracted from a trunk belonging to a passenger proceeding from Sligo to Liverpool, on a through ticket granted by the Midland Company. It appeared that the passenger, on arriving at the Broadstone Terminus, hired a car, and had herself and her luggage conveyed to Westland-row station. The Chairman decided that this circumstance broke the chain of the liability of the company, and accordingly dismissed the case on its merits, remarking that the plaintiff, on her arrival at the Broadstone, should have called on the company to convey herself and her luggage to Westland row.

The Use of Handcuffs.—On Tuesday at the Manchester County Court Joseph Smith, a lurryman, sought to recover damages from Serjeant Brears and Police-constable Beach, for having arrested and handcuffed him in June last. The police stopped Smith in the streets, handcuffed him, and marched him off to prison on the charge of improperly working a horse, for which he was fined by the magistrates. For the defence, it was urged that he was violent, and had to be handcuffed. The judge said, that although the use of handcuffs was to be deprecated, yet he did not see how he could give the complainant a verdict unless there was evidence to show that the police had put them on out of mere wantonness. He therefore gave a verdict for the defendants.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

SADLIER *v.* BUTLER.

April 16; June 13; July.—*Inconsistent Wills—Election.*

John Lord Dunboyne, by his will, dated the 27th of May, 1800, devised his Tipperary estates to trustees, upon trust, for his widow, Lady Dunboyne, for life, and after her death, in trust, to raise by sale or mortgage £1,000, £500 of which he bequeathed to his nephew, Pierce O'Brien Butler, and the remaining £500 to his nephew, Edmond O'Brien Butler; and subject thereto to the use of Morrogh O'Brien Butler for life; remainder to his first and other sons in tail; remainder to the said Pierce O. Butler in tail; remainder to the said Edmond O. Butler in tail. And he devised his Meath estates, subject to a jointure and legacies in trust for his sister, the Hon. Catherine Butler, for life; remainder to the trustees of the College of Maynooth. The testator died in May, 1801, without issue, leaving the Hon. Catherine Butler his heiress-at-law. Shortly after his death a suit was instituted by her against the trustees of Maynooth College, impeaching the will of Lord Dunboyne, on the ground that he was a relapsed Papist. A compromise was entered into, but in consequence of delay in procuring an Act of Parliament for the purpose, was not completed during the life of Catherine Butler. She made her will on the 1st of April, 1805, by which she devised all her "real estates, lands, and tenements in the County of Tipperary" to her son, the said Morrogh O. Butler, for life; remainder to his first and other sons in tail; remainder to the use of the said Pierce O. Butler in tail; remainder to her right heirs; and she devised all her "real estates in the County of Meath" to the said Pierce O. Butler in tail, subject to £10,000 to Morrogh O. Butler; remainder to her own right heirs. Catherine Butler died in April, 1807, having no real estates, save those which she claimed as the heiress of Lord Dunboyne. The compromise of the suit with the trustees of Maynooth College was carried out by a deed of the 29th of April, 1809. Pierce O. Butler entered into possession of the Meath estate, and remained in possession of it until his death in 1812. Lady Dunboyne died in 1860. The petition was filed to raise the two legacies of £500, which were charged on the Tipperary estates by the will of Lord Dunboyne, and to which the petitioners traced title. The petition was referred to Master Murphy, under the 15th section of the Chancery Regulation Act, and he, by a decretal order of the 13th of February, 1867, declared the legacies well charged on the Tipperary estate, and ordered a sale of a part of the lands. The respondent, who was the owner of that estate, appealed.

Sherlock, Q.C., *Sullivan*, Q.C., and *S. W. Flanagan*, Q.C., for the appeal.

Rogers, Q.C., and *J. P. Hamilton*, in support of the order.

The MASTER of the ROLLS held that the will of Catherine Butler raised a case of election against Pierce O. Butler, and that having taken the Meath estate under that will, he or the petitioners claiming under him could not claim the legacy bequeathed to him by Lord Dunboyne's will, and reversed the Master's order to that extent.

Solicitor for the petitioners, *Pierce Power*.

Solicitors for the respondents, *Kernan* and *Treacy*.

AMENDMENT OF THE CIVIL BILL ACTS.

A meeting of the Attorneys and Solicitors of Ireland will be held at the Solicitors' Rooms, Four Courts, Dublin, on Thursday, the 21st day of November next, at twelve o'clock noon, for the purpose of taking into consideration the proposed amendments of the Civil Bill Acts, and making arrangements for having those amendments effected by legislative enactment.

Clerks of the Peace and Sheriffs are invited to attend, or to forward their suggestions regarding the proposed measure.

Dated this 24th October, 1867.

GEO. PROCTOR, Hon. Sec.

REVIEWS OF NEW BOOKS.

The History of Irish Periodical Literature, from the End of the 17th to the Middle of the 19th Century. Its Origin, Progress, and Results; with Notices of Remarkable Persons connected with the Press in Ireland during the past Century. By RICHARD ROBERT MADDEN, M.R.I.A., &c. London: T. C. Newby, Publisher. Dublin: Hodges & Smith. Two vols., 8vo.

"Let me but write the ballads of a nation," said the old sage, "and I care not who makes their laws." And, substituting the word newspaper for ballads, much more truly might this aphorism be now-a-days applied to express the extent of the influence possessed by the "fourth estate" in the nineteenth century. The volumes now before us form a very valuable, as well as interesting, compendium of this heretofore neglected and yet most important department of Irish history. Dr. Madden's qualifications for undertaking this work are well known, and have been evinced in many well known works. The first newspaper published in Ireland was "The Dublin News-Letter," printed at the "Leather Bottle," in Skinner's-row, in 1685. This paper was printed on a single leaf of small folio size, and was addressed to the public in the form of a letter. The history of the many strange epochs which periodical literature has passed through in Ireland, from that humble origin, to the present day, is not a little strange and eventful, and for an account of it we must refer our readers to Dr. Madden's pages, where they will find many a quaint scene and remarkable personage brought up again from the forgotten past, and painted with all the freshness of a contemporaneous chronicle. How difficult must it have been for the editor of one of the early papers described by Dr. Madden to have "made up" his paper, with the statutes of Edward I. and Richard II. against "devisers of false news and of horrible and false lies" hanging over his head, with the promise that "if this be done by book, rhyme, letter, or writing, the person so offending shall have his right hand cut off." Some of the extracts given in the second volume present a very extraordinary picture of Dublin life in the middle of the last century. Thus in the Evening Post of May 5th, 1733, we read:—"On Tuesday there was a great battle between the people of the Right Hon. the Earl of Meath Liberty, and those of his Grace the Archbishop of Dublin, wherein several were wounded on both sides." Higgins, the "Sham Squire," and his protector and ally, Lord Clonmell, appear frequently in the pages of the Dublin Journals of that time. Of the latter we are reminded by a characteristic anecdote. In 1797, when the late Lord Cloncurry, then on his way to London, to keep his terms in the Temple, called to take leave of his kinsman, Lord Clonmell, "the old Chief Justice," conscious, apparently, of his career drawing to an end, said to young Lawless, "my dear Val. I have been a fortunate man in life, I am a Chief Justice and an Earl, but believe me I would rather be beginning the world as a young sweep."

We heartily recommend Dr. Madden's work to the perusal of our readers who are interested in the inner life of the nation during the period treated of in these volumes.

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ENGLAND.

SOLICITORS AS BARRISTERS.

We shall not now enter upon a discussion of the merits of the question, but we will offer one or two of the most pertinent observations which occur to us. The first is, that this restless spirit of ambition on the part of a few solicitors will grow in proportion as they become more highly educated. And we must necessarily add that this is an argument against making the solicitors' preliminary examination too "stiff." If none but men competent to act as counsel enter the profession, who will perform the drudgery of the law? One or two cases have come under our own notice, where men have distinguished themselves at the University and the Incorporated Law Society. A. determines to go on to the Bar, although a handsome income would reward him if he became an attorney and settled in the country. B. has settled in the provinces; but his craving for a higher professional sphere is very obvious by the anxious hold of London life which he retains by means of correspondence public and private. Again, suppose the merger of classes took place, and a solicitor became eminent as an advocate. Would he still work up the facts of every case in his own office? It would be physically impossible. He would become a barrister of the existing species, and leave the drudgery of preparing briefs to less capable men. Therefore, let Mr. Shaen and Mr. Bulmer become barristers; but do not let the higher branch be merged in the lower for the sake of the few men in the lower who feel capable of performing the functions of the higher.

And lastly, it must be remembered that, apart from the work performed by counsel, there is ample occupation to be found in an attorney's office calling for the exercise of high intellectual qualifications.—*Law Times.*

MINOR OFFENCES.

The number of persons summarily convicted in England for offences cognizable before justices appears so enormous—in the year ending at Michaelmas, 1866, 339,091, 286,290 males and 52,801 females—that it will be well to explain the nature of the charges against them. If we look at mere numbers, two great classes of offences took the lead, as usual, in 1866; 75,159 persons (14,363 of them women) were convicted of being drunk, or drunk and disorderly, so misconducting themselves as to get into the hands of the police; and 57,908 persons were convicted of assaults—2,513 of aggravated assaults on women and children, and no less than 11,382 of assaults on or resistance of peace officers. These two items account for a number greatly exceeding a third of the total; the rest will be more conveniently classed according in some degree to the gravity of the offences. 25,478 persons were summarily convicted of stealing or attempting to steal, the larcenies being of a class which, under the Criminal Justice Act, the Juvenile Offenders' Act, or otherwise, are cognizable by justices without indictment; 14,599 persons were convicted of maliciously destroying or damaging property, and 13,292 were convicted under the Police Acts for unlawful possession of goods and various misdemeanours, the latter number including 89 constables convicted of neglecting their duty; 15,457 persons were convicted under the Vagrant Acts—4,414 of them women punished as prostitutes, 4,884 other persons being convicted for begging, and 2,747 for being found in circumstances implying an intention to commit felony. 7,557 of the convictions are distinguished only as being for offences relating to servants, apprentices, or masters; 3,547 were for cruelty to animals, 8,507 for breaches of the peace or want of sureties, 9,063 convictions were for offences against the game laws, the great majority for trespassing in the daytime in pursuit of game, and 707 under the Poaching Act of 1862. We have come now to offences which have often less of a criminal character. 27,939 convictions were for offences against the Ways Acts, the highways, turnpikes, watermen's, railways, and stage and hackney carriages Acts; 24,607 for offences against local Acts and borough by-laws; 10,388 against Public-house Acts (6,633 being convictions of beershop keepers); 500 for offences against the Factory Acts; 67 against the Chimney-sweepers' Act; 809 against Fishery Acts; 3,488 against the Refreshment Houses Act; 415 against the Lord's Day Act; 4,387 against the Weights and Measures Act; 2,547 against the Mutiny Acts; 2,051 against the Mercantile Marine Act; 6,035 against the Poor Law Acts—viz., 2,852 for deserting or neglecting to support a family, and 3,183 for disorderly conduct in the workhouse; 755 against the Public Health Acts; 766 against the Smoke Acts; 21 against the Sewers Act; 3,026 against the Nuisances Removal Acts; 636 against the Common Lodging-houses Acts; 357 for selling unsound food; 836 for other sanitary offences; 788 for offences against the Pawnbroker's Act, the majority being cases of unlawful pledging; 1,157 for offences against the excise and other revenue laws; 3,501 for disobeying affiliation orders. 13,448 other offences not classed, complete the list of 339,091 summary convictions, to be added to the 14,254 convictions on indictment for more serious offences. Thus, the convictions on indictment in England in the year amounted to 7 per 10,000 of the population; and the summary convictions for the minor offences above described were 160 per 10,000 of population. The number of summary convictions increases, but the increase is in that class of them which are punished by fine, and are not regarded as requiring a sentence of imprisonment.

The question whether the gamekeeper of the lord of a manor can seize and take a gun from a poacher on the manor has been raised in the Keswick county court. An action was brought by William Valentine against William Cape and Abraham Starkey to recover the value of a gun taken from the plaintiff by the defendants, who were acting as gamekeepers to Lord Leconfield, within the manor of Braithwaite and Coledale. The facts were not disputed, and the entire question rested upon the construction to be put upon the 13th section of the Game Act, which is as follows:—"That any lord of a manor may appoint one or more persons as gamekeeper or gamekeepers to preserve or kill the game within such manor, and to authorize such gamekeeper or gamekeepers to seize and take for the use of such lord all such dogs, nets, and other engines and instruments for the taking and killing of game as shall be used within the said limits by any person not authorized to kill game for want of a game certificate." The word gun is omitted from that section, but it was contended on behalf of the defendants that gun was included in the words "other engines or instruments." The judge, Mr. T. H. Ingham, in delivering judgment, said the point was one which had never before been raised in the law courts. Among the learned commentators on the game laws he found great perplexity and difference of opinion upon the point; but having reviewed former statutes, he said it appeared quite clear to him that in all cases where the Legislature intended to include gun, that word has always been specifically introduced. But the most conclusive fact of all to his mind that the Legislature purposely left out the word gun in the 13th sec. of 1 and 2 Wm. IV., c. 32, was the language of a subsequent section in this very Act, namely, sec. 23, where it is enacted, "that if any person shall use any dog, gun, net, or other engine or instrument, for the purpose of searching for, or killing or taking game, &c., shall forfeit, &c." Here each and every word of the 13th sec. was used, but adding the word gun. In the face of this language, was it not a most violent conclusion to say that the 13th sec. includes all which the 23rd sec. includes? If it were contended that the words of the 13th sec. include gun, would not the Legislature have used the same language in the 23rd sec.? He had come clearly to the opinion that the Legislature never meant to give the power of seizing a gun under the 13th sec. of the Game Act, and even if it did, he felt bound to adhere to the well-known principle of not extending penal Acts in the least degree beyond their express language, and therefore his verdict would be for the plaintiff.—*Pall Mall Gazette.*

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NOTES OF ENGLISH DECISIONS.

(From the *Law Times.*)

WILL—THELLUSON ACT.—B. bequeathed the residue of his personal estate to trustees, upon trust that they should invest the same in Government or real securities, and apply the interest thereof, or as much as might be necessary, towards the maintenance of his son for life. And upon further trust to lay out and invest any surplus which might from time to time remain of and from the said interest, dividends, and proceeds, after such application as aforesaid, and to treat and consider such surplus in all respects as part of his (the testator's) personal estate and effects. The son, who was a lunatic, survived the testator more than thirty years, and during his life the trustees, after providing for his maintenance out of the income of the property, had invested and accumulated the surplus. On his death a question arose as to whether such investment was an accumulation within the Thelluson Act: Held, that, inasmuch as it had been directed by the testator himself it came within the Act, and that all accumulations beyond twenty-one years from the testator's death must be treated as property undisposed of. B. bequeathed a moiety of the residue of his personal estate to S., accompanied with a direction that, in the event of his becoming entitled to it, certain "debts and sums of money then due to the testator from him, and the interest thereon, should be a charge upon and deducted from his share of the residue." Held, on S. becoming entitled to the property more than thirty years after the death of the testator, that the penalty alone on certain bonds in which he was indebted to the testator was to be deducted from his share of the residue : (*Matthews* v. *Keble*, 18 L. T. Rep. N. S. 832. V. C. S.)

PRACTICE—JUDGMENT-CREDITOR.—A petition to wind-up was presented after action brought, but before judgment, and the creditors having no notice of the petition, signed judgment, issued execution, and seized before the order to wind-up was made. The Court, under the power given by sect. 87, refused a motion for an injunction to restrain execution : (*Re Bastow and Co.* 16 L. T. Rep. N. S. 788. V. C. M.)

CONTRIBUTORY — MISREPRESENTATION. — The shareholders in a company formed under the Companies Act 1862 are liable, on the winding-up of such company, as contributories to the payment of creditors of the company, although they may have been induced to subscribe for or to purchase the shares they ohld by false and fraudulent misrepresentations in the prospectus or in the memorandum or articles of association. *Aliter*, in a case between the company and a shareholder seeking to be relieved from his contract, or where the company is suing the shareholders for calls. The decision in the case of *Reese River Mining Company, ex parte Smith*, 16 L. T. Rep. N. S. 549, questioned and commented upon : (*Oakes* v. *Turquand*, 16 L. T. Rep. N. S. 808. H. of L.)

CHANCERY PRACTICE—ORDER OF DIVORCE COURT.—Where the Divorce Court has made an absolute order for dissolution of marriage, and an order for permanent alimony, and the late husband is dissipating his property, or putting it out of his power, the Court will grant an injunction, and appoint a receiver to protect it for the benefit of the former wife : (*Sidney* v. *Sidney*, 17 L. T. Rep. N S. 9. V. C. M.)

INQUISITION BEFORE SHERIFF — COMPENSATION FOR SEVERANCE—RAILWAY CLAUSES ACT, ss. 68, 69.—Land of the plaintiff was intersected and severed by the line of a railway company, and access to a portion of it cut off. The land at the time of the severance and inquisition was agricultural land, but was favourably situated for building purposes. The jury at the inquisition to assess compensation were directed by the sheriff that if they valued the land as building land they ought to assess the damage for severance on the principle that all access was cut off: Held, that inasmuch as under ss. 68 and 69 of the Railway Clauses Consolidation Act accommodation works could only be ordered by the justices with reference to the present uses of the land, the direction was right : (*Reg.* v. *Brown*, 16 L. T. Rep. N. S. 827. Q. B.)

ADVERSE WITNESS—HOW HE MAY BE EXAMINED.—A witness called on behalf of the plaintiff gave evidence quite different from the proof in the brief of plaintiff's counsel, and from the heads of evidence as taken down in writing by plaintiff's attorney, and alleged to have been read over by him to the witness. The witness was considered sufficiently adverse, within the meaning of sect. 22 of the C. L. P. A., 1854, to be examined as to his previous statements to the plaintiff's attorney ; and the Judge allowed the witness to be asked whether he did not *say* the several things stated in the paper containing the heads of his evidence as taken down by plaintiff's attorney, but refused permission to examine the witness from the paper "as a statement in writing" made by him within sect. 24 of the C. L. P. A., 1854 : (*Amstell* v. *Alexander*, 16 L. T. Rep. N. S. 830. Bramwell, B.)

WRIT OF MANDAMUS.—Certain trustees had power by statute had power to improve the navigation of the river W., and they made weirs, locks, and clows thereon. By the act all persons whose lands were injured by reason of the navigation were entitled to compensation. E., whose lands adjoined the river, issued a *mandamus*, alleging that the trustees had the management of the weirs and clows, and did not raise the clows high enough, and in consequence of the overflow of water E. was injured by reason of the navigation, The return denied that the damage was by reason of the navigation. Held, affirming the judgment of the Ex. Ch.), that the writ after verdict must be taken sufficiently to allege that the not raising the clows by the trustees caused the damage to E. : *Semble*, if such a writ had been objected to before verdict it must have been quashed for defect in the allegations : (*Lord Delamere* v. *The Queen*, 17 L. T. Rep. N. S. 1.)

CONTEMPT OF COURT.—Where the writer of an article in a newspaper made comments, calculated to prejudice the plaintiff's case, on affidavits filed on behalf of the plaintiff, but not yet before the court, on an application to commit the publisher for contempt, the Court held that the publisher had been guilty of gross contempt of court, but on an ample apology being made by him, considered it sufficient to make him pay the costs of the application. The rules which have been laid down by the court as to fair comments on matters of public interest do not extend to matters waiting for argument and decision : (*Tichborne* v. *Mostyn*, 17 L. T. Rep. N. S. 5. V. C. W.)

SHAREHOLDER—MISREPRESENTATION IN PROSPECTUS—SUPPRESSIO VERI.—The articles of association provided that the promoter was to receive £1,500. He was the owner of the property, which the company was to buy of him for £6,250, and which he had recently purchased for £1,500. The prospectus stated the capital to be £25,000, in 5,000 shares, and that a guaranteed dividend of not less than 15 per cent. for the first five years, and all profits above 20 per cent. would be carried to the account of the company. The guarantee was only the personal one of the promoter. The plaintiff, who took shares on faith of the prospectus, was held to be entitled to be removed from the register, on the ground of misrepresentation, and it was also held that the difference between the £1,500 and the £6,250 must be deemed to be promotion money, and not warranted by the articles : (*Kent* v. *The Freehold Land, &c., Company*, 17 L. T. Rep. N. S. 77. V.C.W.)

BILL OF LADING—FOREIGN COIN CARRIED AS CARGO AND LOST.—Where a ship at Melbourne bound for New York received on freight a quantity of sovereigns and gave a usual bill of lading therefor, but failed on her arrival to deliver them to the indorsee of the bill of lading : Held that in fixing the amount of damages, the bill of lading was to be treated not as a contract to pay money, but to carry and deliver goods. That the value of the sovereigns was not to be fixed by a statute which fixed its computation for ordinary transactions, but by their actual value in the currency of the country : That the clause in the bill of lading fixing the freight at so many pounds sterling was a promise to pay money, and in calculating the freight the pound sterling must be taken at its legal value : (*The Patrick Henry*, 17 L. T. Rep. N. S. 76, Un. St. Adm. Ct.)

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REVERSION—LIFE-ESTATE—MORTGAGE.—The plaintiff was entitled to a life-estate in moneys and funds, which had arisen from the sale of certain settled estates. This life-estate was subject to two jointure rentcharges, one of £1,000, in favour of C., and another of £500; and also to mortgages to the amount of £23,000. Being under great pressure for want of money, plaintiff applied to the defendant, a money lender, for a loan of £1,000, which was advanced, and the plaintiff executed an indenture whereby, in consideration of that advance, he covenanted for payment within three months after the death of C. of the sum of £3,300, and interest thereon at the rate of £1 per cent., per annum, and he covenanted to insure his life for £3,500. And in the indenture was a proviso that if the plaintiff should pay the defendant £1,500 before the 15th Aug., 1865, and all the interest, premiums, and costs up to that date, then the defendant would re-assign. On the 8th Jan., 1865, the defendant also signed a memorandum whereby, in consideration of £400 then due, he agreed that the £400 and interest at the rate of 5 per cent. per month, should be tacked to the previous mortgage. The bill asked that, on payment to the defendant of such sums as the court should consider him entitled to for principal and interest, he might be decreed to re-assign the life-estate. The M. R. considered that this was the sale of a reversion at an inadequate value, and ordered the assignment to be cancelled and the property to be re-conveyed on payment of principal and interest at 5 per cent.: Held, reversing the decision of the M. R., that a life-estate, merely because it was subject to charges for lives and to mortgages, could not be considered a reversion; it was only an estate which would be increased on the deaths of certain persons: held further, that, although £5 per cent. per month was an excessive rate of interest, still, as the plaintiff was of full age, and knew what he was doing, the defendant was entitled to insist upon his agreement: (*Webster* v. *Cook*, 16 L. T. Rep. N. S. 821. L.C.)

THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

CONSOLIDATED CHAMBER SITTINGS.

A Judge will sit in Chamber on Tuesday next, the 29th instant, at 12 o'clock, to hear motions for the Three Superior Courts of Common Law.

CONSOLIDATED NISI PRIUS COURT.

MICHAELMAS TERM, 1867.

Tuesday next, the 29th instant, will be the last day for lodging dockets of abstracts of records for trials on the first day of the sittings of this Court, commencing on Monday, the 4th day of November next.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before ASSISTANT REGISTRAR.		
Oct. 28	12 o'clock	Arrangement case - - -	Proof of debts - - - - -	*Cronhelm & Lett*
		Tuesday. Before the COURT.		
Oct. 29	12 o'clock	James E. Devlin - - - -	Final examination and ex. witnesses	*Cleary*
		Thursday, Before ASSISTANT REGISTRAR.		
Oct. 31	12 o'clock	Patrick Dower - - - -	Proof of debts & vouch assignee's acct.	*Perry*
"	"	Dawson, Tate, and Co. - - -	do. - - - - -	*Carleton & Sinnott*
		Friday. Before the COURT.		
Nov. 1	"	Private arrangement - - -	1st private sitting - - - -	*Larkin*
"	"	William Lunham - - - -	Final examination - - - -	*Casey & Clay*

BANKRUPT.

Walsh, Charles, of No. 99, Townsend-street, city of Dublin, grocer and spirit dealer. Petition of bankruptcy filed October 21, 1867. To sur. Tuesday, 5th November, and Tuesday, 19th November. L. H. Deering, official assignee. *Eyre*, solr.

Certificates Allowed,

October 18.

Griffin, John, of Clonmel, county Tipperary, tobacconist, a bankrupt. *Fay and M'Gough*, solrs.

October 15.

Moran, Martin W., of Tuam, county Galway, grocer and general merchant, a bankrupt. *Larkin*, solr.

IN INSOLVENCY.

CASES DISPOSED OF IN THE COUNTRY.

At DOWNPATRICK, county Down, Oct. 9.
Before ROBERT JOHNSTON, Chairman.

Colville, Mary. Remanded for seven months from July 4, 1867, at suit of James Moore.

M'Gilton, Thomas. Petition dismissed.

M'Conville, Elizabeth. Discharged.

Smith, William. Remanded for four months from August 19, 1867, at suit of John Henderson and Anne Henderson.

At CASTEBAR, county Mayo, October 9.
Before JOHN H. RICHARDS, Chairman.

Grady, Mary. Discharged.

At DROGHEDA, county Louth, October 15.
Before JOHN C. NELIGAN, Chairman.

Balfe, James. Petition dismissed, the insolvent being out of custody.

At ENNISCORTHY, county Wexford, Oct. 15.
Before HENRY WEST, Q.C., Chairman.

Mellon, John.
Purcell, Patrick.
Roche, Edward.
} Discharged.

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At CAVAN, county Cavan, Oct. 15.

Before LOFTUS H. BLAND, Q.C., Chairman.

Finlay, William. Discharged.
Griffith, John. Adjourned to next Sessions.
Knox, James. Discharged.
Lynch, Terence. Do.
M'Donald, Michael. Adjourned to next Sessions.
Whyte, William. Discharged.

At WICKLOW, county Wicklow, Oct. 16.

Before JAMES W. J. LENDRICK, Q.C., Chairman.

Maguire, John.
Mooney, Christopher. } Discharged.
Walker, James.

At SLIGO, county Sligo, October 17.

Before HARTSTONGE ROBINSON, Chairman.

Clerkin, Mary. Discharged.
O'Connor, Charles. Adjourned to next Sessions.
O'Neill, Lewis. Discharged.

At BALLINAMORE, county Leitrim, October 17.

Before CHARLES H. HEMPHILL, Q.C., Chairman.

Flaherty, Hugh. Discharged.

At CORK, county Cork, October 17.

Before DANIEL R. KANE, Q.C., Chairman.

Brown, Thomas. Discharged.
Buckley, Timothy. Do.
Clery, John Thomas. Adjourned to next Sessions.
Conran, Robert Ronayne. Do.
Cussen, Robert. Petition dismissed; { leave to file another withheld for 4 months.
Derby, William. Discharged.
Donovan, Ellen. Do.
Donovan, Daniel. The insolvent is out of custody.
Foley, Bartholomew. Discharged.
Langstaff, Charles Joseph. Do.
Leslie, Richard. Discharged.
Murphy, William. Do.
M'Feat, James. Do.
M'Kenna, John. Do.
Nagle, Pierce. Do.
Sheehan, James George. Discharged.
Sullivan, Callaghan. Do.
Wheatley, Henry William Hewett. Adjourned to next Sessions.

INSOLVENTS DISCHARGED ON BAIL.

Hamilton, Nathaniel Alexander, Dublin, solicitor.
Greene, Honora, Queen's County, widow.

INSOLVENTS.

To be heard in Dublin.

Hamilton, Nathaniel Alexander, of Lower Dominick-street, city of Dublin, solicitor, arrested as "Nathaniel A. Hamilton." Hearing on Wednesday, December 4, at 11. *Walsh*, solr.

Pearson, John Odlum, of Beaumont, Drumcondra, county Dublin, commercial clerk, latterly out of employment. Hearing on Wednesday, December 4, at 11. *Rynd*, solr.

PETITIONS OF INSOLVENCY and SCHEDULES FILED.

(*No Day of Hearing yet fixed.*)

Madden, John, of Wood-quay, Galway, turnkey and yeoman; formerly of Bohermore, Galway—a prisoner in gaol of Galway. *Regan*, solr.

M'Farland, Robert, of Crockatugal, county Fermanagh, farmer; previously of Moneygoan, county of Tyrone, farmer—a prisoner in the gaol of Enniskillen. *Martin*, solr.

PETITION OF INSOLVENCY FILED.

Against Vize, Eliza, of Mountrath, Queen's County, widow and executrix of William Vize, deceased—a prisoner in the gaol of Maryborough. *Rynd*, solr.

PAUPER DECLARATIONS FILED.

October 24.

Cullen, John, detained by George Sheriff Sherwood, John Sherwood, and William Sherwood, trading as "John Sherwood and Sons." *Fitzgerald*, solr.

Redmond, Patrick, detained by Michael Staunton. *Mooney*, solr.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	OCTOBER. Sat. 12	Mon. 14	Tues. 15	Wed. 16	Thur. 17	Fri. 18
Government						
3 p c Consols	—	93⅜	92⅞	92⅞	92⅝	93⅛
New 3 p c Stock	92⅛	92¼	92	92	91⅞	92¼
Foreign and Colonial.						
India 5 p c Stock	—	112⅞	112⅝	—	—	
Joint-Stock Banks.						
Ireland, £100 pd	232½	—	—	—	—	234
Hibernian, £25 pd	38⅝	38⅝	38¼	—	—	39½
Munster (Limited.), £8 10s pd ..	4⅝	—	4⅝	—	4⅝	4⅝
National, £30 pd	61½	61¼	61½	61¼	61½	61
National of L'pool (Ltd.), £15 pd	—	13¼	—	—	—	12
Provincial, £25 pd	—	5⅛	—	—	—	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	—	—	32⅞	32⅝	32½
Ulster Banking Co., £2 10s pd ..	—	—	—	—	9¼	9¼
Union, £22 pd	—	14	14⅛	14⅞	—	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	103	—	—	104	105
D. & L. St. S. B. Co. £50 pd (rd) ..	55	—	—	—	54⅝	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	8	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	11	—	11⅛	—	—
Do., £5 pd B	—	6⅛	—	—	—	—
Do., £4 pd 2 C	—	—	—	5⅝	—	—
Grand Canal, £100 pd	—	—	—	—	46	—
Patriotic Insurance, £10 pd ..	8	—	8	—	—	8
National Insurance, £25 pd ..	31		—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	45⅛	—
Cork & Bandon, 50 pd	11	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	75⅛	—	—	75	—
Dublin & Kingstown, £100 pd ..	195	—	—	—	198	—
Dublin & Drogheda, £100 pd ..	—	86¼	—	—	86½	—
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	95⅛	95⅛	95⅛	95⅛	95⅛	95⅝
Midland Gt. Western, £100 pd ..	—	—	—	—	56	57⅛
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	92½	92⅛	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—		—	—	6
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	47
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	95⅛	—	95⅛	96	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—October 15th and 29th.
Account Day - October 16th and 30th.

On Saturdays business commences at Twelve, and the Stock Brokers Offices close at One o'clock.

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BIRTHS, MARRIAGES, AND DEATHS.

DEATHS.

FERGUSON—October 20, at 101, Baggot-street, Alice Marian, the infant daughter of Chaworth J. Ferguson, Esq, barrister-at-law.

KEOGH—October 21, at Boulogne-sur-Mer, Mrs. Keogh, widow of William Keogh, Esq., late clerk of the crown for Kilkenny.

A GENTLEMAN is anxious to Buy or Exchange for a second-hand edition of "Chitty's Equity Index" (1853); also, would dispose of "Sugden on Powers," 8th edition; Sugden on Vendors," 13th edition; "Jarman on Wills," 3rd edition; and "Petersdorff's Abridgment," 1st series. Apply to A B C, at this Office.

LEGAL POSTINGS:

LANDED ESTATES' COURT, IRELAND.

COUNTY OF DONEGAL.

In the Matter of the Estate of John George Laird, Owner; Ex-parte Samuel Donnell, Petitioner.

TO BE SOLD BY PUBLIC AUCTION, before the Hon. Judge Lynch, at the Landed Estates' Court, Inn's-quay, Dublin, on TUESDAY, the 5th day of NOVEMBER, 1867, in One Lot. Dwelling-houses and Premises, situate in the Town of Ballybofey, in the Barony of Raphoe, and County of Donegal, held under two leases for lives renewable for ever, and producing a net profit rent of £84 13s. 4d. per annum.

Dated this 26th day of June, 1867.

H. R. GREENE, Chief Clerk.

DESCRIPTIVE PARTICULARS.

The Dwelling-houses and Premises to be sold, are situate on the south side of the Street of Ballybofey, in the Barony of Raphoe, and County of Donegal, held under lease dated 18th March, 1778, for lives renewable for ever. A fee-farm grant of said lease will be executed to the purchaser. The rent payable thereunder is £11 1s. 8d. sterling, and 6d. in the £ Receiver's fees

The other portion of the premises to be sold, are held under lease, dated 20th September, 1853, for lives renewable for ever, subject to the yearly rent of £10 10s. sterling.

The premises are situate in the best and most central part of the thriving Town of Ballybofey, and well circumstanced for any kind of business on an extensive scale, and within ten minutes' walk of the Fin Valley Railway.

One of the four tenements is occupied as a bank, by the Northern Banking Company, and is three stories high. The other three houses are also three stories high, and have good shops in an excellent situation for any business; all the premises are in good order, and will not require a shilling outlay.

The value of property in Ballybofey is gradually increasing since the railway was opened in that locality.

Ballybofey is one of the most promising towns of the kind in all the County, having the advantage of good markets for sale of agricultural produce, which is abundant in that locality, therefore the property for sale is a most eligible investment.

For Rentals and further particulars apply to

Messrs. WILSON & HODGES, Solicitors having the Carriage of the Sale, 34, Lower Ormond-quay, Dublin; at the

REGISTRAR'S OFFICE, Landed Estates' Court, Inn's-quay, Dublin.

ROBERT WILSON, Solicitor, Strabane.

Iu the LANDED ESTATES' COURT, IRELAND.

COUNTY OF MAYO.

In the Matter of the Estate of Stanhope William Fenton Kenny, Owner and Petitioner.

TO BE SOLD, before the Hon. Judge Dobbs, at the Landed Estates' Court, Inn's-quay, in the City of Dublin, on FRIDAY, the 15th day of NOVEMBER, 1867, in ONE LOT, a Profit Rent of £20 15s 4½d., derived out of a Fee-farm Rent of £152 8s 3d, issuing out of three quarters of Drumbrick, known as Carrowluken, Knockatemple, and Carrownacrossy, and the quarter of the Land of Ara, situate in the Barony of Gallen, and County of Mayo, held under deed of fee-farm, dated the 5th December, 1840, from the Ecclesiastical Commissioners for Ireland.

Dated this 18th day of July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

For Rentals and further particulars apply at the Office of the Landed Estates' Court, Inns'-quay, Dublin; or to

Messrs. READ & CRAWFORD, Solicitors having Carriage of the Sale, No. 35, Dame-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Charles Byrne and Edward Byrne, both of Henry-street, in the City of Dublin, Grocers and Provision Merchants, Trading as Byrne and Company, Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 5th day of NOVEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupts in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 18th day of October, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

CASEY & CLAY, Agents to the Bankruptcy, No. 21, St Andrew-street, Dublin.

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Charles Walsh, of No. 99, Townsend-street, in the City of Dublin, Grocer and Spirit Dealer, a Bankrupt

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 5th day of NOVEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., No. 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 22nd day of October, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

JOHN EYRE, Agent to the Bankruptcy, No. 1, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Patrick Waldron, of Tuam, in the County of Galway, Grocer and Shopkeeper, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 7th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, *to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on TUESDAY, the 12th day of NOVEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account* in this Matter; whereof all persons concerned are to Take Notice.

Dated this 22nd day of October, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

JAMES PATRICK MADDEN, Agent to the Bankruptcy, No. 87, Talbot-street, Dublin.

In the Matter of the Goods of Jane Carmichael, late of No 24, Rutland-square, in the City of Dublin, widow of the late Surgeon Richard Carmichael, deceased.

TAKE NOTICE that pursuant to the statute of the 22nd and 23rd Victoria, chapter 35, entitled "An Act to Further Amend the Law of Property, and to Relieve Trustees," all Creditors and other persons having any debt or claim against or upon the Estate of Jane Carmichael, late of No. 24, Rutland-square, in the City of Dublin, widow, who died on the 24th day of November, 1864, at No. 24, Rutland-square, aforesaid, probate of whose Will and Codicil thereto annexed, was granted forth of the Principal Registry of Her Majesty's Court of Probate in Ireland, on the 23rd day of March, 1865, to Robert Jebb of Desmond, Killiney, in the County of Dublin, Esquire, Barrister-at-Law, one of the Executors named in said Will (the other Executor therein named having duly renounced), are hereby required on or before the 1st day of DECEMBER, 1867, to send, in writing, the particulars of their debts and claims, and also of their securities (if any), to the said ROBERT JEBB, or to TOWNLEY WILLIAM HARDMAN, his Solicitor, No. 22, Bachelors'-walk, Dublin.

And Notice is also hereby given, that the said Robert Jebb, will distribute the Assets of the said Jane Carmichael, among the parties entitled thereto under the said Will, having regard only to those claims and demands of which the said Robert Jebb, or his Solicitor shall have had notice, on or before the said 1st day of December, 1867.

And the said Executor will not be liable for the said Assets, or any part thereof, to any person, of whose debt or claim he or his said Solicitor shall not have had notice previous to the said last mentioned day.

Dated this 19th day of October, 1867.

TOWNLEY WILLIAM HARDMAN, Solicitor for said Executor, No. 22, Bachelors'-walk, Dublin.

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Among the many Advantages offered by the PATRIOTIC ASSURANCE COMPANY OF IRELAND may be enumerated—

The Head Offices are in Dublin.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St Thomas and City of Dublin. Saturday, October 26, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 40.] SATURDAY, NOVEMBER 2, 1867. {Single Copy, 6d. By Post, 7d.

IN our last number we arrived at that point in the history of the jury system in England where the jurors had ceased to be necessarily the witnesses or recognitors of the case they were to try, and when witnesses were summoned to assist the jurors in coming to a verdict, though without having power to influence that verdict We also saw that though the trial by jury was established by the law of the land as the indubitable right of every citizen, still it was not always to be obtained, and there are numerous instances on record in the old chronicles and the statutes of the Norman, and even the Plantagenet and Lancastrian Sovereigns, where both the parties to a trial, but most frequently in the case of the defendants, were willing to pay for that privilege.

As might be expected also, this institution did not escape the attack of those sovereigns whose power, from one cause or another, was greater than usual, or whose nature made them tyrannical and jealous of anything which seemed to make their subjects in any way independent of them; and thus we find that in Queen Elizabeth's reign many attempts, frequently successful, were made to bring juries under the power and management of the legislative officers of the Crown. And, until a much later period, they were fined for their verdicts when they were not of such a kind as pleased the Government; sometimes they were intimidated by the influence of the Star Chamber, and very often, indeed, the point which is not yet altogether settled, was raised—as to their right to return a general verdict, especially in the matters of manslaughter and murder, and libel.

The illegal and arbitrary jurisdiction of the Council of the Star Chamber continued, in despite of several positive statutes against it, through all the duration of the Plantagenet dynasty to deprive the subject, in many criminal charges, of the privilege of trial by his peers; and this jurisdiction, exercised more vigorously, was the principal grievance of English subjects under the Tudors, and, though it did not exactly pass sentence in capital charges, yet, by intimidating jurors, it could always procure conviction, which it could not legally pronounce; and in evidence of this we may be allowed to quote a paragraph from Sir Thomas Smith's *Commonwealth of England*, book 3:—"If the jury do pronounce not guilty upon the prisoner, against whom manifest witness is brought in, the prisoner escapeth, but the twelve are not only rebuked by the judges, but also threatened of punishment, and many times commanded to appear in the Star Chamber, or before the Privy Council, for the matter. But this threatening chanceth oftener than the execution thereof; and the twelve answer in the most gentle words, they did it according to their consciences, and pray the judge to be good unto them, and so it passeth away for the most part. Yet I have seen in my time that an inquest for pronouncing one not guilty of treason, contrary to such evidence as was brought in, were not only imprisoned for a space, but a large fine set upon their heads, which they were fain to pay; another inquest for acquitting another, besides paying a fine, were put to open ignominy and shame. But these doings were even then accounted of many tyrannical and contrary to the liberty and custom of the realm of England."

Smith probably alludes to the case of Sir Nicholas Throckmorton, who was acquitted by a jury in the reign of Queen Mary—the jury were committed to prison for their verdict, and four of them who acknowledged their crime were released, but the rest attempted to justify themselves before the Council of the Star Chamber, and were sentenced to pay a fine of one thousand marks each. The 26th of Henry VIII., cap. 4, even enacts that if a Welsh jury should acquit a prisoner contrary to direct evidence, the judge may bind them to appear before the President and Council of the Welsh marches. There was also a case decided in Queen Elizabeth's reign, that against Stubbe, the lawyer, for publishing a

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pamphlet against the Queen's intended marriage with the Duke of Anjou, for which Stubbe was condemned to have his right hand cut off. It is said that when the penalty was inflicted, taking off his hat with his left, he exclaimed, "Long live Queen Elizabeth;" and Hallam, noted for his critical acumen and judicial impartiality, states that this pamphlet was very far from being what some have ignorantly or unjustly called it, a virulent libel, but is written in a sensible manner and with unfeigned loyalty and affection towards the Queen. We cannot wonder, however, at any verdict that could be returned by a jury, when we consider the means the Government had for securing it. The sheriff returned a panel, either according to express directions, of which there are proofs, or to what he judged himself of the Crown's intention and interest. If the verdict had gone against the prosecution in a matter of moment, the jurors must have been prepared to appear before the Council of the Star Chamber, and thus we see that the control of this entirely arbitrary tribunal rendered powerless all minor jurisdictions. Instances of the kind mentioned above were not of very frequent occurrence, but they happened sufficiently often to keep jurors in awe. There was a very flagrant case in point, just after the Restoration, when two judges, Hyde and Keeling, exercised and revived an arbitrary power which had fallen into disuse during the Commonwealth; it was, when a grand jury having found a bill for manslaughter instead of murder, against the direction of Judge Keeling, they were summoned before the Court of King's Bench and dismissed with a reprimand instead of fine; this proceeding attracted the notice of the House of Commons, who passed some resolutions against Keeling for illegal and arbitrary proceedings in his office, and also resolved that he should be brought to trial; but he appeared at the bar of the House, and extenuated and excused his offence so much that the House, after resolving that the practice of fining or imprisoning jurors is illegal, came to a second resolution to proceed no further against him.—(*Journal of the House of Commons* for 16th October, 1867, quoted by Hallam, in his *Const. Hist.*).

But more decisive means were afterwards taken to render abortive the precedents which some of the judges tried to establish; for, in two cases where the fines imposed upon jurors had been estreated into the Exchequer, Chief Baron Hall stayed process, and it was afterwards resolved by all the judges, except one, that it was against the law to fine a jury for giving a verdict contrary to the Court's direction. Yet, notwithstanding this determination, in 1670, on a trial of the celebrated Quaker, Penn, and Mead, at the Old Bailey, before the Recorder of London, on an indictment for an unlawful assembly, a juryman named Bushel who deserves the imperishable gratitude of his countrymen, was determined, and encouraged his fellow jurors, to be firm against all the threats of the Court, and acquitted the prisoners. The Recorder set a fine of forty marks on each of the jurors for perverseness and contumacy. Bushel refused to pay the fine, and the Recorder committed him to prison. He sued out a writ of *Habeas Corpus* from the Court of Common Pleas, and on a return being made to it that he had, as a juror, acquitted Penn and Mead *contra plenam et manifestam evidentiam* the subject was elaborately discussed; and Chief Justice Vaughan pronounced the return inefficient, and the fine and imprisonment illegal. From that time the invaluable doctrine that a jury, in the discharge of their duty, are responsible only to God and their consciences, has never been shaken or impeached. Erskine, in his famous speech for the Dean of St. Asaph, observed that the country was almost as much indebted to Bushel for his conduct in resisting the fine as to Hampden for resisting ship-money. In earlier times when the jurors were also witnesses, they were liable to be punished by a writ of Attaint if a second jury, consisting of twenty-four, found them guilty of giving a false verdict. The punishment in such a case was that the jurors should be deprived of all their property, be imprisoned, and become for ever infamous; and that the plaintiff should be restored to all he had lost by reason of the unjust verdict. This proceeding had become obsolete in the reign of Elizabeth, though not formally abolished till the 5th George IV. (*Blackstone* 3, p. 433).

In comparatively modern times the question arose as to the province of a jury in trying cases for libel. The judges and lawyers for the most part maintained that the province of the jury was only to determine the fact of publication, and also whether the libel meant what it was alleged in the indictment to mean, not whether such meaning were criminal or innocent—a question of law which the Court only was competent to decide. That the jury might acquit at their pleasure was undeniable, but it was asserted that they would do so in violation of their oaths and duty if they should reject the opinion of the judge by whom they were to be guided as to the general law. Others of great authority in the science of jurisprudence, and the majority of the general public, thinking that this would throw the liberty of the press into the hands of the judges, maintain that the jury had a strict right to take the whole matter into their consideration, and determine the defendant's criminality or innocence according to the nature and circumstances of the publication. This point was finally settled by Mr. Fox's Libel Bill in 1792, "which declares the right of the jury to find a general verdict upon the whole matter; and, though

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from causes easy to explain it is not drawn in the most intelligible and consistent manner, was certainly designed to turn the defendant's intention—as it might be laudable or innocent, seditious or malignant—into a matter of fact for their inquiry and decision."—(*Hallam.*)

A few weeks ago it was our sad task to pay a tribute to the memory of one of Ireland's greatest lawyers, and we now have another great man to regret. Lord Rosse, although not a lawyer, was one of the most prominent men of the day in science, and reflected the highest credit on his country, his loss then must be severely felt by the nation at large. His discoveries, and his zeal in the study of astronomy, are too well known to the world to require us to dilate upon them; and that he did not neglect the duties of his position, in considering what was necessary for the welfare of his countrymen, his late publications on the Land Question testify. The Right Hon. William, Earl of Rosse in the Irish Peerage, was born at York, in 1800. He was the eldest son of that Sir Lawrence Parsons, Bart, afterwards second Earl of Rosse, who took so prominent a part in the Irish House of Commons, in opposing the Legislative Union with Great Britain. Lord Rosse was educated first at Trinity College, Dublin, and afterwards proceeded to Oxford, where he graduated in the First Class in Science; thus giving an early intimation of his eminent success in that study in after life. The earldom was created in 1806, and Lord Rosse was one of our representative Peers since 1845. The posts of dignity which he held are a sufficient proof of the value set upon his character as a man, his integrity as a true patriot, and his discoveries in the world of science. He was President of the Royal Society of London; Chancellor of the University of Dublin, in which honour he succeeded the late Primate Beresford; Senior Member of the Senate of the Queen's University in Ireland; one of the Visitors of Maynooth College; Vice-President of the Statistical Society; Doctor of Laws of the University of Cambridge; Lieutenant and Custos Rotulorum of King's County; Colonel of Militia; and Knight of the Order of St. Patrick. He was also named a Knight of the Legion of Honour by the Emperor of the French, in 1855. Lord Rosse was a Conservative in politics, but never allowed himself to become a mere partisan; he represented the King's County in Parliament from 1821 to 1834, and was an excellent landlord. He is succeeded by his son, Lord Oxmantown, who is twenty-seven years of age, and who graduated in Trinity College, Dublin, in 1864.

This being the first day of Michaelmas Term, the Courts of Chancery and Law resume their sittings with the usual formalities, but with no prospect of a larger share of work than that which they have had to do for the last couple of years. Nor can we expect for some time, at least, an increase in the amount of general business.

On this day the new Chancery Act—that is, the Practice and Procedure part of it—comes into force, and a system of practice will be introduced entirely different from that to which we have been accustomed. As yet the General Orders required by the Act have not appeared, and consequently more than the skeleton of the new system is not known; and, no doubt, considerable difficulty will be found, as was the case in 1850, in deciding what course to pursue in cases too pressing to await the appearance of the Orders. Many books of practice are promised, and will appear immediately after the Orders, but until their appearance the English books must guide the practitioner, while the general business of the Court will probably be rather increased by the new practice; it yet remains a most difficult point as to whether that increase will be an advantage to the legal professions; indeed, there can be little doubt that the business of the Bar will be much diminished, more particularly if counsel are not to appear before the Chief Clerk in cases coming within his jurisdiction. The measure, however, seems to be looked upon with great favour by the profession, and there can now be little doubt that the Act of 1850 was one which had not the effect which its supporters expected, namely, the administering of justice at a cheap rate.

INCORPORATED SOCIETY OF ATTORNEYS AND SOLICITORS, IRELAND.

The examination of candidates, seeking to be bound apprentices to attorneys, was held in the Society's Hall, on Wednesday and Thursday last. Twenty-eight candidates appeared.

The final examination of gentlemen seeking to be admitted commenced on yesterday, at which six candidates presented themselves.

The examination for the Society's prize also commenced yesterday. The result of all these examinations will be publicly announced on Tuesday next.

LEGAL APPOINTMENT.

Berkley Edgar Whitestone, Esq., solicitor, has been appointed Chief Clerk to the Right Honourable the Master of the Rolls. The salary, as in the case of the other Chief Clerks, is £800, rising to £1,000 per annum.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

CONSOLIDATED CHAMBER.

Reported by J. L. WHITTLE, Esq., Barrister-at-law.

Coram, O'BRIEN, J.

25th Oct., 1867.—*The Queen at the prosecution of J. Ramsay.*

W. O'Brien moved for a conditional order for a *Habeas Corpus*, or for a writ of *certiorari* in this matter, or for both. The prosecution was—custody under an order of committal of the 30th May. A warrant against the prisoner was issued on Sunday, the 19th May, dated that day; on that the prisoner was arrested, and an order was made on that day committing him to prison, and a warrant of committal made out. Subsequently another warrant was issued on the 30th of May, but that was also founded on the order of the 19th May, and so was equally bad. A writ of *Habeas Corpus* might not suffice, as it would be necessary to bring up the whole proceedings.

O'BRIEN, J.—Take a conditional order for both, and if cause is shown it can then be determined which shall issue first.

Noonan, attorney.

CLARK *v.* MARSH AND ANOTHER.

Munroe, for defendant, moved that the plaintiff, residing at Glasgow, be compelled to give security for costs.

Falkiner, Q.C., for plaintiff, relied on the following undertaking endorsed by the plaintiff:—"I hereby, as attorney for and on behalf of the defendants within named, accept service of the within plaint, and admit that same has been, this 3rd day of Oct., 1867, served upon them, and I undertake to appear and file a defence thereto within the usual time on their behalf.

"WILLIAM E. BATWELL."

He contended that the motion was in violation of that undertaking to file a defence within the usual time.

Munroe in reply.

O'BRIEN, J., granted the application.

Attorney for plaintiff, *Samuel Black.*

Attorney for defendant, *W. E. Batwell.*

COUNTY LONGFORD MICHAELMAS QUARTER SESSIONS.

CIVIL BILL COURT.

(Before CHARLES KELLY, Esq., Q.C.)

CASEY and COX *v.* "THE MIDLAND G. W. RAILWAY."

Canal Company—Liability—Decision, &c.

This was an action brought by the plaintiffs, who are farmers resident in the County of Longford, against the defendants, as proprietors of the "Royal Canal," by reason of the negligence of their servants in not taking proper care of same, whereby plaintiffs' fields were flooded with water in the present year, and by said water remaining on their lands they have sustained considerable loss.

M'Dermott, on the part of the Company, contended that they were not bound to keep in repair the boundaries of said Canal (near which the source of the damage arose); that the fields so flooded and injury consequent thereon, was not from the negligence of the Company's servants. If such a case were decided against them, it would cast a grave responsibility on them, and in support of his defence cited several Acts of Parliament to bear on the subject.

His WORSHIP having expressed his opinion on the case, decided that the Company's servants should at once go and examine the place where it was alleged this mishap occurred, and put same in repair; and on proof of same at next Sessions would grant a dismiss, without liberty of bringing an action for subsequent damages.

For plaintiffs, *John Wilson* and *L. Fleming*, S.C.P., Longford.

For defendant, *M'Dermott*, instructed by *C. Reynolds.*

When the business of the Court of Admiralty, under its ancient and, we might say, obsolete practice, was terminated at the last sitting of the outgoing Judge on Friday, Dr. Todd, Q.C., the senior Advocate present, addressing Judge Kelly, said—Before your Lordship retires I wish to say a few words. The new Act of Parliament comes into operation to-morrow, and as this is the last time you will sit on that Bench, I desire, on behalf of the Advocates in the habit of practising before your Lordship, to express our sense of the great courtesy and kindness with which you have always attended to what fell from them. We have also to express our opinion of the ability and diligence with which your Lordship has discharged the duties of an office, sometimes extremely onerous, and always, I should say, very much underrated—not by the public, but by those who ought to be better acquainted with your Lordship and your services. It is owing chiefly to your Lordship's ability and your diligence in the discharge of your duties that this court has risen to the high position it at present enjoys in the mercantile opinion of this kingdom. I think it will be gratifying to your Lordship to know that I have the authority of my friend who succeeds your Lordship to say that he fully concurs in the sentiments I have already expressed towards your Lordship on your retirement into private life.

Mr. Hamerton, Queen's Proctor, said—My Lord, in the absence of Mr. Anderson, the senior Proctor, I have only to state that I cannot add one word to what Dr. Todd has said.

Judge Kelly, who appeared deeply moved, said—This address comes on me somewhat by surprise. I had intended, as I expected, to retire with the same quietude with which my retirement was effected. I could almost have wished to be spared this parting with old friends. I fully appreciate the kindness of your address, Dr. Todd. It is gratifying to me to find amongst the present attendance of the court some who are not always here, and who seem to pay me a compliment by coming just now. It would be more than affectation in me not to say that I part from this scene of my duty with great regret. I might add—it is but natural—and natural because it is true—that I have a right to feel indignant at the mode in which my retirement has been effected, and the almost merciless manner in which I have been treated. With that I am done. I only say that those who know me well will feel that this expression, whether expected or not, is a natural one. I thank the Advocates, and I thank the Proctors in thus parting from the place where the most important part of my life has been spent. I wish you all every happiness.

His Lordship then left the Bench.

We understand that the incoming Judge, Dr. Townsend, Q.C., will be sworn into office before the Right Honourable the Lord Chancellor on Monday next, the 4th instant.

DINNER TO MR. A. T. CHATTERTON.

Mr. A. T. Chatterton, recently appointed to the position of first officer in the Vice-Chancellor's Court of Ireland, was entertained at dinner on last Tuesday evening by the following solicitors of the county and city of Cork:—Philip W. Bass, Thomas Barry, Thomas Babington, John Bennett, Henry H. Barry, Kanturk; Henry Baggs, Mallow; J. C. Blake, Joseph Bennett, John Walter Bourke, John Cremen, Richard K. Exham, Benjamin Franklin, Michael Gamble, Reuben Thomas Harvey, David Hall, Thomas H. Jermyn, Henry B. Julian, Sylvester Gillman, Crown Solicitor; James Lane, Samuel P. Lindsay, Nicholas D. Murphy

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M.P.; Henry Noblett, Richard Neville Parker, Walter Ronan, Richard Daunt Reilly, Thomas K. Sullivan, James De Witt O'Donovan.

Henry Noblett, Esq., President of the Cork Law Society, occupied the chair; and the vice-chairs were filled by Richard Neville Parker, Esq., Vice-President of the Cork Law Society, John Bennett, Esq., and Walter Ronan, Esq.

Letters regretting their inability to attend, and all warmly concurring in the deserved compliment to Mr. Chatterton, were read from Mr. Wm. O'Keeffe, Clerk of the Peace, City of Cork; Mr. A. M'Carthy, Corporation Solicitor; Mr. Thomas Ware Corker, Mr. John Geo. MacCarthy, Edward O'Connor, Mallow; Michael O'Connell, Macroom; Richard and Owen Robinson, Joseph Verling Carpenter, Bryan Gallwey, Sessional Crown Solicitor; Robert Gregg, Francis M. Murphy, Michael Bourke, Fermoy.

After the usual toasts, the Chairman proposed the health of the guest, which was responded to with enthusiasm, and Mr. Chatterton replied, warmly acknowledging the kindness of his professional brethren.

The health of Mr. N. D. Murphy, M.P. for the city, and other toasts were proposed, and after passing a very pleasant evening, protracted to a late hour, the gentlemen separated.

THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

Guide so far as relates to marking of Judgments by Default.

NOVEMBER, 1867.

Plaint Served on	Filed not later than	Last Day to Plead	Entitled to Judgment
Friday, .. 1 Nov.	11 Nov.	15 Nov.	16 Nov.
Saturday, .. 2 "	12 "	16 "	18 "
Monday, .. 4 "	13 "	18 "	19 "
Tuesday, .. 5 "	14 "	19 "	20 "
Wednesday, .. 6 "	15 "	20 "	21 "
Thursday, .. 7 "	16 "	21 "	22 "
Friday, .. 8 "	18 "	22 "	23 "
Saturday, .. 9 "	19 "	23 "	25 "
Monday, .. 11 "	20 "	25 "	26 "
Tuesday, .. 12 "	21 "	26 "	27 "
Wednesday, .. 13 "	22 "	27 "	28 "
Thursday, .. 14 "	23 "	28 "	29 "
Friday, .. 15 "	25 "	29 "	30 "
Saturday, .. 16 "	26 "	30 "	2 Dec.
Monday, .. 18 "	27 "	2 Dec.	3 "
Tuesday, .. 19 "	28 "	3 "	4 "
Wednesday, .. 20 "	29 "	4 "	5 "
Thursday, .. 21 "	30 "	5 "	6 "
Friday, .. 22 "	2 Dec.	6 "	7 "
Saturday, .. 23 "	3 "	7 "	9 "
Monday, .. 25 "	4 "	9 "	10 "
Tuesday, .. 26 "	5 "	10 "	11 "
Wednesday, .. 27 "	6 "	11 "	12 "
Thursday, .. 28 "	7 "	12 "	13 "
Friday, .. 29 "	9 "	13 "	14 "
Saturday, .. 30 "	10 "	14 "	16 "

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Nicholas S. May, schedule.—F. J. Foster, biddings.—Assignee of William M'Dermott, schedule.—James Young, do.—John Murphy, do.—Roger Dodwell, do.—James Sargent, objection.—Lord Trimbleston, schedule.—William Mussenden, do.—William Thornton and another, do.—Executor of James Power, do.—J. P. Sweny, do.

Before JUDGE LYNCH.

Eliza Smallman, adjourned motion.—James Sadlier, to allocate.—Thomas Cuthbert, schedule.—R. C. D. Oliver, to allow tenants' objections.—W. R. Farmer, renewal of notice of 24th June.—A. Culbertson, amendment of map and return of issue.—W. Maley, make order absolute.—J. C. L. Bucknall, for carriage.—G. Hamilton, to stay payment.—J. G. Laird, liberty for petitioner to bid.

Tuesday—Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

J. G. Laird—1 lot—Donegal—perpetuity—profit rent, £81 11s. 4d.

Michael M'Garry—1 lot—county Dublin—lease renewable for ever—profit rent, £92 6s. 2d.

John Bole—3 lots—Longford—life estate, or lease, lives, and years—profit rent, £136 16s 4d.

A. M. Swinny—4 lots—Dublin—perpetuity—profit rent, £492.

H. M'Sherry—2 lots—Louth—fee-farm—profit rent, £77.

Wednesday—Before JUDGE LYNCH.

George Knox, explain delay.—Daniel Nugent, final schedule.—W. J. Howard, do.—H. Shalcross, do.—W. S. Wolfe, do.—C. D. E. Fox, do.—T. Kirby, do.—F. Brew, do.—Trustees of Whiteford, do.—T. A. O'Malley, do.

Before the EXAMINER.

John Wallis and another, rental.—E. Pope and others, do.—J. Thornton, do.—J. Goulding, do.—C. De B. Fox, do.—J. Furlong, do.—P. H. O'Keeffe, do.

Thursday—Before JUDGE DOBBS.

Trustees of Samuel Walker, schedule.—Assignee of Hon. G. French, do.—F. M. Barton, do.—W. T. Shortt, do.—Edward Murphy, do.—F. M. Butler and others, do.—T. B. Roden, do.—John Joyce, do.—John Litton and another, do.—H. L. Owen and others, do.—Richard White, do.

Friday—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

Thomas S. Cave—E. J. Bor—John Doyle—Redmond Burke—Hugh M'Menamin—J. R. French—Rev. W. A. Scott—J. H. Dixon—Maria Morron—John Bournes—Charles B. Hearn—Richard White— — Kelly—James Barrett—William Brophy—Patrick Ray.

NEW BARRISTERS.

The following gentlemen will be called to the Bar during the present Term:—

1. James Orr, Esq., B.A., Cambridge, eldest son of William Orr, of Hugomont, Ballymena, in the county of Antrim, Esq., solicitor. Certificate signed by the Solicitor-General. To be proposed by the Right Hon. the Attorney-General. Mr. Orr obtained the second prize at the General Examination of Students held on 25th and 26th October, and takes rank accordingly.

2. Morgan Walter John Butler Kavanagh, Esq., only son of Morgan William Ryves De Montmorency Kavanagh, late of Redacres, in the county of Kilkenny, gentleman, deceased. Certificate signed by Christopher Palles, Esq., Q.C. To be proposed by the Hon. Mr. Justice O'Brien.

3. Francis Carleton Reeves, Esq., A.B., T.C.D., third son of Edward Hoare Reeves, late of Castletown, in the county of Cork, Esq., deceased. Certificate signed by C. H. Todd, Esq., Q.C., LL.D. To be proposed by the Right Hon. the Vice-Chancellor.

4. William Fitzpatrick Cullinan, Esq., A.B., T.C.D., second son of Patrick Maxwell Cullinan, of Ennis, in the county of Clare, Esq., M.B., J.P. Certificate signed by John Arthur Adair, Esq. To be proposed by the Right Hon. Mr. Justice Keogh.

5. William Augustus Ledwich, Esq., A.B., T.C.D., eldest son of William Ledwich, of Mount Erroll, in the county of Dublin, Esq. Certificate signed by James Kernan, Esq., Q.C. To be proposed by the Hon. Baron Hughes.

6. Henry O'Hea, Esq., A.B., T.C.D., second surviving son of John O'Hea, late of Clonakilty, in the county of Cork, Esq., deceased. Certificate signed by John O'Hagan, Esq., Q.C. To be proposed by the Right Hon. Baron Deasy.

7. Robert O'Brien Furlong, Esq., A.B., T.C.D., only surviving son of William Croker Furlong, of Leeson-street, in the city of Dublin, Esq., solicitor, deceased. Certificate signed by Finch White, Esq., Q.C. To be proposed by the Right Hon. the Master of the Rolls.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before the CHIEF CLERK for CHIEF REGISTRAR.		
Nov. 4	12 o'clock	James Graham	Adjourned proof of debts and vouch	*Larkin*
”	”	Edward M'Dermott	do.	*Larkin*
”	”	Arrangement case	Proof of debts	*M'Govern*
”	”	Andrew Geoghegan	do.	*Fay & M'Gough*
”	”	James Sutherland	do.	*Boughey*
”	”	John Calvert	do.	*Buckley & Carey*
”	”	James Sutherland	Tax costs	*Boughey*
		Tuesday.—Before the COURT.		
Nov. 5	12 o'clock	Arrangement case	1st sitting	*Findlater & Collins*
”	”	do.	do.	*Larkin*
”	”	do.	2nd sitting	*Moore & Barlow*
”	”	do.	1st sitting	*Rynd*
”	”	do.	do.	*Rynd*
”	”	———	Adjudication	*Weldon*
”	”	Charles Watson	Sur., prove debts, and choose assignee	*Eyre*
”	”	Thomas Reynolds	Final examination	*Molloy*
”	”	Edward Soulsby	do.	*Casey & Clay*
”	”	John Woods	Prove charge	*Molloy & Watson*
”	”	Bernard Maginnis	do.	*H. C. Neilson*
”	”	Hugh Jameson	Final examination	*Larkin*
”	”	Charles and Edward Byrne	do.	*Casey & Clay*
”	”	Thomas Eckford	do.	*Larkin*
”	”	Edmond Molony	Adjourned final examination	*Molloy*
”	”	Michael Sullivan	do.	*Perry*
”	”	Dawson, Tate, and Co.	Prove charge	*Johns, Hewitt, & Johns*
”	”	P. J. O'Callaghan	do.	*Brunnetti*
”	”	John Hall	Examine witnesses	*Stuart*
”	”	Charles Weekes	do.	*Molloy & Watson*
”	”	Arrangement case	Adjourned motion	*Findlater & Collins*
”	”	Trader debtor sitting	———	*Molloy & Watson*
”	”	do.	———	*Bradley*
		Before the CHIEF CLERK, for CHIEF REGISTRAR.		
”	12 o'clock	Scott	To tax costs	*Forsythe*
”	”	Hall	do.	*Forsythe*
”	”	Flynn	do.	*Cronhelm*
”	”	Patent Peat Company	do.	*West & Fitzsimons*
		Thursday.—Before the COURT.		
Nov. 7	11 o'clock	Arrangement case	Charge and discharge	*Lisdall & Trill*
”	”	William Lunham	do.	*Howe*
”	”	do.	Adjourned approval title	*Howe*
		Before the CHIEF CLERK, for CHIEF REGISTRAR.		
”	12 o'clock	Richard Cantrell	Prove debts	*Tincler*
”	”	James E. Devlin	do.	*Cleary*
”	”	P. K. Waldron	To vouch account	*Madden*
”	”	Arrangement case	Prove debts and vouch	*Dodd*
”	”	Martin W. Moran	do.	*Larkin*
”	”	Mary Foley	Prove debts	*Larkin*
”	”	Henry M'Grath	do.	*Larkin*
”	”	Edmond Eyre	do.	*Larkin*
”	”	R. Cantrell	Tax costs	*Tincler*
		Friday.—Before the COURT.		
Nov. 8	11 o'clock	Arrangement case	1st sitting	*Casey & Clay*
”	”	do.	do.	*Larkin*
”	”	do.	do.	*Watson*
”	”	Patrick Dower	Audit and dividend	*Howe*
”	”	John Hall	Final examination	*Stuart*
”	”	Samuel Pickering	Examine debtors	*Larkin*
”	”	Owen Lynch	Final examination	*Casey & Clay*
”	”	James Thornton	do.	*Casey & Clay*
”	”	Ellis Rowland	Charge and discharge	*Cinnamond & Dwyer*
”	”	Michael Curran	Prove charge	*Howe*
”	”	Thomas Tower	do.	*Meldon*
”	”	John M'Ewen	Composition	*O'Connell*
”	”	William Young	Sur., prove debts, and assignee	*Perry*
”	”	Dawson, Tate, and Co.	Adjourned final examination	*Sinnott*
”	”	J. Murphy, sen., & J. Murphy, jun.	Examine witnesses	*Meldon*
”	”	Trader debtor	Adjourned sitting	*Stuart*

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BANKRUPT.

Young, William, of Bantry, county Cork, miller and corn merchant. Petition for arrangement filed 13th September, 1867. To surrender Friday, November 8, and Friday, November 22. L. H. Deering, official assignee. *Perry*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Wednesday. Before the COURT.		
Nov. 6	11 o'clock	Edward Quinn	Audit and dividend	*Macnally*
„	„	Hamilton Tynan	do.	*Macnally*
„	1 o'clock	Martin Joseph Keogh	Sale	*Horan & Bourke*
„	11 o'clock	Thomas John C. Richards	Notice of motion	*Byrne & Lambert*
„	„	Richard Harrison Wybrants	Hearing of petition	*Molloy*
„	„	Joseph Crawley	do.	*Macnally*
„	„	George Alley	do.	*Macnally*
„	„	John Neill	do.	*Rynd*
„	„	Joseph Denis Brennan	do.	*Magrath*
„	„	James Lyons	do.	*Macnally*
„	„	Patrick King	do.	*Rynd*
„	„	John W. Newport	do.	*Rynd*
„	„	William Joseph Henry	Adjourned do.	*Mac Sheehy*
„	„	Daniel Barrett Cuffe	„ do.	*Macnally*
„	„	Henry Joseph Bowyer	„ do.	*Irvine*
„	„	Joseph Patrick M'Donnell	„ do.	*Rynd*
„	„	Michael Flynn	„ do.	*Parsons*
„	„	George Robert M'Donald	„ do.	*Macnally*
		Friday.		
Nov. 8	„	———	For bail motions only	———

CASES DISPOSED OF IN THE COUNTRY.

At TRALEE, county Kerry, Oct. 10.

Before WILLIAM N. BARRON, Esq., Chairman.

Bryan, or O'Brien, Michael.
Dillon, John. } Adjourned to next Sessions.

At LONDONDERRY, county Londonderry, Oct. 10.

Before JAMES C. COFFEY, Q.C., Chairman.

Graham, James.
Savage, Henry. } Discharged.
Scullion, James. Remanded for six months.

At KILKENNY, county Kilkenny, Oct. 14.

Before THOMAS DE MOYLEYNS, Esq., Q.C., Chairman.

Doherty, John. Discharged.
Scott, Barnaby. Adjourned to next Sessions; to be further adjourned on compliance with order of October, 1861.

At GALWAY, county Galway, Oct. 14.

Before WILLIAM W. BRERETON, Esq., Q.C., Chairman.

Carter, Richard.
Concannon, Thomas.
Dermody, James.
Donelan, William Edward.
Flanagan, Martin.
Kerrigan, Patrick. } Discharged.
Lambert, Thomas Walter. Adjourned to next Sessions.

At CARLOW, County Carlow, Oct. 15.

Before T. RICE HENN, Esq., Q.C., Chairman.

Carroll, Margaret.
Connolly, James.
Doyle, Edward.
Lynch, John. } Discharged.

At CLONMEL, County Tipperary, Oct. 16.

Before CHARLES ROLLESTON, Esq., Q.C., Chairman.

Cuddy, Michael. The Insolvent is out of custody.

At CASTLEREA, County Roscommon, Oct. 17.

Before FRAS. W. BRADY, Esq., Q.C., Chairman.

Golden, sen., John. Discharged.

At MARYBOROUGH, Queen's County, Oct. 17.

Before JOSHUA CLARKE, Esq., Q.C., Chairman.

Conroy, John. Discharged.

At OMAGH, County Tyrone, Oct. 17.

Before JAMES ROBINSON, Esq., Q.C., Chairman.

Cooke, Daniel. Adjourned to next Sessions.
Donnell, Fanny. Petition dismissed, the Insolvent being out of custody.
Kilpatrick, Thomas. Discharged.
M'Menamin, William. Petition dismissed.
Quin, Michael. Remanded for four months.
Rogan, Michael. Petition dismissed, the insolvent being out of custody.
Tynan, Hamilton. Adjourned to next Sessions.
White, James. Discharged.

At DUNDALK, county Louth, Oct. 18.

Before J. C. NELIGAN, Esq., Chairman.

Goss, James. Discharged.

At TULLAMORE, King's County, Oct. 19.

Before HEWITT P. JELLETT, Esq., Q.C.

Beauman, James. The insolvent is called in Court, but does not appear.

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At WATERFORD, county Waterford, Oct. 21.
Before B. C. LLOYD, Esq., Q.C.

Flynn, William.
Treacy, William.
Westwater, Margaret.
Young, Mary.
} Discharged.

At ARMAGH, county Armagh, Oct. 21.
Before HANS H. HAMILTON, Esq., Q.C., Chairman.

Casey, James. Adjourned to next Sessions.

At MULLINGAR, county Westmeath, Oct. 21.
Before JOHN O'HAGAN, Esq., Q.C.

Murray, Thomas. Discharged.

INSOLVENTS DISCHARGED ON BAIL.

Hutton, Joseph, county Tyrone, watchmaker.
Cullen, John, Dublin, furniture broker.
Davies, Robert Hedges Eyre, Dublin, commercial clerk.
Hildicth, Robert, county Antrim, farm assistant.
Madden, John, Galway, turnkey and yoeman.

INSOLVENTS.

To be heard in Dublin.

Bolger, John, of York-street, Dublin, carpenter and builder. Hearing on Wednesday, 20th November. *Rynd*, solr.
Cullen, John, of Blackhall-place; previously of Little Dominick-street, Dublin, furniture broker, latterly out of business. Hearing on Wednesday, 20th November. *Rynd*, solr.
Davies, Robert Hedges Eyre, of Talbot-street, previously of Seville-place, formerly of Upper Gloucester-street and Clare-street, Dublin. Hearing on Wednesday, 20th November. *Rynd*, solr.

PETITIONS OF INSOLVENCY and SCHEDULES FILED.

(*No Days of Hearing yet fixed.*)

Callan, John, of Enagh, county Monaghan, writing clerk, land surveyor, and farmer—a prisoner in the gaol of Monaghan. *Johnston*, solr.
Hart, Charles, of Corereaghy, county Monaghan, farmer, cattle dealer, and drover; formerly of Monaghan, county Monaghan, cattle dealer—a prisoner in the gaol of Monaghan. *Johnston*, solr.
Hilditch, Robert, of Doagh, county Antrim, farm assistant; formerly of Ballyhamage, county Antrim, farmer—a prisoner in the gaol of Belfast. *Macnally*, solr.
M'Guire, Thomas, of Naas, county Kildare, baker—a prisoner in gaol of Naas. *Mulhall*, solr.
M'Farland, James, of Belfast, county Antrim, bleach-green worker—a prisoner in gaol of Belfast. *Macnally*, solr.
Ring, Michael, of the Main-street, Midleton, county Cork, grocer, spirit dealer, and general shopkeeper—a prisoner in gaol of Cork. *Collins*, solr.
Scott, Samuel, of Ballygallagh, Ballyclare, county Antrim, farmer and weaver—a prisoner in gaol of Belfast. *Macnally*, solr.

PAUPER DECLARATION FILED.

October 28.

Dowling, Patrick, detained by James Weldon Adams. *Kennedy*, solr. for creditor.

KING'S INNS—MICHAELMAS TERM 1867.

At the general examination of students held before the Benchers at the Hall of the King's Inns, on Friday and Saturday, 25th and 26th October, 1867, the Legal Education Committee awarded to James Fagan Rochfort, Esq., B. A., London University, a first prize of 10 guineas; to James Orr, Esq., B.A., Cambridge, a second prize of 5 guineas; and to Ulick Ralph Burke, Esq., A.B., T.C.D., a certificate of having satisfactorily passed the general examination.

THE CERTIFICATE DUTY OF ATTORNEYS IN IRELAND.—A meeting of the solicitors practising in Belfast has been held in their room in the County Courthouse, for the purpose of considering the propriety of abolishing the certificate duty at present imposed on attorneys in Ireland. The chair was occupied by Mr. Alexander O'Rorke. Several resolutions were proposed and seconded recommending that every effort should be made to have the certificate duty abolished.

Mr. Augustus Henry Ward, merchant, of Wisbeach, was brought before the Cambridge magistrates on the charge of assaulting in a railway carriage a young lady named Lucy Williams, 14½ years of age, who was on her way from Norwich to school at St. John's-wood. The assault consisted in having attempted to pull the young lady on his knee and kissing her several times against her will. The magistrates considered the case proved, and sentenced Mr. Ward to pay £5 and expenses, or undergo two months' hard labour. A case was granted for the court above.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	OCTOBER. Sat. 19	Mon. 21	Tues. 22	Wed. 23	Thur. 24	Fri. 25
Government						Holiday.
3 p c Consols	—	92⅝	93	93⅛	92⅝	
New 3 p c Stock	92	92¼	92¼	92¼	92¼	
Foreign and Colonial.						
India 5 p c Stock	112¾	—	112¾	—	—	
Joint-Stock Banks.						
Ireland, £100 pd	—	—	—	234	—	
Hibernian, £25 pd	38½	—	—	—	39⅝	
Munster (Limited.), £3 10s pd ..	4¾	—	4⅝	—	4¾	
National, £30 pd	61½	62	—	61¼	61⅝	
National of L'pool (Ltd.), £15 pd	—	11¼	—	11½	—	
Provincial, £25 pd	—	—	—	—	—	
Do., New, (pd £10)	—	—	—	—	—	
Royal, £10 pd	32⅝	32⅝	—	32⅞	32⅝	
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	
Union, £22 pd	15	15	15½	16	15⅛	
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	
City of Dublin, £100 pd ..	—	—	—	105	...	
D. & L. St. S. B. Co. £50 pd (rd) ..	—	55	55	—	55	
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	
Dundalk (Limited), £10 pd ..	—	8	—	8	—	
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	11	—	11	—	
Do., £5 pd B	—	6⅛	—	—	—	
Do., £4 pd 2 C	—	—	—	—	—	
Grand Canal, £100 pd	—	—	—	—	45½	
Patriotic Insurance, £10 pd ..	—	—	—	—	8	
National Insurance, £25 pd ..	—	—	—	—	32	
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	
Cork & Bandon, 50 pd	—	—	—	—	10⅞	
Dublin & Belfast Junc., £100 pd ..	—	—	—	—	—	
Dublin & Kingstown, £100 pd ..	—	193	—	—	198	
Dublin & Drogheda, £100 pd ..	—	—	—	—	—	
D., W., & W., £100 pd	—	—	—	—	—	
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	
Gt. Southern & W'rn, £100 pd ..	95½	95½	95⅝	95½	95⅜	
Midland Gt. Western, £100 pd ..	56	—	—	—	56⅛	
Waterford & Limerick, £50 pd ..	—	—	—	—	—	
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	
G. S. & W., 4 p c pp £100 pd ..	—	96	—	96	96	
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	
Mid. Gt. Western 5 p c ..	—	—	—	—	—	
Do., 4½ p c	—	—	—	—	—	
Dublin & Kingstown	—	—	—	—	—	

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—October 29th and Nov. 13th.
Account Day—October 30th and Nov. 14th.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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LEGAL POSTINGS:

IN CHANCERY.

Columbus Drake, Petitioner;
Dudley Brennan, and others, Respondents.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

PURSUANT to the Decretal Orders made in this matter, bearing date respectively the 29th day of June, 1865, 12th May, 1866, and 31st May, 1867, I will, on MONDAY, the 4th day of NOVEMBER next, at the hour of One o'clock in the afternoon of said day, at my Court, Four Courts, Inn's-quay, in the City of Dublin, SET UP and SELL BY PUBLIC AUCTION, either together or in Two Lots, to the highest and best Bidder, all the Estate and Interest of Michael Brennan, deceased, and of Patrick Brennan, his eldest son and heir at law, also deceased, of and in all that and those the Concerns formerly called Saint Francis's Abbey Distillery, with the Malthouse, Stores, Brewhouse, Forge, Stables, Garden, Yard, and Water Courses thereunto belonging, together with the Distillery and other Utensils, Vessels, and Implements mentioned in a Schedule annexed to an underlease of said Premises from Michael Brennan, deceased, to Edmond Smithwick, Esq., dated the 25th day of April, 1827; and also an undivided moiety of all that and those the Dwelling-house, Alehouse, Brewery, and Malthouse, Stores, Stables, Offices, and Gardens adjoining, together with that part of said Brewery Concerns adjoining to and formerly part of Coal's-yard, called in the underlease the Coal-yard; all which Premises are now held by said Edmond Smithwick, under two leases—one thereof from Michael Brennan, deceased, to Edmond Smithwick, dated 25th April, 1827; and the other from Patrick Brennan, deceased, to said Edmond Smithwick, dated 12th August, 1833, for the respective terms of 999 years, as set out in the Rental of said Premises, and are now known as Saint Francis's Abbey Brewery, and are situate in the City of Kilkenny, or a competent part thereof, for the purposes in said Decretal Orders mentioned.

Dated this 20th day of August, 1867.

EDWARD LITTON, Master in Chancery.

A. C. PALLAS, Solicitor.

These Premises are held under two distinct leases for lives renewable for ever, one of them dated the 5th July, 1753, from William Archbold and Anne, his wife, to Ambrose Evans, of which a fee-farm grant is now being procured, and the other of said leases, dated 21st July, 1780, from the Reverend George Evans to Edward Evans, which has been converted into a fee-farm grant; and another portion of said premises is held under a grant in fee-farm from the Earl of Ormond. The entire premises now produce a profit rent of £252 8s. 4d., as more particularly set out in the rental thereof. The present tenant has expended several thousand pounds on permanent improvements on the Premises, which are now in perfect order, and amongst the most thriving establishments in the South of Ireland.

To small capitalists whose object is a well-secured income, with a safe and adequate return for capital, these premises offer an investment rarely to be met with.

For Rentals and further particulars application to be made to
HENRY THOMAS DIX, Esq., Solicitor for Respondents BRENNAN, No. 9, Upper Gardiner-street; to
Messrs. CHARLES GAUSSEN & SON, No. 12, Gardiner's-place; to
HENRY FALLS, Esq., No. 7, Lower Dominick-street; to
RICHARD BAILLIE, Esq., No. 116, Lower Baggot-street, Solicitor for Creditors; to
ANDREW CHRISTOPHER PALLES, Solicitor for Petitioner, having Carriage of Sale, No. 12, Belvidere-place, Dublin; or to
JOHN M'CREERY, Esq., Larch Hill, Kilkenny, the Receiver.

ADJOURNED SALE.

In the LANDED ESTATES' COURT, IRELAND.

COUNTY OF MEATH.

In the Matter of the Estate of **The Right Honourable Henry Baron of Annaly,** Owner and Petitioner.

TO BE SOLD, at the Landed Estates' Court, Dublin, before the Honourable Judge Dobbs, on FRIDAY, the 15th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, the MEATH HILL ESTATE, in the Barony of Slane, Lower, and County of Meath, held in fee-simple, and producing a well-paid rental of £837 14s. 6d. a year, viz.:—

LOT No. 1.—Part of the Lands of Meath Hill, containing 380a. 3r. 2p. statute measure.

LOT No. 2.—Part of the Lands of Meath Hill, containing 197a. 2r. 3p. statute measure.

LOT No. 3.—Part of the Lands of Meath Hill, containing 193a. 3r. 15p. statute measure.

LOT No. 4.—Part of the Lands of Meath Hill, containing 186a. 0r. 16p. statute measure.

Dated this 15th day of July, 1867.

GEORGE T. HOPKINS, Chief Clerk.

The Lands of Meath Hill, known as the Meath Hill Estate, are within two miles of King's Court, County Cavan, and three miles of Carrickmacross, County Monaghan.

Proposals for purchase by private contract will be received and submitted to the Court by the Solicitor having Carriage of the Sale up to the 3rd day of November, 1867.

Rentals and further particulars may be obtained at the Landed Estates' Court, Four Courts, Dublin; from
WILLIAM LANE JOYNT, Solicitor having Carriage of the Sale, 46, Lower Gardiner-street, Dublin; or from
Messrs. BIRCHAM, DALRYMPLE, DRAKE, & CO., 46, Parliament-street, London, S.W.

LANDED ESTATES' COURT, IRELAND.

COUNTY OF DONEGAL.

In the Matter of the Estate of **John George Laird,** Owner;
Ex-parte **Samuel Donnell,** Petitioner.

TO BE SOLD BY PUBLIC AUCTION, before the Hon. Judge Lynch, at the Landed Estates' Court, Inn's-quay, Dublin, on TUESDAY, the 5th day of NOVEMBER, 1867, in One Lot. Dwelling-houses and Premises, situate in the Town of Ballybofey, in the Barony of Raphoe, and County of Donegal, held under two leases for lives renewable for ever, and producing a net profit rent of £84 13s. 4d. per annum.

Dated this 26th day of June, 1867.

H. R. GREENE, Chief Clerk.

DESCRIPTIVE PARTICULARS.

The Dwelling-houses and Premises to be sold, are situate on the south side of the Street of Ballybofey, in the Barony of Raphoe, and County of Donegal, held under lease dated 18th March, 1778, for lives renewable for ever. A fee-farm grant of said lease will be executed to the purchaser. The rent payable thereunder is £11 1s. 8d. sterling, and 6d. in the £ Receiver's fees.

The other portion of the premises to be sold, are held under lease, dated 20th September, 1853, for lives renewable for ever, subject to the yearly rent of £10 10s. sterling.

The premises are situate in the best and most central part of the thriving Town of Ballybofey, and well circumstanced for any kind of business on an extensive scale, and within ten minutes' walk of the Fin Valley Railway.

One of the four tenements is occupied as a bank, by the Northern Banking Company, and is three stories high. The other three houses are also three stories high, and have good shops in an excellent situation for any business; all the premises are in good order, and will not require a shilling outlay.

The value of property in Ballybofey is gradually increasing since the railway was opened in that locality.

Ballybofey is one of the most promising towns of the kind in all the County, having the advantage of good markets for sale of agricultural produce, which is abundant in that locality, therefore the property for sale is a most eligible investment.

For Rentals and further particulars apply to
Messrs. WILSON & HODGES, Solicitors having the Carriage of the Sale, 34, Lower Ormond-quay, Dublin; at the
REGISTRAR'S OFFICE, Landed Estates' Court, Inn's-quay, Dublin.

ROBERT WILSON, Solicitor, Strabane.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Woods, of Monaghan, in the County of Monaghan, Grocer, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 21st day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on TUESDAY, the 3rd day of DECEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First and Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 22nd day of October, 1867.

CHEYNE BRADY, Chief Registrar.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.
MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Margaret Magee, of Queen-street, in the City of Dublin, Baker, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on MONDAY, the 25th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account*. And a Public Sitting will be held before the Court, on FRIDAY, the 6th day of DECEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account, and make a Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 22nd day of October, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.
MOLLOY & WATSON, Agents to the Bankruptcy, No. 18, Eustace-street, Dublin.

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5 GEORGE IV., CAP. cliv.—1824.

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JOSEPH CASSON, Esq. J.P., (Casson and Sealy, William-st.) Director of Dublin and Glasgow Steam Packet Company.

Right Hon. WM. H. F. COGAN, M.P.

JOSEPH F. DARLEY, Esq., (Joseph Watkins and Co., Ardee-street.)

JEREMIAH DUNNE, Esq., J.P., Director of the National Bank.

JAMES HAUGHTON, Esq., J.P., Eccles-street.

GEORGE HOYTE, Esq., J.P., Director of the Dublin and Belfast Junction, and Dublin and Drogheda Railway Companies.

NICHOLAS JAS. LALOR, Esq., (Messrs. E. Lalor and Sons, Spitalfields), Director of the Dublin and Drogheda Railway Company, and Mining Company of Ireland.

RICHARD MARTIN, Esq., Director of the Dublin and Wicklow Railway Company, and of the Mining Company of Ireland.

VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

SIR JAMES POWER, Bart., M.P., Director of the Bank of Ireland.

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Among the many Advantages offered by the PATRIOTIC ASSURANCE COMPANY OF IRELAND may be enumerated—

The Head Offices are in Dublin.

The Directors and Shareholders reside in Ireland.

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The Company has been in existence for upwards of 43 Years.

The Company offers every facility for the transaction of almost all kinds of Life and Fire Assurance. Rates moderate. Copies of the Prospectus, with tables of Rates and every information, may be had on application at the Head Office of the Company, 9, College-green, Dublin, or any of the Company's Agencies.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, November 2, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 41.] SATURDAY, NOVEMBER 9, 1867. {Single Copy, 6d. By Post, 7d.}

IN the assize, as instituted by Henry II., it was necessary that twelve jurors should agree in order to determine the question of disseisin, but this unanimity was not then secured by any process which tended to make the agreement compulsory. The system of afforcement explained in a former article, only arranged that a sufficient number should be added to the panel until twelve were at last found to agree in the same conclusion, and this became the verdict of the assize.

The discussion as to why twelve should be the number is not altogether relevant to the question of unanimity, but it may not be out of place to remark that the number of jurors was a mere question of degree, and must depend very much upon the state of society, the intelligence of the jurors, &c. The number would, at first, naturally be in proportion to the magnitude of the question at issue—that is, at the time when the jurors were witnesses. The law required two witnesses at least, and sometimes more, to establish a fact; five witnesses were necessary to prove payment of a debt secured by a written instrument. Twelve, however, seems to have been a favourite number amongst all tribes in the early ages of civilization. Amongst the Anglo-Saxons twelve *lahmen* administered the law, the number of compurgators was twelve, and this number prevailed on the Continent, so that in England long habit caused it to be considered as the proper number to establish the credibility of a person or a fact. Another theory states that "the jury was made to consist of twelve from analogy with the number of the prophets, the number of the apostles. . . . . . And as the judges were twelve anciently to try and determine matters of law, and always when there is any waging law there must be twelve to swear in it, and also as for matters of state there were formerly twelve councillors of state."

It is recorded, however, that formerly when eleven of the jurors agreed, their verdict was taken, and the other juror committed to prison. There is a case in point of the time of Henry III. noticed by Forsyth, where, in an issue upon a writ of right, eleven of the jury found for one party, and judgment was given according to the verdict of the eleven, *quia prædicti undecim concorditer et præcise dicunt;* but in the reign of Edward III. it was finally decided that the verdict of less than twelve was invalid, except where, as it sometimes happens even now, a verdict from less than twelve was taken by both parties, and by the same Act, 41 Assis., 11, it was ordered that the judge of assize ought to carry the jury about with him in a cart until they agreed. According to the "Mirror," quoted in *The Law Review*, Vol. II., indeed, an unanimous verdict by a jury of twelve was essential to a conviction in the time of King Alfred; it also states that King Alfred was much in the habit of hanging unjust judges, and executed no fewer than forty-four in one year. Amongst others, we find, that he hanged *Cadmine*, because that the latter judged Hackwy to death without the *consent of all the jurors*, whereas, he stood on the jury of twelve men, and because the three would have saved him against the nine. Cadmine removed the three, and put others upon the jury, upon Hackwy, but not himself.

Amongst the means adopted for bringing a refractory juror to agree in the verdict, was the law which provided that they should not eat nor drink after they are sworn till they gave their verdict, without the assent and licence of the judge; and "that is ordained by the law for eschewing divers inconveniences that might follow thereupon, and that especially, if they should eat or drink, at the costs of the parties, and therefore if they do contrary it may be laid in arrest of the judgment; but with the assent of the justices they may both eat and drink, as if any of the jurors fall sick before they be agreed of their verdict, so sore that he may not commune of the verdict, then, by the assent

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of the justices, he may have meat and drink, and also such other things as be necessary for him, and his fellows, also at their own costs, or at the indifferent costs of the parties, if they so agree, or by the assent of the justices, may both eat and drink."—*The Doctor and Student*, written in the reign of Henry VIII.

This law is now fortunately altered, for it is only after the judge has summed up, and the jury are considering their verdict, that they are prohibited from having "meat, drink, or fire, candle-light only excepted." The reason for the alteration is of course that trials are now prolonged for days and sometimes weeks, an event which could not have happened in the simpler cases, and less complicated system of jurisprudence of former days. It has been suggested, however, that the reason for forbidding the jury from eating and drinking after being empanelled was lest they should thereby become incapable of performing their duties, through over indulgence. The rule that the jurors should be kept *sine cibo et potu*, dates at least from the time of Edward I. The custom of keeping those upon whose verdict people were waiting, without food, seems to have been widely extended, for among the Lombards we are told that even the judges were to decide cases fasting, *ut judices jejuni causas audiant et decernant.* We are reminded also by Blackstone that, by a decree of the Golden Bull of the German Empire, if, after the Congress was opened, the electors delayed the election of a king of the Romans for thirty days, they were to be fed only with bread and water until the election was made.

We have exhausted all the space at our disposal in inquiring into the origin of the custom of requiring unanimity in juries, and we shall, in our next number, consider whether the custom, or law as it is now, be for the advantage of society—or whether, since the formation and functions of the jury are different from what they were, the laws regulating its decisions might not also be changed with benefit to the commonwealth.

THE Vice-Chancellor sat on yesterday, to dispose of a number of petitions, which had been lodged as 15th section petitions since the 15th of July, when the new Chancery Act passed. There were two questions for the consideration of the Court—first, whether such petitions could still be referred under the 15th section of the Chancery Regulation Act; second, whether, if there was no power to refer them, they should be treated as general cause petitions, or should be abandoned, and proceedings taken by summons under the new Chancery Act. On these questions, the 39th, 52nd, and 175th sections of the new Act were referred to. The 39th section enacts that no reference shall be made to any of the Masters in Ordinary except in suits pending at the passing of the Act, or in suits in which, from some previous reference made in some other suit connected with it, the Court thought it expedient to make such reference; and except in cases to be referred under the Act to the Receiver Master. The same section also provided that all the Masters, until released, should prosecute all business which, on the first day of the present Term, should be pending before them; and also *all the references* which should be made under Decrees Decretal, or other orders of the Court in *suits commenced before the first day of this Term.* The Vice-Chancellor was of opinion that the references in the concluding part of the section were confined to orders, by which suits might be sent, under a general reference, for a report, in which he was to act ministerially, and did not extend to 15th section cases. That the 52nd section had plenty to operate on besides, and was intended to save petitions already pending, so as to prevent such proceedings coming to an end. That the words of the 75th section should be read with the words of the 39th section, and subject to the exception in the 39th section. And if there was any doubt on the question, his Lordship thought it safer not to make an order which might prove abortive. Accordingly, most of the petitions were ordered to be proceeded with as general cause petitions; and in some, in which no question of construction or other difficulty arose, proceedings by summons were directed; the question of costs of proceedings already taken being reserved for consideration, the Court being of opinion that they could be allowed in proceedings under the new Act.

THE Honourable Judge Townsend has signified his intention of sitting in the Admiralty Court, for the first time, on Monday next, at eleven o'clock, for the disposal of business.

WE would call the attention of the profession to a report of a very important case in the Court of Common Pleas, reported in our notes of cases.

NEW BENCHER.—Michael Harrison, Esq , Q.C, Solicitor-General, was unanimously elected a Bencher of the Society of King's Inns at a Meeting of the Benchers, held last Saturday.

AMENDMENT OF THE CIVIL BILL ACTS.

A meeting of the Attorneys and Solicitors of Ireland will be held at the Solicitors' Rooms, Four Courts, Dublin, on Thursday, the 21st day of November next, at twelve o'clock noon, for the purpose of taking into consideration the proposed amendments of the Civil Bill Acts, and making arrangements for having those amendments effected by legislative enactment.

Clerks of the Peace and Sheriffs are invited to attend, or to forward their suggestions regarding the proposed measure.

Dated this 24th October, 1867.

GEO. PROCTOR, Hon. Sec.

Copies of the Report of the Committee appointed at the General Meeting of the Quarter Sessions' Solicitors of Ireland, held in the Hall of the Incorporated Law Society, on 7th June, 1867, may be had on application at the office of *The Irish Law Times and Solicitors' Journal*, 53, Upper Sackville-street, Dublin.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by Edmond T. Bewley, Esq., Barrister-at-law.

O'Connell *v.* O'Callaghan.

November 6.—*Practice—Court of Appeal—Lodging Petition of Appeal or Answer after proper time lapsed.*

Leslie, on behalf of the respondent O'Callaghan, applied for liberty to lodge the answer to the petition of appeal in this case, which had not been lodged, owing to a fatality. Counsel also applied that a cross appeal from the order of the Master of the Rolls might be received, although not brought within the statutable period.

O'Riordan, *contra*.

The Court allowed the answer to be lodged, but refused the rest of the motion, being of opinion that under the 11th Section of the Chancery Appeal Court (Ireland) Act, 1856, the application for leave to lodge the cross appeal should be made to the Court of Chancery.

VICE-CHANCELLOR'S COURT.

Perry *v.* Perry.

November 8.—*Chancery Regulation Act (Ireland)* 1850, *s.* 15—*Reference to Master—Chancery (Ireland) Act*, 1867, ss. 39, 52, 175—*Jurisdiction.*

This was a cause petition to administer the assets of the late John Perry, and was filed on the 30th of October, 1867

Bewley now moved that the petition should be referred to one of the Masters of the Court, under the 15th section of the Court of Chancery (Ireland) Regulation Act. Although the earlier portion of the 39th section of the Chancery (Ireland) Act, 1867, might appear expressly to enact that no such reference could be made unless the suit were instituted before the passing of the Act. The proviso contained in a subsequent part of the same section enabled the Master to prosecute references under decrees or orders in all suits commenced before the first day of Michaelmas Term, 1867. By the 52nd Section of the same Act, the 15th Section of the Chancery Regulation (Ireland) Act, 1850, was repealed, "except in so far as may be necessary for the purpose of supporting, continuing, or prosecuting any suit or proceeding begun before" the 1st day of Michaelmas Term, 1867; and it was therefore competent for the Court to make the reference sought. But the 175th section of the Act was still clearer and more precise in its language, and it enacts that, "notwithstanding anything hereinbefore contained, all suits which on the first day of Michaelmas Term, 1867, shall be pending in the said Court, and all suits commenced before the last mentioned day, which shall after that day be continued or prosecuted in the same manner, and according to the same practice, as if this Act had not passed."

The Vice-Chancellor said that although the language of the Act was not free from doubt, he was of opinion that the Court had not jurisdiction to make a reference in this case under the 15th section of the Court of Chancery (Ireland) Regulation Act. The proviso in the 39th section of the recent Act appeared to him to apply to references made under a decree or order in a plenary suit, and not to references in which the entire matter of the cause petition was deferred to the master in a judicial capacity. No doubt, the words of the 175th section of the Act were very large, but they must be taken in connexion with the 39th section, and read as subject to the restrictions which it imposed. The petition should, therefore, be set down as a General Cause Petition.

Solicitors, *Taylor*, *Mackey*, and *Mortimer*.

COURT OF QUEEN'S BENCH.

Reported by Wm. Woodlock, Esq., Barrister-at-law.

Lang *v.* Eakin.

November 5.—*Costs—Taxation—Submission to Arbitration—Parties living within the same Civil Bill Jurisdiction.*

Motion for an order that the Taxing Master should review his taxation of plaintiff's costs, and disallow the whole of such costs.

The action was brought for breach of covenant in an indenture of apprenticeship. The matter was, by consent (which was made a rule of Court), referred to arbitration, and in the consent it was provided that judgment should be marked for such sum as the arbitrators should award, together with such costs as thereinafter mentioned, "with costs only in case of their finding being for the defendant; that the costs of the action, consent, and award, and making same respectively rules of Court, should abide the result of the award; that the plaintiff should be entitled thereto if the award should be in favour of the plaintiff for any sum of money, and that the defendant should be entitled thereto if the award should be in favour of the defendant."

The arbitrators awarded that a sum of £15 should be paid by the defendant to the plaintiff, as damages, in respect of the subject matter of the action, and the award was made a rule of Court.

The parties lived within the same civil bill jurisdiction.

The Taxing Master allowed the plaintiff full costs.

Mills, for the defendant, in support of the motion.

Palles, Q.C., and *Dames*, for the plaintiff.

The Court refused the motion with costs, holding that on the construction of the submission, the parties had contracted themselves out of the operation of the 97th Section of the Common Law Procedure Act of 1856, and that the question as to the scale on which the costs were to be taxed did not arise on the frame of the notice of motion.

Attorneys for the plaintiff, *Tisdall* and *Turbill.*

Attorney for the defendant, *John Swanzy.*

COURT OF COMMON PLEAS.

Reported by William Griffin, Esq., Barrister-at-law.

Re O'Shaughnessy.

November 7.—*Application to be admitted an Attorney—Service not Served under Articles dispensed with—Examination of Persons wishing to be admitted as Attorneys who have served their Time before the passing of* 29 *&* 30 *Vic. c.* 84.

The applicant had been bound in the year 1853, and had served five years under his articles, with the exception of four terms—Easter Term, 1855, Michaelmas, 1856, Hilary, 1857, and Easter, 1857—which absence he accounted for as arising from illness, pecuniary embarrassments, and having to attend to some business matters connected with property in the country; and he stated that, with the exception of these four terms, he had attended from the time of his being bound in 1853 until the present Term. That there had been an unfavour-

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able issue to some law proceedings in which his family were concerned, and a trustee had made default, and he was prevented by pecuniary inabilities from paying the stamp duty when bound, but he had paid the stamp duty with interest, and the penalty in May of the present year, and had obtained an order from Morris, J. for the enrolment of his indentures *nunc pro tunc*.

In 1863 his name appeared as a solicitor in Thom's Directory, and it so continued in 1864, and 1865, and 1866, and until 1867, when it was changed to law agent. The applicant, as to this, stated that at this time, when his name so appeared, he had expected to get the money necessary for payment of the stamp duty and penalty, but that he did not know he would have to pay interest, which amounted to £36, which latter sum he was unable to obtain, and that his friends believing that he would succeed in getting the money which he had gone to Limerick to raise on some property there, had, in his absence and without his knowledge or authority, inserted his name in the Directory as a solicitor, and that he never knew of it until the end of 1866, when he pointed out the mistake and told the manager of the Directory that he was not a law agent or solicitor, and desired to have himself put down as Esq.

M'Dermott, with him *Sergeant Barry*, in support of the application.

The Court have power and have frequently exercised it to dispense with service for the full term of five years, *ex-parte* Grady, and this gentleman has served 14 years. The 48th Sec. of the Attorneys' and Solicitors' Act (29 & 30 Vic. c. 84) leaves the Court the same power that they exercised under the old Act. 13 & 14 Geo. III. c. 31, s. 9.

Barlow, on behalf of the Law Society—The case was not fairly brought before Mr. Justice Morris, when the order for enrolment was obtained *ex-parte*. It is necessary that at time of being bound an apprentice should have a reasonable hope of being able to pay the duty, and the courts are very strict about the proper number of terms being served under the articles, unless a very strong case is made. This gentleman's explanations of his inability to pay the duty, and of his hope of being able to do so at the time he was bound, and about his name being inserted in the Directory as a solicitor, are unsatisfactory. He does not make out a case entitling him to call upon the Court to dispense with the regular rules. He referred to *Ex-parte Smith*, 1 El. and El., 928; *Ex-parte Belk*, 2 H and C.; *Ex-parte Jones*, 14 C.B., N.S.; *Ex-parte Edwards*, 10 *Eng. Jurist*, N.S., 17—Court have no jurisdiction under present Act.

MONAHAN, C.J.—In this case we have no doubt that we have jurisdiction, and no doubt as to expressing it. As to the enrolment we cannot entertain any such question as to that end. If the order for enrolment was improperly made, which I do not think it was, it is open to question, if persons choose to expose themselves to the danger of having costs given against them. This gentleman has failed to serve four of the terms under his articles; he has stated the peculiar circumstances under which he was unable to do so, and in lieu of those four terms, he has served, though not strictly under articles, fourteen years. In our opinion he has served enough to make up for the deficiency, unless some misconduct on his part can be shown. The only matter alleged against him is that as to his name in the Directory, but he states that he never acted as a solicitor, or except as apprentice to his master, and that this mistake occurred without his knowledge, and that as soon as he discovered it he went to get it corrected. We think, therefore, that this is a case in which we should exercise our jurisdiction in dispensing with the deficiency in service under the articles. It was a case, however, which the Law Society was quite right in having fully brought before the notice of the Court.

Barlow then submitted to the Court that the applicant, under the provisions of the 29 & 30 Vic., c. 84, was bound to pass an examination previous to admission. This point was allowed to stand for argument until the following day.

Nov. 8th.—A full report of the argument, and of the judgment, will be given in our next number. The Court directed the applicant to be examined in the practice of the Courts, &c., by the examiners of the Law Society, the motion to stand over.

STEVENSON *v.* THE LONDON AND NORTH WESTERN RAILWAY COMPANY.

Nov. 5.—*Substitution of Service—Agency.*

The plaintiff was a passenger from Londonderry to Birmingham *via* Belfast and Fleetwood, and the action was for a trunk lost upon the journey. The first count averred that the defendants were carriers from Londonderry to Birmingham, and that plaintiff and his luggage were received by the defendants to be carried from Londonderry to Birmingham. The second count averred that the defendants were carriers from Fleetwood to Birmingham, and that they received the plaintiff and his luggage to be carried from Fleetwood to Birmingham. The plaintiff stated in his affidavit that the plaintiff took a through ticket from Londonderry to Birmingham at the office of the Northern Counties Railway Company at Londonderry, and that on the back of the ticket was printed—"This ticket, so far as regards any distance beyond the limit of the line of the Londonderry and Coleraine Railway Company, is issued by them as agents only for other companies, and they will not be responsible for the safe carriage of any passenger, or of any articles accompanying such passenger, beyond the said limit;" that though the name of the Londonderry and Coleraine Company appeared on the ticket, that the ticket was, in fact, issued by the Northern Counties Railway Company, who work the Londonderry and Coleraine Railway, which company have no office in Ireland, and that the contract was made in the city of Londonderry with the Northern Counties Railway Company, who represented themselves to be agents of the defendants, and were such agents as plaintiff believes. It was denied in the affidavit filed to resist the motion that the Northern Counties Railway had authority to contract, or were agents for the defendants, or that the defendants had any office or agent in Londonderry, or that the defendants were carriers from Londonderry to Birmingham. It was further stated by the plaintiff that on the journey from Fleetwood to Birmingham he from time to time showed his ticket to the officers of the defendants who required to see it, and recognized it as the ticket by virtue of which plaintiff was travelling, and finally took it up from him at Birmingham; and that the luggage was lost between Fleetwood and Birmingham.

Defendants had an agent in Dublin.

Holmes, in support of the motion, urged that the contract was entered into by defendants' agents within the jurisdiction.

Sergeant Armstrong and *Boyd*, *contra*, argued that the agency of the Northern Counties Railway was denied, and that the Railway Company with whom the contract was entered into at Londonderry were the sole parties liable.

The COURT considered that as the ticket stated that the first company only contracted as agents beyond their own line, and that ticket had been recognized by the defendants, the order for substitution should be made absolute.

Attorney for plaintiff, *Forrest Reid.*
Attorneys for defendant, *Cullen* and *Coffey*.

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COURT OF PROBATE.

Reported by W. R. Miller, Esq., LL.D., Barrister-at-Law.

Goods of Pigott, deceased.

November 5.—*Administration Bond.*

Harris, Q.C., moved on behalf of the administrator of the goods of the deceased, to make absolute a conditional order to put an administration bond in suit as against the surety, the grant having been limited, and having expired. Proceedings had been taken by the administrator against the limited administrator at law, and a judgment and execution had issued against him, but he had left the country, and the execution was fruitless. A reference had been made at law by consent to the officer of the court to ascertain the amount due by the limited administrator, and great delay had occurred in respect to it.

Dr. Ball, Q.C., and *Gibson*, *contra*. The reference was not binding on the surety. The reference by *consent* amounted to giving the principal time, and so discharged the surety (*Rees* v. *Barrington*, 2 *Ves. Jr.* 540.)

Keatinge, J.—I must disallow the cause shown. I consider that there was no indulgence given, but, on the contrary, that there was an active prosecution of the party's rights.

Cause disallowed with costs.

Goods of Comyns, deceased.

Probate Duty.

Concannon, for Mr. Barrett, an executor in the will of the deceased, dated the 2nd November, 1846, applied for probate. He swore that the assetts were under £5, but added that proceedings were pending in Chancery with the view of making him a trustee for the next of kin of the deceased, as to a lease which Barrett had obtained of premises from which the deceased had been ejected for non-payment of rent.

Keatinge, J.—A probate stamped with a stamp for £5 would be useless for the purposes required in Chancery. It must be stamped with a stamp adequate to cover the property.

LANDED ESTATES' COURT.

Reported by J. Field Johnston, Esq., Barrister-at-law.

Coram Dobbs, J.

In the Matter of the Estate of Eleanor Graham Nolan, Dillon Graham Nolan, and Robert Nolan, Owners and Petitioners.

July 24.—*Declaration of Title—Construction of Will—Charge upon Real Estate.*

This was a motion on behalf of the owners and petitioners to disallow an objection filed on behalf of the Commissioners of Charitable Donations and Bequests for Ireland, and that the Declaration of Title, as settled, should be signed.

J. E. Nolan, the former owner of the estates, the subject of this petition, from whom the petitioners derived their title, made his will, which was proved on the 13th of July, 1802, and which contained the following clauses:—"I bequeath my whole entire property and estates to John Bern, merchant in Strokestown, and to Richard Plunkett, Esq., of Arkeeran, both in the county of Roscommon, as trustees to this my last will and testament, to carry into effect the several intentions of this my last will and testament. It is my will that my executors and trustees will meet in as few days as possible, and after public notice to my creditors, appoint a day in order to take an inventory of the several debts due and demands of every kind whatsoever, and that they will then inquire into the yearly value of my property in lands or houses, as also the value of my personal property, and on same being done I will and direct that so much as may be found necessary of said properties to discharge the several debts and demands, may be advertised to be sold at as short a day as possible consistent with circumstances. I will and bequeath to my brother Robert the sum of £800, to be levied out of the properties in manner already mentioned. I order that the sum of forty pounds per year be paid out of my landed property, and subject to drive for the same to my trustees, to be laid out for the support and maintenance, in the most comfortable manner, of Elinor M'Guire, of Cloonalis, spinster, during her said Elinor's natural life. I order the sum of £30 sterling for the poor of the united parishes of Killcooley, Killocker, and Ogulls. I order the sum of £5 a year for ever for the poor of said union, said sum to run up so as to make a fund in the different years of scarcity that may occur, and in such years said fund to be distributed amongst the poor of said parishes." The will contained some further legacies and annuities, in which no mention was made of the testator's real estate; it also contained a devise of the residue of his landed property, but no bequest of the residue of his personalty, and it appointed three executors, who were different from the trustees. A codicil to the will contained these words:—"My brother Kelly Nolan is not to get possession of my estates, &c., till all the creditors are fully paid off."

The Commissioners submitted that this will contained an express trust, and they objected to the declaration of title being settled and signed unless subject to the said yearly sum of £5, late currency, and also to the accumulations of said annual sum from the death of testator to the present time.

Walsh, Q.C. (with him *Reeves*), for the owners and petitioners. The words of the will show that the testator was well aware of the distinction between real and personal estate. *Davis* v. *Gardiner* (2 Peere Wms. 137); *Greville* v. *Browne* (7 H. of L. 689); *Nessen* v. *Gretton* (2 Younge & Collier, 222); *Hunt* v. *Bateman* (10 Ir. Eq. R. 360); *Commissioners of Charitable Donations and Bequests* v. *Wybrants* (2 Jones & La Touche, 182); 2 Jarman on Wills, p. 571.

Thomas Lefroy, Q.C., and *James S. Green*, for the Commissioners. The realty and personalty are thrown into a common fund. If there be a doubt upon the question, the Court can refuse to give the declaration of title asked for, otherwise it will preclude the parties from again raising the question.

Reeves, in reply.—This question belongs to that class of questions upon which this Court is continually exercising its jurisdiction.

Dobbs, J.—There is nothing in the argument that my decision against the objection of the Commissioners would preclude them from ever again raising the question, and that, therefore, I should hesitate before so deciding; because, as has been observed by the counsel for Mr. Nolan, the same objection would apply to all similar cases, and power has been given to this Court to decide all the questions that may arise concerning the various rights to property brought into this Court for sale. Enormous powers certainly have been given to the Court. But these parties are in no worse position than in any other case, since they can appeal from my decision to the Court of Appeal, and to the House of Lords.

I have no very great doubt as to the construction of this will, because, to my mind, the meaning of several parts of it appears quite plain, while that of one or two portions is doubtful. But the former are sufficient to determine its construction.

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The testator begins by bequeathing his "whole entire property and estates" to the trustees. These words must include everything he had. Then come words of doubtful meaning—"to carry into effect the several intentions of this my last will and testament," which may be read in connexion with the words going before, or as beginning the next sentence. No doubt, these trustees were appointed for the express purpose of carrying into effect the trusts of the will, for in the absence of an express trust the claim of the Commissioners would be barred by the Statute of Limitations. But, whether these words belong to the one sentence or the other, they do not add to the force of the former gift to the trustees. It was argued that the words, "the several intentions," occurring in this clause, show that the payments directed by the testator were charged on both his realty and personalty, whereas the intentions must be gathered from the subsequent parts of the will, and, if from them it can be collected that a particular annuity was intended to be charged on the personalty only, then the trustees, as trustees of the real estate, would have no duty in connexion with it. I must, therefore, consider the other parts of the will, in order to discover whether this annuity is charged on the lands, or only given out of the personal estate. All through the will the testator carefully distinguishes between realty and personalty. He charges some payments on one, and some on the other, and some on both. He directs his executors and trustees to meet and appoint a day, in order to take an inventory of his debts, and inquire into the yearly value of his property in lands, as also the value of his personal property, and directs that so much as may be found necessary of said properties to discharge the several debts and demands, may be advertised to be sold. He then proceeds to give a number of annuities and legacies, and carefully distinguishes the way in which they are to be charged. First, he leaves to his brother the sum of £800, "to be levied out of the properties in manner already mentioned." He then gives an annuity of £40, which he directs to be "paid out of my landed property." He then gives a number of legacies and annuities, among which is the one in question, and in speaking of them says nothing about his real estate. He begins by giving a legacy which is charged on both realty and personalty. The second bequest is charged on the realty only, and, in making those which follow, the testator says nothing about his real estate. Therefore, it appears clear to me that, so far as this part of the will is concerned, this annuity of £5 is a gift out of the personalty only. The testator devises the residue of his landed property to his brother Kelly Nolan for life, &c., but makes no bequest of the residue of his personalty. The reason of the decision in *Greville* v. *Browne* shows that that decision does not apply to this case, because the ground of it was that in that case the two funds, real and personal, were mixed up together, and here the gift of the residue is of the real estate alone. This objection must be overruled, and as it has been made at the end of a period of sixty-five years, it must be overruled with costs.

Solicitor for the owners and petitioners, *B. W. Rooke.*

Solicitor for the Commissioners of Charitable Donations and Bequests for Ireland, *Patrick Maxwell.*

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by J. LEVY, Esq., Barrister-at-law.

Before JUDGE BERWICK.

In re PETTIGREW.

October, 1867.—*Arrangement after Bankruptcy—Disputed Debts—Charge and Discharge—The proper way to bring Disputed Claims before the Court.*

The bankrupt was a printer having several Government contracts, and he came in under the arrangement clauses, but the case was subsequently turned into bankruptcy, in consequence, as was stated, of the difficulty of dealing with a money-lender, who charged an enormous rate of interest for money advanced to the bankrupt.

Kernan, Q.C., for the bankrupt, stated that it was now proposed to pay the creditors in full, the terms of the arrangement being that the estate should remain vested in two trustees, who should carry out certain contracts now in hands, and subsequently divide the proceeds until all be paid, the bankrupt to be allowed £2 a week for superintending the work, and in the event of the contracts not paying, the trustees to be at liberty to call a meeting of creditors, and to have the bankruptcy proceeded with; but he had no doubt the arrangement would be carried. The bankrupt had been in the hands of a money-lender, who charged him about five hundred per cent. for the advances he made. The creditors came forward and advanced a sum of money to make a compromise with that gentleman, and now that the trader was out of his hands, he (Counsel) had no doubt that the contracts would be performed, and that all the creditors would be paid in full as was proposed.

Levy, for two creditors returned on the schedule as disputed, one for £750 and the other for £250, did not oppose the arrangement, as it was an offer to pay in full; but inasmuch as the claims of his clients were disputed, in point of fact altogether denied, he would ask leave to file a charge, the bankrupt to file a discharge so as to have the claims of the parties ascertained.

JUDGE BERWICK said he believed that was the proper way to bring disputed claims before the Court.

Kernan, on the part of the bankrupt, saw no objection.

Leave given to file a charge, the bankrupt to discharge it.

Solicitor to the bankrupt, *Forsythe.*

Solicitor for creditors, *Rynd.*

Re DEVLIN.

Final Examination—Building Contract—Claim put forward on the part of Bankrupt.

This was an adjourned meeting for final examination of the bankrupt, who was a builder and contractor at Kanturk. A question was raised as to whether in connexion with the building of the Roman Catholic Church at Kanturk any sum was due. It was alleged by Rev. Dr. O'Regan that the particular works in relation to which the claim was made were included in a general contract, and that the bankrupt had been in fact overpaid so as to be a debtor of Dr. O'Regan.

Kernan, Q.C., appeared for the assignees, and *Heron*, Q.C., for Rev. Dr. O'Regan.

JUDGE BERWICK called attention to the fact that in the schedule the bankrupt stated that having found there would be no special payment for the particular works in question, he had compensated himself by leaving an unfinished equivalent in the building.

Evidence was taken as to the matter in dispute, consisting of the testimony of the bankrupt and Mr. Hurley, the architect.

The bankrupt also alleged that his plant had been detained by the Rev. Dr. O'Regan, but on the other hand it was represented that the bankrupt had abandoned his work, leaving it unfinished, and that the Rev. Dr. O'Regan had been obliged to retain the plant for finishing the building.

JUDGE BERWICK, after hearing the evidence, declared his opinion that there was no foundation whatever for

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the claim put forward for the bankrupt, and that he had acted improperly in putting it forward as he had; a very unfounded and impudent imputation of forgery had been made by an insinuation that a signature of the bankrupt himself to one of the drawings was not such, but had been taken by a tracing for the purpose of getting rid of his demand. On examining the document itself, independent of the rest of the evidence, he (Judge Berwick) had no doubt whatever that the bankrupt really did put his name to it, and he was fortified in that opinion by its having turned out that the ground suggested by the bankrupt to enable him to say that it was a forgery, had been explained in a manner so clear and distinct as to leave no doubt of the matter. With respect to the plant, the Rev. Dr. O'Regan was perfectly right in keeping it under the circumstances. Taking into account the relative assets and liabilities of the bankrupt, and the fact that he had kept no books, the passing of his final examination should be suspended for four months.

Solicitor for the bankrupt, *Cavanagh*.

Solicitor to the bankruptcy, *Cleary*.

CIRCUIT CASES.

ROSCOMMON SUMMER ASSIZES.

Reported by Oliver J. Burke, Esq., Barrister-at-law.

Before O'Brien, J.

Thomas Mulhare *v.* The Midland Great Western (of Ireland) Railway Company.

July 23; October 1.—*The Lessees of the Haulage of a Line of Railway are bound to keep the Drains connected with said Line in Order.*

This was an appeal, taken by the defendants, from a decree pronounced by Francis William Brady, Esq., Q.C., Chairman of the County of Roscommon, at the Quarter Sessions of Castlerea, in April, 1867, whereby the learned chairman awarded a sum of £15 damages to the plaintiff.

The action was brought for damages sustained by reason of said defendants not keeping a certain drain, which was cut through plaintiff's lands for the purpose of carrying off the water, clean and properly scoured, whereby said plaintiff's lands became flooded, and his crops much injured.

The Midland Great Western Company, the defendants, asserted that they were not liable at all to keep this drain clean, inasmuch as they were merely haulers of the line which belongs to the Great Northern and Western (of Ireland) Railway Company, and which is constructed between Westport and Athlone, where it meets the defendants' line. That defendants being mere haulers they were not bound to maintain any works in connexion with said line.

The plaintiff insisted that defendants must be held to be the *proprietors* liable in this action.

Concannon, LL.D., for the plaintiff, submitted that the Midland Company were the proprietors for the time being of the line over which they were such haulers. The word "company" in the 21st Section of the 3 & 4 Vict., c. 97, being an Act for regulating railways, and in the 21st Section of the 5 & 6 Vict., c. 55, also an Act for the regulation of railways, is defined to mean the proprietors, for the time being, of any railway. Clearly, then, the Midlands were the proprietors for the time then being within the contemplation of those Acts, and are therefore liable.

Carleton, Q.C., with *Roper*, appeared for the defendants. The Midland Great Western Company cannot be held liable for the injury sustained by the plaintiff by reason of the drains being permitted to be choked up. That Company was not bound to keep the drains cleaned; all they had to do with the line was with the haulage, and no more. The Great Northern and Western Company were the proprietors; they made the drain, and against them the plaintiff, if he had any right of action, should, perhaps, have proceeded.

The Great Northern Company were incorporated by their Special Act (20 & 21 Vic., c. 84, sec. 4). That Act enabled them to make their railway from Athlone to Castlerea, and by a subsequent Special Act (23 Vic., c. 45) they were empowered to extend their line to Castlebar. With those Special Acts are incorporated several Public Acts, amongst which are the 8th and 9th Vic., c. 20 (The Railway Clauses Consolidation Act, 1845). By the 3rd section of this last mentioned Act, "The expression 'company' shall mean *the company* or party which shall be authorized by the Special Act to construct the railway." Now, the company who were so authorized were the Great Northern and Western. The 48th section of same Act thus proceeds—"And with respect to works for the accommodation of lands adjoining the railway, be it enacted as follows:—*The Company* shall make, and at all times thereafter *maintain*, the following works for the accommodation of the owner and occupier of lands adjoining the railways, that is to say . . . All necessary . . . drains or other passages, either over or under the side of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affecting the railway as before the making of the railway." The Midland were merely haulers over the Great Northern and Western line, and they were empowered in that behalf by the 46th and 47th section of the 20th and 21st Vic., chap. 84. "It shall be lawful for the Company"—the Great Northern Company—"and the Midland Company to enter into and make such contracts for and with reference to the working of the traffic by this Act authorized, or any part thereof, with the engines and carriages of the Midland Company, and for the interchange and forwarding of traffic passing to and fro from the railways of the Midland Company, and also with reference to the rates, tolls, and charges to be charged by and between the said companies, or for or in respect of any traffic;" to execute all deeds and contracts to carry out same. And during that contract, the very next section—the 47th—authorizes that both the Midland and Great Northern and Western Company merely "for the purpose of *calculating the tolls* therein, be deemed one continuousline." But no legislation has fastened mere haulers with the duty of scouring drains, which is the manifest duty of the owners and proprietors of the line.

1st Oct.—His Lordship affirmed the decree with costs.

Attorney for the plaintiff, *Joseph Burke*.

Attorney for defendants, *W. P. Kirwan*.

THE LAW STUDENTS' JOURNAL.

KING'S INNS—LEGAL EDUCATION.

Michaelmas Term, 1867.

Thomas H. Barton, Esq., King's Inns Professor of Constitutional, Criminal, and other Crown Law, will deliver his Course of Lectures in the Lecture room, at the King's Inns, on Wednesdays and Saturdays, during the Michaelmas Session.

Piers F. White, Esq., King's Inns Professor of the Law of Personal Property, Pleading, Practice, and Evidence, will deliver his Course of Lectures in the Lecture-room, at the King's Inns, on Mondays and Thursdays, during the Michaelmas Session.

The Lectures of both Professors will be delivered at Five o'clock, p.m., but all Students are to be in attendance in the Lecture-room, at Four o'clock, p.m.

Each Course will contain Twelve Lectures, all open to the public.

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INCORPORATED LAW SOCIETY.

MICHAELMAS TERM, 1867.

At the examination of Applicants seeking to become Apprentices to Attorneys, held on Wednesday, the 30th, and Thursday, the 31st October, 1867, the following were adjudged by the Court of Examiners to have passed said examination, and their names are arranged in the order of merit, viz.:

1. John Dillon,
2. James Wm. Hanrahan,
3. Joshua Ebenezer Peel,
4. Jeremiah Wm. Roche,
5. John R. Colfer,
6. Peter Vincent Kennedy,
7. Sidney Browne Swift,
8. Hugh Thos. Sayers,
9. William L. Carson.
10. John Smith,
11. John Ogle,
12. James H. Wheeler,
13. John Charles O'Mara,
14. Charles Wm. Meyrick,
15. Cornelius John Curtin,
16. Michael Dunne,
17. Richard Copinger.

With respect to the other applicants, they are postponed for the present; the answering of some being very poor indeed.

With respect to the answering generally, the Court of Examiners regret that it was not so good as it has been on former occasions, although they had hoped for improvement.

Mr. John Dillon, Mr. James William Hanrahan, and Mr. Joshua Ebenezer Peel to be allowed to compete next November for the Prize.

As to the Final Examination,

The Court of Examiners have decided that all the gentlemen who presented themselves shall pass.

The following is the order of merit:—

No. 1. Richard Davoren,
2. Edward N. Blood,
3. Thos. J. Furlong,
4. Thos. C. Franks, } On equal marks.
5. Henry G. Cooper, } On equal marks.
6. Patrick J. Tobin.

The Court of Examiners have awarded to Mr. Richard Davoren a Gold Medal; to Mr. Edward N. Blood and to Mr. Thos. J. Furlong, Silver Medals; and to Mr. Thos. C. Franks and Mr. Henry G. Cooper, Special Certificates of Merit.

As to the Examination for the SOCIETY'S PRIZE,

The Court of Examiners have awarded to Mr. David Martin Fitzgerald the Gold Medal and £10.

As to Mr. Ryan, his answering was extremely satisfactory, so far as he seemed to be prepared, and it is much to be regretted that he did not allow himself time to read the entire course.

BARRISTERS AND SOLICITORS.

The social distinctions which divided attorneys and the long robe have almost entirely disappeared. Each branch of the profession has its black sheep and uncouth members, whose personal failings and demerits it would be absurd to regard as the qualities of their respective orders; each branch comprises men who neither by culture, nor tone, nor aspiration, merit the sadly misused epithet "gentle." But the best and truly representative members of both branches belong by birth, education, and associations to exactly the same class. Like the wearers of the long robe, our solicitors are, for the most part, the sons of gentlemen, and receive a liberal education before they begin to study for their profession. In boyhood they learn Greek in our public schools, and in a considerable and rapidly increasing proportion of cases, they take degrees at Oxford and Cambridge (and Dublin), before they become articled clerks. It often happens that when two brothers select the law for their vocation, the one puts his name on the books of the Temple and the other enters a solicitor's office; but it never enters the brain of either that he has taken a more or less dignified course than his brother. It is true that the one brother may rise to be a peer, whilst the other cannot do more than make money and get a seat in the House of Commons; and this difference between the eminent successes open to lawyers of the two branches secures for the bar a brighter *éclat* and wider respect than attorneys possess as a professional fraternity, but the more brilliant *prestige* of the higher order exercises no appreciable influence on the estimation in which individuals are held. At a time when our most eminent judges have brothers or other near relatives solicitors; when solicitors occupy places of power and respect in every social grade; and when their children are received in every circle of polite life just as readily and cordially as the children of barristers, it may be very confidently asserted that they have lived down their calumniators. —*Jeaffreson's Book about Lawyers.*

THE COURTS AND COURT PAPERS.

COURT OF CHANCERY.

MICHAELMAS TERM, 1867.

List of Causes and General Cause Petitions in Chancery.

GENERAL CAUSE PETITIONS.

Standing Over.

From Easter Term.

1 Hinds *v.* Clarke
2 Cooke *v.* Young
3 Eno *v.* Boyd

From Trinity Term.

1 European Bank *v.* James and Malley
2 Attorney-General *v.* Commissioners of Carrickfergus (to be heard before the Lord Justice of Appeal)
3 Imperial Mercantile Credit Association *v.* Newry and Armagh Railway Co.
4 Getty *v.* Elliott
5 Richardson *v.* Grubb
6 Burke *v.* Macnamara (to be heard before the Lord Justice of Appeal)
7 Knox *v.* Kiernan
8 Leslie *v.* Crommellin
9 Carnegie *v.* Mannix
10 M'Cracken *v.* Greer
11 Commins *v.* Barrett

Michaelmas Term.

1 Thorp *v.* Thorp
2 Dickson *v.* Spotten
3 Sheppard *v.* Murphy
4 Ramsay *v.* Todd
5 M'Curdy *v.* Lees
6 Irwin *v.* Robertson, R.M.
7 Martin *v.* Sheehan
8 Niven *v.* Niven
9 Johnston *v.* the Enniskillen, Bundoran, and Sligo Railway
10 Carpenter *v.* Hassard, R.M.
11 Same *v.* Same, R.M.
12 Hunt *v.* Hunt.
13 O'Farrell *v.* Blake
14 Charleton *v.* Johnston, R.E.M.
15 Byrne *v.* Kerrigan
16 Martin *v.* Douglas
17 Walker *v.* Kelly
18 Eyre *v.* Santa Croce
19 Martin *v.* Dublin Exhibition Palace Company
20 Maher *v.* Flanagan
21 Darcy *v.* Cahill
22 Lewis *v.* Billing, for further directions
23 Sweeny *v.* M'Carthy
24 Attorney-General *v.* Staunton, pursuant to order of 14th of May, 1867
25 Thompson *v.* Tate
26 Chapple *v.* Bourke
27 Purcell *v.* Cross
28 Robinson *v.* M'Adam
29 Leicester *v.* Jolly
30 Sealy *v.* Stawell
31 M'Ghee *v.* Roe
32 Cooper *v.* Rutledge
33 M'Cleery *v.* Kelly
34 King *v.* O'Connor
35 Pennefather *v.* Pennefather
36 Ogle *v.* Pigott
37 Simmonds *v.* Cooper
38 French *v.* De Haesler
39 Strain *v.* Porter
40 Brennan *v.* Walsh
41 Forster *v.* Ridings
42 Magee *v.* Magee
43 Kennedy *v.* Graham
44 Kennedy *v.* Graham
45 Symms *v.* Sinclair
46 Dane *v.* Dane
47 Long *v.* Byrne
48 O'Connell *v.* Eagle Insurance Company
49 Gordon *v.* Innes
50 Tandy *v.* Gibbings
51 Tyrrell *v.* Furlong
52 Lesley *v.* Horgan
53 Deane *v.* Clarke
54 Deane *v.* Cassin

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Mary Bourchier, from 4th inst.—N. S. May, allocation.—Roger Dodwell, from 4th inst.—William Mussenden,

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allocation.—William Thornton, do.—Mary Agnes O'Connell, rental.—J. S. Kirwan, cross motion.

Before JUDGE LYNCH.

Trustees of Woodward, objection.—W. S. Wolfe, to discharge purchaser.—S. Sibthorpe, proposal.

Before the EXAMINER.

F. Brew, to vouch.—W. G. Howard, do.

Tuesday—Before JUDGE DOBBS.

Assignees of William M'Dermott, allocation.—E. F. Waldron, objection.

Before the EXAMINER.

John Joyce, proofs.—W. T. Shortt, do.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

William Noble, 1 lot, Fermanagh, fee-farm.—Lord Conyngham, 9 lots, Clare—fee. Profit rent, £758 11s. 8d.—Denis Godley and another, 2 lots, Meath—fee. Profit rent, £588 5s. 10d.—R. C. D. Oliver, 4 lots, Cork, fee-farm and leasehold. Profit rent, £482.

Wednesday—Before JUDGE DOBBS.

Edward Murphy, allocation.

Before JUDGE LYNCH.

C. S. D. Withers, final schedule.—John R. Taaffe, do.—Assignees of Watts, do.—G. Evans, allocation.

Before the EXAMINER.

H. Hodson, rental.—Assignee of William Bayley and other matters, do.—T. Disney, do.—Assignee of H. M. Lefroy, do.—Walter Fitzgerald, do.

Thursday—Before JUDGE DOBBS.

Joseph Lipsett, from 2nd inst.—John Little, do.—Trustees of Samuel Walker, allocation.—F. M. Butler, do.—John Joyce, do.—W. T. Shortt, do.

Before the EXAMINER.

Lord Trimleston, proofs.

Before JUDGE LYNCH.

W. R. Farmer, from 6th inst.—G. S. Wybrant, from 7th inst.

Before the EXAMINER.

P. J. Murphy, vouch.—J. T. Campbell, reference from judge.—James Tobin, rental.

Friday—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

Elizabeth Jones, 5 lots.—H. C. J. Saunders, 1 lot.—A. Dewar, 1 lot.—Lord Annaly, 4 lots.—Commissioners of Carrickfergus.—Charles Moore, 6 lots.—Henry Pearde, 2 lots.—Trustees of Mary Jennings, 1 lot.—Stanhope W. F. Kenny, 1 lot.—James Barnett, 1 lot.

Before the EXAMINER to JUDGE LYNCH.

D. L. Lewis, rental.

Saturday—Before JUDGE DOBBS.

Executor of O'Brien, from 2nd inst.—Thomas Curran, do.—Trustees of E. J. Cooper, from 7th inst.

Before the EXAMINER.

Executor of James Power, proofs.

Before JUDGE LYNCH.

S. Quin, from 2nd inst.

LANDED ESTATES' COURT.

SALES, NOV. 5.

Before the Hon. Judge LYNCH.

COUNTY OF DONEGAL. — Estate of John G. Laird, owner; Samuel Donnell, petitioner.

Dwelling-house and premises in the town of Ballybofey, producing a profit rent of £84 3s. 4d. Sold to the petitioner for £1,000. Solicitors, *Wilson and Hodges*.

COUNTY OF DUBLIN. — Estate of the assignees in bankruptcy of Michael M'Garry, owner; Frederick H. Mare, petitioner.

An undivided moiety of the lands and mills of Palmerstown, held under lease dated 1751, for lives renewable for ever, and sub-let in perpetuity at a rent of £92 6s. 1d. The sale was adjourned, there being no bid. Solicitor, *William Lewis*.

CITY AND COUNTY OF DUBLIN. — Estate of Agnes Martha Swinney, and of Robert Garde Durdin and Robert Johnston Stoney, executors of Rev. George S. Swinney, deceased.

Lot 1. Part of the Commons of Rathcoole, in the barony of Newcastle, held in fee-simple, containing 20a. 3r. 36p.; statute measure, and producing a net profit rent of £26 5s. 7d. Sold to Mr. W. H. Jackson for £505.

Lot 2. Part of the lands of Rathcoole, called College Lands, and part of the Commons of Rathcoole, called Crockaunadreenagh, held by lease from the Archbishop of Dublin, for 21 years from 1866, containing 556a. 1r. statute measure, and producing a net profit rent of £395 13s. 5d. Sale adjourned, biddings having only reached £5,000.

Lot 3. The house 6, Westmoreland-street, Dublin, under lease for lives renewable for ever, and producing a yearly profit rent of £49 3s. 2d. Sold for £900 to Mr. W. H. Jackson.

Lot 4. The house 10, Marlborough-street, Dublin, held under lease for lives renewable for ever, and producing a profit rent of £20 13s. 10d. Sold to Mr. John M'Weeney for £160. Solicitor, *Alexander Durdin*.

TOWN OF DUNDALK.—Estate of Hugh M'Sherry, owner; Edward M'Gauran, petitioner.

Houses in Hill-street and Rice's-lane, Dundalk, held under fee-farm grant, and producing a net profit rent of £31 9s. 7d. Sold to Mr. Michael Casey, Dundalk, for £585.

Lot 2. Two houses, one in Francis-street, and the other in Earl-street, Dundalk, held under lease for 992 years, and producing a profit rent of £46 3s. 1d. Sold to Mr. Thomas Williamson, of Dundalk, for £450. Solicitor, *Edward M'Gauran*.

COUNTY OF LONGFORD.—Estate of John Bole, owner and petitioner.

Lot 1. Defeasible life estate of the owner and petitioner, in part of the lands of Clonkeen and barony of Moydow, held for three lives or 31 years, and producing a profit rent of £36 17s. 6d. Sold to Mr. Shaw, of Ballymahon, for £300.

Lot 2. Defeasible life estate of the owner in the lands of Castleray, in the barony of Moydow, held for 999 years, and producing a net profit rent of £62 15s. 4d. Sold to Mr. Ambrose Bole, of Tashinny, for £600.

Lot 3. Part of the lands of Clonkeen, containing 80a. 2r. 33p. statute measure, held for three lives, or 31 years from 1850, and producing a profit rent of £37 3s. 6d. Sold to Mr. John Shaw, of Ballymahon, for £400. Solicitor, *R. J. Falkiner*.

LEGAL APPOINTMENTS.

The following is a correct statement of appointments in the Court of Chancery pursuant to the provisions of the Chancery Act, 1867:—

Second Assistant Registrar Court of Chancery—W. Peters Smith, Esq., late Examiner to Master Brooke.

Chief Clerk to the Master of the Rolls—Berkeley Whitestone, Esq., solicitor.

Junior Clerks—William Forde, Esq., late Assistant-Clerk to Master Litton; William O'Callaghan, Esq., late Assistant-Clerk to Master Murphy.

Chief Clerk to the Vice-Chancellor—A. T. Chatterton, Esq., solicitor.

Junior Clerks—Campbell Moore, Esq., late Assistant-Clerk to Master Brooke; Edward Baker, Esq., late Registrar to Master Murphy.

LEGAL APPOINTMENT.—Acheson Henderson, Esq., of the North-East Bar, has been appointed Crown prosecutor for the county of Antrim, in the place of the late W. H. Shegog, Esq.

It is understood that Mr. Brett, M.P., will succeed Mr. James as Attorney-General for the County Palatine of Lancaster.

LOCAL INSPECTORSHIP OF CITY PRISONS.—The Grand Jury have appointed Mr. Wm. Ormsby, sub-sheriff, to the office of local inspector of city prisons.

BANQUET TO THE SOLICITOR-GENERAL.—The committee who have undertaken the management of a banquet to Mr. Harrison, Solicitor-General for Ireland, by the members of the North-East Bar, have arranged that it will take place on the last Saturday in the present term.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before the CHIEF CLERK for CHIEF REGISTRAR.		
Nov. 11	12 o'clock	Samuel Shaw	Prove debts & vouch assignee's account	*Larkin*
"	"	Michael Hayes	do.	*Meldon*
"	"	Denis Flynn	do.	*Lett*
"	"	William Lunham	do.	*Casey & Clay*
"	"	William R. Collett	do.	*Meldon*
"	"	William J. Kelly	do.	*Meldon*
"	"	Thomas W. Nealson	do.	*Meldon*
"	"	Thomas Groarke	Vouch mortgagee's account	*Molloy & Watson*
"	"	Arrangement case	Proof of debts	*Molloy & Watson*
		Tuesday.—Before the COURT.		
Nov. 12	11 o'clock	James and Michael Murphy	Final examination	*Donnelly*
"	"	Edward Soulsby	do.	*Casey & Clay*
"	"	Daniel and Henry Magrath	do.	*Larkin*
"	"	James B. Kennedy	do.	*O'Callaghan*
"	"	Arrangement case	1st sitting	*M'Namara*
"	"	do.	do.	*Meredith*
"	"	do.	Sitting under 351st section	*Lynch*
"	"	Albert French	Examine witnesses	*Larkin*
"	"	Arrangement case	Charge and discharge	*Irvine*
"	"	Daniel S. Bergin	do.	*Clay*
"	"	Andrew Geoghegan	Audit and dividend	*Fay & M'Gough*
"	"	James Sutherland	do.	*Boughey*
"	"	Banbridge Extension Railway Co.	Motion	*Crawford & Lockart*
		Before the CHIEF CLERK, for CHIEF REGISTRAR.		
"	12 o'clock	Arrangement case	Proof of debts	*Rosenthal*
"	"	Beck	Reference	*Larkin*
"	"	Taylor	do.	*Larkin*
"	"	Johnston	Costs	*O'Connell*
"	"	Geoghegan	do.	*Fay & M'Gough*
"	"	Cantrell	do.	*Tincler*
		Thursday.—Before the COURT.		
Nov. 14	11 o'clock	William Campbell	Prove charge	*Byrne & Lambert*
		Before the CHIEF CLERK, for CHIEF REGISTRAR.		
"	12 o'clock	John Saunders	Prove debts and vouch	*Perry*
"	"	James Morrissy	do.	*Perry*
"	"	Michael Sullivan	do.	*Perry*
"	"	John Leddy	do.	*Perry*
"	"	William Breen	do.	*Perry*
"	"	J. F. W. Templeton	do.	*Perry*
"	"	P. J. O'Callaghan	do.	*Hughes*
"	"	N. J. Peterson	Examine title	*M'Carthy and Hanraghan*
		Friday.—Before the COURT.		
Nov. 15	11 o'clock	Edmond Molony	Final examination	*Molloy & Watson*
"	"	John Doyle	do.	*Hamilton & Craig*
"	"	William R Collett	do.	*Meldon*
"	"	Dawson, Tate, and Co.	do.	*Carleton*
"	"	Arrangement case	1st sitting	*Dodd*
"	"	do.	do.	*Kiernan*
"	"	do.	do.	*Jennings & Walsh*
"	"	Rumley and Chartres	Sur., prove debts, and assignee	*O'Connell*
"	"	John O'Neill	Examine witnesses	*Neilson*
"	"	John Calvert	Audit and dividend	*Buckley*
"	"	Thomas Groarke	Audit mortgagee's account	*O'Connell*

BANKRUPTS.

Farrar, Edward, of No. 21, Bachelors'-walk, county of the city of Dublin, and of Nos. 6 and 7, Dock-row, Bray, county of Wicklow, plumber and gasfitter. Petition of bankruptcy filed November 4, 1867. To sur. Tuesday, 19th November, and Tuesday, 3rd December. C. H. James, official assignee. *Casey and Clay*, solrs.

Rumley, Thomas Kenah, and Chartres William, both of Ballinacurra, county of Cork, general merchants, trading as "Romley and Chartres." Petition of bankruptcy filed 28th October, 1867. To sur. Friday, November 15, and Friday, November 29. L. H. Deering, official assignee. *O'Connell*, solr.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
Nov. 11	12 o'clock	Thomas Ryan	To prove debts	*Macnally*
"	"	William Wylie	do.	*Macnally*
"	"	Anselm E. Taylor	do.	*Macnally*
		Tuesday.		
Nov. 12	"	Morgan Kavanagh	To tax costs	*Macnally*
"	"	Barry Murphy	do.	*Macnally*
"	"	Henry Doyle	do.	*Macnally*
"	"	John Teeling	do.	*Macnally*
"	"	John Copeland	do.	*Larkin*
		Wednesday. Before the COURT.		
Nov. 13	11 o'clock	Morgan Kavanagh	Audit and dividend	*Macnally*
"	"	Barry Murphy	do.	*Macnally*
"	"	Henry Doyle	do.	*Macnally*
"	"	John Teeling	do.	*Macnally*
"	"	John Copeland	do.	*Larkin*
"	"	Hamilton Tynan	Adjourned do.	*Macnally*
"	"	Samuel Smith	Examination of witnesses	*Molloy & Watson*
"	"	Edward Keane	do.	*Molloy & Watson*
"	"	John Gill	Notice of motion	*Corcoran*
"	"	Nicholas Barry	Adjourned motion	*Murray*
"	"	Eliza Quinn	Hearing of petition	*Macnally*
"	"	Gregory Lowry	do.	*Magrath*
"	"	Thomas Fox	do.	*Rynd*
"	"	Thomas Holloway	do.	*Magrath*
"	"	John Weekes	do.	*Macnally*
"	"	William Dillon	do.	*Macnally*
"	"	James Smith	do.	*Casey & Clay*
"	"	James Lyons	do.	*Macnally*
"	"	Michael Browne	Adjourned do.	*Rynd*
"	"	Joseph Maddock	" do.	*Hunter*
		Friday.		
Nov. 15	"	———	For bail motions only	———
		Saturday. Before the CHIEF CLERK.		
Nov. 16	"	Thomas Ryan	To vouch assignee's account	*Macnally*
"	"	William Wylie	do.	*Macnally*
"	"	Anselm E. Taylor	do.	*Macnally*

CASES DISPOSED OF IN DUBLIN.

Before JUDGE MILLER.

Wednesday, November 6.

Alley, George. Adjourned to 5th February, 1868.
Bowyer, Henry Joseph. Adjourned to 15th January, 1868. £100 per annum out of the insolvent's salary to be allocated for payment of creditors.
Brennan, Joseph Denis. Discharged.
Crawley, Joseph. Do.
Cuffe, Daniel Barrett. Do.
Flynn, Michael. Adjourned to 5th February, 1868.
Henry, William Joseph. Adjourned to 4th November, 1868.
King, Patrick. Discharged.
Lyons, James. Adjourned to Wednesday next, the 13th instant.
MacDonald, George Robert. Adjourned to 15th January, 1868.
M'Donnell, Joseph Patrick. Discharged.
Neill, John. Do.
Newport, John Wallis. Discharged. £20 per annum out of the insolvent's pension to be allocated for payment of creditors.
Wybrants, Richard Harrison. Discharged.

CASES DISPOSED OF IN THE COUNTRY.

At BELFAST, county Antrim, October 21.

Before JOHN HASTINGS OTWAY, Esq., Q.C., Chairman.

Canning, William. Petition dismissed.
Courtney, William. Remanded for ten months from 4th July, 1867, at suit of Barry Fitzmaurice.
Crozier, William. Discharged.
Develin, Thomas. Do.
Hogg, James. Do.
Hogg, Joseph. Do.
Jones, Joshua. Do.
Knox, Rev. Thomas. Do.
Lennon, Michael. Do.
Mitchell, David. Adjourned to next Sessions.
M'Dermott, William. Discharged.
M'Ferran, John. Do.
M'Kenna, Francis. Do.
Thompson, Shepherd. Adjourned to next Sessions.

At LONGFORD, county Longford, October 21.

Before CHARLES KELLY, Esq., Chairman.

M'Dermott, George. Adjourned to next Sessions.

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At NAAS, county Kildare, October 22.

Before THOMAS LEFROY, junr., Chairman.

Dobbyn. William. Discharged—the insolvent undertakes to allocate £10 a year for payment of his debts.

At TRIM, county Meath, October 22.

Before ECHLIN MOLYNEUX, Esq., Chairman.

Connell, senr., Hugh, arrested as "M'Connell, Hugh." Discharged.
Fox, Patrick. Discharged.

At LIMERICK, county Limerick, October 24.

Before JOHN LEAHY, Esq., Chairman.

Ryan, Patrick. Remanded for three months.
Scanlon, Anne Teresa. Adjourned to next Sessions.
Wallace, John. Do.

At THURLES, county Tipperary, October 28.

Before CHARLES ROLLESTON, Esq., Chairman.

Doughan, Martin. Discharged.

INSOLVENTS DISCHARGED ON BAIL.

Callan, John, county Monaghan, writing clerk and farmer.
Hart, Charles, county Monaghan, cattle dealer.
Kelly, John, county Galway, farmer and brewer.
M'Farland, James, Belfast, bleachgreen worker.
Scott, Samuel, county Antrim, farmer and weaver.

PETITIONS OF INSOLVENCY and SCHEDULES FILED.

(*No Days of Hearing yet fixed.*)

Bird, John, of Clones, county Monaghan, innkeeper; previously of Brooklyn, New York, America, out of business; formerly of Clones aforesaid, innkeeper—a prisoner in gaol of Monaghan. *Wright*, solr.
Jennings, James, of Cartown, near Claremorris, county of Mayo, labourer—a prisoner in gaol of Castlebar. *Griffin*, solr.
Mathews, Peter, of John-street, Drogheda; previously of Church-lane, Drogheda, gentleman, not in any business—a prisoner in the gaol of Drogheda. *Simpson*, solr.

PAUPER DECLARATION FILED.

November 4.

Metcalf, Michael, detained by John Queely. *Tincler*, solr. for creditor.

DEATH OF SIR M. R. SAUSSE.—We regret to announce the death of Sir Matthew Richard Sausse, which took place at Killarney House, the residence of Lord Castlerosse, where deceased was on a visit. Sir M. Sausse was Chairman of the county of Wexford previous to his being appointed to the Chief Justiceship of the High Court of Judicature at Bombay, a post which he filled from 1855 up to last year. Returning home in 1866, he married the Hon. Charlotte Fraser, the youngest daughter of Lord Lovat. Sir Matthew Sausse was in the fifty-eighth year of his age.

The correspondent of the *Northern Daily Express*, writing on Monday night, says:—"Every arrangement has been made for the departure of Lord Brougham to-day (Tuesday) for his chateau at Cannes, in the south of France. Dr. Michael Taylor, of Penrith, will accompany the venerable lord part of the journey, which will be made at very easy stages, and prolonged over several days, so as not to fatigue his lordship. Lord Brougham, though exceedingly frail, enjoys surprising health."

The legal profession has learnt with more regret than surprise the news of the death of Mr. Edward James, M.P. for Manchester, and leader of the Northern Circuit, which took place a few days ago in Switzerland, where the learned gentleman had been for some time residing in search of the health which had of late sadly suffered under his arduous labours. It had been for a year or two evident that Mr. James hardly possessed sufficient constitutional strength to bear the fatigue of Parliamentary, superadded to forensic, duties. He had, before the present year, betaken himself to the bracing air of Switzerland, in the hope of obtaining restored vigour, but his more intimate friends had been for some little time aware that his trust even in that pure climate was deceptive. His demise vacates two or three legal offices as well as a seat for Manchester. He was Attorney-General for the County Palatine, Lancaster, as well as Judge of the "Court of Passage," a local tribunal at Liverpool. He was a Liberal in politics, but it may be remembered that his election for Manchester in 1865 was mainly secured by a large body of Conservatives voting for him, in order to defeat the Radical candidate, Mr. Jacob Bright. Of course, of his successor not a rumour has as yet been uttered.—*London Correspondent of Saunders' News-Letter.*

BIRTHS, MARRIAGES, AND DEATHS.

MARRIAGE.

O'FARRELL and STRATFORD—On the 4th inst., at the Cathedral, Marlborough-street, by the Rev. Nicholas O'Farrell, William Michael O'Farrell, Esq., solicitor, of Galway, eldest son of Thomas Denis O'Farrell, crown solicitor for the County Galway, to Matilda, youngest daughter of Thomas Stratford, Esq., solicitor, of 15, Middle Gardiner-street.

DEATHS.

DORAN—November 3, at Sydney House, 124, Pembroke-road, Dublin, Phillis, the beloved wife of Joseph Henry Doran, Esq., solicitor.

SHEGOG—November 4, suddenly, of disease of the heart, aged 53 years, William Henry Shegog, Esq., barrister-at-law.

WYSE—November 4, at Bray, aged 74 years, George Wyse, Esq., late divisional magistrate of Dublin.

ATTORNEYS' APPRENTICES' EXAMINATION.

COLLEGIATE SCHOOL, 6, HUME-STREET.

MR. D. FITZGERALD, son of Thomas Fitzgerald, Esq., Solicitor, and nephew of Judge Fitzgerald, obtained *first* place at the Preliminary Examination of Attorneys' Apprentices, held last Hilary Term; and at the Examination held on the 1st and 4th of the present month, he obtained the gold medal and £10 prize offered for public competition by the Incorporated Society of Solicitors, to the gentlemen selected at the several Examinations of the year 1867. On both these occasions this young gentleman was prepared by

MESSRS. HEAZLE & MORTIMER, 6, HUME-STREET.

During the past year Sixteen gentlemen—the *only* Candidates sent up from this Establishment—have been successful. The following places were obtained by them: 1st, 3rd (twice), 4th, 6th (twice), and 7th.

A CLASS for the ENSUING EXAMINATION is now in full operation.

Particulars as to Terms, &c., can be ascertained by application to the Principals.

LEGAL POSTINGS:

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edward Power, of Boyle, in the County of Roscommon, Grocer and Shopkeeper, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 28th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on TUESDAY, the 10th day of DECEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *First and Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.

All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.

Dated this 4th day of November, 1867.

CHEYNE BRADY, Chief Registrar.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants' quay, Dublin.

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In the LANDED ESTATES' COURT.

COUNTY TIPPERARY.

In the Matter of the Estate of John Lalor, Esq., Owner and Petitioner. And in the Matter of the Estate of John Thomas Lalor, Esq., Owner and Petitioner.

TO BE SOLD BY PUBLIC AUCTION, on TUESDAY, the 19th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, by the Honourable Judge Lynch, at the Landed Estates' Court, Inns'-quay, in the City of Dublin, part of the Lands of Gurteen, situate in the Barony of Lower Ormond, and County of Tipperary, held in Fee-simple, and the Lands of Carhecokill, otherwise Carrowkeale, situate in the Barony of Kilnemanagh Lower, and County of Tipperary, held under Fee-farm Grant, bearing date the 15th July, 1854.

To be Sold, in Two Lots, viz.:—

Lot No. 1.—Part of the Lands of Gurteen, with the Bog and Commonage thereunto belonging, situate in the Barony of Lower Ormond, and County of Tipperary, containing 291a. 3r. 15p. statute measure, held in Fee-simple, and producing the yearly rent of about £317 11s. 6d., subject to £8 6s. 8d. tithe rent-charge, but free of quit rent.

Lot No. 2.—The Lands of Carhecokill, otherwise Carrowkeale, containing 395a. 0r. 13p. statute measure, situate in the Barony of Kilnemanagh Lower, and County of Tipperary, are held in Fee-farm, and yield at present the profit rent of £61 6s. 6d. per annum, as held by tenants from year to year, since the expiration of an old lease in 1845, at lettings which are 50 per cent. under the Ordnance Valuation, and 60 per cent. under the Valuation of Messrs. Brassington and Gale, made by order of the Court.

Dated this 17th day of September, 1867.

J. E. MADDEN, for Chief Clerk.

DESCRIPTIVE PARTICULARS.

Lot No. 1.—The said Lands of Gurteen, with the Bog and Commonage thereunto belonging, contain 291a. 3r. 15p. statute measure. They are situate within about four miles of the important Town of Birr or Parsonstown, in the King's County, and about the same distance of the Town of Banagher, and adjoin the public road from Borrisokane to Clogher. They consist for the most part of prime Grazing Land, and, with the exception of about 41 acres, are at present held by three tenants; but the two principal tenancies will end on the 1st of November, 1867, and the purchaser will be entitled to immediate possession of the entire of the Lands, excepting 18a. 0r. 26p. held by a yearly tenant. There is abundance of turbary on the Lands, and good shelter for cattle at all seasons. The Pallas River partly bounds the Lands, and partly flows through them.

Lot No. 2.—The said Lands of Carhecokille, otherwise Carrowkeale, are occupied by peaceable and industrious tenants, chiefly in pasture. They are partly bounded by the River Aughnaglanny, and afford abundance of game in the shooting seasons. They are situate in the centre of Lord Hawarden's well preserved estates, within three and a-half miles of the Village of Dundrum (a Station on the Great Southern and Western Railway, next to the Limerick Junction), and within about four miles of the Goold's Cross and Cashel Station.

For Rentals and particulars apply at the Landed Estates' Court, Inns'-quay, in the City of Dublin; to

GEORGE BOLTON, Esq., Solicitor, 6, Ely-place;

SAMUEL F. ADAIR, Esq., Solicitor, 25, Clare-street;

Messrs. VINCENT & BUCKLEY, Solicitors, 31, South Frederick-street, Dublin; or to

RICHARD MACNAMARA, Solicitor having Carriage of the Sale, 31, North Great George's-street, Dublin.

Proposals for purchase of both or either of the Lots will be received by the Solicitor having Carriage of the Sale; or by John Lalor, Esq., Banagher, up to the 2nd day of November, 1867, but not later, and will be submitted to the Judge for his approval; and the acceptance of any such proposal will be duly notified to the public.

In the LANDED ESTATES' COURT.

COUNTY OF MEATH.

In the Matter of the Estate of The Right Hon. Henry, Baron Annaly, Owner and Petitioner.

TO BE SOLD, at the Landed Estates' Court, Dublin, before the Hon. Judge Lynch, on TUESDAY, the 19th day of NOVEMBER, 1867, at Twelve o'clock noon, in Two Lots, that part of the Lands of Augherskea, otherwise Aghersheate, situate in the Barony of Lower Deece, and County of Meath, held in fee-simple, containing 518a. 3r. 26p. statute measure, or thereabouts.

Lot No. 1, containing 295a. 1r. 37p., and producing £318 3s. 0d. per annum.

Lot No. 2, containing 233a. 1r. 29p., and producing £293 18s. 2d. per annum.

Dated this 6th day of July, 1867.

J. E. MADDEN, for Chief Clerk.

This Estate is held in fee-simple. The Lands are some of the finest in the County of Meath. The tenants have good interests, and pay their rents punctually. The Estate is about a mile from the Drumree Station, on the Dublin and Meath Line.

Proposals for purchase of all or either of the lots will be received and submitted to the Court by the Solicitor having carriage of the Sale, up to the 4th day of November, 1867.

Rentals and further particulars may be obtained at the Office of the Landed Estates' Court, Dublin: from

JOHN MACSHEEHY, Solicitor having carriage of the Sale, 46, Lower Gardiner-street, Dublin; and from

Messrs. BIRCHAM, DALRYMPLE, DRAKE, and Company, 46, Parliament-street, London, S.W.

In the LANDED ESTATES' COURT, IRELAND.

COUNTY OF LOUTH.

In the Matter of the Estate of Sir John Benjamin Macneill, Owner; Christopher Domville Savage, Petitioner.

TO BE SOLD, before the Honourable Judge Dobbs, at the Landed Estates' Court, Dublin, on FRIDAY, the 29th day of NOVEMBER, 1867, at the hour of Twelve o'clock, noon, By Public Auction, in Four Lots, this valuable Estate, situate in the Barony of Lower Dundalk, and County of Louth.

LOT 1.

Part of the Lands of Rath Lower, containing 167a. 1r. 15p. statute measure, held under Lease for Lives renewable for ever, subject to the head rent of £36 18s. 5½d., present currency, and producing a profit rent of £176 0s. 10½d. sterling.

LOT 2.

Part of the Lands of Ballagan, containing 135a. 3r. 2p. statute measure, held under Lease for three Lives (all of whom are in being) or 61 years, from 1st November, 1844, subject to the head rent of £162 19s. 3d., present currency, and producing a profit rent of £48 17s. 5d. sterling.

LOT 3.

Part of the Lands of Fanghart Upper, containing 29a. 1r. 1p. statute measure, held under Lease for 65 years, from 1st November, 1850, subject to the head rent of £35 sterling. And Part of the Lands of Plaister, or Plaster, with the Mansion-house and Offices known as "Thistle," containing 77a. 1r. 25p. statute measure, held under Lease bearing date the 24th March, 1851, for three Lives (only one of whom is now in being), subject to the head rent of £143 sterling, and producing a profit rent of £26 7s. 3d. sterling.

LOT 4.

The Lands of Culfore, and Part of the Lands of Aughaboys and Fanghart, containing in the whole 219a. 0r. 31p. statute measure, held partly under Fee-farm Grants and partly under Leases for Lives renewable for ever, and for lives and years, subject to the head rents of £114 8s. 6d., and producing a profit rent of £524 15s. 8d. sterling.

Dated 26th day of July, 1867.

C. E. DOBBS, Examiner.

For rentals and further particulars apply to the Landed Estates' Court; to

SAMUEL BRUCE, Solicitor, 24, Dame-street, Dublin, and Donegall-place, Belfast; or to

MACRORY and CO., Solicitors having carriage of Sale, 48, Rutland square, Dublin, and Ulster Chambers, Belfast.

DESCRIPTIVE PARTICULARS.

Lot 1—Comprises Part of the Lands of Rath Lower, which is situate about 12 miles north-east from the town of Dundalk, and is nearly equally distant from the town of Newry. It is within 1½ miles of Carlingford, a seaport and market town. The Lands are of good quality, and set at very moderate rents to respectable tenants.

Lot 2—Comprises Part of the Townland of Ballagan, situated about two miles east of Rath Lower (Lot 1). This is a very good Farm, and the occupying tenants are very respectable and solvent.

Lot 3—Comprises Part of the Lands of Fanghart Upper, together with Part of the Lands of Plaister, upon which stands the Mansion-house and Offices known as "Thistle," which is handsomely situated, with neat Garden and Pleasure Grounds. The Lands comprising this Lot are of good quality, well fenced and watered, and divided into nicely shaped fields. This Lot adjoins the demesne of Mountpleasant (portion of Lot 4) on the north side, and is occupied by respectable and solvent tenants.

Lot 4—The Mansion-house and Offices of Mountpleasant (forming part of this lot), are delightfully situated with picturesque lands and wooded boundaries, handsome pleasure grounds, ornamented with the choicest flowers, plants, and trees. The kitchen gardens, &c., which comprises about 14 acres statute measure, contain an excellent selection of fruit trees and flowers (home and exotic), with vineries and forcing houses, all of modern construction, and got up regardless of expense. The demesne is neatly walled in, and rivulets of clear spring water flow through it in different parts. The water to the mansion-house and gardens is supplied by conduits acting from hydraulic pressure.

The mansion-house is situated about two miles north of the town of Dundalk, to the east of the public road leading to Newry, from which it is approached by an avenue about half a mile in length. The principal avenue leading from the Ballymascanlan road is of equal length, and forms a most beautiful carriage drive. The Mountpleasant Station of the Dublin and Belfast Junction Railway is about a mile distant from the house, and the Mountpleasant and Ballymascanlan Post-offices about three-quarters of a mile respectively.

The Spinning and Scutching Mills (which are very valuable) are situated on this lot, in connexion with which is a gas factory, having connexions for lighting the mansion-house and offices of Mountpleasant. There are also valuable stone and lime quarries and kilns on this lot.

The demesne lands are of good quality, rich and fertile, and the farm-yard and buildings attached thereto are very extensive and permanent. The town of Dundalk is a rising seaport, having steam communication with Liverpool three or four times weekly, and railway communication with Dublin, Belfast, and all the north-west of Ireland, several times daily. Large markets are held in that town on every Monday in each week.

The lands are of good quality, and the tenants are respectable and punctual in the payments of their rents.

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THE

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5 GEORGE IV., CAP. cliv.—1824.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, November 9, 1867.*

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 42.] SATURDAY, NOVEMBER 16, 1867. {Single Copy, 6d. By Post, 7d.

THE Chancery Appeal Court has been sitting almost continuously since the beginning of Term, and there is still business to be disposed of. It would be absurd to deny the fact, that hitherto this Court has not held the highest place in the estimation of the legal public. Since the Court was constituted (January, 1857) there have been, from time to time, various grounds for dissatisfaction. Litigants from the Incumbered Estates' Court were the first to complain. Whether justly or not, they felt dissatisfied that the decision of the three Commissioners (all most eminent lawyers) should be reversed by the Chancellor and Lord Justice of the day. The next complaint arose in cases of appeal from the decision of the Lord Chancellor; where, if the Lord Chancellor, as often happened, upheld his former decision, it remained unreversed, even although the Lord Justice of Appeal dissented. This state of things, however, was first corrected during the Chancellorship of Sir Joseph Napier, by calling in a Common Law Judge to assist in cases of appeal from the Lord Chancellor, and that practice has since been adhered to. All these causes combined affected injuriously the reputation of the Court of Appeal, and the result soon became visible in the perceptible decrease of appeal business. Suitors in small cases were not encouraged to incur the risk of further costs, and cases involving any considerable amount of property were taken directly to the House of Lords. Once an institution of any kind has been condemned, it is always a difficult task to turn the current of public opinion. But, notwithstanding this adverse state of things, it was hopefully asserted that if any two Judges that could be named were capable of regaining for the Court of Appeal the lost confidence of the public, those Judges were the present Lord Chancellor and Lord Justice of Appeal.

We have now had a fair trial, and, judging not alone from the increasing business of the Court, but from the expressed opinions of both branches of the profession, these hopeful predictions have been fulfilled, and there is already a manifest reassurance of the public mind. Suitors of every class can now have their cases carefully considered, and decided upon by two of the greatest judges in the land, and it will, we apprehend, be seldom found necessary to seek the aid of the ultimate Court of Appeal, unless, indeed, in cases where the Irish Court is coerced by some former decision, binding on it, but which the House of Lords would be free to disregard or overrule.

While the Chancellor is engaged in the Appeal Court the Vice-Chancellor is hearing general cause petitions; and it is expected that all the old business will be nearly disposed of before any suits are ripe for hearing under the new practice. This will be satisfactory, no doubt, to old suitors; but it is useless to attempt to conceal the universal feeling of discontent occasioned by the unaccountable delay in issuing the new orders.

The new Chancery Act, as our readers are aware, effects a complete assimilation between the Irish and English practice and procedure. The 176th section, which provides for the framing of General Orders, took effect on the first day of August last, and it expressly directs that they should be framed with a view to uniformity between the equity systems of both countries. Having regard to these facts, conjecture was at a loss to account for the delay in the publication of the new orders, except on the grounds that the existing rules and orders were under consideration, with a view to their total abrogation. This surmise, however, proved to be incorrect, for the new orders were found to be a transcript, *mutatis mutandis*, of the English orders, with a tack at the end, that all the existing rules and orders were to remain in force, except so far as they were contrary to, or inconsistent with, the new. It will be remembered that the English orders were consolidated in February, 1860, and all

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the prior orders were abrogated, except a few which were expressly preserved; and, we think, the same course might have been followed here, and practitioners relieved from that confusion which has prevailed for the last seventeen years. However, this can be remedied in course of time, and practitioners will be safe in following the new orders. There is nothing now to prevent the immediate prosecution of new suits. Solicitors have simply to send instructions, as heretofore, to counsel, who prepares and signs the draft Bill. The next step is to have the Bill printed. Fees will be allowed to solicitors for attending on the printer, and for correcting proofs. The number of copies required to be printed will depend, in a great measure, on the number of defendants, each defendant being entitled to receive from the plaintiff ten copies on payment of one halfpenny a folio. A copy is then filed, and a stamped copy taken out for service. The Clerk of the Records and Writs marks the Bill with the name of the Judge to whose Court it is to be attached. All succeeding steps will, of course, be taken under the direction of counsel.

IN our last number we discussed the question as to when unanimity was first required in a jury, and from what analogy it was derived. We have proposed to ourselves, in this present article, to discuss another, but far more difficult question, which, however, is a necessary logical and chronological sequence to the former, viz.—the propriety and expediency of requiring unanimity in juries. Several very great authorities have declared against it; but we must confess that we do not think the opponents of the present system of requiring unanimity have sufficiently made out their case to justify us in changing a principle which, as we showed in our last number, has grown with the growth of the British Constitution, and which, in the main, has been found to work well in spite of some errors, which, perhaps, are not so much to be attributed to any organic defect in the principle, as to some temporary flaw in the formation of the particular jury.

Mr. Hallam, whom we had occasion to quote before, says—"From this principle (speaking of the trial of facts by the country), except as to that preposterous relic of barbarism, *the requirement of unanimity*, may we never swerve. May we never be compelled in wish to swerve by a contempt of their oaths in jurors, and a disregard of the just limits of their trust." This is a severe judgment against the policy of the system of requiring unanimity in juries, and it is a matter of regret that the learned author did not produce facts and reasons to justify such a sweeping condemnation. A Royal Commission sat in 1830 to report on the Courts of Common Law, which considered this subject very fully, and the result of their inquiry was certainly also very unfavourable to the system in question. We shall venture to extract from their report some of the reasons urged for their verdict

"It is essential to the validity of a verdict that the jury should be unanimous; and regularly they are not allowed to be discharged (unless by consent of the parties) until such unanimous verdict has been returned. It is difficult to defend the wisdom or justice of the latter principle. It seems absurd that the rights of a party, in questions of a doubtful and complicated nature, should depend upon his being able to satisfy twelve persons that one particular state of facts is the true one. As it is notorious that upon such questions a body of men so numerous are often found to differ irreconcilably in their views, it is obvious that the necessity of returning, in every case, a verdict, and an unanimous one, before they separate, must frequently lead to improper compromise among the jurors of their respective opinions." There is reason also to apprehend that when any of them happen to be actuated by partial motives it must tend to produce a corrupt verdict. Indeed no one can have been much conversant with courts of justice without having frequently heard the remark (where the verdict has been very long in suspense) that one of the contending parties has a friend on the jury. But to this it may be answered, that the necessity for unanimity carries with it one most important advantage. In the event of any difference of opinion, it secures a discussion. It is not possible to poll the jury at once, and so without further trouble to come to a conclusion. Any one dissentient person can compel the other eleven to reconsider their opinion. In answer to this argument it has been said that after a certain period of time, sufficiently long for the purpose of ample discussion, the jury, if still in disagreement, should not be excused from the necessity of giving a verdict, and it was proposed in the same report of the Commission upon the Courts of Common Law mentioned above, that the jury should not be kept in deliberation longer than twelve hours, unless at the end of that period they unanimously concur to apply for further time, which in that case should be granted, and that at the expiration of twelve hours or of such prolonged time for deliberation, if any nine of them concur in giving a verdict, such verdict should be entered on record, and should entitle the party in whose favour it is given to judgment; and in failure of such concurrence the cause should be made a remanet. These are certainly very cogent arguments against our present system, and the Commissioners are supported by the expressed opinions of Professor Christian in his Notes to Blackstone's Commentaries on the Laws of England, where he states, as

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his opinion, that the unanimity of twelve men, so repugnant to all experience of human conduct, passions, and understandings, could hardly, in any age, have been introduced into practice by a deliberate act of the legislature; such are the opinions of eminent men on the subject, and it is also to be admitted that the unanimity produced is sometimes only apparent, and is purchased at the sacrifice of truth; this will be seen when we consider the circumstances under which the jury have to come to their verdict.

The jury consist of twelve men probably meeting for the first time in the jury box, and have to agree in the same conclusion, notwithstanding the intricacy of the case and the number of apparently trustworthy and respectable witnesses on one side, who will make statements directly contradicting the apparently equally trustworthy evidence given on the other side, and from this arises the wonder that all should be expected to agree in the same result, especially when we consider that in addition to contradictory evidence the jury have to listen to all the arguments which can be produced by the counsel on either side, and it must be admitted, in consequence, that verdicts are often the result of a surrender or compromise of individual opinion. There is much, however, to be said in favour of retaining our present system which we shall endeavour to explain in our next number, as well as consider the practice of other countries on the question of unanimity.

For the first time in this kingdom, the uniform oath in pursuance of the Act passed last session, was taken by the gentlemen called to the Bar last Saturday.

The Lord Chancellor was, last Saturday, elected Treasurer of the Society of King's Inns for the ensuing year.

The Solicitor-General.—The day for the banquet by the North-east Bar to the Solicitor-General, in honour of his promotion, has, in order to suit the convenience of some of the members, been changed to Thursday, the 21st inst.

[We have been requested by the Council of the Incorporated Law Society to give publicity to the following correspondence :—]

(Copy.)

"Office of the Commissioners of Charitable Donations and Bequests for Ireland.

"No. 2, Kildare-place, Dublin,
"31*st October*, 1867.

"*Act of* 30*th and* 31*st Victoria, cap.* 54.

"Sir,—We think it important to call the attention of the incorporated Society of the Attorneys and Solicitors of Ireland, and through it of the profession generally, to some of the provisions of an Act of last session—30th & 31st Vic., cap. 54—for the Amendment of the Law of Charitable Donations and Bequests in Ireland; which came into operation on the 15th of July last.

"It does not appear to be as generally known as would be desirable, that, under the 4th section of that Act—"Before any suit, petition, or other proceeding (not being an application in any suit or matter actually [*i.e.* July 15, 1867] pending) for obtaining any relief, order, or direction, concerning or relating to any charity, or the estate, funds, property, or income thereof shall be commenced," &c., &c.—notice in writing thereof shall be given to these Commissioners.

"It may also be important that Solicitors should be aware of the directions in the 19th section, which make it imperative on executors, under heavy penalties in case of default, to publish, within three months after obtaining probate, once in the *Dublin Gazette*, and three times in a local paper, every charitable bequest in the will.

"We have the honour to enclose herewith a form of notice to executors from this office, in which you will observe we request to be furnished with copies of the newspapers, so that executors may have their compliance with the statute duly recorded, if they wish, and so protect themselves from inconvenience hereafter.

"We may at the same time take this opportunity of calling your attention to the sections of the above Act, from 12 to 18 inclusive, which both control and facilitate the management of the charity property by trustees.

"As Term is now about to commence, we should be obliged by your taking such steps as you may think will most effectually inform the Society and the profession of the above provisions.

"We have the honour to be, Sir,
"Your obedient servant,
"Hercules Macdonnell, }
"W. Gernon, } *Secretaries.*"

"To Richard J. T. Orpen, Esq., President Incorporated Society of Attorneys and Solicitors of Ireland. Four Courts."

"Charity.

"Office of the Commissioners of Charitable Donations and Bequests for Ireland.

"2, Kildare place, Dublin,
day of 18

"As you have administered to the will of the late
of
which contains certain bequests for charitable and pious purposes, we beg leave to call yur attention to the provisions contained in the 19th section of the Act to Amend the Law of Charitable Donations and Bequests in Ireland (30th and 31st Victoria, cap. 54), which requires you, within three months next after obtaining probate or administration, to publish once in the *Dublin Gazette*, and three times successively in some paper circulating in the locality where the devise or bequest, or the greater part thereof, is directed to be expended or applied; or, if there be no direction as to any such locality, then in some newspaper published in Dublin, every charitable devise contained in the will, the name of the testat , the date of the will or codicil, and the name of the person or persons appointed by the testat for the management and direction thereof.

"We beg leave further to apprize you, that, for every neglect to publish in the manner required by that section, you are liable to a penalty of twenty pounds, recoverable against you by this Board.

"Be good enough to forward to this office a copy of each of the newspapers, except the *Dublin Gazette*, in which you shall advertise the bequests, in order that they may be preserved among the records of this department, as evidence of your having complied with the provisions of the Act of Parliament.

"We have the honour to be,
"Your obedient servants,

"To } *Secretaries.*"

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

PEYTON *v.* O'BRIEN.

Saturday, Nov. 9.—*Practice—Cause Petition—Consent—Time to file additional Affidavits.*

Dames moved *ex parte* to make a consent a rule of Court in a cause petition matter. The affidavit in answer was filed on the 8th of October, 1867. The consent was that the petitioner should have until the 30th of November to file affidavits in reply, and that the respondent should have three weeks to file further or additional affidavits in reply to any matter alleged in such further or additional affidavits filed on behalf of the petitioner.

The MASTER of the ROLLS made the order sought.

N. Peyton, Solicitor for the petitioner.

PEACOCK *v.* COCKEN.

Monday, Nov. 11.—*Practice—Death of Respondent—Proceedings without Personal Representative.*

The respondent, James Henry Laurence, had a vested interest in the trust fund, the subject matter of the suit. J. H. Laurence died on the 15th of July, 1867. No probate or letters of administration to him were obtained. His mother, who was a respondent, would be entitled to his interest in the trust fund if he died intestate.

H. Fitzgibbon moved for an order that the cause might proceed in the absence of any person representing the estate of the respondent, James Henry Laurence, deceased, or that a person named in the notice of motion might be appointed to represent such estate, for the purposes of this cause, under the 18th order of 1857. In support of the application he referred to the practice in England under the 44th section of the Chancery Amendment Act, which was substantially the same as the 18th order, and cited Dan. Ch. Pr. 197 *Gibson* v. *Welly*, 21 Beav. 620; *Chaffers* v. *Headlam* (3 Hare Ap. 46); *Fox* v. *Taylor* (22 L. T. N. S. Ch. 911.)

The MASTER of the ROLLS made no rule on the motion, considering that the order sought was not necessary.

Solicitors for the petitioner, *West* and *Fitzsimons.*

COURT OF EXCHEQUER CHAMBER.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

Before WHITESIDE, C.J.; O'BRIEN, FITZGERALD, and GEORGE, J.J.; and FITZGERALD and DEASY, B.B.

Nov. 7, 8.—MATTHEW, in error, *v.* TUTE.

Error from the Court of Common Pleas.

The action was for breaking and entering the house of the plaintiff (defendant in error). The defendant (the plaintiff in error) pleaded that he was a Sub-Inspector of Constabulary; that the powers and privileges of the Excise Police had been transferred to the Constabulary; that from certain information which came to his knowledge he had reasonable and probable cause to suspect and believe that illicit spirits were concealed in the plaintiff's dwelling-house; that so believing, he caused one Michael Murphy to make an information before a magistrate, upon which the magistrate granted a warrant to John M'Curdy, a head constable of police, to enter plaintiff's house to search for illicit spirits, and that by virtue of such warrant the said M'Curdy, defendant, and certain police constables, entered plaintiff's house to search for illicit spirits, and did so search.

The defendant also pleaded that the venue in the action was the county of Dublin, and that under the Acts relating to the Excise it should have been laid where the acts were done, namely, in the county of Cavan.

To both these defences the plaintiff demurred, and the Court of Common Pleas gave judgment for the plaintiff. Error thereon.

Counsel for the plaintiff in error, Sergeant *Armstrong* and *Hamill.*

Counsel for the defendant in error, *Palles*, Q.C., and *Harkan.*

The COURT gave judgment for the defendant in error, sustaining the judgment of the Common Pleas, holding unanimously, that by the Common Law Procedure Act the venue was transitory; and also, that under s. 17 of the 1 & 2 Wm. IV., c. 55, the search warrant should have been given to the very constable who made the information on which it was grounded. The majority also expressed an opinion that the section did not apply to spirits in a complete and finished state, but only to materials for distilling, and spirits in a process of distillation.

Attorneys for the plaintiff in error, *James and John Armstrong.*

Attorney for the defendant in error, *Samuel N. Knipe.*

COURT OF COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-law.

Re O'SHAUGHNESSY.

November. 8.—*Liability to Examination previous to Admission as an Attorney.*

This case, which stood over from the previous day, now came on for argument as to the applicant's liability to examination under the 29 and 30 Vic., c. 84. The facts appeared in the IRISH LAW TIMES of November 9.

M'Dermott for the applicant.—The whole of the Act contemplates only the examination of persons who have had the opportunity of taking advantage during their apprenticeship of the lectures, &c., which have been provided of late years for the education of solicitors and attorneys, and the examination which is based upon those lectures is a very severe one, embracing real property law, &c., and it would be most unreasonable to require the applicant, who was bound long before any such system of instruction was in existence, to pass the examination. The sections of the Act which regulates the matter are the 19th and following sections, and the language of those sections show they do not apply to such a case as the present. By the 19th sec. the Lord Chancellor shall make regulations for the examination, &c., "of all persons hereafter becoming bound," so in the 20th. By the rules made under the authority of the Act, no person can present himself for examination without the certificate of the professor (rules 14 and 26), unless they came under the 28th rule (which is permissive) by having attended the lectures at the time of the passing of the Act "prescribed for attorneys' and solicitors' apprentices." There were no such lectures when the applicant served his time, and such a case as his is not contemplated by the Act at all. He is quite willing to pass such an examination as persons were liable to previous to admission at the time he completed his apprenticeship. That is the

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kind of examination he should be subjected to if the 21st section applies.

Barlow, on the part of the Law Society, I have to begin by stating that, with reference to this particular instance, they are quite ready to adopt any suggestion from the Court, but that now as a right is asserted to exemption from examination, it is necessary for them to draw the attention of the Court to what they consider to be the state of the law. The matter depends on the statute, and on the rules which were made by the chief judges under the authority of that statute. The 4th Section enacts that "no person, save as hereinafter provided, shall be capable of being admitted" unless he shall have been "examined in the manner hereinafter directed." It is clear, therefore, that the applicant must pass some examination. "Save as herein provided" refers to graduates of universities, &c., who come within the 7th and 9th Sections. The 19th and 20th Sections do not apply, but the 21st does; the Council do not contend he is to pass the same examination as persons who are now apprenticing, but that he is to pass a legal examination, an inquiry into his fitness and capacity in matters of business usually transacted. Section 21 and 22. These matters are to be inquired into by such ways and means as the Chief Justice, the Chief Baron, and the Lord Chancellor, and the Master of the Rolls, or any three or more of them, shall see fit, Section 21, and those means have been pointed out and ascertained by the rules made in pursuance of that authority, and which rules appoint a board of examiners, Rule 9.

Monaghan, C. J.—The conclusion we have come to in this case is, that on the true construction of the act all persons are required to pass an examination previous to admission, whether they have completed their time of service before the passing of the act, or are in process of serving it. Then, we think, on consideration of the rules, that they are sufficient so far as a board of examiners is concerned; but as to the kind of examination that a person under such circumstances as the present applicant should undergo, we are clearly of opinion that it should be something very different from that which apprentices who have attended the lectures, and had the advantages of the present system, are required to pass. This gentleman, therefore, must pass an examination unless an application under the 48th section, which gives us a general dispensing power to be relieved from the necessity of so doing, is made. We do not think he has made any such case at present, but we are quite prepared to hear such an application on a proper case being made. What we propose doing is to allow this motion to stand, with permission to this gentleman, in the meantime, to present himself for examination, which examination should be directed to the practical details of his profession.

COURT OF EXCHEQUER.

Reported by J. L. Whittle, Esq., Barrister-at-law.

Smith v. Connell.

May 9th.—*Ejectment—Renewing Habere.*

Plaintiff got possession, under writ of *habere*, Aug., 1866. In November following the defendant retook possession by force. Plaintiff took out summonses and processes against him, but from the violence of the defendant, or the collusion of the process-server, never succeeded in getting defendant served. He now applied for a renewal of the writ.

Webb, for the plaintiff, urged that the circumstances justified such a course.

Fitzgerald and Hughes, B.B., refused the application.

Attorney for plaintiff, *A. M'Cully.*

Bell v. Bell.

17th June.—*Practice—No Proceedings for Year and Day.*

No defence was filed to plaint, and a year and a day elapsed from the filing of the plaint without either party taking any step in the cause. Plaintiff then proceeded to mark judgment, but was required by the officer to take a side bar rule, as prescribed by the 17 G. O., when, "after defence filed and before final judgment, this period has elapsed." Under 43 section C. L. P. Act defendant could not now file any defence, and applied to set aside the side bar rule as irregular.

S. Y. Johnston, in support of the motion.

A. G. Richey, *contra.*

Per Curiam—Pigot, C.B.; Fitzgerald and Hughes, B.B.—No rule in the motion. Costs costs in the cause.

Attorney for plaintiff, *R. Eames.*

Attorney for defendant, *Cecil Moore.*

Hoban v. Munro—No. 1.

Nov. 4th and 11th.—*Interpleader—Barring Claim.*

Plaintiff issued a writ of *fi. fa.*, and under it the Sheriff of Galway seized certain goods. Before sale a notice was served on Sheriff, signed by an English firm of Solicitors, claiming the goods as the property of Robert Collum, under a deed of assignment for the benefit of creditors, registered under the English Bankruptcy Act since the seizure. Sheriff obtained a summoning order. In July Mr. Baron Hughes in Chamber refused to compel parties to interplead, and gave costs against the Sheriff.

Jordan, for Sheriff, now asked to reverse or vary this order.

Beytagh, for the plaintiff, contended that there was nothing in Collum's claim to justify the Sheriff in hesitating to proceed.

Fitzgerald, B., asked if Collum would take an issue now.

Martin, for Collum, now (Nov. 11) refused to take an issue.

Fitzgerald, B.—Let Collum's claim be barred, and the Sheriff to abide his own costs, Collum to pay costs of other parties.

Attorney for Sheriff, *Ed. M. Duffy.*

Attorney for plaintiff, *Thos. D. O'Ferrall.*

Attorney for Collum, *Archibald Collum.*

Hoban v. Munro—No. 2.

Nov. 6th and 13th.—*Interpleader—Security for Costs.*

This was a motion to vary an order of Mr. Baron Deasy directing an interpleader issue in relation to property seized under a writ of *fi. fa.* in the same judgment mentioned in last case. The claimant, Collum, resided in England, and plaintiff, who had been made defendant in the issue, now sought to compel him to give security for costs.

Jas. Robinson, for plaintiff.

P. Martin, for claimant.

Fitzgerald and Hughes, B.B., ordered the claimant to give security for costs within one week.

Slevin v. Manders.

Nov. 4th.—*Practice—Setting aside Demurrer.*

Plaintiff demurred to defendant's plea in July, but neglected to lodge books within subsequent six days,

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pursuant to 50 G. O., 1854. He then applied to the Court for leave to file the demurrer, but there was no affidavit, and the motion was refused. On 26th Oct. he filed the same demurrer over again.

P. Keogh, for defendant, now moved to set this aside.

J. A. Byrne, *contra*.

FITZGERALD and HUGHES, B.B., granted the motion.

Attorney for plaintiff, *J. Palmer*.

Attorney for defendant, *W. G. Bradley*.

COSTER *v.* HOPKINS.

Nov. 4th.—*Irregular return to Writ of Fi. fa.*

Sheriff returned to writ of *fi. fa.* that defendant had no goods except in a house to which no admittance. Plaintiff moved to set return aside as defective and irregular, and requiring to be informed what goods defendant had in the bailiwick.

Shekleton. — The return is clearly bad for not stating " that at the time of the delivery of the writ, &c."

Munroe.—The plaintiff does not refer to this irregularity in his notice, and cannot rely on it.

FITZGERALD and DEASY, B.B., set the return aside.

Attorney for plaintiff, *R. Fitton*.

Attorney for Sheriff, *Michael Verdon*.

M'DONNELL *v.* FEENY.

Nov. 6th.—*Action on Promissory Notes — Plea on equitable grounds—A collateral agreement to accept payment out of the rents of certain lands, and Defendant had offered to execute a deed for the purpose, and had tendered it to plaintiff, but plaintiff refused—And demurrer thereto.*

Bourke, Q.C.—It would be necessary to settle a deed, and this Court cannot do that.

Roper, in support of the plea.

FITZGERALD and DEASY, B B., allowed the demurrer.

Attorney for plaintiff, *Edw. O'Loughlin*.

Attorney for defendant, *Jos. Burke*.

MAPE *v.* LONDON AND NORTH-WESTERN RAILWAY COMPANY.

Nov. 12.—*Practice—Public Company—Substitution of Service.*

Plaintiff obtained substitution of service under the 34th section of the C. L. P. Act. He also inserted advertisements as required by 33rd section. The taxing officer refused to allow the costs of these. On appeal the Court affirmed this decision, holding that the 33rd section applied to corporations mentioned in that section.

P. Keogh, for plaintiff.

Armstrong, Serg., and *Boyd*, for defendants.

Attorney for plaintiff, *Thos F. White*.

Attorney for defendants, *Cullen, Coffey, and Co.*

TRACY *v.* CRUICE.

Pleading—New Assignment.—Action for assault and false imprisonment—Plea justifying the assault &c., on the ground that Plaintiff appeared before Defendant a Justice of the Peace charged with a certain offence.

Waters, for plaintiff, asked leave to new assign the arrest previous to appearance before defendant.

Barry, Serg., and *Boyd*, for defendant

FITZGERALD and HUGHES, B.B., allowed plaintiff to new assign by way of replication, and take issue.

Attorney for plaintiff, *G. C. Blake*.

Attorney for defendant, *A. Murphy*.

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-Law.

MITCHELL *v.* MITCHELL.

Nov. 14.—*Time for Moving to Fix the Mode of Trial.*

Kaye had obtained a conditional order from the Court on this day to substitute service of a citation on several absent defendants on another defendant who had duly appeared, and with whom, as alleged, the absent parties were in communication. The citation was issued by the executors in the will of the deceased, to see his will proved specially, and the time for showing cause to the conditional order was limited to six days after service—a motion to fix the mode of trial was in the list.

Plunkett appeared for the defendants, and did not object.

KEATINGE, J., considered that, as the absent parties might, after service, come in and plead, the pending motion should stand over until the six days allowed for showing cause had expired, in accordance with the practice in England, which he intended to follow. I therefore adjourn the motion until Saturday week.

Order accordingly.

Goods of PATTON.

November 15.—*Priority of Application for Grant.*

Dr. Miller, for Alcorn, a creditor, applied for administration.

There were two sons, the only next of kin; one was abroad, and the other renounced in Alcorn's favour, who also had the consent of three-fourths of the creditors, and he was prepared with ample security.

Mr. M'Causland, for Noble, another creditor, relied on the fact of an earlier application in the office by him for a grant.

KEATINGE, J.—That rule only prevails as between next of kin, and does not apply as to creditors. I consider Alcorn entitled to a grant during the absence of the son who is abroad. Each party to get costs.

COURT OF BANKRUPTCY AND INSOLVENCY.

Before Judge BERWICK.

Reported by J. LEVY, Esq., Barrister-at-law.

November, 1867.—*Practice—Petitions in Bankruptcy by Traders against themselves—Arrangements.*

Judge BERWICK said he thought it right to make some observations for the information of Solicitors for traders coming before the Court in a hurried manner with petitions for adjudication against themselves and for protection in arrangement cases. It was very much the custom to come in, in a hurried manner, for liberty to list cases and have them heard the same day, before the Court could possibly look into them. He alluded particularly to traders presenting petitions to make themselves bankrupts, where no possible good could result to creditors, and where the only person getting anything was the Solicitor, who got the costs of the bankruptcy. There was a case of that kind recently brought before him in a hurry, in which he granted the adjudication, but if he had had time to consider what the case was he would not have done so. It was a case that should not have been brought into that Court at all. For the future the Solicitor should take out the meeting in the usual way, have it listed, and have attested copies of the documents ready. Unless that were done, the Court would neither grant adjudication upon a trader's own petition, or protection in any arrangement case.

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In re JOHN BIRCH KENNEDY.

Proceedings in Chancery pending Bankruptcy.

The bankrupt in this case was a banker in Dame-street, and the case was on the list for final examination.

Oldham, Solicitor, said that certain proceedings were going on in the Court of Chancery for the purpose of realizing assets not only for specialty creditors but for the creditors generally, and the usual practice was to allow the examination to stand until such proceedings should be terminated.

Larkin, for the assignees, said there was a fair prospect of decisions being made that would bring in assets.

Judge MILLER then let the final examination stand until the result of the Chancery proceedings be known, in the mean time no delay to take place.

Solr. to the bankruptcy, *Larkin*.

Solr. to the bankrupt, *Oldham*.

In re CHARLES WEEKES.

Composition outside of Court—Fraudulent Bankruptcy.

The bankrupt was a silk mercer and draper in Grafton-street, who had absconded. It appeared that a very few days before he stopped payment he got large quantities of goods from various wholesale houses in Dublin and London, and immediately after their delivery they had been removed, as was alleged, to prevent a party who had a claim for rent which the bankrupt disputed, from seizing on them. Several meetings took place for the examination of witnesses, with a view to trace the property, when it appeared that the wife and mother-in-law of the bankrupt had much to do with it, but they kept out of the way and could not be served with the summons of the Court. In the mean time, in order to stop all proceedings, the friends of the bankrupt came forward and offered a composition of ten shillings in the pound, which the creditors agreed to take. Upon this fact being announced to Judge Miller, he said that it was very much against his inclination to listen to any compromise or composition outside the Court, until the witnesses who were evading service of the summons of the Court were brought up and examined. He thought it was a case where the assertion of commercial integrity was of more importance than a money payment.

The case was adjourned.

Purcell, Q.C., for creditors.

Kernan, Q.C., for some of the witnesses.

Solrs. to the bankruptcy, *Molloy* and *Watson*.

REVIEWS OF NEW BOOKS.

The Chancery (Ireland) Act, 1867 (30 & 31 *Vict., cap.* 44), *with The General Rules and Orders, Tables of Fees, and a General Index.* Dublin. Hodges, Smith and Co., Grafton-street, Booksellers to the Hon. Society of King's Inns, 1867.

The passing of the Chancery Act was the signal for a number of books relating to the Act to be advertised, and this is the second of them which has appeared; the first was only a reprint of the Act, but this is of quite a different character. We have been favoured with proof sheets of this work, which is dated from the Registrar's Chambers, Court of Chancery, and we willingly acknowledge that the work of editing is done in a manner which exhibits the ability and the extensive learning of the registrars, Dr. Ferguson and Mr. Drury. There are ample notes appended to each page of both Act and Rules calling attention to, and pointing out the analogy of, the English practice in every case, which cannot fail to be extremely useful to the practitioner. There is also a complete index giving a reference to each page and section of the book; and a preface which should rather have been called an introduction to the practice, since it contains an elaborately drawn up abstract of the bill under each head treated in it. The following is the history of the Act given in the first lines of the preface:—"The Chancery (Ireland) Act, 1867, had its origin in the report of a commission, comprising many of the most eminent members of the Bench and Bar of Ireland. They recommended that the diversities of practice between the Courts of Chancery in England and in Ireland, introduced by Lord Romilly's Act, 'The Chancery Regulation Act, 1850,' should cease, and that an uniformity of practice and procedure between the two courts should be established. Accordingly this has been carried out by the adoption of the provisions of the Masters in Chancery Abolition Act (15 & 16 Vict., c. 80), the Improvement of Jurisdiction of Equity Act (15 & 16 Vict., c. 86), and the Act to Diminish the Delay and Expense of Proceedings in the High Court of Chancery in England (13 and 14 Vict., c. 35), called Sir George Turner's Act. This plan of uniformity and assimilation is further enforced by the directions of the Judges, contained in section 176, that in making General Orders, regard shall be had to establishing and preserving, as far as may be, uniformity of practice and procedure in the Courts of Chancery in England and Ireland." Whoever shall have read this introduction by the editors will have a complete *resumé* of the principles of the Act; and, as there is no work specially authorized by the Court on the subject, we venture to predict that the one under review will be held in the highest esteem when it becomes known, since it is in every way worthy of the gentlemen who are concerned in its production.

THE NEW CHANCERY PRACTICE.

We are glad to see that Mr. Henry T. Dix promises to the profession that his book on the Practice of the Court of Chancery will be published in a few days. No guide to the new practice has as yet appeared, and we have no doubt that the issue of Mr. Dix's book will be hailed with satisfaction by those who are as yet afraid to trust themselves upon this *terra incognita*. Mr. Dix's book, if it fulfills the expectations entertained of it, will be peculiarly valuable to solicitors. It will be essentially a book of practice, commenting upon all the proceedings, from filing the bill onward in their order, and pointing out the various steps to be taken in the progress of the suit. The Act itself and General Orders will be given in full, annotated with the English Act and Orders. In addition, Mr. Dix purposes to give copious notes of English decisions on points of practice, and numerous forms and precedents. Should this design be carefully and fully carried out, his promised book will not only add largely to Mr. Dix's reputation, but will prove a serviceable boon to his professional brethren.

CORRESPONDENCE.

"UNANIMITY IN JURIES."

TO THE EDITOR OF THE IRISH LAW TIMES.

12th November, 1867.

SIR,—The perusal of those leading articles in THE IRISH LAW TIMES which have of late elaborately examined the Title of the British Juror, from his creation to his existing status, a devolution of many centuries, irresistibly forces on legal minds the question of reform in our Jury system, if it is to retain popular respect; and to many, well informed enough to form a judgment, it does appear useless to deal with minor abuses, while a leading infirmity sets all amendment at naught; but while pointing out a few of the salient evils of the *unanimous* verdict system, the advocates of a verdict by a majority must be deaf to the epithets freely applied to them, as "Scoffers of the Palladium," &c., "Great Alfred's handywork," &c.,

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"Safeguard of the Briton," &c., "Last plank of the Constitution," &c., which forbid inquiry as to the working of a tribunal so bespattered by the laudation of ages.

Ignoring such obstacles, let us inquire how far this justly-venerated system has kept pace with national requirement, enlightened by your antiquarian researches, which prove that, at its infant stage, unanimity was not the fundamental element, but was the growth of time and usage, which later time may question and modify.

Clearly, then, the demand for a unanimous verdict is in its nature exceptional, and fails of support from first principles; for the human family yields to the majority on all save this department of legal questions, and rightly considers the opinion of the majority the fittest substitute for Divine infallibility in human affairs. A majority rules all popular assemblies, all private discussions, the Houses of Parliament, the inquest by Grand Jury, the equity and law Judges, in their ordinary and in their appellate sittings, with the entire realm of Scotland, whose people are not usually found deficient in prudential management of their affairs, national or individual.

Bearing this in mind, observe what passes at our Nisi Prius Sittings, in view of the premium offered the advocate for creating a dissentient Juror. Instead of devoting attention to the facts or the law exclusively, as the basis of the verdict, you have a searching scrutiny into the antecedents of each man on the panel for his special infirmity, or bias, or crotchet (and most men have such), and when this latent weakness is discovered, if you observe Counsel handling the boxed and sworn subjects of his legitimate ingenuity, much of his relevancy will be lost to you without that clue which a hint of briefed personal history may supply.

Again, taking up the statistics of each Term List, legal men find a class of records disposed of by what is known as a compromise between that which the majority feel to be right, yet, apprehensive of a not uncommon miscarriage of justice, yield to the prejudiced or eccentric views of a small majority, firmly dissentient, and they (the majority) thus only save a new trial, which may be ruinous to one or both litigants.

True, there have been some rare instances of the minority of Jurors proving right; and strange would it be were no such cases discoverable in the legal history of centuries of Jury Trials; but can the occurrence of one instance in many years overbear the frequent and disastrous instances of miscarriage, delay, and expense, we find resulting from this requirement of unanimity becoming more absurd as intelligence advances, and the affairs of our social fabric become more complicated.

If I read aright that history of our Juror which THE IRISH LAW TIMES has just completed, the innovation to which modern convenience in this country points, is not forbidden, but is sanctioned by ancient wisdom, and by an experience which cannot be claimed for any tribunal now surviving the wrecks which jurisprudence has left along the highway of legislation. There comes no utterance "down the corridors of time," deterring us from a reverential resuscitation of this venerable institution, it would rather seem that Verulam, Selden, or even Great Alfred, its reputed parent, would counsel wise and cautious adaptation in the functions of that marvellous amalgam of legislative sagacity, the English Constitution.

I am, Sir, your obedient Servant,

GEORGE WM. SHANNON.

[The series of articles on the Jury system is not yet completed. The contributor has entered upon the subject, mentioned in the above letter, of unanimity in Juries this week, and proposes discussing it at greater length in the next Number.—ED. I. L. T. and S. J.]

QUIT-RENTS

TO THE EDITOR OF THE IRISH LAW TIMES.

November 13, 1867.

SIR,—Could you, or any of your learned readers, kindly inform me and the public generally, upon what grounds the Crown can legally refuse to allow a deduction for poor-rate from Crown or Quit-rent? The only information the Quit-rent authorities vouchsafe to give me is, that the law officers of the Crown (of some former period) in England and Ireland, have given it as their opinion that such deduction cannot be made, but they refuse to disclose the grounds upon which that opinion has been founded. In a public question of this kind it cannot be satisfactory that the grounds for the opinion should be withheld; and such a course raises the suspicion that perhaps the opinion is not well founded. Quit-rent certainly comes within the definition of "rent," under the Poor Law Acts. If it is relied upon that the grants and patents from the Crown reserve the quit-rent "free and clear above all other impositions," I can only say that the same clauses in private grants have not been held to operate against the Poor Law Acts. In any case it would be right that the law upon the subject should be clearly known.

I am, Sir, your obedient servant,

A SUBSCRIBER.

THE LAW STUDENTS' JOURNAL.

EXAMINATION PAPER.

The following is a copy of the Examination Paper given on the first day of the Preliminary Examination for Apprentices to Attorneys, held on the 30th and 31st October last.

FIRST PAPER.

History.

1. Who were the Normans? What led to, and what were some of the effects of the conquest of England by them?
2. Who were the *Bretwaldas*, and for what was the office instituted?
3. By what acts did Henry I. seek to establish his authority on ascending the throne?
4. What were the provisions of Oxford?
5. What was the first remarkable occasion on which artillery was used in Europe?
6. Mention some of the most remarkable events in the life of Margaret of Anjou?
7. Enumerate the sovereigns of the house of Tudor, and mention some of the great men who flourished during their supremacy?
8. What monarch was first styled "Defender of the Faith," and why?
9. What were the chief provisions of the Bill of Rights, and when was it enacted?
10. When was the East India Company first established? State briefly how the English acquired their principal possessions in India?
11. What was the Cato-street conspiracy?
12. For what events in English history are the following places remarkable? Naseby, St. Albans, Bosworth, Troyes, Fontenoy.

Geography.

1. Explain why the latitude of a place in the Northern Hemisphere always corresponds to the altitude of the polar star?
2. If it be 12 o'clock in Dublin, what hour is it in a place 45 degrees to the east, and what hour in a place 30 degrees to the west of Dublin?
3. What is the *Ecliptic*? Why so called?
4. How is an eclipse of the sun, and how an eclipse of the moon caused?
5. What is the snow-line? On what circumstances does the height of the snow-line depend?
6. Enumerate the principal rivers of Asia, through what countries and into what seas do they flow?
7. What are the principal branches of the Atlantic ocean?
8. Where are the following situate:—Gulf of Riga, Straits of Kaffa, Bay of Honduras, Sierra Nevada, Dantzic, Heligoland, Messina?
9. Mention the counties on the western coast of England and Wales, and the principal towns of each.
10. To what counties do the following belong:—Mizen Head, Clew Bay, Lough Mask, Bristol, Winchester, St. Ives, Plymouth?

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Arithmetic.

1. What is the price of 13 cwt. 3 qrs. 4 lbs. at £2 18s. 4d. per cwt.?
2. Divide £9,604 10s. by 144¼.
3. Reduce 1s. 7½d. to the fraction of a £.
4. What is the poor-rate chargeable on 128A. 1R. 17P., the valuation being £2 17s. per acre, and the rate 11½d. in the £?
5. The debts of a bankrupt amount to £4,968, he pays 9s. 7d. in the £, what are his assets?
6. What is the interest of £584 18s. 8d. for 1 year and 9 months at 3½ per cent.?

Book keeping.

1. What books are used in book-keeping by double entry? Explain the use of each?
2. Explain what are "real," "personal," and "fictitious" accounts?
3. When you open an account for stock in the ledger, on which side would you enter the cash in hand?
4. What entry is made in the journal when goods are sold for part cash, part on credit, and part bills receivable?
5. Open a cash account? Enter the following transactions, and balance the account?

	£	s.	d.
Cash in bank,	341	12	6
Cash in hand,	38	6	4
Paid A. Jones, amount of his account,	46	10	5
Received of John Brown,	86	3	9
Paid amount of my acceptance of John Smith's draft,	95	3	4
House expenses,	27	9	8
Paid Wm. White's account,	218	5	4
Thomas Smith paid me amount of his acceptance,	106	3	8
Paid house rent,	73	2	7
Lent to John Smith,	23	10	0
H. Williams paid to my account at bank,	97	8	10

[In our next Number we shall publish the questions set at the final examination.]

THE COURTS AND COURT PAPERS.

COURT OF CHANCERY.—November 9th.

The Lord Chancellor took his seat at one o'clock.

CALLS TO THE BAR.

The following gentlemen were in attendance for the purpose of being admitted to the Bar:—

James Orr, Esq., B.A., Cambridge, eldest son of William Orr, Esq., of Hugomont, Ballymena, county Armagh, Esq., solicitor. Mr. Orr obtained the second prize at the general examination of students, and took rank accordingly.

Morgan Walter John Butler Kavanagh, Esq., only son of Morgan William Ryves de Montmorency Kavanagh, Esq., late of Redacres, county Kilkenny, gentleman, deceased.

Francis Carleton Reeves, Esq., A.B., T.C.D., third son of Edward Hoare Reeves, Esq., deceased, late of Castletown, county Cork.

William Fitzpatrick Cullinan, Esq., A.B., T.C.D., second son of Patrick Maxwell Cullinan, Esq., M.B., J.P., Ennis, county Clare.

William Augustus Ledwich, Esq., A.B., T.C.D., eldest son of William Ledwich, Esq., of Mount Errol, county Dublin.

Henry O'Hea, Esq., A.B., T.C.D., second surviving son of John O'Hea, Esq., deceased, Clonakilty, county Cork.

Robert O'Brien Furlong, Esq., A.B., T.C.D., only surviving son of William Croker Furlong, Esq., solicitor, deceased, of Leeson-street, in the city of Dublin.

The oath was administered in the new form, being simply an oath of allegiance to her Majesty Queen Victoria, and to support the succession to the Crown as established by the Act of William III. All the gentlemen having taken it,

The Lord Chancellor said—Mr. Orr, you have been placed first in rank in consequence of your having obtained the great distinction of second prize at the general examination. In consequence of that you have been placed at the head of all those called to-day. Have you anything to move?

Mr. Orr replied in the negative.

The same question was put by his Lordship to the other gentlemen, and answered in the negative.

QUEEN'S BENCH.—November 11th.

On motion of *Sullivan*, Q.C., Mr. J. F. Plowman was appointed a Commissioner for taking affidavits for the Superior Courts of Common Law at Mallow.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before Judge Dobbs.

Executor of James Power, allocation.—Lord Trimleston, do.—J. S. Kirwan, do.—James Gibson, do.—John Bingham, do.—E. Waldron, from 12th inst.—John Meehan, directions.

Before the Examiner.

John R. French, proofs.—W. T. Shortt, do.

Before Judge Lynch.

Trustees of Woodward, from 11th inst.—E. Sinclair, on title.—J. H. Leonard, for deeds.

Before Mr. Urlin.

Sir J. C. Fitzgerald, account.

Tuesday—Before Judge Dobbs.

Charles Barnswell, allocation.

Before the Examiner.

J. B. Creagh, rental.

Before Judge Lynch.

SALES AT TWELVE O'CLOCK.

Lord Annaly, 2 lots, Meath — fee. Profit rent, £607 1s. 2d.

J. Parsons, 1 lot, Down — perpetuity. Profit rent, £418 16s. 6d.

John Saunders and others, 1 lot, Queen's co.—perpetuity. Profit rent, £238.

J. O'Connor, Dublin—fee farm.

John Lalor and others, 6 lots, Tipperary—fee and fee-farm. Profit rent, £371 1s. 0d.

Wednesday—Before Judge Dobbs.

T. R. French, allocation.

Before Judge Lynch.

H. Shallcross, final schedule —Assignees of Watts, do.—M. Downes, from 13th inst.—E. M. Usher, do.

Before the Examiner.

T. H. Slator, rental.—John Brady, do.—H. W. Meredyth, do.—Richard Longford, do.—David Jackson and another, do.—C. S. B. Withers, to vouch.

Thursday—Before Judge Dobbs.

W. T. Shortt, allocation.

Friday—Before Judge Dobbs.

SALES AT TWELVE O'CLOCK.

John Meehan, 3 lots.—W. M. Blake, 5 lots.—C. D. Cullen, 1 lot—H. B. O'Grady, 3 lots.—William Phibbs, 7 lots.—Sir William Palmer, 1 lot.—E. F. Waldron, 4 lots.—Samuel Biggs, 1 lot.—U. H. De Burgh, 9 lots.—John Saul, 2 lots.—E. Carpenter, 3 lots.

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Before the EXAMINER.

W. C. Allen, rental.—Sophia Keane, do.—P. Cunningham, do.

Before the EXAMINER to JUDGE LYNCH.

Assignees of Banatyne, rental.—Assignees of Lefroy and Stein, do.

LANDED ESTATES' COURT.

SALES, NOV. 8.

Before the Hon. JUDGE DOBBS.

COUNTY OF CORK.—Estate of Thomas S. Cave, owner and petitioner.

Fee-simple estate, called the Audley Estate, with the valuable mines and minerals, in the baronies of East and West Carberry, containing 3,190 statute acres, and producing a net annual profit rent of £1,746. Mrs. Cave, the wife of the owner, having bid £45,000 for this estate, she was declared the purchaser at that sum, the conveyance, however, not to be executed for three months from this date; in the meantime advertisements for sale to be inserted, and, in the event of a higher sum being offered than £45,000, the bidder of such higher sum to be declared the purchaser. Solicitor, *M'Carthy Downing.*

COUNTY OF KILKENNY.—Estate of Edward John Bor, owner and petitioner.

Part of the lands of Clara, Upper, held in fee, containing 393 statute acres; net yearly rent, £374 14s. 7d. Sold to Mr. Russell, in trust, at £7,500. Solicitor, *F. H. Briscoe.*

COUNTY OF CARLOW.—Estate of John Doyle, owner; E. K. Eivers, petitioner.

Part of the lands of Killerig, containing 168 statute acres, held for 99 years from November, 1831; estimated yearly profit rent, £105, subject to an annuity of £10 for the life of a lady now aged 31 years. Sold to Mr. T. Corrigan, in trust, at £1,260. Solicitor, *Thomas M'Nally.*

COUNTY OF DONEGAL.—Estate of the Assignees of Hugh M'Menamin, owner; Joseph White, petitioner.

Part of the lands of Lifford Commons, held in fee-farm, containing 7a. 3r. 0p.; net yearly profit rent, £23 4s. Sold to Mr. Donnell at £320. Solicitors, *Wilson and Hodges.*

COUNTY OF DUBLIN.—Estate of John R. French, owner and petitioner.

Undivided moiety of lands called Mount Venus, held for lives renewable for ever, 127 statute acres; net yearly profit rent, £50 15s. Sold to Mr. Madden, in trust, at £1,130. Solicitors, *Newtons and Armstrong.*

COUNTY OF CLARE.—Estate of Rev. William Armstrong Scott, owner; Daniel Hunt and Another, petitioners.

The lands of Drumshellagh, held in fee-farm, containing 523 acres; net profit rent, £146. Sold to Mr. Greeson, in trust, for £2,510. Solicitor, *W. Hitchcock.*

COUNTY OF WESTMEATH.—Estate of Charles B. Hearne, owner and petitioner.

The lands of Correagh, held in fee-simple, 593 statute acres; net profit rent, £757. Sold to the Rev. Dr. Otwell, for £10,350. Solicitor, *Edwd. Fetherstonhaugh.*

COUNTY OF WEXFORD.—Estate of Patrick Rea, owner; Richard Fennelly, petitioner.

Part of the lands of Ballycowan, held for three lives, or 31 years, containing 111a. 2r. 33p., subject to a head rent of £132 per annum. Sold to Mr. L. Farney at £485. Solicitor, *L. Corcoran.*

CITY OF DUBLIN.—Estate of Richard White, owner; John Spain, petitioner.

Lot 1. Life estate of owner, aged 61, in houses in Lr. Gloucester-street, White's-lane, &c., held for lives renewable for ever; yearly rent, £92 19s.

Lot 2. House No. 142, Gloucester-street; rent, £20 6s. 2d. Sold to the petitioner for £300. Solicitors, *Orpen, Sons, and Sweeny.*

COUNTY OF DUBLIN.—Estate of William Kelly, owner and petitioner.

Lot 1. Part of demesne and lands of Kilmore, containing 6a. 3r. 6p.; rent £20 18s. 9d.; held for 99 years from 1864. Sold to Mr. Kelly for £400.

Lot 2. House and other part of demesne lands, containing 34a. 3r. 31p.; held for 99 years from 1851; estimated rent, £127 12s. 6d. Same buyer at £1,000.

Lot 3. Part of lands of Artane, East, 49 acres, held for 31 years from 1855; profit rent, £77 7s. 4d. Sold to Mr. Kelly at £400. Solicitor, *Simon Creagh.*

Fee-simple Estate of Peter Fleming, Leicester and Others, owners and petitioners, consisting of the lands of Rathmines Little.

Lot 1. 3a. 2r. 1p. Sold to Mr. Thomas White for £410.
Lot 2. 3a. 1r. 34p. Sold to Mr. Ryan at £360.
Lot 3. 4a. 2r. 6p. Sold to Mr. Harris at £410.
Lot 4. 4a. 2r. 5p. Sold to Mr. Harris for £350.
Lot 5. 4a. 2r. 9p. Sold to Mr. Ryan at £305.
Lot 6. 4a. 1r. 26p. Sold to Mr. Gower at £290.
Lot 7. 4a. 3r. 9p. Sold to Mr. Harris for £270.
Lot 8. 4a. 3r. 36p. Sold to Mr. Harris at £425.
Lot 9. 2r. 14p. Sold to Mr. Z. White at £70.
Lot 10. 5a. 1r. 35p. Sold to Mr. Harris at £410.
Lot 11. 5a. 0r. 28p. Sold to Mr. Harris for £400.
Lot 12. 4a. 1r. 2p., valuation £24 10s. Sold to Mr. Harris at £370.
Lot 13. 4a. 0r. 22p. Sold to Mr. J. Lawless at £310.
Lot 14. 5a. 2r. 4p., valuation, £24 7s. 8d. Sold to Mr. Harris at £750. Solicitor, *Edward Carr.*

NOVEMBER 12.

Before the Hon. Judge LYNCH.

COUNTY OF FERMANAGH.—Estate of Wm. Noble, owner; John M'Donald, petitioner.

Part of the lands of Kilhill, &c., barony of Magherastaphana, containing 40a. 3r. 3p., held in fee farm; rent, £37 5s. 2d., subject to an annuity of £11 4s. 5d., for the life of a lady aged 79. Sold to Mr. Thomas Clarke at £1,065. Solicitors, *John Collum and Son.*

COUNTY OF MEATH.—Estate of Denis Godley and another, owners and petitioners.

Lot 1. Part of lands of Rathbran, barony of Slane, held in fee, containing 355a.; net rent, £281 14s. 2d.; valuation, £218. Sold to Mr. J. P. Cairnes at £5,640.

Lot 2. Other part of same lands, containing 476a.; net rent, £301; valuation, £260. Sold to Mr. T. P. Cairnes at £6,075. Solicitors, *L. Dobbin and Co.*

COUNTY OF CORK.—Estate of R. C. D. Oliver, owner and petitioner.

Lot 1. Part of lands of Castletownroche, barony of Fermoy, held in fee, containing 134 statute acres; net rent, £32 5s. 6d.; valuation, £186 10s. per annum. Sold to Mr. Annesley for £510.

Lot 2. Part of same lands, held for 996 years, containing 658a.; net rent, £407; valuation, £883. Sold to Alderman Young at £6,000.

Lot 3. Houses in Main street, Castletownroche, containing 10a. 0r. 25p., held for 996 years; net rent, £41 4s. 3d. Sold to Mr. J. Franks at £560.

Lot 4. Part of lands of Ballydoyle, held for three lives and three years. There are two lives in being, aged respectively 45 and 47 years. The lands contain 17 statute acres; Griffith's valuation, £10 5s. per annum. The timber on the land is valued at £490. Sold to Mr. Sullivan at £570. Solicitor, *James Lane.*

TOWN OF DUNDALK.—Estate of Stephen Sibthorpe and Others, owners and petitioners.

An undivided moiety of the Commercial Hotel and two dwelling-houses, with shops attached, all in Earl-street; held for 999 years; profit rent, £42 5s. 5d. per annum. Sold to Mr. A. Johnston, in trust, at £1,220. Solicitor, *Joseph Dickie.*

TOWN OF KILKEE.—Estate of the Marquis of Conyngham, owner and petitioner.

Fee-simple estate.

Lot 1. Part of lands of Dough, containing 4a. 2r. 2[illegible]p.; net rent, £63 12s. 8d.; tenement valuation, £69 10s. Sold to Mr. Simmonds, in trust, at £720.

Lot 2. Part of same lands, containing 4a. 0r. 11¼p.; net rent, £109; valuation, £81 10s. Sold to Mr. Simmonds, in trust, at £1,130.

Lot 3. Part of same lands, containing 3a. 3r. 9¾p.; net rent, £70; valuation, £61 10s. Sold to Mr. M'Donnell at £1,205.

Lot 4. Part of same lands, containing 2a. 2r. 18p.; net profit rent, £88; valuation, £70. Sold to Mr. Simmonds, in trust, at £1,000. The sale of the remaining four lots was adjourned. Solicitors, *Keane and Tweedy.*

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before the CHIEF CLERK for CHIEF REGISTRAR.		
Nov. 18	12 o'clock	James Morrissy	Proof of debts	*Perry*
"	"	Denis Flynn	do.	*Lett*
"	"	William J. Kelly	Prove debts & vouch assignee's account	*Meldon*
"	"	Samuel Shaw	do.	*Larkin*
"	"	Fleming and Hennessy	do.	*Larkin*
"	"	James Fitzpatrick	do.	*Larkin*
"	"	Samuel Pickering	do.	*Larkin*
"	"	Arrangement case	do.	*Larkin*
"	"	Hollyford Mining Co.	do.	*Larkin*
"	"	J. J. Malone	do.	*Larkin*
"	"	John Langan	do.	*Rorke*
"	"	J. R. O'Callaghan	do.	*Molloy & Watson*
		Tuesday.—Before the COURT.		
Nov. 19	11 o'clock	Charles Walsh	Final examination	*Eyre*
"	"	Denis Flynn	do.	*Lett*
"	"	Edward Farrar	Sur., prove debts, and assignee	*Casey & Clay*
"	"	Arrangement case	1st sitting	*Rynd*
"	"	do.	2nd sitting	*Ramsay*
"	"	Charles Kendal	Examine witnesses	*Walsh*
"	"	Thomas Pettigrew	Composition	*M'Govern*
"	"	John Donnelly	Charge and discharge	*Hughes*
"	"	James Thornton	Prove charge	*Tidall & Twibell*
"	"	J. & R. Callaghan	Audit and dividend	*Molloy & Watson*
"	"	M. W. Moran	do.	*Larkin*
"	"	Edmond Eyre	do.	*Larkin*
"	"	Mary Foley	do.	*Larkin*
"	"	John Marshall	do.	*Batt*
"	"	———	Trader debtor sitting	*Huggard*
		Before the CHIEF CLERK, for CHIEF REGISTRAR.		
"	12 o'clock	John Woods	Examine title	*Hamilton & Craig*
"	"	Joseph M'Parland	Tax costs	*Tinkler*
"	"	Arrangement case	do.	*M'Namara*
"	"	J. E. Devlin	do.	*Cleary*
		Wednesday.—Before the Court.		
Nov. 20	12 o'clock	Arrangement case	1st sitting	*Langan*
"	"	———	Trader debtor sitting	*Stuart*
		Thursday.—Before the CHIEF CLERK, for CHIEF REGISTRAR.		
Nov. 21	12 o'clock	Arrangement case	Proof of debts	*Barlow*
"	"	John Woods,	Prove debts & vouch assignee's account	*Molloy & Watson*
"	"	Robert V. Dower	do.	*Molloy & Watson*
"	"	Thomas Groarke	do.	*Molloy & Watson*
"	"	Thomas Reynolds	do.	*Molloy & Watson*
"	"	Edmond Mahony	do.	*Molloy & Watson*
"	"	James M'Parland	do.	*Tinkler*
"	"	Joseph R. Browne	do.	*Cronhelm*
"	"	Thomas R. Griffith	do.	*Riddick*
		Friday.—Before the COURT.		
Nov. 22	11 o'clock	William Young	Final examination	*Perry*
"	"	Patrick Hourigan	do.	*Dealy*
"	"	Richard Cantrell	Audit and dividend	*Tinkler*
"	"	William Lunham	do.	*Casey & Clay*
"	"	Michael Hayes	do.	*Meldon*
"	"	Thomas W. Nealon	do.	*Meldon*
"	"	W. J. Kelly	do.	*Meldon*
"	"	William R. Collett	do.	*Meldon*
"	"	Arrangement case	Sitting under 351st section	*Larkin*
"	"	Peter J. O'Callaghan	Charge and discharge	*Jameson*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
Nov. 15	Rumley and Charters, of Ballinacurra, county Cork, general merchants,	John Kennelly, of Midleton, county Cork, merchant,	*O'Connell*

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BANKRUPTS.

Delay, John Francis, of Duncan-street, Cork, commission dealer. Petition of bankrupts filed November 12. To sur. Tuesday, November 26, and Tuesday, December 10. L. H. Deering, Official Assignee. *O'Keeffe*, solr.

Mahony, Eliza, of Midleton, co. Cork, baker and hotel-keeper. Petition of bankrupts filed November 11. To sur. Tuesday, November 26, and Tuesday, December 10. L. H. Deering, Official Assignee. *Perry*, solr.

Certificate Allowed,

November 5.

Molony, Edmond, of Ennis, co. Clare, shopkeeper and chandler, a bankrupt. *Molloy and Watson*, solrs.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
Nov. 18	12 o'clock	James M'Feat	To prove debts	*Bradley*
		Tuesday.		
Nov. 19	"	Thomas Ryan	To tax costs	*Macnally*
"	"	William Wylie	do.	*Macnally*
"	"	Anselm E. Taylor	do.	*Macnully*
		Wednesday. Before the COURT.		
Nov. 20	11 o'clock	Thomas Ryan	Audit and dividend	*Macnally*
"	"	William Wylie	do.	*Macnally*
"	"	Anselm E. Taylor	do.	*Macnally*
"	"	John Copeland	Adjourned do.	*Larkin*
"	"	Eleanor Walker	Choice of assignee	*Treston*
"	"	Martin Joseph Keogh	Hearing of petition	*Macnally*
"	"	Catherine Winifred Burke	do.	*Rynd*
"	"	Catherine Warren	do.	*Egan*
"	"	Henry Robert Blake	do.	*Rynd*
"	"	Giuseppe Rigali	do.	*Macnally*
"	"	Henry Wilson	do.	*Rynd*
"	"	John Bolger	do.	*Rynd*
"	"	William Dillon	Adjourned do.	*Macnally*
"	"	Gregory Lowry	" do.	*Magrath*
		Friday. Before the COURT.		
Nov. 22	"	———	For bail motions only	———
		Saturday. Before the CHIEF CLERK.		
Nov. 23	12 o'clock	James M'Feat	To vouch account	*Bradley*
"	"	William J. Henry	do. and to prove debt	*Macnally*

CASES DISPOSED OF IN DUBLIN.

Wednesday, November 13.

Before JUDGE BERWICK.

Brown, Michael. Adjourned to Wednesday, November 27, 1867.

Dillon, William. Adjourned to Wednesday, November 20, 1867.

Fox, Thomas. Discharged.

Holloway, Thomas. Discharged.

Lowry, Gregory. Adjourned to Wednesday, November 20, 1867.

Lyons, James. Adjourned to Wednesday, November 27, 1867.

Maddock, Joseph. Adjourned to Wednesday, January 15, 1868.

Quinn, Eliza. Discharged.

Smith, James. Adjourned to Wednesday, December 11, 1867. Reference to Chief Clerk, to inquire mean-time into truth of schedule and balance sheets.

Weekes, John. Discharged.

CASE DISPOSED OF IN THE COUNTRY.

At MONAGHAN, co. Monaghan, October 24.

Before JAMES MAJOR, Esq., Q.C., Chairman.

Doherty, George. Discharged.

INSOLVENTS DISCHARGED ON BAIL.

Bird, John, county Monaghan, innkeeper.

Jenkinson, Thomas, county Dublin, fruiterer.

Ring, Michael, county Cork, grocer and general shopkeeper.

Scanlon, Anne Teresa, Limerick, spinster.

INSOLVENTS.

To be heard in Dublin.

Jenkinson, Thomas, of Glasthule, county Dublin, fruiterer; formerly boat owner. Hearing on Wednesday, December 4, at 11. *Mathews*, solr.

To be heard in the Country.

Beard, John, of Athy, county Kildare, gentleman. Hearing at Athy, January 3, 1868. *Mulhall*, solr.

Hannon, Joseph, of Mallow, county Cork, hotel-keeper, posting establishment proprietor, farmer, and lime-burner. Hearing at Cork, January 20, 1868. *Drinan*, solr.

Hore, Justin, of Knockbarry, county Cork, dealer in horses, arrested as "Justin Hoare." Hearing at Cork, Jan. 20, 1868. *Drinan*, solr.

Kennelly, Bartholomew, of Great Britain-street, city of Cork, pig jobber, arrested as "Bartholomew Kennealy." Hearing at Cork, January 20, 1868. *Collins*, solr.

M'Guire, Thomas, of Naas, county Kildare, baker. Hearing at Athy, January 3, 1868. *Mulhall*, solr.

Ring, Michael, of Main-street, Midleton, county Cork, grocer, spirit dealer, and general shopkeeper. Hearing at Cork, January 20, 1868. *Collins*, solr.

PETITION OF INSOLVENCY and SCHEDULE FILED.

(*No Day of Hearing yet fixed.*)

M'Kenna, William, of Gorey, county Tyrone, labourer—a prisoner in the gaol of Omagh. *Moore*, solr.

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LEGAL POSTINGS:

In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of Isaac Wykeham Dickenson Owner and Petitioner.

TO BE SOLD, in Twenty-one Lots, at the Landed Estates' Court, Four Courts, Inns'-quay, Dublin, before the Hon. Judge Lynch, on TUESDAY, the 17th day of DECEMBER, 1867, at the hour of Twelve o'clock, noon, the following valuable Fee-simple Estate, situate in the Barony of Newry, and County of Down:—

No. of Lots	Townlands	Quantity of Land Statute Measure			Net Yearly Profit Rent			Griffith's Valuation		
		A.	R.	P.	£	s.	d.	£	s.	d.
1	Parts of Carmeen and Dummuller	50	2	23	78	7	2	55	10	0
2	Part of Carmeen - -	18	2	31	30	18	4	19	10	0
3	Parts of Carmeen and Lisduff	23	2	26	44	17	3	32	5	0
4	Part of Cloghanramer -	12	0	2	24	0	8	14	1	6
5	Parts of Derryboy and Cloghanramer	9	3	15	17	12	0	13	9	6
6	Parts of Cloghanramer and Derryboy	38	0	21	71	13	0	66	7	6
7	Parts of do. - -	8	3	7	19	6	0	15	19	0
8	Part of Cloghanramer -	3	3	30	9	18	0	7	16	0
9	Part of do. - -	4	3	26	13	10	0	4	10	0
10	Part of do. - -	6	0	18	9	4	6	7	18	2
11	Part of do. - -	6	0	30	10	11	1	7	10	0
12	Part of do. - -	20	1	1	29	11	5	27	19	0
19	Part of do. - -	12	3	31	24	17	2	15	15	0
20	Parts of Derryboy and Cloghanramer	11	0	18	18	18	5	12	13	0
21	Parts of Derryboy, Lisduff, and Cloghanramer	61	3	13	107	3	5	77	18	6
22	Parts of Derryboy and Cloghanramer	24	1	30	47	14	9	29	14	0
24	Part of Lisduff and part of Derryboy	29	0	23	56	16	4	45	5	4
25	Part of Lisduff - -	53	2	33	102	1	8	82	10	6
26	Part of Lisduff - -	32	2	33	55	5	0	42	0	0
27	Part of Cloghanramer -	10	0	29	19	13	3	17	10	0
28	Part of do. (in hands)	6	2	10	6	10	0	Estimated value		
		455	3	9	797	19	5			

Dated this 8th day of November, 1867.

RICHARD TOPHAM, for Chief Clerk.

DESCRIPTIVE PARTICULARS.

This Estate is situate within one and two miles from Newry, and is bounded on the West and North by the Newry River and Mr. M'George's demesne. The Western portion is of park-like beauty and richness, and there is a quantity of game and quail on the Estate, which is seldom found in such a populous neighbourhood

From its proximity to the town of Newry, the Estate may be considered as forming town parks; and from the accommodation afforded by railway and canal for the transit of merchandize, &c., property in the vicinity of Newry is daily increasing in value.

Proposals for the purchase by private contract of the whole or any of the Lots will be received by the Solicitor having the Carriage of the Sale up to the 30th day of November, 1867, and, if approved of by the owner, will be submitted to the Court for approval.

For Rentals and further information apply at the Landed Estates' Court, Four Courts, Inns'-quay, Dublin; to

WILLIAM LANE JOYNT, Solicitor having the Carriage of the Sale, 46, Lower Gardiner-street, Dublin; and to

Messrs. HALLOWES & HAMILTON, Solicitors, 34, Westland-row, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of The Rev. Thomas Knox, late of Ballymoney, in the County of Antrim, Vicar-General of Dromore, Prebendary of the Diocese of Connor, and Rector of Ballymoney Parish; previously of Lurgan, in the County of Armagh, Rector of the Parish of Shankill, an Invent.

A PUBLIC Sitting will be held in this Matter, before the Chief Clerk, at the Four Courts, Dublin, on MONDAY, the 25th day of NOVEMBER, 1867, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts.* The Account of the Official Assignee will be Vouched before the Chief Clerk on SATURDAY, the 7th day of DECEMBER, 1867, at 12 o'clock; and the Costs of the Assignees will be taxed on TUESDAY, the 10th day of DECEMBER, 1867, at 12 o'clock.

And a Public Sitting will be held before the Court, at the Four Courts, Dublin, on WEDNESDAY, the 11th day of DECEMBER, 1867, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make *a Dividend of the Insolvent's Estate;* whereof all persons concerned are to Take Notice.

Dated this 8th day of November, 1867.

THOMAS FARRELL, Chief Clerk.

CHARLES HENRY JAMES, Official Assignee, Nos. 29 and 30, Upper Ormond-quay, Dublin.

JOHN MACNALLY, Solicitor for Official Assignee, No. 1. Morgan-place, Four Courts, Dublin.

STATUTORY NOTICE.

In the Goods of Margaret Carroll, late of Castletownroche, in the County of Cork, deceased.

PURSUANT to the Act of Parliament of the 22nd & 23rd Victoria, chapter 35, intituled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," Notice is hereby given, that all Persons having Debts, Claims, or Demands against or upon the Estate and Effects of Margaret Carroll, above described, who died on the 20th day of May, 1866, at Castletownroche aforesaid, are hereby required on or before the 16th day of DECEMBER, 1867, to furnish the particulars (in writing) of all such Claims or Demands to THOMAS M. WARD, Charleville, and 4, South Frederick-street, Dublin, Solicitor for Margaret Carey, otherwise O'Gorman, of Ballyvoodane, near Kilfinane, in the County of Limerick, the Administratrix of the said deceased, to whom Letters of Administration of the Assets of the said deceased were granted forth of the Principal Registry of the Court of Probate in Ireland, on the 18th day of September, 1866; or in default thereof, the said Administratix will, after the 16th day of December, proceed to distribute said Assets of said deceased amongst the Persons entitled thereto, having regard to the Claim only of which she shall have notice.

Dated this 12th day of November, 1867.

THOMAS M. WARD, Charleville, and 4, South Frederick-street, Dublin, Solicitor for Margaret Carey.

NOTICE.

AN EXAMINATION for Persons applying for Orders for the Benchers of the Hon. Society of King's Inns granting permission to take out Certificates to Practise on Conveyances in Ireland, will be held in the HALL of the KING'S INNS, on MONDAY, 9th DECEMBER next.

JOHN HANLON, Under Treasurer.

KING'S INNS, 8*th November*, 1867.

PUBLICATIONS:

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, November 16, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 43.] SATURDAY, NOVEMBER 23, 1867. {Single Copy, 6d. By Post, 7d.

In a former number, commenting on the new Chancery Act, we stated the several classes of defence. If the defendant considers that the case made by bill is not such as to entitle the plaintiff to any assistance from the Court, the form of defence is by demurrer. The Commissioners, in their report, recommended the abolition of demurrers, both in England and Ireland, except for want of Equity, or multifariousness. This recommendation, however, was disregarded, and a clause in the draft bill, providing for their abolition, was struck out in Committee.

In the works on pleading, a classification of demurrers is attempted, and they are reduced to nine classes:—(1.) That the subject of a suit is not within the jurisdiction of a Court of Equity. (2.) That some other Court of Equity has the proper jurisdiction. (3.) That the plaintiff is not entitled to sue by reason of some personal disability. (4.) That he has no interest in the subject, or no title to institute a suit concerning it. (5.) That he has no right to call on the defendant concerning the subject of the suit. (6.) That the defendant has not that interest in the subject which can make him liable to the claims of the plaintiff. (7.) That for some reason, founded on the substance of the case, the plaintiff is not entitled to the relief he prays. (8.) The deficiency of the bill to answer the purposes of complete justice. (9.) The impropriety of confounding distinct subjects in the same bill, or of unnecessarily multiplying suits. (*Vide* Milford's Pleading.)

Of these, the first is termed a demurrer for want of equity; the eighth, for want of parties; and the first part of the ninth for multifariousness; and they are the kinds most commonly met with.

A defendant may demur alone to any bill within twelve days after his appearance, but not afterwards without special leave of the Court. If, however, he wishes to demur to a portion only of the bill, and to plead to, or answer the remainder, he has (if an answer be required of him) twenty-eight days from the service of the interrogatories upon him, within which time he may so demur, plead, or answer, not demurring alone; and by 64th order, if not required to answer, he may put in such demurrer, plea, or answer (not demurring alone), at any time within fourteen days after the expiration of the time within which he might have been served with the interrogatories, had there been any, that is to say, at any time within thirty days after the service of the copy of the bill upon him.

All demurrers must be signed by counsel, but do not require the oath or signature of the defendant. When a demurrer comes on for hearing, the defendant may raise any objection to the bill which could have been taken by demurrer, although that objection has not been specifically pointed out; this is called demurring *ore tenus*, but the 47th order directs that when any grounds are urged in the argument beyond the grounds expressed in the demurrer, and the grounds so expressed are disallowed, the defendant shall pay the same costs as if the demurrer was overruled, although the grounds of demurrer so newly urged might be allowed. Demurrers *ore tenus* were sometimes allowed at the hearing of a cause petition under the Chancery Regulation Act where no answer had been filed by the respondent. They often came by complete surprise on the petitioner, and their abolition was recommended in the answers to the queries put by the Commissioners to the Incorporated Society of Attorneys and Solicitors.

If the plaintiff considers the defendant's objection good, he will amend the bill, if it is capable of being amended, on payment of certain costs to the defendant. But if he considers the objection groundless, he will set down the demurrer for argument within fourteen days after due notice of the filing (55th Ord.) More will be said on the subject of amendment in our next number.

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IN considering the advisability of requiring juries to be unanimous in their verdicts we last week gave the arguments which are usually adduced against the system, and quoted the words of some of the most eminent jurists on the question, which would seem to settle the point. We also last week published a letter from a correspondent in which it was pointed out that the demand for a unanimous verdict is in its nature exceptional, and fails of support from first principles. The first point is decidedly established, but the last is not quite so clear, for if it be admitted that the defendant in any case, criminal or otherwise, is to have the benefit of any doubt which may arise in the mind of the jury trying the case as to his guilt, it is clear that he ought not to be convicted by any but the unanimous verdict of the jury; for if the verdict be not unanimous it must presumably be from the circumstance that all the jury are not sufficiently convinced of his guilt. It, of course, may happen, and, perhaps, it often does happen, that some member or members of a jury decide at once upon the verdict they will give from other reasons than the merits of the case, and a person undoubtedly guilty may thereby escape the conviction he deserves; but the law cannot suppose that men will give verdicts contrary to the oaths that they have taken to decide cases according to the evidence; and it has also been well remarked on a kindred subject that it is better for ten guilty men to escape than that one innocent man should be punished. It is well known, of course, that in all legislative and most administrative bodies the decision of a majority is binding on the whole; but there is a feeling growing into importance of late years which has indeed long been discussed as a philosophical theory and proposed as a philosophical improvement in the management of human affairs, that the opinion of a minority should be respected and considered. This was first put into practice in England in the sections of the late Representation of the People Act referring to what have been, without much regard to propriety, called three-cornered boroughs. Now the principle of requiring unanimity in juries is essentially an allowance made in consideration of the decision of the minority, for if we suppose that three out of a jury of twelve are thoroughly convinced of the innocence of a prisoner, it is an undoubted principle that their conviction is entitled to carry weight in the decision of the whole. And how is that weight to be allowed? It is clear that the evidence of the man's guilt has not been perfectly satisfactory to all the jurors, and that a doubt of his guilt rests in some of their minds; and it is this doubt which we maintain the prisoner ought to get the advantage of, for we cannot consider the case, as probable or at all to be legislated for that these three jurymen are holding out against the opinion of their fellows from any interested motive, or for any other than conscientious reasons, otherwise we should be able to put no trust whatever in the decision of any jury, and what has been called the palladium of our Constitution must, on the supposition that the members of a jury are corruptible, be considered more in the light of that ill-fated horse which, when brought within the walls of Troy, caused the destruction of the too-trusting citizens, who had brought it into their sanctuary under the belief that its influence would be divine, and that its presence would bring protection.

It has been suggested, however, that a sort of secondary punishment should be inflicted when the jury are not unanimous, varying in its degree according to the strength of the minority, but if we have read English law aright, we believe that such a system is as repugnant to the principles of the English constitution as it would be impossible to recommend it to the innate feelings of moral right implanted in our hearts. If a jury are perfectly satisfied that the evidence in any case is such as to leave no doubt upon their minds of the guilt of the accused, then the verdict of guilty should be declared, and the punishment allotted to the crime by law inflicted, unless it were thought advisable that the prerogative of mercy should be applied from reasons and motives that could not be considered by, and which did not come within the province of the jury; but if any doubt rests in the minds of any of the jury, there ought to be no verdict of guilty returned.

This system, however, of graduating the punishment to the opinion of the majority of the jury was tried on the Continent of Europe, and in France, at least, was not found satisfactory. The principle of punishment *pro modo probationum* was enacted in France in 1670, and judges were ordered to pronounce a sentence of less severity when the evidence was not satisfactory, but the consequences of the enactment were lamentable. In the *Theorie du Jury* of M. Oudat (quoted from Mr. Forsythe) a case is mentioned where three persons were condemned to death by the Parliament of Dijon, in 1782, for a robbery, attended with violence. The Court of Appeal (*Chambre de la Tournelle*) at Paris thought that the proofs were stronger against one man than against the others, and he was executed, but the others were sentenced to the galleys. In the following year their innocence was completely established by the confession of the real perpetrators of the crime. This case, if properly considered, shows perfectly what a fallacy lies hid in the apparently fair principle of graduating the punishment to the evidence; and we have merely to consider whether, when it was admitted that the evidence was apparently defective in the case of the two men, it should have been acted upon at all.

In Germany also, the source of almost all modern

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philosophical jurisprudence, and the country where some of our most accomplished jurists received their legal education, before the late reforms, this erroneous principle still holds sway, and we quote the words of Feuerbach on the subject, who says that in Bavaria the theory has been adopted of extraordinary punishments on the failure of complete legal proof, so that a man of whom it is admitted that he has not been convicted according to law (nay, perhaps that he is innocent, but involved in suspicion, owing to unhappy accident or the malice of his enemies), must undergo a part, at all events, of the sentence, *too little if he is guilty, but far too great if he is innocent.* Nay, a further and more dangerous step has been taken; and where strong presumptions exist against the accused the liability is made itself an offence.

A MEETING of the Quarter Sessions Solicitors of Ireland was held (pursuant to adjournment) in the Hall of the Incorporated Law Society, on Thursday last, for the purpose of taking into consideration the proposed amendments of the Civil Bill Acts. Mr. J. F. Goodman in the Chair, Mr. Proctor acting as Secretary. Very many of the Counties throughout Ireland were represented, and Reports from the Sessions Bars of Antrim, Down, and Tipperary, containing important suggestions and amendments were read. Mr. Bottomley, Sub-Sheriff of Antrim, suggested that any alterations proposed in the existing law, relating to the execution of decrees, &c., should be submitted to the Sheriffs for their consideration; this proposition was at once acceded to. The report of the Committee appointed in June last having been very carefully considered, and altered in many important particulars, in accordance with the views expressed by the local Law Societies, the meeting adjourned to Wednesday, the 27th inst. The Report, as amended, will be found in our Supplement.

IT is with the deepest regret we have to announce in our obituary notice of to-day the death of Charles W. D'E. Orpen, Esq., one of the newly-appointed District Judges of Jamaica, and second son of Richard J. T. Orpen, Esq., the respected President of the Incorporated Law Society. He left this country in July last, for Jamaica, and had barely entered upon the discharge of his judicial duties when he was attacked by the fever of the country, to which he succumbed on the 10th of October, at an early age. He was called to the bar in Easter Term, 1856. Few men have ever enjoyed a higher reputation for every good and estimable quality, and his lamented death has excited a feeling of the most sincere regret amongst a large circle of friends by whom he was highly and deservedly esteemed.

THE ADMIRALTY COURT.

WE are in a position to state that the New Rules, for the guidance of the profession in the practice of this Court, will come into operation on Wednesday next, the 27th instant. The Rules, with a complete schednle of forms and fees, will, as we are informed, be immediately published by the Government Printer.

BANQUET TO THE SOLICITOR-GENERAL.—On Thursday evening, the members of the North-East Bar gave a banquet to Mr. Harrison, on occasion of his promotion to the office of Solicitor-General by Her Majesty's Government. The banquet took place in the Ancient Concert Rooms. Mr. Thomas M'Donnell, Q.C., Father of the Circuit, occupied the chair. Mr. Arthur Jackson and Mr. Wm. Druce officiated as croupiers. On the right of the chairman were the guest of the evening and Mr. Joy, Q.C., and on the left Mr. James Gibson. About sixty members of the circuit—all, we believe, who were in town—were present, and the most cordial feeling was manifested towards the guest of the evening. After dinner, the chairman gave the toast of "The Queen," and subsequently the health of the guest of the evening. In doing so, he expressed the great pleasure which all the members of the circuit felt at the promotion of Mr. Harrison to the office under the Crown to which he had been appointed, and referred to his great popularity amongst the members of the circuit, from the time at which he first joined it, eighteen years ago. The toast was received with much enthusiasm. Mr. Harrison having replied in appropriate terms, the health of the Father of the Circuit was proposed by Mr. Druce, and was warmly received. Various other toasts were given, and the company separated at a late hour, after spending a most agreeable evening.

The Right Hon. Judge Keatinge has appointed Gerald Fitzgerald, Esq., solicitor, a Notary Public for Limerick, in the room of Patrick Lynch, Esq., deceased.

LAW STUDENTS' DEBATING SOCIETY.—The opening meeting of the sixteenth session of the society will be held in the Lecture Hall, King's Inns, Henrietta street, on Monday evening, the 25th inst., when the Auditor, Mr. Charles H. Teeling, will deliver the inaugural address. The chair will be taken at eight o'clock, by the President, the Right Hon. Maziere Brady, P.C., and resolutions will be proposed by the Solicitor-General, Mr. Sergeant Armstrong, Q.C., M.P.; Richard Dowse, Esq., Q.C.; and Theobald Purcell, Esq., Q.C.

THE CITY SESSIONS.—On Monday, the Right Hon. the Recorder attended at the Court-house, Green-street, and formally adjourned the City Sessions until Tuesday, the 26th inst., as the arrangements of the court had been somewhat disturbed by the recent gas explosion in one of the rooms. Workmen are at present engaged in repairing the injuries caused by the explosion.

The Queen has been graciously pleased to grant to James H. E. Butler, late Record Assistant of the Court of Common Pleas in Ireland, only surviving son of the Hon. St. John Butler, and grandson of the late James Lord Baron Dunboyne, her royal licence and authority, bearing date at St. James's, 4th November, 1867, that he may take and henceforth use the surname of Arcedeckne in addition to and before the surname of Butler, and bear the arms of Butler and Arcedeckne quarterly, in consequence of his being (through his late mother, Anne Maria, only child of Walter Arcedeckne Burke, Esq., of Gortnamona, Co. Galway) heir general and representative of the ancient family of Arcedeckne, of Gortnamona aforesaid.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by EDMOND T. BEWLEY, Esq., Barrister-at-law.

CRAWFORD *v.* CRAWFORD.

Nov. 12, 13, 14.—*Solicitor—Agent—Trust—Statute of Limitations.*

This was an appeal from an order of the Master of the Rolls, dated the 2nd of July, 1867.

Mr. Samuel Law Crawford was, for many years prior to his death, solicitor to the Londonderry and Coleraine Railway Company, and was, amongst other matters, employed by them to negotiate for the purchase of land for the purposes of their railway. Large sums of money were accordingly, from time to time, remitted to him by the Company, accompanied by directions to apply them in payment of certain specific claims for compensation. The receipt and application of these moneys were duly entered by Mr. Crawford in separate debtor and creditor accounts in his ledger. In 1856, Mr. Crawford recovered a judgment against the Company for costs due to him; and after his death, which occurred in 1861, an account was settled between the Company and his administrator, on which a balance of £6,243 8s. was found due by the Company, on foot of the judgment, and other bills of costs, and was paid by debentures of the Company. In 1865 the present suit was instituted for the administration of the assets of Mr. Crawford, and on the 23rd of April, 1866, a charge was filed by the Company, claiming a sum of £428, which had been remitted to Mr. Crawford in 1854, for the purchase of lands, and which, it was alleged, had not been accounted for by him at the time of his death. The Master disallowed the claim, as barred by the Statute of Limitations, but on an appeal to the Master of the Rolls, the decision of the Master was reversed. From this order of the Master of the Rolls an appeal was now brought.

Walsh, Q.C., and *M'Causland*, Q.C., for the appellants.

Palles, Q.C., and *Falkiner*, Q.C. (with them *Litton*), for the respondents.

The COURT reversed the decision of the Master of the Rolls, being of opinion that the claim was barred by the Statute of Limitations.

Solicitor for the appellants, *Geo. T. Kinder.*

Solicitor for the respondents, *John Burgess.*

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

WEBB *v.* HEWATT.

Nov. 11.—*Practice—Abated Suit—Revivor Amendment.*

This matter became abated by the death of the sole petitioner, William Webb. After the service of the notice of the following motion, an application was made *ex parte* for leave to file a petition of revivor, on which the usual order was made.

Twigg, on behalf of Arthur Webb, the administrator of the said William Webb, moved, on notice, that he might be at liberty to revive, and also that the cause petition might be amended by adding parties.

Rogers, Q.C., for the respondent, objected that the motion was irregular. After the expiration of the eight days for showing cause, mentioned in the order giving leave to file the petition of revivor, the cause might be revived by side bar rule, and no order for amendment could be made in a suit totally abated.

HIS HONOUR made no rule on the motion, and gave to the respondent the costs of appearing on the motion as costs in the cause.

Solicitor for the petitioner, *Arthur Webb.*

Solicitor for the respondent, *John Murray.*

FERGUSON *v.* KENYON.

Nov. 7, 13.—*Practice—Affidavit sworn before a magistrate in India—Certificate from Home Office.*

Jackson moved (Nov. 7) that the affidavit of service of notice of the cause petition might be received by the officer, who had declined to file it. The affidavit was sworn before a police magistrate at Bombay, and counsel relied on the 81st sec. of the Chancery (Ireland) Act, 1867—which was retrospective, *Bateman* v. *Cook* (3 D.M. & G. 35)—as requiring the Court to take judicial notice of the signature of the magistrate.

The motion stood over for some evidence that the person before whom the affidavit was made was a magistrate, and the case was again mentioned (Nov. 13), when a certificate was produced from the Home Office, stating that the gentleman was senior police magistrate at Bombay, and authorised to administer oaths.

HIS HONOUR directed the officer to receive the affidavit, without any verification of the signature of the magistrate.

Solicitors for the petitioner, *Crawford and Lockhart.*

COURT OF QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

CROOKE *v.* LORD POWERSCOURT.

November 11.—*Embarrassing Pleading—Action for False Representation.*

This was a motion to set aside the seventh paragraph of the summons and plaint as embarrassing. The paragraph was for that the defendant, by falsely representing that he had power to demise certain lands free from any right of way, induced the plaintiff to take the premises and spend money on them; averment, that the defendant had not power to demise the premises free from any right of way, as they were subject to a right of way: Damage. There was no averment that the representation was false to the knowledge of the defendant.

Counsel for the defendant in support of the motion, *Sullivan*, Q.C., *Jellett*, Q.C., and *Monahan.*

Counsel for the plaintiff, *contra*, *Sergeant Armstrong*, *Palles*, Q.C., and *Boyd.*

The COURT gave the plaintiff liberty to amend within four days. If no amendment within that time the paragraph to be set aside.

Attorney for the plaintiff, *Donnelly.*

Attorney for the defendant, *Reeves.*

(Before FITZGERALD, J.)

SILK *v.* ARMSTRONG.

November 16.—*Misdescription of Plaintiff's residence—Setting aside Summons and Plaint—Summary Procedure on Bills of Exchange Act.*

This was an application on behalf of the defendant to set aside the summons and plaint, on the ground of misdescription of the plaintiff's residence.

The action was brought under the Summary Proce-

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dure on Bills of Exchange Act to recover the sum of £11. The plaintiff was described as living at 16, Grantham-street, in the City of Dublin, the defendant as living at Clontarf, in the County of Dublin. The defendant having discovered that the plaintiff resided not in the City, but at Mountpleasant-avenue in the County of Dublin, served a notice upon him, calling upon him to amend the description of his residence in the summons and plaint. This the plaintiff declined to do, whereupon the present motion was made, the defendant, with a view to the costs, not wishing to have it appear on the record that he and the plaintiff resided within different civil bill jurisdictions. The evidence as to the plaintiff's residence was conflicting, but Fitzgerald, J., held that it showed that he resided in the County.

MacDermott, for the defendant, in support of the motion.

S. Walker, *contra*.

FITZGERALD, J., ordered that the plaintiff should amend his summons and plaint, by truly stating his residence, defendant's time for applying for liberty to appear and defend to run from the period at which the amendment should be made. Defendant to have his costs of the motion.

Attorneys for the plaintiff, *Casey* and *Clay*.

Attorney for the defendant, *D. J. Bergin*.

COURT OF EXCHEQUER.

Reported by J. L. WHITTLE, Esq., Barrister-at-law.

LITTLE *v.* THWAIT.

May 10th.—*Application to pay out Money lodged in Court, Plaintiff being Pauper and Imbecile.*

The defendant had lodged the sum of £100, with £6 6s. interest, in Court, and the plaintiff's brother, James Little, now sought to have this sum paid out to him on the ground that plaintiff was imbecile, without any adequate means of support, and had been for four years past a burden to applicant. The motion was resisted by John Little, another brother, who denied the alleged allegations as to plaintiff's poverty.

Irvine, for James Little. This Court will exercise the same jurisdiction which Courts of Equity exercise in the case of minors.

Carson, for John Little. The Court has no jurisdiction to pay out the principal to third parties.

The Court ordered the interest and £10 of the principal to be paid to Joseph Alexander, he and James Little undertaking to apply it to the use of the plaintiff, and further, the sum of £8 10s. to be paid to Alexander for the costs of action and motion.

Attorney for James Little, *Joseph Alexander*.

Attorney for John Little, *Archibald Collum*.

GREENE *v.* LECKEY.

May 29 and 30, and July 1.—*Error in fact—One of several Defendants, an infant, appearing by Attorney.*

This was an action of ejectment brought in the year 1851. Parliamentary appearances, under the Process and Practice Act, were entered for defendants, and judgment was recovered by default. Some of defendants were infants at the time of the appearance being entered and judgment being recovered. In 1865 defendants brought error in fact, and assigned for error that they had appeared by attorney and not by guardian. The heir and executor of the original plaintiff joined in error and pleaded in substance that the ejectment was for non-payment of rent, and that more than one year's rent was due; that every person in possession of the lands had been served with the ejectment; that the minors were not in possession of any part of the lands; had not any interest in them; were not necessary parties, but had nevertheless been served; that no defence had been taken by any of the parties, and judgment was recovered by default; the lessor put into possession of the lands, and had remained in possession until his death; and that the present defendants in error had been in possession from that time. To this plea the defendants demurred.

Dowse, *Q.C.* and *Byrne* in support of demurrer.

Macdonagh Q C. and *F. L. Dames*, in support of the plea.

PIGOT, C. B., held that the appearance of an infant defendant by attorney and not by guardian was error in fact and vitiated the judgment, and that the judgment must accordingly be reversed as to all the defendants in the action. The plea too is bad. It contains only averments of matter of fact which would have been available as a defence to the original action.

Attorneys for plaintiff, *Fletcher* and *Meade*.

Attorney for defendants, *Thomas Johnston*.

CONSOLIDATED CHAMBER.

ADAIR *v.* SIMPSON.

June 27.—*Practice—Administering Interrogatories.*

Plaintiff applied in an action of ejectment for leave to administer interrogatories. The motion was grounded on an affidavit made by plaintiff's son and his solicitor, from which it appeared that plaintiff was, and always had been, residing in England, and was of very advanced years; that his son had always managed his Irish estates.

Falkiner, in support of the motion.

Dix.—These are not unavoidable circumstances within the meaning of the 57th section of the Common Law Procedure Act, 1856.

O'HAGAN, J. held he had no jurisdiction to act upon this affidavit.

Attorneys, *David M'Killop* and *Alex. Caruth*.

BELFAST WATER COMPANY *v.* GIRDWOOD.

July 9.—*Practice—Jury under Old System.*

The plaintiffs applied for a jury under the old system, on the grounds that the notoriety of the proceedings and the interest created by statements inserted in local newspapers, and the material interest of the mill owners who generally acted on the special jury of the County Antrim, would render it impossible for plaintiffs to have a fair trial under the present system.

Joy, Q.C., and *Sullivan*, Q.C., in support of the motion.

Ferguson, Q.C., *Harrison*, Q.C., *Falkiner*, Q.C., and *Lefroy*, for the defendant.

GEORGE, J., refused to comply with the application, as there was no political or religious feelings connected with the case, and it was not shown that a jury under the old system would secure a fairer trial.

Attorney for plaintiffs, *Cassidy*.

Attorney for defendant, *Black*.

COURT OF PROBATE.

Reported by W. R. MILLER, Esq., LL.D., Barrister-at-Law.

In the Goods of JAMES QUIN, deceased.

Nov. 18.—*Manager named in Will.*

W. M. Johnston, on behalf of Mrs. Quin, the widow of the deceased, for administration, with the

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contents of the will annexed of the deceased, as contained in a copy of the same. The deceased died on the 11th April, 1863, having made a will on the 2nd April, 1863, by which he left all his property equally between his said widow and his daughter Julia, and in the said will he named his said widow "manager of all." The deceased had left another daughter for whom he had provided on her marriage, and also a son who had long since emigrated to Australia and not since been heard of. Soon after the testator's death the widow gave the original will of the deceased to Mr. Eugene O'Mara, a solicitor, for the purpose of having it proved, and the latter then gave the widow a copy of it in his handwriting, which was sworn to be a true copy. Mr. O'Mara was accidentally killed, and his papers were all destroyed after his death, and the original will of the deceased could not be found, and had not been proved; as to the widow being executrix according to the tenor, the *Goods of Jones* (2 Sw. and Tr. 155), were cited. The daughter Julia consented to the motion.

KEATINGE, J.—It is unnecessary to decide that point now, as I require the widow to renounce, and take administration with the contents of the will annexed, as contained in the copy, she giving justifying security for the assets, save as to her own one-third share and that of her daughter Julia. Order accordingly.

OPENING OF PARLIAMENT.

HOUSE OF LORDS—NOVEMBER 19th.

The winter session of Parliament was opened on Tuesday by Royal Commission. The last occasion upon which Parliament assembled in the winter was in 1857, when the monetary crisis rendered the meeting of the Legislature indispensable.

The Royal Commissioners, the Lord Chancellor, the Duke of Marlborough, the Earl of Malmesbury, the Earl of Tankerville, and the Earl of Cadogan, entered the House at two o'clock, and took their seats upon a bench in front of the throne. Colonel Clifford, the Yeoman Usher of the Black Rod, was at once directed to summons the attendance of the Speaker and members of the House of Commons, and soon afterwards, the Royal Commission having been read, the Lord Chancellor read the Queen's speech, as follows:—

MY LORDS AND GENTLEMEN,

In again applying to you for your advice and assistance, I regret that I have found it necessary to call for your attendance at an unusual and, probably to many of you, inconvenient season. The Sovereign of Abyssinia, in violation of all international law, continues to hold in captivity several of my subjects, some of whom have been especially accredited to him by myself; and his persistent disregard of friendly representations has left me no alternative but that of making a peremptory demand for the liberation of my subjects, and supporting it by an adequate force. I have accordingly directed an expedition to be sent for that purpose alone, and I confidently rely upon the support and co-operation of my Parliament in my endeavour at once to relieve their countrymen from an unjust imprisonment, and to vindicate the honour of my Crown. I have directed that papers on the subject shall be forthwith laid before you.

I receive from all Foreign Powers assurances of friendly feelings, and I see no reason to apprehend the disturbance of the general peace of Europe.

A band of Italian volunteers, without authority from their own Sovereign, having invaded the Papal territory, and threatened Rome itself, the Emperor of the French felt himself called upon to despatch an expedition for the protection of the Sovereign and his dominions. That object having been accomplished, and the defeat and dispersion of the volunteers having relieved the Papal territory from the danger of external invasion, I trust that his Imperial Majesty will find himself enabled, by an early withdrawal of his troops, to remove any possible ground of misunderstanding between his Majesty's Government and that of the King of Italy.

The treasonable conspiracy commonly known as Fenianism, baffled and repressed in Ireland, has assumed in England the form of organised violence and assassination. These outrages require to be vigorously put down, and I rely for their effectual suppression upon the firm administration of the law, and the loyalty of the great mass of my subjects.

GENTLEMEN OF THE HOUSE OF COMMONS,

The estimates for the ensuing year are in the course of preparation, and will in due time be laid before you. They will be framed with a view to economy and to the necessary requirements of the public service.

MY LORDS AND GENTLEMEN,

As a necessary sequel to the legislation of the last session, bills will be laid before you for amending the representation of the people in Scotland and Ireland.

I have reason to believe that the Commissioners appointed to inquire into and report upon the boundaries of existing boroughs, as well as of the proposed divisions of counties and newly franchised boroughs have made considerable progress in their inquiries, and no time will be lost after the receipt of their report in laying before you their recommendations for your consideration and decision. A bill will also be presented to you for the more effectual prevention of bribery and corruption at elections. The Public School Bill, which has already been more than once submitted to Parliament, will again be laid before you.

The general question of the taxation of the people requires your most anxious attention, and I have no doubt you will approach the subject with a full appreciation both of its vital importance and its acknowledged difficulties.

Measures will be submitted to you during the present session for amending and consolidating the various Acts relating to the Mercantile Marine.

The exemption which the country has now for some time enjoyed from the cattle plague, affords a favourable opportunity for considering such permanent enactments as may relieve the home trade from vexatious restrictions and facilitate the introduction, under due regulation, of foreign cattle for home consumption.

Measures for the amendment of the law, which have been deferred under the pressure of more urgent business, will be submitted for your consideration.

Other questions apparently calling for legislative action have been referred to members whose reports, as they shall be received, shall, without delay, be laid before Parliament.

It is my earnest prayer that all your deliberations may be so guided as to conduce to the general contentment and happiness of my people.

THE LAW STUDENTS' JOURNAL.

MICHAELMAS TERM, 1867.

The following is a copy of the papers given on the first day of the final examination of apprentices seeking to be admitted attorneys.

[*Every answer is to be accompanied by reasons concisely stated.*]

COMMON LAW.

1. Are any and what particular form of words necessary to create a covenant in a deed? Define and give instances of an *independent*, *dependent*, and *concurrent* covenant.
2. What are the principal exceptions to the general rule that all persons are free to make such contracts as they please?
3. What points are essential to constitute a valid agreement within the 4th section of the statute of frauds?
4. What contracts come under the operation of that section?

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5. What is the chief distinction between a contract bad on account of the consideration being illegal, and one bad on account of the promise being illegal?

6. Illustrate the maxim "Interest Reipublicæ ut sit finis litium."

7. A.B. dies and appoints C.D., E.F., and G.H. executors; C.D. alone proves the will; who should be plaintiff in an action to recover a debt due to deceased?

8. In what cases must the husband be sued alone on a contract made by his wife, and in what cases should both husband and wife be jointly sued?

9. State some of the principal exceptions to the maxim (applied to actions ex delicto) "actio personalis moritur cum persona."

10. What is the distinction between a general and a special agency as regards the liability of the principal?

11. Under what circumstances is a husband liable for goods supplied to his wife?

12. A orders goods from B, to be sent by a carrier who receives but loses the goods; A refuses to pay for them; what remedies have the parties respectively, and against whom?

13. What is the chief distinction between a partnership *inter sese* and a partnership *quoad third persons*?

14. Under what circumstances is a principal bound by the acts of his sub-agent?

15. In what respects does a bill of exchange differ from an ordinary simple contract?

16. Into how many classes are pleas by way of confession and avoidance divided? Give instances of each.

17. How does the measure of damages differ in actions of contract from that in actions of tort?

REAL PROPERTY AND EQUITY.

18. What are estates in expectancy? State the nature of each.

19. Explain the operation of a conveyance by Lease and Release. To what more simple mode of assurance did the Lease and Release give place, and what in its turn supplanted that?

20. Within what time must an action or suit be brought to recover an estate in land?

21. What are the provisions of the statute of frauds as to estates held *pur autre vie?* to remedy what evil was it enacted?

22. What gave rise to the 39th and 40th Geo. III., c. 98, called the Thelluson Act? State the provisions of this Act.

23. Can a trustee for sale become the purchaser of his trust estate?

24. Is a vendor bound to acquaint the purchaser of any incumbrance that may affect the estate? What recent statute has been passed bearing upon the subject?

25. What is the meaning of the *cy pres* doctrine?

26. What powers of dealing with the estate are conferred upon a tenant for life, by the Act to facilitate leases and sales of settled estates?

27. If A wishes to make himself joint tenant with B, how can he effect his purpose if he be tenant in fee-simple? How if he have an estate for years?

28. If a trust estate devolves upon an infant, how is such infant to convey for the purposes of the trust?

29. If a contract be entered into for the sale of a reversion, subject to an estate for life, will the purchaser be entitled to the estate at the original price, if it has fallen into possession by the death of the tenant for life before the conveyance is executed?

30. What is the effect of marriage on the Will of a man before and since the Wills Act?

31. Equity jurisdiction is divided into *exclusive, concurrent,* and *auxiliary;* state the grounds of the distinction, and give instances of cases falling under each head.

32. In what cases will a Court of Equity set aside a sale for inadequacy of price?

33. Will a Court of Equity relieve against the defective execution of a power, and on what general principles?

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

LIABILITIES OF TRUSTEES.—S. by his will gave all his property to trustees (M. and R.) upon trust to sell and convert, and after payment of debts, funeral, and testamentary expenses, and certain gifts to his wife, gave the residue to his children for life, and then to their issue, with substitutionary clauses; and there was a power to the trustees, at their discretion, to advance the whole or any part of the shares of the testator's children to set them up in business. The wife only survived her husband for three years, and for fifteen years matters remained in *statu quo,* the children constantly applying for an advance to set them up in business, which was refused by M., who was a solicitor, R., a farmer, taking little or no part. The grandchildren, through their solicitors, then applied to M. for information as to their interest in the estate; but he partly professed ignorance, and no satisfactory information being obtained from him or his agents, a common administration suit was instituted; the bill, being greatly lengthened subsequently by amendment, stating the exercise of the power of advancement in the will by M. to the children, now old people, after bill filed. The suit continued for three years in the most hostile manner, and came to a hearing: Held, that the conduct of M. was unjustifiable, and he and R. ordered to restore the moneys advanced, and pay all the costs (except £200, as the sum requisite for a common administration suit) by a day specified. *Semble,* where trustees act under the direction of the court, and behave honestly and fairly, furnish proper accounts, &c., the court will protect and support them even in the case of mistakes, provided they are innocent ones; but if they act when a difficulty arises without submitting the question to the court they will be liable to the costs of the investigation. Where trustees show a bias in favour of a particular party or class of persons, do not come forward with proper accounts, or obstruct the investigation of the trust, and otherwise behave improperly, they are liable to restore the fund if lost, and to pay the whole costs, except such as are fairly payable in a common administration suit, the amount of which will be fixed by the judge at the hearing, without a reference: (*Talbot* v. *Marsfield,* 17 L. T. Rep. N. S. 78. V. C. M.)

COMPOSITION DEED AFTER INSPECTORSHIP-DEED.—To an action upon a promissory-note, the defendant pleaded a deed of composition under the 192nd section of the B. A. 1861, by which the 1st clause provided that a previously executed deed of inspectorship between the same parties should cease and be void, and the subsequent clauses provided for the deposit with the inspectors of the same composition within a month, in lieu thereof. The plaintiff assented to neither deed, and the defendant paid to the inspectors a part of the composition in money, and part in bills: Held, that a plea setting out the composition-deed and referring to the inspectorship-deed was good, and that the payment of the composition need not necessarily be in cash: (*Emptage* v. *M'Culloch,* 17 L. T. Rep. N. S. 67. C. P.)

EXPENSES OF OBTAINING LOCAL ACT OF PARLIAMENT.—In an action for work bestowed and money spent in obtaining a Railway Act, in which it was provided that the expenses incident to the passing of the Act should be paid by the company, the company pleaded that they had not raised or received, nor had been able to raise or receive, any money which they might apply to the payment of such expenses: Held, upon demurrer, that, by the 65th section of the Companies Clauses Consolidation Act 1845, this plea was no answer to the action: (*Manning* v. *London, Worcester, and South Wales Railway Company,* 17 L. T. Rep. N. S. 68. C. P.)

VOLUNTARY — WINDING-UP — LIQUIDATORS. — On a voluntary winding-up, subject to the supervision of the court, the judge in chambers has power, under sect. 141, to remove all or any of the liquidators on due cause shown: (*Re The Marseilles Extension Railway Company,* 17 L. T. Rep. N. S. 61. V. C. M.)

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SALE BY AUCTION—DESCRIPTION.—Where property is put up for sale by auction, the description of it must be such as to be comprehensible by any person of ordinary understanding. The mere mention of the property being held under a lease, when in fact it is only part of such property, the other part being subject to a reserved rent, is not sufficient to give notice of the contents of the lease, or that it relates to other property. A bill filed for specific performance against the purchaser under such a description dismissed with costs: (*Sheard* v. *Venables*, 17 L. T. Rep. N. S. 10. V. C. M.)

LIABILITY OF RAILWAY COMPANIES FOR TORT OF SERVANT.—A servant of a railway company arrested a passenger for not paying the fare of a horse which had been granted free transit by the company. The arrest was held not to be within the powers conferred on railway companies by ss. 103 and 104 of 8 Vict., c. 20, consequently the defendants were not liable for the act of the servant: (*Poulton* v. *The London and South-Western Railway Company*, 17 L. T. Rep. N. S. 11. Q. B.)

WHAT IS A PARTNERSHIP GUARANTEE BY ATTORNEYS.—S., being desirous to assign a lease which he had deposited with the plaintiff to secure advances, employed the defendants, who were in partnership as attorneys, to get the lease from the plaintiffs. T., one of the defendants, accordingly arranged with the plaintiffs that they should give up the lease on receiving from him the following undertaking, signed by him in the name of the firm: "We undertake, in consideration of your handing to us the deeds and papers in your possession relating to the Rose and Crown Inn at Hounslow, so as to enable us to complete the assignment of the lease of such property, to pay you the sum of £200 on the day after the completion of the assignment of such lease, and the further sum of £250 on or before the 3rd Sept. next." The other defendant was not aware that this undertaking was given, but the whole transaction was entered in the books of the firm, and the purchase-money was paid into the partnership account: Held, in an action on the undertaking, that this was not a bare guarantee for the debt of a third person, but an undertaking to appropriate money so to be received by the firm in the ordinary course of the partnership business, and that it was therefore binding on the firm: (*The Alliance Bank* v. *Tucker*, 17 L. T. Rep. N. S. 13. C. P.)

WHAT IS A TESTAMENTARY PAPER?—R. executed an instrument in the presence of two witnesses. In form it was an agreement for a lease; but it also contained a provision for the appropriation of the rents and the proceeds of the sale of the land after his death: Held, not to be testamentary, inasmuch as it was not dependent on his death for consummation, but took effect immediately, and was not revocable: (*In the Goods of George Robinson*, 17 L. T. Rep. N. S. 19. Prob.)

METROPOLIS LOCAL MANAGEMENT—BUILDING—AGREEMENT.—Lady H., being the owner in fee of certain land in Kensington, entered into an agreement with a builder by which he agreed to build certain houses on the land, and to lay out and keep up an ornamental square for the private use of the occupiers of the houses. By the terms of the agreement a lease was to be granted to the builder of each house on its completion, and a lease of the square with the last house, but there was a proviso that the builder should take no interest in any house or land till a lease of it was granted. The builder laid out the square, and built a portion of the houses, of which he received leases, together with grants to the occupiers of the houses of rights of walking in the square; and Lady H. afterwards sold the reversions of the houses then completed. The respondents having paved a road adjoining the square: Held, that Lady H. was the owner of the square within the meaning of the 18 & 19 Vict., c. 120, s. 250, by which the "owner" is defined to be the person for the time being receiving the rack-rents, or who would receive the same if the land were let at a rack-rent, and that she was therefore liable, under the 25 & 26 Vict., c. 102, s. 77, to contribute towards the cost of paving the road adjoining the square: (*Lady Holland* v. *The Vestry of Kensington*, 17 L. T. Rep. N. S. 73. Q. B.)

MORTGAGE — REPUTED OWNERSHIP — FIXTURES. — A mortgagee of freehold or leasehold property with fixtures thereon, although they are trade fixtures removable by the tenant, will pass the property with fixtures to the mortgagee, and take such property out of the class of goods and chattels within the operation of the Bills of Sales Act, and also out of the order and disposition clause in the Bankruptcy Act, and therefore as giving to such a mortgagee a title to retain such property as against assignees in bankruptcy, where fixtures are not removable without injury to the freehold, that are properly fixtures, even although as between landlord and tenant they might be removable during the tenancy. A tramway or railway is a fixture that is not removable: (*The Patent Peat Company*, 17 L. T. Rep N. S. 69. Ireland.)

THE COURTS AND COURT PAPERS.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

J. Lipsett, from 14th inst.—James Symes, payment.—John Lloyd, report.—Jane Sheehy, from 20th inst.—James R. Deane, proposal.—Rev. James Crawford, make order absolute.—W. W. Brereton, taxation.—Frederick Bell, account for delay.—Edmond Burke, to bring back fund.

Before the EXAMINER.

J. R. French, proofs.—E. Carpenter do.—W. A. Scott, do.

Before JUDGE LYNCH.

M. Dower, from 20th inst.—A. G. Lefroy, to impound funds.—C. Wilson and another, provisional credit.—J. Furlong, objection.—A. Burke, as to right of way.—J. Parke, payment.

Tuesday—Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

J. H. Leonard, 1 lot, Kildare, fee-farm. Profit rent, £95 5s.

J. N. Ferrall, 9 lots, Mayo. Profit rent, £1,186 2s. 1d.

W. S. Wolfe, 1 lot, Tipperary, fee-farm. Profit rent, £167.

Thomas Browne, 1 lot. Profit rent £69.

Before the EXAMINER to JUDGE DOBBS.

W. W. Bentley, explain delay.

Wednesday.—Before JUDGE LYNCH.

G. Knox, explain delay.—L. Lyons, do.—P. Askin, adjourned motion.

Before the EXAMINER.

F. Kelly, re-entry of rental.—D. L. Lewis, rental, from 15th inst.—Hugh M'Keown, rental.—Rev. G. H. N. Thomas, to vouch.—Assignees of Chaytor, rental.

Thursday—Before JUDGE DOBBS.

Lucy M'Nulty, schedule.

Friday—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

Thomas Conolly, 5 lots.—John Meaz, 1 lot.—William Rutledge, 2 lots.—E. J. Donelan, 2 lots.—Assignees of T. Condon, 1 lot.—Sir J. B. M'Neill, 4 lots.

Before the EXAMINER.

W. C. Allen, rental.

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Before the EXAMINER to JUDGE LYNCH.

W. R. Farmer, re settlement of rental.—A. M. Stone, rental.—R. Longford, from 20th.

Saturday—Before JUDGE DOBBS.

J. H. Patrickson, schedule.

LANDED ESTATES' COURT.

SALES, NOV. 15.

Before the Hon. JUDGE DOBBS.

CITY OF DUBLIN.—Estate of Henry C. T. Saunders, owner; John Pim, petitioner.

An annual profit rent of £20 14s. 5d., arising out of the house and premises No. 21, Molesworth street, held for 139 years from May, 1766. Sold to Mr. Taylor, in trust for Mr. James Hunt, the tenant, at £205. Solicitor, *A. H. Middleton.*

COUNTY OF WESTMEATH.—Estate of Alexander Dewar, owner: R. H. Carroll, petitioner.

The lands of Deerpark, 110 acres, held for one life, or 31 years from 1855, situate in the barony of Demifore, having thereon a good farm house and mill, subject to a head rent of £76 13s.. Sold to Mr. John Bernard Dowling, in trust for Mr. John Driscoll, at £240 Solicitor, *W. Meredith.*

KING'S COUNTY.—Estate of the Trustees of Mary Jennings, owners; Patrick Fanning, petitioner.

Part of the lands of Derreen, barony of Philipstown, held for lives renewable for ever, containing 154 statute acres. Net profit rent £98 11s. 4d., subject to an annuity of £13 for the life of a man aged 70 years. Sold to Mr. James Smallman at £1,475 (estimated yearly value £82). Solicitor, *J. W. Coppinger.*

COUNTY OF MAYO.—Estate of S. W. Kenny, owner and petitioner.

A profit rent of £20 15s. 4d., out of the lands of Carrowhiker, barony of Gullen, containing 1,360 acres; held in fee-farm. Sold to Mr. Davis, in trust, at £400. Solicitors, *Read and Crawford.*

COUNTY OF CORK.—Estate of Henry Pearde and another, owners and petitioners.

Lot 1. The lands of Clontuity, barony of Fermoy, held in fee; 148a. 1r. 15p.; net annual rental, £137 18s. 1½d. Sold to Mr. Anthony Carroll at £3,110.

Lot 2. The lands of Farranlehassary, held in fee, containing 96a. 1r. 6p.; net annual profit rent, £94 3s. 2d. Sold to Mr. Thomas Rice at £2,150. Solicitor, *Michael Bourke.*

COUNTY OF MEATH.—Estate of the Right Hon. Henry, Baron Annaly, owner and petitioner.

Sale adjourned. Solicitor, *W. L. Joynt.*

COUNTY OF DONEGAL.—Estate of James H. Parkinson, owner; Randle Peyton, petitioner.

Lot 1. The lands of Ballynacarrick, barony of Tyrhugh, held in fee-farm; 138a. 3r. 10p.; net profit rent, £70 6s. 8d.; ordnance valuation, £100 17s. Sold to Mr. William Atkinson for £1,805.

Lot 2. The lands of Sminver, in the same barony, containing 97a. 2r. 20p.; net annual rental, £124 8s. 7d.; ordnance valuation, £122. Sold to Mr. Atkinson for £3,270.

Lot 3. The lands of Cavan, held in fee-farm, containing 86 statute acres; net annual profit rent, £44 18s. 10d.; valuation, £52 5s. Sold to Mr. Atkinson at £1,285.

Lot 4. The lands of Legaloscran, same tenure and barony, containing 62a. 3r. 17p.; net rent, £45 3s. 10d.; valuation, £42. Sold to Mr. Atkinson at £1,220.

COUNTY OF SLIGO.

Lot 5. Part of the lands of Castleconnor, in the same barony as lot 4, held in fee-farm, with a net annual profit rent of £134 12s. 2d.; valuation, £138. Sold to Mr. O'Connor at £3,535. Solicitor, *Randle Peyton.*

COUNTY OF DOWN.—Estate of Charles Moore, owner; William Floyd, petitioner.

Lot 1. Farm of land, with dwelling-house and offices, part of the lands of Ballyneaghmore, containing 21a. 2r. 8p., with 3a. 2r. 8p. of bog, held in fee-farm; net rental, £12 7s. 11d.; valuation, £18 10s. Sold to the tenant, Mr. E. M'Kibbon, for £550.

Lot 2. Part of same lands, 24a. 2r. 7p.; net rent, £15 14s. 11d. Sold to the tenant, Mr. James Arnett, at £720.

Lot 3. Part of the lands of Brackenagh, held in fee-farm, 16a. 2r. 5p.; net rent. £3 19s. 11½d.; valuation, £6. Sold to Mr. Arnett at £160.

Lot 4. Town of Kilkee: part of the lands of Magheramurphy, with dwelling-house; net rent, £3 4s. 11d.; valuation, £9. Sold to Mr. Clarke, for £85.

Lot 5. Part of same lands; net rent, £2 10s. Sold to Mr. Clarke for £20.

Lot 6. Part of same lands, containing 2a. 3r. 2p.; net rent, £2 9s.; valuation, £4 10s. Sold to Mr. James M'Kee, at £250. Solicitor, *Robert Mecredy.*

TOWN OF CARRICKFERGUS.—The Municipal Commissioners of the Borough of Carrickfergus, owners and petitioners.

Lot 1. Part of the lands called the Great Commons, parish of St. Nicholas, held in fee-simple, and containing 60a. 2r. 21p. Sold to Mr. J. Fetherston H. Lowry, in trust, at £210.

Lot 2. Part of same, containing £334a. 2r. 39p., held in fee-simple. Sold to Mr. J. F. H. Lowry at £2,020.

Lot 3. Part of same, held in fee, containing £319a. 1r. 39p. Sold to Mr. Crozier, in trust, at £1,300.

The other lots were not disposed of. as the solicitor for the Commissioners said that the purchase money of the property already sold would cover the debt of the Commissioners.

Before the Hon. JUDGE LYNCH.

NOVEMBER 19.

COUNTY OF MEATH.—Estate of Right Hon. Henry Baron of Annaly, owner and petitioner.

Lot 1. Part of the lands of Augharskea, barony of Lower Deece, containing 295a. 1r. 37p., held in fee-simple, producing a net profit tent of £318. Griffith's valuation, £265 5s. Sold to Mr. Smyth, at £6,775.

Lot 2. Part of same lands, 223a, 1r. 29p.; net rental, £288 18s. 2d.; Griffith's valuation, £218. Sold to Mr. M. Hughes, at £6,025. Solicitor, *John MacSheehy.*

COUNTY OF DOWN.—Estate of Wm. Parsons and another, owners; Henry S. Close, petitioner.

Part of the lands of Derrylacka, barony of Newry, held under lease for lives renewable for ever, containing 116a. 1r. 31p.; net propt rent, £418 16s. 6d.; Ordnance valuation, £278 10s per annum; valuation of the timber on the lot, £2,282. Sold to Mr. J. Grant, for £5,000. Solicitors, *L. Dobbin and Co.*

QUEEN'S COUNTY.—Estate of John Saunders and others, owners and petitioners.

Sale adjourned.

COUNTY OF DUBLIN.—Estate of Ismenia O'Connor, owner; H. K. Courtney, petitioner.

Two undivided fifth parts of a piece of ground situated at Harold's-cross; net profit rent, £19 18s. Sold to Mr. John Ryan, in trust, at £280. Solicitors, *Dillon and Co.*

COUNTY OF TIPPERARY.—Estate of John Lalor, owner and petitioner.

Lot 1. Part of the lands of Gurteen, barony of Lower Ormond, held in fee, containing 291a. 3r. 15p.; net rental, £309 4s. 10d. Ordnance valuation, £218. Sold to Mr. Nolan, in trust, at £6,380.

Lot 2. The lands of Carbecokill, barony of Kilnemanagh Lower, held in fee-farm; 395 statute acres; net profit rent, £61 16s. 1½d.; Ordnance valuation, £237 14s. Sale adjourned. Solicitor, *R. Macnamara.*

HIGH COURT OF ADMIRALTY.

November 18.

Mark O'Shaughnessy moved that Mr. Gamble, of Cork, be continued under the new Act as a Commissioner for taking Affidavits and administering Oaths.

TOWNSEND, J., granted the motion.

November 20.

Exham, Q.C., moved that *Hewitt O'Brien*, Solicitor, Queenstown, should be appointed a Commissioner for taking Affidavits at Queenstown.

Granted.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before Mr. BRADY, CHIEF REGISTRAR.		
Nov. 25	12 o'clock	J. J. Malone	Prove debts & vouch assignee's account	*Larkin*
,,	,,	Fleming and Hennessy	do.	*Delany*
,,	,,	Robert M'Kane	do.	*Chomley & Brown*
,,	,,	Laurence Coffey	do.	*Casey & Clay*
,,	,,	Laurence Kelly	do.	*Molloy & Watson*
,,	,,	Robert S. Pyke	do.	*Molloy & Watson*
,,	,,	Margaret Magee	do.	*Molloy & Watson*
,,	,,	Thomas Sharpe	do.	*Black*
		Tuesday.—Before the COURT.		
Nov. 26	11 o'clock	Jas. E. Devlin	Audit and dividend	*Cleary*
,,	,,	J. F. W. Templeton	do.	*Perry*
,,	,,	William Breen	do.	*Perry*
,,	,,	John Leddy	do.	*Perry*
,,	,,	John Saunders	do.	*Perry*
,,	,,	P. J. O'Callaghan	do.	*Hughes*
,,	,,	Michael Sullivan	do.	*Perry*
,,	,,	Arrangement case	1st sitting	*Findlater & Collins*
,,	,,	do.	2nd sitting	*Larkin*
,,	,,	do,	do.	*Larkin*
,,	,,	do.	do.	*Molloy & Watson*
,,	,,	J. F. Delay	Sur., prove debts, and assignee	*O'Keeffe*
,,	,,	Arrangement case	1st sitting	*Meredith*
,,	,,	Eliza Mahony	Sur., prove debts, and assignee	*Perry*
,,	,,	Arrangement case	Charge and discharge	*Hughes*
,,	,,	C. Weekes	Examine witnesses	*Molloy & Watson*
		Before CHIEF REGISTRAR.		
,,	,,	William Campbell	Reference	*Byrne & Lambert*
,,	,,	Arrangement case	do.	*Dodd*
		Thursday.—Before the COURT.		
Nov. 28	12 o'clock	Dawson, Tate, and Co.	Examine witnesses	*Carleton*
		Before CHIEF REGISTRAR.		
,,	12 o'clock	R. S. Pyke	do.	*Molloy & Watson*
,,	,,	M. Drysdale	Vouch mortgagee's account	*Goff*
,,	,,	John Tate	Prove debts and vouch	*Lynch*
,,	,,	Barfoot and Shaw	do.	*Lynch*
,,	,,	William Scott	do.	*Lynch*
,,	,,	James Canning	do.	*Lynch*
,,	,,	Edmond Phelan	do.	*Dobbin & Tandy*
,,	,,	Edmond Power	do.	*Larkin*
,,	,,	P. R. Verlin	do.	*Perry*
		Friday.—Before the COURT.		
Nov. 29	11 o'clock	James W. Reilly	Audit and dividend	*Larkin*
,,	,,	Samuel Pickering	do.	*Larkin*
,,	,,	J. J. Malone	do.	*Larkin*
,,	,,	Thomas R. Griffith	do.	*Riddick*
,,	,,	James Fitzpatrick	do.	*Larkin*
,,	,,	Rumley and Chartres	Final examination	*O'Connell*
,,	,,	James Thornton	do.	*Casey & Clay*
,,	,,	John O'Brien	Sur., prove debts, and assignee	*Galloways & Connor*
,,	,,	Richard Barry	do.	*O'Callaghan*
,,	,,	Arrangement case	1st sitting	*Larkin*
,,	,,	do.	do.	*Gerrard*
,,	,,	do.	do.	*Casey & Clay*
,,	,,	The Patent Peat Company	Sale	*Galloways & Connor*

BANKRUPTS.

Barry, Richard, of Fermoy, county Cork, lime and salt manufacturer, and coal dealer. Petition of bankruptcy filed November 8, 1867. To sur. Friday, 29th Nov., and Friday, 13th December. L. H. Deering, official assignee. *Rice and O'Callaghan*, solrs.

O'Brien, John, of 146, Capel-street, Dublin, wholesale boot and shoe manufacturer. Petition for arrangement filed 24th October, 1867. To sur. Friday, 29th Nov., and Friday, 13th December. C. H. James, official assignee. *Galloways and Connor*, solrs.

Certificates Allowed.

November 15.

Magrath, Daniel, of Clarence-street, Cork, merchant, a bankrupt. *Larkin*, solr.

Magrath, Henry, of Clarence street, Cork, shirt manufacturer, a bankrupt. *Larkin*, solr.

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IN INSOLVENCY.
SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before Mr. FARRELL, Chief Clerk.		
Nov. 25	12 o'clock	The Rev. Thomas Knox	To prove debts	*Macnally*
"	1 o'clock	Michael Browne	Reference	*Walsh*
		Tuesday.		
Nov. 26	12 o'clock	James M'Feat	To tax costs	*Bradley*
"	"	William Joseph Henry	do.	*Macnally*
		Wednesday.—Before the COURT.		
Nov. 27	11 o'clock	James M'Feat	Audit and dividend	*Bradley*
"	"	William Joseph Henry	do.	*Macnally*
"	"	Henry Doyle	Adjourned do.	*Macnally*
"	"	Eliza Quinn	Choice of assignee	*Macnally*
"	"	John Gill	Adjourned Motion	*Corcoran*
"	"	James Lucien Magee	Hearing of petition	*Macnally*
"	"	Edward M'Namara Daniel	do.	*Macnally*
"	"	Duncan Campbell	do.	*Rynd*
"	"	Robert Barrett	do.	*Magrath*
"	"	Thomas O'Dowd	do.	*Kelly*
"	"	Thomas Byrne	do.	*Rynd*
"	"	Michael Brown	Adjourned do.	*Rynd*
"	"	James Lyons	" do.	*Macnally*
		Friday.		
Nov. 29	"	———	For bail motions only	———

CASES DISPOSED OF.

Wednesday, November 20.

Before JUDGE MILLER.

Blake, Henry Robert. Discharged.
Burke, Catherine Winifred. Adjourned to Wednesday, 4th December, 1867.
Dillon, William. Discharged.
Lowry, Gregory. Remanded for eight months from 15th August, 1867, at suit of Patrick Sweetman and Edmond Sweetman, creditors.
Rigali, Giuseppe. Discharged.
Warren, Catherine. Adjourned to Wednesday, 4th Dec, 1867.
Wilson, Henry. Do.

Friday, November 22.

Bolger, John. Discharged.
Keogh, Martin Joseph. Adjourned to Wednesday, 4th December, 1867.

INSOLVENTS DISCHARGED ON BAIL.

Davey, Peter, county Sligo, farmer.
Jennings, James, county Mayo, labourer.
Kennelly, Bartholomew, Cork, pig jobber.
O'Grady, Morgan John, Dublin, boot and shoe-maker.
M'Kenna, William, county Tyrone, grocer.

INSOLVENTS.

To be heard in Dublin.

Dalton, John, of Basin-lane; previously of Hammond lane, city of Dublin, float owner. Hearing on Wednesday, December 18, at 11. *Rynd*, solr.

O'Grady, Morgan John, of Wood-street, city of Dublin, boot and shoe maker, sued as "Morgan J. O'Grady." Hearing on Wednesday, December 11, at 11. *Macnally*, solr.

To be heard in the Country.

Bird, John, of Clones, county Monaghan, innkeeper; previously of Brooklyn, New York, America, out of business, formerly of Clones, in said county, innkeeper. Hearing at Monaghan, January 3, 1868. *Wright*, solr.

Callan, John, of Enagh, county Monaghan, writing clerk, land surveyor, and farmer. Hearing at Monaghan, January 3, 1868. *Johnston*, solr.

Davey, Peter, of Grayfield, county Sligo, farmer. Hearing at Sligo, January 9, 1868. *Macniffe*, solr.

Ferris, William Robert, of Belfast, county Antrim, photographer. Hearing at Belfast, January 8, 1868. *Ferguson*, solr.

Hart, Charles, of Corcreeghy, county Monaghan, farmer, cattle dealer, and drover; previously of Monaghan, in said county, cattle dealer. Hearing at Monaghan, January 3, 1868. *Johnston*, solr.

Hilditch, Robert, of Doagh, county Antrim, farm assistant; previously of Doagh aforesaid, not in business; formerly of Ballyhaunage, in said county, farmer. Hearing at Belfast, January 8, 1868. *Macnally*, solr.

Jennings, James, of Cartown, near Claremorris, county Mayo, labourer. Hearing at Westport, January 2, 1868. *Mathews*, solr.

Kelly, John, of Oranmore, county Galway, farmer and brewer, not now in business. Hearing at Galway, January 2, 1868. *Jennings*, solr.

Langan, Robert, of Tralee, county Kerry, cooper and publican. Hearing at Tralee, January 2, 1868. *Huggard*, solr.

Mackin, Michael, of Dundalk, county Louth, butcher. Hearing at Dundalk, January 3, 1868. *Johnston*, solr.

Madden, John, of Wood-quay, Galway, turnkey and yeoman; formerly of Bohermore, Galway. Hearing at Galway, January 2, 1868. *Regan*, solr.

Mathews, Peter, of John-street, Drogheda; previously of Church-lane, Drogheda, gentleman. Hearing at Drogheda, December 31, 1867. *Simpson*, solr.

M'Farland, Robert, of Crockatugal, county Fermanagh, farmer; previously of Moneygoan, county Tyrone, farmer. Hearing at Enniskillen, January 3, 1868. *Martin*, solr.

M'Farland, James, of Belfast, county Antrim, bleach-green worker, sued as "James Farland, sen." Hearing at Belfast, January 8, 1868. *Macnally*, solr.

M'Neilly, of Belfast, county Antrim; previously of Dalry, Ayrshire, Scotland, journeyman carpenter. Hearing at Belfast, January 8, 1868. *Ferguson*, solr.

Scott, Samuel, of Ballygallagh, Ballyclare, county Antrim, farmer and weaver. Hearing at Belfast, January 8, 1868. *Macnally*, solr.

Schofield, William, of Ardfinan, county of Tipperary, woollen cloth manufacturer; previously of Caher, in said county; and formerly of Mitchelstown, county of Cork. Hearing at Cashel, January 2, 1868. *Macnally*, solr.

White, Thomas, of Suckeen, county of Galway, miller and yeoman. Hearing at Galway, Januarry 2, 1868. *Regan*, solr.

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PETITION OF INSOLVENCY and SCHEDULE FILED.
(No Day of Hearing yet fixed.)

Buchanan, George, of Cavan, county Cavan, carpenter—a prisoner in the gaol of Cavan. *Rynd*, solr.

PETITIONS OF INSOLVENCY FILED.
November 15.

Against Dowling, Patrick, of Cardiff's lane, city of Dublin, corn weigher—a prisoner in the Four Courts Marshalsea. *Kennedy*, solicitor for creditor.

Redmond, Patrick, of No. 19, Monk-place, Phibsborough, city of Dublin, carpenter—a prisoner in the Four Courts Marshalsea. *Mooney*, solicitor for creditor.

PAUPER DECLARATIONS FILED.
November 18.

Brennan, Patrick, detained by Edward Shannon Martin and Charles Edward Martin. *Keogh*, solr. for creditors.

Byrne, James Joseph, sued as "James Byrne," detained by Robert Fowler, the Hon. Charles Spencer Cooper, and the Lady Harriette Anne Jane Frances Cooper, his wife. *Anderson and Lee*, solicitors for creditors.

Fitzgerald, Patrick, detained by James Case. *Sullivan*, solicitor for creditor.

M'Menamin, William, detained by Charles Love. *Scott*, solicitor for creditor.

BIRTHS, MARRIAGES, AND DEATHS.

DEATH.

ORPEN—Oct. 10, at Montego Bay, Jamaica, of fever, Charles William D'Erpingham Orpen, Esq., one of the district Judges of that island, and fourth son of Richard J. T. Orpen, of No. 41, North Great George's-street, in this city.

LEGAL POSTINGS:

LANDED ESTATES' COURT, IRELAND.
TOWN OF BELFAST, COUNTY OF ANTRIM.

In the Matter of the Estate of **Arthur Gaffikin**, Owner and Petitioner.

TO BE SOLD BY PUBLIC AUCTION (pursuant to an Order made in this Matter), at the SALE-ROOM of Mr. M'TEAR, No. 7, CASTLE-PLACE, in the Town of Belfast, on MONDAY, the 16th day of DECEMBER, 1867, at the hour of One o'clock in the afternoon, LANDS, BUILDING-GROUND, and PREMISES, situate in Lower Malone, in the Town, Parish, and Barony of Belfast, and County of Antrim, containing, in the whole, 5a. 0r. 27p. statute measure, or thereabouts, subject to the small yearly rent (including leets and rent-charge) of £3 11s., part of which is held in fee-farm, and the remainder in fee-simple, and the yearly rents issuing out of same amounting to £221 0s. 3d. TO BE SOLD IN FOUR LOTS.

LOT No. 1 consists of Ground Rents amounting to £83 16s. 3d., payable under Leases for lives renewable for ever, and Fee-farm Grants made to Tenants out of that portion of the premises numbered 2, 3, 4, 5, and 6, on the Ordnance map annexed to the Rental thereof, and particularised therein.

This Lot will be sold indemnified against head-rent by Lot No. 4.

LOT No. 2 consists of Ground Rents amounting to £69 4s., payable under Leases for lives renewable for ever and Fee-farm Grants to Tenrnts out of that portion of the premises numbered 7, 8, 9, 10, 11, 12, and 13, on the said map annexed to said Rental, and particularised therein.

This Lot will be indemnified against head rent by Lot No. 4.

LOT No. 3 consists of Ground Rents amounting to £68, payable under Leases for Lives renewable for ever, and Fee-farm Grants to Tenants out of that portion of the premises numbered 14, 15, 16, 17, and 18, on said map annexed to said Rental, and particularised therein.

This Lot will be indemnified against head rent by Lot No. 4.

LOT No. 4 consists of Building Gound containing about 1,270 feet of frontage to proposed streets, as shown on the said map.

Estimated annual value of 1,270 feet of Building Ground, at 3s. per foot, £190 10s.

This Lot will be sold subject to the payment of the entire head rent, leets, and rent-charge, amounting in all to £3 11s.

Dated 12th day of November, 1867. C. E. DOBBS, Examiner.

The Biddings will be taken by the Auctioneer at the time and place above-mentioned, and will be submitted to the Judge, at his Chambers, Four Courts, Inns'-quay, Dublin, on Wednesday, the 18th day of December, 1867, at Eleven o'clock, without further Notice to any person.

This property presents a desirable opportunity for the investment of capital. There is now a clear yearly sum of £221 0s. 3d. arising from Ground Rents alone, which are well secured, and regularly paid, the tenants having all good interests in their holdings, and the central situation of the premises rendering the Building Ground very valuable.

Griffith's Valuation of the Premises contained in Lots, 1, 2, and 3, is £670 per annum.

For Rentals and further particulars apply at the LANDED ESTATES' COURT, Inns'-quay, Dublin; to

ALEXANDER M'CULLY, Esq., Solicitor, 20 Upper Ormond-quay, Dublin; and to

Messrs. WM. M. & J. T. COLLINS, Solicitors having carriage of the Sale, 20, Upper Ormond-quay, Dublin; and 30, Arthur-street, Belfast.

In the LANDED ESTATES' COURT, IRELAND.
COUNTY OF DUBLIN.

In the Matter of the Estate of **Mary Agnes O'Connell** Jackson, William Henry Jackson, Wm. Bartholomew Gannon, and of L. H. Deering, and Charles Henry James, Owners;

The Trustees of the Second Equitable Permanent Benefit Building Society at Liverpool, Petitioners.

TO BE SOLD BY AUCTION, in One Lot, before the Honourable Judge Dobbs, at the Landed Estates' Court, in the City of Dublin, on FRIDAY, the 17th day of JANUARY, 1868, at Twelve o'clock noon, part of the Lands of Old Merrion, containing 2 roods and 23 perches, with the Nine Dwelling Houses erected thereon, held under lease dated the 30th day of October, 1858, for the term of 80 years, subject to the yearly rent of £66 sterling.

Dated this 11th day of November, 1867.

GEORGE T. HOPKINS, Chief Clerk.

The Premises consist of the seven houses known as Merrion Parade, of Llandaff House and Herbert Lodge, on the road from Dublin to Blackrock.

They are within five minutes walk of the Booterstown Station on the Dublin and Kingstown Railway. Only four of the houses are at present let. These lettings were made by the Court of Chancery, and, estimating the rental at a less sum than was heretofore paid for the premises under lettings made by the owner, it shows a profit rent of £162 per annum. Within a short distance of the city; close to the shore, with every facility for travelling by road or rail; the advantage of sea bathing, and commanding beautiful views; a respectable class of tenants can be easily had for the premises. Llandaff House contains a spacious Drawing-room, two Parlours, three or four bed-rooms, Pantry, Kitchen, and W.C., and is well suited for a respectable family.

For Rentals and further particulars apply at the Landed Estates' Court: and to

JAMES D. MELDON & SON, Solicitors having carriage of Sale, 14, Upper Ormond-quay.

In the LANDED ESTATES' COURT, IRELAND.
CITY OF DUBLIN.

In the Matter of the Estate of **John Meaz**, Owner; Ex-parte **Robert Stewart Currie**, Petitioner. Continued in the Name of **Letitia Currie**, Administratrix with the Will annexed of the said Robert Stuart Currie, deceased.

TO BE SOLD, before the Honourable Judge Dobbs, on FRIDAY, the 29th day of NOVEMBER, 1867, at the hour of Twelve o'clock, noon, at the Landed Estates' Court, in the City of Dublin, in One Lot, the Houses and Premises known as Nos. 133, 134, 135, 136, and 137, Lower Gloucester-street, and a small House in the Lane at the rere thereof, situate in the Parish of St. Thomas, and City of Dublin, held under lease dated the 20th day of June, 1851, at the yearly rent of £29 5s. sterling, and producing a profit rent of £141 15s.

Dated this 31st day of July, 1867.

C. E. DOBBS, Examiner.

For Rentals and further particulars apply at the Landed Estates' Court, Dublin; to

Messrs. GEORGE & A. C. TAYLOR, C.E. and Architects, 14, Anglesea-street, Dublin; or to

Messrs. FALKINER & HONE, Solicitors having carriage of Sale, 9, Suffolk-street, Dublin.

LANDED ESTATES' COURT, IRELAND.
FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of **John Meaz, in the City of** Dublin. Owner; Ex-parte **Robert Stuart Currie**, Continued in the Name of **Letitia Currie** Administratrix with the will annexed of the said R. S. Currie, deceased. Petitioner.

TAKE NOTICE that the Shedule of Incumbrances affecting the Houses and Premises known as Nos. 133, 34, 135, 136, and 137, Lower Gloucester-street, and a small House in Lane at rere thereof, situate in the Parish of Saint Thomas, and County of the City of Dublin, held under lease dated the 20th June, 1851, from James Duncan to John Donovan, for the term of 999 years, from the 29th day of September, then last, the Estate of the said John Meaz, has been lodged with the Clerk of the Records of this Court, and any person having any claim not therein inserted, or objecting thereto, either on account of the amount or the priority of any charge therein reported to him or any other person, or for any other reason, is required to lodge an objection thereto, stating the particulars of his demand, and duly verified, with the said Clerk, on or before the 10th day of January, 1868, and to appear on the following Monday, the 13th January, at Eleven o'clock, before the Honourable Judge Dobbs, at his Court, in Dublin, when instructions will be given for the final settlement of the Schedule. And further Take Notice, that any demand reported by such Schedule is liable to be objected to within the time aforesaid.

Dated this 15th day of November, 1867.

C. E. DOBBS, Examiner.

FALKINER & HONE, Solicitors having the carriage of Proceedings, No. 9, Suffolk-street.

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LANDED ESTATES' COURT, IRELAND.

FINAL NOTICE TO CLAIMANTS AND INCUMBRANCERS.

In the Matter of the Estate of James Rogers, Owner and Petitioner.

TAKE NOTICE that the Schedule of Incumbrances affecting the Town and Lands of Cloven Eden, commonly known as the Half Townland of Cloven Eden, situate in the Barony of O'Neiland West, and County of Armagh, formerly the Estate of James Rogers, is lodged with the Clerk of the Records of this Court, and any Person having any claim not therein inserted, or objecting thereto, or for any reason, is required to lodge an objection thereto, stating the particulars of his demand, and duly verified, with the said Clerk, on or before the 11th day of January, 1868, and to appear on the following Wednesday at Eleven o'clobk, before the Hon. Judge Lynch, at his Court in Dublin, when instructions will be given for the final settlement of the Schedule. And further take Notice, that any demand reported by such Schedule is liable to be objected to within the time aforesaid.

Dated this 20th day of November, 1867.

R DENNY URLIN, Examiner.

GEORGE K. SMITH, Solicitor having the Carriage of Proceedings, No. 55, Upper Sackville-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John O'Brien, of No. 146, Capel-street, Dublin, Wholesale Boot and Shoe Maker, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 29th day of NOVEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 15th day of November, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

GALLOWAYS & CONNOR, Agents to the Bankruptcy, No. 55, Upper Sackville-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Edward Farrer, of 21, Bachelors'-walk, in the City of Dublin, and 6 & 7, Dark-row, Bray, in the County of Wicklow, Plumber and Gas-fitter, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 3rd day of DECEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupts in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 22nd day of November, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James Murphy & Michael Murphy, both of Fermoy, in the County of Cork, Agricultural Implement and Coach Manufacturers, Trading under the style and Firm of James Murphy and Sons, Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 13th day of DECEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 20th day of November, 1867.

FINDLATER & COLLINS, Agents to the Bankruptcy, No. 35, Upper Ormond-quay, Dublin.

LUCIUS H. DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James Edward Devlin, of Saint Luke's, Cork, Builder and Contractor, a Bankrupt.

TO BE SOLD, in One Lot, at MARSH'S AUCTION ROOMS, in the CITY OF CORK, on SATURDAY, the 14th day of DECEMBER, 1867, at the hour of Twelve o'clock noon, the four valuable Houses situate in Mahony's-lane, in the Borough of Cork, producing a net profit rent of £14 per annum, with a Plot of Ground attached, containing about One acre, suitable for Building purposes.

Dated this 21st day of November, 1867.

CHEYNE BRADY, Assistant Registrar.

DESCRIPTIVE PARTICULARS.

The houses command an extensive view of the River Lee, and are neat and convenient, with all modern improvements—two of them having been recently erected.

The Biddings will be submitted to the Court on Tuesday, the 17th day of December, 1867.

For Rentals and further particulars apply at the OFFICES of the BANKRUPTCY COURT; to

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin;

Messrs. WEST & FITZSIMONS, Solicitors for the Mortgagees, having carriage of Sale, 33, North Great George's-street, Dublin; to

Messrs. JOHN CLEARY & THOS. HARE, Agents for the Assignees, 33, Lower Ormond-quay, Dublin; or to

Messrs H. NOBLETT & SON, Solicitors, 74, South Mall, Cork.

STATUTORY NOTICE.

In the Goods of Margaret Carroll, late of Castletownroche, in the County of Cork, deceased.

PURSUANT to the Act of Parliament of the 22nd & 23rd Victoria, chapter 35, intituled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," Notice is hereby given, that all Persons having Debts, Claims, or Demands against or upon the Estate and Effects of Margaret Carroll, above described, who died on the 20th day of May, 1866, at Castletownroche aforesaid, are hereby required on or before the 16th day of DECEMBER, 1867, to furnish the particulars (in writing) of all such Claims or Demands to THOMAS M. WARD, Charleville, and 4, South Frederick-street, Dublin, Solicitor for Margaret Carey, otherwise O'Gorman, of Ballyvoodane, near Kilfinane, in the County of Limerick, the Administratrix of the said deceased, to whom Letters of Administration of the Assets of the said deceased were granted forth of the Principal Registry of the Court of Probate in Ireland, on the 18th day of September, 1866; or in default thereof, the said Administratrix will, after the 16th day of December, proceed to distribute said Assets of said deceased amongst the Persons entitled thereto, having regard to the Claim only of which she shall have notice.

Dated this 12th day of November, 1867.

THOMAS M. WARD, Charleville, and 4, South Frederick-street, Dublin, Solicitor for Margaret Carey.

NOTICE.

AN EXAMINATION for Persons applying for Orders from the Benchers of the Hon. Society of King's Inns granting permission to take out Certificates to Practise as Conveyancers in Ireland, will be held in the HALL of the KING'S INNS, on MONDAY, 9th DECEMBER next.

JOHN D. O'HANLON, Under Treasurer.

KING'S INNS, 8*th November*, 1867.

THE SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND.

(Incorporated by Royal Charter).

The General Half-yearly Meeting (after Michaelmas Term), of this Society, will be held at the Solicitors' Hall, Four Courts, Dublin, on TUESDAY, the 26th of November, instant, to receive the Report of the Council, and transact other business.

The Chair to be taken at Two o'clock precisely.

By Order, JOHN H. GODDARD, *Secretary*.

Solicitors' Buildings, Four Courts, Dublin, 16*th November*, 1867.

PUBLICATIONS:

In the Press, and will be Published in a Few Days, Price 3s. 6d.

THE CHANCERY (IRELAND) ACT, 1867

(Full Text and Marginal Notes),

With the

GENERAL ORDERS

Made in pursuance of the 30 & 31 Vict., cap. 44,

The SCHEDULES of the FEES, a well Digested INDEX, and a PREFACE.

JOHN FALCONER, IRISH LAW TIMES Office, 53, Upper Sackville-street, Dublin.

In the Press, and nearly ready for Publication.

A PRACTICAL TREATISE on the REGISTRATION of DEEDS, CONVEYANCES, and JUDGMENT MORTGAGES, with a copious Index, and Appendices containing Statutes, Forms, and Table of Fees.

By DODGSON HAMILTON MADDEN, Esq., Barrister at Law.

Dublin: WILLIAM M'GEE, 18, Nassau street.

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THE

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Right Hon. WM. H. F. COGAN, M.P.

JOSEPH F. DARLEY, Esq., (Joseph Watkins and Co., Ardee-street.)

JEREMIAH DUNNE, Esq., J.P., Director of the National Bank.

JAMES HAUGHTON, Esq., J.P., Eccles-street.

GEORGE HOYTE, Esq., J.P., Director of the Dublin and Belfast Junction, and Dublin and Drogheda Railway Companies.

NICHOLAS JAS. LALOR, Esq., (Messrs. E. Lalor and Sons, Spitalfields), Director of the Dublin and Drogheda Railway Company, and Mining Company of Ireland.

RICHARD MARTIN, Esq., Director of the Dublin and Wicklow Railway Company, and of the Mining Company of Ireland.

VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

SIR JAMES POWER, Bart., M.P., Director of the Bank of Ireland.

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Among the many Advantages offered by the PATRIOTIC ASSURANCE COMPANY OF IRELAND may be enumerated—

The Head Offices are in Dublin.

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The Company has been in existence for upwards of 43 Years.

The Company offers every facility for the transaction of almost all kinds of Life and Fire Assurance. Rates moderate. Copies of the Prospectus, with tables of Rates and every information, may be had on application at the Head Office of the Company, 9, College-green, Dublin, or any of the Company's Agencies.

Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, November 23, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 44.] SATURDAY, NOVEMBER 30, 1867. (Single Copy, 6d. By Post, 7d.

HAVING considered the defence by demurrer in our last number, we now proceed briefly to consider the other classes of defence—and first of *pleas*. The principal grounds of pleas are distributed into twelve classes, as to the nature of which, and the rules respecting them, we must refer to *Beames on Pleas*, and Lord Redesdale's *Treatise*.

As a simple instance of a plea, we will suppose a bill filed for the purpose of setting aside a deed, as having been fraudulently obtained; the plaintiff's bill may set forth facts amounting to a case of fraud, and the statements, so far as they go, may be accurate; but the bill may have suppressed all notice of some other facts affording a defence; as, for instance, a compromise founded on valuable consideration, and entered into subsequently to the fraud. In this case the defence would be by plea; the defendant pleading that, subsequently to the alleged fraud the plaintiff compromised the matter (See *Haynes' Outlines of Equity*, 71.)

It may be sufficient to observe generally of pleas that they consist of short allegations of fact, the insertion of which in the bill would have made it demurrable.

Pleas are not favoured in a Court of Equity, and the Commissioners, in their first report, were of opinion that pleas should not be introduced into Ireland. But their recommendation in this respect was disregarded, as in the case of demurrers, and a clause for the total abolition of pleas introduced into the bill was rejected in committee.

It will be found, however, in practice, that it will be seldom convenient or advisable to resort to a defence by plea. The defence is generally anticipated by the bill, and the bill, in fact, is made to combine what in common law language would be a declaration, an imaginary plea by the defendant, and a replication by the plaintiff. The difficulty, in most cases, of raising a defence by a plea simply, without answering all the facts and circumstances relied on in the bill, is so great that the defence by answer is usually adopted (*Haynes*, 73), and there are now very few cases, indeed, in which a plea is more useful than an answer.

Pleas must be signed by counsel, and verified by the defendant, except in certain cases—*e.g.*, where the plea is of matter of record (See *Ords.* 49 & 50). Pleas are to be filed in the Record and Writ Office, and set down for argument in fourteen days after notice of filing.

The general inutility of pleas will be more fully seen by considering their object and principle, and by referring to the equivalents substituted for them in modern practice; and we would recommend our readers not to waste their time on the subject of pleas, as it is a species of learning the most difficult, and the most useless, in the art of pleading.

We now come to the ordinary course of defence, viz., an *answer*.

The plaintiff having filed, and served interrogatories, the defendant is compelled to put in an answer within twenty-eight days from the delivery to him, or his solicitor, of a copy of the interrogatories which he is required to answer. This time is frequently extended by special order (Ord. 62). Interrogatories for examination of the defendant are to be printed, and filed within eight days after the time *limited* for the defendant's appearance, whether he appears or not (see 41st Order). The word *limited* is important, as in case the defendant should be dilatory in entering an appearance, the plaintiff might be under the impression that the time ran from the defendant's actual appearance, and allow the eight days limited to elapse, and then be obliged to apply specially to the Court for leave to file interrogatories.

An answer commonly contains not only a discovery respecting the matters inquired after by the interrogatories, but also a statement of such matters as the defendant considers material for his defence, and is

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divided into paragraphs, and numbered consecutively (Ch. Act, 1867, s. 65).

In case no interrogatories have been delivered to him, the defendant need not put in any answer unless he pleases; as if his defence depends on the simple denial of one or more of the facts set out in the bill, no answer is necessary, the 85th section of the Act enacting that his silence shall be equivalent to a traverse of the plaintiff's case. But if his defence depends on other, or independent facts, he will put in a voluntary answer, which is sworn, filed, and printed in the same manner as a compulsory answer. The answer is signed at foot by counsel; then come the schedules (if any), and at the end of all the signature of the defendant and the jurat. Answers are usually drawn in the first person, and are sworn in the same manner as affidavits.

THE present is essentially an age of examinations, and though we do not approve of the plan that all magistrates should be elected by competitive examination, as Chinese mandarins are, still we think that in those professions which have already instituted compulsory examinations for those wishing admission to their ranks in accordance with the spirit of the age, we see a marked improvement in the general character of the new members over those who entered the professions under the old *régime*. The consideration of those professions in which examinations have been instituted as a necessary preliminary to entrance, and the undoubtedly successful result to the members and the public, leads us to the question whether the profession of the bar should any longer be open to men without a preliminary examination in at least subjects strictly connected with the practice of their profession. To no other profession that we know of are men admitted without having previously shown themselves in some degree fitted for the performance of its duties. In the army, navy, and the church, there are examinations more or less strict, according to the exigencies of the time, and the number of candidates applying for admission into their ranks, and now it is impossible to obtain even an inferior appointment in the Civil Service of the State without showing ample qualifications. It is true that many men are called to the bar who have no intention of practising—but the majority of these men hope to get some appointment for which their supposed knowledge of law is their only qualification. At a meeting of the Incorporated Law Society, held in the Four Courts, on Tuesday, one of the speakers is reported to have said that if the barristers had to pass the same examination previous to being called that attorney's apprentices have to pass before being sworn in, there would be fewer wigs to be seen in the Four Courts. This expression cannot, and, of course, was not meant to, be taken in its literal meaning, because it is impossible to believe that if such an examination were necessary to be passed before any one could hope to attain the rank and position of a barrister, that any of the men who venture on such a profession, where the greatest industry and respectable abilities are necessary to win moderate success, would be found to fail. But it really becomes a question of great importance, and well worth discussion, whether, when we see the system of compulsory examination working so well in other professions, we should not have similar examinations made compulsory on candidate barristers. There are many reasons now why circumstances are changed from the time when the present system was established, the most obvious of which is that formerly and down to a comparatively late period every man going to the bar first received a proper preliminary education, and in England nearly always took his degree at one of the two Universities, which was a sufficient guarantee that his general attainments in knowledge were such as would support the character and reputation for learning and the position in society which members of the bar have ever held in these countries, and in the second place men very rarely indeed chose the bar as a profession who did not belong to the upper classes of society, and who did not possess a competence, to whom in fact the rank of barrister was no advancement in social position, but now these circumstances are very much changed, and therefore we think that a corresponding change ought to be made in the system of legal education and admission to the bar. It may be, and often has been stated that it only concerns the individual barrister himself, whether he possesses sufficient legal knowledge to discharge the duties of his position, as no man can expect business at the bar who has not first shown himself able to do it; but the same might be said of a doctor with equal justice, and no one would seriously maintain that he ought to be allowed the privilege of practising at his profession until he had so frightened possible patients by the ill results of his practice that no one would consult him. The most extended principles of Free Trade would not require any such practice, and its wildest advocates would admit the truth of the proverb that circumstances alter cases. The institution of examinations, both preliminary and final, for attorneys, which have been so excellent, and which have arrived at such a high standard in the course of the few years they have been established, therefore makes us think it possible that before many years elapse, unless the benchers take some means to remedy it, the relative position of the two branches of the legal profession will be much altered. At present an attorney before being sworn in

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has to pass a searching preliminary examination in Latin, English, History, Arithmetic, Bookkeeping, &c. He has to attend lectures in prescribed books, and has to pass a final examination of a very serious character in law and the practice of the Courts. Whereas the only part of the programme that applies to students for the bar is the necessity of attending lectures which leaves it entirely optional with the student whether he shall attend to them, or merely, to use a Gallicism, assist at them. It is not easy, within the limits of a newspaper article, to point out what ought to be done to remedy this apparent defect in the system of legal education. The Education Committee of the Benchers of the King's Inn in Ireland have already made some advance in the paths of improvement in instituting the general examinations, by passing which students shall be eligible to be called to the bar without qualifying by attendance on lectures, as it is certain that a man who passes the examination, even without credit, will know very much more of his business than he who only attends the lectures without passing the examination. The Education Committee have also approved of the following rules, adopted by the Benchers in 1864:—"That to the student whose name shall appear first on the list at the general examination there shall be awarded a prize of ten guineas, and he shall also be entitled, if so recommended by the members of the Education Committee attending at such an examination, to be execused from keeping two of the Terms in Ireland, and which would be otherwise required for his admission to the Bar; and that to the student whose name shall appear second on the list there shall be awarded a prize of five guineas, and he shall also be entitled, if so recommended by the members of the Education Committee attending at such examination, to be excused from keeping one of the Terms in Ireland, and which otherwise would be required for his admission to the bar." In addition to these rules we would suggest the course that has been adopted by the other professions—viz., to hold a preliminary examination in general education, from which University men should not be exempt, and, before call, to make an examination in the principles of Civil, Feudal, and Roman Law compulsory. We would also suggest that there should be law scholarships instituted at the Inns in Ireland such as there are in London and at the English Universities; as even the first prize of ten guineas is disproportionately small when compared with the time necessary to read the prescribed course, and the remission of the two Terms is, in most instances, a doubtful benefit.

We print to-day the Resolutions on the subject of Bankruptcy Law Amendment, agreed to by the associated Delegates from upwards of forty different Chambers of Commerce. So important an expression of the opinions of the mercantile community will greatly strengthen the Government in their efforts to legislate on this difficult matter, more especially as those opinions are for the most part concurred in by the general public. We are glad to see that in the proposed reforms Ireland has not been forgotten.

A Meeting of Solicitors will be held on Tuesday next, the 3rd December, at 12 o'clock, in the Solicitors' Buildings, Four Courts, for the purpose of finally considering the suggestions offered for amending the Civil Bill Acts, and making arrangements for proceeding with the contemplated Bill for effecting the necessary amendments, as the Laws for Recovery of Small Debts in Ireland are defective and unsatisfactory to the public.

THE ADMIRALTY COURT.

We have now before us the Rules, Orders, and Regulations of the Court of Admiralty, as approved of by the Lord Chancellor, and (as relates to fees, receipts, and expenditure) by the Treasury. These rules, and the forms appended, seem to have been prepared with much care and precision, as might have been expected from their framer, the Judge of the Court; whilst the fees (as in schedule) provided for the practitioners, appear to be fair and remunerative. The rules, &c., came into force on the 27th inst., in so far as relates to causes instituted on and after that day; and we mean, from time to time, to draw attention to their provisions.

Before closing this notice, we would call the attention of our provincial subscribers and readers to that portion of the Act that refers to Commissioners for administering oaths, and taking bail for the Court in future. By the 56th section of the Act, all answers, affidavits, declarations, &c., in matters, suits, or proceedings in the Court, are to be sworn before "Commissioners to administer oaths in Admiralty" (whom the Judge is empowered to appoint under the 53rd section), or before Commissioners to administer oaths in Chancery, and as there is nothing in the Act interfering with the rights of the existing "Commissioners for taking affidavits in the High Court of Admiralty of Ireland," the question has been mooted whether the latter can continue to exercise the authority delegated to them before the present Act. So doubtful has the solving of this question become, that many of the old Commissioners have sought, at expense, for new Commissions. These have, in every instance, been granted by the Judge, in cases where the applicant was a practising solicitor. The

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fees payable to Commissioners are £1 1s. on each bail-bond perfected, and one shilling and sixpence on each affidavit, &c.

SOLICITORS' AND ATTORNEYS' INCORPORATED SOCIETY.

The usual half-yearly meeting of the members of the above society was held yesterday afternoon, in the Solicitors' Hall, Four Courts.

Mr. A. BARLOW, Vice-President, presided.

There were present:—Messrs. Matthew Anderson, Edward Love Alma, George Beamish, Joseph Burke, George Bernard, George L. Cathcart, Wm. J. Cooper, John Connor, Wm. K. Clay, Simon Creagh, Graves C. Colles, Henry Thomas Dix, Wm. D'Alton, John T. Duckett, Arthur Ellis, George D. Fottrell, Edward Greene Foley, William Findlater, William Fitzsimons, John F. Goodman, John E. Hughes, John F. Harkan, John T. Hinds, Wm. Hayes, Emor Harte, Wm. M. Jones, Patrick J. Kelly, Alex. D. Kennedy, Robert C. Lee, Robert Lyle, Wm. F. Littledale, R. J. T. Macrory, Arthur Molloy, Edward M'Gauran, John H. Nunn, Thomas F. O'Connell, John E. O'Ferrall, Terence O'Reilly, Robert Ponclue, Wm. Read, Edward Reeves (Vice-President), Robert Reeves, Wm. Roche, Thomas K. Roche, John Read, Richard Scott, Edward T. Stapleton, John Vincent, James Worrall, H. J. P. West, John M. Williamson.

The Chairman, in opening the proceedings, said:—I cannot take my place in this chair, which should be filled by Mr. Orpen, without expressing the great regret all who hear me entertain at the deep affliction which has fallen upon him in the loss of his dearly and deservedly beloved son. All who knew the late Charles Orpen loved and regarded him, and I am sure that all here will sympathize with the deep affliction which has fallen upon our respected Chairman and his family.

The Secretary then read the half yearly report, and its adoption was moved and seconded.

Mr. Hinds (having been requested to address the meeting) said they were now at the close of the first year during which the council sat under the new bill, and it was but due to the profession outside to say a word or two as to how it had worked. The society had elected the council on the broadest basis—universal suffrage, annual election, and vote by ballot. He did not think any gentleman, however broad might be his views, could wish for a wider representation than that basis gave, and it was highly creditable to the profession at large, that upon that enlarged basis, they had elected as careful, cautious, and (he used the word in its highest sense) conservative a council as could be got together. No complaints had been made during the year, and they had a respectable balance to their credit. Out of the balance they had voted £100 towards their library, and he hoped that further grants would be made for the same object until they had a library worthy of the profession. Some gentlemen might think that the council did not go fast enough, but he assured them that speed would be increased as much as was consistent with safety. He went on to contrast the past with the present position of the profession, and said it would not be too much to declare that the men to whom they were most indebted for the satisfactory progress which had been made were not the speech-makers. In a few years their's would be the best educated branch of the legal profession in Ireland, and, with a good substantial fund at their disposal, he looked forward to a still further improvement in their condition.

Mr. Mecredy referred to the abolition of the certificate Duty, which, he said, could only be affected by vigorous and unanimous action. They had received aid in this work during the past year from their provincial brethren, and he hoped that next year the aid would be redoubled, so that they might commence the struggle early in the session. No doubt the bill was "choked" off last time by a "dodge" of the Government; but they hoped for a better result next time. He might mention as a fact of some interest that the society now possessed a corporate seal under the Act of Parliament.

Mr. Ellis said he wished to draw attention to their position with respect to the building in which they were assembled, and was proceeding to enter into details respecting the subject, when

Mr. Hinds put it to Mr. Ellis whether, in the present state of the matter, it would not be injudicious to discuss it.

Mr. Goodman and Mr. Dix also contended that any allusion to the subject was out of order.

Mr. Ellis said it was not his intention to say anything that would commit the council and the profession. His only object was to put them in possession of facts in connection with the subject of which they were previously ignorant.

Mr. Hinds said he had appealed to his friend's discretion not to introduce the matter, but as he found that was useless, he would call upon the chairman to rule the point.

The Chairman said he thought it would be inconvenient to discuss the matter further.

Mr. Ellis bowed to the chairman's decision, and the resolution was adopted.

The ballot for the Council for the ensuing year was then fixed to take place on Monday next. The following gentlemen were appointed scrutineers:—Henry Stewart Watson, Stephen R. Fetherston H., Thomas K. Roche, W. W. Dwyer, and J. Worrall.

Mr. Worrall drew the attention of the meeting to the difficulty experienced by the members of the profession in drawing money out of the Court of Chancery, which contrasted unfavourably with the mode pursued in the Landed Estates' Court. He believed that if the matter were brought under the attention of the Lord Chancellor, he would not allow the abuse to continue.

Several gentlemen expressed their concurrence.

The proceedings were brought to a close with a vote of thanks to the chairman.

THE LIBEL BILL.—Sir Colman O'Loghlen's bill on the law of libel, which has been printed, is identical in its provisions with that introduced last year.

The Lord Chancellor has appointed Wm. Murray, Esq., A.M., barrister-at-law, to the office of Reader in his court, in place of Henry Darley, Esq., resigned.

The Lord Chief Justice Boville distributed, on Tuesday evening, to the Inns of Court Volunteers, the prizes won during the year. Several of the other judges were present.

MASONIC PRESENTATION.—A bust of the Hon. Judge Townsend, Deputy Grand Master for Ireland, is now being executed at the instance of a few of his friends and admirers in Dublin and throughout the country. The model, which has been cast by a talented resident Italian artist, presents an excellent likeness of Judge Townsend. The material from which the bust is being cut is the best Carrara Marble. The committee purpose to present it, when completed, to the Dublin Grand Lodge, for erection in a suitable position in the new Masonic Hall, now in course of erection in Molesworth-street.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

IRISH NORTH WESTERN RAILWAY COMPANY, AND THE RAILWAY CO.'S ACT, 1867.

In re MAURICE SALAMAN.

Nov. 26.—*Railway Companies' Act*, 1867—*Scheme of Arrangement—Injunction.*

A motion was made on behalf of the Irish North Western Railway Company that Maurice Salaman might be restrained from proceeding with the action pending in the Court of Exchequer in Ireland, in which he was plaintiff, and the Irish North Western Railway Company were defendants, on such terms as the Court should think fit.

No bills on petition was filed or presented. The motion was grounded on an affidavit filed under the foregoing title, which stated that Maurice Salaman was a mortgagee of the Company for £500, which became due on the 30th of September, 1867, and was still unpaid; and that he had commenced an action in the Court of Exchequer for the recovery of the amount of the said mortgage; that there was due only £2 15s. for interest; that the Company had on the 18th of November, 1867, filed in the Court of Chancery in Ireland, where the principal office of the Company is situated, a scheme of arrangement between the Company and their creditors, and a declaration in writing that the Company were unable to meet their engagements with their creditors, under the Railways Companies' Acts, 1857; that notice of the scheme had been published on the 19th of November, 1867, in the *Dublin Gazette.* The affidavit also stated the amount of the mortgage of the Company to be £300,000; that the revenues of the Company for several years was sufficient, after meeting the working expenses and other proper outgoings in respect of the undertaking, to enable the Company to pay the interest due on the mortgages, but without any dividend to the preference shareholders; and that the traffic of the undertaking was gradually and yearly increasing, and that the Directors had confidence that if the mortgage holders would accept debenture stock in the undertaking in exchange for their mortgages, the holders of that stock would in two or three years be enabled to sell such stock in the market at, if not above, par.

Sullivan Q.C. (with him *E. F. Litton*) for the motion, relied on the 6th and 7th sections of the Railway Companies' Acts, 1867 (30 & 31 Vic., c. 127).

Beytagh, for the Company.

30 & 31 Vic., c. 127, s. 6, enacts that "where a Company are unable to meet their engagements with their creditors, the directors may preface a scheme of arrangement between the Company and their creditors (with or without provisions for settling and defining any rights of shareholders of the Company as among themselves, and for raising, if necessary, additional share and loan capital, or either of them), and may file the same in the Court of Chancery in England or Ireland, according to the situation of the principal office of the Company, with a declaration in writing under the common seal of the Company, to the effect that the Company are unable to meet their engagements with their creditors, and with an affidavit of the truth of such declaration made by the chairman of the board of directors, and by the other directors or the major part in number of them, to the best of their respective judgment and belief."

"After the filing of the scheme, the Court may, on the application of the company on summons, or noticed in a summary way, restrain any action against the company in such terms as the Court thinks fit" (7th sec.)

The MASTER of the ROLLS granted an injunction to restrain the proceedings at law, the Company undertaking to bring in £500 within a fortnight.

Solicitor for the Company, *Boyd.*

Solicitor for M. Salaman, *Madden.*

COURT OF QUEEN'S BENCH.

(Before FITZGERALD, J.)

SILK *v.* ARMSTRONG.

The name of the attorney for the defendant, in the note of this case reported last week, should have been *David C. Bergin*, instead of *D. J. Bergin.*

COURT OF COMMON PLEAS.

Reported by WILLIAM GRIFFIN, Esq., Barrister-at-law.

(Before O'HAGAN, J., and MORRIS, J.)

M'SWEENY *v.* AHERN.

Nov. 2, 1867.—*Leave to Reply—Notice.*

To an action for rent by a mesne landlord the defendant had pleaded a payment of rent to the head landlord. Motion for leave to reply.

The COURT having asked whether notice had been given,

Waters said there was a rule in the Common Pleas requiring notice, and the replications he sought to plead were merely that the payment which was relied on was voluntary, and made after an action for another gale of rent then due had been brought in the Queen's Bench, and that there could be no necessity for giving notice to the defendant of a motion for leave to reply, matters of so simple a character, and of which the defendant was perfectly well aware.

The Officer of the Court stated that there was a rule in the Queen's Bench requiring notice, but there had been no settled practice in the Common Pleas.

The COURT heard the motion, and gave the leave to reply, but intimated an opinion that where the replications would raise serious questions, a motion for leave to reply should be on notice.

(Before MONAHAN, C.J., O'HAGAN, J., and MORRIS, J.)

O'SULLIVAN *v.* DUBLIN AND WICKLOW RAILWAY CO.

Nov. 6.—*Half Costs—Cause of Action disconnected with Contract.*

Motion to review taxation. Summons and plaint contained counts against the defendants as carriers, and also counts in detinue, and trover. The defendants had received goods to be carried from Dublin to Enniscorthy, and the plaintiff some time afterwards directed the goods, which remained at the company's stores at Enniscorthy, to be brought back to Dublin, where they were eventually sold to pay storage expenses. The defendants gave a list of the goods so sold, and for the value of which they gave credit to the plaintiff, who, however, brought an action, and having proved more goods were given to the company than they had so accounted for, obtained a verdict for £17, which was entered up upon all of the counts.

The Master only allowed half costs, being of opinion that that was all the plaintiff was entitled to under the 243rd Section of the Chancery Procedure Act.

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Keogh moved that the Master be directed to review his taxation, and allow full costs in the trover and detinue counts, on which the plaintiff had obtained a verdict, which were counts purely in tort.

P. White against the motion.

MONAHAN, C.J.—The question is, the goods having been delivered to be safely carried, even if there had been nothing in the summons and plaint but the count in trover, whether the case is one disconnected with contract, though it appears, in fact, that breach of the contract really constituted the foundation of the action. When the cause of action has its origin and foundation in a contract, which has been violated, we are of opinion that no matter what the form of pleading may be, the cause of action is not one disconnected with contract within the 243rd sec.

Motion refused with costs

Attorney for plaintiff, *Hunter*.

Attorney for defendants, *Keogh*.

COURT OF EXCHEQUER.

Reported by R. R. KANE, Esq., Barrister-at-law.

MANBOURQUET *v.* WYSE.

May 7, 8, July 1.—*Foreign Judgment—Judgment recovered against Absent Party—Demurrer and Replication to the same Plea—Effect of Replication in supplying omissions or defects in the Plea.*

This was an action upon a judgment of the Tribunal of Commerce of the Seine, for 17,252 francs 48 centimes. The defendant pleaded in substance that, at the time of the commencement of the suit, and thence down to its termination, he was absent from France, and that he was not summoned to appear in, and had no knowledge or notice of any of the proceedings.

The plaintiff demurred to the defence, and also replied that the defendant was for a long time before the commencement of the suit resident in France, and there became indebted to the plaintiff, who was a French subject, and that by the French law, when a defendant is absent from the jurisdiction, a copy of the process in the action is served upon the Procureur Imperial, and another posted upon the door of the tribunal, and that then if the defendant make default the plaintiff may proceed to judgment; that the defendant after the accrual of the cause of action left France, and at the commencement of the suit had no domicile or known place of abode in France, that the plaintiff instituted a suit against the defendant, and pursued the procedure before stated, that default was made by the defendant and judgment recovered, and that the judgment was a valid and binding one by the law of France.

To this replication the defendant demurred.

J. P. Hamilton and *Jellett*, Q.C., in support of the demurrer to the defence and of the replication.

Byrne and *Dowse*, Q.C., in support of the defence and of the demurrer to the replication.

The COURT (PIGOT C.B., FITZGERALD and HUGHES, B.B.) held (July 1) that the defence was bad as, consistently with its averments, the defendant might have been a French subject, might have been resident then in France, or have had property there when the cause of action accrued, or might through an agent have been served with process.

FITZGERALD and HUGHES, B.B., also held that the replication did not show a procedure so contrary to natural justice as that the judgment recovered by means of it could not be sued on here, and that the plaintiff was entitled to recover.

PIGOT, C.B., held that the plaintiff having alleged certain grounds of jurisdiction in his replication impliedly excluded all others, that these were not sufficient, and that the plaintiff having thus shown that he had no cause of action, judgment ought to be for the defendant.

Attorneys for the plaintiff, *Hallowes* and *Hamilton*.

Attorney for the defendant, *Lewis*.

INCORPORATED LAW SOCIETY OF IRELAND.

AT the general half-yearly meeting of the Society of the Attorneys and Solicitors of Ireland (incorporated by Royal Charter), held at the Solicitors' Hall, on Tuesday, the 26th of November, 1867,

ARTHUR BARLOW, Esq., Vice-President, in the chair, the following report of the Council was read by the secretary and adopted by the meeting:—

The Council, in submitting to the society their annual statement of proceedings think it right, in the first instance, to refer to such subjects as were alluded to in the report of last year, but which had not then been concluded; and next, to notice the other matters which subsequently came before them.

CERTIFICATE DUTY BILL.

Acting in concert with the London Incorporated Law Society, your Council introduced a bill last session for the reduction, to a nominal amount, of the duty upon the attorneys' annual certificates.

The bill was read a first time on the 26th of February last, and the second reading came on on the 2nd April, when a motion for an adjournment was made on the grounds that the Chancellor of the Exchequer intended to introduce his budget on the following day, when he gave the supporters of the measure to understand that the subject should be considered. On a division the motion for an adjournment was carried by a majority of 1, the numbers being 101 for and 100 against it, several of the supporters of the bill having voted in the majority on the understanding that the subject would be considered in the forthcoming budget.

Your Council, however, regret to say, that notwithstanding the implied arrangement the Chancellor of the Exchequer made no allusion to the subject in his financial statement, but having succeeded in postponing the further stages of the bill to an advanced period of the session, when the Government, through the absence of members, have virtually the control of the House, the result was the usual one as against all measures introduced by private members.

The adjourned debate came on on the 31st May, when, notwithstanding the strenuous opposition of the Government, the second reading (which is usually understood as the decisive stage) was carried by a majority of 7.

The bill came to a third reading on the 2nd of July, and the Government having the advantage of a thin house succeeded, on a division, in defeating the bill.

Your Council sent a deputation of their body to London prior to each stage of the measure, who, in concert with deputations from the several provincial law societies of Cork, Belfast, Waterford, and Derry, used their utmost exertions to procure the passing of this measure, which, but for the strenuous opposition of the Government, would, they believe, have been successful. They feel deeply grateful to the Honourable George Denman, who kindly undertook the carriage of the bill, and to a large majority of the Irish members for their unceasing exertions in supporting it; and they trust the justice of the cause, coupled with renewed exertions on the part of every solicitor in the United Kingdom, will eventually ensure the success of the measure.

COURT OF CHANCERY (IRELAND) BILL.

30 *and* 31 *Vic., cap.* 44.

During the past Session of Parliament "a Bill to Amend the Constitution, Practice, and Procedure of the Court of

Chancery in Ireland," was brought in by the then Attorney and Solicitor-General for Ireland, and having been carefully examined by your Council, they feel it their duty to suggest certain amendments therein, some of which were adopted. This Bill has since become law, and they trust it may be found to answer the purpose for which it was framed, and that the assimilation of practice may be conducive to the interests of suitors. When the General Orders under this Act were in course of preparation, your Council applied, through the Lord Chancellor's Secretary, to be allowed to see the Draft of the Orders, and of the Schedule of Fees, before they were finally approved of; they were, however, informed that his Lordship was unable to comply with their request—that a copy of the proposed New Chancery Orders should be furnished to them, but that a copy of the proposed Table of Fees should be sent to them when prepared; they regret, however, to have to state that, although the Solicitors' fees are to be paid from the 2nd November inst., according to the new schedule, they have recently been informed that it has not yet been prepared.

CHANCERY TAXING OFFICE.

Your Council feel that they can point alike with confidence and pleasure to the success which has attended their efforts to procure redress of the grievances complained of in former reports, as having so long existed in almost every branch of this department, and although the appointment of Mr. Gibson to the office of Taxing Master has necessarily deprived your Council of the assistance and benefit derived during his long association with them, and his large and varied professional experience, still they cannot but feel that his loss from amongst their number will result in a gain to the profession and the suitors of the Court.

COURTS OF LAW OFFICERS' (IRELAND) BILL.

30 *and* 31 *Vic.*, *c.* 129.

"A Bill to Alter and Regulate the Official Establishment of the High Court of Chancery and of the Superior Courts of Common Law in Ireland," was prepared and brought in during the last Session by the then Attorney-General for Ireland and Lord Naas, and your Council carefully examined same, and prepared some suggestions which were transmitted to the Attorney-General. This Bill has since become law.

COMMON LAW COURTS' (IRELAND) BILL.

A "Bill to amend the Pleading, Practice, and Procedure of the Courts of Common Law in Ireland," having been brought in during the last session of Parliament by the then Attorney and Solicitor-General for Ireland, your Council prepared observations and suggestions for amendments which they considered necessary to be made therein, and transmitted same to the Attorney and Solicitor-General, together with observations made by them upon Bill introduced in previous session. This Bill was, however, subsequently withdrawn.

ADMIRALTY COURT (IRELAND) BILL.

30 *and* 31 *Vic.*, *cap.* 114.

During the past session of Parliament a "Bill to extend the Jurisdiction, alter and amend the Procedure and Practice, and to regulate the Establishment of the Court of Admiralty in Ireland," was prepared and brought in by the then Attorney-General for Ireland and Lord Naas, and has since become law. The 25th Section of this Act provides, that all Attorneys at Law and Solicitors shall, from and after the time when the Act shall come into operation, be entitled to practise as Attorneys and Solicitors respectively in all matters and causes whatsoever in the Court of Admiralty, and shall exercise the same rights and privileges of practising in that Court as Proctors now have and enjoy. The new rules and orders under this Act are now in print.

EDUCATION OF APPRENTICES.

At the Preliminary Examination held for last Hilary Term, eighteen candidates attended (eight of whom had been postponed from the previous Michaelmas Term). Eleven were allowed the examination, the remaining seven were postponed. The candidate first in order of merit was permitted to compete at the November examination for the Society's Prize. At the Final Examination in same Term, four candidates attended: three were allowed the examination, the remaining candidate was postponed; and the Court of Examiners awarded special Certificates of Merit upon equal marks to Messrs. Gerald F. Barry and Thomas Kelly.

At the preliminary examination held for Easter Term eighteen candidates, four of whom had been previously postponed, attended. Eleven were allowed the examination and seven postponed. The Court of Examiners decided that the candidate first in order of merit should be allowed to compete for the prize at the special examination in November; but with respect to the other applicants, their answering was not so good as it had been on former occasions, and those whose answering in Latin would have qualified them to be allowed to compete for a prize were so deficient in their papers as to prevent their being recommended for that purpose.

At the final examination in same Term six candidates attended. Five were allowed the examination, and one who had been previously postponed was again postponed; the Court of Examiners considered him improved, but not sufficiently to entitle him to pass on that occaaion. Mr. Ambrose Plunkett, one of the five candidates who passed, was awarded a silver medal. Of the other candidates—Messrs. George C. Stapleton, William Irwin, and John R. Lloyd—were awarded special certificates of merit.

At the preliminary examination for Trinity Term, twenty candidates attended (seven of whom were postponed from Easter Term), eleven were allowed the examination, the remaining nine were postponed. One of the candidates was permitted to compete for the Society's prize. At the final evamination eleven candidates were examined, ten of whom were allowed the examination, the remaining candidate was postponed. The Court of Examiners awarded a gold medal to Mr. Thomas A. O'Hea for superior answering, a silver medal to Mr. Thomas Greer Carson, and special certificates of merit were awarded to Messrs. Owen, P. Neary, and Nicholas Waters Keller.

At the preliminary examination held for Michaelmas Term, twenty-eight candidates attended; seventeen were allowed the examination, of whom the first three received permission to compete for the Society's prize in November, 1868. Eleven candidates were postponed for deficient answering.

At the final examination six candidates were examined; all were allowed the examination. The Court of Examiners awarded a gold medal for superior answering to Mr. Richard Davoren, silver medals to Messrs. Edward N. Blood and Thomas J. Furlong, and special certificates of merit to Messrs. Thomas C. Franks and Henry G. Cooper.

At the examination for the Society's prize, held for Michaelmas Term, three candidates attended, and the Court of Examiners awarded the gold medal and ten pounds to Mr. David M. Fitzgerald. But they did not consider the answering of the candidate who was next in order of merit sufficiently good to entitle him to obtain the Society's second prize.

(To be continued.)

ASSOCIATED CHAMBERS OF COMMERCE.

On Tuesday last a conference of the members of this Association was opened at the Westminster Palace Hotel. Mr. Sampson Lloyd, of Birmingham, presided, and there were present representatives of upwards of forty of the principal cities and towns in the kingdom.

The Chairman, in opening the proceedings, explained that the object of the present meeting was to give timely notice to Parliament with respect to the questions they intended to discuss. The meeting would not supersede their annual conference in February, although, no doubt, it would lessen the business on that occasion.

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BANKRUPTCY LAW REFORM.

Resolutions on this subject were introduced by the representatives of Birmingham, Leeds, and Macclesfield, and were, after some discussion, amalgamated in the following form :—

That a thorough reform of the English Law of Bankruptcy is urgently needed, with a view both to the more speedy and economical realization and distribution of the estate, and to the repression of fraud.

That in the opinion of this association the provisions of the Scottish Law of Bankruptcy (19 and 20 Vic., c. 79) have proved eminently successful in accomplishing these objects, and that, in any measure for the reform of the law of bankruptcy, these provisions should be copied as closely as possible. This association would, therefore, strongly urge upon her Majesty's Ministers the necessity of preparing a bill for the above purpose, and of bringing the same before Parliament immediately after its assembling; and further, that every exertion should be made to get the same passed into law during the next session.

That, in framing such a bill, it be strongly recommended by the Association that it should contain provisions to enable the creditors themselves, or persons appointed by them, to realize and distribute the assets of bankrupts, with as little interference on the part of officials or Bankruptcy Courts as possible; but giving to the Courts jurisdiction in all cases where the bankrupt or any creditor may deem himself aggrieved or injured.

That it is desirable that the law of bankruptcy be divided into two bills; one providing for the Civil part and the other for the Criminal part of the law.

That it is also desirable that provision be made for the winding-up and distribution of estates of deceased Insolvents in bankruptcy.

That the Bankruptcy Laws' Amendment Bill, which was withdrawn at the close of last session of Parliament, should be re-introduced at the earliest practicable period of the next session; and, that to secure the bill being so re-introduced, a deputation from the Association do immediately wait upon the law officers of the Crown.

Mr. MURPHY thought it desirable that the deputation should be instructed to impress upon the Government the necessity of extending to Ireland what was sought for England in the resolution, and introduced a motion to that effect.

The addition suggested was adopted, and embodied in the resolution.

The meeting then proceeded to the discussion of other topics.

THE COURTS AND COURT PAPERS.

ADMISSION OF ATTORNEYS AND SOLICITORS.

The following gentlemen have been found duly qualified to practise as Attorneys and Solicitors, and were sworn in during Michaelmas Term :—

NAME.	RESIDENCE.
William Russell Kelly, Esq..	41, Mount Pleasant-square, Dublin,
Thomas G. Carson, Esq.,	69, Middle Abbey-street, Dublin.
Charles Taylor, Esq.,	Sea View House, Clontarf, Co. Dublin.
Patrick J. Tobin, Esq.,	19, The Mall, Waterford.
Nicholas Waters Keller, Esq.,	Kanturk, Co. Cork.
Thos. Cuthbert Franks, Esq., A.B	21, Lower Fitzwilliam-st., Dublin.
Thomas James Finlay, Esq.,	17, Upper Ormond-quay, Dublin.
Edward N. Blood, Esq.,	11, Mountjoy-square, Dublin.
Richard E. Davoren, Esq.,	37, Upper Rutland-street, Dublin.
Thomas O'Shaughnessy, Esq.,	21, Upper Dorset-street, Dublin.
Henry Gustavus Cooper, Esq ,	9, Clare-street, Dublin.

SUPERIOR COURTS OF COMMON LAW.

Guide so far as relates to marking of Judgments by Default.

DECEMBER, 1867.

Plaint Served on		Filed not later than	Last Day to Plead	Entitled to Judgment
Monday,	.. 2 Dec.	11 Dec.	16 Dec.	17 Dec.
Tuesday,	.. 3 ,,	12 ,,	17 ,,	18 ,,
Wednesday,	.. 4 ,,	13 ,,	18 ,,	19 ,,
Thursday,	.. 5 ,,	14 ,,	19 ,,	20 ,,
Friday,	.. 6 ,,	16 ,,	20 ,,	21 ,,
Saturday,	.. 7 ,,	17 ,,	21 ,,	23 ,,
Monday,	.. 9 ,,	18 ,,	23 ,,	24 ,,
Tuesday,	.. 10 ,,	19 ,,	24 ,,	3 Jan. 68
Wednesday,	.. 11 ,,	20 ,,	3 Jan. '68	4 ,,
Thursday,	.. 12 ,,	21 ,,	4 ,,	6 ,,
Friday,	.. 13 ,,	23 ,,	6 ,,	7 ,,
Saturday,	.. 14 ,,	24 ,,	7 ,,	8 ,,
Monday,	.. 16 ,,	3 Jan. '68	8 ,,	9 ,,
Tuesday,	.. 17 ,,	4 ,,	9 ,,	10 ,,
Wednesday,	.. 18 ,,	6 ,,	10 ,,	11 ,,
Thursday,	.. 19 ,,	7 ,,	11 ,,	13 ,,
Friday,	.. 20 ,,	8 ,,	13 ,,	14 ,,
Saturday,	.. 21 ,,	9 ,,	14 ,,	15 ,,
Monday,	.. 23 ,,	10 ,,	15 ,,	16 ,,
Tuesday,	.. 24 ,,	11 ,,	16 ,,	17 ,,
*Wednesday,	.. 25 ,,	11 ,,	16 ,,	17 ,,
*Thursday,	.. 26 ,,	11 ,,	16 ,,	17 ,,
*Friday,	.. 27 ,,	11 ,,	16 ,,	17 ,,
*Saturday,	.. 28 ,,	11 ,,	16 ,,	17 ,,
*Monday,	.. 30 ,,	11 ,,	16 ,,	17 ,,
*Tuesday,	.. 31 ,,	11 ,,	16 ,,	17 ,,

* Holidays pursuant to the Statute.

CONSOLIDATED CHAMBER SITTINGS.

MICHAELMAS VACATION.

Tuesday, 3rd December,	The Right Hon. Mr. JUSTICE KEOGH
Friday, 6th ,, Tuesday, 10th ,,	The Hon. Mr. BARON FITZGERALD.
Friday, 13th ,, Tuesday, 17th ,,	The Right Hon. Mr. JUSTICE FITZGERALD.
Friday, 20th ,, Tuesday, 24th ,,	The Right Hon. Mr. JUSTICE O'HAGAN.
Friday, 3rd January, 1868, Tuesday, 7th ,,	The Hon. Mr. BARON HUGHES.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Thomas Curran, from 18th inst.—John Lloyd, from 25th inst.—E. Burke, allocation.—W. Scott, from 28th inst.—W. H. Waugh, judgment.—S. R. Townsend, explain delay.

Before the EXAMINER.

Anthony Murphy, rental.

Before JUDGE LYNCH.

S. Quinn, from 18th inst.—M. Dower, from 25th inst.—T. P. Coppinger, make order for partition absolute.—Trustees of Woodward, objection.—George S. Wybrants, from 28th inst.—A. G. Lefroy, payment.—William Malley, from 9th inst.—George Ross, make order absolute.—H. Shalcross, to overrule objection.—P. M. O'Keeffe, objection.—J. Furlong, do.

Tuesday—Before JUDGE DOBBS.

Mathew Cohen, schedule.

Before the EXAMINER.

James Credin, proofs.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

Walter S. Brinkley and others—8 lots—Kildare and Dublin—fee and fee-farm—profit rent, £1,027.

Wednesday.—Before JUDGE LYNCH.

F. Gallagher, explain delay.

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Before the EXAMINER.

David Wilson. rental.—James Shields, vouch.—W. Bottomly, do.—H. Griffith, do.

Thursday—Before JUDGE DOBBS.

P. Rea, schedule.

Friday—Before the EXAMINER to JUDGE LYNCH.

Assignees of Lefroy and Stein, rental, from 22nd inst.

LANDED ESTATES' COURT.

SALES, NOV. 22.

Before the Hon. JUDGE DOBBS.

COUNTY OF TIPPERARY.—Estate of Samuel Biggs and another, owners; J. S. Clarke, petitioner.

The lands of Gortmore, situate in the barony of Lower Ormond, held under lease for lives renewable for ever, containing 22 statute acres; net yearly rental, £29; Griffith's valuation, £118. Sold to Mr. J. S. Clarke at £650. Solictor, *John Julian.*

COUNTY OF CORK.—Estate of Henry B. O'Grady and another, owners; James O'Shaughnessy, petitioner.

Lot 1. The life estate of the owners, aged 47 years, and reversion in *quasi* fee in one undivided third part of the lands of Poulacurrily, called the Dairy Farm, held in fee-farm, containing 173 statute acres; yearly rent, £58 14s., subject to an annuity of £7 13s. 10d. per annum. Sold to Mr. T. O'Shaughnessy at £820.

Lot 2. Part of the lands of Clogheen, held in fee-farm, 202 acres; net rent, £41 3s. 8d., subject to a perpetual annuity of £22 6s. 2d. Sold to Mr. T. O'Connell, in trust, at £625.

Lot 3. The life estate of the owner and life estate in remainder of his wife, aged 43, in the lands of Clogheen, containing 193 statute acres; or, in case of issne, an annuity of £200; yearly profit rent. £413 17s. 7d. The lot is sold subject to an annuity of £100 for the life of a lady, aged 70 years, on the event of her being living on the death of the owner. The owner is aged 47. A policy of insurance for £800 and two policies for £400 each, to be assigned io the purchaser if he shall so desire. The sale of this lot adjourned. Solicitor, *W. K. O'Shaughnessy.*

COUNTY OF SLIGO.—Estate of Wm. Phibbs and others, owners and petitioners.

Lot 1. The lands of Upper Rosses, barony of Carberry, held under lease for 21 years from the Eeclesiastical Commissioners, renewable; 373 statute acres; net annual rental, £268 19s. 7d. Government valuation, £323 10s. per annum. Sold to Mr. Mullowney at £6,725.

Lot 2. Other portion of the lands of Rosses; same tenure as Lot 1; 492 statute acres; net yearly profit rent, £261 10s. 4½d. The Government valuation is £290 per annum. Sold to Mr. Middleton, at £6,250.

Lot 3. The lands of Creggy Connell; same tenure and barony, 276a. 2r. 13p.; net profit rent, £157 7s. 7d.; valuation, £188 12s. Sold to Mr. Middleton, at £2,700.

COUNTY OF DUBLIN.

Lot 4. The lands called Solomon's Field, situate in the lordship of Finglas, barony of Castleknock, held under a bishop's lease for 21 years. The lands contain 73a. 2r. 9p.; net annual profit rent, £96 2s. Government valuation, £158 10s. per annum. Sold to the Rev. Dr. Stubbs at £3,605.

CITY OF DUBLIN.

Lot 5. Five tenements in St. Kevin-street, held under a bishop's lease renewable; profit rent, £36 6s. 11d.; Government valuation, £89 5s. Sold to Dr. Stubbs, in trust, at £600.

Lot 6. Tenement in St. Sepulchre's, parish of St. Peter, same tenure as lot 5; net rent, £27 6s. 4d. Sold to Mr. Stewart, in trust, at £320. Tenement in the Long-lane, same tenure; net rent, £4. Sold to Dr. Stubbs, in trust, at £50. Solicitors, *Keane and Tweedy.*

COUNTY OF SLIGO.—Estate of D. G. Cullen and another, owners; J. Teevan, petitioner.

The revision in fee expectant on the life of a lady, now aged 66, in part of the lands of Grange, barony of Carberry; the lands contain 283 statute acres; yearly rent, £268. Griffith's valuation, £263 10s. Sold to Mr. Kincaid, in trust, at £2,550. Solicitor, *Johnston Teevan.*

COUNTY OF LONDONDERRY.—Estate of John Mehan and others, owners and petitioners.

Part of the lands of Clooney, with the distillery, corn mill, malting, and other premises, known as the Waterside Distillery, with dwelling-house, &c., and known as the Foyle Brewery and Mill Bank Cottage, held in fee-farm; the lands contain 2a. 0r. 30p.; yearly rent, £541 11s. 11d.; tenement valuation, £264, with Lot 2, consisting of part of the lands of Clooney, containing 3r. and 18p., with the dwelling-house adjoining; net yearly rental, £64 5s.; valuation, £50. Sale adjourned at £2,600.

Lot 3. Sale adjourned. Solicitors, *Newtons and Armstrong.*

COUNTY OF THE TOWN OF GALWAY.—Estate of Walter Martin Blake, owner and petitioner.

Lots 1, 2, and 3 on the rental sold previously.

Lot 4. Part of the lands of Bohermore, North and South, held for 41 years renewable; net rental, £47 4s. 6d. Sold to Mr. Thomas Higgins at £345.

Lot 5, being portion of South Bohermore; same tenure; net yearly rental, £71. Sold to Mr. Higgins at £235.

Lot 6. Portion of South Bohermore; same tenure; net rent, £40. Sold to Mr. Browne at £160.

Lot 7. Premises on the south side of Bohermore; same tenure; net rent, £995 5s. 7½d. Sold to Mr. O'Flaherty at £250.

Lot 8. Premises situate at the south side of Bohermore, held for 41 years from May, 1862; profit rent, £45. Sold to Mr. West at £130. Solicitor, *P. J. Conway.*

COUNTY OF WESTMEATH.—Estate of Sir W. Palmer, Bart., owner and petitioner.

The lands of Clonaglin, barony of Moycashel, held in fee-simple, containing 300 statute acres; net yearly profit rent, £223 9s.; Griffith's valuation, £162 5s. There being no bidding, the sale was adjourned.

An undivided third of a fee-farm rent of £93 0s. 3d., payable out of the Castle mansion-house, and part of the demesne lands of Streamstown, held in fee-simple; the lands contain 593 statute acres; Griffith's valuation is £347. Sold to Mr. William Gibson at £645. Solicitors, *Gresson and Clarke.*

COUNTY OF CARLOW.—Estate of John Saul, owner Thomas Burgess, petitioner.

Lot 1. Part of the lands of Ranefishoge, containing 50 acres and 10 perches, held under lease of lives renewable for ever. Sold to Mr. Plunket at £450.

Lot 2. Other part of said lands, containing 44 statute acres; same tenure; profit rent, £32 19s. 11d.; valuation, £19 15s. Sold to Mr. Shannon, at £455. Solicitor, *Theodore Cronhelm.*

November 26th.

Before the Hon. Judge LYNCH.

COUNTY OF KILDARE.—Estate of John Henry Leonard, owner and petitioner.

The lands of Roscolvin, barony of Kildare and Moone, containing 502a. 0r. 18p., statute measure net annual rent, £95 5s. 5d., and held in fee-farm, and part for the residue of 999 years from 1796. Sold to Mr. Leonard, in trust, at £1,400. Solicitor, *Gustavus R. Wade.*

Estate of Thomas Wogan Browne, owner; Arthur French, petitioner.

Part of the lands of Borehole, &c., barony of Ikeathy and Oughteranny, containing 78a. 1r.; net annual rent, £67 18s. 8½d.,; held In fee simple. Sold to Mr. Gower, in trust, at £1,105. Solicitors, *Joseph Hone and Son.*

COUNTY OF TIPPERARY.—Estate of William Standish Wolfe, owner; Cæsar Geo. Otway, petitioner.

The lands of Ballinwera, barony of Lower Ormond, held under fee-farm grant dated 5th March, 1859, containing 227a. 3r. 7p. statute measure; net annual rental, £166 15s. 10d. Sold to Mr. Wolfe at £1,410. Solicitor, *George Bolton.*

COUNTY OF MAYO.—Estate of John Nolan Farrell, owner and petitioner.

The sale of this estate was adjourned in consequence of insufficient bidding. Solicitor, *P. Nolan.*

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before the CHIEF REGISTRAR.		
Dec. 2	12 o'clock	Denis Flynn	Prove debts	*Batt*
"	"	Robert Sparrow	Prove debts and vouch	*D. & T. Fitzgerald*
"	"	Robert Parke	do.	*Goff*
"	"	Michael Curran	do.	*Findlater & Collins*
"	"	Mathew Drysdale	do.	*Finglater & Collins*
"	"	Thomas Pettigrew	do.	*Forsythe*
"	"	Fleming and Hennessy	do.	*Larkin*
		Tuesday.—Before the COURT.		
Dec. 3	11 o'clock	Thomas Groarke	Audit and dividend	*Molloy & Watson*
"	"	Thomas Reynolds	do.	*Molloy & Watson*
"	"	Edmond Mahony	do.	*Molloy & Watson*
"	"	John Woods	do.	*Molloy & Watson*
"	"	Robert V. Dower	do.	*Molloy & Watson*
"	"	James M'Parland	do.	*Tinkler*
"	"	Laurence Coffey	do.	*Casey & Clay*
"	"	Panter and Cassiday	do.	*Rosenthal*
"	"	Arrangement case	1st sitting	*Larkin*
"	"	do.	do.	*Kiernan*
"	"	Thomas Eckford	*Final examination	*Larkin*
"	"	Edward Farrar	do.	*Larkin*
		Before CHIEF REGISTRAR.		
"	12 o'clock	Thomas Eckford	Prove debts and vouch	*Larkin*
"	"	William Lunham	do.	*Benner*
"	"	William Campbell	Reference	*Chomley & Brown*
		Thursday.—Before the COURT.		
Dec. 5	11 o'clock	Michael Curran	Examine witnesses	*Howe*
"	"	do,	Charge and discharge	*Howe*
"	"	Arrangement case	do.	*Hughes*
		Before the CHIEF REGISTRAR.		
"	12 o'clock	John M'Ewen	Prove debts and vouch	*O'Connell*
"	"	Arrangement case	do.	*Byrne & Lambert*
"	"	do.	do.	*Ramsay*
		Friday.—Before the COURT.		
Dec. 6	11 o'clock	Edmond Phelan	Audit and dividend	*Dobbin & Tandy*
"	"	Laurence Kelly	do.	*Molloy & Watson*
"	"	Robert S. Pyke	do.	*Molloy & Watson*
"	"	Thomas Sharpe	do.	*Black*
"	"	Margaret Magee	do.	*Molloy & Watson*
"	"	Robert M'Kane	do.	*Chomley & Brown*
"	"	P. R. Verlin	do.	*Perry*
"	"	Arrangement case	1st sitting	*Perry*
"	"	do.	do.	*Findlater & Collins*
"	"	do.	2nd sitting	*M'Namara*
"	"	Rumley and Chartres	Composition	*Lynch*
"	"	Edward Haines	Sur., prove debts, and assignee	*Beauchamp*
"	"	Michael Hayes	Examine debtors	*Meldon*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
Nov. 29	Delay, John F., of Duncan-street, Cork, corn dealer,	James B. Adams, South Mall, Cork, merchant,	*Sullivan*
"	O'Brien, John, of Capel-st., Dublin, boot and shoe-maker,	Michael Cullen, Mill-street, Dublin, tanner,	*Larkin*

BANKRUPTS.

Greene, Michael, of Gloucester-place, Dublin, grocer. Petition of bankruptcy filed November 23. To sur. Tuesday, December 10, and Friday, January 3. C. H. James, official assignee. *Tinkler*, solr.

Haines, Edward, of Charleville, county Cork, farmer. Petition of bankruptcy filed November 16, 1867. To sur. Friday, December 6, and Friday, December 20. L. H. Deering, official assignee. *Beauchamp*, solr.

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Certificates Allowed,

November 19.

Collett, William Rickford, of Raheen, Gort, county Galway, coal and lead merchant, dealer and chapman, a bankrupt. *J. D. Meldon*, solr.

November 22.

Scott, Martha Jenkins; Scott, Matilda; and Scott, Adelaide, of the Quay, Waterford, spinsters, trading as "M. Scott and Company," cabinet makers, bankrupts. *Dodd*, solr.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK.		
Dec. 2	12 o'clock	Richard Geo. Watt	To prove debts	*Oldham*
"	"	James Dermody	do.	*Bradley*
		Wednesday.—Before the COURT.		
Dec. 4	11 o'clock	The Rev. Thomas Knox	Audit and dividend	*Macnally*
"	"	Mary Clerkin	Choice of assignee	*Quinlan*
"	"	Thomas Roche Rice	Motion	*Downing*
"	"	Nathaniel Alexander Hamilton	Hearing of petition	*Walsh*
"	"	John Odlum Pearson	do.	*Rynd*
"	"	John Cullen	do.	*Rynd*
"	"	Robert Hedges Eyre Davies	do.	*Rynd*
"	"	Thomas Jenkinson	do.	*Mathews*
"	"	Catherine Winifred Burke	Adjourned do.	*Rynd*
"	"	Catherine Warren	" do.	*Rynd*
"	"	Henry Wilson	" do.	*Rynd*
"	"	Martin Joseph Keogh	" do.	*Macnally*
		Thursday. Before the CHIEF CLERK.		
Dec. 5	12 o'clock	William Dillon	To prove debts	*Macnally*
		Friday.—Before the COURT.		
Dec. 6	11 o'clock	James Lucien Magee	Adjourned hearing	*Macnally*
		Saturday. Before the CHIEF CLERK.		
Dec. 7	12 o'clock	Rev. Thomas Knox	To vouch account	*Macnally*
"	"	James Dermody	do.	*Bradley*
"	"	William Dillon	do.	*Macnally*
"	"	Joseph Maddock	do.	*Macnally*

CASES DISPOSED OF.

Wednesday, November 27.

Before JUDGE BERWICK.

Barrett, Robert. Discharged.
Brown, Michael. Adjourned to Wednesday, 18th Dec. next.
Byrne, Thomas. Discharged.
Campbell, Duncan. Do.
Daniel, Edward M'Namara. Adjourned to Wednesday, 11th December next.
Lyons, James. Discharged.
Magee, James Lucien. Adjourned to Friday, 6th Dec. next.

INSOLVENTS DISCHARGED ON BAIL.

Beard, John, county Kildare, gentleman.
Blackhall, William, co. Roscommon, grocer and publican.
Buchanan, George, county Cavan, carpenter.
Clery, John Thomas, Cork, farmer.
Dalton, John, Dublin, float owner.
Duffy, Edward, county Dublin, writing clerk.
Farrell, Patrick, county Carlow, farmer.
Hickie, Patrick, Dublin, attorney-at-law.
Langan, Robert, county Kerry, cooper and publican.
Mackin, Michael, Dundalk, butcher.
Maguire, Thomas, county Kildare, baker.
M'Farland, Robert, county Fermanagh, farmer.

INSOLVENTS.

To be heard in Dublin.

Duffy, Edward, of Shamrock Villa, Harold's-cross, county Dublin, formerly writing clerk, latterly out of employment. Hearing on Wednesday, 18th December, at 11. *Rynd*, solr.

Fitzgerald, Patrick, of Capel-street, Dublin, refreshment-house proprietor. Hearing on Wednesday, 18th Dec., at 11. *Rynd*, solr.

Grehan, jun., Augustine, of Rathmichael, Loughlinstown, county Dublin, farmer, arrested as "Augustine Grehan." Hearing on Wednesday, 18th December, at 11. *Rynd*, solr.

Hickie, Patrick, of Upper Ormond-quay, Dublin, and Peach Villa, Sandymount-avenue, county Dublin, attorney-at-law. Hearing on Wednesday, 18th December, at 11. *Rynd*, solr.

Mitchell, Jane, of Ormond-terrace, Vernon-avenue, Clontarf; previously of Philipsburgh-avenue, county Dublin, spinster. Hearing on Wednesday, 18th Deeember, at 11. *Rynd*, solr.

To be heard in the Country.

Blackhall, William, of Boyle, county Roscommon, grocer and publican. Hearing at Longford, 7th January, 1868. *Charters*, solr.

Farrell, Patrick, of Minemaud, Clanmore, county Carlow, farmer. Hearing at Carlow, 7th January, 1868. *Mulhall*, solr.

Gallagher, Francis, of Lurgybrack, county Donegal, farmer. Hearing at Lifford, 9th January, 1868. *Dickie*, solr.

Harrison, Hugh, of Churchhill, county Monaghan, farmer. Hearing at Monaghan, 3rd January, 1868. *Wright*, solr.

Madigan, Denis, of Glin, county Limerick, shopkeeper; previously of Newcastle West, in said county. Hearing at Limerick, 19th January, 1868. *Doyle*, solr.

Murphy, Rody, of Tipperary, county Tipperary; formerly of Doneskeigh, in said county, shopkeeper and law clerk. Hearing at Cashel, 2nd January, 1868. *Vowell*, sol.

Scanlan, Patrick, of Mungret-street, Limerick, clerk and farmer; previously of Clare-street, in said city. Hearing at Limerick, 19th January, 1868. *Doyle*, solr.

Scanlan, Anne Teresa, otherwise Anne Scanlan, of Mungret-street, Limerick, spinster. Hearing at Limerick, 19th January, 1868. *Connolly*, solr.

PETITION OF INSOLVENCY FILED.

November 26.

Against Metcalf, Michael, of Lark House, Finglass, county Dublin, farmer. *Tinkler*, solr. for creditor.

PAUPER DECLARATIONS FILED.

November 25.

Keogh, Edward, detained by the Venerable William Lee, Archdeacon of Dublin, Justin Dealy, and George Humphreys. *Bloomfield*, solr. for creditors.

November 26.

Lyons, James, detained by George Lindsay. *Ennis*, solr. for creditor.

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BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

BURKE—Nov. 20, at the Abbey, Roscommon, the wife of Joseph Burke, Esq., solicitor, of a son.

HODGES Nov. 28, at 22, Lansdown-road, the wife of T. A. W. Hodges, Esq., solicitor, of a daughter.

JOHNSTON Nov. 21, at Crosthwaite Park, Kingstown, the wife of Robert Johnston, Esq., barrister-at-law, of a daughter.

NORWOOD Nov. 21, at 11, Nelson-street, Dublin, the wife of John Norwood, Esq., barrister-at-law, of a son.

LEGAL POSTINGS:

STATUTORY NOTICE.

In the Goods of Margaret Carroll, late of Castletownroche, in the County of Cork, deceased.

PURSUANT to the Act of Parliament of the 22nd & 23rd Victoria, chapter 35, intituled, "An Act to Further Amend the Law of Property, and to Relieve Trustees," Notice is hereby given, that all Persons having Debts, Claims, or Demands against or upon the Estate and Effects of Margaret Carroll, above described, who died on the 20th day of May, 1866, at Castletownroche aforesaid, are hereby required on or before the 16th day of DECEMBER, 1867, to furnish the particulars (in writing) of all such Claims or Demands to THOMAS M. WARD, Charleville, and 4, South Frederick-street, Dublin, Solicitor for Margaret Carey, otherwise O'Gorman, of Ballyvoodane, near Kilfinane, in the County of Limerick, the Administratrix of the said deceased, to whom Letters of Administration of the Assets of the said deceased were granted forth of the Principal Registry of the Court of Probate in Ireland, on the 18th day of September, 1866; or in default thereof, the said Administratrix will, after the 16th day of December, proceed to distribute said Assets of said deceased amongst the Persons entitled thereto, having regard to the Claim only of which she shall have notice.

Dated this 12th day of November, 1867.

THOMAS M. WARD, Charleville, and 4, South Frederick-street, Dublin, Solicitor for Margaret Carey.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John O'Brien, of Capel-street, in the City of Dublin, Boot and Shoe Manufacturer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 13th day of DECEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 29th day of November, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

MICHAEL LARKIN, Agent to the Bankruptcy, No. 1, Merchants'-quay, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of James Edward Devlin, of Saint Luke's, Cork, Builder and Contractor, a Bankrupt.

TO BE SOLD, in One Lot, at MARSH'S AUCTION ROOMS, in the CITY OF CORK, on SATURDAY, the 14th day of DECEMBER, 1867, at the hour of Twelve o'clock noon, the four valuable Houses situate in Mahony's-lane, in the Borough of Cork, producing a net profit rent of £14 per annum, with a Plot of Ground attached, containing about One acre, suitable for Building purposes.

Dated this 21st day of November, 1867.

CHEYNE BRADY, Assistant Registrar.

DESCRIPTIVE PARTICULARS.

The houses command an extensive view of the River Lee, and are neat and convenient, with all modern improvements—two of them having been recently erected.

The Biddings will be submitted to the Court on Tuesday, the 17th day of December, 1867.

For Rentals and further particulars apply at the OFFICES of the BANKRUPTCY COURT; to

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin;

Messrs. WEST & FITZSIMONS, Solicitors for the Mortgagees, having carriage of Sale, 33, North Great George's-street, Dublin; to

Messrs. JOHN CLEARY & THOS. HARE, Agents for the Assignees, 33, Lower Ormond-quay, Dublin; or to

Messrs. H. NOBLETT & SON, Solicitors, 74, South Mall, Cork.

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of James Brown, & Margaret Brown, and of the said Margaret, as Administratrix of the Goods and Effects of Charles M'Colgan, deceased, Petitioner;

Margaret M'Sorley, Mary M'Crossan, and Anne M'Crossan, Respondents.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of Charles M'Colgan, late of Strabane, in the County of Tyrone, Solicitor, deceased, on or before the 11th day of JANUARY, 1868, to furnish, in writing, to the Petitioner, or to CECIL MOORE, Esq., their Solicitor, of 14, North Great George's-street, in the City of Dublin, the Solicitor for the Petitioners in this Matter, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as he shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due Notice. And all such Creditors, whose demands shall be disallowed, either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.

Dated this 21st day of November, 1867.

WM. BROOKE, Master in Chancery.

CECIL MOORE, Solicitor for the Petitioner, No. 14, North Great George's-street.

In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of Isaac Wykeham Dickenson Owner and Petitioner.

TO BE SOLD, in Twenty-one Lots, at the Landed Estates Court, Four Courts, Inns'-quay, Dublin, before the Hon. Judge Lynch, on TUESDAY, the 17th day of DECEMBER, 1867, at the hour of Twelve o'clock, noon, the following valuable Fee-simple Estate, situate in the Barony of Newry, and County of Down:—

No. of Lots	Townlands	Quantity of Land Statute Measure			Net Yearly Profit Rent			Griffith's Valuation
		A.	R.	P.	£	s.	d.	£ s. d.
1	Parts of Carmeen and Dummuller	50	2	23	78	7	2	[illegible]
2	Part of Carmeen - -	18	2	31	30	18	4	[illegible]
3	Parts of Carmeen and Lisduff	23	2	26	44	17	3	[illegible]
4	Part of Cloghanramer -	12	0	2	24	0	8	[illegible]
5	Parts of Derryboy and Cloghanramer	9	3	15	17	12	0	[illegible]
6	Parts of Cloghanramer and Derryboy	38	0	21	71	13	0	[illegible]
7	Parts of do. - -	8	3	7	19	6	0	[illegible]
8	Part of Cloghanramer -	3	3	30	9	18	0	[illegible]
9	Part of do. - -	4	3	26	13	10	0	[illegible]
10	Part of do. - -	6	0	18	9	4	6	[illegible]
11	Part of do. - -	6	0	30	10	11	1	[illegible]
12	Part of do. - -	20	1	1	29	11	5	[illegible]
19	Part of do. - -	12	3	31	24	17	2	[illegible]
20	Parts of Derryboy and Cloghanramer	11	0	18	18	18	5	[illegible]
21	Parts of Derryboy, Lisduff, and Cloghanramer	61	3	13	107	3	5	[illegible]
22	Parts of Derryboy and Cloghanramer	24	1	30	47	14	9	[illegible]
24	Part of Lisduff and part of Derryboy	29	0	23	56	16	4	[illegible]
25	Part of Lisduff - -	53	2	33	102	1	8	[illegible]
26	Part of Lisduff - -	32	2	33	55	5	0	[illegible]
27	Part of Cloghanramer -	10	0	29	19	13	3	[illegible]
28	Part of do. (in hands)	6	2	10	6	10	0	Estimated value
		455	3	9	797	19	5	

Dated this 8th day of November, 1867.

RICHARD TOPHAM, for Chief Clerk.

DESCRIPTIVE PARTICULARS.

This Estate is situate within one and two miles from Newry, and is bounded on the West and North by the Newry River and Mr. M'[illegible] demesne. The Western portion is of park-like beauty and richness, and there is a quantity of game and quail on the Estate, which is seldom found in such a populous neighbourhood

From its proximity to the town of Newry, the Estate may be considered as forming town parks; and from the accommodation afforded by railway and canal for the transit of merchandize, &c., property in the vicinity of Newry is daily increasing in value.

Proposals for the purchase by private contract of the whole or any of the Lots will be received by the Solicitor having the Carriage of the Sale up to the 30th day of November, 1867, and, if approved of by the owner, will be submitted to the Court for approval.

For Rentals and further information apply at the Landed Estates Court, Four Courts, Inns'-quay, Dublin; to

WILLIAM LANE JOYNT, Solicitor having the Carriage of the Sale, 46, Lower Gardiner-street, Dublin; and to

Messrs. HALLOWES & HAMILTON, Solicitors, 34, Westland-row, Dublin.

In the LANDED ESTATES' COURT, IRELAND.

CITY OF DUBLIN.

SALE,

On FRIDAY, the 17th day of JANUARY, 1868.

In the Matter of the Estate of George Tickell, Administrator with the will annexed of the Rev. Edward Singleton Abbott, deceased, Owner and Petitioner;

And in the Matter of the Estate of Charles Abbott, John Abbott, Frances Abbott, and Patty Abbott, infants, and of George Tickell, Administrator with the will annexed of the Rev. Edward Singleton Abbott, deceased, Owners;

Giles Shaw, Petitioner.

TO BE SOLD, before the Hon. Judge Dobbs, at the Landed Estates' Court, Dublin, on FRIDAY, the 17th day of JANUARY, 1868, at the hour of Twelve o'clock noon, BY PUBLIC AUCTION, in THREE LOTS:—

LOT No. 1 comprises the Houses and Premises known as Nos. 4, 5, and 6, George's-place, in the Parish of St. George, and City of Dublin, held under Lease for 996 years, from the 1st day of May, 1867, which will be sold subject to the payment of the entire yearly head-rent of £42 sterling, and producing a profit rent of £38 13s. 4d. sterling.

LOT No. 2 comprises the Houses and Premises known as Nos. 7, 8, and 9, George's-place, in said Parish and City aforesaid, held under said Lease, which will also be sold subject to the payment of said yearly head-rent of £42 sterling, but indemnified by Lot 1 from payment thereof, as stated in the printed Rental and Conditions of Sale, and producing a profit rent of £47 15s. 6d. sterling.

LOT No. 3 comprises the House and Premises known as No. 44, Upper Mount-street, in the Parish of St. Peter, in the said City of Dublin, held under lease for 130 years, from the 25th day of March, 1829, subject to the head-rent of £17 10s. sterling, per annum, and producing a profit rent of £32 10s. sterling.

Dated this 9th day of November, 1867.

C. E. DOBBS.

For Rentals and further particulars apply to the Landed Estates' Court; or to

MACRORY & CO., Solicitors having carriage of Sale, 48, Rutland-square, Dublin, and Ulster Chambers, Belfast, who will receive private proposals for the purchase of the whole or any of the said Lots, up to the 17th day of December next, and will submit same to the Judge, if approved of, on or before the 20th day of December, 1867.

DESCRIPTIVE PARTICULARS.

Lots Nos. 1 and 2 comprise the Houses and Premises known as Nos. 4, 5, 6, 7, 8, and 9, George's-place, in the Parish of St. George, and City of Dublin, and are situate North-West of St. George's Church, which is a very quiet, respectable, and central locality. The Tenants in possession are respectable and punctual in the payment of their rents, which are very moderate

Lot No. 3 comprises the House and Premises known as No. 44, on the South side of Upper Mount-street, in the Parish of St. Peter, and said City of Dublin, and is in the possession of a highly respectable and solvent tenant.

ATTORNEYS & SOLICITORS OF IRELAND.

A MEETING of the Attorneys and Solicitors of Ireland, will be held in the HALL of the INCORPORATED LAW SOCIETY, FOUR COURTS, DUBLIN, on TUESDAY, the 3rd day of DECEMBER next, at the hour of Twelve o'clock noon, for the purpose of finally considering the Suggestions offered for Amending the Civil Bill Acts, and making arrangements for proceeding with the contemplated Bill for effecting the necessary Amendments. As the Laws for Recovery of Small Debts in Ireland are defective and unsatisfactory to the public, and as the Quarter Sessions Attorneys are more immediately interested in procuring an Alteration of these Laws than any other branch of the Legal Profession is, it is hoped there will be a large attendance of Quarter Sessions Practitioners on the occasion.

GEORGE PROCTOR, *Hon Secretary.*

34, Lower Ormond-quay,
29th November, 1867.

THE SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND.
(Incorporated by Royal Charter).

NOTICE IS HEREBY GIVEN, that the Ballot for a Council of this Society for the Year to end 1st December, 1868, will be held at the SOLICITORS' HALL, Four Courts, Dublin, on MONDAY, the 2nd of DECEMBER, commencing at Eleven, and terminating at Four o'clock, on same day.

Members in arrear of their Subscriptions will be required to pay same previous to their votes being recorded.

By Order, JOHN H. GODDARD, *Secretary.*

Solicitors' Buildings, Four Courts, Dublin,
23rd November, 1867.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, November* 30, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 45.] SATURDAY, DECEMBER 7, 1867. {Single Copy, 6d. By Post, 7d.}

CHANCERY ACT, 1867.

IF the defendant's answer does not afford a full discovery respecting the matters inquired after by the interrogatories, the plaintiff is entitled, within a time fixed for that purpose (six weeks), to except to the answer for insufficiency. The objection is taken by filing the exceptions (the draft to be signed by Counsel) in the office of the Clerk of the Records and Writs, and giving notice of the filing to the defendant. If defendant is advised that his answer is insufficient in the points excepted to, he submits to answer, and serves notice of his submission on the plaintiff. Defendant has fourteen days from the date of the submission to put in his further answer. If defendant serves no notice of submission, the exceptions are set down for argument, and the Court decides whether the answer is or is not sufficient in the points excepted to. If the answer is held insufficient, a time is generally fixed for the defendant to put in a further answer; if the exceptions are overruled, the answer will be deemed sufficient from the date of the order. The second answer may be excepted to in like manner. After a third answer has been held insufficient, the Court may order the defendant to be examined orally upon the interrogatories, and to stand committed until he shall make the required discovery.

We will consider hereafter the subject of amendments, the times and rules relating to them, and further interrogatories upon the amended bill.

When the pleadings are complete, there are three modes of bringing the cause to a hearing:—

(I.) By setting the cause down on bill and answer.

(II.) By giving notice of motion for a decree.

(III.) By replication.

As to the first—if the plaintiff thinks that, even admitting the answer to be true, and abandoning any part of his bill not admitted by the answer, he is still entitled to the relief he requires, he may adopt the first mode. This course was often pursued in the case of friendly suits, where a decision was sought upon a particular state of facts. But since special cases were introduced in 1850, by the late Lord Justice Turner, it has been more usual, in such cases, to adopt the second mode. As to moving for a decree, see 68th section of the Act and Ords. 91, 92, 94, and *Morgan's Chancery Ords.*, 165. We will more conveniently consider this, and the third mode, when we approach the subject of evidence.

Before proceeding further, it may be useful to give a brief summary of the procedure in an ordinary suit down to a decree.

1. A suit is begun by Bill, addressed to the Chancellor, signed by counsel, giving in a notice at foot the name and address of the solicitor, contains a narrative of the material facts, divided into paragraphs numbered consecutively, and a prayer for specific and general relief (sec. 61); names of defendants at foot. Draft bill is signed by counsel, and is to be printed on paper and in type, directed by the 5th order. Solicitor allowed fee of 2d. per folio for correcting proofs. Printed copy filed at the office of the Clerk of Records and Writs, who marks the name of the Court to which it is to be attached, the initial letter of the plaintiff's name, number of bill, and date of filing. The name and address of solicitor is to be endorsed. In pressing cases written copy of bill may be filed (S. 58, and Ords. 7 and 8.)

Parties.—All persons interested in the subject matter of a suit *with respect to its object* are necessary parties to a suit. See Act, sec. 66, as to modification of this rule.

Service.—Copy stamped by the Clerk of the Records and Writs with endorsement (Sec. 55, Ord. 6) to be served personally on each defendant, or by leaving the copy with some servant or member of his family at his dwelling house or usual place of abode (Ord. 25). Service generally dispensed with on defendant's solicitor giving undertaking to appear. As to substitution of service and service out of the jurisdiction (see Ords. 26 and 30).

Each defendant may require from plaintiff any number, not exceeding ten, of printed copies of the bill, on payment at the rate of one halfpenny the folio (Ord. 10).

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Appearance.—The writ endorsed on bill commands an appearance within eight days. This writ in place of the old subpœna, s. 55. If defendant having been served neglects to appear, the plaintiff may within three weeks from the time of service enter an appearance for him; and the object and effect of this is, to limit the time within which a demurrer may be filed to a bill, which runs from the entry of an appearance (twelve days), and as a preliminary step to taking the bill *pro confesso* (Ord. 28). The plaintiff must produce to the Clerk of the Records and Writs an affidavit of due service on the defendant within the jurisdiction of the bill, with its endorsement and date of service. Plaintiff must take this step within three weeks from date of service. After that time a special order is required. Plaintiff, instead of entering an appearance, may, by order of the Court, issue an attachment for want of appearance. If defendant is out of the jurisdiction, plaintiff must obtain leave of the Court to enter an appearance for him.

Demurrer.—Defendant may demur within twelve days after appearance, entered by or for him.

Demurrer must be signed by counsel, engrossed on parchment, and filed at the Record and Writ Office, by defendant's solicitor, who on the same day gives notice to the plaintiff's solicitor of its having been filed.

If defendant wishes to demur to part of bill, and to plead or answer the remainder, he has (if an answer has been required from him) twenty-eight days from the service of the interrogatories, and if no answer required, he may put in such demurrer, plea, or answer (not demurring alone) at any time within fourteen days after the expiration of the time within which he might have been served with interrogatories, had there been any, *i.e.*, within thirty days after service of the copy of the bill.

As to setting down demurrers, see 55th Ord. If demurrer (being to the whole bill) is allowed, the suit is at an end as to the demurring defendant: if overruled, or leave is given to amend the bill, the suit proceeds, and defendant puts in an answer, if he has been served with interrogatories, unless he is in a position to put in a plea. A demurrer must rely only on facts stated in the bill, otherwise it will be what is termed a speaking demurrer, and be overruled.

Plea.—If defendant has a short, simple defence to the bill, *e.g.*, the statute of limitations, he may raise the defence by a plea. Plea is to be signed by counsel; engrossed on parchment, and filed at the Record and Writ Office within twenty-eight days from the service of interrogatories, or within fourteen days after the expiration of the time within which he might have been served with interrogatories, *i.e.*, thirty days after service of bill, on oath of defendant except where it is a plea of matter of record (Ords. 49 & 50).

Unless the plaintiff takes issue on the *truth* of the plea by serving notice undertaking to reply, he must set it down for hearing within fourteen days. If he neither undertakes to reply, nor sets down the plea, nor serves an order for leave to amend within that time, the effect is the same as if the plea had been allowed on argument.

Interrogatories.—They follow the bill paragraph by paragraph, and contain the same allegations in the form of questions: they state the Court, names of the parties, nature of the document itself, questions numbered consecutively, signature of counsel, and a note stating which interrogatories each defendant is required to answer. They are printed and filed in the Office of the Records and Writs within eight days from the appearance, or sixteen days from the service of the bill. Plaintiff's solicitor makes a copy of such of the interrogatories as each defendant is required to answer, and takes it to the office: it is there compared, and if correct, is sealed by the Clerk, and served on defendant's solicitor. (*To be continued*).

ATTORNEYS AND SOLICITORS OF IRELAND.

A meeting of the attorneys and solicitors was on Tuesday held, pursuant to advertisement, in the Hall of the Incorporated Law Society, Four Courts,

ARCHIBALD COLLUM, Esq., in the chair.

George Proctor, Esq., was requested to act as secretary to the meeting. Mr. Proctor stated the object of the meeting was for the purpose of finally considering the suggestions offered for amending the Civil Bill Acts, and making arrangements for proceeding with the contemplated Bill for effecting the necessary amendments. It was, he said, admitted everywhere and by every person who had any outstanding debts to recover that the present laws were defective, and that it amounted almost to an impossibility in many cases to realize small debts in Ireland. Since the passing of what was popularly called "The Sheriff's Act," it was still more so, and the public were desirous of having that Act repealed, and the people looked forward to the quarter sessions attorneys as being the fittest body of legal practitioners to state what amendments and alterations should be made in the Civil Bill Code. He had given the matter much consideration, and since June, 1866, he had been gleaning information on the subject from every county in Ireland and from the practitioners at every sessions bar in the kingdom. There was but one opinion on the subject, namely, that the Civil Bills Acts greatly needed amendment, and that a more effective mode for recovering small debts in Ireland than the laws now in force afforded was much required. The attorneys practising at sessions had several meetings both in that hall and in their respective counties, and, except in detail as to the remedies to be provided, they were unanimous in the necessity for alteration. Much trouble had been taken and expense incurred to ascertain the true state of public feeling on the subject; and now the time for giving legal effect to their labours had arrived. In some parts of the country the merchants and commercial men were thinking the attorneys were too slow in their movements regarding this great and important matter—important, he said, because whatever lessened the power of a creditor to recover his debts from those who owed them, took away from the credit of the country, and tended to destroy commercial

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credit, which was the life and soul of national prosperity. In the town of Coleraine, he understood, the merchants were about to hold a public meeting and petition Parliament for a change in these laws, and he hoped the example of the Coleraine people would be followed by the inhabitants of every town in Ireland. He now submitted the amended printed report of the committee, and left the matter in the hands of the gentlemen present. He would add that the Right Hon. the Lord Mayor, who is a member of the profession, came to the hall this morning and informed him (Mr. Proctor) that he had carefully read the report of the committee on the intended amendments, and that it had his approval in all its parts. He desired him (Mr. Proctor) to inform the gentlemen present that another pressing appointment required his attendance elsewhere, otherwise he would have attended this meeting, and aid by his presence and advice, in every way he could, to further the object which they had in view.

A series of resolutions, approving of the report of the committee, and adopting the amendments suggested, as published in the *Irish Law Times and Solicitors' Journal*, was passed.

A deputation, consisting of the Lord Mayor, John Thomas Hinds, John F. Goodman, George Bolton, and George Proctor, Esqrs., with power to add to their number, was appointed to wait on the Right Hon. the Attorney-General to bring the matter under his notice, and to request that he will prepare the bill for carrying the amendments required into law.

The meeting was then adjourned.

INCORPORATED LAW SOCIETY OF IRELAND.

(*Continued from Irish Law Times, Nov. 30.*)

SOLICITORS' BUILDINGS.

The Benchers of the Honourable Society of Kings' Inns having, in the month of June last, stated that they were prepared to grant a lease to this Society of the apartments at the Four Courts, in possession of the Society, at a nominal rent; such lease to contain a covenant, on the part of the lessees, to keep the apartments in proper order and repair, upon the terms of the Society, undertaking to pay all charges thereon, then paid by the Benchers, but the particulars or amount of which charges were not mentioned. Your Council, in reply, expressed their disappointment at this very limited proposition, and their expectation that a much more liberal offer would have been made to them, and asked for much larger accommodation than that offered, to which the Benchers replied that they must decline to comply with the request so made, and repeated the former offer.

Your Council thought it best not to accept this offer, and nothing further has been done relative thereto. But they recommend to their successors that this subject shall be considered by them at their earliest convenience, with a view to obtaining a satisfactory settlement of all matters depending between this Profession and the Benchers.

THE IRISH LAW TIMES AND SOLICITOR'S JOURNAL.

In the month of February last a weekly journal, bearing the above designation, was published under the sanction of your Council, having for its object the establishment of a newspaper entirely devoted to matters of interest to the legal profession generally. The want of such a publication had long been felt, and its value speedily became apparent in the character of its articles and the accuracy of its details. The proprietors of this journal have stated their intention to publish an index of all postings therein, which will greatly facilitate reference. Your Council, feeling that it would be an advantage to have some one publication in which all legal postings might be found, forwarded memorials to the Judges of the Landed Estates' Court, and of the Bankrupt and Insolvent Court, as well as to the Masters in Chancery, seeking to have a general order made that all such postings should be inserted, once at least, in this journal, but it was not thought desirable to make such an order.

LEGAL APPOINTMENTS.

MASTER OF THE COURT OF EXCHEQUER.

A vacancy having occurred during the month of April last, in the office of Master of the Court of Exchequer, and your Council having heard that a Barrister was about to be appointed thereto, they immediately presented a memorial to His Excellency the Marquis of Abercorn, Lord Lieutenant, expressing the extreme dissatisfaction of their Profession with the manner in which their rights had been disregarded by successive Governments in the almost exclusive appointment of Barristers to Ministerial Offices, connected with the Legal Department in Ireland, which had been formerly held by Attorneys and Solicitors, and praying that His Excellency when making such appointments in future would be pleased to consider the rights of this Profession to offices legitimately belonging to them, and that he would appoint a Member of their Profession to the then vacant office of Master of the Court of Exchequer, in answer to which memorial His Excellency was pleased to intimate through General Sir Thomas Larcom that he would not fail to give full consideration to the circumstances therein set forth, notwithstanding which assurance a Barrister has since been appointed to fill that office. In the month of September last your Council having learned that a vacancy was likely to occur in the office of Master of the Court of Queen's Bench, presented a further memorial to the Lord Lieutenant, enclosing a copy of that previously sent in by them upon this subject, and again respectfully urged upon His Excellency's attention in the strongest manner the claims of this Profession to that and similar appointments, in answer to which memorial, however, the Chief Secretary for Ireland wrote merely acknowledging receipt of their communication.

BARRISTERS PRACTISING WITHOUT INTERVENTION OF ATTORNEYS.

Your Council have seen with regret that during the past year some Members of the Bar have attended at Magistrates and Police Courts, and insisted upon practising in those Courts without the intervention of Attorneys, and your Council consider such a practice unfair to this Profession, injurious to the Public, and so unworthy of the Bar as to require some expression of feeling from that body.

ORPEN TESTIMONIAL.

Your Council now refer with pleasure to the inauguration of the handsome portrait of the worthy President of this Society, Mr. Orpen, who has for so many years given his best attention to every matter calculated to raise the social position of this Profession, and to advance its best interests.

For this purpose a subscription was set on foot to procure his portrait for the Society. It was painted by an eminent artist, Mr. Catterson Smith, R.H.A., and is now placed in the Solicitors' Hall, where we trust it will long be preserved as a memorial of the sterling worth of him whose features it so faithfully represents. For address and answer see Appendix A.

RETIREMENT OF THE HON. EDMUND HAYES, LATE THIRD JUSTICE OF HER MAJESTY'S COURT OF QUEEN'S BENCH.

Upon the occasion of the retirement of the late Mr. Justice Hayes from the Bench on account of declining health, your Council thought it right to offer him a testimony of the respect so justly entertained by this Profession for his character, professional and judicial, and accordingly presented him with an address, which, with his answer, will be found in the Appendix to this Report.—See Appendix B.

RETIREMENT OF THE HONOURABLE JUDGE LONGFIELD.

The retirement of Judge Longfield from the office Judge of the Landed Estates' Court, which he had so long filled, was deemed a fitting occasion to present him with an address expressive of the deep sense entertained by this Profession, of the uniform courtesy and attention which they had at all times received from him.—For address and answer see Appendix C.

RETIREMENT OF THE LATE RIGHT HONOURABLE FRANCIS BLACKBURNE, EX-LORD CHANCELLOR OF IRELAND.

The retirement of the late Right Honourable Francis Blackburne from the office of Lord High Chancellor of Ireland, was deemed by your Council a fitting occasion to present him with an address, expressive of esteem for himself, and admiration of his high judicial character.—For address and answer see Appendix D.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

In the Matter of the COMPANIES' ACT, 1862, and the OULA MINING COMPANY, LIMITED.

Ex parte WHITCROFT.

Nov. 21.—*Companies' Act*, 1862—*Winding up.*

The Oula Lead and Copper Mining Company, Limited, was formed in 1865. The memorandum of association was dated the 21st of September, 1865. The nominal capital of the Company was £25,000, divided into 25,000 shares of £1. The Company was registered under the Companies' Act, 1862, but never carried on business. The petitioner had applied for 200 shares, for which he had paid £25 into the National Bank as a deposit. No shares having been allotted, he brought an action at law against the Company for the sum so paid, and recovered a judgment for that sum and costs, amounting to £72 2s. 10d., on which he sued out a *fieri facias*. The petition in this matter prayed that the said Company might be wound up under the Companies' Act, 1862.

Robertson moved for an order to wind up the Company, relying on the 79th section of the Companies' Act, 1862.

Carton appeared for the creditors of the Company.

The MASTER of the ROLLS made the order. His Honour said that general orders, similar to the orders in England under the Companies' Act, 1862, were in course of preparation. This case would come before him at Chambers.

Solicitor for the petitioner, *T. W. Hardman.*

VICE-CHANCELLOR'S COURT.

Reported by WM. BARLOW, Esq., Barrister-at-law.

GETTY *v.* ELLIOTT.

Nov. 28.—*Commission to Cross-examine Witness abroad.*

The cause petition in this case sought to impeach a deed executed by the petitioner's father to the respondent's father, which conveyed to the respondent's father the interest in a reversionary lease, dated 30th of April, 1830.

The petition was set down to be heard in Trinity Term, 1867. After it had been set down the respondent obtained an order that the petitioner should be cross-examined in person at the hearing, and a day was fixed for the hearing. Before that day arrived the petitioner was attacked by an illness which rendered it impossible for him to attend, and the hearing was postponed until this Term.

From the affidavit of the petitioner's solicitor it appeared that the petitioner had, ever since the attack, continued in delicate health; that in August he was ordered to Wiesbaden; that he still continues there; that ill health prevents him returning to this country; and that, from the serious nature of the illness, it might be some time before the petitioner could attend at the hearing.

A certificate, dated 10th Nov., 1867, of Dr. Muller, a physician in Wiesbaden, stated that the petitioner must be kept for some months quite free from excitement, and that it would be dangerous for him to travel.

The respondent's solicitor stated in his affidavit that it would be essential to the respondent's case, and of most material importance, to have a general cross-examination of the petitioner, and a minute investigation in his presence of his books, and of his own entries therein, and respecting the times when, or circumstances under, which the entries had been made which refer to the delivery of the title deeds to him or his solicitor, and other matters.

Sullivan, Q.C., with him *Jackson*, moved for a commission to take the cross-examination of the petitioner at Wiesbaden, and relied on the physician's certificate, and the case of *Druitt* v. *Druitt*, 6 I. C. R., 171.

Hugh Law, Q.C., and *J. F. Walker*, contended that the respondent should not be deprived of the right of cross-examining the petitioner in court, when the books and entries would be at hand, and that in any event this motion should not be granted at present, as the petitioner's illness appeared to be of a temporary nature only, and that therefore the hearing might be further postponed until the spring of 1868, with a view to secure the petitioner's attendance when his health improved.

The VICE-CHANCELLOR.—I am quite aware of the great utility of a cross-examination of a witness whose demeanour is likely to be of importance before the Court; but I do not see, from what it appears, that Mr. Getty was an actor in this transaction to such an extent that justice cannot be done by ordering the cross-examination to be taken before a commissioner. I shall therefore grant the motion, and add a direction that this cause shall not be heard before the 1st of February, 1868; and that this order shall not be availed of by the petitioner then unless he shall satisfy the Court, when the cause comes on for hearing, that he is in such a state of health as to make it impossible for him to come to Ireland.

Solicitor for the petitioner, *Henry Milford.*

Solicitor for the respondents, *Robert Cassidy.*

TRENCH'S TRUSTS.

Dec. 2, 1867.—*Verification of Petition.*

Roper moved for the appointment, under the Trustee Acts, of new trustees of a marriage settlement, the original trustees having died.

[The VICE-CHANCELLOR.—Who verifies this petition?]

The Solicitor. The parties interested are living in different parts of England.

The VICE-CHANCELLOR.—In any case of this nature in which the petition is not verified by the parties themselves I will not make an order without a reference, unless the written consent of the parties to the order sought is produced.

The case was ordered to stand over until the consent could be procured.

Solicitor for the petitioners, *Roper.*

RICHARDSON *v.* GRUBB.

Nov. 12, Dec. 3, 1867.—*Petition by Trustee to be discharged from the Trusts—Caprice—Costs.*

In 1852, on the marriage of Augustus Grubb, one of the respondents, the petitioner and John Gossett Hill were appointed trustees under the settlement, which empowered the husband and wife to appoint a new trustee in lieu of any one who should "die, or be desirous to be discharged, or refuse or decline or become incapable to act in the trusts."

The trust property consisted of £2,000, and of fee-simple lands, of which the husband was made tenant for life. The trusts were "to permit and suffer the said Augustus Grubb and his assignees during the

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term of his natural life, to take and receive to his own use the yearly interest arising and payable out of the said sum of £2,000 sterling, or the yearly produce thereof, if invested in lands as thereinafter mentioned, together with the yearly rent and profits arising out of" the settled lands.

The lands have not been dealt with in any way so as to render the trusts more onerous, and the £2,000 remains invested in Government £3 per Cent. Consols, in the names of the trustees, and the dividends are paid to the husband through a banker.

The petition stated that Augustus Grubb, having prevailed with the trustees to procure that the title deeds relating to the settled lands should be forwarded by his father's executors to Messrs. Duckett and Gordon, solicitors, possessed himself of them without the petitioner's knowledge or sanction, and refused to surrender them; that the petitioner is in delicate health, which renders it necessary to avoid all excitement; that he became desirous of being discharged from the trusts; and that on the 14th August, 1865, and on other subsequent occasions, he caused applications to be made to Augustus Grubb to appoint a new trustee. Prayer—That the petitioner be discharged from the trusts; and that Augustus Grubb should be ordered to hand to the trustees the title deeds and documents relating to the settled property.

From affidavits made by two physicians, it appeared that the petitioner has been for many years in delicate health, and extremely nervous, and that mental anxiety would be injurious to him.

From the answering affidavit it appeared that, so far from the statement in the petition being true, the deeds relating to the settled property had been handed to A. Grubb by his father when the settlement was executed; and A. Grubb, as tenant for life, claimed a right to the custody of these deeds; that several unsuccessful applications to persons to assume the trusteeship in the petitioner's place had been made before the petition was filed; that since then, in Feb., 1867, a Mr. Haughton living in Rugby had consented to act; and it was alleged that the petitioner's desire to be discharged sprang from pique at being refused the deeds.

Messrs. *Ball*, Q.C., *Ormsby*, Q.C., and *Kaye*, for the petitioner, contended that there were good and sufficient grounds for his being discharged, and that his costs should be paid by A. Grubb or out of the estate. They cited *Gardiner* v. *Downes*, 22 Beav., 395; *Travis* v. *Illingworth*, 2 Dr. and Sm., 344.

F. Walshe, Q.C., *C. Shaw*, Q.C., and *Gordon*, for the respondents, contended that, on the facts, it appeared that the petitioner's desire to be discharged arose only from caprice, and that therefore he should be ordered to pay all the costs of the suit, and of appointing a new trustee:—*Courtenay* v. *Courtenay*, 3 Jon. and L., 519; *Coventry* v. *Coventry*, 1 Kean, 758; *Greenwood* v. *Wakeford*, 1 Beav., 581; *Porter* v. *Watts*, 16 Jur., 757; *Re Woodburn's Will*, 1 De Gex and Jon., 333.

The VICE-CHANCELLOR.—The rule of equity as to the payment of costs in such cases is perfectly settled. Whenever a trustee has any reasonable cause for desiring to be removed, he is entitled to be reimbursed his expenses either out of the trust fund or by the *cestui que* trust; but when a trustee, without any reasonable cause, takes proceedings to be discharged from his trusts, all the costs must fall upon himself. In this case, however, the tenant for life has not dealt with the trust property so as to complicate its position or involve the trustees in duties and liabilities never contemplated when they became trustees, and which they could not reasonably have been expected to perform. The condition of the trust property remains substantially unaltered, and the tenant for life has not been guilty of any misconduct. The only ground upon which the petitioner can claim costs is that of failing health, rendering him incapable of attending to the duties, or making it inconvenient for him to do so. But here there are not any active duties which the trustees can be called upon to perform at present. The tenant for life is entitled to manage the estates, and the dividends of the £2,000 are paid through a banker without any annoyance or trouble to the trustees. The petitioner's desire to be removed seems to arise from a mere whim, and therefore, though entitled to be removed from his trusteeship, he must pay the costs of the proceedings to appoint a new trustee, and as the petitioner made against Mr. Grubb allegations which have not been sustained, and which Mr. Grubb was justified in answering, the petitioner must also pay Mr. Grubb's costs.

Solicitor for the petitioner, Mr. *E. D. Atkinson*.

Solicitors for the respondents, Messrs. *Duckett* and *Gordon*.

Solicitors for the co-trustee, Messrs. *Bloomfield* and *Leahy*.

CONSOLIDATED CHAMBER.

Reported by J. L. WHITTLE, Esq., Barrister-at-law.

THOMPSON *v.* WYNNE.

Practice—Jurisdiction—Further Interrogatories.

This was an action for libel in writing letters to the plaintiff's superior, in consequence of which plaintiff had been dismissed from his employment. Plaintiff had already obtained leave to administer interrogatories to defendant as to this letter, but had not obtained from defendant's answer the information which he sought. He now applied to deliver further interrogatories.

Waters, in support of the motion.

Macnamara, *contra*, contended that the Court had no jurisdiction to administer further interrogatories, that the answers might criminate defendant, and the Court ought not to allow such interrogatories to be delivered.

KEOGH, J., held he had such jurisdiction, and allowed the interrogatories, considering the question as to the criminating nature of the answer one for the defendant to rely on if plaintiff sought to compel him to answer.

Attorney for plaintiff, *R. H. Irvine*.

Attorney for defendants, *Dillon Macnamara*.

COURT OF PROBATE.

In the Goods of PATRICK SULLIVAN, deceased.

November 20.—*Administration Bond—Assignment of—Breach of—Appeal from Order refusing Assignment—Liability of Sureties for Money Received in Life of Deceased by the Principal.*

Dr. Miller (*W. O'Brien* with him) moved on behalf of Mrs. Maria Sullivan the widow of the deceased, for an order that the administration bond, executed on the 22nd June, 1855, by the deceased and two sureties, in the penal sum of £2,400, might be assigned by the Registrar to the applicant, to be put in suit as against the sureties.

The deceased died on the 21st March, 1855, having been in partnership with his brother James, as victuallers, in Cork, and he left a widow and four minor children.

James, the brother of the deceased, as curator of the minors, on the 25th June, 1855, obtained a grant of

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administration limited during the minority of the eldest minor, and the bond in question was executed by him and two sureties, named Buckley and Daly, to the Bishop of Cork and his successors.

The condition was to make a perfect and true inventory of the goods of the deceased, which had or should come to his hands, or into those of any other persons for him, and exhibit the same in the Registry before the 31st December next, and the same goods would well and truly administer, according to law, and make a true account of his administration before the 30th June, 1856, and the rest of the goods would deliver and pay to such person as the Judge should appoint, and if a will should appear and be exhibited, then to bring in the administration to be cancelled.

James Sullivan, as administrator, took possession of the several farms of the deceased, and of all his goods, and of all the partnership estate and effects.

The *devastavit* alleged was, that James Sullivan converted to his own use the entire of the deceased's exclusive goods, and all the partnership property, and never gave any account, and several particular sums of money were specified that he received for rent of the deceased's lands, and applied same to his own use.

On 28th May, 1863, the widow filed a cause petition in Chancery, to make James Sullivan account for the moneys so received by him; and on the 21st December, 1866, the Master, by his final order, found that £1,200 was due by James Sullivan on said several accounts, to the estate of the deceased, and directed him to pay the same within one month, but he failed to do so, and the Master directed the present application.

Buckley and Daly filed affidavits in answer to the application, relying on the imbecility of James Sullivan's mind, in order to explain how the £1,200 came to be found due.

Cases cited—*Archb. Cant.* v. *Robertson* (1 Cr. and Wr. 690); *Sandry* v. *Mitchel* (3 S. and T. 25): *Goods of Jones* (32 L. J. Pr. 26); *Goods De Morin* (7 Ir. J., N. S., 266); *Goods of Collins* (H., 267); *Murray* v. *M'Inerheny* (1 Curt. 576). *Cur. adv. Vult.*

27th November.—KEATINGE, J., after reviewing all the facts, ordered an assignment of the bond, but doubted if the sureties were liable for money received by their principal in the life of the deceased, and also if any appeal would lie from his order, if he refused the assignment.

Solicitor for applicants, *White.*

Solicitor for sureties, *George Plunkett.*

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Coram LYNCH, J.

In the Matter of the Estate of GEORGE CASHEL, and GEORGE CASHEL, the younger, Owners and Petitioners.

Nov. 6.—*Attachment for Resistance offered to Ordnance Surveyor.*

This was a motion that a conditional order for the attachment of several persons residing upon the lands of Shallee White, in the Barony of Owney, and County of Tipperary, and dated the 15th of June, might be made absolute.

The affidavit of John Sullivan, the surveyor, made in support of the motion, stated that pursuant to an order in this matter, dated the 4th December, 1866, he, on the 12th of March last, proceeded to the lands of Shallee White for the purpose of making a survey of the same; that a large body of men assembled to obstruct him, and that seeing that personal violence was intended towards himself, he retired without effecting the survey; that on the 22nd of May last he again proceeded to the said lands accompanied by a force of constabulary; that a crowd of persons again assembled to prevent the survey being made; that several persons attempted to assault him (the surveyor), and also the boy who carried the chain; that the chain was broken into fragments; that, under the protection of the constabulary, the surveyor was only able to perambulate the boundary of said lands, but was not able to effect a tenement survey thereof. The affidavit then particularized as amongst the crowd the persons now sought to be attached. The statements regarding the violence offered on the 22nd of May were corroborated by affidavits made by Patrick Gleeson, who attended to point out the boundaries, and Michael Powell, a resident on the lands; and the menacing attitude of the crowd was also deposed to in an affidavit made by George Cashel, one of the owners and petitioners in this matter.

Affidavits made, as cause against the order being made absolute, by Michael Gleeson, Michael Quirke, and others of those sought to be attached, claimed for the deponents the ownership of the lands of Shallee White, which consisted partly of small farms, and partly of common. They alleged that the lands of Shallee were distinct from those of Shallee White; that when, in March, Michael Gleeson asked the surveyor by what authority he came there to survey the lands, he replied that it was by Mr. Cashel's orders; that the surveyor never stated that he was acting under the orders of the Landed Estates' Court, or of any other court; that on the 22nd May, when George Cashel accompanied the surveyor, Michael Gleeson demanded from the former any order or authority under which he came, and that he refused to produce any; that he stated that he got authority from a middleman, the late Mr. Molony; that Michael Gleeson tried to prevent Cashel from having the lands surveyed, but without resorting to violence, when the parties were knocked down and badly used by the constabulary; that Michael Gleeson was never, before the conditional order for the attachment, served with any notice or order from the Landed Estates' Court, or any other court. The affidavits denied that on either of the two occasions the parties sought to be attached assaulted the surveyor.

An ejectment on the title had been brought against the same parties for the recovery of these lands, but at the trial the jury could not agree to a verdict.

E. Gibson, in support of the motion.

[LYNCH, J.—There is no statement from beginning to end of these affidavits that it was ever communicated to these parties that the suryeyor and his party were acting under the orders of the Court.]

LYNCH, J.—In this case I will make no rule on the motion. I do not wish to give a decision in favour of either party. An act, which common sense dictates, is omitted to be done. There are affidavits stating that resistance was offered to the surveyor, and that he was directed to get assistance. He got it, and on another occasion he and his party proceeded to the lands; and do they then state that they went under the orders of the Court? There has not been *bona fides* on either side. There is no evidence that these parties were ever told that an order of the Court had been made directing a survey. It is said they had knowledge of the fact, which brings them into contempt. Their affidavits state the contrary distinctly. I am asked to infer that they had knowledge. I do not like to say whether I believe these affidavits or not. I will make no rule on the motion.

Solr. for the owners and petitioners, *George Bolton.*

Solr. for Michael Gleeson and others, *Anthony Nolan.*

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by J. LEVY, Esq., Barrister-at-law.

Before JUDGE MILLER.

In re LUNHAM, a bankrupt.

November, 1867—*Charge and Discharge—Deposit of Title Deed—Equitable and Legal Mortgage on Letter of Deposit—Description of Premises—Jurisdiction of the Court.*

The bankrupt was a provision merchant in Tralee, and had considerable dealings with the National Bank there, and obtained several advances of money for the purposes of his trade, to secure which he lodged with them the title deed of his premises, accompanied by a deposit note stating the purpose for which the deed was deposited. A deed of mortgage was also executed to the bank by the bankrupt about the same time, and the case now came before the court upon a charge, and supplemental charge filed by the bank, and a discharge by the assignees.

Judge MILLER said the question raised was in substance whether a letter of deposit of title deed and deed of mortgage contemporaneously executed by the bankrupt to the National Bank as security for cash advanced by them, comprised a particular part of the bankrupt's premises called the "Ice-house Field," in which he carried on the business of curing pork. The field in question was held by the bankrupt in perpetuity under a proposal made to Mr. De Moleyns in 1846, and accepted by him, as the bankrupt had deposed, at a yearly rent of £10, which was subsequently abated. No mention of this occurred in the bankrupt's agreement to execute the deed of mortgage. The description "upper store" was relied upon by the bank as including the premises in question, but was not to be found in the agreement of 1860, and the bankrupt stated that the Ice-house Field, by which name the premises in question were known, was a different and distinct description. The next ground relied on by the bank was that the bankrupt had agreed to give them the security of all his business premises, and that he never communicated to them that the lease of the 24th March, 1840, the only one he deposited with them, did not comprise all his business premises. The bankrupt alleged that it was not mentioned in the treaty for the advances that he should mortgage all his premises. The bankrupt also stated that when asked for the lease of the "upper store" by Mr. Power, the manager of the bank, he gave it to him, but he never said it comprehended the Ice-house Field, or led the bank to believe that it comprised all his premises. With regard to the further ground relied on by the bank that the ice-house and curing-house were essential parts of the concern, this was met by the allegation of the bankrupt that for eighteen years before the building of the ice-house he had carried on his business in the upper store. Then it was contended that the language of the mortgage deed was so comprehensive as to include the holding in question. But in his judgment it could not have had any such effect. It had been said that the officer of the bank dealt with the bankrupt on the assumption that all the premises were given as a security, but it did not appear that the bank manager had made inquiries as to what the particular premises were upon which he was to have his mortgage security. It would appear that he blindly relied on his knowledge of the town. It was contended that the Bankrupt Court had power, under the 19th and 24th sections of the Bankrupt Act, to reform the deed and agreement of 1860 by introducing into them the premises in question. He (Judge Miller) asked had there been any instance of the court exercising such a jurisdiction, and he was told that no similar case had ever arisen. He believed he had not such a jurisdiction, but it was unnecessary for him to decide that question, for it was pretty clear that even if he possessed it there were no materials laid before him which would warrant him in exercising it. Under the circumstances of the case, while he allowed the general charge filed by the bank as against the premises comprised in their mortgage, about which no question had been raised—and on this branch of the case they should have their costs—yet as he believed they had failed to prove their charge against the Ice-house Field he would disallow it, but without costs, as he did not think that the conduct of the bankrupt in the transaction had been candid.

Kernan, Q.C., for the National Bank. Solicitors, *Mahony* and *Howe*.

Purcell, Q.C., for creditors. Solicitors, *Casey* and *Clay*.

IN INSOLVENCY.

In re ELLEN WALKER, an insolvent.

Practice—Appointment of Assignee—Party in Contempt.

This was a meeting to appoint an assignee. It appeared that the insolvent had been arrested on a *ca. sa.*, and sent to prison, and the detaining creditor, according to the practice of the court, having obtained an order upon her to file a schedule, the estate vested in the usual way. The creditor then took out a meeting for the appointment of an assignee with a view to make inquiries after property.

Levy, for the insolvent, applied that the appointment should be postponed until an opportunity should be had to set the judgment aside on the ground that there was no debt due to the detaining creditor.

Judge MILLER said he could hear no application on the part of the insolvent, or of any suitor who was in contempt. The insolvent had been directed to file a schedule, but she disregarded the order, and he could not hear any application on her behalf.

The Solicitor for the detaining creditor said it was a mistake to say there was no debt due, or that the judgment had been improperly obtained; in fact, there had been a trial and a verdict.

Judge MILLER said that even if that were not the case he would not entertain any application from a party in contempt.

An assignee was appointed.

Solicitor for the insolvent, *Egan*.

In re KEOGH.

Bill of Sale—Making away with Property.

Rosenthal, solicitor, appeared for a Birmingham creditor, from whom the insolvent purchased goods on credit immediately after executing a bill of sale of a great portion of his property.

Judge MILLER said it was in vain for insolvents to hope to pass through that court who did anything calculated to prevent all creditors from getting a rateable distribution of the property amongst them. He would suggest that the case should be adjourned with a view to have the property which passed under the bill of sale brought in. He would, however, hear the case, if the parties wished, and deal with it as he thought it deserved.

The case was adjourned.

Solr. for the insolvent, *Kelly*.

Solr. for creditors, *Rosenthal*.

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In re CATHERINE WARREN.

Mortgage immediately before Insolvency.

The insolvent had been a furniture broker in Liffey-street, and formerly carried on business rather extensively. It appeared that she went to America to look after property supposed to have been left by her son, who died there. She left another son to carry on the business in Liffey-street, to whom she executed a mortgage of houses and lands at Kilmainham. She was opposed for making away with property at the time she contracted the debt.

Judge MILLER said the same observations he made in the previous case were applicable in the present one. He would again repeat that wherever he found property conveyed away, mortgaged, or removed, shortly before the failure of a bankrupt or insolvent he would draw the inference, unless the contrary appeared in evidence, that it was done in contemplation of bankruptcy or insolvency, and the parties should be punished accordingly. He would suggest that the present case should be adjourned, and that the insolvent's son bring in the mortgaged property.

Levy, for the insolvent, mentioned that the son had advanced money which went to pay creditors.

The case was adjourned for a fortnight.

Solr. for the insolvent, *Egan*.

Solrs. for opposing creditors, *Treacy*, *Dodd*, and *Tinkler*.

In re WILLIAM DILLON.

Representations made as to the Insolvent's means of paying debts contracted, and obtaining forbearance, although these representations are untrue, are no ground of remand, if the Insolvent believed he would have the means of payment.

The insolvent was a farmer in the county Meath. He was opposed by *Kernan*, Q.C., on the part of the Hibernian Bank, on the ground of his having made false representations with regard to the amount of a fund in the Court of Chancery, to which he said he was entitled in an administration suit, and which would be sufficient to pay all his debts.

Goodman, solicitor, opposed on his own behalf on the same grounds.

Kernan stated that the bank had cashed bills for the insolvent exceeding in amount one hundred pounds, on the representation that he was entitled to a much larger sum on foot of an administration suit, and that he would pay them what he owed out of it. Now the fund was there, or it was not. If it were not there, he contracted the debt and obtained forbearance by false representations; if it were there, and that he got it, and did not pay the debt out of it, he was guilty of great fraud. So that whether it was there or not he ought to be punished.

Levy, for the insolvent. There was a fund in the Court of Chancery, but it was much less than the insolvent believed it to be. All he really got was twelve pounds, and he offered the bank £10.

The insolvent was examined, and swore that he believed a large sum would be coming to him, but all he got was twelve pounds.

Judge MILLER said it did not appear that the man knew the statement he made to be untrue. Perhaps he ought to have taken more trouble to ascertain the fact; but the court did not see in this any ground of remand.

The insolvent was discharged.

Solr. for the insolvent, *MacNally*.

Solrs. for the bank, *Kernan* and *Treacy*.

LEGAL APPOINTMENTS.

We have the pleasure to announce that RICHARD OWEN ARMSTRONG, Esq. (a member of the eminent firm of Newtons and Armstrong, solicitors), has received the appointment of Chief Clerk in Chancery—salary, £1,000 a-year.

ALEXANDER BATE, Esq., solicitor, Clerk of the Crown for the town and county of Galway, has been appointed Chief Registrar of the Court of Bankruptcy and Insolvency, in the room of Mr. Cheyne Brady, who retires on a pension of £630 a-year. The salary and emoluments of the office are about £1,000 a-year.

ARTHUR E. KENNEDY, Esq., of Cultra, county Down, late Governor of Vancouver's Island, has been nominated to the Governorship of the West African settlements, comprising Sierra Leone, Gambia, Gold Coast, and Lagos.

REVIEWS OF NEW BOOKS.

The New Practice in Chancery under the Chancery (Ireland) Act, 1867, *and the General Orders, with Forms, Schedule of Fees, References to the analogous English Enactments and Rules, a Collection of Precedents, Table of Contents, and General Index, etc., etc.* By MARK S. O'SHAUGHNESSY, Barrister-at-Law. Dublin: W. B. Kelly, 8, Grafton-street, 1867.

To Mr. O'Shaughnessy, certainly, must be conceded the merit of having been the first to produce the new Chancery Act, with an Index. It was impossible for him to have published his present work at an earlier period, owing to the delay in the promulgation of the General Orders. Mr. O'Shaughnessy, of course, has had the advantage of the work already published, with a similar design. The index is full and satisfactory, and the compiler seems to have spared himself no pains in his effort to give the professions a guide to the new practice. A table is given, exhibiting the sources from which the Irish Act and rules are derived, and a reference is thus facilitated to the English books of practice. Precedents of forms most likely to be frequently required are to be found in the present edition, with head lines so printed as to show the matter contained in each page.

THE LAW STUDENTS' JOURNAL.

Attorneys' Apprentices whose Indentures have been duly Enrolled pursuant to the 29th & 30th Vic. cap., 84, sec. 15.

Date	Name and Abode of Apprentices	Name and Address of Attorney to whom bound
1867 July 9	Standish O'Grady, Rathkeale, Co. Limerick.	David Ferguson, 32, Lower Ormond-quay, Dublin.
„ 23	Richard Rice, Killally, Cork.	J. C. Blake, Marlborough-street. Cork.
Aug. 20	William Stevenson, Ardkill, City of Londodnerry.	William Martin, Ramelton, Co. Donegal.
Sept. 10	Townley B. C. Hardman, Abilene, Co. Dublin.	T. W. Hardman. 22, Bachelors'-walk, Dublin.
Nov. 14	Charles Wm. Meyrick, Blessington, Co. Wicklow.	Bindon Scott, 4, Kildare-street, Dublin.
„ 14	John Charles Ennis, Sea Bank, Kingstown, Co. Dublin.	Edward A. Ennis, Capel-street, Dublin.
„ 14	Hans M'Mordie, Seaford, Co. Dublin.	Wellington Young, 1, Lower Ormond-quay, and Belfast.

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ENGLAND.

NOTES OF ENGLISH DECISIONS.

(From *The Law Times.*)

MISREPRESENTATION IN PROSPECTUS—RESCISSION OF CONTRACT BY ALLOTTEE OF SHARES.—The company, under another name, in 1863, were conveying the intercolonial mails under contracts with the Government of New Zealand. In December, 1863, the company entered into a contract with W., the Colonial Postmaster-General of New Zealand, and who professed to be acting for the Government of New Zealand, for the establishment of a steam-packet service between New Zealand and Great Britain *viâ* Panama. At the time of this contract both W. and the company *bonâ fide* believed that W. was acting within the scope of his authority in making the contract. The New Zealand Government afterwards refused to recognize the contract entered into by W., on the ground that he had no authority to make it. In the meantime, and in consequence of the contract, the directors of the company, acting under powers contained in their articles of association, had convened a meeting, at which it was resolved that the name of the company should be changed, and that new shares should be issued for the purpose of increasing their amount of capital. The directors then issued the following notice: "The directors give notice that they are prepared to receive applications for the new shares, the issue of which was authorized by the special general meeting, in order to enable the company to perform the contract recently entered into with the Government of New Zealand for a monthly mail service between Sydney, New Zealand, and Panama, in correspondence with the R. W. I. mail steamers." K. applied for and obtained an allotment of shares, on which he paid the deposit and two calls, subsequent to which the contract was repudiated by the New Zealand Government. W. not having been authorized, in fact, to make it. K. thereupon claimed to rescind the contract, upon the ground that he had been misled by the prospectus: Held, that an innocent misepresentation does not authorize the rescission of a contract unless it involves a complete difference in substance between the thing bargained for and obtained, and thereby constitutes a failure of consideration, and that in the absence of fraud the company were entitled to judgment: (*Lord Kennedy* v. *The Panama, &c., Company*, 17 L. T. Rep. N. S. 62. C. P.)

FORFEITURE OF SHARES.—The articles of association contained no provision as to a quorum of directors. At a meeting of only two of the six directors some shares were declared to be forfeited for unpaid calls. The forfeiture was held to be valid: (*Re Tavistock Ironworks Company*, 16 L. T. Bep. N. S. 824. M. R.)

BANKRUPTCY LAW REFORM.—A deputation, which had been appointed at the meeting of the Associated Chambers of Commerce, waited upon the Attorney-General for England at the Exchequer Chambers last week, to present him with resolutions which had been passed, to the effect that it was most desirable the Government should bring in a Bankruptcy Bill for England and Ireland similar in its provisions to that of Scotland. Mr. Norwood, M.P., introduced the deputation, and Mr. Lloyd explained the objects which they sought. The Attorney-General said that the Government had under their consideration a bill for the amendment of the Bankruptcy Law.

THE COURTS AND COURT PAPERS.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Valentine Aylmer, charge and discharge.—Trustee of P. J. Blake, from 23rd November.—Paul Dane, from 5th inst.—T. Leslie, consolidate.—Denis M'Carthy, schedule.—Elizabeth Little and another, do.—H. C. T. Saunders, do.

Before the EXAMINER.

John Stanley and others, rental.—L. and R. M'Nulty, take accounts.

Before JUDGE LYNCH.

A. Burke, from 25th November.—A. G. Lefroy, from 2nd inst.—George S. Wybrants, from 5th inst.

Tuesday—Before JUDGE DOBBS.

Patrick Murray and others, schedule.—James A. Deane, from 7th November.—Elizabeth Jones, allocation.—E. G. Nolan, schedule, &c.

Before the EXAMINER.

Thomas W. Grady, rental.—John Hilditch, do.—Richard White, proofs.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

T. Jones—29 lots—Mayo and Sligo—profit rent, £2,800.
J. T. Fuller—1 lot—King's co.—fee—profit rent, £70.
John Taaffe—1 lot—Sligo—life estate—profit rent, £389 13s. 10d.
George Lay and others—2 lots—Tipperary—fee-farm—profit rent, £48 14s.

Wednesday.—Before JUDGE DOBBS.

E. Little, compensation.

Before the EXAMINER.

John Campbell Jones, rental.

Before JUDGE LYNCH.

Elizabeth Pittar, final schedule.—J. Sanders and others, do. R. C. D. Oliver, do.

Before the EXAMINER.

David Mortimer, rental.

Thursday—Before JUDGE DOBBS.

Ismenia O'Connor, schedule.—John Joyce, charge and discharge. — Patrick Rea, allocation.— Richard Bolton, schedule.—Richard Preston, do.—Michael Metcalfe, do.—Charles Moore, do.

Before JUDGE LYNCH.

E. Francis, from 5th inst.

LANDED ESTATES' COURT.

SALES, Nov. 29.

Before the Hon. JUDGE DOBBS.

COUNTY OF DONEGAL.—Estate of Thomas Conolly, Esq., M.P., owner and petitioner.

Lot 1, held under the Church Temporalities Acts, comprising the townlands of Malinmore, Malinbeg, Meenameen, Creenveen, Strathbee; part of Ballard, Cashel, Croaghacullion, Gannen, and Curreen, Cruntycrow, Cashel, Braid, and Braid Rayard, containing 12,818a. 1r. 18p. statute measure, in the barony of Banagh. The sale of this lot was adjourned, the bidding having reached only £8,250.

Lot 2, also held by conveyance under the Church Temporalities Act, comprised 15 townlands, and contained 8,382a. 2r. 34p. statute measure. As only £8,150 was bid for this lot, the sale was adjourned.

The sale of lot 3 was also postponed, as a sufficient sum was not offered.

Lot 4. The lands of Cunlin, Cornahagan, Croughlinmore, and Croughlinbeg, Glenlee, Rushin, and Killybegs, containing 1,378a. 2r. 21p. statute measure; net profit rent, £318 18s. 0¾d.; Government valuation, £562 10s. Sold to Mr. Thos. Buston for £11,550.

Lot 5. The townlands of Meentydon, Meenreagh, Meenarosline, Meenahullilan, Carrickataggart, Stragar, Straleeny, and Townasligo, barony of Banagh, containing 3,359a. 3r. 7p. statute measure. Sold to Mr. Buston at £6,150. Solicitor, *R. Cooper*.

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CITY OF DUBLIN.—Estate of John Meaz, owner; Robert Stuart Currie, petitioner.

The houses and premises 133, 134, 135, 136, and 137, Lower Gloucester-street, and a small house in the rere, held under lease for 999 years; net profit rent, £141 15s. Sold to Mr. John Meaz at £950. Solicitors, *Falkiner and Hone*.

COUNTY OF GALWAY.—Estate of Edmond Joseph Donelan, owner; Wm. M. Donelan, petitioner.

Lot 1. The lands of Spiddal East, in the barony of Moycullen, held in fee-simple, and containing 166a. 1r. 6p.; yearly rent, £57 2s. Sold to Mr. Thomas Higgins at £1,050. The sale of lot 2 was adjourned. Solicitor, *Robert Stephens*.

COUNTY OF SLIGO.—Estate of William Rutledge, owner and petitioner.

Lots 1 and 2. Estates in remainder expectant on determination of the life estate of Margaret M'Munn, aged 37 years, in the lands of Belleville, in the barony of Tireragh, held for lives renewable for ever, containing 439a. 0r. 23p., and producing a yearly rent of £160 4s.; and the estate in remainder expectant on the death of Mrs. Margaret M'Munn, in the lands of Altaris, situate in the barony of Tireragh, held under lease for lives renewable, and containing 143 acres; yearly rent, £49. Both lots were sold subject to one head rent of £36 18s. 5½d. Sold to Mr. Robert M'Munn at £2,150. Solicitor, *Charles Sedley*.

COUNTY OF LOUTH.—Estate of Sir John B. M'Neill, owner; Christopher Domville, petitioner.

Lot 1. The lands of Rath Lower, in the barony of Lower Dundalk, containing 167a. 1r. 15p. statute measure; net annual rent, £176 0s. 10½d.; subject to a head rent of £36 18s. 5½d. Sold to Mr. Robert M'Dowell at £3,525.

Lot 2. Consisting of part of the lands of Ballagan, same barony, containing 135a. 3r. 2p. statute measure, and producing a net annual rental of £48 17s. 5d. Sold by private contract.

Lot 3. Part of the lands of Upper Faughart, in the same barony, containing 106a. 2r. 26p. statute measure, with mansion-house, offices, &c.; net annual rent, £26 7s. 3d. Sold to Mr. West at £353.

Lot 4. The lands of Calfore, same barony, containing 219a. 0r. 31p. statute measure; net annual rent, £524 15s. 6d. Sold to Mr. W. Beatty at £11,000. Solicitors, *Macrory and Co.*

December 3rd.

Before the Hon. Judge LYNCH.

COUNTY OF KILDARE AND CITY OF DUBLIN.—Estate of Walter Stephens Brinkley and others, owners and petitioners.

Lot 1. The lands of Ballyneale and Hybla, in the barony of West Offally and county of Kildare, held in fee, and producing the net profit rent of £378 12s. 11d. Sold to Mr. Spencer for £8,300.

Lot 2. Part of Ballykally, in same barony, containing 390a. 2r. 36p., held in fee, and producing a net profit rent of £270 18s. 9d. Sold to Mr. Spencer at £6,000.

Lot 3. A fee-farm rent of £14 1s., payable out of the lands of Clondown, in same barony. Sold to Mr. Spencer at £410.

Lot 4. Fee-farm rents, amounting to £148 16s. 7d., payable out of plots of ground and premises at Montpelier-hill and adjoining localities, in the city and county of Dublin. Sold to Mr. Brinkley at £1,520.

Lot 5. Ditto, amounting to £57 16s. 9d., payable out of similar premises in same localities. Sold to Mr. Brinkley at £1,000.

Lot 6. Ditto, amounting to £57 16s. 9d., payable out of similar premises. Sold to Mr. Brinkley at £1,320.

Lot 7. Plots of ground situate at Montpelier-hill, on which the Ordnance stores and several dwelling-houses have been built, containing 1a. 3r. 33p., held in fee-farm, and producing the yearly rent of £125 9s. 5d. Sold to Mr. Brinkley at £1,520.

Lot 8. Plots of ground on the north side of Montpelier-hill, on which several dwelling-houses have been built, and a fee-farm rent, payable out of plots of ground and dwelling-houses in Parkgate-street, producing a net yearly return of £89 8s. Sold to Mr. Brinkley at £1,400. Solicitor, *John Litton*.

COURT OF BANKRUPTCY AND INSOLVENCY.

HILARY SESSIONS, 1868.

Courts for the Hearing of Petitions of Insolvency will be held on the days named before the Chairmen for the respective Counties.

County	Sessions Town	Last Day for Filing	Day of Hearing	County	Sessions Town	Last Day for Filing	Day of Hearing
Down	Downpatrick	Thursday, 12 Dec	Saturday, 28 Dec	Tyrone	Omagh	Thursday, 19 Dec	Saturday, 4 Jan
King's Co.	Tullamore	do	Monday, 30 Dec	Meath	Trim	do	do
Wexford	Wexford	do	do	Waterford	Waterford	do	Monday, 6 Jan
Londonderry	Newtown-limavady	Monday, 16 Dec	Tuesday, 31 Dec	Queen's Co.	Abbeyleix	do	do
Co. of the Town of Drogheda	Drogheda	do	do	Longford	Longford	Monday, 23 Dec	Tuesday, 7 Jan
Cavan	Cavan	do	Thursday, 2 Jan	Carlow	Carlow	do	do
Mayo	Westport	do	do	Kilkenny	Kilkenny	do	do
Kerry	Tralee	do	do	Wicklow	Wicklow	do	Wednesday, 8 Jan
Tipperary, S. R.	Cashel	do	do	Antrim	Belfast	do	do
Galway,	Galway	do	do	Donegal	Lifford	do	Thursday, 9 Jan
Clare	Ennis	Thursday, 19 Dec	Friday, 3 Jan	Leitrim	Carrick-on-Shannon	do	do
Fermanagh	Enniskillen	do	do	Sligo	Sligo	do	do
Kildare	Athy	do	do	Armagh	Armagh	Thursday, 26 Dec	Friday, 10 Jan
Louth	Dundalk	do	do	Limerick	Limerick	do	do
Monaghan	Monaghan	do	do	Tipperary, N. R.	Nenagh	do	do
Roscommon	Roscommon	do	do	Cork	Cork	Thursday, 2 Jan	Monday, 20 Jan
Westmeath	Mullingar	do	do				

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before the CHIEF REGISTRAR.		
Dec. 9	12 o'clock	Michael Curran	Prove debts and vouch	*Findlater & Collins*
"	"	Mathew Drysdale	do.	*Findlater & Collins*
"	"	Arrangement case	do.	*Larkin*
"	"	do.	do.	*Larkin*
"	"	Michael Cleary	do.	*Larkin*
"	"	J. M. Coote	Vouch assignee's account	*Johns, Hewitt, & Johns*
"	"	William Campbell	Reference	*Byrne & Lambert*
"	"	Charles Langford	Prove debts and vouch	*Dodd*
		Tuesday.—Before the COURT.		
Dec. 10	11 o'clock	William Thackaberry	Final examination	*Leachman*
"	"	J. F. Delay	do.	*Sullivan*
"	"	John O'Brien	Composition	*Dodd*
"	"	Michael Green	Sur., prove debts, and choose assignee	*Tinkler*
"	"	Charles Weekes	Composition	*M'Grath*
"	"	Edward Farrar	do.	*Casey & Clay*
"	"	William Irwin	Prove charge	*Larkin*
"	"	Green and King	Examine debtors	*Larkin*
"	"	Thomas Little	Audit and dividend	*Molloy & Watson*
"	"	Edward Power	do.	*Larkin*
"	"	Thomas Eckford	do.	*Larkin*
"	"	John Tate	do.	*Lynch*
"	"	Barfoot and Shaw	do.	*Lynch*
"	"	William Scott	do.	*Lynch*
"	"	Robert Sparrow	do.	*D. & T. Fitzgerald*
"	"	James Thornton	Sale	*Tisdall & Twibill*
"	"	Arrangement case	1st sitting	*Casey & Clay*
"	"	do.	do.	*Boughey*
"	"	do.	do.	*Perry*
		Before CHIEF REGISTRAR.		
"	12 o'clock	William Lunham	Proof of debts	*Benner*
"	"	Arrangement case	do.	*Goff*
"	"	E. Groarke	Costs	*Molloy & Watson*
		Thursday.—Before the COURT.		
Dec. 12	11 o'clock	Peter M'Caul	Charge and discharge	*Tisdall & Twibill*
		Before the CHIEF REGISTRAR.		
"	12 o'clock	J. J. Farrell	Prove debts and vouch	*Morgan*
"	"	Patrick Coffey	do.	*Molloy & Watson*
"	"	M. J. M. and A. Scott	do.	*Dodd*
		Friday.—Before the COURT.		
Dec. 13	11 o'clock	Arrangement case	1st sitting	*Casey & Clay*
"	"	do.	do.	*Cleary & Crampton*
"	"	do.	do.	*O'Connell*
"	"	do.	2nd sitting	*Concannon & White*
"	"	do.	1st sitting	*Gerrard*
"	"	Caldwell and Montgomery	Sur., prove debts, and assignee	*Meldon*
"	"	Michael Curran	Audit and dividend	*Findlater & Collins*
"	"	M. Drysdale	do.	*Findlater & Collins*
"	"	Thomas Pettigrew	do.	*Forsythe*
"	"	Robert Parker	do.	*Goff*
"	"	J. M. Coote	do.	*Johns, Hewitt, & Johns*
"	"	John O'Brien	Final examination	*Larkin*
"	"	Richard Barry	do.	*Dennehy*
"	"	James and Michael Murphy	do.	*Findlater & Collins*

BANKRUPTS.

Caldwell, Harriett Elizabeth, and Montgomery, John, of No. 137, Stephen's-green, West, city of Dublin, tea dealers and spirit merchants, trading as "S. M. Caldwell and Company." Petition for arrangement filed October 7, 1867. To sur. Friday, December 13, and Friday, January 3. L. H. Deering, official assignee. *J. D. Meldon & Son*, solrs.

Haines, Edward, of Charleville, co. Cork, tanner. Petition of bankruptcy filed November 16, 1867. L. H. Deering, official assignee. *Beauchamp*, solr.

Certificate Allowed,

November 12.

Soulsby, Edward, of Nassau-place, Dublin, and Stillorgan, co. Dublin, mineral water manufacturer, holding a situation in the Rules Office of the Court of Common Pleas in Ireland, a bankrupt. *Mathews*, solr.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday. Before the CHIEF CLERK,		
Dec. 9	12 o'clock	Hon. Gonville Ffrench	Proof of debts	*Stephens*
"	"	George R. Watts	Adjourned do.	*Oldham*
		Tuesday.		
Dec. 10	12 o'clock	The Rev. Thomas Knox	To tax costs	*Macnally*
"	"	James Dermody	do.	*Bradley*
"	"	William Dillon	do.	*Macnally*
"	"	Joseph Maddock	do.	*Riddick*
		Wednesday.—Before the COURT.		
Dec. 11	11 o'clock	James Dermody	Audit and dividend	*Bradley*
"	"	William Dillon	do.	*Macnally*
"	"	Joseph Maddock	do.	*Riddick*
"	"	Rev. Thomas Knox	do.	*Macnally*
"	"	Basil King	To confirm sale	*Perry*
"	"	Morgan John O'Grady	Hearing of petition	*Macnally*
"	"	Thomas Cosgrave	Adjourned do.	*Parsons*
"	"	Thomas Hugh Craig	" do.	*Rynd*
"	"	Peter Lynch	" do.	*M'Kenna*
"	"	Hugh Lyons Montgomery	" do.	*Graves*
"	"	James Smith	" do.	*Casey & Clay*
"	"	Edward M'Namara Daniel	" do.	*Macnally*
"	"	Nathaniel Alexander Hamilton	" do.	*Walsh*
		Friday.		
Dec. 13	12 o'clock	———	For bail motions only	———
		Saturday. Before the CHIEF CLERK.		
Dec. 14	12 o'clock	George R. Watts	To vouch account	*Oldham*
"	"	John Risley	do.	*Oldham*
"	"	Martin Crean	do.	*Macnally*

CASES DISPOSED OF.

Wednesday, December 4, 1867.

Before JUDGE MILLER.

Burke, Catherine Winifred. Adjourned to 18th Dec. inst.
Cullen, John. Do. do.
Davies, Robert Hedges Eyre. Discharged.
Hamilton, Nathaniel Alexander. Adjourned to 11th Dec. inst.
Jenkinson, Thomas. Discharged.
Keogh, Martin Joseph. Do.
Pearson, John Odlum. Remanded for twelve months, from 23rd October, 1867, at suit of Alexander Wright and Robert Stanley, creditors.
Warren, Catherine. Adjourned to 18th December inst.
Wilson, Henry. Adjourned to 4th March, 1868.

Friday, December 6.
Before JUDGE BERWICK.

Magee, James Lucien. Discharged. £30 a-year out of the Insolvent's salary is allocated for payment of creditors.

INSOLVENTS DISCHARGED ON BAIL.

Broderick, Timothy, Dublin, dealer in edge tools.
Ferris, Wm. Robert, Belfast, photographer.
Harrison, Hugh, co. Monaghan, farmer.
Hore, Justin, co. Cork, dealer in horses.
Scanlan, Patrick, Limerick, clerk and farmer.

INSOLVENTS.

To be heard in Dublin.

Broderick, Timothy, of Cork-hill, Dublin, dealer in edged tools. Hearing on Wednesday, December 18, at 11. *Rynd*, solr.

Fetherstone, John Joseph, of Anglesea-street, previously of Crampton-quay, formerly of Aston's-quay, Dublin, engraver and dealer in fancy articles, arrested as "John J. Fetherstone." Hearing on Wednesday, December 18, at 11. *Rynd*, solr.

Keough, Edward, of 14, Winetavern-street, Dublin, also of 55 and 56, Cook-street, Dublin, labourer, in employment of the Dublin Corporation. Hearing on Wednesday, December 18, at 11. *Rynd*, solr.

To be heard in the Country.

Buchanan, George, of Cavan, county Cavan, carpenter. Hearing at Cavan, January 2, at 2 o'clock. *Rynd*, solr.

Fulton, Joseph, of Aughnacloy, county Tyrone, watchmaker; previously watchmaker and farmer. Hearing at Omagh, January 4, at 10 o'clock. *Moore*, solr.

Grace, Catherine, of Nenagh, county Tipperary, widow, dealer and publican. Hearing at Nenagh, January 10, at 11 o'clock. *Kilkelly*, solr.

Greene, Honora, of Abbeyleix, Queen's County, widow. Hearing at Abbeyleix, January 6, at 10 o'clock. *Rot.* solr.

Maguire, John, of Monaghan, county Monaghan, butcher and farmer. Hearing at Monaghan, January 3, at 10 o'clock. *Wright*, solr.

M'Kenna, William, of Gorey, county Tyrone, labourer. Hearing at Omagh, January 4, at 10 o'clock. *Moore*, solr.

PETITION OF INSOLVENCY FILED.

November 29.

Against Byrne, James, of Lower Rutland-street, Dublin, cabinetmaker—a prisoner for debt in the Four Courts Marshalsea. *Macnally*, solicitor for petitioning creditors.

PAUPER DECLARATION FILED.

December 2, 1867.

By Dillon, Thomas, detained by John Jameson, Henry Pim, James Jameson, Andrew Jameson, and Henry Jameson. *Fitzgerald*, solicitor for creditors.

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LEGAL POSTING:

LANDED ESTATES' COURT, IRELAND.

GENERAL NOTICE TO CLAIMANTS.

In the Matter of the Estate of Kate Rosalind Day, Elizabeth H. Carter, Elizabeth F. Barnes, Rev. Edward Rigby Beevor, Thomas Beevor, Henry E. Baley, and Thomas Bridges, or some or one of them.
Owners;
Ex-parte,
Rev. Joseph Wm. Hardman and Wm Fitzwilliam Carter,
Petitioners.

THE Court having Ordered a Sale of the Lands of Violetstown, otherwise Vilanstown, situate in the Barony of Fartullagh, and County of Westmeath, held under Lease dated the 6th day of October, 1721, for lives renewable for ever, all parties objecting to a Sale of the said Lands, are hereby required to take Notice of such Order. And all persons having claims thereon, may file such claims, duly verified, with the Clerk of the Records.

Dated this 29th day of November, 1867.
C. E. DOBBS, Examiner.

ALEXANDER D. KENNEDY, Solicitor having carriage of the Proceedings, 67, Upper Sackville-street, Dublin.

THE SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND.
(Incorporated by Royal Charter).

A General Meeting of this Society, pursuant to adjournment, will be held at the SOLICITORS' HALL, FOUR COURTS, DUBLIN, on TUESDAY, the 10th of DECEMBER, instant, to receive the Report of the Scrutineers of the Ballot, and transact other business. The Chair to be taken at Two o'clock precisely.
By Order, JOHN H. GODDARD, *Secretary.*

Solicitors' Buildings, Four Courts, Dublin,
3rd December, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 46.] SATURDAY, DECEMBER 14, 1867. {Single Copy, 6d. By Post, 7d.}

THE Incorporated Law Society has held its usual half-yearly meeting, and the report there adopted was published in the LAW TIMES. The Report of the Council considered each subject of interest to the Attorneys and Solicitors of Ireland which had presented itself during the previous six months—the different Acts that had been passed during the last Session, relating exclusively to the legal profession, and the various Bills, both those in anticipation and those in progress through the Houses of Parliament, as well as matters of more particular interest, such as the education of apprentices—and the statements of their Report were highly satisfactory to the profession, and a conclusive proof of the vast benefits derived by the solicitors throughout Ireland from the exertions of the Council of the Incorporated Law Society in reference to every matter touching the affairs of the profession at large. There were one or two matters touched on in the Report which unfortunately have not resulted so favourably for the interest of the profession as could have been wished. The Certificate Duty Bill, notwithstanding the exertions of the Hon. George Denman, who undertook its carriage through the House of Commons, was thrown out on the third reading, from the reason, as stated in the Report, that the Bill came on for third reading on the 2nd of July, and the Government having the advantage of a thin house, succeeded, on a division, in defeating the Bill. The unjustness of the Certificate Duty has already been proved satisfactorily to the profession and the public, so that it is unnecessary for us to enlarge upon it now, suffice it to say that the profession are aware of the truth of the maxim *l'union fait la force*, and that we do not despair of their being successful in their next effort to carry the Bill through Parliament, provided that every one interested through the United Kingdom will use his utmost exertion for the purpose. There is another matter referred to in the Report as pending between the Benchers of the Honourable Society of King's Inns and the Incorporated Law Society, with reference to the Solicitors' Buildings, which, we trust, may be soon settled to the satisfaction of both parties.

The next subject mentioned in the Report, is THE IRISH LAW TIMES AND SOLICITORS' JOURNAL, which was commenced in February last, under the sanction of the Incorporated Law Society, having for its object the establishment of a newspaper entirely devoted to matters of interest to both branches of the legal profession in Ireland; and the proprietors and managers of this publication cannot but feel flattered at the complimentary reference made to it in the Report, and at the very large amount of support and encouragement which it has received, not only from the legal profession, including the Bench, the Bar, and the Solicitors of Ireland, but also from the mercantile public and contemporary press. In England and Scotland the legal profession has long had its own organs to discuss, and recommend any projects which appeared necessary or useful, for the advantage of its members, and not a few of the minor abuses in the practice of the law which come more under the notice of the practising barristers and solicitors than of the Houses of Parliament, have been remedied from the discussion received in the columns of the legal papers. The other learned professions in Ireland had already mediums for communicating the opinions of their several members on interesting subjects to each other, and a feeling was expressed by many members of both branches of the legal profession, that the most influential body of men in Ireland, as the lawyers undoubtedly are, should no longer be without such a publication, especially at the present time "when new powers and privileges of vast extent and importance have been, by a recent legislative enactment, conferred on the representatives of the general body of attorneys and solicitors of this country." In the first number of this

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Journal the managers published the plan they purposed to adopt in carrying it on—viz., to supply early and authentic information, obtained from the most authentic *official* sources, as to the particulars and progress of the various matters pending in the several courts and offices, besides the earliest intimation of any circumstance connected with such proceedings which may be of general interest and importance. And this information is not intended to be limited to a mere list of names and cases, as an arrangement has been effected under the sanction of the Council of Law Reporting in Ireland, with the gentlemen of the Bar now engaged in reporting for that body in the several courts of law and equity, by which the subscribers to this journal will be furnished with short notes of current decisions in the shape of weekly notes, which will be found by both branches of the profession to form a most useful supplement to the Irish Law Reports. . . . In each number will also be given, so far as same may have been fixed for the ensuing week, the business of the Courts, especially of the Landed Estates' Courts and the Court of Bankruptcy and Insolvency. How thoroughly this plan has been worked out, and how well the exertions of the proprietors of this paper have been appreciated, are proved by the interest which is already felt in its publication, and the support granted to it by the legal profession, as well as by the extensive circulation which it has already acquired.

Leading articles have been furnished at various times by eminent members of the Bar, and by solicitors on points of practice coming within the range of their functions. Various questions relating to the Civil Bill Courts, the Record of Title, and to the working of the Acts lately introduced, have been discussed, and the "Notes of Cases" are carefully revised for each weekly publication. The following are the words of the Report of the Council of the Incorporated Law Society in reference to the IRISH LAW TIMES:—"The want of such a publication had long been felt, and its value speedily became apparent in the character of its articles and the accuracy of its details. The proprietors of this journal have stated their intention to publish an index of all postings therein, which will greatly facilitate reference. Your Council, feeling that it would be an advantage to have some one publication in which all legal postings might be found, forwarded memorials to the Judges of the Landed Estates' Court, and of the Bankrupt and Insolvent Court, as well as to the Masters in Chancery, seeking to have a general order made that all such postings should be inserted, once at least, in this journal;" and the judges have expressed their willingness to sanction the insertion of all postings which may be asked for by solicitors in this paper. Perhaps the most successful result of the autonomy of the solicitors is evidenced in the high standard of education which is called for, and already attained, at the examinations, preliminary and final, of apprentices; we have already treated of the subject, and shown what important advantages, to the apprentices themselves, and the public, who are necessarily interested in the efficiency of their legal advisers, have resulted from the institution of these examinations, and the excellent manner in which the system has been carried out.

THE INCORPORATED SOCIETY OF ATTORNEYS AND SOLICITORS.

An adjourned meeting of the Incorporated Society of Attorneys and Solicitors was held on Tuesday in the Solicitors' Buildings, Four Courts, to receive the announcement of the result of the ballot for members of the council for the ensuing year. The chair was occupied by

Mr. BARLOW, Vice-President.

The following gentlemen were present:—

William J. Cooper, Thomas Crozier, Arthur C. Crookshank, George Crozier, William Croker, Henry Thomas Dix, William W. Dwyer, Robert Eames, George D. Fottrell, Wm. Fitzsimons, John F. Goodman, Joseph Galloway, John T. Hinds, Arthur Molloy, Henry S. Mecredy, Wm. Read, Edward Reeves, Vice President; William Roche, Richard Scott, George William Shannon, Robert Sheil, Patrick Taaffe, George Twibill, H. J. P. West, and John M. Williamson.

The secretary, Mr. Goddard, stated that the following gentlemen had been elected:—

Richard J. T. Orpen, Arthur Barlow, William Roche, George Beamish, Robert J. T. Macrory, Edward Reeves, William Read, John H. Nunn, Graves C. Collis, Henry Thomas Dix, William Findlater, Vesey Daly, Matthew Anderson, John F. Goodman, Arthur Molloy, John T. Hinds, David Fitzgerald, Henry A. Dillon, John M. Williamson, Edward T. Stapleton, Henry J. P. West, Edward G. Foley, Edward L. Alma, William J. Cooper, Thomas T. Mecredy, Arthur Ellis, Sydenham Davis, Thos. Geoghegan, Charles Kernan, Thomas Crozier, Patrick J. Kelly.

The following gentlemen were also elected as supernumeraries to fill vacancies which may occur during the year:—

Richard O. Armstrong, Keith Hallowes, Samuel F. Adair, Frederick Sutton, Croker Barrington, Robert Eames, Edward De Moleyns, Archibald H. Goddard, Benjamin Whitney, John M. Cantwell.

Mr. Shannon called attention to the fact that the present system of voting was such as to insure the re-election every year of the same members, and observed that though the gentlemen who composed the council were in every respect qualified to fill the position, the principle was a bad one; and it would conduce more to the interests of their profession if new blood were infused into the council each year (hear, hear). He therefore gave notice that at the next half-yearly meeting he would bring forward the following motion:—"We are of opinion that the present system of electing the 31 members of the council of the Law Society is not satisfactory, as in practice it continues the same individuals from year to year; and we are of opinion that each voter should be limited to 21 members of the outgoing council, with 10 members of the Law Society, so that the incoming council shall consist of 21 members of the old council having the highest number of votes, with 10 new members having the highest number of votes."

Mr. Reeves was then called to the second chair, and a vote of thanks having been passed to Mr. Barlow, the proceedings terminated.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

PERCY v. PERCY.

Nov. 30; Dec. 3.—*Practice—Cause Petition—Guardian ad litem for minor Respondent—Jurisdiction of Master under the Court of Chancery (Ireland) Regulation Act*, 1850.

The cause petition in this matter was filed before the first day of Michaelmas Term, 1867, when the Chancery (Ireland) Act, 1867, came into operation. One of the parties, respondent, was a minor, and an application was made to Master Litton, under the 8th section of the Court of Chancery (Ireland) Regulation Act, 1850, for the appointment of a guardian *ad litem*. Master Litton having a doubt as to his jurisdiction to appoint a guardian, consulted Master Murphy, who was of opinion that the Court of Chancery (Ireland) Regulation Act, 1850, having been repealed from the first day of Michaelmas Term, 1867, the Masters had no longer power to appoint a guardian *ad litem*. Master Brooke, who was also consulted by Master Litton, was of the contrary opinion. Under these circumstances the Masters requested that His Honour's opinion should be asked.

Bewley accordingly now mentioned the matter.

Dec. 4.—His HONOUR said that he had considered the question on which his opinion had been asked, and he was clearly of opinion with Master Brooke that the Masters had jurisdiction to appoint guardians *ad litem* for minor respondents, in suits commenced by cause petition before the first day of last Michaelmas Term. The 175th section of the Chancery (Ireland) Act, 1867, appeared to him to remove all difficulty. He had had an opportunity of consulting the Lord Chancellor on the subject, and his Lordship concurred with him.

VICE-CHANCELLOR'S COURT.

Reported by WM. BARLOW, Esq., Barrister-at-law.

FITZGERALD v. LONERGAN.

Dec. 6th.—*Injunction to restrain Transfer of Shares of Administrator.*

Gibson, on behalf of the plaintiffs, moved, under the Chancery (Ireland) Act, 1867, sec. 170, to restrain the Provincial Bank of Ireland, and the Waterford and Limerick Railway Company respectively, from permitting the transfer of certain shares, which had belonged to an intestate, John Vincent Lonergan, whose administrator the defendant, Stephen Lonergan, is.

One of the plaintiffs, wife of the other, was sister of the intestate, and claimed a distributive share of the intestate's property. It was stated in the affidavit that the intestate died in July, 1864, and that the defendant, having obtained letters of administration, caused the shares in question, with others, to be transferred into his own name; that unsuccessful attempts had been made to procure payment of their distributive share to the plaintiffs or their trustees; that on the 19th Nov., 1867, the defendant sold all his furniture in his house at Clonmel; and the affidavit charged that he was about to leave Ireland with all the available assets of the intestate, without accounting for, or making any payment on account of them.

An administration summons against the defendant had been taken out.

Counsel contended that the order sought should be absolute in the first instance.

His HONOUR granted an absolute order, and directed that it should be served on the defendant personally within two days.

Solicitor for the petitioners, *George Bolton*.

COURT OF QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

Before FITZGERALD, J.

BLAKE v. BLAKE.

Nov. 16.—*Security for Costs—Ejectment on the Title.*

Oliver Burke (with him *Blake*, Q.C.), for the defendant served, applied for security for costs, the plaintiff residing out of the jurisdiction. The action was one of ejectment on the title.

Crampton, for the plaintiff, opposed the motion. The summons and plaint was served in March, and it was contended that the motion now came too late, and should have been made before the time for pleading had expired. It appeared, however, that the writ had not been filed until July, and that notice of the filing had been served not on the defendant personally, but upon his solicitor, who, however, was not his attorney on the record, no defence having been filed.

The COURT granted the motion.

Attorney for the plaintiff, *Matthew Brown*.

Attorney for the defendant, *E. Stapleton*.

Before the FULL COURT.

THE QUEEN AT THE PROSECUTION OF THE IRISH SOCIETY v. THE BOARD OF WORKS.

Nov. 21, 25.—*Prohibition—Fishery—Oyster and Mussel Fishery (Ireland) Act*, 1866.

Notice to show cause against a conditional order for a prohibition to prevent the defendants from granting a license to fish for oysters in Lough Foyle. The Commissioners of Public Works had held an inquiry under the Oyster and Mussel Fishery (Ireland) Act, 1866; and the Irish Society had obtained a conditional order for restraining them from granting a license, upon the grounds that they, the Irish Society, had a several fishery for oysters in the *locus in quo*. As to this there was conflicting evidence; and the Commissioners relied on the fact that by the Act an appeal was given to the Privy Council, as a ground why the prohibition should not go.

Joy, Q.C., *May*, Q.C., and *Dames*, for the Board of Works.

Sullivan, Q.C., and *M'Causland*, Q.C., for the Irish Society.

The COURT, deciding nothing as to the several fishery, made the order absolute.

Solicitor for the Board of Works, *A. E. M'Clintock*.

Solicitor for the Irish Society, *Hugh Lane*.

THE QUEEN v. RAMSAY.

Nov. 25.—*Warrant—Conviction—Habeas Corpus—Proceedings upon a Sunday.*

Motion to make absolute an order for a *Habeas Corpus* to the Sheriff of the County of Cork to bring up the body of the prisoner, who was confined in the gaol of that county. The informations under which the prisoner had been arrested, the warrant for his arrest, his trial, conviction, and sentence, the warrant of commitment and the commitment itself, which was, that in default of finding sureties for good behaviour,

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he should be imprisoned for twelve months, all took place upon a Sunday.

Serjeant Barry and *O'Brien*, for the prisoner.

Macdonagh, Q.C., and *Leslie*, Q.C., *contra.*

The COURT made the order absolute, and the prisoner was subsequently brought up and discharged.

Attorney for the prisoner, *F. Noonan.*

Attorney for the prosecutor, *T. Wright.*

COURT OF COMMON PLEAS.

Reported by W. GRIFFIN, Esq., Barrister-at-law.

Coram MONAHAN, C.J., and O'HAGAN, J.

MAGUIRE *v.* O'CONNOR.

Nov. 7.—*Taxation of Costs between Attorney and Client when paid under consent by a third party submitting to a verdict.*

This was a motion involving, amongst other matters, a question as to the amount of costs due by the plaintiff to his attorney in the case of Maguire *v.* O'Connor, in which the defendaut had submitted to a verdict, and paid costs between attorney and client.

The plaintiff's attorney alleged that he was entitled, as against his client, to a larger sum for costs in that action than Master Colles had taxed against the defendant under the consent for judgment, as Master Colles in such a case should not tax certain costs when they were to be paid by a third party, though he would if they were to be paid by the client.

Master COLLES having been referred to, said he had taxed the costs upon an intermediate scale, that is, intermediate between party and party, and that which he would allow if taxing the costs of the attorney against his own client. The principle of the intermediate scale which he applied to such taxation when the costs were to be paid by a third party was, that a client may wish things to be done which put his attorney to a great deal of unnecessary expense and trouble, but which the client may insist upon having done, which accordingly it was quite right he should pay for; but when a third party was to pay costs between attorney and client he did not tax them.

MONAHAN, C.J.—The costs having been taxed against the defendant in Maguire and O'Connor, on the principle explained by Master Colles, which seems quite right, must now go back to be taxed again as between Mr. Maguire and his attorney.

For support of motion, *Burke*, Q.C., and *Levy.*

Attorney, *J. H. Ramsay.*

Against motion, *P. Keogh.*

Attorney, *Hunter.*

COURT OF EXCHEQUER.

Reported by R. R. KANE, Esq., Barrister-at-law.

KELLY *v.* FALLS.

Nov. 4.—*Abuse of Process—Action brought in Contravention of a Judge's Order — Staying Proceedings on Motion.*

A judgment in ejectment for non-payment of rent was recovered by one Black against one Francis Kelly, on the 20th May, 1867. The *habere* was not issued until the 14th June. Francis Kelly abandoned the premises in July, and his brother, Peter Kelly, took possession, claiming an interest in the lands, and put in some goods. The *habere* was, however, executed upon the 27th August, and Kelly's goods removed. On September 20th, Peter moved before Morris, J., in Chamber, that the judgment and *habere* might be set aside, as he had an interest in the lands, and had not been served. By consent an order was made upon the motion that Peter Kelly should be put into possession of the lands, he "undertaking not to bring any action." He afterwards brought an action against the present defendant, who was Black's attorney in the ejectment, for the conversion and detention of the goods which were removed from the premises in the execution of the *habere.*

The defendant now moved to have this action stayed, as being an abuse of the process of the Court, and brought in disregard of the order of Morris, J. The defendant's affidavit set out the facts as above, and stated his belief that the plaintiff had got back his goods.

Dowse, Q.C., and *Byrne*, in support of the motion.

P. Keogh, for the plaintiff *contra.*

The COURT (FITZGERALD and DEASY, B.B.) granted the motion with costs, holding that the order referred to any action arising out of the transaction, and protected Black's attorney as well as himself.

E. H. Hunter, plaintiff's attorney.

H. Falls, defendant in person.

GARROD *v.* SMYTH.

Nov. 8.—*Practice—Security for Costs—Particulars within the knowledge of Defendant—Sufficiency of Affidavit.*

Motion for security for costs. The action was for goods sold and delivered. The affidavit of the defendant, in support of the motion, stated that he had a good defence upon the merits, except as to a small amount which he was willing to bring into Court, because he was entitled to credit for empty casks when returned, and for freight which he had paid; but that he could not tell how much those credits amounted to without further particulars from the plaintiff, and that he had served a notice of motion for the further particulars.

P. Keogh, in support of the motion.

Hamill, for the plaintiff *contra.*

DEASY, B., refused the motion on the ground that the settled practice of the Exchequer required the nature of the defence to be stated with sufficient certainty to show that there was really a question to be tried, and that here the defendant said that he could not tell how much of the plaintiff's claim he had a defence to until he got from the plaintiff particulars, which were more within his own knowledge than within that of the plaintiff.

C. Pickering & Son, attorneys for the plaintiff.

W. Moorhead, attorney for the defendant.

CONSOLIDATED CHAMBER.

Reported by J. L. WHITTLE, Esq., Barrister-at-law.

MURPHY *v.* RYAN.

Practice—Pleading.

This was an action by the plaintiff, as trustee of a public company, a previous action against the same defendant and for the same cause of action had been brought by another trustee, and a rule to discontinue entered on the 4th January. The writ in this second action was issued on the 7th January. The costs of the first action were not paid till the 25th January, when the rule to discontinue took effect. Defendant, in April, obtained, on two different occasions, on *ex parte* application to the Court, extensions of time to plead, and finally pleaded another action pending *at the time of the issuing of the writ.*

Vereker now moved to set aside this plea, as it should have gone on to state that first action was now pending.

P. Keogh, in support of the plea. [KEOGH, J.—Did you tell the Court, when you got time to plead, that you

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intended to plead a dilatory plea?] I was not the counsel who obtained leave to plead, and know nothing about it.

KEOGH, J.—The defendant's attorney must have been in Court. I should have seen that the Court received intimation of this purpose. Without deciding on the form of the plea, I shall set it aside with costs. Costs not to be recoverable by defendant's attorney against his client.

Attorney for plaintiff, *W. M. M'Cay.*
Attorney for defendant, *Edward H. Hunter.*

NEW CHANCERY PRACTICE.

VICE-CHANCELLOR'S CHAMBER.

DYER *v.* DYER.

Practice—As to Affidavits in support of Administrator's Summonses.

This was an administration summons issued by a legatee requiring the executor to account.

Campion, counsel for plaintiff, stated the case, and was about to open an affidavit in support, when *Dix*, solicitor, objected, on behalf of the defendant, to the affidavit being read, inasmuch as no notice of it had been served, and relied on the 216th General Order, which directs that "the party intending to use any affidavit on any proceeding in Chambers shall give notice to the other parties concerning his intention in that behalf," and contended that notice of the affidavit might have been served with the copy summons, and that such was the usual practice in England.

Campion stated that the plaintiff's solicitor believed, from inquiries he had made in the office of the court, that such notice was not necessary, and relied on the form of the order for administration contained in schedule to the statute as showing that no affidavit of facts was necessary.

The VICE-CHANCELLOR held that under the 216th Order notice was absolutely necessary, and refused to allow the affidavit to be read, but said that he would assume that the plaintiff was entitled, as stated in summons, to require an account of the personal estate from the defendant in the absence of any cause shown to the contrary.

Dix was about to read an affidavit filed as cause, when *Campion* objected, the affidavit having been only filed on the previous day.

The VICE-CHANCELLOR therefore granted an adjournment of the case till next Term, giving the plaintiff a week to file further affidavits, and the defendant one week to reply to it.

Solicitor for plaintiff, *Mathew Parker.*
Solicitor for defendant, *Thomas C. Butler.*

DEATH OF W. W. BRERETON, ESQ., Q.C.

The public will learn with regret that Wm. Westropp Brereton, Esq., Q.C., the Chairman for the County of Galway, died yesterday. Called to the Bar about 32 years ago, to the Inner Bar in 1852, and raised to the Quarter Sessions Bench in 1858, he has always been, both as an advocate and in his judicial capacity, very popular with the public, especially the professional portion of it. The appointment, now vacant by his decease, is worth £1,000 a-year.

THE COURTS AND COURT PAPERS.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Paul Deane, from 9th inst.—H. Saunders, allocation.—D. M'Carthy, do.—Rev. L. Clutterbuck, from 12th inst.

Before the EXAMINER.

Michael Metcalf, proofs.—James Young, do.—Richard Bolton, do.—C. Moore, do.—R. R. Carey, rental.—Assignees of Henry Tenison, to draw lots.

Before JUDGE LYNCH.

John Montgomery and another, to sanction building lease.—S. Quinn, from 2nd inst.—A. Burke, from 25th Nov.—W. Stewart, on title.

SALE IN BELFAST.

A. Gaffikin—4 lots—Belfast—leases and fee—profit rent, £407 19s. 3d.

Tuesday—Before JUDGE DOBBS.

Patrick Murray, allocation.—Michael Metcalf, from 12th inst.—Wm. Thompson, fix day for sale.—Patrick Murray, allocation.

Before the EXAMINER.

James A. R. Mackey, schedule.—Charles Pratt and others, rental.—Trustee of Rev. C. Smith, do.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

J. W. Dickinson—21 lots—Down—fee—profit rent, £797.

E. Smallman—9 lots—Roscommon—fee.

M. Mullally—1 lot—life estate—profit rent, £37 10s. 3d.

Wednesday.—Before JUDGE LYNCH.

A. Gaffikin, confirm sale.—Thomas P. Coppinger, from 12th inst.

Before the EXAMINER.

Eleanor Langson, rental.—Trustees of Rev. Richard Woodward, do.—D. Mortimer, do.—E. Pittar and others, to vouch—D. L. Lewis, re-entry.

Before the EXAMINER to JUDGE DOBBS.

Trustees of R. Keshan, rental.

Thursday—Before JUDGE DOBBS.

John Joyce, allocation.—Michael Metcalfe, do.—James Young, do.—R. Bolton, do.—Richard Preston, do.—Charles Moore, do.

Friday.—Before the EXAMINER to JUDGE DOBBS.

J. G. Kelly, rental.

LANDED ESTATES' COURT.

SALES, Dec. 10.

Before the Hon. JUDGE LYNCH.

COUNTY OF SLIGO.—Estate of John Taaffe, owner; John Nolan, petitioner.

The life estate of the owner, aged about 50 years, in the lands known as Glaneask estate, containing 5,756a. 3r. 20p. statute measure, in the barony of Liney; the lands of Tramore, held under a lease for three lives, one of which is in being; and the lands of Drumraine, held under lease for 800 years, in the barony of Corran. Sale adjourned, biddings having only reached £2,000. Solicitors, *Murdock Green and Co.*

KING'S COUNTY.—Estate of Joseph Thomas Fuller, owner; Luke Clarke Hughes, petitioner.

The life estate of the owner in the lands of Woodfield, otherwise Curraghboy, with dwelling-house, garden, &c., containing 624a. 3r. 23p. statute measure, in the barony of Kilcoursey. Sold to Mr. J. C. Julian, of Drumbane, Birr, for £620. Solicitor, *John Julian.*

COUNTY TIPPERARY.—Estate of George and Anne Lay, owners; Alexander and Fanny Miller and James Shortt, petitioners.

Lot 1. Houses and premises adjoining the town of Nenagh, held under lease for lives renewable for ever; net annual rent, £11 9s. 3d.; ordnance valuation, £64 10s. Sold to Dr. Smith for £185.

Lot 2. Other houses and premises at Nenagh, held under leases for lives renewable for ever; net yearly rent, £37 4s. 8½d.; Ordnance valuation, £70 15s. Sold to Mr. James Jocelyn Poe, Riverston, Nenagh, for £490. Solicitor, *Francis Kiernan.*

COUNTIES OF SLIGO AND MAYO.—Estate of Thomas Jones, owner and petitioner.

Lot 1. Part of the lands of Culleens, barony of Tireragh, and county of Sligo, which are held in fee, containing 192a. 3r. 28p. statute measure; net annual profit rent, £91 12s. 10d; tenement valuation, £87 10s. Sold to Mr. Robert Paget Burke, of Ballina, in trust, for £1,460.

Lot 2. Other part of the same lands, containing 172a. 2r. 8p. statute measure, annual profit rent, £67 7s. 10d.; tenement valuation, £68 5s. Sold to Mr. Henry Lyons, of Sligo, for £1,240.

Lot 3. Other part of same lands, containing 70a. 3r. 36p.

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statute measure; profit rent, £38 5s. 4d. Sold to Mr. Robert O. Longfield for £700, in trust, for the owner.

Lot 4. Other part of the same lands, containing 116a. 2r. 38p. statute measure; profit rent, £60 16s. 5d. Sold to Mr. R. P. Burke, in trust, at £1,000.

Lot 5. Part of same lands, containing 117a. 2r. 23p.; rent, £67 13s. Sold to Mr. R. P. Burke, in trust, at £1,200.

Lot 6. Part of same lands, containing 178a. 3r. 26p.; rent, £62 0s. 4d. Sold to Mr. R. P. Burke, in trust, at £1,000.

Lot 7. Part of same lands, containing 230a. 0r. 34p.; rent, £9 15s. 7d. Sold to Mr. R. P. Burke, in trust, at £1,400.

Lot 8. Part of same lands, containing 372a. 2r. 2p.; rent, £72 15s. 8d. Sold to Mr. Harper Campbell, of Sligo, for £1,445.

Lot 9. Part of same lands, containing 372a. 2r. 6p.; rent, £41 12s. 6d. Sold to Mr. H. Campbell at £1,000.

Lot 10. Part of the lands of Lackanatlieve, in the barony of Tireragh, and county of Sligo, which are held in fee, containing 192a. 2r. 1p. statute measure; rent, £81 7s. 7d. Sold to Mr. Henry Lyons, of Sligo, for £1,710.

Lot 11. Part of same lands, containing 332a. 2r. 3p.; rent, £113 3s. 10d. Sold to Mr. H. Campbell at £2,000.

Lot 12. Part of the lands of Frankford, barony of Tireragh, and county of Sligo, which are held in fee, containing 216a. 3r. 2p.; rent, £100 19s. 4d. Sold to Mr. Harper Campbell for £1,700.

Lot 13. Part of same lands, containing 348a. 1r. 17p.; rent, £111 8s. 9d. Sold to Mr. H. Campbell for £1,855.

Lot 14. Lands of Drinaghanmore, same barony and county, also held in fee, containing 205a. 3r. 31p.; rent, £73 0s. 4d. Sold to Mr. John Irwin for £1,340.

Lot 15. The lands of the Abbey of Moyne, barony of Tyrawley, county of Mayo, held for residue of 999 years, containing 40a. 1r. 30p.; rent, £21. Sold to Colonel Gore for £400.

Lot 16. The lands of Lissanybeg, barony of Corran, county Sligo, held for a residue of 987 years, containing 403a. 1r. 5p.; rent, £235 10s. 8d. Sold to Mr. James Jackson, of Lissanybeg, Collooney, for £4,710.

Lot 17. The lands of Knockanahir, barony of Corran, county of Sligo, held for residue of 987 years, containing 185a. 1r. 16p.; rent, £63. Sold to Mr. Henry Lyons, of Sligo, for £2,275.

Lot 18. Lands of Bearvaish, barony of Corran, county Sligo, held in fee, containing 255a. 3r. 5p.; rent, £183 14s. 8d. Sold to Mr. James Jackson for £3,950.

Lot 19. The lands of Farranmorgan, barony of Tireragh, county of Sligo, held in fee, containing 206a. 0r. 21p.; rent, £23 1s. 6d. Sold to owner for £1,000.

Lot 20. Part of the lands of Rathlee, barony of Tireragh, county of Sligo, held in fee, containing 564a. 3r. 37p.; rent, £488 19s. 4d. Sold to owner for £9,000.

Lot 21. Part of same lands, containing 363a. 0r. 10p.; rent, £174 9s. Sold to owner for £2,000.

Lot 22. The lands of Rahans, barony of Tyrawley, county of Mayo, held in fee, containing 34a. 1r. 9p.; rent, £35 10s. 1d. Sold to owner for £800.

The sale of the seven remaining lots was directed to stand over till further order. Solicitors, *Newtons and Armstrong*.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday. Before the CHIEF REGISTRAR.		
Dec. 16	12 o'clock	John Graham	Proof of debts	*Larkin*
"	"	Charles Langford	do.	*Dodd*
"	"	Edward Power	do.	*Larkin*
"	"	Owen M'Creesh	do.	*Larkin*
"	"	William Nelson	do.	*Larkin*
"	"	Charles Weekes	do.	*Molloy & Watson*
		Tuesday.—Before the COURT.		
Dec. 17	11 o'clock	J. J. Farrell	Audit and dividend	*Morgan*
"	"	Charles Langford	do.	*Dodd*
"	"	M. J. M. and A. Scott	do.	*Dodd*
"	"	Patrick O'Connor	Sur., prove debts, and assignee	*Huggard*
"	"	Arrangement case	1st sitting	*Batt*
"	"	do.	2nd sitting	*Findlater & Collins*
"	"	do.	do.	*Langan*
"	"	do.	do.	*Rynd*
"	"	do.	1st sitting	*Lynch*
"	"	do.	do.	*Larkin*
"	"	Thomas Rothwell	Sale	*Kernan & Tracy*
"	1 o'clock	The Banbridge Extension Railway Company	Motion	*Crawford & Lockhart*
		Before CHIEF REGISTRAR.		
Dec. 18	12 o'clock	Charles Weekes	Costs	*Molloy & Watson*
		Thursday.—Before the COURT.		
Dec. 19	11 o'clock	Arrangement case	Charge and discharge	*Larkin*
		Before the CHIEF REGISTRAR.		
"	"	George M'Dermott	Prove debts and vouch	*M'Govern*
		Friday.—Before the COURT.		
Dec. 20	11 o'clock	Edward Haines	Final examination	*Beauchamp*
"	"	Arrangement case	1st sitting	*Rynd*
"	"	do.	do.	*Rynd*
"	"	do.	do.	*Lynch*
"	"	do.	do.	*Perry*
"	"	do.	do.	*Dodd*
"	"	do.	do.	*Casey & Clay*
"	"	Thomas Reynolds	Prove charge	*Forsythe*
"	"	Thomas Kirby	Sur., prove debts, and choose assignee	*Kane*

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DIVIDENDS DECLARED.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE
Dec. 13	Geoghegan, Andrew, of Mountrath, Queen's County, tobacconist, baker, and grocer,	4s. 8¾d. in the £, on £944.	*James*
"	Cardwell, F. W., of English-street, Armagh, grain merchant,	6⅝d. in the £, on £3,423.	*James*
"	Breen, William, of Enniskillen, grocer,	4s. 1⅛d. in the £, on £1,112.	*James*
"	Templeton, J. W. F., of Londonderry and Strabane, tobacconist and pipe manufacturer,	10¾d. in the £, on £1,596.	*James*
"	Sutherland, ———, of Newbridge, county Kildare, harness maker,	3s. 4¼d. in the £, on £79.	*James*
"	M'Dermott, Edward, of Castlereagh, county Roscommon, draper,	4s. 6d. in the £, on £3,629.	*Deering*

BANKRUPTS.

Casey, Thomas, of Shanbally, Clogheen, co. Tipperary, miller and farmer, and discounter. Petition of bankruptcy filed December 2, 1867. To sur. Tuesday, December 31, 1867, and Tuesday, January, 14, 1868. Deering, official assignee. *Darley*, solr.

Ellwood, William, of No. 146, Great Britain-street, city of Dublin, druggist. Petition of bankruptcy filed Dec. 9, 1867. To sur. Tuesday, Dec. 31, 1867, and Tuesday, January 14, 1868. James, official assignee. *Casey & Clay*, solrs.

Kirby, Thomas, of Sackville-street, Dublin, firework manufacturer, and dealer in fancy goods. Pet. of bankruptcy filed Dec. 5, 1867. To sur. Friday, Dec. 20, 1867, and Tuesday, January 7, 1868. James, official assignee. *Kane*, solr.

O'Connor, Patrick, of the Square, Tralee, co. Kerry, draper. Petition of bankruptcy filed Nov. 26, 1867. To sur. Tuesday, December 17, 1867, and Tuesday, January 7, 1868. Deering, official assignee. *Huggard*, solr.

Shaw, John, and Shaw, Alexander M'Kenzie, both of Victoria Chambers, Victoria street, Belfast, co. Antrim, wine merchants, co-partners in trade, and carrying on business under the firm of John Shaw and Sons. Petition of bankruptcy filed Dec. 2, 1867. To sur. Tuesday, December 31, 1867, and Tuesday, January 14, 1868. James, official assignee. *Johnson*, solr.

Yoakley, Richard, of 72, Grafton-street, city of Dublin, bookseller and stationer. Petition of bankruptcy filed December 10, 1867. To sur. Tuesday, Dec. 31, 1867, and Tuesday, January 14, 1868. Deering, official assignee. *Leachman*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Tuesday. Before the CHIEF CLERK,		
Dec. 17	12 o'clock	George R. Watts	To tax costs	*Oldham*
"	"	Martin Crean	do.	*Macnally*
		Wednesday.—Before the COURT.		
Dec. 18	11 o'clock	George R. Watts	Audit and dividend	*Oldham*
"	"	Martin Crean	do.	*Macnally*
"	"	James Dermody	To confirm sale	*Bradley*
"	"	Edward Keough	Hearing of petition	*Rynd*
"	"	John Joseph Fetherstone	do.	*Rynd*
"	"	Timothy Broderick	do.	*Rynd*
"	"	John Dalton	do.	*Rynd*
"	"	Augustine Grehan, jun.	do.	*Rynd*
"	"	Edward Duffy	do.	*Rynd*
"	"	Jane Mitchell	do.	*Rynd*
"	"	Patrick Hickie	do.	*Rynd*
"	"	Patrick Fitzgerald	do.	*Rynd*
"	"	Michael Brown	Adjourned do.	*Rynd*
"	"	John Cullen	" do.	*Rynd*
"	"	Catherine Winifred Burke	" do.	*Rynd*
"	"	Catherine Warren	" do.	*Rynd*
		Friday.		
Dec. 20	11 o'clock	———	For bail motions only	———

December 21, Saturday, 12 o'clock.—Before the CHIEF CLERK.

To Vouch the Accounts of C. H. JAMES, the Official Assignee in these matters.

William Henry Squire
John Morrissey
Henry Walter Silverlock
Edward O'Reilly
John Duncan
Philip Reilly
Michael Cloiree
George F. Mowlds
David M'Clean
William Carr

CASES DISPOSED OF.

Wednesday, December 11, 1867.

Before JUDGE MILLER.

Cosgrave, Thomas. Adjourned to Wednesday, March 4, 1868.

Craig, Thomas Hugh. Do., do.

Daniel, Edward M'Namara. Discharged.

Hamilton, Nathaniel Alexander. Adjourned to Monday, 16th December, inst.

O'Grady, Morgan John. Adjourned to Wednesday, 18th December, inst.

Lynch, Peter. Adjourned to Wednesday, 10th June, 1868.

Montgomery, Hugh Lyons. Adjourned to Wednesday, 5th February, 1868.

Smith, James. Adjourned to Wednesday, 18th Dec., inst.

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INSOLVENTS DISCHARGED ON BAIL.

Keough, Edward, Dublin, labourer.
Maguire, Charles, county Wicklow, shoemaker and publican.
Maguire, John, Monaghan, butcher and farmer.
M'Grattan, John, Belfast, carpenter and spirit dealer.

INSOLVENTS.

To be heard in Dublin.

Maguire, Charles, of Newtownmountkennedy, county of Wicklow, shoemaker and publican. Hearing on Wednesday, January 8, at 11. *Rynd*, solr.

To be heard in the Country.

Anderson, William, of Ballinteer, county Londonderry, farmer and shoemaker. Hearing at Newtownlimavady, December 31, at 10 o'clock. *Proctor*, jun., solr.

Armstrong, Edward, of Belfast, county Antrim, builder. Hearing at Belfast, January 8, at 3 o'clock. *Macnally*, solr.

Caffrey, John, of Navan, county Meath, cattle dealer and lodging-house keeper; previously of same place, trading with James Huggans as cattle dealer. Hearing at Trim, January 4, at 10 o'clock. *Goodman*, solr.

Cooke, William. of Urlingford, county Kilkenny; previously of Cloonara, New Birmingham, county Tipperary; formerly of Johnstown, county Kilkenny, shoemaker. Hearing at Kilkenny, January 7, at 10 o'clock. *Shortall*, solr.

Kidd, Francis, of Lisburn, county Antrim, builder; trading as "Larmour and Kidd" with Edward Larmour. Hearing at Belfast, January 8, at 3 o'clock. *Macnally*, solr.

Larmour, Edward, of Lisburn, county Antrim, builder; trading as "Larmour and Kidd" with Francis Kidd. Hearing at Belfast, January 8, at 3 o'clock. *Macnally*. solr.

M'Grattan, John, of Belfast, county Antrim, carpenter, builder, and spirit dealer. Hearing at Belfast, January 8, at 3 o'clock. *Macnally*, solr.

Stephens, Felix, of Belleek, county Fermanagh, farmer, grocer, and publican. Hearing at Enniskillen, Jan. 3, at 3 o'clock. *Martin*, solr.

PAUPER DECLARATION FILED.

December 9, 1867.

By Greig, John, arrested as "John Gregg," detained by Thomas Hazleton and Walter Asker O'Donnell, copartners. *Tracy*, solicitor for creditors.

BY ROYAL COMMAND.

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Dublin: WILLIAM M'GEE, 18, Nassau-street.

LEGAL POSTINGS:

In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of Isaac Wykeham Dickenson, Owner and Petitioner.

TO BE SOLD, in Twenty-one Lots, at the Landed Estates' Court, Four Courts, Inns'-quay, Dublin, before the Hon. Judge Lynch, on TUESDAY, the 17th day of DECEMBER, 1867, at the hour of Twelve o'clock, noon, the following valuable Fee-simple Estate, situate in the Barony of Newry, and County of Down:—

No. of Lots	TOWNLANDS	Quantity of Land Statute Measure	Net Yearly Profit Rent	Griffith's Valuation
		A. R. P.	£ s. d.	£ s. d.
1	Parts of Carmeen and Dummuller	50 2 23	78 7 2	55 10 0
2	Part of Carmeen - -	18 2 31	30 18 4	19 10 0
3	Parts of Carmeen and Lisduff	23 2 26	44 17 3	32 5 0
4	Part of Cloghanramer -	12 0 2	24 0 8	14 1 6
5	Parts of Derryboy and Cloghanramer	9 3 15	17 12 0	13 9 6
6	Parts of Cloghanramer and Derryboy	38 0 21	71 13 0	66 7 6
7	Parts of do. - -	8 3 7	19 6 0	15 19 0
8	Part of Cloghanramer -	3 3 30	9 18 0	7 16 0
9	Part of do. - -	4 3 26	13 10 0	4 10 0
10	Part of do. - -	6 0 18	9 4 6	7 18 2
11	Part of do. - -	6 0 30	10 11 1	7 10 0
12	Part of do. - -	20 1 1	29 11 5	27 19 0
19	Part of do. - -	12 3 31	24 17 2	15 15 0
20	Parts of Derryboy and Cloghanramer	11 0 18	18 18 5	12 13 0
21	Parts of Derryboy, Lisduff, and Cloghanramer	61 3 13	107 3 5	77 18 6
22	Parts of Derryboy and Cloghanramer	24 1 30	47 14 9	29 14 0
24	Part of Lisduff and part of Derryboy	29 0 23	56 16 4	45 5 4
25	Part of Lisduff - -	53 2 33	102 1 8	82 10 6
26	Part of Lisduff - -	32 2 33	55 5 0	42 0 0
27	Part of Cloghanramer -	10 0 29	19 13 3	17 10 0
28	Part of do. (in hands)	6 2 10	6 10 0	Estimated value
		455 3 9	797 19 5	

Dated this 8th day of November, 1867.

RICHARD TOPHAM, for Chief Clerk.

DESCRIPTIVE PARTICULARS.

This Estate is situate within one and two miles from Newry, and is bounded on the West and North by the Newry River and Mr. M'George's demesne. The Western portion is of park-like beauty and richness, and there is a quantity of game and quail on the Estate, which is seldom found in such a populous neighbourhood.

From its proximity to the town of Newry, the Estate may be considered as forming town parks; and from the accommodation afforded by railway and canal for the transit of merchandize, &c, property in the vicinity of Newry is daily increasing in value.

Proposals for the purchase by private contract of the whole or any of the Lots will be received by the Solicitor having the Carriage of the Sale up to the 30th day of November, 1867, and, if approved of by the owner, will be submitted to the Court for approval.

For Rentals and further information apply at the Landed Estates' Court, Four Courts, Inns'-quay, Dublin; to

WILLIAM LANE JOYNT, Solicitor having the Carriage of the Sale, 46, Lower Gardiner-street, Dublin; and to

Messrs. HALLOWES & HAMILTON, Solicitors, 34, Westland-row, Dublin.

Iu the LANDED ESTATES' COURT, IRELAND.

TOWN OF BOYLE, COUNTY OF ROSCOMMON.

In the Matter of the Estate of John Goulding, Owner; Ex-parte Jacob Powel, Petitioner

TO BE SOLD, before the Honourable Judge Lynch, on TUESDAY, the 21st day of JANUARY, 1868, at the hour of Twelve o'clock at noon, at the Landed Estates' Court, in the City of Dublin, in One Lot, the Estate and Interest of the Owner in the Dwelling House and Premises situate in the Main Street of the Town of Boyle, in the Barony of Boyle, and County of Roscommon, held from the Right Honourable Robert Lord Viscount Lorton, for three lives, now living, under lease, dated 1st January, 1829; the said House is now untenanted, and was formerly occupied as The National Bank, who paid the yearly rent of £40 therefor; said House is subject to the payment of the yearly rent of £6 6s. sterling.

Dated this 2nd day of December, 1867.

HENRY ROBERT GREENE, Chief Clerk.

For Rentals and further particulars apply to the LANDED ESTATES' COURT, Dublin;

JOHN D. MACDERMOTT, Esq., Boyle;

JAMES MORAN, Solicitor, 13, Lower Ormond-quay, Dublin; or to

VANDELEUR OSBORNE HILLIARD, Solicitor having the carriage of the Sale, 12, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thos. Kirby, of Sackville-street, in the County of the City of Dublin, Fire-Work Manufacturer, and Dealer in Fancy Goods, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 20th day of DECEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, of 30, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 6th day of December, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

THOS. HENRY KANE, Agent to the Bankruptcy, No. 89, Talbot-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Richard Yoakley, of No. 72, Grafton-street, in the City of Dublin, Bookseller and Stationer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 31st day of DECEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 10th day of December, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

HENRY F. LEACHMAN, Agent to the Bankruptcy, No. 43, Dame-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of William Ellwood, of No. 146, Great Britain-street, in the City of Dublin, Druggist, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 31st day of DECEMBER, 1867, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.

Dated this 10th day of December, 1867.

WM. PERRIN, Assistant Registrar.

CASEY & CLAY, Agents to the Bankruptcy, No. 21, St. Andrew-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of James William Kavanagh, late of St. Laurence (Sutton), in the County of Dublin, Professor, Roman Catholic University, Stephen's-green, Dublin, an Insolvent.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on WEDNESDAY, the 8th day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for *Choice and Appointment of a Creditor's Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

Dated this 10th day of December, 1867.

THOMAS FARRELL, Chief Clerk.

JEHU MATHEWS, Attorney for Messrs. Jackson, Schedule Creditors, 12, Lower Dominick-street.

CHARLES HENRY JAMES, Official Assignee, 30, Upper Ormond-quay, Dublin.

MR. WORKMAN

(*Late of the Office of Dr. Stock, Proctor*),

47, BAYVIEW-AVENUE, NORTH STRAND, DUBLIN,

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JAMES HAUGHTON, Esq., J.P., Eccles-street.

GEORGE HOYTE, Esq., J.P., Director of the Dublin and Belfast Junction, and Dublin and Drogheda Railway Companies.

NICHOLAS JAS. LALOR, Esq., (Messrs. E. Lalor and Sons, Spitalfields), Director of the Dublin and Drogheda Railway Company, and Mining Company of Ireland.

RICHARD MARTIN, Esq., Director of the Dublin and Wicklow Railway Company, and of the Mining Company of Ireland.

VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

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Printed and Published for the Proprietors, every Saturday, by John Falconer, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, December* 14, 1867.

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 47.] SATURDAY, DECEMBER 21, 1867. {Single Copy, 6d. By Post, 7d.

IN the New Buildings, at the Four Courts, recently erected for the Court of Bankruptcy and Insolvency, and in which offices have been assigned to the Taxing Masters of the Court of Chancery, a fire was discovered, yesterday morning, in Master Gibson's office. The alarm having been given, assistance was speedily obtained, and the fire was soon got under, but not before these offices had been burnt to a shell, while Master Litton's, which are immediately beneath, and the General Office in Bankruptcy, which is underneath the latter, narrowly escaped destruction, and are not a little damaged by the falling water with which it was necessary to flood the upper story. Of course, the books and documents which these apartments contained are either destroyed or greatly injured by the combined action of fire and water, and in one instance a bagful of papers and important title deeds, left by a Solicitor *for safety* in Master Gibson's office, have been wholly lost.

There will, doubtless, be strict inquiry as to the origin of this occurrence, and if a culpable neglect of duty appear to have been the cause of the affair, an example will, we suppose, be made of the offender. But the public have a right to ask, why it is that a vast fire-proof receptacle, which has been built at great public expense, which the Board of Works completed about a year ago, and which Parliament, by an Act passed last session, has provided with sufficient official machinery, is still unoccupied? The "Public Records Act, 1867," passed on the 12th August last, has since that day been in full force, but up to this time no removal of any Records has, we believe, been even begun. With whom does the blame of this delay rest, and how long is it to last? Long ago we duly announced the appointment of certain well selected gentlemen who are to constitute the staff of the new establishment, but where do they locate themselves, and why is not the "large and commodious building" by this time tenanted? It cannot be that the MASTER OF THE ROLLS, who is now the legal custodian of all Public Records in Ireland, hesitates to exercise the authority with which he is invested, and to issue his warrants for the removal of such Records, directed to the different persons who now temporarily hold them under his charge and superintendence. It is, we are informed, the Commissioners of the Treasury who stop the way, and whose "circumlocution office" arrangements move with a dilatory dignity that may prove, privately as well as publicly, most expensive in the end This matter, however, is one of so pressing an importance that we think "my Lords" ought to be at once addressed upon the subject; and we are sure that in vigilant care of their clients' interests, and of their own, the solicitors will be discharging a public duty in urging strongly upon the authorities the necessity for immediate action.

PRESIDENT JOHNSON, in his late Message to the Congress of the United States, touches upon some points relative to England which have two bearings—a political and a legal one. With the former we have nothing to do; but we think it advisable to call the attention of our readers to the legal bearings of the statements in question.

The first is that no arrangement has yet been arrived at for the settlement of the claims for the depredations of the Alabama and similar vessels upon the commerce of the United States. The President declares that he felt it his duty to decline a proposition made by Her Majesty's Government, because, as he states, it has hitherto been accompanied by reservations and limitations which he felt to be incompatible with the rights, interests, and honour of the United States. But, he goes on to say, it is not to be apprehended that

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Great Britain will persist in her refusal to satisfy these claims, which involve the sacred principles of non-intervention—a principle henceforth not more important to the United States than to all other commercial nations. Such is one of the points touched on by the President, which has, ever since the occurrences referred to took place, occupied the attention of the respective Foreign Secretaries who have been in office, and their legal advisers, and is now, we believe, in a fair course for settlement, since the feelings excited on both sides of the Atlantic have had time to cool down, and the principles of international law have taken the place in the discussion formerly occupied by the sympathetic appeals of the partisan.*

But there is another clause in the Message which is of much graver import, inasmuch as its consequences will be more lasting, and the principle sought to be maintained is one almost entirely the growth of present circumstances, and which does not claim the *prestige* of antiquity for its support, but which rather commends itself to the majority of its supporters by its novelty, and by the obvious facility which it presents to the European nations to escape from a certain dilemma into which their members have been led by the unexpected magnitude that emigration to the United States of America, from almost all the over-peopled or poorer countries of Europe, has assumed. The difficulty simply is this—that Europeans who have become citizens of the United States owe a double allegiance, to the government of the United States and to the government of the country in which they were born. This complication has not hitherto occasioned much difficulty, but now, from the vast improvement in steam navigation, which makes the relative position of the two continents so different from what it was fifty years ago, it is necessary, in the interests of civilization, for all the governments concerned to take some means to solve the difficulty. It is not to be supposed that this can be done by one nation passing a law for its own subjects, and then demanding that all other nati_ns should recognize it; as well might the inhabitants of the State of Maine demand that, as they have enacted that spirits shall not be sold in their state, except under certain restrictions, therefore the same restrictions should be considered binding in others states, or a state which has substituted secondary for capital punishment require that no executions should be permitted elsewhere. President Johnson is not accused of being an irrational man, nor are American lawyers usually said to be deficient in legal acumen, therefore we are certain they never thought of their words being taken to mean, as some have supposed they meant, that the laws of nations, as they are at present recognized, should bend to a decree of the American Congress. The words of the message are as follows:—"The annexation of many small German States to Prussia, and the re-organization of that country under a new and liberal Constitution, have induced me to renew the efforts to obtain a just and prompt settlement of the long-vexed question concerning the claims of foreign States for military service from their subjects naturalized in the United States." From which it will be seen that the immediate occasion of the question being raised is, that naturalized Americans of German origin are held liable to military service in their native country in the event of their temporarily returning within its jurisdiction. A German settling in the United States, or in England or any other country, cannot revisit his old home without becoming liable to military conscription, and this is the special grievance which the President recommends to the attention of Congress. The grievance, however, is felt in many other places, notably in London, where very many Germans are settled, who, from the close commercial connexion between the Continent of Europe and England, have often occasion to travel in Germany, and must either pay a heavy "smart," or serve the necessary time in the *landwehr*. Further on in the message we read:—"In connexion with this subject the attention of Congress is respectfully called to a singular and embarrassing conflict of laws. The Executive Department of this Government has hitherto uniformly held, as it now holds, that naturalization, in conformity with the Constitution and laws of the United States, absolves the recipient from his native allegiance. The Courts of Great Britain hold that allegiance to the British Crown is indefeasible, and is not absolved by our laws of naturalization. British Judges cite the Courts and law authorities of the United States in support of the theory against the position held by the Executive authority of the United States. This conflict perplexes the public mind concerning the rights of naturalized citizens, and impairs national authority abroad. I called attention to this subject in my last annual Message, and now again respectfully appeal to Congress to declare the national will unmistakably upon this important question." We know it has been stated to be one of the most universally acknowledged maxims of English law, that native allegiance is indefeasible and not to be absolved by any

* Serving in foreign States which is generally inconsistent with allegiance to one's natural prince, was at one time punished by stat. 3, Jac. 1, c. 4, which made it felony for any person to go out of the Realm to serve a foreign Prince, without having first taken the oath of allegiance. This statute was extended and amended by subsequent acts, which have since been repealed. The statute now in force is the Foreign Enlistment Act, 59 Geo. III., c. 69, which makes the entering into the aid of a foreign Prince or people, in any warlike capacity whatever, or going abroad with that intent, or attempting to get others to do so, without the Royal licence, a misdemeanour, punishable by fine or imprisonment, or both. The same statute imposes a penalty of £50 on masters of ships and owners assisting in the committal of this offence; while persons fitting out armed vessels, to aid the military operations of any foreign powers, without licence from the Crown, or aiding the warlike equipment of vessels of foreign States, are guilty of a misdemeanour, punishable by fine or imprisonment, or both.—*Blackstone*, Bk. iv., cap. 7.

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laws of naturalization, but we also know it to be true as the poet sings:—

> "That through the ages one increasing purpose runs,
> And the thoughts of men are widened with the process of the suns."

We think it would not be difficult to show that to the strangers and others who suffer inconvenience from its action, the present law must seem irrational. "Once a British subject always a British subject," is undoubtedly the law of England, and as a man may become a British subject in very peculiar and numerous ways which are not recognized by any other country, the consequences are sometimes strange. A man is a British subject if he happens to be born within the limits of the United Kingdom; a man is also a British subject, in the eye of the law, if his father, or grandfather by the father's side, was a native born British subject, and from the same premises it might be argued that if a French-woman, on a visit to England, happens to give birth to a child, two generations of that child's descendants would be British subjects, though none of them ever touched British soil. They are really French in all respects; but if any one of them were found bearing arms in a war against England he would be legally liable to be tried and hanged for treason. Of course this would be simply absurd, and the Government would never press the theory of the law to its practical conclusions. But for that very reason it would appear at least judicious to formally repeal the law. It is true the President is not so logical as he might be when he recommends Congress to declare the national will unmistakably upon a question which he had just before described as a singular and embarrassing conflict of laws, for the national will of a single community can have no authority on a point of international jurisprudence. It is evident the question can only be settled by an International Congress which would not be unprecedented, as the laws relating to privateers, for instance, have been already modified. It would, we think, be advantageous to Great Britain to have the question solved for the sake of the vast numbers of foreigners who annually become naturalized British subjects. And we must remember that all foreigners temporarily residing in England owe temporary allegiance to the English law; and whether Americans, Germans, or Japanese, are liable to the penalties inflicted by English law for crimes committed in England, the only difference being that they may claim to be tried by a mixed jury, half English and half foreigners.*

THE RECENT LEGAL APPOINTMENTS.

The vacant Chairmanship of the County of Galway has been filled by the appointment thereto of Mr. Robert Longfield, Q.C., late Law Adviser, Dublin Castle.

This is an appointment which will, doubtless, give satisfaction both to the profession and the public. Mr. Longfield's long experience in the office, the duties of which he so satisfactorily discharged, his sound and practical common sense, and his admitted high reputation as a well-read lawyer, eminently qualifying him for the discharge of the duties, daily increasing in importance, of the post which he has accepted.

The appointment of Mr. Charles Shaw, Q.C., to the office vacated by Mr. Longfield has not met with such universal approval. That it should have done so could not fairly have been expected. The friends and supporters of the disappointed candidates, of course, are thoroughly dissatisfied, and we must confess that there is, at least, one among them who, all must admit, had the very strongest claims, both professionally and practically, upon the Government, and to whose appointment there could not have been urged, in any respect, the slightest shadow of an objection. Apart, however, from this consideration, we must congratulate the Government (and we feel confident that his rivals for the office would join us in doing so) on having secured the services of one whose reputation at the Bar stands so deservedly high, as does that of Mr. Shaw. Called to the Bar in 1840, Mr. Shaw has ever since continued to maintain the prestige gained for his name by the distinguished services of his brother, the Recorder. He has for very many years acted as one of the Revising Barristers for the City of Dublin, where his decisions have met with the most unqualified approval on all sides, and where the loss of his long experience will be much felt, unless the Government appoint to the office some one thoroughly acquainted with the working of the Registry Acts.

We feel confident that Mr. Shaw's calm logical powers, his learning, ability, and earnest zeal, will enable him to discharge, with advantage to the public interest, the important duties of the responsible post which he has been called upon to fill.

* The law holds that there is an implied, original, and virtual allegiance, owing from every subject to his sovereign, antecedently to any express promise; and although the subject never swore any faith or allegiance in form. For as the King, by the very descent of the crown, is fully invested with all the rights and bound to all the duties of sovereignty, before his coronation, so the subject is bound to his Prince by an intrinsic allegiance, before the superinduction of those outward bonds of oath, homage, and fealty.

Allegiance is consequently distinguished into two species, the one natural, the other local; the former being also perpetual, the latter temporary. *Natural allegiance* is such as is due from all men born within the sovereign's dominions immediately upon their birth; it cannot be forfeited, cancelled, or altered by any change of time, place, or circumstance, nor by anything but the united concurrence of the legislature.

Local allegiance is such as is due from an alien, or stranger born, for so long time as he continues within the Queen's dominions and protection; and it ceases the instant such stranger transfers himself from this kingdom to another. For as the Prince affords his protection to an alien only during his residence in this realm, the allegiance of an alien is confined to the duration of his residence, and to the dominions of the empire.—*Blackstone*, Bk. i., cap. 10.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

VICE-CHANCELLOR'S COURT.

Reported by WM. BARLOW, Esq., Barrister-at-law.

SHEPPARD *v.* MURPHY.

Nov. 22nd, 25th; Dec. 15th.—*Specific Performance—Privity of Contract—Principal and Agent.*

On the 21st April, 1866, L. & Co., stockbrokers in London, by direction of the respondent's brother, bought for the respondent, on the Exchange, one hundred shares in Overend, Gurney, and Co. (Limited), for the next sitting day, the 27th of April, and also purchased for him one hundred and fifty shares in the Credit Foucier and Mobilier of England (Limited). On the day of the purchase a bought note was handed to the respondent's brother. The shares were bought from Mr. Kennedy, who was a dealer in shares, and a member of the London Stock Exchange. L. & Co. were paid for the shares on the 25th of April, and directed to continue them (which they did) to the 15th of May. The bank stopped payment on the 10th of May. On the 24th of May the petitioner sold on the Exchange thirty-four shares in Overend, Gurney, and Co., and the name of the respondent was then "passed" to him as that of the transferee of those shares. The petitioner thereupon executed to the respondent transfer deeds of the shares, handed the deeds, with the scrip certificates, to L. and Co., and was paid the price. The respondent refused to receive or execute these deeds of transfer. The petitioner's name, therefore, remained on the books of the company as that of the legal owner of the shares, and he, having afterwards been obliged as such to pay the call, filed this petition for specific performance of the contract of the 21st of April, for repayment of the amount of the call, and for indemnity against future calls.

Lawson, Q.C., *May*, Q.C. and *Dames*, for the petitioner, contended that the purchasers of the shares are bound by the rules of the Stock Exchange: *Sutton* v. *Tatham*, 10 Ad. and El. 27; *Bayliffe* v. *Butterworth*, 1 Exch. Rep. 425; and impliedly authorize their brokers to do every act of detail necessary for completing the purchase: *Bayley* v. *Wilkins*, 7 C. B. 886. The relation of vendor and vendee exists between the petitioner and the respondent: *Paine* v. *Hutchinson*, Law Rep., 3 Eg., 257; *Robins* v. *Edwards*, 15 W. Rep. 1,065; *Evans* v. *Wood*, 15 W. Rep. 476; W. Notes (1867), p. 256; so that the petitioner is entitled to enforce specific performance. That the bank stopped payment before the adjourned settling day does not release the respondent: *Biedernian* v. *Stone*, Law Rep., 2 Law, C. P., 504; *Chapman* v. *Shepherd*, Law Rep., 2 Law, C. P., 229; *Taylor* v. *Stray*, 2 C. B., N. S., 175; 26 L. J., N. S., C. P., 288; *Stray* v. *Russell*, 1 El. and El., 888, 916. The buyer's name need not be disclosed at the date of the contract: *Wynne* v. *Price*, 3 De Gex and Smale, 310. The petitioner, legal owner of the shares, is entitled to enforce specific performance against his *cestui que* trust: *Phene* v. *Gillan*, 5 Hare, 1. The deterioration in value of the shares does not release the buyer: *Hitchcock* v. *Giddings*, 4 Price, 135.

The *Attorney-General*, *Palles*, Q.C., and *Jackson*, for the respondent, contended that the petitioner was not a party to the contract of the 21st of April, which he sought to enforce, and that Kennedy, in making that contract, and until the 24th of May, was a principal himself, not an agent for the petitioner, who, therefore, cannot maintain this suit: *Humphrey* v. *Lucas*, 2 Car. and Kir., 152; *Wilson* v. *Tumman*, 6 M. and Gr, 236; Ch. Cont. (6th ed.), 200. The Court will not enforce part of a contract: *Gervais* v. *Edwards*, 2 Dr. and War. 80; so that this suit cannot be maintained as it concerns itself with only thirty-four shares, whereas the contract was an entire contract for 100 shares. The respondent's brokers are the proper persons to sue him: *Chapman* v. *Shepherd*, Law Rep., 2 Law, C. P., 229; *Biederman* v. *Stone*, Law Rep., 2 Law, C. P., 504; *Paine* v. *Hutchinson*, Law Rep., 3 Eq., 227. The case of *Evans* v. *Wood*, 15 W. Rep., 476, only proves that Kennedy might sue. The Court will not exercise its discretion by enforcing a contract to buy shares in a company which is in process of dissolution: *Sheffield Gas Company* v. *Harrison*, 17 Beav., 294; *Hawkins* v. *Maltby*, Law Rep., 4 Eq., 572; Emmerson's case, Law Rep., 2 Eq., 231; Law Rep., 1 Ch. Ap., 433; *Bermingham* v. *Sheridan*, 33 Beav., 660. The right to sue the respondent was not transferred to the petitioner: *Dixon* v. *Bovill*, 3 Macq. H. L. Cas., 1.

Dames, in reply, cited Story Og., par. 170, 172; *Beaufort* v. *Taylor*, 9 Jur., 813; *Smethurst* v. *Taylor*, 12 Mee. and W. 545; Ch. Cont. (7th ed.), 197; *Wilkinson* v. *Lloyd*, 7 Q. B., 27; Ward and Henry's case, Law Rep., 2 Ch. Ap., 431; Head's case, Law Rep., 3 Eq., 84; Ward and Garfit's case, Law Rep., 4 Eq., 189.

[HIS HONOUR, on a subsequent day, referred the counsel to Musgrave and Hart's case, W. Notes (1867), p. 274.]

Dec. 15th.—The VICE-CHANCELLOR dismissed the petition, with costs, there being no privity of contract between the petitioner and the respondent, when the contract of the 21st of April was made, Kennedy being a principal therein, not an agent.

Solicitors for the petitioner, *Newtons and Armstrong*.
Solicitor for the respondent, *Daniel O'Rourke*.

COURT OF QUEEN'S BENCH.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

THE QUEEN *v.* NAGLE.

November 25th, 26th.—*Criminal Law—Bail.*

This was an application to admit a prisoner to bail. It appeared that he had been arrested in the county of Waterford on the 1st June. On the 23rd September and the 12th October informations were sworn against him, and he was committed for trial, and was indicted for treason-felony at the Commission Court in Green-street, in October. He was not, however, then arraigned, and it appearing that he was a natural-born citizen of the United States, the Attorney-General stated that for that reason his trial should take place in Sligo, that being the only venue in which personal acts done by the prisoner himself could be proved. The trial was accordingly postponed. The summer assizes in Sligo had taken place not very long after the prisoner's arrest. At one of his examinations before the magistrates he had stated that he was an American citizen. On his arrest he had given a false name.

There was an affidavit stating that the prisoner's health was suffering from protracted confinement.

Heron, Q.C., and *Molloy*, for the prisoner, relied chiefly upon the delay which had taken place in the prisoner's trial, insisting that he could, if it was necessary, have been tried at the last Sligo Assizes, and that the Crown was in default in postponing the trial.

The *Attorney-General* and the *Solicitor-General* (with them *T. P. Law*), for the Crown, submitted that the informations had not been made till long after the Sligo

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assizes, and that it was not until the sitting of the Commission at Green-street that it was ascertained that the prisoner was an alien.

The COURT refused the motion, holding that the Crown had not been in default, and also that no sufficient case of danger to the prisoner's life, from confinement, had been made out.

Attorney for the prisoner, *Scallan.*

Attorney for the Crown, the *Crown Solicitor.*

COURT OF COMMON PLEAS.

Reported by W. GRIFFIN, Esq., Barrister-at-law.

Before MONAHAN, C.J., O'HAGAN, J., and MORRIS, J.

STRANGE *v.* KELLY.

Nov. 8.—*Evidence under Traverse of Goods sold and delivered.*

Application for a conditional order for a new trial on behalf of the defendant. The case had been tried in the Consolidated Nisi Prius Court before Morris, J. It was an action for work and labour by an attorney, and the only defence pleaded was a traverse. Under the traverse, Counsel for the defendant sought at the trial to give in evidence an agreement by which the plaintiff was only to be paid in the event of a certain fund being realized. The Judge refused to allow the evidence, and a new trial was now sought on the ground of such evidence having been improperly rejected.

M'Kenna.—This case is governed by Boakes *v.* M'Craken in this Court (6 Ir. C. S. R. 259).

The plaintiff was bound to prove a simple unconditional request to do the work, and evidence to show that the request was only conditional should have been admitted.

The COURT referred to the case of Leach *v.* Palmer (11 Ir. Jur. N.S. 259, C.P.) as governing the present case. There, under a traverse of goods bargained and sold, and goods sold and delivered, the defendant was not allowed to give evidence of an unexpired credit.

Conditional order refused.

Before MONAHAN, C J., and O'HAGAN, J.

CALLAGHAN *v.* O'SULLIVAN.

Nov. 12.—*Pleading held not Prolix or Embarrassing—False Imprisonment and Malicious Prosecution.*

Motion on behalf of the plaintiff to set aside the second defence to the 1st, 2nd, and 3rd counts of the summons and plaint as embarrassing and prolix, and unnecessarily pleading matters of evidence, and tendering immaterial issues.

The first and second counts were for false imprisonment, and the third for malicious prosecution. The second defence which was pleaded to all three was as follows :—" That before the committing of any of the grievances complained of, the plaintiff and two other men, his associates (all theretofore unknown to the defendant), accosted the defendant in one of the public streets of Dublin, at and after midnight, and then entered into friendly conversation with him (they respectively having the outward appearance of respectable gentlemen), and they shortly afterwards induced the plaintiff to accompany them to an adjoining tavern, and they having there partaken of some refreshments, they there and then demanded of the defendant money for a further supply of refreshments, and upon failing to obtain any money from the defendant, they pressed around the defendant's person, and assailed him with such threats, abusive language, and uproar, as usually emanate from persons only of dissolute and dishonest habits and character, and they so continued until the defendant was obliged to struggle against them, and he, in fact, forced his way from among them, out of the said tavern, into the public street, whither they closely followed the defendant and surrounded him, and pushed, and dragged him, against his will, along and out of the said street, and compelled him to enter with them into a certain house of ill-fame of the lowest description in the said city, with the inmates whereof they respectively were familiarly acquainted, and there they renewed their former demand for money from the defendant, and failing to obtain it, they raised a vehement uproar against him within the said house, and excited certain of the said inmates to assail and beat him, which they did with abominable curses, abusive language, and fearful threats of personal violence (the plaintiff all that time aiding and concurring in the conduct aforesaid), and the defendant having, with great difficulty, succeeded in escaping from them out of the said house into an adjoining lane, the plaintiff and his said two associates pursued the defendant into the said lane, and then and there laid hold of the defendant, and endeavoured, by force, to strip him of the coat which he then wore, whereupon the defendant, with struggling and great difficulty, made his way out of their hands into the public main street, into which the said lane opened, and they pursued him into the said public street, and there pressed around him and pushed and dragged him about with uproar and violence, and in the midst of the said proceedings, in the said public street, the hat of the defendant was forcibly snatched from the defendant's head by some person or persons, who feloniously stole and carried away the same, whereupon immediately the plaintiff and his said two associates withdrew from the defendant and ran away together, at full speed, along and out of the said street; and the defendant then saw them so running away, and then saw that one of them, while running away, had in his hands a certain hat, which the defendant then verily believed to be the said hat of the defendant, and the defendant never afterwards saw his said hat, or ascertained further than as aforesaid what became of it; and that at the time when his hat was so snatched from his head, the plaintiff and his associates were pressing around him; and defendant at that time, and thenceforth until the discharge from custody, hereinafter mentioned, did verily believe that no person, other than the plaintiff and his two associates, was at that time at all near the defendant, or within reach of his said hat, and that at the time, and thenceforth, &c., the defendant did verily and *bona fide* believe, and continued so to believe, that the plaintiff and his said two associates did feloniously steal and carry away his (the defendant's) said hat in the said public street, &c."

The defence then proceeded to state that after they had ran away, he complained to a police constable, and had certain conversations with the bystanders who (as defendant well knew) were well acquainted with the persons and characters of the said three persons respectively, and said persons did, in the defendant's presence and hearing, assure the said policeman of the truth of defendant's complaint, and communicated to him the names and descriptions of those who had committed the said felony, they being, in fact, the plaintiff and his said two associates, and defendant made a charge at the police office against them, and that next day they were brought up under the charge, and the charge was dismissed; and that defendant acted perfectly *bona fide* and without malice, and with the object of obtaining justice, and verily believing, for the reasons aforesaid, that the charge was true, and having, for the reasons aforesaid, reasonable and probable cause for so believing and so acting as aforesaid.

Waters, in support of motion. This pleading is prolix and scandalous. The charge was dismissed, as the

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plaintiffs proved they were not there at all. It pleads evidence which he would be entitled to use at the trial, but which should not be opened out on the files of the Court. Even as a matter of evidence he could not give the conversation which occurred after the parties had run away. The plea should have begun with stating the transaction in the street, omitting all their previous allegations as to what occurred in the public house, &c. At any rate it clearly must be set aside as pleaded to the third count, which is for malicious prosecution. The plea to such a count need not set out the circumstances which afford reasonable and probable cause; it need only say that he acted *bona fide*, and without malice, and had reasonable and probable cause.

Phillips.—If I did not set out all these matters I could not give them in evidence, and the plea on the face of it should show facts sufficient, if true, to give reasonable and probable cause. So far from being unnecessary I was afraid that, even with all these facts set out, my learned friend would demur. The conversations, after parties ran away, were before the arrest, and formed part of the defendant's reason for believing as he did. If the matters alleged were totally disconnected with the charge, and could not contribute to his belief, I admit they could be inadmissable, but here they are directly calculated to contribute to it. He referred to the precedent of such a plea as in *3rd Chitty*, 5th Edition, to *Burn's Justice*, Vol. 1., title *Arrest*, under head of suspicion, and *Mure* v. *Kaye*, 4 Taunt., 35.

COURT.—We are of opinion that so far as the plea is pleaded to the counts for false imprisonment, to which it would be necessary to plead the facts constituting the probable ground, this plea should not be set aside. It is necessary to state that a felony has been committed; it is also necessary to state, *as facts*, the facts which constitute the reasonable grounds for suspecting the plaintiff of having committed it. It is said that the plea should not have set out the allegations about the parties being in the public house, &c., but it is not merely that they were there, but what occurred there, which he states as facts, rendering it probable the plaintiffs would commit felony, and I entertain very serious doubts whether, if these statements had been omitted, plaintiff could have gone into them in evidence; especially when they are facts imputing misconduct to the plaintiff, of which, if about to be relied on, he might argue notice should have been given him in the plea.

As pleaded to the third count, the plea must be set aside; inasmuch as the plaintiff succeeds in part of his motion and fails in another, the parties should bear their own costs, or the costs be plaintiff's and defendant's costs in the cause.

Attorney for plaintiff, *Edward A. Ennis*.

Attorney for defendant, *S. C. M'Cormick*.

COURT OF EXCHEQUER.

Reported by R. R. KANE, Esq., Barrister-at-law.

BYRES and ANOTHER *v.* BEATTIE.

Nov. 11, 21.—*Contract to Pay Differences between the Prices at which Shares were Bought, and at which they were Sold—Wagering Contract.*

Demurrer.—The writ of summons and plaint stated that in consideration that the plaintiffs, as stockbrokers for the defendant, would buy and sell stock and shares for the defendant as and when the defendant should direct, and on the terms that in case the prices for which the stock and shares should be sold by the plaintiffs for the defendant should be greater than the prices for which they should be bought by the plaintiffs for the defendant, the plaintiffs should pay to the defendant the difference between the said prices less their commission and charges. The defendant undertook and agreed, in case the prices for which the said stock and shares should be sold by the plaintiff, for the defendant, should be less than the price for which they should be bought for the defendant by the plaintiffs, he would pay to the plaintiffs the difference between the said prices, together with their commission and charges; and averred that in consideration and pursuance of such agreement and undertaking the plaintiffs bought and sold for the defendant at his request, and as and when he directed certain shares and stocks, and that the prices for which the said shares and stocks were sold for were prices less than those for which they were bought, and that the differences, together with the plaintiff's commission and charges, amounted to a large sum; but the defendant, though requested to pay the said sum, did not pay the same. Defence as to the differences between the prices at which the shares were bought, and at which they were sold, that the plaintiffs never made any payment for the defendant on account of, or otherwise satisfied the differences or any part thereof. Demurrer.

Monroe and *Falkiner*, Q.C., in support of the demurrer, contended that the defence was no answer to the action; payment was not necessary, as this was an express promise to pay the differences.

M'Mahon and *Macdonagh*, Q.C., in support of the defence, contended that either this was a contract of indemnity, in which case the plaintiffs could not maintain the action unless he had paid, or if an express provision, it was a wagering contract within the 8 & 9 Vic., c 109, sec. 18, and could not be enforced.

The COURT (FITZGERALD and DEASY, B.B.) held the contract upon the plaint to be a wagering contract within the 8 & 9 Vic., c. 109, sec. 18.

W. Carson, plaintiffs' attorney.

Buckley and Smith, defendant's attorney.

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Coram DOBBS, J.

In re the Estate of EMILY FRANCIS and OTHERS, Owners, *v.* THOMAS LAMBERT, Petitioner.

June 19.—*Judgment—Mortgage—Averments in Affidavit respecting Defendant's Residence—Description of Plaintiff.*

In this case the owners, and also the petitioner, objected to the validity of the registration of a judgment obtained by Mr. John Thomas Hinds against the late Mr. Arthur Francis, and registered as a mortgage against a portion of the lands sold in the matter. It was objected that the affidavit, made to register this judgment, was defective by reason of the improper description in it of the residence of the said Arthur Francis. The title of the affidavit described the defendant as "Arthur Francis, of Ashbrook-terrace, in the County of Dublin, Esquire;" and, in the body of it, there was the statement that "the usual place of abode of the said Arthur Francis, at the time of entering the said judgment, was, and still is, at Ashbrook-terrace, in the County of Dublin, aforesaid." In a subsequent part of the affidavit, it was stated that the said Arthur Francis was seized and possessed, &c., of premises situate in the parish of St. Nicholas Without, and County of the City of Dublin, consisting of the houses and premises known as Nos. 4, 5, 6, and 7, Ashbrook-terrace." An objection was also taken to the description of the plaintiff in the affidavit, which was as follows:—"Deponent saith that the name of the deponent, John Thomas Hinds, the plaintiff in the said

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cause, and in the title hereof, and who recovered the said judgment, was, at the time of entering the said judgment, and still is, the proper name of deponent." Mr. Hinds, in an affidavit made to resist the objections, stated "that Ashbrook-terrace is in the parish of St. Nicholas Without, and in the County of the City of Dublin, and that Dublin is a County of a City, and that there is no second Ashbrook-terrace in the County of the City of Dublin."

Sherlock, Q.C., and *Meldon*, for the owners.

Lawless, Q.C., and *Randal M'Donnell*, for Mr. Hinds.

Ince, for the petitioner. *In re Fitzgerald's Estate* (11 Ir. Ch. R., 278); *Wolsely* v. *Worthington* (13 Ir. Ch. R., 341); *Slator* v. *Slator* (16 Ir. Ch. R., 488); *Hewer* v. *Cox* (30 L. J. N. Q. B., 73); were cited.

DOBBS, J., said that he had had many of these questions before him, and many of them had been taken to the Court of Appeal; that he never could understand the reason of one-half of the decisions made with respect to these judgment mortgages, and he determined to abide by this rule, that he never would hold an affidavit invalid, upon technical grounds of this nature, unless the party objecting was able to show a decided case in which exactly the same objection had prevailed, that there would be force in the objection respecting Ashbrook-terrace, if it had not been admitted there was only one Ashbrook-terrace either in the County or the City of Dublin; that no person could be misled by the description; that upon the other point, he had some doubts, it being absolutely necessary, according to the authorities that there should be in the affidavit a distinct averment as to the names of both plaintiff and defendant; that no case had been cited going so far as to invalidate the registry of an affidavit for the reason alleged against this part of this affidavit, and he would not hold it to be badly registered; that the word "of" governed the whole sentence, and it could be made out from it, in strict grammatical English, that the name of the plaintiff was the name of the deponent, and, if so, the name of the deponent must be the name of the plaintiff.

Solicitor in person, *John Thomas Hinds*.

Before JUDGE LYNCH.

In re The Estate of the Trustees of the Will of ROBERT HILL, deceased, Owners; SAMUEL HILL, Petitioner.

Nov. 28.—*Staying of Proceedings—Payment of Incumbrance.*

This was a motion on behalf of the owners, and of persons having a reversionary interest in the lands ordered to be sold in this matter, that upon a lodgment by the owners in this Court of the amount due to the petitioner for principal and interest in respect of his demand, and a sufficient sum to cover his taxed costs, the petitioner might be directed to execute to the owners, or to the persons having the reversionary interest, an assignment of his judgment mortgage, the same to stand as a security for the annual interest, during the petitioner's life, and of so much of the principal money due to him as should be advanced by the persons having the reversionary interest over and above the personal assets of Robert Hill, or that the petitioner be directed to take such steps as to the Court should seem fit to indemnify the persons having the reversionary interest against the payment of the portion of the interest during the petitioner's life, which the petitioner was himself liable to pay, and that, in the meantime, upon such lodgment, further proceedings in this matter should be stayed.

Robert Hill, being owner in fee of the lands ordered to be sold in this matter, by his will devised them to Samuel Hill for life, remainder to his two nephews in fee. At the time of the testator's death Samuel Hill was the owner of a judgment mortgage which affected the inheritance, and upon foot of this incumbrance he soon afterwards presented a petition in the Landed Estates' Court for a sale of the fee-simple estate in the lands. The order for sale had been made absolute.

Falkiner, Q.C., in support of the motion. It is a well-established principle that a Court of Equity, upon payment of a charge and costs, will compel an assignment of such charge by the creditor, and will also stay the proceedings to a sale.

Randal M'Donnell, for the petitioner. The contention on the part of the remaindermen would be well grounded if the tenant for life and the creditor were not, as in this instance, the same person. Through this circumstance the creditor has two valuable advantages which he would not otherwise possess, and for which this notice of motion offers him no equivalent. 1. He can have a sale of the life estate along with the estate in remainder, and therefore he can have the former sold at a smaller cost than if sold alone, inasmuch as the costs of sale will be borne rateably by the life estate and by the estate in remainder. 2. He can prevent any one else from selling his life estate without his consent, as there is no other incumbrancer. It is not just to the petitioner to deprive him of these advantages, without giving him an equivalent, especially since they flow from the testator's gift, from which the remaindermen, who claim under the same title, have no right to derogate.

LYNCH, J.—I cannot recognize these equities, or let them interfere with those of the remaindermen. I will direct the life estate and the estate in remainder to be valued, and that the remaindermen pay to the tenant for life so much of the debt as should be set opposite to the estate in remainder, together with his costs. The petitioner, however, was entitled to appear and oppose the motion, and must have his costs of doing so paid with the other costs.

Solicitors for the owners, *Samuel Black*.

Solicitor for the petitioner, *James Torrens*.

COURT OF BANKRUPTCY AND INSOLVENCY.

Before JUDGE MILLER.

IN INSOLVENCY.

Reported by J. LEVY, Esq., Barrister-at-law.

Re JOHN DALTON.

December, 1867.—*Bill of Sale—Obtaining Bail Rule—Lodging in Court Proceeds of Property sold under a Bill of Sale after the Assignees got Possession.*

The insolvent had dealings with a factor named Kappock, and, having become indebted to him, he assigned to him, under a bill of sale, nearly all his property, consisting of horses, carts, and farming utensils. Kappock took possession of the property, and soon after the insolvent was arrested and put into prison. After the imprisonment Kappock sold the property by auction, and when the insolvent applied for a bail rule, *Bloomfield*, solicitor, attended for a creditor named Joyce, and objected to the bail passing, unless the proceeds of the auction were brought in, and lodged in court. The 339 section provides that where any insolvent shall have executed any warrant of attorney to confess judgment, or shall have given any *cognovit actionem* or bill of sale, whether for a valuable consideration or otherwise, no person shall, after the commencement of the imprisonment of such

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prisoner, avail himself of any execution issued upon any judgment obtained, or to be obtained upon such warrant of attorney, either by seizure or sale of the property of such prisoner, or any part thereof. Upon looking at this section, the Court directed the money in the hands of Kappock's auctioneer to be brought in, and lodged in court before a bail rule would issue. The insolvent now came up to be discharged, and *Kernan*, Q.C., applied, on the part of Kappock, to have the money given back to the auctioneer—it was wholly irregular to call upon Kappock's auctioneer to lodge the money which was absolutely his own—he had taken possession of the assigned property ten days before the insolvent was imprisoned—it was his absolutely; and although the 339 section might give a right to the assignees to bring an action if they thought proper, it gave no right whatever to the Court to direct the money to be brought in, and lodged, and if it were not returned, Kappock would bring an action against Mr. Dillon, the auctioneer, and make him pay it over again.

JUDGE MILLER said he believed it was the practice where there was a sale after the imprisonment of the insolvent, not to grant a bail rule until after the proceeds were brought into court. However, as Mr. Bloomfield, for the detaining creditor, offered no opposition, he would direct the money to be paid back, and would discharge the insolvent.

Solr. for the insolvent, *Rynd;* for Mr. Kappock, *Kernan and Tracy.*

In re AN ARRANGING TRADER.

December 19, 1867.—*Practice—Security for Payment of Composition.*

In this case a composition was proposed, and certain parties entered into an undertaking to pay some of the instalments, which undertaking was filed in Court according to the usual practice. The sureties having failed to pay in pursuance of the undertaking,

Perry applied for an attachment against the party for not carrying out the undertaking.

Judge MILLER said it was a mistake to suppose that the Court had power to compel sureties, either by attachment or otherwise, to pay the amount of the instalments which they had undertaken to pay. It was a contract, not between the Court and the sureties, but between the sureties and the creditors of the arranging trader. The Court, therefore, could not interfere, but must leave the creditors to their remedy against the parties who had made themselves liable.

IN BANKRUPTCY.

Re SHAW & Co.

December, 1867.—*Petition for Adjudication by Trader against himself after the execution of a Trust Deed—Arrangement after Bankruptcy.*

The bankrupts were wine merchants in Belfast, and assigned all their property in trust for the benefit of creditors, but the trustees did not take possession of the property, and allowed it to remain in the order and disposition of the traders who came in and obtained an adjudication upon their own petition.

Oldham, solicitor for creditors, contended that the bankruptcy was null and void; the schedule to the statute stated that the bankrupt should show the court that he had property to the amount of fifty pounds at least ready to be given up to the court.

Lynch said that cause might have been shown against the adjudication; that was not done, and now the bankruptcy should stand; besides, the bankrupt was about to enter into an arrangement under the 149 section, to which the creditors would assent; it was therefore for their advantage that the bankruptcy should stand. The adjudication was allowed to remain undisturbed.

Solr. for the bankruptcy, *Lynch;* for creditors, *Oldham.*

FIRE AT THE FOUR COURTS.

Great excitement was occasioned yesterday morning by the announcement that the north-eastern wing of the Four Courts was on fire, and that a large quantity of valuable documents had been consumed. At twenty-five minutes past seven o'clock Mr. James Reid and Mr. Matthew Kennedy, and Police-constable 20 D, observed smoke breaking from the new buildings at the north-eastern angle, near the recently erected Bankrupt Court. They proceeded at once to Winetavern-street and gave the alarm to the Fire Brigade. In the meantime Mordon, foreman carpenter of the Board of Works, got the men employed on the premises together, and by means of water obtained with much difficulty, owing to the volumes of pungent smoke issuing from burning papers, they succeeded in keeping the flames in check until the Fire Brigade, under the direction of Captain Ingram, came up, at 7.50 a.m. No time was lost in getting the steam and No. 3 engines to work, with water supplied under the direction of Mr. Crofton. It was found that the fire had originated in the office of Master Gibson, at the fire-place, and had extended into the Chancery General Taxing Office, and through the flooring into Master Litton's office. After much hard work the flames were got under at twenty minutes past eight o'clock, and were finally extinguished soon after, but not until all the furniture in the three apartments, as well as a vast quantity of valuable documents, were destroyed. Large numbers of important papers, &c., were rescued from the flames, but we fear great loss has been sustained. A brief bag filled with title deeds, left yesterday by a gentieman, has been consumed, and nothing remains of it or its contents but the calcined iron framework, lock, and clasp. The real cause of the fire has not been clearly ascertained, but it is supposed that the care-taker, in raking out the grate in Master Gibson's office on Thursday evening, permitted some of the red cinders to fall under the hearth rug, and the fire having ignited some of the turf sods, of which the partitions of the office were lined, led to the burning which we hope will turn out not to have been attended with the disastrous consequences that is now supposed. Master Coffey's office and the rooms adjoining escaped uninjured. A large number of the police, under the direction of Mr. Superintendent Howe and Inspector Hoxey, was present during the fire.

FUNERAL OF THE LATE MR. BRERETON.

The remains of the late W. W. Brereton, Esq., Q.C., Chairman of the County Galway, were removed on Tuesday morning from his residence, Fitzwilliam-square, North, for interment in the family vault in the cemetery of Mount Jerome. The chief mourners consisted of the deceased gentleman's family, and many of the most eminent members of the legal and other professions attended. The service was performed by the Rev. F. F. Carmichael and the Rev. C. Quintin, chaplain to the cemetery.

LIEUTENANCY OF THE KING'S COUNTY.

Lieut.-Colonel Bernard was on Monday sworn in as Lieutenant of the King's County, in room of the late Earl of Rosse.

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NOTICE.

ATTORNEYS' AND SOLICITORS' ACT (IRELAND), 1866, 29th and 30th Vic., c. 84.

1—The members of this profession are requested to take notice that all certificates to practise, issued to them under the above Act for the year 1867, will continue in force until the 5th day of January, 1868, inclusive, and no longer.—(42nd sec.)

2.—Forms of the declaration to be filled up (in duplicate), and to be signed by each attorney or solicitor, or by his partner, or, in case such attorney or solicitor shall reside more than twenty miles from Dublin, then by his Dublin agent, being an attorney or solicitor (meaning a practising solicitor), on his behalf, are to be had at the office of the Registrar of Attorneys and Solicitors (Secretary's Office), Solicitors' Buildings, Four Courts.—(34th sec.; 31st sec.; the Chancery (Ireland) Act, 1867, 30 and 31 Vic., cap. 44.)

3—The sum of five shillings is to be paid for every certificate.—(29th and 30th Vic., cap. 84, sec. 34.)

4—Forms of declarations will be issued from eleven o'clock, a.m., to three o'clock, p.m., each day, and upon their being returned correctly filled and signed as hereinbefore-mentioned, certificates will be issued, between same hours, to parties entitled to receive same, to be taken by them to the Stamp Office to be stamped.

5—Every certificate must be produced to the Registrar within a month after payment of the duty, to be entered by him, until which payment of duty and subsequent entry no attorney or solicitor is duly qualified to practise.—(37th, 41st, and 46th sections.)

6—Certificates must be entered as heretofore in the various courts.

By order,

JOHN H. GODDARD, Secretary.

Solicitors' Buildings, Four Courts,
Dublin, Dec. 18, 1867.

ENGLAND.

(From the *Law Times.*)

MODERN LAW-MAKING.

The Statute-book, it has often been said, is a disgrace to the law of England, and there can be no doubt that there are many Acts of Parliament which are a disgrace even to that statute-book. This state of things may unquestionably be attributed in a great degree to the slovenly and piecemeal system of legislation which we so persistently pursue. Instead, when a law is found to require alteration or amendment, of repealing it entirely, and of re-enacting that portion of it which it is desired to retain, together with the new provisions which are intended to effect the required alteration or amendment, we allow the old law to remain almost, if not entirely, as it stood before, repealing only some part of it, or it may be even no part of it at all, and then add new provisions to the old, which, except so far as they may repeal, or may be inconsistent with the tenor of the latter, are directed to be construed as one with them. The amount of utterly useless matter which is thus accumulated, and the amount of confusion, vexation, inconvenience, and expense which is thus occasioned, are too well-known to every lawyer, and indeed, to most of the public at large, to need any lengthened comments. It is not, however, to our system of legislation alone, bad as it undoubtedly is, that this state of things is to be attributed. The carelessness, and even the ignorance, of the draftsmen to whom the drawing the Bills is entrusted, as well as of those persons whose duty it is to correct and revise them during their passage through Parliament, have to bear by no means a small share of the blame. That such a state of things should have been so long allowed to continue, is certainly nothing short of disgraceful. That the evil of which we speak is not imaginary, and that it demands an early and an effective remedy, a glance at the volume of statutes for the present year, which fully maintains the reputation gained by its predecessors, will readily show. Let us turn in the first place to the 30 & 31 Vict. c. 121, which the Act itself declares is to be cited for all purposes as "The Annual Turnpike Acts Continuance Act, 1867." Looking at this title any person would at once conclude, and, we think, most reasonably so, that the Act was one which only made provision for the further continuance of certain Acts relating to turnpike roads, which Acts, but for its being passed to continue their operation, would shortly expire. He would not, we imagine, expect to find that the Act not only continues certain turnpike Acts, but also makes several important amendments in the law relating to turnpike trusts. This is, however, in reality the case, for, on turning to the second part of the Act, we find such provisions as the following, that "no trustee or commissioner of any turnpike road shall be liable to any penalty or forfeiture by reason of his being a proprietor or holder of a share in any gas company or water company which contracts with the trustees or commissioners of such turnpike roads for the supply of gas or water for the purposes of such road or of the toll-houses thereon;" that "the trustees or commissioners of a turnpike road, which shall hereafter become an ordinary highway, shall, as soon as may be after the expiration of their trusts, distribute the balance of any moneys remaining in their hands amongst the parishes upon which will fall the liability to repair the roads of such trust, in proportion to the mileage of such roads in each parish, or, if such road shall be situated in any highway district or highway districts, then the trustees shall pay over such balance to the treasurer or treasurers of such highway district or highway districts, in proportion to the mileage of such road in each such highway district, to be distributed in manner aforesaid;" and that, "from and after the passing of the Act, no driver of any waggon or cart of any kind shall be liable to any penalty for riding upon such carriage in any turnpike road, provided such driver shall not ride upon the shafts of such carriage, but shall carefully drive such carriage by means of reins held in his hands, such reins being attached to every horse drawing the same;" together with other provisions relating to any excess by ratepayers to the accounts of the trust, where the repairs are borne by the parish, and to the auditing of the accounts in certain cases. The likelihood of such provisions as these being overlooked when contained in such an Act, and under such a title, is obvious, and there cannot be any doubt that they ought properly to have been formed into a separate Act, with a title which should clearly indicate their nature, a thing which the title at the head of the Act in question does not do, although it differs somewhat by making mention of "further provisions," from the "short title" prescribed in its last section. Let us turn again to The County Courts Act, 1867 (30 & 31 Vict. c. 142). The 9th section of that Act provides that the jurisdiction given by the 28 & 29 Vict c. 99 (The County Courts Equitable Jurisdiction Act), so far as relates to cases coming within the fourth head of the 1st section of that Act, may, from and after the passing of the first mentioned Act, be exercised in all suits for specific performance of, or for the reforming, delivering up, or cancelling of any agreement for the sale, purchase, or lease of any property where, in the case of sale or purchase, the purchase money, or, in the case of a lease, the value of the property, shall not exceed £500. The 33rd section of the Act, however, declares that "the several enactments specified in schedule (C) to this Act annexed are hereby repealed," and on referring to schedule (C) we find among the enactments there enumerated the 28 & 29 Vict. c. 99, which is declared to be repealed as regards the fourth head of suits and matters mentioned in the first section; the very portion of the Act, the operation of which is extended by the 9th section of the same Act, so that the Legislature is made to extend the operation of a certain provision in one part of an Act, and to repeal the very provision so extended in another.

Again, by the 36th section of the same Act it is declared that the Act shall come into operation on the 1st January, next, the section being, no doubt, intended to apply to the whole of the Act; but, notwithstanding this, in several sections (see secs. 5, 9, 28) words referring to the time of the passing of the Act have been allowed to remain, thus giving rise to

the question whether those sections are already in force or whether they will not be so until the time prescribed by the 36th section. Take also Lord St. Leonard's Act for amending the Law of Auctions of Estates (30 & 31 Vict. c. 48). The 3rd section of the Act contains a somewhat elaborate definition of the term "agent," but on searching for that term in the Act, it will be found that it does not even once occur in it.

Take, again the Representation of the People Act, 1867 (30 & 31 Vict. c. 102). Amongst other blunders, it will be found that the 43rd section of that Act makes certain provisions as to polling at a contested election of a "member or members" for the University of London, although the 24th section expressly provides that in all future Parliaments that University shall return *one* member; and that in the 61st section the word month is defined to mean calendar month, although the 13 & 14 Vict. c. 21, s. 4, which is an Act to shorten the language commonly used in Acts of Parliament declares that, in all Acts passed after the date of its commencement the word month shall have that meaning, unless words are added expressly showing lunar month to have been intended. We will not, however, multiply examples. Those which we have given from this one volume of statutes will not only sufficiently show the nature of the evil of which we have been speaking, but also make it clear that it is quite time that it should be effectually removed. Until this is done the labours of the Law Digest Commissioners, and of those who may be appointed under them, will, to a great extent be rendered useless, as the statute book will be continually introducing confusion where they are endeavouring to establish order, and continually adding new matter to the pile of rubbish which it will be their great object to clear away. It may, no doubt, be said that the present state of things produces work for the lawyers; and this, to some extent, is perhaps true enough; but a vast amount of the confusion and doubt, which now arises from Legislative enactments is as perplexing and injurious to the lawyer as it is to any member of the general public; and we feel sure that no lawyer who rightly appreciates the character and position of his profession, would desire that the evil which we have here noticed should be allowed to continue, for the mere reason that some additional amount of litigation may be caused by its existence. No human care or foresight can render an Act of Parliament so perfect that no question can arise under it, or in connexion with it; and were the evils in question to be at once swept away, we do not believe that the Legal Profession would be at all injuriously affected by the change, but that it would, in common with the public at large, derive a substantial benefit.

WHAT IS A SIGNATURE?

The question, "What is a signature?" is one which, since the decision given by the Court of Common Pleas the other day in the case of *Bennett* v. *Brumfitt*, 17 L. T. Rep. N. S. 213, may well be asked, but to which that decision renders it by no means easy to find an answer. The case alluded to was an appeal from the decision of the revising barrister for the borough of Liverpool. It appeared that the name of Frederick Caple, who was on the list of voters for that borough, had, together with the names of more than a hundred other persons, been objected to; and that the notice of objection bore the name of William Brumfitt at the foot of it as the objector.

It also appeared that the usual signature of the objector had been engraved in *fac simile* on a stamp, and that the objector himself had by his own hand impressed this stamp upon the notice of objection. It was contended on the part of the voter that this was not a sufficient signature within the meaning of the 17th section of the Registration Act (6 Vict., c. 18), which enacts that "every notice of objection shall be signed by the person objecting." The revising barrister, however, ruled that it was, but stated a case for the opinion of the court, and the court held that his decision was correct, on the ground that the mode of signature adopted would have been sufficient under the Statute of Frauds and under the Wills Act, and affirmed it, with costs.

This is certainly a most startling decision; and the words of Chief Justice Bovill, in delivering his judgment, are no less startling. "The signature," said the learned Judge, "in every case was made, not by the hand alone, but by some instrument. It was written either with a pen, a pencil, or a brush, and he could see no distinction between using a stamp by the personal hand of the maker of the signature and using a pen, or a pencil, or a paint brush. If written with a pencil, it could not be contended not to be his signature, and so if written with a paint brush. It was the act of the party, and to his (the Chief Justice's) mind was his signature." This idea of a signature is undoubtedly novel. We have always understood, and most other persons have, we imagine, done the same, that a signature meant the name of a person *written* and *subscribed* by *himself*. Cases have, no doubt, occurred in which the affixing a person's name to a document by other means than his actual handwriting has been held to be a sufficient signing to satisfy the terms of a statute, and as such the Statute of Frauds, or the Wills Act, under the former of which a *printed* name even has been held to be a sufficient signature, if recognized by or brought home to the party as having been printed by his authority: (*Sanderson* v. *Jackson*, 2 B. & P. 238; *Schneider* v. *Norris*, 2 M. & S. 286.) It should, however, be carefully borne in mind that these Acts were passed with objects very different from that which the Legislature had in view in passing the Registration Act, and that they are not therefore to be construed in precisely the same way, although the terms made use of in them may sometimes be identical, the intention of the Legislature being, in construing a statute, the principal thing to which effect is to be given. The impropriety of construing one statute by the light of another, upon an entirely different subject cannot be doubted, and was strongly remarked upon with regard to the Registration and Reform Acts, by Maule, J., in the case of *Dewhurst* v. *Fielder*, 7 M. & G. 182, where it was sought to be shown by a reference to the cases decided under the Tenement Acts (59 Geo. III., c. 50; 6 Geo. IV., c. 57), that two distinct buildings might be joined together in order to constitute a right to be registered as a borough voter under the 2 Will. IV., c. 45, s. 27. In that case the learned Judge whose name has just been mentioned, in delivering his judgment said: "I think we should not in these appeals involve ourselves with the decisions on settlement cases. We ought to be spared discussion upon the Tenements Acts, which are not at all upon the same subject as the Reform and Registration Acts. The same reasons are, therefore, not applicable in the construction of them. In the present case the plain words of the Act ought to prevail." If cases decided under the Tenements Acts could not with propriety be referred to for the purpose of aiding in the construction of the Registration and Reform Acts, we certainly entirely fail to see how cases decided under the Statute of Frauds and the Wills Act could be referred to for the purpose of construing that portion of the section of the statute the meaning of which was involved in the case which we are now considering. The object of the Statute of Frauds was "to prevent matters of importance from resting on the frail testimony of memory alone." Such being the object of that statute, some indulgence has undoubtedly been shown in the construction which has from time to time been put upon its requirements with respect to the signing of documents—certainty with respect to the terms of a transaction, and not so much the signature of the document containing them, being regarded as the principal aim of the Legislature. A still greater indulgence has been shown with respect to the requirements of the Wills Act as to the signing of wills. But this has arisen from the disfavour with which the law regards intestacy. Neither the cases under the former nor the cases under the latter of these statutes appear to us to be at all analogous to the present. The object of the provision of the 17th section of the Registration Act requiring a notice of objection to be signed by the objector was clearly to prevent, as far as possible, frivolous objections, by affording the person objected to every opportunity of identifying the objector, one means of doing which would, of course, be the seeing his handwriting. But it appears to us that the decision of the court in this case is eminently calculated to foster the very mischief which it was the great aim of the statute to prevent. For,

if the stamping the objector's name on a notice of objection by means of a stamp engraved in *fac simile* is a good signature, it must undoubtedly follow, for the reason given as the basis of tho judgment, that the *printing* the name would be sufficient. How easily voters may be most wantonly harrassed if such is the case it does not require any second sight to see. It has long since been decided that a notice of objection must be signed in the *handwriting* of the person objecting, and that the signing his name by another person, although done in his presence, and by his direction, is not sufficient: (*Toms* v. *Cuming*, 7 M. & G. 88; Lutw. 200.) The words of Maule, J., in delivering his judgment in the case referred to, are so forcible, and make the object and meaning of the statute so clear, that we cannot refrain from quoting them. "That the signature," he says, "required by the 17th section of the statute 6 Vict., c. 18, is a signature by the hand of the party objecting is, I think, deducible both from the words of that section and from the object and intention of the statute. The form prescribed by sect. 17 shows that the name and place of abode of the objector are to be at the bottom of the notice, and the section itself says that 'the notice of objection shall be signed by the person objecting.' That, I apprehend, does not mean some one different from the objector but the objector himself. *The provision that the notice shall be signed by the party objecting requires something more than giving the true name of the objector at the foot of the notice.* Then, if the intention of the statute is considered, the reason for such a provision is self-apparent. Cases would otherwise frequently happen in which a great number of notices of objection might be sent by post, and all the persons so objected to would be bound to attend the court and defend their votes, but would find nobody to support the objections. Then, when they came to look for the objector, it might turn out that the party whose name was at the bottom of the notice never authorized it to be placed there. It was the object of the statute to prevent such occurrences, and, therefore, the notice of objection must be signed by the hand of the person objecting." So Erle, J.: "Particular care," he says, "seems to have been taken in the statute to express the intention of the Legislature that the signature to a notice of objection shall be in the handwriting of the objector. That appears from the terms used in the 7th as well as in the 17th section." If the evils so clearly pointed out by Mr. Justice Maule would so frequently occur, and be so great, were the signature to the notice of objection permitted to be made by an authorized agent instead of by the objector himself, it cannot, we think, be doubted that they will be equally frequent and equally great if that signature is permitted to be made by a stamp, even though it be a *fac simile*, as there is no peculiar efficacy in the employment of the objector's hand unless the peculiarities of his handwriting are thereby made apparent. This, even a *fac simile* stamp, would not do, as nothing is more variable than handwriting, and that which may pretty well represent a person's handwriting at one time will not do so at another. If the decision in this case of *Bennett* v. *Brumfitt* is right, it would seem that the ancient rule of giving to all the words of a statute their plain and ordinary meaning, unless such a construction would lead to absurdity or injustice, can no longer be applied with any degree of safety as to the result, and that words which have, from their origin, meant one thing, must now be understood to mean quite another—that signing must be taken to mean not writing your name only, but printing it, or stamping it, or lithographing it, or even painting it with a paint brush, and handwriting to mean a *fac simile* of handwriting or any other representation of it which a man's fancy may lead him to adopt.

The decision is one which, we do not hesitate to say, appears to us to be calculated to work the greatest mischief, not merely with respect to the operation of the particular statute under which it was given, but also generally. As it is not, however, rendered so far final and conclusive by the 6 Vict., c. 18, s. 66, as to prevent the same point from being again raised (*Roberts* v. *Percival*, 34 L. J. 84, C. P.; 18 C. B., N. S., 36), we hope that the court will be afforded another opportunity of considering it, and that a construction more in accordance with the object of the statute will then be placed upon the enactment in question.

NOTES OF ENGLISH DECISIONS.

PROBATE PRACTICE.—Before a plea that the testator did not intend the alleged testamentary instrument to operate as his will can be put on the record, leave must first be obtained from the judge; but it is not necessary to furnish particulars under such plea: *Harrison* v. *Kirby*, 17 L. T. Rep. N. S. 152. Prob.)

PRACTICE—INTEREST ON DEBTS.—An order was made on Nov. 11, 1862, allowing interest on simple contract debts from the date of the winding-up order. This has since been held to be invalid, not being authorized by the Companies Act. But it is not the less a matter of justice, and ought to be sanctioned by the Legislature. Why was it overlooked by Mr. Walker's committee, and in the Amendment Act of last session? (*Re The Herefordshire Banking Company*, 17 L. T. Rep. N. S. 58. M. R.)

COLLEGE LEASE OF A MANOR—RIGHT TO FORFEITURES—COPYHOLDS.—A college demised "all lands, quit rents, waifs, and other appurtenances, and all rights and privileges, profits, emoluments, and appurtenances in respect of the game (except all courts and perquisites of courts, fines, amerciaments, escheats, and all profits, &c., growing and arising by virtue of the privileges of the college): Held, that in enfranchising the copyholds, that part of the money representing "forfeitures" belonged to the college, as included in exception in the lease: (*Ex parte Deane*, 17 L. T. Rep. N. S. 100. V. C. M.)

WILL—FOFEITURE—BANKRUPTCY.—B. gave property to trustees to be divided into as many equal parts as he had sons and daughters, upon trust, as to the daughters' shares, to pay the income to them for life, and to their husbands if they survived them, "until he should become bankrupt or" insolvent; and on his decease or bankruptcy or insolvency, then to the children. There was an only daughter who predeceased her husband, leaving one child, and he, as member of a firm, executed an inspectorship-deed, which was registered under the B.A. 1861: It was held not to create a forfeiture, such deed not being within the terms of the devise: (*Montefiore* v. *Enthoven*, 17 L. T. Rep. N. S. 114. V. C. Malins.)

VENDOR AND PURCHASER—RECTIFICATION OF CONVEYANCE.—The court will rectify a conveyance of lands where a clear case of mistake on the part of the vendor is made out, but will give to the other party the option of giving up the purchase or taking the conveyance intended by the vendor: (*Harris* v. *Pepperell*, 17, L. T. Rep. N. S. 191. M. R.)

THE LAW DIGEST COMMISSION.

(*Press and St. James's Chronicle.*)

The letter recently issued by this body has, at all events, the merit of being an excellent preparative. There are, in all probability, few subjects on which so many unsubstantial expectations are placed as on the proposed legal digest. The non-legal part of the nation seem hopeful in a very close proportion to their ignorance of the subject. The most popular idea seems to be that at some time or other the whole mass of English law will be codified in a form that will leave all duties plain, all rights easily ascertainable, and all the lawyers without employment. Nor is this vagueness at all wonderful, if the extreme elasticity of the term under discussion be considered. "Digest" may mean almost anything. Blackstone's "Commentaries" are a digest. So is the "Cabinet Lawyer," or "Smith's Manual," "Petersdorf's Abridgment" in six volumes, "Viner's Abridgment" in twenty, the "Institutes" of Justinian, and the "Corpus Juris" are all digests of one sort or another. Probably the proposed arrangement of our laws will be very much larger than the largest of those mentioned. If it is to be a work of judicial and binding authority, and not a mere aid to practitioners and students, it must be a formidable library in itself. It can only be of use to clients by simplifying the work of the lawyers. It may cheapen law as improved machinery cheapens manufactures, by giving a better or more reliable article for the purchase-money. But though that will be all, it is so very

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much less than what is expected that some little disenchantment has become desirable. And it is not the fault of the Digest Commissioners if they have not, at all events, rendered the public that service. Their latest announcement is, from beginning to end, emphatically tentative. They now propose to prepare what they call "specimen digests." Each of these is to be prepared by one or more barristers; but before any gentleman can enter on this duty he must give a "specimen" of his own capacity. He must send in by next Hilary Term a general summary in an analytical form of the law, either of "Bills of Exchange, Promissory Notes, Bank Notes, and Cheques," of "Mortgage and Lien," or of "Rights of Way, Water, and other Easements and Servitudes." If this preliminary experiment should give satisfaction he will then become qualified to assist at what may be called the substantial experiment. As the time allowed for the introductory effect is only two months, and as to do satisfactorily in that time the thing required is simply impossible, the proposal suggests very powerfully the difficulties under which the commissioners must be labouring. It would be unfair to suspect them of only affecting to throw open certain important functions to general competition. Their expedient is much more probably that of men who do not know when, or where, or how to begin. A great mistake is made by those who imagine that because Roman law was codified in three years, English law can be settled in the same manner. Roman law was systematic almost from the beginning. Justinian's achievement was founded partly on the code of Theodosius, which itself was founded on earlier codes, and partly on the writings of the jurists—a body for whom we have no equivalent. The earlier compilations had been varied and departed from — just as Justinian's work began to be improved upon immediately after its completion; but still there was the scaffolding of a system on which to build anew. English law, though containing many importations, from a more scientific method is, on the whole, a spontaneous production. Whether it has worked better or worse than its rivals is a question on which many people differ. The opinion of English lawyers, who, if they may be prejudiced, are also experienced, is, that our system will bear comparison with any. That point, however, is no longer at issue. It has been decided that English law shall be "digested," or "codified," or whatever may be the best term to express, being brought into a form which shall contain all legal rules, however derived, with no contradictions and as few doubts as possible. This being the case, it is as well to remember that our *corpus juris* is a body without form—"a shape that shape has none." The Commissioners have no old lines on which to build, and the obvious hesitation with which they are feeling their way shows their difficulty. This revelation will no doubt depress those who, though pretty well aware that our jurisprudence is like the heap of flax which the Princess had to spin into thread before morning, expect a commission to play the part of Rumplestiltskin. But caution promises more than pretension, and caution in persons from whom miracles are expected can hardly be displayed early enough to prevent disappointment.

THE PROPORTION OF FEMALE CRIME.—In the gravest cases of crime France shows 17 per cent. female, and 18 per cent. male criminals. An interval of forty years of observation since 1825 has made no change in this fundamental relation; and the same mean, 17 per cent., has likewise been confirmed in Baden. In England and Prussia, on the other hand, the per centage is considerably to the disadvantage of women as compared with that in France. In America, the latest tables, ending September, 1866, show an enormous preponderance in favour of women under the heading of every crime. Crimes against the person, as murder and bodily injuries, have their source most frequently in passion; those against property, as fraud and robbery, more frequently in motives of self-interest. In the gravest class of crime, that directed against the person, the number diminishes to 15 per cent. Of the special acts in this category, half are cases of infanticide and similar cases in which women are usually concerned. In London this crime alone is rated at 1,200 yearly. Leaving infanticide out of the question, the sum total of cases of manslaughter and murder gives to women only 13 per cent. Some specialties under this head show a higher per centage, as murder of father or husband, 25; poisoning, 43. But if we take into consideration that women, in the performance of their domestic duties, and in the preparation of food, have twenty times more opportunity of administering poison than men, the proportion of 43 per cent. is by no means striking. Moreover the women who preside over their own hearths or cook for others, having the elementary substances at their disposal, comparatively seldom abuse the power entrusted to them. The figure 20 gives the per-centage for arson among women. The criminal statistics likewise contradict many traditional opinions unfavourable to women. In the Middle Ages female testimony in the Courts was considered untrustworthy. We find, however, that of 100 cases of false witness, only 25 belong to women. In 1,000 cases of injury or slander, a similar number of petty larceny, of vagrancy, of fraud, and of assault, we find the relative numbers of female offenders as follows:—276, 270, 226, 202, 122. Again, for religious transgressions and contempt of court, the figures are 1[illegible]3 and 95 in 1,000 cases. The latest returns from America supply a confirmation almost point for point, and are upon the whole even more favourable to women. In a total of 805 crimes against the person, only 98 are by females; in a total of 2,035 crimes against property, 278 are by females; in a total of 3,467 crimes against public order and decency, 900 are by females. Under debt we find 59 cases of men, and not one of the other sex; under malicious mischief, 49 males and six females.—*The Chronicle.*

CORRESPONDENCE.

RESIDENT MAGISTRATES.

TO THE EDITOR OF "THE IRISH LAW TIMES AND SOLICITORS' JOURNAL."

SIR,—The question—who are the best qualified persons for the office of resident magistrates—is one of peculiar importance to the legal profession, and, indeed, to the general public. I therefore trust that you will allow the subject to be ventilated in the IRISH LAW TIMES, as that paper has now established itself as the acknowledged mouthpiece of the lawyers in Ireland. It appears to me that a plan which has been discussed lately, of making Justices of the Peace Resident Magistrates, will not conduce to the public advantage, as, in addition to the extensive knowledge of law requisite, I think there should always be at least one magistrate on the Bench who is not connected with the locality and its population by interest and sympathy.

I am, sir, your obedient servant,

A SUBSCRIBER.

[We intend treating the subject of Resident Magistrates editorially in an early number, and meanwhile we shall be happy to open our columns to any discussion relating to the legal interests of Ireland, but we are obliged from press of matter to curtail our correspondent's letter on the present occasion.—ED. I. L. T. AND S. J.]

REVIEWS OF NEW BOOKS.

The New Chancery Practice, under the Chancery (Ireland) Act, 1867 (30*th* & 31*st Vic., cap.* 44), *containing Practical Directions and Information respecting the various Proceedings in a Chancery Suit, and the Statute and General Orders fully annotated with the English Act and Orders, together with numerous Forms and Precedents, and a Chancery Time Table.* By HENRY T. DIX, Esq., Solicitor. Dublin: King, Publisher and Law Stationer, 36, Upper Ormond-quay. 1867.

IN a former number we expressed our hope that Mr. Dix's work on the New Chancery Practice would be given to the

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profession with as little delay as possible: it has now appeared, and we must say more than fulfils the expectations which were entertained of it. Mr. Dix gives in the smallest possible compass, consistently with clearness, an accurate statement of the practice and procedure of the Court of Chancery, under the new Act and Orders. The object of the Act and Orders being to effect a complete assimilation between the equity systems of both countries, practitioners were under the impression that all the English books of practice would be at once available for their guidance, but no one in anything like full business could hope to be able (from the ponderous volumes on the English practice) at once to sketch out for himself an outline of the points of practice and procedure which are necessary to be constantly borne in mind. "Mr. Ayckbourne's Chancery Practice" is the only English work we know which would have been at all likely to meet the requirements of the professions in this respect. It would be idle for us to give a full analysis of Mr. Dix's book, as it must be in the hands of every member of the profession who desires to become practically familiar with the new system. The object of the book is best expressed in the words of the author:—"In the following pages I have endeavoured to supply all necessary information respecting the various steps in a Chancery suit under the new system, referring to the Statute and General Orders which govern such proceedings, and to decisions which have settled the practice of the court in England on the points in connexion with which they are quoted. In the appendix I have given the statute with the sections of the corresponding English Acts noted in the margin, and also a copy of the recent General Orders similarly noted with respect to the English Orders. The appendix also contains a number of forms and precedents which I trust will prove useful to my professional brethren, and a Chancery time table which I think they will find convenient for reference."

Mr. Dix wished for greater leisure to accomplish this design, but yielding to a desire to meet the immediate want, which was generally felt, of some guide to the new procedure, we are glad to say was induced no longer to defer the publication of his most valuable little volume. The portion of the work eminently useful to solicitors is that part which is devoted to the consideration of proceedings in chamber, as to which, up to the present time, every one seems to have been utterly in the dark. Mr. Dix has brought to the performance of this difficult task the great advantage of an experience gained by personal attendance in the Chief Clerk's and other offices of the Court of Chancery in England. He has also had the benefit of much valuable information from Mr. Biddle of the English Rolls Office, whose services are eminently perceptible in the last edition of "Daniel's Chancery Practice." Mr. Dix, fully alive to the requirements of his professional brethren, has added (arranged in the order of proceedings in a suit), a table, showing the time within which each successive step must be taken; these, with a copious and carefully prepared index, form a volume which reflects great credit upon the research, the skill, and accuracy of its author.

UNIVERSITY INTELLIGENCE.

The election of a Chancellor of the University of Dublin, in the room of the late Earl of Rosse, took place yesterday, in the Examination Hall of Trinity College. The Vice-Chancellor, Sir Joseph Napier, Bart., presided, and opened the proceedings by stating the object of their assembling. The learned gentleman enumerated the many distinguished qualities which had marked those who had been Chancellors of the University, and none more than the late lamented Earl of Rosse. He said there were now three noblemen in nomination, Lord Rosse (son of the late Chancellor), Lord Monck, and Lord Cairns. After some remarks by Mr. Galbraith, F.T.C.D., the voting was proceeded with, the result of which gave Lord Cairns 35 votes, Lord Rosse 1, and Lord Monck 0.

The Vice-Chancellor then declared Lord Justice Cairns duly elected Chancellor of the University.

THE COURTS AND COURT PAPERS.

HIGH COURT OF CHANCERY AND SUPERIOR COURTS OF COMMON LAW.

CHRISTMAS RECESS.

The several offices of the Court of Chancery and the Superior Courts of Common Law will be closed on Christmas Day, and the *seven* days following (exclusive of Sunday), pursuant to the statutes in that case made and provided.

LANDED ESTATES' COURT.

The several offices of this Court will be closed from Tuesday, the 24th instant, until Monday, the 6th of January, 1868, both days inclusive, with the exception of

THE RECORD OF TITLE OFFICE,

which will be closed only on Christmas Day and New Year's Day. On the other days it will be open from 12 to 1 o'clock.

PROVINCIAL COURT—DEC. 16TH, 19TH.

(Before Judge BATTERSBY.)

MILLS *v.* CRAIG.

This was a suit at the instance of the Rev. Thomas Mills, incumbent of the parish of St. Jude, to restrain the Rev. H. T. Craig from officiating in the chapel of Richmond Barracks without his permission.

Dr Stoddart stated the case on behalf of the petitioner. On the 29th October, 1861, he was duly licensed as incumbent, and perpetual curate of St. Jude's, and still holds that position. About eight years previous to the commencement of the present suit a chapel was built in Richmond Barracks. This chapel being within the parish of St. Jude's no clergyman was entitled to perform religious offices in it without his (petitioner's) consent. Notwithstanding this, on several days in the present year the respondent, by virtue of his office as military chaplain, officiated, and still does officiate, had prayers to soldiers and their wives, and to others of the petitioner's parishioners. Respondent also visits the sick, administers the Sacrament, and prepares for confirmation. The respondent, besides, not only performs these offices for soldiers but for others of the parishioners of the petitioner, for he causes a bell to be rung to summon people to Divine service, and otherwise invites the attendance of parishioners of the petitioners. The respondent pleaded that he was a military chaplain. He was gazetted on the 19th January, and ordered to go to Dublin, and, in accordance with such order, respondent did so. He was accordingly bound to perform Divine service for the soldiers committed to his charge. He is not aware whether any of petitioner's congregation attended the chapel in Richmond Barracks, but he never used any means to induce them to do so, and those that had attended, if any, did so voluntarily, and it was not in the power of respondent to prevent them.

Mr. Stoddart submitted that according to the general rule of law respondent had no right to interfere with any of petitioner's parishioners. He quoted an opinion from "Burn's Ecclesiastical Law," which supported his views. There is no general principle of ecclesiastical law more firmly established than that it is not competent for any other clergyman to officiate in any church within the limits of an incumbent's parish without his permission. He (counsel) intended to produce witnesses to prove that the respondent had induced parishioners of St. Jude's to attend his chapel at Richmond Barracks; and it was a remarkable fact that in only three or four cases in Ireland did any person deprive the incumbent, whoever he might be, of his right to act as chaplain to the forces stationed in his parish.

Dr. Ball, Q.C., opened the case of the Rev. Mr. Craig, who, he said, had been appointed army chaplain under a commission signed by the Secretary of State for War, and by virtue of that commission he was bound to obey his

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superior officer as to the duties imposed on him as such chaplain.

The Rev. Mr- Craig was examined by Dr. Todd.—He deposed that he had received his commission as an army chaplain, that he had acted in that capacity at Aldershot, and that he came over to this country in the beginning of this year, and reported himself to the Assistant Adjutant-General, from whom he receives his instructions as to his duties. He was asked whether he had ever induced any of the parishioners of St. Jude's to attend Divine service at the church attached to Richmond Barracks, and he stated that he never did so, and that he always informed the wives of soldiers that resided outside the barracks that he had no power to administer religious rites to them. He stated that he had never heard the bell rung for Divine service in the barrack church, and that, though the door of the church was open there was a sergeant always stationed outside who would prevent the general public from entering.

Dr. Todd and Mr. Elrington addressed the Court on the part of the Rev. Mr. Craig, and Mr. Walker replied generally for the petitioner.

Judge BATTERSBY said as the case was an important one he would take time to look over the various authorities cited at both sides, and that he would not give judgment until after Christmas.

LANDED ESTATES' COURT.

SALES, Dec. 17.

Before the Hon. JUDGE LYNCH.

COUNTY OF DOWN.—The fee-simple estate of Isaac Wykeham Dickinson, owner and petitioner.

Lot 1. Part of the lands of Carmeen, containing 50a. 2r. 23p. statute measure; net rent, £78 7s. Sold to Mr. S. Weir for £1,770.

Lot 2. Part of the same lands, containing 18a. 2r. 41p. statute measure; net rent, £30 18s. 4d. Sold to Mr. S. Weir at £650.

Lot 3. Part of the lands of Carmeen and Lisduff, containing 23a. 2r. 26p.; rent, £44 17s. 3d. Sold to Mr. John Collum for £750.

Lot 4. Part of Cloghanramer, containing 12a. 0r. 2p.; rent, £24. Sold to Mr. Savage for £455.

Lot 5. Parts of Derrybay and Cloghanramer, containing 9a. 3r. 15p.; rent £17 12s. Sold to Mr. John Callan for £330.

Lot 6. Part of Cloghanramer and Derryboy, containing 38a. 0r. 21p.; rent, £71 13s. Sold to Mr. S. Weir for £1,550.

Lot 7. Part of same lands, containing 8a. 3r. statute measure; rent, £19 6s. Sold to Mr. J. Callan for £400.

Lot 8. Part of Cloghanramer, containing 3a. 3r. 20p.; rent, £9 18s. Sold to Mr. Savage for £189.

Lot 9. Part of same lands, containing 4a. 3r. 26p.; rent, £13 10s. Sold to Mr. E. Greer for £200.

Lot 10. Part of same lands, containing 6a. 0r. 18p.; rent, £9 4s. 6d. Sold to Mr. John Callan for £175.

Lot 11. Part of same lands, containing 6a. 0r. 30p.; rent, £10 11s. 1d. Sold to Mr. Greer for £285.

Lot 12. Part of same lands, containing 20a. 1r. 1p.; rent, £29 11s. 5d. Sold to Mr. W. Graham for £600.

Lot 19. Part of same lands, containing 12a. 3r. 21p.; rent, £24 17s. 2d. Sold to Mr. John Daly for £490.

Lot 20. Same, containing 11a. 0r. 18p.; rent, £18 8s. 5d. Sold to Mr. Richard Swiney for £410.

Lot 21. Part of Derrybeg, Lisduff, and Cloghanramer, containing 61a. 3r. 13p.; rent, £107 3s. 5d. Sold to Mr. Brown for £1,910.

Lot 22. Parts of Derrybeg and Cloghanramer, containing 29a. 3r. 4p.; rent, £58 0s. 10d. Sold to Mr. Sweeny for £1,010.

Lot 24. Parts of Lisduff and Derrybeg, containing 29a. 0r. 3p.; rent, £56 16s. 4d. Sold to Mr. Graham for £1,210.

Lot 25. Part of Lisduff, containing 52a. 2r. 23p.; rent, £102 1s. 8d. Sold to Mr. Robert Glenny for £1,715.

Lot 26. Part of Lisduff, containing 32a. 2r. 33p.; rent, £55 5s. Sold to Mr. Robert Glenny for £1,160.

Lot 27. Part of Cloghanramer, containing 10a. 0r. 29p.; rent, £19 13s. 3d. Sold to Mr. D. Daly for £490.

Lot 28. Part of same lands, containing 6a. 2r. 10p.; rent, £6 10s. Sold to Mr. Glenny for £150. Solicitor, *William Lane Joynt.*

COUNTY OF TIPPERARY.—Estate of Eliza Malmer, owner; Richard Atkinson, petitioner.

Lot 1. The manor mills of Roscrea, and part of the adjacent Osier plot, with houses; rent, £61 4s. Sold to Mr. W. V. Bridge for £55.

Lot 2. Houses and premises in River-lane and Castle-lane, Roscrea; rent, £15 4s. Sold to Mr. W. V. Bridge for £125.

Lot 3. Piece of ground, with a tannery and other buildings in the town of Roscrea, producing a net rent of £16. Sold to Mr. E. Kirwan for £110.

Lot 4. Castle holding and demesne, containing 58a. 3r. 10p.; rent, £5. Sold to Mr. D. J. Bergin for £305.

Lot 5. Lands of Parkmore, containing 11a. 2r. 5p.; rent, £101 18s. 3d. Sold to Mr. G. A. Powell for £2,000.

Lot 6. Part of same lands, containing 5a. 0r. 21p.; rent, £13 5s. 6d. Sold to Mr. Powell for £350.

Lot 7. Part of same lands, containing 5a. 2r. 4p.; rent, £14 10s. 1d. Sold to Mr. F. Shepherd for £290.

Lot 8. Part of same lands, containing 3a. 2r.; rent, £9 3s. 10d. Sold to Mr. F. Shepherd for £245.

Lot 9. Demesne, containing 1a. 3r. 8p.; rent, £5 11s. 8d. Sold to Mr. F. Shepherd for £110. Solicitor, *Allan Nesbitt.*

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before the COURT.		
Dec. 23	11 o'clock	C. and E. Byrne - - -	Examine witnesses - - -	*Casey & Clay*
"	"	Arrangement case - - -	Audit assignee's account - -	*M'Namara*
"	"	do. - - -	do. - - -	*Fay & M'Gough*
"	"	J. M. Coote - - -	do. - - -	*Johns, Hewett, & Johns*
"	"	Barfoot and Shaw - - -	do. - - -	*Lynch*
"	"	Hollyford Mining Company -	Motion - - - -	*Casey & Clay*
		Before the CHIEF REGISTRAR.		
"	12 o'clock	Charles Weekes - - -	Proof of debts - - -	*Molloy & Watson*
"	"	C. Rees - - - -	Reference - - - -	*Kernaghan and Saunders*
"	"	D. J. Bergin - - -	Report - - - -	*Clay*
"	"	C. Pyke - - - -	Costs - - - -	*Molloy & Watson*

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DIVIDENDS DECLARED.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE
Dec. 20	Shaw, Samuel, of Belfast, merchant,	1s. 11⅛d. in the £, on £3,889.	*James*
"	M'Cloy, Joseph, of Belfast, merchant,	2nd and final dividend, 1s. 1¾d. in the £, on £5,199.	*James*
"	Parker, Robert, of Camden-street, Dublin, boot and shoe-maker,	1s. 0½d. in the £, on £446.	*James*
"	Langford, Charles, Belfast, county Antrim,	11½d. in the £, on £730.	*James*
"	Cleary, Michael, of Tipperary,	4s. in the £, on £1,714.	*Deering*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
Dec. 20	Kirby, Thomas, of Sackville-street, Dublin, firework manufacturer,	G. W. Irwin, of Serpentine-avenue, Sandymount, gentleman.	*Kane*
"	O'Connor, Patrick, of Tralee, merchant,	Victor B. Fitzgibbon, Sydney House, Cork, merchant.	*Huggard*

IN INSOLVENCY.

CASES DISPOSED OF.

Wednesday, December 18, 1867.

Before Judge Miller.

Broderick, Timothy. Discharged.
Brown, Michael. Adjourned to 15th January, 1868.
Burke, Catherine Winifred. Do.
Cullen, John. Discharged.
Dalton, John. Do.
Duffy, Edward. Do.
Fetherston, John Joseph. Discharged.
Fitzgerald, Patrick. Do.
Grehan, jun., Augustine. Do.
Hickie, Patrick. Adjourned to 15th January, 1868.
Mitchell, Jane. Discharged.
O'Grady, Morgan John. Adjourned to 15th January, 1868.
Warren, Catherine. Remanded for twelve months from the 30th August, 1867, at the suits of Peter Sheridan, Charles Gallie, George Bartholomew, and Charles Augustus Bartholomew, creditors.

Friday, December 20.

Before Judge Miller.

Keough, Martin. Discharged.
Smith, James. Do.

INSOLVENTS DISCHARGED ON BAIL.

Armstrong, Edward, of Belfast, builder.
Grace, Catherine, county Tipperary, widow, publican.
Murphy, Rody, county Tipperary, shopkeeper.
M'Grattan, John, Belfast, carpenter and spirit dealer.

INSOLVENTS.

To be heard in Dublin.

Beckey, Edward (sued as "Edward Beakey), of Portobello Canal; previously of Pleasants-street, Dublin, commission agent. Hearing on Wednesday, 8th January, at 11 o'clock. *Rynd*, solr.

Hopkins, John, of Henrietta-street, and previously of Capel-street, Dublin, cork manufacturer and commission agent. Hearing on Wednesday, 8th January, at 11 o'clock. *Rynd*, solr.

Maher, John, of No. 10, and previously of No. 5, Upper Mecklenburgh-street, Dublin, wine cooper. Hearing on Wednesday, 8th January, at 11 o'clock. *Rynd*, solr.

Molloy, William, of M'Birney and Company's Mart, Aston's-quay; previously of Brown and M'Conkey's Mart, both in city of Dublin, draper's assistant. Hearing on Wednesday, 8th January, at 11 o'clock. *Rynd*, solr.

Stafford, Michael, of Discart, Carrickmacross, county Monaghan, farmer. Hearing on Wednesday, 8th Jan., at 11 o'clock. *Rynd*, solr.

To be heard in the Country.

Banigan, Bernard, of Tullyrane, county Monaghan, farmer and scutcher of flax. Hearing at Monaghan, January 3, at 10 o'clock. *Jebb*, solr.

Brawley, James, of Barrackwell-lane, Armagh, labourer; previously of Terraskane, county Armagh, farmer. Hearing at Armagh, January 10, at 10. *Cochrane*, solr.

Connelly, Anne, of No. 5, Nelson-street, Limerick, shopkeeper. Hearing at Limerick, January 10, at 10. *Doyle*, solr.

Cullen, Robert, of Camross, county Wexford, formerly a farmer, now a farm caretaker. Hearing at Wexford, December 30, at 10 o'clock. *Waddy*, solr.

Duggan, Margaret, of Bakehouse-lane, Waterford, widow and grocer. Hearing at Waterford, January 6, at 10 o'clock. *Howard*, solr.

Evans, John, of Taylor's Hill, Galway, accountant. Hearing at Galway, Jan. 2, at 10 o'clock. *Macnamara*, solr.

Healy, Joseph, of Duleek-street, Drogheda, labourer; previously of Drogheda aforesaid, watchman; formerly of same place, labourer. Hearing at Drogheda, December 31, at 10 o'clock. *Rowland*, solr.

Higgins, John, of Ballyneeveen, county Tipperary, farm labourer. Hearing at Cashel, January 2, at 11 o'clock. *Vowell*, solr.

Lynch, John, of Waterside, county Londonderry, saddler; previously of Cumber Claudy, Londonderry, saddler. Hearing at Newtownlimavady, December 31, at 10 o'clock. *Proctor*, solr.

Myron, Patrick, of Whitehall, county Kilkenny; previously of Ballinkillen, county of Carlow; and formerly of Carlow, county of Carlow, cooper. Hearing at Kilkenny, January 7, at 10 o'clock. *Shortall*, solr.

M'Coy, George, of Cootehill, county Cavan, innkeeper, grocer, and car proprietor. Hearing at Monaghan, January 3, at 10 o'clock. *Wright*, solr.

M'Kenna, Patrick, of Belfast, county Antrim, grocer, spirit dealer, and car owner. Hearing at Belfast, January 3, at 3 o'clock. *Macnally*, solr.

Rankin, Andrew, of Tierhomin, county Donegal, farmer. Hearing at Lifford, Jan. 9, at 10 o'clock. *Dickie*, solr.

PETITIONS OF INSOLVENCY FILED.

December 19.

Cardwell, Francis, of Dungannon, county Tyrone, spirit dealer; previously of Barrow, in England—a prisoner in gaol of Armagh. *Cochrane*, solr.

Carrigan, Daniel, of Jane's-green, Kilkenny, shopkeeper—a prisoner in the gaol of Kilkenny, *Hartford*, solr.

Lyons, James, of Church-street, Dublin, dairyman—a prisoner in Four Courts Marshalsea. *Rynd*, solr.

PAUPER DECLARATION FILED.

December 19, 1867.

By Rafter, Peter, detained by Thomas Redding. *M'Mahon*, solicitor for creditor.

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DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	OCTOBER. Sat. 26	Mon. 28	Tues. 29	Wed. 30	Thur. 31	NOVEMBER Fri. 1	Sat. 2	Mon. 4	Tues. 5	Wed. 6	Thur 7	Fri. 8	Sat. 9
Government													
3 p c Consols	—	93⅜	93⅜ ½	93⅜	92½ ¼	—	—	93¼	93⅛	93¼ ⅜	93⅜	—	93¼
New 3 p c Stock	92¼ ⅜	92⅜ ½	92⅜	92⅜ ¾	92½ ⅝	—	92⅝ ¾	92¼ ⅜	92⅜ ½	92¾ ⅝	92⅝	92⅝ ¾	92¾ ⅝
Foreign and Colonial.													
India 5 p c Stock	—	—	112¼	112⅜	112½	—	—	—	—	112¾	—	112¾	—
Joint-Stock Banks.													
Ireland, £100 pd	—	233½	—	—	—	—	232½	231¾	—	232¼	233½	233½	—
Hibernian, £25 pd	—	—	39⅜	—	39	—	—	38¾	—	—	—	—	—
Munster (Limited.), £3 10s pd	4⅝	4⅝	—	4½ ⅝	—	—	4⅝	—	4⅝	—	4⅝ ¾	—	—
National, £30 pd	61	—	—	60¾	60¾ ⅞	—	60¾	60⅝	60¼ ½	60	60	16⅛	16⅛
National of L'pool (Ltd.), £15 pd	12⅛	12	—	—	11½	—	11½	—	11½	—	11⅛	11⅛	11¼
Provincial, £25 pd	88	—	—	—	—	—	—	—	—	—	—	88	—
Do., New, (pd £10)	—	—	—	35½	—	—	—	—	—	—	—	—	—
Royal, £10 pd	—	32⅝	32¾	—	—	—	32¾	—	32¾	—	32¾	32¾	32¾
Ulster Banking Co., £2 10s pd	—	—	—	—	—	—	—	—	—	—	—	9½	—
Union, £22 pd	15⅞	—	15½ ¼	—	—	—	—	—	—	—	—	—	—
Steam.													
British & Irish, £50 pd	—	—	—	—	—	—	—	—	—	—	49½	—	49½
City of Dublin, £100 pd	104¾	104¾	—	—	—	—	104½	—	—	104½	—	—	—
D. & L. St. S. B. Co. £50 pd (rd)	—	—	—	55	—	—	—	—	—	—	—	—	—
Dub. and Glasgow, £50 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Dundalk (Limited), £10 pd	—	—	—	—	7⅝	—	7⅝	—	—	—	—	—	7¼
Do., New, Second Issue, pd £5	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous.													
A. & C's' Gas, £8 pd A	—	—	11⅛	—	—	—	—	11⅛	—	—	—	—	—
Do., B	—	—	6¾	—	—	—	—	6¾	—	—	—	—	—
Do., 2 C	5⅝	—	5⅝	5⅝ ¼	5⅝	Holiday.	—	5⅝	—	5⅝	5⅝ ½	—	—
Grand Canal, £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Patriotic Insurance, £10 pd	—	8	—	—	—	—	8⅛	—	—	—	8½	—	8⅝
National Insurance, £25 pd	—	—	—	—	—	—	—	—	31½	—	—	—	—
Railways.													
Belfast & N'rn Counties, £50 pd	—	—	—	—	—	—	—	—	—	46½	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Dublin & Kingstown, £100 pd	—	—	—	—	—	—	197	197	—	—	—	—	—
Dublin & Drogheda, £100 pd	—	86¾	—	—	—	—	86¾	—	—	—	—	—	87
D., W., & W., £100 pd	—	—	—	—	—	—	—	—	—	—	38	—	—
Gt. N'rn & Western, £10 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd	—	95½	95½	95⅝	95⅝	—	95⅝ ¾	95⅞ ¾	95⅞ ⅝	—	95⅝	95⅝ ¾	—
Midland Gt. Western, £100 pd	57½	57½	—	57¼	—	—	57¼	—	57⅜	—	57½	—	—
Waterford & Limerick, £50 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Railway Preference.													
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s	—	—	—	—	—	—	—	6	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd	—	—	—	—	—	—	—	—	—	46½	46½	—	46½
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—	—	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd	95½	—	—	95½	95½	—	—	95½	—	—	—	—	—
Irish N. W., 5 p c pp, £10 pd, A	—	—	—	—	—	—	—	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd	—	100	100	—	—	—	—	—	—	—	—	—	—
P'down, Dun, &c., 6 p c, £25 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50	—	—	—	—	—	—	—	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—
Railway Debentures.													
Gt. South. & Western, 4½ p c	—	—	—	—	—	—	99¼	—	—	—	—	—	96⅞
Mid. Gt. Western 5 p c	—	—	—	—	—	—	—	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—	—	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—	—	—	100	—	—	—	—

DESCRIPTION OF STOCK	NOVEMBER Mon. 11	Tues. 12	Wed. 13	Thur. 14	Fri. 15	Sat. 16	Mon. 18	Tues. 19	Wed. 20	Thur. 21	Fri. 22	Sat. 23	Mon. 25	Tues. 26	Wed. 27
Government															
3 p c Consols	93¼ ⅜	93⅜	93½ ⅝	93½	93¼ ⅜	—	93⅛ ¼	93⅜ ½	93½	93¼ ⅜	93¼ ⅜	93⅜	93⅜	93½	93⅜
New 3 p c Stock	92⅝ ¾	92¾ ⅞	92¾ ⅞	92⅝ ¾	92½ ⅝	92⅜ ½	92½ ⅝	92⅝ ¾	92½ ⅝	92½ ⅝	92⅜ ½	92½ ⅝	92⅜ ½	92¾	92⅝ ⅞
Foreign and Colonial.															
India 5 p c Stock	112¾	—	—	113⅛ ¼	—	—	—	114¼	—	—	—	114	114	—	—
Joint-Stock Banks.															
Ireland, £100 pd	—	—	233½	—	—	233	232	—	—	—	—	—	—	—	237
Hibernian, £25 pd	—	39⅜	39⅜	—	—	—	38½	—	38	—	38	38	38	—	37½
Munster (Limited.), £3 10s pd	—	4¾	—	—	—	4¾	—	4¾	4¾	4¾	4¾ ⅞	—	4⅞	4⅞	4⅞
National, £30 pd	16¾	16¾	16½	16⅝	60	59¾	59½	59¼	58¾	58⅞	59¼	59¼ 58⅞	58¾	58	58
National of L'pool (Ltd.), £15 pd	—	—	—	—	11¼	11⅛	11⅛	—	11	—	—	—	—	—	11⅝ ¾ ⅞
Provincial, £25 pd	—	—	—	88	88	—	—	88	88	88½	88½	88½	—	89	—
Do., New, (pd £10)	—	—	—	—	—	—	—	—	35½ ¼	—	—	35	—	—	—
Royal, £10 pd	32⅝	33	—	32¾	—	32⅝	—	—	—	32½	32⅝	32⅛	—	32⅝	32⅝
Ulster Banking Co., £2 10s pd	—	—	—	—	—	—	—	—	9½	—	—	9½	—	—	—
Union, £22 pd	—	—	14¾	15	15½	15¾	15¾ ⅞	16	16⅛ ¼	16¼ ⅜	—	—	16½	16⅝ ¾	16½
Steam.															
British & Irish, £50 pd	—	—	49½	—	49	—	—	49½	—	—	—	—	—	—	—
City of Dublin, £100 pd	104½	104½	x d	101½xd	101½xd	101½	—	—	101¾	102¼	102½	102½	103	—	103½
D. & L. St. S. B. Co. £50 pd (rd)	—	55½	55½	—	55½	—	—	—	—	—	55⅝	—	55½	—	55⅝
Dub. and Glasgow, £50 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dundalk (Limited), £10 pd	—	7½	—	—	—	—	—	—	—	—	—	—	—	—	—
Do., New, Second Issue, pd £5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous.															
A. & C's' Gas, £8 pd A	—	—	—	—	11⅛	—	—	—	—	11	11⅛	—	11	—	—
Do., B	6¾	6¾	—	6¾	—	—	—	—	—	—	6⅝ ½	—	—	6⅝ ½	—
Do., 2 C	5½ ⅝	—	—	—	5⅝	5⅝	5⅝	—	5	5¼ ⅜	5⅛ ¼	—	5⅛ ¼	—	—
Grand Canal, £100 pd	—	—	—	—	—	—	—	45½	—	—	45½	—	—	—	—
Patriotic Insurance, £10 pd	8½	—	—	—	—	—	8¼	—	—	—	8⅝	—	—	—	—
National Insurance, £25 pd	—	—	—	—	—	31½	—	—	—	—	31½	—	—	31	—
Railways.															
Belfast & N'rn Counties, £50 pd	—	46¾	46½	46½	—	—	—	—	46½	—	47	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd	—	—	—	—	—	—	—	88¼	—	—	—	74¾	—	—	74¾ 75
Dublin & Kingstown, £100 pd	—	—	—	—	—	—	—	—	—	—	198½	198	—	—	198
Dublin & Drogheda, £100 pd	—	—	—	88	—	—	—	—	—	—	—	—	—	—	—
D., W., & W., £100 pd	—	—	—	—	—	—	—	—	35	33	31¼	31¾	—	34½	—
Gt. N'rn & Western, £10 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd	95⅝ ¾	95⅝	95⅝ ½	95½ ⅝	95⅝	95½ ⅝	95⅝ ¾	95⅝	—	95⅞ 96	96 95⅞	95⅞ 96	96¼	96¼	96¾
Midland Gt. Western, £100 pd	57¼	—	—	—	—	—	56	—	—	—	56¼	—	—	—	—
Waterford & Limerick, £50 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Railway Preference.															
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	93½	—	—	—	—	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd	—	47½	—	—	46½	—	—	46½	46¼	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd	95¾	—	—	96	—	—	—	—	—	—	—	—	—	96½	—
Irish N. W., 5 p c pp, £10 pd, A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd	—	—	100	—	—	—	—	—	—	—	—	—	—	—	—
P'down, Dun, &c., 6 p c, £25 pd	—	23	—	—	—	—	—	—	—	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd	—	—	24½	24½	—	—	—	—	—	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Railway Debentures.															
Gt. South. & Western, 4½ p c	—	96⅞	96⅞	—	—	—	—	—	—	—	—	—	—	—	—
Mid. Gt. Western 5 p c	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—

Bank Rate—Of Discount—3 per cent., 25th July, 1867. Of Deposit—1 per cent., 25th July, 1867.

Name Day.—October 29th; November 13th and 28th; and December 17th, 1867. Account Day—October 30th; November 14th and 29th; and December 18th, 1867.

On Saturdays business commences at Twelve and the Stock Brokers' Offices close at One o'clock.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

LITTON—Dec. 15, at 72, Lower Baggot-street, the wife of Ed. Falconer Litton, Esq., barrister-at-law, of a daughter.

DEATH.

WELSH—At her residence, Haverstock-hill, London, Cecilia Maria, aged 76 years, widow of the late Thomas Welsh, Esq., late Attorney-General, Van Diemen's Land, and Lower Gardiner-street, Dublin.

LEGAL POSTINGS:

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Michael Greene, of Gloucester-place, in the City of Dublin, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 3rd day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 12th day of December, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

FRANCIS GREEN TINCLER, Agent to the Bankruptcy, No. 6, Bachelors'-walk, Dublin.

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay.

NOTICE TO CREDITORS AND OTHERS.

In the Matter of William Smith Gray, late of No. 56, William-street, in the City of Dublin, and of Garville-avenue, Rathgar, in the County of Dublin, Merchant, deceased, who died on the 31st day of July, 1867.

PURSUANT to the Act of Parliament, passed in the 23rd and 24th years of the Reign of Her Majesty Queen Victoria, Chapter 35, intituled, "An Act to Further Amend the Law of Property and Relieve Trustees," Notice is hereby given to Creditors and Others, having Demands upon or against the Estate of the said William Smith Gray, to send in to the undersigned Solicitors, for William Arthur Digby, late of Idrone House, Templeogue, in the County of Dublin, and now of No. 9, Rostrevor terrace, Rathgar, in the same County, Esq.; Arthur Creagh Taylor, of The Lodge, Leinster-road, Rathmines, in the same County, Esq.; and Richard Baldwin Falkiner, of No. 9, Suffolk-street, in the City of Dublin, Solicitor (the Executors of the Will of the said William Smith Gray, and to whom Probate thereof was granted on the 21st day of August, 1867, forth of the Principal Registry, at Dublin, of the Court of Probate in Ireland, and which said Probate was re-sealed in the Principal Registry of the Court of Probate in England, on the 14th day of September, 1867), the particulars of their Claims, on or before the 1st day of FEBRUARY, 1868.

And Notice is hereby further given that the said Executors will, after the expiration of the time named herein for sending in such Claims, distribute the Assets of the said William Smith Gray amongst the parties entitled thereto, having regard to the Claims of which such Executors shall then have notice, and will not be liable for the Assets, or any part thereof, so distributed to any person of whose Claim the said Executors shall not have had notice at the time of the distribution of the said Assets.

Dated this 14th day of December, 1867.

FALKINER & HONE, Solicitors for the said Executors, 9, Suffolk-street, Dublin.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, December 21, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 48.] SATURDAY, DECEMBER 28, 1867. {Single Copy, 6d. By Post, 7d.

A case of the utmost importance to newspaper proprietors and the public generally, who take an interest in reading the accounts of the debates in Parliament, was settled last week. It was one of those questions which would have been immediately settled by the provisions of the Bill to amend the Law of Libel, prepared and brought in, the first session of this year, by Sir Colman O'Loghlen and Mr. Baines, had that bill not suffered the fate of other murdered innocents, and been postponed to the consideration of the all-important Representation of the Peoples Acts.

It seems strange that the debates in Parliament should have been public for so long, and yet no case had ever occurred until the 20th inst., in which the privilege of the press, to publish these debates, was fully established, yet such was the fact.

The case was an action for libel, in the Court of Queen's Bench, London, before the Lord Chief Justice and a special jury. The plaintiff, Mr. Peter Rigby Wason, is a barrister and an ex-member of Parliament, and the defendant was Mr. Walter, one of the proprietors of the *Times*. The declaration contained three counts, the first stated that Earl Russell had, at the request of the plaintiff, presented to the House of Lords a petition praying for a committee of inquiry into certain charges against Sir Fitzroy Kelly, and that the defendant printed and published in *The Times* newspaper a debate in the House of Lords on that petition, containing libellous matter concerning the plaintiff. The second count set forth an article in *The Times* newspaper of the 13th day of February, referring to the petition and debate, and also containing libellous matter concerning the plaintiff. The third count set forth another article in the *Times*, dated the 16th day of April, also con taining libellous matter concerning the plaintiff.

Mr. Wason conducted his own case, and laid the damages at £1,000. The circumstances are briefly these:—Some thirty-two years ago, in 1835, the Lord Chief Baron, then Mr. Kelly, contested the borough of Ipswich with Mr. Wason, and was returned; but a petition was presented against his return. On the hearing of that petition Mr. Kelly's leading counsel was absent, and he himself took his place and made a speech to the committee, in the course of which Mr. Wason alleged that Mr. Kelly pledged his honour as a gentleman to the truth of that which he knew to be false in stating that he knew of a certain Pilgrim against whom a charge of bribery, as agent, had been proved. This charge Mr. Kelly indignantly denied, and according to the fashion of the time, sent a challenge to Mr. Wason, who not only cautiously declined it, but also put himself under the protection of the Courts. In the course of time the member for Ipswich became Solicitor-General, and then Attorney-General; but no attempt was made to show that he was unfit to hold these important posts, as he certainly would have been, had Mr. Wason's accusations been true. When, however, after the lapse of thirty years, he was raised to the bench as Chief Baron of the Exchequer, his old opponent broke the long silence publicly charged him once more with having told a deliberate lie, and, in a petition to the House of Lords, prayed that he should be relieved from his judicial position. As might have been expected, not only was the petition rejected, but the conduct of the petitioner indignantly denounced. Lord Russell, who presented the petition, said that he did not believe the charges. The Lord Chancellor, by documentary evidence, refuted one by one the statements of Mr. Wason; and it has been said, "assailed the accuser in such terms as members of the Upper House seldom think it necessary to employ." Lord St. Leonards used similar language, and finally Mr. Wason confessed that he had made a mistake in the charge.

In spite of the repulse which he met in the House of Lords, he next endeavoured to obtain a criminal

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information against the proprietor of *The Times* for publishing what he considered a libel on his character. The application was refused, and Mr. Wason then brought the case before the Court of Queen's Bench, claiming £1,000 damages.

Mr. Wason conducted his own case, and read a very long speech from printed slips. In the course of it he made many very strange charges against public men of exalted position and irreproachable character. He could not, he said, disguise from himself the powerful antagonists who were arrayed against him, the late Premier of England, Earl Russell, the present Premier, Earl Derby, the Lord High Chancellor, the Lord Chief Baron, Lord St. Leonards, and Mr. Delane, editor of *The Times*. To that formidable list was to be added one yet more to be dreaded, namely, that subtle influence which was the invariable accompaniment of those in high station. He relied for victory on truth alone. Owing, he said, to a most unjust feature of the present law of libel, he had been compelled to name Mr. Walter as defendant; but they would not hear one word from him against that gentleman's conduct. He was nominally defendant, as one of the registered proprietors of *The Times*. Had the law been different, the action would ha·e been brought, not against Mr. Walter, but against the editor, who had been guilty of such base conduct, but who, by the present law, was permitted to skulk unobserved, sheltered by the anonymous "We." Mr. Wason went on at great length to comment upon the speeches of the noble lords named, and the articles commenting on them. Several statements made by the Lord Chancellor he characterized as false and as worthy of the noble and learned lord's reputation as an Old Bailey lawyer. In the speech of Lord St. Leonards he pointed out what he termed six falsehoods, and the statement of Earl Russell, to the effect that the Lord Chancellor had completely vindicated the character of Sir Fitzroy Kelly, he characterized as being as great a falsehood as was ever uttered in any society. He then commented upon the leading articles of which he complained, which, he said, misquoted thespeec hes reported in *The Times*. The articles contained falsehoods and calumnies, and misquotations, he said, were moral forgeries. The reading of the plaintiff's statement occupied about six hours.

The Lord Chief Justice, in his charge, the length of which alone prevents us from publishing in extenso, said: The case divides itself into two branches. The plaintiff complains in his declaration of two distinct grounds of action. He says, in the first place, the defendant has been guilty of libel by reason of his publishing a debate in the House of Lords, which debate arose on a petition presented by himself, and in which, as he alleges, statements were made and expressions used of a calumnious and libellous character towards him by the noble lords who took part in the discussion; and his ground of action is that, although these charges being made by noble peers in their places in Parliament might be privileged, as soon as those statements and observations were published they were beyond the privilege which attached to them in the mouths of the speakers, and became the subject matter of an action for libel. In the second place, the plaintiff complained that the *Times* newspaper, printed and published, in reference to the subject matter of the debate, a certain article which imputed to him falsehood and calumny, and which was in itself libellous. In the third count he says that, in an article which was written in reference to a charge that he had made against the *Times* at the police court, observations and charges were made and repeated which were libellous. In the first place I will deal with the matter of the complaint which arises upon the publication of the debate in the House of Lords. We must take it to be an undisputed fact that the report in the *Times* of the speeches delivered upon the occasion in question in the House of Lords was a faithful and accurate report. No evidence to the contrary was adduced on the part of the plaintiff; but, on the other hand, no admission was made of the accuracy of the report, and he threw, therefore, upon the defendant, the necessity of proving it. You have heard the evidence of the reporters who attended in the House of Lords on that occasion. They have pledged their oaths as to the accuracy of the report, and it would be impossible, therefore, to entertain the shadow of a doubt that the report was *bona fide* and truthful. That being so, gentlemen, I am prepared to direct you that, in point of law, it was a privileged publication, and one that is not the subject of an action.

The question presents itself now for adjudication in a plain and simplè form. Dicta may possibly be found in the books which may have a different tendency to the opinion I have expressed; but I think that, with the larger and more enlightened views relative to the law of libel which have gradually developed themselves in our days, the time has come when the proposition in the shape I have enunciated it may be stated. Not that there is an absence of authority in favour of the view to which I refer. In the case to which the learned Attorney-General has referred, that of Davis v. Duncan, I find Mr. Justice Wrightman saying this, "Prima facie, it is actionable to publish a repetition of what is injurious to another unless justified by truth or by its being a fair report of what has been said in a public judicial proceeding not ex parte, or it may be in Parliament. The only foundation of the exception is the superior benefit of the publicity of judicial proceedings

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which counterbalances the injury to individuals, although that may be great; and so it is in Parliamentary proceedings." Again in the case of the Queen *v.* Wright, which was argued in the last year of last century, and in which a criminal information was sought against a publisher for publishing a report of a debate in the House of Commons reflecting upon the character of an individual, Mr. Justice Laurence, in delivering judgment, said, "Although the publication of such proceedings may be to the disadvantage of the particular individual concerned, yet it is of vast importance to the public that the proceedings of courts of justice should be universally known. The general advantage to the country in having those proceedings made public more than counterbalances the inconvenience to private persons whose conduct may be the subject of such proceedings. The same reason also apply to proceedings in Parliament. It is of advantage to the public, and even to the legislative body, that true accounts of their proceedings should be generally circulated, and they would be deprived of that advantage if no person could publish those proceedings without being subject to be punished as a libeller." Well, gentlemen, the same principle which has been again and again held to apply to the publication of proceedings in the courts of justice appears to apply with equal, if not greater, force to the publication of proceedings in the Houses of Parliament.

His lordship also read the leading articles which were set out in the declaration, and said that when a man presented a petition with a view of hurling from a high position—the object, perhaps, of a high position—an eminent individual, it might reasonably be expected that the utmost care would have been taken as to the accuracy of the charges preferred. That care not having been taken, it was for the jury to say whether an article which pronounced the petition to be libellous, and the petitioner to have been actuated by malignant motives, exceeded the legitimate bounds of fair criticism. If they held that it did not, then the defendant was entitled to their verdict. If, on the other hand, they were of opinion that the criticism was not fair and temperate and honest, then they should hold that it was not privileged, and they should find for the plaintiff. They should bear in mind, in considering the articles complained of, that it was of the highest importance that, in treating of the conduct of public men, public writers should be held to the necessity of dealing with the subject fairly, impartially, and conscientiously. On the other hand, it was of the last importance that the press should have the fullest opportunity of discussing the actions and character of public men—of men who put themselves forward in public in reference to matters in which the community are interested.

The jury, without leaving the box, returned a verdict for the defendant on all the counts, but before they did so Mr. Wason handed in an exception to the charge, to the effect that the publication of reports of the proceeding in the Houses of Parliament was not privileged, even if such reports were fair and truthful. Such is an account of a trial, the results of which to the liberty of the press, can not be over-estimated as in it we have the first positive authoritative dictum ever laid down that reports of debates in the Houses of Parliament, provided they be full and faithful, are privileged. It has been said that the publication of evidence given before a Committee of the House of Commons is not privileged; but it must be remembered that such evidence is taken for the instruction and use of members of the House, and does not stand upon the same footing as debates which take place openly in Parliament.

Mr. Wason, in effect, claimed the right to say that the Lord Chief Baron had pledged his honour for what he knew to be untrue, and when the press accompanied the charge with the refutation, he took an action against the proprietor of *The Times* for libel; such is the absurd conclusion to which his argument leads when plainly stated, but the spirit of the age has decided that reporters will never again be obliged to resort to Dr. Johnson's *ruse* of reporting, or rather re-composing, the speeches of the members of the House of Commons, and publishing them under the most appropriate *noms de plume* he could find amongst the partizans of the various sides that engaged in the last struggle for liberty in Republican Rome.

An important Ecclesiastical suit has been pending for some months, before Judge Battersby, in the Provincial Court of Dublin. It was instituted by the Rev. Thomas Mills, incumbent of the parish of St. Jude's, to restrain the respondent, the Rev. Herbert Tudor Craig, military chaplain, from officiating in the Chapel attached to the Richmond Barracks, which are situated within the limits of the petitioner's parish, as the celebration of divine service, and other ministrations, performed by Mr. Craig, are an infringement or invasion of the petitioner's rights, and as the respondent was not legally authorized to perform said duties, or to administer the sacraments of baptism and the Lord's supper, or prepare persons for confirmation, without the consent of the Archbishop, or the licence of the incumbent. The respondent, in reply, submitted, that having been appointed an army chaplain, under a commission signed by the Secretary of State for War, he was bound to obey his superior officer as to the duties imposed on him as such chaplain. The cause came on for hearing on the 16th of the present month, and

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was adjourned to the 19th, when it closed. The Judge reserved judgment. On Tuesday last the Court delivered judgment (which will be found in another column), in favour of the petitioner, condemning the respondent in the costs of the suit, the judge, however, stating that the suit was "instituted to restrain for the future, not to punish for the past."

In the course of the judgment, his Lordship said the question in issue came to a narrow point. "Whether her Majesty could lawfully enable as many clergymen as she pleased to officiate in the parishes of other clergymen against their will, and whether such a power had been exercised by the commission now in evidence? It was admitted that it was not competent for any clergyman to enter a parish without the leave of the incumbents, but it was argued that the Sovereign might set aside all the rights of beneficed clergymen." Having referred to the common law on the subject, the learned Judge said "it would be found that the prerogative now claimed was at variance with the common law which has always carefully preserved the parochial system, being one of the most useful arrangements ever made for the maintenance of discipline in the Church," and he showed that "the Queen cannot dispense with the common law authority." The cause not having been finally disposed of, we for the present refrain from comment, as a question of much moment is involved both to the Crown and beneficed clergymen. The respondent, or rather the Secretary of State for War, has appealed from the decision of the Judge; the appeal lies to the High Court of Delegates, by petition to the Lord Chancellor, who appoints a Court of five members, consisting of three Puisne Judges and two other members, who need not necessarily be barristers. Previously to the Chancellorship of Sir E. Sugden (Lord St. Leonards) it was customary to nominate two of the Masters in Chancery to preside with the Puisne Judges. In conclusion, we may state for the information of our readers, that the chief functions of the High Court of Delegates have been swept away by recent enactments, and that as a Court it has virtually ceased to exist, save and except as to the appellate jurisdiction it exercises with regard to the Provincial Courts of Dublin and Armagh.

THE case of *Harris* v. *Bagot*, which has occupied the attention of the Court of Common Pleas for the last fourteen days, has at length terminated without the jury being able to agree to a verdict. The plaintiff was a Mr. Lewis Harris, the holder of two bills, one dated the 15th May, and the other the 6th of August, 1866, each payable three months after date, the one for £300, and the other for a sum of £200. The Lord Chief Justice in his charge, which was lengthened and lucid, said that the only question the jury had to try was whether those bills had been accepted by the authority of Mr. John Lloyd Bagot, as it was an admitted fact that the acceptances had not been written by his hand. There was a very able bar engaged on both sides, and the case received every attention from the court and jury. The jury retired for two hours, and when they returned the foreman announced that they could not agree to a verdict in the case. His Lordship discharged the jury, and said he did not wonder at the difficulty they experienced in deciding the points at issue.

THE Council of Legal Education have published their intention of accepting the Cambridge Law Tripos as a qualification for the Bar, which is, no doubt, a wise decision; but a gentleman signing himself "Oxford Law" has written to the London papers arguing and with justice that the Law and Modern History (Honour) School of Oxford should be put on the same footing as its Cambridge analogue—and this opens up the question whether the University law examinations should not, in every case where a sufficiently high standing is required, qualify a man for call without putting him to the further trouble and expense of keeping terms at an Inn of Court where, whatever other advantages he may derive, it is generally admitted that he does not learn much of law. Should this principle be adopted it would act as an inducement to men to go through a University, and thus obtain for themselves that knowledge of general, as well as legal, literature, to ensure which it has been proposed to institute compulsory examinations for candidates for call to the Bar.

THE INCORPORATED LAW SOCIETY.

ATTORNEYS' AND SOLICITORS' ACT (IRELAND), 1866.

The following solicitors have been appointed under the above Act by the Lord Chancellor and Judges to be the Court of Examiners for the year 1868, viz.:—William Roche, Robert J. T. Macrory, John H. Nunn, Wm. Findlater, Vesey Daley, Arthur Molloy, John Thomas Hinds, David Fitzgerald, Edward Thomas Stapleton, Henry J. P. West, William J. Cooper, and Arthur Ellis, Esqrs.

Mr. Longfield was sworn in on Saturday last as Chairman of the Quarter Sessions for the county of Galway, in room of the late W. W. Brereton, Esq., Q.C.

Chief Justice W. R. Phelps, eldest son of Mr. Phelps, the tragedian, died at St. Helena on the 23rd of November.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

In the Matter of the IRISH NORTH WESTERN RAILWAY COMPANY, AND THE RAILWAY COMPANIES' ACT, 1867.

In re MAURICE SALAMAN.

[*This case is reprinted from No. 44, in consequence of some inaccuracies having occurred therein.*]

Nov. 26.—*Railway Companies' Act,* 1867—*Scheme of Arrangement—Injunction.*

A motion was made on behalf of the Irish North-Western Railway Company that Maurice Salaman might be restrained from proceeding with the action pending in the Court of Exchequer in Ireland, in which he was plaintiff, and the Irish North Western Railway Company were defendants, on such terms as the Court should think fit.

No bill or petition was filed or presented. The motion was grounded on an affidavit filed under the foregoing title, which stated that Maurice Salaman was a mortgagee of the Company for £500, which became due on the 30th of September, 1867, and was still unpaid; and that he had commenced an action in the Court of Exchequer for the recovery of the amount of the said mortgage; that there was due only £2 15s. for interest; that the Company had on the 18th of November, 1867, filed in the Court of Chancery in Ireland, where the principal office of the Company is situated, a scheme of arrangement between the Company and their creditors, and a declaration in writing that the Company were unable to meet their engagements with their creditors, under the Railways Companies' Act, 1857; that notice of the scheme had been published on the 19th of November, 1867, in the *Dublin Gazette.* The affidavit also stated the amount of the mortgages of the Company to be £300,000; that the income of the Company for several years was sufficient, after meeting the working expenses and other proper outgoings in respect of the undertaking, to enable the Company to pay the interest due on the mortgages, but without any dividend to the preference shareholders; and that the traffic of the undertaking was gradually and yearly increasing, and that the Directors had confidence that if the mortgage holders would accept debenture stock in the undertaking in exchange for their mortgages, the holders of that stock would in two or three years be enabled to sell such stock in the market at, if not above, par.

Sullivan, Q.C. (with him *E. F. Litton*), for the motion, relied on the 6th and 7th sections of the Railway Companies' Acts, 1867 (30 & 31 Vic., c. 27).*

Begtagh, for the Company,

The MASTER of the ROLLS granted an injunction to restrain the proceedings at law, the Company undertaking to bring in £500 within a fortnight.

Solicitor for the Company, *Boyd.*

Solicitor for M. Salaman, *Madden.*

* 30 & 31 Vic., c. 127, s. 6, enacts that "when a Company are unable to meet their engagements with their creditors, the directors may prepare a scheme of arrangement between the Company and their creditors (with or without provisions for settling and defining any rights of shareholders of the Company as among themselves, and for raising, if necessary, additional share and loan capital, or either of them), and may file the same in the Court of Chancery in England or Ireland, according to the situation of the principal office of the Company, with a declaration in writing under the common seal of the Company, to the effect that the Company are unable to meet their engagements with their creditors, and with an affidavit of the truth of such declaration made by the chairman of the board of directors, and by the other directors, or the major part in number of them, to the best of their respective judgment and belief."

Sec. 7:—"After the filing of the scheme, the Court may, on the application of the company on summons, or notice in a summary way restrain any action against the company in such terms as the Court thinks fit."

BEAMISH v. FARMER.

Nov. 7th, 8th, 22nd, 1867.—*Annuity—Judgment—Collateral Decree for Arrears—Interest.*

Robert William Phaire, being tenant for life of certain lands, granted thereout an annuity of £810 7s. 10d. to Archdeacon Agar in consideration of £4,000. The life estate, a judgment, and two policies of assurance, were assigned to a trustee to secure the payment of the annuity. A further policy on the life of the grantor was effected, which it was agreed should be kept up out of the annuity, and a judgment for £4,000 was entered up against the grantor. The deed contained a redemption clause providing for the re-assignment of the policies, judgments, and annuity. The annuity fell into arrear, and Archdeacon Agar filed a cause-petition and obtained a receiver over the lands, and by a decree of the 5th of November, 1853, the sum of £1,222 2s. 7½d. was declared to be due on foot of the annuity, and that sum was declared to be well charged on the lands. R. W. Phaire died in 1863, and this suit was instituted in 1865 for the administration of his real and personal assets. The administrator of Archdeacon Agar filed a charge claiming against the assets of R. W. Phaire interest on the sum of £1,222 2s. 7½d., and a further arrear of the annuity. The Master disallowed the claim for interest, and this was an appeal from his order.

The MASTER of the ROLLS decided that no interest was payable on the arrears of the annuity, or on the sum declared to be due by the decree, or on the sums advanced to pay the premiums of the policies of insurance.

Sullivan, Q.C., *Shaw,* Q.C., and *G. Fitzgibbon,* for the appellant.

Henderson, Q.C., and *Twigg,* for the respondent Farmer, the personal representative of R. W. Phaire.

R. W. Shekleton for the petitioner.

Solicitor for the appellant, *T. A. Cusack.*

Solicitor for the petitioner, *G. Bernard.*

Solicitors for respondent, *Peebles* and *Sheil.*

In the Matter of the 11th and 12th Vic., c. 68, and the Trusts of the Will of SARAH BOYD.

Dec. 10th, 1867.—*Trustee Relief Act—Costs of Trustees.*

Faloon moved for an order directing payment of the dividends of a fund lodged under the Trustee Relief Act, and at the same time asked for the costs of the trustees, who had not deducted their costs when lodging the fund.

The MASTER of the ROLLS said that he would communicate with the Taxing Masters as to the sum which should be allowed to Trustees for the costs of lodging funds under the Trustee Relief Act. And on a subsequent day his Honour said that the Taxing Masters thought that £8 would be a reasonable sum in ordinary cases. In future, except under very special circumstances, he should allow no more than that sum.

Solicitors for the petitioner, *L'Estrange* and *Brett.*

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COURT FOR CROWN CASES RESERVED.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

THE QUEEN *v.* TOOLE.

Nov. 25, 27.—*Treasure Trove—Property—Inquisition—Office found.*

This was a case reserved from the Commission Court for the County and City of Dublin. The defendant was indicted for that he found under ground silver treasure, hidden of ancient time, and of which the owners could not be found; and the indictment averred that the Queen was entitled to the treasure, and that the defendant did unlawfully and knowingly conceal the finding.

It was proved that the prisoner found a number of old coins hidden in ground where he was digging, and that he disposed of several of them to a jeweller. The rest were found in his possession.

No evidence of any inquisition before the Coroner, or of office found as to the title of the Queen was given, nor was there any averment of such inquisition, or of office found in the indictment.

The prisoner was convicted, and a case was reserved, submitting to the Court two questions—1st, whether the indictment was sufficient without referring to, or stating, any inquisition before the Coroner, or office found as to the title of the Queen; 2ndly, whether the evidence was sufficient to sustain the indictment, without referring to, or stating, any inquisition before the coroner, or office found as to the title of the Queen.

The *Solicitor-General* and *James Murphy*, Q.C., for the Crown.

J. A. Curran, for the defendant.

The COURT affirmed the conviction, holding that it was not necessary to show any inquisition, or office found.

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Before JUDGE LYNCH.

In re the Estate of G. FRENCH, Owner and Petitioner.

Nov. 29.—*Transfer of Carriage—Solicitor's Costs—Lien*

This was a motion that the carriage of the sale might be transferred from Mr. Eames to Mr. Dillon, upon the owner's undertaking to pay Mr. Eames his costs. The owner had appointed Mr. Eames to be his solicitor, and directed that he should have the carriage of the sale.

Sherlock, Q.C., in support of the motion. Mr. Eames has no right to any further security for his costs than the lien on the title deeds which he now has, and which will be preserved to him.

Randal M'Donnell, for Mr. Eames. The practice of this Court is to give to a solicitor, from whom the carriage of the proceedings is taken, his costs when taxed. He is therefore entitled, in this case, to refuse either the owner's undertaking or the security of his lien, and to require payment. If his lien is to be his security, he will not have now the same security as he had before, since it was in his power, while having the carriage of the proceedings, to realize his lien quickly by diligence. He may now have to wait for the payment of his costs by reason of the delay of a solicitor over whom he has no control.

LYNCH, J.—I am told by the officer that the practice of the Court is not as stated by the counsel for Mr. Eames. He must be left to his lien. As, however, the notice of motion did not offer him this, but only the owner's undertaking, I will give him his costs of this motion.

In re the Estate of WILLIAM ALLEN and Others, Owners; RICHARD VERNON and Another, Petitioners.

June, July.—*Assignment of Mortgage Security—Omission to obtain Mortgage Deed—Laches—Notice—Postponement of Registered Deed.*

This was an objection to the schedule of incumbrances taken by Mr. Nunn, whose demand was founded upon an equitable mortgage, by deposit of a mortgage security, dated 9th of July, 1859, and affecting the estate sold in this matter. He claimed to be paid in priority to the petitioners, who were assignees of the same mortgage debt and security under a registered deed, of date subsequent to the creation of the equitable mortgage, the petitioners, upon the occasion of such assignment, not having obtained possession of the mortgage deed. The facts will be found stated in the judgment.

Tarleton, for Mr. Nunn.

Lawless, Q.C., and *O'Driscoll*, for the petitioners.

They cited *Dryden* v. *Frost* (3 M. & Cr. 670); *Peto* v. *Hammond* (30 Beav. 495); *Hewitt* v. *Loosemore* (9 Hare, 449); *Wormald* v. *Maitland* (35 L. I. Ch. 69); *In re Rooke's Estate* (13 Ir. Ch. R. 273, 14 Ir. Ch. R. 442); *Wyatt* v. *Barwell* (19 Ves. 435); *Jolland* v. *Stanbridge* (3 Ves. 478).

July.—Judge LYNCH delivered a written judgment, stating that Mr. Nunn founded his title as an equitable mortgagee of this mortgage security, by deposit of the mortgage deed on the contract shown by two letters—one of the mortgagor, the other of the mortgagee, and both acknowledging the contract on which the lodgement was made; that this deposit and contract took effect on the 20th January, 1864; that the petitioners claimed to be assignees of this mortgage debt and securities by deed of 2nd June, 1864, registered on the 7th June, 1864; that Mr. Nunn raised the question of the petitioners by omitting to obtain possession of the deed, as to which they made no sufficient inquiry, and for the non-delivery of which no sufficient reason was assigned. must not be deemed to have been guilty of such gross neglect that their claim should be postponed to his; that it was alleged by the petitioners that Lindsay Hall, who appeared on the registry search to be the owner of the mortgage, represented himself to be such owner, and said he "had said mortgage at his residence in the country, and would forthwith procure it and hand it over to petitioners;" that there was no doubt that the equitable mortgage to Mr. Nunn was valid and effectual to create the charge, and the mortgage security was itself the evidence of the charge—and, in fact, constituted the charge; and that to deal with a mortgage without seeing or obtaining possession of the instrument creating it, was the greatest negligence that could be committed in respect of such a transaction; that if there was any obligation on the petitioners to get the deed, its non-fulfilment, so far from being excused by what happened, was made worse; that by dispensing, in effect, with the production of the deed, they enabled a gross fraud to be committed; that *Wormald* v. *Maitland* was a distinct authority for the doctrine that the leaving out title deeds, without inquiry for them, is gross laches, and amounts to constructive notice; that the present case was much stronger than that of a dealing with a property, the title to which was merely evidenced by the deeds not delivered; that the dissatisfaction so often expressed to extending this doctrine as to notice to register conveyances, was intelligible, but still the rule was established, nor was the doctrine confined to actual notice to the party dealing, or his agent; that, in furtherance of the detection of fraud, the duty of ordinary care was cast on a party dealing as a purchaser.

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Mr. Nunn's equitable charge should therefore have priority.

Solicitor for Mr. Nunn, *T. E. Wright.*

Solicitor having carriage, *Geo. Riddick.*

NOTICE.

1866, 29th and 30th Vic., c. 84.

1—The members of this profession are requested to take notice that all certificates to practise, issued to them under the above Act for the year 1867, will continue in force until the 5th day of January, 1868, inclusive, and no longer.—(42nd sec.)

2.—Forms of the declaration to be filled up (in duplicate); and to be signed by each attorney or solicitor, or by his partner, or, in case such attorney or solicitor shall reside more than twenty miles from Dublin, then by his Dublin agent, being an attorney or solicitor (meaning a practising solicitor), on his behalf, are to be had at the office of the Registrar of Attorneys and Solicitors (Secretary's Office), Solicitors' Buildings, Four Courts.—(34th sec. ; 31st sec. ; the Chancery (Ireland) Act, 1867, 30 and 31 Vic., cap. 44.)

3—The sum of five shillings is to be paid for every certificate.—(29th and 30th Vic., cap. 84, sec. 34.)

4—Forms of declarations will be issued from eleven o'clock, a.m., to three o'clock, p.m., each day, and upon their being returned correctly filled and signed as hereinbefore-mentioned, certificates will be issued, between same hours, to parties entitled to receive same, to be taken by them to the Stamp Office to be stamped.

5—Every certificate must be produced to the Registrar within a month after payment of the duty, to be entered by him, until which payment of duty and subsequent entry no attorney or solicitor is duly qualified to practise.—(37th, 41st, and 46th sections.)

6—Certificates must be entered as heretofore in the various courts.

By order,

JOHN H. GODDARD, Secretary.

Solicitors' Buildings, Four Courts,
Dublin, Dec. 18, 1867.

THE IRISH GRAND JURY SYSTEM.

An opinion has for some time been growing of the uselessness of Grand Juries as a portion of the machinery of criminal justice. In truth, now, when the preliminary investigation has grown to be so public, and, in important cases, so careful and searching a procedure, it is not easy to see the advantage of interposing another tribunal, which, hearing one side only, and hearing it in secret and perfunctorily, is to determine whether the accused is to undergo an actual trial. Into this controversy we are not about to enter, but we propose to call attention to certain functions discharged by Grand Juries in Ireland, which make the question as to their abolition a widely different one in that country from what it is in England.

It is not generally understood here to how large an extent not only the administration of the county, but the power of taxation, is in Ireland entrusted to the Grand Jury. An idea of it may be formed from the fact that the amount levied by Grand Jury presentments exceeds a million sterling annually. The making and repair of roads and bridges, the maintenance of fever hospitals, infirmaries, and other public charities, the cost of gaols and court-houses, with a great deal of the expense of the police and of the administration of justice in general, fall to the province of the Grand Jury to determine upon, and are defrayed by assessment upon the county at large, or upon those divisions of the county termed baronies. An Irish county is, in fact, a much more organized and better administered section of the kingdom than an English one. How it came to be so it is not difficult to discover. Mainly it has been because the parish, to which the common law committed so much, and which perhaps has not worked to perfection even in England, was found in Ireland to be wholly unworkable

In Ireland, as in England, the proper keeping of the highways was the duty either of individuals, bound to it by reason of tenure, or of the parish. There was an attempt in the reign of James the First to make the parochial organization effective for the repair of roads and bridges. By one of Chichester's Acts of 1812 the constables and churchwardens of the parish were directed to call together the parishioners in Easter week, who were to appoint surveyors of highways; and thereupon the parishioners were bound in rotation to send wains and carts with materials, and to provide sufficient labour, for the repair of the highways. When we revert to the state of Ireland at the beginning of the seventeenth century, and remember that the religion of five out of six Irish parishioners was proscribed by law, that scarcely a third of them understood the English tongue, that the number who possessed wains or carts was limited in the extreme, and that it was a time of new plantations, extirpation of the natives, and sweeping Acts, it is not easy to suppress a smile at this churchwarden enactment. It was one of that long series of English laws imported ready-made into Ireland of which the seventeenth century was neither to see the last nor worst examples. Be this as it may, there is no doubt that when the parish neglected its duty in these respects, it was the constitutional province of the Grand Jury to present such non-feasance as a misdemeanour. Further by common law they could not go. But an Act of Charles the First, after directing justices of assize and justices at sessions to inquire into the non-repair of roads and bridges, and to present the persons or bodies politic chargeable therewith, goes on to declare that, whenever it cannot be certainly proved what persons or bodies were liable, the work shall be done by the inhabitants of the county or barony; and power was given to the justices of assize and the justices at quarter sessions, with the assent of the Grand Jury, to tax the inhabitants of the county or barony for the necessary expenses. This power fell into disuse at quarter sessions, and was afterwards taken away from them by statute; but it was by degrees extended, confirmed, and regulated, as regards Grand Juries at assizes, until it came to be of the comprehensive character mentioned above. The Grand Jury system in Ireland has defects, two defects especially of a fundamental character; but, not to speak of the great improvement in moral tone, and the control of public opinion, the legislature has taken considerable pains to guard against such abuses as once existed.

The present mode of procedure is this. Some time before the assizes there are held in every barony throughout the county what are termed presentment sessions, consisting of the justices of peace of the district, and of a certain number of the wealthiest cess-payers associated with them. Before these sessions all applications for works to be performed within the county must, in the first instance, be brought. These applications are examined by the county surveyor, an officer who has the superintendence of the public works throughout the county, and who is appointed, not by any county authority, but by the Lord Lieutenant. In case of no application being made by an individual for any necessary works, it is the duty of the surveyor himself to apply. The presentment sessions of each barony determine upon things to be done within the barony; but works proposed to be charged on the county at large are decided upon at the sessions of the central barony where the county court house is situated. As to the latter class of works, the associated cess-payers have no voice, but the justices only. The works being decided on, the surveyor prepares specifications and forms of tender for the execution of them; and at an adjourned sessions the tenders are opened and the lowest chosen. The secretary of the Grand Jury thereupon makes schedules of all the applications, with the decision of the presentment sessions upon them; and the county treasurer sums up the entire expense requisite for the execution of the works, and applots the amount to be assessed from the respective baronies. Two or three days before the Assizes the Grand Jury assemble for fiscal business; and before them come all applications for works, the decision of the presentment sessions with respect to them. the specifications and tenders, and the treasurer's budget. This business they transact in open Court, free from the obligation of secresy which in other matters binds grand juries. They either

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present or refuse to present the matters sent to them by the lower house of the presentment sessions. And any cess-payer may, if he pleases, try the legality or utility of any proposed work by a traverse, which is tried by a petty jury. All such as the Grand Jury approve of, and as either are untraversed or succeed upon the traverse, come before the judge for his fiat, on receiving which they become law, and the supplies are levied accordingly. If a Grand Jury should be perverse enough to refuse to make or repair a road when necessary, the Lord Lieutenant has power, on a memorial of the cess-payers, to get it done through the Board of Works.

In the main this system works well, and it is certainly far better in principle than the English plan of giving power to the parish or quarter sessions. The county surveyor, appointed by and responsible to the central government, is a highly useful official. Certainly the roads in Ireland bear, as a general rule, excellent testimony to the care that is taken of them, and may, on the whole, bear comparison with those of any other country.

Of the two blots upon the system, the first is, the absence of any genuine representation of the cess-payers amongst the tax-imposing body. The Grand Jury are selected arbitrarily by the sheriff, who is himself appointed by the Government, on the nominatian of the judges. The Presentment Sessions are composed of magistrates appointed by the Lord Chancellor, on the nomination of the lieutenant of the county and of a few associated cess payers, who are themselves selected by the Grand Jury. The county representation is thus purely aristocratic, with hardly a leaven of the popular element. In noting this defect, so alien to the fundamental notions of the English law, we are by no means expressing a desire to see a democratic county regime. No one of experience can doubt that, in proportion as men's minds are widened by wealth, education, and acquaintance with the world, they appreciate the ultimate advantages to be derived from a present outlay; and that the instinct of the less opulent class is always to restrict immediate taxation, no matter how profitable in the end. It is extremely doubtful whether, if the making of the roads in Ireland had been confided to a senate of tenant farmers, they would now have been as good as they are. Conceding so much as matter of degree, it is plain that the total refusal of practical power to those upon whom the entire burden falls, is altogether unjustifiable. It is, indeed, one of those things which bring home to the mass of Irishmen how little they have to do with the Government which rules them. An obvious reform would be to equalize the number of associated cess-payers with that of the justices of Presentment Sessions, and to make the former elected by the body of the cess-payers of the barony.

But the second defect is even more indefensible. The entire tax is levied from the occupiers, that is from the tenants, without any contribution whatever on the part of the landlords, whose estates benefit so largely by the expenditure. It is idle to say in defence of this that the cess is ultimately paid by the landlord, who would exact a larger rent if the tenant were not subject to this imposition. It may be true in theory that, if rent is defined to be the ultimate surplus arising from the produce of land after bearing all the expenses of cultivation, then all taxation is in the end paid out of rent; but if this be so, the proper application would seem to be that the whole of the county cess should fall upon the landlord, since it is plainly good policy to make the ostensible and the real paymasters identical. We do not, however, go so far. All we say is, that to the tenant, whose rent seems to him high enough in all conscience already, it must appear the extreme of hardship and injustice to be compelled to pay the whole of a tax by which his landlord benefits as much as or more than himself, and which is assessed upon him by a jury of landlords without voice of his own in the matter. Here, also, an obvious and equitable reform suggests itself, namely, to follow the precedent of the poor laws, ank to make the cess payable one half by the landlord and one half by the tenant. The equity of this arrangement no one now dreams of disputing in the former case, nor would anyone do so in the latter; and we are glad to perceive that a Bill to effect this object has been brought into the House of Commons during the present session.—*The Chronicle.*

ENGLAND.

(From the *Law Times.*)

BUSINESS IN THE ENGLISH COUNTY COURTS.

Mr. Falconer, County Court Judge of the Swansea and South Wales Circuit, has recently published, in a statistical form, a return of the number of miles travelled, the cost of his travelling fare, the number of days which his court sat during the eleven months of the present year, together with the number of plaints, the amount sued for, and other interesting statistical information, since the year 1852. From this return we find that his honour travels 330½ miles per month, having during the eleven months of the present year travelled no less than 3,635½ miles. The cost of travelling these 330 miles per month is only £3 4s. 8d. His honour sits 18 days per month, in addition to the time occupied in travelling. From the year 1852 to 1866 (both inclusive) the total number of plaints entered in his honour's court is 256,264, the total amount sued for being £647,912. The number of plaints entered for amounts above £20 has been 3,978, and the number of jury cases 272. He has travelled upwards of 63,000 miles on circuit.

This is tolerably hard work. What will it become after the 1st of next January?

NOTES OF ENGLISH DECISIONS.

EQUITY PRACTICE—PRESUMPTION OF DEATH.—A testator gave £1,500 to trustees to pay an annuity, and after the annuitant's death to divide the principal, as to £800, amongst his daughters and a party named, and £700 to his son, L. D. A., who was one of the trustees. L. D. A. had not been heard of since 1852, a year after the testator's death; it was believed he had gone to Australia; but the other trustee had been to Australia, and made there and in England ineffectual inquiries concerning him. On a petition by L. D. A.'s next of kin for payment out of the £700 which the other trustee had paid into court: Held, that there must be an inquiry in the usual form with the proper davertisements: (*Re Allen's Legacy*, 17 L. T. Rep. N. S. 60. V. C. M.)

GIFT TO CHARITY.—A gift to a charity which has ceased to exist is a lapsed legacy: (*Fiske* v. *The Attorney-General*, 17 L. T. Rep. N. S. 27. V. C. W.)

FOREIGN CHARITY—NUGATORY TRUST.—A testator by his will gave certain American stock to his brothers and sisters for life, and after the death of the survivor, the principal to the President and Vice President of the United States and the Governor of Pennsylvania, to lay out 2[illegible] dollars in land, and to accumulate the rents and the re[illegible] of the stock until it amounted to 100,000 dollars, to found a college in Pennsylvania for the instruction of youth, with a professor to advocate the equality of the black people with the whites. On the death of the survivor of the tenants for life a suit for administration was instituted, and the President and Vice-President of the United States and the Governor of Pennsylvania applied to, but no answer returned: Held, that the charitable gift was void, and that the fund fell into the residue of the testator's estate: (*[illegible]* v. *Bonaker*, 17 L. T. Rep. N. S. 28. V. C. M.)

COSTS—CERTIFICATE.—In an action of contract the court has no power to deprive the plaintiff of costs unless the judge certifies to deprive him thereof: (*Pavia* v. *Harrison*, 17 L. Rep. N. S. 139. Q. B.)

CLERKS TO SOLICITORS—RIGHTS OF AUDIENCE.—A solicitor acting as a clerk to the solicitors whose names appear upon the record, is not entitled to be heard even in a District Court of Bankruptcy. If, however, he is adopted as solicitor by the client when the case is in court he may claim to be heard: (*Ex parte Broadhouse*, 17 L. T. Rep. N. S. 126. Chan.)

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THE COURTS AND COURT PAPERS.

SUPERIOR COURTS OF COMMON LAW.

Guide so far as relates to the marking of Judgments by Default

JANUARY, 1868.

Plaint Served on		Filed not later than	Last Day to Plead	Entitled to Judgment
*Wednesday,	.. 1 Jan.	11 Jan.	16 Jan.	17 Jan.
*Thursday,	.. 2 "	11 "	16 "	17 "
Friday,	.. 3 "	13 "	17 "	18 "
Saturday,	.. 4 "	14 "	18 "	20 "
Monday,	.. 6 "	15 "	20 "	21 "
Tuesday,	.. 7 "	16 "	21 "	22 "
Wednesday,	.. 8 "	17 "	22 "	23 "
Thursday,	.. 9 "	18 "	23 "	24 "
Friday,	.. 10 "	20 "	24 "	25 "
Saturday,	.. 11 "	21 "	25 "	27 "
Monday,	.. 13 "	22 "	27 "	28 "
Tuesday,	.. 14 "	23 "	28 "	29 "
Wednesday,	.. 15 "	24 "	29 "	30 "
Thursday,	.. 16 "	25 "	30 "	31 "
Friday,	.. 17 "	27 "	31 "	1 Feb.
Saturday,	.. 18 "	28 "	1 Feb.	3 "
Monday,	.. 20 "	29 "	3 "	4 "
Tuesday,	.. 21 "	30 "	4 "	5 "
Wednesday,	.. 22 "	31 "	5 "	6 "
Thursday,	.. 23 "	1 Feb.	6 "	7 "
Friday,	.. 24 "	3 "	7 "	8 "
Saturday,	.. 25 "	4 "	8 "	10 "
Monday,	.. 27 "	5 "	10 "	11 "
Tuesday,	.. 28 "	6 "	11 "	12 "
Wednesday,	.. 29 "	7 "	12 "	13 "
Thursday,	.. 30 "	8 "	13 "	14 "
Friday,	.. 31 "	10 "	14 "	15 "

* Holidays pursuant to the Statute.

NISI PRIUS SITTINGS AFTER HILARY TERM.

The 6th of January next will be the last day for serving writs of summons and plaint to have trials thereon at the Nisi Prius Sittings after Hilary Term, and the 21st of January will be the last day to serve notice of trial for said sittings.

PROVINCIAL COURT—Dec. 23rd.

(Before Judge Battersby.)

The Rev. Thomas Mills, Incumbent ef St. Jude's, *v.* The Rev. Herbert Tudor Craig, Chaplain of Richmond Barracks.

Judge Battersby delivered judgment in this case. It was a suit, he said, instituted to restrain the Rev. Mr. Craig from officiating or celebrating Divine service, or preaching in a chapel within the Richmond Barracks, or otherwise, without the assent of the Rev. Thomas Mills, incumbent of St. Jude's parish, within which Richmond Barracks are situated. The petition stated in substance that the respondent, under the pretence of authority from the Secretary at War, did officiate in a public building called the "Military Chapel," in the parish of St. Jude, by reading publicly the morning prayers to a congregation composed of soldiers and their wives, and others of the parishioners of the petitioner, and officiated otherwise, as set out in the petition; that the petitioner has been always ready and willing to discharge all the duties of the clergyman of Richmond Barracks, and that the respondent has no license from the Archbishop of Dublin. The answer of the respondent asserted that he is a priest in holy orders of the United Church; that by a commission bearing date in January, 1864, he was appointed by her Majesty to the chaplains' department of the British army, and commanded to follow such orders as he shall receive from his superior officers; that on reporting himself in Dublin he was ordered to perform all the duties the subject of the suit, and that he never performed them outside the barracks; that he does not know who the congregations were, but that he could not exclude them; that the chapel is not within the parish of St. Jude, but is extra-parochial, and is not an interference with the parochial administration; that even if the chapel was in the parish of St. Jude, yet he, having been appointed by the Crown, is entitled to perform Divine service therein without being subject to any ecclesiastical censure, and that the performance of the several duties are enjoined by the terms of his commission. His lordship summarised the evidence given in the case. The respondent deposed that he never officiated ministerially outside the barracks, and that to his knowledge he did not see any persons but soldiers in the chapel. It was contended for the respondent that the petitioner was not incumbent of St. Jude's so as to enable him to maintain the suit, and that her Majesty might, by virtue of her prerogative, appoint a chaplain, giving him right to perform Divine service anywhere that any clergyman can perform. The question, he said, came to the narrow point, whether her Majesty could lawfully enable as many clergymen as she pleased to officiate in the parishes of other clergymen against their will, and whether such a power had been exercised by the commission now in evidence. It was admitted that it was not competent for any clergyman to enter a parish without the leave of the incumbents; but it was argued that the Sovereign might set aside all the rights of beneficed clergymen. Having referred to the common law on the subject, he said it would be found that the prerogative now claimed was at variance with the common law, which has always carefully preserved the parochial system, being one of the most useful arrangements ever made for the maintenance of discipline in the Church; and he showed that "the Queen cannot dispense with the common law authority." As regarded the statutes, they from time to time sustained the common law of the Church, as above stated. In Ireland it had been held that if the Lord Lieutenant appointed a chaplain to a lunatic asylum, he cannot officiate without the consent of the incumbent. There was no evidence of the origin of the commissions alleged in this case, and of the practice under them; and from anything that appeared, Mr. Craig's commission might have been the first issued. It was stated by Dr. Studdert, who was usually well informed on such matters, that out of 47 military chaplains 37 are parochial clergymen. However that might be, there was no trace in the law books of such a case as the present. No law had been found to sustain this case; but, on the contrary, the whole tenor of the canon law, the common law, and the statute law was against it. The present case had this peculiarity, that if the rights, as claimed, existed, "military chaplains" were clergymen of the Church of England, and not subject to any ecclesiastical superior, or to any restraint, as to doctrine or principles unless such restraint was to be administered by an official called the "Chaplain-General," or by court martial; and, if this were so, they superseded all Church discipline heretofore existing. The respondent had the order of his superior officer, and was justified in what he did, though he acted illegally; but nothing had been adduced to show that the superior officer could issue such an order; and this suit was instituted to restrain in future, not to punish for the past. The decree would be that the Rev. Herbert Tudor Craig be admonished and inhibited to abstain from performing Divine service, or preaching, &c., in the building in Richmond Barracks mentioned in the petition, or elsewhere in the parish of St. Jude, without the consent of the Rev. Thomas Mills and the licence of the Archbishop of Dublin; and that the respondent should pay the costs of the suit to the petitioner.

Mr. Hamerton intimated that an appeal would be lodged on the part of the respondent.

Counsel for the petitioner—Dr. Studdert and Mr. Samuel Walker, instructed by Mr. A. Samuels. Counsel for respondent—Dr. Ball, Q.C., Dr. Elrington, and Dr. Todd, instructed by Mr. Hamerton, Queen's Proctor.

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before CHIEF REGISTRAR.		
Dec. 30	12 o'clock	Barfoot and Shaw - - -	Adjourned proof of debts - -	*Lynch*
"	"	Charles Weekes - - -	do. - - -	*Molloy & Watson*
"	"	Arrangement case - - -	Proof of debts - - -	*Meredith*
"	"	do. - - -	Vouch account - - -	*Perry*
"	"	Edward Balfe - - -	do. - - -	*Perry*
		Tuesday.—Before the COURT.		
Dec. 31	11 o'clock	Charles Weekes - - -	Audit - - - -	*Molloy & Watson*
"	"	Richard Yoakley - - -	Sur, proof of debts, and choose assignee	*Leachman*
"	"	Thomas Casey - - -	do. - - -	*Darley*
"	"	William Elwood - - -	do. - - -	*Casey & Clay*
"	"	John and A. M. Shaw - -	do. - - -	*Lynch*
"	"	Arrangement case - -	Adjourned 1st sitting - -	*Welsh*
"	"	do. - - -	2nd sitting - - -	*Gerrard*
"	"	do. - - -	Adjourned 1st sitting - -	*Batt*
"	"	do. - - -	2nd sitting - - - -	*Larkin*
"	"	Charles Weekes - - -	Composition - - - -	*M'Grath*
"	"	Trader Debtor - - -	Sitting - - - -	*Kelly*
"	"	do. - - -	——— - - - -	*Findlater & Co.*
"	"	do. - - -	——— - - - -	*Batt*
		Friday—Before the COURT.		
Jan. 3	11 o'clock	Michael Greene - - -	Final examination - - -	*Tincler*
"	"	Caldwell and Montgomery -	do. - - -	*Meldon*
"	"	Thomas Kenagh - - -	Decide on composition - -	*Lynch*
"	"	Rumley and Charters - -	do. - - -	*O'Connell*
"	"	Arrangement case - - -	1st sitting - - - -	*Moorehead*
"	"	do. - - -	do. - - - -	*Larkin*
"	"	do. - - -	Adjourned do. - - -	*Stuart*
"	"	do. - - -	2nd sitting - - - -	*Kiernan*

BANKRUPTS.

Dooley, Thomas, and Dooley, William, both of Capel street, Dublin, boot and shoe makers. Petition of bankruptcy filed December 24, 1867. To sur. Tuesday January 7, and Tuesday, January 21. L. H. Deering official assignee. *Forsythe*, solr.

IN INSOLVENCY.

DIVIDENDS DECLARED.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE	SOLICITOR
Nov., 1867	Copeland, John,	1st dividend of 3s. 8¾d. in £, on £223	*James*	*Larkin*
"	Doyle, Henry,	1st dividend of 2s. 10⅜d. in £, on £533	*James*	*Macnally*
"	Henry, William Joseph,	1st dividend of 3s. 9¼d. in £, on £710	*James*	*Macnally*
"	Kavanagh, Morgan,	2nd dividend of 7s. 11d. in £, on £104	*James*	*Macnally*
"	Murphy, Barry,	3rd dividend of 2s. 10¾d. in £, on £273	*James*	*Macnally*
"	M'Feat, James,	1st and final dividend 3s. 7d. in £, on £185	*Deering*	*Bradley*
"	Quin, Edward,	1st and final dividend 5s. 5d. in £, on £80	*James*	*Macnally*
"	Ryan, Thomas,	1st dividend of 1s. 10½d. in £, on £270	*James*	*Macnally*
"	Taylor, Anselm E.,	1st dividend of 6d. in £, on £255	*James*	*Macnally*
"	Teeling, John,	5th dividend of 3s. 6½d. in £, on £580	*James*	*Bloomfield*
"	Tynan, Hamilton,	1st dividend of 2s. 3½d. in £, on £314	*James*	*Macnally*
"	Wylie, William,	1st dividend of 10¼d. in £, on £329	*James*	*Macnally*

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INSOLVENTS.

To be heard in Dublin.

Mulkerns, Rev. Dominic Joseph, of Baggot-street, Dublin, clerk; previously of Wednes, Lancashire, England, Roman Catholic clergyman, sued as "Denis J. Mulkerns." Hearing on Wednesday, January 22, at 11 o'clock. *Macnally*, solr.

Murphy, Michael, of Rathgar, county Dublin, builder. Hearing on Wednesday, January 22, at 11. *Mathews*, solr.

To be heard in the Country.

Balbirnie, William, of Victoria-cross, Western-road, county Cork, and carrying on business at No. 19, Cook-street, Cork; previously of Brook-lodge, Rochestown, in said county, and having a place of business at No. 9, Cook-street, in said city; formerly of Rutland-street, in said city, and carrying on business at Cook-street, in said city, dyer and cleaner of stuffs. Hearing at Cork, January 20, at 10 o'clock. *Collins*, solr.

Cardwell, Francis, of Dungannon, county Tyrone, spirit dealer; previously of Barrow, in England, dealer. Hearing at Armagh, January 10, at 10 o'clock. *Cochrane*, solr.

Dunbar, James, of Belfast, county Antrim, not in business; previously of Belfast aforesaid, grocer. Hearing at Belfast, January 8, at 3 o'clock. *Macnally*, solr.

Knox, William, of Armagh, county Armagh, saddler and harness-maker. Hearing at Armagh, January 10, at 10 o'clock. *Proctor*, solr.

Martin, William, of Portadown, county Armagh, hotel-keeper. Hearing at Armagh, January 10, at 10 o'clock. *Cochrane*, solr.

Murphy, Daniel, of Abbeyfeale, county Limerick, farm servant; previously of Coolaneelick, county Kerry. Hearing at Limerick, January 10, at 10 o'clock. *O'Donnell*, solr.

M'Manus, Terence, of Drumshambo, county Leitrim, spirit dealer and farmer. Hearing at Carrick-on-Shannon, January 9, at 10 o'clock. *Croker*, solr.

North, James, of Clash, county Wicklow, shopkeeper and postmaster. Hearing at Wicklow, January 8, at 10 o'clock. *Duff*, solr.

Williamson, James, of Jordanstown, Carrickfergus, county Antrim, beer dealer and labourer; previously of Jordanstown, grocer, beer dealer, and labourer. Hearing at Belfast, January 8, at 3 o'clock. *Macnally*, solr.

White, Michael, of Newcastle West, county Limerick, farmer; previously of Ballinvullen, in said county; formerly of Danganbeg, in said county, farmer. Hearing at Limerick, January 10, at 10 o'clock. *Murphy*, solr.

INSOLVENTS DISCHARGED ON BAIL.

Evans, John, Galway, accountant.
Higgins, John, county Tipperary, farm labourer.
Knox, William, Armagh, saddler.
Maher, John, Dublin, wine cooper.
Murphy, Michael, Dublin, builder.
M'Kenna, Patrick, Belfast, grocer and car owner.

FICTITIOUS ATTORNEYS.

One of the greatest grievances under which the legal profession labours is that whereby clerks and agents are enabled to carry on business under the name of an attorney professionally defunct. In the Court of Exchequer a few days since a certain attorney was inquired for in a most particular manner by counsel, the individual who appeared as conducting the case stating that his principal was at the Bloomsbury County Court, and that he, the witness, was his articled clerk. This witness was a bald-headed person, and gave his evidence in a manner which, in the opinion of every one in court, seriously damaged the case of his client. We do not say that the attorney in question does not exist, but we take the suspicions raised in this instance to point to an actual state of things which demands the strict surveillance of the Incorporated Law Society. We have, indeed, known a case where an unqualified person has carried on business under the name of an attorney who long since ceased to practise. Hereby an injustice is done to the public and to the profession.—*Law Times.*

Law versus Literature.—The *Daily Telegraph* contains the following item of Irish news:—"Rumour has it that an application will be made to the Irish Master of the Rolls to grant an injunction to restrain the sale of a recent work containing the too free publication of the private diary of Lord Chief Justice Clonmell. It is not generally known the Master of the Rolls is the author of "Ireland Sixty Years Ago," and it will be curious to see if any *esprit de corps* will influence his decision in dealing with Mr. Fitzpatrick's kindred volume, "Ireland before the Union." The case is novel, and may excite some interest. In 1840 an injunction was on the point of being granted against the Bishop of Llandaff's publication of Lord Derby's letters, when he succumbed; and the precedent chiefly quoted on that occasion was Pope *v.* Curl, decided by Lord Hardwicke in 1741. In 1774 an injunction was granted to the executors of Lord Chesterfield with the object of suppressing a volume of his letters sold to Dodsley, the bookseller. In 1813 Lord Eldon, in Gee *v.* Pritchard, declared "that he is not to interfere because certain MSS. are written in confidence, or because the publication of them may wound the feelings of the plaintiffs, but simply and wholly as a question of property."

Revising Barrister of Dublin.—It is stated that Mr. Charles Shaw, Q.C., will not at present resign the office of Revising Barrister. There is no further business in connexion with the office to be done until September next.

The Law Adviser.—An unsuccessful attempt having been made to disparage the appointment of Mr. Charles Shaw, Q.C., on the ground of personal qualifications, it is now alleged that he is a connexion or relative of Lord Mayo, and owes his appointment to that circumstance. We are enabled to state that there is no foundation for the allegation. Lord Mayo is not in any way connected with Mr. Shaw.—*Daily Express.*

Sir Richard Mayne.—Sir Richard Mayne, the Chief Commissioner of London Police, is now 71 years of age, and has been chief commissioner of police since the establishment of the force in 1820—nearly 40 years.

Judgment was given on Saturday by the Lords Justices in an appeal of great interest to the London hospitals. Lord Henry Seymour left about £60,000 to the "hospices" of Paris and London; and a question was raised whether hospitals were included, or whether the term was confined to charitable institutions, excluding institutions for bodily illness. The Master of the Rolls confined the term to charitable places, and excluded ordinary hospitals; but that decision has been reversed by the Lords Justices, and the hospitals will partake in the benefits of the legacy.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTHS.

TODD—Dec. 25, at 49, North Great George's-street, the wife of R. Ross Todd, Esq., clerk of the crown, County Down, of a daughter.

WALKER—Dec. 21, at 2, Rutland-square, the wife of Samuel Walker, Esq., barrister-at-law, of a son.

MARRIAGES.

MONROE and MOULE—Dec. 23, at St. Matthias' Church, Richmond, Surrey, by the Hon. and Rev. Douglas Gordon, John Monroe, Esq., M.A., barrister-at-law, to Lizzie, fourth daughter of John Watkins Moule, Esq., of Sion House, Richmond, Surrey.

SANDERSON and VERDON—Dec. 21, in St. George's Church, by the Rev. David Stuart, Frederick George Sanderson, of Lower Dominick-street, to Ida Rosalie, eldest daughter of Theadore Benson Verdon, of this city, solicitor.

DEATHS.

O'GRADY—On the 21st inst., suddenly, at the Club House, Ennis Capt. the Hon. John O'Grady, son of the late Lord Guillamore, formerly Chief Baron of the Court of Exchequer in Ireland.

RUCKLEY—On the 22nd inst., suddenly, at Evergreen Villa, Serpentine-avenue, Sandymount, Martha, the beloved wife of William V. R. Ruckley, Esq., of the Judgment Registry Office, Four Courts.

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DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	NOVEMBER Thur. 28	Fri. 29	Sat. 30	DECEMBER Mon. 2	Tues. 3	Wed. 4	Thur 5	Fri. 6	Sat. 7	Mon. 9	Tues. 10	Wed. 11	Thur. 12	Fri. 13	Sat. 14	Mon. 16	Tues. 17	Wed. 18	Thur. 19	Fri. 20	Sat. 21	Mon. 23	Tues. 24	Wed. 25	Thur. 26	Fri. 27
Government																										
3 p c Consols	93¾	93⅝	93⅝ ½	—	92⅞ ¾	93	92½	93¼	93⅛	93⅛ ¼	93⅛	93⅛	93⅛	93⅛ 93	—	93 92⅞	92⅞ ¾	92⅞ ⅝	92½	92⅝	92⅝	92⅝	92½	—	—	92¼
New 3 p c Stock	92⅝	92¾ ⅞	92½ ⅝	92⅝ ½	92⅝ ½	92¼ ⅜	92⅜	92⅝ ½ ⅝	92¼ ⅜	92¼	92¼ ⅜	92⅜	92½	92½ ⅜	92¼ ⅜	92¼ ⅛	92 92⅛	92⅛	91¾	91⅞ 92	92 92⅛	92 91⅞	91⅞ ¾	—	—	91¼
Foreign and Colonial.																										
India 5 p c Stock	113¾	113½	—	—	—	—	113½	—	—	113½	113½	—	—	—	—	—	—	113¼	112½	112½	—	112½	—	—	—	112¼
Joint-Stock Banks.																										
Ireland, £100 pd	236½ ¼	236¼	236¼	236¼	—	235½	235½	—	236	—	236½	237	237	x d	—	—	—	—	232 xd	—	—	—	—	—	—	—
Hibernian, £25 pd	37½	37½	37⅝ ⅞	38¼	38¾	39	39¼	39¼	39¼	—	39⅛	—	x d	—	—	—	—	—	—	—	36 x d	36 x d	35¾ 36	—	—	30
Munster (Limited.), £3 10s pd ..	4⅞ ¾	4¾ ⅞	—	—	4¾	—	4⅞	—	4⅞ 5	—	—	4⅞ 5	4⅞ 5	4⅞ 5	—	—	—	—	4⅞ 5	—	—	5	—	—	—	—
National, £30 pd	58½	59	59	59¼	59½ 60	60 60½	60 61¼	61½ ¾	62	62	62⅛	62¾	62¼	61¼	61½	61⅛	61½	61½ ¾	61⅝ ¾	61¾	61⅞ 62	61½	61⅝	—	—	61⅞
National of L'pool (Ltd.), £15 pd	12⅛	12	12	12⅛	—	—	—	—	—	—	—	—	—	—	—	—	—	12⅛	—	—	12	11¾	11½	—	—	—
Provincial, £25 pd	—	—	90	—	90	—	—	—	90	—	—	—	—	88	—	—	—	—	—	—	—	—	—	—	—	—
Do., New, (pd £10)	—	—	—	—	—	—	—	35¾	35¾	—	—	—	—	—	—	—	—	35½ ¼	—	—	—	—	—	—	—	—
Royal, £10 pd	—	32⅝	—	—	32⅝	—	—	32½	—	32⅝ ¼	32¼	32⅛ ¼	32¼	32¼ ⅜	32⅜ ¼	32½	32½	32⅝	32⅝ ½	32½	32½	—	32⅝	—	—	—
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Union, £22 pd	16¼	16 16⅝	—	16⅝	17	—	17½	17⅝ ½	17⅝	—	17½ ⅝	—	17½	17¾	17⅛ ¼	17⅜ ¼	17¼ ⅜	17⅝	—	17⅛	17	17	17	—	—	17 17⅛
Steam.																										
British & Irish, £50 pd ..	49½	—	—	—	—	—	—	—	—	49½	—	—	—	—	—	—	49½	—	—	—	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	104	—	—	—	103½	103⅞	103¾	—	—	—	103¾	103⅞	104	—	—	—	—	—	—	—	—	—	—	—	103¾
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—	55⅜	55¾	—	—	—	—	56	—	—	—	—	—	—	—	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	8	—	—	—	—	8
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Miscellaneous.																										
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	—	—	—	—	—	—	—	—	10¾	—	—	—	10¾	—	—	10¾	—	—	—	—	10½
Do., B	—	—	—	—	—	6	6¼	6⅛	—	—	6¼	—	6½	—	—	—	—	6⅜	6⅜	—	6⅜	—	—	—	—	—
Do., 2 C	5⅛ ¼	—	5⅛	—	5⅛ ¼	—	—	—	—	—	5⅛ ¼	5⅛ ¼	5⅛ ¼	5⅛ ¼	5¼ ⅛	—	—	—	—	—	—	—	—	—	—	5⅛
Grand Canal, £100 pd	—	—	—	—	—	45½	—	—	—	—	—	—	—	—	—	45¼	45½	—	—	—	—	—	—	—	—	—
Patriotic Insurance, £10 pd ..	—	8½	8⅜	—	—	8¼	—	8¼ ⅜	—	8¼ ⅜	—	8¼	—	8¼	8¼	—	—	—	—	—	8¼	—	—	—	—	—
National Insurance, £25 pd ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Railways.																										
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—	—	—	—	—	46¾	46½	46½	—	—	—	—	—	—	46½	46½	46⅝	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	75	—	—	—	—	75	—	75	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	198	197	—	—	—	—	—	198	—	—	—	—	199	—	—	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	—	88	—	—	88 87⅞	88	—	88	—	—	—	—	87⅞	—	88	—	—	—	—	—	—	—	—	—	—
D., W., & W., £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	33	—	—	—	—	34⅛	—	34	—	—	—	—	34¼
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—	—	—	—	5	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	97 96⅞	96¾	96¾	96¾	96⅞	96⅝	96¾	96¾	96⅝	96⅝	—	96⅝	96½	96⅞ 97	—	97⅜ ½	—	97	97	96⅞	96⅝	97	—	—	—	96⅞ 97
Midland Gt. Western, £100 pd ..	—	—	—	—	56¼	56¼	56¼	—	—	56¼	—	—	—	—	—	56½ ¼	56¼	56¼	56⅛	56¼	56	—	—	—	—	—
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Railway Preference.																										
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	46½	—	—	—	47⅛	47	47	—	—	—	—	—	40¾	—	—	46½	—	—	—	—	—	—	—	—	—	50 47
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	97¾	98	—	98	98	—	—	—	—	96½	—	97	—	—	—	—	98	98	—	—	—	—	—	—	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	100	—	100	—	—	—	—	—	—	—	—	—	—	—	—	—	100	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	23	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	24⅛
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Railway Debentures.																										
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—	—	—	—	—	—	—	—	100	—	—	—	—	—	—	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
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Wed. 25: Christmas Day. Thur. 26: Holiday.

Bank Rate—Of Discount—3 per cent., 25th July, 1867. Of Deposit—1 per cent., 25th July, 1867.
Name Day—November 28th; and December 12th and 28th, 1867. **Account Day** November 29th; and December 13th and 30th, 1867.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

LEGAL POSTINGS:

LANDED ESTATES' COURT.

COUNTY OF WATERFORD.

In the Matter of the Estate of Patrick Michael O'Keeffe, Owner and Petitioner.
Continued in the name of Michael Joseph O'Keeffe, Heir-at-Law of the said Patrick Michael O'Keeffe, Owner and Petitioner.

TO BE SOLD BY AUCTION, in ONE LOT, before the Hon. Judge Lynch, at the Landed Estates' Court, Inns-quay, in the City of Dublin, on TUESDAY, the 14th day of JANUARY, 1868, at Noon, all that part of the LANDS of NEWPORT EAST and NEWPORT WEST, situate in the Barony of Coshmore and Coshbride, and County of Waterford, containing about One Hundred and Forty-one acres, statute measure, held in Fee.

The Lands are held by a solvent tenant, for three lives, from the 25th of March, 1825 (two of whom are supposed to be still living) at the net yearly rent of £117 5s. 6d., but on the expiration of this lease a large increase may be expected.

The tenement valuation is £118 a year.

The Lands are advantageously situate on the banks of the River Blackwater, about six miles distant from the Towns of Tallow, Lismore, Cappoquin, and Youghal, from which latter Town sea-sand and other manures can be had at little expense, and landed on a quay upon the lands from lighters.

Dated this 12th December, 1867.

J. E. MADDEN, for Chief Clerk.

The lands will be sold liable to a certain jointure, annuities, and charges, as set forth in the printed Rentals and Conditions of Sale.

For Rentals and further particulars apply at the Landed Estates' Court, Inns'-quay, Dublin; or to

WM. HENRY PARKER & MATTHEW PARKER, Solicitors having the carriage of the order for Sale, Chambers, 201, Great Brunswick-street, Dublin; and Roseville, Tallow, Co. Waterford.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Dooley & William Dooley, both of Capel-street, in the City of Dublin, Boot and Shoe Makers, Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 7th day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupts, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupts in any sum whatever, or who have any of their estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupts are requested to give notice thereof to the Agent.

Dated this 26th day of December, 1867.

HUGH DOYLE, Deputy Assistant-Registrar.

JOHN FORSYTHE, Agent to the Bankruptcy, No. 20, Eustace-street, Dublin.

NOTICE TO CREDITORS AND OTHERS.

In the Matter of William Smith Gray, late of No. 56, William-street, in the City of Dublin, and of Garville-avenue, Rathgar, in the County of Dublin, Merchant, deceased, who died on the 31st day of July, 1867.

PURSUANT to the Act of Parliament, passed in the 23rd and 24th years of the Reign of Her Majesty Queen Victoria, Chapter 35, intituled, "An Act to Further Amend the Law of Property and Relieve Trustees," Notice is hereby given to Creditors and Others, having Demands upon or against the Estate of the said William Smith Gray, to send in to the undersigned Solicitors, for William Arthur Digby, late of Idrone House, Templeogue, in the County of Dublin, and now of No. 9, Rostrevor terrace, Rathgar, in the same County, Esq.; Arthur Creagh Taylor, of The Lodge, Leinster-road, Rathmines, in the same County, Esq.; and Richard Baldwin Falkiner, of No. 9, Suffolk-street, in the City of Dublin, Solicitor (the Executors of the Will of the said William Smith Gray, and to whom Probate thereof was granted on the 21st day of August, 1867, forth of the Principal Registry, at Dublin, of the Court of Probate in Ireland, and which said Probate was re-sealed in the Principal Registry of the Court of Probate in England, on the 14th day of September, 1867), the particulars of their Claims, on or before the 1st day of FEBRUARY, 1868.

And Notice is hereby further given that the said Executors will, after the expiration of the time named herein for sending in such Claims, distribute the Assets of the said William Smith Gray amongst the parties entitled thereto, having regard to the Claims of which such Executors shall then have notice, and will not be liable for the Assets, or any part thereof, so distributed to any person of whose Claim the said Executors shall not have had notice at the time of the distribution of the said Assets.

Dated this 14th day of December, 1867.

FALKINER & HONE, Solicitors for the said Executors, 9, Suffolk-street, Dublin.

SOLICITORS' OFFICES TO LET. The Rooms have good light and are commodius. C. E. & E. WEBB, 34, Upper Sackville-street.

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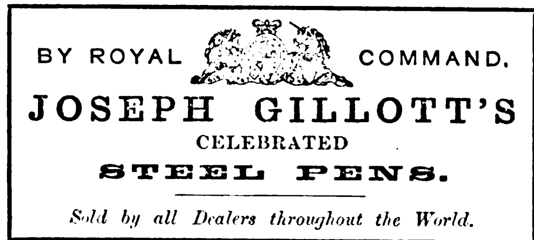
JOHN FALCONER, IRISH LAW TIMES Office, 53, Upper Sackville-street, Dublin.

BY ROYAL  COMMAND.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas and City of Dublin.—*Saturday, December 28, 1867.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 49.] SATURDAY, JANUARY 4, 1868. {Single Copy, 6d. By Post, 7d.

IN the middle of August last a number of Acts were passed through the Houses of Parliament, which, as they were only social in their influence, did not receive such publicity from the press as they would have obtained had any political or legal interest been at question, but they, nevertheless, have occasioned a considerable revolution in the position of the class to which they specially refer; and these Acts, form what most people—including even capitalists and employers of labour, who, at first sight, would appear to be injured by their working—admit to be a just infringement on the principles of free trade, and the maxim that every capitalist should be allowed to buy labour at the lowest price and under the conditions most advantageous to himself, and that every possessor of that labour-power should be allowed to sell his labour at the highest terms, and under what he considers the most advantageous conditions for himself.

There were several Acts passed at the time we refer to, which would have the apparent effect of interfering with the rights of individuals, but the one we intend considering in the present article is cap. 103 of 30 & 31 Vic., 1867, entitled "An Act for the extension of the Factory Acts," which came into operation on the first day of this year. The extension was double, inasmuch as the powers of the existing Act were extended to numerous trades not included under the former Act, and the Act for the "Extension of the Factory Acts" is made to apply to the whole of the United Kingdom.

The provisions of the Act are not very intelligible, from the use of technical language and reference to trade usages, which are nowhere accurately defined, but principally from the fact that the new Act refers to a number of other Acts with which we in Ireland are not familiar. The definition states that the Factory Acts shall in this Act mean the fourth and fifth sections of the "Factory Acts Extension Act, 1864," relating to sanitary measures and special rules, and such provisions as are now in force of the following Acts:—An Act passed in 4 Wm. IV., cap. 103, entitled "An Act to Regulate the Labour of Children and Young Persons in the Mills and Factories in the United Kingdom," cited as "The Factory Act, 1833;" an Act passed 7 Vic., cap 15, entitled "An Act to amend the Laws relating to Labour in Factories," cited as "The Factory Act, 1844;" an Act passed 14 Vic., cap. 54, entitled also "An Act to amend the Laws relating to Labour in Factories, cited as "The Factory Act, 1850;" an Act passed 17 Vic., cap. 104, entitled "An Act further to Regulate the Employment of Children in Factories," cited as "The Factory Act, 1853;" and finally, "The Factory Act, 1856."

The most important parts of those Acts are the clauses with regard to limitation in the employment of women, children, and young persons. Under the old Factory Acts a child is defined to be a person under eight years of age, and a young person is any one under eighteen years of age. The same provision applies under the new Act to the employment of young persons and of women—that is to say, all women and all boys between thirteen and eighteen years of age are subject to certain restrictions; all children—that is, all persons between eight and thirteen years of age, are subject to certain other restrictions; and no person under eight years of age is to be employed. Women and young persons—that is to say, boys between thirteen and eighteen years of age, are allowed to work what is called full time, but not overtime. Full time is sixty hours per week.

With regard to the employment of children the rules are more complicated, as children work as half-timers—that is, in two relays each day, or on alternate days; and there are clauses directing that children must be sent to school for a certain number of hours each day.

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Factories included in the Act are placed under double inspection, viz.:—

First—By inspectors or sub-inspectors, who shall be furnished with such certificates of appointment as the Secretary of State may direct; and on applying for admission to any factory every inspector or sub-inspector shall, if required, produce to the occupiers his certificate; and it is enacted by this statute that every person who forges or counterfeits any such certificate, or falsely pretends to be an inspector or sub-inspector of factories, shall be guilty of a misdemeanour, and be liable to be imprisoned for any period not exceeding three months, with or without hard labour.

The other inspection is by a certifying surgeon, who is employed in every district to attend at the factories for the purpose of giving such certificates as are required. Should any difficulty arise as to the remuneration of the certifying surgeon, the question is to be referred to the inspector of factories, who, on an appeal being made by the manufacturer, has the power to fix the rate of fees, not going beyond a certain maximum, and also the time for visits.

The word factory is defined in general terms by clause 7 of the Act to mean any premises, whether adjoining or separate, in the same occupation, situate in the same city, town, parish, or place, and constituting one trade establishment, in, on, or within the precincts of which fifty or more persons are employed in any manufacturing process; and the following are the works not under the old Factory Acts which come under the new statute:—blast furnaces, all copper mills, all bar-iron works, all iron, copper, and brass foundries, every place where any metal is cast, any place where mechanical power is used in the manufacture of any article of metal, or in the manufacture of india-rubber or gutta-percha; and all places, whether mechanical power is used or not, such as paper works, glass works, tobacco works, letter-press printing, and book-binding works, and all places, whether carrying on special trades or not, from the clause of the Act mentioned above, where more than fifty persons are employed.

In the schedules there are many modifications, temporary and permanent. The most important is that, although the age of a child is defined by the Factory Acts to be between eight and thirteen years of age, persons of eleven years of age may be employed as young persons during the first six calendar months ensuing the first day of January, 1868. And there are also certain modifications which the Secretary of State may make, without Act of Parliament, on its being shown that such modifications are desirable, from the customs or exigencies of any trade.

The general effects of the Factory Act in England have been that while families were at first worse off from the forced idleness of some of their members, they were eventually benefited by the healthier frames which the children acquired thereby, and the moral character and intelligence of the people have equally improved from the teaching which is supplied them in the regulated intervals of labour. Nor have the results been less beneficial to the employers, although they strongly opposed the Factory Acts at their first introduction in 1833, and their extension in 1844. But this involves a politico-economic question, which is not within our province to discuss.

Of course where there are so many inducements to unnatural parents, and to selfish employers, to break the rule laid down by law for the employment of young persons and children, the conditions of the Act have not always been observed, and the consequence is that these breaches form a fruitful source of litigation.

In the Report of the Inspectors of Factories for the half-year ending 30th April, 1867, the number of informations sworn, amounted to 246, and the number of convictions amounted to 171, the penalties inflicted ranging from 10s. to £10, while the amount of costs ranges from 10s. to £4 10s., the prosecutions, in some few instances, being against parents for allowing their children to be employed more than the lawful time each day; in other instances for neglecting to send them to school.

With regard to the definition of technical terms, the following extract from a decision may be useful as well as interesting:—

The question turned upon a correct definition of the word "twisting," and whether it was a process of "winding and throwing;" and Captain May, the Sub-Inspector of the district, took the wisest method to obtain a correct definition of this term, by raising a friendly issue between himself and a twister, before the local magistrates; and by producing practical manufacturers, both twisters and throwers, to define their trade terms. After a very able argument by Captain May and as able a defence by Mr. Allen, a solicitor, the magistrates adjourned their decision to the following week, on which day it was given, in the presence of the parties as follows:—

Mr. Gaunt, one of the two magistrates present, said:—

"I had hoped this case could have been decided at the sessions, for I was not anxious the decision should rest upon our judgment. My brother magistrate and myself were of the same opinion upon the case after the evidence had been given on Wednesday; but I was anxious to see if I could not get a little further light upon the matter. We are of the same opinion now. These two gentlemen, Mr. May and Mr. Allen, seem to have agreed upon the question we have to adjudicate upon. This boy Keales has been employed in the forenoon and afternoon of the same day; and that *prima facie* is wrong. But there is an exception, according to the Act of Parliament, in the case of throwing; and the question was that the defendants would be convicted under the Act, unless it were shown that they came within the exception clause of the Act. That, we have to decide upon the evidence. Now, there is a maxim in our law with which I am and you are well acquainted, *cuique in suâ arte, credendum est*, which, in plain English,

means that every man is to be believed from the knowledge he has of his own trade. I apply that maxim in the present case. Mr. Davenport has given evidence as to his own profession as a throwster. I believe him in his evidence as to his own art; and I don't think in point of law we can take any evidence as to the definition in dictionaries."

Mr. Allen—"The Lord Chief Justice of England does not hold that opinion, sir."

Mr. Gaunt—"Well, that is my opinion; I mean the evidence of the dictionaries is not to be taken or considered anything in comparison with the evidence of people who are engaged solely in a branch of trade. The compilers of dictionaries, not having a practical knowledge of the trade upon which they give a definition, may err."

Last week we adverted to the case of *Mills* v. *Craig*, and abstained from all comment on the judgment of the Court, the respondent having appealed from that decision; but while the cause remains *sub judice* we may fairly inquire into the question of the Ecclesiastical Prerogative claimed by the Crown of appointing army chaplains, and whether the sovereign, as head of the Established Church, when commissioning military chaplains, has the power and privilege of directing (through her subordinate military authorities) those chaplains to enter any parish and invade the rights, and infringe upon the functions, of the incumbent, by ministering to the spiritual necessities of the military forces quartered within the said parish or parishes. In the first place, we shall trace, from the time of the Reformation in England, the ecclesiastical power arrogated by or conferred on our English sovereigns; for although many attempts were made by our kings, previous to that important epoch in English history, to curb the jurisdiction and privileges exercised by the ecclesiastical powers, no substantial advantages ever accrued to the Crown previous to the reign of Henry VIII. We shall, therefore, pass by the various ordinances of the Canon Law before the Reformation, as during the reigns of Henry VIII. and Elizabeth, synods were held in London, which finally resulted in the framing of ecclesiastical canons, which, having been submitted to, and having received the approval of Elizabeth, passed the Great Seal of England, and were then transmitted to the provinces of Canterbury and York, to be promulgated as the Canon Law of England. In November, 1534, Parliament conferred on Henry VIII. the title of Only Supreme *Head* on Earth of the Church, as they had already vested him with the real power belonging to it, and that power was cemented by the 25 Hen., cap. 19, which provided that no canon laws were to be received in England which were in opposition to the laws of the realm, or likely to damage the King's prerogative.

On the death of Henry the ecclesiastical rights which he had obtained were confirmed to his successor, Edward VI., but during the reign of Mary this portion of the Royal prerogative was allowed, or rather, from the difficulty of repealing it, permitted to remain in abeyance. On the accession of Elizabeth to the throne the prerogative was not only revived, but strengthened by the Acts of Supremacy and Uniformity (1559), and these enactments have remained in force ever since, now a period of 308 years, and were only partially repealed during the past session of Parliament by the Oaths of Office Act (30 and 31 Vic., cap. 75). The Act of Supremacy, while it restored all ecclesiastical jurisdiction to the Crown, empowered the Queen to execute it by commission appointed under the Great Seal, in such manner and at such times as she should direct (*Hallam Hist. Eng.*, Vol. i., p. 201). This authority under which several commissions sat from time to time, eventuated in the creation of the High Commission Court, a tribunal which had power, amongst others, to deprive all beneficed persons holding any doctrine contrary to the "Thirty-nine Articles." With the Court of Star-Chamber perished that of the High Commission Court, a younger birth of tyranny, but perhaps even more hateful, from the peculiar irritation of the times. It had stretched its authority beyond the tenor of the Act of Elizabeth, whereby it had been created, and which limits its competence to the correction of ecclesiastical offences, according to the known boundaries of ecclesiastical jurisdiction, assuming a right not only to imprison, but to fine the laity, which was generally reckoned illegal. The statute (16 Car. I., cap. 11), repealing that of Elizabeth, under which this High Commission existed, proceeds to take away from the Ecclesiastical Courts all power of inflicting temporal penalties in terms so large, and, doubtless, not inadvertently employed, as to render their jurisdiction nugatory. This part of the Act was repealed after the Restoration; and like the other measures of that time, with little care to prevent the recurrence of those abuses which had provoked its enactment.—(*Hallam Hist. Eng.*, Vol. ii., pp. 98, 99). James the First appears to have jealously clung to the ecclesiastical privileges conferred on his predecessors, but an attempt was made early in his reign to encroach on that prerogative, for James's Parliaments were not so obsequious, they ventured to lift up their eyes and consider the prerogative, they saw a large province of government possessed by the King alone, and never communicated with the Parliament; they therefore deemed it absolutely necessary to circumscribe this branch of the Royal prerogative, and accordingly in the preceding session they passed a bill against the establishment of any ecclesiastical canon without the consent of Parliament, but the House of Lords, as is usual, defended the barriers of the Throne, and rejected the bill.—(*Hume Hist. Eng.*, Vol. vi., pp. 44, 45). We next come to the period of the

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Revolution, and to the Declaration of Rights presented to the Prince of Orange by the Marquis of Halifax, as Speaker of the Lords. After reciting the various illegal acts committed by the late King, it states "that the pretended power of dispensing with laws by regal authority, as it hath been assumed of late, is illegal; that the commission for creating the late court of commissioners for ecclesiastical causes, and all other commissions and courts of like nature, are illegal and pernicious." This declaration was, some months afterwards, confirmed by a regular act of the legislature in the bill of rights.

In future numbers we shall continue the discussion of this question as it is a subject which has now become of much public interest.

CHANCERY ACT, 1867.

(*Continued from p.* 671.)

Documents.—Under the old practice the plaintiff, as a matter of course, interrogated the defendant respecting the documents in his possession or power. This practice is still not unfrequently followed; but, the discovery as to documents is commonly obtained from the defendant by summary proceeding at chamber, as follows:—

The plaintiff takes out a summons and obtains thereunder an order that the defendant do, within a given time, make an affidavit as to the documents in his possession or power, and directing him to produce, for the inspection of the plaintiff, such of the documents admitted to be in his possession, as he does not, by the affidavit, object to procedure. If the defendant, by his affidavit, objects to produce any of the documents admitted to be in his possession, and the plaintiff is advised that the objections are untenable, he applies again, by summoning the defendant at chambers for production of such documents, and in such case the summons is generally adjourned to be argued before the Court (*vide* Mr. Barber's statement). If the plaintiff considers the affidavit evasive or insufficient, he applies by summons at chambers, that the defendant may make a further affidavit, and an order to that effect is accordingly made, if in the opinion of the Judge, either at chambers or in Court, upon the summons being adjourned into Court, the affidavit is insufficient. This summary procedure may be resorted to by the plaintiff as soon as the defendant has appeared, and may be prosecuted whether the defendant has or has not been required to answer; and if required to answer whether he has or has not been interrogated as to documents.

When the interrogatory filed for the examination of the defendant in answer to the bill includes an interrogatory as to documents, and such interrogatory has been fully answered, the practice is to apply at chambers for production upon the admissions in the answer.

Answer.—The plaintiff having filed and served interrogatories, the defendant is compelled to put in an answer within a time limited by the orders of the Court, which is frequently extended by special order. The answer, the draft of which must be signed by counsel, does not at the commencement or in the body of it appear to be made on oath. It is, however, sworn in the same manner as an affidavit, except that the oath actually administered is of a qualified kind, *i.e.*, the person answering swears that what is contained in the answer, so far as concerns his own act and deed, is true to his own knowledge, and so far as relates to the acts and deeds of other persons is believed by him to be true. The answer so sworn is filed in the Office of the Clerk of Record and Writs. Any schedules annexed to the answer must be filed with it.

If the plaintiff does not file interrogatories, the defendant's advisers have to consider whether he shall put in a voluntary answer or not. If his defence depends upon the simple negation of some one or more of the facts alleged by the bill, no answer is requisite, since his mere silence is, for the purposes of pleading, equivalent to a transverse by him of the case made by the bill. If, on the other hand, the defendant's case mainly depends upon independent facts not disclosed by the bill, it is often advisable for him to put in a voluntary answer, which he must do within a limited time. A voluntary answer is sworn and filed like a compulsory answer, and printed in like manner. It is not, however, liable to exception for insufficiency.

The defendant's answer, compulsory or voluntary, as the case may be, having been put in, or no answer having been required, and the time for putting in a voluntary answer having expired, the plaintiff has to determine whether he can safely carry the cause to a hearing upon the pleadings as they then stand. The answer of the defendant may show, or the plaintiff may have otherwise ascertained that the bill contains errors of statement calling for rectification, or that a defence has been or may be set up capable of being neutralized or weakened by the statement of material facts hitherto unnoticed. In these and other cases it frequently becomes advisable for the plaintiff to amend his bill.

Exceptions.—An answer commonly contains not only a discovery as to the matters inquired after by the interrogatories but also the defendant's statements of matters of defence. If plaintiff considers the answers insufficient he excepts. Exceptions, which must be settled and signed by counsel, specify the particular interrogatories or parts of interrogatories which are considered insufficient, and unless the defendant within the time prescribed by the order submits to answer as to the points excepted to, the exceptions are set down for argument before the Court. If the answer is held insufficient the same course is pursued. If a third answer is held insufficient, the defendant must put in a further answer. If the second answer is deemed insufficient the same course is pursued. If a third answer is held insufficient, the Court will order the defendant to be examined orally, and order him to stand committed until he shall have perfectly answered the interrogatories (*vide* Mr. Barber's statement).

THE final examination for candidates seeking admission as Attorneys will be held in the Solicitors' Hall on Saturday next, the 11th instant; and on the following Tuesday the Court of Examiners will promulgate their decision at Half-past Two o'clock. Candidates may attend personally, but it is not compulsory on them to be present.

THE SALE OF REVERSIONS.—One of the statutes passed in the recent sitting of Parliament, and which was issued on Wednesday week, was to amend the law relating to sales of reversions as administered in the courts of equity. No purchase *bona fide* made, and without fraud or unfair dealing, of any reversionary interest in real or personal estate, is to be hereafter opened or set aside merely on the ground of undervalue. The word "purchase" in the Act is, remarks the *Law Journal*, to include every kind of contract, conveyance, or assignment under or by which any beneficial interest in any kind of property may be acquired. The Act is to come into operation on the 1st day of January, 1868, and is not to apply to any purchase concerning which any suit shall be then depending.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

WEST *v.* LAWDAY.

Nov. 9; Dec. 4, 1867.—*Will—Charge of Debts—Residuary Devise not Specific.*

St. John Mason was seised under a lease for lives renewable for ever of Ballydowny, West Cleny, Farranaspig, and Groyne. In 1840 he granted a lease of Groyne for lives renewable for ever. He made his will, dated the 16th of March, 1858, by which, after reciting that he was possessed of a lease for lives renewable for ever of certain lands, which said lands were denominated Ballydowny, Cleny, and Farranaspig, he required that the aforesaid lands should, as soon as possible after his decease, be sold in the Incumbered Estates' Court, and, after payment of all his just debts, be equally divided between James West and Susanna Lawday, as tenants in common and not as joint tenants. He specified the debts affecting those lands, bequeathed legacies, and appointed the said James West residuary legatee of all his real and personal estate and effects. The testator died shortly after the date of his will, and this suit was one for the administration of his real and personal estate, and to have the rights of his devisees ascertained and declared. Master Brooke, to whom it was referred under the 15th section of the Chancery Regulation Act, declared that the lands of Groyne did not pass under the specific devise, but passed under the residuary clause to James West. The Master's order was reversed by the late Master of the Rolls,* and by the Court of Appeal,† but affirmed by the House of Lords,‡ and the matter was remitted back to the Court of Chancery here. On taking the account it turned out that the personal estate amounted to £3 15s. only, and the question arose how the debts and legacies of the testator were to be paid, whether they were to be borne rateably by the four denominations or to be paid by the lands of Groyne exclusively. The Master decided that they were to be paid out of the lands of Groyne, and the petitioner, James West, appealed from his order.

Sullivan, Q.C., and *W. Hickson*, were counsel for the appellant, James West.

Lawson, Q.C., and *R. W. Shekleton*, for the respondent, Susanna Lawday.

The MASTER of the ROLLS held that the devise of Ballydowny, Cleny, and Farranaspig, was not a direct devise for payment of the debts, but a devise to J. West and S. Lawday, charged with the debts; that a residuary devise was, since the Statute of Wills, 1 Vic., c. 26, no longer specific, and consequently that the lands of Groyne should be applied in payment of the debts in exoneration of the other lands; and he affirmed the Master's order.

Solicitors for the petitioners, *Francis H. Downing and Son.*

Solicitor for the respondent, *T. W. Bond.*

VICE-CHANCELLOR'S COURT.

Reported by WM. BARLOW, Esq., Barrister-at-law.

LESLIE AND OTHERS *v.* CROMMELIN.

Dec. 4, 5, 6, and 9, 1867.—*Specific Performance—Tenant for Life with Leasing Powers—Compensation.*

The respondent is tenant for life, with leasing powers, of estates and hereditaments, including the fisheries of Lough Neagh and the River Bann, which fisheries were demised in 1811 for 61 years. This lease is still outstanding, but will expire on the 1st of May, 1872. The petitioners, as trustees for the Bann Fishing Club, obtained, in November, 1862, a sub-lease of the fishery in part of the Bann. This sub-lease was for the term of five years, at a yearly rent of £60. On the 24th of September, 1863, the respondent agreed, at a personal interview, to grant to the petitioners, as such trustees, a lease (to commence at the expiration of the lease of 1811), of the said fishery for three lives or 31 years, at a yearly rent of £60. Subsequently the respondent was advised by counsel that his leasing power did not enable him to grant a lease for longer than his own life. Thereupon the respondent refused to complete his agreement, but offered to grant a lease for his own life. The petitioners declined to accept such a lease, without receiving compensation for the difference in value between the lease which the respondent had originally promised to grant, and one for his own life; and required him to fulfil his original agreement. The respondent refused to execute a lease in excess of his power, or to give compensation. After protracted negotiations the petitioners filed this petition, which prayed for specific performance of the original agreement; *or* that the respondent, if his leasing power does not enable him to grant a lease for the full term agreed upon, should execute a lease for such other term as he legally could, *and* should compensate the petitioners for the difference in value between such lease and one for the stipulated term, and for all damage and loss occasioned to the petitioners in relation to the premises.

The respondent, by his answer, alleged, in substance, that the promise to grant the lease for three lives or 31 years, at a yearly rent of £60, had been obtained by misrepresentation, fraud, at an undervalue, and by pressure; and submitted that he should not be directed to execute a lease in excess of his leasing power; that the lease sought was a reversionary lease; and that, at all events, he should not be decreed to make compensation.

It is not material to report this case except upon the point of compensation.

The *Solicitor-General*, *Sullivan*, Q.C., and *Jackson* were for the petitioners.

The petitioners are entitled to compensation under the 21 & 22 Vic., c. 27; *Hindley* v. *Emery*, Law Rep., 1 Eq. 52; *Ferguson* v. *Wilson*, Law Rep., 2 Ch. Ap., 77. In the case of *Ely* v. *Wilkin* (not reported), in this country, the late Lord Chancellor exercised this jurisdiction.

Lawson, Q.C., *Hugh Law*, Q.C., and *Bruce*, for the respondent, insisted that the Court should enforce the contract so far as the respondent had power to fulfil it, and refuse to give compensation also, *or* should refuse to enforce any part of the contract, and leave the petitioners to sue at law for breach of contract, and in that action obtain full compensation for the breach of the entire contract. They cited *Durell* v. *Pritchard*, Law Rep., 1 Ch. Ap., 244; *Sykes* v. *Wilde*, 4 B. & Sm., 421; *Locke* v. *Furze*, Law Rep., C.P., 444; *Harnett* v. *Yielding*, 2 Sch. & Lef., 549.

The VICE-CHANCELLOR, having decided that the agreement had not been obtained by misrepresentation, fraud, improper pressure, or at a gross undervalue, and that it was not one for a reversionary lease, proceeded to consider what relief should be given to the petitioners. It was argued for the respondent that the court will not specifically enforce, in part, an agreement for a lease which cannot be enforced to its full extent. But *Harnett* v. *Yielding* has not been cited upon to that extent, and in *Dyas* v. *Cruise*, 8 I. E. R., 407, it is stated that *Harnett* v. *Yielding* should not be followed

* 14 Ir. Ch. Rep., 209. † 14 Ir. Ch. Rep., 340. ‡ 11 H. L. C., 875.

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to that extent. It is a clear law now that where a tenant for life is unable to give a lease for the whole term which he had promised, he must grant one to the full extent authorized by his leasing power, if the proposed lessee is willing to accept such a lease; and the lessee will be compensated for any loss sustained by reason of the agreement not being carried out to its full extent; no reason exists why I should deprive the petitioners of that right. I must, therefore, decree specific performance of the contract, so far as it is possible for the respondent, having regard to his estate in the hereditaments, to perform it specifically, and I shall declare the petitioners entitled to compensation for the difference, if any, in value between the term, which the respondent agreed to grant, and that which his leasing power enables him to give. Considering that the respondent made against the petitioners charges, for which there was no justification, of gross actual fraud, I must decree that he shall pay the costs of this suit.

Solicitors for the petitioners, *J. and J. Cramsie.*

Solicitors for the respondent, *Hugh Wallace and Co.*

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law

Before DOBBS, J.

In re the Estate of WEIR JOHNSTONE and WIFE, Owners and Petitioners.

July 9th, 1867.—*Construction of Will—Meaning of "Surviving Sister."*

This was an application on behalf of the owners and petitioners that the Court should declare that under the will of Major-General James Armstrong, dated 27th October, 1853, upon the death of J. A. Wray, his then three surviving sisters became entitled to the lands of Faughrea (sought to be sold in this matter), in equal shares; and that Mrs. Humphrey, otherwise Bessy Wray, a sister, then deceased, did not become entitled to any share in said lands.

The question arose upon the construction to be put on the following clauses in Major-General Armstrong's will:—"To my grand nephew and godson, John Alexander Wray, I bequeath the farm of Upper Faughrea, which, however, is to be subject to the sum of £1,400 sterling, for the use and benefit of his sisters, as follows, &c. In the event of the above-named John Alexander Wray dying without legal issue, then and in that case the land or farm of Upper Faughrea, or rents thereof, shall go share and share alike amongst his surviving sisters; and in like manner should any of the above-named Maggy, Bessy, Mary Mable, Henrietta, or Adelaide Wray die before marriage, or attain the age of 21 years, then and in that case her portion is to go to her surviving sisters, share and share alike."

J. A. Wray died without issue, and at the time of his death three of his sisters were living, one whom was the female petitioner. Another of the sisters of J. A. Wray, Bessy Wray, otherwise Humphrey, married and died in the lifetime of her brother.

Judge DOBBS, considering that the representatives of Mrs. Humphrey were entitled to one-fourth of the land under the will, approved of the title in the petitioners only to one-fourth.

Flanagan, Q.C., and *H. Fitzgibbon*, for the owners and petitioners.

Shaw, Q.C., and *Byrne*, for the trustees of Mr. Humphrey. They cited *Buckle* v. *Fawcett* (4 H., 536); *Haddely* v. *Adams* (22 B., 271); *Cripps* v. *Wolcott* (4 Mad., 11); *Re Gregson's Trusts* (2 De G. F. and S., 428); *Young* v. *Robertson* (4 Mag., 314); *Olney* v. *Betts* (3 Drewry).

DOBBS, J.—Upon this will the principles of construction are clear; the difficulty is only in their application. The testator left this farm to J. A. Wray, and in the event of his dying without issue, then it was to go share and share alike amongst his surviving sisters. If the words of the will stopped there, the sisters of J. A. Wray, living at his death, would be the parties to take. But the difficulty arises from the words which follow. What meaning is to be given to the word "surviving?" On one side it is said the meaning is to be the same as if the following words were not there. But to put upon it that construction the words that follow must be altered in their meaning, and should run thus:—"In like manner, should any of the survivors of the above-named, &c., die, &c." The other construction to be given is this:—In case the brother died without issue, the farm is to go amongst his surviving sisters, the word "surviving" to be interpreted by the following words. If the only words to be construed were the latter ones, it is clear that the period for ascertaining who was a surviving sister would be when she attained her twenty-first birth-day, or married; and I am of opinion that the words "surviving sisters" in the latter clause define the meaning to be attached to them in the former—*i.e.*, a sister twenty-one years of age, or married, becomes a surviving sister in the latter clause, and in the former. If that construction be correct, when Mrs. Humphrey outlived her marriage, her interest became an ascertained interest.

[This decision was reversed upon appeal by the Court of Chancery Appeal.]

Solicitors for the trustees of Mr. Humphrey, *Thomas Jameson.*

Solicitor having carriage, *Johnston Teevan.*

In re the Estate of HENRY LAMBE, owner; PATRICK ROGERS, petitioner.

July 13th.—*Irish Bankrupt and Insolvent Act*, 1857—*Arrangement Clauses—Petition by Creditor for Sale of Arranging Debtor's Estate.*

This was a motion to make absolute the conditional order for sale. The petitioner had recovered three judgments against the owner of the following dates:—28th Nov., 1866; 28th Nov., 1866; and 8th Jan., 1867; and respectively registered same as mortgages against the owner's estate on 1st Dec., 1866; 1st Dec., 1866; and 9th Jan., 1867. The latest in date of these judgments was obtained upon foot of a bill of exchange accepted by the owner on the 3rd August, 1866, and payable in four months. On the 26th November, 1866, the owner obtained an order from the Court of Bankruptcy under the arrangement clauses protecting his person and property from process until 7th Dec., or further order, of which order the petitioner had notice. On the 11th January the owner's proposal was confirmed by the Court. Subsequently to this the petitioner presented his petition for sale in the Landed Estates' Court.

Heron, Q.C., and *Beytagh*, for the petitioner.

Kernan, Q.C., and *Carton*, for the owner.

They cited *in re Kennedy's Estate* (17 Ir. Ch. R., 104); *Kennedy* v. *Blackforth* (11 Ir. Jur. N. S., 288); *Fluester* v. *M'Clelland* (8 Scott's C. B., 257); *in re Creagh's Estate* (Drury temp. Nap., 399); Ir. Bankrupt Act, 1857, secs. 344, 349.

Judge DOBBS said that as regarded the first two judgments, the question in the case was concluded by the decision in *in re Kennedy's Estate*, and the conditional order for sale could not be made absolute unless there was some difference between the case of these

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judgments and that recovered on the 3rd and registered the 9th January. Was the petitioner, in the month of November, a creditor in respect of the four months' bill of exchange, within the meaning of the Act? In a much stronger case (*in re Kennedy's Estate*, reported *supra*, p. 442) he (Judge Dobbs) had recently held that a party in such a position was a creditor. His lordship referred to section 252. Any person who had given credit was a creditor: a party who was interested in the assets was a creditor, although he might not be in a position to take proceedings against his debtor. The meaning of the decision in *in re Kennedy's Estate* (17 Ir. Ch. R., 104) was, that when an arrangement in the Court of Bankruptcy was pending, which might or might not be carried into effect, the Landed Estates' Court ought not to sell the estate of the debtor. The present application was premature. The motion to make absolute the order should be refused with costs. The petition would not be dismissed, and the conditional order would stand.

[The production of the order granting protection having been insisted on by the counsel for the petitioner, it was at length produced, and, upon inspection, it was conceded by the counsel for the owner that it did not extend beyond the 7th December.]

Judge DOBBS said that he would not make the order for sale absolute at present, and that the costs of the motion should be reserved until further order.

[This decision was reversed upon appeal by the Court of Chancery Appeal.]

Solicitor for the petitioner, *James Patrick Madden.*
Solicitor for the owner, *Michael Larkin.*

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

Reported by J. LEVY, Esq., Barrister-at-law.

Before Judge BERWICK.

Re SHAW & Co.

December, 1867.—*Petition for Adjudication by Trader against Himself—Trust Deed—Annulling Adjudication.*

This case is reported at page 17, IRISH LAW TIMES, and the conclusion then come to was, that the adjudication upon the trader's own petition should be allowed to stand, with a view to carry out a composition after bankruptcy, and to allow a trust deed that had been executed to stand; but it was found that this could not be legally done, and *Lynch* now made an application to the Court to annul the adjudication had upon the creditor's own petition, and allow a new petition to be filed at the suit of a creditor who was no party to the trust deed.

It was decided that where a trader presented his own petition, after executing a trust deed, by which all his property had been assigned for the benefit of creditors, and his trade stopped, that property could not be administered under the bankruptcy, inasmuch as there was no relation back, and the trust deed remained undisturbed, whereas if the petition for adjudication had been by a creditor the trust deed would be set aside. *Ex parte Pearse*, 22 L. T., 160; *Stephenson* v. *Newenham*, 13 C. B., 285; *Ex parte Philpot*, 1 De Gex Reports, 346.

JUDGE BERWICK.—Why should not the trust deed be set aside in one adjudication as well as the other?

Lynch, the cases cited show that where the bankrupt obtains adjudication on his own petition, that adjudication will not disturb a trust deed. The declaration of insolvency that had been filed when the trader presented his own petition, could stand as the act of bankruptcy, and what he wanted the Court to do, was to annul the former adjudication and permit a creditor not a party to the deed to present a new petition.

JUDGE BERWICK, after having looked into the authorities, granted the application.

Solr., *Lynch.*

THE SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND.

(*Incorporated by Royal Charter.*)

NOTICE.

The PRELIMINARY EXAMINATION of Candidates for Apprenticeship, will be held at the *Solicitors' Hall*, Four Courts, Dublin, on Thursday the 9th, and Friday the 10th days of January, 1868, at *Eleven o'clock.*

The FINAL EXAMINATION of Candidates seeking admission as Attorneys, will be held at the same place, on Saturday the 11th, and Monday the 13th days of January, 1868, *at the same hour.*

By Order of the Council,
JOHN H. GODDARD,
Secretary.

Solicitors' Hall, Four Courts, Dublin,
13th December, 1867.

Candidates to attend, *or be represented*, on Tuesday, the 14th of January, 1868, at Half-past Two o'clock, P.M., to hear decision of Court of Examiners.

THE CONFINEMENT OF CRIMINAL LUNATICS.

The following circular has been addressed to the magistrates throughout Ireland:—

Dublin Castle, 30th Dec., 1867.

GENTLEMEN,

1. I am directed by the Lord Lieutenant to request your special attention to the 9th and 10th sections of Act passed last session (30 & 31 Vic., c. 118), altering the law relating to the custody of dangerous lunatics and dangerous idiots in Ireland, the principal provisions of which are as follows:—

2. The 9th section abolishes, from and after the 1st January, 1868, the committal of dangerous lunatics or idiots to gaols, and substitutes their removal, under a warrant by two justices, to the district lunatic asylum.

3. The person brought before the two justices must be proved, to their satisfaction, to have been "discovered and apprehended under circumstances denoting a derangement of mind, and a purpose of committing some crime for which, if committed, such person would be liable to be indicted."

4. The justices are to call to their assistance the medical officer, or, if there be more than one, the nearest available medical officer, of the dispensary district in which they shall be at the time; and if there shall not be any such medical officer available, then the nearest available medical officer of any neighbouring dispensary district, who shall examine such person without fee or reward.

5. If the medical officer certifies that the person is a dangerous lunatic or dangerous idiot, the justices may, by warrant under their hands and seals, direct that the person be taken to the district lunatic asylum.

6. Any relation or friend may take the lunatic or idiot under his care and protection, if he shall enter into sufficient recognizance for his or her peaceable behaviour or safe custody, before two justices of the peace, the chairman of quarter sessions of the county, or a judge of one of the superior courts.

7. The words quoted from the Act in paragraph 3 are identical with those in the 10th section of 8 & 9 Vict., cap. 107; and as instances have occurred of committals being made under that Act, where there was no evidence of a pur-

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pose of committing any indictable offence, I am to urge the importance of strict observance of this as well as the other directions of the present Act. It is possible that the applications to magistrates for warrants may be numerous, but as each institution is constructed for only a limited number of patients, care should be taken that the power of committal to a district lunatic asylum should only be exercised in respect of persons who, in the opinion of the magistrates, would be likely, if left at large, to commit acts of violence and crime.—I am, gentlemen, your obedient servant,

MAYO.

CAUTION TO SHERIFFS' OFFICERS.

At the civil bill quarter sessions, held Dec. 31, before Echlin Molyneux, Esq., Q.C., a farmer named Michl. Meighan sued Thomas Rothwell, Esq., High Sheriff of Meath, for £10, for loss alleged to be sustained by reason of defendant's servants, as bailiffs, entering upon his lands, and extorting an illegal sum of money at the suit of one James Kealey.

The evidence of Meighan went to show that in July last a sheriff's bailiff, named Michael Mathews, jun., went upon his lands to execute a decree for £6 14s. 1d. Defendant (Meighan) then paid him £3 on account. After giving him the £3, they both went to a public house, and drank together for several hours. Ten days afterwards the bailiff again went to the farm with an assistant, and demanded £7 12s. 6d., on a threat of selling his horse and pigs instanter. Meighan paid him the amount demanded, which, with the £3, was considerably over the lawful amount and the bailiff's fees.

The bailiff was examined, and confessed that he had got drunk with Meighan, whom he suspected of taking £2 out of his pocket.

Mr. Forde, on the part of the plaintiff, read the section of the Act regulating the conduct of sheriffs' bailiffs, which imposed a penalty, not exceeding £20, for extorting or taking any excessive sum on a decree.

Mr. Hinds, for the defendant, contended that the sheriff was not liable in this case for the acts of the bailiff.

The Chairman said that he should dismiss the decree as against the High Sheriff. In reference to the transaction on the part of the bailiff, he did not believe that Meighan had taken the £2 from him of which he spoke; but Meighan, in a great measure, had brought the consequences on himself, by going to carouse with the bailiff. There was two ways of dealing with the bailiff, one of which was to dismiss him, and the other to fine him £2. He would adopt the latter course.

NATIONAL AND LEGAL OBITUARY FOR 1867.

The close of the year naturally induces us to look around and mark the vacancies that death has caused; and when men of elevated rank, distinguished ability, or acknowledged genius, are passing from amongst us, and leaving to us the memory of their worth or failings, it becomes not only a wholesome study, but a duty, to bestow some thoughtfulness and regard upon the lives and deaths of persons who held eminence in society, and were placed by genius or destiny prominently before mankind. It cannot, therefore, be uninteresting to glance at an obituary including such names as Rosse, Blackburne, and Dargan. It is remarkable that the University of Dublin has been deprived of its three principal members—namely, the Chancellor, the Vice-Chancellor, and the Provost. The list comprises:—

Thomas, eighth Earl of Carnwath, son in-law to Henry Grattan, aged seventy years.

Robert, fourth Earl of Kingston, an imbecile for some years prior to his death, aged sixty-nine years.

Robert, fifth Earl of Mayo, a Representative Peer, aged seventy years.

William, third Earl of Rosse, K.P., a Representative Peer, Chancellor of the University of Dublin, Lord Lieutenant of the King's County, Colonel of the King's County Militia, and ex President of the Royal Society; one of whom Ireland had just reason to be proud; his transcendent eminence as a mathematician and his world-wide fame as an astronomer were fully equalled by the numerous virtues with which he adorned his exalted position—aged sixty seven years.

Lord Dunkellin (eldest son of Ulick, first Marquis of Clanricarde), M.P. for the county of Galway, and late Lieutenant-Colonel Coldstream Guards, aged forty years.

William, sixth Viscount Barrington, aged seventy-three years.

Margaret, second Baroness Keith, in her own right (Comtesse de Flahault)—aged seventy nine years.

Lord Ronald Hamilton—son of his Excellency the Lord Lieutenant—at the early age of eighteen years.

Lord Hubert Butler, Cornet 9th Lancers, aged nineteen years.

The Right Rev. William Higgin, D.D., Bishop of Derry and Raphoe 1853-67, previously Bishop of Limerick. This justly-esteemed prelate greatly assisted in the restoration and improvement of the Cathedral of Derry; aged seventy-four years.

The Right Hon. Francis Blackburne, twice Lord High Chancellor of Ireland (1852, 1866), Vice-Chancellor of the University of Dublin. This pre-eminently distinguished lawyer filled with credit the numerous offices of Serjeant-at-Law, Attorney-General, Master of the Rolls, Lord Chief Justice, Lord Justice of Appeal, and Lord Chancellor—"a great man has passed away from us; one whose honour was as unsullied as his genius, learning, and eloquence were distinguished"—aged eighty five years.

The Hon. Edmund Hayes, Justice of the Court of Queen's Bench (1859-66)—"an upright and estimable judge"—aged sixty-two years.

The Hon. George Handcock, Grand Secretary to the Freemasons of Ireland, and Vice-President of the Royal Dublin Society; formerly Captain Antrim Militia; a most respected and valuable member of very many commercial and charitable boards in the city of Dubliu, aged sixty-five years.

Sir James George Dalton Fitzgerald, ninth Baronet, of Castle Ishen, county of Cork, aged thirty-six years.

The Rev. Sir William Isaac Macartney, second Baronet, of Lish, county Armagh, at the venerable age of eighty-seven years.

Sir Morgan George Crofton, third Baronet, of Mohill House, county of Leitrim, aged seventy-eight years.

The Hon. and Rev. Sir Christopher Dillon Bellew, second Baronet, of Mountbellew, county of Galway, a priest of the Society of Jesus, aged forty-nine years.

Sir Arthur Charles Magenis, G.C.B., late British Minister at various European Courts, aged sixty-five years.

Sir Anthony George Perrier, C.B., of Cork, British Consul at Brest, aged seventy-four years.

Sir Matthew Richard Sausse, late Chief Justice of Bombay, aged fifty-eight years.

The Rev. Richard MacDonnell, D.D., LL.D., Provost Trinity College, Dublin; closing a brilliant University career at the advanced age of eighty years.

John Anster, LL.D., Regius Professor of Civil Law in the University of Dublin; a scholar and poet of a very high order, and justly celebrated for his faithful and elegant translation of Goethe's *Faust*, aged sixty-eight years.

George Richard Barry, Esq., M.P. for the county of Cork, aged forty-one years.

William Dargan, Esq., D.L., the patriotic originator of the Dublin Industrial Exhibition of 1853, which eventuated in the Irish National Gallery. "In him Ireland has lost one of her foremost men; industry one of her ablest chiefs; the sons of toil, one of their best instructors and examples"—aged sixty-eight years.

Francis Codd, Esq., Secretary to the Chamber of Commerce. The demise of this gentleman has left a blank in the commercial world that cannot easily be filled up—aged fifty-nine years.

John D'Alton, Esq., M.R.I.A., for very many years a writer upon, and assiduous searcher of, Irish historical antiquities, aged seventy-eight years.

Maxwell Hamilton, Esq., Crown Solicitor for the North

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East Circuit, and Solicitor to the Dublin Metropolitan Police, aged sixty-five years.

Robert Hitchcock, Esq., late Master of her Majesty's Court of Exchequer in Ireland. Mr. Hitchcock was instrumental in preparing the bill which eventually passed into law in 1844 for the regulation of the official establishments of the Superior Courts of Common Law, aged sixty-five.

The Hon. Henry Sugden, eldest son of Lord St. Leonards; for many years joint Registrar of the Court of Chancery—aged fifty-five.

Michael Murphy, Esq., one of the Official Assignees of the Court of Bankruptcy; seldom has an official won more general esteem, or will be remembered with more kindly regard than the late official assignee.

George Wyse, Esq., late one of the Divisional Magistrates of the Metropolitan Police District of Dublin, aged seventy-four.

Charles W. D. E. Orpen, Esq., one of the new-appointed District Judges of Jamaica, second son of the respected President of the Incorporated Law Society.

Wm. Westropp Brereton, Esq., Q.C., Chairman of the Quarter Sessions Bench of Galway; he was always popular, both as an advocate and in his judicial capacity.

Alleged Liability of Editors.—Our readers will remember that an action for libel was tried at the last Gloucestershire Assizes, in which Mr. Edward Burges, then clerk of the Improvement Committee, was the plaintiff, and Mr. Peter Stewart Macliver, the proprietor of the *Western Daily Press*, the defendant. The action arose out of some letters which appeared in the defendant's paper under the signature of "Ex-Councillor," and which in the opinion of the plaintiff contained libellous imputations upon his character. The jury found for the plaintiff, with £25 damages. Prior to, as well as at, and subsequent to, the trial, the defendant assumed that "Ex-Councillor" was a *bona fide* correspondent; he denied that any imputation was made on the character of Mr. Burges; but he asserted that if Mr. Burges chose to conceive that any such imputations were made, he (the defendant) would throw his shield as publisher over the real or supposed correspondent, and take the responsibility upon himself in vindication of the privileges of the press, and in the interests of the ratepayers of Bristol. Although the verdict was adverse to the defendant, his magnanimous conduct did not, of course, escape recognition. A committee was formed for the purpose of presenting Mr. Macliver with a testimonial; subscriptions were said to be coming in from all quarters; but although some months have now elapsed, no public intimation, so far as we are aware, has yet appeared as to the shape the testimonial is to take, or whether the subscription list is yet finally closed. While the action "Burges *v.* Macliver" was pending, some few papers, at a distance, adopting the tone assumed by the defendant, published sympathetic articles, which were duly transferred to the columns of the *Daily Press*. It so happened that one of these papers—the *Somerset County Gazette*—became involved about the same time in an action for libel, the plaintiff in which was a Mr. Chorley, who was also an attorney. The Taunton newspaper proprietor, following the example of his Bristol brother, published his view of the plaintiff's case; and in the belief that it might not prejudicially affect the verdict in the action Burges *v* Macliver, Mr. Hepburn, who at that time was one of the editorial staff of the *Daily Press*, transferred to that paper the article from the *Somerset County Gazette*. Shortly after its appearance Mr. Macliver was served with a writ at the suit of Mr. Chorley, and not only was an apology promptly made, but Mr. Hepburn voluntarily wrote to Mr. Chorley stating that the article in question had been given out by him, in the absence of his employer, as a mere article of news, without the slightest knowledge either of Mr. Chorley or of the proprietor of the *Somerset County Gazette*, and therefore without animus on one side or the other. The proceedings against the proprietor of the *Daily Press* were not finally abandoned, however, till Monday, the 2nd inst., on which day there again appeared an apology in a prominent part of the paper, and on that very same day, when Mr. Macliver had obtained absolution, a writ, at the suit of Mr. Chorley, was served on Mr. Hepburn, who had in the meantime quitted his engagement on the *Daily Press*.

The Jury System.—Some days ago it was our duty to point to the practical failure of the legal tribunals in cases of intricacy, in Dublin, and to the reproach thus cast upon the system of trial by jury. Men will cease to seek decision of their differences in a court of justice if it continues to show itself powerless to determine between them, and can do no more than inflict upon both parties to the suit an enormous fine in the shape of fees to lawyers for an abortive result. Another minor scandal to the jury system which seems also to require notice is the open discussion by jurymen themselves, in the morning journal, of matters that belong to the privacy of their deliberations—as, for instance, whether this or that proposition were for A. or B., or held aloof from any opinion. The dignity of justice is not promoted by such forgetfulness of the responsibilities of the juror's position.—*Dublin Evening Mail.*

A Canadian Juryman.—The Hamilton (C.W.) *Times* says that at the Stratford assizes a few days since an important case was on trial which occupied the attention of the court with the hearing of the prosecution until evening. The jury was then dismissed with the usual caution until the following morning, when the defence was to have been proceeded with; but on the jury being recalled, one of the number was found to be absent. Diligent inquiry was made for the delinquent, and it was finally ascertained at the hotel where he had sojourned that he had taken his departure in the morning for home, to be present at an agricultural fair, leaving word that his mind was already satisfied concerning the case in question, and that he should return in the evening after the evidence for the defence had been received in time to join the remainder of the jury in rendering a verdict. The delinquent on the next day made his appearance in court, when Judge Draper, pronouncing the conduct of the juryman the most flagrant contempt of court that had ever come under his observation, imposed upon him a fine of 100 dols.

The Law Respecting Explosive Compounds.—At the present moment it is desirable that everybody—Fenians or otherwise—should clearly understand that the police have summary powers of seizing and destroying these deadly agents. An Act of Parliament, passed in 1860, prohibits any person, not being a dealer or manufacturer, from keeping more than fifty pounds of gunpowder in any building or place within two miles of any town. If more is kept, the overplus is liable to be forfeited, and the person keeping it is subjected to a penalty of 2s. for every pound beyond the quantity allowed. The same act prohibits, under severe penalties, the possession, in an unlicensed place, of more than one ounce of "fulminating mercury or other preparation or composition of equally explosive power" in a dry state, or more than eight ounces mixed with 25 per cent. of water. Justices of the peace have authority to direct the seizure and removal of such substances as gunpowder kept in unlawful quantities. These regulations are of course wholly independent of the law respecting the possession of such goods with a criminal intention. Where explosives are employed for the malicious destruction of any building, and when the life of any person is thus endangered, the offender is liable to penal servitude for life. The mere keeping of explosive compounds for a felonious purpose is punishable by two years' imprisonment.

On Tuesday two bailiffs presented a warrant at the shop of Mr. Carr, the biscuit manufacturer, at Carlisle, authorizing them to seize two sacks of meal for payment of certain church tithes due to the Rev. Mr. Petitt, but which Mr. Carr, being a Quaker, refused on conscientious grounds to pay. The meal was afterwards sold by auction at the Market Cross.

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LEGAL APPOINTMENTS.—John Norwood, Esq., barrister-at-law, has been re-appointed the Conservative assessor for the borough of Belfast. Randal W. MacDonnell, Esq., barrister-at-law, has been re-appointed the Liberal assessor for the same borough.

DINNER TO THE WEXFORD SESSIONS BAR.—The Wexford Quarter Sessions Bar, and the respected chairman of the county, Henry West, Esq., Q.C., were entertained most hospitably by Joseph Meadows, Esq., clerk of the peace, at his residence, Carcur House, on Monday evening. Thomas Wilkinson, Esq., sub-sheriff, Rodolphus William Ryan, Esq., sessional crown solicitor, Henry E. Wynne, Esq., secretary to the grand jury, and William Harvey, Esq., county treasurer, were also amongst the guests.

SOLICITORS' BENEVOLENT ASSOCIATION OF ENGLAND.—Lord Justice Lord Cairns will take the chair at the anniversary dinner of the association this year, to be held in June next at Willis's Rooms.

ABOLITION OF THE TITLE OF AN ANCIENT CITY COURT.—On Tuesday the title of the London Sheriff's Court, which has existed for many years, ceased, and the processes issued in future will bear the title of the "City of London Court." The Sheriff's Court of London traced its descent from the Court of Conscience, first established in the city in the 9th of Henry VIII. Although the title of the court is altered, the especial privileges hitherto enjoyed by the Sheriff's Court are believed not to be destroyed, though the name of the court, which has existed for so many years, has been abolished.

"HONOURABLE" SENATORS.—The United States Senate has voted to omit henceforth the title of "honourable," which has always been affixed to the name of each senator in the journals and in the official papers of that body.

The Louisiana Convention has recommended that the present system of laws in that State should be revoked, and that the common law of England should be adopted.

THE COURTS AND COURT PAPERS.

COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before CHIEF REGISTRAR.		
Jan. 6	12 o'clock	Arrangement case - - -	Prove debts - - - - -	*Casey & Clay*
"	"	P. J. O'Callaghan - - -	do. - - - - -	*Hughes*
"	"	Thomas Little - - -	do. - - - - -	*Molloy & Watson*
"	"	R. S Pyke - - -	do. - - - - -	*Molloy & Watson*
"	"	R. Nolan - - - -	Costs - - - - -	*Langan*
"	"	Michael Curran - - -	do. - - - - -	*Howe*
		Tuesday.—Before the COURT.		
Jan. 7	11 o'clock	Patrick O'Connor - - -	Final examination - - -	*Huggard*
"	"	Thomas Kirby - - -	do. - - -	*Nugent*
"	"	Edward Farrar - - -	Composition - - -	*Casey & Clay*
"	"	J. E. Devlin - - -	Confirm sale - - -	*West & Fitzsimons*
"	"	Edmond Phelan - - -	Audit and dividend - -	*Dobbin & Tandy*
"	"	Arrangement case - - -	1st sitting - - - -	*Casey & Clay*
"	"	do. - - -	do. - - - -	*Cleary*
"	"	do. - - -	2nd sitting - - - -	*Boughey*
"	"	do. - - -	do. - - - -	*O'Connell*
"	"	do. - - -	do. - - - -	*Cronhelm*
"	"	Thomas and Wm. Dooley - -	Sur., proof of debts, and assignee -	*M'Govern*
"	"	Charles Johnson - - -	Audit assignee's account - -	*Rosenthal*
		Before the CHIEF REGISTRAR.		
"	12 o'clock	Edward M'Dermott - -	Examine title - - -	*Burke*
"	"	Samuel Batson - - -	Costs - - - -	*Kiernan*
"	"	J. Murphy - - -	do. - - - -	*Donnelly*
		Thursday. Before the CHIEF REGISTRAR.		
Jan. 9	11 o'clock	Thomas Groarke - - -	Prove debts - - -	*Molloy & Watson*
"	"	John Thornton - - -	do. - - -	*Casey & Clay*
"	"	D. J. Bergin - - -	Examine title - - -	*W. K. Clay*
		Friday.—Before the COURT.		
Jan. 10	11 o'clock	Arrangement case - -	1st sitting - - -	*Larkin*
"	"	do. - - -	do. - - - -	*Larkin*
"	"	do. - - -	2nd sitting - - - -	*Casey & Clay*
"	"	do. - - -	do. - - - -	*Perry*
"	"	do. - - -	do. - - - -	*Lynch*
"	"	Robert Lawler - - -	Sur., prove debts, and assignee -	*Perry*
"	"	Caldwell and Montgomery -	Final examination - - -	*Meldon*
"	"	George M'Donald - - -	Audit and dividend - - -	*M'Govern*

BANKRUPTS.

Lawler, Robert, of Carlow, county of Carlow, grocer. Petition of bankruptcy filed December 20, 1867. To sur. Friday, January 10, and Friday, January 24. C. H. James, official assignee. *Perry*, solr.

M'Tear, William, of Belfast, county Antrim, auctioneer and valuator. Petition of bankruptcy filed December 28, 1867. To sur. Friday, January 17, and Tuesday, February 4. C. H. James, official assignee. *Smith*, solr.

Certificate Allowed,
December 31.

Kelly, Laurence, of Tullow-street, Carlow, county Carlow, grocer and spirit dealer, a bankrupt. *Molloy and Watson*, solrs.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday.—Before the CHIEF CLERK.		
Jan. 6	12 o'clock	Basil King - - - - -	To prove debts - - - -	*Perry*
"	"	Thomas Copeland - - - -	do. - - -	*M'Cully*
"	"	Robert Arthur - - - -	do. - - -	*Walker*
		Tuesday.		
Jan. 7	12 o'clock	Daniel Donovan - - - -	do. - - -	*Bradley*
		Wednesday.—Before the COURT.		
Jan. 8	11 o'clock	Joseph Maddock - - - -	Adjourned audit and dividend -	*Riddick*
"	"	Eliza Rebecca Hunt - - -	Choice of assignee - - -	*Scallan*
"	"	James William Kavanagh - -	do. - - -	*Mathews*
"	"	Charles Maguire - - - -	Hearing of petition - - -	*Rynd*
"	"	John Maher - - - - -	do. - - -	*Rynd*
"	"	John Hopkins - - - -	do. - - -	*Rynd*
"	"	Edward Beckey - - - -	do. - - -	*Rynd*
"	"	William Molloy - - - -	do. - - -	*Rynd*
"	"	John Albert Mons - - - -	Adjourned do. - - -	*Macnally*
		Friday.		
Jan. 10	"	——— - - - - - -	For bail motions only - - -	———
		Saturday.—Before the CHIEF CLERK.		
Jan. 11	12 o'clock	Patrick Scanlan - - - -	To vouch account of L. H. Deering	*Bradley*
"	"	Daniel Donovan - - - -	do. -	*Bradley*
"	"	James Dermody - - - -	do. -	*Bradley*
"	"	Martin J. Keogh - - - -	To vouch account of C. H. James -	*Macnally*
"	"	Joseph Henry - - - -	do. -	*Macnally*
"	"	Thomas Copeland - - - -	do. -	*M'Cully*

DIVIDENDS DECLARED.

DATE	INSOLVENT'S NAME	RATE OF DIVIDEND	OFFICIAL ASSIGNEE	SOLICITOR
Dec., 1867	Crean, Martin,	3rd and final dividend 2s. 3d. in £, on £193	*James*	*Macnally*
"	Dillon, William,	1st and final dividend 7s. 6½d. in £, on £186	*James*	*Macnally*
"	Knox, the Rev. Thomas,	1st dividend of 1s. 7d. in £, on £2,036	*James*	*Macnally*
"	Mullen, Thomas,	A dividend of $4\frac{13}{16}$d. in £, on £425	*Deering*	*Macnally*
"	Risley, John,	1st and final dividend 4¾d. in £, on £318	*James*	———
"	Watts, George R.,	1st and final dividend 20s. in £, on £169	*James*	*Oldham*

CASES DISPOSED OF IN THE COUNTRY.

At WEXFORD, December 30, 1867.
Before HENRY WEST, Q.C., Chairman.

Cullen, Robert. Discharged.

At NEWTOWNLIMIVADY, Londonderry, December 31, 1867.
Before JAMES C. COFFEY, Q.C., Chairman.

Anderson, William. }
Lynch, John. } Discharged.

At DROGHEDA, Louth, December 31, 1867.
Before J. C. NELIGAN, Chairman.

Healy, Joseph. Discharged.
Mathews, Peter. No order made.

INSOLVENTS.

To be heard in Dublin.

Byrne, Catherine, of Donnybrook, county Dublin, spinster and dressmaker. Hearing on Wednesday, January 22, at 11 o'clock. *Macnally*, solr.

Greig, John, of Upper Clanbrassil street, Dublin, not in business; formerly manager of the National Bank, Cashel Branch; afterwards accountant in said Bank, Waterford Branch; arrested as "John Gregg." Hearing on Wednesday, January 15, at 11 o'clock. *Rynd*, solr.

To be heard in the Country.

Archer, James Henry Lawrence, of Carlow, county Carlow; previously of Edinburgh, Scotland; and formerly of Winchester, England, gentleman. Hearing at Carlow, April 7, at 4 o'clock. *Mulhall*, solr.

Blair, Robert, of Belfast, county Antrim, spinning master; previously of Milewater, in said county, head spinning master. Hearing at Belfast, April 9, at 3 o'clock. *Macnally*, solr.

Foster, Edwin Thomas Fletcher, of Blackrock, county Cork; previously of No. 17, Chandos-street, London; formerly of Goat House Hotel, Norwood, Surrey, England, Esquire. Hearing at Cork, January 20, at 10 o'clock. *Cremen*, solr.

Irvine, Robert, of Evelaghmore, county Cavan; previously of Cloglugh, county Leitrim, farmer. Hearing at Cavan, April 1, at 1 o'clock. *Rynd*, solr.

Shairp, Stephen, of Rosfort, county Mayo; previously of Ballycastle, in said county, retired Commander in her Majesty's Royal Navy, arrested as "Captain Stephen Sharpe, R.N." Hearing at Castlebar, March 31, at 10 o'clock. *Kelly*, solr.

Sloane, Andrew, of Rockcorry, county Monaghan, grocer and haberdasher; and of Cootehill, county Cavan, grocer and spirit dealer, trading as "Andrew Sloane and Sons." Hearing at Monaghan, April 3, at 10 o'clock. *Wright*, solr.

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BIRTHS, MARRIAGES, AND DEATHS.

MARRIAGES.

TOWNLEY and MACDONOGH—January 2, at St. Mary's Church, by the Rev. John B. Frith, Incumbent of Camlough, assisted by the Rev. John Black, senior Curate of St. Mary's, John Maxwell, son of John Townley, Esq., Tullyvin House, County Cavan, to Caroline Jane, youngest daughter of Francis Macdonogh, Esq., Q.C., 41, Rutland-square, in this city.

WHITTY and GARDE—Dec. 31, at St. George's Church, Hanover-square, London, by the Rev. Richard Garde, vicar of Harold, Bedfordshire, uncle of the bride, John Langley Whitty, Esq., of Newport, Tipperary, eldest son of the Rev. David Latouche Whitty, to Emily, only daughter of the late Richard Garde, Esq., barrister-at-law.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	DECEMBER.			JANUARY.		
	Sat. 28	Mon. 30	Tues 31	Wed. 1	Thur. 2	Fri. 3
Government						
3 p c Consols	92⅝	92	92	—	92¼	
New 3 p c Stock	91⅝ ¾	91½	91¼ ⅜	—	91⅜ ½	91¼ ⅜
Foreign and Colonial.						
India 5 p c Stock	—	112	—	—	—	—
Joint-Stock Banks.						
Ireland, £100 pd	—	232½	232½	—	232½	—
Hibernian, £25 pd	—	—	-	-	36⅝	—
Munster (Limited.), £3 10s pd ..	—	4⅞ 5	—	—	4⅞ 5	—
National, £30 pd	61 61¼ 61	61¼	61½ ¾	—	61¾	61⅝
National of L'pool (Ltd.), £15 pd	11⅛	—	—	—	—	—
Provincial, £25 pd	x d	—	—	—	—	—
Do., New, (pd £10)	x d	—	—	—	—	—
Royal, £10 pd	—	—	32½	—	—	32⅜
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	—	—	17⅛ ¼	—	—	17⅛
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	—	—	—	103¾	103⅞
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	8	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	10⅛	—	—	—	—	—
Do., B	—	—	6⅛		6⅛	—
Do., 2 C	—	5⅛ ¼	5⅛ ¼	Holiday.	—	—
Grand Canal, £100 pd	—	—	—		—	—
Patriotic Insurance, £10 pd ..	—	8⅛	—		—	—
National Insurance, £25 pd ..	—	—	—		—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	75	—	—	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	200	200
Dublin & Drogheda, £100 pd ..	88	—	—	—	—	—
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	96⅛ 97	—	96⅞	—	96⅜	96⅛
Midland Gt. Western, £100 pd ..	56⅛	—	—	—	56⅛	—
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	—	96½	-	x d	96½
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867

Name Day—January 14th and 30th, 1868.
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THE CHANCERY (IRELAND) ACT, 1867

(Full Text and Marginal Notes),
With the

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The SCHEDULES of the FEES, a well Digested INDEX, and a PREFACE.

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LEGAL POSTINGS:

LANDED ESTATES' COURT.

COUNTY OF WATERFORD.

In the Matter of the Estate of **Patrick Michael O'Keeffe**, Owner and Petitioner.

Continued in the name of **Michael Joseph O'Keeffe**, Heir-at-Law of the said Patrick Michael O'Keeffe, Owner and Petitioner.

TO BE SOLD BY AUCTION, in ONE LOT, before the Hon. Judge Lynch, at the Landed Estates' Court, Inns'-quay, in the City of Dublin, on TUESDAY, the 14th day of JANUARY, 1868, at Noon, all that part of the LANDS of NEWPORT EAST and NEWPORT WEST, situate in the Barony of Coshmore and Coshbride, and County of Waterford, containing about One Hundred and Forty-one acres, statute measure, held in Fee.

The Lands are held by a solvent tenant, for three lives, from the 25th of March, 1825 (two of whom are supposed to be still living) at the net yearly rent of £117 5s. 6d., but on the expiration of this lease a large increase may be expected.

The tenement valuation is £118 a year.

The Lands are advantageously situate on the banks of the River Blackwater, about six miles distant from the Towns of Tallow, Lismore, Cappoquin, and Youghal, from which latter Town sea-sand and other manures can be had at little expense, and landed on a quay upon the lands from lighters.

Dated this 12th December, 1867.

J. E. MADDEN, for Chief Clerk.

The lands will be sold liable to a certain jointure, annuities, and charges, as set forth in the printed Rentals and Conditions of Sale.

For Rentals and further particulars apply at the Landed Estates' Court, Inns'-quay, Dublin; or to

WM. HENRY PARKER & MATTHEW PARKER, Solicitors having the carriage of the order for Sale, Chambers, 201, Great Brunswick-street, Dublin; and Roseville, Tallow, Co. Waterford.

In the LANDED ESTATES' COURT, IRELAND.

COUNTY OF LONGFORD & TOWN OF LONGFORD.

SALE,

On the 21st day of JANUARY, 1868.

In the Matter of the Estate of George Crawford & Charles Bushe Hearne, deceased, continued in the names of said George Crawford and Richard Holmes Hearne, Executor of Charles Bushe Hearne, deceased. Owners;

Ex-parte **Charles Granby Burke**, Petitioner.

TO BE SOLD, before the Honourable Judge Lynch, at the Landed Estates' Court, Inns'-quay, in the City of Dublin, on TUESDAY, the 21st day of January, 1868, in THREE LOTS, viz.:—

LOT 1.—Part of the Lands of Lisbrack, being part of the Townparks and Plot of Ground in the Townland of Newtownforbes, in the Barony and County of Longford, known as the Cottage Holding, held under lease, from the Earl of Granard, dated 12th April, 1834, for the term of one life or 31 years, now in the possession or occupation of James Bell, Esq., the County Surveyor.

LOT 2.—A House and Premises in the Main Street, in the Town of Longford, Barony of Ardagh and County of Longford, known as Mary Lowther's Plot, held under lease of 19th September, 1763, for three lives renewable for ever, in lieu of which a fee-farm grant will be procured for the purchaser, at the expense of the estate, the draft of which has been approved of by the Solicitors of the Earl of Longford, the grantor, which said House and Premises are now in the possession or occupation of James O'Donnell, Grocer and General Merchant.

LOT 3.—A House and Premises in the Main Street, in the Town of Longford, Barony of Ardagh, and County of Longford, known as Barrett's Plot, held under lease of 27th August, 1839, for the residue of a term of 99 years, from the 25th March, 1834, and now in the possession or occupation of Peter Noud.

Dated this 7th day of December, 1867.

RENRY ROBERT GREENE.

For Rentals and particulars apply at the Office of the LANDED ESTATES' COURT, Inns'-quay, Dublin; or to

WILLIAM READ, Solicitor having carriage of the Sale, No. 35, Dame-street, Dublin.

In the LANDED ESTATES' COURT, IRELAND.

TOWN OF BOYLE, COUNTY OF ROSCOMMON.

In the Matter of the Estate of John Goulding, Owner;

Ex-parte Jacob Powel, Petitioner.

TO BE SOLD, before the Honourable Judge Lynch, on TUESDAY, the 21st day of JANUARY, 1868, at the hour of Twelve o'clock at noon, at the Landed Estates' Court, in the City of Dublin, in One Lot, the Estate and Interest of the Owner in the Dwelling House and Premises situate in the Main Street of the Town of Boyle, in the Barony of Boyle, and County of Roscommon, held from the Right Honourable Robert Lord Viscount Lorton, for three lives, now living, under lease, dated 1st January, 1829; the said House is now untenanted, and was formerly occupied as The National Bank, who paid the yearly rent of £40 therefor; said House is subject to the payment of the yearly rent of £6 6s. sterling.

Dated this 2nd day of December, 1867.

HENRY ROBERT GREENE, Chief Clerk.

For Rentals and further particulars apply to the LANDED ESTATES' COURT, Dublin;

JOHN D. MACDERMOTT, Esq., Boyle;

JAMES MORAN, Solicitor, 13, Lower Ormond-quay, Dublin; or to

VANDELEUR OSBORNE HILLIARD, Solicitor having the carriage of the Sale, 12, Lower Ormond-quay, Dublin.

PROPERTY FOR SALE.

TO BE SOLD, BY PRIVATE CONTRACT, the following well-circumstanced Property, held in Fee, and subject to merely nominal Head Rents, situate in the Barony of Raphoe, and County of Donegal:—

Denominations	Contents Ordnance Survey			Tenants' Rents			Head Rents and Tithe			Profit Rent		
	A.	R.	P. Statute	£	s.	d.	£	s.	d.	£	s.	d.
No. 1. Lands of Carrickbrack	134	2	24	82	18	0	5	4	4	77	13	8
No. 2. Lands of Cooleyalinn and Demesne - -	50	1	0	82	10	2	6	4	9	76	5	5
No. 3. House and Lands of Castlefin, and Tenements in the Town of Castlefin -	91	1	2	388	10	11	10	8	5	378	2	6

This Property lies in one of the best cultivated and most peaceable Districts in the North of Ireland. It is moderately let, and the tenants have, most of them, substantial interests in their holdings.

No. 1 is only two miles distant from the Market Town of Raphoe, and is in the hands of two Tenants only, who hold by Lease for their own lives respectively. Nos. 2 and 3 are on the Line of the Finn Valley Railway, and within five miles of Strabane. No. 2 is in the occupation of three Tenants, two of whom hold by Lease. No. 3 comprises the Town of Castlefin, and Town Parks and Lands in its vicinity. Many of the Tenants on it hold by Lease, and several in Perpetuity.

Castlefin, where there is a Station of the above Railway, is a Fair and Market Town, and until lately, was the seat of a considerable Manufacture of Cotton Fabrics, which could easily be revived, as the buildings are well adapted for the purpose, and skilled labour is still abundant in the neighbourhood. There is in the immediate vicinity of the Town a comfortable Residence, with suitable Garden and Grounds.

The above will be Sold together, or in Lots, as may be agreed on.

Further particulars may be obtained on application to the undersigned, who is authorized to receive proposals for the purchase up to the 1ST DAY OF FEBRUARY next.

ROBERT KNOX, Solicitor.

Londonderry, 31st December, 1867.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Richard Yoakley, of No. 72, Grafton-street, in the City of Dublin, Bookseller and Stationer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 14th day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 31st day of December, 1867.

HUGH DOYLE, Deputy Assistant Registrar.

CASEY & CLAY, Agents to the Bankruptcy, No. 21, St. Andrew-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay.

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THE

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Right Hon. WM. H. F. COGAN, M.P.

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JAMES HAUGHTON, Esq., J.P., Eccles-street.

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NICHOLAS JAS. LALOR, Esq., (Messrs. E. Lalor and Sons, Spitalfields), Director of the Dublin and Drogheda Railway Company, and Mining Company of Ireland.

RICHARD MARTIN, Esq., Director of the Dublin and Wicklow Railway Company, and of the Mining Company of Ireland.

VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

SIR JAMES POWER, Bart., M.P., Director of the Bank of Ireland.

JOSHUA WATSON, Esq., Director of the Royal Bank of Ireland.

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WILLIAM JOHN HANCOCK, Esq., Fellow of the Institute of Actuaries of Great Britain and Ireland.

In Assurance transactions what ought to be sought beyond everything else is ABSOLUTE SECURITY.

Among the many Advantages offered by the PATRIOTIC ASSURANCE COMPANY OF IRELAND may be enumerated—

The Head Offices are in Dublin.

The Directors and Shareholders reside in Ireland.

The names of many of the first merchants in Ireland are included in the list of Directors and Shareholders.

The large capital and invested funds of the Company.

The Company has been in existence for upwards of 43 Years.

The Company offers every facility for the transaction of almost all kinds of Life and Fire Assurance. Rates moderate. Copies of the Prospectus, with tables of Rates and every information, may be had on application at the Head Office of the Company, 9, College-green, Dublin, or any of the Company's Agencies.

Printed and Published for the Proprietors, every Saturday, by John Falconer, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, January 4, 1868.*

THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 50.] SATURDAY, JANUARY 11, 1868. {Single Copy, 6d. By Post, 7d.

THE year which has just closed has left its mark in the legal history of Ireland, and has been eventful in many ways. Some of our most eminent lawyers, Judges and practising Barristers, have departed from the scene of their labours, and though others have sprung to the front equally competent to discharge their duties, yet the new men cannot entirely fill the place, in our consideration, that those we have lost so long held. It is not our intention to go through the list, which is unfortunately too long, nor to enter into an account of the labours and successes of the dead, as that has been done already in the columns of the IRISH LAW TIMES; but our readers will not easily forget the distinguished reputation of the Right Hon. Francis Blackburne, though for some time he had withdrawn from public life and the duties of office, and was enjoying a well-earned lettered ease. Those whose practice brought them into the Court of Queen's Bench, or those who met him in private life, will long cherish the memory of the Hon. Edmund Hayes, who well deserved the title of "an upright and estimable Judge." Secluded scholars as well as busy lawyers owe a debt of gratitude to Dr. Anster; the former for his faithful and elegant translation of Gœthe's Faust, the grandest poem of modern days, and the latter for his long-continued labours as Professor of Civil Law in the University of Dublin. Nor was John D'Alton less distinguished as a scholar, though in another sphere, and there are few who have explored, with such diligence and success, the fruitful mine of Irish antiquities. D'Alton is equally remarkable for his historical and his antiquarian labours. Many others have passed away during the year, whose services, if less notable, were not less useful to their country, and whose loss we must lament.

But as if in compensation for the loss of her lawyers, Ireland has been presented with an unusual number of laws for her present and future welfare. To simply enumerate them all would take more space than is available in a single article; nor is it necessary, since the subscribers to the IRISH LAW TIMES have been presented with a complete set of the Acts of last Session which relate to Ireland, set out in full, with schedules, &c., and those relating to England and Scotland which are of general interest; as, for instance, the Representation of the People Act further to amend the laws relating to the representation of the people in England and Wales, or, as it is familiarly called, the "Reform Act."

We shall, therefore, only glance at those which are of the greatest importance to the profession, premising that on the whole the innovations are decided improvements, though there are undoubtedly details about some which may be improved by experience. Two bills, however, were shelved last Session, the passing of which as early as possible will be a matter of very great importance to the public in general, and to the legal profession in Ireland. One was the bill to amend the law of libel introduced by Sir Colman O'Loghlen, in which all the reading and speaking public are interested, but particularly those persons connected with the Press, both as proprietors and editors of newspapers, and which, if it had become law, would have settled the case lately brought against Mr. Walters, one of the proprietors of the *Times*—a case discussed at the time in these columns. The other was a Bill to amend the Common Law Procedure of Ireland; its object was to assimilate the practice of the Irish with that of the English Courts, which would be, to a great extent, reverting to the former practice of the Irish Courts.

Undoubtedly the most important Act, relating to the profession, passed last year, was "The Chancery (Ireland) Act, 1867." The main features and provisions of this Act have been already treated at great length in these columns, and we need not, therefore, further revert to them. The rules and orders thereunder are now in force, but the list of fees (except those relating to stamps) is not yet published. Nor have the former been drawn up in the spirit of those laid down for the

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practice of the Court of Chancery in England, to the extent that is desired, especially when we remember that an assimilation of the equity practice in both countries was one of the principal objects to be attained. We anticipate that some further General Orders will yet be required for the more perfect working of the Act.

The next most important Act of the Session was that "To extend the Jurisdiction, alter, and amend the Procedure and Practice, and to regulate the establishment of the Court of Admiralty in Ireland." Its provisions have also been discussed at length, but the most important clause to the profession, generally, is that stated in section 25, Part I., by which it is enacted, that all Barristers-at-Law, Attorneys-at-Law, and Solicitors, are to be at liberty to practise in the High Court of Admiralty, special provisions being made by sections 120, 121, 122, 123, for providing fit compensation to the Registrar of the Court of Delegates, and to Proctors for the loss of their exclusive privileges.

We should not omit to mention Cap. IV. which is an Act to open the Professorships of Anatomy and Chirurgery, Chemistry, and Botany, in the University of Dublin, to all persons, irrespective of their creed, and to amend the Act 40 Geo. III., c. 84 (I), nor cap. LXII., which is an Act to abolish a certain Declaration, commonly called the Declaration against Transubstantiation, and to render it unnecessary to take, make, or subscribe the same as a qualification for the exercise or enjoyment of any civil office, franchise, or right. This last Act applies to Great Britain as well as to Ireland.

IN our last number we discussed the ecclesiastical prerogative of the Crown, and traced the privileges conferred by successive Parliaments on the sovereigns down to the period of the accession of William and Mary, and the passing of the Bill of Rights. That enactment would seem, to some extent, to have limited the Royal power in dealing absolutely with Church Government, but according to Hallam—"Except in the article of the dispensing prerogative we cannot say on comparing the Bill of Rights with what is proved to be the law of statutes, or generally esteemed to be such on the authority of our best writers, that it took away any legal power of the Crown or enlarged the limits of popular and parliamentary privilege." Lord Coke before he had learned the bolder tone of his declining years, lays it down that no Act of Parliament can bind the King from any prerogative which is inseparable from his person, but this high and dangerous prerogative was subject to several limitations, which none but the grosser flattery of monarchy could deny, and it was agreed among lawyers that the King could not dispense with the common law.—(*Hallam Hist. Eng.*, Vol. iii., pp. 60, 61.)

An Act of the Irish Parliament provides that the sovereigns of the realm ought to enjoy the stile, majesty, power, preheminence, jurisdiction, prerogative, and authority of Kings and Queens of the same, and that the Sovereign is entitled in Ireland to all privileges, prerogatives, and preheminences-royal—(*Ir. Stat.* 4 Wm. and Mary, cap. 1, ss. 1 and 2), and a further Act of the Irish legislature confirmed to George the First the same powers and privileges.

We have now traced, historically, from the reign of Henry the Eighth to the accession of the present dynasty, the supremacy of the British Sovereign as head of the Established Church of Great Britain and Ireland.

The next division of the subject, which can be very briefly considered, is the creation of chaplains to minister to the spiritual wants of the army, for although the present organization does not date very far back, we yet find that in the olden time such functionaries were deemed necessary to the welfare of our troops, that every regiment enrolled had its chaplain, even before the time when the nucleus of the present standing army was formed in the reign of Charles the Second; for our present purpose it is quite unnecessary to dwell on the privileges conferred by the Crown on regimental chaplains in those days, for inasmuch as corps were hastily embodied, and as hastily disbanded, were either on the march to some scene of action, or merely encamped or billetted temporarily, the question of their being domiciled as parishioners could hardly have occurred.

The first permanent regiments embodied which exist to the present day, and form the premier regiments of the regular army of the state, or perhaps, more correctly speaking, the household troops of the Crown, were General Monck's regiment of Coldstream Guards, one regiment of horse, and one formed from the troops brought from Dunkirk; these corps then constituted the army of the British empire, and in 1662 only amounted in all to some 5,000 men, a force small even in those days, but the standing army, though it has now attained to large and formidable proportions, is yet, when compared with those of other nations, particularly of the Continent of Europe, small. But although small when compared with others, the British army forms a large institution in the State, some seventy thousand men being required permanenty for the home garrisons of the British Islands, not counting those which garrison our Colonial possessions in conjunction with local forces. Such a large community must surely require some special machinery to care for its religious necessities, and it would appear that clergymen who were conversant with the habits and customs of soldiers, were those who were socially best fitted to minister to their wants. By this passing expression of opinion as to what we consider

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the requirements of a special class of men, we do not wish to offer any judgment as to what the state of the law is on the subject, for that has to be decided by a high and competent tribunal. What we do mean to convey is that no matter how the case of *Mills* v. *Craig* may be finally decided, army chaplains are a necessity and must be provided, even if it be, as in the case of the navy, statutably. The maritime branch of Her Majesty's forces is amply provided for by the 22 Geo. II., cap. 33, s. 2, which enacts—"That all commanders, captains, and officers in or belonging to any of His Majesty's ships or vessels of war shall cause the public worship of Almighty God according to the Liturgy of the Church of England, established by law, to be solemnly, orderly, and reverently performed in their respective ships, and shall take care that all prayers and preaching by the Chaplains in Holy Orders of the respective ships be performed diligently, and that the Lord's Day be observed according to law."

If, however, there should be any legislation required to legalize the appointment of army chaplains, care should be taken to amply protect the vested rights of all beneficed clergymen to the emoluments arising from fees or otherwise within their respective parishes; that right being protected we can hardly think that any clergyman will object to receive aid in the cure of souls within his parish.

In our next article on this subject we shall consider the position of the Sovereign as head of two of the great establishments of the State—the Church and the Army; for although Parliament annually controls the power of the Crown over the army by passing the Mutiny Act, yet the Royal prerogative in matters of church government is not limited, unless the decision of the learned Judge of the Provincial Court of Dublin be upheld by the High Court of Delegates, that "The Queen cannot dispense with the Common Law Authority."

A NOTICE has been posted in the offices of the Clerks of the Rules of the Common Law Courts, drawing the attention of the profession to the 129th General Order, framed under the provisions of the Common Law Procedure Act (1854). The Rule referred to is as follows:—"All requisitions for Rules and Orders, obtained in any of said Courts, shall be lodged with the Clerk of the Rules on the day of obtaining such Rule or Order." Now such a rule is not only too stringent, but, we say, is impracticable, and it should at once be relaxed and a new one substituted, giving a reasonable time, say two or three days, to the attorney getting the order, to lodge in the proper office the duty payable thereon. Hitherto it has been the practice in the Rules Offices to receive requisitions on orders pronounced by the Common Law Courts, or by Judges in Chamber, up to the last day of the Term in which the order was made. Such, however, has been what we may term a practice of courtesy on behalf of the officers who carry out the important business and onerous duties devolving on the Rules department; but while these officers, in proper cases, allow the profession all the latitude in their power, they are obliged to obey the mandatory wording of an order such as the 129th. The Judges have power and authority to alter and amend the old rules, or make new General Orders for carrying out the Common Law Procedure Act. We, therefore, trust that the matter may speedily be brought to their notice, with a view of either abrogating or amending what may prove a vexatious regulation.

INCORPORATED SOCIETY OF ATTORNEYS AND SOLICITORS OF IRELAND.

The PRELIMINARY EXAMINATION of gentlemen seeking to be bound apprentices was held in the Solicitors' Hall, Four Courts, on Thursday and Friday last. Fifteen candidates, five of whom had been previously postponed, presented themselves. The result of the examination will be declared on Tuesday next, at half-past two o'clock.

The FINAL EXAMINATION of apprentices seeking to be admitted attorneys commenced this morning. Nine candidates presented themselves. The examination will be continued upon Monday next, and the result declared on Tuesday.

NEW BARRISTERS—HILARY TERM, 1868.

The memorials of the following gentlemen, praying to be admitted to the Bar of Ireland, will be taken into consideration by the Benchers at their meeting on Saturday next, the 18th inst.:—

James Fagan Rochfort, Esq., B.A.—London University, second son of Thomas Rochfort, late of the city of Cork, merchant, deceased.

Mr. Rochfort obtained the first prize at the general examination of students held before last Michaelmas Term, and takes rank accordingly.

Hugh M'Ternan, Esq., only son of Jas. M'Ternan, late of Heapstown, in the county of Sligo, Esq., deceased.

Laurence Doyle, Esq., A.B., T.C.D., eldest son of Laurence Doyle, of Enniscorthy, in the county of Wexford, Esq.

William Green, Esq., A.B., T.C.D., only son of Murdock Green, of Youghal, in the county of Cork, Esq.

John Samuel Barrett, jun., Esq., A.B., T.C.D., eldest son of John Samuel Barrett, of Greenhills, in the county of Galway, Esq., J.P.

John Murray, Esq., A.B., T.C.D., third son of Gervas Murray, late of Clontarf, in the county of Dublin, Esq., deceased.

Richard Philp, Esq., A.B., T.C.D., youngest son of Andrew Philp, late of Kirkaldy, in the county of Fife, Esq., deceased.

SHAREHOLDERS AND THE INCOME-TAX.—We understand it has just been settled by the Commissioners of Inland Revenue, after much deliberation and correspondence, that a shareholder in several joint-stock companies may claim to be assessed separately for income-tax in all or any of them, in order that he may deduct the losses sustained in one from the profits made in another.

The supreme Court of the United States has just decided that it is not the business of Congress to settle rights under treaties, except purely political rights; that work falling to the judiciary.

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NOTES OF CASES.

[Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

WILLIAMS *v.* MAYNE.

Nov. 23, 25; Dec. 4, 1867.—*Married Woman—Reversionary Interest in Personalty—Election.*

By a settlement executed on the marriage of Joseph St. Clair Mayne and Rachel Bernard, a sum of £1,000, vested in trustees, was declared to be held by them, in trust, to pay the interest to Rachel for life, and after her death, in trust, for all or any of the children of the marriage, as the husband should appoint, and in default of appointment, equally. There was issue of the marriage, the petitioner, Rachel Williams, and three sons. Joseph St. C. Mayne, by his will appointed to the petitioner and two of the sons one shilling each, and the remainder of the £1,000 to the third son, James Arthur Mayne, and Joseph St. C. Mayne, jun., his grandson. The latter not being an object of the power £500 of the fund remained unappointed, and became divisible, subject to the life interest of Rachel Mayne, between the petitioner and the two other sons. The testator bequeathed the interest of £400 to the petitioner for her separate use. He died in 1863, and this suit was for the administration of his assets, and was referred to Master Litton, under the 15th section of the Chancery Regulation Act. The Master, by an order of the 16th of August, 1867, declared that inasmuch as the petitioner was a married woman, living apart from her husband, she could not make any valid or binding election between the bequest to her under her father's will, and her reversionary interest in the trust fund under the settlement, and that, until the petitioner could elect, the dividends on the legacy should be impounded, that is, until the death either of Rachel Mayne or the petitioner's husband, and if her husband survived, until he should consent to her obtaining same when competent to make such election. The petitioner appealed from the order.

Norman, Q.C., and *J. F. Walker*, for the appellant.

The *Attorney-General* and *Pakenham Law*, *contra.*

The MASTER of the ROLLS affirmed the Master's order, holding that as a married woman could not part with a reversionary interest in a chose in action, she could not do so indirectly by election and overruling. *Wall* v. *Wall*, (16 Sim. 513).

Solicitors for the petitioner, *S. and R. Walker.*

Solicitor for the respondent, *Sydenham Davis.*

VICE-CHANCELLOR'S COURT.

Reported by WM. BARLOW, Esq., Barrister-at-law.

THE IMPERIAL MERCANTILE CREDIT ASSOCIATION (LIMITED) *v.* THE NEWRY AND ARMAGH RAILWAY COMPANY, and THE JOINT-STOCK DISCOUNT COMPANY (LIMITED).

Dec. 10, 11, 21, 1867.—

The petitioners are holders of statutable bonds issued by the Newry and Armagh Railway Company, pursuant to their borrowing powers. The Newry and Armagh Railway Company have also issued Lloyd's bonds, to a large amount, in excess of their borrowing powers, which have been exercised to their full extent. Some of the holders of these (Lloyd's) bonds, obtained judgment thereon, and converted their judgments into judgment mortgages. The respondents, the Joint-Stock Discount Company, holding such mortgages as securities for £22,803 19s. 5d., obtained a receiver over the rents, tolls, fares, and other profits of the Newry and Armagh Railway Company.

The receipts of the Newry and Armagh Railway Company are insufficient, after paying their working expenses, to defray the interest on all their debts, and all the shares have been fully paid up. The petitioners submitted that the statutable mortgages obtained by the holders of Lloyd's bonds, were puisne to the statutable bonds held by the petitioners, who prayed declarations that their bonds are valid and binding on the Newry and Armagh Railway Company; that the bondholders are entitled to a special lien for the amounts of their bonds; and that these sums are a lien upon, and are well charged on and payable out of the tolls, fares, and other property and effects of the Newry and Armagh Railway Company, and its undertaking in priority to the Joint-Stock Discount Company, and to all creditors of, and incumbrancers on the tolls, fares, and other property and effects thereof. The petitioners also prayed that the receiver obtained by the Joint-Stock Discount Company, should be extended to this matter, and directed to apply, after defraying the working expenses, the balances in paying the interest due to the bondholders in priority over the Joint-Stock Discount Company.

The respondents submitted that the Lloyd's bonds were not puisne to the demands of the petitioners.

Walshe, Q.C., *Palles*, Q C., and *George Foley*, for the petitioners, contended that under the Companies' Clauses Consolidation Act, s. 44, and the Acts of the Newry and Armagh Railway Company, the petitioners were entitled to a special lien on the tolls, or other property or effects of the Railway Company; that the petitioners need not proceed at law, and recover judgment, and issue execution before suing in a Court of Equity; and that the only legal remedies available were practically worthless, as the tolls could not be seized under an execution by *fi. fa.*, and a proceeding under the garnishee clauses would be impracticable. They cited *Russell* v. *The East Anglian Railway Company*, 3 MacN. and Gor., 125; *Ames* v. *The Trustees of the Birkenhead Docks*, 20 Beav., 332; *Neate* v. *The Duke of Marlborough*, 3 Myl. and Cr., 407; *Law* v. *The Indisputable London Life Insurance Company*, 1 Kaye and John, 223; *Bowen* v. *The Brecon Railway Company*, Law Rep. 3 Eq., 541; *Gardner* v. *The London, Chatham, and Dover Railway Company*, (No. 1.) Law Rep., 2 Ch. Ap., 201; *Dumville* v. *Ashbrooke*, 3 Russ., 98, note: *Hammond* v. *Messenger*, 9 Sim., 327; *Taylor* v. *Salmon*, 4 Myl. and Cr., 134; *Furness* v. *The Caterham Railway Company*, 27 Beav., 358; *Mellish* v. *Brooks*, 3 Beav., 22.

The *Attorney-General*, *Lawless*, Q C., and *Martin*, for the Joint Stock Discount Company, maintained that the petitioners had not any lien on the tolls or property or other effects of the railway company; that they were not entitled to any priority over the holders of judgment mortgages; and that, before proceeding in equity, they must sue at law and issue execution. They relied on *Russell* v. *the East Anglian Railway Company*, 3 MacN. and Gor., 125; *Gardner* v. *the London, Chatham, and Dover Railway Company* (No. 1), Law Rep., 2 Ch. Ap., 216; *Bowen* v. *the Brecon Railway Company*, Law Rep., 3 Eq., 541; *Ames* v. *the Trustees of the Birkenhead Docks*, 20 Beav., 332; *Furness* v. *the Caterham Railway Company*, 25 Beav., 614; *Evans* v. *Coventry*, 8 De Gex, MacN. and Gor., 835; *in re Bagnalstown Railway Company*, 10 I. Jur., N. S., 156, 253; *Perkins* v. *the Deptford Pier Company*, 13 Sim., 277; *Godfrey* v. *Tucker*, 33 Beav., 280.

The VICE-CHANCELLOR, in delivering judgment, said that on the authority of *Russell* v. *the East Anglian Railway Company* he must refuse the relief prayed for

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as to the property and effects of the Newry and Armagh Railway Company, so far as the words property and effects mean "goods and chattels;" that there cannot be permitted any such interruption or stoppage of the traffic as would result if creditors went into possession of the lands of the railway company; that creditors, whether by bond or mortgage, who had advanced their money on the faith of the undertaking of the railway company, and of its tolls and fruits, should have a prior charge over the general creditors on the undertaking which their own moneys had largely contributed to produce; that the statutable bondholders had equitable charges on the tolls, and a right to a receiver over the tolls and traffic receipts, as the legal remedy under the garnishee clauses, would be attended with great public and private inconvenience, and since the bondholder who realized his debt at law would be compelled to hold it in trust for all the bondholders; and that it was not necessary for the petitioners to obtain judgment at law before suing in equity. But his Honour refused to decide at present the relative priorities of the petitioners and the Joint Stock Discount Company.

Decree:—That the statutable bonds are good equitable charges on the tolls and traffic receipts, but not on the company's chattels; that the receiver be extended to pay the bondholders out of the tolls and traffic receipts and for an account. The petitioners and the Joint Stock Discount Company were respectively declared entitled to their costs of this suit, with their respective demands.

Solicitors for the petitioners, *Neilson and Son*.

Solicitors for the respondents, the Joint Stock Discount Company, *D. & T. Fitzgerald*.

Solicitor for the N. and A. Railway Company, *Edward Greer*.

COURT OF EXCHEQUER CHAMBER.

Reported by William Griffin, Esq., Barrister-at-law.

APPEAL FROM THE COURT OF EXCHEQUER.

Coram, Whiteside, C.J., Monahan, C.J., O'Brien, O'Hagan, George, and Morris, J.J.

Hodgins *v.* Poe.

Nov. 15.—*Warrant of Committal invalid as not naming the Defendants in the body of the Warrant though named in the margin.*

This was an action for false imprisonment, the defendant in which was a magistrate of the County Tipperary; the plaintiff with two other persons, on the evening of Sunday, January 8th, 1865, took possession of seats in the church at Nenagh, which had been allotted to other parties; on being required to leave by the churchwardens, they refused; there was some disturbance, and the service was interrupted; the defendant, by the aid of some policemen, who were in church, arrested the plaintiff and his two associates, who were taken to the police-barrack, where the defendant afterwards, in the same evening, attended, and informations were taken charging them with having disturbed the congregation. Bail was proposed, but the bail-bonds not having been completed, the matter ended by the defendant signing a warrant of committal, and the defendant justified this committal under the 14th sec. of the 6th Geo. I., c. 5, which authorizes a magistrate in case of any person willingly and of purpose maliciously, &c., disturbing a congregation, on proof before him by two or more sufficient witnesses, to require the parties to find two sureties, and "in default of such sureties," to commit him to prison until the next Quarter Sessions. The warrant, under which the plaintiffs were committed, was in the following words:—

Petty Sessions (Ireland) Act, 1851, 14 & 15 *Vic.*, c. 93.

Form E. B. (Warrant to Commit or Detain), for Trial.

Petty Sessions District of Nenagh, Co. Tipperary.

James Jocelyn Poe, one of the Churchwardens of the Parish of Nenagh,
Complainant;
William King, Robt. Hodgins, and John Smith,
Defendants.

WHEREAS a complaint was made on the 8th of January, 1865, on the oath of two credible witnesses, that the defendants did, on this day, at Nenagh, in said County, disquiet and disturb a congregation assembled for public worship in St. Mary's Church, in the town and parish of Nenagh as aforesaid.

This is to command you, to whom this Warrant is addressed, to lodge the said   of Nenagh, in the gaol of Nenagh, in the said County of Tipperary, there to be imprisoned by the Keeper of said Gaol, as follows, until they shall find two sureties to be bound by recognizances in the penal sums £50 late Irish currency, being equivalent to the sum of £46 3s. 10d. British currency, to appear and take trial at the next General or Quarter Sessions for the said County, for the said offence.

And for this the present Warrant shall be a sufficient authority.

HENRY H. POE,
Justice of said County.

To Head-Constable James Long, of Nenagh.
8th January, 1865.

At the trial the plaintiff recovered £5 damages for the arrest and imprisonment previous to the warrant of committal, and the plaintiff contending that the warrant was invalid, as not containing, in the body of it, the names of the persons to be committed under it, leave was reserved for the plaintiff to move to increase the verdict by £5, if the Judge should have directed the jury that the warrant was invalid, and the commitment illegal.

The Court of Exchequer having decided in favour of the plaintiff, the defendant appealed, and the case now came on before the Court of Exchequer Chamber.

Macdonogh, Q.C., *Ryan*, Q.C., and *Gibson*, for the defendant. The names of the plaintiff and the other parties arrested are virtually inserted in the warrant, as their names occur in the margin as defendants, and then the body directs "that whereas the defendants did, &c., the said   should be lodged in gaol." Besides this is not a committal on final conviction, or to be construed with the same strictness.

Dowse, Q.C., and *Lover*, for the defendant. There is no such distinction as is contended for between committals on final conviction and other committals. The cases show that in cases of misdemeanour the warrants must accurately specify the names of the parties to be arrested under it; the omission of, or a mistake in even the christian name, will invalidate it. Here it is consistent with the warrant that one of the three defendants, it might be the plaintiff here, had found bail, and that it was only the two others who were to be committed under the warrant. If the magistrate had only followed the directions in the margin of the form given in the Petty Sessions Act, he would have inserted the names of the parties.

Nov. 19.—The Court unanimously confirmed the decision of the Court of Exchequer that the warrant was invalid.

Attorney for the plaintiff, *A. Nolan*.

Attorney for the defendant, *G. Bolton*.

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COURT OF COMMON PLEAS.

The following important case has not yet appeared in the regular reports:—

Reported by VALENTINE J. COPPINGER, Esq., Barrister-at-law.

ARCHBOLD *v.* LORD HOWTH.

Nov. 13, 14, 15, 16, 17, 20, and 21, 1865; and Jan. 29, 1866.—*Statute of Frauds—Practice—Pleading—Specific Performance of Agreement for a Lease—Part Performance—Action at Law for fraudulent concealment of an equitable right—Non-liability of principal for the fraud of an agent, although the principal has reaped the benefit of it—Fraud—Statute of Limitations.*

This action was tried before Chief Justice Monahan at the sittings after Hilary Term, 1865, and the case now came before the Court upon motion to show cause against a conditional order for a new trial upon the grounds of misdirection, and that the verdict was against evidence. The writ of summons and plaint contained six paragraphs, upon four of which the jury, under the direction of the learned Judge, found for the defendant, and which were immaterial for the purposes of this motion. The jury, however, found for the plaintiff upon the first and fourth paragraphs, and assessed the damages upon both at a lump sum of £1,000. The first paragraph declared upon an agreement for a lease alleged to have been entered into between the defendant and the plaintiff on the 30th Nov., 1857, and claimed damages for the breach thereof; and the fourth paragraph complained that the defendant, in order to prevent the defendant from taking proceedings to enforce the *aforesaid* agreement, fraudulently concealed from the plaintiff the existence of the said agreement, and thereby prevented him from enforcing it.

It was proved at the trial that in November, 1857, the following document was sent to the plaintiff from the office of the Messrs. Stewart and Kincaid, Lord Howth's agents:—

6, Leinster-street, 25th Nov., 1857.

DEAR SIR,—We have recently made a revision of the rents of Lord Howth's estate, and after full consideration and consultation with his Lordship, we are desired to make a general change in the rents of the yearly tenants, and of those holdings, the leases of which have recently expired, by adding twenty per cent. to the present rents, and at these new rents his Lordship has consented to give the tenants leases for twenty-one years. A notice therefore to that effect will be sent to you from this office, and an agreement for you to sign.

We are, dear Sir,
Yours faithfully,
STEWART & KINCAID,
Per H. F. H.

To Christopher Archbold, Tyrrellstown.

On the 30th November one of the bailiffs on the estate came to Archbold and produced a formal written agreement for him to sign, and upon the plaintiff's refusing to sign it, saying that he knew it was to raise the rent, the bailiff told him that he would get a lease. Thereupon he did sign it. This bailiff then took the agreement to Messrs. Stewart and Kincaid's office, and Archbold, who had never read it, paid the increased rent reserved by it for several years. This document was produced at the trial; it was in the terms indicated by the letter of the 25th Nov., 1857, and had never been signed by the defendant, or by any one on his behalf. In March, 1861, a notice to quit was served upon the plaintiff, and he, having forgotten the existence of the agreement, allowed judgment to go by default, and some time afterwards the *habere* was executed. Soon afterwards the lands were let to a new tenant at an increased rent of £40 per annum. Mr. H. F. Hamilton, the person in the Messrs. Stewart and Kincaid's office, who had written the letter of the 25th Nov., 1857, and whose duty it was to look after that portion of Lord Howth's property upon which Archbold's holding was situated, was the person who carried out the ejectment proceedings, and had, all the time of doing so, a perfect recollection of the existence of the agreement of 1857, but did not remind Archbold of it. Neither Lord Howth nor the Messrs. Stewart and Kincaid themselves had recollected it. In July, 1863, Archbold found the letter of the 25th November, 1857, on the top of an old clock, and his recollection having been renewed by it, consulted his solicitor, Mr. Cantwell. The present action was the result.

Armstrong, Serjeant, *Whiteside*, Q.C., and *J[illegible]*, Q.C., for the plaintiff.

Macdonogh, Q.C., *Butt*, Q.C., and *Monahan*, for the defendant.

The argument of the case lasted six days, and in January, 1866, the judgment was delivered.

The COURT were of opinion that the defendant was entitled to a verdict upon the first count, inasmuch as there was no sufficient agreement in writing signed by the party to be charged, to satisfy the requirements of the Statute of Frauds, and that the damages having been assessed upon the two counts in a bulk sum a new trial must be granted.

They were also of opinion that the defendant was entitled to a verdict upon the fourth count, because no fraudulent concealment had been proved, inasmuch as there was no duty cast upon Hamilton to disclose the flaws of his employer's case to his legal antagonist (*Horsfall* v. *Thomas*, 1 H. and C., 100); and Chief Justice Monahan and O'Hagan, J., were of opinion that even if there had been, his employer would not be liable for it (*Udell* v. *Atherton*, 7 H. and N., 172).

They were also of opinion that the defendant should succeed upon the fourth count, upon the ground that although the payment of the increased rent under the agreement constituted such an act of part performance as would have entitled the plaintiff to a specific performance of the parol promise of a lease (*Wills* v. *Stradling*, 3 Ves., 378; *Dowall* v. *Dew*, 1 You. and Coll. 345; *Nunn* v. *Fabian*, Law Rep., 1 Ch. App., 35), the contract specifically pointed at in the pleadings having been a written contract of the 30th November, 1857, and no such contract having been proved, a material averment of the fourth count had not been sustained.

They were also of opinion that if the action had been sustainable in other respects, there was no reason why an action *at law* could not be maintained for a fraudulent concealment of an *equitable* right to a specific performance.

Chief Justice Monahan had at the trial directed the jury that the Statute of Limitations had not run against the plaintiff's right of action, although six years and one month had elapsed from the date of the contract declared upon before the bringing of the action, inasmuch as the contract being an executory one, the statute did not begin to run until a reasonable time for the fulfilment of it had passed. Although the defendant's counsel strongly quarrelled with this ruling, none of the judges in the court above expressed their dissent.

Attorney for the plaintiff, *John Macnamara Cantwell.*

Attorneys for the defendant, *S. S.* and *E. Reeves.*

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LANDED ESTATES' COURT.

Reported by J. Field Johnston, Esq., Barrister-at-law.

Before Dobbs, J.

Assignees of Bermingham.

July 3.—*Practice—Petition for Sale of Lands not in Possession of Owner—Stay of Proceedings.*

Donnelly was described upon the schedule accompanying the final notice to tenants in this matter, as overholding tenant of 42a. 3r. 28p. of the lands ordered to be sold. Donnelly took an objection to the notice by which he claimed to be owner in fee of such portion by virtue of a possession, in his father and himself, for 30 years without payment of rent. It appeared that a receiver had been appointed by the Court of Chancery over a portion of the lands, but that he was never in possession of the rents and profits of this particular portion. Affidavits were read in support of the objection.

John Harris, for the objection.

Concannon and *Beytagh*, *contra.*

They cited *Wrixon* v. *Vize* (3 Dr. and War.); *In re Muskerry* (9 Ir. Ch. R., 94); S. C. on Appeal (9 Ir. Ch. R. 99).

Dobbs, J.—It is the settled practice of this Court, and there never was any other practice, that this is not a Court to try ejectments on title, and that it will never sell an estate where the owner or some person in privity with him, is not in receipt of the rents and profits. If, upon examining the abstract of title, or at any other stage of the proceedings, it is discovered that any portion of the lands is not in the possession of the owner, it is struck out of the order for sale. The proceedings in this case show how necessary it is to abide by that rule. It turns out that, as to 42 acres of these lands, another person is in receipt of the rents and profits, and has been so for 30 years without paying rent. It is necessary, before the Court can proceed to a sale of that portion, that the owner shall recover the actual possession. Until he does, the Court will not sell. I will allow this objection, and stay all proceedings as to these 42 acres until further order. If the owner can recover possession, and the facts show that there is a nice question to be tried upon an ejectment, he can come back to this Court, and apply for a sale, but the Court will not try an ejectment. I will allow the objection with costs against the estate. In *Wrixon* v. *Vize* the receiver went into possession; in this case the receiver never went into possession. Whether the incumbrancer was bound to know that the receiver did not get possession is another question, and I will not give the costs of the objection against the incumbrancer.

COURT of BANKRUPTCY and INSOLVENCY.

IN INSOLVENCY.

Reported by J. Levy, Esq., Barrister-at-law.

Before Judge Berwick.

In re Hopkins.

Jan., 1868.—*Making away with Property pending Law Proceedings—Reference to Chief Clerk.*

The bankrupt was opposed by *J. A. Curran* on the part of a Mr. Walsh. It appeared that Walsh, the opposing creditor, had himself taken the benefit of the Insolvent Act about a year previously, when he was opposed by Hopkins on various grounds, particularly for making away with houses of which he was the owner, Walsh being at the time what is called a house jobber. Pending the insolvency of Walsh, he went on some business to a house of Hopkins' that Walsh had assigned him, when Hopkins made a charge of robbery against him, and had him arrested by the police. The case was tried before the Recorder, when Walsh was acquitted, and the charge pronounced groundless. Walsh then brought an action for false imprisonment and malicious prosecution against Hopkins, which was tried at the last Naas assizes, when Walsh got a verdict for £75 damages, and his costs amounted to upwards of £60.

Curran stated that there never was a case where retributive justice was more apparent. Hopkins, by some means or other, got Walsh to assign to him a valuable house for almost nothing, leaving Walsh liable for a considerable head rent, which he was unable to pay, and he was driven to that court, where Hopkins opposed him with the most virulent pertinacity. Walsh, however, was discharged, and now the tables were turned, and he opposed Hopkins, not with any revengeful feeling, but with a view to get at property which Hopkins had made away with, pending the action between himself and Walsh. Upon looking at the schedule his lordship would see that neither the money received by Hopkins, nor the property he had, was accounted for.

Judge Berwick said the schedule was unsatisfactory, and there was no doubt property had been assigned by the insolvent pending the litigation with Walsh. He would refer it to the Chief Clerk to vouch the schedule and report on its truth generally.

Solicitor for the insolvent, *Rynd.*

CORRESPONDENCE.

To the Editor of the Irish Law Times.

Sir,—Can you or any of your readers inform me whether there are any barristers or solicitors in Dublin who undertake to prepare (grind) attorney's apprentices for the final examination. It would be a great advantage if some one would undertake to do so, for it would prove an excellent introduction for junior lawyers who could devote two or three evenings every week to that very useful object.—Your obedient servant,

A Subscriber.

ENGLAND.

SPECIAL JURIES IN CAPITAL CASES.

The following paper on the desirableness of having special juries in capital cases was read at the last meeting of the Law Amendment Branch of the Social Science Association, by Mr. George Harris, F.S.A., Registrar of the Court of Bankruptcy, Manchester:—The extensive discussion which has recently taken place before this society on the general subject of juries, during which the various questions which arise relative to this highly valued and time-honoured institution have been fully debated, appears to me to render the present time peculiarly appropriate to bring before it the subject of the present paper, and to obtain the opinion of the members upon the very important point submitted to their consideration. Rather more than ten years ago I had the honour of bringing this subject before the society, in a paper "On the Constitution of Juries in Criminal Cases," which was read at a meeting on the 25th day of May, 1857, and which was printed at length in the *Law Amendment Journal* of the 4th June, 1857. In that paper I endeavoured to trace the origin of trial by jury, and to give an outline of the history of this institution from the earliest times. I remarked that the general condition of society and civilization in this country was so essentially different at the early period when trial by jury was first established, to what it is at the present day, that it would at first sight appear difficult to imagine how an institution adapted to our civil exigencies in the one case could be fitted for the other also. The greater simplicity of the proceedings in courts of justice during an earlier state of society was also more favourable to the trial by jury, so far as respects the ability of each member of the jury completely to comprehend the evidence, and its precise

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bearing on the trial, than is frequently now found to be the case. Moreover at the period of our history when juries were first brought into use, the different members of society in general were probably much more upon an equality in respect of intelligence and education than they now are Science having then made but little progress, but few questions of a scientific character could be raised to puzzle the minds of those by whom such questions had to be determined. Indeed, the simple character of the facts then adduced before the court, and the equally simple mode of discussing and dealing with them, were highly advantageous to the efficiency of trial by jury.. But although the matters at that period to be determined by juries were much simpler than they now are, yet it appears on the other hand that less efforts are made in the present day to secure the intelligence and education required in a jury, by raising the qualification for such an office, than was formerly resorted to. By the statute of Westminster the Second, passed in the thirteenth year of Edward I., it was enacted that no man should be put on juries who had not some freehold of the value of 20s. a-year within the county, or 40s. out of the county. This qualification was raised to 40s. in counties by the statute 21, Edward I. Subsequent to this a statute was passed, that of Henry V., which appears to have been expressly intended to secure the intelligence and responsibility of juries by requiring a property qualification. With this view it enacted that no person should be a juror in capital trials, as also in certain other cases, unless he had lands of the annual value of 40s., and if he had not that qualification he might be challenged by either party. We must here bear in mind that regarding the change in the value of money, a qualification of 40s. a-year in the time of Edward I. and Henry V. would be equal to £24 a year at the present day. At this early period, therefore, in the history of the trial by jury, we find fully recognized the principle for which I am contending this evening, that in capital cases such a qualification should be required of jurymen as will ensure a class of men being selected who may be presumed to possess the requisite amount of intelligence required for so arduous and so responsible a duty. By the statute of George IV. for regulating the qualification of jurymen, £10 a year in freehold and £20 in leasehold, or being rated to the poor at £20 a year, or occupying a house containing 15 windows, are sufficient to qualify a person for serving on a jury for the trial of any offence whatever. It is here moreover to be observed, that of late years numerous exemptions have been allowed by statute to certain persons from serving on juries, extending to professional men generally, and which contribute in a very essential manner to lower the comparative standard of intelligence possessed by juries in modern times below what was formerly the case. Privileges of this class did not serve to excuse any persons from serving upon juries at the earlier periods alluded to, in consequence of which the whole intelligence of the country, with the exception of the clergy, was enlisted in the service of juries. At the present day, on the other hand, juries in criminal cases, including those which are capital, and indeed common juries generally, are composed mainly of tenant-farmers, and of tradesmen of the middle and inferior classes. In the former paper alluded to I mentioned several cases within my own knowledge, where it was evident that the jury were wholly incompetent, from want of the requisite intelligence, to deal with the evidence brought before them. Indeed, in order to deal with and analyse evidence, and to draw correct conclusions therefrom, a certain amount of intelligence is of course necessary. This is more particularly the case where the evidence is of a scientific character, as in trials for murder by poison, and in those where the evidence is mainly or wholly circumstantial. The incompetence of common juries to deal with difficult and scientific cases, and to arbitrate upon those where important interests are at stake, is fully recognized by the practice of having special juries in all cases where the evidence relating to property is very complicated, or the amount to be decided is very large. It is surely a monstrous inconsistency that upon a trial in which the issues of life and death are involved, a special jury is not allowed. It is a remarkable circumstance indeed, and is recorded by Bracton (Lib. 3, cap. 18), that although all other kinds of murder might formerly be tried by a jury, yet murder by poison was excepted. As I suggested in my former paper, two modes appear available for affording a remedy for the defect in the administration of justice which I have pointed out. The first of these is to follow the course which has already been satisfactorily adopted in civil cases, and to have a special jury in all capital cases, and in other cases as well, where, owing to peculiar circumstances, such as the complicated and scientific nature of the evidence, or the supposed existence of popular prejudice, it appears peculiarly requisite, composed of men of superior education, who would be less likely to be biased than are men of the rank of those who at present constitute common juries, and who would from their education and intelligence be fully qualified to deal with the evidence before them. Another plan, which appears in many respects to be preferable to the preceding one, is to abolish the privileges of exemption from serving on juries in favour of professional men, in cases where capital offences are to be tried; and to obtain a jury for such a purpose composed of professional men of different kinds, barristers, clergymen, physicians, attorneys, surgeons, and others, who, from their habits and education, are of all other persons best fitted to sift and to deal with questions of evidence of this nature. A few lawyers and a few medical men on such a jury appear to be equally desirable, and a mixed body of professional men, embracing as wide a range as possible, seems to me to form the best tribunal in such a case. It appears to me that after taking a survey of the rise and progress of juries, the proposal here submitted, so far from being an innovation, is in reality an effort to restore the trial by jury to its original efficiency, when the juries empannelled represented fairly the general intelligence of the nation, and when no difference in regard to either station or property enabled persons to claim exemptions from serving on juries in criminal cases, whether capital or of minor importance. Objections may, of course, be very fairly raised against the proposal which I have made. It may be urged that in cases of difficulty it is the duty of the judge to assist the jury, and to point out to them the correct course to be pursued. But surely in this case the judge is superseding the functions of the jury, who, in all cases of fact, ought to decide for themselves; and this would be a most dangerous principle to sanction in the administration of our laws. Besides, if the judge is to direct the decision of the jury with regard to important matters of fact, which it is peculiarly their province to determine, what becomes of that very important principle that the jury stand as the protectors of the prisoner against any supposed arbitrary inclination on the part of the judge? It may be also said that a special jury would not so fairly, as does a common jury, represent the class of men to which the prisoner belongs, and might be supposed to be prejudiced against him; or, at any rate, not so fully to sympathize with him as does a common jury. If this argument is deemed to be of importance, the difficulty might be obviated by having half the jury of the common class, and half of the special class; or perhaps the ends of justice might be answered by allowing the prisoner, in all capital cases, to demand to be tried by a special jury of either of the classes which I have proposed. Few who are experienced in the proceedings of criminal courts, will, I think, be disposed to assert that the present system is a satisfactory one; and I have no hesitation in contending that the proposal which I have made, so far from being an innovation on the principle of trial by jury, is but in reality the abolition of the innovations which have been introduced, and the only mode of restoring the system to its original principle and its real efficiency. The sole issue to be determined is, whether common juries, as now constituted, are efficient to dispose of complicated cases where scientific evidence is adduced; and whether, as they are acknowledged unfit to determine questions where a large amount of property is involved, they are, nevertheless, fully qualified to determine cases where the life of the prisoner is at stake; and whether a jury constituted of persons of a certain amount of education and intelligence would not form a more adequate and satisfactory tribunal than that which now exists for the trial of all cases where the punishment is capital.

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NOTES OF ENGLISH DECISIONS.

(From the *Law Times.*)

CONSTRUCTION OF WILL—FORGIVEN DEBT.—A testatrix, after giving various sums to trustees on certain trusts for her children and grandchildren, directed the sale and conversion of her real and personal estate, the proceeds to go to her children as tenants in common, and she declared that her son H., for reasons stated, should receive £1,000 less than what one-fifth of her "entire estate and property when she died would amount to." This by a codicil she reduced to £500, and also gave to her son-in-law, who owed her a debt on bond, all sums owing by him to her: Held, that the gift of the "entire estate and property" excluded debts and legacies, and that the forgiveness of the debt did not constitute a legacy: (*Higgins* v. *Smith*, 17 L. T. Rep. N. S. 29. V. C. M.)

WILL—DOUBLE PORTION.—The question whether a portion is double or not is one of intention, and the presumption against double portions is founded on this, that the testator or settlor considered himself by the second portion to be satisfying the first *pro tanto*. The presumption is more easily made when the will precedes than when it follows the settlement. Great differences in the substance of the settlement tend to show that the one portion was not intended to be in satisfaction of the other. B. having two daughters, C. and P., covenanted on C.'s marriage to pay her trustees £10,000, but there was no settlement on P.'s marriage. By his will B. gave the residue, after payment of his debts, in equal moieties to the two daughters, the limitations in the will being very different from those in the marriage settlement of C.: Held (reversing the decree of the Lords Justices), that the gift by will was no satisfaction of the covenant in C.'s settlement, and she was entitled to her moiety of the residue after deducting the £10,000 from the assets: (*Chichester* v. *Coventry*, 17 L. T. Rep. N. S. 35. H. of L.)

PROBATE PRACTICE—PARTIES UNKNOWN.—The executors and legatees named in a will could not be found. The estate was also insolvent, and the competency of the testator was likewise questionable. The court, under these circumstances, refused to grant simple administration to a creditor, but made a grant with the will annexed: (*Hanson* v. *Shepherd*, 17 L. T. Rep. N. S. 123. Prob.)

ADMINISTRATION—GRANT IN ERROR.—A., an intestate, married his deceased wife's sister. On his death she obtained letters of administration to his personal estate and effects, and died leaving part of the estate unadministered. The court revoked the grant so made in error, and decreed administration to the natural and lawful daughters and next of kin of the deceased: (*In the Goods of Wells*, 17 L. T. Rep. N. S. 123. Prob.)

SUBSTITUTED EXECUTOR.—Where, "failing A.," B. was substituted executor, the court held that the condition of substitution was satisfied by A.'s refusal to act, and granted probate to B. on the renunciation of A.: (*In the Goods of Colquhoun*, 17 L. T. Rep. N. S. 123. Prob.)

TAXATION OF BILL OF COSTS AFTER PAYMENT.—If a person not chargeable with a solicitor's bill of costs thinks fit to pay it, it is open to him to do so, and if he does so, he shall be entitled to have the bill taxed as the party charged able with it might have done. The stat. 6 & 7 Vict., c. 73, does not point out the special circumstances which shall authorize the court to direct taxation after payment of a bill of costs; but in a case where, at the last moment, reasonable facility for taxation has been asked for and refused, and the bill appears to show substantial ground for taxation, the court will direct such a taxation notwithstanding payment. It is no answer to such a case to show that the party paying the bill has been chargeable with great delay in the business, and has only at the last moment required a very hasty settlement. In cases where, although resistance to a just claim to a taxation has failed, it was yet not absolutely frivolous, it is the proper course to allow the costs of an application to tax to abide the result of the taxation: (*Re Newmans*, 17 L. T. Rep. N. S. 128. Chan.)

PETITION TO WIND UP.—The mere fact that moneys or paid up shares are given to persons to become directors, is not ground for a winding-up order: (*Re The Bwlch y Plwm Company*, 17 L. T. Rep. N. S. 235. M. R.)

EQUITY PRACTICE—AMENDMENT—COSTS.—The plaintiff, by his original bill, sought to set aside a deed, on the ground of fraud. After answer was filed, he amended his bill by striking out from it all the previous allegations of fraud, and prayed to be allowed to take a benefit under the deed. The Court ordered him to pay the costs of the original bill: (*Kernot* v. *Critchley*, 17 L. T. Rep. N. S. 134. V. C. S.)

NEXT FRIEND—INSOLVENCY.—Where the next friend of a married woman, plaintiff in a suit, had become insolvent, though the defendant, with a notice of such insolvency, had put in a voluntary answer stating his own bankruptcy, proceedings in the suit were ordered to be stayed until the married woman could give security for costs, or obtain an order to sue in *forma pauperis*: (*Macann* v. *Borradaile*, 17 L. T. Rep. N. S. 135. V. C. W.)

MERE MATTER OF ACCOUNT.—By sect. 3 of the C. L. P. A. 1852 it is enacted that "if it be made to appear at any time after the issuing of the writ to the satisfaction of the court or a judge, upon the application of either party, that the matter in dispute consists wholly or in part of matters of mere account, which cannot conveniently be tried in the ordinary way," such court or judge may order such matter to be referred (*inter alia*) to an officer of the court. The plaintiff sued the defendant for work and labour as an auctioneer, and before plea the defendant applied to a judge for an order to refer the matter to one of the masters upon an affidavit which stated "that the matter in dispute in this action consists of mere matter of account, which cannot be conveniently tried in the ordinary way," which order, though opposed by the plaintiff, was accordingly made. Upon a subsequent application by the plaintiff to set aside such order, upon the ground that an action for "work and labour" was not within the operation of the above clause, and that it would be competent to the defendant to set up a defence of non-ability: Held that such action is within the operation of the clause, and that if when before the master the defendant sets up any other matter of defence, then it will be the proper time for the plaintiff to apply to rescind the order: (*Clarke* v. *Ware*, 17 L. T. Rep. N. S. 148. Q.B.)

CONSTRUCTIVE TRUST.—B. adopted C., and C. expressed an intention handsomely to provide for her. B. then invested £1,800 on mortgage in the name of D., telling him both by letter and orally that it was for C.'s benefit, which was confirmed by an entry in B.'s diary; and on the counterfoil of the cheque. This was held to be a sufficient constructive declaration of trust in favour of C., and that on her death her personal representative was entitled: (*Re Cane's Trust*, 17 L. T. Rep. N. S. 112. V. C. Malins.)

WATERFORD LAW SOCIETY.—John O'Brien, Esq., solicitor, President of the Waterford Law Society, entertained the Chairman of the Quarter Sessions, B. C. Lloyd, Esq., Q.C., and the members of the society to a sumptuous dinner at his residence, King-street, on Tuesday evening last.

THE LAW OF NATURALIZATION.—A proposed reform in French military law in its bearing upon foreigners is discussed by the Paris correspondent of the *Herald*:—"The effect of this new law, which Marshal Niel tells us is 'under consideration,' may be briefly stated. I will take a striking instance. The present Earl Granville was born in France. Supposing his lordship to have a son born in France also, he would be compelled, according to the letter of the law, to serve personally in the French army, or find a substitute. I have taken this hypothetical case to make the operation of the contemplated law as plain as possible. But take the case of Brown, Jones, or Robinson. Let us suppose Jones to be born in France, to be settled and married there, and have children. Well, according to the measure under consideration, his sons, when they reach their 20th year, will be 'drawn' for the conscription, and if they do not appear when summoned they will be treated as deserters. They will no longer be free to marry without producing a certificate that they have 'satisfied the requirements of the law on recruitment,' and, in short, they will be liable to all the drawbacks which attend the proud position of a *citoyen Français*.

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SCOTCH ACCOUNTANTS.—The *Times* recommends the formation in London of an association on the model of the Edinburgh Institute of Accountants, and says it would do more to promote the cause of financial morality than all the attempts ever likely to be made through the agency of the Court of Bankruptcy.

AN AUDIT OF RAILWAY ACCOUNTS BY THE STATE.—A railway panic, though not so acute as a banking panic (says the *Economist*), "is likely to be much more lasting. People must put their money somewhere; they have given up the habit of keeping it at home; they cannot resume that habit, for they would not think it safe there, nor like to submit to the change in every sort of pecuniary practice which would follow. Accordingly, if people take their money to-day from one bank, they will lend it to-morrow to another bank, and so in a little while after the worst panic the world resumes its course. But no such now necessary habit compels men to invest in railway shares or to lend to railway companies; the railway discredit may last for years, though banking discredit soon passes over. Unless, therefore, some competent and independent authority intervene, the railway panic will not pass away of itself; and on many lines it will tend even to be worse than it now is. What the effect of a Government audit would be upon the value of railway property must, of course, depend on the nature of the results which that audit ascertained; but in many cases we do not doubt that it would be favourable, for the present discredit is diffused and great; and, at all events, there would be some uniformity of account, some basis for sure discussion, some possibility of effectual argument, which now there is not."

THE YELVERTON CASE.—The Edinburgh correspondent of the *Daily Telegraph* writes—"Mrs. Yelverton has raised a new action in the Court of Session here, for the purpose of quashing or setting aside the judgments in the former long litigations in the Scotch Courts and House of Lords. The ground on which it is sought to set aside these judgments is that the Scotch courts had no jurisdiction to pronounce them. Major Yelverton never at any time had a Scotch domicile. He was an Irishman by birth, and he never lost his Irish domicile. There is an abundance of law already settled to the effect that in cases of divorce the Scotch courts have no jurisdiction over persons domiciled in England or in Ireland. There is the old case of Lolly, in the beginning of the century, who was defended by Brougham, and sent to the hulks for fourteen years for bigamy, in accordance with the opinions of the twelve judges of England, because, on the faith of a Scotch divorce, he had married again in England. And there have been many cases since. One of the last of them related to the marriage of John Shaw, a Scotch advocate, who had married an English lady. The same lady had eloped at sixteen and been married, but, met at the church door after the ceremony by her friends, she was prevented from ever living with the man, whom she afterwards followed to Scotland, and divorced. It had been held in England that this Scotch divorce was of no avail, and that Mrs. Shaw's children by her Scotch husband could not succeed to a provision left to her 'lawful children' by a relative. There are many cases. But then divorce is not declaration of marriage. It does not yet appear that there is any difference as to jurisdiction in the various consistorial cases, and that in all the jurisdiction depends upon domicile. But no doubt some distinctions will be discovered. After the judgment of the House of Lords in regard to the reference to oath, nothing is impossible, if it be necessary to repel the claims of Mrs. Theresa Yelverton. Of course, the new suit will excite various comments, and it may lead to some adjustment of the competing claims to jurisdiction of the English, Scotch, and Irish Courts."

A SCENE IN COURT.

At the Antrim Quarter Sessions, on Saturday, before J. H. Otway, Esq., Q.C., Chairman of the County, William Hughes was indicted for having, on the 27th November last, at Randalstown, assaulted Patrick Delany, a sheriff's officer, and rescued from his possession a number of articles.

The case having been heard, the jury retired. After about twenty minutes' consultation they returned into court, and the foreman handed to the clerk the issue paper containing the verdict.

Clerk of the Court—Gentlemen, you say that William Hughes is not guilty of rescuing goods, and not guilty of common assault?

Foreman—Yes.

His Worship (with surprise)—What's that you say?

Foreman—There were discrepancies in the evidence which——

His Worship—Tut, tut, nonsense! You may retire. Stop! (Opening a large law book). I don't know how to deal with that verdict. It is a perverse verdict.

[The jury were then moving as if to leave the box].

His Worship (with much emphasis)—Don't go away, gentlemen. (To the Foreman)—What new matter came before your consideration after you retired that made you return that verdict? Did you consider all the evidence?

Foreman—Yes, we did.

His Worship—Well?

Foreman—When we looked at the evidence given before the magistrates, and the evidence submitted yesterday by the man Delany, we found that discrepancies existed.

His Worship—Did you consider Cassidy's evidence?

Foreman—Yes, we did.

His Worship—I have power, when I find a jury have, through mistaking the evidence or partiality, returned a verdict repugnant to justice, to order the jury to retire again and reconsider the verdict, and to amend it. That is my constitutional privilege and power. I do not know whether I shall exercise that power or not. It is certainly a very great stretch of authority in the court. There is no question at all of my right—no question of my power. At the same time I think I will not exercise my power in this case. I will allow you to go, gentlemen. I will allow the verdict you have returned to be recorded, but I may tell you I never received a verdict from a jury in my life with which I was so thoroughly dissatisfied. (To the accused)—Stand up, sir! The jury—I can hardly call them so—the twelve men who were sworn to try your case have acquitted you. I do not believe a more guilty man ever stood in the dock than you. However, I will take the verdict—a verdict which may have done more to hinder the administration of justice in this court, and limit the value of its jurisdiction than any verdict that was ever given. I have told you I will take the verdict, believing you, notwithstanding that the jury have acquitted you, as guilty a man as ever stood in that dock, and also fearing that the result of this case may be more prejudicial to the very men who have thought fit to acquit you. You are discharged. I believe the verdict to be partial, perverse, and repugnant to justice. (To the jury)—Go away, gentlemen, you certainly never shall be a jury again, if I can help it.

The jury then left the box, apparently crest-fallen by the force of his worship's remarks.

His Worship said he would communicate with the Attorney-General regarding the manner in which Mr. Robinson, the Clerk of Petty Sessions, had performed his duty.

PARISH REGISTERS.—There are 20,000 parish registers in England, all of which are exposed to uncertain guardianship. There is not one, perhaps, without some peculiar illustration of life and manners in it, besides proof of birth, marriage, or death. A suggestion has been made, from which some good may arise, that transcripts of the entries, and a general index shall be printed down to 1837, when the present system of registration came into force. For purposes of genealogy or heirship this would be of great use, and Parliament might sanction a worse work. One sample of the way in which the old registers were kept is to be seen in the case of a country clergyman, who, being applied to with reference to a genealogical matter, *cut out* of his register every entry of the name mentioned by the applicant, and despatched the fragments by post to London.—*Athenæum*.

LORD JUSTICE SIR J. ROLT is seriously ill, having had a paralytic seizure, affecting his left side, but not his memory, from the effects of which his return to the Bench must be delayed for a considerable time.

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IMPORTANT DECISION.

The following correspondence has just taken place :

Petty Sessions, Tralee, December 16, 1867.

Robert M'Cowen, complainant ; Timothy Slattery, defendant.

SIR—I have the honour to state for the information of his Excellency the Lord Lieutenant that a summons (a copy of which I enclose) came before this court to recover £3 0s. 0d. for hire and wages alleged to be due by the defendant for work and labour given in hiring out to him a threshing machine worked by steam, the property of the complainant.

The magistrates made no rule in the case, not being satisfied that it came clearly within the provisions of the 14 and 15 Vic., Cap. 92, Sec. 16. The words of the section, although comprehensive, limit the right to sue by summons to "an apprentice, artificer, labourer, servant, or other person ;" and the claim for hire or wages shall be "for any day's work or labour done or performed by task, job, or contract, or for the hire of any horse, ass, mule, bullock, or other animal for draught, or of any cart, dray, car, plough, harrow, or vehicle drawn by any such animal for the purpose of any labouring work." The exceptions follow :

It appeared to the magistrates that it was at least doubtful that a man hiring out a threshing machine worked by steam came within the meaning of, or could reasonably be supposed to be covered by the words in the Section "other person," especially when he did not personally attend the working of the machine, nor assist in performing any part of the work done.

It seems clear that an artificer working by machinery, such as a tailor, or sempstress using a sewing machine, or such like, can recover by summons for work and labour. But it is respectfully requested, that the opinion of the Law Adviser may be taken as to whether a man hiring out a threshing machine, worked by steam, can sue otherwise than by process either in this Court for a sum under £2 or at the Quarter Sessions if for a sum over £2.—I have the honour to remain, sir, your obedient servant,

GERARD O'CONNOR.

Major General Sir Thomas A. Larcom, K.C.B.

Dublin Castle, 19th December, 1867.

GENTLEMEN—I am directed by the Lord Lieutenant to acquaint you that your letter of the 16th instant, relative to the case of Robert M'Cowen against Timothy Slattery, having been referred to the Law Adviser, he states that he concurs with the opinion formed by you as to the operation and construction of the 16 Section of the Act 14 and 15 Vic., Cap. 92.—I am, Gentlemen, your obedient Servant,

THOMAS LARCOM.

The Magistrates at Petty Sessions, Tralee.

THE COURTS AND COURT PAPERS.

COMMON PLEAS.

The Lord Chief Justice of this Court will sit in Chamber on Monday, the 20th inst., at 10.30 a.m., to hear applications on behalf of the following gentlemen, who are seeking to be appointed Commissioners for taking the acknowledgments of Deeds by married women, under the 4th and 5th Wm. IV., cap. 92 :—

Joseph Tagney, for the County of Cork, at Cork.
Wm. W. Babington, do. do.
Alexander P. Foott, do. do.
Richard K. Exham, do. do.
R. Hanley, for County Cork, at Fermoy.
J. O'Donnell, for County Limerick, at Limerick.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Anne Bull, stay sale.—H. B. O'Grady, directions.—Jane Rawson, fee farm grant.—Sophia Keane, liberty to bid.—E. Burke, attachment.

Before the EXAMINER.

Trustees of M'Cance, rental.—William Munroe, do.—William Flood, do.—H. A. Kennedy, do.—Catherine Colclough, do.

Before JUDGE LYNCH.

J. Montgomery, building lease.—A. Burke, from 15th December.—W. R. Farmer, do.—E. Hutchins, to dismiss petition.

Before the EXAMINER.

E. Pittar, schedule and vouch.—J. Furlong, rental.—W. Morgan, vouch.

Before Mr. URLIN.

Henry Gumbleton, rental.—Phibbs, administrator of Cooper, do.

Tuesday—Before JUDGE DOBBS.

Peter B. Kelly, renew application.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

Eliza Pope and others—1 lot—Waterford—fee. Profit rent, £292.

P. M. O'Keeffe—1 lot—Waterford—fee—Profit rent, £117 5s. 6d.

Before Mr. URLIN.

Sir J. C. J. Fitzgerald, proceed under order.—John Taaffe, proofs.

Wednesday.—Before JUDGE LYNCH.

J. H. Leonard, final schedule.—James Rogers, do.—John Bole, do.—W. Morgan, do.—H. M'Sherry, do.—A. M'Swinney, do.—L. B. Taafe and others, do.

Before the EXAMINER.

E. Hunter and others, rental.—W. Mackey and others, do.—P. M'Kee, do.—D. O'Neil, do.—James H. Ryan, do.—John Irwin and others, do.—E. Langson, from 18th December.

Before JUDGE DOBBS' EXAMINER.

Administrator of H. B. Darley, rental.

Thursday—Before JUDGE LYNCH.

David Ross, to examine witnesses.—H. C. Hastings, object.on.

Before the EXAMINER to JUDGE DOBBS.

Thomas H. Pope, rental.

Friday.—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

Mary A. O'Callaghan, 1 lot.—Rev. E. S. Abbot, 3 lots.—R. Bolton, 1 lot.—John Simms, 5 lots.—William Edge, 2 lots. — Assignee of George M'Dermott, 1 lot. — Maria Morron, 2 lots.—G. B. Rawson, 1 lot.

Before the EXAMINER.

John Duggan, rental.

Before JUDGE LYNCH'S EXAMINER.

Thomas Casement, rental.—W. B. Staunton, do.—John Curry, do.—C. W. W. Dillon, do.

Saturday.—Before JUDGE DOBBS.

Cairncross D. Cullen, schedule.—B. Conlon, charge and discharge.—Sir William Palmer, schedule.

Before the EXAMINER.

Charles Barnewall, rental.

Before JUDGE LYNCH.

Sir E. D. Burrowes, make order absolute.

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LANDED ESTATES' COURT.

PETITIONS FILED, *from 27th July to 30th November*, 1867.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE £ s. d.	SOLICITOR	JUDGE
July 27	3926	Mary Jane Davison and Robert Davison	*The Owners.—For declaration of Title*	—	—	*John Glover*	Lynch
"	2811A	Thomas Connolly, M.P.	*Supplemental Petition to appoint Trustees, by Rev. S. Hare and Wife*	—	—	*W. J. Cooper*	Dobbs
"	3927	James H. Patrickson	*W. H. Peyton*	Sligo, Galway, Dublin, and Leitrim	423 2 7	*W. H. Peyton*	Dobbs
"	3475A	Richard R. Carey	*J. Devereaux and another.—Supplemental Petition*	—	—	*S. W. Corcoran*	Dobbs
Aug. 2	3958	Philip Beatty	*Alicia Beatty*	City of Dub.	63 0 0	*Archibald Robinson*	Lynch
Aug. 3	2998B	Samuel Parsons, executor of Henry T. Close	*The Owner — Supplemental Petition to appoint Trustees*	—	—	*W. T. Kent*	Lynch
Aug. 5	3929	Henry Hodson	*The Owner*	Galway	1,142 17 9	*B. E. Whitestone*	Dobbs
"	3930	James Thornton	*The Owner*	Wicklow	127 15 0	*Casey and Clay*	Lynch
Aug. 8	3931	William Mackey	*W. J Pepper*	Tipperary	13 16 11	*James Pepper*	Dobbs
Aug. 13	3932	John Joseph Brennan & others	*John North*	Wicklow	404 0 6	*Orpen, Sons, and Sweeney*	Lynch
Aug. 16	3933	James Thornton	*Joseph Kelly*	Wicklow	452 0 0	*Orpen, Sons, and Sweeney*	Dobbs
"	3934	Joseph Edmond Kelly	*Martin Murray*	Roscommon	37 12 0	*Robert O. Longfield*	Lynch
"	3935	Joseph Davis	*The Owner*	Kildare	Not given	*Byrne and Lambert*	Dobbs
"	3936	Wm. F. Eustace and others	*Henry C. Stephens*	Dublin	42 18 6	*H. C. Stephens*	Lynch
"	3937	Trustees of Joseph Lupton,	*The Owners*	Armagh	—	*J. Denvir*	Dobbs
Aug. 20	3938	Henry Griffith	*Thomas Stott*	Sligo	Not known	*Thomas Stott*	Lynch
Aug. 23	3939	Alfred Ernest Acheson	*The Owner—For declaration of Title*	Galway	Not given	*Casey and Clay*	Dobbs
Aug. 27	3940	Napoleon Alfred B. Wyse	*Wm. K. O'Shaughnessy*	Waterford	Not known	*W. K. O'Shaughnessy*	Lynch
Aug. 30	3941	Fanny Goodman and another	*Anne M. Curran, executrix of Arthur Curran, deceased*	Down	15 11 0	*John Denvir*	Dobbs
"	3942	Edward Chesney Seal	*The Owner*	Kidare	27 0 0	*Whitlow and Smyth*	Lynch
Sept. 3	3943	Jane Green and others	*The Owners*	Cork	549 11 9	*E. G. Foley and R. Poncius*	Dobbs
"	3944	Alexander Elliott	*Glanville Elliott and Maurice Elliott*	Kerry	153 12 10	*John Frost*	Lynch
Aug. 30	3945	Robert O'Brien	*Edward Russell*	Longford	247 0 9	*Casey and Clay*	Dobbs
Sept. 3	3946	Richard Butler Lowe	*Cornelius Pelly*	Cork	Not known	*W. K. O'Shaughnessy*	Lynch
Sept. 6	3947	Charles Cannon	*The Owner*	Meath	33 3 0	*Tyrrell & Stannell*	Dobbs
Sept. 10	3948	Right Hon. George Lord Baron Lisle, and The Hon. John Arthur Lysaght	*The Rev. John Roberts and Anne Roberts*	Cork	3,441 0 1	*Thomas Jameson*	Lynch
"	3949	Michael Tobin, administrator of Sarah Baker, deceased	*The Owners*	City of Cork	283 18 2	*J. and J. Bennett*	Dobbs
Sept. 13	3950	Edward Cahill and others	*Thomas R. Maher*	Dublin	Not given	*Henry C. Stephens*	Lynch
"	3191	Luke Corr and others	*The Owners*	Galway	98 10 0	*J. D. Meldon & Son*	Dobbs
"	3932	Samuel Belton and Joseph Robert Belton	*Thomas L. Sterling*	King's Co.	Not given	*William Mooney*	Lynch
Sept. 24	3953	Thomas Hignell and another	*William Day Murphy and another*	City of Lim.	143 4 10	*Mathew Kenny*	Dobbs
"	3954	George Rollo Massy	*Michael Byrne*	Limerick	Not given	*Fras. Green Tinckler*	Lynch
Sept. 27	3955	Alonzo Lawder	*The Owner*	Roscommon	1,088 2 7½	*Fletcher & Meade*	Dobbs
"	3956	Henry M'Cann	*Allen Nisbett*	Armagh	Not given	*William A. Simpson*	Lynch
Oct. 1	3957	John Bermingham	*William Ffrench Henderson*	Galway	446 2 11	*H. C. Neilson*	Dobbs
"	3958	John M'Keogh	*The Owner*	Tipperary	30 0 0	*George Bolton*	Lynch
"	3959	Mary M'Donogh	*Frances Charlotte Susanna Beamish*	Dublin	Not given	*Casey and Clay*	Dobbs
Oct. 8	3960	Richd. O'Donovan the younger and Richard O'Donovan the elder	*Timothy Hurley*	Cork	Not known	*MacCarthy and Hanrahan*	Lynch
"	3961	Charles Dycer	*The Owner*	Dublin	111 4 0	*Nunn and Jones*	Dobbs
"	3962	John N. Ferrall	*The Owner*	Roscommon	864 17 0	*P. Nolan*	Lynch
Oct. 11	3963	John M'Kinley	*J. O. Bonsall*	City Dublin	123 0 0	*T. Cronhelm*	Dobbs
Oct. 14	3964	Henry Acheson	*Davis M. Davis*	Wexford	Not given	*J. D. Rosenthal*	Lynch
Oct. 17	3965	John M'Corry	*The Owner*	Antrim	36 19 4	*L. G. O'Neill*	Dobbs
Oct. 19	3966	John Ryan and another	*Mathew Moran*	City Dublin	Not given	*Thomas Donnelly*	Lynch
"	3967	John Eyre	*The Owner*	Galway	277 10 0	*E. M. Duffy*	Dobbs
Oct. 21	3968	Emanuel Hutchins	*F. A. Hutchins*	Cork	2,445 0 0	*Nunn and Jones*	Lynch
Oct. 22	3969	J. H. Burke and his trustees	*W. G. Etchells and another*	Dublin	10 0 0	*T. Cronhelm*	Dobbs
Oct. 25	3970	R. J. M'Donnell	*Norwich Assurance Company*	Carlow	731 10 0	*A. D. Kennedy*	Lynch
Oct. 26	2811B	Thomas Connolly	*The Owner Supplemental petition for sale.*	—	—	*R. Cooper*	Dobbs

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LANDED ESTATES' COURT.

PETITIONS FILED, *from 27th July to 30th November*, 1867—*Continued.*

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
Oct. 28	3971	S. Thompson	*E. Mol ny*	Kildare	41 18 0	*W. S. Molony*	Dobbs
"	3972	H. J. Smith	*The Owner*	Meath	869 8 4	*A. Ellis*	Lynch
Oct. 29	3973	R. W. Jones	*W. Jones*	Cork	Not given	*H. E. Jones*	Dobbs
Oct. 30	3974	James M'Eniry	*Trustees of National Bank*	Limerick	225 0 0	*M. Leahy*	Dobbs
"	3975	Assignees of Barker Thacker	*John Lyster*	Queen's	624 19 11	*G. Bolton*	Dobbs
"	3976	James Forde	*Owner—for partition and sale*	Dublin	Not given	*Galloway and Connor*	Lynch
Oct. 31	3977	John Cassidy	*Trustees of National Bank*	Meath	422 0 0	*E. Howe*	Dobbs
Nov. 2	3978	P. M. Leonard	*Charles P. Froome*	Roscommon	191 16 4	*Anderson and Lee*	Lynch
Nov. 4	3979	William Jones	*Owner—for Declaration of title*	—	—	*W. Magrath*	Dobbs
"	3980	F. J. Swift	*M. W. Wallace and others*	Galway	234 3 8	*B. W. Rooke*	Lynch
Nov. 5	3981	Wm. H. Martin and others	*James Cunningham*	Down	505 2 8	*W. C. Cunningham*	Dobbs
"	3982	Michael Higgins	*James King*	Galway	122 10 0	*S. & R. C. Walker*	Lynch
Nov. 7	3983	R. Thomas Harrison	*James Hennessy*	Donegal	68 17 8	*E. J. Downing*	Dobbs
Nov. 8	3456A	G. V. Harte	*Owners — Supplemental Petition to appoint Trustees*	—	—	*F. P. Tydd*	Lynch
Nov. 9	3984	E. E. Hobson and others	*Thomas W. Corker*	Cork	93 6 2	*Thomas W. Corker*	Lynch
"	3985	James White	*Catherine Power*	City of Waterford	34 5 0	*P. Kelly*	Dobbs
Nov. 11	3986	L. Sayers	*J. R. Ring*	Limerick	Not known	*E. O'Connor & Son*	Lynch
"	3987	Thomas Felton	*Owner*	City Dublin	7 13 4	*James Dwyer*	Dobbs
Nov. 12	3988	E. D. Burrowes	*E. Tipping*	Queen's Co.	3,128 6 3	*Galloways & Connor*	Lynch
"	3989	J. La Touche	*Owner—for Declaration of Title*	—	—	*J. Ryan & Son*	Dobbs
"	3990	A. W. Ball and others	*Thomas Lefroy and another*	Longford	1,415 19 4	*J. Maunsell*	Lynch
Nov. 13	3991	John Farrelly	*Teresa Forde*	City Dublin	Not given	*J. C. Clarke*	Dobbs
"	3992	Rose A. M'Mahon	*Owner*	City Dublin	109 10 0	*J. D. Meldon & Son*	Lynch
Nov. 14	3993	William Killen	*Rev. G. N. Tredennick*	Donegal	34 15 0	*P. Brady*	Dobbs
Nov. 15	3994	Hercules Ellis	*Owner*	Monaghan	117 10 5	*J. Dudgeon*	Lynch
"	3995	J. Owen Wright	*J. Bradshaw*	Dublin	53 0 0	*J. Bradshaw*	Dobbs
Nov. 16	3996	Thomas Byrne	*G. Browne and others*	Clare	Not known	*J. Perry*	Lynch
"	3997	E. G. Bredin and another	*Owners*	Fermanagh	142 8 6	*J. J. Mecredy*	Dobbs
"	3602A	D. Fitzpatrick	*William Webb—Supplemental Petition*	—	—	*A. Webb*	Lynch
"	3998	Timothy Larkin	*D. Fitzgerald*	Limerick	35 0 0	*M. Leahy*	Lynch
Nov. 18	3999	D Abernethy	*J. Mathers, & another*	Tipperary	113 5 10	*F. Wilnie*	Dobbs
"	4000	Assignees of P. W. Murphy	*G. Riddick*	City Dublin	3 12 6	*J. Riddick*	Lynch
"	4001	H. Patrickson, administrator of Jones	*W. H. Peyton*	Sligo	337 0 2	*W. H. Peyton*	Dobbs
Nov. 19	2415A	D. H. Trant	*Owner—for Declaration of Title*	—	—	*S. F. Adair*	Dobbs
"	4002	Thomas M. Usborne	*Owner—for Declaration of Title*	—	—	*J. M. Sheehy*	Lynch
Nov. 20	4003	E. M. T. Barry	*Thos. Baring & others*	Cork	3,198 8 0	*Thos. Crozier*	Dobbs
"	4004	R. W. Steele, and others	*Owners*	Queen's Co.	88 0 0	*Vincent & Ruckley*	Lynch
"	4005	E. Donaldson	*M. Bradford*	Armagh	Not given	*A. Bell*	Dobbs
Nov. 21	4006	R. N. Barry, and another, trustee of D. Lenihan	*The Owners*	City Cork	329 16 4	*D. Hall*	Lynch
Nov. 22	4007	J. Litchfield, and another	*J. Carroll*	Cork	883 11 9	*H Noblett & Son*	Dobbs
"	4008	M. Skehan	*Owner*	Clare	988 12 4	*T. Bunton*	Lynch
Nov. 23	4009	William Coppin	*G. Sproule*	City Londonderry	Not given	*W. Martin*	Dobbs
"	4010	Robert Barnett, and others	*W. Mullan*	Antrim	Not given	*A. Caruth*	Lynch
"	4011	Thomas Collis	*Owner*	Limerick	244 10 0	*P. Stack*	Dobbs
"	4012	Rev. J. A. Crozier, and another	*Owners*	City Dublin	54 10 4	*Lambert & Crozier*	Lynch
Nov. 25	4013	David Moore, and others	*Owners*	Westmeath	Not given	*G. R. Gunning*	Dobbs
"	2873A	Arnold W. White	*Owner—for Partition (Supplemental)*	—	—	*Crookshank & Co.*	Dobbs
"	3833A	Thomas Dooley, and another	*John Holmes—Supplemental Petition for Partition.*	—	—	*W. R. Meredith & Co.*	Dobbs
Nov. 26	4014	Jas. S. Birch, and another	*Owners*	King's Co.	145 2 2	*J. Maunsell*	Lynch
Nov. 27	4015	D. S. Kerr	*J. B. Bristow, and another*	Down and Antrim	32622 12 10	*H. Wallace & Co.*	Dobbs
Nov. 28	4016	W. B. Persse	*Jas Scholfield*	Galway	140 10 11	*H. G. Kelly*	Lynch
"	4017	H. B. Mahon	*J. Kenny*	Galway	462 5 0	*E. M. Duffy*	Dobbs
Nov. 29	4018	Jas. Bradford	*J. Shannon*	Antrim	261 8 5	*F. B. Johnson*	Lynch
Nov. 30	4019	W. Johnson, and another	*Owners—for Declaration of Title*	—	—	*W. J. Fuke*	Dobbs
"	4020	J. Brady, and another, Executors of W. Cochrane	*Owners*	Monaghan	175 11 8	*J. Dudgeon*	Lynch

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before CHIEF REGISTRAR.		
Jan. 13	12 o'clock	John Geraghty	Prove debts	*White*
"	"	William Burke	do. and vouch	*Meldon*
"	"	James M'Kenna	do.	*Larkin*
"	"	William Lunham	do.	*Benner*
"	"	Arrangement case	do.	*Larkin*
"	"	do.	Reference	*Fay & M'Gough*
		Tuesday.—Before the COURT.		
Jan. 14	11 o'clock	Richard Yoakley	Final examination	*Casey & Clay*
"	"	Thomas Casey	do.	*Findlater*
"	"	William Ellwood	do.	*Casey & Clay*
"	"	James Canning	do.	*Lynch*
"	"	Purdy and Outhwaite	Sur. and final examination	*Casey & Clay*
"	"	James and M. Murphy	Final examination	*Findlater*
"	"	H. M. Beck	do.	*Meldon*
"	"	John O'Brien	do.	*M'Cully*
"	"	Eliza Mahony	Composition	*Perry*
"	"	Arrangement case	2nd sitting	*Lynch*
"	"	do.	do.	*M'Govern*
"	"	do.	1st sitting]	*M'Govern*
"	"	do.	do.	*Falkiner*
"	"	do.	2nd sitting	*Perry*
"	"	do.	do.	*Casey & Clay*
"	"	do.	1st sitting	*Molloy & Watson*
"	"	do.	do.	*Perry*
"	"	do.	do.	*Casey & Clay*
"	"	do.	do.	*Cronhelm*
"	"	James and Michael Murphy	Examine debtors	*Findlater*
		Thursday.—Before the COURT.		
Jan. 16	11 o'clock	Arrangement case	Charge and discharge	*Larkin*
"	"	Hollyford Mining Company	Motion	*Larkin*
		Before the CHIEF REGISTER.		
"	12 o'clock	Arrangement case	Prove debts	*Gerrard*
"	"	do.	do.	*O'Connell*
"	"	do.	do.	*Perry*
		Friday.—Before the COURT.		
Jan. 17	11 o'clock	John Tate	Charge and discharge	*Atkinson*
"	"	William M'Tear	Sur., prove debts, and assignee	*Smith*
"	"	Peter Kiernan	do.	*Bradley*
"	"	Arrangement case	2nd sitting	*Batt*
"	"	do.	1st sitting	*Cleary*
"	"	do.	do.	*Boughey*
"	"	Charles Weekes	Composition	*M'Grath*
"	"	———	Trader debtor summons	*Kelly*
"	"	———	do.	*Carey & Ruckley*

TRADE ASSIGNEES APPOINTED.

DATE	BANKRUPT'S NAME	TRADE ASSIGNEE	SOLICITOR
Jan. 10	Dooley, Thomas and William, of Capel-street, Dublin, boot and shoe-makers,	John Wm. Delany, of Molesworth-street, Dublin, merchant	*Dodd*
"	Lawler, Robert, of Carlow, county of Carlow, grocer,	John Roche, of Middle Abbey-st., Dublin, merchant	*Perry*

BANKRUPTS.

Connolly, John, of Tubbercurry, county Sligo, dealer in cattle. Petition of bankruptcy filed January 1, 1868. To sur. Tuesday, January 21, and Friday, Feb. 7. L. H. Deering, official assignee. *Mathews*, solr.

Fagan, Francis, of Pimlico, Dublin, provision dealer. Petition of bankruptcy filed January 6, 1868. To sur. Tuesday, January 21, and Friday, February 7. C. H. James, official assignee. *Goff*, solr.

Kernan, Peter, of Island Bridge Barracks, Dublin, vintner and canteen keeper. Petition of bankruptcy filed December 31, 1867. To sur. Friday, January 17, and Tuesday, February 4. L. H. Deering, official assignee. *Bradley*, solr.

Quigley, William, of Castleblayney, county Monaghan, and Camlough, county Armagh, baker, grocer, wine and spirit dealer. Petition for arrangement filed Nov. 20, 1866. To sur. Tuesday, January 21, and Friday, Feb. 7. C. H. James, official assignee. *Greer and Caicy*, solr.

Shaw, John, and Shaw, Alexander M'Kenzie, of Victoria-chambers, Victoria-street, Belfast, wine merchants. Petition of bankruptcy filed December 31, 1867. To sur. Friday, January 17, and Tuesday, February 4. C. H. James, official assignee. *Johnson*, solr.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday.—Before the CHIEF CLERK.		
Jan. 13	12 o'clock	Basil King	To vouch account of J. Doherty	*Meaze*
"	"	Daniel Donovan	Adjourned proof of debts	*Bradley*
		Tuesday.		
Jan. 14	"	Patrick Scanlan	To tax costs	*Bradley*
"	"	Martin J. Keogh	do.	*Macnally*
"	"	Thomas Copeland	do.	*M'Cully*
"	"	Daniel Donovan	do.	*Bradley*
"	"	Joseph Henry	do.	*Macnally*
"	1 o'clock	Charles Maguire	To inquire into truth of schedule	*Rynd*
		Wednesday.—Before the COURT.		
Jan. 15	11 o'clock	Martin J. Keogh	Audit and dividend	*Macnally*
"	"	Patrick Scanlan	do.	*Bradley*
"	"	Thomas Copeland	do.	*M'Cully*
"	"	Daniel Donovan	do.	*Bradley*
"	"	Joseph Henry	do.	*Macnally*
"	"	James Dermody	Adjourned do.	*Bradley*
"	"	John Barrett	Adjourned notice of motion	*Frost*
"	"	John Greig	Hearing of petition	*Rynd*
"	"	George Robert Mac Donald	do.	*Macnally*
"	"	Albert B. Skyne	do.	*Rynd*
"	"	The Rev. Charles L. Thomas	do.	*Macnally*
"	"	Joseph Maddock	do.	*Hunter*
"	"	Patrick Hickie	do.	*Rynd*
"	"	Michael Brown	do.	*Rynd*
"	"	Catherine Winifred Burke	do.	*Rynd*
"	"	Morgan John O'Grady	do.	*Macnally*
"	"	Henry Joseph Bowyer	Adjourned do.	*Irvine*
		Friday.—Before the COURT.		
Jan. 17	"	———	Bail motions only	———
		Saturday.—Before the CHIEF CLERK.		
Jan. 18	12 o'clock	Basil King	To vouch account	*Perry*
"	"	Robert Arthur	do.	*Walker*
"	"	Edward Pim	do.	*Macnally*

CASES DISPOSED OF IN DUBLIN.

Wednesday, January 8, 1868.
Before JUDGE BERWICK.

Hopkins, John. Adjourned to 22nd January, inst.
Maguire, Charles. Do.
Maher, John. Discharged.
Mons, John Albert. Adjourned to 22nd January, inst.
Molloy, William. Petition dismissed, the insolvent being out of custody.

Thursday, January 9, 1868.
Before JUDGE BERWICK.

Beckey, Edward (arrested as "Edward Beakey"). Remanded for six calendar months and sixteen days from September 28, 1867, at suit of Henry Peat, a creditor.
Stafford, Michael. Adjourned to the 22nd January, inst.

CASES DISPOSED OF IN THE COUNTRY.

At CASHEL, county Tipperary, January 2.
Before CHARLES ROLLESTON, Q.C., Chairman.

Higgins, John. Discharged.
Murphy, Rody. Do.
Schofield, William. Do.

At WESTPORT, county Mayo, January 2.
Before JOHN H. RICHARDS, Chairman.

Jennings, James. Discharged.

At ATHY, county Kildare, January 3.
Before THOMAS LEFROY, jun., Q.C., Chairman.

Beard, John. Adjourned to next April Sessions.
Maguire, Thomas. Discharged.

At DUNDALK, county Louth, January 3.
Before JOHN C. NELIGAN, Chairman.

Mackin, Michael. Discharged.

At OMAGH, county Tyrone, January 4.
Before JAMES ROBINSON, Q.C., Chairman.

Cooke, Daniel. } Discharged.
Fulton, Joseph. }
M'Kenna, William. Adjourned to next Sessions.
Tynan, Hamilton. Discharged.

At TRIM, county Meath, January 4.
Before ECHLIN MOLYNEUX, Q.C., Chairman.

Caffrey, John. Petition dismissed.

At WATERFORD, January 6.
Before BARTHOLOMEW C. LLOYD, Q.C., Chairman.

Duggan, Margaret, Petition dismissed.

At CARLOW, January 7.
Before THOMAS R. HENN, Q.C., Chairman.

Farrell, Patrick. Discharged.

INSOLVENTS DISCHARGED ON BAIL.

Archer, James, H.L., Carlow, gentleman, captain on half-pay.
Blair, Robert, Belfast, spinning master.
Connolly, Robert, Dublin, carpenter and provision dealer.
Foster, Edward Thomas F., county Cork, esquire.
Martin, William, Portadown, hotel keeper.

INSOLVENTS.

To be heard in Dublin.

Byrne, James Joseph, of Lower Rutland-street, Dublin; previously of Capel-street, in said city, cabinet-maker; arrested as "James Byrne." Hearing on Wednesday, January 22, at 11. *Rynd*, solr.

Connolly, Robert, of North Richmond-place, Dublin, carpenter and dealer in provisions, groceries, and beer. Hearing on Wednesday, January 22, at 11. *Rynd*, solr.

Lyons, James, of Church-street, Dublin, dairyman. Hearing on Wednesday, January 22, at 11. *Rynd*, solr.

Batson, Anne, of Upper Church-street, Dublin, widow, shop assistant and manager of a bakery establishment; previously of Patrick-street, in said city, baker, trading as Batson & Co.; formerly of Upper Church-street, aforesaid, not in business. Hearing on Wednesday, January 29, at 11. *Rynd*, solr.

Roche, Patrick Edward, of Meath-street, Dublin, grocer and spirit dealer. Hearing on Wednesday, January 29, at 11. *Rynd*, solr.

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To be heard in the Country.

Cardwell, Thomas, of Belfast, co. Antrim, innkeeper, spirit dealer, and posting master. Hearing at Belfast, April 9, at 3. *Macnally*, solr.

Neeson, Patrick H., of Magheraveely, co. Fermanagh, publican, grocer, and farmer. Hearing at Enniskillen, April 4, at 3. *Knight*, solr.

PAUPER DECLARATIONS FILED.

January 9.

Bentley, Elizabeth, detained by Alexander Curtis La Nauze. *Fitzgerald*, solr for creditor.

Kirwan, Richard, detained by Charles Tew. *Fitzgerald*, solr. for creditor.

Smith, Henry William, detained by John M'Auliffe. *Mulhall*, solr.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JANUARY. Sat. 4	Mon. 6	Tues. 7	Wed. 8	Thur. 9	Fri. 10
Government						
3 p c Consols	—	92¼	—	92½	92¼	92
New 3 p c Stock	91½ ⅝	91⅝ ½	91⅝½⅝	91⅝ ¾	91½ ⅝	91⅝
Foreign and Colonial.						
India 5 p c Stock	—	111½	111½	—	111¼	111¼
Joint-Stock Banks.						
Ireland, £100 pd	—	—	232½	—	—	231
Hibernian, £25 pd	—	—	36½	37	—	—
Munster (Limited.), £3 10s pd ..	4⅞	—	—	5	—	—
National, £30 pd	61⅝	61⅝	61⅝ ½	61⅝ ½	61 ½ ⅜	61⅜
National of L'pool (Ltd.), £15 pd	—	—	—	11⅞	—	—
Provincial, £25 pd	—	—	—	—	87½xd	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	32⅛	—	32⅝	—	—
Ulster Banking Co., £2 10s pd ..	—	—	—	—	—	—
Union, £22 pd	17⅛	17⅛	—	—	17⅛ ¼	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	—	—	104	104	103¾ 104
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	7⅝ ¾	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	—	—	—
Do., B	6⅛ ¼	6⅛ ¼	—	—	—	—
Do., 2 C	—	—	5⅛ ¼	—	—	—
Grand Canal, £100 pd	—	—	—	—	—	45⅝
Patriotic Insurance, £10 pd ..	—	—	—	—	—	8⅛
National Insurance, £25 pd ..	—	—	—	—	31⅛	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	46	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	—	—	—	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	—	—
Dublin & Drogheda, £100 pd ..	—	—	—	87⅝	87⅝	87⅞
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	96⅛	—	96⅞97	—	96⅛	96¼
Midland Gt. Western, £100 pd ..	—	56⅛	—	—	56⅛	—
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	96	95⅛	95⅞	95⅞	96	96¼
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	—	100	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	45	—
D. & D., 5 p c rd, 1868. £25 pd ..	—	—	24⅛	—	24⅛	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4½ p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.

Of Deposit—1 per cent., 25th July, 1867.

Name Day—January 14th and 30th, 1868.

Account Day—January 15th and 31st, 1868.

On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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THE CHANCERY (IRELAND) ACT, 1867

(Full Text and Marginal Notes),
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The SCHEDULES of the FEES, a well Digested INDEX, and a PREFACE.

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LEGAL POSTINGS:

LANDED ESTATES' COURT, IRELAND.

GENERAL NOTICE TO CLAIMANTS.

In the Matter of the Estate of John Litchfield and Sarah Litchfield, his wife, Owners; Ex-parte Joshua Carroll, Petitioner.

THE Court having Ordered a Sale of the Commons or Bog of Cloyne, situate in the Barony of Imokelly, and County of Cork, and the Town and Lands of Craganetra, otherwise Craganitra, otherwise Cregane, otherwise Creggane, situate in the Barony of West Carbery, and County of Cork; and also the North Paddock of Burgeasha, part of the See Lands of the Bishopric of Ross, situate in the Barony of West Carbery, and County of Cork. All parties objecting to said Sale of the said Lands are hereby required to take Notice of such Order. And all persons having Claims thereon may file such Claims, duly verified, with the Clerk of the Records.

Dated this 9th day of January, 1868.

C. E. DOBBS, Examiner.

HENRY NOBLETT & SON, Solicitors having carriage of Proceedings, 33, North Great George's-street, Dublin.

In the LANDED ESTATES' COURT, IRELAND.

In the Matter of the Estate of Richard Longford, Owner; Samuel Chapman, Petitioner.

TO BE SOLD, in One Lot, at the LANDED ESTATES' COURT, Four Courts, Inns'-quay, Dublin, before the Hon. Judge LYNCH, on TUESDAY, the 28th day of JANUARY, 1868, at the hour of Twelve o'clock noon, the Premises known as 20 and 21, South Anne-street, in the Parish of St. Anne, and City of Dublin, held under three several leases, dated respectively 1st November, 1803; 28th March, 1806; and 1st May, 1839; for the respective unexpired terms of 46 years, 43 years, and 45 years.

Dated this 16th day of December, 1867.

HENRY ROBERT GREENE, Chief Clerk.

DESCRIPTIVE PARTICULARS.

These Premises form one block of buildings, and are now used, as they have been for many years past, as a Family Hotel. From the very central position occupied by the Hotel, its proximity to Grafton-street, and all the leading thoroughfares of the City, the premises are, of necessity, peculiarly valuable.

The present occupier holds the premises under a lease dated the 22nd of March, 1865, for 35 years, from 28th of March then instant, or until breach or non-performance of any of the covenants therein contained on the Lessee's part, at a rent of £120 per annum; and, after deducting head rents, there is a profit rent of £57 8s. per annum. Griffith's Valuation is £70 per annum.

For Rentals and further information apply at the LANDED ESTATES' COURT, Four Courts, Inns'-quay, Dublin; to

ROBERT EAMES, Solicitor, 7, Hume-street; or to

GEORGE BERNARD, Solicitor having carriage of the Sale, 8, Inns'-quay.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Thomas Dooley & William Dooley, both of Capel-street, in the City of Dublin, Boot and Shoe Makers, Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 21st day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupts in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupts' Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 7th day of January, 1868.

HUGH DOYLE, Deputy Assistant Registrar.

JOHN J. DODD, Agent to the Bankruptcy, No. 36, York-street, Dublin.

LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Peter Kernan, of Island-bridge Barracks, in the City of Dublin, Vintner and Canteen Keeper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 17th day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of any estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 6th day of January, 1868.

HUGH DOYLE, Deputy Assistant-Registrar.

WILLIAM G. BRADLEY, Agent to the Bankruptcy, No. 11, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Francis Fagan, of Pimlico, in the City of Dublin, Provision Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 21st day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to CHARLES HENRY JAMES, Esq., Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 7th day of January, 1868.

HUGH DOYLE, Deputy Assistant Registrar.

JAMES GOFF, Agent to the Bankruptcy, No. 17, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Connolly, of Tubbercurry, in the County of Sligo, Dealer in Cattle, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 21st day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.

All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.

And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agent.

Dated this 9th day of January, 1868.

HUGH DOYLE, Deputy Assistant-Registrar.

JEHU MATHEWS, Agent to the Bankruptcy, No. 12, Lower Dominick-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of Robert Arthur, late of Belfast, in the County of Antrim, Solicitor, formerly of Dublin, Solicitor, an Insolvent.

A PUBLIC Sitting will be held in this Matter, before the Chief Clerk, at the Four Courts, Dublin, on MONDAY, the 6th day of JANUARY, 1868, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts*. The Account of the Official Assignee will be Vouched before the Chief Clerk on SATURDAY, the 18th JANUARY, 1868, at Twelve o'clock; and the Costs of the Assignees will be taxed on TUESDAY, the 21st JANUARY, 1868, at Twelve o'clock.

And a Public Sitting will be held before the Court, at the Four Courts, Dublin, on WEDNESDAY, the 22nd day of JANUARY, 1868, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make a *Dividend of the Insolvent's Estate;* whereof all persons concerned are to Take Notice.

You are required to make Proof at the first-mentioned Sitting before the Chief Clerk, of the Debt, if any, due to you, otherwise your demand, as returned in the Insolvent's Schedule, will not be admitted.

Dated this 17th day of December, 1867.

THOMAS FARRELL, Chief Clerk.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay.

SAMUEL & RICHARD C. WALKER, Solicitors for Creditor's Assignee, No. 83, Lower Gardiner-street, Dublin.

PRELIMINARY EXAMINATION of APPRENTICES.—A Grinder of experience undertakes the Preparation of Gentlemen in all the subjects of the *Preliminary* Examination, and is at present forming a Class. Advertiser has Lists of the Questions proposed, and Answers to same, for the use of his pupils. Address—A.B., T.C.D., Office of IRISH LAW TIMES.

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VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas and City of Dublin.—*Saturday, January* 11, 1868

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 51.] SATURDAY, JANUARY 18, 1868. {Single Copy, 6d. By Post, 7d.

SIR RICHARD J. THEODORE ORPEN.

It is with the most sincere pleasure that we announce to our readers that the Lord Lieutenant has been graciously pleased to confer upon the esteemed President of the Incorporated Law Society the honour of Knighthood. We venture to assert that there is not a Solicitor in Ireland who has the interests of his Profession at heart, who will not feel grateful at the compliment which has been thus paid to the Attorneys and Solicitors of Ireland in the person of their respected President. To a gentleman of his property and position it is needless to say that the title conferred upon him gives no social elevation, and that he was as much respected before as after the distinction was bestowed; but acting, as he has ever done, with a regard for the highest interests of his Profession, he most willingly, we are assured, accepted the proffered honour, as a compliment to the Profession of which he is the most distinguished member.

When we look at the position which the Profession in Ireland holds at the present time, we feel that there is, on many accounts, much cause for congratulation. In the first place, there is the advantage which it has acquired by the educational tests, by which a double defence is erected against the intrusion into it of illiterate and ignorant persons—a preliminary examination to keep out the uneducated, and a final examination to exclude the unqualified. If the standard of these examinations is kept up, as we trust it will be, we have no doubt that, with the substantial encouragement offered by the Council of the Law Society to superior answering, the educational status of the Profession will in time be materially improved.

The Profession is no longer governed by another society composed of those who could not be expected to have its best interests at heart, but is self-governing, and regulates the examinations for admission to its own rank, as every profession should.

If we are asked to whom we are to attribute these results, we have no hesitation in replying that we owe them to the Council of the Law Society, who have laboured for years to effect these reforms, and to whose energy and perseverance we are indebted for them. It is therefore most appropriate that the compliment which his Excellency has been pleased to pay to the Profession should have been paid to the head of that Council, the President of the Incorporated Law Society. No member of the Council has been more zealous and devoted to the interests of the Profession than SIR RICHARD ORPEN. In every movement for its benefit and improvement the Profession has had the advantage of his counsel and experience, as well as the weight of that high professional character which makes him as much respected by those above him as by his equals.

Upon every ground, therefore, his high social and professional standing, his personal character as an educated gentleman, and the general esteem and regard entertained for him by his professional brethren, we consider the honour conferred in the present instance has been most judiciously and deservedly bestowed.

THE public expectation is general that a Judge should be very well acquainted with the law he is called upon to administer. It is also thought not unbecoming in him to bring to the discharge of these functions, at least, the semblance of decorum. We willingly confess that Judges, as a rule, answer the public requirement in both respects. It speaks well for those who hold the legal patronage of the country in their hands; it is a clear proof that they exercise it wisely and impartially. And the exercise of this patronage must be very difficult when we recollect that it may happen that the best man to appoint, regarded as a lawyer, is not always most suitable in other respects.

The meaning of this observation must, of course, be apparent to every reader of the IRISH LAW TIMES. No one ever heard of Mr. F. W. Brady as a very distinguished lawyer; however he was appointed to a

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County Court, and we believe that his good fortune would not have stopped there but for an expression of public feeling. When one of the Masterships in Chancery became vacant some years ago, the then Lord Chancellor promoted him from the County Court to the vacant office. The Press expressed the opinions of the Bar and the public on this preferment of a comparatively junior lawyer over Mr. Fitzgibbon, one of the ablest lawyers in Ireland. In consequence the appointment was cancelled, and Mr. Fitzgibbon received the Mastership.

It would seem that on the last Sessions' Circuit Mr. Brady has offended the entire Quarter Sessions Bar, and given to the local press a subject for original articles. Not only in his demeanour was Mr. Brady striking, but he caused astonishment by his views on criminal law.

We think it is a pity that the first attempt to bring the common law within the domain of speculative philosophy should have been made on the western side of the Channel. Those who are prejudiced against the people of this island may be inclined to think that the chairman was only ruling in accordance with their instincts, which are said to be in opposition to the law. Be that as it may, the people do not seem to be satisfied with these arbitrary rulings, for the juries find directly against them. As an instance, the *Queen* v. *Edward, Michael, Thomas, John, and Pat Henry*, who were indicted "for that they on the 15th September last, near Athlone, did assault and do grievous bodily injury to Pat Salmon and John Hughes." It was proved that the prosecutors—Salmon and Hughes—began the attack. There was also a cross case, in which Salmon and Hughes would be the traversers.

The Chairman, in his charge to the jury, laid it down as law that nothing can justify one man in striking another, not even in self-defence. Mr. Curran, junior, for the prisoners, objected to the ruling.

Chairman.—"I will hear no more in the presence of the jury; I've heard quite enough now."

Mr. Curran.—"Let the jury retire." The jury having withdrawn, "he said the law was perfectly clear that a man was allowed to use sufficient force to protect himself from an assault. His clients, the Henrys, were only doing this, and that, therefore, they were entitled to an acquittal. A number of independent witnesses proved that Salmon and Hughes had attacked the Henrys, and that they only repelled the attack."

The jury having been called out, his Worship said that "he had made a mistake; that it appeared from the authorities that a man could defend himself—that is, resist another who might assail him; but that nothing, as he said before, could justify him in striking the assailant; that it would be, in fact, an assault in both."

Mr. Curran objected again, and after some warm and undignified altercation as before, the jury were obliged to retire a second time.

The authorities are in favour of a man using strength enough to defend himself. It is true, that when a man uses more strength than is necessary in self-defence—even from the moment he passes the boundary between enough and too much—theoretically he is guilty of an assault. But then the ablest judges very properly say that it is impossible to estimate the exact amount of strength necessary for self protection, even if a man were perfectly cool; and, *a fortiori*, when a man is provoked by an unwarrantable attack. If a man has no way to defend himself but by striking his adversary, he has a right to do so; nay, more, a man can anticipate the assailant by striking him beforehand for it is an assault the moment the adversary's hand is raised to strike.

The jury having been called out, Mr. Brady said "You will bear in mind, gentlemen, in addition to what I have said before, that a man can even strike another in self defence; *but that is only, gentlemen, when he* [illegible] *he is in danger of death.*" A Juror—"It is all right your worship, we here find them 'not guilty.'"

It must astonish our readers that any lawyer could speak in this manner. It is melancholy to reflect what a failure of justice would result in this case were it not for the firmness of the advocate. There have been mistakes made before in the same court upon the most elementary questions; and what is chiefly objectionable they have been pressed forward as if the judge were wholly irresponsible. There is a class of cases that can be decided in any way the Chairman thinks proper without any higher judge being able to review them after. In the innumerable small amounts sued for—cases arising out of the sale of cattle with warranty, small debts, &c.; cases, in a word, under £20—the chairman has absolute power. He may dismiss them, even though the plaintiff proves his case, and there is no remedy. For the Chairman—as we have seen him do—refusing to dismiss upon the merits precludes the plaintiff from an appeal, and the case being under £20 he cannot have a jury, so that if the plaintiff wishes to bring the case on again he must bring it before the same person who has already declared against him. We would not have mentioned this only we have reason to believe that there have been complaints on the subject. Those scenes in which the bench and the bar are brought into angry collision only lower the character of both. The people cannot have much respect for the majesty of the law when they hear that solemn and dignified personage, who is its high priest and who holds its oracles in his heart, make an attack upon jurors, witnesses, and advocates, indiscriminately.

Resolutions adopted by the Sessions' Bar of the Co. Roscommon will be found elsewhere in our columns.

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The recent Quarter Sessions have produced some remarkable cases, of which the public have been already made aware. We have in another article alluded to the circumstances already which have rendered the Roscommon Quarter Sessions notorious, arising from a misunderstanding between the Chairman and the practising barristers and solicitors of his Court; but at the Graigue Quarter Sessions another scene occurred, the actors in which were the Chairman and the gentlemen forming the Grand Jury. As the affair has already made considerable noise, and the details have been widely published, it is unnecessary for us now to repeat them *in extenso*; but the following are the simple facts briefly stated:—After the Chairman, Mr. Joshua Clarke, Q.C., had offered the usual congratulations to the Grand Jury on the satisfactory state of the calendar, he proceeded to bring under their notice the fact which has since excited so much attention, viz., that he was informed by a gentleman occupying a very high position, that on a former occasion when presiding at Sessions, the opinions expressed by the Grand Jurors in the discussion of certain bills were disclosed by one of the jurors after they had been discharged. If such occurred, it was a very serious offence, and a grave violation of the duty of, and the oath administered to, each Grand Juror. The oath taken by the members forming the Grand Jury is to the effect that they will not disclose the counsels of her Majesty the Queen, of their fellow-jurors, or their own. Any one violating that oath, by making public what had passed in the Grand Jury Room would be guilty of perjury, and the Chairman proceeded to say that he did not know the name of the person implicated in the present instance, or he would take means to prevent him ever committing the same offence again. It appeared from the statement of the Foreman of the Jury that the public had free access to the room in which the jury held their deliberations, and from this circumstance it would appear that they were not entirely aware of the necessity, both legal and moral, of keeping their counsels private and undivulged; but we think that the caution which was given them by the Chairman, and the exposition of the law thus drawn forth, will be highly useful to all who are liable to serve on juries, or to be concerned in the management of cases to be tried by juries. The frequent letters which appeared in the morning papers, both of Dublin and London, from solicitor, plaintiff, and defendant, in an important action lately tried in Dublin, concerning the relative number of the jury who were in favour of a verdict for the plaintiff, or for the defendant, and the painful effect these letters, containing positive statements "from the lips of one of the jury," created in the minds of all who sufficiently ppreciate, the sacredness of the deliberations in the jury-box, cannot fail to be fresh in the memories of our readers, and therefore we think the public and the legal profession are indebted to Mr. Clarke for his remarks to the Grand Jury at Graigue.

Very influentially attended meetings have been held at Coleraine and Magherafelt, to consider the defective state of the laws for the recovery of small debts in Ireland, with a view to have the same altered and amended by legislative enactment, as necessity requires. The resolutions passed will be found elsewhere in the present number of The Irish Law Times; they were moved and seconded by gentlemen who thoroughly understood the working and defects of the present law for the recovery of small debts, and, therefore, were perfectly competent to suggest means for its amendment. The principal improvements suggested at the meetings were—a reduction in the amount of a debt for which a man might be arrested; that magistrates should have authority to issue warrants for arrest; that Chairmen of Quarter Sessions should have power to adjudicate in cases where the sum sought to be recovered exceeded £40.

There is no doubt that these amendments are loudly called for by the exigencies of the public requirements, as well as by the almost unanimous voice of the profession.

The object of all law should be to serve the public interest, but the experience which we have now had of the working of the Sheriffs' Act (27 & 28 Vict., cap. 99), show that some of the clauses—as, for instance, in sections 4-10, whereby it is enacted that the sheriff alone shall execute decrees, and which allow him two months to make a return, and make him irresponsible after six months—afford dishonest debtors an opportunity to make away with their property, and thereby avoid the action of the decree. Numerous instances of this practice were mentioned by the solicitors who spoke at both the meetings in Coleraine, and every practitioner will be able to supply instances of the kind from his own experience.

We are glad to hear that it is proposed to get up meetings throughout Ireland, for the purpose of agitating and discussing the proposed amendments in this law, and we would impress upon our readers the necessity of bringing the matter before their respective representatives in the House of Commons, in order to secure their co-operation at the approaching session, which they should the more readily grant, as all the trading classes are interested in the amendments sought to be obtained by the profession; for, as it was happily stated by Mr Ellis, any defect in the law that gave a debtor an opportunity of avoiding the payment of his just and legitimate debt, tended to lessen the confidence that one merchant should have in another with whom he did business, and it circumscribed credit, and lessened or injured trade, because "confidence was credit, and credit was capital."

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HILARY TERM, 1868, was inaugurated on Saturday last, when "the several Courts of Law and Equity were opened with the usual formalities." All the Equity Judges were present in the three Courts now forming the Chancery establishment, and eleven of the Common Law Judges presided in their respective Courts. We have no legal changes to record during the brief period covered by the Michaelmas vacation. The Nisi Prius after sittings occupied the attention of the "Chiefs" of the Common Pleas and Exchequer up to Christmas, and even after; the Common Pleas being occupied with the sensational cause of *Harris* v. *Baggot*, which was adjourned over Christmas, and then resumed, as our readers are aware, to end where it had begun. The Chief Baron also had but a brief respite from his labours, which were resumed before the present term commenced.

The changes occasioned in the official constitution of the Courts of Chancery and Common Law by the legislation of the past year have now been thoroughly carried out, and appear to be working well for the public, and with satisfaction to the profession.

The new Record Depository, however, has not received that consideration from the authorities which so important a public department deserves; but feeble efforts having been made hitherto in getting together a staff such as will be required to meet the necessities of the Legal Profession and the public, as well as thoroughly competent to comprehend the nature of, and the duties incident to, the multifarious documents which in a short time must be concentrated therein from the Record Rooms inside the walls of the Four Courts, in addition to the vast number which will flow in from the Castle, Custom House, Probate Court, and other isolated depositories.

As yet there is no appearance of any building being either erected for or converted to the permanent use of the Vice-Chancellor's Court, and that of his staff; the present temporary Court being the vestibule of the new Record Buildings.

The newly constituted Court of Admiralty is steadily settling down into working order; as the learned Judge affords every assistance to the practitioners in his Court.

Mr. Baron Hughes, we regret to say, is still unable to resume his duties on the Exchequer Bench, and continues at Nice for the benefit of his health. Rumours prevailed in the "Hall" on Saturday that the learned Baron was about to resign, and that the Attorney-General would be elevated to the Bench before he had an opportunity of displaying his oratorical powers in the House of Commons. These reports are, we believe, for the present premature, as it is expected that Baron Hughes will be sufficiently recovered to resume his judicial duties by the beginning of Easter Term.

The Benchers were occupied for a considerable time last Saturday in considering the circumstances connected with the bill transactions of Mr. Sidney, Q.C., as disclosed in the Common Pleas during the recent trial of *Harris* v. *Baggot*. We believe some difference of opinion existed as to what course should be adopted by them pending the case being again tried at the next after sittings; nothing definite, however, resulted from the meeting further than a resolution requesting the Chief Justice of the Common Pleas to furnish a copy of his notes of Mr. Sidney's evidence on the trial, and that the latter gentleman should be called upon to offer such explanation as he may think proper, and that the subject should be more fully considered at a future meeting, to be held about the 28th inst. We understand that the record of *Harris* v. *Baggot* will probably appear in the list for the next after-sittings; but it is also rumoured that there will be an application to the Court to change the venue to some of the neighbouring counties, or to have a Special Jury struck under the old system to try the case. If this should prove true there will probably be nothing done by the Benchers before Easter Term, as it is unlikely that they will take any final action in the matter until the case has been disposed of by a jury.

A GENERAL MEETING of the Profession of Attorneys and Solicitors will be held to-day, at Two o'clock, in the Solicitors' Hall, Four Courts, for the purpose of adopting an address to Her Majesty the Queen, expressing their strong condemnation of the Fenian conspiracy, and the determination of the Members of the Profession to give every aid in their power to the Government in crushing it out.

HIS EXCELLENCY THE LORD LIEUTENANT has been pleased to accept the invitation of the Benchers to a Public Banquet, to be held on Thursday next, the 23rd inst., at the King's Inns. We trust that the Profession of the Attorneys and Solicitors will be fully represented on the occasion.

LEGAL APPOINTMENTS.

COURT OF CHANCERY.—The Lord Chancellor has been pleased to appoint Mr. Daniel Downing, a Commissioner Extraordinary for taking affidavits at Kenmare.

The Lord Chancellor has appointed Mr. Bottomley, solicitor, Donegal-place, Belfast, a Commissioner Extraordinary for taking affidavits at Belfast.

LEGAL CHANGES IN ENGLAND.

Early in the week the *Advertiser* stated it was generally reported that Sir J. Rolt had placed in the hands of the Government his resignation as one of the Lords Justices. Sir Fitzroy Kelly, according to current rumour, will be Lord Cairns's colleague, Mr. Attorney General Karslake becoming Chief Baron of the Exchequer, Mr. Selwyn to succeed as Attorney-General, and for the Solicitor Generalship the names of Mr. Brett, M.P., and Mr. Huddlestone were mentioned. It would appear, however, that there is no stronger foundation than mere rumour for these reported changes.

CORRESPONDENCE.

TO THE EDITOR OF THE IRISH LAW TIMES.

SIR,—Will you kindly permit me to call the attention of the Incorporated Law Society and Solicitors to the absence of a debating society for attorneys' apprentices. One of them myself, and knowing their general impressions on this matter, I can say that they are very anxious to have such a society established, and are only kept from forming one by individual unwillingness to attract attention by taking the lead in the matter. I would suggest that some of the Law Society's officers break the ice when the apprentices are assembled for lecture on Monday next. Once launched we can manage our boat with the best.

I remain, Sir, yours, &c.
AN APPRENTICE.

ANSWER TO CORRESPONDENTS.

A SUBSCRIBER.—In answer to the enquiry of a "A Subscriber," published in last week's IRISH LAW TIMES, we shall be happy to furnish him with the name of a gentleman thoroughly qualified, who will prepare candidates for the Final Examination, or we shall forward to said gentleman any letter addressed "Final Examination, Office of IRISH LAW TIMES."—(ED. I. L. T. and S. J.)

ELECTION OF A TEMPORAL PEER OF IRELAND.—The *Dublin Gazette* of last Tuesday contains the official notice that the Right Honourable Theobald Fitzwalter, Lord Dunbyone, has been chosen by a majority of votes to be the peer to sit in the House of Lords of the United Kingdom, in the room of the Right Honourable William, Earl of Rosse, deceased.

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NOTES OF CASES.

Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF CHANCERY.

Reported by Wm. Woodlock, Esq., Barrister-at-law.

Peyton *v.* M'Morrow.

Jan. 11, 1868. *Practice—Affidavits.*

H. MacDermott, for infant respondents, applied for liberty to file affidavits in answer to the replying affidavit of the petitioner, notwithstanding that the cause had been set down for hearing.

Lawson, Q.C., opposed the motion, upon the ground that the affidavits were such as ought to have been filed as evidence with the respondents' answering affidavits, and were not in reply to any new matter contained in the petitioner's replying affidavit.

The Lord Chancellor allowed the affidavits to be filed at the respondents' peril, stating that he would make them pay the costs of such portions of the affidavits as were properly evidence in support of the answer, and not a reply to new matter introduced by the petitioner.

Solicitor for the petitioner, *Peyton.*

Solicitor for the respondents, *M'Robbins.*

ROLLS COURT.

Reported by Edward S. Trevor, Esq., Barrister-at-law.

In the Matter of the 11 & 12 Vic., c. 68, and the Trusts of the Legacy bequeathed by the Will of George Godfrey to Eliza Godfrey.

1867. Nov. 17; Dec. 4.—*Married Woman — Personal Annuity — Assignment by Husband and Wife ineffectual.*

George Godfrey, by a codicil to his will, dated the 18th of December, 1821, left an annuity of £30 to Margaret Murdock, for life, payable in certain proportions by the legatees named in his will. The proportion of the annuity payable by Eliza Godfrey (whose legacy was lodged under the Trustee Relief Act to the credit of this matter) was £13 16s. 11d., and by an order of the 24th of February, 1852, it was ordered that same should be paid annually out of the dividends of the sum of £1,343 stock, lodged in this matter, to Margaret Murdock, and the residue of the dividends to Eliza Godfrey. Eliza Godfrey died in 1867, and on her death the petitioner became entitled to the fund in Court. Margaret Murdock was a married woman, and the petitioners entered into an agreement with her and her husband to assign the annuity to them in consideration of £120, which agreement was carried out by a deed of the 26th of June, 1867, whereby Mr. and Mrs. Murdock assigned the annuity to the petitioners, and released the fund in Court. The petition prayed for a transfer of the fund in Court to the petitioners.

W. D. Andrews, for the petitioners.

The Master of the Rolls refused to transfer the whole fund, and retained a sum of £150 in Court, to meet the annuity, in case Margaret Murdock should survive her husband.

Solicitors for the petitioners, *Andrews* and *M'Laine.*

VICE-CHANCELLOR'S COURT.

Reported by Wm. Barlow, Esq., Barrister-at-law.

The Scottish Amicable Life Assurance Society *v.* James Fuller.

Dec. 19, 1867.—*Policy—Action by Assignee—Injunction*—30 & 31 *Vic.*, *c.* 144.

Motion for an injunction to restrain the defendant from prosecuting further an action to recover from the plaintiffs the amount of a policy of insurance assigned to the defendant, who sued, in his own name, under the 30 & 31 Vic., c. 144, s. 1.

The bill stated that James Whelan, on the 8th of November, 1866, insured his life in the office of the plaintiffs for £500; three days later, assigned the policy to the defendant for £16 10s. 10d.; and died on the 7th of March, 1867. The bill disclosed a case of fraud in the inception of the contract, and prayed a declaration that the defendant is not now entitled in equity to the moneys secured by the policy; that the policy should be delivered up to be cancelled; and an injunction.

Lawson, Q.C., and *Monahan*, for the plaintiffs, contended that the question, whether the defendant had the "right in equity to receive, and the right to give an effectual discharge" to the company for the amount of the policy, should be decided in a Court of Equity. The C. L. P. Act (Ir.) 1856, s. 85, has not ousted the jurisdiction of this Court to interfere by injunction in such a case: *Gompertz* v. *Pooley*, 4 Drew, 448.

Flanagan, Q C., and *O'Driscoll*, for the defendant, contended that the question could be more conveniently tried at law, as the case disclosed by the bill was, if true, a perfect answer to the action, and any equitable question could be raised by an equitable defence. This Court will not exercise its concurrent jurisdiction, unless the bill prays for some relief beyond what a court of law could grant: *Clarke* v. *Manning*, 7 Beav., 162; *Thiedemann* v. *Goldschmidt*, 1 De Gex, Fish and Jon., 4.

The Vice-Chancellor refused to grant the injunction, saying that the facts stated in the bill disclosed, if true, a complete defence to the action, and that the plaintiffs could avail themselves of these facts as well at law as in equity. The assignee does not obtain, under the recent statute, any better title than he would have had, if he had, before that Act passed, sued in his assignor's name. To adopt the argument urged on behalf of the plaintiffs would be to neutralize the Act, for if the assignee must establish his equitable right in a Court of Equity before he proceeds at law, it would be necessary to grant an injunction to restrain every action in which the Company impeached the policy on the ground of fraud.

Solicitor for the plaintiffs, *E. Atkinson.*

Solicitor for the defendant, *M'Nally.*

Leslie *v.* Hogan and Others.

Jan. 16, 1867.—*Service on Parties—Practice—Striking out Cause.*

Sullivan, Q.C. (with *Jordan*), stated the petition in this case.

F. Walshe, Q.C., and *Byrne* were for the respondents. On opening their case it appeared that three of the respondents, against whom process was prayed, had not been served. The cause was set down (apparently by some miscarriage on the part of the officer) without any affidavit of service on these three respondents, and it was alleged at the bar that two of these three are in America, and that the third is dead.

The Vice-Chancellor struck the cause out.

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COURT OF COMMON PLEAS.

Reported by VAL. C. COPPINGER, Esq., Barrister-at-law.

The following case has not yet appeared in the regular reports:—

LEVINGSTON *v.* THE GUARDIANS OF THE POOR OF THE LURGAN UNION.

April 24; May 1, 1867.—*Action against Poor Law Guardians in their Corporate Capacity—1 & 2 Vict., c. 56—Orders of Poor Law Commissioners—Order of Guardians—Practice—Demurrer Books.*

This case came before the Court upon demurrer to two special defences pleaded by the defendants. The writ of summons and plaint contained two counts, both of which substantially complained that the plaintiff, who is a linen manufacturer, was entitled to the use of a certain stream for the purposes of his manufacture, and that the defendants polluted it and deprived him of the use of it, by discharging into the stream, above his establishment, the sewage of the Workhouse. The defendants, among other defences, pleaded, first, that the Poor Law Commissioners had, in pursuance of the statute in that behalf, duly issued a general order, directing them if and whenever there should arise any defect in the drainage of the Workhouse, prejudicial to the health of the inmates, forthwith to remedy it, and that such a defect had arisen, and that the only way of remedying it was by doing what was complained of, and that they accordingly did so; and, secondly, that in pursuance of the powers given them by the 1 & 2 Vic., c. 56, they duly made an order directing one Robert M'Connell to do the acts complained of, that, save by the making of the said order, they did not do, or cause to be done, the acts complained of, and that said order had not been quashed, and was still in full force.

To these two defences the plaintiff demurred, and the case now came on for argument.

Counsel for the plaintiff, *Harrison*, Q.C., and *Meade*.

Counsel for the defendants, *Law*, Q.C., and *Munroe*.

The COURT were of opinion that the two defences were unsustainable, because the order of the Poor Law Commissioners was not intended to prejudice the rights of third parties, and if it had been, it would have been *ultra vires* and void, and because the order made by the Guardians themselves was also *ultra vires*. They were, however, of opinion that judgment should be given for the defendants upon the whole record, inasmuch as no such action could be maintained against the Guardians *in their corporate capacity*, as there was no corporate property which could be properly applied in payment of the plaintiff's demand, if judgment were given for him (*Coe* v. *Wise*, 5 Best and Smith, p. 440), and that the 1 & 2 Vic., c. 56, s. 94, substantially declares that the rates shall not be either directly or indirectly applied to the payment of such a demand; which they would be, either if a special rate were struck for the purpose, or if the goods vested in the Guardians in their corporate capacity, were seized and sold, for then they should be supplied from the rates. They were also of opinion that the mere fact that the defendants' counsel had, for the first time, during the course of the argument, turned round upon the summons and plaint, and rested their arguments against it upon grounds which had not been noted upon the the Demurrer Books, did not deprive them of the benefit of their objections, and would, at the utmost, have entitled the plaintiff to a postponement of the argument, if his counsel had applied for it, on the grounds of surprise.

MONAHAN, C.J., intimated an opinion that the plaintiff had a remedy against the Guardians in their individual capacity (*Richardson* v. *Corcoran*, 7 Ir. Com. Law Rep., 72). Judgment for the defendants.

Attorney for the plaintiff, *Thomas Carleton*.

Attorney for the defendants, *George Hazlett*.

LANDED ESTATES' COURT.

Reported by J. FIELD JOHNSTON, Esq., Barrister-at-law.

Before JUDGE LYNCH.

In re the Estate of the TRUSTEES of KEAN, Owners and Petitioners.

Feb. 22, 25.—*Construction of Will—Lapsed Legacies.*

The testatrix, Mrs. Kean, by her will dated 20th April, 1854, directed her trustees "to set apart and appropriate the sum of £3,000 sterling, to be held by the trustees or trustee for the time being of this my will in trust, for the six daughters, now living, of the Rev. Thomas Digges LaTouche, in equal shares as tenants in common." A proviso followed, that if any of the six daughters should die under 21 years of age, and without having been married, her share should be held in trust for the survivors, and be divided amongst them, if more than one, in equal shares as tenants in common.

The same testatrix, by a codicil to her will, dated 7th August, 1858, directed her trustees to pay to E. D. LaTouche, H. D. LaTouche, and G. D. LaTouche, £1,000 equally, to be divided between them, share and share alike, as tenants in common, and that the dividends, interest, and annual income of the said sum of £1,000 should be held and enjoyed by them, and the survivors of them, in equal shares and proportions during their joint lives, and by the survivor of them during her life, and that the trustees should stand possessed of said sum upon trust to pay the dividends, &c., accordingly, "and after the decease of the survivor of them, the said E. D. LaTouche, H. D. LaTouche, and G. D. LaTouche, upon trust for their respective executors, administrators, and assigns absolutely."

Grace Digges LaTouche, one of the six daughters of the Rev. Thomas Digges LaTouche, died in the life-time of the testatrix, unmarried, and having attained the age of 34 years.

Henrietta Digges LaTouche, one of the legatees mentioned in the codicil, died in the life-time of the testatrix.

Norman, Q.C., for the surviving sisters of Grace Digges LaTouche, who claimed to be entitled to her share of the legacy of £3,000; also for the surviving sisters of Henrietta Digges LaTouche, who claimed to be entitled to her share of the legacy of £1,000.

Leech, for the owners and petitioners, and residuary legatees, *contra*.

Feb. 25.—Judge LYNCH delivered judgment, disallowing the claims of the surviving sisters, and holding that the legacies to Grace Digges LaTouche and Henrietta Digges LaTouche had both lapsed, but that the surviving sisters of Henrietta Digges LaTouche, and the survivor of the surviving sisters, were entitled during their lives to the interest or dividends of the legacy given to their deceased sister.

Solicitor having carriage, *Robert Maddock*.

In re the Estate of JOHN S. KIRWAN.

July 9.—*Arrears of Interest upon Mortgage Debt due by Husband, payable to the separate use of the Wife.*

The trustees of the settlement executed upon the marriage of Lady Victoria Kirwan with the owner in this matter, in February, 1860, advanced to her husband, upon the security of a mortgage of his landed

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estates, £7,775 7s. 8d., being a portion of trust funds settled to her separate use. In 1863 the owner presented a petition for the sale of his estate in the Landed Estates' Court. A claim was now made on behalf of Lady Victoria Kirwan, that she should be paid the arrears of interest due upon the mortgage debt. Her affidavit, made to ground the application, stated that she had never authorized her husband to retain such interest; that she had on several occasions pressed upon her trustees the necessity of taking steps for procuring payment of such interest out of the produce of the sale of her husband's lands, and that she had incurred debts to a considerable amount for necessaries. It was admitted that Lady Victoria had been living with her husband during the years for which she claimed interest.

Sullivan, Q.C., (with him *Flanagan*, Q.C.), for Lady Victoria Kirwan, cited *In re Colclough's Estate* (8 Ir. Ch. R., 330); *Corbally* v. *Grainger* (4 Ir. Ch. R., 173); *Edgeworth* v. *Edgeworth* (16 Ir. Ch. R., 348); Lady Victoria Kirwan could not have done more than she did to obtain her interest.

F. White, Q.C., *contra*, cited *Arthur* v. *Arthur* (11 Ir. Eq. R. 511); *Thrapp* v. *Harman* (3 Mylne and Keen, 513); *Rowley* v. *Unwin* (2 Kay and Johnson, 138). No express authority was necessary that the husband should collect the rents. Lady Victoria might have obtained the appointment of a receiver. She is not entitled to more than one year's interest, ending with February, 1867, when she made her claim.

Flanagan, Q.C., replied. The claim for interest had reference back to the time when the petition was filed. The petition is to be considered a petition presented on Lady Victoria's behalf as well as on that of other incumbrancers. It cannot be argued that her husband was supporting Lady Victoria during all the time, when her affidavit states that she incurred debts for necessaries. She could not have filed a substantive petition after her husband had filed his petition for a sale.

Dobbs, J.—In all these cases of settlement to the separate use of a wife, if it is merely to her separate use, the meaning is that the wife has a power to appoint, generally, the money or the land. Where the settlement is to her separate use, without power of anticipation, that merely alters the nature of the power given to her, and it is then limited to a power to appoint from half-year to half-year, the interest or dividends. The principle upon which only one year's arrears of interest are allowed, when the wife has lived with her husband, is, that she must be taken to have appointed the interest, from time to time, to her husband, by the act of living with him. This gentleman has remained in possession, and this lady has acquiesced in his doing so. To hold thus is not at variance with the decision in *In re Colclough's Estate*, or the doctrine that a petition in this Court is presented on behalf of all parties interested. The presumption is that Lady Victoria did so exercise her power. It is said that she could do nothing to obtain her interest, but she could have required her trustees to make a claim, or she could have filed a claim. I see nothing to bring this case within the exceptions to the rule, and therefore I can only allow one year's interest.

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by J. Levy, Esq., Barrister-at-law.

Before Judge Miller.

In re Dawson Tate & Co., Bankrupts.

Jan., 1868.—*Mortgage to secure an antecedent debt and for future advances—Fraudulent preference—Machinery, fixed and movable—Registry of Mortgage Deed.*

The bankrupts were linen manufacturers at Portadown, and the question at issue, which came before the Court upon charge and discharge, was the validity of a mortgage executed by the bankrupts to Messrs. Shaw, of Belfast, and disputed by the assignees, for whom *Purcell*, Q.C., and *Munroe* appeared; *Kernan*, Q.C., was for the mortgagees.

Judge Miller, in giving judgment, said the charge was filed by Messrs. Shaw, of Belfast, and the discharge filed by the assignees of the bankrupts, Dawson Tate, senior, and Dawson Tate, jun. In June, 1866, the bankrupts had executed to Messrs. Shaw, a mortgage of their factory to secure £5,000, which included nearly £2,000 then due; the remainder to be advanced to enable the mortgagees to proceed with the erection of a new mill and machinery, which they required. Under that mortgage the Messrs. Shaw claimed not only the premises, but the looms and machinery erected thereon. It was alleged by the assignees that it was fraudulent and void against them, because it was in effect an absolute conveyance of all the bankrupts' property to secure an antecedent debt, as well as for future advances. If any balance had been due at the date of the mortgage, it would be a question whether, according to the terms of that mortgage, it could be held to be secured. But it had been deposed to by the Messrs. Shaw, and their book-keeper, that no portion of the £1,800 due to Messrs. Shaw at the time the mortgage was executed, was now due, or claimed. The claim made under the charge was said to be for advances, all made since the execution of the mortgage. The next ground of impeachment was that the mortgage was not registered, but was kept secret, in consequence of which the bankrupts obtained credit from other persons who were now to remain unpaid, whilst the holders of the secret deed were to get all. It was charged that the Messrs. Shaw designedly postponed registering their mortgage, and in fact it was not registered until two days before the act of Bankruptcy, on which the adjudication was founded. That might seem a very proper ground of complaint on the part of creditors who had no mortgage, or any special security, but the result of his (Judge Miller's) observations was, that it was an almost general practice with traders who had not the command of capital, to deposit their title deeds with banks as equitable mortgages, to secure advances on the strength of which they hoped to struggle through and increase their trade, so that when a crash came there was little or nothing for general creditors, and, as in the present case, the premises which they believed to belong to the bankrupts were in other hands. He suggested to the wholesale merchants and others who give large credit, to consider whether they ought not to ask for legislation, making it compulsory to register all mortgages within a specified time, as in the case of bills of sale, so that the existence of such mortgages could be made known to all creditors. In the absence of such legislation he should only deal with the case according to the law as it stood. It was sworn by the Messrs. Shaw that they had dealings with the bankrupts since 1862, and had such faith in their solvency that they were willing all through to give them credit up to £2,000, and did give them credit to nearly that amount without any security; moreover they would not have asked for security were it not that the Tates had asked for additional credit. Then the mortgage was executed, and they said if they had any doubt of the solvency of the bankrupts they would have registered it. They further stated that the bankrupts told them they were paying for the erection of additional buildings and new machinery; and as to the charge of keeping the instrument secret, they denied it altogether, and referred to the evidence of Mr. Richardson and other persons whom they informed of its existence. It appeared by the evidence of Messrs. Shaw that a month before the bankruptcy, they advanced £920, and two

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days before the stoppage they made a further advance of £144. Another ground of objection was that the mortgage was against public policy, and the policy of the bankrupt law. That was a very general statement, but the Court found no evidence to sustain it; or that the mortgage was executed with intent to defeat or delay creditors, and that consequently it was an act of bankruptcy; if it were, the deed of course would be overreached, and the claim of the assignees should prevail, if it were within the period of six months; but in the present case that limit was exceeded, and the execution of the deed could not be the foundation for an adjudication in bankruptcy. His Lordship then referred to that part of the evidence which related to the machinery. His Lordship held that all the looms that were nailed down or bolted into the floor of the mill premises were fixtures, which passed to the mortgagees, and not goods and chattels to which the assignees would be entitled, as in the order and disposition of the bankrupts at the time of the bankruptcy. He held that three or four looms that were not fastened down but were made steady by their own weight, passed to the assignees. He declared the Messrs. Shaw, as having proved their charge, entitled to their costs.

Solicitors for the assignees, *Carlton* and *Sinnott*.

Solicitors for the mortgagees, *Johns, Hewitt, & Johns*.

BANKRUPTCY LAW REFORM.

BELFAST CHAMBER OF COMMERCE.

On Wednesday last the usual half-yearly meeting of the Chamber of Commerce was held at the Commercial Buildings, Belfast. From the report which was submitted to the meeting, and which, perhaps, too pithily treated the subjects alluded to, we extract the following paragraph relating to the amendment of the Law of Bankruptcy and Insolvency in Ireland. We also append the remarks thereon, made in the course of the subsequent discussion:—

"BANKRUPTCY.

"The Bankrupt law of this country has frequently formed the subject of consideration of your Council, by reason of constantly recurring complaints by the merchants and traders in the North of Ireland of the waste and ruin of estates under the present process of the bankruptcy law in Ireland. Your Council, believing that a Bill similar in principle throughout to that introduced for England, would suit admirably for Ireland, and it being desirable also that the law and practice upon such a subject as bankruptcy should as far as possible be made identical in both countries, memorialized the Attorney-General for Ireland, praying that he would introduce a Bill for the administration of the law of bankruptcy in Ireland, following the precedent of the said English Bill *mutatis mutandis*."

Mr. LYTLE.—The next topic introduced in this report is the bankruptcy laws, and it is unnecessary for me to occupy your time in speaking upon the subject, inasmuch as we trust that our wishes will be realized, and that the Attorney-General will comply with the prayer of the memorial that has been addressed to him, and, simultaneously with the introduction of the Bill which is promised for England, introduce one on a similar basis for this country. There can be only one opinion as to the necessity for such a measure, and I hope the next Session of Parliament will not be allowed to close without such a Bill being passed for Ireland.

Mr. LINDSAY spoke of the present system of procedure as remarkable for its expensiveness, and being merely a conduit by which unworthy traders manage to escape their obligations to their creditor. He wished, however, that the Council would give them more information as to the measures of amendment which they had agreed to propose.

Mr. M'CAUSLAND—In reference to bankruptcy reform, I may remind the Chamber that, in 1866 and 1867, we memorialized the Attorney-General for England, but this year we have memorialized the Attorney-General for Ireland. Mr. Lanyon has kindly offered to urge this matter, and I trust in the coming Session we may see a Bill for reform of the Bankruptcy Laws of Ireland pass.

Mr. LANYON, M.P.—With reference to the Bankruptcy Laws, referred to by Mr. M'Causland and Mr. Lindsay, it is not generally known that these laws were very minutely considered, indeed, by all the Chambers of Commerce throughout England, and in this country also. I do not know that there is a single Chamber that has not had this matter under review. I was present at a meeting in London of delegates from all the Chambers of Commerce, and from your body amongst the rest, at which the provisions of the new Bill were most fully considered. The Bill, in conformity with the suggestions of the different bodies represented, was brought in by the present Government during the last Session. In consequence of the great difficulty of getting any Bill through the House last Session except the one—(laughter)—the new Bankruptcy Bill had to be withdrawn. I applied—as I thought it my duty to do so, knowing the great interest which this Chamber felt in the matter—to the Attorney-General to know if the provisions of the Bill would be made to apply to Ireland as well as to England, and he stated to me that the two Bills could not exactly be the same, but that, immediately upon the passing of the Bill for England, a separate Bill, founded upon it, and modified to meet the requirements of the Irish law, would be brought before the House. I have in my possession here a memorial from the Chamber of Commerce to present to the Irish Attorney-General, and this I hope to do to-morrow in Dublin, and I think you shall not have any reason to complain of an absence of urging on my part.—(Hear, hear.)

SESSIONS BAR, COUNTY ROSCOMMON.

At a Meeting, held on the 10th January, 1868, the following resolutions were unanimously adopted:—

No. 1. Resolved—That in consequence of the chairman having at the late sessions of Strokestown stated that in future he would not permit two attorneys to act together for the same client in any civil bill proceeding, alleging as his reason that "the time had now arrived for adopting this course, as there were plenty of barristers attending the court," we, in the interests of the public and our profession, protest against what we conceive to be an arbitrary and illegal rule, unfair towards the suitors, and an unjust attempt to interfere with their, and our, long established rights.

No. 2. Resolved—That we pledge ourselves to resist so uncalled for an effort (undisguisedly avowed by the Chairman), to give exclusive priority and business to barristers in opposition to the rights of our profession, in a court peculiarly an attorney's one, and that we shall adopt every legitimate means to defeat such an object.

GRAIGUE QUARTER SESSIONS.

Before the Chairman for the Queen's County, JOSEPH CLARKE, Esq., and a Special Jury, January 13th.

THOMAS O'MEARA, M.D., *v.* THE PATRIOTIC INSURANCE CO.

This was an action for £25, loss sustained by plaintiff in consequence of the destruction by fire of a shed and some household property, alleged to be insured by the Patriotic Insurance Company.

R. Malcomson appeared for plaintiff; and *T. C. Butler* for the defence.

From the statement of plaintiff's case by Mr. Malcomson, it appeared that about sixteen years ago he insured his house, household furniture, coach-house, stable, horses, &c., with the Patriotic Insurance Company, and in the year 1861 increased the insurance. Plaintiff had workmen employed in his house, and as the flooring required to be repaired he had a quantity of oil cloth and matting, a portion of the insured property, valued at about £15, removed to an out-house or shed. A fire subsequently broke out in this shed, which was used as a stand for a hay rick, and the oil cloth, shed, and some straw were destroyed, the estimated value of the property so destroyed being £25, the amount sought in the present action. This claim, however, was resisted by the insurance company upon the ground that, according to the wording of the policy, they were only liable for furniture

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destroyed by fire in the dwelling-house, and that the out-office, where the fire occurred, was not included in the insured premises, the out-offices mentioned in the policy being particularized as coach-house and stable. Mr. Malcomson contended at considerable length that the removal of a portion of the insured property from the dwelling-house to an out-office did not relieve the insurance company from the responsibility, and he contended that according to the wording of the policy they should be held liable for the value of the shed destroyed by fire.

At the close of plaintiff's case,

His Worship said the only question for the jury in the case would be the value of the property destroyed, as the real question in the case was one entirely of law—namely, the construction to be placed upon the wording of the policy. He was clearly of opinion that according to the policy plaintiff could not recover for the oil cloth, as the insurance company were only liable for the furniture within the house; and this appeared to be reasonable enough, as insurance companies, when making their rates of insurance, naturally supposed that very great care would be taken to guard against fire in a dwelling-house, but the same care might not be taken of an out-house. Upon the other point he was of opinion that the company was liable for the loss of the out house, as the wording of the policy was sufficiently wide to allow of its being included. He thought, however, in a case of this kind, that a company should act liberally.

Mr. Butler repudiated a statement made by Mr. Malcomson to the effect that defendant had raised the merest technical objections to the process with the view of defeating the claim, the fact being that the technical objections were raised solely by him (Mr. Butler), and his clients had nothing whatever to say to their being raised. As to the out-office, he submitted that it could not be included in the insured premises described as out-offices, as the 9th Geo. IV., chap. 13, an Act regulating insurances, required that every distinct building should be separately insured in the policy of insurance, and the only premises named in this case as out-offices were the coach-house and stable.

His Worship was of opinion that under this Act of Parliament the company was not liable for the shed.

Whilst the case was at hearing a mutual agreement was entered into, at the suggestion of his Worship, by which the case was dismissed upon the merits, defendants undertaking to allow plaintiff £20 for the loss sustained by the fire.

THE RECOVERY OF SMALL DEBTS IN IRELAND.

At a recent Public Meeting of the inhabitants of Coleraine and neighbourhood, which was held in the Town Hall, Stewart Hunter, Esq, Chairman of the Town Commissioners, presiding—the following resolutions were unanimously adopted:—

Proposed by John M'Farland, Esq., solicitor, and seconded by William Warke, Esq., wine merchant, and

Resolved—"That in our opinion the Laws for the recovery of Small Debts in Ireland are defective and unsatisfactory, and require immediate remedy and amendment."

Proposed by Robert K. Knox, Esq, solicitor, and seconded by John Huey, Esq., grain merchant, and

Resolved—"That the Act 27th and 28th Victoria, chapter 99, commonly called the 'Sheriff's Act,' instead of being a useful Statute, has rendered the recovery of Small Debts in Ireland still more difficult, and therefore ought to be amended."

Proposed by George Proctor, Esq., Sessional Crown Solicitor for the City and County of Londonderry, and seconded by Alexander Crawford, Esq., ironmonger, and

Resolved—"That the Act, taking away the power of arresting the body of a defendant for amounts not exceeding Ten Pounds, has enabled many persons to defraud their creditors, and therefore the power of imprisonment for small debts ought to be restored to the Statute-Book."

Proposed by Edward Gribbon, Esq., linen manufacturer, and seconded by William Ellis, Esq., grocer, and

Resolved—"That the power of a judge to issue a fiat against an absconding debtor on proper affidavit and writ issued, should be extended to a magistrate acting upon a like affidavit and upon a similar or the usual and ordinary process of law."

Proposed by Thomas G. Carson, Esq., solicitor, and seconded by Hugh H. Birch, Esq., woollen-draper, and

Resolved—"That, besides the present mode of executing decrees through the Sheriff, the plaintiff should be enabled, at his option, to nominate and appoint his own bailiffs for the execution of all decrees; said bailiffs to be authorized and empowered by the Sheriff to execute such decrees at the plaintiff's peril, and that any justice of the peace be empowered, on the statement of any bailiff appointed to execute any decree or dismiss, that he apprehends any violence in the execution of the same, to order the assistance of the constabulary."

Proposed by Daniel Taylor, Esq., J.P., merchant, and seconded by John Lusk, Esq., merchant, and

Resolved—"That the Chairman of Quarter Sessions ought to be empowered to adjudicate upon, and grant decrees to the extent of, but not exceeding One Hundred Pounds sterling, in all actions for debt; and that decrees should bear interest at the rate of five per cent. per annum, from the date of issue till the time of payment; and that everything seizable under a writ of execution, ought to be seizable under a civil bill decree, and that in all undefended cases for hearing at the Quarter Sessions it should be lawful for a plaintiff to obtain a decree by filing with the Clerk of the Peace, through his attorney, an affidavit of debt made by himself, his manager, or known agent, before a Justice of the Peace, a Master Extraordinary of the Court of Chancery, or a Commissioner of any of Her Majesty's Superior Courts of Common Law in Great Britain or Ireland."

Proposed by Drummond Grant, Esq., woollen-draper, and seconded by J. S. Anderson, Esq., woollen-draper, and

Resolved—"That a petition to the Lord Lieutenant of Ireland be forwarded from Coleraine, praying his Excellency to have a bill brought into Parliament to remedy and amend the existing grievances in this matter, and that when such bill shall be introduced, a second petition to the House of Commons be forwarded, praying it to pass such measure, and that all other towns and districts in Ireland be requested, and are hereby invited to co operate with the people of Coleraine in obtaining the contemplated change of law, and to extend the present movement for that purpose."

Proposed by William Ellis, Esq, merchant, seconded by Thomas G. Carson, Esq., solicitor, and

Resolved—"That the best thanks of the meeting are due, and are hereby tendered to George Proctor, Esq., for the exertions he has put forth to have the law affecting the recovery of small debts in Ireland amended."

Proposed by John M'Farland, Esq., solicitor, seconded by R. K. Knox, Esq., and

Resolved—"That Stewart Hunter, Esq., do now leave the chair, that Sir Hervey Bruce, Bart., take the same."

STEWART HUNTER, Chairman.
J. A. MACLELLAN, Hon. Sec.

AMENDMENT OF THE CIVIL BILL ACTS.

PUBLIC MEETING IN MAGHERAFELT.

On Wednesday a public meeting was held in the Court House for "the purpose of considering the present defective state of the law in respect of the recovery of debts and the execution of civil bill decrees in Ireland, and also of memorialising the Government for the amendment of the same." R. P. Dawson, Esq., M.P., D.L., J.P., occupied the chair.

Mr. John Hill moved the first resolution—"That the Statutes, known as the Civil Bill Acts in Ireland, are defective, and require to be consolidated and amended." He believed the present state of the law was satisfactory to no one; its operations were most oppressive, and that, too, on those least able to bear it. (Hear, hear).

Mr. Thomas G. Carson seconded the resolution.

The Chairman put the motion, when it was passed unanimously.

Mr. Glover then moved the second resolution, which was as follows:—"That the report of the solicitors practising at Quarter Sessions in Ireland, as adopted at their meeting on 21st November, 1867, is worthy of the careful consideration of her Majesty's Government, and should, in our opinion, be embodied in any Act of Parliament prepared by them for the amendment of the Civil Bill Acts in Ireland." He

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felt great pleasure in bringing the resolution before them, as he believed if its provisions were carried into effect great benefits would result to the country. The report was originally prepared by some very able gentlemen, and submitted to three meetings of solicitors practising at Quarter Sessions Courts in Ireland, and, after suggestions from different quarters, the present amended report was produced. Mr. Glover here referred to the several suggestions contained in the report, and showed how that, if carried out, they would be attended with great advantages. He then went on to refer to a number of other changes mentioned in the report, including the remuneration of process servers, jurisdiction as to slander, legacies, serving of process, venue, ejectment on title, the summoning of witnesses, undefended cases, renewal and execution of decrees. He also read the schedule of fees payable to attorneys, and went on at great length to advocate their adoption. [The report is contained in the supplement to the IRISH LAW TIMES of November 23, 1867.]

Mr. Babington—I think the Clerk of the Peace is underpaid by that schedule.

Mr. Glover—Well, he is improved to some extent.

Mr. Babington—I think 20s. is a very moderate sum for the Sheriff for attending in person.

Mr. Glover—He'll be satisfied with that.

The Chairman—I think the fees to the attorneys are very moderate.

Mr. James Morrow seconded the motion. He thought there was great necessity for a change in the execution of decrees. He himself had some cases, and sent a decree lately to the sheriff, and, on asking the officer why it was not executed, he told him he had not time, as he was much engaged in serving processes. The decree was there still, and he had written to the Sheriff, but got no answer.

Mr. Babington—Stop ; that is an accusation against the Sheriff.

The motion was put, and passed unanimously.

Mr. Proctor then moved that the Act of the 27th and 28th Victoria, cap. 99, known as the Sheriff's Act, should be repealed early in the coming Session of Parliament. He had great pleasure in attending the meeting that was honoured by the presence of their Parliamentary representative. He had attended a meeting lately in Coleraine for a similar purpose, at which Sir Hervey Bruce had presided, and he was glad to see gentlemen of their position coming out in such a manner.

The Chairman—We are only doing our duty.

Mr. Proctor then said there was a necessity for a change in the law. As early as 1866 it was found in that county that the Sheriff's Act did not work well, and the Incorporated Law Society, whose secretary he had the honour of being, had ascertained that the Act was useless. He thought from the experience of these gentlemen, none of them could doubt that a change was absolutely required as to the mode of executing civil bill decrees. A deputation waited on the Attorney-General, asking him to bring in a bill for the purpose of altering this Act. He intended to do so, but was anxious to know the mind of the people of Ireland about it. However, the one he intends to bring in is similar in its provisions to the 6th and 7th Wm. IV., cap. 75, sec. 41-43. Mr. Proctor thought this would not work well. For himself, he would prefer the Constabulary would be appointed to execute decrees.

Mr. James M'Kendrie seconded the motion, which was passed unanimously.

Mr. Glover moved "that a memorial from the County of Londonderry be forwarded to his Excellency, praying him to have a bill introduced into Parliament early next Session for the amendment and consolidation of all the Civil Bill Acts, and for the better execution of decrees in Ireland."

Mr. James Marks seconded the motion, which was unanimously agreed to.

On the motion of Colonel Conyngham, seconded by Mr Spotswood, a cordial vote of thanks was passed to Mr Dawson for his dignified conduct in the chair.

The Chairman having briefly thanked the meeting, and expressed his determination to forward the suggestions contained in the report by every means in his power,

The proceedings terminated.

HIGH SHERIFFS FOR 1868.

ANTRIM COUNTY. — Richard Henry Magenis, Esq., Deeraw, Finvoy, Ballymoney.

ARMAGH COUNTY.—John A. M. Cope, Esq., Drumilly, Loughall.

CARLOW COUNTY. — Robert Wesley Hall Dare, Esq., Newtownbarry.

CARRICKFERGUS COUNTY TOWN.—William Rowan Legg, Esq., Carrickfergus.

CAVAN COUNTY.—Richard Coote, Esq., Bellamont Forest, Cootehill.

CLARE COUNTY.—James Foster Vesey Fitzgerald, Esq., Moyreisk, Quin.

CORK COUNTY.—Richard Wallis Goold Adams, Esq., Jamesbrooke, Cloyne.

CORK CITY.—William Henry Lyons, Esq., Woodville, Cork.

DONEGAL COUNTY.—Captain John Humfreys, Cavanacor, Strabane.

DOWN COUNTY.—John Mulholland, Esq., Craigavad, Hollywood.

DUBLIN COUNTY.—George Evans, Esq., Portrane, Donabate, Swords.

DUBLIN CITY.—Edward Hudson Kinahan, Esq., 11, Merrion-square North, Dublin.

DROGHEDA COUNTY TOWN.—Patrick Ternan, Esq., Lawrence-street, Drogheda.

FERMANAGH COUNTY.—Captain John M. Richardson, Rossfad, Enniskillen.

GALWAY COUNTY.—Walter Shaw Taylor, Esq., Castle Taylor, Ardrahan.

GALWAY COUNTY TOWN.—Francis Lorenzo Comyn, Esq., Woodstock, Galway.

KERRY COUNTY.—Daniel James O'Connell, Esq., Lake view, Killarney.

KILDARE COUNTY.—John Maunsell, Esq., Oakley Park, Celbridge.

KILKENNY COUNTY.—Thomas Eyre, Esq., Upper Court, Freshford.

KILKENNY CITY.—John P. Hyland, Esq., Clonmoran, Kilkenny.

KING'S COUNTY. — Commander Maxwell Fox, R.N., Annaghmore, Tullamore.

LEITRIM COUNTY.—John Marcus Clements, Esq., Delville, Glasnevin.

LIMERICK COUNTY.—Edward Croker, Esq., The Grange, Kilmallock.

LIMERICK CITY. — John Quin, Esq., George-street, Limerick.

LONDONDERRY CITY AND COUNTY.—Henry Kyle, Esq., Laurel Hill, Coleraine.

LOUTH COUNTY.—William Woolsey, Esq., The Crescent, Castlebellingham.

MAYO COUNTY.—Lieutenant-Col. Ousely Higgins, Mount Pleasant, Ballyglass.

MEATH COUNTY.—Sir John Dillon, Bart., Lismullen, Navan.

QUEEN'S COUNTY.—William Phillips, Esq., St. Germans, Portarlington.

ROSCOMMON COUNTY.—Thomas A. Mapother, Esq., Kilteevan, Roscommon.

SLIGO COUNTY.—Patrick C. Howley, Esq., Coopa Lodge, Easkey.

TIPPERARY COUNTY.—Laurence Waldron, Esq., Ballybrack, Dalkey.

TYRONE COUNTY.—Lieutenant-Colonel J. A. Caulfield, Drumcairne, Stewartstown.

WATERFORD COUNTY.—Pierse Marcus Baron, Esq., Belmont, Waterford.

WATERFORD CITY.—Thomas Wilson, Esq., Springhill House, Tramore.

WESTMEATH COUNTY. — Joseph Tuite, Esq., Culaan, Mullingar.

WEXFORD COUNTY.—Arthur W. Grattan Guinness, Esq., Valentia, Camolin.

WICKLOW COUNTY.—Robert Francis Ellis, Esq., Sea Park, Wicklow.

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LAW STUDENTS' JOURNAL.

INCORPORATED LAW SOCIETY OF IRELAND.

HILARY TERM EXAMINATION.

On Tuesday last the Court of Examiners met in the Hall of the Society to declare the result of the recent Preliminary of that Examination, when the following report was read by the President :—

The Court of Examiners having carefully considered result of the recent Preliminary Examination of Applicants for admission to Apprenticeship, I shall now proceed to inform you of their decision.

The following gentlemen have been allowed the Examination, and their names are arranged in order of merit, viz. :—

No. 1, William E. Ryan.
No. 2, John O'Hagan.
No. 3, Thomas J. O'Dempsey.
No. 4, Alexander M'Mullen.
No. 5, William P. Lyndon.
No. 6, Thomas Falls.
No. 7, Joseph Murphy.
No. 8, Owen Andrew Armstrong.

Mr. W. E. Ryan, Mr. John O'Hagan, and Mr. Thomas Joseph O'Dempsey are to be allowed to compete for the Society's Prize at next Michaelmas Examination.

The remaining seven gentlemen have been postponed for the present; their style of answering and their papers not by any means coming up to the required standard.

As to the Final Examination, the Court of Examiners have decided that all the Candidates who have presented themselves do pass.

With respect to Messrs. O'Keeffe and Hanly, the Court of Examiners wish to state that under the very exceptional circumstances of their cases, and having regard to the fact that they have not had the advantage of the Lectures of the Professor of Law, they have been allowed to pass this Examination, although their answering was not of itself sufficiently good to entitle them to pass.

The order of merit of the other Candidates is as follows :

No. 1, H. W. Geoghegan.
No. 2, A. O. B. O'Connor.
No. 3, W. G. Toomey } of equal merit.
No. 4, James F. Ryan }
No. 5, H. N. Smith, jun.
No. 6, W. R. O'Donnell.
No. 7, N. J. Barrington.

The Court of Examiners have awarded a Silver Medal to Mr. H. W. Geoghegan, and a Silver Medal to Mr. A. O B. O'Connor.

THE COURTS AND COURT PAPERS.

HIGH COURT OF CHANCERY.

The following Instructions have been issued for preparing a Petition to make a Minor or Minors Wards of Court.

The Petition, which must be in numbered paragraphs, and verified in the usual manner, should state—

1st—The death of the father or mother, or of both parents, as the case may be, and the age of the minor or minors.

2nd—Whether any testamentary guardian has been appointed, and if any such has been appointed, his or her description.

3rd—If a parent of the minor or minors is not the petitioner, the cause thereof.

4th—The nature, amount of, and other material particulars respecting the minor's property, and, where there are lands, the petitioner must state all the denominations and the locality of each.

5th—If there be no testamentary guardian, the names and addresses of the several persons who are the nearest relations of the minor or minors in equal degree, together with *full* particulars as to the qualification and fitness of the person or persons proposed as guardian or guardians of the person and fortune of the minor or minors, and that the person or persons proposed as such has or have respectively consented to act if appointed.

6th—The proposed scheme for the education and residence of the minor or minors respectively.

The prayer should be as follows :—" May it therefore please your Lordship to order—That the said A.B., &c., may be taken under the wardship of your Lordship's Court. That C.D. may be appointed guardian of the person, and E.F. guardian of the fortune of the said minor or minors. That it may be referred to the *Receiver-Master* of your Lordship's Court to appoint a receiver over the lands of [*describing them*], in the county, &c., in the petition mentioned. And that it may be referred to your Lordship's *Chief Clerk* to inquire and certify to your Lordship as to the matters following, viz. : (1.) The nature and amount of the fortune of the minor or minors. (2.) The age of each minor, and in what manner it is proposed each should be maintained and educated, and with whom they should reside. (3.) What annual sum will be proper to be allowed for the maintenance, clothing, and education of each minor, and from what time such allowance should commence, and what are the funds properly applicable thereto. (4.) Whether any other, and what proceedings should be taken touching the property of said minor or minors, and to have the same secured for his, her, or their benefit. (5.) And that your petitioner shall be declared entitled to the costs of this petition, the order thereon, and the proceedings thereunder, when the same shall be taxed and ascertained as part of the costs in this matter."

CONSOLIDATED NISI PRIUS COURT.

NOTICE.

In all cases where the venue is laid in the county of Dublin, the plaintiff's attorney will henceforward be required to give notice to the sub-sheriff two days before the day for which notice of trial has been served, whether or not a jury will be required, otherwise the plaintiff's attorney will be required to pay to the sub-sheriff the expense of having the county jurors specially summoned to attend.

By order.

17th January, 1868.

COURT OF PROBATE.

CAUSES FIXED FOR TRIAL.

January 21st—Quinlan *v.* Quinlan, *County Common Jury.*
" 27th—Brock *v.* Hore, *County Special Jury.*
" 27th—Comerford *v.* Rooney, *City Special Jury.*
" 28th—Nolan *v.* Nolan, *City Special Jury.*

NOTICE TO JURORS.

None of the jurors summoned for Monday, January 20th, need attend on that day.

The County Common Jury will be required to attend on Tuesday, January 21st.

The City Special Jury on Monday, January 27th, and County Special Jury in the adjourned case of Brock *v.* Hore also on Monday, January 27th.

Notice will be given of the other days on which the attendance of the jurors will be required.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

J. G. Richardson, for deeds.—E Burke, from 13th inst.—Trustees of Mary Jennings, allocation.—Same, supplemental schedule.—Emanuel Hutchins, dismiss petition.

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Before the EXAMINER.
Trustees of J. G. H. Fox, rental.—T. W. Grady, do. | H. A. Kennedy, do.

Before JUDGE LYNCH.
Henry Andrews, for deeds.—Thomas Cuthbert and others, objections.—Thomas S. Eyre and others, make order absolute.—J. W. Dickinson, discharge purchaser.

Before the EXAMINER.
S. Sibthorpe, vouch.—D. Jackson, do.—J. Bole, do.—W. Morgan, do.—A. M. Swinny, do.

Before Mr. URLIN.
James Rogers, to vouch.

Tuesday—Before JUDGE DOBBS.
Henry Lambe, make order absolute.

Before the EXAMINER.
John Saul, proofs.—John FitzStephen Creagh, rental.—Patrick Cunningham, do.

Before JUDGE LYNCH.
SALES AT TWELVE O'CLOCK.
J. Goulding—1 lot—Roscommon—lives—Profit rent, £40.
Assignees of John Clayton—1 lot—Tipperary—Life Estate—Profit rent, £114 11s. 6d.
James White—2 lots—Galway—Life Estate—Profit rent, £204.
James Tobin, 1 lot—County Dublin—Profit rent, £60.
Assignees of John M'Beth—Limerick—perpetuity—Profit rent, £21.
Rev. George Crawford and another—3 lots—Term of years
Paul Askin and others—5 lots—City of Dublin—fee—Profit rent, £207.

Wednesday.—Before JUDGE LYNCH.
F. Johnston, final schedule.—W. S. Brinkley, do.—C. S. Courtney, do.—A. M. Swinny, allocation.

Before the EXAMINER.
John Wallis, rental.—George M'Giveen, do.—Charles Wilkinson, do.—J. H. Leonard, vouch.—H. M'Sherry, do.

Before JUDGE DOBBS' EXAMINER.
James Symes, proofs.

Thursday—Before JUDGE DOBBS.
John Saul, allocation.

Before the EXAMINER.
Thomas M'Ilroy, proofs.

Before JUDGE LYNCH.
H. C. Hastings, from 16th inst.—T. Larkin, do.

Friday—Before JUDGE DOBBS.
SALES AT TWELVE O'CLOCK.
Thomas A. Ross. Assignees of William Doyle.

Before the EXAMINER.
George J. Crowe, rental.

Before JUDGE LYNCH'S EXAMINER.
John Moriarty, rental.—John Curry, rental from 16th instant.

Saturday—Before JUDGE DOBBS.
Thomas M'Ilroy, allocation.

Before the EXAMINER.
Assignees of James Thornton, rental.—R. L. [illegible]

LANDED ESTATES' COURT.

SALES.

Tuesday, 14th January—Before JUDGE LYNCH.

COUNTY OF WATERFORD.

Estate of heir-at law of Patrick M. O'Keeffe, owner and petitioner.

Part of lands of Newport East and Newport West, barony of Coshmore, held in fee, containing 141 statute acres, and producing a rental of £117 per annum, subject to an annuity of £100 per annum for the life of a lady now aged 66 years; the Ordnance valuation is £118 per annum. Sold to Mr. Aquilla M'Mahon, in trust, at £1,030. Solicitors, *W. H. and M. Parker.*

COUNTY OF KILKENNY.

Estate of Eliza Pope and Others, owners and petitioners.

The lands of Ballybrazil, situate near the city of Waterford, held in fee simple, containing 260 acres, and producing a net rental of £292. Sold to Mr. H. Nerwich, in trust, at £6,610. Solicitors, *Taylor, Mackesy, and Co.*

LANDED ESTATES' COURT.

PETITIONS FILED, *from* 1st *December*, 1867, *to* 17*th January*, 1868.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE £ s. d.	SOLICITOR	JUDGE
1867.							
Dec. 3	4021	George Watson O'Brien	*The Owner*	Tipperary	85 16 1	*R. Macnamara*	Dobbs
Dec. 5	4022	Assignees of Mary Clerkin	*James M'Donagh*	Sligo	Not known	*George Ridick*	Lynch
"	4023	Arthur Brown and another	*The Owners*	Roscommon	170 14 10	*T. T. Mecredy*	Dobbs
Dec. 6	4024	Samuel Carlisle	*John Reany*	Tyrone	24 0 0	*Newtons and Armstrong*	Lynch
Dec. 7	4025	E. Jekiel Teaz	*William Martin*	Donegal	Not given	*William Martin*	Dobbs
"	4026	George Kelso	*The Owner*	Louth	145 8 0	*Joseph Dickie*	Lynch
"	4027	George Wilkinson	*The Owner*	Limerick	338 2 9	*John Ryan*	Dobbs
Dec. 9	4028	William Acheson O'Brien	*Eliza Faris*	Leitrim	601 5 8	*H. L. Kiely*	Lynch
"	4029	Southcote Mansergh	*The Owner*	Tipperary	649 0 0	*Joseph Hanley*	Dobbs
"	4030	Rev. William J. Slacke	*Matthew O'Farrell and another*	Leitrim	50 0 0	*Fay & M'Gough*	Lynch
Dec. 10	4031	James Davies	*Thomas Davies*	Galway	41 1 6	*Robert Mecredy*	Dobbs
"	4032	Stevens Purdon	*Jane Purdon & others*	Cork	18 17 6	*Edward O'Connor*	Lynch
"	4033	Francis Comyn	*The Owner*	Galway	43 19 9	*Mathew Kenny*	Dobbs
"	4034	Francis Lorenzo Comyn	*The Owner*	Galway	94 6 6	*Mathew Kenny*	Lynch
Dec. 11	4035	Richard Kidd	*William Lawler*	City Dublin	232 14 6	*Thomas Lawler*	Dobbs
Dec. 13	4036	Edward M'Sweeny	*Thomas Hewatt and another*	Cork and Waterford	74 17 0	*James Barry*	Lynch
Dec. 14	4037	Charles Newport	*Thomas F. Strange*	Waterford	47 6 6	*Simon Creagh*	Dobbs
"	4038	Isaac Levingston	*David Arnold and another*	Down	42 0 0	*Thomas Murphy*	Lynch

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LANDED ESTATES' COURT.

PETITIONS FILED, *from* 1*st December*, 1867, *to* 17*th January*, 1868—*Continued.*

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE £ s. d.	SOLICITOR	JUDGE
Dec. 16	4039	Malachy Tuohy and Patrick Tuohy	*James E. Treston and another*	Mayo	341 0 0	*John Kelly*	Dobbs
"	4040	Rev. Charles Lett and another, trustees of Settlement of Charles Thomas Hamilton and Wife	*The Owners — (Vendors of Land)*	Down	286 8 10	*George G. Tyrrell*	Lynch
"	4041	Isabella Spencer and others	*The Owners*	Antrim	60 0 0	*Johns, Hewitt, and Johns*	Dobbs
"	4042	Lord Charles de la Poer Beresford	*The Owner*	Cavan and Leitrim	2,594 1 6	*Robt. Murdock, Jn.*	Lynch
Dec. 17	4043	Catherine Healy and others	*The Owners. — For Partition and Sale*	Galway	5 15 0	*Vesey Daly*	Dobbs
Dec. 18	4044	John Meyler, Robert Cooper, and H. J. Sibthorpe	*John Meyler (Petitioner under Settled Estates Act)*	—	—	*J. M. Williamson*	Lynch
Dec. 19	4045	Harriette L. Murphy and others	*The Owners*	Louth	18 19 2	*J T. Purcell*	Dobbs
Dec. 20	4046	Timothy Sheehy, administrator of H. C. Wilson, deceased	*Patrick Ronayne, Executor of T. Ross, deceased*	Cork	122 0 0	*D. M'C. Downing*	Lynch
"	4047	Thomas Mahony	*National Bank*	Waterford	365 0 0	*Edmond Howe*	Dobbs
Dec. 21	4048	Boswell A. K. Tennant and others	*The Owners*	Antrim	203 6 5	*Henry Mills*	Lynch
"	4049	Assignee of James Knox Gildea and another	*Anthony K. Gildea*	Mayo	733 0 0	*Samuel F. Adair*	Dobbs
Dec. 23	4050	Joseph Stevenson	*Robert Stevenson and another*	Londonderry	252 12 2	*Thomas Colquhoun*	Lynch
1868							
Jan. 7	4051	James Murphy	*Alex. Parker & others*	Wicklow	Not given	*H. F. Leachman*	Dobbs
"	4052	Rev. Charles Lett and another, Trustees of Settlement of C. T. Hamilton and Wife	*The Owners—Vendors of Land*	Down	Not given	*Geo. G. Tyrrell*	Lynch
"	4053	Christopher O'Brien and Wife	*M. H. Chamberlaine*	City Dublin	140 0 0	*W. P. M'Evoy*	Dobbs
"	4054	Rev. Charles Lett and another, Trustees of Settlement of C. T. Hamilton and Wife	*The Owners—Vendors of Land*	Down	176 13 6	*Geo. G. Tyrrell*	Lynch
"	4055	George Beck	*Joseph Kidd*	Down	27 0 0	*Rich. J. Browne*	Dobbs
"	4056	Lewis Upton and G. H. Brooks	*The Owners—Vendors of Land*	Louth	285 0 0	*Crawford & Lockhart*	Lynch
"	2237A	Thomas Cuthbert and others	*G. V. Proctor and Wife—Supplemental Petition to appoint Trustees*	—	—	*John Cavanagh*	Lynch
"	4057	Patrick Mayers and another	*Wm. Ross*	City Dublin	100 0 0	*W. Findlater & Co.*	Dobbs
"	4058	Mashfield Mason	*The Owners—for Partition and Sale*	Kildare	Not given	*H. L. Keily*	Lynch
Jan. 8	4059	Anne Lawrence and others	*The Owners*	Antrim	30 0 0	*J. Cramsie*	Dobbs
"	4060	James H. Ryan	*Thomas M. Persse*	Galway	Not known	*N. Macnamara*	Lynch
"	4061	Francis Beatty	*The Owner*	City Dublin	105 11 9	*Geo. Arbuckle*	Dobbs
"	4062	Malachy Tuohy	*The Owner — (This Petition has been dismissed)*	—	—	*Louis G. O'Neill*	Lynch
"	3597A	Eleanor G. Nolan and others	*The Owners—Supplemental Petition*	—	—	*B. W. Rooke*	Dobbs
"	4063	Joseph Wakefield Pim	*The Owner*	Cork	Not given	*R. T. Harvey*	Dobbs
"	4064	James Davies	*The Owner*	Mayo	37 0 0	*B. Whitney*	Lynch
Jan. 9	3823A	Edward Brady	*Ralph Harman—Supplemental Petition for Partition.*	—	—	*John Tatlow*	Dobbs
"	4065	Charles P. Archer, administrator of C. P. Archer, deceased	*The Owner*	City Dublin	81 10 0	*Davis and Montfort*	Dobbs
"	4066	Robert Fitzgerald	*George R. M'Grath*	King's Co.	10 0 0	*George R. M'Grath*	Lynch
Jan. 10	3221A	Richard C. D. Oliver	*The Owner—Supplemental Petition to appoint Trustee*	—	—	*George Bernard*	Lynch
"	4067	John Young and another	*Robert Smith and another*	—	—	*D. O'Callaghan*	Dobbs
Jan. 11	4068	William Parker and others	*Isabella Moody*	Down	44 0 0	*Edw. D. Atkinson*	Lynch
Jan. 13	4069	Thomas Henry Evans	*James Crawford*	Wicklow	30 0 0	*Meade and Colles*	Dobbs
Jan. 14	4070	Hugh Moore	*The Owner*	Dublin	Not given	*H. L. Keily*	Lynch
"	4071	Rev. William M'Culloch	*The Owner*	Dublin	32 1 2	*A. & R. G. Durdin*	Dobbs
Jan. 15	4072	Trustees of Henderson	*The Owners*	Carlow	41 2 0	*Michl. Larkin*	Lynch
Jan. 17	3285A	Rev. Wm. A. Scott	*Daniel Hunt and another — Supplemental Petition to appoint Trustees.*	—	—	*Mark T. Russell*	Dobbs

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday.—Before CHIEF REGISTRAR.		
Jan. 20	12 o'clock	H. M. Beck - - - -	Reference - - - - -	*Meldon*
"	"	Edmond Eyre - - - -	Prove debts and vouch assignee's acct.	*Larkin*
"	"	Edward Farrar - - - -	do.	*Casey & Clay*
"	"	William Heally - - - -	do.	*O'Dowda*
"	"	Arrangement case - - -	do.	*Lynch*
"	"	do. - - - -	do.	*Perry*
"	"	do. - - - -	do.	*Kiernan*
"	"	do. - - - -	do.	*Larkin*
		Tuesday.—Before the COURT.		
Jan. 21	11 o'clock	Thomas and William Dooley -	Final examination - - - -	*Dodd*
"	"	William Young - - - -	do. - - - -	*Perry*
"	"	Thomas Kirby - - - -	do. - - - -	*Nugent*
"	"	James Canning - - - -	do. - - - -	*Lynch*
"	"	J. B. Kennedy - - - -	do. - - - -	*O'Callaghan*
"	"	William Quigley - - - -	Sur., prove debts, and assignee -	*Greer and Caicy*
"	"	John Connolly - - - -	do. -	*Mathews*
"	"	Francis Fagan - - - -	do. -	*Goff*
"	"	Owen Lynch - - - -	Prove charge - - - -	*Casey & Clay*
"	"	William Burt - - - -	Audit and dividend - - -	*Meldon*
"	"	Edward Farrar - - - -	do. - - - -	*Casey & Clay*
"	"	Arrangement case - - -	2nd sitting - - - - -	*Stuart*
"	"	do. - - - -	do. - - - - -	*Larkin*
"	"	do. - - - -	1st sitting - - - - -	*Falkiner*
"	"	Michael Curren - - - -	Sale - - - - -	*Findlater*
		Before the CHIEF REGISTRAR.		
"	12 o'clock	John Judge - - - -	Vouch assignee's account - -	*Walsh*
"	"	M. W. Moran - - - -	Prove debts - - - - -	*Larkin*
"	"	Arrangement case - - - -	do. - - - - -	*Casey & Clay*
"	"	Lunham - - - - -	Costs - - - - -	*Casey & Clay*
"	"	Coffey - - - - -	do. - - - - -	*Casey & Clay*
		Wednesday.—Before the COURT.		
Jan. 22	11 o'clock	John O'Neill - - - -	Charge and discharge - - -	*Neilson*
"	"	do. - - - -	Examine witnesses - - - -	*Larkin*
		Before the CHIEF REGISTRAR.		
"	12 o'clock	William Lunham - - - -	Prove debts - - - -	*Benner*
"	"	Arrangement case - - - -	do. - - - -	*Lynch*
		Thursday.—Before the COURT.		
Jan. 23	11 o'clock	Arrangement case - - - -	Charge and discharge - - -	*Larkin*
		Before the CHIEF REGISTRAR.		
"	12 o'clock	Thomas Pettigrew - - -	Costs - - - - -	*M'Govern*
		Friday.—Before the COURT.		
Jan. 24	11 o'clock	Robert Lawler - - - -	Final examination - - - -	*Perry*
"	"	Edward Haines - - - -	do. - - - - -	*Beauchamp*
"	"	Edward M'Dermott - - -	Prove charge - - - -	*Larkin*
"	"	Arrangement case - - -	1st sitting - - - -	*Fay & M'Gough*
"	"	do. - - - -	do. - - - - -	*Larkin*
"	"	do. - - - -	do. - - - - -	*Larkin*
"	"	do. - - - -	2nd sitting - - - - -	*Perry*
"	"	J. & J. Murphy - - -	Examine witnesses - - - -	*Meldon*

DIVIDENDS DECLARED.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE	SOLICITOR
Jan. 10	Cantrell, Richard, of Ballinasloe, co. Galway, ironmonger and general merchant,	9s. in the £, on £1,770	*Deering*	*Tinkler*
"	M'Cloy, Joseph, of Belfast, carpet dealer and general merchant,	1s. 1½d. in the £, on £ 5,199	*James*	*Lynch*
Jan. 17	O'Callaghan, P. J., of Temple-lane, Dublin, wine merchant,	5s. 6d. in the £, on £1,346	*Deering*	*S. Hughes*
"	Phelan, Edmond, of Waterford, baker and flour merchant,	3s. 6¾d. in the £, on £719	*Deering*	*Dobbin & Tandy*
"	Pyke, R. S., of Cloghjordan, county Tipperary, draper, and ironmonger,	9s. in the £, on £3,604	*Deering*	*Molloy & Watson*
"	Nolan, Patrick, of Dublin, grocer,	2nd and final dividend of 4s. in the £, making, with former, a dividend of 11s. 10d., on £823	*Deering*	*Langan*

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BANKRUPTS.

Carroll, Henry, of English-street, Armagh, leather dealer. Petition of bankruptcy filed January 14, 1868. To sur. Tuesday, January 28, and Tuesday, February 11. C. H. James, official assignee. *O'Reilly*, solr.

Clayton, William, of Portlaw, otherwise Coolroe, county Waterford, dealer, grocer, and shopkeeper. Petition of bankruptcy filed January 11, 1868. To sur. Tuesday, January 28, and Friday, February 14. L. H. Deering, official assignee. *Kelly*, solr.

IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday.—Before the CHIEF CLERK.		
Jan. 20	12 o'clock	Andrew Lawson	To prove debts	*Wilson*
"	"	John Joyce	do.	*Shannon*
"	"	John Hopkins	To inquire into truth of schedule	*Rynd*
		Tuesday.		
Jan. 21	"	Basil King	To tax costs	*Perry*
"	"	Robert Arthur	do.	*Walker*
"	"	Edward Pim	do.	*Macnally*
"	"	Francis Gallagher	do.	*Hayden*
		Wednesday.—Before the COURT.		
Jan. 22	11 o'clock	Robert Arthur	Audit and dividend	*Walker*
"	"	Edward Pim	do.	*Macnally*
"	"	Edward Mansergh	Adjourned notice of motion	*Reilly*
"	"	Rev. Dominick Joseph Mulkerns	Hearing of petition	*Macnally*
"	"	Michael Murphy	do.	*Mathews*
"	"	Catherine Byrne	do.	*Macnally*
"	"	James Joseph Byrne	do.	*Rynd*
"	"	Robert Connolly	do.	*Rynd*
"	"	James Lyons	do.	*Rynd*
"	"	Nathaniel Alexander Hamilton	Adjourned do.	*Walsh*
"	"	Michael Stafford	do.	*Rynd*
"	"	Charles Maguire	do.	*Rynd*
"	"	John Hopkins	do.	*Rynd*
"	"	John Albert Mons	do.	*Macnally*
"	"	Michael Brown	do.	*Rynd*
		Friday.—Before the COURT.		
Jan. 24	11 o'clock	———	Bail motions only	———
		Saturday.		
Jan. 25	12 o'clock	Andrew Lawson	To vouch account	*Wilson*
"	"	Hon. Gonville Ffrench	To proceed on charge and discharge	*Stephens*

CASES DISPOSED OF IN DUBLIN.

FOUR COURTS, Wednesday, January 15.
Before JUDGE MILLER.

Bowyer, Henry Joseph. Adjourned to 29th January, inst.
Brown, Michael. " to 22nd " "
Burke, Catherine Winifred. Remanded for 11 months from 11th September, 1867, at suit of John Ousely Bonsall, a creditor.
Greig, John. Discharged.
Hickie, Patrick. Adjourned to 29th January, inst.
Macdonald, George Robert. Do.
Maddock, Joseph. Adjourned to 1st April next.
O'Grady, Morgan John. " to 29th Jan., inst.
Skyne, Albert B. " to 15th July next.
Thomas, Rev. Charles L. " to 13th May next.

CASES DISPOSED OF IN THE COUNTRY.

At TRALEE, county Kilkenny, January 2.
Before W. N. BARRON, Chairman.

Bryan, Michael. Insolvent dead. No rule.
Dillon, John. Adjourned to next Sessions.
Langan, Robert. Remanded for 4 months, from November 18, 1867, at suit of John M'Donnell.

At GALWAY, January 2.
Before ROBERT LONGFIELD, Chairman.

Carter, Richard. Petition dismissed.
Evans, John. Remanded for two months.
Kelly, John.; Lambert, Thomas Walter. } Adjourned to next April Sessions.
Madden, John.; White, Thomas. } Discharged.

At CAVAN, January 2.
Before LOFTUS H. BLAND, Chairman.

Buchanan, George. Adjourned to next Sessions.
Griffith, John. Discharged.
M'Donald, Michael. Adjourned to next Sessions.

At ENNIS, county Clare, January 3.
Before MICHAEL O'SHAUGHNESSY, Chairman.

Hynes, William. Adjourned to next Sessions.

At ENNISKILLEN, county Fermanagh, January 3.
Before PATRICK J. BLAKE, Chairman.

M'Farland, Robert.; Stephens, Felix. } Discharged.

At LONGFORD, January 7.
Before CHARLES KELLY, Chairman.

Blackhall, William. Discharged.
M'Dermott, George. Adjourned to next Sessions.

At WICKLOW, January 8.
Before JAMES W. LENDRICK, Chairman.

North, James. Adjourned to next Sessions.

At LIFFORD, county Donegal, January 9.
Before JAMES GIBSON, Chairman.

Gallagher, Francis. Petition dismissed.
Rankin, Andrew. Discharged.

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At CARRICK-ON-SHANNON, county Leitrim, January 9.
Before CHARLES H. HEMPHILL, Chairman.

M'Manus, Terence. Discharged.

At SLIGO, January 9.
Before HARTSTONGE ROBINSON, Chairman.

Davey, Peter.
O'Connor, Charles. } Discharged.

At ARMAGH, January 10.
Before H. H. HAMILTON, Chairman.

Brawley, James.
Cardwell, Francis.
Casey, James. } Discharged.
Knox, William.
Martin, William.

INSOLVENTS.

To be heard in Dublin.

Dowling, Patrick, of Queen's-square; previously of Cardiff's-lane. Sir John Rogerson's-quay, city of Dublin, corn weigher. Hearing on Wednesday, January 29, at 11 o'clock. *Rynd*, solr.

Metcalfe, Michael, of Upper Buckingham-street, Dublin, not in any business; previously of Lark House, Cappagee, Finglass, county Dublin, farmer. Hearing on Wednesday, January 29, at 11 o'clock. *Rynd*, solr.

To be heard in the Country.

Aird, Hugh, of Newtownards, county Down, grocer and baker; previously of same place, grocer and baker, trading as "Wallace and Aird," with William Wallace. Hearing at Belfast, April 9, at 3 o'clock. *Macnally*, solr.

Carrigan, Daniel, of James's-green, Kilkenny, shopkeeper. Hearing at Kilkenny, March 31, at 10 o'clock. *Hartford*, solr.

Dinneny, Thomas, of Killeshandra, county Cavan, publican and dealer in cattle. Hearing at Cavan, April 1, at 1 o'clock. *Rynd*, solr.

Laffan, Patrick, of Augustinian-lane, Limerick, grocer; previously of Barnakyle, county Limerick, farmer; formerly of Eyon, said county, farmer. Hearing at Limerick, April 14, at 10 o'clock. *Connolly*, solr.

Leighton, William, of Coleraine, county Londonderry, bootmaker. Hearing at Londonderry, March 26, at 10 o'clock. *Proctor*, solr.

PAUPER DECLARATION FILED.

January 16.

Meade, Michael, detained by Bernard Egan. *Ennis*, solr. for creditor.

BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

COLQUHOUN—Jan. 10, at Castletown House, Strabane, the wife of John Colquhoun, Esq., solicitor, of a daughter.

MARRIAGES.

CULLIMORE and LEIGH—Jan. 2, at the Church of our Lady of Refuge, Rathmines, by the Rev. J. Hally, J. M. Cullimore, Esq., H.M.'s Madras Army, to Eleanor Maria Leigh, youngest daughter of the late W. Leigh, Esq., solicitor, Maryborough, Queen's County.

HEATLY and BLACKER—Jan. 11, at the Scotch Church, Kingstown, by the Rev. S. Hanson, William Beaufort Heatly, of Parknashan Cottage, County Wicklow, son of the late Gabriel John Heatly, solicitor, and cousin of Major-General C. S. Heatly, of Hydrabad Cottage, Madras, to Frances M. A. Blacker, youngest daughter of the late William Blacker, Esq., of the County Tyrone.

RICE and MACAN—Jan. 9, at St. George's Church, by the Rev. W. F. Black, D.D., the Rev. C. H. Rice, Fellow of St. John's College, Oxford, and Rector of Cheam, Surrey, to Eleanor, elder daughter of the late Judge Macan.

DEATHS.

GRAYDON—Jan. 12, at the residence of his father, 52, Summer-hill, Newenham E. Graydon, Esq., solicitor.

MAGUIRE—Nov. 28, 1867, at Port Louis, Mauritius, Thomas Maguire, Esq., the Police Magistrate of the Colony.

SURTEES—10th inst., at 3, Carlisle-parade, Hastings, Ann Jane, wife of Frederick R. Surtees, Esq., barrister-at-law, eldest daughter of the late Hon. and Rev. Charles Douglas, brother of the seventeenth Earl of Morton, by the late Lady Isabella Douglas, daughter of the second Earl of Arran;

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JANUARY. Sat. 11	Mon. 13	Tues 14	Wed. 15	Thur. 16	Fri. 17
Government						
3 p c Consols	92	92⅞	92¼	92¼ ⅜	92⅞ 93	92⅞ 93
New 3 p c Stock	91⅞	91⅞ ½	91¾ ⅞	91⅞ ⅞	91⅞ ¾	92⅛ ⅛
Foreign and Colonial.						
India 5 p c Stock	111¼	111⅝	—	—	—	111¼
Joint-Stock Banks.						
Ireland, £100 pd	231	231	231½	—	231⅝	231½
Hibernian, £25 pd	37	36⅞	36⅞	36⅞	36¾	36⅞
Munster (Limited.), £3 10s pd ..	4⅞ 5	4⅞ 5	—	5	4⅞	—
National, £30 pd	61½	61¼	61½ ⅝	61⅛	61⅞	61⅛
National of L'pool (Ltd.), £15 pd	11⅞	—	—	—	—	12
Provincial, £25 pd	—	—	—	—	88	—
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	32⅞	32¼ ⅜	32¼	—	—	—
Ulster Banking Co., £2 10s pd ..	—	9⅞	—	—	—	—
Union, £22 pd	17¼ ¼	17¼ ¼	—	17¼	17¼	17¼
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	103⅞	104	—	—	103⅞ 104
D. & L. St. S. B Co. £50 pd (rd) ..	—	54⅞xd	—	—	—	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	10¼	10⅜	—	—	—	—
Do., B	6¼	—	—	—	6¼ ¼	—
Do., 2 C	—	—	5¼	—	—	—
Grand Canal, £100 pd ..	—	—	—	—	—	—
Patriotic Insurance, £10 pd ..	—	—	8¼	—	8¼	8¼
National Insurance, £25 pd ..	—	—	—	—	31¼	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	46	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	—	74¼	—	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	200	—
Dublin & Drogheda, £100 pd ..	—	—	88	—	—	88¾
D., W., & W., £100 pd ..	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt Southern & W'rn, £100 pd ..	96¼	96¼	—	—	97¼	97¼ ¼
Midland Gt. Western, £100 pd ..	56¼	—	—	—	—	56¼
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	—	96¼ ¼	—	—	[illegible]
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	100	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	24¼	—	—	—	—	24
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4 p c ..	—	—	99¼	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown ..	—	—	—	—	—	—

Bank Rate
Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—January 14th and 30th, 1868.
Account Day—January 15th and 31st, 1868.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

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NEW CHANCERY ACT, 1867.

SOLICITORS are informed that they can have all the PRINTING necessary under the above Act done by J. FALCONER, 53, UPPER SACKVILLE-STREET, DUBLIN.

SOLICITORS' BENEVOLENT ASSOCIATION.

A GENERAL MEETING of the above Association, pursuant to Rule No. 8, will be held on SATURDAY, 25th instant, in the SOLICITORS' HALL, FOUR COURTS, in the City of Dublin. Chair to be taken at 2 o'clock p.m.
Dated this 14th day of January, 1868.
HENRY BINDON BURTON, Secretary.

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THE SOCIETY of the ATTORNEYS and SOLICITORS of IRELAND
(Incorporated by Royal Charter).

A GENERAL MEETING of the Profession of Attorneys and Solicitors in Ireland, will be held at the SOLICITORS' HALL, FOUR COURTS, DUBLIN, on SATURDAY next, the 18th day of JANUARY instant, at the hour of Two o'clock in the afternoon, for the purpose of adopting an Address to Her Majesty the Queen, expressing their strong condemnation of the Fenian Conspiracy, and the determination of the Members of the Profession to support the Government by every means in their power in such measures as they may adopt for crushing it.

Dated this 15th day of January, 1868.

By Order,

JOHN H. GODDARD, Secretary.

Solicitors' Buildings, Four Courts, Dublin.

LEGAL POSTINGS:

In the LANDED ESTATES' COURT, IRELAND.

TOWN OF BOYLE, COUNTY OF ROSCOMMON.

In the Matter of the Estate of John Goulding, Owner; Ex-parte Jacob Powel, Petitioner.

TO BE SOLD, before the Honourable Judge Lynch, on TUESDAY, the 21st day of JANUARY, 1868, at the hour of Twelve o'clock at noon, at the Landed Estates' Court, in the City of Dublin, in One Lot, the Estate and Interest of the Owner in the *Dwelling* House and Premises situate in the Main Street of the Town of Boyle, in the Barony of Boyle, and County of Roscommon, held from the Right Honourable Robert Lord Viscount Lorton, for three lives, now living, under lease, dated 1st January, 1829; the said House is now untenanted, and was formerly occupied as The National Bank, who paid the yearly rent of £40 therefor; said House is subject to the payment of the yearly rent of £6 6s. sterling.

Dated this 2nd day of December, 1867.

HENRY ROBERT GREENE, Chief Clerk.

For Rentals and further particulars apply to the LANDED ESTATES' COURT, Dublin;

JOHN D. MACDERMOTT, Esq., Boyle;

JAMES MORAN, Solicitor, 13, Lower Ormond-quay, Dublin; or to

VANDELEUR OSBORNE HILLIARD, Solicitor having the carriage of the Sale, 12, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Robert Lalor, of Carlow, in the County of Carlow, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 24th day of JANUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.

Dated this 13th day of January, 1868.

HUGH DOYLE, Deputy Assistant Registrar.

JEREMIAH PERRY, Agent to the Bankruptcy, No. 11, Bachelors'-walk, Dublin

CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of Peter Kernan, of Island-bridge Barracks, in the City of Dublin, Vintner and Canteen Keeper, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 4th day of FEBRUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 17th day of January, 1868.

HUGH DOYLE, Deputy Assistant Registrar.

WILLIAM G. BRADLEY, Agent to the Bankruptcy, No. 11, Lower Ormond-quay, Dublin.

LUCIUS H. DEERING, Esq., Official Assignee, No. 33, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of John Shaw and Alexander M'Kenzie Shaw, both of Victoria Chambers, in Victoria-street, Belfast, Wine Merchants, Bankrupts.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 4th day of FEBRUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.

Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupts' Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.

All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.

Dated this 17th day of January, 1868.

HUGH DOYLE, Deputy Assistant-Registrar.

THOMAS LYNCH, Agent to the bankruptcy, No. 6, Gardiner's-place, Dublin.

CHARLES HENRY JAMES, Official Assignee, No. 30, Upper Ormond-quay, Dublin.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, January 18, 1868.*

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// THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

UNDER THE SANCTION OF THE COUNCIL OF THE INCORPORATED LAW SOCIETY.

No. 52.] SATURDAY, JANUARY 25, 1868. {Single Copy, 6d. By Post, 7d.

THE present Number of the IRISH LAW TIMES AND SOLICITORS' JOURNAL completes the first year of its existence; and on reviewing its steady progress during the past twelve months, the Proprietors feel that they have achieved a far greater success, and received even a more substantial meed of support from both branches of the legal profession, than they could at first have reasonably expected. The Proprietors did not resolve on the apparently hazardous step of embarking in the publication of a legal newspaper to be devoted entirely to the interest of the lawyers of Ireland, without serious consideration. They took counsel with many gentlemen who were eminent in their different branches, and who, from long experience, knew perfectly the feelings of the members at large on the subject; and from every side the Proprietors received the same favourable answer. "Certainly, such a paper is required—the legal profession form the most influential body in Ireland—they possess the most intelligence and influence, and, undoubtedly, any paper started to advocate their interests cannot fail to be well supported." Such were the opinions and advice given before its publication; nor have these prognostications, tried by the severe experience of a first year, proved otherwise than true. Therefore the Proprietors feel that they may congratulate themselves on the amount of support they have received, and they owe their best thanks to those to whom they are indebted for that support.

They claim to have, as the phrase is, supplied a want which was long felt, but which no one had hitherto attempted to fill up in so complete a manner. The *Bankrupt Calendar* and the *Jurist* had both expired before the IRISH LAW TIMES made its first appearance; therefore, the field was perfectly clear; but this paper has done far more than merely fill the place formerly occupied by the *Calendar* and the *Jurist*, inasmuch as, in addition to what they contained, it publishes notes of all the important cases in which points of law are decided, supplied by the same gentlemen who report for the *Irish Law Reports*. The list of Court Papers, too, have been drawn up each week with the greatest care; and finally, those matters that most concern the interests of the Profession have been discussed in its columns, in articles furnished by gentlemen thoroughly conversant with the subjects. The different Acts passed during the year received a full investigation, as well as those Bills which it was proposed to introduce.

The repeal of the Certificate Duty has been urged at considerable length in these columns, and we trust Mr. Denman's efforts may be soon successful, as we are certain they must be, if the Profession will only impress on their representatives throughout the country the injustice of the Duty. The amendment of the Civil Bill Acts, and of the County Court practice generally, have been treated of in the fullest manner, and the columns of this paper were thrown open to two gentlemen who very ably discussed the merits of the Record of Title Act. Finally, each subscriber has obtained a complete set of the Public and General Statutes of 30 & 31 Vic., relating to Ireland, and the more important of those relating to the United Kingdom, which cannot fail to be useful to those who desire to be thoroughly posted in the latest changes in the law, and who wish to have these statutes in a convenient form, and easy of reference.

The Proprietors of the IRISH LAW TIMES, therefore, in looking back cannot accuse themselves of having failed to execute their engagements, undertaken at starting; whilst they have made arrangements and alterations in some of the departments of the paper which will enable them to work it with greater energy, and to introduce amendments which their own experience and the suggestions of their friends teach them it requires.

AT length we should seem to be approaching the solution of the long debated, puzzling problem of Bankruptcy Law Reform. So far as one, and that, too, by no means the less important, half of the community is concerned, a thoroughly discussed and well-considered

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measure has been agreed to, and the necessity for its immediate conversion into law, as well for Ireland as for England, is now being earnestly pressed upon the Government. In this movement there are united between forty and fifty Chambers of Commerce, English and Irish, representing all the chief centres of manufacturing industry, mercantile enterprise, and local trade in both countries. And, indeed, this universal activity is not to be wondered at when we remember that it is in relation to matters in which the interests of business men, contradistinguished from those of other sections of the public, are primarily and most intimately involved; while the general unanimity as to the alterations and amendments required may be simply attributed to the fact that men usually understand their own wants, and know their own business best. Moreover, all essays at legislation on this subject hitherto have been for the most part initiated by lawyers. Some of our most able men, eminent both as lawmakers and lawyers, have devoted thought, and propounded theories, and devised plans in order finally to settle the matter—with what success let the fate of Lord Westbury's elaborate Statute be at once a witness and a warning. The truth, we confess, appears to us to be that trade transactions, and their wrongs and remedies, will by the lawyer ever be regarded *ab extra*. It is well that we should also have the opinions and the suggestions of the men practically acquainted with such transactions, and who considers them *ab intra*. It is but fair then that our mercantile friends should now in turn expound their views, and try their hands upon remedial reform.

Some such sentiments appear to be entertained by the Government, for in the letter (which we print to-day) addressed to SIR CHARLES LANYON by the ATTORNEY-GENERAL FOR IRELAND, he promises a Bill for this country immediately after Easter. We rejoice to find that it will be a measure assimilating the law in both countries, and we hope that it may be possible to introduce and pass an enactment of the kind before the end of the present Session.

A General Meeting of the Profession of Attorneys and Solicitors was held in the Solicitors' Hall, Four Courts, last Saturday, for the purpose of adopting an Address to the Queen. The meeting was very largely attended by gentlemen representing every shade of politics, who all agreed in the object before them, viz., to offer an Address of loyalty to the Queen in the present disturbed state of the country, a course which has been adopted frequently in England, but which it remains for the Solicitors to inaugurate in Ireland.

One gentleman, indeed, moved an amendment to the resolution, objecting to what he considered the *quasi* political character of the meeting, but it was sufficiently evident that he had mistaken the true design of the assembly, from the fact that no one seconded his amendment, and from the disavowal that his sentiments met with from those who spoke after him. Mr. Cooper rightly represented the feelings of his brethren when he said, "All shades of political opinion are represented among us, but there is nothing of politics in this."

We agree, indeed, with Mr. Fottrell, that it would have been highly injudicious to have connected the general expression of loyalty uttered by the Profession with the expression of any of the peculiar sentiments of the different political parties in Ireland; but no such intention was held, we are certain, by the gentlemen who were concerned in drawing up the address, or by those who had attended the meeting, which it must be remembered represented the whole body of Solicitors in Ireland. The address appears to us to have been most judiciously worded, and to have completely answered the purposes intended; and we congratulate the legal profession upon having set an example which we are certain other professional bodies throughout the country will be ready to follow.

THE banquet given by the Benchers of the Honourable Society of the King's Inns to the Lord Lieutenant on Thursday evening, is deserving of something more than a mere passing notice. In England, where public bodies are numerous and opulent, complimentary banquets are of every day occurrence, and have come to be regarded as part of the regular institutions of the country. Such, however, is not the case in Ireland; public bodies are few, and seldom flourishing, and not at all likely to agree upon a man, or an occasion worthy of public celebration; and consequently festive demonstrations in honour of eminent personages, are "like angels' visits, few and far between."

In this state of things, the tribute of respect which has just been paid to our Viceroy, must have been gratifying in the highest degree.

The success of the entertainment of Thursday evening, can best be estimated from the fact, that there was not a single vacant seat throughout the length and breadth of the spacious hall; and as for disappointed applicants for tickets, we are told their name was legion. The toast (the only one of the evening), "Her Majesty the Queen," was received with an amount of enthusiasm seldom, if ever before, exhibited, and which was, no doubt, intended to convey to the Marquis of Abercorn an emphatic expression of respect for him as an individual, as well as a trusty representative of Royalty, at a period the most critical in the chequered history of this country. Such assurances of confidence, emanating from a body of men, such as were there assembled—the most enlightened in the community—must have a salutary effect, more especially when it has been found necessary to suspend the Constitution throughout the land. In this, as in every other respect, the result has been highly satisfactory, and creditable to all concerned.

LAST week we called the attention of our readers to meetings held at Coleraine and Magherafelt, for the purpose of agitating for the amendment of the Civil Bill and Sheriffs' Acts. This week another meeting, for the same

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purpose, was held in Belfast, the chief features about all being the unanimity that prevailed amongst the lawyers that spoke on the subject, in the opinion that the law respecting the recovery of small debts does require amendment; and the fact that a number of commercial men attended, and also gave their evidence in favour of an alteration. We publish the report elsewhere. The resolutions passed are in substance much the same as those arrived at in the other meetings, and therefore it is scarcely necessary to enter again into the details of the question. Mr. Dinnen, in a very able speech, explained the objects of the meeting, and discussed at length the amendments desired.

A GENERAL MEETING of the Solicitors' Benevolent Association will be held to-day in the Solicitors' Hall, at two o'clock. We need not say that the objects of this society are worthy of all praise; we trust therefore that success will reward the laudable efforts of those who are endeavouring to collect funds whereby they may be enabled in some measure to alleviate the destitution that so often accompanies and intensifies the pangs of sorrow, which, without the addition of poverty, are already more than many can bear. Many professional brethren are yearly snatched away from amongst us by death, ere they are enabled to make any provision for those dear ones left to lament not only the loss of a husband or an affectionate parent, but to taste the bitter fruits of poverty and destitution. To guard as much as possible against the relatives of deceased professional brethren being reduced to want, the Solicitors' Benevolent Association was formed, and not only this, but every other institution of a kindred nature, should be supported with cheerful liberality. There are great numbers of the profession who cannot attend the meeting to-day, though most willing to be present, from professional engagements. There are, however, other practitioners who reside in the country, and on them we would most seriously wish to impress the necessity of endeavouring to assist in upholding the institution by subscribing liberally to its support.

SEVEN gentlemen were called to the Bar on Monday last, and the Lord Chancellor on that occasion addressing Mr. Rochford, B.A., London University, said that in consequence of his distinguished answering at the late examination he should take precedence over the other gentlemen called. In our publication of the 11th instant we gave in full the names of those gentlemen whose memorials were to be laid before the Benchers on the 18th inst., all of whom were called on Monday, the 20th inst.

CIVIL, CANON, AND COMMON LAW.

WE publish the following comparison of the effect of the civil and common law, on the same cases, from a paper on the Civil, Canon, and Common Law, which appeared in the *University Magazine* for this month. The paper in question is evidently written by one who is master of the subject, though from the small space at his command the heads of the subject only are glanced at, and they not exhaustively treated; it is to be regretted that the writer did not devote an entire article to each branch, Civil, Canon, and Common Law, and thus make a trilogy, each paper individually independent, but all three tending to show the unity of action of the law, and the interdependence of its branches.

By the civil law illegitimate children became legitimate if their parents happened to marry; by the common law they remained bastards and could not become heirs. This principle of the civil law was adopted by the canonists, who struggled but ineffectually to engraft it on the common law. By the civil law, however, bastards could not claim even a maintenance from father or mother; and in that it was more severe against them than the common law.

A slave who had been manumitted, and afterwards had become ungrateful to his former owner, might be reclaimed and captured, but by the common law of England a slave once made free was free for ever.

The civil law both fettered and freed the actions of woman. According to its enactments, a woman could not be a witness to a will—could not be surety for another—could not be tutela or guardian for any but her own children—could not hold any office; but, on the other hand it provided that she might buy and sell independently of any consent of her husband, so that, as a necessary consequence, neither husband nor wife was responsible for the other's debts or contracts. But the common law respected the sanctity of matrimony; and by regarding man and wife as one flesh was more in keeping with the dictates of nature, and the laws of God, and did more towards preserving the security of the social foundation.

In the civil law a marriage might be dissolved through adultery; or if either party lost liberty, which might happen through fraudulent conspiracy to be sold as a slave, for the purpose of sharing the purchase money. It was not an uncommon custom for a freeman to sell himself as a slave, share the purchase money, and claim his liberty, which was not affected by the contract; or liberty might be lost by the law of *diminutio capitis*. A member of a family was degraded for some crime, and as every family was supposed to consist of a certain number of heads, the degradation of a member was therefore the loss of a head—*diminutio capitis*. Marriage, however, by the common law, could only be dissolved in cases of adultery.

The civil law gave the father a right of property in the acquisitions of his son, and it was so in England in the time of Henry I., but it was afterwards altered.

Under the civil law, a tutor or guardian was provided for a minor's person, and a curator for his estate, and such guardianship was intrusted to the next in blood, that is, to the person who, if the orphan died, would inherit the estate. The common law fully appreciated the folly of such an arrangement and the evils to which it would give rise, and stigmatized it by a well known maxim that to hand over the minor to the tender mercies of the next heir-at-law, was, as it were, to intrust a lamb to the wolf to be devoured—" quasi agnum lupo committere ad devorandum."

In the civil law there was no notion of trial by jury, but in the common law courts that mode was adopted, taken beyond question from the Saxon customs.

In civil actions amongst the Saxons, the plaintiff procured the best evidence he could, and if satisfactory the case was decided upon it. In the event of an assertion being made unsupported by testimony on either side, the party making such assertion was put on his oath, and not only so, but had to bring forward a certain number of respectable people to swear as to his character for truthfulness. These were called compurgators. But they had also a custom of choosing twelve strangers in addition to the compurgators to try a case, and these were the same for all ranks, for a royal thane, for a landowner, for a ceorl. They were selected in addition to the twelve compurgators, with this difference, that the compurgators were for the purpose of swearing to the veracity of the person, and the twelve strangers for the purpose of a fair and impartial investigation. The law was thus worded—

"If a king's thane deny a charge, let him take twelve of his kindred and twelve strangers, and if he fail let him pay for his breach of law twelve half marcs. If a landowner deny a charge let as many of his class and *as many strangers* be taken as for a royal thane, and if he fail let him pay six half marcs. If a ceorl, let as many of his class, and as many strangers be taken for him as for the others, and if he fail let him pay twelve oræ for his breach of law."

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NOTES OF CASES.

Specially reported for this Journal by the Reporters of the Council of Law Reporting in Ireland.]

COURT OF APPEAL IN CHANCERY.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

BUTLER *v.* MILLER.

January 15, 16.—*Setting aside Sale—Undervalue.*

This was an appeal from a decree made by the Master of the Rolls, setting aside, with costs, a sale of certain lands made by the petitioner to the respondent, on the grounds of undervalue, and of unfair advantage having been taken of the petitioner by the respondent in the transaction. The question between the parties turned altogether upon the evidence, which was voluminous and complicated.

Sullivan, Q.C., *Lawless*, Q.C., and *E. M. Kelly*, were for the petitioner.

F. W. Walsh, Q.C., and *Carton*, were for the respondent.

The LORD CHANCELLOR gave judgment, upholding the view taken by the Master of the Rolls. The Lord Justice of Appeal dissented. Accordingly the decree below was affirmed, save as to the costs; and the Court being of opinion that groundless charges were made in the petition, and unnecessary matters introduced, each party was left to abide his own costs.

Solicitor for the petitioner, *James Burke*.

Solicitor for the respondent, *W. J. Stuart*.

COURT OF CHANCERY.

Reported by WM. WOODLOCK, Esq., Barrister-at-law.

Re DAUNT, a Lunatic.

January 18.—*Form of Commission.*

Mark S. O'Shaughnessy applied to have the order in this case varied by having the commission sped in Cork instead of in Dublin, on the ground of the illness of the alleged lunatic, who could not, without risk, be removed from the former place, where he resided It was also sought to have the commission directed to both the Commissioners in Lunacy, "or either of them," so as to have it sped before one only.

The LORD CHANCELLOR at first doubted whether he could make the latter branch of the order sought, but it appeared that the ordinary form of commission was as asked for, and that in country cases it was very usual to have the inquiry held before one commissioner only. The order was therefore made.

Solicitor, *R. B. Julian*.

Re HARLEY, a Lunatic; *Ex parte* HARE.

January 18.—*Lunacy—Allowance to Child of Lunatic out of Estate.*

Edward Gibson, on behalf of one of the daughters of the lunatic, applied for such sum of money as the Lord Chancellor should think fit to supply the applicant's pressing necessities. Applicant was a married woman, in a very delicate state of health; her husband had been in the employment of Government, but had lost his situation without any fault of his, and all that they had to live upon was £1 a week, allowed by his parents. The yearly income of lunatic's property was about £179 a year, out of which allowances were made amounting to £125. The applicant had been allowed £36 a year until her marriage.

Shekleton, for the committee of the lunatic, stated that £10 had been offered to the applicant, and that the estate could not afford more.

The LORD CHANCELLOR made an order for payment of £10, the applicant to abide her own costs.

Solicitor for the petitioner, *T. T. Mecredy*.

Solicitor for committee, *George Bernard*.

ROLLS COURT.

Reported by EDWARD S. TREVOR, Esq., Barrister-at-law.

KANE *v.* KANE.

Nov. 6, 12.—*Practice—Subpœna—Contempt—Attachment.*

This was an appeal from an order of Master Brooke, made on the 29th of June, 1867, whereby he ordered that, on service of the order, the respondent, Anne Kane, should attend at eleven o'clock on the 1st of November, 1867, to be examined personally in this matter; and he further ordered that in default of her so doing, an attachment should forthwith issue against her without further order. Anne Kane was administratrix with the will annexed of Thomas Kane, and the petition was filed for the administration of his personal estate, and referred to Master Brooke under the 15th section of the Chancery Regulation Act. The accounts had been taken and vouched, and the Master had made a decretal order on the 12th of November, 1866, which was appealed from, and reversed. On the matter coming again before him, the Master, on the 12th of May, 1867, gave leave to to the petitioner to file a further charage; and directed a witness, of the name of Thomas Flynn, to be examined before him. The charge was filed and the witness examined. On the 19th of June, 1867, the Master made an order that the respondent should attend on the following Saturday (June 22nd), for cross-examination. This order was made in the presence of counsel and solicitor for the respondent. A copy of it, or of the notes of the order was served on the respondent with a subpœna, at foot of which, according to the usual practice in the office, the name and registered residence of the solicitor issuing it was written. The respondent did not attend on the 22nd of June; a medical certificate excusing her non-attendance was produced, and the order appealed from was made on the 29th of June, on notice by the petitioner.

It was contended, on behalf of the respondent, that the Master had not jurisdiction, at that stage of the suit, to order a party who had not filed a discharge, to be examined; that the subpœna did not comply with the 30th General Order of 1843, which requires the names or firm, and registered place of business of the solicitor to be *endorsed* on the subpœna; and that the order was irregular in ordering an attachment to issue against a party who had not been, or adjudged to have been, guilty of any contempt.

The MASTER of the ROLLS refused the motion with costs.

Counsel for the respondents, *Sherlock*, Q.C., and *E. M. Kelly*; solicitor, *Gunning*.

Counsel for the petitioner, *Exham*, Q.C., and *James Murphy*, Q.C.; solicitor, *R. Mecredy*.

COURT OF COMMON PLEAS.

Reported by W. GRIFFIN, Esq., Barrister-at-law.

McGLOIN *v.* BELL.

Pleading—Defence in words of General Issue.

The summons and plaint stated that in consideration of, &c., the defendant promised to pay to the plaintiff a certain account, &c.

Plea that the defendant "did not promise as alleged."

O'Driscoll moved to set the defence aside, and referred

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to *Fitzgibbon* v. *Nagle*, whose plea that the defendant did not promise and undertake, in manner and form as alleged, was set aside as amounting to the general issue. 10 Ir. C.L. Ap. XXXV. Q. B.

Falkiner, Q.C., and *M'Kenna*, in support of the plea. There is no difference between the present plea and the one suggested, that the defendant "did not contract and agree as alleged;" the evidence admissible under either is the same.

The COURT held, that as this plea was a departure from the ordinary form, and the word "promised" might raise some question at the trial as to whether under it any defence would not be open that would have been open under the general issue. The defence should be amended.

Attorney for plaintiff, *Rogers*.
Attorney for defendant, *Little*.

COURT OF BANKRUPTCY AND INSOLVENCY.

Reported by J. LEVY, Esq., Barrister-at-law.

Before JUDGE MILLER.

In re PATRICK HICKIE, an Insolvent.

January, 1868.—*Barrister giving receipt for fees without receiving them, and afterwards suing for them; obtaining a decree, and then opposing the Attorney's discharge as an insolvent; suing on bill in name of party having no interest in the suit—Attorney making affidavit that the debt is due to such party.*

The insolvent, who was an attorney, was opposed by two creditors: Mr. O'Moore, Barrister-at-law, at whose suit Hickie was arrested under a civil bill decree; and Mr. Talty, of the firm of Talty, Murphy, and Company, who cashed a bill for him for £16.

Mr. O'Moore's complaint was that having been counsel for Hickie in a certain cause, he gave Hickie a receipt for the fees, which Hickie subsequently received, but omitted to pay.

Levy appeared for Hickie.

Judge MILLER said he regretted that any member of of the bar should come forward and declare that he signed a receipt for fees which were not in fact paid to him, and thus allow the taxing officer to be deceived. He thought it was highly improper, and if Mr. O'Moore made the statement on oath, he, Judge Miller, would have the evidence taken down and handed to the Benchers for their consideration.

Mr. O'Moore said it was well known that many highly respectable members of the Bar, men who are now judges, did so where there was a fund in court, out of which the attorney should be paid his costs, upon the honourable understanding that when he received the money he would pay the fees; if it were otherwise every attorney in the profession should be possessed of an amount of capital, which, he was sorry to say, many of them could not command. If there was no money in court it would be an improper thing to do, but in the present case the money was in court.

Judge MILLER said he never knew of such a practice to exist, and most certainly if the opposition were gone into, he would have the evidence reported, and laid before the Benchers.

Mr. O'Moore said, after the opinion his Lordship had given, he would not persevere in the opposition.

Dodd stated that Mr. Talty, his client, gave Hickie cash for a bill for £16 7s. Hickie afterwards sued the acceptor for the amount of the bill, in the name of a Mr. Barber, who was no party to it at all, and having recovered the amount, kept the money. In meeting the judgment it was necessary to make an affidavit that the debt was due to Mr. Barber, the plaintiff in the suit; and Hickie actually made the affidavit to enable him to get the money from the defendant. When Talty found how he had been defrauded he sued Hickie on the original bill, which never left his possession, Hickie having merely got a copy of it.

Mr. Talty was examined and sustained the case made by his solicitor. Upon cross-examination he admitted that he knew Hickie was suing in the name of Barber; that he declined to sue in his own name, and that he gave Hickie a sum of £1 6s. to purchase stamps, and mark the judgment. Hickie paid him a debt from which he was discharged under a former insolvent.

Judge MILLER said, as regarded the insolvent, he thought the case a very bad one. Mr. Barber had nothing whatever to do with the bill. Talty refused to make an affidavit that the debt was due to Barber, and then the insolvent made the affidavit himself, recovered the amount of the judgment, and kept it himself. Judge MILLER'S present impression was that he would forward the affidavit made by Hickie to the Attorney-General.

Hickie said he did not think he was doing anything wrong; he looked upon Barber as the trustee of Talty, and it was in that light he made the affidavit; but whether right or wrong, Talty knew everything that was doing as well as himself.

His LORDSHIP adjourned the case.

Solicitor for the insolvent, *Rynd*.
Solicitor for Mr. Talty, *Dodd*.

GENERAL MEETING OF THE PROFESSION OF ATTORNEYS AND SOLICITORS.

On Saturday a meeting of the Profession of Attorneys and Solicitors of Ireland was held in the Solicitors' Hall, Four Courts, for the purpose of adopting an address of loyalty to the Queen.

There were present:—

Matthew Anderson, Edward Love Alma, Arthur Barlow, George Beamish, Ralph R. Brunker, George Bernard, J. Ball, C. Ball, George L. Cathcart, Wm. J. Cooper, Joseph W. Copinger, Thomas Crozier, Thomas R. Crawford, Theodore Cronhelm, Arthur C. Crookshank, Simon Creagh, Graves C. Colles, Robert Courtenay, Lewis Clare, John Cleary, Edward De Moleyns, Henry A. Dillon, Sydenham Davis, Henry Thomas Dix, William D'Alton, Edward D'Alton, Charles H. Dillon, J. C. Davys, Arthur Ellis, Robert Eames, Godfrey Fetherston-H., David Fitzgerald, Thomas Fitzgerald, George D. Fottrell, Stephen R. Fetherston-H., William Fry, Edward Fetherston-H., Edward Greene Foley, William Findlater, William Fitzsimons, Charles Gaussen, Thomas Geoghegan, John F. Goodman, Henry T. Graham, John E. Hughes, John F. Harkan, David Howe, Thomas Hodgens, John T. Hinds, Edward Hartigan, Wm. C. Hogan, George Hazlett, Emor Harte, Thos. Jameson, Richard G. Jones, Wm. M. Jones, Charles Kernan, Matthew Kenny, Patrick J. Kelly, J. B. Kennedy, John P. Kavanagh, Michael Kavanagh, William F. Littledale, Wm. Leech, Henry Mills (solicitor to United States Consul), R. J. T. Macrory, Thomas T. Mecredy, Arthur Molloy, Patrick Maxwell, Jehu Matthews, Thomas Merrick, P. J. Murphy, John M'Mahon, Aquila M'Mahon, John H. Nunn, Sir Richard J. T. Orpen, H. M. Orpen, Arthur Herbert Orpen, John T. O'Dowda, Stephen O'Shaughnessy, A. C. Palles, Charles L. Perrott, Robert Ponclue, Wm. Read, Edward Reeves, Samuel S. Reeves, Richard S. Reeves, Robert Reeves, William Roche, John Ruckley, John Ryan, George William Shannon, William Sullivan, John Swanzy, Robert Sheil, Richard F. Sidney, Edward T. Stapelton, F. G. Tincler, J. Stone, John Thorp, Geo. Wm. Thompson, Samuel Walker, H. J. P. West, Richard C. Walker, John Weldon, John M. Williamson, Benjamin Whitney, B. Lynott, J. W. Quinlan, Alexander D. Kennedy, Daniel O'Callaghan, John Ryan, Esqrs.

On the motion of Mr. Vesey Daly, seconded by Mr. George Beamish,

Sir RICHARD J. T. ORPEN, President of the Law Society, was voted to the chair.

The Secretary, Mr. John H. Goddard, having read the notice convening the meeting,

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The Chairman said :—Gentlemen,—You have heard the notice read on which this very large meeting has been called. It is, therefore, unnecessary for me to enter into details of the object of our assembling here to-day, except to say that the meeting has been formed for the purpose of expressing our detestation of the Fenian conspiracy, which has done, and is at present doing so much mischief and injury to the country, retarding its progress, deteriorating its prosperity, and doing a great deal of harm in every possible way. (Hear, hear.) That is the object of our meeting, and to adopt an address to her Majesty expressive of our condemnation of that dangerous and wicked conspiracy. A form of address has been prepared which the Secretary will read for you, and it will then be proposed for your approval.

Mr. Arthur Barlow moved the first resolution :—

"That an address be adopted expressive of our abhorrence and detestation of Fenianism, and our determination to support in every legitimate way in our power the efforts of her Majesty and her Government to suppress and exterminate this wicked and foolish conspiracy."

He said they all knew what Fenianism meant, and the misery it had brought on the country. He need say no more upon that subject, but simply move the resolution.

Mr. William Roche.—I feel great pleasure in seconding the resolution proposed by my friend, Mr. Barlow, because I feel that the importation of Fenianism into this country has had the effect of paralysing its trade, and has injuriously affected its prosperity to a degree incalculable. It has been the cause of mischief and evil to a vast extent, and has inflicted much misery and injury upon the families of the deluded men who have listened to the advice of those who would lead them into the net—those adventurers who have neither character nor property to lose. (Hear, hear.) And I am persuaded that all here present will gladly aid the authorities by every constitutional means in suppressing this wicked conspiracy and averting the misery it must, if not put down, bring upon the country and the rest of the unfortunate dupes who take part in it (hear, hear); and that we will, with one accord, call upon the authorities to suppress, as I have already said, by every constitutional means, this wicked, foolish, and dangerous organization. (Hear.)

Mr. George D. Fottrell said :—Mr. Chairman,—I beg leave to move an amendment to this resolution. I believe this meeting is altogether unnecessary, and the purpose for which it is assembled entirely foreign to the objects of our society. I conceive we are a non-political body, while we yield to none in loyalty, and, I suppose, our loyalty is unsuspected. I confess I do not like this *quasi* political movement. Of course, I will be bound by the opinion of the meeting, but my feeling is very strong against this protestation of our fealty to the Crown, when it is unquestioned and unimpeached. I would, therefore, move this amendment—

"That the attorneys and solicitors of Ireland, although yielding to none in loyalty to her Majesty, and in abhorrence of any attempt to injure her Crown or dignity, conceive it uncalled for to travel out of their ordinary functions in adopting the course suggested by the notice of the 15th January, signed by the Secretary of the Incorporated Society."

There was no seconder, consequently the amendment fell to the ground.

The original resolution was then put, and carried.

The Secretary then read the following address :—

"*To the Queen's Most Excellent Majesty.*

"The dutiful and loyal address of the Attorneys and Solicitors of Ireland.

"MOST GRACIOUS SOVEREIGN,—

"We, the Attorneys and Solicitors of Ireland, humbly approach your Majesty, to tender to your Majesty the warmest expression of our loyalty and attachment to your Majesty's Throne and person.

"In the exercise and performance of our professional duties and avocations, we have had every opportunity of observing the moral and material condition of our country, and for some years past we had the satisfaction of knowing that, as compared with former years, there was an almost entire absence of agrarian and other kindred crimes, which had injuriously affected a growing prosperity, the natural result of industry and peace.

"We deeply regret to say that the growth of this prosperity has been of late years interrupted by the existence of an organized conspiracy called Fenianism.

"We are, however, happy to be able to state that this wild and insane conspiracy is not universal in this country; that there are many districts in which we believe it does not exist, and that it has had no support or sympathy from the educated, the respectable, or the industrious of our fellow-countrymen. At the same time we believe there is no part of the country that is not, at least indirectly, suffering from its blighting influence.

"We therefore humbly beg to convey to your Majesty the expression of our entire and earnest condemnation of the Fenian conspiracy, and to assure your Majesty of our determination to support your Majesty's Government by every means in our power, in all such constitutional measures as may be deemed most expedient for utterly exterminating this senseless, cruel, and baneful conspiracy.

"We humbly but fervently pray that your Majesty may enjoy a long and prosperous reign, and have the happiness of seeing all your Majesty's subjects in this country loyal, peaceable, and prosperous."

Mr. Reeves—Mr. Chairman, the second resolution has been intrusted to me to move. It is as follows :—

"That the address just read be adopted and signed by the chairman on behalf of the meeting."

I cannot add anything to what Mr. Roche has said on the subject of this treasonable movement. In England numerous towns and corporations have drawn up and forwarded addresses of this nature to her Majesty. I believe we are the first in Ireland, and it is a matter of satisfaction to think that we are the first. (Hear, hear.)

Mr. William J. Cooper.—Mr. Reeves has moved that the address now read be approved of, adopted, and signed by the Chairman on behalf of the meeting. I stand up to second that. It is unnecessary, I am sure, to say anything upon the subject, for this is one of the largest meetings of the profession I have ever seen in this hall, and there is but one voice raised in opposition to the course that has this day been taken. I believe all the gentlemen here are unanimous on the subject, save one. You heard the address read. It was very carefully prepared by those whom the Incorporated Law Society elected to represent them. I cannot for a moment admit that there is anything political in it whatsoever. I cannot stand by and hear it stated that the course we are adopting is a political one. The Fenian conspiracy is a conspiracy against the settlement of property in this country, in the protection of which we are all engaged. (Hear, hear.) It is the principal part of our business to look after the property of clients; and to maintain and uphold, as far as lies in us, the Constitution under which that property is enjoyed, ought not to be considered for a moment as a question of politics. We admit our principles are various: you may be of one opinion and I may be of another. All shades of political opinion are represented amongst us, but there is nothing of politics in this. The conspiracy we are met to express our abhorrence of is an organization against the established settlement of property in this country, aiming at and looking to confiscation and the destruction of life and property. I simply came here to express my detestation of it, and our unanimous resolve to support her Majesty and the Government of the country in dealing with it—exterminating it is, I believe, the best word to use—and employing such measures as they may think advisable to promote the prosperity of the country (hear, hear), and remedying the evil results already brought about by this Fenian conspiracy, which has frightened capital away out of the country, and is making absentees, so that it is impossible Ireland can be prosperous. A great deal has been done in my lifetime to remove disabilities that heretofore existed, and to put everybody on the same footing. I hope we shall continue in the state of progress, to which end it is necessary to put down Fenianism. I have, therefore, great pleasure in seconding the resolution. (Hear, hear.)

The resolution was then put, and carried unanimously.

Mr. Macrory moved Mr. Barlow to the second chair, and moved that the marked thanks of the meeting be given to Sir Richard Orpen for his conduct in the chair. Everyone would rejoice at the well deserved honour recently conferred upon him.

Mr. A. Ellis seconded the motion, and congratulated the meeting on the unanimity which had marked their proceedings.

The motion having been carried unanimously,

Sir Richard Orpen thanked the meeting, and expressed his readiness to do at all times whatever might be deemed useful to the profession.

The proceedings then terminated.

BANQUET OF THE BENCHERS TO THE LORD LIEUTENANT.

The Benchers of the Society of King's Inns entertained his Excellency the Lord Lieutenant at dinner on Thursday evening. Nearly all the Benchers were present, and there were in addition a considerable number of barristers, students, and solicitors. When the bell sounded for dinner, the Lord Lieutenant, accompanied by Lord Claude John Hamilton, M.P. for Londonderry, and Captain Howard, A.D.C., entered the Hall, and, amidst loud cheers, was conducted to his place by the Lord Chancellor and the Hon. Judge Lynch, the senior Benchers for the day, and followed by the Right Hon. Frederick Shaw, Recorder of Dublin; the Right Hon. M. Brady, the Right Hon. the Chief Baron, the Right Hon. Judge Keatinge, the Right Hon. John Hatchell, Master Brooke, the Right Hon. Chief Justice Monahan, the Hon. Judge O'Brien, the Right Hon. Sir J. Napier, Bart.; the Right Hon. the Lord Chief Justice, the Right Hon. Judge Keogh, the Right Hon. Judge Fitzgerald, the Hon. Judge Berwick, Mr. Major, Q.C.; the Right Hon. Baron Deasy, Master Fitzgibbon, the Right Hon. Judge George, the Right Hon. Judge O'Hagan, the Hon. Judge Lynch, Mr. Lefroy, Q.C.; Mr. Rolleston, Q.C.; Mr. Lawson, Q.C.; Mr. Sullivan, Q.C.; Sergeant Armstrong, Dr. Battersby, Q.C.; Dr. Ball, Q.C.; Sergeant Barry, Mr. Clarke, Q.C.; Mr. De Moleyns, Q.C.; Sergeant Sir Colman O'Loghlen, the Right Hon. the Attorney-General, Mr. Sherlock, Q.C.; Mr. Shaw, Q.C.; the Right Hon. the Master of the Rolls, the Right Hon. Judge Morris, the Right Hon. the Vice-Chancellor, the Solicitor General, Mr. O'Hanlon, Under Treasurer; and Mr. Exham, Q.C.

The following Barristers were also present:—

Mr. A. Mayne, LL.B.; Mr. French, Mr. Jordan, Mr. T. Lefroy, Q.C.; Mr. D. Sherlock, Q.C.; Mr. Frederick Falkiner, Q.C.; Mr. W. L. Hackett, Mr. M. Cleary, Mr. Bruce, Mr. Costelloe, Mr. R. Seeds, LL.D.; Mr. M. O'Loughlen, Mr. G. Malley, Mr. Adams, Mr. W. Boyd, LL.D.; Mr. D. Ross, LL.B.; Mr. P. J. M'Kenna, Mr. J. Nash, Mr. Holmes, Mr. A. Houston, LL.D.; Mr. G. Peebles, Mr. G. R. Curran, Mr. G. Keys, Mr. Lane, Q.C.; Mr. C. H. Foot, Mr. G. W. Harris, Mr. E. Popham, Mr. J. Kirby, Mr. M. Moses, Mr. J. P. Hamilton, jun.; Mr. W. French, Mr. D. Lynch, jun.; Mr. F. Nolan, Mr. J. Jackson, Mr. Stephen Curtis, Mr. C. E. Stewart, Mr. S. M. Greer, Mr. G. Felson, Mr. W. D. Boston, Mr. E. L. Litton, Mr. C. Gaussen, Mr. W. Napier, Dr. Todd, Q.C.; Mr. J. F. Errington, Mr. J. Adair, Mr. John Norwood, A.M.; Mr. Murray, Mr. Faloon, Mr. MacBlain, LL.D.; Mr. A. Lane, LL.B.; the Recorder of Londonderry.

The following Solicitors were present:—

Sir Richard J. T. Orpen (President of the Incorporated Law Society), Mr. Arthur Barlow (Vice-president), Mr. Edward Reeves (Vice-President), Mr. William Roche, Mr. George Beamish, Mr. Robert G. T. Macrory, Mr. Graves C. Collis, Mr. Henry T. Dix, Mr. William Findlater, Mr. Vesey Daly, Mr. Arthur Molloy, Mr. David Fitzgerald, Mr. Henry A. Dillon, Mr. John M. Williamson, Mr. Edward T. Sapleton, Mr. Henry J. P. West, Mr. Edward G. Foley, Mr. Edward L. Alma, Mr. William G. Cooper, Mr. Arthur Ellis, Mr. Sydenham Davis, Mr. Thomas Geoghegan, Mr. Thomas Crozier, Mr. P. J. Kelly, Mr. W. Stuart, Mr. J. H. Neilson, Mr. H. Watson, Mr. W. W. Dwyer, Mr. M. K. Cullen, Mr. R. Eames, Mr. G. Hayle, Mr. G. R. Gunning, Mr. A. E. Ennis, Mr. C. Fitzgerald, jun., Mr. H. C. Neilson, Mr. W. P. M'Evoy, Mr. R. Ponclue.

After dinner, when grace had been said,

The Lord Chancellor, who presided, rose, and said:—May it please your Excellency, my Lords, and Gentlemen, I have the honour to propose the only toast which, according to ancient usage, is proposed in this hall, "The health of her gracious Majesty the Queen." (Applause.) I ask you to drink it with all the honours.

The toast was received in the most enthusiastic manner, and for several minutes the cheers rang through the hall.

Shortly after nine o'clock his Excellency withdrew.

The arrangements for the dinner were carried out in a style never before equalled in the Bencher's Hall, and its success was due in a great measure to Messrs. De Moleyns, Q.C., and Shaw, Q.C., who took charge of the proceedings, and were assisted by Mr. D. O'Hanlon.

IRISH BANKRUPTCY LAW REFROM.

The President of the Belfast Chamber of Commerce, Sir Edward Coey, D.L., has received the following important letters on the subject of a Bill to amend the Irish Bankrupt Laws, which he has requested us to publish:—

"BELFAST, 22*d Jan.*, 1868.

"My dear Sir Edward,—I had a very satisfactory conference with the Attorney-General last week, on the subject of the memorial from the Chamber of Commerce in reference to an amendment of the Bankrupt Laws for Ireland. He has since written to me on the subject. I enclose you his letter, which I think promises as much as we could expect.—Yours, faithfully,

"CHARLES LANYON."

"CHIEF SECRETARY'S OFFICE,
"DUBLIN CASTLE, 18*th Jan.*, 1868.

"Dear Sir Charles,—I have read the memorial of the Belfast Chamber of Commerce which you handed me yesterday. I concur in the opinion that the law of Bankruptcy in Ireland requires amendment, and that it is desirable to assimilate the law upon the subject in England and Ireland. Until the English Bill shall have made some progress, it would not be useful to commence any Irish legislatation, but I propose, in case the English Bill shall have made fair progress at Easter, to place the Bill in the hands of our Irish draftsman to prepare a similar Bill for Ireland, *mutatis mutandis*.—Faithfully yours,

"ROBERT R. WARREN."

AMENDMENT OF CIVIL BILL AND SHERIFFS' ACTS.

PUBLIC MEETING IN THE TOWN HALL, BELFAST.

On Thursday, in pursuance of a requisition addressed to the Mayor by a large number of the inhabitants, a meeting was held in the Town Hall for the purpose of considering the present Civil Bill and Sheriffs' Acts, with a view to their amendment. The attendance was large. The Mayor, (Samuel M'Causland, Esq.) presided. There were also present:— Samuel Gelston, J.P.; J. M. Higginson, J.P.; John Dinnen, Peter Keegan, J.P.; Alderman R. Lindsay, J.P.; J. B. Kennedy, Alderman William Bell, Lucas Waring, James Boyle, D. O'Rorke Dickie, James M'Lean, jun., William M'Combe, James Harper, Peter Macaulay, J. K. M'Causland, Thomas Corbett, James Robie, Joseph G. Bigger, John Dysart, William Woods, William Dobbin, John Gass, Thomas Shaw, and William Ireland.

Mr. John Dinnen said—In the absence of Mr. O'Rorke, who was in Dublin, and the other senior members practising at Quarter Sessions, he had been unexpectedly called upon to open the proceedings, which he would do by reading the first resolution, as follows:—

"That we consider the laws for the recovery of smail debts in Ireland are defective and unsatisfactory, and requires immediate remedy and amendment."

This resolution was so explicit in its terms that they could not fail to understand it, and therefore little argument would be required from him to explain its meaning. He would point out a few of the alterations suggested, and which, he thought, it would be desirable for the commercial community to have carried out. He might mention that the Incorporated Law Society had taken the matter up, and came to certain resolutions recommending changes in the law; and so far as he was concerned he heartily adopted the course they had pursued. He might also mention that the Attorney-General was anxious for an amendment of the law, but before making any change he wished to ascertain public opinion on the subject, and if public opinion should be in favour of an amendment of the law he would at once bring in a public measure in order to have a remedy applied. He would first refer to the jurisdiction of the county courts. Parties had the privilege of proceeding to the amount of £10, but

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they were limited to certain causes of action. It had been considered judicious by gentlemen who had given this matter a great deal of attention that other actions should be embraced in the jurisdiction, so that parties should not be put to the heavy expense of having small matters investigated in the superior courts. It was proposed that partnership accounts should be investigated to a certain amount in the county courts, that the chairman should have jurisdiction up to £50 instead of only to £40 in ordinary debt cases as at present, and also to actions for slander, libel, and breach of promise of marriage, should be put within the jurisdiction of the chairman, where the damages sought did not exceed £40. He was of opinion with many of his brethren, that a creditor should be held entitled to reserve interest on his money for the period intervening between granting of the decree and its execution—hence it was proposed that five per cent. should be charged till the amount was paid. Under the present law the sheriff had two months to make a return to a decree put into his hands, but there was no penalty for not making the return. The return may be made or some evasive reply given, the creditor being unable to find out what in reality had been done with the decree. Mr. Dinnen concluded by urging the importance of the amendments suggested.

Mr. James Harper seconded this motion, which was adopted.

Alderman Robert Lindsay, J.P., proposed the next resolution, as follows:—Resolved—"That the Act 27th and 28th Victoria, chapter 99, commonly called the 'Sheriffs' Act,' instead of facilitating, had rendered the recovery of small debts in Ireland still more difficult, and ought to be amended, by enabling the plaintiff, at his discretion, to nominate and appoint his own bailiffs for the execution of decrees, at his own peril, such bailiffs to be authorized and empowered by the chairman or sheriff of the county, as the legislature may decide."

Mr. Gelston, J.P., seconded the resolution.

Mr. J. K. M'Causland said before they took action in this matter they should see whether it was the law or only the administration of it that was wrong. He believed there were other reasons for the non-execution of decrees than those referred to by previous speakers. Their real reason, he believed, was that they were put into the hands of a careless and drunken class of men who were quite careless whether they got the money or not. The remuneration paid to bailiffs was 2s. 6d. per day for the time they are employed, and he did not think they could get a proper class of men to do the work for that fee. He had prepared a resolution on the subject which he would read to them, but he would not press it as an amendment. The resolution was as follows:—"That in order to facilitate the recovery of small debts in Ireland by the prompt execution of civil bill decrees, it is advisable to amend the Act 27th and 28th Victoria, chapter 99, by enacting that the sub-sheriff shall be placed on a permanent staff of the county in the same manner as the clerks of the crown, peace, &c., and that the sub-sheriff be enabled to pay to the bailiffs an annual salary in addition to certain legal fees, and that the said bailiffs be required to give security for the due fulfilment of their duties."

The Mayor then put the original motion to the meeting, and it was carried unanimously.

Alderman Bell moved—"That the power of a judge to issue a fiat against an absconding debtor, on proper affidavit and writ issued, should be extended to a magistrate, acting upon a like affidavit, when the debt is over the sum of £10, and attachment against the goods when under that sum."

Mr. James Robie, Inspector of Stubb's mercantile offices for Ireland and Scotland, seconded the motion.

The motion was agreed to.

Mr. Wm. Dobbin moved and Mr. Bigger seconded the motion—"That the jurisdiction of the chairman of the quarter sessions ought to be extended to £50 in all actions for debt; and that decrees should bear interest of five per cent. from the date of issue till the time of payment; and that everything seizable under a writ of execution ought to be seizable under a civil bill decree; and that in all undefended cases at quarter sessions, decrees may be granted by filing with the clerk of the peace, or registrar, an affidavit of the debt made before a magistrate, commissioner of affidavits, or the clerk of the peace."

On the motion of Mr. John Dysart, seconded by Mr. Wm. M'Neill, it was resolved—"That the chairman of quarter sessions be requested by a deputation, comprising the professional gentlemen practising at the court, Mr. Peter Keegan, and Alderman Lindsay, to fix cases for a certain day, to prevent individual inconvenience; and further, that his worship be requested to direct the issue of the decrees at the termination of the sessions."

On the motion of Mr. Higginson, J.P., seconded by Mr. Harper, solicitor, it was agreed—"That a petition be forwarded to the Lord Lieutenant, praying his Excellency to cause the law officers of the crown to introduce a bill into Parliament for the remedy and amendment of the existing defects in the civil bill acts, and embodying the foregoing resolutions."

Mr. Harper supported the motion in a speech containing many instances of the necessity of the reform proposed.

The resolution was passed unanimously.

On the motion of Mr. T. H. Brown, seconded by Mr. J. B. Kennedy, the Mayor left the chair, and Mr. Higginson was called thereto.

A cordial vote of thanks was then passed to the Mayor, on the motion of Mr. Brown, seconded by Mr. Samuel Andrews.

This closed the proceedings.

APPOINTMENTS.

COURT OF CHANCERY.—The Lord Chancellor has appointed Mr. Mapleson, solicitor, of Spalding, in Lincolnshire, a Commissioner Extraordinary for taking affidavits for the Court of Chancery in Ireland.

The Lord Chancellor has appointed Mr. Thomas Wright, solicitor, of Carlisle, a Commissioner Extraordinary for taking affidavits for the Court of Chancery in Ireland.

QUEEN'S BENCH.—Mr. Fairbrother has been appointed a Commissioner for taking affidavits at Mitchelstown for the Superior Courts of Common Law.

COMMON PLEAS.—The Lord Chief Justice of the Common Pleas has appointed J. G. MacCarthy and Richard K. Exham, Esqrs., solicitors, to be Commissioners for taking the acknowledgments of deeds by married women, for the county of the city of Cork.

NORTH EAST CIRCUIT.—The Attorney-General has appointed W. H. Kisbey, Esq., Barrister-at-law, to be one of the Supernumerary Crown Counsel for the county of Louth and for the county of the town of Drogheda, in place of W. Gernon, Esq., resigned.

SESSIONAL CROWN SOLICITOR.—The Attorney-General has appointed Mr. Aquilla M'Mahon to be Sessional Crown Solicitor for the county of Wicklow, in room of Mr. Wm. F. Rogers, resigned.

DEPUTY-LIEUTENANTS.—His Excellency the Lord Lieutenant has been pleased to appoint Walter Trevor Stannus, Esq., of Manor House, Lisburn, and Sir Edward Coey, of Merville, Deputy Lieutenants for the county of Antrim.

THE MAGISTRACY.—The Lord Chancellor has appointed the Right Hon. William Carroll, Lord Mayor, to be a Justice of the Peace for the County of Dublin, upon the recommendation of the Right Hon. the Earl of Howth, Lieutenant of that county.

VICE-CHANCELLORSHIP OF DUBLIN UNIVERSITY.—The Right Hon. Sir Joseph Napier, Bart., having been re-appointed by Lord Cairns to the office of Vice-Chancellor of the University of Dublin, was re-sworn before the Lord Chancellor, at his residence in Merrion-square.

LORD JUSTICE ROLT.—From recent inquiries we are glad to learn that the health of this learned Judge is progressing favourably.—*Daily News.*

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CORRESPONDENCE.

Final Examination of Attorneys' Apprentices.

To THE EDITOR OF THE IRISH LAW TIMES.

SIR,

By addressing a line to X, care of the Publishers of the IRISH LAW TIMES, your correspondent, "A Subscriber," whose letter appeared on the 11th instant, will hear of a gentleman who will undertake to prepare Attorneys' Apprentices for the examination above-mentioned.

Your obedient servant,
X.

ENGLAND.

NATURALIZATION.

At the weekly meeting of the Jurisprudence Department of the Society for the Promotion of Social Science, a paper was read by Mr. John Westlake, "On Naturalization and Expatriation, or a Change of Nationality." After a discussion, in which Mr. Moseley, Mr. V. Harcourt, and Mr. C. Anstey joined,

The Chairman, the Right Hon. Sir ROBERT PHILLIMORE, D.C.L., Dean of Arches, &c., said:—A subject so impoctant must sooner or later be pressed upon the attention of our Government and the Government of the United States, and probably must be pressed upon the attention of every civilized Government. If I entered the room with a strong conviction of the necessity for some definite change, and of the difficulty of effecting it, both these convictions are strengthened. The matter requires most ample discussion, and is to be viewed from many different positions, I entirely agree that the true international law is that when a foreigner enters the dominions of another State he is in all respects to be amenable to the laws of that State. But the real difficulty is to say when one of our subjects definitely leaves us, for no one can say that a person travelling abroad for his pleasure has definitely left the country. Such a person ought to travel with the protection of his own country, but that does not extend, of course, to his violation of the municipal law of the foreign country at all. But he should not be placed in a worse position than the citizen of the foreign country guilty of a similar offence; he should have fair play. I should be sorry to countenance the idea that when a citizen left England he ceased to have any care over him, or that he ceased to have any claim upon the State. I think that the domicile itself would not be a discreet or sufficient test of the expatriation of a person, for many circumstances may occur to protract it, constraining him to remain abroad. Though the domicile might be an element, it could not be the only criterion of expatriation. (Hear, hear.) The rule of law to be introduced must be one on which the two States—the one he left and the one to which he has gone—must agree. Very early during the civil war in America was forced upon our attention the absolute necessity of coming to some definite resolution that should be adhered to as to the circumstances in which the British Government should extend protection to British subjects in America, or refuse it; and we were all agreed that it could not be demanded as a matter of right by a subject of Great Britain, who had by his own acts incorporated himself in America by domicile, by the purchase of land, or by the establishment of a manufactory; or had exercised the privilege of voting, or taken the steps necessary to make himself a citizen of the United States. We thought we had a right to say that he had made his option, and never would have called upon us for assistance if circumstances did not make it convenient for him to do so, meaning all the time to remain in America when the war was over, and only desiring to evade the duties of a citizen of the country to which he belonged. The American Government seemed to acquiesce in that opinion, and declared that every British subject who had entered the American States, but had not formally become a citizen, should have the option to remain or not remain in the country. With regard to the competence of a country to punish for a crime committed against it in another country, I am inclined to agree with Mr. Harcourt. It is a monstrous thing that any technical rule of venue should prevent justice being done and criminals being properly tried for an offence, committed in this country perhaps, but the execution of which was concocted in another; but I am not prepared to say if the criminal, being a foreigner, was accused of a crime against a third State, that this country ought to administer criminal justice in regard to him. That, I think, would be stretching the doctrine much further than would be desired. Another absurdity is, that if a civil injury be done abroad to an English subject by a foreigner he may recover damages here for an act done, for instance, in Naples, because the action is civil and not criminal. I don't see why any crime committed against an English subject abroad should not be tried in this country, if the criminal be in this country. Where a conspiracy is formed abroad against this country, the conspirator, if a British subject, ought to be tried here; and if he be a foreigner, I don't see why he should find refuge in the State he tried to injure. It would be stretching the law of hospitality very far to say that he should not be punished in this country.

The discussion was then adjourned to Monday, the 27th inst.

LOCAL CIVIL COURTS.—A Parliamentary return gives an account of 30 English local courts of civil jurisdiction, and shows that their salaries and expenses amounted to £13,508 in the financial year 1865-6. The expenditure of the Sheriffs' Court of the City of London is returned as £5,040, wholly paid out of fees of court; the judge's salary £900, and the registrar's £500. The Lord Mayor's Court (of London) was maintained at a cost of £3,165, without including any part of the salaries of the Recorder and Common Serjeant, who sit as judges. The fees of this court are paid to the Corporation, and the Corporation provides the funds for the expenditure. It is stated that if a deputy other than the Common Serjeant sits for the Recorder such deputy judge in every case of assessment of compensation for property taken by railway companies, &c., takes from the railway company a fee of 20 guineas; these fees amounted to £147 in the year 1865-6. In the Liverpool Court of Passage also the court fees are paid to the borough fund, and the expense of maintaining the court is paid out of that fund; the expenses amounted to £1,200 in the year, including the assessor's salary of £500. The expenses of the Manchester Court of Record for the trial of civil actions was £1,706 in the year, which was paid out of fees; the salary of the recorder and judge is £300. The fees received at the Salford (hundred) Court of Record in the year amounted to £1,130; the expenses, £476, were first paid, and the balance of £654 was divided into three parts—one for the steward of the hundred, one for the judge, and one for the registrar and deputy steward. Among the minor courts are the Provost Court of Exeter, the "Peculiar Court of the Honour of Knaresborough," the Chancellor's Court Oxford, the Southwark Court of Record, the Ramsey Court of Pleas, created by grant of Henry VIII., and various manor courts.

THE JAMAICA COURTS-MARTIAL.—Mr. J. S. Williams, barrister-at-law and Judge-Advocate, who generously volunteered, without expectation of remuneration (as those accused were not in circumstances to meet the heavy outlay) to defend the officers of the army against whom serious charges were preferred for acts alleged to have been done by them during the rebellion of October, 1865, has had his efficient services recognized by the War-office. A present of 700 guineas has been made him. We may remark that we believe it is the practice of the War-office to pay the legal bill when officers charged with serious crimes before a court-martial are acquitted. In this instance Mr. Williams generously refused to make out a bill, and it being left to the War-office what, if anything, should be awarded, the above amount was sent him. The following correspondence on the subject has passed between his Excellency the Major-General commanding and the Judge-Advocate:—"Head-quarters, Jamaica, Nov. 27, 1867.—My dear sir, —I feel more than ordinary pleasure in transmitting for your information copy of a letter from the Secretary of State for War, and at the same time take

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leave to express the sincere sentiments of my esteem for the personal services so generously and ably afforded by you as counsel in the trials by court-martial of the officers in question.—Believe me to remain, my dear sir, yours very faithfully, L. SMYTH O'CONNER, Major-General Commanding the Forces. Joseph Stone Williams, Esq., Advocate-General."—"War-office, 29th October, 1867. Sir,—With reference to your letters of the 4th July and and 16th August last, I am directed by the Secretary of State for War to acquaint you that he has approved of the sum of 700 guineas (case of Ensign Cullen, £315; case of Staff Assistant-Surgeon Morris, £420), being allowed to Mr. Advocate-General Williams, for acting as counsel in the trials by court-martial of Ensign Cullen, 1st West India Regiment, and Staff Assistant-Surgeon Morris, and that the same may be paid by the military accountant at the station under your command, and charged in his accounts. I have, &c., (signed) Edward Lugard. The General Officer, Commanding the Troops, Jamaica. True copy. T. E. O'CONNOR, A.M.S."

NOTES OF ENGLISH DECISIONS.

From *The Law Times*.

REFERENCE—MASTER'S TAXATION.—An action consisting of several cross claims was referred to an arbitrator, who awarded some of the matters in dispute in favour of the plaintiff, but adjudged him on the whole to pay £40 to the defendant. As by the submission the costs of the cause and the reference were to abide the event, the master on taxation decided that the costs of the reference as well as of the cause must be paid by plaintiff. But on application to the court he was ordered to review his taxation, there being no such event of the reference in favour of the plaintiff as to exempt him from payment of the defendant's share of the reference: (*Dunhill* v. *Moore*, 17 L. T. Rep. N. S. 148. C. P.)

LEGACIES—INTEREST.—On the marriage of Mrs. L. with her third husband a settlement was executed whereby her property comprised in the first schedule was made subject to certain trusts, and that comprised in the second schedule was settled, as to two-thirds, subject to her appointment by deed or will. This latter property had come to her through her first husband, who had derived it from his father, whose estate was the subject of litigation from 1833 to 1863, when the rights of the parties were finally determined. Mrs. L. died in 1844, and by her will in execution of the power under her settlement, appointed the property in the second schedule to L., her husband, upon trust that "so soon as proceedings in law and equity should be terminated and the same should come into possession, he should pay, assign, transfer, and set over certain sums of stock according to four appointments by deed which she had previously executed: (2) to pay to each of her brothers and sisters the sum of £2,000:" Held, that the direction was not the general one to pay a legacy, but was a direction by way of trust to distribute a trust-fund upon a particular event occurring, which event did not take place until the final decision in 1863; and consequently that interest upon the legacies did not become payable until that date: (*Lord* v. *Lord*, 17 L. T. Rep. N. S. 105. L. J. J.)

NUISANCE.—Where a well is supplied with water by percolation, though the owner has no property in the water until it is collected in his well, the occupier of an adjoining property will be restrained from so using a cesspool therein as to pollute the water coming through his property and supplying the well: (*Womersley* v. *Church*, 17 L. T. Rep. N. S. 190. M. R.)

POWER OF APPOINTMENT.—The testator left property upon trust for such person as A. after twenty-five, and not before, should by deed or will appoint, and in default of such appointment, in trust for her children. A. married when twenty-three, and by her marriage-settlement covenanted that, in the event of attaining twenty-five she would exercise the power by appointing to the trusts of the settlement. A. died after attaining twenty-five, but without having executed any appointment: Held, that the covenant in the settlement operated as a valid execution of the power: (*Johnson* v. *Touchet*, 17 L. T. Rep. N. S. 191. V. C. S.)

NUISANCE—BRICK-BURNING.—A nuisance against which this court will grant an injunction must be a material injury to property, or to the comfort of the existence of those who dwell in the neighbourhood. The defendant having taken lands adjoining the residence, lake, and grounds of the plaintiff, made preparations for burning bricks upon them. He commenced burning one clamp at a distance of 1,447 feet from the plaintiff's house, and 422 feet from the lake, upon the margin of which lake was a cottage occupied by a person in the plaintiff's employment. The plaintiff obtained an *ex parte* injunction, upon which the fire was at once extinguished, and nothing further was ever done, though it was admittedly the defendant's intention to burn bricks. Held (reversing the decision of Stuart, V.C.), that the actual facts did not amount to a nuisance; and that as to future injury there was not sufficient, having regard to the proximity of the clamp, nor to the estimated degree of damage, nor upon the circumstances generally, to warrant this injunction of the court. There is nothing to compel the court to take judicial notice that a brick-clamp at a distance of 140 yards from another person's property is a nuisance, and each case must depend upon its own circumstances. Observations generally upon prospective injunctions. *Semble*, that in such cases the recovery of a verdict at law does not necessarily entitle the plaintiff to an injunction; but the fact that there is legally and technically a nuisance must be considered, together with the amount of damage, and the duration of the nuisance complained of: (*Luscombe* v. *Steer*, 17 L. T. Rep. N. S. 229. Rolt, L.J.)

NOTICE TO QUIT—MORTGAGE.—A notice to quit was signed by mortgagee after mortgage of the reversion. A clause in the mortgage deed provided that, if the interest was duly paid by the mortgagor, the principal was not to be called in until a period after the date of the notice. The notice given by the mortgagees was held to be sufficient: (*Burton* v. *Dickenson*, 17 L. T. Rep. N. S. 264. Blackburn, J.)

WHAT IS A MINE?—WILL.—B. bequeathed to his wife all "shares in mines" of which he should die possessed. At the date of both will and death he had shares in a slate company, but none in mines. The slate mine was by the company worked at first in open shafts, but for some years by underground mining. Slate works are rated to the poor-rates, but mines are not. These slate works were held to come under the definition of a mine, and the shares to pass by the will: (*Duchess Dowager of Cleveland* v. *Meyrick*, 17 L. T. Rep. N. S. 238. V. C. M.)

PRACTICE.—The liquidators under a voluntary winding-up sued B. at law, but failed, and B. having obtained an order for costs proceeded to levy them. The liquidators obtained an injunction *ex parte* to restrain the levy, on the ground that under sect. 163 costs cannot be recovered against them. But the Court held that this section was modified by sect. 87, which empowers the Court to prescribe terms in which proceedings shall be taken, and that this being in fact an action by the creditors the defendant was entitled to recover his costs: (*Re Lerick* 17 L. T. Rep. N. S. 237. V. C. S.)

LIBEL—PAYMENT INTO COURT—DAMAGES.—To an action for libel in a newspaper, the defendant pleaded under the 6 & 7 Vict., c. 96, s. 2, that the publication of the libel was without actual malice and without gross negligence, the insertion of a full apology and payment into court of £5 as amends. The judge at the trial directed the jury if they did not think the plea proved, to assess the damages irrespectively of the amount paid into court. They found for the plaintiff, with 20s. damages; and the direction to the jury was held to be right: (*Jones* v. *Mackie*, 17 L. T. Rep. N. S. 151. Ex.)

ALIMONY PENDENTE LITE.—On a petition by the wife for judicial separation, the court refused to allot alimony *pendente lite*, she being at the time in service, and having, in addition to her board, £14 a year wages: (*George* v. *George*, 17 L. T. Rep. N. S. 152. Div. & Mat.)

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French Newspapers and the "Corps Legislatif."—Not fewer than nineteen advocates of the Paris Bar, and among them M. Berryer, M. Jules Favre, M. Tenard, and others of the foremost rank, have signed a consultation on the subject of the prosecutions instituted against the majority of the Paris newspapers, for having in their comments on the discussions of the Corps Legislatif transgressed the decree which forbids any other account of the proceedings in the Legislature than that furnished officially to the journals. The conclusion of the lawyers is that the decree in question can only be considered violated when "a writer has placed himself in textual contradiction to the official report;" that newspapers which reproduce the official report ought to be completely free as to the manner in which they comment on or relate what has taken place in the Corps Legislatif; that, nevertheless, the right of discussing a debate is not legally subjected to the publication of the official report of it; and that a newspaper article cannot be considered as having the character of a report unless it takes a form which assimilates it more or less to the minute of the sitting. If these conditions be not admitted, the advocates add, the right of discussion cannot be said to exist; all reflections, even the most legitimate, on contemporary events, will be proscribed; the country will be obliged to assist, mute and impassable, at the most exciting debates, and at the discussion of its dearest interests; and the influence of the nation on the Chamber, and of the Chamber on the nation, will be subjected to the arbitrary power of the Government, which can make noise or silence as it pleases. And all this, they declare, will be contrary to the dignity of the national representatives and to the fundamental principles of public law.—*Paris Correspondent of the Globe.*

A Policeman Fined for Voting at a Municipal Election.—At Derby, on Monday, Mr. Thomas Adair, a defeated candidate at the last Becket Ward municipal election at Derby, brought an action against Wm. Hill, one of the inspectors of the Derby borough police, for having voted. The judge ordered the defendant to pay a fine of £10, but without costs. Eleven other policemen voted at the same time and place, but it was understood they would not be proceeded against, plaintiff only wishing to show that the police have no right to vote.

The Cork Police.—The *Northern Whig* has been informed that the police system of the city of Cork is about to be reconstructed on the model of the present Belfast police force.

Liability of Presidents of Military Messes.—A case has been decided lately at Dundalk in which the law relating to the liability of military messes was distinctly declared. A bread contractor brought an action against the mess of the 10th Hussars for bread supplied to the messman for use of the mess. The magistrate read the 41st of the Queen's Regulations, which enacted that the mess were not liable for debts contracted by their servants; but the regulation also declares it to be the duty of the president of the mess to inform the tradesmen of the state of the law.

Lord Brougham.—Deplorable accounts have been received at Paris from Cannes respecting Lord Brougham. He is represented to have lost the power of speech; he can only feebly articulate, and he has been deprived of the use of his limbs. At the same time, his fine robust intellect survives his physical ruin, save at rare intervals, when it is manifest that his mind is wandering. The noble and learned lord was born on the 19th of September, 1778, just two years after the Declaration of American Independence.

Irishmen in England.—The Wellington of the police, before whom the English Inspector Whittle shakes in his shoes, is an Irishman; the active head of the Admiralty and the Secretary of War the same; three judges of the superior courts of law are Irishmen; more than half the leading barristers are Irishmen; the eminent lawyer presiding at the Court of Appeal in Chancery is an Irishman; four, at least, of our best living generals are Irishmen; and the leading lawyer in the House of Lords is of the same country.

LAW STUDENTS' JOURNAL.

THE SOCIETY OF THE ATTORNEYS AND SOLICITORS OF IRELAND.

The following is a Copy of the Examination Paper given on the first day of the Preliminary Examinations for Apprentices to Attorneys, held on the 9th and 10th January, 1868.

History.

1. When did St. Dunstan flourish, and for what was he remarkable?
2. What was the origin, and state accurately the nature of "Domesday Book?"
3. When were representatives of counties and of towns first summoned to Parliament?
4. Mention the occasions on which the direct succession to the Crown was interrupted during the Plantagenet dynasty, and the title set up by the successor on each occasion?
5. What was the origin of the Wars of the Roses, and what were some of their effects upon society in England?
6. Give a brief account of the career of Cardinal Wolsey?
7. What was the duration of "The Long Parliament?" Name the most remarkable members of it, and mention some of the principal measures passed by it?
8. Write a brief account of Cromwell's victories in Ireland.
9. Give some account of the Scotch insurrections in 1715 and 1745.
10. When and how did England acquire possession of Canada, Gibraltar, and Bombay?
11. Mention, with their dates, some of the principal events in the Peninsular War.
12. State what you know respecting the following:—
"The Rye House Plot."
"The Petition of Right."
"The Act of Supremacy."

Geography.

1. Explain the terms "Estuary," "Meridian," "Declination."
2. What is the greatest longitude that a place can have? What the greatest latitude?
3. What would be our latitude if our zenith were 45° from the celestial equator?
4. What is the origin of the division of a circle into 360 degrees?
5. Describe the course of the "*Gulf Stream.*"
6. Three peninsulars form the south of Europe, and three the south of Asia—name them, with the seas which border on, and the northern boundaries of each.
7. What are the principal possessions of Great Britain in America?
8. Describe the course of the Mississippi, and name its principal tributaries.
9. Name the counties of England and Wales on the west coast, and the principal towns of each.
10. To what counties do the following belong?—Malvern Hills, Lichfield, Oakham, Macclesfield, St. Bees, Urris Head, Killala Bay.
11. Where are Cape Comorin; the Rivers Makenzie, Petchora; the Hartz Mountains, Ancona, Nankin, Grenoble, Beyrout?

Arithmetic.

1. Express the result of the following:—
£2 11s. 5¼d. × 156.
£9846 13s. 4d. ÷ 5275.
2. What is the price of 277 cwt. 2 qrs. 23 lbs. at £3 8s. 3d. per cwt.?
3. What is the rent of 311a. 2r. 26p. at £1 2s. 9d. per acre?
4. If the rent of 5 acres be £4 13s. 4d., what will be the rent of 75a. 2r. 10p. at the same rate?
5. What is the interest of £943 1s. 8d. from 1st May to 21st October, at 5½ per cent.?
6. If the rent of a farm containing 26a. 2r. 23p. be £50 8s. 9d., what would be the rent of a farm containing 17a. 3r. 2p. if the rent of 6 acres of the latter be the same as 7 acres of the former?

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BOOK-KEEPING.

1. What check upon the accuracy of the postings does the system of double entry afford?

2. On which side of the cash account must the balance always fall, and why?

3. What is a "trial balance?" What a "balance sheet?"

4. What entry is made in the journal when goods are bought of a debtor for a debt due, their value being more than the debt, and the overplus is paid in cash?

5. Open a cash account. Enter the following transactions, and balance the account:—

	£	s.	d.
January 1st—I have in ready money,	346	8	4
" " Goods, - -	850	10	0
" *2nd*—Amount of sales for cash,	32	0	4
" " Paid William Smith's bill,	276	5	6
" " House rent and taxes, -	63	10	0
" *3rd*—Bought goods from Charles Brown, for cash, -	95	8	0
" " Sales for cash, - -	143	9	6
" *4th*—Paid John Smith's account,	85	4	0
" " Paid for goods, -	100	0	0
" " Recd. from John Brown,	15	9	8

(In our next number we shall publish the questions set at the final Examination.)

THE COURTS AND COURT PAPERS.

THE CIRCUITS.

The Judges were engaged on Saturday last making arrangements for the ensuing spring circuits. The North-east Circuit will be the first to leave town, and will open at Drogheda on Monday, the 17th of February. The Leinster Circuit will be the latest in going out.

HOME CIRCUIT.—The Lord Chief Justice and Chief Justice Monahan.

LEINSTER CIRCUIT.—The Lord Chief Baron and Baron Hughes.

NORTH-EAST CIRCUIT.—Mr. Justice George and Mr. Justice Morris.

MUNSTER CIRCUIT.—Mr. Baron Deasy and Mr. Justice O'Hagan.

NORTH-WEST CIRCUIT.—Mr. Justice O'Brien and Mr. Baron Fitzgerald.

CONNAUGHT CIRCUIT.—Mr. Justice Keogh and Mr. Justice Fitzgerald.

It is stated that J. T. Ball, Esq., LL.D., Q.C., will go as Judge of Assize upon the Leinster Circuit in the room of Baron Hughes, should the state of the learned Baron's health still preclude an immediate return to his judicial duties.

NISI PRIUS AFTER SITTINGS.

Monday next, the 27th instant, will be the *last day* for lodging Dockets of Abstracts of Records for trial during the Nisi Prius Sittings after the present Term. All Dockets must be lodged with the Registrars, at their respective offices before *four o'clock* on that day.

LANDED ESTATES' COURT.

Sittings for next week, so far as same are at present appointed.

Monday—Before JUDGE DOBBS.

Elizabeth Little, from 11th inst.—Wm. Brophy, allocation.—C. B. Hearne, schedule.—John Roberts, do.—S. W. F. Kenny, do.—Wm. Rutledge, do.—E. J. Donelan, from 20th inst.—E. F. Waldron, allocation.—Same, from 20th inst.—Patrick Grehan, carriage.—Same, to explain delay.

Before the EXAMINER.

G. N. Watson, rental.—T. P. Boland, do.—A. Brennan, do.

Before JUDGE LYNCH.

R. Gass, liberty to bid, &c.—Thomas Cuthbert, from 22nd inst.—J. H. Leonard, allocation.

Tuesday—Before JUDGE DOBBS.

B. Conlan, from 21st inst.

Before the EXAMINER.

Trustees of Mary Jennings, proofs.—Delany and Tracy, account.

Before JUDGE LYNCH.

SALES AT TWELVE O'CLOCK.

John Saunders and others—1 lot—Queen's County—profit rent, £238 1s. 11d.

N. Longford.—1 lot—profit rent, £57 8s.

J. Thornton.—1 lot—Wicklow—profit rent, £95.

F. Kelly.—4 lots—profit rent, £[illegible]3 7s. 8d.

Wednesday.—Before JUDGE DOBBS.

John F. Creagh, from 22nd inst.

Before the EXAMINER.

C. F. Waldron, proofs.—Assignees of Conde, draft schedule.

Before JUDGE LYNCH.

Joseph Thomas Fuller, final schedule.—A. H. Slator, do.—D. Mortimer, do.—Wm. Noble, do.—W. S. Wolfe, as to order.

Before the EXAMINER.

Richard O'Keefe, rental.—Thomas Fortune, do.—C. De B. Fox, to vouch—J. Irwin and others, rental.—J. Bole, to vouch.

Thursday—Before JUDGE DOBBS.

Mary Jennings, allocation.—Eliza M. T. Barry, appoint guardian.—John Taaffe, from 23rd inst.

Friday—Before JUDGE DOBBS.

SALES AT TWELVE O'CLOCK.

John Bourns, 1 lot.—Sophia Keane, 1 lot.—Sir William Palmer, 1 lot.—Edmund Nagle, 2 lots—George Meyler, 3 lots.

Before the EXAMINER.

E. Egan and others, rental.

Before JUDGE LYNCH'S EXAMINER.

G. M. Giveen, rental from 22nd inst.

Saturday.

SALE AT TRALEE.

James M'Elligott.—1 lot—County Kerry—fee farm and lease in perpetuity—profit rent, £32 10s.

LANDED ESTATES' COURT.

SALES.

January 17.—Before the HON. JUDGE DOBBS.

COUNTY OF DUBLIN.—Estate of Mary A. O'C. Jackson, Owner; the trustees of the second Equitable Permanent Benefit Building Society at Liverpool, Petitioners.

Part of Old Merrion, containing 2 roods and 23 perches, held under lease for 80 years, from October, 1858; producing a net annual profit rent of £162. Sold to Mr. Cowen, in trust, at £650. Solicitors, *J. D. Meldon and Son.*

COUNTY OF WATERFORD.—Estate of Richard Bolton, Owner and Petitioner.

Houses and premises called Bolton-row, in the town of Gorey, and part of the Gorey Corporation lands, containing 10a. 1r. 31p., held in fee-simple; net annual rental, £[illegible] 9s. Sold to Mr. Brodie, in trust, for £870. Solicitor, *A. H. Montford.*

COUNTY OF DONEGAL.—Estate of the assignees of George M'Dermott, Owner; Eliza Friel, Petitioner.

The corn mill and flax mill, with the farm of Drumaghill, situate in the barony of Raphoe, held under lease for one

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life, or 21 years, from October, 1833; the lands contain 72 statute acres; the yearly profit rent is £33 6s. 4d.; valuation, £64 5s. per annum. Sale adjourned; no bidders. Solicitor, *Thomas Lawlor*.

QUEEN'S COUNTY.—Estate of William Edge, Owner and Petitioner.

The lands of Oldleigh, situate in the barony of Slievemargy, held in fee-simple, containing 222a. 3r. 23p. producing a net profit rent of £282 19s. 6d. The sale of this estate was adjourned, the biddings being deemed insufficient. Solicitors, *S. and R. C. Walker*.

CITY OF DUBLIN.—Estate of Maria Morron, Owner; W. G. Connor, Petitioner.

Lot 1. Dwelling-house and premises, No. 34, Lower Dominick-street, held for lives renewable for ever, producing a net profit rent of £75 13s. 6d.; subject to an annuity of £70 for the life of a gentleman now aged 70 years. Sold to Mr. Saunderson, the tenant, at £365.

Lot 2. An annuity of £200, late currency, charged on premises (four houses) situate in Riddle's-row and Horseman's-row. Sold to Mr. Smith at £35. Solicitor, *John Lawless*.

COUNTY OF DOWN.—Estate of John Sims, Owner and Petitioner.

Lot 1. Part of the lands of Ballykeele, with dwelling-house thereon, parish of Hollywood, held for 996 years from April, 1853; the lands contain one acre and one perch; the estimated profit rent is £45 10s. Sold to Mr. Twibill, in trust, at £650. The sale of the remaining three lots was adjourned. Solicitor, *R. Bowman*.

CITY OF DUBLIN.—Estate of the Administrator of the Rev. E. S. Abbot, deceased, Owner and Petitioner.

Lot 1. Houses and premises, 4, 5, and 6, George's-place, held for 996 years from 1807; net profit rent, £38 13s. 4d. Sold to Mr. James Duffy, at £300.

Lot 2. Three houses, Nos. 7, 8, and 9, George's-place, same tenure as lot 1; profit rent, £47 15s. 6d. Sold to Mr. James Duffy, at £600.

Lot 3. Houses and premises, No. 44, Upper Mount-street, held for 130 years, from March, 1825; net profit rent, £32 10s. Sold to Mr. Duckett, at £475. Solicitors, *Macrory and Co.*

January 21.—Before the HON. JUDGE LYNCH.

COUNTY ROSCOMMON.—Estate of John Goulding, Owner; Jacob Powell, Petitioner.

A dwelling-house in Main-street, Boyle, held for three lives, all in being; yearly profit rent, £33 14s.; Ordnance valuation, £28. Sold to Mr. M'Morrow, for £155. Solicitor, *V. O. Hilliard*.

COUNTY OF TIPPERARY.—Estate of the Assignee of John Chaytor, Owner; Thomas Lonergan, Petitioner.

The life-estate of the owner, now aged 70 years, in a dwelling-house and concerns in the town of Cahir, and also in part of the lands of Raheen, containing 35a. 2r. 29p., producing a net yearly rent of £94 11s. 6d. Sold to Mr. Murdock for £530, in trust. Solicitor, *Joseph Hanly*.

COUNTY OF GALWAY.—Estate of James Whyte, Owner; John Degan and another, Petitioners.

Lot 1. The life-estate of the owner, now aged 54 years, in the lands of Kylebrack, held in fee-simple, containing 125 statute acres; profit rent, £104. Sold to Dr. Cloran, for £350.

Lot 2. The life-estate of the owner in the dwelling-house, offices, and lands of Ballycorban, containing 120 statute acres; profit rent, £100. Sold to Mr. D. Tracey, in trust, at £350. Solicitor, *James Blacquiere*.

COUNTY OF DUBLIN.—Estate of James Tobin, Owner and Petitioner.

Part of the lands of Terenure, called Frankford, containing 1a. 1r. statute measure, with the dwelling-house, &c.; yearly rental, £60; Ordnance valuation, £24 5s. Sold to Mr. R. Verdon for £800. Solicitor, *Henry Edwards*.

Estate of Paul Askin and others, Owners; Edward R. Carolin, Petitioner.

Lot 1. Three houses on the North-strand, held in fee-simple; net profit rent, £28 5s. Sold to Mr. Jackson for £500.

Lot 2. Building-ground, situate on the North-strand; held in fee-simple; containing 1a. 3r. 27p. statute measure; estimated annual value, £94 10s. Sale adjourned.

Lot 3. Building-ground at the North-strand, held in fee-simple; containing 3a. 3r. 21p. statute measure; estimated yearly value, £167 5s. Sale adjourned.

Lot 4. Building-ground on the North-strand, held in fee-farm; containing three statute acres; profit rent, £5. Sold to Mr John Boylan for £160.—The sale of lot 5 was adjourned. Solicitors, *Davis and Montfort*.

COUNTY OF CLARE.—Estate of the assignee of John M'Beth, Owner; William Blair, Petitioner.

A plot of ground called Bully Park, with stores and buildings upon it, in Mill-street, Ennis; held for lives renewable for ever; profit rent, £21. Sold to Mr. Sharp, in trust, for £150. Solicitor, *James Worrall*.

COUNTY OF LONGFORD.—Estate of George Crawford and others, Owners; Charles J. Burke, Petitioner.

Lot 1. Part of the lands of Lisbrack, containing 13a. 2r. 29p., statute measure, held for one life, or 31 years; profit rent, £42 5s. Sold to Mr. D. Tracy, for £320.

Lot 2. House and premises in the Main-street, Longford, held for lives renewable for ever; net profit rent, £30. Sold to Mr. James O'Donnell, the tenant, for £300.

Lot 3. House and premises in same street, held for 99 years from 1839; net profit rent, £49 19s. 2d. Sold to Mr. Fleming, in trust, for £500. Solicitor, *William Read*.

LANDED ESTATES' COURT.

PETITIONS FILED, *from 18th to 24th January*, 1868.

DATE	NO.	OWNER	PETITIONER	COUNTY OR CITY	NET YEARLY VALUE	SOLICITOR	JUDGE
					£ s. d.		
Jan. 20,	4073	Assignees of Cornelius Rooney	*The Owners*	Dublin	383 18 10	*J. D. Meldon & Son*	Dobbs
" 21,	3533A	Richard Bolton	*The Owner — Supplemental Petition to appoint Trustees*	—	—	*A. H. Montfort*	Dobbs
" 22,	4074	Rev. S. D. W. L'Estrange Malone	*The Owner—For declaration of Title*	King's Co.	2,296 10 10	*John Smyth*	Lynch
" "	4075	William Falls	*John Moore Little and others*	Tyrone	443 9 9	*C. Gaussen & Son*	Dobbs
" 23,	4076	Richard Moore Sadlier	*James Chaine and another*	Meath	1,372 15 4	*Thomas T. Mecredy*	Lynch
" "	4077	Assignees of Patrick Watson	*John Byrne*	Kildare	Not given	*Thos. A. W. Hodges*	Dobbs
" 24,	3358A	Trustees of Edward and John Croker	*The Owner — Supplemental Petition to appoint Trustees*	—	—	*James Worrall*	Dobbs
" "	4078	Margaret Browne, administratrix of Charles M'Colgan, deceased, and others	*John Daly*	Tyrone	Not known	*Anderson and Lee*	Lynch

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COURT OF BANKRUPTCY AND INSOLVENCY.

IN BANKRUPTCY.

SITTINGS FOR NEXT WEEK, so far as appointed.

DATE	HOUR	BANKRUPTS' NAMES	NATURE OF SITTING	SOLICITOR
		Monday—	Before the COURT.	
Jan. 27	11 o'clock	Arrangement case	1st sitting	*Falkiner*
		Monday—	Before the CHIEF REGISTRAR.	
"	12 o'clock	Michael Sullivan	Prove debts	*Perry*
"	"	Mary Foley	do.	*Turpin*
"	"	Samuel Bradley	Prove debts and vouch assignee's acct.	*Oldham*
"	"	Arrangement case	do.	*M'Govern*
		Tuesday—	Before the COURT.	
Jan. 28	11 o'clock	Arrangement case	1st sitting	*Irvine*
"	"	do.	do.	*Perry*
"	"	do.	do.	*Cleary*
"	"	do.	2nd sitting	*Casey & Clay*
"	"	do.	do.	*Lynch*
"	"	do.	do.	*M'Govern*
"	"	do.	Sitting under 351st section	*Lynch*
"	"	John O'Brien	Final examination	*M'Cully*
"	"	Thomas Kirby	do.	*Nugent*
"	"	Thomas William Dooley	do.	*O'Dowda*
"	1 o'clock	Owen Lynch	Sale	*Casey & Clay*
		Tuesday—	Before the CHIEF REGISTRAR.	
"	12 o'clock	George M'Donald	Examine title	*M'Govern*
"	"	Arrangement case	Vouch assignee's account	*Casey & Clay*
"	"	Drysdale	Costs	*Findlater & Co.*
"	"	Farrar	do.	*Larkin*
		Wednesday—	Before the CHIEF REGISTRAR.	
Jan. 29	12 o'clock	Arrangement case	Prove debts and vouch account.	*Keogh*
"	"	do.	do.	*Perry*
"	"	Eliza Mahony	do.	*Perry*
"	"	Edmond Eyre	do.	*Larkin*
		Thursday—	Before the CHIEF REGISTRAR.	
Jan. 30	12 o'clock	Arrangement case	Prove debts	*Boughey*
"	"	E. R. Lindsay	do.	*Batt*
		Friday—	Before the COURT.	
Jan. 31	11 o'clock	Arrangement case	1st sitting	*M'Cully*
"	"	do.	do.	*M'Govern*
"	"	do.	do.	*Langan*
"	"	do.	do.	*Fleming*
"	"	do.	2nd sitting	*Walsh*
"	"	J. J. Murphy	Sitting under 149th section	*Mcldon*
"	"	E. M'Dermott	Charge and discharge	*Larkin*
"	"	Arrangement case	1st sitting	*Larkin*
"	"	P. J. O'Callaghan	Sale	*Hughes*
"	"	Benjamin Bradford	Sur., prove debts, and vouch account	*Goff*

DIVIDENDS DECLARED.

DATE	BANKRUPT'S NAME	DIVIDEND IN THE POUND	OFFICIAL ASSIGNEE	SOLICITOR
Jan. 17	Batson, Simon, of Dublin, baker,	1st and final dividend of 1s. 6$\frac{7}{16}$d. in the £, on £657	*Deering*	*Kiernan*
"	Fleming and Hennessy, of Sligo, drapers,	2nd dividend of 6d. in the £, making, with former dividend, 8s. 6d. on £3,583	*Deering*	*Larkin*
"	Hayes, Michael, of Limerick, ironmonger,	2nd and final dividend of 4d. in the £, making, with former dividend, 5s. 10d. in the £, on £1,403	*Deering*	*Mcldon*
"	Scott, M. & Co., of Waterford, cabinetmakers,	1st and final dividend of 6s. 5$\frac{2}{16}$d. in the £, on £1,080	*Deering*	*Dodd*

BANKRUPTS.

Bradford, Benjamin, of No. 41, Cuffe-street, Dublin, plumber and hydraulic engine manufacturer. Petition for arrangement filed December 13, 1867. To sur. Friday, Jan. 31, and Friday, February 14. L. H. Deering, official assignee. *Goff*, solr.

Fenton, George, of Tuam, county Galway, grocer and spirit dealer. Petition of bankruptcy filed January 13, 1868. To sur. Tuesday, February 4, and Friday, February 21. L. H. Deering, official assignee. *Hamilton & Craig*, solrs.

Kelly, Robert, of Belfast, county Antrim, cabinet maker. Petition of bankruptcy filed January 21, 1868. To sur. Tuesday, February 4, and Tuesday, February 18. C. H. James, official assignee. *Cinnamond*, solr.

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IN INSOLVENCY.

SITTINGS FOR NEXT WEEK.

DATE	HOUR	INSOLVENTS' NAMES	PURPOSE OF SITTING	SOLICITOR
		Monday—	Before the CHIEF CLERK.	
Jan. 27	12 o'clock	William Sargent	Proof of debts	*Bradley*
,,	,,	William Reid	do.	*Macnally*
,,	,,	William Henry Squire	do.	*Macnally*
,,	1 o'clock	John Hopkins	Adjourned inquiry as to truth of schedule	*Rynd*
		Tuesday—	Before the CHIEF CLERK.	
Jan. 28	12 o'clock	Andrew Lawson	To tax costs	*Wilson*
		Wednesday—	Before the COURT.	
Jan. 29	11 o'clock	Andrew Lawson	Audit and dividend	*Wilson*
,,	,,	Basil King	Adjourned do.	*Perry*
,,	,,	John Barrett	Adjourned notice of motion	*Frost*
,,	,,	James William Kavanagh	do.	*Mathews*
,,	,,	Rev. Charles L. Thomas	Charge and discharge	*Hayes*
,,	,,	Anne Batson	Hearing of petition	*Rynd*
,,	,,	Patrick Edward Roche	do.	*Rynd*
,,	,,	Patrick Dowling	do.	*Rynd*
,,	,,	Michael Metcalf	do.	*Rynd*
,,	,,	Henry Joseph Bowyer	Adjourned do.	*Irvine*
,,	,,	George Robert M'Donald	do.	*Macnally*
,,	,,	Patrick Hickie	do.	*Rynd*
,,	,,	Morgan John O'Grady	do.	*Macnally*
		Friday—	Before the COURT.	
Jan. 31	11 o'clock	———	Bail motions only	———
		Saturday—	Before the CHIEF CLERK.	
Feb. 1	12 o'clock	John Joyce	To vouch account of assignee	*Shannon*
,,	,,	James Dermody	do.	*Bradley*
,,	,,	Alicia Harris	do.	*Bradley*
,,	,,	Michael Flynn	do.	*Bergin*
,,	,,	Robert J. Creighton	do.	*Macnally*

CASES DISPOSED OF IN DUBLIN.

Tuesday, September 17, 1867.

Clifford, John. Discharged.

FOUR COURTS, Wednesday, January 22, 1868.

Before JUDGE BERWICK.

Browne, Michael. Adjourned to 5th February next.
Byrne, Catherine. Discharged.
Byrne, James Joseph. Do.
Connolly, Robert. Do.
Hamilton, Nathaniel Alexander. Do.
Hopkins, John. Adjourned to 5th February next.
Lyons, James. Remanded for 4 months from 28th Nov., 1867
Maguire, Charles. Adjourned to 5th February next.
Mons, John Albert. Do.
Mulkerns, Rev. Dominic Joseph. Discharged.
Murphy, Michael. Adjourned to 5th February next.

Friday, Jan. 24, 1868.

Before JUDGE BERWICK.

Stafford, Michael. Remanded for 3 months from 12th Dec., 1867.

CASES DISPOSED OF IN THE COUNTRY.

ABBEYLEIX, Queen's Co., Jan. 6.

Greene, Honora. Discharged.

KILKENNY, Jan. 7.

Cooke, William.
Myron, Patrick. } Discharged.
Scott, Barnaby. Adjourned to next Sessions.

BELFAST, co. Antrim, Jan. 8.

Armstrong, Edward.
Dunbar, James.
Ferris, Wm. Robert.
Hilditch, Robert.
Kidd, Francis.
Larmour, Edward. } Discharged.
Mitchell, David. Remanded for 9 months from Sep. 28, 1867.
M'Farland, James.
M'Grattan, John. } Discharged.
M'Kenna, Patrick. Remanded for 4 months from Dec. 14, 1867.
M'Neilly, James. Remanded for 8 months from Nov. 19, 1867.
Scott, Samuel.
Thompson, Shepherd.
Williamson, James. } Discharged.

LIMERICK, Jan. 8.

Connolly, Anne. Discharged.
Madigan, Denis. Remanded for 8 months from October 15, 1867.
Murphy, Daniel.
Scanlan, Anne Teresa.
Scanlan, Patrick.
Wallace, John.
White, Michael. } Discharged.

NENAGH, co. Tipperary (S. R.), Jan. 10.

Grace, Catherine. Discharged.

CORK, Jan. 20.

Balbirnie, William. Adjourned to next Sessions.
Clery, John Thomas.
Conran, Robert Ronayne.
Foster, Edwin Thomas Fletcher. } Discharged.
Hannon, Joseph. Adjourned to next Sessions.
Hore, Justin. Discharged.
Kennelly, Bartholomew.
Ring, Michael. } Petitions dismissed.
Wheatley, Henry William Hewitt. Discharged.

INSOLVENTS.

To be heard in Dublin.

Smith, Henry William, of Heytesbury-street, Dublin; previously of Nichol-square, London, not in any business or employment; formerly of Grafton-street, Dublin, draper; and of Sunday's-well, Cork, commercial traveller. Hearing on Wednesday, 5th February, at 11 o'clock. *Rynd*, solr.

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To be heard in the Country.

Greenaway, David, of Banbridge, co. Down; previously of Tandragee, county Armagh, grocer and linen dealer; also late manager of the Gas Works, Tandragee, not now in any business. Hearing at Downpatrick, April 1, at 10 o'clock. *Evans*, solr.

Rainey, John, of Glasdrummond, Ballynahinch, county Down, shopkeeper, grocer, and weaver. Hearing at Downpatrick, April 1, at 10 o'clock. *Evans*, solr.

Reilly, Patrick, of Killeshandra, county Cavan, baker and grocer. Hearing at Cavan, April 1, at 1 o'clock. *Rynd*, solr.

PAUPER DECLARATIONS FILED.

January 20.

Donovan, Mathew, detained by Walter Gilbey and Alfred Gilbey. *Donnelly*, attorney for creditors.

January 23.

Barry, James, detained by John Muldoon. *Bloomfield*, attorney for creditors.

DUBLIN STOCK AND SHARE LIST.

DESCRIPTION OF STOCK	JANUARY. Sat. 18	Mon. 20	Tues 21	Wed. 22	Thur. 23	Fri. 24
Government						
3 p c Consols	92¾ ⅞	—	92⅞ 93	92⅞	92¾	92¾ ⅞
New 3 p c Stock	92½ ⅝	92⅝ ½	92⅝ ½	92½ ⅜	92½ ⅜	92½ ⅜
Foreign and Colonial.						
India 5 p c Stock	—	111½	111½	112¼	112½	112
Joint-Stock Banks.						
Ireland, £100 pd	—	231¾	—	230¾	—	231
Hibernian, £25 pd	—	—	36⅝	36½	36½	—
Munster (Limited.), £3 10s pd ..	—	—	4⅞ 5	—	—	3½ 4½
National, £30 pd	61½	61¼	61½	61½	61¼	60¾
National of L'pool (Ltd.), £15 pd	11⅞	—	11⅞	—	12	11⅞ ⅜
Provincial, £25 pd	—	—	88¼	—	88	88
Do., New, (pd £10)	—	—	—	—	—	—
Royal, £10 pd	—	32⅝	32½	32⅝	—	—
Ulster Banking Co., £2 10s pd ..	—	9⅞	—	—	—	—
Union, £22 pd	17½	17½	17½	17½ ¼	17½	—
Steam.						
British & Irish, £50 pd ..	—	—	—	—	—	—
City of Dublin, £100 pd ..	—	—	—	104	104½	105½
D. & L. St. S. B. Co. £50 pd (rd) ..	—	—	—	—	55	—
Dub. and Glasgow, £50 pd ..	—	—	—	—	—	—
Dundalk (Limited), £10 pd ..	—	—	—	—	—	—
Do., New, Second Issue, pd £5 ..	—	—	—	—	—	—
Miscellaneous.						
A. & C's' Gas, £8 pd A ..	—	—	—	10⅝	—	10½
Do., B	—	—	6⅛ ¼	—	6⅛ ¼	6⅛ ¼
Do., 2 C	—	—	—	—	—	—
Grand Canal, £100 pd	—	—	—	—	45⅝	—
Patriotic Insurance, £10 pd ..	8	8	8	8	8	—
National Insurance, £25 pd ..	—	—	—	—	—	—
Railways.						
Belfast & N'rn Counties, £50 pd ..	—	—	—	—	—	—
Cork & Bandon, 50 pd	—	—	—	—	—	—
Dublin & Belfast Junc., £100 pd ..	—	—	74½	—	—	—
Dublin & Kingstown, £100 pd ..	—	—	—	—	200	—
Dublin & Drogheda, £100 pd ..	—	—	88	—	—	—
D., W., & W., £100 pd	—	—	—	—	—	—
Gt. N'rn & Western, £10 pd ..	—	—	—	—	—	—
Gt. Southern & W'rn, £100 pd ..	—	97½	97½	97½	97½	97½ 98
Midland Gt. Western, £100 pd ..	56	—	—	—	—	56½
Waterford & Limerick, £50 pd ..	—	—	—	—	—	—
Railway Preference.						
B. & N. C., 4 p c pp, £100 pd	—	—	—	—	—	—
Cork & Bandon, 5½ p c pl £6 5s ..	—	—	—	—	—	—
D., W., & W., 4 p c pr, £100 pd ..	—	—	—	—	—	—
D., W., & W., 5 p c £50 pd rd ..	—	—	—	—	—	—
D., W., & W., 5 p c (1865) pd £10	—	—	—	—	—	—
G. S. & W., 4 p c pp £100 pd ..	—	96½	96	96½	96½	—
Irish N. W., 5 p c pp, £10 pd, A ..	—	—	—	—	—	—
Mid. Gt. West., 5 p c, £100 pd ..	—	—	—	100	—	—
P'down, Dun., &c., 6 p c, £25 pd ..	—	—	—	—	—	—
Watfrd. & Limk., 5 p c pd £50 ..	—	—	—	—	—	—
D. & D., 5 p c rd, 1868, £25 pd ..	—	—	—	—	—	—
W. & K., 6 p c rd, £100 pd ..	—	—	—	—	—	—
Railway Debentures.						
Gt. South. & Western, 4 p c ..	—	—	—	—	—	—
Mid. Gt. Western 5 p c ..	—	—	—	—	—	—
Do., 4½ p c	—	—	—	—	—	—
Dublin & Kingstown	—	—	—	—	—	—

Bank Rate

Of Discount—3 per cent., 25th July, 1867.
Of Deposit—1 per cent., 25th July, 1867.

Name Day—January 30th, and 13th February, 1868.
Account Day—January 31st, and February 14th, 1868.
On Saturdays business commences at Twelve, and the Stock Brokers' Offices close at One o'clock.

BIRTHS, MARRIAGES, AND DEATHS.

DEATH.

WARD—On the 19th inst., at Charleville, after a short illness, Thomas Macnamara Ward, Esq., solicitor, aged 34 years, deeply and deservedly regretted by a large circle of friends.

ATTORNEYS' APPRENTICES'

PRELIMINARY EXAMINATION.

HUME-STREET SCHOOL.

The following Gentlemen have been recently successful:—

HILARY TERM, 1868.

Mr. O'HAGAN, second place, and recommended to compete for the Gold Medal and £10 Prize in Michaelmas Term. Mr. FALLS, sixth place. Mr. MURPHY, seventh place.
On this occasion only Eight Candidates passed.

1867.

During this year the Gold Medal was obtained by Mr. D. M. FITZGERALD; and all the Candidates sent up were successful.
On former occasions Twenty-four Candidates passed from Messrs. HEAZLE & MORTIMER's Classes.

The Class for the ensuing EXAMINATION *is in full and continuous operation.*

☞ FINAL EXAMINATION.

Messrs. HEAZLE & MORTIMER, at the request of many of their Pupils have made careful inquiry, and are now in a position to secure the services of a Barrister of high standing, who will receive such Pupils only as shall be recommended by Messrs. HEAZLE & MORTIMER.

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TO BE LENT, £20,000, in One Sum, or in Sums of not less than £5,000, Landed Estates' Court Title preferred. Apply to ROBERT EAMES, Solicitor, 7, Hume-street.

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NEW CHANCERY ACT, 1867.

SOLICITORS are informed that they can have all the PRINTING necessary under the above Act done by J. FALCONER, 53, UPPER SACKVILLE-STREET, DUBLIN.

SOLICITORS' BENEVOLENT ASSOCIATION.

A GENERAL MEETING of the above Association, pursuant to Rule No. 8, will be held on SATURDAY, 25th instant, in the SOLICITORS' HALL, FOUR COURTS, in the City of Dublin. Chair to be taken at 2 o'clock p.m.
Dated this 14th day of January, 1868.

HENRY BINDON BURTON, Secretary.

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CASES for holding THE IRISH LAW TIMES, AND SOLICITORS' JOURNAL, for One Year, can now be had, Lettered on side, Price—whole-bound Cloth, 3s.; half-bound Leather, 4s.; whole-bound Leather, 5s., by Post 4d. extra, from J. FALCONER, 53, Upper Sackville-street, Dublin.

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LEGAL POSTINGS:

IN CHANCERY.

ADVERTISEMENT TO CREDITORS, LEGATEES, AND INCUMBRANCERS.

Cause Petition under "The Court of Chancery (Ireland) Regulation Act, 1850," section 15.

In the Matter of
Maria Purtle, Administratrix with Will annexed of James Purtle, deceased, Petitioner;
Patrick Lanigan, Respondent.

I HEREBY require all persons claiming to be Creditors or Pecuniary Legatees of James Purtle, late of Coal Market, in the City of Kilkenny, Shopkeeper, deceased, on or before the 2nd day of MARCH next, to furnish, in writing, to Mr PUREFOY POE, of No. 28, Upper Temple-street, Dublin, Solicitor for the said Petitioner, the amount and particulars of their several demands (accompanied, in case of simple contract debts, by a statement of the consideration of such debts), in order that the Petitioner may, without any expense to them, prove in this matter such or so much of their demands as she shall think just, of the allowance or disallowance of which, or any part of same, said Creditors shall receive due notice. And all such Creditors whose demands shall be disallowed either wholly or in part, shall, at the peril of costs, be at liberty to file charges in my Office, in respect of the claims or amounts so disallowed, within one fortnight after they shall respectively have received notice of such disallowance.
Dated this 22nd day of January, 1868.
E. LITTON, Master in Chancery.
PUREFOY POE, Solicitor for the Petitioner, No. 28, Upper Temple-street.

COURT OF BANKRUPTCY & INSOLVENCY.

IN INSOLVENCY.

In the Matter of
William Peake, late of Prospect House, Crumlin, in the County of Dublin, previously of Lower Gardiner-street, in the City of Dublin, Clerk in the Education Office, an Insolvent.

A PUBLIC Sitting will be held in this Matter, before the Chief Clerk, at the Four Courts, Dublin, on MONDAY, the 3rd day of FEBRUARY, 1868, at the hour of Twelve o'clock noon, for *Admission and Proof of Debts.* The Account of the Official Assignee will be Vouched before the Chief Clerk on SATURDAY, the 8th day of FEBRUARY, 1868, at Twelve o'clock; and the Costs of the Assignees will be taxed on TUESDAY, the 11th day of FEBRUARY, 1868, at Twelve o'clock.
And a Public Sitting will be held before the Court, at the Four Courts, Dublin, on WEDNESDAY, the 12th day of FEBRUARY, 1868, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make *a First Dividend of the Insolvent's Estate;* whereof all persons concerned are to Take Notice.
Dated this 21st day of January, 1868.
THOMAS FARRELL, Chief Clerk.
CHARLES HENRY JAMES, Official Assignee, Nos. 29 & 30, Upper Ormond-quay, Dublin.
JOHN MACNALLY, Solicitor for Official Assignee, No. 1, Morgan-place, Four Courts, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
William Meara, of Borrisokane, in the County of Tipperary, a Bankrupt.

A PUBLIC Sitting will be held in this Matter, before me, at my Office, Four Courts, Dublin, on THURSDAY, the 6th day of FEBRUARY, 1868, at the hour of Eleven o'clock forenoon, for *Admission and Proof of Debts, and to Vouch the Assignee's Account.* And a Public Sitting will be held before the Court, on FRIDAY, the 14th day of FEBRUARY, 1868, at the hour of Eleven o'clock forenoon, to *Audit the Assignee's Account*, and make *a Final Dividend of the Bankrupt's Estate* in this Matter; whereof all persons concerned are to Take Notice.
All Creditors are required to send to the Office of the Official Assignee, the affidavits of debt, or precise particulars of their claims, specifying any securities held by them, four days at least before said first sitting.
Dated this 20th day of January, 1868.
ALEXANDER BATE, Chief Registrar.
LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay, Dublin.
ROBERT JOHNSTON, Agent to the Bankruptcy, No. 8, Lower Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
George Fenton, of Tuam, in the County of Galway, Grocer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 4th day of FEBRUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Surrender of the said Bankrupt, Proof of Debts, and Choice of an Assignee* in this Matter; of which sitting all persons concerned are to Take Notice.
All persons indebted to the said Bankrupt in any sum whatever, or who have any of his estate or effects, are not to pay or deliver same except to LUCIUS H. DEERING, Esq., 33, Upper Ormond-quay, Dublin, the Official Assignee.
And all persons knowing of the concealment of any property of the said Bankrupt are requested to give notice thereof to the Agents.
Dated this 21st day of January, 1868.
HUGH DOYLE, Deputy Assistant Registrar.
HAMILTON & CRAIG, Agents to the Bankruptcy, No. 30, South Frederick-street, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
Francis Fagan, of Pimlico, in the City of Dublin, Provision Dealer, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on FRIDAY, the 7th day of FEBRUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.
Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.
All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting, and of which sitting all persons concerned are to Take Notice.
Dated this 23rd day of January, 1868.
JOHN FRANCIS TEELING, Assistant Registrar.
JAMES GOFF, Agent to the Bankruptcy, No. 17, Upper Ormond-quay, Dublin.
CHARLES HENRY JAMES, Esq., Official Assignee, No. 30, Upper Ormond-quay, Dublin.

COURT OF BANKRUPTCY & INSOLVENCY.

IN BANKRUPTCY.

In the Matter of
John Connolly, of Tubbercurry, in the County of Sligo, Dealer in Cattle, a Bankrupt.

THE Judges of the Court of Bankruptcy and Insolvency will sit at the said Court, Four Courts, Dublin, on TUESDAY, the 11th day of FEBRUARY, 1868, at the hour of Eleven o'clock in the forenoon, for the *Admission and Proof of Debts, and the Final Examination* of the Bankrupt in this Matter.
Whereupon, if no prosecution shall have been directed by the Court, nor any charge of fraud entered on the proceedings, nor any objection to the signing of the Bankrupt's Certificate be entered in the Court, such Certificate will be forthwith prepared by the Chief Registrar, and signed by the Judge.
All Creditors are required to send to the Office of the Official Assignee, the affidavit of debt, or precise particulars of their claims, specifying any securities held by them, two days at least before said sitting; and of which sitting all persons concerned are to Take Notice.
Dated this 21st day of January, 1868.
HUGH DOYLE, Deputy Assistant Registrar.
JEHU MATHEWS, Agent to the Bankruptcy, No. 12, Lower Dominick-street, Dublin.
LUCIUS H. DEERING, Official Assignee, No. 33, Upper Ormond-quay.

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NICHOLAS JAS. LALOR, Esq., (Messrs. E. Lalor and Sons, Spitalfields), Director of the Dublin and Drogheda Railway Company, and Mining Company of Ireland.

RICHARD MARTIN, Esq., Director of the Dublin and Wicklow Railway Company, and of the Mining Company of Ireland.

VAL. O'BRIEN O'CONNOR, Esq., Director of the Royal Bank of Ireland, and of the Great Southern and Western Railway Company.

SIR JAMES POWER, Bart., M.P., Director of the Bank of Ireland.

JOSHUA WATSON, Esq., Director of the Royal Bank of Ireland.

RICHARD WELCH, Esq. (Charles Haliday & Co. West Arran-street), Trustee of the Association of Underwriters.

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WILLIAM JOHN HANCOCK, Esq., Fellow of the Institute of Actuaries of Great Britain and Ireland.

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Printed and Published for the Proprietors, every Saturday, by JOHN FALCONER, at 53, Upper Sackville-street, in Parish of St. Thomas, and City of Dublin.—*Saturday, January 25, 1868.*

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THE IRISH LAW TIMES,

AND

SOLICITORS' JOURNAL.

PUBLIC GENERAL STATUTES, 30° VICTORIA (1867).

[*The Important Statutes only are set out at length.*]

Cap. I.

An Act to further continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter One, intituled *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of* Ireland *to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.* [26th *February* 1867.]

29 & 30 Vict., c. 1.

WHEREAS an Act was passed in the last Session of Parliament, Chapter One, intituled *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of Ireland to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government:*

29 & 30 Vict., c. 119.

And whereas by an Act passsed in the same Session of Parliament, Chapter One hundred and nineteen, the Powers and Provisions of the said first-recited Act were continued until the Expiration of Twenty-one Days after the Commencement of the present Session of Parliament, and the same will accordingly expire on the Twenty-sixth Day of *February* One thousand eight hundred and sixty-seven:

And whereas the treasonable Conspiracy in the first-recited Act mentioned still exists, and it is therefore expedient to continue the said Powers and Provisions for a further limited Period:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

First-recited Act further continued until 1st June, 1867.

1. The first-recited Act, and the several Powers and Provisions therein contained, shall continue in force until the 1st day of *June* One thousand eight hundred and sixty-seven, and the said Act shall be read and construed as if the Words "the First day of *June* One thousand eight hundred and sixty-seven" were throughout the said Act substituted for the Words "the First of *September* One thousand eight hundred and sixty-six."

All Prisoners under this Act to be treated as untried Prisoners.

2. All Prisoners at Present in Confinement under the Warrant of the Lord Lieutenant of *Ireland*, by virtue of the Powers of the first-recited Act, or who shall be hereafter arrested and committed to Prison in pursuance of same or of this Act, shall while in such Confinement be treated as untried Prisoners.

Cap. II.

An Act for removing Doubts as to the Validity of certain Marriages between *British* Subjects at *Odessa.* [29th *March* 1867.]

Cap. III.

An Act for the Union of *Canada*, *Nova Scotia*, and *New Brunswick*, and the Government thereof; and for Purposes connected therewith. [29th *March* 1867.]

Cap. IV.

An Act to apply the sum of Three hundred and sixty-nine thousand one hundred and eighteen Pounds Five Shillings and Sixpence out of the Consolidated Fund to the Service of the Years ending the Thirty-first Day of *March* One thousand eight hundred and sixty-six and the Thirty-first Day of *March* One thousand eight hundred and sixty-seven. [29th *March* 1867.]

Cap. V.

An Act to repeal the Duties of Assessed Taxes on Dogs, and to impose in lieu thereof a Duty of Excise. [*Great Britain.*] [29th *March* 1867.]

Cap. VI.

An Act for the Establishment in the Metropolis of Asylums for the Sick, Insane, and other Classes of the Poor, and of Dispensaries; and for the Distribution over the Metropolis of Portions of the Charge for Poor Relief; and for other Purposes relating to Poor Relief in the Metropolis. [29th *March* 1867.]

Cap. VII.

An Act to apply the Sum of Seven million nine hundred and twenty-four thousand Pounds out of the Consolidated Fund to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-eight. [5th *April* 1867.]

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CAP. VIII.

An Act for facilitating in certain Cases the Proceedings of the Commissioners appointed to make Inquiry respecting Trades Unions and other Associations of Employers or Workmen. [5th *April* 1867.]

CAP. IX.

An Act to open the Professorships of Anatomy and Chirurgery, Chemistry and Botany, in the University of *Dublin*, to all Persons irrespective of their religious Creed; and to amend the Act 40 *Geo.* 3, (*Ireland*), Chapter Eighty-four. [5th *April* 1867.]

40 G. 3. (Ir.) c. 84.

WHEREAS under the Provisions of an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of King *George* the Third, Chapter Eighty-four, the Professorships of the University of *Dublin* of Anatomy and Chirurgery, Chemistry and Botany, are now by Law limited to Protestants of all Nations:

And whereas it is expedient to remove the said Disability, and to open the said Professorships to all duly qualified Persons, and otherwise to amend the said Act:

Be it therefore enacted, ...

Removal of Disabilities in respect of certain Professorships in Dublin University.

1. That from and after the passing of this Act the said Professorships of Anatomy and Chirurgery, Chemistry and Botany, in the University of *Dublin*, shall be open to persons of all Nations, and that Candidates for the said Professorships or for the Professorships on the Foundation of Sir *Patrick Dun* shall not be subject to any Disability on account of Religion, or Want of a Medical Degree from any University.

Election of King's Professors.

2. Sections Fifteen, Sixteen, and Seventeen of the said Act are hereby repealed, and in lieu thereof be it enacted, That the said King's Professors shall be elected by the President and Fellows of the King's and Queen's College of Physicians.

Delivery of Clinical Lectures.

3. From and after the passing of this Act the said University Professors of Chemistry and of Botany shall cease to deliver the Clinical Lectures required by the said Act of the Fortieth Year of King *George* the Third, and instead thereof such Lectures shall be delivered by the Professor of Surgery in *Trinity College*, and the University Anatomist; and the Professor of Surgery and University Anatomist shall be respectively entitled to the Fees payable heretofore to the said University Professors of Chemistry and Botany: Provided always, that nothing herein contained shall affect the Rights of the present University Professor of Chemistry in the event of his electing to deliver such Lectures during his Tenure of such professorship.

Power to appoint a Clinical Lecturer.

4. In case any of the King's Professors, or University Anatomist, shall neglect to attend the said Hospital, or deliver Clinical Lectures, as required by the said Act, it shall be lawful for the President and Fellows of the King and Queen's College of Physicians, in the case of the King's Professors, and for the Provost (or in his Absence the Vice Provost) and Senior Fellows of *Trinity College*, *Dublin*, in the Case of the University Professors and University Anatomist, to dispense with his delivering such Lectures; and in such Case it shall be lawful for the said President and Fellows of the said King and Queen's College of Physicians, and for the Provost (or in his Absence the Vice Provost) and Senior Fellows of *Trinity College*, *Dublin*, respectively, to appoint a Physician or Surgeon to attend the said Hospital and deliver the Clinical Lectures in the Place of such Professor so neglecting to lecture; and the Physician or Surgeon so appointed shall be entitled to receive and be paid the Fees to which the Professor so neglecting to attend the said Hospital and deliver such Lectures would have been entitled.

Power to make Regulations respecting Lectures.

5. That the Thirty-first Section of the said Act be repealed, and in lieu thereof be it enacted, That it shall be lawful for the President and Fellows of the King and Queen's College of Physicians, in the case of the King's Professors, or for the Provost (or in his absence the Vice Provost) and Senior Fellows of *Trinity College*, *Dublin*, in the Case of the University Professors, each College with the Assent of the other, to make regulations respecting the Lectures to be given by its own Professors: Provided always, that if either the President and Fellows of the King and Queen's College of Physicians, or the Provost (or in his absence the Vice Provost) and Senior Fellows of *Trinity College*, shall refuse to agree to the Regulations proposed by the other College, in such Case the Regulations so proposed shall be submitted to the visitors of the College which refuses to agree to them; and it shall be lawful for such Visitors, and they are hereby required, upon hearing such Reasons as may be offered on both sides, to determine whether the Regulations submitted to them shall or shall not be adopted, and the decision of such Visitors in any such Case shall be final and conclusive.

Salary of Professor of Midwifery.

6. And whereas by the Tenth Section of the said Act it is enacted, that after the Hospital therein mentioned should be completed, and after defraying the Charges arising from the Salaries and expenses therein also mentioned, and the necessary expenses of maintaining One hundred Patients, and the Establishment of such Hospital, which shall not be defrayed by private Contributions, then the clear annual Surplus of the Rents of the Estates therein mentioned shall be applied in the first place to support a Professor of Midwifery, who shall have a Salary of One hundred Pounds a Year, and no more: And whereas it is expedient to provide such Salary for a Professor of Midwifery irrespective of such Restriction: Be it enacted that from and after the passing of this Act such Professor of Midwifery shall be entitled to receive and be paid the Salary of One hundred Pounds (late *Irish* currency) *per Annum* out of the Rents of the said Estates; and that in consideration of such Salary the said Professor shall give Instruction in the Diseases peculiar to Females and in practical Midwifery in connexion with Sir *P. Dun's* Hospital; and that each Student availing himself of such Instruction shall pay to the Governors of the said Hospital the Sum of Three Guineas annually, to be applied by them to the Maintenance of Beds for the Treatment of Diseases peculiar to Females; and that each Student shall further pay to the Professor of Midwifery such Fees as shall be authorized by the Governors of the said Hospital, with Consent of the President and Fellows of the King and Queen's College of Physicians, and of the Provost and Senior Fellows of *Trinity College*.

Management of Library.

7. That Section Twelve of the said Act be and the same is hereby repealed: And whereas in addition to the Salary of the Librarian appointed under the Provisions of the said Act, being

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the Sum of Seventy Pounds (late *Irish* Currency), a Sum of Thirty Pounds *per Annum* has been for several years applied to the purchase of books for a library, and the Sum of Six Pounds Six Shillings to the payment of a Library Porter: Be it enacted, That such Salary and Payments for the Purposes aforesaid shall continue to be made; and that it shall be lawful for the President and Fellows of the said King and Queen's College of Physicians to make such Rules and Regulations as to them shall seem necessary and proper for regulating the Duties of such Librarian, the Purchase of Books, and the management of the said Library.

Vacating of Fellowships.

8. Whereas by the Forty-first Section of the said Act it is enacted that every Fellow of the said College who should thereafter accept any of the said Professorships should by such Acceptance immediately vacate his Fellowship in the said College of Physicians, and it is expedient that such Provision shall be repealed: Be it therefore enacted, That after the passing of this Act the accepting of any of the said Professorships by a Fellow of the said College shall not vacate his Fellowship; and that the present Professors, who on accepting their Professorships vacated their Fellowships, shall be and are hereby restored to their Fellowships in the said College, and all the Rights and Privileges thereunto belonging.

Short Title.

9. This Act may be cited for all Purposes as "The School of Physic (*Ireland*) Amendment Act, 1867."

CAP. X.

An Act to amend the Law relating to the Duties and Drawbacks on Sugar. [5th *April* 1867.]

CAP. XI.

An Act to facilitate the Recovery of Arrears of Alimony in certain Cases under Decrees and Orders of the Provincial and Diocesan Courts in *Ireland*. [12th *April* 1867.]

WHEREAS Difficulties have been found to exist in enforcing Decrees and Orders for Payment of Alimony in Causes pending in the Provincial and Diocesan Courts in *Ireland*, acting under the Provisions of the Ecclesiastical Courts and Registries Act, *Ireland*, 1864, in Cases where the Respondent or other the Person or Persons liable to pay the same cannot be served personally with such Decrees or Orders, or when a personal Demand of such Arrears cannot be made upon such Person or Persons, and it is expedient to make Provision to enable such Courts to enforce said Decrees and Orders without such Personal Service or Demand in manner herein-after appearing:

Be it enacted: . . .

Where personal Service of Decree is unavailing, the Court may make an Order for substituted Service.

1. In every Case in which, either before or after the passing of this Act, any Decree or Order shall have been pronounced or made in any Cause or Matter pending before any such Provincial or Diocesan Court, or in which such Provincial or Diocesan Court shall, under the said recited Act, have Jurisdiction, directing the Payment of an annual Sum by way of Alimony by any Person, or any Sum of Money as and for the Arrears of Alimony theretofore decreed or ordered to be paid, and it shall be made to appear to the Satisfaction of the Court by Affidavit, upon Application of the Person entitled to such Payment, that all due Efforts have been made for the Purpose of effecting personal Service upon the Person liable to such Payment of such Decree or Order, or for the Purpose of personally demanding from such Person the Payment of any Sum or Sums due under such Decree or Order, and that notwithstanding all due Diligence such Efforts to effect personal Service or Demand have been unavailing, either by reason of the Absence of the Person so sought to be served, or from other Causes not within the Control of the Person entitled to the Benefit of such Order or Decree, it shall be lawful for the Court to make an Order for the Substitution of the Service of such Decree or Order, or of a Demand of the Payment of such Sum or Sums of Money as aforesaid, as to the Court shall seem just and expedient.

Court may order Advertisements touching Enforcement of Decree where no substituted Service can be had.

2. In all Cases coming within the First Section of this Act, when the several Matters required to be proved to the Satisfaction of the Court before making any Order for substituted Service shall have been proved, and it shall further be made to appear by Affidavit that there is no Person upon whom such substituted Service can properly be had, it shall be lawful for the Court to order, in lieu of such substituted Service, that Advertisements shall be had in Two or more of the public Newspapers touching the Enforcement of such Decree or Order in such Form and subject to such Conditions in all respects as the Court shall direct.

Decree to be as effectual as personal Service.

3. After any such substituted Service or Advertisements, as in the preceding Section of this Act authorized, shall have taken place, such Decree or Order may be enforced in all respects as fully and effectually as if the same had been personally served upon the Person liable to the Payment of the Monies due under such Decree or Order, and as if a personal Demand had been made of such Monies from the Person liable to the Payment thereof.

CAP. XII.

An Act to amend the Law relating to Criminal Lunatics. [12th *April* 1867.]

WHEREAS it is expedient to amend the Law relating to Criminal Lunatics: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The Criminal Lunatics Act, 1867."

Definition of Criminal Lunatic.

2. "Criminal Lunatic" shall mean for the Purposes of this Act any of the Persons following; that is to say,

1. Any Person for whose safe Custody during Her Pleasure Her Majesty is authorized to give Order:
2. Any Person whom One of Her Majesty's Principal Secretaries of State is authorized by Law to direct to be removed to a Lunatic Asylum under any Act of Parliament:
3. Any Person sentenced or ordered to be kept in Penal Servitude who may be shown to the Satisfaction of the Secretary of State to be unfit from Imbecility of Mind for Penal Discipline.

Application of Act.

3. This Act shall not apply to *Scotland* or *Ireland*.

General Application of ss. 9. and 10. of 23 & 24 Vict. c. 75.

4. The Enactments contained in the Ninth and Tenth Sections of the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her

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present Majesty, Chapter Seventy-five, relating to the following Matters:

(1.) To the Power of the Secretary of State to permit a Lunatic to be absent from the Asylum on Trial:

(2.) To the Expenses of Conveyance and Maintenance of Criminal Lunatics:

shall apply to a Criminal Lunatic in whatever Asylum or Place of Confinement he may be, and to such Asylum and Place of Confinement, so far as regards such Lunatic, in the same Manner as if such Asylum or Place of Confinement were an Asylum appropriated to Criminal Lunatics in pursuance of the last-mentioned Act.

Power of Secretary of State to give conditional Order of Discharge.

5. It shall be lawful for One of Her Majesty's Principal Secretaries of State to discharge absolutely or conditionally any Criminal Lunatic.

Where any Criminal Lunatic has been discharged conditionally, if any of the Conditions of such Discharge are broken, the said Secretary of State may by Warrant, to be executed by any Constable or other Peace Officer to whom such Warrant is delivered, direct such Person to be taken into Custody, and to be conveyed to the Place in which he was detained at the Time of his Discharge, or to any other Place to which he might have been removed if no Order for his Discharge had been given, and any Person so taken into Custody shall revert in all respects to the same Position as he was in at the Time when the Order of Discharge was given, and shall be subject to be detained accordingly.

Criminal Lunatic may be removed to a County Asylum on Expiration of his Sentence.

6. The English Section of the said Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-five, shall be repealed, and in place thereof be it enacted: Where the Term of Punishment awarded to any Criminal Lunatic confined in any Asylum or other Place of Confinement for Criminal Lunatics expires before such Evidence of his Sanity has been given as justifies his being discharged, the following Consequences shall ensue; that is to say,

1. If such Lunatic be confined in any Asylum or Place of Confinement to which Lunatics may be sent in pursuance of the Lunatic Asylums Act, 1853, he shall thenceforth be deemed to be a Pauper Lunatic, and shall be in the same position in all respects as if he were a Lunatic who immediately previous to the Expiration of his Term of Punishment had been found wander- at large within the Parish or Place where the Offence was committed in respect of which he became a Criminal Lunatic, and had been directed by a Justice, in pursuance of the Sixty-eighth Section of the Lunatic Asylums Act, 1853, to be received into the said Asylum or Place of Confinement as a Lunatic wandering at large, and a proper Person to be taken charge of and detained under Care and Treatment:

2. If such Lunatic be confined in any Asylum or Place of Confinement to which Lunatics cannot be sent in pursuance of the said Lunatic Asylums Act, 1853, the said Secretary of State may, by Order under his Hand, direct the Lunatic to be received into any Asylum or Place of Confinement for Lunatics into which a Justice might have directed him to be received in pursuance of the said Sixty-eighth Section of the Lunatic Asylums Act, 1853, if immediately previous to the Date of the Expiration of his Term of punishment the Lunatic had been found wandering at large within the Parish or Place where the Offence was committed in respect of which he became a Criminal Lunatic, and the Justice had been satisfied that the Lunatic was a proper Person to be taken charge of and detained under Care and Treatment; and any Order made by the said Secretary of State in pursuance of this Section shall have the same Effect, and be obeyed by the same Persons, and subject them to the same Penalties in case of Disobedience, as an Order made by a Justice for the Reception of a Lunatic into an Asylum or other Place of Confinement for Lunatics in pursuance of the said Sixty-eighth Section of the said Lunatic Asylums Act, 1853; and such Lunatic when received into the said Asylum or Place of Confinement shall thenceforth be deemed to be a Pauper Lunatic, and shall be in the same Position in all respects as if he had been such wandering Lunatic as aforesaid directed to be received into the said Asylum or Place of Confinement in pursuance of the said Order of a Justice.

CAP. XIII.

An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters. [12th *April* 1867.]

CAP. XIV.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [12th *April* 1867.]

CAP. XV.

An Act for the Abolition of certain Exemptions from Local Dues on Shipping and on Goods carried in Ships. [12th *April* 1867.]

CAP. XVI.

An Act for authorizing a Guarantee of Interest on a Loan to be raised by *Canada* towards the Construction of a Railway connecting *Quebec* and *Halifax*. [12th *April* 1867.]

CAP. XVII.

An Act to Regulate the Court and Office of the Lyon King of Arms in *Scotland*, and the Emoluments of the Officers of the same. [3rd *May* 1867.]

CAP. XVIII.

An Act for the Preservation and further Protection of Oyster Fisheries. [3rd *May* 1867.]

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WHEREAS it is expedient to make Provision for the Protection of private Oyster Beds, Layings, or Fisheries: Be it therefore enacted: . . . .

Short Title. 1. This Act may be cited as The Oyster Preservation Act, 1867.

As to Words "Oysters" and "Person." 2. In this Act the Word "Oysters" includes the Brood, Ware, Half-ware, Spat, and Spawn of Oysters, and the Word "Person" includes Body Corporate.

Oysters in the Oyster Grounds or Fishery to be Owner's Property. 3. All Oysters being in or on any Oyster Bed, Laying, or Fishery which is the Property of any Person, and is sufficiently marked out or known as such, shall be the absolute Property of such Person, and in all Courts of Law and Equity and elsewhere, and for all Purposes, Civil, Criminal, or other, shall be deemed to be in the actual Possession of such Person.

Oysters removed from the Fishery to be Owner's Property. 4. All Oysters removed by any Person from any such Oyster Bed, Laying, or Fishery, and not either sold in Market overt, or disposed of by or under the Authority of the Person to whom such Bed, Laying, or Fishery belongs as aforesaid, shall be the absolute Property of such last-mentioned Person, and in all Courts of Law and Equity and elsewhere, and for all Purposes, Civil, Criminal, or other, the absolute Right to the Possession thereof shall be deemed to be in such last-mentioned Person.

Proof of marking of Limits. 5. Whenever it is necessary in any legal Proceeding to prove that the Limits of any Oyster or Mussel Fishery have been duly buoyed or otherwise marked, or that Notices of such Limits have been duly posted, published, or distributed in pursuance of any Act of Parliament or of any Order of the Board of Trade confirmed by Parliament, or that Notice of the Provisions of such Act or Order relating to the Oyster or Mussel Fishery has been duly published, a Certificate purporting to be under the Hand of one of the Secretaries or Assistant Secretaries of the Board of Trade, certifying that the Board of Trade are satisfied that the said Limits were so buoyed or marked, or that the said Notices were duly published, posted, or distributed, shall be received as Evidence that the same have been so buoyed or marked, or that the said Notices have been so published, posted, or distributed.

Contiguous Fisheries. 6. When Two or more Oyster Beds, Layings, or Fisheries belonging to different Proprietors are contiguous to each other, and any Indictment or Prosecution shall be raised or Proceeding taken against any Person for stealing Oysters from the same, it shall be sufficient, in alleging and proving the Place from which such Oysters were stolen, to allege and prove that they were stolen from one or other of such contiguous Beds, Layings, or Fisheries, and in alleging and proving the Property and lawful Possession of such Oysters it shall be sufficient to allege and prove that the same belonged to and were in the lawful Possession of one or other of such Proprietors, although it is not alleged or proved from which of such contiguous Beds, Layings, or Fisheries the same were stolen, or of which of such Proprietors they were the Property or in the lawful Possession.

CAP. XIX.

An Act to amend the Petty Sessions Act (*Ireland*), 1851, as to the backing of Warrants. [31*st May* 1867.]

14 & 15 Vict. c. 93. WHEREAS by the Petty Sessions Act (*Ireland*), 1851, certain Provisions were made for the backing of Warrants for Execution by the Inspector General or by either of the Deputy Inspectors General of Constabulary in *Ireland:*

And whereas the Number of the said Deputy Inspectors General of Constabulary has since been reduced to One, and there are Three Assistant Inspectors General of Constabulary:

And whereas it is expedient that in the Absence of the said Inspector General and Deputy Inspector General of Constabulary the Assistant Inspectors General of Constabulary should have the same Power to back Warrrants for Execution as by the said recited Act were given to the said Inspector General and Deputy Inspectors General:

Be it therefore enacted: . . . .

Power to Assistant Inspectors General of Constabulary to back Warrants in Absence of Inspector General and Deputy Inspector General. 1. That in the Absence of the Inspector General and Deputy Inspector General of Constabulary it shall be lawful for any one of the Assistant Inspectors General of Constabulary in *Ireland* to back, endorse, and transmit for Execution all Warrants issued under the said recited Act in like Manner as the said Inspector General and Deputy Inspectors General were thereby authorized to do, and thereupon the same shall and may be executed in like Manner as a Warrant backed by the said Inspector General or Deputy Inspector General under the recited Act.

CAP. XX.

An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*. [31*st May* 1867.]

CAP. XXI.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Gainsborough*, *Farsley*, *Bideford*, *Canterbury*, *Chepping Wycombe*, *Worthing*, and *Wednesfield*; and for other Purposes relative to certain Districts under that Act. [31st *May* 1867.]

CAP. XXII.

An Act to confirm a Provisional Order under "The Land Drainage Act, 1861." [31st *May* 1867.]

CAP. XXIII.

An Act to grant and alter certain Duties of Customs and Inland Revenue, and for other Purposes relating thereto. [31st *May* 1867.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, towards raising the necessary Supplies to defray Your Majesty's public Expenses, and making an Addition to the Public Revenue, have freely and voluntarily resolved to give and grant unto your Majesty the several Duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted: . . . .

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Grant of Duties specified in Schedules annexed.

1. There shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, the several Duties of Customs and Inland Revenue respectively specified in the Schedules marked respectively (A.), (B.), and (C.) to this Act; and the said Duties shall respectively take effect at the Dates, and shall continue to be charged, collected, and paid during the Periods respectively specified in that Behalf in the said Schedules respectively, and where no Date is specified for the Commencement of any Duty the same shall commence and take effect from the passing of this Act, and where no Period is specified for the Duration of any Duty the same shall continue to be charged, collected, and paid until Parliament shall otherwise order; and the said Schedules shall be deemed to be Part of this Act.

Provisions of former Acts to apply to Duties under this Act.

2. All the Powers, Provisions, Allowances, Exemptions, Forfeitures, and Penalties contained in or imposed by any Act or Acts, or any Schedule thereto, relating to Customs Duties and Stamp Duties, and in force at the Time of the passing of this Act, and relating to the Duty of Income Tax, and in force on the Fifth Day of *April* One thousand eight hundred and sixty-seven, shall respectively be in full Force as to the said Duties granted by this Act, so far as the same are applicable, and shall be observed, applied, allowed, enforced, and put in execution for and in the raising, levying, collecting, and securing of the said Duties, and otherwise in relation thereto, so far as the same shall not be repealed or superseded by and shall be consistent with the Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein expressly enacted with reference to the said Duties respectively.

As to Stamp Duty on Sea Insurances.

Repeal of Acts in Schedule (D.)

3. On the passing of this Act the Stamp Duties now payable for Policies of Sea Insurance shall cease and determine, and the several Acts and Parts of Acts specified in the Schedule marked (D) to this Act annexed are hereby repealed, save so far as respects any Policy made prior to the passing of this Act, and as respects any Forfeiture or Penalty incurred in respect of any offence against any Enactment so repealed.

Interpretation of Terms.

4. In this Act the Expression "Sea Insurance" means any Insurance (including Re-insurance) made upon any Ship or Vessel, or upon the Machinery, Tackle, or Furniture of any Ship or Vessel, or upon any Goods, Merchandise, or Property, of any Description whatever, on board of any Ship or Vessel, or upon the Freight of or any other Interest which may be lawfully insured in or relating to any Ship or Vessel; and the Word "Policy" means any Instrument whereby a Contract or Agreement for any Sea Insurance is made or entered into.

Commissioners to provide stamped Forms of Policies.

5. The Commissioners of Inland Revenue shall provide Blank Policies, printed on Paper, in the Form set forth in Schedule (E.) to this Act, and stamped to denote the Duty payable under this Act; and any Person may buy such Blank Policies, stamped with the Duty which he may require, at the Price of such Duty: Provided always, that before any such stamped Blank Policies shall be issued, and before any Vellum, Parchment, or Paper which may be brought to be stamped shall be delivered out stamped by any Officer of Inland Revenue, he shall mark or write thereon the Day, Month, and year of such Issue or Delivery, and if he wilfully neglect so to do he shall forfeit the sum of One hundred Pounds.

Office in London for distributing stamped Forms of Policies.

6. The said Commissioners shall keep an Office within the City of *London* for the Distribution of Blank Policies, stamped as aforesaid, to Persons carrying on the Business of Insurance within the said City, and purchasing the same, subject to the usual Allowance made on Purchase of Stamps.

Contract for Insurance to be in Writing and to specify certain Particulars.

7. No Contract or Agreement for Sea Insurance (other than such Insurance as is referred to in the Fifty-fifth Section of "The Merchant Shipping Act Amendment Act, 1862,") shall be valid unless the same is expressed in a Policy; and every Policy shall specify the particular Risk or Adventure, the Names of the Subscribers or Underwriters, and the Sum or Sums insured; and in case any of the above-mentioned Particulars shall be omitted in any Policy, such Policy shall be null and void to all Intents and Purposes.

No Policy to be made for more than Twelve Months.

8. No Policy shall be made for any Time exceeding Twelve Months, and every Policy which shall be made for any Time exceeding Twelve Months shall be null and void to all Intents and Purposes.

No Policy valid unless duly stamped.

9. No Policy shall be pleaded or given in Evidence in any Court or admitted in any Court to be good or available in Law or in Equity, unless duly stamped; and it shall not be lawful for the said Commissioners or any Officer of Inland Revenue to stamp any Policy at any time after it is signed or under-written by any Person, on any Pretence whatever, except in the Two Cases following; that is to say,

Exception in case of certain mutual Insurances;

1st. Any Policy of Mutual Insurance having a Stamp or Stamps impressed thereon may, if required, be stamped with an additional Stamp or Stamps, provided that at the Time such additional Stamp or Stamps shall be required the Policy shall not have been signed or underwritten to an amount exceeding the Sum or Sums which the Stamp or Stamps previously impressed thereon will warrant:

and in case of Policies made abroad.

2nd. Any Policy made abroad, and chargeable with Duty by virtue of the Fifteenth Section of the Act of the Twenty-eighth and Twenty-ninth Years of Her Majesty's Reign, Chapter Ninety-six, may be stamped within the Time specified in that Act.

Legal Alterations in Policies may be made under certain Restrictions.

10. Nothing in this Act shall extend or be construed to extend to prohibit the making of any Alteration which may lawfully be made in the Terms and Conditions of any Policy after the same shall have been underwritten; provided that such Alteration be made before Notice of the Determination of the Risk originally insured, and that it shall not prolong the Time covered by the Insurance thereby made beyond the Period of Six Months in the Case of a Policy made for a less Period than Six Months, or beyond the Period allowed by this Act in the Case of a Policy made for a greater Period than Six Months, and that the Articles insured shall remain the Property of the same Person or Persons, and that no additional or further Sum shall be insured by reason or means of such Alteration.

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Policies for Voyage and Time chargeable with Two Duties.

11. Where any Sea Insurance is made for a Voyage and also for Time, or to extend to or cover any Time beyond Twenty-four Hours after the Ship shall have arrived at her Destination and been there moored at Anchor, the Policy shall be chargeable with Duty as a Policy for a Voyage, and also with Duty as a Policy for Time.

As to Insurances by Carriers.

12. Where any Carrier by Sea or other Person shall, in consideration of any sum of Money paid or to be paid for additional Freight or otherwise, agree to take upon himself any Risk attending Goods, Merchandise, or Property of any Description whatever while on board any Ship or Vessel, or engage to indemnify the Owner of any such Goods, Merchandise, or Property from any Risk, Loss, or Damage, such Agreement or Engagement shall be deemed to be a Contract for a Sea Insurance.

Penalty on assuring unless Policy duly stamped.

13. If any Person shall become an Assurer upon any Sea Insurance, or shall subscribe or underwrite, or otherwise sign or make, or enter into any Contract, Agreement, or Memorandum, for or of any Sea Insurance, or shall receive or contract for any Premium or Consideration for any Sea Insurance, or shall receive or charge, or take Credit in Account for any such Premium or Consideration as aforesaid, or any Sum of Money as or for any such Premium or Consideration as aforesaid, or shall wilfully or knowingly take upon himself any Risk, or render himself liable to pay, or shall pay or allow, or agree to pay or allow, in account or otherwise, any Sum of Money upon any Loss, Peril, or Contingency relative to any Sea Insurance, unless such Insurance shall be written on Vellum, Parchment, or Paper duly stamped, or if any Person shall be concerned in any fraudulent Contrivance or Device, or shall be guilty of any wilful Act, Neglect, or Omission, with Intent to evade the Duties payable on Policies under this Act, or whereby the Duties may be evaded, every Person so offending shall for every such Offence forfeit the Sum of One hundred Pounds.

Penalty on Persons effecting Insurance unless duly stamped.

14. Every Person who shall make or effect, or knowingly procure to be made or effected, any Sea Insurance, or shall give or pay, or render himself liable to pay, any Sum of Money, Premium, or Consideration whatever in the Nature of a Premium for or upon any Sea Insurance, or shall enter into any Contract or Agreement whatever for any Sea Insurance, unless the same Insurance, Contract and Agreement for Insurance, respectively, shall be written on Vellum, Parchment, or Paper, being first duly stamped, shall for every such Offence forfeit and pay the Sum of One hundred Pounds; and every Broker, Agent, or other Person negotiating or transacting any Sea Insurance contrary to the true Intent and Meaning of this Act, or writing any Agreement for any Sea Insurance upon Vellum, Parchment, or Paper not duly stamped, shall for every such Offence forfeit the Sum of One hundred Pounds.

Penalty for issuing a Copy of Policy where no Policy.

15. If any Person shall make or issue, or cause to be made or issued, any Document purporting to be a Copy of a Policy, and there shall not be in existence, at the Time of such making or Issue, a Policy duly stamped whereof the said Document shall be a Copy, he shall for such Offence forfeit the Sum of One hundred Pounds in addition to any other Penalty which he may have incurred under this Act.

Brokerage not to be a legal Charge unless Policy duly stamped.

16. It shall not be lawful for any Broker, Agent, or other Person negotiating or transacting or making any Sea Insurance to charge his Employer any Sum of Money for Brokerage or Agency, or for his Pains or Labour in negotiating, transacting, or making such Insurance, or writing the same, or for any Monies expended or paid by way of Premium or Consideration in the Nature of a Premium for such Insurance, unless the same shall be written on Vellum, Parchment, or Paper, duly stamped; and all and every Sum and Sums whatever paid by such Employer on any such Account to any Broker, Agent, or other Person negotiating or transacting or making any Insurance contrary to this Act shall be deemed to be paid without Consideration, and shall remain the Property of such Employer, his Executors, Administrators, or Assigns.

Allowance may be made in the Case specified.

17. Where a Policy shall be inadvertently filled up in an incorrect or improper Manner, or be obliterated or otherwise spoiled and rendered unfit for Use, or shall be filled up for some Insurance which shall not be proceeded in, and the same shall not be signed by any Underwriter, but in no other Case, it shall be lawful for the said Commissioners to allow as spoiled, and to cancel, the Stamps on such Policy, provided that Application shall be made for the Allowance within Six Months after such Policy shall be spoiled or become useless; and the Enactments now in force with reference to the Allowance of spoiled Stamps shall, so far as the same are applicable, extend to the Allowance hereinbefore mentioned.

Officers of Inland Revenue may be authorized to examine Claims for Allowances.

18. The said Commissioners may authorize any Officer or Officers of Inland Revenue to receive and examine the Claims made for such Allowance as aforesaid, and to take Affidavits and Affirmations relating thereto, and to administer the proper Oaths and Affirmations for that Purpose, and to do all or any Act or Acts respecting such Claims which the Commissioners themselves are authorized to do.

As to Income Tax.

Sections 6 & 7 of 29 Vict. c. 36, not to apply, &c.

19. Nothing herein contained shall continue or be construed to continue the Provisions contained in the Sixth and Seventh Sections of the Act passed in the Twenty-ninth Year of Her Majesty's Reign, Chapter Thirty-six; and for the Purposes of this Act the year One thousand eight hundred and sixty-two mentioned in the Forty-third Section of the Act passed in the Twenty-fifth Year of Her Majesty's Reign, Chapter Twenty-two, shall be read as and deemed to mean the Year One thousand eight hundred and sixty-seven.

SCHEDULES.

SCHEDULE (A.)

Containing the Duties of Customs granted by this Act

The Duties of Customs now charged on Tea shall continue to be levied and charged—

On and after the First Day of August One thousand eight hundred and sixty-seven until the First Day of August One thousand eight hundred and sixty-eight, on the Importation thereof into Great Britain and Ireland; that is to say,

		£	s.	d.
Tea	the lb.	0	0	6

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SCHEDULE (B.)

Containing the Stamp Duties granted by this Act.

	s.	d.
For every Policy of Sea Insurance for or upon any Voyage—		
In respect of every full Sum of One hundred Pounds and in respect of any fractional Part of One hundred Pounds thereby insured -	0	3
For every Policy of Sea Insurance for Time— In respect of every full Sum of One hundred Pounds and in respect of any fractional Part of One hundred Pounds thereby insured—		
Where the Insurance shall be made for any Time not exceeding Six Months -	0	3
Where the Insurance shall be made for any Time exceeding Six Months and not exceeding Twelve Months - -	0	6

But if the separate and distinct Interests of Two or more Persons shall be insured by One Policy for a Voyage or for Time, then the Duty of Threepence or the Duty of Threepence or Sixpence, as the Case may require, shall be charged thereon in respect of every full Sum of One hundred Pounds and every fractional Part of One hundred Pounds thereby insured upon any separate or distinct Interest.

SCHEDULE (C.)

Containing the Duties of Income Tax granted by this Act.

For One Year commencing on the Sixth Day of April One thousand eight hundred and sixty-seven, for and in respect of all Property, Profits, and Gains mentioned or described as chargeable in the Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter Thirty-four, for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, the following Duties shall be charged; (that is to say,)

For every Twenty Shillings of the annual Value or Amount of all such Property, Profits, and Gains (except those chargeable under Schedule (B.) of the said Act), the Duty of Fourpence:

And for and in respect of the Occupation of Lands, Tenements, Hereditaments, and Heritages chargeable under Schedule (B.) of the said Act, for every Twenty Shillings of the annual Value thereof—

In England the Duty of Twopence:

And in Scotland and Ireland respectively the Duty of One Penny Halfpenny:

Subject to the Provisions contained in Section Three of the Act Twenty-sixth Victoria, Chapter Twenty-two, for the Exemption of Persons whose whole Income from every Source is under One hundred Pounds a Year, and Relief of those whose Income is under Two hundred Pounds a Year.

SCHEDULE (D.)

Containing the Enactments repealed by this Act.

Session and Chapter	Title or abbreviated Title	Extent of Repeal
11 Geo. 1. c. 30. -	An Act for more effectually preventing Frauds and Abuses in the Publick Revenues, &c. &c.	Section 44.
19 Geo. 2. c. 37. -	An Act to regulate Insurance on Ships belonging to the Subjects of Great Britain, and on Merchandise or Effects laden thereon.	Section 4.
35 Geo. 3. c. 63. -	An Act for granting to His Majesty certain Stamp Duties on Sea Insurances.	The whole Act.
39 & 40 Geo. 3 c. 72.	An Act to amend several Laws relating to the Duties on stamped Vellum, Parchment, and Paper.	Sections 8, 9, 10, 11, and 12.

SCHEDULE (D.)—*con.*

Session and Chapter	Title or abbreviated Title	Extent of Repeal
54 Geo. 3. c. 133. -	An Act for enabling the Commissioners of Stamps to make Allowances for spoiled Stamps on Policies of Insurance in Great Britain, and for preventing Frauds relating thereto.	The whole Act.
54 Geo. 3. c. 144. -	An Act for better securing the Stamp Duties on Sea Insurances made in London, &c. &c.	The whole Act, except Sections 13 and 14.
9 Geo. 4. c. 49. -	An Act to amend the Laws in force relating to the Stamp Duties on Sea Insurances, &c. &c.	Section 1.
5 & 6 Vict. c. 82. -	An Act to assimilate the Stamp Duties in Great Britain and Ireland, and to make Regulations for collecting and managing the same until the 10th day of October 1845.	Sections 22, 23, 24, 25, 26, 27, 28, 29, and 30.
7 Vict. c. 21 -	An Act to reduce the Stamp Duties on Policies of Sea Insurance, &c. &c.	Section 4 and the Schedule.
27 & 28 Vict. c. 56. -	An Act for granting to Her Majesty certain Stamp Duties, and to amend the Laws relating to the Inland Revenue.	Section 1.
28 & 29 Vict. c. 96. -	An Act to amend the Laws relating to the Inland Revenue.	Sections 8 and 9

SCHEDULE (E.)

Form of Policy.

S.G. Be it known that

£

Delivered the
Day of
186 .
No. .

as well in own Name, as for and in the Name and Names of all and every other Person or Persons to whom the same doth, may, or shall appertain, in part or in all, doth make assurance and cause

and them and every of them, to be insured, lost or not lost, at and from

upon any Kind of Goods and Merchandises, and also upon the Body, Tackle, Apparel, Ordnance, Munition, Artillery, Boat and other Furniture, of and in the good Ship or Vessel called the

whereof is Master, under God for this present Voyage,

or whosoever else shall go for Master in the said Ship, or by whatsoever other Name or Names the same Ship, or the Master thereof, is or shall be named or called, beginning the Adventure upon the said Goods and Merchandises from the loading thereof aboard the said Ship

upon the said Ship, *&c.*

and shall so continue and endure, during her Abode there, upon the said Ship, *&c.*; and further, until the said Ship, with all her Ordnance, Tackle, Apparel, *&c.* and Goods and Merchandises whatsoever, shall be arrived at

upon the said Ship, *&c.* until she hath moored at Anchor Twenty-four Hours in good Safety, and upon the Goods and Merchandises until the same be there discharged and safely landed; and it shall be lawful for the said Ship, *&c.* in this Voyage to proceed and sail to and touch and stay at any Ports or Places whatsoever

without Prejudice to this Insurance. The said Ship, *&c.*, Goods and Merchandises, *&c.*, for so much as concerns the Assured, by Agreements between the Assured and Assurers in this Policy, are and shall be valued at

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Touching the Adventures and Perils which we the Assurers are contented to bear and do take upon us in this Voyage, they are, of the Seas, Men-of-War, Fire, Enemies, Pirates, Rovers, Thieves, Jettisons, Letters of Mart and Countermart, Surprisals, Takings at Sea, Arrests, Restraints and Detainments of all Kings, Princes, and People, of what Nation, Condition, or Quality soever, Barretry of the Master and Mariners, and of all other Perils, Losses, and Misfortunes that have or shall come to the Hurt, Detriment, or Damage of the said Goods and Merchandises and Ship, *&c.*, or any Part thereof; and in case of any Loss or Misfortune it shall be lawful to the Assured, their Factors, Servants, and Assigns, to sue, labour, and travel for, in, and about the Defence, Safeguard, and Recovery of the said Goods and Merchandises and Ship, *&c.*, or any Part thereof, without Prejudice to this Insurance; to the Charges whereof we, the Assurers, will contribute each one according to the Rate and Quantity of his Sum herein assured. And it is agreed by us, the Insurers, that this Writing or Policy of Assurance shall be of as much Force and Effect as the surest Writing or Policy of Assurance heretofore made in Lombard Street, or in the Royal Exchange, or elsewhere in London. And so we the Assurers are contented, and do hereby promise and bind ourselves, each one for his own Part, our Heirs, Executors, and Goods, to the Assured, their Executors, Administrators, and Assigns, for the true Performance of the Premises, confessing ourselves paid the Consideration due unto us for this Assurance by the Assured
at and after the Rate of

In witness whereof, we the Assurers have subscribed our Names and Sums Assured in

N.B.—Corn, Fish, Salt, Fruit, Flour, and Seed are warranted free from Average, unless general, or the Ship be stranded; Sugar, Tobacco, Hemp, Flax, Hides, and Skins are warranted free from Average under Five Pounds per Cent.; and all other Goods, also the Ship and Freight, are warranted free from Average under Three Pounds per Cent., unless general, or the Ship be stranded.

CAP. XXIV.

An Act to amend an Act of the Twenty-eighth and Twenty-ninth Years of her present Majesty, Chapter Sixty-one, for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards, and the Ports of *Dover* and *Portland*, and of creating a Central Arsenal.
[31*st May* 1867.]

CAP. XXV.

An Act to further continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter One, intituled, *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of* Ireland *to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government.*
[31*st May* 1867.]

29 & 30 Vict. c. 1.

WHEREAS an Act was passed in the last Session of Parliament, Chapter One, intituled, *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of* Ireland *to apprehend, and detain for a limited Time, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government:*

29 & 30 Vict. c. 119.

And whereas by an Act passed in the same Session of Parliament, Chapter One hundred and nineteen, the Powers and Provisions of the said first-recited Act were continued until the Expiration of Twenty-one Days after the Commencement of the present Session:

30 Vict. c. 1.

And whereas by an Act passed in the present Session of Parliament, Chapter One, intituled *An Act to further continue the Act of the Twenty-ninth Year of the Reign of Her present Majesty, Chapter One, intituled "An Act to empower the Lord "Lieutenant or other Chief Governor or Governors of* "Ireland *to apprehend, and detain for a limited Time, "such Persons as he or they shall suspect of conspiring "against Her Majesty's Person and Government,"* the Powers and Provisions of the said first-recited Act were continued until the first Day of *June* One thousand eight hundred and sixty-seven, and it is expedient to continue the same for a further limited Period:

Be it enacted by the Queen's most Excellent Majesty: . . . .

Continuation of 29 & 30 Vict. c. 1.

1. The first-recited Act, and the several Powers and Provisions therein contained, shall continue in force until the First Day of *March* One thousand eight hundred and sixty-eight, and the said Act shall be construed as if the Words "until the First Day of *March* One "thousand eight hundred and sixty-eight" were throughout the said Act substituted for the Words "until the First Day of *September* One thousand eight hundred and sixty-six."

All Prisoners under this Act to be treated as untried Prisoners.

2. All Prisoners at present in Confinement under the Warrant of the Lord Lieutenant of *Ireland* by virtue of the Powers of the first-recited Act, or who shall be hereafter arrested and committed to Prison in pursuance of same or of this Act, shall while in such Confinement be treated as untried Prisoners.

CAP. XXVI.

An Act to provide for the Conversion of Twenty-four million Pounds Sterling of the National Debt into Terminable Annuities.
[31*st May* 1867.]

CAP. XXVII.

An Act to allow Warehoused *British* Spirits to be bottled for Home Consumption.
[17th *June* 1867.]

CAP. XXVIII.

An Act to amend "The Labouring Classes Dwellings Acts, 1866." [17th *June* 1867.]

BE it enacted: . . . . .

Short Title.

1. This Act may be cited as "The Labouring Classes Dwelling Houses Act, 1867."

Defining Meaning of certain Terms in 29 & 30 Vict. cc. 28. and 44.

2. In the Fourth Section of "The Labouring Classes Dwelling Houses Act, 1866," the Words "Land or Dwellings for the Purposes of which the Advance is made," and in the Twelfth Section of "The Labouring Classes Lodging Houses and Dwellings Act (*Ireland*),

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1866," the Words "Lands, Buildings, or Premises for "the Purpose of which such Advance shall be made," shall respectively be construed to include any Land, Buildings, or Premises held together with and for the same Estate and Interest as the Lands, Buildings, or Premises upon which the Money advanced is to be expended under the Provisions of the said Acts respectively.

In case of Advances to Company, Part of whose Capital is unpaid, Loan Commissioners may dispense with Mortgage.

3. In the Case of an Advance under the Provisions of either of the said Acts to a Company or Society, any Part of whose Capital remains uncalled up or unpaid, it shall be lawful, in *England* for the Public Works Loan Commissioners, and in *Ireland* for the Public Works Commissioners, to dispense with a Mortgage of such Capital remaining uncalled up or unpaid, or of such Part thereof as they may think fit.

Extending 29 & 30 Vict. c. 28. to Scotland.

4. Notwithstanding the Fifty-third Section of "The Labouring Classes Lodging Houses Act, 1851," all the Provisions of "The Labouring Classes Dwelling Houses Act, 1866," so far as they are applicable to *Scotland*, shall be deemed and construed to extend and apply to *Scotland*.

CAP. XXIX.

An Act to amend the Law in respect of the Sale and Purchase of Shares in Joint Stock Banking Companies. [17th *June* 1867.]

WHEREAS it is expedient to make Provision for the Prevention of Contracts for the Sale and Purchase of Shares and Stock in Joint Stock Banking Companies of which the Sellers are not possessed or over which they have no Control:

May it therefore please Your Majesty that it may be enacted; and be it enacted: . . . . .

Contracts for Sale, &c. of Shares to be void unless the Numbers by which such Shares are distinguished are set forth in Contract.

1. That all Contracts, Agreements, and Tokens of Sale and Purchase which shall, from and after the First Day of *July* One thousand eight hundred and sixty-seven, be made or entered into for the Sale or Transfer, or purporting to be for the Sale or Transfer, of any Share or Shares, or of any Stock or other Interest, in any Joint Stock Banking Company in the United Kingdom of *Great Britain* and *Ireland* constituted under or regulated by the Provisions of any Act of Parliament, Royal Charter, or Letters Patent, issuing Shares or Stock transferable by any Deed or written Instrument, shall be null and void to all Intents and Purposes whatsoever, unless such Contract, Agreement, or other Token shall set forth and designate in Writing such Shares, Stock, or Interest by the respective Numbers by which the same are distinguished at the making of such Contract, Agreement, or Token on the Register or Books of such Banking Company as aforesaid, or where there is no such Register of Shares or Stock by distinguishing Numbers, then unless such Contract, Agreement, or other Token shall set forth the Person or Persons in whose Name or Names such Shares, Stock, or Interest shall at the Time of making such Contract stand as the registered Proprietor thereof in the Books of such Banking Company; and every Person, whether Principal, Broker, or Agent, who shall wilfully insert in any such Contract, Agreement, or other Token any false Entry of such Numbers, or any Name or Names other than that of the Person or Persons in whose Name such Shares, Stock, or Interest shall stand as aforesaid, shall be guilty of a Misdemeanor, and be punished accordingly, and, if in *Scotland*, shall be guilty of an Offence punishable by Fine or Imprisonment.

Registered Shareholders may see Lists.

2. Joint Stock Banking Companies shall be bound to show their List of Shareholders to any registered Shareholder during Business Hours, from Ten of the Clock to Four of the Clock.

Extent of Act limited.

3. This Act shall not extend to Shares or Stock in the Bank of *England* or the Bank of *Ireland*.

CAP. XXX.

An Act to apply the Sum of Fourteen million Pounds out of the Consolidated Fund to the Service of the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-eight. [17th *June* 1867.]

CAP. XXXI.

An Act for raising the Sum of One million seven hundred thousand Pounds by Exchequer Bonds for the Service of the Year ending on the Thirty-first Day of *March* One thousand eight hundred and sixty-eight. [17*th June* 1867.]

CAP. XXXII.

An Act to authorize further Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor; for the Purposes of the Public Works (Manufacturing Districts) Acts, 1863, 1864; and to amend the Acts authorizing Advances for Public Works. [17*th June* 1867.]

CAP. XXXIII.

An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to *Balbriggan*, *Cromer*, *Dingwall*, *Girvan*, *Rothesay*, and *Seaford*. [17*th June* 1867.]

CAP. XXXIV.

An Act for limiting the Period of Enlistment in Her Majesty's Army. [20*th June* 1867.]

CAP. XXXV.

An Act to remove some Defects in the Administration of the Criminal Law. [20*th June* 1867.]

[This Act does not extend to Ireland.]

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CAP. XXXVI.

An Act to authorize the Quarter Sessions of the Peace for the Borough and City of *Chester* and County of the same City, and the Portmote and Pentice Courts for the City of *Chester*, to be held at the Castle of *Chester*, and to confer additional Powers upon the Sheriff of the County of *Chester* in exoneration of the Sheriff of the City of *Chester*. [15*th July* 1867.]

CAP. XXXVII.

An Act to amend and consolidate the Public Libraries Acts (*Scotland*). [15*th July* 1867.]

CAP. XXXVIII.

An Act for the Preservation of *Bunhill Fields* Burial Ground in the County of *Middlesex* as an open Space; and for other Purposes relating thereto. [15*th July* 1867.]

CAP. XXXIX.

An Act for amending the Law with respect to the Accounts of the Receiver for the Metropolitan Police District; and for other Purposes relating to the Metropolitan Police. [15*th July* 1867.]

CAP. XL.

An Act to authorize the Commissioners of Her Majesty's Works and Public Buildings to acquire Lands for the Purposes of the New Palace at *Westminster*, and to construct an Embankment on the North Shore of the River *Thames* in the Parish of *Saint John the Evangelist, Westminster*. [15*th July* 1867.]

CAP. XLI.

An Act to make further Provision for the Enlargement of the National Gallery. [15*th July* 1867.]

CAP. XLII.

An Act to amend the Law relating to the Landlord's Right of Hypothec in *Scotland*, in so far as respects Land held for Agricultural or Grazing Purposes. [15*th July* 1867.]

CAP. XLIII.

An Act to confirm a Provisional Order under "The Drainage and Improvement of Lands (*Ireland*) Act, 1863," and the Acts amending the same. [15*th July* 1867.]

WHEREAS the Commissioners of Public Works in *Ireland* have, in pursuance of the Drainage and Improvement of Lands Act, *Ireland*, 1863, and the Acts amending the same, duly made the Provisional Order contained in the Schedule to this Act annexed; and it is by said Act provided that no such Order shall be of any Validity whatever until it shall have been confirmed by Parliament, and it is expedient that the said Order should be confirmed:

Be it therefore enacted: . . . .

Provisional Order confirmed.

1. The Provisional Order contained in the Schedule hereunto annexed is hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament, of the like Force and Effect as if the Provisions of the same had been enacted in the Body of this Act.

Saving of Rights of Owners beyond the Jurisdiction of the Board established by this Act.

2. It is hereby declared that, as against any Person owning or interested in any Land or other Property situate beyond the Limits of the Jurisdiction of the Board established by this Act, nothing contained in the said Drainage and Improvement of Lands Act (*Ireland*), 1863, or in the said Provisional Order, or in this Act, shall be construed to render legal any Work executed or to be executed by such Board that would, if the said Acts had not been passed, have been illegal by reason of its injuriously affecting such Land or Property; and any Damages adjudged to be paid by the said Board to any Person as aforesaid shall be deemed to be Part of the Costs incurred by such Board in defending legal Proceedings instituted against them, and shall be defrayed in manner in which the said Costs are authorized to be defrayed by the Drainage and Improvement of Lands Acts (*Ireland*), 1863.

Short Title.

3. This Act may be cited for all Purposes as "The Drainage and Improvement of Lands Supplemental Act (*Ireland*), 1867."

SCHEDULE to which the Act refers.

Drainage and Improvement of Lands Act (Ireland) 1863; 26 & 27 Victoria, Chapter 88; 27 & 28 Victoria, Chapter 72; 28 & 29 Victoria, Chapter 52.

In the Matter of BRICKEY Drainage District, county of Waterford.

WHEREAS certain proprietors of and persons interested in the lands adjoining the Brickey River, on or about the Nineteenth day of March One thousand eight hundred and sixty-six, presented their Petition to the Commissioners of Public Works in Ireland, under the provisions of the Drainage and Improvement of Lands Act (Ireland) 1863, and the Acts since passed amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing by reference to the said map the boundaries and area of the proposed Drainage District, and stating the exigencies rendering the formation of such Drainage District necessary, and praying that the said lands within the proposed District should be constituted a separate Drainage District under the provisions of the said Act:

And whereas the said Commissioners referred the same to Samuel U. Roberts, Esquire, civil engineer, an inspector duly appointed under the said Act:

And whereas all notices and inquiries required by the said Act have been duly given and made, and the said Inspector has duly reported to us the said Commissioners in writing the result of his inquiries, and we the said Commissioners have duly considered the same, and no objections to the report of the said Inspector have been made to us, and all preliminaries required by the said Act to precede the making of this Provisional Order have been performed and complied with:

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And whereas the said Commissioners of Public Works in Ireland, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate Drainage District, and that the proprietors of two-third parts in value of the lands in the proposed District are in favour thereof, and have subsequently to the date of the report of the said Inspector assented thereto in writing:

Now, therefore, in pursuance of the power given to us by the said Act, we, the Commissioners of Public Works in Ireland, do by this Provisional Order under our common seal constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on a certain map to which we have caused our common seal to be attached, and which map is deposited in the office of Public Works in Ireland, a separate Drainage District by the name of "The Brickey River Drainage District;" and we do declare, that the lands to be purchased for the proposed works in such District, subject to such alterations and deviations therefrom as we the said Commissioners may hereafter sanction, are the lands in that behalf shown and set forth in the said map and the schedule thereto annexed, marked with the letter B, and also sealed with our common seal:

And we the said Commissioners of Public Works do, by this our Provisional Order, order and direct that the time for completion of the necessary works in the said District shall be limited to the First day of November which will be in the year One thousand eight hundred and sixty-nine.

And we do further by this our Provisional Order make the following regulations with respect to the Drainage Board:—

That the Drainage Board for the said District shall consist of eight members:

That the following persons shall be the members of the first Drainage Board; viz.:—

Lord Stuart de Decies of Dromana in the county of Waterford; Sir Richard Musgrave, Baronet, of Tourin in the county of Waterford; Edward O'Dell of Carriglea in the county of Waterford, Esquire; Thomas Egan of Ballintogher in the county of Waterford, Esquire; John Quinlan of Clonkerden in the county of Waterford, Esquire; Edmond Spratt of Coolcormuck in the county of Waterford, Esquire; Patrick Curran of Ballycullane in the county of Waterford, Esquire; William McCarthy of Ballyduff in the county of Waterford, Esquire:

That the first meeting of said Board shall be summoned by notice under the hands of any two or more of the said Board, published in the *Dublin Gazette*, and some newspaper generally circulated in the said District, at least fourteen days next before the day of meeting:

That the qualifications of any subsequent member of the said Board shall be that he shall be the proprietor (as defined by the said Act, and the Acts referred to therein or incorporated therewith,) of not less than twenty acres of land situate within the area ofthe said District, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land, situate within the area of said District, and acting as receiver of the rents and profits of such lands:

That the members of the first Board shall vacate their offices on the first Thursday in September in the year following the date of this Provisional Order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said Act; provided alway, that no such elector shall be entitled to vote or exercise any privilege as such, unless the land of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the District, and he shall have previously paid all rates and arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid District.

In witness whereof we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed this Eighth day of April One thousand eight hundred and sixty-seven.

(L.S.) E. HORNSBY, Secretary.

Office of Public Works, Dublin.

CAP. XLIV.

An Act to amend the Constitution, Practice, and Procedure of the Court of Chancery in *Ireland*. [15*th July* 1867.]

WHEREAS it is expedient to alter the Constitution and amend the Practice and Course of Proceeding of the High Court of Chancery in *Ireland*, with a view of establishing Uniformity of Practice and Procedure in the Courts of Chancery in *England* and *Ireland*, and to make Provision for the Receipt of Fees of the Court of Chancery in *Ireland* by Stamps, and to give increased Power over Funds in that Court, the Dividends of which have not been dealt with for a certain Period: Be it therefore enacted: . . . . . .

Short Title. 1. This Act may be cited for all Purposes as "THE CHANCERY (*Ireland*) ACT, 1867."

Interpretation of Terms. 2. In the Construction and for the Purposes of this Act the following Terms shall have the respective Meanings hereinafter assigned to them (if not inconsistent with the Context or Subject Matter); that is to say,

"Her Majesty:" The Expression "Her Majesty" shall mean the Sovereign for the Time being:

"Chancery Court:" The Expressions "Court of Chancery," "Chancery," and "Court" shall mean the Court of Chancery in *Ireland:*

"Lord Chancellor:" The Expression "Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of *Ireland:*

"Master of the Rolls:" The Words "Master of the Rolls" shall mean the Master of the Rolls in *Ireland:*

"Master:" The Word "Master" shall mean Master in Ordinary of the Court of Chancery in *Ireland:*

"Master's Examiner:" The Words "Master's Examiner" shall mean Clerk and Examiner to a Master in Ordinary of the Court of Chancery in *Ireland:*

"Bill of Complaint:" The Words "Bill of Complaint and Bill" shall mean also and include Information:

"Plaintiff:" The Word "Plaintiff" shall include Informant:

"Suit:" The Word "Suit" shall include Cause, Matter, or other Proceeding:

"Affidavit:" The Word "Affidavit" shall include Declaration, Affirmation, and Attestation upon Honour; and the Word "swear" shall include declare, affirm, and attest upon Honour:

"Lunatic:" The Word "Lunatic" shall include Idiots and Persons of unsound Mind, and whether found such by Inquisition or not:

"General Order:" The Words "General Order," "General Order of the Court," shall mean a General Order made in the Manner hereinafter provided:

"Agent" and "Town Agent:" The Words "Agent" and "Town Agent" shall mean an Agent or Town Agent being a practising Solicitor.

Divisions of Act. 3. This Act shall consist of Five Parts, relating to:—

Part I. The Appointment of a Vice-Chancellor:

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Part II. The Abolition of the Office of Master in Ordinary of the Court of Chancery:
Part III. Procedure and Practice:
Part IV. Stamps and Fees:
Part V. Miscellaneous Matters.

PART I.

PART I.

Appointment of Vice-Chancellor, &c.

Appointment of a Vice-Chancellor, &c.

Appointment of Vice-Chancellor.

4. It shall be lawful for Her Majesty to nominate and appoint, by Letters Patent under the Great Seal of *Ireland*, a fit Person, being or having been a Barrister-at-Law of Fifteen Years standing at the least, to be a Judge Assistant to the Lord Chancellor of *Ireland* in the Discharge of the Judicial Functions of his Office, such additional Judge to be called the Vice-Chancellor of *Ireland:* Provided that no Vice-Chancellor appointed under this Act shall during his Tenure of Office be capable of sitting in the House of Commons.

Appointment of Successors of Vice-Chancellor.

5. From Time to Time, when and as any Vacancy shall occur in the Office of the Vice-Chancellor who shall be appointed under this Act, by the Death, Resignation, or Removal from Office of such Vice-Chancellor or his Successor for the Time being, it shall be lawful for Her Majesty, by Letters Patent under the Great Seal of *Ireland*, to appoint a fit Person, being or having been a Barrister-at-Law of Fifteen Years standing at the least, to supply such Vacancy.

Jurisdiction and Powers of Vice-Chancellor.

6. Every such Vice-Chancellor shall have full Power to hear and determine all Suits which are or shall be at any Time depending in the Court of Chancery in *Ireland* as a Court of Equity, or incident to any ministerial Office of the said Court, or which shall have been or shall be submitted to the Jurisdiction of the said Court or of the Lord Chancellor by the special Authority of any Act of Parliament, as the Court shall from Time to Time by any General Order direct; and all Decrees, Orders, and Acts of such Vice-Chancellor so made or done shall be deemed or taken to be respectively, as the Nature of the Case shall require, Decrees, Orders, and Acts of the said Court of Chancery, or of such incident Jurisdiction as aforesaid, or under such special Authority as aforesaid, and shall have Force and Validity and be executed accordingly, subject nevertheless to be afterwards reversed or altered in like Manner as if they were Decrees, Orders, or Acts of the Lord Chancellor or the Master of the Rolls; and no such Decree or Order shall be enrolled until the same shall be signed by the Lord Chancellor.

To sit for Lord Chancellor when required.

7. Every such Vice-Chancellor shall sit for the Lord Chancellor whenever he shall require him so to do.

Rank and Precedence of the Vice-Chancellor.

8. The Vice-Chancellor shall have Rank and Precedence next after the Lord Justice of the Court of Appeal in Chancery in *Ireland*, provided the latter shall not have held the Office of Lord Chancellor of *Ireland;* and in case the Lord Justice of the Court of Appeal for the Time being shall have held the Office of Lord Chancellor of *Ireland*, then the Vice-Chancellor shall have Rank and Precedence next after the Chief Baron of Her Majesty's Court of Exchequer in Ireland.

To hold Office during good Behaviour.

9. Every Vice-Chancellor shall hold his Office during his good Behaviour: Provided always, that it shall be lawful for Her Majesty to remove any such Vice-Chancellor from his Office upon an Address of both Houses of Parliament.

Oath of Vice-Chancellor.

10. Every Vice-Chancellor shall, previous to his executing any of the duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:—

'I do solemnly and sincerely
'promise and swear, That I will duly and faithfully,
'and to the best of my Skill and Power, execute the
'Office of Vice-Chancellor of *Ireland*.
'So help me GOD.'

Appointment of Chief Clerks.

11. It shall be lawful for the Master of the Rolls and the Vice-Chancellor for the Time being respectively, with the Approbation of the Lord Chancellor, to appoint One Chief Clerk each, to be respectively attached to the Court of each such Judge and his Successors in Office, for the Purpose of assisting the Judge in Business not of a Judicial Character, and on any vacancy in such Office of Chief Clerk to supply such Vacancy.

Qualification of Chief Clerks.

12. No Person shall be appointed Chief Clerk to the Master of the Rolls or to the Vice-Chancellor unless he shall have been admitted on the Roll of Solicitors or Attorneys in One of the Superior Courts at *Dublin*, and shall have practised as Solicitor or Attorney for the Period of Ten Years at least immediately preceding his Appointment, or unless he shall have held the Office of Master's Examiner in the Court of Chancery in *Ireland*, or shall have held some other Office or Offices in the Court of Chancery for a Period of Seven Years.

Appointment of Junior Clerks

13. It shall be lawful for the Master of the Rolls and the Vice-Chancellor respectively, subject to the Provision herein-after contained as to the Appointment of the First Junior Clerks, to appoint Two Junior Clerks to the Chief Clerk of his Court, and on any Vacancy to supply such Vacancy.

Officers under Act not to take Fees or Profits, save Salary.

14. If any Person who shall accept any Office under this Act shall engage in any other Employment whatever whilst he holds such Office, or shall receive any Sum of Money or Benefit other than his Salary, and what may be allowed or directed to be taken by him under any Act of Parliament or Order of the said Court for any Act done or pretended to be done, or any Attendance given or pretended to be given, either with or without the Consent or Direction or pretended Consent or Direction of any Judge of the Court, in relation to or arising out of any Proceeding in his Office or in any Office of or connected with the Court of Chancery, or if such Person, having been a Solicitor or Attorney, shall directly or indirectly receive or secure to himself any continuing Benefit from any Business or Firm in which he may have been engaged previously to his Appointment to such Office, the Person so offending may be removed from his Office by Order of the Lord Chancellor, and if so removed shall be rendered incapable of afterwards holding any Office, Situation, or Employment in the said Court.

Solicitor accepting Office to cease to be a Solicitor.

15. Every Solicitor or Attorney who shall be appointed to and shall accept Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at *Dublin* on which his Name may be.

Tenure of Office of Chief Clerk.

16. Every Chief Clerk shall, subject to the Power of Removal herein-after con-

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tained, hold his Office on the same Tenure as an Officer serving in an established Capacity in the permanent Civil Service of the State; and it shall be lawful for the Lord Chancellor, with the Concurrence of the Judge to whose Court any Chief Clerk shall be attached, by an Order to remove any such Chief Clerk, without stating any Cause for such Removal.

Tenure of Office of Junior Clerk.

17. Every Junior Clerk shall, except in the Cases herein-after specially provided, hold his Office at the Pleasure of the Judge to whose Court he shall be attached.

Chief and Junior Clerks to be under Control of the Judge.

18. Subject to the Regulations which shall be prescribed by the General Orders of the Court, the Chief Clerks and Junior Clerks shall be under the Control of the Judge to whose Court they shall respectively be attached, and shall attend at such Places, during such Times, and for such Hours in each Day, and perform such Duties, as such Judge shall from Time to Time direct.

Chief and Junior Clerks subject to the same Penalties as are imposed by 4 G. 4. c. 61.

19. Every Chief Clerk and every Junior Clerk shall be subject and liable to such and the same Obligations, Prohibitions, and Penalties, so far as the same are not inconsistent with the Provisions of this Act, as are by an Act passed in the Session holden in the Fourth Year of the Reign of King *George* the Fourth enacted with respect to Persons holding any of the Offices in the Court of Chancery therein specified, in the same Manner as if the Enactments therein contained relating to such Officers of the said Court respectively were here repeated in relation to such Chief and Junior Clerk.

Salaries of Chief and Junior Clerks.

20. There shall be paid to every such Chief Clerk, in the first instance, the net yearly Salary of Eight hundred Pounds, to be increased every Year of Service by the net annual Sum of Twenty-five Pounds until the yearly Salary of such Chief Clerk shall amount to the net yearly Salary of One thousand Pounds; and to every such Junior Clerk, in the first instance, the net yearly Salary of Two hundred and fifty Pounds, to be increased in like Manner by the net annual Sum of Ten Pounds until the yearly Salary of each Junior Clerk shall amount to the net yearly Salary of Three hundred and fifty Pounds; and the said Salaries respectively shall be free from all Taxes and Deductions, except in respect of Income Tax, and shall be paid out of the Funds and in the Manner herein-after provided; but no such Increase of Salary shall be made without a Certificate from the Judge to whose Court such Chief or Junior Clerk shall be attached that he has conducted himself in his Office to the entire Satisfaction of such Judge.

Salary of Vice-Chancellor.

21. There shall be paid to the Vice-Chancellor for the Time being the net yearly Salary of Four thousand Pounds, which Salary shall issue and be payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and shall be free from all Taxes and Deductions, except in respect of Income Tax, and shall be paid quarterly on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October* in every Year, by equal Portions, and the first of such Payments, or a proportionate Part thereof, to be computed from the Time of the Appointment of such Vice-Chancellor, shall be made on such of the said Days of Payment as shall first happen after the Date of such Appointment; and upon the Resignation, Death, or Removal from Office of any such Vice-Chancellor, such Vice-Chancellor, his Executors or Administrators, shall be paid such proportionate Part of his Salary as shall have accrued from the Time of the Commencement of such Salary, or from the last quarterly Day of Payment thereof, to the Time of such Resignation, Death, or Removal from Office.

Retiring Pension to Vice-Chancellor.

22. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Vice-Chancellor, in pursuance of this Act, an Annuity not exceeding Two thousand six hundred and sixty-six Pounds Thirteen Shillings and Fourpence, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Vice-Chancellor, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever, except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Vice-Chancellor was payable; and the first quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on such of the same Days as shall happen next after the Resignation of the said Office: and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall not exceed in the whole the said Sum of Two thousand six hundred and sixty-six Pounds Thirteen Shillings and Fourpence; provided also, that no Annuity granted to any Person having executed the Office of Vice-Chancellor under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of a Judge in One or more of Her Majesty's Superior Courts, or Judge of Her Majesty's Court of Probate in *Ireland*, or Judge of the Landed Estates Court, or of Master in Ordinary of the said Court of Chancery, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Service as Judge in the Superior Courts to count.

23. In calculating the Service of a Vice-Chancellor under this Act, the Number of Years a Vice-Chancellor shall have acted as One of the Judges of the Superior Courts of Law or Equity in *Ireland* shall in all Cases be included, in case the Party holding the Office of Vice-Chancellor shall have acted as such.

Appointment of Court Keeper, Crier, & Tipstaff.

24. It shall be lawful for the Vice-Chancellor from Time to Time to appoint a Court Keeper, Crier, and Tipstaff, to be attached to his Court, and the Salaries of the Persons so to be appointed shall be of such respective Amounts as the Lord Chancellor and the Commissioners of Her Majesty's Treasury shall in each Case determine; and such Salaries shall be paid to each Person so to be appointed out of the Funds herein-after mentioned.

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Appointment of a Chief Clerk and Junior Clerks by Lord Chancellor.

25. If it shall appear to the Lord Chancellor that the Business of his Court shall render it expedient that a Chief Clerk and Junior Clerks should be appointed, to be attached to the Lord Chancellor and his Successors in Office, for the Purpose of assisting the Lord Chancellor in Business not of a Judicial Character and the Suits belonging to his Court, and in any Matters belonging to or reserved for his Jurisdiction, it shall be lawful for the Lord Chancellor, with the Assent of the Commissioners of Her Majesty's Treasury, to appoint One Chief Clerk, having such Qualification as is herein-before prescribed in reference to the Chief Clerks of the Master of the Rolls and Vice-Chancellor respectively, and Two Junior Clerks, and on any Vacancy in such Offices to supply such Vacancy; and every Chief Clerk and Junior Clerk so to be appointed shall hold his Office by the like Tenure, and shall have the like Powers, and shall be entitled to the like Salaries, Allowances, and Benefits, and shall be subject to the like Obligations, Prohibitions, and Penalties, as a Chief Clerk or Junior Clerk attached to the Master of the Rolls or the Vice-Chancellor, but shall be under the Control of the Lord Chancellor, and shall be removable by an Order of the Lord Chancellor and the Lord Justice of the Court of Appeal, without stating any Cause for such Removal.

Power to appoint additional Chief or Junior Clerks.

26. In case it shall appear to the Lord Chancellor that the State of Business in the Court renders it expedient to appoint an additional Chief Clerk or additional Junior Clerks to the Master of the Rolls and the Vice-Chancellor, or to either of them, it shall be lawful for the Lord Chancellor, with the Consent of the Master of the Rolls and the Vice-Chancellor, or One of them, and subject to the Approbation of the Commissioners of Her Majesty's Treasury, to direct that there shall be attached to the Master of the Rolls and the Vice-Chancellor, or to either of them, as the Case may be, such additional Chief Clerk or additional Junior Clerks as aforesaid; and thereupon it shall be lawful for the Judge to whose Court such Chief Clerk or Junior Clerk shall be attached to appoint in manner aforesaid such additional Chief Clerk or Junior Clerk, as the Case may be, and on any Vacancy in such Office of additional Chief Clerk or Junior Clerks to supply such Vacancy; and every Chief Clerk or Junior Clerk so appointed shall possess the like Qualifications, and shall hold his Office by the like Tenure, and shall have the like Powers, and shall be entitled to the like Salaries, Allowances, and Benefits, and subject to the like Obligations, Prohibitions, and Penalties, as a Chief Clerk or Junior Clerk attached to the Master of the Rolls or the Vice-Chancellor.

Part II.

PART II.

Masters Abolition.

Masters Abolition.

Office of Master, except that of Receiver Master, abolished.

27. The Office of Master in Ordinary of the said Court of Chancery, except the Office of Receiver Master of the said Court, which shall be maintained for the Performance of certain special Duties, as herein-after provided, shall be and the same is hereby abolished, but reserving and subject to the Execution by the present Masters in Ordinary of the said Court whose Offices are hereby abolished of the Duties herein-after provided for; and until they are released under this Act they shall for the Performance of such Duties continue to have all the Powers conferred upon them by any Act of Parliament, or otherwise vested in them.

Vacancies not to be filled.

28. No Vacancy which has already occurred or may hereafter occur in the Office of Master in Ordinary of the said Court, other than that of Receiver Master, shall be filled up; and no Vacancy which has already occurred or may hereafter occur in the Office of Examiner, Assistant Clerk, or Registrar to such Master, other than the Examiner or Assistant Clerk of the Receiver Master, shall be filled up, save in the temporary Manner herein-after provided; and no Vacancy in the Office of Examiner to the Receiver Master shall be filled up otherwise than by the Appointment of One of the Examiners of the Masters whose Office is abolished by this Act, save such of them, if any, as shall be appointed Assistant Registrar as herein-after provided, so long as any such Examiner, save as aforesaid, shall continue to be an Officer of the Court; and no Vacancy in the Office of Assistant Clerk to the Receiver Master shall be filled up otherwise than by the Appointment of One of the Assistant Clerks of the Masters whose Office is abolished by this Act, so long as any such Assistant Clerk shall continue to be an Officer of the Court.

Masters may be released.

29. Whenever in the Judgment of the Lord Chancellor from the State of Business in the said Court any Master whose Office is hereby abolished can be spared, it shall be lawful for the Lord Chancellor to release such Master from his Duties as such at such Time or Times as to him shall seem meet.

Released Masters to be entitled to Pensions.

30. Each One of the Masters so to be released shall nevertheless continue entitled to receive during his Life, by way of retiring Pension, the full Amount of his Salary as such Master; and the Salaries or retiring Pensions payable to the Masters so to be released shall be payable out of the same Funds, on the Days, and in the same Manner in all respects as their present Salaries.

Power to Masters to summon Parties, &c., and to settle and wind up Proceedings before them.

31. In order as expeditiously as may be to wind up all the Suits which may from Time to Time be depending before or have been referred to any of the Masters whose Office is hereby abolished, it shall be lawful for every such Master, at any Time after the passing of this Act, to summon as he shall deem fit all or any of the Parties to any Suit so depending, or referred, or their Solicitors, and thereupon to proceed with such Suit, and give such Directions and make such Order as he may think necessary for the Purpose of settling and winding up the same; but any such Order shall be subject to be discharged or varied by the Lord Chancellor upon application made for that Purpose; and the Master shall be at liberty to proceed for the Purposes aforesaid in the Absence of any of the Parties or Solicitors neglecting or refusing to attend the Summons.

Power to Lord Chancellor, upon Master's Report or Certificate, to make Order for Prosecution or final Disposal of any Suit, &c., and for Payment of Costs, &c.

32. In case such Master shall be unable, by reason of the Conduct of Parties or otherwise, to finally dispose of any Suit, he shall be at liberty to dispose of any Part thereof within his Power, and to report or certify on the whole of the Case; and upon such Report or Certificate the Lord Chancellor shall make such Order as he shall think proper on all or any of the Parties for the further Prosecution of the Suit, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

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Notwithstanding Suit abated or defective, Master may proceed.

33. Upon a Suit in which any Proceeding may from Time to Time be depending before any such Master becoming abated by Death, Marriage, or otherwise, or becoming defective by reason of some Change or Transmission of Interest or Liability, it shall be lawful for such Master, notwithstanding that the Suit has become abated or defective, to summon, as he shall deem fit, all or any of the Parties to the Suit or Proceeding, or their or any of their Solicitors, and to require and obtain from them or any of them such Information as may to him seem necessary or proper respecting the Abatement of the Suit, or respecting the same having become defective, and the Change or Transmission of Interest or Liability, and respecting the Person or Persons by and against whom the Suit and Proceedings ought to be revived, or the Decree or Order carried on and Prosecuted, for which Purpose such Master shall be at liberty to proceed in the Absence of any of the Parties or Solicitors neglecting or refusing to attend to his Summons.

Master may certify Change of Interest.

34. In case such Master shall by the Means aforesaid or otherwise obtain sufficient Information for his Guidance in this Behalf, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability.

Certificate to have effect of Suggestion and Notice.

35. The Master's Certificate shall be filed, and Notice thereof served by and upon such Person as the Master may direct; and the Person so served shall from the Time of such Service being made, become a Party to the Suit, and be bound in all respects in the same Manner as if an Order of Revivor or a Supplemental Decree had been made upon a Bill or Cause Petition duly filed for that Purpose.

If Master unable to obtain Information, the Lord Chancellor may dispose of Suit.

36. In case such Master shall not be able to obtain sufficient Information for his Guidance in certifying as aforesaid, he shall be at liberty to certify the Abatement of the Suit, or that the same has become defective, and the Change or Transmission of Interest or Liability, and that by reason thereof he is unable to dispose of the Proceeding pending before him in the Suit; upon which Certificate the Lord Chancellor shall make such Order as he shall think proper on all or any of the Parties for the further Prosecution of the Suit, or for the final Disposal thereof, and for the Payment of the Costs thereof, including any of the Costs which may have been incurred by reason of the Conduct of the Parties.

Master may certify specially any Decision.

37. In any Suit which may from Time to Time be pending before or have been referred to any Master, he shall be at liberty to certify specially any Decision at which he may arrive, or any other Matter relating thereto, in order to obtain a Decision or Direction by or from the Lord Chancellor for his Guidance in the further Proceedings, or to enable any Party to obtain the Opinion of the Court with reference thereto.

In case of Neglect, &c., of Parties or Solicitors, the Solicitor for Minors and Lunatics may proceed.

38. In the event of the Parties or their Solicitors refusing or neglecting, within a Time to be fixed by the Master, to file or to bring before the Lord Chancellor any such Certificate or Report as aforesaid, or to serve any Order when drawn up as aforesaid, then, by the Direction of the Master, the Certificate or Report may be filed or brought before the Lord Chancellor, or the Order may be served by the Solicitor for the Time being in the Matter of Minors and Lunatics; and the Lord Chancellor is hereby empowered to order Payment of the Costs and Expenses of the Solicitor in the Matter of Minors and Lunatics out of such of the Funds in the Suit or by such Parties as to him shall seem just; and in case Payment thereof cannot be obtained by any of the Means aforesaid, the same, by the Direction of the Lord Chancellor, may be paid out of the Suitors Fee Fund.

No further References to be made to Masters, but Masters to finish Business at present pending.

39. From and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven no Reference shall be made to any of the Masters in Ordinary of the said Court, except in Suits pending at the passing of this Act, or in Suits in which, from some previous Reference having been made in some other Suit connected therewith, the Court may think it expedient to make such Reference, and, except in the Case of the Receiver Master, such References as are herein-after directed: Provided always, that the said Receiver Master and the other Masters in Ordinary of the said Court, until they shall have been removed by Resignation, Death, or otherwise, or released from their Duties under this Act, shall prosecute all the Business which on the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven shall be pending before them, and also all the References which shall be made under Decrees, Decretal or other Orders of the Court in Suits commenced before the last-mentioned Day, or which shall be made in relation to such excepted Matters as aforesaid, and the same, if necessary, shall from Time to Time be distributed amongst or prosecuted by the Masters, or such of them as shall then remain, and the said Receiver Master, and his Successors in Office, in such Manner as the Lord Chancellor shall direct; and the Powers and Authorities now vested in them are hereby reserved to them for the Purpose of executing and performing all the Duties, Matters, and Things which may be still referred to them, or which they may be lawfully called upon to perform.

On Retirement of Masters, their Examiners and Clerks to be entitled to retiring Pensions of the same Amount as Salary.

40. Every Person who on the First Day of *April* One thousand eight hundred and sixty-seven held the Office of Examiner or Assistant or other Clerk or Registrar to any of the Masters in Ordinary of the said Court of Chancery whose Office is by this Act abolished shall, upon the Master to whom he shall be such Examiner or Assistant or other Clerk or Registrar being released from the Duties as such Master under the Authority of this Act, or upon the Death or Resignation of any such Master previously to his being so released, continue to be deemed an Officer of the Court of Chancery, and shall hold by the same Tenure, and be entitled to the like Salary and Superannuation Allowance at the least, as if the Master to whose Office he is attached had not resigned or died, and shall, unless or until he shall retire pursuant to the Provisions of the "Court of Chancery (*Ireland*) Regulation Act, 1850," discharge such Duties suitable to his Position as an Officer of the Court in any Office to which he shall be appointed under this Act, or in the Office of Receiver Master or otherwise connected with the Business of the Court, or the Arrangement and Classification of the Records of the said Court, as shall be assigned to him by any General Order of the Court, and every such Examiner or Assistant or other Clerk or Registrar who shall decline to discharge such Duties when called upon to do so shall forfeit any Benefits to which he would be otherwise entitled under this Act.

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Appointment of Office of Second Assistant Registrar.

41. There shall be attached to the said Court a Second Assistant Registrar, who shall hold his Office upon the same Terms and with such Powers in all respects as are provided by a Statute passed in the Fourth Year of His late Majesty King *George* the Fourth, intituled *An Act for the better Administration of Justice in the Court of Chancery in* Ireland, in relation to the Principal Registrars of the said Court, and every such Assistant Registrar shall discharge such Duties in connexion with the Business of the said Court as shall be assigned to him by General Order of the Court; and there shall be paid to every such Assistant Registrar the net yearly Salary of Eight hundred Pounds, to be increased every Year of Service by the net annual Sum of Twenty-five Pounds until the net yearly Salary of such Assistant Registrar shall amount to the net yearly Salary of One thousand Pounds, but so that no such Increase shall take place without a Certificate of the Lord Chancellor to the like Effect as is provided in the Case of the Chief and Junior Clerks to be appointed under this Act, which Salary shall be paid free from all Deductions, except in respect of Income Tax; and the Lord Chancellor shall tender to each of the Master's Examiners whose Office is abolished by this Act, according to his Seniority in Office, the Option of accepting the said Office of Assistant Registrar; and if such Master's Examiner shall, for One Month after such Option has been tendered to him, neglect or decline to avail himself thereof, then the Lord Chancellor shall tender the like Option to the Examiner next in succession as aforesaid, and so *toties quoties;* and in case any of the said Examiners shall avail himself of the said Option, the Lord Chancellor shall thereupon appoint such Person to be an Assistant Registrar of the Court pursuant to this Act; and the Court shall have Power, by General Orders, to regulate the Distribution of Business among the Officers of the said Masters, and to attach any Officer at present attached to any Master in Ordinary, whose Office is by this Act abolished, to any other Master, and in all respects to prescribe and regulate the Duties of such Officers; and in case all the Master's Examiners shall neglect or decline to avail themselves of the said Option, it shall be lawful for the Lord Chancellor to appoint the Chief Clerk or One of the other Clerks in the Registrar's Office, or some fit or proper Person, having such Qualification as is herein-before prescribed in respect of Persons to be appointed Chief Clerks of the Master of the Rolls and the Vice-Chancellor, to fill the Office of Assistant Registrar of the said Court pursuant to this Act: Provided always, that nothing herein contained shall be deemed to affect the Right of Succession of the Officers in the Registrar's Office, as now established, to any Office existing previous to the passing of this Act, and that from Time to Time when any Vacancy shall occur in the said Office of Assistant Registrar there shall be the like Right of Succession thereto in said Officers as there now is to such existing Offices.

Option to Master's Examiners to accept it according to Seniority.

Assistant Registrar.

42. If any Person who shall be first appointed to the Office of Assistant Registrar under this Act shall be an Officer of the Court of Chancery of not less than Fourteen Years Service, it shall be lawful for the Commissioners of Her Majesty's Treasury to direct that he shall, from his said Appointment, be paid the full Salary of One thousand Pounds a Year.

The Master's Registrars and Assistant Clerks to be Three of the Junior Clerks, and to hold during good Behaviour.

43. The Master of the Rolls and the Vice-Chancellor shall appoint as their First Junior Clerks Four of the Persons who, at the Time of the passing of this Act, are Assistant Clerks and Registrars to the Masters whose Offices are by this Act abolished, if willing to accept the same, and in case Four of the said Assistant Clerks and Registrars shall not accept such Junior Clerkships, then the same shall be tendered to the said Assistant Clerks and Registrars in the Order of their Seniority in Office, and any Assistant Clerk or Registrar who thereupon shall refuse to accept said Office shall, notwithstanding anything herein-before contained, forfeit his Right to receive any retiring Allowance under "The Court of Chancery (*Ireland*) Regulation Act, 1850:" Provided always, that every Assistant Clerk and Registrar so becoming a Junior Clerk shall hold his Office by the same Tenure as at present so long as he shall personally attend to the Duties of his Office, but shall be removable by the Lord Chancellor, with the Concurrence of the Judge to whose Court he shall be attached, without stating any Cause for such Removal.

Power to the Lord Chancellor to make temporary Provision for Offices Vacated.

44. Upon the Office of Examiner, Assistant Clerk, or Registrar becoming vacant, it shall be lawful for the Lord Chancellor, with the Assent of the Lords Commissioners of Her Majesty's Treasury, to make temporary Provision for the Discharge of the Duties of the Office so vacated, by employing some other Officer or Clerk of the Court of Chancery other than those attached to the Office of the Receiving Master, or, in case there shall be no such Officer or Clerk available for such Employment, by appointing some fit Person to fill such Office, until the Master in whose Office such Vacancy shall occur shall be removed by Resignation, Death, or otherwise, or shall have been released from his Duties under this Act; and every Person so to be employed by the Lord Chancellor shall, so long as he shall be employed, receive such Remuneration as the Lord Chancellor and Lords Commissioners of her Majesty's Treasury shall fix, and shall be liable to perform the like Duties, and shall be subject to the same Obligations, Prohibitions, and Penalties, as the Officer in whose Place he shall be employed

Assistant Registrar, Chief and Junior Clerks, to get Superannuations.

45. Every existing Officer of the Court of Chancery who shall be appointed Assistant Registrar or Chief Clerk pursuant to this Act shall be entitled to the like retiring or Superannuation Allowances, and upon the same Conditions as are provided for Officers by the Thirty-eighth Section of "The Court of Chancery (*Ireland*) Regulation Act, 1850," and every Assistant Clerk or Registrar who shall be appointed a Junior Clerk pursuant to this Act shall be entitled to the like Superannuation Allowance and upon the same Conditions as are provided by the Thirty-ninth Section of "The Court of Chancery (*Ireland*) Regulation Act, 1850:" Provided always, that the Period during which any such Person shall have served in the said prior Office or Employment shall be taken into account and allowed in estimating the Period at which he shall be entitled to retire from the Office of Assistant Registrar, Chief Clerk, and Junior Clerk pursuant to this Act, and the Amount of the Superannuation Allowance to which he shall be entitled; and every Assistant Registrar, Chief Clerk, and Junior Clerk, and other Person appointed under the Provisions of this Act other than those for whom Provision is herein-before in this Clause made, shall be deemed a Civil Servant of Her Majesty, and shall be entitled to such Superannuation Allowance on Retirement on the same Terms, and subject to the same Conditions, as are provided for Persons in the permanent Civil Service of the State by "The Superannuation Act, 1859."

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On Appointment of Masters or Examiners to Office, &c. the retiring Pension under this Act to be regulated by the Salary, &c. of such Office.

46. If at any Time hereafter any of the Masters in Ordinary of the said Court whose Office is hereby abolished, or any of their Examiners, Assistant Clerks, or Registrars, shall be appointed to and shall accept any Office or Employment under this Act, or connected with any Court of Law or Equity, or under the Crown, or in any Public Department under the Crown, and if the Salary attached to such Office or Employment, or any retiring Pension or Allowance in respect thereof, shall equal or exceed in Amount the retiring Pension or Compensation payable to such Master, Examiner, Assistant Clerk, or Registrar under this Act, such last-mentioned retiring Pension or Compensation shall during the Continuance of such Master, or such Examiner, Assistant Clerk, or Registrar, in such Office or Employment, or so long as he shall be in the Receipt of any retiring Pension or Allowance in respect thereof equal to or greater than his retiring Pension or Compensation under this Act, cease to be payable to such Master, or such Examiner, Assistant Clerk, or Registrar, as the Case may be; and if the Salary attached to such Office, or the retiring Pension or Allowance in respect thereof, shall be less than the Amount of such Master's retiring Pension, or the Compensation payable under this Act to such Examiner, Assistant Clerk, or Registrar, such Salary, retiring Pension, or Compensation under this Act shall be reduced by the Amount of such Salary or of such retiring Pension or Allowance, as the Case may be.

Appropriation of Masters Offices.

47. Such of the Masters Offices as shall not be assigned by the Lord Chancellor as Chambers for the Masters of the Rolls and Vice-Chancellors respectively, under the Provisions herein-after contained, shall be appropriated to such other Purposes connected with the Court of Chancery as the Lord Chancellor may from Time to Time direct.

Rights and Establishments of the present Masters to continue till released.

48. Nothing herein contained shall prejudice or affect the Title of the present Masters in Ordinary of the said Court whose Offices are hereby abolished to the Salaries payable to them as such Masters unless and until they shall be respectively released under this Act, or the Power of Her Majesty to order a retiring Allowance to any of them who may be or become afflicted with some permanent Infirmity disabling him from the due Execution of his Office, and who shall be desirous of resigning the same, or the Power of the Lord Chancellor to order a retiring Allowance to any of their Examiners and Clerks in the like event; and, subject to the Provisions herein contained, every of the said Masters in Ordinary of the Court, until released under this Act, shall have the same Establishment of Officers whose Salaries and Compensation shall be payable out of the same Funds as the Salaries and Compensations of such Officers are now payable, and all the Expenses attending the Establishment of the Masters Offices shall be paid in like Manner as such Expenses are now paid.

Office of Receiver Master preserved.

49. The Office of Receiver Master shall be maintained for the Discharge of the Duties herein specified, and *Gerald Fitzgibbon*, Esquire, the present Receiver Master of the said Court, shall be the Receiver Master of the said Court pursuant to this Act, and the said *Gerald Fitzgibbon* and his Successors in the said Office shall discharge the Duties herein-after specified: Provided always, that nothing in this Act contained shall be held to repeal or affect the Provisions of any Act or Acts, or any Law or Usage, relating to the Appointment, Salary, and retiring Annuities of the said Receiver Master or his Successors in Office, or the Provisions of any Act or Acts relating to the Master's Examiner or Assistant Clerk, or the Establishment or Office of the said Master or his Successors in Office.

Powers of Receiver Master.

50. The said Receiver Master and his Successors in Office shall, subject to any General Orders, continue to have, exercise, and perform all such Authorities, Powers, and Duties as shall upon the said first Day of *Michaelmas* Term One thousand eight hundred and sixty-seven be possessed, exercised, and performed by him, or any other Master in Ordinary of the said Court, with reference to Receivers, Receivers Accounts, and the Management of Estates under Receivers, and all other Matters relating to Receivers, and also all such and such other Authorities, Powers, and Duties as shall on the said First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven be possessed, exercised, and performed by, or shall be or have been imposed or conferred on him, or on any other Master, with respect to the auditing or keeping of any Accounts, or with respect to Inquiries in Lunacy Matters, or the Discharge of any other Duties in relation thereto respectively: Provided always, that nothing in this Act contained shall affect the Power of the said Receiver Master in relation to the winding up of any Suits which on the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven may be pending in his Office.

References to Receiver Master.

51. It shall be lawful for the Lord Chancellor, the Master of the Rolls, the Vice-Chancellor, the Court of Appeal in Chancery, and the Masters to make such References to the said Receiver Master under this Act, and his Successors in Office, in relation to Receivers and the auditing of Accounts, and the Management and letting of Estates, as the Court shall by any General Orders direct, anything in this Act to the contrary notwithstanding.

PART III.

Procedure and Practice.

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Repeal of existing Acts and Portions of Acts.

52. From and after the Time appointed for the Commencement of this Part of this Act, the Acts and Parts of Acts mentioned in Schedule (A) to this present Act shall be and the same are hereby repealed, except in so far as may be necessary for the Purpose of supporting, continuing, or prosecuting any Suit or Proceeding begun before the Time appointed for the Commencement of this Act.

Practice of engrossing Bills on Parchment to be discontinued, and printed Bills to be filed instead.

53. From and after the Time appointed for the Commencement of this Part of this Act, the Practice of engrossing on Parchment Bills of Complaint and of filing such Engrossments shall be discontinued; and the Deputy Keeper of the Rolls shall receive and file a printed Bill of Complaint in lieu of an Engrossment thereof, in the same Manner as he now receives such Engrossment.

Writs of Subpœna to be abolished.

54. The Writ of Subpœna to appear to and answer a Bill of Complaint in the said Court shall be abolished.

Defendant to be served with a printed Bill in lieu of a Writ of Subpœna.

55. In lieu of serving the Defendant to a Bill of Complaint in the said Court with a Writ of Subpœna to appear to and answer the same, the Defendant shall be served with a printed Bill of Complaint, with an Endorsement thereon, in the Form or to the Effect set out

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in the Schedule (B.) to this Act, with such Variations as Circumstances may require, such printed Bill of Complaint so to be served being previously stamped with a proper Stamp by the Deputy Keeper of the Rolls in *Ireland*, indicating the filing of such Bill of Complaint, and the Date of the filing thereof.

The filing and Service of a printed Bill to have the same Effect as the filing and issuing of a Writ of Subpœna.

56. The filing of a printed Bill of Complaint in the said Court shall have the same Effect as the filing of a Bill of Complaint in the same Court and the issuing of a Subpœna thereon respectively now have, and the Service upon the Defendant of a printed Bill of Complaint so filed, with such Endorsement thereon, so stamped as aforesaid, shall have the same Effect as the Service on him of a Writ of Subpœna now has, and shall entitle the Plaintiff in such Suit to such Remedies for Default of Appearance and otherwise as he is now entitled to in case of due and proper Service of a Subpœna to appear to and answer a Bill of Complaint.

Service of printed Bill.

57. The Service upon any Defendant of a printed Copy of a Bill of Complaint in the said Court shall be effected in the same Manner as Service of a Writ of Subpœna to appear to and answer a Bill of Complaint is now effected, save only that it shall not be necessary to produce the original Bill, which will be on the Files of the Court; provided that the Court shall be at liberty to direct substituted Service of such printed Bill in such Manner and in such Cases as it shall think fit.

Written Copies of Bill may be served, in certain Cases.

58. Notwithstanding the Provisions herein-before contained, the Deputy Keeper of the Rolls in *Ireland* may receive and file a written Copy of any Bill of Complaint, praying a Writ of Injunction or a Writ of Ne exeat regno, upon the personal Undertaking of the Plaintiff or his Solicitor to file a printed Copy of such Bill within Fourteen Days, and every Bill of Complaint so filed shall be deemed and taken to have been filed at the Time of filing the written Copy thereof; and a written Copy of any such Bill of Complaint, stamped as aforesaid, and with such Endorsement thereon as aforesaid, may be served on any Defendant thereto, and such Service shall have the same Effect as the Service of a printed Copy.

Plaintiff to deliver printed Copies of Bill at Rate prescribed by General Order.

59. The Plaintiff in any Suit to be commenced by Bill in the said Court after the Time appointed for the Commencement of this Act shall be bound to deliver to the Defendant or his Solicitor, upon Application for the same, such a Number of printed Copies of his Bill of Complaint, upon being paid for the same at such Rate as shall be prescribed by any General Order of the Court.

Provisions as to filing, &c. Prints of original Bill extended to Amendments.

60. Upon the Amendment of any Bill of Complaint to be filed in the said Court after the Time appointed for the Commencement of this Act, the Provisions herein-before contained with respect to filing and serving and delivering printed Copies thereof shall, so far as may be, extend and be applicable to the Bill as amended; provided that where, according to the present Practice of the said Court in relation to Suits commenced by Bill, an Amendment of a Bill may be made without a new Engrossment thereof, or under such other Circumstances as shall be prescribed by any General Order of the Court, a Bill may be wholly or partially amended by written Alterations in the printed Bill of Complaint so to be filed as aforesaid.

In certain Cases a printed Bill may be wholly or partially amended.

Bills of Complaint to contain concise Narratives of material Facts, &c. divided into numbered Paragraphs, but not to contain Interrogatories.

61. Every Bill of Complaint to be filed in the said Court after the Time appointed for the Commencement of this Act shall contain, as concisely as may be, a Narrative of the material Facts, Matters, and Circumstances upon which the Plaintiff relies, such Narrative being divided into Paragraphs numbered consecutively, and each Paragraph containing, as nearly as may be, a separate and distinct Statement or Allegation, and shall pray specifically for the Relief which the Plaintiff may conceive himself entitled to, and also for general Relief; but such Bill of Complaint shall not contain any Interrogatories for the Examination of the Defendant.

Next Friend of Infant, &c. in Suit, &c. to sign a written Authority.

62 Before the Name of any Person shall be used in any Suit in the said Court commenced by Bill as next Friend of any Infant, married Woman, or other Party, or as Relator in any Information, such Person shall sign a written Authority to the Solicitor for that Purpose, and such Authority shall be filed with the Bill or Information.

Interrogatories to be filed in the Office of the Deputy Keeper of the Rolls by the Plaintiff within Time prescribed.

63. Within a Time to be limited by a General Order of the Court in that Behalf, the Plaintiff in any Suit in the said Court commenced by Bill may, if he requires an Answer from any Defendant thereto, file in the Office of the Deputy Keeper of the Rolls in *Ireland* Interrogatories for the Examination of the Defendant or Defendants, or such of them from whom he shall require an Answer, and deliver to the Defendant or Defendants so required to answer, or to his or their Solicitor, a Copy of such Interrogatories, or of such of them as shall be applicable to the particular Defendant or Defendants; and no Defendant shall be called upon or required to put in any Answer to a Bill unless Interrogatories shall have been so filed, and a Copy thereof delivered to him or his Solicitor, within the Time so to be limited, or within such further Time as the Court shall think fit to direct.

Defendant may answer without Leave within Time fixed by a General Order, but after that Time must have Leave.

64. Whether the Plaintiff in any Suit in the said Court commenced by Bill does or does not require any Answer from the Defendant or any One or more of the Defendants to the Bill, such Defendant or Defendants may, without any Leave of the Court, put in an Answer or Demurrer to the Plaintiff's Bill within such Time as shall be fixed by any General Order of the Court in that Behalf; but after that Time a Defendant or Defendants not required to answer the Plaintiff's Bill shall not be at liberty to put in an Answer or Demurrer to the Bill without Leave of the Court; provided that the Power of the Court to grant further Time for answering or demurring to any Bill, upon the Application of any Defendant or Defendants thereto, whether required to answer the Bill or not, shall remain in full Force, and shall not be in anywise prejudiced or affected; provided also, that if the Court shall grant any further Time to any Defendant for answering or demurring to the Bill, the Plaintiff's Right to move for a Decree under the Provisions herein-after contained shall in the meantime be suspended.

Defendant's Answer may contain not only Answer to Interrogatories, but Statements material to his Case.

65. The Answer of the Defendant to any Bill of Complaint in the said Court may contain, not only the Answer of the Defendant to the Interrogatories so filed as aforesaid, but such Statements material to the Case as the Defendant may think it necessary or advisable to set forth therein, and such Answer shall also be divided into

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Paragraphs numbered consecutively, each Paragraph containing as nearly as may be a separate and distinct Statement or Allegation.

Defendant not to take objection for Want of Parties in any Case to which Rules herein set forth shall extend.

66. It shall not be competent to any Defendant in any Suit commenced by Bill in the said Court to take any Objection for Want of Parties to such Suit in any Case to which the Rules next hereinafter set forth extend; and such Rules shall be deemed and taken as Part of the Law and Practice of the said Court, and any Law or Practice of the said Court inconsistent therewith shall be and is hereby abrogated and annulled.

Rule 1. Any Residuary Legatee or Next of Kin may, without serving the remaining Residuary Legatees or Next of Kin, have a Decree for the Administration of the Personal Estate of a deceased Person.

Rule 2. Any Legatee interested in a Legacy charged upon Real Estate, and any Person interested in the Proceeds of the Real Estate directed to be sold, may, without serving any other Legatee or Person interested in the Proceeds of the Estate, have a Decree for the Administration of the Estate of a deceased Person.

Rule 3. Any Residuary Devisee or Heir may, without serving any Co-residuary Devisee or Co-heir, have the like Decree.

Rule 4. Any One of several Cestuis que Trust under any Deed or Instrument may, without serving any other of such Cestuis que Trust, have a Decree for the Execution of the Trusts of the Deed or Instrument.

Rule 5. In all Cases of Suits for the Protection of Property pending Litigation, and in all Cases in the Nature of Waste, One Person may sue on behalf of himself and of all Persons having the same Interest.

Rule 6. Any Executor, Administrator, or Trustee may obtain a Decree against any One Legatee, Next of Kin, or Cestui que Trust for the Administration of the Estate, or the Execution of the Trusts.

Rule 7. Any Mortgagee or other Incumbrancer on Land may have a Decree for a Foreclosure and Sale, or a Sale of the mortgaged Lands, without serving any other Morgagee or Incumbrancer, or a Trustee for such Mortgagee or Incumbrancer, unless such Mortgagee, Incumbrancer, or Trustee is in the actual Possession or Receipt of the Rents and Profits of the mortgaged or incumbered Lands: Provided always, that a Person at whose Suit or for whose Benefit a Receiver or Sequestrator has been appointed or extended, or continues to receive the Rents and Profits of the Lands, shall not be deemed to be in Receipt of such Rents and Profits within the Meaning of this Rule.

Rule 8. In all the above Cases the Court, if it shall think fit, may require any other Person or Persons to be made a Party or Parties to the Suit, and may, if it shall see fit, give the Conduct of the Suit to such Person as it may deem proper, and may make such Order in any particular Case as it may deem just for placing the Defendant on the Record on the same Footing in regard to Costs as other Parties having a common Interest with him in the Matters in question.

Rule 9. In all the above Cases the Persons who, according to the Practice of the Court (previous to the passing of the Court of Chancery (*Ireland*) Regulation Act, 1850), would have been necessary Parties to the Suit, shall be served with Notice of the Decree, and after such Notice they shall, unless Cause be shown to the contrary, within a Time to be limited by a General Order of the Court, be bound by the Proceedings in the same Manner as if they had been originally made Parties to the Suit, and they may by an Order of course have Liberty to attend the Proceedings under the Decree; and any Party so served may, within such Time as shall in that Behalf be prescribed by the General Order of the Court, apply to the Court to add to or vary the Decree.

Rule 10. In all Suits concerning Real or Personal Estate which is vested in Trustees under a Will, Settlement, or otherwise, such Trustees shall represent the Persons beneficially interested under the Trust, in the same Manner and to the same Extent as the Executors or Administrators in Suits concerning Personal Estate represent the Persons beneficially interested in such Personal Estate; and in such Cases it shall not be necessary to make the Persons beneficially interested under the Trusts Parties to the Suit; but the Court may, upon Consideration of the Matter, on the Hearing, if it shall so think fit, order such Persons or any of them to be made Parties.

Practice of setting down a Cause on Objection for Want of Parties abolished.

67. The Practice of the said Court of setting down a Cause merely on an Objection for Want of Parties to the Suit shall be abolished.

Plaintiff may, on Expiration of Time for answering, but before Replication move for a Decree or Decretal Order.

68. The Plaintiff in any Suit commenced by Bill shall be at liberty, at any Time after the Time allowed to the Defendant for answering the same shall have expired (but before Replication), to move the Court, upon such Notice as shall in that Behalf be prescribed by any General Order of the Court, for such Decree or Decretal Order as he may think himself entitled to; and the Plaintiff and Defendant respectively shall be at liberty to file Affidavits in support of and in opposition to the Motion so to be made, and to use the same on the Hearing of such Motion; and if such Motion shall be made after an Answer filed in the Cause the Answer shall for the Purposes of the Motion be treated as an Affidavit.

Affidavits may be filed.

Court may refuse such Motion, or make Order for further Prosecution, &c.

69. Upon any such Motion for a Decree or Decretal Order it shall be discretionary with the Court to grant or refuse the Motion, or to make an Order giving such Directions for or with respect to the further Prosecution of the Suit as the Circumstances of the Case may require, and to make such Order as to Costs as it may think right.

Practice of excepting to Bills, Answers, &c. for Impertinence abolished.

70. All Exceptions for Insufficiency, and all Objections for Prolixity or Scandal, which according to the existing Practice of the Court in Suits commenced by Bill are determined by the Master of the Court, shall be heard and determined by the Court itself, and the Practice of objecting to Bills, Answers, and other Proceedings in the said Court for Impertinence shall be and the same is hereby abolished: Provided always, that it shall be lawful for the Court to direct the Costs occasioned by any impertinent Matter introduced into any Proceeding in the said Court to be paid by the Party introducing the same, upon Application being made to the Court for that Purpose.

Proviso as to Costs.

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Court may order Defendant to produce Documents, &c. on Oath.

71. It shall be lawful for the Court, upon the Application of the Plaintiff in any Suit commenced by Bill, whether the Defendant may or may not have been required to answer the Bill, or may or may not have been interrogated as to the Possession of Documents, to make an Order for the Production by any Defendant upon Oath of such of the Documents in his Possession or Power relating to Matters in question in the Suit as the Court shall think right; and the Court may deal with such Documents, when produced, in such Manner as shall appear just.

In certain Cases Defendant, after Answer, may file Interrogatories for Examination of Plaintiff.

72. It shall be lawful for any Defendant in any Suit commenced by Bill (but as to Suits in which the Defendant is required to answer not until after the Defendant shall have put in a sufficient Answer to the Bill), and without filing any Cross Bill of Discovery, to file in the Office of the Deputy Keeper of the Rolls in *Ireland* Interrogatories for the Examination of the Plaintiff, to which shall be prefixed a concise Statement of the Subjects on which a Discovery is sought, and to deliver a Copy of such Interrogatories to the Plaintiff or his Solicitor; and such Plaintiff shall be bound to answer such Interrogatories, in like Manner as if the same had been contained in a Bill of Discovery filed by the Defendant against him on the Day when such Interrogatories shall have been filed, and as if the Defendant to such a Bill of Discovery had on the same Day duly appeared; and the Practice of the Court with reference to excepting to Answers for Insufficiency or Objections for Scandal shall extend and be applicable to Answers put in to such Interrogatories: Provided always, that in determining the Materiality or Relevancy of any such Answer, or of any Exception or Objection thereto, the Court is to have Regard to the Statements contained in the original Bill, and in the Answer which may have been put in thereto by the Defendant exhibiting such Interrogatories for the Examination of the Plaintiff: Provided also, that a Defendant, if he shall think fit so to do, may exhibit a Cross Bill of Discovery against the Plaintiff, instead of filing Interrogatories for his Examination.

Defendant may exhibit a Cross Bill instead of filing Interrogatories.

Upon Application of Defendant, after Answer, Plaintiff may be required to produce Documents on Oath.

73. It shall be lawful for the Court, upon the Application of any Defendant in any Suit commenced by Bill, but as to Suits in which the Defendant is required to answer the Plaintiff's Bill not until after he has put in a full and sufficient Answer to the Bill, unless the Court shall make any Order to the contrary, to make an Order for the Production by the Plaintiff in such Suit, on Oath, of such of the Documents in his Possession or Power relating to the Matters in question in the Suit as the Court shall think right; and the Court may deal with such Documents, when produced, in such Manner as shall appear just.

Practice of issuing Commissions to take Answers, &c. within the Jurisdiction of the Court abolished.

74. The Practice of the said Court of issuing Commissions to take Answers, Disclaimers, and Examinations in Causes and Matters pending in the said Court shall, with respect to Answers, Disclaimers, and Examinations taken within the Jurisdiction of the Court, be and the same is hereby abolished; and any such Answer, Disclaimer, or Examination may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

Masters Extraordinary to cease to be so styled, and to be designated Commissioners.

75. The Persons now styled Masters Extraordinary in Chancery shall cease to be so styled, and they, and all Persons hereafter appointed by the Lord Chancellor to execute the like Duties in *Ireland*, shall be designated "Commissioners to administer Oaths in Chancery in *Ireland*," and shall possess and exercise all such Powers and discharge all such Duties as now appertain to the Office of Master Extraordinary in Chancery by virtue of any Statute or Order of the Court of Chancery or of the Lord Chancellor, or Usage in that Behalf, or otherwise.

Power to appoint Solicitors residing within Ten Miles of Dublin as Commissioners to take Oaths.

76. It shall be lawful for the Lord Chancellor from Time to Time to appoint any Persons practising as Solicitors within Ten Miles from the Four Courts, *Dublin*, to administer Oaths and take Affidavits in Chancery, and to possess all such other Powers and discharge all such other Duties as aforesaid; and such Persons shall be styled "*Dublin* Commissioners to administer Oaths in Chancery," and they shall be entitled to charge and take a Fee of One Shilling and Sixpence for every Oath administered and for every Affidavit taken by them, subject to any General Order of the Court varying or annulling the same.

Clerk of Affidavits and Clerk of Recognizances may administer Oaths and take Affirmations.

77. From and after the Time appointed for the Commencement of this Act it shall and may be lawful for the Clerk of Affidavits and Clerk of Recognizances in Chancery for the Time being, and they are hereby authorized and required, to administer Oaths and take Affidavits in Chancery: Provided always, that such Clerks shall not be required, except under a special Order of the Court, to go out of their respective Offices to administer the said Oaths or take the said Affidavits, and that when any such Clerk shall be required by any Order of the Court to attend out of his said Office for the Purposes aforesaid, the Charge for every such Attendance, together with the Rate of his Travelling Expenses, if any, shall be expressed in such Order of the Court; and that it shall and may be lawful for such Clerk to receive such Sum for his Attendance, and also such Rate of Travelling Expenses, as shall be expressed in such Order of the Court, and no other or greater Sum.

Commissioners may be appointed to administer Oaths for the Isle of Man and the Channel Islands.

78. It shall be lawful for the Lord Chancellor from Time to Time to appoint any Persons practising as Solicitors in the *Isle of Man* and in the *Channel Islands*, or any of them, to administer Oaths and take Affidavits, and to possess all such other Powers and discharge all such other Duties as aforesaid, and such Persons shall be styled "Commissioners to administer Oaths in Chancery," with the Addition of the Words "for the *Isle of Man*," or "for the *Channel Islands*," as the Case may be, and they shall be entitled to charge and take the same Fees as the said Commissioners to administer Oaths in Chancery.

Commissioners Appointment to bear a Chancery Stamp of £1 in lieu of other Charges.

79. The Fiat or Document by which any such Commissioners as aforesaid shall be appointed shall bear a Chancery Fund Stamp of One Pound, but no other Charge or Fee shall be made or be payable in respect of such Appointment, or of anything requisite to be done in order to perfect the same; and it shall not be necessary that any such Appointment should be published in the *Dublin Gazette*.

Nothing to lessen the Power of the Lord Chancellor. References to Masters Extraordinary in Acts to apply to Commissioners.

80. Nothing herein contained shall abridge or lessen the Power of the Lord Chancellor, as it now exists, to appoint fit Persons to administer Oaths, and take Affidavits in Chancery, or to regulate the Fees to be taken by them, and where any Act of Parliament refers to the Masters Extraordinary in Chancery, or to their Powers or Duties, the Refer-

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ence shall be held to apply to and include the Commissioners herein-before mentioned, or to their Powers or Duties, as the Case may be: Provided that Solicitors and Attornies of not less than Five Years Standing shall be preferred for such Appointments if otherwise suited thereto.

Answers, Affidavits, &c. in Chancery, how to be sworn and taken in England, Scotland, the Channel Islands, &c.

81. All Answers, Disclaimers, Examinations, and Affidavits in Causes or Matters depending in the High Court of Chancery in *Ireland*, and also all Acknowledgements required for the Purpose of enrolling any Deed in the said Court, shall and may be sworn and taken in *England* or *Scotland*, or the *Isle of Man*, or the *Channel Islands*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Notary Public, or Person lawfully authorized to administer Oaths in such Country, Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions; and the Judges and other Officers of the said Court of Chancery shall take Judicial Notice of the Seal or Signature, as the Case may be, of any such Court, Judge, Notary Public, Person, Consul, or Vice-Consul attached, appended, or subscribed to any such Answers, Disclaimers, Examinations, and Affidavits, Acknowledgements, or other Documents to be used in the said Court.

Penalty for falsely swearing, &c.

82. All Persons swearing before any Person authorized by this Act to administer Oaths and take Affidavits shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing contained therein as if the Matter sworn had been sworn before any Court or Person now by Law authorized to administer Oaths and take Declarations, Affirmations, or Attestations upon Honour.

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act.

83. If any Person shall forge the Signature or the Official Seal of any such Judge, Court, Notary Public, Consul or Vice-Consul, or other Person lawfully authorized to administer Oaths under this Act, or shall tender in Evidence any Answer, Disclaimer, Examination, Affidavit, or other Judicial or Official Document with a false or counterfeit Signature or Seal of any such Judge, Court, Notary Public, Consul or Vice-Consul, or other Person authorized as aforesaid, attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain Official and other Documents.*

Answers to be filed without Oath of Messenger.

84. Answers, Disclaimers, Examinations, and Affidavits, whether taken by Commission out of the Jurisdiction of the said Court or otherwise, may be filed without the Oath of a Messenger, and any Alterations made thereon previously to the taking thereof shall be authenticated according to the Practice now in use with respect to Affidavits.

Issue may be joined by filing Replication.

85. In Suits in the said Court commenced by Bill, where Notice of Motion for a Decree or Decretal Order shall not have been given, or, having been given, where a Decree or Decretal Order shall not have been made thereon, Issue shall be joined by filing a Replication in the Form given in Schedule (B.) to this Act, or in such other Form as shall be prescribed by a General Order of the Court; and where a Defendant shall not have been required to answer and shall not have answered the Plaintiff's Bill, he shall be considered to have traversed the Case made by the Bill.

Defendant not having been required to answer and not answering may move for Dismissal of Bill for Want of Prosecution.

86. Where a Defendant to a Suit in the said Court commenced by Bill shall not have been required to answer the Bill, and shall not have answered the same, such Defendant shall be at liberty to move to dismiss the Bill for Want of Prosecution at such Times, and under such Circumstances, and subject to such Restrictions as shall be in that Behalf prescribed by any General Order of the Court.

Practice of Court as to Mode of examining Witnesses abolished. Court may order particular Witnesses to be examined upon Interrogatories.

87. The Mode of examining Witnesses in Suits in the said Court commenced by Bill, and all the Practice of the said Court in relation thereto, so far as such Practice shall be inconsistent with the Mode herein-after prescribed of examining such Witnesses, and the Practice in relation thereto, shall, from and after the Time appointed for the Commencement of this Act, be abolished: Provided always, that the Court may, in any Suit commenced by Bill, if it shall think fit, order any particular Witness or Witnesses within the Jurisdiction of the said Court, or any Witness or Witnesses out of the Jurisdiction of the said Court, to be examined upon Interrogatories in the Mode now practised in the said Court in such Suits; and that with respect to such Witness or Witnesses the Practice of the said Court in such Suits in relation to the Examination of Witnesses shall continue in full Force, save only as far as the same may be varied by any General Order of the Court in that Behalf, or by any Order of the Court with reference to any particular Case.

Judge may, upon Application, order that the Evidence as to certain Facts or Issues shall be taken vivâ voce at the Hearing.

88 When any Cause commenced by Bill shall be at issue, the Plaintiff or any Defendant may, within such Time as shall be fixed by a General Order of the Court, apply by Summons, to be served upon the opposite Party, for an Order that the Evidence in Chief as to any Facts or Issues, such Facts or Issues to be distinctly and concisely stated in the Summons, may be taken *vivâ voce* at the Hearing of the Cause; and that the Judge may make an Order that the Evidence in Chief as to such Facts and Issues, or any of them, shall be taken *vivâ voce* at the Hearing accordingly; and the Facts and Issues as to which any such Order shall direct that the Evidence in Chief shall be taken *vivâ voce* at the Hearing shall be distinctly specified in such Order; but in case the Judge shall be satisfied that such Application is unreasonable, or made for the Purpose of Delay, Oppression, or Vexation, he may refuse to make any such Order; and where any such Order shall have been made the Examination in Chief as well as the Cross-examination and Re-examination shall be taken before the Court at the Hearing as to the Facts and Issues specified in such Order.

Evidence as to Facts not included in such Order as in last Section to be taken by Affidavit or Examination before the Examiner.

89. No Affidavit nor any Evidence taken before an Examiner shall be admissible at the Hearing of any such Cause as mentioned in the last preceding Section in respect of any Fact or Issue which shall be included in any Order directing Evidence in Chief to be taken *vivâ voce* at the Hearing, but, except as to the Facts or Issues included in such Order, each Party in a Cause in which Issue is joined shall be at liberty to verify his

Case, either wholly or partially by Affidavit, or wholly or partially by the oral Examination of Witnesses *ex parte* before the Examiner of the Court, or an Examiner to be specially appointed by the Court or Judge.

Any Party in a Cause may by Subpœna require Attendance of any Witness at the Hearing.

90. Each Party shall be at liberty to sue out of the Office of the Clerk of Appearances and Writs Writs of Subpœna ad testificandum and Duces tecum to compel the Attendance at the Hearing of Witnesses whom he may desire to produce on any Issue or Matter of Fact included in such Order as is mentioned in the Eighty-ninth Section of this Act.

Any Party in a Suit may by Subpœna require Attendance of any Witness before an Examiner.

91. Any Party in any Suit depending in the Court shall be at liberty to sue out a Writ of Subpœna ad testificandum or Duces tecum to compel the Attendance of any Witness before an Examiner of the said Court, or before an Examiner specially appointed as aforesaid, and examine such Witness orally for the Purpose of using his Evidence upon any Motion, Petition, or other Proceeding before the Court; and every such Witness shall be bound to attend for Examination and shall be examined in like Manner as he would be bound to attend and be examined with a view to the Hearing of a Cause in which Issue is joined.

Examination before the Examiner to be ex parte.

92. Except as herein-after provided, all Examinations taken by the Examiners of the Court, or by any special Examiner, for the Purpose of being used at the Hearing of a Cause in which Issue is joined, shall be taken *ex parte*, the Examiner being furnished by the Plaintiff with a Copy of the Bill and Answer, if any, in the Cause; and no Person shall have a Right to be present at the taking of such Examination except the Party producing the Witness, his Counsel, Solicitor, and Agents; and every Deposition taken upon such Examination shall be deemed to be an Affidavit; and the Examiner, before transmitting the same to the Office of the Clerk of Affidavits, to be filed as herein-after provided, shall mark the same as taken *ex parte*.

Witnesses by Affidavits or who have been examined ex parte before the Examiner may be cross-examined and re-examined.

93. Every Witness, whether a Party or not, who has made an Affidavit to be used at the Hearing of a Cause in which Issue is joined, or who has been examined *ex parte* before an Examiner with a view to such Hearing, and also every Person, whether a Party or not, who has made an Affidavit to be used upon any Motion, Petition, or other Proceeding before the said Court, shall be subject to oral Cross-examination by any opposite Party, either before the Court, or, in the cases herein-after provided, before an Examiner, and after such Cross-examination may be re-examined orally by or on behalf of the Party by whom such Affidavit has been filed or Witness examined; and such Witness shall be bound to attend before the Court or such Examiner, to be so cross-examined and re-examined, upon being served with a Writ of Subpœna ad testificandum or Duces tecum; and the Party by whom or on whose behalf such Affidavit shall have been filed or Witness examined shall be bound to produce such Deponent or Witness before the Court or Examiner, as the Case may be, to be so cross-examined and re-examined, upon due and proper Notice for that Purpose being served upon such Party, or his Solicitor; and unless such Deponent or Witness be produced accordingly such Affidavit or Examination shall not be used as Evidence, unless by special leave of the Court: Provided always, that the Party required to produce such Deponent or Witness shall be entitled to demand the reasonable Expenses of the said Deponent or Witness, in the first instance, if not already paid to such Deponent or Witness, from the Party requiring such Production, but such Expenses shall ultimately be borne as the Court shall direct: Provided also, that upon the Hearing of any Motion, Petition, or other Proceeding, the Court shall always have a discretionary Power of acting upon such Evidence as may be before it, and of making such Interim Orders, or otherwise, as may appear necessary to meet the Justice of the Case.

And the Party filing their Affidavits or producing them bound to produce them for this Purpose.

In Causes in which Issue is joined Cross-examination to be before the Court at the Hearing.

94. Except as herein-after provided, no Cross-examination of any Deponent or Witness, or of any Party, to be used at the Hearing of a Cause in which Issue is joined, shall be taken otherwise than before the Court at the Hearing.

Parties may, by Written Consent, agree that Examination, Cross-examination, and Re-examination of Witnesses shall take place before the Examiner.

95. If at any Time after Issue joined the Parties shall, by Writing signed by them or their respective Solicitors, and filed at the Office of the Deputy Keeper of the Rolls, agree that the oral Examination in Chief, Cross-examination, and Re-examination of any Witness or Witnesses (whether a Party or Parties or not), or the Cross-examination and Re-examination of any Person or Persons who shall have made an Affidavit or Affidavits, or who shall have been examined *ex parte* before an Examiner, shall be taken before the Examiner of the Court or a Special Examiner, such Examination, Cross-examination, and Re-examination, or Cross-examination and Re-examination may be taken accordingly, and shall be conducted in the Manner hereinafter provided.

Power to the Court or Judge in certain Cases to direct Examination and Cross-examination to take place before the Examiner.

96. The Court or the Judge may direct that the oral Examination, Cross-examination, and Re-examination of any Witness (whether a Party or not), or the Cross-examination and Re-examination of any Person who has been examined *ex parte* before an Examiner, or made an Affidavit, shall be taken before an Examiner of the Court, or a special Examiner, in case it shall appear to the Court or Judge that, owing to the Age, Infirmity, or absence out of the Jurisdiction of such Witness or Person, or for any other Cause which to the Judge shall appear sufficient, it is expedient that such Direction should be given.

In Cases provided for by the last Two Sections the Examination in Chief, Cross-examination, and Re-examination to take place before the same Examiner.

97. In all such Cases as are provided for in the last Two preceding Sections the Examination in Chief, Cross-examination, and Re-examination, or the Cross-examination and Re-examination of any such Witness or Person as therein respectively mentioned, shall be taken before the same Examiner or special Examiner, or his Successor in Office; and the Cross-examination of every Witness or Person examined in chief shall immediately follow his Examination in Chief; and such Examination, Cross-examination, and Re-examination, or Cross-examination and Re-examination, as the Case may be, shall take place in the Presence of the Parties, their Counsel, Solicitors, or Agents, and shall be conducted as nearly as may be in the Mode now in use in Courts of Common Law with respect to a Witness about to go abroad, and not expected to be present at the Trial of a Cause.

How Evidence to be taken in Suits to perpetuate Testimony.

98. In Suits to perpetuate Testimony Evidence shall continue to be taken according to the now existing Practice in Cases of Bills filed to perpetuate Testimony.

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Depositions to be taken down in Writing, and read over to the Witness, who shall sign the same, but if he refuse to sign Examiner may, and state any special Matter he may think fit.

99. The Depositions taken upon any such oral Examination, Cross-examination, and Re-examination as aforesaid before an Examiner shall be taken down in Writing by the Examiner, not ordinarily by Question and Answer, but in the Form of a Narrative, and in the First Person, and when completed shall be read over to the Witness, and signed by him: Provided always, that in case the Witness shall refuse to sign the said Depositions, then the Examiner shall sign the same, and such Examiner may, upon all Examinations, state any special Matter to the Court as he shall think fit; provided also, that it shall be in the Discretion of the Examiner to put down any particular Question or Answer, if there should appear any special Reason for doing so; and any Question or Questions which may be objected to shall be noticed or referred to by the Examiner in or upon the Depositions, and he shall state his Opinion thereon to the Counsel, Solicitors, or Parties, and shall refer to such Statement on the Face of the Depositions, but he shall not have Power to decide upon the Materiality or Relevancy of any Question or Questions; and the Court shall have Power to deal with the Costs of immaterial or irrelevant Depositions as may be just.

If Parties refuse to be sworn or to answer any lawful Questions, the same Course to be pursued such as is now adopted.

100. If any Person produced as a Witness before any such Examiner shall refuse to be sworn or to answer any lawful Question put to him by the Examiner or by either of the Parties, or by his or their Counsel, Solicitor, or Agent, the same Course shall be adopted with respect to such Witness as is now pursued in the Case of a Witness produced for Examination before an Examiner of the Court upon written Interrogatories, and refusing to be sworn or to answer some lawful question: Provided always, that if any Witness shall demur or object to any Question or Questions which may be put to him, the Question or Questions so put, and the Demurrer or Objection of the Witness thereto, shall be taken down by the Examiner, and transmitted by him to the Office of the Clerk of Affidavits of the Court, to be there filed, and the Validity of such Demurrer or Objection shall be decided by the Court; and the Costs of and occasioned by such Demurrer or Objection shall be in the Discretion of the Court.

Proviso as to Witness demurring to Questions.

Re-examination of Witness to follow Cross-examination.

101. The Re-examination of a Witness shall in all Cases follow his Cross-examination, and shall not, except by Consent or special Order of the Court, be delayed to a future Time.

Original Depositions to be transmitted to the Office of the Clerk of Affidavits.

102. When the Examination or Cross-examination and Re-examination of Witnesses before any Examiner shall have been concluded, the original Depositions, authenticated by the Signature of such Examiner, shall be transmitted by him to the Office of the Clerk of Affidavits, to be there filed; and any Person may have a Copy thereof, or of any Part or Portion thereof, upon Payment for the same, at such Time and in such Manner as shall be provided by any General Order of the Court in that Behalf.

Commission for Examination of Witnesses dispensed with, and Examiner empowered to administer Oaths.

103. It shall not be necessary to sue out any Commission for the Examination of any Witnesses within the Jurisdiction of the Court; and any Examiner appointed by any Order of the Court shall have the like Power of administering Oaths as Commissioners now have under Commissions issued by the Court for the Examination of Witnesses.

Affidavits to be divided into Paragraphs numbered.

104. Every Affidavit to be used in the Court shall be taken in the First Person and be divided into Paragraphs, and every Paragraph shall be numbered consecutively, and as nearly as may be shall be confined to a distinct Portion of the Subject; and every Affidavit to be used at the Hearing of a Cause in which Issue is joined shall, unless the Court or Judge shall otherwise permit or direct, be prepared in the Form of Answers to Interrogatories directed to the Facts or Issues to be proved, and consecutively numbered and set out at the Head of such Affidavit, and the Answers thereto shall be in distinct Paragraphs numbered in corresponding Numbers; but all such Affidavits shall be prepared and sworn in all other respects as other Affidavits used in the Court.

Closing Evidence, Cross-examination, and Re-examination.

105. Except as to Facts or Issues included in any such Order as mentioned in the Eighty-ninth Section of this Act, and except as to the Cross-examination and Re-examination of Witnesses at the Hearing, the Evidence at both Sides to be used at the Hearing of a Cause in which Issue is joined shall be closed within such Time as shall in that Behalf be prescribed by any General Order of the Court, but with Power to the Court to enlarge such Period as it may think fit; and after the Time fixed for closing the Evidence, no further Evidence, whether oral or by Affidavit, shall be receivable without special Leave of the Court previously obtained for that Purpose.

Court may require the Production and oral Examination before itself of any Witness, &c. and determine Payment of the Costs.

106. Upon the Hearing of any Cause commenced by Bill and depending in the Court, the Court, if it shall see fit so to do, may require the Production and oral Examination before itself of any Witness or Party in the Cause, and may direct the Costs of and attending the Production and Examination of such Witness or Party to be paid by such of the Parties to the Suit or in such Manner as it may think fit.

Evidence subsequent to Hearing to be taken as Court shall prescribe.

107. In Cases where it shall be necessary for any Party to any Cause depending in the Court to go into Evidence subsequently to the Hearing of such Cause, such Evidence shall be taken in such Manner as shall be prescribed in a General Order of the Court.

Power for Court, notwithstanding any Rule, &c. to the contrary, to receive Proof by Affidavit.

108. Notwithstanding any Rule or Practice to the contrary, it shall be lawful for the Court, at the Hearing of any Cause or at a Hearing for any further Directions therein, to receive Proof by Affidavit of all proper Parties being before the Court, and of all such Matters as are necessary to be proved for enabling the Court to order Payment of any Monies belonging to any married Woman, and of all such other Matters not directly in issue in the Cause as in the Opinion of the Court may safely and properly be so proved.

Deeds and Documents referred to in Pleadings to be produced on Hearings, Motions, and other Proceedings.

109. Where any Deed or Document, or any Record, or any Portion thereof respectively, shall be relied on in any Pleading, the said Deed or Document, or the Copy of such Record, shall be produced upon every Hearing, or Motion, or other Proceeding in the said Suit, unless its Non-production can be satisfactorily excused; and in default thereof it shall be lawful for the Court or Judge before whom such Hearing, Motion, or other Proceeding shall take place to exclude the Party so in default from all Benefit or Advantage of the said Deed, Document, or Record, and to make such Order for the Postponement of such Hearing, Motion, or other Proceeding, and the

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Payment of the Costs occasioned by such Postponement, as shall seem to be just; and in the event of such Deed or Document, or the Copy of such Record, being produced, it shall be lawful for the Court or Judge to direct the same to be entered upon the Decree or Order of the Court to be made upon such Hearing, Motion, or other Proceeding, and to make such consequential Order in relation to Costs as to them or him shall seem fit.

Court may proceed in any Suit, &c. without Representative of deceased Person, or may appoint one.

110. If in any Suit before the Court it shall appear to the Court that any deceased Person who was interested in the Matters in question has no legal Representative, it shall be lawful for the Court either to proceed in the Absence of any Person representing the Estate of such deceased Person, or to appoint some Person to represent such Estate for all the Purposes of the Suit or other Proceeding, on such Notice to such Person or Persons, if any, as the Court shall think fit, either specially, or generally, by public Advertisements; and the Order so made by the Court, and any Orders consequent thereon, shall bind the Estate of such deceased Person in the same Manner in every respect as if there had been a duly constituted legal personal Representative of such deceased Person, and such legal personal Representative had been a Party to the Suit or Proceeding, and had duly appeared and submitted his Rights and Interests to the Protection of the Court.

Power to Persons interested in Questions cognizable in Court of Chancery to state Special Cases for the Opinion of the Court.

111. It shall be lawful for Persons interested or claiming to be interested in any Question cognizable in the Court as to the Construction of any Act of Parliament, Will, Deed, or other Instrument in Writing, or any Article, Clause, Matter, or Thing therein contained, or as to the Title or Evidence of Title to any Real or Personal Estate contracted to be sold or otherwise dealt with, or as to the Parties to, or the Form of any Deed or Instrument for carrying any such Contract into effect, or as to any other Matter falling within the original Jurisdiction of the Court as a Court of Equity, or made subject to the Jurisdiction or Authority of the Court by any Statute, not being One of the Statutes relating to Bankrupts, and including among such Persons all Lunatics, married Women, and Infants, in the Manner and under the Restrictions herein-after contained, to concur in stating such Question in the Form of a Special Case for the Opinion of the said Court, and it shall also be lawful for all Executors, Administrators, and Trustees to concur in such Case.

How Lunatic may concur.

112. The Committee of the Estate of any Lunatic interested or claiming to be interested in any such Question, as aforesaid may, after having been authorized in that Behalf by the Lord Chancellor, concur in such Case in his own Name and in the Name and on the Behalf of the Lunatic.

How married Women may concur.

113. A Husband interested or claiming to be interested in right of his Wife in any such Question as aforesaid may concur in such Case in his own Name and in the Name of his Wife where the Wife has no Claim to any Interest distinct from her Husband, and a married Woman having or claiming any Interest in any such Question as aforesaid distinct from her Husband may in her own Right concur in such Case, provided that her Husband also concurs therein.

How Infant may concur.

114. The Guardian of any Infant interested or claiming to be interested in any such Question as aforesaid may concur in such Case in the Name and on the Behalf of the Infant, unless such Guardian has an Interest in such Question adverse to the Interest of the Infant therein.

How Special Guardian to be appointed for a Lunatic not found such by Commission and for Infant may concur.

115. It shall be lawful for the Court, by Order to be made in the Matter of any Lunatic not found such by Inquisition, or in the Matter of any Infant, upon the Application of any Person on the Behalf of such Lunatic, or upon the Application of such Infant, by Motion or Petition, to appoint any Person shown by Affidavit to be a fit Person, and to have no Interest adverse to the Interest of the Lunatic or Infant, to be the Special Guardian of such Lunatic or Infant for the Purpose of concurring in such Case in the Name and on behalf of the Lunatic or Infant, and any such Person so appointed may lawfully so concur: Provided always, that it shall be lawful for the Court to require Notice of such Application to be given to such Person, if any, as the Court shall think fit.

Order to appoint Special Guardian of an Infant may be discharged by Court, if made without Notice.

116. In any Case in which any such Order as aforesaid shall have been made by the Court in the Matter of any Infant without Notice to the Guardian of the Infant, it shall be lawful for the said Court, if it shall think fit so to do, to discharge such Order, upon the Application of such Guardian, by Motion or Petition; and the Court, if it shall think fit, may thereupon appoint some other fit Person to be the Special Guardian of such Infant for the Purpose of such Special Case, and may also give such Directions as may be necessary for substituting in such Special Case either the name of the Guardian so applying, or of the Special Guardian so appointed, in lieu of the Name of the Special Guardian so displaced: Provided always, that the Discharge of any Order appointing a Special Guardian shall not invalidate anything which shall in the meantime have been done by such Special Guardian, unless the Court shall, upon Notice to all Parties, specially so direct.

How such Special Cases to be intituled.

117. Every such Special Case shall be intituled as a Cause between some or One of the Parties interested or claiming to be interested as Plaintiffs or Plaintiff, and the others or other of them as Defendants or Defendant; and in the Title to such Cases Lunatics and Infants shall be described as such, and their Committees, Guardians, or Special Guardians named; and where in any such Case a married Woman is named as a Plaintiff and her Husband as a Defendant thereto, a next Friend of such married Woman shall be named in the Title to such Case.

Form of Special Case.

118. Every such Special Case shall concisely state such Facts and Documents as may be necessary to enable the Court to decide the Question raised thereby, and upon the Hearing of such Case the Court and the Parties shall be at liberty to refer to the whole Contents of such Documents, and the Court shall be at liberty to draw from the Facts and Documents stated in any such Special Case any Inference which the Court might have drawn therefrom if proved in a Cause.

Special Case to state how Guardian constituted, and the Concurrence of married Women.

119. Every such Special Case to which an Infant or a Lunatic is a Party by his Guardian or Special Guardian shall also state how such Guardian or Special Guardian was constituted; and where any married Woman having or claiming any Interest distinct from her Husband is a Party to such Case, it shall be stated therein that she concurs in such Case in her own Right.

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Special Cases to be signed by Counsel and filed, and Appearances to be entered.

120. Every such Special Case shall be signed by Counsel for all Parties, and shall be filed in the same Manner as Bills are filed, and the Defendants may appear thereto in the same Manner as Defendants appear in Bills; and no Defendant shall be required to take an attested Copy of a Special Case, but an attested Copy thereof shall be taken by the Plaintiff.

After a Special Case filed, Parties to be bound by Statements after Defendants have appeared, except married Women, Infants and Lunatics who are not to be bound till Leave given by Court to set it down.

121. After a Special Case shall have been filed, and the Defendants shall have appeared thereto, all the Parties to such Special Case shall be subject to the Jurisdiction of the Court, in the same Manner as if the Plaintiff in the Special Case had filed a Bill against the Parties named as Defendants thereto, and such Defendants had appeared to such Bill; and upon the Special Case being filed, and Appearances entered thereto as aforesaid, all Parties to such Special Case, other than married Women, Infants, and Lunatics, shall for the Purposes of such Special Case be bound by the Statements therein; and all married Women, Infants, and Lunatics made Parties to a Special Case shall for the Purposes of such Special Case be bound by the Statements therein, when and not before Leave shall have been given by the Court to set down such Special Case in Manner herein-after provided.

How Case to be set down for Hearing.

122. So soon as all the Defendants shall have appeared to the Special Case the same may, subject to the provisions herein-after contained, be set down for Hearing, and Subpœnas to hear Judgment issued and served according to the Practice of the said Court.

When a married Woman, Infant, or Lunatic is a Party, Application to be made to the Court for Leave to set the Case down.

123. When any married Woman, Infant or Lunatic is Party to a Special Case, Application may be made to the Court for Leave to set down the same, of which Application Notice shall be given to every Party to such Case in whom, as Executor, Administrator, or Trustee, any Property in question therein is or is alleged to be vested in trust for or for the Benefit of such married Woman, Infant, or Lunatic, and also, if such Application be not made by or on behalf of such married Woman, Infant, or Lunatic, to such married Woman and her Husband, or to such Infant, or to such Lunatic and his Committee, if any, as the Case may be; and upon the Hearing of such Application the Court may give Leave to set down such Case, if it shall be of opinion that it is proper that the Question raised therein shall be determined thereon, and shall be satisfied by Affidavit or other sufficient Evidence that the Statements contained therein, so far as the same affect the Interest of such married Woman, Infant, or Lunatic, are true, but otherwise may refuse such Application: Provided always, that in case the Court, upon the Hearing of such Application, shall be of opinion that it is proper that the Question raised in such Case shall be determined thereon, but shall not be satisfied that the Statements contained therein, so far as they affect the Interest of such married Woman, Infant, or Lunatic, are true, it shall be lawful for the Court to direct such Inquiries as to the Court shall seem proper, and upon further Application being made to give or refuse Leave to set down such Case, as to the Court shall seem fit.

Upon Hearing, Court to determine Question and make Declaration.

124. It shall be lawful for the Court, upon the Hearing of any such Special Case as aforesaid, to determine the Questions raised therein, or any of them, and by Decree to declare its Opinion thereon, and, so far as the Case shall admit of the same, upon the Right involved therein, without proceeding to administer any Relief consequent upon such Declaration; and every such Declaration of the Court contained in any such Decree shall have the same Force and Effect as such Declaration would have had, and shall be binding to the same extent as such Declaration would have been if contained in a Decree made in a Suit between the same Parties instituted by Bill: Provided always, that if upon the Hearing of such Special Case as aforesaid the Court shall be of opinion that the Questions raised thereby, or any of them, cannot properly be decided upon such Case, the Court may refuse to decide the same.

Proviso that Court may refuse to decide.

Protection to be afforded to Trustees by Declaration.

125. Every Executor, Administrator, Trustee, or other Person making any Payment or doing any Act in conformity with the Declaration contained in any Decree made upon a Special Case, shall in all respects be as fully and effectually protected and indemnified by such Declaration as if such Payment had been made or Act done under or in pursuance of the express Order of the said Court made in a Suit between the same Parties instituted by Bill, save only as to any Rights or Claims of any Person in respect of Matters not determined by such Declaration.

The Court may suspend the acting upon Declaration.

126. Where any Person shall be desirous to appeal from the Decision on such Special Case, it shall be lawful for the Court, upon Application for that Purpose, either at the Time of the Decree upon such Special Case being made or at any Time afterwards, and upon such Conditions, if any, as the Court shall think fit, to order that the Declaration contained in such Decree shall not be acted upon for such Time as the Court shall think just.

Special Case to be a Lis pendens, and may be registered.

127. The filing of a Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, shall be taken to be a Lis pendens, and may be registered under the Provisions of an Act made and passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis pendens, Commissions of Bankruptcy, and for providing One Office for registering all Judgments in* Ireland, *and for amending the Laws in* Ireland *respecting Bankrupts and Limitations of Actions*, in like Manner as any other Lis pendens in a Court of Equity may now be so registered, and, unless and until so registered, shall not bind a Purchaser or Mortgagee without express Notice thereof.

Mode of identifying Documents, and Court may order Production.

128. Any Documents referred to in a Special Case, and any Copies thereof, or Extracts therefrom, identified by the Signature of the Solicitors for all Parties, or of the Town Agents of such Solicitors, may be produced and read at the Hearing of such Case, without further Proof; and it shall be lawful for the said Court at any Time after the filing of the Special Case, and the entering of Appearances thereto by the Persons named as Defendants therein, to order any Document which may be admitted thereby to be in the Possession of any Party to such Case to be deposited and produced in such Manner and for such Purposes as the Court shall think fit.

Power to Master of the Rolls and Vice-Chancellors to sit at Chambers for the Despatch of Business, &c.

129. From and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven it shall be lawful for the Master of the Rolls and the Vice-Chancellor for the Time being

and they are hereby required to sit at Chambers for the Despatch of such Part of the Business of the Court as can, without Detriment to the public Advantage arising from the Discussion of Questions in open Court, be heard in Chambers, according to the Directions herein-after in that Behalf specified or referred to; and the Times at and during which they respectively shall so sit shall be from Time to Time fixed by them respectively.

Lord Chancellor to cause Chambers to be provided for Master of the Rolls and Vice-Chancellor.

130. The Chamber Business of the Master of the Rolls and of the Vice-Chancellor respectively shall be carried on in conjunction with his Court Business; and it shall be lawful for the Lord-Chancellor to cause Chambers to be provided for each of them for that Purpose until Courts, with proper Rooms attached, can be provided for them.

Judges to have same Power and Jurisdiction as in open Court.

131. The Master of the Rolls and the Vice-Chancellor respectively, when sitting ic Chambers, shall have the same Power and Jurisdiction in respect of the Business to be brought before them as if they were respectively sitting in open Court.

Orders made at Chambers to be drawn up by Judges Clerks.

132. Orders made by the Master of the Rolls and the Vice-Chancellor respectively, when sitting in Chambers, shall ordinarily be drawn up and signed by their respective Chief Clerks.

Orders made at Chambers to have same Force as Orders of Court, &c.

133. All Orders of the Master of the Rolls or of the Vice-Chancellor, made at Chambers, shall have the Force and Effect of Orders of the Court of Chancery, and such Orders may be signed and enrolled in like Manner.

Business to be disposed of in Chambers by the Judges.

134. The Business to be disposed of by the Master of the Rolls and the Vice-Chancellor respectively while sitting at Chambers shall consist of such Matters as the Judge shall from Time to Time think may be more conveniently disposed of in Chambers than in open Court, or as may from Time to Time be directed by any General Order of the Court.

Judges may adjourn from open Court to Chambers, and vice versâ, the Consideration of any Matter.

135. It shall be lawful for the Master of the Rolls and the Vice-Chancellor respectively when sitting in open Court to adjourn for Consideration in Chambers any Matter which, in the Opinion of such Judge, may be more conveniently disposed of in Chambers, or when sitting in Chambers, to direct any Matter to be heard in open Court which he may think ought to be so heard.

Proceedings before Judges at Chambers to be by Summons

136. The Mode of Proceeding before the Master of the Rolls and Vice-Chancellor respectively at Chambers shall be by Summons, and shall be regulated according to such Form and in such Manner as shall be prescribed by a General Order of the Court.

Power to the Judges to direct what Matters, &c. shall be heard and investigated by themselves, and what by their Chief Clerks.

137. From and after the First Day of *Michaelmas* Term One Thousand eight hundred and sixty-seven the Master of the Rolls and the Vice-Chancellor respectively shall have the sole Power (subject to any General Orders to be made on the Subject) to order what Business not of a Judicial Character shall be investigated by and before their respective Chief Clerks, either with or without their Direction, during their Progress, and particularly, if the Judge shall so direct, his Chief Clerk shall take Accounts and make such Inquiries as have usually been prosecuted before the Examiners of the present Masters; and the Judge shall give such Aid and Directions in every or any such Account or Inquiry as he may think proper, but subject nevertheless to the Right herein-after provided for the Suitor to bring any particular Point before the Judge himself.

Right to Suitor to bring any Point before the Judge.

Power to Chief Clerks to issue Advertisements and Summonses, to administer Oaths, &c. as the Judge shall direct.

138. Each Chief Clerk shall, for the Purpose of any Proceedings directed by the Master of the Rolls or the Vice-Chancellor to be taken before him, have full Power to issue Advertisements, to summon Parties and Witnesses, to Administer Oaths, to take Affidavits, and Acknowledgments, other than Acknowledgments by married Women, to receive Affirmations, and when so directed by the Judge to whose Court he is attached, to examine Parties and Witnesses either upon Interrogatories, or *viva voce*, as such Judge shall direct, but only as to Matters of Account or formed Matters, and not as to any controverted Questions of Fact upon which the decision of the Judge shall be required.

Parties, &c not attending liable to Process of Contempt and to Penalties for false swearing, &c.

139. Parties and Witnesses so summoned shall be bound to attend in pursuance of any such Summons, and shall be liable to Process of Contempt, in like Manner as Parties or Witnesses are now liable thereto in case of Disobedience to any Order of the Court, or in case of Default in Attendance, in pursuance of any Order of the Court, or of any Writ of Supœna ad testificadum; and all Persons swearing or affirming before any such Chief Clerk shall be liable to all such Penalties, Punishments, and Consequences for any wilful or corrupt false swearing or affirming contained therein as if the Matters sworn or affirmed had been sworn and affirmed before any Person now by Law authorized to administer Oaths, to take Affidavits, and to receive Affirmations.

Result of Proceedings before Chief Clerk to be embodied in Form of short Certificate, &c.

140. The Directions to be given by the Master of the Rolls or the Vice-Chancellor for or touching any Proceedings before his Chief Clerk shall require no particular Form, but the Result of such Proceeding shall be stated in the Shape of a short Certificate to the Judge, and shall not be embodied in a formal Report, unless in any Case the Judge shall see fit so to direct; and when the Judge shall approve of such Certificate or Report he shall sign the same in testimony of his adopting the same.

No Exceptions to lie to Certificate, &c. Parties at liberty to take Opinion of Judge upon any particular Point.

141. No Exceptions shall lie to any Certificate or Report of the Chief Clerk, although signed and adopted by the Judge, but any Party shall, either during the Proceedings before such Chief Clerk, or within such time after such Proceedings shall have been concluded, and before the Certificate or Report shall have been signed and adopted, as the Court shall by any General Order direct, be at liberty to take the opinion of the Judge upon any particular Point or Matter arising in the course of the Proceedings, or upon the Result of the whole Proceeding when it is brought by the Chief Clerk to a Conclusion.

Certificate, &c. signed and adopted by Judge binding on all Parties, unless discharged or varied.

142. When any Certificate or Report of the Chief Clerk shall have been signed and adopted by the Judge, the same shall be filed in like Manner as Reports are now filed, and shall thenceforth be binding on all the Parties to the Proceedings, unless discharged or varied, either at Chamber

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or in open Court, according to the Nature of the Case, upon Application by Summons or Motion within such Time as shall be prescribed in that Behalf by any General Order of the Court; and nothing herein contained shall prejudice or affect the Power of the Court at any Time to open any such Certificate or Report, upon the same or the like Grounds as any Report of a Master of the said Court which has been absolutely confirmed may now be opened.

All Powers possessed by Masters to be exercised by Judges.

143. From and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven all or any of the Powers, Authorities, and Jurisdiction given to the Masters in Ordinary of the said Court by any Act or Acts then in force may be exercised by the Master of the Rolls and the Vice-Chancellor respectively.

Power to Judges to exercise the Powers given by Sections 31 to 38 inclusive of this Act, and to dispose of any Cause, &c. in open Court.

144. From and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven the Powers given to the Masters in Ordinary of the said Court and to the Court by Sections 31, 32, 33, 34, 35, 36, 37, and 38 of this Act may be exercised by the Master of the Rolls and Vice-Chancellor respectively with respect to Causes, Matters, and Things which may be depending before them respectively in Chambers; and if and when any such Judge shall be of opinion that any Cause, Matter, or Thing so depending ought to be finally disposed of, unless the Parties or some of them can show good Cause to the contrary, he shall direct the same to stand in his Paper in open Court, giving such Notice thereof, if any, as he shall deem right, and proceed to dispose thereof accordingly.

Court or Judge, on Application of Executors or Administrators, may by Order of Course direct an Account of Debts and Liabilities to be taken.

145. And whereas it is expedient to provide Means for enabling Executors or Administrators of deceased Parties to ascertain whether there are any outstanding Debts or Liabilities affecting the Personal Estates of such Persons, without the Delay and Expense of Suits to administer such Estates: Be it therefore enacted, That upon the Application of the Executors or Administrators of any deceased Person at any Time after Probate or Letters of Administration shall have been granted, it shall be lawful for the Court or Judge, upon a Summons in the Form used for originating Proceedings at Chambers, by an Order in the Form or to the Effect set forth in the Schedule (B.) to this Act, with such Variations as Circumstances may require, to direct that an Account shall be taken of the Debts and Liabilities affecting the Personal Estate of such deceased Person; and after any such Order shall have been made the Court or Judge may, on the Application of the Executors or Administrators, restrain, or suspend, until the Account directed by such Order shall have been taken, any Proceedings at Law against such Executors or Administrators by any Person having or claiming to have any Demand upon the Estate of the Deceased, upon such Terms and Conditions, if any, as to the Court or Judge shall seem just; and the Judge in taking an Account of the Debts and Liabilities pursuant to such Order, shall, on the Application of the Executors or Administrators, be at liberty to direct that the Particulars only of any Claim or Claims which may be brought in pursuance of any such Order shall be certified by his Chief Clerk, without any Adjudication thereon; and any Notices for Creditors to come in which may be published in pursuance of any such Order shall have the same Force and Effect as if such Notices had been given by the Executors or Administrators in pursuance of the Twenty-ninth Section of the Act of the Twenty-second and Twenty-third Years of *Victoria*, Chapter Thirty-five: Provided always, that no such Order shall be made pending any Proceedings to administer the Estate of such Person; and that in case at any Time after the making of such Order any Decree or Order for administering the Estate of such deceased Person shall be made, it shall be lawful for the said Court by such Decree or Order to stay or suspend the Proceedings under such Order of Course on such Terms and Conditions, if any, as to the said Court shall seem just.

Certificate of Chief Clerk may be objected to by Application to the Court or Judge, of which Notice shall be given.

146. It shall be lawful for any Person who may have come in under any such Order, and claim to be a Creditor upon the Estate of the deceased Person, or to have any Demand upon such Estate by reason of any Liability, and whose Debt or Claim may not have been wholly allowed by the Chief Clerk, to apply to the Court or Judge, in such Manner and within such Time as shall be provided by a General Order of the Court, to have such Claim allowed, either wholly or partially; and it shall be lawful for the said Executors or Administrators, and for any Creditor of the deceased Person who may be authorized by special Leave of the Court or Judge so to do, to apply to the Court or Judge to have any Debt or Claim allowed which has been disallowed by the Chief Clerk, either wholly or partially; but, save as to any Debt or Claim as to which any such Notice as aforesaid may have been given, the Certificate or Report of the Chief Clerk shall, upon the filing of the Certificate or Report be absolute:

Proceeding of the Court on such Application.

Provided always, that upon the Hearing of any such Application as aforesaid the Court or Judge may either dismiss such Application, or may order the Debt or Claim to which such Application relates to be allowed or disallowed, as the Case may be, and either wholly or partially, or may direct further Inquiry or further Proceedings, by way of Action or otherwise, touching such Debt or Claim, and after such Inquiry or Proceedings may deal with such Debt or Claim as to the Court or Judge shall seem just.

If Debts or certain Liabilities allowed, and not paid or provided for, Order may be made for Payment of Accounts.

147. In case any Debt or any certain Liability shall have been allowed as aforesaid, and shall not, within such Time as shall be prescribed by a General Order of the Court, be paid or provided for by Appropriation to the Satisfaction of the Person who has established such Liability, it shall be lawful for the Court or Judge, by Order, to be made in case of any Debt remaining due upon the Application of the Person to whom the Debt remains due, and on Notice to the Executors or Administrators, and in case of any certain Liability remaining unprovided for by Appropriation upon the Application of the Person by whom such Liability has been established, or of the Executors or Administrators, and on Notice by the Party applying to the other of them, to order Payment of the Debts which may have been allowed and remain unpaid, and to provide for the certain Liabilities which may have been allowed and remain unprovided for, in like Manner as the same could or might have been paid or provided for in a Suit for that Purpose instituted by Bill, or to direct an Account to be taken of the Debts and certain Liabilities allowed as aforesaid which remain unpaid or unprovided for, and also the usual Accounts of the Personal Estate of the deceased Person, with all usual and proper Directions; and every such Order shall have the same Force and

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Effect and shall be prosecuted and carried on in like Manner as a Decree in a Creditor's Suit instituted by Bill.

Court or Judge, on Application of Executors or Administrators, may direct Appropriation of Money to answer contingent Liability.

148. In case any contingent Liability shall be duly allowed as aforesaid, it shall be lawful for the Court or Judge, by Order, to be made upon the Application of the Executors or Administrators, on Notice to the Person who may have established such contingent Liability, to order such Sum of Money, Part of the Estate of the deceased Person, as to the Court or Judge shall seem just, to be set apart and appropriated for answering such contingent Liability, and to give such Directions as the Court or Judge shall think fit touching the Payment of such Sum of Money into Court, and the Investment thereof, and the Payment, Application, or Accumulation of the Interest or Dividends thereof in the meantime and until the same shall be required to answer such Liability, and when such Liability shall be ascertained or determined, to give such Directions as to the Payment of such Sum out of Court as the Court or Judge shall deem right: Provided always, that no Order to be made as aforesaid shall in any Manner bind the Assets so appropriated as against the Persons entitled to the Estate of the Deceased, subject to the contingent Liability; and any Person interested in such appropriated Assets may apply to the Court touching the same as he may be advised.

Court may restrain Proceedings against Executors or Administrators.

149. After the filing of such Certificate or Report as aforesaid it shall be lawful for the Court or Judge, upon the Application of the Executors or Administrators of the Deceased, by Order, to restrain by Injunction any Proceedings at Law against them by any Person having or claiming to have any Demand upon the Estate of the Deceased by reason of any Debt or Liability, other than the Persons who may have established contingent Liabilities under the said Order for which no Appropriation may have been made.

Protection to be afforded to Executors and Administrators.

150. In case no Debt or Liability, or no Debt or Liability other than a contingent Liability, shall have been allowed as aforesaid, or in case any Debt or Liability other than as aforesaid shall have been allowed as aforesaid, then after the same shall have been paid or provided for by Appropriation as aforesaid, all Payments made by the Executors or Administrators, or any of them, on account of the Estate of the deceased Person, and all Dispositions of such Assets made by them or any of them on account of such Estate, shall, as against all Persons having or claiming to have any Demand upon such Estate by reason of any Debt or Liability, other than Persons who may have established under the said Order any contingent Liability for which no such Appropriation as aforesaid may have been made, be as good and effectual as if the same had been made under a Decree of the Court: Provided always, that nothing herein contained shall in any Manner affect or prejudice the Rights of any Creditor or other Person having any Demand or Claim upon the Estate of the Deceased against any Assets so paid or disposed of, or against the Persons to whom such Payment or Disposition may have been made, or against any Assets appropriated under the Provisions of this Act, and the Appropriation of which, if made under a Decree of the said Court in a Suit to which he was not a Party, would not have been binding upon him.

Creditor, &c. may summon Executor, &c. to show Cause why an Order for Administration of Personal Estate should not be granted.

151. It shall be lawful for any Person claiming to be a Creditor, or a specific, pecuniary, or residuary Legatee, or the Next of Kin, or some or One of the Next of Kin of a deceased Person, to apply for and obtain as of course, without Bill filed or any other preliminary Proceedings, a Summons from the Master of the Rolls or the Vice-Chancellor, requiring the Executor or Administrator, as the Case may be, of such deceased Person, to attend before him at Chambers, for the Purpose of showing Cause why an Order for the Administration of the Personal Estate of the Deceased should not be granted; and upon Proof by Affidavit of the due Service of such Summons, or on the Appearance in Person or by his Solicitor or Counsel of such Executor or Administrator, and upon Proof by Affidavit of such other Matters, if any, as such Judge shall require, it shall be lawful for such Judge, if in his Discretion he shall think fit so to do, to make the usual Order for the Administration of the Estate of the Deceased, with such Variations, if any, as the Circumstances of the Case may require; and the Order so made shall have the Force and Effect of a Decree to the like Effect made on the Hearing of a Cause between the same Parties; provided that such Judge shall have full discretionary Power to grant or refuse such Order, or to give any special Directions touching the Carriage or Execution of such Order, and in the Case of Applications for any such Order by Two or more different Persons or Classes of Persons, to grant the same to such One or more of the Claimants, or of the Classes of Claimants, as he may think fit; and if the Judge shall think proper, the Carriage of the Order may subsequently be given to such Party interested, and upon such Terms as the Judge may direct.

Power to Judge to order Administration of such Estate.

Copy of Summons to be filed in the Office of the Deputy Keeper of the Rolls.

152. A Duplicate or Copy of such Summons shall, previously to the Service thereof, be filed in the Office of the Deputy Keeper of the Rolls; and no Service thereof upon any Executor or Administrator shall be of any Validity unless the Copy so served shall be stamped with a Stamp of such Office indicating the filing thereof; and such Summons may be registered under the Provisions of the Act mentioned in the 128th Section of this present Act; and the filing and Registration of such Summons shall have the same Effect with respect to Lis pendens as the filing and Registration of a Bill.

Creditor, &c. may obtain an Order for Administration of Real Estate.

153. It shall be lawful for any Person claiming to be a Creditor of any deceased Person, or interested under his Will, to apply for and obtain in a summary Way, in the Manner herein-before provided with respect to the Personal Estate of a deceased Person, an Order for the Administration of the Real Estate of a deceased Person where the whole of the Real Estate so sought to be administered is by Devise vested in Trustees who are by the Will empowered to sell such Real Estate, and authorized to give Receipts for the Rents and Profits thereof, and for the Produce of the Sale of such Real Estate, or where the Real Estate of such Person is otherwise liable to be sold for Payment of the Demand of the Person so applying; and all the Provisions herein-before contained with respect to the Application for such Order at the Suit of a Creditor in relation to the Personal Estate of a deceased Person, and consequent thereon, shall extend and be applicable to an Application for such Order as last herein-before mentioned with respect to Real Estate; and such Application and Pro-

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ceeding may be combined with an Application and Proceeding for the Administration of the Personal Estate of the same Person where it is necessary or proper that such Real and Personal Estate shall be administered together.

Suit not to be dismissed for Misjoinder of Plaintiffs, but Court may modify its Decree according to special Circumstances.

154. No Suit in the Court commenced by Bill shall be dismissed by reason only of the Misjoinder of Persons as Plaintiffs therein; but whenever it shall appear to the Court that, notwithstanding the Conflict of Interest in the Co-plaintiffs, or the Want of Interest in some of the Plaintiffs, or the Existence of some Ground of Defence affecting some or One of the Plaintiffs, the Plaintiffs, or some or One of them, are or is entitled to Relief, the Court shall have Power to grant such Relief, and to modify its Decree, according to the special Circumstances of the Case, and for that Purpose to direct such Amendments, if any, as may be necessary, and at the Hearing, before such Amendments are made, to treat any One or more of the Plaintiffs as if he or they was or were a Defendant or Defendants in the Suit, and the remaining or other Plaintiff or Plaintiffs was or were only Plaintiff or Plaintiffs on the Record; and where there is a Misjoinder of Plaintiffs, and the Plaintiff having an Interest shall have died, leaving a Plaintiff on the Record without an Interest, the Court may, at the Hearing of the Cause, order the Cause to stand revived as may appear just, and proceed to a Decision of the Cause, if it shall see fit, and to give such Directions as to Costs or otherwise as may appear just and expedient.

No Suit to be objected to because only declaratory Order sought.

155. No Suit in the Court shall be open to Objection on the Ground that a merely declaratory Decree or Order is sought thereby, and it shall be lawful for the Court to make binding Declarations of Right without granting consequential Relief.

Court may decide between some of the Parties without making others interested Parties to the Suit.

156. It shall be lawful for the Court to adjudicate on Questions arising between Parties, notwithstanding that they may be some only of the Parties interested in the Property respecting which the Question may have arisen, or that the Property in question is comprised with other Property in the same Settlement, Will, or other Instrument, without making the other Parties interested in the Property respecting which the Question may have arisen, or interested under the same Settlement, Will, or other Instrument, Parties to the Suit, and without requiring the whole Trusts and Purposes of the Settlement, Will, or other Instrument to be executed under the Direction of the Court, and without taking the Accounts of the Trustees or other accounting Parties, or ascertaining the Particulars or Amount of the Property touching which the Question or Questions may have arisen: Provided always, that if the Court shall be of opinion that the Application is fraudulent or collusive, or for some other Reason ought not to be entertained, it shall have Power to refuse to make the Order prayed.

Proviso.

In case of Abatement, &c. of Suit, an Order may be made, which shall have the same Effect as a Bill of Revivor.

157. Upon any Suit in the said Court commenced by Bill becoming abated by Death, Marriage, or otherwise, or defective by reason of some Change or Transmission of Interest or Liability, it shall not be necessary to exhibit any Bill of Revivor or Supplemental Bill in order to obtain the usual Order to revive such Suit, or the usual or necessary Decree or Order to carry on the Proceedings; but an Order to the Effect of the usual Order to revive or of the usual Supplemental Decree may be obtained as of course upon an Allegation of the Abatement of such Suit, or of the same having become defective, and of the Change or Transmission of Interest or Liability; and an Order so obtained when served upon the Party or Parties who according to the present Practice of the Court would be Defendant or Defendants to the Bill of Revivor or Supplemental Bill, shall from the Time of such Service be binding on such Party or Parties in the same Manner in every respect as if such Order had been regularly obtained according to the existing Practice of the said Court; and such Party or Parties shall thenceforth become a Party or Parties to the Suit, and shall be bound to enter an Appearance thereto, in the Office of the Clerk of Appearances and Writs within such Time and in like Manner as if he or they had been duly served with Process to appear to a Bill of Revivor or Supplemental Bill filed against him: Provided that it shall be open to the Party or Parties so served, within such Time after Service as shall be in that Behalf prescribed by any General Order of the Court, to apply to the Court by Motion or Petition to discharge such Order on any Ground which would have been open to him on a Bill of Revivor or Supplemental Bill, stating the previous Proceedings in the Suit, and the alleged Change or Transmission of Interest or Liability, and praying the usual Relief consequent thereon: Provided also, that if any Party so served shall be under any Disability other than Coverture, such Order shall be of no Force or Effect as against such Party until a Guardian or Guardians ad litem shall have been duly appointed for such Party, and such Time shall have elapsed thereafter as shall be prescribed by any General Order of the Court in that Behalf.

New Facts, &c. after Commencement of Suit to be introduced as Amendments to Bill, &c.

158. It shall not be necessary to exhibit any Supplemental Bill in the Court for the Purpose only of stating or putting in issue Facts or Circumstances which may have occurred after the Institution of any Suit, but such Facts or Circumstances may be introduced by way of Amendment into the original Bill of Complaint in the Suit if the Cause is otherwise in such a State as to allow of an Amendment being made in the Bill, and if not the Plaintiff shall be at liberty to state such Facts or Circumstances on the Record in such Manner and subject to such Rules and Regulations with respect to the Proof thereof, and the affording the Defendant Leave and Opportunity of answering and meeting the same, as shall in that Behalf be prescribed by any General Order of the Court.

Where Account required to be taken, Court may give special Directions as to the Mode of taking same.

159. It shall be lawful for the Court in any Case where any Account is required to be taken to give such special Directions, if any, as it may think fit, with respect to the Mode in which the Account should be taken or vouched, and such special Directions may be given either by the Decree or Order directing such Account, or by any subsequent Order or Orders, upon its appearing to the Court that the Circumstances of the Case are such as to require such special Directions; and particularly it shall be lawful for the Court, in Cases where it shall think fit so to do, to direct that in taking the Account the Books of Account in which the Accounts required to be taken have been kept, or any of them, shall be taken as *primâ facie* Evidence of the truth of the Matters therein contained, with Liberty to the Parties interested to take such Objections thereto as they may be advised.

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Where Real or Personal Property is the Subject of Proceedings, Court may allow to Parties Part or the whole of the annual Income.

160. Where any Real or Personal Property shall form the Subject of any Proceedings in the Court of Chancery, and the Court shall be satisfied that the same will be more than sufficient to answer all the Claims thereon which ought to be provided for in such Suit, it shall be lawful for the said Court, at any Time after the Commencement of such Proceedings, to allow to the Parties interested therein, or any One or more of them, the whole or Part of the annual Income of such Real Property, or a Part of such Personal Property, or a Part of the whole of the Income thereof, up to such Time as the said Court shall direct, and for that Purpose to make such Orders as may appear to the said Court necessary or expedient.

Answer of Defendant on Motion for Injunction, or Receiver, &c to be regarded as an Affidavit.

161. Upon Application by Motion or Petition to the Court in any Suit depending therein for an Injunction or a Receiver, or to dissolve an Injunction, or discharge an Order appointing a Receiver, the Answer of the Defendant shall, for the Purpose of Evidence on such Motion or Petition, be regarded merely as an Affidavit of the Defendant, and Affidavits may be received and read in opposition thereto.

Power to obtain the Assistance of Accountants, Merchants, &c.

162. It shall be lawful for the Court, in such Way as they may think fit, to obtain the Assistance of Accountants, Merchants, Engineers, Actuaries, or other scientific Persons, the better to enable such Court to determine any Matter at issue in any Cause or Proceeding, and to act upon the Certificate of such Persons.

Taxing Master to regulate Fees to Accountants, &c. subject to Appeal.

163. The Allowances in respect of Fees to such Accountants, Merchants, Engineers, Actuaries, and other scientific Persons shall be regulated by the Taxing Master of the Court, subject to an Appeal to the Court to which the Cause or Matter shall be attached, whose Decision shall be final.

In case Directions as to Practice, &c. not followed, Court may make Order and award Costs.

164. In case any of the Directions herein contained with respect to the Practice and Course of Proceeding in the Court shall by Mistake of Parties fail to be followed in any Suit, it shall be lawful for the said Court, if it shall think fit, upon Payment of such Costs as such Court shall direct, to make such Order giving effect to and rectifying such Proceedings as may be justified by the Merits of the Case.

Costs may be taxed, notwithstanding the Death of Person to whom they are awarded.

165. When by any Decree or Order Costs shall be ordered to be paid to any Person, and the Person to whom such Costs shall be ordered to be paid shall die before such Costs shall have been taxed or the Amount thereof ascertained, such Costs may be taxed and ascertained by the Taxing Master, notwithstanding the Death of such Person, on the Application of his personal Representative.

Costs may be taxed, notwithstanding Death of Person by whom they are payable.

166. When by any Decree or Order Costs shall be ordered to be paid by any Person, and in consequence of the Death of such Person such Costs cannot, according to the existing Law or Practice, be taxed or ascertained, it shall be lawful for the Court, on the Application of the Person entitled to such Costs, to direct the Taxing Master to tax and ascertain the same, upon Service of a Summons upon the personal Representative of the Person by whom such Costs have been ordered to be paid, or such Person as the Court shall appoint to represent the Estate of such deceased Person.

Summons to tax to be served in ordinary Way.

167. Summonses to tax Costs, pursuant to the Two last preceding Sections of this Act, shall be served in like Manner as ordinary Summonses issued by the Taxing Master, or in such Manner as the Taxing Master shall by any Writing to be signed by him direct.

Taxing Master may proceed ex parte.

168. The Taxing Master may proceed *ex parte* with such Taxation, in case the Person served with such Summons shall not, by himself or his Solicitor, attend pursuant thereto.

Taxed Costs may be recovered.

169. All Costs taxed and ascertained under the Provisions of this Act may be recovered in like Manner as if the same had been taxed and ascertained in the Lifetime of the Person to whom or by whom the same shall have been awarded to be paid, or of the Person in consequence of whose Death the same could not, according to the existing Law or Practice, have been taxed or ascertained, any Law or Practice to the contrary notwithstanding.

Court of Chancery may summarily restrain the Bank of Ireland, &c. from permitting Transfer of Stock, &c.

170. On and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven it shall be lawful for the said Court of Chancery, upon the Application of any Party interested, by Motion or Petition in a summary Way, without Bill filed, to restrain the Governor and Company of the Bank of *Ireland*, or any other public Company in *Ireland*, whether incorporated or not, from permitting the Transfer of any Stock in the Public Funds or any Stock or Shares in any public Company which may be standing in the Name or Names of any Person or Persons or Body Politic or Corporate in the Books of the Governor and Company of the Bank of *Ireland* or in the Books of any such public Company, or from paying any Dividend or Dividends due or to become due thereon: Every Order of the said Court of Chancery upon such Motion or Petition as aforesaid shall specify the Amount of the Stock or the particular Shares to be affected thereby, and the Name or Names of the Person or Persons, Body Politic or Corporate, in which the same shall be standing: Provided always, that the said Court of Chancery shall have full Power, upon the Application of any Party interested, to discharge or vary such Order and to award such Costs upon such Application as to the said Court shall seem fit.

Persons claiming Government Stock standing in the Name of another may sue out Writ of Injunction to restrain the Transfer.

171. On and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven it shall be lawful for any Person claiming any Interest in any Government Stock transferable at the Bank of *Ireland*, standing in the Name or Names of any Person or Persons, or Body Politic or Corporate, in the Books of the Governor and Company of the Bank of *Ireland*, to sue out of the Office of the Clerk of Appearances and Writs a statutory Writ of Injunction, in the Form set forth in the Schedule (B.) to this Act, to restrain the Bank from permitting the Transfer of the said Stock or the Payment of the Dividends thereof, and the same shall be served upon the Secretary of the Bank within Four Days after the issuing of the same, or else the same shall be void, and Notice of the sueing out and Service of such Writ shall be given by the Person sueing out the same immediately after the Service thereof to the Person or Persons or the proper Officer of the Corporation in whose Name or Names the said Stock shall be standing.

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After Service of Writ Bank not to permit Transfers or Payment of Dividends.

172. From and after the Service of the said Writ as herein-before provided it shall not be lawful for the said Governor and Company to permit the said Stock to be transferred or to pay the Dividends thereof until the said Writ shall have been discharged or shall have lapsed as herein-after provided.

Application to Court to discharge such Writ.

173. It shall be lawful for the Person, Persons, or Corporation in whose Name or Names the said Stock shall be standing, or any other Person interested therein or in the Dividends thereof, to apply to the Court in a summary Way to discharge the said Writ, which the Court shall have Power to do, and to award such Costs upon such Application as to the Court shall seem fit, and the said Writ may be discharged by an Order for that Purpose made in any Suit or other Proceeding, if the Court shall think fit.

Persons interested in Stock may, notwithstanding such Writ, request Transfer to be made: whereupon Bank to notify such Request to Parties by whom Writ sued out.

174. The Person or Persons or Corporation in whose Name or Names the said Stock shall be standing, or the Executors or Administrators of such Person or Persons, may by himself or themselves, or some Person on their or his Behalf, in Writing, request the said Governor and Company to permit the said Stock to be transferred or pay the said Dividends, notwithstanding such Writ, and the said Governor and Company shall thereupon notify in Writing to the Person who has sued out such Writ that such Request has been made, and unless such Person shall within Eight Days after such Notification obtain and serve upon the said Governor and Company a Writ of Injunction, issued by Order of the Court upon Motion or Petition in some Suit or Matter then pending, the said statutory Writ shall at the Expiration of the said Eight Days be deemed to have lapsed, and the said Governor and Company may thereupon permit the said Stock to be transferred and the said Dividends to be paid as if the same had not been issued.

Pending Suits to be prosecuted according to present Practice.

175. Notwithstanding anything herein-before contained, all Suits which on the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven shall be pending in the said Court, and all Suits commenced before the last-mentioned Day which shall after that Day be continued or prosecuted in the Court, shall be so conducted, continued, or prosecuted in the same Manner and according to the same Practice as if this Act had not passed: Provided always, that it shall be lawful for the Lord Chancellor, by an Order to be made upon Motion or Petition in any particular Suit, to direct that the whole or any Part of the further Proceedings in such Suit shall thenceforth be continued, carried on, and prosecuted according to the Practice in force for the Conduct of Suits commenced after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven.

Lord Chancellor and Judges to make General Rules and Orders for carrying Purposes of this Act into Effect.

176. The Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, the Lord Justice of the Court of Appeal in Chancery, and the Vice-Chancellor, or any Two of them, may and they are hereby required from Time to Time to make General Rules and Orders for carrying the Purposes of this Act into effect, and for regulating the Times and Forms and Course of Procedure, and the Mode of taking Evidence in Suits, and generally the Practice of the said Court in respect of the Matters to which this Act relates, and for regulating the Fees and Allowances to the Solicitors of the said Court in respect to such Matters, and the Costs of any Proceedings under or in pursuance of this Act, including the fixing of a higher and lower Scale of Costs, Fees, and Allowances according to the Nature of such Proceedings, and the Amount involved, and for altering, if necessary, the Course of Proceeding herein-before prescribed in respect to the Matters to which this Act relates, or any of them; and such Rules and Orders may from Time to Time be rescinded or altered by the like authority; and all such Rules and Orders shall be and take effect as General Orders of the said Court: Provided always, that in making such General Orders regard shall be had to establishing and preserving, so far as may be, Uniformity of Practice and Procedure in the Courts of Chancery in *England* and *Ireland*.

Such General Rules and Orders to be laid before Parliament.

177. All such General Orders as aforesaid shall immediately after the making and issuing thereof be laid before both Houses of Parliament, if Parliament be then sitting, or, if Parliament be not then sitting, within Five Days after the next Meeting thereof: Provided always, that if either of the Houses of Parliament shall, by any Resolution passed within Thirty-six Days after such General Orders have been laid before such Houses of Parliament, resolve that the whole or any Part of such General Orders ought not to continue in force, in such Case the whole, or such Part thereof as shall be so included in such Resolution, shall from and after such Resolution cease to be binding.

PART IV.

Fees and Stamps.

PART IV.

Fees and Stamps.

Power to the Court, with the Assent of the Lords Commissioners of Her Majesty's Treasury, to vary, &c. the Chancery Fund Duties payable under 4 G. 4, c. 78.

178. Whereas the Alterations in the Practice and Course of Procedure in the said Court will affect the Duties at present levied in respect of Proceedings in the said Court under the Name of Chancery Fund Duties, and in pursuance of the Provisions of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to grant additional Stamp Duties on certain Proceedings in the Court of Chancery and in the Equity Side of the Court of Exchequer in* Ireland, and it is essential that Power should be given to the Court, with the Consent of the Lords Commissioners of Her Majesty's Treasury, to modify such Duties so as to adapt the same to the Practice and Course of Procedure to be introduced pursuant to this Act: Be it enacted, That it shall be lawful for the Court, by any General Orders to be made as by this Act directed, and with the Consent of the Lords Commissioners of Her Majesty's Treasury, to vary, reduce, or abolish all or any of the Chancery Fund Duties now payable in relation to Proceedings in the said Court, and to substitute One or more Duty or Duties in lieu thereof, and to regulate the Fees to be paid in all the Offices of the said Court, and the Court shall have full Power by any such General Orders, with like Consent, from Time to Time to vary, reduce, or abolish any such Duties or Fees as aforesaid, anything in any Act or Acts relating to such Duties or Fees to the contrary notwithstanding.

Fees now payable in respect of Proceedings in Court, and accounted for to the Treasury, to be added to the Chancery Fund Duties.

179. From and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven the Fees now payable in relation to Proceedings in the Court of Chancery in *Ireland*, and which are received in Money, and accounted for to Her Majesty's Treasury, shall be so

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longer received in Money, but shall be added to "The Chancery Fund" Duties at present payable in respect of such Proceedings, and such Fees shall be subject to be varied, reduced, or abolished in the Manner heretofore provided in respect of such Chancery Fund Duties; and all the Provisions at present in force in relation to the Collection and accounting for the said Chancery Fund Duties shall apply to the Collection and accounting for the said Fees.

Fees which are now accounted for to Suitors Fee Fund to be henceforth received by Stamps.

180. From and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven the Fees in relation to Proceedings in the said Court now received in Money, and which are accounted for with the Accountant General of the Court of Chancery in *Ireland*, for the Credit of the Account called the Suitors Fee Fund Account, shall no longer be received in Money, but by a Stamp denoting the Amount of the Fee which otherwise would be payable, and to be called "Chancery Fee Fund Stamp;" and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall by any General Order or Orders be directed, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceedings; and all Sums received in respect of such Chancery Fee Fund Stamps shall be collected and paid over in manner herein-after provided.

No Officer hereafter to receive Fees for his own Use, but all Officers to be paid by Salary.

181. From and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven no Officer of the Court of Chancery shall be entitled to receive and retain for his own Use any Fee or Reward whatsoever; and all Officers of the Court of Chancery and of the Judges thereof now entitled to receive and retain any Fees or other Payments for their own Use which by virtue of this Act they will cease so to receive after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven shall while they continue to hold their respective Offices receive, in lieu of all Fees or other Payments whatsoever now received by or paid or payable to them for their own Use, such Salary as, having regard to the Emoluments heretofore received by them and to the Nature and Tenure of such Offices, the Lord Chancellor and the Lords Commissioners of Her Majesty's Treasury shall think just; and every such Officer shall in respect of the Salaries so fixed be in the same Position as regards his Superannuation Allowance as if such Fees continued to be payable; and upon the present Holders of such Offices respectively ceasing to hold the same the Lord Chancellor, with the Assent of the Lords Commissioners of Her Majesty's Treasury, shall fix the Salaries to be thereafter received in respect thereof with reference to the Nature and Duties of such Offices respectively.

Officers to continue to receive Fees until Lord Chancellor shall otherwise direct, and pay them into the Suitors Fee Fund.

182. It shall be lawful for all Officers of the Court of Chancery and of the Judges thereof, heretofore entitled to receive any Fees or Emoluments for their own Use, and for their Successors in their respective Offices, and their several and respective Clerks or Agents, to continue to and receive and take all and every the Fees and Emoluments which have been accustomed to be paid to them until the Lord Chancellor shall by any Order or Orders otherwise direct; and all such Fees shall no longer be received in Money, but by such Stamps as are herein provided, and all Sums received in respect of such Stamps shall be accounted for as herein provided; and the Salaries of such Officers shall thenceforth be payable out of such Monies as shall be provided by Parliament for that purpose.

Power to vary Fees.

183. It shall be lawful for the Court by any General Orders to be made as by this Act directed, and with the Consent of the Lords Commissioners of Her Majesty's Treasury, to vary, reduce, or abolish all or any of the Chancery Fund Duties, Chancery Fee Fund Stamps, into which such Fees as aforesaid may be commuted under this Act, and to substitute One or more Fee or Fees, Stamp or Stamps, in lieu thereof, and to direct that all or any of such Fees or Stamps shall from a Day to be named in such Orders and thenceforth be collected.

The Commissioners of Inland Revenue to carry General Orders relating to Fees and Stamps into effect.

184. The Commissioners of Inland Revenue shall from Time to Time give the necessary Directions for carrying the Provisions of the Act and of every General Order of the Court made in pursuance thereof into effect, and shall provide everything that shall be necessary for that Purpose, and shall do or cause to be done everything that shall be necessary for the Receipt and Collection of the Money to be paid for such Stamps; and the said Commissioners shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them for such Chancery Fee Fund Stamps, and the Money so received shall, under the Direction of the Commissioners of Her Majesty's Treasury, be carried into and shall form Part of the Consolidated Fund.

Commissioners of Inland Revenue may make Regulations as to Allowance for spoiled Stamps.

185. It shall be lawful for the Commissioners of Inland Revenue from Time to Time to make such Regulations as they shall think fit for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage, if any, allowed on the Sale of Stamps of the like Kind.

Commissioners to have Powers in 5 & 6 Vict. c. 82.

186. For the Purpose of raising, levying, and collecting the Stamps and other Duties made payable by this Act, the Commissioners of Inland Revenue shall have and be vested with all the Powers and Authorities of the said Act of the Fifth and Sixth *Victoria*, Chapter Eighty-two, and the Acts therein recited or referred to; and the several Provisions of the said Acts (so far as the same are not inconsistent with this Act) shall be applicable to the Stamps and other Duties to be collected and raised under this Act, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relative thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

No Document to be received or used unless stamped.

187. No Document which by any such General Orders as aforesaid shall be required to have a Stamp impressed thereon or affixed thereto shall be received

or filed, or be used in relation to any Proceeding in the Court of Chancery, or be of any Validity for any Purpose whatsoever, unless or until the same shall have a Stamp impressed thereon or affixed thereto in the Manner directed by such Order: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon or affixed thereto has through Mistake or Inadvertence been received or filed or used without having such Stamp impressed thereon or affixed thereto, it shall be lawful for the Lord Chancellor, if he think fit, to order that such Stamp shall be impressed thereon or affixed thereto; and thereupon when a Stamp shall have been impressed on such Document or affixed thereto in compliance with any such Order, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed.

188. If any Officer of the Court of Chancery or other Person shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected or which ought to be collected by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission in relation to any such Stamp or Fee as aforesaid, whereby any Fee or Sum of Money which ought to be collected shall be lost or the Payment thereof evaded, every such Officer or Person so offending shall be dismissed from his Office or Employment, if the Lord Chancellor shall think fit so to order.

Acts and General Orders shall apply to reduced Fees.

189. When any of the Fees now payable shall be reduced as aforesaid, the Provisions of all Acts and General Orders relating to the original Fees, save where inconsistent with this Act or the General Orders, shall apply to such reduced Fees.

Act not to extend to Fees in Bankruptcy.

190. Nothing in this Act contained shall apply to the Stamp Duties or Fees payable in the Bankrupt Court, or to abolish the Stamp Duties or Fees relating to Commissions of Bankruptcy.

PART V.

Miscellaneous.

PART V.

Miscellaneous.

Salaries to be payable out of Monies to be provided by Parliament.

191. Except as herein otherwise provided, all Salaries and Compensation under this Act shall grow due from Day to Day; and if any Person holding any of the said Offices shall die, resign, or be removed from the same, or if any Person entitled to such Allowance shall die, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have lived or executed his Office since the last Payment; and all Salaries, Pensions, Compensations, and Superannuations, whether already granted or to be granted, and all other Expenses in the Court of Chancery (other than the Salaries and Pensions of the Lord Chancellor, the Lord Justice of Appeal, the Master of the Rolls, the Vice-Chancellor, and the Masters), shall be paid out of Monies to be voted by Parliament for that Purpose; and the Amount of all Fees (other than Fees received by Officers for their own Benefit until the Lord Chancellor shall otherwise direct), as well as the Income of all Suitors Fee or other Funds, shall be accounted for and paid into the Exchequer in such Manner as the Lords Commissioners of Her Majesty's Treasury may direct.

Dividends of Funds which have not been dealt with for Ten Years may be transferred to the Suitors Fee Fund Account.

192. On the First Day of [illegible] next after the passing of this Act, and the same Day in each succeeding Year, an Investigation shall be made into the several Accounts standing in the Name of the said Accountant General to the Credit of any Cause or Matter the Dividends of which shall not have been dealt with for Ten Years or upwards prior to such Time, otherwise than by the Investment of Dividends, and the Lord Chancellor, if and when he shall be of opinion that it is not probable that any Claim will be made for the same, may make Orders for the Investment of the Cash on any such Accounts and for the Appropriation of the future Dividends to accrue due on the Stock for the Time being on any such Accounts or such Part of such Dividends as he shall be of opinion may safely and properly be so appropriated by carrying the same over to the Credit of the Account in the Books of the Accountant General called the "Suitors Fee Fund Account;" and such Dividends, when so carried over, shall thereupon become Part of the Fund standing to such Account.

Rights of Suitors to Stock or Dividends transferred not to be affected, but to be satisfied out of the Suitors Fee Fund.

193. The Right of any Suitor of the said Court to the Stock the Dividends of which shall be appropriated by any such Order or Orders as aforesaid, or to the Dividends so directed to be appropriated, shall not be in anywise prejudiced or affected by such Order or Orders, or by such Appropriation in pursuance thereof as aforesaid, but the Claims of such Suitor or Suitors shall be made good and satisfied out of the Fund standing to the Credit of the Accounts called the Suitors Fee Fund Account and the Suitors Unclaimed Dividend Account, or either of them, by virtue of any Order or Orders to be from Time to Time made by the said Court for that Purpose.

Power to Parties ordered to invest in Transfer Stock, to employ any licensed Stock Broker.

194. It shall be lawful for the Party or Parties in any Suit who shall be ordered to invest any Money in the Purchase of the Stocks, Funds, or Annuities transferable at the Bank of *Ireland*, or to transfer for Sale or otherwise any of the said Stocks, Funds, or Annuities, to employ any One of the licensed Stock Brokers, being a Member of the Stock Exchange in *Dublin*, to make such Investment and Transfer.

Commencement of the Act.

195. This Act shall commence and take effect from and after the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven, save as to Part I. and Clause 176, which shall commence and take effect from the *First* of *August* One thousand eight hundred and sixty-seven, provided that such General Orders as aforesaid shall not be made to take effect before the First Day of *Michaelmas* Term One thousand eight hundred and sixty-seven.

SCHEDULES.

SCHEDULE (A.) REFERRED TO BY THE FOREGOING ACT.

13 & 14 Victoria, c. 89. ss. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32.

23 & 24 Victoria, c. 38. s. 14.

SCHEDULE (B.) REFERRED TO BY THE FOREGOING ACT.

Form of Endorsement on Bill of Complaint.

Victoria R.

To the within-named Defendant, *C.D.*, greeting:

We command you ["and every of you," *when there is more than One Defendant*], that within Eight Days after Service hereof on you, exclusive of the Day of such Service,

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you cause an Appearance to be entered for you in our High Court of Chancery to the within Bill of Complaint of the within-named *A.B.*, and that you observe what Our said Court shall direct. Witness Ourselves at Dublin, the Day of in the Year of our Reign.

NOTE.—If you fail to comply with the above Directions you will be liable to be arrested and imprisoned.

Appearances are to be entered at the Office of the Clerk of Appearances and Writs, Four Courts, Dublin.

Form of Replication.

Between *A.B.*, Plaintiff,

and

C.D., *E.F.*, *G.H.*, &c., Defendants.

The Plaintiff in this Cause hereby joins Issue with the Defendant [*all the Defendants who have answered, or who have not been required to answer and have not answered the Bill*], and will hear the Cause upon Bill and Answer against the Defendant *E.F.* [*all the Defendants against whom the Cause is to be heard on Bill and Answer*], and on Order to take the Bill as confessed against the Defendant *G.H.* [*as the Case may be*].

Form of Order for Administration of Personal Estate.

[Date].

In the Matter of *A.B.*, late of in the County of Banker [*or as the Case may be*], deceased.

Upon the Application of *C.D.*, the Executor of the Will, *or* Administrator of the Effects of the above-named *C.D.*, and reading the Probate of the said Will or Letters of Administration of the Effects of the said *A.B.* granted on the Day of to the said *C.D.*, and an Affidavit of the said *C.D.* that no Proceedings are pending to administer the Estate of the said *A.B.*, this Court doth Order that an Account be taken of the Debts and Liabilities affecting the Personal Estate of the said *A.B.*: And in taking such Account Debts are to be distinguished from Liabilities, and Liabilities certain from Liabilities contingent; and the Personal Estate of the said *A.B.* is to be applied in Payment and Satisfaction of such Debts and Liabilities of the said *A.B.* in a due Course of Administration; and any of the Parties are to be at liberty to apply to the Court as there shall be occasion.

Form of Statutory Writ of Injunction to restrain the Transfer of Stock or Payment of Dividends.

Victoria, &c.

To the Governor and Company of the Bank of Ireland.

We command you, that after the Service of this Writ on you you do not permit the Sum of [*insert Amount and Description of Stock*], now standing in your Books in the Name of [*Here state Person or Persons in whose Name or Names the Stock is standing*], to be transferred, or the Dividend that is now due or to accrue due thereon to be paid, until you shall be served with an Order of Our Court of Chancery in Ireland to the contrary, or until this Writ shall be discharged by an Order of Our said Court to be made in any Cause or Matter, or until the lapse of Eight clear Days after a written Request by the said [*the Person or Persons in whose Name or Names the Stock is standing*], his Executors, Administrators, or Assigns, or some Person on their or his Behalf, to permit such Transfer to be made or Payment received.

CAP. XLV.

An Act to extend and amend the Vice-Admiralty Courts Act, 1863.

[15th *July* 1867.]

CAP. XLVI.

An Act to amend the Law relating to the Office of County Treasurer in *Ireland*.

[15th *July* 1867.]

WHEREAS it is expedient that Banking Companies should be appointed as Treasurers of Counties in *Ireland*:

Be it enacted: . . .

Interpretation of Terms.

1. The Words "Lord Lieutenant in Council" mean the Lord Lieutenant or other Chief Governor or Chief Governors of *Ireland* for the Time being acting by and with the Advice of Her Majesty's Privy Council in *Ireland*; and the Word "County" includes County of a City and County of a Town.

Upon Vacancy in Office of Treasurer of County, Grand Jury shall appoint Banking Company as Treasurer.

2. At the Assizes following the next Vacancy in the Office of Treasurer of any County in *Ireland* the Grand Jury of such County shall appoint a Banking Company to act as Treasurer, and shall fix with such Banking Company the Amount of Interest to be allowed for Money from Time to Time lying to the Credit of the County; and any succeeding Grand Jury of such County may accept the Resignation or revoke the Appointment of any Banking Company, and appoint another such Company as Treasurer.

All Monies payable to Treasurer to be lodged in the Bank appointed Treasurer.

Receipt of Officer of Banking Company to be a Discharge to the Person paying them as Treasurer.

3. From and after such Appointment, all Monies payable to the Treasurer of any County which should be lodged to his Credit in the County Bank of such County shall be paid into the Bank appointed Treasurer for such County; and the Receipt of an Officer for the Time being authorized to give Receipts of any Banking Company acting as Treasurer for any County under this Act, expressing that the Sum therein mentioned has been received by such Banking Company as such Treasurer, shall be a sufficient Discharge to the Party lodging the same.

Payments to be made by Banking Company on Drafts drawn by Secretary of Grand Jury, and countersigned by the Clerk of the Crown;

or by an Order of a Judge of Assize in case of Refusal of these Officers.

4. A Banking Company acting as Treasurer of a County shall pay no Money received by them as such Treasurer, or allowed by them as Interest on Balances to the Credit of such County, except on a Draft payable to a Person named therein or Order, and having endorsed thereon a Receipt expressing the Purpose for which the Amount of the Draft was paid, such Draft to be signed by the Secretary of the Grand Jury of such County, or by such Officer as may lawfully supply his Place during Illness, Absence, or the Vacancy of his Office, and countersigned by the Clerk of the Crown of such County, or by such Officer as may lawfully supply his Place during his Illness, Absence, or the Vacancy of his Office; or upon an Order of a Judge of Assize, in case any of such Officers shall refuse or neglect to sign or countersign a Draft, which in the Opinion of such Judge such Officer might lawfully sign or countersign.

Power to Judge of Assize to make such Order, and to award Costs.

5. Judges of Assize are hereby authorized, upon the Application of any Party interested, and upon hearing the Case in open Court, to make such an Order, and award Costs against the Party making or against the Officer or Grand Jury opposing such Application.

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Banking Company to keep Accounts of Receipts and Payments, classified as ordered by Auditor of County Treasurer's Accounts.

6. A Banking Company acting as Treasurer of a County shall keep the Accounts of Receipts and Payments classified in such Manner as may be ordered by the Auditor of the County Treasurer's Accounts appointed under Statute First *Victoria*, Chapter Fifty-four, for the Time being, and shall forward a Copy of such Accounts to the Secretary of the Grand Jury of such County from Time to Time as such Secretary shall require, and shall at the First Day of each Assizes present to the Grand Jury a complete Copy in Duplicate of such Accounts up to but not inclusive of such First Day.

Other Duties, except actual Receipts and Payments, and Accounts thereof to devolve on Secretary of Grand Jury.

7. Whilst a Banking Company is acting as Treasurer of any County, all the Duties which devolve on the Office of Treasurer, except the actual Receipt and Payment of Money, and the keeping Accounts of such Receipts and Payments, as herein-before provided, shall devolve on the Secretary of the Grand Jury, and he shall keep all such Accounts of Balances outstanding, and of Presentments not claimed, and other Accounts, and shall do all such other Acts as shall be obligatory on a Treasurer other than a Banking Company to do.

Statutory Provisions as to Payments obligatory on Treasurer shall not apply to a Bank acting as Treasurer, but shall make it obligatory on Secretary to sign Drafts.

8. All Statutable Provisions making it obligatory on the Treasurer of a County to pay Money shall not apply to a Bank acting as Treasurer, but shall apply to the Secretary of a Grand Jury of such County, and shall make it obligatory on him to sign Drafts for the Payment of Money, and on the Clerk of the Crown to countersign such Drafts, if such Payments are duly authorized by the Statute under which they are demanded; provided that the Secretary of the Grand Jury or Clerk of the Crown may postpone the signing or countersigning of any Draft, with a view to bring a Question of Fact as to the Amount claimed before the Grand Jury at the next Assizes, or a Question of Law before the Judge of Assize at such next Assizes.

Grand Jury may dispense with Security in the Case of a Banking Company being Treasurer.

9. A Grand Jury may, on appointing a Banking Company as Treasurer, entirely dispense with Security from such Company, or require such lesser Security than what would be required from a Treasurer if not a Banking Company as the Grand Jury shall determine.

In case a Banking Company stops Payment, &c. the Court of Chancery may restrain its acting as Treasurer, and appoint another Banking Company till next Assizes.

10. In case any Banking Company, while acting as Treasurer of any County shall stop Payment, or in case any Step shall be taken for winding up the Company, or transferring its Business to another Banking Company, the Secretary of the Grand Jury of such County shall apply to the Court of Chancery for an Injunction to restrain such Banking Company from further acting as Treasurer until the next Assizes, which Order and Injunction the Court is empowered to make; and the Secretary of the Grand Jury may, with the Sanction of the Court of Chancery, take such Proceedings, in the Name of the Secretary of the Grand Jury and Clerk of the Crown for the Time being, as Trustees on behalf of the County, as may be necessary, against a Banking Company so removed by Injunction, to secure an Account and recover any Balance in their Hands, and the Costs of such Proceedings properly and necessarily incurred shall be chargeable in like Manner as the Costs of Law Proceedings by Direction of the Grand Jury.

Powers of Lord Lieutenant in Council extended to fix Security to be given by Secretary of Grand Jury when Banking Company Treasurer, and also Increase of Salary of Secretary of Grand Jury for Increase of Duty.

11. The Powers of the Lord Lieutenant in Council under Statute First *Victoria*, Chapter Fifty-four, shall extend to the following Matters:

1st. To fix the Nature and Amount of Security to be given by the Secretary of the Grand Jury in each County where a Banking Company is nominated or appointed Treasurer.

2nd. Upon the Petition of the Secretary of a Grand Jury of any County where a Banking Company is appointed Treasurer, and a Report of the Grand Jury of such County thereon, to appoint the Increase of Salary to be made to such Secretary, in consideration of the Increase of the Duties imposed on him by this Act; and the Lord Lieutenant in Council may, in estimating the Increase of Salary to be allowed, take into consideration any other Changes in the Office of Secretary of a Grand Jury made or to be made since the Salaries of those Officers were fixed by Statute Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen; and all Increase of Salary under this Clause shall continue until further Order of the Lord Lieutenant in Council, and shall be payable in like Manner as the Salary of the said Officer is now payable; provided that no Increase of Salary of the Secretary of any County under this Clause shall exceed One Third of the Salary fixed for the Treasurer of such County by Statute Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, or Statute Seventh *William* the Fourth and First *Victoria*, Chapter Two.

6 & 7 W. 4, c. 116, s. 110.

Grand Jury to regulate Amount to be paid for Expenses of Applotment of County Cess.

12. It shall be lawful for the Grand Jury in any County where a Banking Company acts as Treasurer to appoint a fixed Sum to be paid to the Secretary of the Grand Jury for the Expenses of the Applotment of the County Cess as regulated by Statute Nineteenth and Twentieth *Victoria*, Chapter Sixty-three, Section Five, and beyond such fixed Sum such Secretary shall have no Claim for Expenses incurred under that Act.

Emoluments attached to the Office of Treasurer to revert to Benefit of the County when Banking Company appointed Treasurer.

13. The Emoluments now attached to the Office of Treasurer of a County shall, on the Appointment of a Banking Company as Treasurer of such County, revert to the Benefit of the County, and neither the Banking Company nor the Secretary of the Grand Jury shall receive any Part of such Emoluments, nor shall the Secretary of the Grand Jury be entitled to receive any Payment for any Duty of Treasurer devolving on him under this Act, save such as provided for in the preceding Sections.

Grand Jury may nominate beforehand a Banking Company to act as temporary Treasurer between Vacancy and Appointment by Grand Jury.

14. A Grand Jury may nominate in anticipation a Banking Company to act as temporary Treasurer between the Occurrence of the next Vacancy in the Office of Treasurer and the Appointment of a Treasurer by the Grand Jury: and in case the Grand Jury of any County omit to make such Nomination, the Secretary of the Grand Jury of such County, immediately upon a Vacancy in the Office of Treasurer of such County occurring, shall apply in a summary Way

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In default, Lord Chancellor may appoint temporary Treasurer.

to the Lord Chancellor to appoint a Banking Company to act as temporary Treasurer until a Treasurer is appointed by the Grand Jury; and the previous Nomination of the Grand Jury of such County, or the Order of the Lord Chancellor, as the Case may be, shall constitute the Banking Company named therein Treasurer of such County.

The Treasurer or Secretary may during Illness or Absence appoint a Deputy, approved of by Lord Lieutenant.

15. The Treasurer of a County or the Secretary of a Grand Jury may, during temporary Illness or unavoidable Absence, appoint any Person, approved of by the Lord Lieutenant, to act as Deputy, for whom such Treasurer or Secretary respectively shall be responsible. Every such Appointment, and the Period during which the Deputy acted, shall be notified to the Grand Jury of the County at the next Assizes; and such Power to appoint a Deputy shall not authorize any joint Tenure of the Office of Treasurer or Secretary, nor shall such Deputy continue to act after the meeting of the Grand Jury, unless with the Sanction of that Body.

Magistrates Power of electing Treasurer to cease.

16. From and after the passing of this Act, the Power of Magistrates to elect a County Treasurer for any County in *Ireland* shall cease and determine.

Provision for County Treasurers' resigning, and obtaining up to Two Thirds of their Salary as Compensation for Abolition of Office or as Superannuation.

17. Any County Treasurer may present a Memorial to the Lord Lieutenant in Council, offering to resign, in order to facilitate the Abolition of his Office, or asking for Superannuation; and the Lord Lieutenant in Council is hereby authorized to make an Order, charging, in like Manner as the Treasurer's Salary is now charged, Compensation for the Abolition of his Office, or Superannuation, not exceeding Two Thirds of the Salary and Emoluments of such Treasurer, as fixed by Statutes Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, and First *Victoria*, Chapter Fifty-four, or by Statute Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, such Compensation or Superannuation to be chargeable and payable in like Manner in all respects as such Treasurer's Salary is now chargeable and payable; and in estimating the Compensation or Superannuation to be awarded the Lord Lieutenant in Council shall observe the like Rules, and may exercise the like Discretion, as the Lords Commissioners of her Majesty's Treasury are required to observe, and may exercise, in respect of Compensations and Superannuations granted under the General Superannuation Act, 1859.

Act extends to all Counties except Dublin, Dublin City, Cork City, and Limerick City.

18. This Act shall extend to all Counties in *Ireland*, except *Dublin*, and to all Counties of Cities and of Towns in *Ireland*, except *Dublin*, *Cork*, and *Limerick*.

Treasurers Oath not required from Banking Companies.

19. The Provisions of Statute Fourth *George* the Fourth, Chapter Thirty-three, Section Fourteen, as to the Treasurers Oath, shall not apply to Banking Companies appointed Treasurers.

Provisions of 1 Vict. c. 54. and 1 & 2 Vict. c. 53. for Audit to extend to other Accounts.

20. The Provisions of Statute First *Victoria*, Chapter Fifty-four, and First and Second *Victoria*, Chapter Fifty-three, shall extend to all Accounts kept by Secretaries of Grand Juries or Banking Companies under the Provisions of this Act.

CAP. XLVII.

An Act to amend the Companies Act, 1862, and also the Act passed in the Session held in the Twenty-third and Twenty-fourth years of the Reign of Her Majesty, intituled *An Act to simplify and amend the Practice as to the Entry of Satisfaction on Crown Debts and on Judgments.* [15th *July* 1867.]

Be it enacted: . . . . . .

Sec. 114. of 25 & 26 Vic. c. 89. repealed.

1. The One hundred and fourteenth Section of the Companies Act, 1862, shall be, and the same from and after the passing of this Act is, hereby repealed.

Court may order the vacating of Registration of Lis pendens, &c.

2. Whereas a registered Lis pendens cannot be vacated without the Consent of the Person by whom it was registered, and such Consent is sometimes withheld, although the Suit or Proceeding is at an end, or is not being *bonâ fide* prosecuted: For Remedy whereof be it enacted, That the Court before whom the Property sought to be bound is in Litigation may, upon the Determination of the Lis pendens, or during the Pendency thereof, where the Court shall be satisfied that the Litigation is not prosecuted *bonâ fide*, make an Order, if it shall see fit, for the vacating of the Registration without the Consent of the Party who registered it, and may, in the Discretion of the Court, direct the Party on whose Behalf the Registration was made to pay all the Costs and Expenses occasioned by the Registration or the vacating thereof. The Application to the Court pending the Litigation may be in a summary Way by Petition or Motion in Court, or by Summons at Chambers; and if an Order shall be made for vacating any such Registration, the Senior Master of the Common Pleas at *Westminster* shall, upon the filing with him of an Office Copy of such Order, enter a Discharge of such Lis pendens on the Register, and shall be entitled for every such entry of Discharge to the Sum of Two Shillings and Sixpence, and no more, and may issue Certificates of such Entry, and may charge for every such Certificate the Sum of One Shilling, which said Sums shall be collected by Stamps in the Manner and according to the Provisions of an Act passed in the Session of Parliament holden in the Twenty-eighth and Twenty-ninth Years of Her Majesty, intituled *An Act to provide for the Collection by means of Stamps of Fees payable in the Superior Courts of Law at* Westminster, *and in the Offices belonging thereto*, and as if this Act had been included in the First Schedule of the said Act.

CAP. XLVIII.

An Act for amending the Law of Auctions of Estates. [15th *July* 1867.]

Be it enacted: . . . . . .

Short Title.

1. This Act may be cited for all Purposes as the "Sale of Land by Auction Act, 1867."

Commencement of Act.

2. This Act shall commence and take effect on the First Day of *August* 1867.

Interpretation of Terms.

3. "Auctioneer" shall mean any Person selling by Public Auction any Land, whether in Lots or otherwise:

"Land" shall mean any Interest in any Messuages, Lands, Tenements, or Hereditaments of whatever Tenure:

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"Agent" shall mean the Solicitor, Steward, or Land Agent of the Seller:

"Puffer" shall mean a Person appointed to bid on the Part of the Owner.

Where Sales are invalid in Law to be also invalid in Equity.

4. And whereas there is at present a Conflict between Her Majesty's Courts of Law and Equity in respect of the Validity of Sales by Auction of Land where a Puffer has bid, although no Right of bidding on behalf of the Owner was reserved, the Courts of Law holding that all such Sales are absolutely illegal, and the Courts of Equity under some Circumstances giving effect to them, but even in Courts of Equity the Rule is unsettled: And whereas it is expedient that an End should be put to such conflicting and unsettled Opinions: Be it therefore enacted, That from and after the passing of this Act whenever a Sale by Auction of Land would be invalid at Law by reason of the Employment of a Puffer, the same shall be deemed invalid in Equity as well as at Law.

Rule respecting Sale without Reserve, &c.

5. And whereas as Sales of Land by Auction are now conducted many of such Sales are illegal, and could not be enforced against an unwilling Purchaser, and it is expedient for the Safety of both Seller and Purchaser that such Sales should be so conducted as to be binding on both Parties: Be it therefore enacted by the Authority aforesaid as follows: That the Particulars or Conditions of Sale by Auction of any Land shall state whether such Land will be sold without Reserve, or subject to a reserved Price, or whether a Right to bid is reserved; if it is stated that such Land will be sold without Reserve, or to that Effect, then it shall not be lawful for the Seller to employ any Person to bid at such Sale, or for the Auctioneer to take knowingly any Bidding from any such Person.

Rule respecting Sale subject to Right of Seller to bid as he may think proper.

6. And where any Sale by Auction of Land is declared either in the Particulars or Conditions of such Sale to be subject to a Right for the Seller to bid, it shall be lawful for the Seller or any One Person on his Behalf to bid at such Auction in such Manner as he may think proper.

Practice of opening Biddings, by Order of Chancery, except on Ground of Fraud, to be discontinued.

7. And whereas it is the long settled Practice of Courts of Equity in Sales by Auction of Land under their Authority to open Biddings even more than once, and much Inconvenience has arisen from such Practice, and it is expedient that the Courts of Equity should no longer have the Power to open Biddings after Sales by Auction of Land under their Authority: Be it further enacted by the Authority aforesaid, That the Practice of opening the Biddings on any Sale by Auction of Land under or by virtue of any Order of the High Court of Chancery shall, from and after the Time appointed for the Commencement of this Act, be discontinued, and the highest *bonâ fide* Bidder at such Sale, provided he shall have bid a Sum equal to or higher than the reserved Price (if any), shall be declared and allowed the Purchaser, unless the Court or Judge shall, on the Ground of Fraud or improper Conduct in the Management of the Sale, upon the Application of any Person interested in the Land (such Application to be made to the Court or Judge before the Chief Clerk's Certificate of the Result of the Sale shall have become binding), either open the Biddings, holding such Bidder bound by his Bidding, or discharge him from being the Purchaser, and order the Land to be resold upon such Terms as to Costs or otherwise as the Court or Judge shall think fit.

Court of Chancery, &c. in other respects excepted from Operation of Act.

8. Except as aforesaid, nothing in this Act contained shall affect any Sale of Land made under or by virtue of any Order of the High Court of Chancery in *England*, of the High Court of Chancery in *Ireland*, or of the Landed Estates Court there, or of the Court of Chancery in the County Palatine of *Lancaster*, or of any County or other Court having Jurisdiction in Equity.

Not to extend to Scotland.

9. This Act shall not extend to *Scotland*.

CAP. XLIX.

An Act to confirm a certain Provisional Order under "The Local Government Act, 1858," relating to the District of *Halifax*; and for other Purposes relative to the said District under that Act. [15th *July* 1867.]

CAP. L.

An Act to afford further Facilities for the Erection of certain Bridges in *Ireland*. [15th *July* 1867.]

WHEREAS an Act was passed in the Session of Parliament holden in the Fourth and Fifth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the more effectually providing for the Erection of certain Bridges in* Ireland, which Act was amended by another Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to extend and amend the Provisions of the Acts for the Extension and Promotion of Public Works in* Ireland, *and for the Recovery of Public Monies advanced for the Use of Counties, Parishes, and other Districts in* Ireland *on the Faith of Grand Jury Presentments and Parochial Assessments:*

4 & 5 W. 4. c. 61.

2 & 3 Vict. c. 50.

And whereas it is expedient to amend the same and to afford Facilities for the Purchase or taking of any Property in any Bridge or Ferry, or in the Tolls thereof, which may be necessary for the Purposes of the said Acts, and for making Presentments for the Monies requisite therefor:

Be it therefore enacted: . . . . .

Extent of Act.

1. This Act shall extend only to *Ireland*.

Interpretation.

2. In the Construction of this Act the Expression "Lord Lieutenant" shall mean Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Power to Grand Jury to apply by Memorial for Powers to purchase Property in Bridges, &c.

3. Whenever, for the Purpose of making or improving any Bridge under the Provisions of the recited Acts, it shall be necessary to purchase or take the Property in any Bridge or Ferry or the Tolls thereof, it shall be lawful for the Grand Juries of the respective Counties between which the said Bridge is proposed to be made, or between which the said Bridge is situate, to consent to the Purchase or taking of such Property for the Purposes aforesaid, subject to the Provisions of this Act, and to signify such Consent by a Resolution entered on the Record of their Proceedings.

When such Grand Juries shall have signified such Consent as aforesaid, it shall be lawful for either of such Grand Juries to state in the Memorial under the Provisions of the first-recited Act, in addition to the Matters by the said Act required, the Nature and

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Particulars of the Property necessary to be purchased or taken as aforesaid, the Necessity therefor, and the Consent of the said Grand Juries thereto, as aforesaid; and thereupon it shall be lawful for the Lord Lieutenant to direct that the Person or Persons to be appointed under the Provisions of the said Act shall, in addition to the Matters by the said Act directed, inquire into the Necessity and Propriety for the Purposes of the said Work of purchasing or taking the said Property, and the probable Cost of such Purchase, and thereupon all the Provisions of the recited Acts, save so far as they are expressly altered or varied by this Act, shall extend and be applicable thereto.

Lord Lieutenant empowered to direct Inquiry as to Necessity of such Purchase.

Lord Lieutenant empowered to order Property to be purchased or taken.

4. It shall be lawful for the Lord Lieutenant, if the Person or Persons directed to make Inquiry as to the Necessity and Propriety of the Purchase of the said Property shall so recommend, when he shall make an Order under the Fourth Section of the first-recited Act, to order that the said Property shall be purchased or taken subject to the Provisions of this Act, and for the Purposes thereof.

Secretary of Grand Jury to make out Statement of Property.

5. When the Lord Lieutenant shall have made such Order as aforesaid, the Secretary of the Grand Jury which shall have presented the said Memorial shall cause to be made out a Statement of the Nature of the said Property, together with the Names of the Owners or reputed Owners, Lessees or reputed Lessees thereof, and shall deposit the said Statement at the Office of the Commissioners of Public Works in *Ireland*.

Power to appoint a Valuator.

6. After such Deposit at the Office of the said Commissioners as aforesaid, it shall be lawful for the said Commissioners, on the Requisition of the Lord Lieutenant, to appoint a fit Person to be a Valuator for the Purpose of ascertaining the Value of the Property to be purchased or taken under this Act, and to fix the Remuneration to be paid to him; and if any such Valuator die, or refuse or become incapable to act, the said Commissioners may, as often as the same may happen, appoint a Valuator in his Place, who shall have the same Powers and Authorities as the Valuator first appointed.

Valuator may call for Documents and administer Oaths.

7. The Valuator may call for the Production of any Documents in the Possession or Power of the said Grand Juries, or of any Person on their Behalf, or of the Owners of the Property to be purchased or taken under the Provisions of this Act, which such Valuator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine Witnesses on Oath, and administer the Oaths necessary for that Purpose.

Valuator to make and subscribe Declaration.

8. Before the Valuator shall enter upon an Inquiry, he shall in the Presence of a Justice of the Peace make and subscribe the following Declaration:

'I *A.B.* do solemnly and sincerely declare, That I will 'faithfully and honestly, and to the best of my Skill 'and Ability, hear and determine the Matters referred 'to me under the Provisions of "The Bridges (*Ireland*) 'Act."

'Made and subscribed in the Presence of .'

And such Declaration shall be annexed to his Award when made, and if any Valuator, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Statement deposited to be delivered to Valuator.

Notice of Appointment of Valuator, &c. to be published.

9. Upon the Appointment of a Valuator as aforesaid, the said Commissioners of Public Works in *Ireland* shall deliver to such Valuator the Statement deposited at their Office, as herein-before required; and the said Commissioners shall forthwith after such Appointment cause to be published a Notice of such Appointment and of such Deposit as aforesaid once in the *Dublin Gazette*, and once in each of Two successive Weeks in some One or more Newspapers circulated in the said Counties, stating the Time and Place of such Deposit, and requiring the Owners of the Property to be purchased or taken for the Purposes of this Act, and specified in such Statement, to deliver to the Valuator, on or before a Day fixed by the Valuator, and named in such Notice (and which Day shall not be earlier than Seven Days from the Date of the Insertion of the last of such Newspaper Notices), a short Statement in Writing of their Claims in respect thereof; and upon the Appointment of any Valuator in the Place of a Valuator dying, or refusing, declining, or becoming incapable to act, all the Documents relating to the Matter of the Valuation which were in the Possession of such Valuator shall be delivered to the Valuator appointed in his Place, and the said Commissioners shall cause to be published a Notice of such Appointment in the *Dublin Gazette*.

Valuator to adjudicate upon Price to be paid for Property.

10. The Valuator shall, after the expiration of the Period within which such Claims are required to be delivered to him as aforesaid, proceed to inquire into and adjudicate upon the Value of such Property, and the Purchase Money to be paid for same; and the Valuator shall, after due Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid for the Property so required; and such Draft Award shall be deposited as herein-before directed concerning the Statement aforesaid; and the Valuator shall cause Notice of such Draft Award to be given to the Persons who shall be entitled to Payment under the same, if such Persons be known to the Valuator; or who shall have been heard before such Valuator as Claimants for Compensation, and shall also cause Notice to be published of such Draft Award once in the *Dublin Gazette*, and once in each of Two successive Weeks in some One or more Newspapers circulated in the said Counties, and shall in such Notices appoint a Time and Place or Times and Places for holding a Meeting to hear Objections against any such Draft Award (such Meeting to be not earlier than Ten Days after the First Day of Publication of the said Notice), and shall hold such Meeting accordingly, and thereat shall hear and determine any Objections which may then and there be made to any such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Valuator shall think fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Property, and may from Time to Time, if he shall see Occasion so to do, appoint and hold further Meetings for hearing and determining Objections to any such Draft Award; and when the Valuator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly, and every such Award shall be binding and conclusive, subject to the Provisions herein-after contained, upon all Persons whomsoever, and no such Award shall be set aside for Irregularity in Matter of Form; and a Copy of every such Award shall be deposited with the Clerks

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of the Peace for the said Counties respectively, and the said Commissioners of Public Works shall thereupon publish Notice in some Paper circulated in the said Counties once in each of Two successive Weeks of the deposit of such Award as aforesaid, and requiring all Persons claiming to have any Right or Interest in the Property the Price to be paid in respect of which is ascertained by such Award to deliver to the Secretary of the Commissioners of Public Works in *Ireland*, on or before a Day to be named in such Notice (such Day not being earlier than Seven Days from the Date of the last Publication of the Notice), a short Statement in Writing of the Nature of such Claim, and a short Abstract of the Title on which the same is founded.

Clerk of the Peace required to take charge of Documents deposited, as provided by 7 W. 4. & 1 Vict. c. 83.

11. The Clerks of the Peace aforesaid are hereby required to retain the Documents to be deposited with them under this Act in their Custody respectively, and to permit all persons interested to inspect the same, and to make Copies and Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided by an Act of the Session holden in the Seventh Year of King *William* the Fourth and First Year of Her present Majesty, Chapter Eighty-three.

Valuator to certify Costs.

Expenses of carrying Act into execution to be submitted to Lord Lieutenant.

12. It shall be lawful for the Valuator, where he thinks fit, upon the Request of any Party by whom any Claim has been made before him to certify the Amount of the Costs properly incurred by such Party in relation to the Valuation; and the Remuneration, travelling and other Expenses, of the Valuator, and all other Costs and Expenses (if any) which shall be incurred in carrying the Provisions of this Act into execution, shall be submitted to the Lord Lieutenant for his Approval, and Ascertained and certified by such Person as he shall appoint for the Purpose.

Power of Appeal against Award of Valuator.

13. Where any such Grand Jury, or the Person from whom any Property is to be purchased or taken, shall be dissatisfied with the Award made by the Valuator as herein-before mentioned, it shall be lawful for the said Grand Jury at the Assizes next following the Publication of said Award to direct an Appeal to be made against such Award; and said Appeal shall be in Writing, stating the Grounds thereof, and shall be signed by the Foreman of such Grand Jury, and shall be lodged with the Clerk of the Privy Council within One Month after the said Appeal shall have been so directed, but not after; and it shall be lawful for such Person as aforesaid who shall be dissatisfied with said Award within One Month after the Publication thereof, but not after, to make an Appeal against the same; and such Appeal shall be in Writing, stating the Grounds thereof, and shall be signed by such Person, and shall within such Month be lodged with the said Clerk of the Privy Council; and it shall be lawful for the Lord Lieutenant, by and with the Advice and Consent of Her Majesty's Privy Council in *Ireland*, to hear and determine such Appeal, and to make such Order, disallowing or confirming such Award, or for the varying, altering, or modifiying the same, and as to the Costs of such Appeal, as shall seem meet.

Purchase Money to be deemed Part of Expenses of Work.

14. It shall be lawful for the Lord Lieutenant to order that the Amount to be paid for the Purchase of any such Property, and the Costs and Expenses incurred as aforesaid in relation to the said Valuation, or otherwise in carrying the Provisions of this Act into execution, shall be and same accordingly shall be deemed part of the Expenses of the Work for the Purposes of which such Purchase Money is to be paid, and Costs and Expenses incurred, and shall be raised, presented and dealt with in every respect as is by the recited Acts provided with regard to the Expenses of the Works therein mentioned; and upon such Presentment having been made it shall be lawful for the Commissioners of Public Works in *Ireland* out of any Monies at their Disposal available for Loans, with the Consent of the Commissioners of Her Majesty's Treasury, to issue and advance the whole or any Part of the Money so presented, and apply the same to the Purchase of such Property, to the Construction of such Work, and to the Payment of the Costs and Expenses incurred as aforesaid, or otherwise in carrying this Act into effect: Provided always, that it shall be lawful for any Grand Jury by the recited Acts or this Act required to present any Sum of Money for the Purposes of the recited Acts, or of the same and this Act, to direct that the Amount of such Presentment shall be levied by any Number of half-yearly Instalments not exceeding Forty-four.

Appointment of Committee.

15. It shall be lawful for such Grand Juries, in case they shall so think fit, to determine that the building, rebuilding, repairing, widening, enlarging, or improving of any Bridge under the Provisions of the recited Acts, or of the same and this Act, or of the Approaches thereto, and the Execution of all Works relating to the same, may be contracted for, carried on, conducted, and managed by and under the Control and Direction of a Committee appointed in the Manner herein-after provided instead of by the Commissioners of Public Works in *Ireland*, anythimg in the recited Acts or this Act to the contrary notwithstanding, and for that Purpose each of the said Grand Juries shall appoint Four Persons to act on their Behalf, and all the Persons so appointed shall together be a Committee for contracting for, carrying on, conducting, and managing the Execution of the Work by the recited Acts, or by the same and this Act, authorized to be done; and if any Person so appointed decline to act, die, or resign before such Work shall be completed, it shall be lawful for the Grand Jury by whom such Person was appointed, at the same or any subsequent Assizes, to fill up such Vacancy: Provided that the Powers of the Committee shall not cease nor be suspended while any such Vacancy shall continue.

Quorum of Committee.

Powers when to determine.

16. The Powers of the said Committee may at all Times be exercised by any Five Members present at any Meeting duly assembled; and as soon as the Works in relation to which such Committee shall have been appointed shall be completed and the Accounts of the same finally passed, the Office and Powers of such Committee shall cease and determine.

Appointment of Chairman.

17. The said Committee shall at its First Meeting after Appointment elect One of the Members thereof to be Chairman, and in case of the Absence of the Chairman from any Meeting the Members of the Committee then present shall elect One of their Number to be Chairman for the Meeting; and every Question shall be decided by a Majority of Votes, the Chairman (whether permanent or temporary) having a Vote, and in the event of an Equality of Votes on any Question, such Chairman shall have an additional or Casting Vote.

Contracts how to be made.

18. It shall be lawful for the said Committee to enter into Contracts for the Execution of the said Work, and every such Contract shall be made, after Advertisement

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(as herein-after mentioned) for Tenders, by the Acceptance of the Tender at the most reasonable Price, if satisfactory in all other respects, that shall be proposed. The Contractor shall be considered the responsible Person to execute the same. Before entering into any such Contract, the said Committee shall give Notice Three Times at least in a Newspaper circulating in the Counties, by the Grand Juries of which it was appointed, of the Intention to receive Tenders for the Execution of the said Works; and every Contractor shall, before his Contract shall be deemed valid, give Security in double the Amount of the Sum contracted to be paid for such Work for the due Execution thereof, such Security to be subject to Approval by the said Committee.

Committee to superintend Execution of Works.

19. The said Committee shall carefully superintend the Execution of any Contract entered into in respect of such Work, and shall take care that the same is well and efficiently carried out by the Contractor, and shall appoint the County Surveyor of One of the Counties liable to contribute to the Expenses of the said Work to assist in such Superintendence, and shall make all such Returns, Reports, and Accounts in relation to the Matters so intrusted to them as the Grand Juries that appointed the said Committee shall direct.

Certificate for Payment of Contractor.

20. The said Contract shall state the Stages of the Works at which and the Sums in which the Contractor is to be entitled to Payment, in pursuance of and in accordance with the Presentment; and whenever such Contractor shall become entitled to any Payment under such Presentment and Contract he shall give Notice thereof to the Committee, who shall thereupon refer the same to the County Surveyor appointed as aforesaid; and if the said Contractor shall appear on the said Surveyor's Report to have properly performed his Contract, or any Portion thereof, so as to become entitled to any Payment, he shall receive a Certificate in Writing to that Effect, signed by Three or more Members of the Committee.

Mode of Payment.

21. When the Commissioners of Public Works shall have agreed to advance the whole or any Part of the Money presented by the said Grand Juries as aforesaid, they shall pay to the said Contractor the Sum mentioned in the said Certificate, or so much thereof as the Funds in their Hands available for such Payment will permit; and in every other Case the Treasurers of the Counties liable to contribute towards defraying the Expenses of the said Work shall pay the Sum mentioned in the said Certificate to the said Contractor in the Proportion of the respective Liabilities of such Counties, and shall pay to the said Commissioners, in the like Proportion, such Sums as the said Commissioners shall require for the Purposes of the Twenty-second and Twenty-third Sections of this Act.

Payment to Persons whose Property is required for the Purposes of this Act.

22. The Commissioners of Public Works in *Ireland* shall, out of the Monies paid to them as aforesaid, or which shall be in their Hands available for the Purpose of such Work, pay to the said Valuator and the said several other Persons respectively the Remuneration, Costs, and Expenses to which they shall be respectively entitled as aforesaid; and also, when it appears to them that any Person claiming any Right or Interest in the Property to be purchased or taken as aforesaid is absolutely entitled to the Estate or Interest claimed by him, they shall out of the said Monies pay to such Person the Sum to which he is entitled under the said Award, upon his giving a Receipt to them for the same, and such Receipt shall have the Effect of transferring all the Estate, Right, and Interest of such Party and of all Parties claiming under or through him in the Property in respect of which such Monies are paid to the said Commissioners, and vesting the same in them, in trust for the Purposes of the recited Acts and of this Act, so as such Receipt shall have an ad valorem Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned therein as would have been necessary if such Receipt had been an actual Conveyance of such Estate, Right, or Interest, and the Costs of every such Receipt shall be deemed Part of the Expenses of the said Work, and shall be paid in manner herein-before provided.

Receipt for Purchase Money to transfer Property to Commissioners.

Where Parties making claim are unwilling to accept Payment deemed not entitled, or are under Disability, or Title not satisfactorily deduced, Mode of Payment to be according to "Lands Clauses Consolidation Act, 1845."

23. In case any such Person shall refuse to accept such Payment or give such Receipt as aforesaid, or if it appear to the said Commissioners, from any such Statement of Claim and Abstract as aforesaid or otherwise, that the Party making any such Claim as aforesaid is not absolutely entitled to the Estate or Interest in respect of which his Claim is made, or is under any Disability, or if the Title to such Estate or Interest be not satisfactorily deduced to the said Commissioners free from Incumbrance, then and in every such Case the Amount to be paid by the said Commissioners in respect of such Estate or Interest as aforesaid shall be paid and applied as provided by the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title; provided that the Expression "the Promoters of the Undertaking" used in the said Clauses of the said Act shall in the Cases contemplated by this Section be construed to mean "the Commissioners of Public Works in *Ireland*."

Taking possession of Property.

24. It shall be lawful for the said Commissioners to take possession of the said Property for the Purposes of the recited Acts and of this Act when they shall have made Payment of the Monies to which the Persons who have any Estate or Interest in the said Property are by the said Award declared to be entitled, in the Manner provided by the Twenty-second or Twenty-third Sections of this Act respectively, or, if the said Award is appealed against as is by this Act provided, when they shall have paid the whole Amount of the Monies awarded to all the said Persons into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the said Persons and of this Act, and of the Work in respect of which the same is paid, subject to the Control and Disposition of the said Court; and the said Accountant General shall invest all Monies which shall be so paid in the Purchase of Bank Annuities or Government Securities, and allow the same to accumulate until the said Appeal shall have been heard and disposed of, and thereupon it shall be lawful for the Court of Chancery, upon Application by the said Commissioners, and upon Proof that Payment of the Sums to which the said Persons shall have been declared entitled has been duly made in manner herein-before provided, to order the Funds in which the said Money shall have been invested, together with the Accumulation thereof, to be transferred to the said Commissioners; or, in default of such Payment as aforesaid by the said Commissioners, it shall be lawful for the said Court, upon Application of any of the said

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Persons, to order the same to be applied, in such Manner as it shall think fit, for the Benefit of the Parties for whose Security the same shall have been so paid: Provided always, that in the event of any Sum being required for the Purposes of this Section in addition to the Sum which shall have been paid into the Bank of *Ireland* in manner aforesaid, such Sum shall, when certified as necessary by the said Commissioners of Public Works to the Grand Juries liable to contribute towards defraying the Expenses of the said Work, be presented by the said Grand Juries in the like proportion as the Sums presented by them respectively for the said Expenses of the said Work.

Power to Grand Juries to present Monies off Baronies, Townlands, &c.

25. It shall be lawful for the Grand Juries of the respective Counties, in presenting the Amount to be levied off and from their Counties respectively for the Expenses of any Work under the recited Acts, or the same and this Act, to present the same, and the several Instalments, if any, in which the same shall be made payable, to be levied and raised upon and from the Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates within all or any of the Baronies in such County, or all or any of the Townlands of any such Barony, exclusive of any others of such Baronies or Townlands, and either equably or in such rateable Proportions as, having regard to the Benefits probably to be derived from the Execution of any such Work, such Grand Jury shall consider just: Provided always, that the Owners or Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates within any Barony or Townland who shall consider themselves aggrieved by any Presentment may, within One Month after such Presentment shall have been made, but not after, make an Appeal to the Lord Lieutenant in such Manner as is herein-before provided in case of Appeals against the said Valuations, and it shall be lawful for the Lord Lieutenant, with the like Consent as aforesaid, to hear and determine such Appeal, and to make such Order varying, altering, or modifying the said Presentments, and as to the Costs of such Appeal, as shall seem meet.

Co-operation of Grand Juries for purchasing Bridges, &c.

26. And whereas in Cases where a Bridge or Ferry is situate wholly within the Limits of a County or County of a City it is expedient to enable the Grand Jury of any neighbouring County or County of a City to co-operate with the Grand Jury of any such first-mentioned County or County of a City for any of the Purposes of the recited Acts and of this Act: Be it therefore enacted, That it shall be lawful for the Grand Jury of such neighbouring County or County of a City, upon and after Application made and approved at Presentment Sessions for the County at large to consent to co-operate with the Grand Jury of any such first-named County or County of a City for the Purposes aforesaid, and to signify such Consent by a Resolution entered on the Record of its Proceedings, and thereupon all the Provisions of the recited Acts and of this Act shall extend and be applicable in like Manner as if the said Bridge or Ferry were situate between the said Counties, and all Acts and Proceedings by the said Acts and this Act provided shall and may be done, had, and taken accordingly.

Bridges to be Toll-free.

27. When any Work under the recited Acts and this Act shall be completed, the Passage of the said Bridge shall be open to all Persons, Carriages, Horses, Cattle, and other Animals whatsoever, free from all Tolls and Charges whatsoever.

28. Provisions as to Bridge at New Ross.

29. Persons liable to pay Cess for Purchase of Bridge at New Ross may deduct same from ... Assent of Ratepayers in Case of Waterford Bridge.

CAP. LI.

An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.

[15th *July* 1867.]

CAP. LII.

An Act to alter and amend the Acts relating to the *British* White Herring Fishery.

[15th *July* 1867.]

CAP. LIII.

An Act to authorize the Commissioners of Her Majesty's Treasury to compound the Public Debt and Interest due by the *Limerick* Harbour Commissioners, and to make Arrangements for the Payment of the Amount for which such Debt is to be compounded; and for the Transfer of *Wellesley Bridge* in the City of *Limerick* to the Commissioners of Public Works; and for other Purposes.

[15th *July* 1867.]

CAP. LIV.

An Act to amend the Law of Charitable Donations and Bequests in *Ireland*.

[15th *July* 1867.]

7 & 8 Vict., c. 97.

WHEREAS it is expedient to amend an Act passed in the Session held in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Application of Charitable Donations and Bequests in Ireland*: Be it therefore enacted: . . . . . .

7 & 8 Vict., c. 97. and this Act to be construed together.

1. The said "Act for the more effectual Application of Charitable Donations and Bequests in *Ireland*, 1844," and this Act shall be construed together as One Act, and any of the provisions of the said Act inconsistent with this Act are hereby repealed: Provided that the Expression "the Commissioners" in this Act shall mean "the Commissioners of Charitable Donations and Bequests for *Ireland*."

Commissioners to entertain applications for their Opinion or Advice.

2. The Commissioners shall receive and consider all Applications which may be made to them by any Trustee or other Person having any Concern in the Management or Administration of any Charity for their Opinion, Advice, or Direction respecting such Charity, or the Management or Administration thereof, or the Estate, Funds, Property, or Income thereof, or the Application thereof, or any Question or Dispute relating to the same respectively, and, if they so think fit, may, upon any such Application, give such Opinion or Advice as they may think expedient, subject to any judicial Order or Direction which may be subsequently made or given by any competent Court or Judge, and such Opinion or Advice shall be in Writing signed by Three or more of the said Commissioners;

Persons acting on Advice of Board to be indemnified.

and every Trustee and other Person who shall act upon or in accordance with the Opinion or Advice given by the said Board shall, in respect of so acting, be deemed and taken, so far as respects his own Responsibility, to have acted in accordance with his Trust; and

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no such judicial Order or Direction subsequently made or given by any Court or Judge shall have any such retrospective Effect as to interfere with or impair the Indemnity by this Act given to Trustees and other Persons who have acted upon or in accordance with such Opinion or Advice of the Commissioners: Provided always, that nothing herein contained shall extend to indemnify any Trustee or other person for any Act done in accordance with the Opinion or Advice of the Commissioners, if such Trustee or other Person has been guilty of any Fraud or wilful Concealment or Misrepresentation in obtaining such Opinion or Advice.

Commissioners may sanction Compromise of Claims on behalf of Charity.

3. If in any case it appear to the Trustees or Persons acting in the Administration of any Charity that any Claim or Demand or Cause of Suit against any Person in relation to such Charity, or by any Person against any Charity or the Trustees or Administrators thereof, may with advantage to the Charity, or should, under the special circumstances of the case, be compromised or adjusted without taking, resisting, or continuing, any Proceedings at Law or in Equity, such Trustees or Persons may or the Person against whom such Claim, Demand, or Cause of Suit exists or is alleged to exist, or by whom any Claim or Demand is made, may, with the Consent of the Trustees or Persons acting in the Administration of such Charity, submit to the Commissioners a Statement and Proposal for such Compromise or Adjustment; and if it appear to the Commissioners, after such inquiry in relation thereto as they may deem requisite, or otherwise, that such Proposal, with or without any Modification, is fit and proper, and for the Benefit of the Charity, it shall be lawful for the Commissioners to make such Order for and in relation to such Compromise or Adjustment as they may think fit; and the Commissioners may in like manner make such Compromise of any Claim, Demand, or Cause of Suit, by or against them, in respect of any Property of which they are Trustees or Managers; and upon the due Performance of the Terms and Conditions of such Compromise or Adjustment as aforesaid such Agreement shall be a final Bar to all Actions, Suits, Claims, or Demands, by or on behalf of the Charity concerned therein, in respect of the Cause of Action, Suit, or Matter in respect to which such Compromise or Adjustment shall have been made.

Notices of Legal Proceedings as to any Charity by any Person, except the Attorney-General, to be given to the Board.

4. Before any Suit, Petition, or other Proceeding (not being an Application in any Suit or Matter actually pending) for obtaining any Relief, Order, or Direction concerning or relating to any Charity, or the Estate, Funds, Property, or Income thereof, shall be commenced, presented, or taken by any Person other than Her Majesty's Attorney-General, there shall be transmitted by such Person to the Commissioners Notice in Writing of such proposed Suit, Petition or Proceeding, and such Statement, Information, or Particulars as may be requisite or proper, or may be required from Time to Time by the Commissioners for explaining the Nature and Objects thereof: Provided always, that nothing herein-before contained shall make any Decree, Judgment, Order, or Direction in any Suit, Petition, or Proceedings in which the said Commissioners have not been made Parties binding and final as against the said Commissioners.

Power to Commissioners to certify certain Cases to the Attorney-General.

5. In any case in which it shall appear to the Commissioners that the Institution of Legal Proceedings is requisite or desirable with respect to any Charity, or the Estates, Funds, Property, or Affairs thereof, the Commissioners may authorize or direct such Proceedings to be instituted, and give such Directions in relation thereto as they may think proper, and thereupon such Proceedings may be instituted accordingly without any such previous Notice in Writing as herein-before directed; and if it shall appear desirable that any such Proceedings should be instituted by the Attorney-General, it shall be lawful for the Commissioners, if they so think fit, to certify such Case, in Writing under the hand of the Secretaries of the Commissioners, to Her Majesty's Attorney-General, together with such Statements and Particulars as in the Opinion of the Commissioners may be requisite or proper for the Explanation of such Case; and thereupon the said Attorney-General, if upon consideration of the circumstances he thinks fit, shall institute and prosecute such legal Proceedings as he shall consider requisite or proper under the circumstances of the Case.

Commissioners may sue by Civil Bill for Charitable Bequests not exceeding £50, or for Arrears of Annuities or Rentcharge not exceeding £20.

6. Whenever any Sum not exceeding Fifty Pounds on Foot of any Charitable Donation or Bequest, or any Sum not exceeding Twenty Pounds on Foot of any annual Sum or Rentcharge, shall be due to the Commissioners or other the Trustee or Trustees of any Charity, and shall remain unpaid for the Space of Thirty-one Days next after the same shall be due, it shall be lawful for the Commissioners, or for the said Trustee or Trustees, with the sanction of the Commissioners, to recover the same by Civil Bill, in the Court of proper Jurisdiction, against the Person or Persons who shall be liable to pay the same.

In case of certain Bequests, &c. Commissioners may apply or sanction Cypres Doctrine to Funds vested in them or in Trustees respectively.

7. Whenever any Charitable Donation or Bequest not exceeding in Amount the Sum of One Hundred Pounds, or the Income of any Charity the gross annual Value of which shall not exceed Ten Pounds, shall be vested in any Trustee or Trustees, or shall have been recovered by or shall be in any other Manner vested in the Commissioners, and it shall be found unlawful or impracticable to apply the same according to the Direction or Intention of the Donor or Donors, it shall be lawful for such Trustee or Trustees, with the Consent in Writing of not less than Five of the Commissioners, or for the Commissioners, as the Case may be, to apply the same to such charitable and pious Purposes as they shall judge to be nearest and most conformable to the Directions and Intentions of the Donor or Donors: Provided always that the Commissioners may grant or withhold such Consent, or forbear otherwise to act under this Section, as they may think fit.

In case of certain Bequests, &c. Trustees or Commissioners may state a Case for Approval of Court of Chancery.

8. Whenever the Amount of any Charitable Donation or Bequest which shall be greater than One Hundred Pounds but shall not exceed Five Hundred Pounds, or the clear annual Value of the Income of the Property of any Charity which shall be greater than Ten Pounds but shall not exceed Forty Pounds, shall be vested in any Trustee or Trustees, or shall have been recovered by or shall be in any other Manner vested in the Commissioners, and it shall be found unlawful or impracticable to apply the same according to the Direction or Intention of the Donor or Donors, it shall be lawful for such Trustee or Trustees, with the Consent in Writing of not less than Five of the Commissioners previously obtained, or for the Commissioners, as the Case may be, to present a Petition to the Court of Chancery in *Ireland*, stating the Nature and Amount

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of such Charitable Donation, Bequest, Property, or Income, the Direction or Intention of the Donor or Donors in respect thereof, and the Reason why it is found unlawful or impracticable to apply the same according to such Direction or Intention, and, if the Commissioners shall think fit, proposing a Scheme for the Application thereof, for the Approval of the Court, and praying that the Court may order the same to be applied to such charitable or pious Purposes as shall be deemed to be nearest and most conformable to the Directions and Intentions of the Donor or Donors; and it shall be lawful for the Court to hear such Petition in a summary Way, and upon Affidavits, or such other Evidence as shall be produced upon such Hearing, to determine the same and give Judgment thereon, and to settle and approve of the said Scheme with or without Variation, or to settle, approve of, and appoint some other Scheme for such Purpose; and such Judgment shall bind all such Persons as the Court shall direct, and in default of such Direction then shall bind the Trustee or Trustees or the Commissioners who have presented the Petition.

Any Person or Trustee may transfer Fund to Commissioners with their Consent, to be held by them in trust.

9. It shall be lawful for any Person entitled to any present or future Interest in any Fund, whether consisting of Government Stock or Annuities, Stock or Shares in any public Company, or Monies invested on any other Security, by Deed duly executed, and with the Consent in Writing of the Commissioners previously obtained, or by Will or Codicil, to assign or bequeath his Interest in such Fund, or in any Part thereof, to the Commissioners in trust for any such charitable or pious Purposes as he may direct; provided that the Commissioners shall not be bound to accept of any such Bequest; and it shall also be lawful for any Person in whom any Fund shall be vested in trust for any charitable or pious Purpose, with the Consent in Writing of the Commissioners, to transfer to them all or any Part of such Fund to be held by them for the Purpose aforesaid; and the Fund so assigned, bequeathed, and accepted or transferred, as the Case may be, shall thenceforth be held by the Commissioners upon and for the Trusts and Purposes upon and for which the same respectively shall have been assigned, bequeathed, or transferred, or such of the same Trusts and Purposes as shall for the Time being be subsisting or capable of taking effect: Provided always, that in all Cases in which the Commissioners shall accept of any Trust Fund under this Clause, it shall be lawful for them by an Order under their Seal from Time to Time to nominate such Person or Persons as they shall deem proper to administer, distribute, or apply such Trust Fund or the Income thereof under their Directions, and from Time to Time by like Orders to remove any such Persons and substitute others in their Place.

Full Number of Trustees necessary to make Application lawful.

10. Provided always, That when such Charitable Donation or Bequest shall have been originally vested in more than One Trustee and not more than Six Trustees, it shall not be lawful for the Trustee or Trustees to apply any Charitable Donation or Bequest under the Seventh Section, or otherwise act under that Section, or to present a Petition to the Court of Chancery under the Eighth Section, or otherwise act under that Section, or to make any Transfer under the Ninth Section, or otherwise act under that Section of this Act, so long as there shall be fewer Trustees than the original Number appointed to act in the Trusts or Execution of such Charitable Donation or Bequest, nor without the Consent of all the Trustees having been first signified in Writing signed by them, such Writing to be deposited with the Commissioners; provided also, that when such Charitable Donation or Bequest shall have been originally vested in more than Six Trustees, it shall be lawful for Two Thirds of such Trustees, not being less than Six in Number, to apply as aforesaid under the said Seventh Section, or to present a Petition as aforesaid under the said Eighth Section, or to make such Transfer as aforesaid under said Ninth Section.

Deeds, &c. may be deposited in Repository provided by Commissioners.

11. It shall be lawful for any Trustee or other Persons having the Custody of any Deeds or Muniments of or relating to any Charity to deposit the same for Security in a Repository which may be provided by the Commissioners, subject to any Regulations to be made by the Commissioners under this Act.

Consent of Commissioners necessary to any Change of Investment by Trustees of Funds held for charitable or pious Purposes.

12. When, under the Provisions of any Deed, Will, or other Instrument, any Fund, whether consisting of Government Stock or Annuities, Stock or Shares in any public Company, or Monies invested on any other Security, shall be held by any Person or Persons upon trust after the Determination of or subject to any prior Life or other limited Interest or Interests for any charitable or pious Purposes, such Trustee or Trustees shall, before they shall proceed to vary, alter, or transpose the Stock, Annuities, Shares, or Securities in or upon which such Fund, or any Part thereof, shall for the Time being be invested, give Notice in Writing to the Commissioners of his or their Intention so to do, and shall not so vary, alter, or transpose the same, or any Part thereof, for the Space of One Month after such Notice; and if within such Month the Commissioners shall give Notice in Writing to such Trustee or Trustees that they object to such Variation, Alteration, or Transposition, and specify the Grounds of such Objection, such Trustee or Trustees shall not proceed to make such Variation, Alteration, or Transposition without the Leave of the Court of Chancery to be obtained as herein-after directed; and it shall thereupon be lawful for the said Trustee or Trustees to apply to the Court of Chancery, by Petition in a summary Way, for the Opinion of the Court as to the Propriety of such Variation, Alteration, or Transposition, and the said Trustee or Trustees shall give Notice of such Application to the Commissioners, and to any other Persons whom the Court may direct, and the Court may thereupon make such Order as shall seem just, which Order shall be binding on said Trustee, Trustees, and Commissioners, as to the Propriety of such Variation, Alteration, or Transposition, and the said Court shall have Power to make such Order as to the Costs of such Proceeding, and the Fund out of which the same shall be paid, as shall seem fit.

Commissioners may sanction Building Leases, working Mines, doing Repairs and Improvements;

13. If in any Case it appear to the Trustees or Persons for the Time being acting in the Administration or Management of any Charity, or the Estates or Property thereof, that any Part of the Charity Lands or Estates may be beneficially let on Building, Repairing, Improving, or other Leases, or on Leases for working any Mine, or that the digging for or raising of Stone, Clay, Gravel, or other Minerals, or the cutting of Timber, would be for the Benefit of the Charity, or that it would be for the Benefit of such Charity that any new Road or Street should be formed or laid out, or any Drains or Sewers made, through any Part of the Charity Estates, or that any new Building should be erected, or that any existing Building should be repaired, altered, rebuilt, or wholly removed, or that any other Improvements or Alterations in the State or

Condition of the Lands or Estates of such Charity should be made, it shall be lawful for such Trustees or Persons to lay before the Commissioners a Statement and Proposal in relation to any of the Matters aforesaid; and it shall be lawful for the Commissioners, if they think that the Leases or Acts to which the Statement and Proposal relate (with or without Modifications or Alterations) would be beneficial to the Charity, to make such Order under their Seal for and in relation to the granting of such Leases, or the doing of any other such Acts as aforesaid, and any Circumstances connected therewith, as they may think fit, although such Leases or Acts respectively shall not be authorized or permitted by the Trust; and it shall be lawful for the Commissioners in respect of Property of which they are the Trustees or Managers to execute such Leases, and do such Acts for any of the said Purposes, as they may think fit; and the said Commissioners by any such Order may authorize the Application of any Monies or Funds belonging to the Charity to which such Order refers for any of the Purposes or Acts aforesaid, and, if necessary, may authorize the Trustees of any Charity to which any such Order refers to raise any Sum of Money by Mortgage of all or any Part of the said Charity Estates, and the Commissioners in like Manner may raise any Sum of Money by Mortgage of all or any Part of the Property belonging to such Charity in respect of which they are Trustees or Managers; provided that compulsory Provisions be reserved in every such Mortgage for the Payment of the Principal Money borrowed by annual Instalments, and for the Redemption and Reconveyance of the mortgaged Estates within the Period of not more than Thirty Years.

and may authorize the Application of the Charity Funds, or the raising of Money on Mortgages, for those Purposes.

Commissioners under special Circumstances may authorize or make Sale or Exchange of Charity Lands.

14. When Application shall be made to the Commissioners by the Trustees or Persons acting in the Administration of any Charity representing that, under the special Circumstances of any Land belonging to any Charity, a Sale or Exchange or a Surrender of a Lease of such Land can be effected on such Terms as to increase the Income of the Charity, or as otherwise to be advantageous to the Charity, the Commissioners may, if they think fit, inquire into such Circumstances, and if after Inquiry they are satisfied that the proposed Sale or Exchange or Surrender will be advantageous to the Charity, or if it appear to the Commissioners, in respect of any Property of which they are Trustees or Managers, that any Sale, Exchange, or Surrender of a Lease of any Land being Part of such Property would be beneficial to the said Property, they may authorize or make such Sale or Exchange or Surrender, and give such Directions in relation thereto, and for securing the due Investment of the Money arising therefrom, for the Benefit of the Charity, as they may think fit.

Commissioners may authorize the Redemption of Rentcharges.

15. The Commissioners shall have Authority, upon Application and after Inquiry as aforesaid, or in case it shall appear to them to be of Advantage to any Charity of the Property of which they are Trustees or Managers, to authorize or make a Sale to the Owner of the Land charged therewith of any Rentcharge, Annuity, or other periodical Payment charged upon Land, and payable to or for the Benefit of any Charity, or applicable to Charitable Purposes, upon such Terms and Conditions as they may deem beneficial to the Charity, and to give such Directions for securing the due Investment of the Money arising from such Sale for the Benefit of the Charity, or for securing the due Application thereof to such Charitable Purposes as they may think fit, and in like Manner the Commissioners, or other the Trustees of any Charity, with the Consent of the Commissioners, may purchase any Rentcharge or other yearly Payment to which the Charity Estate is or shall be liable.

A Majority of Trustees to have legal Power of dealing with the Charity Estates.

16. A Majority of Two Thirds of the Trustees of any Charity assembled at a Meeting of their Body duly constituted, and having Power to determine on any Sale, Exchange, Partition, Mortgage, Lease, or other Disposition of any Property of the Charity, shall have a legal Power, on behalf of themselves and their Co-Trustees, to do, enter into, and execute all such Acts, Deeds, Contracts, and Assurances as shall be requisite for carrying into legal Effect any such Sale, Exchange, Partition, Mortgage, Lease, or Disposition, and all such Acts, Deeds, Contracts, or Assurances shall have the same legal Effect as if the same were respectively done, entered into, or executed by all the acting Trustees for the Time being.

Leases, Sales, &c. authorized by the Board to be valid.

17. The Leases, Sales, Exchanges, and other Transactions authorized by the Commissioners under the Powers of this Act shall have the like Effect and Validity as if they had been authorized by the express Terms of the Trust affecting the Charity.

Trustees of Charities enabled to purchase Sites for Buildings from Owners under Disability, &c. according to the Provisions of 8 & 9 Vict. c. 18.

18. Where any Land shall be required for the Erection or Construction of any House or Building, with or without Garden, Play-ground, or other Appurtenances, for the Purposes of any Charity, and the Commissioners or other the Trustees of the Charity shall be authorized to purchase and hold such Land, but by reason of the Disability of any Person having an Estate or Interest in such Land, or of any Defect in Title thereto, a valid and perfect Assurance of the same Land cannot be made to the Commissioners or other the Trustees of the Charity in the ordinary Manner, it shall be lawful for the Commissioners or for the Trustees of the Charity, with the Sanction of the Commissioners (such Sanction to be certified under the Hand of their Secretary), to take and purchase such Land according to the Provisions of "The Lands Clauses Consolidation Act, 1845;" and for that Purpose all the Clauses and Provisions of the last-mentioned Act with respect to the Purchase of Lands by Agreement, and with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making a Title, and also with respect to Conveyances of Lands, so far as the same Clauses and Provisions respectively are applicable to the Cases contemplated by this Provision, shall be incorporated in this Act; and in all Cases contemplated by this Provision the Expression "the Special Act" used in the said Clauses and Provisions of the said "Lands Clauses Consolidation Act" shall be construed to mean this Act; and the Expression "the Promoters of the Undertaking" used in the same Clauses and Provisions shall be construed to mean the Commissioners or other the Trustees of the Charity in question.

Executors or Administrators to publish Advertisements, stating Charitable Devises or Bequests.

19. Whenever there shall be contained in any Will a Charitable Devise or Bequest, the Persons or Person to whom Probate of any such Will, or Letters of Administration with such Will annexed, shall be granted shall, within Three Calendar Months next after obtaining the same, publish once in the *Dublin Gazette* and Three Times successively

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in some Paper circulating in the Locality where such Devise or Bequest, or the greater Part thereof, is directed to be expended or applied, or if there be no Direction as to any such Locality, then in some Newspaper published in *Dublin*, every Charitable Devise or Bequest contained in such Will, the Name of the Testator and Date of such Will or Codicil, and the Name of the Person or Persons to whom such Charitable Devise or Bequest is given and bequeathed, and the Name of the Person or Persons appointed by the Testator for the Management and Direction thereof; and the Expense of such Publication shall be paid by the said Executor or Executors, Administrator or Administrators, out of the Estate or Funds devised or bequeathed to the said respective Charities; and every such Person or Persons who shall neglect to publish the same in manner herein-before required shall for every such Neglect be liable to a Penalty not exceeding Twenty Pounds Sterling, to be recovered by the Commissioners, who shall sue for the same by Civil Bill in the Court of proper Jurisdiction: Provided always, that any Sum or Sums recovered by way of Penalty or Penalties for such Neglect by the Commissioners from any Executor or Executors, Administrator or Administrators, shall be accounted for and paid to the Lords Commissioners of Her Majesty's Treasury, or applied in such Manner as they shall direct.

Registrars of Court of Probate to make Return to Commissioners of Charitable Donations, &c. of every Charitable Donation contained in any Will entered in the Office of such Registrars.

20. From and after the Commencement of this Act the Registrars of the Court of Probate shall make a Return to the Commissioners between the First Day of *July* and the First Day of *November* in every Year, certified by them under their Hands, of every Charitable Devise or Bequest contained in any Will which shall be entered in the Office of such Registrar, or of which a Copy shall have been forwarded to him from the Office of any of the District Registrars in *Ireland*, or from the Registrar of the Court of Probate in *England*, during the Year next preceding, which Return shall likewise contain the Name of the Testator, the Name or Names of the Person or Persons to whom Probate of any such Will, or Letters of Administration with such Will annexed, shall have been granted, with the Date of such Will, Probate, or Administration; and the same shall be lodged with One of the Secretaries of the said Commissioners; and every such Officer as aforesaid who shall neglect to make such Return as aforesaid shall forfeit the Sum of Twenty Pounds Sterling, to be recovered by the Commissioners, who shall sue for the same by Civil Bill in the Court of proper Jurisdiction.

Officers having Custody of Records to furnish Copies and Extracts if required by Commissioners.

21. Any Officer having the Custody of Enrolments, Decrees, Reports, Records, and other Documents relating to or concerning any Charity, shall furnish such Copies or Extracts as shall be required by the Commissioners; and every Secretary or other Officer of the said Commissioners for the Time being employed for the Purpose of this Act shall be at liberty, by the Authority and under the Directions of the Commissioners, and subject to such Regulations as the Commissioners may make in that Behalf, to examine and search the Registers and Records of every Court of Law and Equity, and every Ecclesiastical Court, and every Public Registry and Office of Records, and to take Copies of and Extracts from any Decree or Document recorded or registered or deposited therein respectively, for any of the Purposes of this Act, without Fee or Payment in respect thereof.

Persons acting in Execution of Act not to be personally liable.

Costs to be borne by Charity.

22. No Matter or Thing done by the Commissioners or by any Commissioner, or by any Officer or Person whomsoever acting under the Directions of the Commissioners, shall, if the same is done *bonâ fide* for the Purpose of executing this Act or the recited Act of the Seventh and Eighth Years of the Reign of Her Majesty, subject them, or him, or any of them personally to any Action, Liability, Claim, or Demand whatsoever; and any Costs or Expenses incurred by them, him, or any of them in the Management or Administration or for the Preservation or Recovery of any Property vested in the Commissioners, or otherwise in the Execution of this Act, shall be borne by and deducted by the Commissioners from the Estate and Funds of the Charity in respect of which the said Costs and Expenses were incurred.

Judge being a Commissioner not to disqualify him from hearing Charity Cases.

23. A Judge of any of the Superior Courts of Law or Equity or of the Landed Estates Court in *Ireland* shall not be prevented or disabled by reason solely of his being a Commissioner from hearing and determining any Case relating to a Charity, or any Case which may arise under the Provisions of this Act, but he shall have Jurisdiction to hear and determine the same as if he were not such Commissioner.

After 1st April, 1868, Salaries of Officers to be paid out of Money to be voted by Parliament.

24. From and after the First Day of *April* One thousand eight hundred and sixty-eight no Payments shall be made out of the Consolidated Fund for the Salaries of the Secretaries, Officers, Clerks, and Servants, or for the Expenses of carrying on the business of the Commissioners, but such Salaries and Expenses not otherwise provided for shall be paid out of Monies to be voted by Parliament for that Purpose.

Cap. LV.

An Act to enlarge for the present Year the Time within which certain Certificates regarding Lunatics in *Scotland* may be granted.

[15th *July* 1867.]

Cap. LVI.

An Act to authorize the Commissioners of Her Majesty's Treasury to compound the public Debt and Interest due by the *Galway* Harbour Commissioners, and to make Arrangements for the Payment of the Amounts for which such Debt and another Debt are to be compounded; and for other Purposes.

[15th *July* 1867.]

Cap. LVII.

An Act to authorize the Commissioners of Her Majesty's Treasury to compound the public Debt due by the Commissioners of the Bridge across the River *Blackwater* near the Town of *Youghal* in the County of *Cork*, and for the Transfer of the said Bridge to the Grand Juries of the Counties of *Cork* and *Waterford*; and for other Purposes relating thereto.

[15th *July* 1867.]

Cap. LVIII.

An Act to confirm a Provisional Order under the General Police and Improvement (*Scotland*) Act, 1862, relating to the City of *Edinburgh*.

[15th *July* 1867.]

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CAP. LIX.

An Act for further promoting the Revision of the Statute Law by repealing certain Enactments which have ceased to be in force or have become unnecessary. [15th *July* 1867.]

CAP. LX.

An Act to amend certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland.* [15th *July* 1867.]

WHEREAS an Act was passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Prevention of Frauds and Abuses committed by Weavers, Sewers, and other Persons employed in the Linen, Hempen, Union, Cotton, Silk, and Woollen Manufactures in* Ireland, *and for the better Payment of their Wages for One Year, and from thence to the End of the then next Session of Parliament:*

3 & 4 Vict. c. 91.

And whereas several Acts have been since passed for amending and extending the same:

And whereas it is expedient to provide for the more effectual Prevention of Frauds committed by Persons employed in the said Manufactures and in the Manufacture of Yarns in *Ireland*, and to amend the said Acts, and to remove certain Doubts which have existed respecting the Construction of the same:

Be it therefore enacted, ...

Interpretation of Terms.

1. In the Construction of the said Acts and of this Act the Word "Yarn" shall extend to and include Flax, Hemp, Jute, Cotton, Silk, and Wool which shall have been subjected to any Manipulation or Process to which such Materials respectively are subjected by Manufacturers, unless there be something in the Subject or Context inconsistent with such Meaning.

As to Persons having Yarns of Employers in their Hands.

2. Any Person in the Employment of a Yarn Manufacturer, and having any Yarns of such Manufacturer in the Hands or Power or under the Charge or Control of such Person, shall be deemed to be intrusted therewith for the Purpose of Manufacture.

This Act and recited Act, &c. to be read as One.

3. This Act and the said Act passed in the Third and Fourth Years of the Reign of Her present Majesty, as amended by the Acts since passed for amending the same, shall be read together as One Act.

CAP. LXI.

An Act for confirming a Provisional Order made by the Board of Trade relating to the Construction of a Pier at *Cleethorpes* in the County of *Lincoln.* [15th *July* 1867.]

CAP. LXII.

An Act to abolish a certain Declaration, commonly called the Declaration against Transubstantiation, the Invocation of the Saints, and the Sacrifice of the Mass, as practised in the Church of *Rome;* and to render it unnecessary to take, make, or subscribe the same as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right. [25th *July* 1867.]

WHEREAS by various Acts a certain Declaration, commonly called the Declaration against Transubstantiation and the Invocation of Saints, and the Sacrifice of the Mass, as practised in the Church of *Rome*, and which Declaration is more fully set forth in the Schedule to this Act annexed, is required to be taken, made, and subscribed by the Subjects of Her Majesty for the Enjoyment of certain Civil Offices, Franchises, and Rights:

And whereas it is expedient to alter the Law in that respect, and to abolish the said Declaration:

Be it enacted: . . . . . .

Repeal of all Provisions in recited Acts requiring said Declaration to be taken as Qualification for Office.

1. From and after the passing of this Act all such Parts of the said Acts as require the said Declaration to be taken, made or subscribed by any of Her Majesty's Subjects as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right shall be and the same are hereby repealed, and it shall not be obligatory for any Person hereafter to take, make, or subscribe the said Declaration as a Qualification for the Exercise or Enjoyment of any Civil Office, Franchise, or Right within the Realm.

Nothing in this Act to enable Roman Catholics to hold Offices other than those they are now entitled to hold.

2. Nothing in this Act contained shall be construed to enable any Person professing the Roman Catholic Religion to exercise or enjoy any Civil Office, Franchise, or Right for the Exercise or Enjoyment of which the taking, making, or subscribing the Declaration by this Act abolished is now by Law a necessary Qualification, or any other Civil Office, Franchise, or Right from which he is now by Law excluded.

SCHEDULE.

Declaration used in England against Transubstantiation, the Invocation of Saints, and the Sacrifice of the Mass, prescribed by 30 *Car. II., Stat.* 2, *c.* 1.

I, *A.B.*, do solemnly and sincerely, in the Presence of God, profess, testify, and declare that I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ at or after the Consecration thereof by any Person whatsoever; and that the Invocation or Adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous: And I do solemnly, in the Presence of God, profess, testify, and declare that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me as they are commonly understood by English Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope or any other Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or can be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope or any other Person or Persons or Power whatsoever should dispense with or annul the same, or declare that it was null and void from the Beginning.

Declaration used in Ireland against Transubstantiation, the Invocation of Saints, and the Sacrifice of the Mass, prescribed by 3 *W & M., c.* 2 (*Eng.*)

I, *A.B.*, do solemnly and sincerely, in the Presence of God, profess, testify, and declare that I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ at or after the Consecration thereof by any Person whatsoever; and that the Invocation or Adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous: And I

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do solemnly, in the Presence of God, profess, testify, and declare that I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me as they are commonly understood by Protestants, without any Evasion, Equivocation, or mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope or any other Authority or Person whatsoever, or without any Hope of any such Dispensation from any Person or Authority whatsoever, or without believing that I am or can be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope or any other Person or Persons or Power whatsoever should dispense with or annul the same, or declare that it was null and void from the Beginning.

CAP. LXIII.

An Act for the Appointment of a Stipendiary Magistrate for *Chatham* and *Sheerness*, in the County of *Kent*. [25th *July* 1867.]

CAP. LXIV.

An Act to make further Provision for the Despatch of Business in the Court of Appeal in Chancery. [25th *July* 1867.]

14 & 15 Vict. c. 83.

WHEREAS it is expedient to make further Provision for the Despatch of Business in the Court of Appeal in Chancery constituted by the Act Fourteenth and Fifteenth *Victoria*, Chapter Eighty-three:

Be it enacted

Jurisdiction, &c. of Court of Appeal may be exercised by One Judge, except, &c.

1. All the Jurisdiction, Powers, and Authorities of the said Court of Appeal, under the said recited Act or under any other Act, may (except as herein-after mentioned), be exercised either by both of the Judges appointed under the said Act when sitting together, or by either of the said Judges when sitting separately, or by the Lord Chancellor when sitting with the said Judges or either of them; provided that no Decree made on the Hearing of a Cause or on further Consideration, shall be re-heard before the said Judges when sitting separately: Provided also, that the Lord Chancellor shall and may, while sitting alone, have and exercise the like Jurisdiction, Powers, and Authorities as might have been exercised by the Lord Chancellor if this Act had not been passed.

Lord Chancellor to fix Times of sitting.

2. The Lord Chancellor shall from Time to Time fix the Times at which the Judges of the Court of Appeal appointed under the said Act, or either of them, shall sit with the Lord Chancellor, and at which the said Judges shall sit together or separately; and also what Appeals, Motions, Petitions, and other Matters shall be heard and determined by the full Court, and by the said Judges sitting together or separately, and by the Lord Chancellor sitting alone or with either of the said Judges.

Recited Act and this Act to be as One.

3. This Act and the said recited Act shall be read together as one Act.

CAP. LXV.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Sheffield*, *Derby*, *Sherborne*, *Royton*, *Bedford* (*Lancashire*), *Slough*, *Sandown*, *Burton-upon-Trent*, *West Cowes*, and *Accrington*. [25*th July* 1867.]

CAP. LXVI.

An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts. [25*th July* 1867.]

CAP. LXVII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Oswaldtwistle*, *Devizes*, *Layton-with-Warbrick* (*Blackpool*), and *Harrogate*; and for other Purposes relative to certain Districts under the said Act. [25*th July* 1867.]

CAP. LXVIII.

An Act to provide for the better Despatch of Business in the Chambers of the Judges of the Superior Courts of Common Law. [25th *July* 1867.]

WHEREAS a great Part of the Business in the Chambers of the Judges of the Three Superior Courts of Common Law at *Westminster* might with Advantage to the Public be disposed of by the Masters of the said Courts:

Be it enacted:

A Majority of Judges may make Rules empowering the Masters to transact Business at Chambers.

1. It shall be lawful for a Majority of all the Judges of the said Courts, which Majority shall include the Two Chief Justices or One of the Chief Justices and the Chief Baron, from Time to Time to make and publish General Rules for the following Purposes; that is to say:

(1.) For empowering the Masters of the said Courts, or some one or more of them, to do any such Thing and to transact any such Business, and to exercise any such Authority and Jurisdiction in respect of the same, as by virtue of any Statute or Custom, or by the Rules and Practice of the said Courts or any of them respectively, are now done, transacted, or exercised by a Judge of the said Courts sitting at Chambers, and as shall be specified in any such Rule, except in respect of Matters relating to the Liberty of the Subject:

(2.) For regulating the Attendance of the said Masters at Chambers, the Course of Practice to be there pursued, and the Scale of Costs to be there adopted:

(3.) For fixing, with the Sanction of the Lords Commissioners of Her Majesty's Treasury, the Table of Fees to be taken in respect of Business to be transacted before the said Masters at Chambers, and for abolishing or altering from Time to Time (with the like sanction) such Table of Fees.

Rules to be read in Open Court. Copy to be sent to the Lord Chancellor, and to be published in the London Gazette.

2. Every Rule to be made under this Act shall be read aloud in open Court in each of the said Courts Ten clear Days at least before the Day fixed for such Rule coming into operation, and within One Month after that Day a Copy of every such Rule shall be transmitted by the Lord Chief Justice of *England* to the Lord High Chancellor, and shall also be published in the *London Gazette*.

Rules to be laid before Parliament.

3. Every Rule to be made under this Act shall be laid before both Houses of Parliament within One Month after the making thereof

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if Parliament be then sitting, or, if Parliament be not then sitting, within One Month after the Commencement of the next Session of Parliament.

Right of Appeal from Orders of the Master.

4. Every Order or Decision made or given under this Act by any Master sitting at Chambers shall be as valid and binding on all Parties concerned as if the same had been made or given before the passing of this Act by a Judge sitting at Chambers: Provided always, that it shall be lawful for any Person affected by any Order or Decision of the Master forthwith, or within such Time as from Time to Time shall be appointed by any Rule or Rules to be made under this Act, and subject to such Conditions as to Costs as may be provided under any such Rule or Rules, to appeal from such Decision to a Judge sitting at Chambers.

Repeal of Part of s. 11. of 1 Vict. c. 30.

5. So much of the Eleventh Section of the Statute made and passed in the First Year of Her present Majesty, Chapter Thirty, as provides that no Appointment of any Master shall take place by the Lord Chief Justice or Lord Chief Baron until Ten Days after the Certificate in such Clause mentioned shall have been laid before both Houses of Parliament, shall be and the same is hereby repealed.

Cap. LXIX.

An Act to explain the Operation of an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty, Chapter One hundred and thirteen, intituled *An Act to amend the Law relating to the Administration of deceased Persons.* [*25th July* 1867.]

WHEREAS by an Act passed in the Seventeenth and Eighteenth Years of Her present Majesty it is enacted, among other things, when any Person shall, after the Thirty-first of *December* One thousand eight hundred and fifty-four, die seised of or entitled to any Estate or Interest in any Land or other Hereditaments which shall at the Time of his Death be charged with the Payment of any Sum or Sums of Money by way of Mortgage, and such Person shall not, by his Will or Deed or other Document, have signified any contrary or other Intention, the Heir or Devisor to whom such Land or Hereditaments shall descend or be devised shall not be entitled to have the Mortgage Debt discharged or satisfied out of the Personal Estate or any other Real Estate of such Person, but the Land or Hereditaments so charged shall, as between the different Persons claiming through or under the deceased Person, be primarily liable to the Payment of all Mortgage Debts with which the same shall be charged, every Part thereof, according to its Value, bearing a proportionate Part of the Mortgage Debts charged on the whole thereof:

And whereas Doubts may exist upon the Construction of the said Act, and it is expedient that such Doubts should for the future be removed:

Be it therefore enacted: . . . .

In construing Wills, general Direction for Payment of Debts out of Personalty not to include Mortgage Debts, unless such Intention expressly implied.

1. In the Construction of the Will of any Person who may die after the Thirty-first Day of *December* One thousand eight hundred and sixty-seven, a general Direction that the Debts or that all the Debts of the Testator shall be paid out of his Personal Estate shall not be deemed to be a Declaration of an Intention contrary to or other than the Rule established by the said Act, unless such contrary or other Intention shall be further declared by Words expressly or by necessary Implication referring to all or some of the Testator's Debts or Debt charged by way of Mortgage on any Part of his Real Estate.

Interpretation of Word "Mortgage."

2. In the Construction of the said Act and of this Act, the Word "Mortgage" shall be deemed to extend to any Lien for unpaid Purchase Money upon any Lands or Hereditaments purchased by a Testator.

Extent of Act.

3. This Act shall not extend to *Scotland.*

Cap. LXX.

An Act to provide for keeping safely the Public Records of *Ireland.* [*12th August* 1867.]

WHEREAS the Public Records in *Ireland* are in the Keeping of several Persons, and many are kept in unfit Buildings, and it is expedient to establish One Record Office and a better Custody, and to allow the free Use of the said Records, as far as may be consistent with their Safety and with the Public Policy of the Realm.

And whereas a large and commodious Building has been erected in the Neighbourhood of the Four Courts in *Dublin* for the Purpose of serving as a Public Record Office: Be it therefore enacted: . .

Short Title.

1. This Act may be cited for all Purposes as "The Public Records (*Ireland*) Act, 1867."

Extent of Act.

2. This Act shall extend to *Ireland* only.

Interpretation of Terms.

3. In this Act the Word "Records" shall be taken to mean all Rolls, Records, Writs, Books, Proceedings, Decrees, Bills, Warrants, Accounts, Papers, and Documents whatsoever, of a public Nature, belonging to Her Majesty, or now deposited in any of the Offices or Places of Custody herein-after mentioned. The Expression "Lord Lieutenant" and "Master of the Rolls" shall mean the Lord Lieutenant or other Chief Governor or Governors of *Ireland* and the Master of the Rolls in *Ireland* respectively.

Records to be in the Custody of the Master of the Rolls, Ireland.

4. The Records belonging to Her Majesty herein-after mentioned; that is to say,

All the Records of the Court of Chancery which now are or ought to be deposited in the Rolls Office, and all other Records of the same Court, in whatsoever Custody they are deposited, which shall be of the Age of Twenty Years from the making thereof:

All the Records of the Courts of Queen's Bench, Common Pleas and Exchequer, Probate and Admiralty Courts, and of the former Court of Prerogative, in whatsoever Custody they are deposited, which shall be of the Age of Twenty Years from the making thereof:

All the Records, Maps, Books, and Documents, of whatsoever Nature or Kind, now deposited in the Custom House Buildings, *Dublin:*

All original Wills of which Probate shall have been granted not later than Twenty Years in all Courts and Offices throughout *Ireland* having Testamentary Jurisdiction:

All the Bermingham Tower Plea, Pipe and other Rolls, and the Parliamentary Records, the Records deposited in the State Paper Depart-

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ment, except those which shall not be Fifty Years of Age from the making thereof, and all other Records (other than those appertaining to the Office of Ulster King of Arms) now deposited in the Record Tower, *Dublin Castle:*

All Records and Documents of any Courts, Commissions, or public Offices which shall have ceased to exist, and are not comprehended under the foregoing Denominations,

shall, from the passing of this Act, be under the Charge and Superintendence of the Master of the Rolls for the Time being, in the Name and on behalf of Her Majesty, Her Heirs and Successors, and shall be removed to the Public Record Office aforesaid in manner herein-after provided: Provided always, that until such Removal the Persons now having the Care of any such Records shall continue to have the Charge of them, subject to such Orders as the Master of the Rolls is herein empowered to give concerning the same.

Lord Lieutenant in Council may order Records in other Offices to be included in this Act.

5. It shall be lawful for the Lord Lieutenant, with the Advice of the Privy Council in *Ireland*, to order that Records belonging to Her Majesty deposited in any Office, Court, Place, or Custody in *Ireland*, other than is herein-before mentioned, shall be thenceforth under the Charge and Superintendence of the Master of the Rolls; and thereupon the Provisions of this Act shall extend to all such Records, and to the Persons then having the Charge or Custody of the same, as fully as if such Office, Court, Place, or Custody had been named and included in this Act.

Public Record Office established.

6. The Commissioners of Public Works in *Ireland* shall, as soon as conveniently may be after the passing of this Act deliver up to the Master of the Rolls the said Building in the Neighbourhood of the Four Courts in *Dublin;* and thereupon a Public Record Office shall be there established, under the Master of the Rolls, to be styled the "Public Record Office of *Ireland;*" and from and after the Time when the said Public Record Office shall be established, every Office or Place where Public Records, which by the Authority of this Act are placed under the Superintendence of the Master of the Rolls, are or shall be deposited, shall, so long as such Records remain therein, be deemed and taken to be a Branch or Part of the said Public Record Office.

Compensation to present Record Keepers.

7. All Keepers of Records and Persons deriving Emolument from any Office in which the Custody of Records is attached, or from Fees for searching or copying Records by virtue of any Office holden by them or any of them before or at the passing of this Act, whose Office, Profits, or Emoluments shall in anywise be affected by the passing of this Act, may deliver to the Master of the Rolls a Statement in Writing of any Losses they may thereby sustain, or of the Manner in which they may be thereby affected, and the Master of the Rolls shall have power thereupon to examine the Parties and such other Persons as he may think fit, and shall report such Statements, and the Results of such Examinations, with his Opinion thereon, to the Commissioners of Her Majesty's Treasury, who may award such Compensation to the said Record Keepers and Officers as they may think fit; and the Payment of any such Compensation shall be taken to be an Expense incurred for the Purposes of this Act: Provided always, that account shall be taken of such Compensation in any Salary or Emolument to which any Person to whom the same shall be awarded may become entitled in virtue of any Appointment in the Public Record Office or elsewhere in Her Majesty's Service: Provided also, that every Person of less than Forty Years Service who shall receive any Compensation under this Act, shall, if appointed, take upon himself the Office of Deputy Keeper or any other Office of not less Emolument than he has already received, without Prejudice nevertheless to his Right to Compensation under this Act, if afterwards removed from the said Office for any Cause other than for Misbehaviour.

Deputy Keeper of the Records to be appointed.

8. The Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint a fit Person, duly qualified by his Knowledge of Records, to be Deputy Keeper of the Records, and may remove the Deputy Keeper of the Records, and appoint another Person in his Room; and the Deputy Keeper of the Records shall act as Chief Record Keeper under the Master of the Rolls and shall Superintend all Persons employed in the Public Record Office, in keeping the Records in the Custody of the Master of the Rolls, and discharge all such other Duties as he may be required, subject to such Directions as he may from Time to Time receive from the Master of the Rolls.

Assistant Keeper, Clerks, Officers, and Servants to be appointed.

9. The Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint a fit Person, duly qualified by his Knowledge of Records, to be Assistant Deputy Keeper of the Records, and, with the like Consent, all such Clerks, Officers, and Servants as shall be necessary for the Purposes of this Act, and the Persons so appointed shall assist in executing this Act under the Superintendence of the Deputy Keeper of the Records, in such Manner as the Master of the Rolls may direct; and the said Assistant Deputy Keeper of the Records shall be removable by the Master of the Rolls with the Consent of the Lord Lieutenant, and the said Clerks, Officers, and Servants shall be removable by the Master of the Rolls: Provided always, that the said Clerks, Officers, and Servants shall in the first instance be appointed from among such Persons entitled to Compensation under this Act whom the Lord Lieutenant shall judge to be in all respects competent and fit to be appointed to such Offices or Service respectively.

State Papers of Chief Secretery's Office to be removed in the first instance to Record Tower.

10. The State Papers belonging to the Office of the Chief Secretary to the Lord Lieutenant shall from Time to Time, by Order of the Lord Lieutenant, be removed to the Record Tower, *Dublin Castle*, and shall be there deposited, and shall remain in the Care of the present Keeper of the Records in the said Record Tower, as Keeper of the State Papers therein, so long as he shall continue in such Office, and thereafter in the Care of such Officer as shall be appointed for that Purpose by the Lord Lieutenant with like Consent as aforesaid, subject to the Charge and Superintendence of the Master of the Rolls; and whenever any such Records shall be of the Age of Fifty Years from the making thereof, the said Keeper shall certify to the Lord Lieutenant and the Master of the Rolls that such Records are proper to be removed to the said Public Record Office.

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Records in State Paper Department of the Record Tower to kept there till arranged, &c.

11. The Records now in the State Paper Department of the Record Tower, *Dublin Castle*, shall continue to be in the Care of the said present Keeper, but subject to the Charge and Superintendence of the Master of the Rolls; and such Records shall be arranged and classified, and Indexes to the same shall be made by the said Keeper with due Diligence and in such Manner as the Master of the Rolls shall direct, and when the Arrangement, Classification, and Indexes of such Records, or of any Part thereof shall be complete, the said Keeper shall certify to the Lord Lieutenant and the Master of the Rolls that such Records are in a fit Condition to be removed to the said Public Record Office.

Salaries of Officers.

12. There shall be paid to the Deputy Keeper of the Records, to the Assistant Deputy Keeper of the Records, to the present Keeper of the State Papers in the Record Tower, and to the Clerks, Officers, and Servants appointed as herein-before is provided, such annual Salaries as the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint, and the said Salaries shall be paid out of such Funds as Parliament shall from Time to Time provide for that Purpose.

Removal of Records to Public Record Office.

13. The Master of the Rolls shall, as soon as conveniently may be, issue Warrants directed to the several Persons having the Care of the said Records, ordering such Persons to allow them to be removed from their present Place of Custody, and deposited in the said Public Record Office; and every such Warrant shall be kept among the Public Records in the Custody of the Master of the Rolls, and shall be a sufficient Warrant for the Removal of such Records as shall be specified therein: Provided always, that nothing herein contained shall authorize the Removal of any of the Records in the State Paper Department, of the Record Tower, or in the Chief Secretary's Office, *Dublin Castle*, until the same shall be certified by the Person having the Care thereof to be in a fit Condition to be removed, and that the Lord Lieutenant shall countersign the Warrant for Removal.

Accumulating Records to be delivered from Time to Time to the Master of the Rolls.

14. After the passing of this Act the Records of the Court of Chancery of *Ireland*, and of every Court or Public Office in *Ireland*, shall be deemed to be in the Custody of the Master of the Rolls under the Authority of this Act, and subject to the Regulations hereby authorized to be made; and the Master of the Rolls shall, by Warrant under his Hand, from Time to Time appoint a fit Person or fit Persons to attend all Public Courts and Offices in *Ireland*, and in his Name to receive and take charge of all other Records of which the Charge and Superintendence are hereby vested in him; and the Chief Judge of the Court, or principal Officer of the Office to which the same shall belong, upon Sight of the Warrant of the Person thereby appointed to take charge of the Records then to be delivered from that Court or Office into the Custody of the Master of the proper Officer or Officers of his Court or Rolls, shall give the necessary Orders to the Office for the Delivery thereof; and as soon as the said Records shall have been so delivered to the Person so appointed to receive the same, in pursuance of such Warrant, the same shall be deemed to be in the Custody of the Master of the Rolls, and shall forthwith be removed to and deposited in the Public Record Office, and shall be subject to the Regulations hereby authorized to be made; and the Person receiving any Records shall thereupon deliver a Schedule thereof, and a Receipt for the same under his Hand, to the Judge or Officer from whom the same shall be received, and shall deliver a Copy of such Schedule to the Master of the Rolls, or the Officer by him appointed to receive the same into the Public Record Office: Provided always,

First—That no such Warrant be issued by the Master of the Rolls unless the same shall be first approved of and countersigned by the Lord High Chancellor of *Ireland:*

Secondly—That every such Warrant shall specify and describe the Records intended to be delivered to the Person thereby authorized to receive the same:

Thirdly—That the Master of the Rolls shall not issue any such Warrant for the Removal of any Records belonging to any of Her Majesty's Courts of Common Law, to the Court of Probate, to the Landed Estates' Court, or to the Court of Admiralty, unless or until the Records described in such Warrant shall be of the Age of Twenty Years from the making thereof, or, if the same be under that Age, unless the Removal thereof shall have been requested by the Chief Judge of the Court to which the same shall belong:

Fourthly—That if it shall appear to the Chief Judge of any such Court that it will be conducive to the Ends of Justice, or to the due Performance of the Business of such Court, that any Records belonging thereto should not be delivered into the Custody of the Master of the Rolls at the End of Twenty Years from the making thereof, it shall be lawful for such Chief Judge to certify such his Opinion to the Master of the Rolls, and that the Master of the Rolls, upon receiving such Certificate under the Hand of such Chief Judge, may and shall, from Year to Year, but not for any Time longer than a Year without a new Certificate, abstain from issuing any Warrant for the Removal of the Records mentioned in such Certificate into his Custody:

Fifthly—That the Master of the Rolls shall not issue any such Warrant for the Removal of any State Papers belonging to the Office of the Chief Secretary to the Lord Lieutenant, and kept in his Office or deposited in the State Paper Department in the Record Tower, unless the same shall be of the Age of Fifty Years from the making thereof, and that the Consent of the Lord Lieutenant for such Removal shall have been previously obtained.

Validity of Records after Removal.

15. The Removal of any Record to said Public Record Office, by Authority of the Master of the Rolls shall not in any Manner affect the legal Authenticity of such Record; but any such Record deposited in the said Public Record Office, and there kept under the Authority of the Master of the Rolls, shall be taken to be in its legal Place of Deposit, and every such Record removed as aforesaid shall be of the same legal Validity in all Courts and Proceedings in the same Manner as if such Record had not been removed.

Persons having Custody of Deeds, &c. fit to be deposited in Record Office, to deposit them subject to Regulations of Master of the Rolls.

16. It shall be lawful for any Trustee other Person having the Custody of any Deeds or Documents, which in the Opinion of the Master of the Rolls are fit to be deposited in the said Public Record Office, to deposit the same with the Permission of the Master of the

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Rolls, and subject to any Regulations to be made by him, in a Repository which may be provided by him for such Purposes in the said Public Record Office; and any Deeds or Documents so deposited shall be deemed to be Public Records in the Custody of the Master of the Rolls.

Master of the Rolls to make Rules for the Management of the Office and the Admission of Persons using the Records;

17. The Master of the Rolls shall have power to make Rules for the Management of the said Public Record Office, and the Duties to be performed by the Deputy Keeper, Assistant Deputy Keeper, Clerks, Officers, and Servants thereof, and for cleaning, repairing, preserving, and arranging all the Public Records under his Charge and Superintendence, and for making Calendars, Catalogues, and Indexes to the same, and also for the Admission of such Persons as ought to be admitted to the Use of the Records, Calendars, Catalogues, and Indexes in his Custody, and to suspend, alter, or rescind such Rules, or any of them, and, with the Approval of the Commissioners of Her Majesty's Treasury, to fix the Amount of Fees (if any) which he shall think proper to be paid for the Use thereof respectively, and for making Copies of Records, as herein-after provided, and from Time to Time to vary the same as he shall think fit; and also, with the like Approval, to make Rules for dispensing with the Payment of Fees in such Cases as he shall think fit; and every such Rule shall be laid by the Master of the Rolls before both Houses of Parliament within Six Weeks after it is made, or after the next meeting of Parliament; and all such Fees as shall be paid for the Use of the Records in the Custody of the Master of the Rolls shall be paid quarterly into the Bank of *Ireland* to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund.

and for dispensing with Fees in certain Cases.

Seal of the Record Office to be provided.

18. The Master of the Rolls shall cause to be made a Seal of the said Public Record Office, and shall cause to be sealed or stamped therewith all certified Copies made as herein-after provided of any Records in his Custody.

Power to order the making of authentic Copies of Records which shall be sealed.

19. The Master of the Rolls or Deputy Keeper of the Records may allow Copies to be made of any Records in the Custody of the Master of the Rolls, at the Request and Costs of any Person desirous of procuring the same; and any Copy so made shall be examined and certified as a true and authentic Copy by the Deputy Keeper of the Records, or by the Assistant Deputy Keeper of the Records, and shall be sealed or stamped with the Seal of the Record Office, without any Proof of the Seal or Stamp or of the Signature or of the official Character of the Person appearing to have signed the same, and delivered to the Party for whose Use it was made.

Such Copies, sealed with the Seal of the Record Office, to be received in Evidence.

20. Every Copy of a Record in the Custody of the Master of the Rolls, certified as aforesaid, and purporting to be sealed or stamped with the Seal of the Public Record Office, shall be received as Evidence in any Court of Justice, and before any legal Tribunal, and before either House of Parliament, or any Committee of either House, without any further or other Proof thereof, in every Case in which the original Record could have been received there as Evidence.

Calendars, Indexes, and Records may be printed.

21. It shall be lawful for the Lord Lieutenant, with the Consent of the Commissioners of Her Majesty's Treasury, to cause to be printed from Time to Time such Calendars, Catalogues, and Indexes of Records, and also such Records, in the Custody of the Master of the Rolls, as the Chief Secretary may select, or as the Master of the Rolls shall recommend as fit to be printed.

Printed Copies of Records to be sold.

22. All Records, Calendars, Catalogues, and Indexes of the said Records which shall be printed as aforesaid under the Direction of the Master of the Rolls shall be published and sold for such reasonable Sums which shall be approved by the Commissioners of Her Majesty's Treasury; and the Proceeds of all such Sales shall be paid into the Bank of *Ireland*, to the Credit of the Exchequer, and carried to the Account of the Consolidated Fund: Provided nevertheless, that so many printed Copies of any such Records, Calendars, Catalogues, and Indexes as the said Commissioners from Time to Time shall direct may be presented gratuitously to Public Offices, Institutions, and Libraries in this or any other Realm or Country.

Power to purchase private Calendars, Catalogues, and Indexes.

23. The Commissioners of Her Majesty's Treasury shall have Power to purchase, for the Use of the said Public Record Office, any private Calendars, Catalogues, and Indexes to the Public Records which the Master of the Rolls shall recommend as fit to be purchased; and every Calendar, Catalogue, and Index to any Records in the Custody of the Master of the Rolls which shall be compiled, continued, or copied after the passing of this Act, by any Person belonging to or employed in the said Public Record Office, excepting such printed Copies which shall be sold or given away by the Authority aforesaid, shall belong to Her Majesty, Her Heirs and Successors, for the Use of the said Public Record Office.

Annual Report to be made to Parliament by Deputy Keeper of Records.

24. The Deputy Keeper of the Records, under the Direction of the Master of the Rolls, shall once in every Year report to the Lord Lieutenant the Proceedings had in the Execution of this Act; and every such Report shall be signed by the Deputy Keeper of the Records and Master of the Rolls, and shall be laid before both Houses of Parliament.

CAP. LXXI.

An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*. [12th *August* 1867.]

CAP. LXXII.

An Act for abolishing the Office of Vice-President of the Board of Trade and substituting a Secretary with a Seat in Parliament. [12th *August* 1867.]

CAP. LXXIII.

An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to *Bray* and *Irvine*. [12th *August* 1867.]

CAP. LXXIV.

An Act to extend the "Trades Union Commission Act, 1867." [12th *August* 1867.]

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CAP. LXXV.

An Act to remove certain Religious Disabilities affecting some of Her Majesty's Subjects, and to amend the Law relating to Oaths of Office. [12th *August* 1867.]

WHEREAS certain of Her Majesty's Subjects are now, on the Ground of their Religious Belief, subject to Civil Disabilities, and are required to take Oaths for the Enjoyment of Offices and Franchises which other Subjects of Her Majesty are not required to take:

And whereas it is expedient to remove such Disabilities, and to substitute One uniform Oath for the several Oaths now required to be taken by different Classes of Her Majesty's Subjects as a Qualification for the Exercise and Enjoyment of Offices, Franchises, and Civil Rights:

Be it enacted: . . . . . .

All the Queen's Subjects, without reference to their Religious Belief, shall be eligible to hold the Office of Lord Chancellor of Ireland.

1. Every Subject of Her Majesty shall after the passing of this Act, be eligible to hold and enjoy the Office of Lord Chancellor of *Ireland*, or Lord Keeper or Lord Commissioner of the Great Seal in *Ireland*, without reference to his Religious Belief, on taking and subscribing the Oath herein-after substituted for the Oath now required to be taken instead of the Oaths of Allegiance, Abjuration, and Supremacy, and also any other Oath or Declaration of Office not involving any Religious Test which now is or from Time to Time may be required to be taken by the Holder of the said Office.

When such Office shall be held by a Person not a Member of the Established Church, how Rights of Presentation to Benefices shall be exercised.

2. In case the said Office shall be held by any Person not being a Member of the United Church of *England* and *Ireland*, any Right of Presentation to any Ecclesiastical Benefice belonging to such Office shall, while the Office shall be so held as aforesaid, devolve upon and be exercised by such Person as Her Majesty by Sign Manual may appoint to exercise the same, and in default of such Appointment the Right of such Presentation shall devolve upon and be exercised by the Archbishop of *Armagh*.

When the Chancellorship shall be held by a Person not a Member of the Established Church, the Jurisdiction of nominating Delegates to hear Appeals from Ecclesiastical Courts shall be exercised by such other of the Judges as the Crown shall appoint, &c.

3. In case the Office of Lord Chancellor of *Ireland*, or Lord Keeper or Lord Commissioner or One of the Lords Commissioners of the Great Seal in *Ireland*, shall at any Time after the passing of this Act be held by a Person not a Member of the United Church of *England* and *Ireland*, the Jurisdiction of nominating Delegates to hear Appeals from the Ecclesiastical Courts in *Ireland*, and of hearing Applications for and issuing Commissions of Review to reconsider the Decisions of such Courts of Delegates, shall, while the Office shall be so held as aforesaid, be exercised by such One of the Chief Judges of the Courts of Chancery or Common Law in *Ireland*, being a Member of the United Church of *England* and *Ireland*, as Her Majesty or Her Successors shall by Sign Manual from Time to Time appoint to exercise the same; and such Chief Judge shall also, while the Office shall be so held as aforesaid, act in place of the Lord Chancellor as Trustee or Member of any Charity or of any Board or Institution of which the Lord Chancellor is now an *ex officio* Trustee or Member, and which has for its Object the exclusive Benefit of, or the Administration of Endowments or Funds for the exclusive Benefit of, Members of the United Church of *England* and *Ireland*, or of which it is now required by Law that such Trustee or Member shall belong to the United Church of *England* and *Ireland*.

Every Judicial or Corporate Officer may attend his Place of Worship in his Robes.

4. Every Person holding any Judicial or Civil or Corporate Office may attend and be present at any Place of public Meeting for Religious Worship in *England*, *Ireland*, or *Scotland* in the Robe, Gown, or other peculiar Habit of his Office, or with the Ensign or Insignia of or belonging to the same, without incurring any Forfeiture of Office or Penalty for such Attendance.

The Oath herein named shall be substituted in all Cases for the Oaths now required to be taken by Officeholders and others in lieu of the Oaths of Allegiance, Supremacy, and Abjuration.

5. In all Cases in which any Oath which has been substituted for the Oaths of Allegiance, Supremacy and Abjuration is now required to be taken, or taken and subscribed, as a Qualification for the Exercise or Enjoyment of any Office, Franchise, or Civil Right, the following Oath shall be taken, or taken and subscribed, as the Case may be, in lieu and instead of such substituted Oath:

'I *A.B.* do swear, That I will be faithful and bear 'true Allegiance to Her Majesty Queen Victoria; and 'I do faithfully promise to maintain and support the 'Succession to the Crown, as the same stands limited 'and settled by virtue of the Act passed in the Reign 'of King William the Third, intituled "An Act for '"the further Limitation of the Crown, and better '"securing the Rights and Liberties of the Subject," 'and of the subsequent Acts of Union with Scotland 'and Ireland. So help me GOD.'

The Name of the Sovereign for the Time being shall be used in the Oath.

6. Where in the Oath hereby appointed the Name of Her present Majesty is expressed, the Name of the Sovereign of this Kingdom for the Time being, by virtue of the Act "for the further Limitation of the "Crown, and better securing the Rights and Liberties "of the Subject," shall be substituted from Time to Time, with proper Words of Reference thereto.

Provisions in favour of Quakers, &c.

7. Every Person of the Pursuasion of the People called Quakers, and every other Person for the Time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath, may, instead of taking and subscribing the Oath hereby appointed, make and subscribe a solemn Affirmation in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly declare and affirm," for the Word "swear," and omitting the Words "So help me God;" and the making and subscribing such Affirmation with such Substitution as aforesaid by a Person hereby authorized to make and subscribe the same shall have the same Effect as the making and subscribing by other Persons of the Oath hereby appointed.

Short Title.

8. This Act may be cited for all Purposes as "The Office and Oath Act, 1867."

CAP. LXXVI.

An Act to repeal certain Ordinances made for the Cathedral or House of *Christ Church* in *Oxford* by the Commissioners appointed under the *Oxford University* Act, 1854, and to substitute a new Ordinance in lieu thereof. [12th *August* 1867.]

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CAP. LXXVII.

An Act to validate certain Proceedings of the Grand Jury of the County of *Wexford*. [12*th August* 1867.]

CAP. LXXVIII.

An Act to amend The *Tyne* Pilotage Order Confirmation Act, 1865. [12*th August* 1867.]

CAP. LXXIX.

An Act to confirm certain Provisional Orders under "The General Police and Improvement (*Scotland*) Act, 1862," relating to the Burgh of *Dundee*. [12*th August* 1867.]

CAP. LXXX.

An Act to define the Duties of the Assessor of Railways in *Scotland* in making up the Valuation Roll of Railways, and to amend in certain respects the Valuation of Lands (*Scotland*) Acts. [12*th August* 1867.]

CAP. LXXXI.

An Act to simplify the Forms of Prorogation during the Recess of Parliament. [12th *August* 1867.]

CAP. LXXXII.

An Act to alter certain Duties, and to amend the Laws relating to the Customs. [12th *August* 1867.]

CAP. LXXXIII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Ramsgate*, *Tunbridge Wells*, *Bognor*, *Newport*, *Chesterfield*, *Malvern*, *Great Harwood*, and *Harrow*; and for other Purposes relating to certain Districts under that Act. [12th *August* 1867.]

CAP. LXXXIV.

An Act to consolidate and amend the Laws relating to Vaccination. [12*th August* 1867.]

CAP. LXXXV.

An Act to include the whole of the Burgh of *Galashiels* within the County, Sheriffdom, and Commissariat of *Selkirk*. [12th *August* 1867.]

CAP. LXXXVI.

An Act to alter certain Duties of Customs in the *Isle of Man*. [12th *August* 1867.]

CAP. LXXXVII.

An Act to facilitate the Transaction of Business in the Chambers of the Judges of the High Court of Chancery, and in the Offices of the Registrars and Accountant General of the said Court, and in Lunacy. [12th *August* 1867.]

CAP. LXXXVIII.

An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively. [12th *August* 1867.]

CAP. LXXXIX.

An Act to render perpetual an Act passed in the Session holden in the Twenty-seventh and Twenty-eighth Years of Her present Majesty, intituled *An Act to permit for a limited Period Compositions for Stamp Duty on Bank Post Bills of Five Pounds and upwards in* Ireland. [12th *August* 1867.]

CAP. XC.

An Act to alter certain Duties and to amend the Laws relating to the Inland Revenue. [12th *August* 1867.]

CAP. XCI.

An Act to authorize an Alteration in the Mode of Repayment of a Loan made by the *West India* Relief Commissioners to the Island of *Dominica*. [12th *August* 1867.]

CAP. XCII.

An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, and Surgeons Mates of the Militia; and to authorize the Employment of the Non-commissioned Officers. [12th *August* 1867.]

CAP. XCIII.

An Act to legalize certain Marriages solemnized at *Morro Velho* in *Brazil*. [12th *August* 1867.]

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CAP. XCIV.

An Act to provide for the Inspection of Weights and Measures, and to regulate the Law relating thereto in certain Parts of the Police District of *Dublin* Metropolis.

[12th *August* 1867.]

23 & 24 Vict. c. 119.

WHEREAS an Act was passed in the Session of Parliament holden in the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, intituled "The Weights and Measures (*Ireland*) Act, 1860."

And whereas another Act was passed in the Session of Parliament holden in the Twenty-fifth and Twenty-sixth Years of the Reign of Her present Majesty, intituled *An Act to amend "The Weights and Measures* (Ireland) *Act*, 1860," *to abolish local and customary Denominations of Weights, and to regulate the Mode of weighing Articles sold in* Ireland:

25 & 26 Vict. c. 76.

And whereas the Provisions of the said Acts do not apply to the Police District of *Dublin* Metropolis:

And whereas it is expedient that the said Provisions should be made applicable to certain Parts of the said Police District of *Dublin* Metropolis:

Be it therefore enacted: . . . . . .

Commencement of Act.

1. This Act shall commence and take effect on the First Day of *September* One Thousand eight hundred and sixty-seven.

Meaning of Word "District."

2. In this Act the Word "District" shall mean such Parts of the Police District of *Dublin* Metropolis as are without the Municipal Boundaries of the Borough of *Dublin*.

Incorporation of recited Acts.

3. So much of the recited Acts as is not inconsistent with this Act, and shall be deemed as if the same and this Act were One Act.

Ex-officio Inspector and Inspectors of Weights and Measures.

4. From and after the Commencement of this Act any One or more of the Superintendents, Inspectors, or Acting Inspectors of the *Dublin* Metropolitan Police who shall be selected under this Act by the Commissioners of the *Dublin* Metropolitan Police, with the Approval of the Lord Lieutenant, shall be an *ex-officio* Inspector or *ex-officio* Inspectors of Weights and Measures within the District, and shall possess and exercise all the Powers and Authorities, and be subject to the like Penalties for any Neglect or Offence in the Discharge of such Duties, which any Inspector of Weights and Measures heretofore possessed or exercised or had been liable to under and by virtue of the Act of the Fifth and Sixth Years of King *William* the Fourth, Chapter Sixty-three, or any other Act now in force, and shall perform such Duties, under the Direction of the said Commissioners, without Fee or Reward, and notwithstanding any manorial Jurisdiction or Claim of Jurisdiction within the said District.

May provide Sub-Standard Weights and Measures.

5. It shall be lawful for the said Commissioners, with the Assent of the Chief or Under Secretary, from Time to Time to procure as many Copies, in Iron or other sufficient Material, of the Imperial Weights and Measures now in the Custody of the Lord Mayor of *Dublin* as they shall see fit, and to direct that the same shall be duly compared and stamped, and, with the like Assent, to provide such accurate Beams and Scales as shall be necessary for the said District; and the said Copies shall be called the *Dublin* Police Sub-Standard Weights and Measures, and shall be deposited with the said Superintendents, Inspectors, or Acting Inspectors, so as to enable them the more easily to discharge the Duties of Inspectors of Weights and Measures, and shall, at least once in every Year, and also at any other Time when required by the said Commissioners, be compared with and corrected by the said Imperial Standard Weights and Measures by the said Superintendents or Inspectors so to be appointed as aforesaid, who shall adjust the same, and also affix the proper Stamp thereto; and such Copies so adjusted and stamped shall, until the next Comparison of the same, to be made in manner aforesaid, be considered to all Intents the same as the said Standard Weights and Measures for all Purposes of Comparison and Verification, and for all other Purposes for which said Standard Weights and Measures are required, under the Provisions of the said recited Act, by any Inspector of Weights and Measures; and the said Commissioners shall also provide such good and sufficient Stamps for stamping or sealing Weights and Measures used or to be used in the said District as they shall consider necessary for such Purpose.

CAP. XCV.

An Act to amend the Laws regulating the Superannuation Allowances of the *Dublin* Metropolitan Police.

[12th *August* 1867.]

CAP. XCVI.

An Act to facilitate the Recovery of certain Debts in the Sheriff Courts in *Scotland*.

[12th *August* 1867.]

CAP. XCVII.

An Act to facilitate the Administration of Trusts in *Scotland*.

[12th *August* 1867.]

CAP. XCVIII.

An Act to make better Provision for the Administration of the Patriotic Fund.

[12th *August* 1867.]

WHEREAS the Fund called the Patriotic Fund is administered under a Commission issued by Her Majesty the Queen under Her Royal Sign Manual, dated the Seventh Day of *October* One thousand eight hundred and fifty-four (in this Act referred to as the original Commission):

And whereas the Executive Committee of the Commissioners thereby appointed have appropriated Part of the Fund for the Erection and Endowment of a Girls School known as the Royal *Victoria* Patriotic Asylum, and have appropriated other Part of the Fund for the Endowment of a Boys School, and have appropriated other Parts of the Fund for the Purposes described in the Schedule to this Act, and the Appropriations aforesaid have been adopted by the Commissioners, and have been from Time to Time approved by Her Majesty, or been specified in the Reports of the Commissioners made to Her Majesty, and laid before the Houses of Parliament; and it is expedient that the Appropriations aforesaid be now confirmed by Parliament:

And whereas it is estimated that the Fund will be more than sufficient for the Objects designated in the original Commission, and it is expedient that Her Majesty, Her Heirs and Successors, be empowered to give from Time to Time further Directions respecting the Application of the Fund, subject to the Appropria-

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tions aforesaid, and respecting the Constitution and Powers of the Body of Commissioners, and the Conduct of the Business relating to the Fund, and that Provision be made respecting the vesting and Transmission of Property held in trust for the Purposes of the Fund:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. 1. This Act may be cited as The Patriotic Fund Act, 1867.

29 & 30 Vict. c. 120. repealed. 2. The Patriotic Fund Act, 1866, is hereby repealed.

Interpretation of Terms. 3. In this Act the Term "the First Lord of the Admiralty" means such one of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom as is for the Time being first named in their Commission; and the Provisions of this Act relative to the First Lord of the Admiralty extend and apply to the Lord High Admiral of the United Kingdom for the Time being in case at any Time Her Majesty, Her Heirs or Successors, is or are pleased to constitute a Lord High Admiral.

In this Act the Term "the Secretary of State for War" means such one of Her Majesty's Principal Secretaries of State as for the Time being Her Majesty is pleased to intrust with the Seals of the War Department.

In this Act the Term "the Paymaster General" means Her Majesty's Paymaster General for the Time being.

Confirmation of existing Appropriations and other Acts of Commissioners. 4. Such of the Acts of the Commissioners from Time to Time acting under the original Commission as relate to the Application and Appropriation of the Patriotic Fund, and as have from Time to Time been approved by Her Majesty, or been specified in their Reports made to Her Majesty and laid before the Houses of Parliament, shall be and be deemed to have been valid and binding, and are hereby respectively confirmed.

Application of Patriotic Fund subject to existing Appropriations. 5. It shall be lawful for Her Majesty Her Heirs and Successors, from Time to Time, by Supplementary Commission under the Royal Sign Manual, directed to such Persons as to Her Majesty, Her Heirs, or Successors, seem fit, to authorize and direct the Commissioners thereby constituted to apply the Patriotic Fund and the Income and Accumulations thereof, or any Part or Parts thereof, subject to the Appropriations aforesaid (in such Manner as any such Commission from Time to Time directs, or, in the Absence of such Direction, or as far as such Direction, if any, does not extend, as the Commissioners think fit), to the Purposes and in the Order following:

First, in Relief of Widows, and Maintenance, Education, Training, and Advancement of Children, of Soldiers, Seamen and Marines of Her Majesty's Army and Navy who lost their Lives in Battle in the late War with *Russia*, or in consequence of Wounds received in or by or in consequence of other Casualties sustained in or Disease contracted in that War:

Secondly, in Maintenance, Education, Training, and Advancement of Children of Soldiers, Seamen, and Marines of Her Majesty's Army and Navy who have lost or hereafter lose their Lives in Battle in any other War, or in consequence of Wounds received in or by or in consequence of other Casualties sustained in or Disease contracted in any other War.

Thirdly, in Maintenance, Education, Training, and Advancement of Children of other Soldiers, Seamen, and Marines of Her Majesty's Army and Navy who have lost or hereafter lose their Lives in the Service of the Crown, or by or in consequence of Casualties sustained or Disease contracted in the Service of the Crown.

Contribution to Royal, &c. Institutions. 6. Any Supplementary Commission may authorize the Commissioners acting thereunder, of the better Accomplishment of any Purpose of the Commission, to increase, extend, or make Additions to any Royal or other Charitable Institutions founded within the United Kingdom for any of the Purposes for or towards which under the preceding Section the Commissioners have Power to apply the Patriotic Fund or the Accumulations thereof or of any Part thereof.

Saving for existing Arrangements. 7. Nothing in this Act shall be deemed to authorize the Insertion in any Supplementary Commission of any Authority or Direction that would prejudicially affect the Claim of any Person under any Grant or Arrangement made before the passing of this Act or before the issuing of such Supplementary Commission, by the Commissioners acting under the orginal or any other Commission.

Official Trustees of Funds. 8. Any Supplementary Commission may direct that the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General shall be the Trustees of the Patriotic Fund, in trust to support the Appropriations in such Commission specified, and subject thereto in trust for any Purposes therein specified in conformity with the Provisions of this Act.

Vesting of Property in Trustees for Time Being. 9. If by any Supplementary Commission the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General are constituted the Trustees of the Patriotic Fund, then any Real or Personal Property conveyed to or acquired by them (who are in this Act referred to as the Official Trustees of the Patriotic Fund) in the Capacity of Trustees of the Patriotic Fund shall vest in them as such, and the same shall go to and be held by their Successors in Office for the Time being, without any Conveyance or Assignment.

Accounts in Official Titles. 10. The Governor and Company of the Bank of *England* shall, when required by the Official Trustees of the Patriotic Fund, open and Keep all Accounts of Annuities, Stocks, Funds, and Securities belonging to the Patriotic Fund, and standing in the Books of the said Governor and Company, as the Accounts of the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General for the Time being (by their Official Titles) *ex parte* the Patriotic Fund; and all Interest and Dividends accruing on such Annuities, Stocks, Funds, and Securities shall, from Time to Time without any further Authority or Direction than this Act, be received by the said Governor and Company, and shall be carried by them to the Cash Account of the Paymaster General in their Books.

Transfer of present Securities to Account of Official Trustees. 11. The Production to the Governor and Company of the Bank of *England*, or to any other Body, or to any Person, of this Act, and of the First Supplementary Commission thereunder, constituting the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General the Trustees of the Patriotic Fund, and of a Direction of the Commissioners of the

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Patriotic Fund in Writing, signed by their Secretary, shall be sufficient Authority to such Governor and Company, Body or Person, for the Transfer forthwith after the issuing of such Commission to the Account of the First Lord of the Admiralty and the Secretary of State for War and the Paymaster General for the Time being, *ex parte* the Patriotic Fund, of all Annuities, Stocks, Funds, or Securities belonging to the Patriotic Fund at the issuing of such Commission, and specified in such Direction; and the said Governor and Company and every such Body or Person are and is hereby indemnified in respect of the Transfer made in accordance with such Direction.

Deposit of Securities in Bank of England.

12. All Securities from Time to Time belonging to the Patriotic Fund, and not standing in the Books of the Governor and Company of the Bank of *England*, shall be deposited in the Bank of *England* for the Credit and at the Disposal of the Official Trustees of the Patriotic Fund; and all Interest and Dividends accruing on such Securities shall from Time to Time under the Authority and Direction of the Official Trustees of the Patriotic Fund, be received by the said Governor and Company, and shall be carried by them to the Cash Account of the Paymaster General in their Books.

Proceeds of Sales to be carried to Account of Paymaster General.

13. On Sale at any Time, under the Authority and Direction of the Official Trustees of the Patriotic Fund, of any Annuities, Stocks, Funds, or Securities for the Time being standing to the Account of the Official Trustees of the Patriotic Fund in the Books of the Governor and Company of the Bank of *England*, and on Sale at any Time, under the like Authority and Direction, of any Securities belonging to the Patriotic Fund deposited in the Bank of *England*, the Proceeds of Sale shall be received by the said Governor and Company, and shall be carried by them to the Cash Account of the Paymaster General in their Books.

Separate Cash Account by Paymaster General.

14. Any Cash for the Time being in the Hands of the Paymaster General belonging to the Patriotic Fund shall be carried to a separate Account in his Books.

Actions, &c. by and against Official Trustees.

15. The Official Trustees of the Patriotic Fund may institute or defend any Action or Suit relative to any Lands contracted to be purchased or taken for the Purposes of the Patriotic Fund, and may institute any Action of Ejectment or other Action or any Suit for recovering Possession of any Lands vested in them or purchased for the Patriotic Fund, and may distrain or sue for any Arrears of Rent due in respect thereof, and may institute any Action or Suit in respect of any Trespass or Encroachment committed thereon or Damage done thereto, or any other Action or Suit in respect thereof, and may defend any Action or Suit in respect thereof, and may institute and prosecute any Action, Suit, or Proceeding, Civil or Criminal, concerning Property belonging to the Patriotic Fund; and in every such Action, Suit, or Proceeding they may be styled The Official Trustees of the Patriotic Fund, without more; and any such Action, Suit, or Proceeding shall not be affected by any Change in the Persons for the Time being holding the Offices of First Lord of the Admiralty and Secretary of State for War and Paymaster General, or either of them.

Style of Official Trustees in Deeds, &c.

16. In Deeds, Powers of Attorney, and other Instruments the Official Trustees of the Patriotic Fund may be so styled without the Names or Name of them or either of them being expressed.

Audit of Accounts.

17. The Accounts or the Receipts and Expenditure of the Patriotic Fund shall be audited by such Persons and in such Manner as the Commissioners of Her Majesty's Treasury from Time to Time direct.

Secretary and Clerks, &c.

18. Any Supplementary Commission may authorize the Commissioners acting thereunder to employ a Secretary and Clerks at Salaries, the same, with other proper Expenses, to be paid out of the Patriotic Fund.

Pensions and Retiring Allowances.

19. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, by Warrant under the Royal Sign Manual, on the Submission of the Commissioners of the Patriotic Fund, to award to any Person who has been employed by the Commissioners of the Patriotic Fund, acting under the Original or any Supplementary Commission, such Pension or retiring Allowance as to Her Majesty, Her Heirs or Successors, seems fit, to be paid out of the Patriotic Fund.

Exercise of Rights of Nomination to Schools, &c.

20. All Rights of Nomination to Schools or Institutions possessed by the Commissioners acting under the Original Commission, or by the Executive Committee of those Commissioners and for the Time being exerciseable, and all Powers relative thereto, may be exercised by the Commissioners for the Time being acting under any Supplementary Commission, or by the Executive Committee of those Commissioners, as any Supplementary Commission directs; and in the event of the Original and any Supplementary Commission being superseded, or of the Discontinuance of the Commissioners under any Supplementary Commission, or of a Reduction of the Number of those Commissioners below Twelve, then the same may be exercised by such Person or Persons as Her Majesty, Her Heirs or Successors, from Time to Time, by Warrant under the Royal Sign Manual, is or are pleased to direct.

Rodriguez Fund.

21. Any Supplementary Commission may direct that the Fund known as the *Rodriguez* Fund shall be applied for the same or the like Purposes as the Patriotic Fund, and the same shall be applied accordingly.

Cap. XCIX.

An Act for confirming an amended Scheme of the Charity Commissioners for the Charity called Sir *John Port's* Hospital in *Etwall* and School in *Repton* in the County of *Derby*. [12th *August* 1867.]

Cap. C.

An Act to make further Provision respecting the Naval Knights of *Windsor*. [15th *August* 1867.]

Cap. CI.

An Act to consolidate and amend the Law relating to the Public Health in *Scotland*. [15th *August* 1867.]

Cap. CII.

An Act further to amend the Laws relating to the Representation of the People in *England* and *Wales*. [12th *August* 1867.]

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WHEREAS it is expedient to amend the Laws relating to the Representation of the People in *England* and *Wales:*

Be it enacted: . . . . . .

Short Title.

1. This Act shall be cited for all Purposes as "The Representation of the People Act, 1867."

Application of Act.

2. This Act shall not apply to *Scotland* or *Ireland*, nor in anywise affect the Election of Members to serve in Parliament for the Universities of *Oxford* or *Cambridge*.

PART I.

Franchises.

Occupation Franchise for Voters in Boroughs.

3. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when regstered, to vote for a Member or Members to serve in Parliament for a Borough, who is qualified as follows: (that is to say),

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the last Day of *July* in any Year, and has during the whole of the preceding Twelve Calendar Months been, an Inhabitant Occupier, as Owner or Tenant, of any Dwelling House within the Borough; and
3. Has during the Time of such Occupation been rated as an ordinary Occupier in respect of the Premises so occupied by him within the Borough to all Rates (if any) made for the Relief of the Poor in respect of such Premises; and
4. Has on or before the Twentieth Day of *July* in the same Year *bonâ fide* paid an equal Amount in the Pound to that payable by other ordinary Occupiers in respect of all Poor Rates that have become payable by him in respect of the said Premises up to the preceding Fifth Day of *January*:

Provided that no Man shall under this Section be entitled to be registered as a Voter by reason of his being a Joint Occupier of any Dwelling House.

Lodger Franchise for Voters in Boroughs.

4. Every man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament for a Borough, who is qualified as follows: (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and
2. As a Lodger has occupied in the same Borough separately and as sole Tenant for the Twelve Months preceding the last Day of *July* in any Year the same Lodgings, such Lodgings being part of one and the same Dwelling House, and of a clear yearly Value, if let unfurnished, of Ten Pounds or upwards; and
3. Has resided in such Lodgings during the Twelve Months immediately preceding the last Day of *July*, and has claimed to be registered as a Voter at the next ensuing Registration of Voters.

Property Franchise for Voters in Counties.

5. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament for a County who is qualified as follows: (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity, and is seised at Law or in Equity of any Lands or Tenements of Freehold, Copyhold, or any other Tenure whatever, for his own Life, or for the Life of another, or for any Lives whatsoever, or for any larger Estate of the clear yearly Value of not less than Five Pounds over and above all Rents and Charges payable out of or in respect of the same, or who is entitled, either as Lessee or Assignee, to any Lands or Tenements of Freehold or of any other Tenure whatever, for the unexpired Residue, whatever it may be, of any Term originally created for a Period of not less than Sixty Years (whether determinable on a Life or Lives or not), of the clear yearly Value of not less than Five Pounds over and above all Rents and Charges payable out of or in respect of the same:

Provided that no Person shall be registered as a Voter under this Section unless he has complied with the Provisions of the Twenty-sixth Section of the Act of the Second Year of the Reign of his Majesty *William* the Fourth, Chapter Forty-five.

Occupation Franchise for Voters in Counties.

6. Every Man shall, in and after the Year One thousand eight hundred and sixty-eight, be entitled to be registered as a Voter, and, when registered, to vote for a Member or Members to serve in Parliament for a County, who is qualified as follows: (that is to say,)

1. Is of full Age, and not subject to any legal Incapacity; and
2. Is on the last Day of *July* in any Year, and has during the Twelve Months immediately preceding been, the Occupier, as Owner or Tenant, of Lands or Tenements within the County of the rateable Value of Twelve Pounds or upwards; and
3. Has during the Time of such Occupation been rated in respect to the Premises so occupied by him to all Rates (if any) made for the Relief of the Poor in respect of the said Premises; and
4. Has on or before the Twentieth Day of *July* in the same Year paid all Poor Rates that have become payable by him in respect of the said Premises up to the preceding Fifth Day of *January*.

Occupiers in Boroughs to be rated, and not Owners.

7. Where the Owner is rated at the Time of the passing of this Act to the Poor Rate in respect of a Dwelling House or other Tenement situate in a Parish wholly or partly in a Borough, instead of the Occupier, his Liability to be rated in any future Poor Rate shall cease, and the following Enactments shall take effect with respect to rating in all Boroughs:

1. After the passing of this Act no Owner of any Dwelling House or other Tenement situate in a Parish either wholly or partly within a Borough shall be rated to the Poor Rate instead of the Occupier, except as herein-after mentioned:
2. The full rateable Value of every Dwelling House or other separate Tenement, and the full Rate in the Pound payable by the Occupier, and the Name of the Occupier, shall be entered in the Rate Book:

Where the Dwelling House or Tenement shall be wholly let out in Apartments or Lodgings not separately rated, the Owner of such Dwelling House or Tenement shall be rated in respect thereof to the Poor Rate:

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Provisoes as to Compositions, &c.

Provided as follows:

(1.) That nothing in this Act contained shall affect any Composition existing at the Time of the passing of this Act, so nevertheless that no such Composition shall remain in force beyond the Twenty-ninth Day of *September* next:

(2.) That nothing herein contained shall affect any Rate made previously to the passing of this Act, and the Powers conferred by any subsisting Act for the Purpose of collecting and recovering a Poor Rate shall remain and continue in force for the Collection and Recovery of any such Rate or Composition:

(3.) That where the Occupier under a Tenancy subsisting at the Time of the passing of this Act of any Dwelling House or other Tenement which has been let to him free from Rates is rated and has paid Rates in pursuance of this Act, he may deduct from any Rent due or accruing due from him in respect of the said Dwelling House or other Tenement any Amount paid by him on account of the Rates to which he may be rendered liable by this Act.

First Registration of Occupiers of Dwelling Houses, &c.

8. Where any Occupier of a Dwelling House or other Tenement (for which the Owner at the Time of the passing of this Act is rated or is liable to be rated) would be entitled to be registered as an Occupier in pursuance of this Act at the First Registration of Parliamentary Voters to be made after the Year One thousand eight hundred and sixty-seven if he had been rated to the Poor Rate for the whole of the required Period, such Occupier shall, notwithstanding he may not have been rated prior to the Twenty-ninth Day of *September* One thousand eight hundred and sixty-seven as an ordinary Occupier, be entitled to be registered, subject to the following Conditions:

1. That he has been duly rated as an ordinary Occupier to all Poor Rates in respect of the Premises after the Liability of the Owner to be rated to the Poor Rate has ceased, under the Provisions of this Act:
2. That he has on or before the Twentieth Day of *July* One thousand eight hundred and sixty-eight paid all Poor Rates which have become payable by him as an ordinary Occupier in respect of the Premises up to the preceding Fifth Day of *January*.

Restriction as to Number of Votes in certain Counties and Boroughs;

9. At a contested Election for any County or Borough represented by Three Members no Person shall vote for more than Two Candidates.

and in the City of London.

10. At a contested Election for the City of *London* no Person shall vote for more than Three Candidates.

No Elector who has been employed for Reward within Six Months of an Election to be entitled to vote.

11. No Elector who within Six Months before or during any Election for any County or Borough shall have been retained, hired, or employed for all or any of the Purposes of the Election for Reward by or on behalf of any Candidate at such Election as Agent, Canvasser, Clerk, Messenger, or in other like Employment, shall be entitled to vote at such Election, and if he shall so vote he shall be guilty of a Misdemeanor.

Boroughs of Totnes, Reigate, Yarmouth, and Lancaster to cease to return Members after End of present Parliament.

12. Whereas upon Representations made to Her Majesty in joint Addresses of both Houses of Parliament to the Effect that the Select Committees of the House of Commons appointed to try the Petitions complaining of undue Elections and Returns for the Boroughs of *Totnes*, *Reigate*, *Great Yarmouth*, and *Lancaster* had reason to believe that corrupt Practices had extensively prevailed at the last Elections for the said Boroughs, Commissioners were appointed for the Purpose of making Inquiry into the Existence of such currupt Practices, in pursuance of the Act of Parliament passed in the Sixteenth Year of the Reign of Her present Majesty, Chapter Fifty-seven, entituled *An Act to provide for the more effectual Inquiry into the Existence of corrupt Practices at Elections for Members to serve in Parliament:* And whereas the Commissioners so appointed reported to Her Majesty as follows:

16 & 17 Vict. c. 57.

1. As respects the said Borough of *Totnes*, that at every Election for the said Borough since and including the Election in the Year 1857 corrupt Practices had extensively prevailed:
2. As respects the said Borough of *Reigate*, that Bribery and Treating had prevailed at the Election in the Year 1859, and had extensively prevailed at the Two Elections in the Year 1858, and at the Elections in the Years 1863 and 1865:
3. As respects the said Borough of *Great Yarmouth*, that corrupt and illegal Practices has extensively prevailed at the Elections in the Years 1859 and 1865:
4. As respects the said Borough of *Lancaster*, that corrupt Practices had extensively prevailed at the Election in the Year 1865, and, with rare Exceptions, had for a long Time prevailed at contested Elections for Members to serve in Parliament for that Borough:

Be it enacted, That from and after the End of this present Parliament the Boroughs of *Totnes*, *Reigate*, *Great Yarmouth*, and *Lancaster* shall respectively cease to return any Member or Members to serve in Parliament.

Persons reported guilty of Bribery in Totnes disqualified as Voters for Southern Division of Devon in respect of Qualification arising in said Borough.

13. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth day of *June* One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of *Totnes*, have by their Report, dated the Twenty-ninth Day of *January* One thousand eight hundred and sixty-seven, reported to Her Majesty that the Persons named in Schedules (I.) and (K.) to the said Report annexed had been guilty of giving or receiving Bribes: Be it enacted, That none of the Persons so named in the said Schedules shall have the Right of voting for the Southern Division of the County of *Devon* in respect of a Qualification situated within the said Borough of *Totnes*.

Persons reported guilty of Bribery in Great Yarmouth disqualified as Voters for North-eastern Division of Norfolk or Eastern Division of Suffolk in respect of Qualifications arising in said Borough.

14. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of *June* One thousand eight hundred and sixty-six, for the purpose of making Inquiry into the Existence of corrupt Practices in the Borough of *Great Yarmouth*, have by their Report, dated the Twentieth Day of *December* One thousand eight hundred and sixty-six, reported to Her Majesty that the Persons named in Schedules (A.) and (B.) to the said Report annexed, had been guilty of giving or receiving Bribes: Be it enacted, That none of the Persons so named in the said Schedules shall have the Right of voting for the North-eastern Division of the County of *Norfolk*, or the Eastern Division of the County of *Suffolk*, in respect of a Qualification situated within the Borough of *Great Yarmouth*.

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Persons reported guilty of Bribery in Lancaster disqualified as Voters for Nothern Divisions of Lancaster in respect of Qualification arising in said Borough.

15. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of *June* One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of *Lancaster*, have by their Report reported to Her Majesty that certain Persons had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons appearing by the Schedules marked (A.) and (B.) to the said Report annexed to have been bribed, or as bribing and treating, shall have the Right of voting for the Northern Division of the County of *Lancaster* in respect of a Qualification situated within the said Borough of *Lancaster*.

Persons reported guilty of Bribery in Reigate disqualified as Voters for Division of Mid Surrey in respect of Qualification arising in said Borough.

16. Whereas the Commissioners appointed under a Commission of Her Majesty, dated the Sixteenth Day of *June* One thousand eight hundred and sixty-six, for the Purpose of making Inquiry into the Existence of corrupt Practices in the Borough of *Reigate*, by their Report, dated the Second Day of *February* One thousand eight hundred and sixty-seven, reported to Her Majesty that the Persons named in Schedules (A.), (B.), and (C.) had been guilty of giving or receiving Bribes: Be it enacted, That none of the said Persons so named in the said Schedules, and appearing thereby to have been so guilty in the Election which took place in the Year One thousand eight hundred and sixty-five, shall have the Right of voting for the Division of *Mid Surrey* in respect of a Qualification situated within the Borough of *Reigate*.

PART II.

Distribution of Seats.

Boroughs, as in Schedule (A.), to return One Member each.

17. From and after the End of this present Parliament, no Borough which had a less Population than Ten thousand at the Census of One thousand eight hundred and sixty-one shall return more that One Member to serve in Parliament, such Boroughs being enumerated in Schedule (A.) to this Act annexed.

Boroughs hereinnamed to return Three Members each.

18. From and after the End of this present Parliament, the City of *Manchester*, and the Boroughs of *Liverpool*, *Birmingham*, and *Leeds*, shall each respectively return Three Members to serve in Parliament.

New Boroughs, as in Schedule (B.), to return One Member each, except Chelsea which shall return Two.

19. Each of the Places named in Schedule (B.) to this Act annexed shall be a Borough, and, until otherwise directed by Parliament, each such Borough shall comprise such Places as are specified and described in connexion with the Name of each such Borough in the said Schedule (B.); and in all future Parliaments the Borough of *Chelsea*, named in the said Schedule shall return Two Members, and each of the other Boroughs named in the said Schedule shall return One Member to serve in Parliament.

Registers of Voters to be formed for new Boroughs.

20. Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, for or in respect of the Boroughs constituted by this Act, in like Manner as if before the passing of this Act they respectively had been Boroughs returning Members to serve in Parliament.

Merthyr Tydfil and Salford to return Two Members each.

21. From and after the End of the present Parliament, the Boroughs of *Merthyr Tydfil* and *Salford* shall each return Two Members instead of One to serve in future Parliaments; and the Borough of the *Tower Hamlets* shall be divided into Two Divisions, and each Division shall in all future Parliaments be a separate Borough returning Two Members to serve in Parliament.

Tower Hamlets to be divided into Two Divisions, each Division to return Two Members.

The said Divisions shall be known by the Name of the Borough of *Hackney* and the Borough of the *Tower Hamlets*, and, until otherwise directed by Parliament, shall comprise the Places mentioned in connexion with each such Borough in Schedule (C.) hereto annexed.

Registers of Voters to be formed for the Boroughs of Hackney and the Tower Hamlets.

22. Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, in respect of the said Boroughs of *Hackney* and of the *Tower Hamlets* constituted under this Act, in like Manner as if such Divisions had previously to the passing of this Act been separate Boroughs returning Members to serve in Parliament.

Division of certain Counties, as in Schedule (D.)

23. From and after the End of the present Parliament, each County named in the First Column of Schedule (D.) to this Act annexed shall be divided into the Divisions named in the Second Column of the said Schedule, and, until otherwise directed by Parliament, each of such Divisions shall consist of the Hundreds, Lathes, Wapentakes, and Places mentioned in the Third Column of the said Schedule.

In all future Parliaments there shall be Two Members to serve for each of the Divisions specified in the said Second Column, and such Members shall be chosen in the same Manner, and by the same Description of Voters, and in respect of the same Rights of voting, as if each such Division were a separate County.

All Enactments relating to Divisions of Counties returning Members to serve in Parliament shall be deemed to apply to the Divisions constituted as aforesaid.

Registers of Voters shall be formed in and after the Year One thousand eight hundred and sixty-eight, notwithstanding the Continuance of this present Parliament, for or in respect of the Divisions of Counties constituted by this Act, in like Manner as if before the passing of this Act they had respectively been Counties returning Members to serve in Parliament.

University of London to return One Member.

24. In all future Parliaments the University of *London* shall return One Member to serve in Parliament.

Electors for Members of the University of London.

25. Every Man whose Name is for the Time being on the Register of Graduates constituting the Convocation of the University of *London* shall, if of full Age, and not subject to any legal Incapacity, be entitled to vote in the Election of a Member to serve in any future Parliament for the said University.

PART III.

SUPPLEMENTAL PROVISION.

Incidents of Franchise.

As to successive Occupations.

26. Different Premises occupied in immediate Succession by any Person as Owner or Tenant during the Twelve Calendar Months

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next previous to the last Day of *July* in any Year shall, unless and except as herein is otherwise provided, have the same Effect in qualifying such Person to vote for a County or Borough as a continued Occupation of the same Premises in the Manner herein provided.

As to Joint Occupation in Counties.

27. In a County where Premises are in the joint Occupation of several Persons as Owners or Tenants, and the aggregate rateable Value of such Premises is such as would if divided amongst the several Occupiers, so far as the Value is concerned, confer on each of them a Vote, then each of such joint Occupiers shall, if otherwise qualified, and subject to the Conditions of this Act, be entitled to be registered as a Voter, and when registered to vote at an Election for the County: Provided always, that not more than Two Persons, being such joint Occupiers, shall be entitled to be registered in respect of such Premises, unless they shall have derived the same by Descent, Succession, Marriage, Marriage Settlement, or Devise, or unless they shall be *bonâ fide* engaged as Partners carrying on Trade or Business thereon.

Notice of Rate in arrear to be given by Overseers to Voters, in Form as in Schedule (E.)

28. Where any Poor Rate due on the Fifth Day of *January* in any Year from an Occupier in respect of Premises capable of conferring the Franchise for a Borough remains unpaid on the First Day of *June* following, the Overseers whose Duty it may be to collect such Rate shall, on or before the Twentieth of the same Month of *June*, unless such Rate has previously been paid, or has been duly demanded by a Demand Note, to be served in like Manner as the Notice in this Section referred to, give or cause to be given a Notice in the Form set forth in Schedule (E.) to this Act to every such Occupier. The Notice shall be deemed to be duly given if delivered to the Occupier or left at his last or usual Place of Abode, or with some Person on the Premises in respect of which the Rate is payable. Any Overseer who shall wilfully withhold such Notice, with Intent to keep such Occupier off the List or Register of Voters for the said Borough, shall be deemed guilty of a Breach of Duty in the Execution of the Registration Acts.

Penalty for wilfully withholding Notice.

Overseers to make out a List of Persons in arrear of Rates, which shall be open to Perusal without Fee.

29. The Overseers of every Parish wholly or partly within a Borough shall, on or before the Twenty-second Day of *July* in every Year, make out a List containing the Name and Place of Abode of every Person who shall not have paid, on or before the Twentieth Day of the same Month, all Poor Rates which shall have become payable from him in respect of any Premises within the said Parish before the Fifth Day of *January* then last past, and the Overseers shall keep the said List, to be perused by any Person, without Payment of any Fee, at any Time between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon of any Day except *Sunday* during the First Fourteen Days after the said Twenty-second Day of *July*; any Overseer wilfully neglecting or refusing to make out such List, or to allow the same to be perused as aforesaid, shall be deemed guilty of a Breach of Duty in the Execution of the Registration Acts.

Penalty on Overseer for Neglect.

Registration of Voters.

Regulation to be observed as to Registration of Voters.

30. The following Regulations shall in and after the Year One thousand eight hundred and sixty-eight be observed with respect to the Registration of Voters:

1. The Overseers of every Parish or Township shall make out or cause to be made out a List of all Persons on whom a Right to vote for a County in respect of the Occupation of Premises is conferred by this Act, in the same Manner, and subject to the same Regulations, as nearly as Circumstances admit, in and subject to which the Overseers of Parishes and Townships in Boroughs are required by the Registration Acts to make out or cause to be made out a List of all Persons entitled to vote for a Member or Members for a Borough in respect of the Occupation of Premises of a clear yearly Value of not less than Ten Pounds:
2. The Claim of every Person desirous of being registered as a Voter for a Member or Members to serve for any Borough in respect of the Occupation of Lodgings shall be in the Form numbered 1. in Schedule (G.) or to the like Effect, and shall have annexed thereto a Declaration in the Form and be certified in the Manner in the said Schedule mentioned, or as near thereto as Circumstances admit; and every such Claim shall after the last Day of *July* and on or before the Twenty-fifth Day of *August* in any Year be delivered to the Overseers of the Parish in which such Lodgings shall be situate, and the Particulars of such claim shall be duly published by such Overseers on or before the First Day of *September* next ensuing in a separate List, according to the Form numbered 2. in the said Schedule (G.):

So much of Section 18. of the Act of the Session of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Manner of publishing Lists of Claimants, and to the Delivery of Copies thereof to Persons requiring the same, shall apply to every such Claim and List; and all the Provisions of the 38th and 39th Sections of the same Act with respect to the Proof of the Claims of Persons omitted from the Lists of Voters, and to Objections thereto, and to the Hearing thereof, shall, so far as the same are applicable, apply to Claims and Objections, and to the Hearing thereof, under this Section.

Definition of "Expenses of Registration."

31. The Word "Expenses" contained in the Sections Fifty-four and Fifty-five of the said Registration Act of the Session of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, shall be deemed to and shall include and apply to all proper and reasonable Fees and Charges of any Clerk of the Peace of any County, or of any Town Clerk of any City or Borough to be hereafter made or charged by him in any Year for his Trouble, Care, and Attention in the Performance of the Services and Duties imposed upon him by the same Act or by this Act, in addition to any Money actually paid or disbursed by him for or in respect of any such Services or Duties as aforesaid.

Provision as to Duties of Clerks of Peace in Parts of Lincolnshire.

32. Whereas several of the Hundreds mentioned in the Third column of the said Schedule (D.), and therein assigned to *Mid Lincolnshire*, are situate in the Parts of *Lindsey*, and others are situate in the Parts of *Kesteven*, and the Liberty of *Lincoln* consisting of the City and the County of the City of *Lincoln* is situate partly in the Parts of *Lindsey* and partly in the Parts of *Kesteven*, and there are separate Clerks of the Peace for the said Parts of *Lindsey* and *Kesteven*: In forming the Register for the said Division of *Mid Lincolnshire* the Clerk of the Peace of the Parts of *Lindsey* shall do and perform all such Duties as are by Law required to be done by Clerks of the Peace in regard to such of the Hundreds assigned to *Mid Lincolnshire* as aforesaid as are situate within the said Parts of *Lindsey*, and in

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regard to so much of the Liberty of *Lincoln* aforesaid as is situate within the said Parts of *Lindsey;* and the Clerk of the Peace of the Parts of *Kesteven* shall do and perform all such Duties as are by Law required to be done by Clerks of the Peace in regard to such of the said Hundreds assigned to *Mid Lincolnshire* as aforesaid as are situate within the said Parts of *Kesteven*, and in regard to so much of the Liberty of *Lincoln* aforesaid as is situate within the said Parts of *Kesteven.*

Places for Election, and Polling Places.

Courts for the Election of Members for Counties as in Schedule (D.)

33. The Court for the Election of Members for each of the divisions mentioned in the Second Column of the said Schedule (D.) shall be holden at the Places named for that Purpose in the Fourth Column of the same Schedule.

Provision for increased Polling Places in Counties, &c.

34. In every County the Justices of the Peace having Jurisdiction therein or in the larger Part thereof, assembled at some Court of General or Quarter Sessions, or at some Adjournment thereof, held after the passing of this Act, may, if they think Convenience requires it, divide such County into Polling Districts, and assign to each District a Polling Place, in such Manner as to enable each Voter, so far as practicable, to have a Polling Place within a convenient Distance of his Residence; and the Justices shall advertise, in such Manner as they think fit, a Description of the Polling Districts so constituted by them, and the Name of the Polling Place assigned to each District, and shall name the Polling Places at which the Revising Barristers are to hold their Courts, and no Revising Barrister shall be obliged to hold his Courts at any Polling Places not so named: Provided that the Justices of the Peace for the *Isle of Ely*, assembled as aforesaid, shall carry into effect the Provisions of this Section so far as regards the said *Isle of Ely;* but nothing herein contained shall affect the Powers conferred by any other Act of Parliament of altering Polling Places or Polling Districts, or of creating additional Polling Places or Districts:

Proviso as to Isle of Ely.

The Local Authority of every Borough shall, if they think Convenience requires it, as soon as may be after the passing of this Act, divide such Borough into Polling Districts, and the Returning Officer shall in the Case of a contested Election provide at least One Booth or Room for taking the Poll in each Polling District; and in Cases where a Parliamentary Borough is constituted of Two or more Towns the distance between Two of which shall exceed Two Miles, there shall be provided a Booth or Room for taking the Poll in each of such Towns:

Where any Parish in a Borough is divided into or forms Part of more than One Polling District, the Overseers shall, so far as practicable, make out the Lists of Voters in such Manner as to divide the Names in conformity with each Polling District:

The Town Clerk, as defined by the Act of the Sixth *Victoria*, Chapter Eighteen, shall cause the Lists of Voters for each Borough to be copied, printed, arranged, and signed, and delivered in the Manner directed by the said Act, so as to correspond with the Division of the Borough into Polling Districts:

A Description of the Polling Districts made or altered in pursuance of this Act shall be advertised by the Local Authority in such Manner as they think fit, and Notice of the Situation, Division, and Allotment of the Polling Booth or Place for each District shall be given in manner now required by Law:

The Local Authority shall mean in every Municipal Borough, and in every Borough any Part of which forms a Municipal Borough, the Town Council of such Borough, and in other Boroughs the Justices of the Peace acting for such Borough, or if there be no such Justices then the Justices acting for the Division of the County in which such Borough or the greater part thereof is situate; and in Cases where a Parliamentary Borough is constituted by the Combination of Two or more Municipal Boroughs, then the Local Authority shall mean the Town Council of that Municipal Borough in which the Nomination takes place:

The Local Authority may from Time to Time alter any Districts made by them under this Act.

When Polling Places altered, &c. Publication in London Gazette not required, but Justices to advertise as they think.

35. When by virtue of the Powers conferred by any other Act of Parliament Polling Places or Polling Districts are altered, or additional Polling Places or Districts are created, it shall not be necessary that any Declaration, Direction, or Order made as therein provided be published in the *London Gazette*, but the same shall be advertised by the Justices in such manner as they shall think fit, and when so advertised shall have the same Force and Effect as if the same had been published in the *London Gazette.*

Payment of Expenses of conveying Voters in Boroughs to the Poll illegal except herein named.

36. It shall not be lawful for any Candidate, or any One on his Behalf, at any Election for any Borough, except the several Boroughs of *East Retford, Shoreham, Cricklade, Much Wenlock,* and *Aylesbury*, to pay any Money on account of the Conveyance of any Voter to the Poll, either to the Voter himself or to any other Person; and if any such Candidate, or any Person on his Behalf, shall pay any Money on account of the Conveyance of any Voter, to the Poll, such Payment shall be deemed to be an illegal Payment within the Meaning of "The Corrupt Practices Prevention Act, 1854."

Rooms to be hired for taking Polls whenever they can be obtained.

37. At every contested Election for any County or Borough, unless some Building or Place belonging to the County or Borough is provided for that Purpose, the Returning Officer shall, whenever it is practicable so to do, instead of erecting a Booth, hire a Building or Room for the Purpose of taking the Poll:

Where in any Place there is any Room the Expense of maintaining which is payable out of any Rates levied in such Place, such Room may, with the Consent of the Person or Corporation having the Control over the same, be used for the Purpose of taking the Poll at such Place.

Alteration as to Time for Delivery of Lists and Commencement of Register of Voters.

38. The Forty-seventh and Forty-eighth Sections of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, relating to the Transmission and Delivery of the Book or Books containing the List of Voters to the Sheriff and Returning Officer, shall be construed as if the Word "*December*" were substituted in those Sections for the Word "*November*," and the said Book or Books shall be the Register of Persons entitled to vote for the County or Borough to which such Register relates at any Election which takes place during the Year commencing on the First day of *January* next after such Register is made, and the Register of Electors in force at the Time of the passing of this Act shall be the Register in force until the First day of *January* One Thousand eight hundred and sixty-eight.

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Oath or Affirmation, &c. to be taken by Poll Clerks.

39. The Oath to be taken by a Poll Clerk shall hereafter be in the following Form:

'I *A.B.* do hereby swear, That I will truly and in-
'differently take the Poll at the Election of Members
'to serve in Parliament for the [Borough *or* County]
'of

'So help me GOD.'

Every Person for the Time being by Law permitted to make a solemn Affirmation or Declaration instead of taking an Oath may, instead of taking the Oath hereby appointed, make a solemn Affirmation in the Form of the Oath hereby appointed, substituting the Words "solemnly, sincerely, and truly declare and affirm" for the Word "swear," and omitting the Words "So help me God."

Receipt of Parochial Relief to apply to Counties as well as Boroughs.

40. The Thirty-sixth Section of the Act of the Second Year of King *William* the Fourth, Chapter Forty-five, disqualifying Persons in Receipt of Parochial Relief from being registered as Voters for a Borough, shall apply to a County also, and the said Section shall be construed as if the Word "County" were inserted therein before the Word "City;" and the Overseers of every Parish shall omit from the Lists made out by them of Persons entitled to vote for the Borough and County in which such Parish is situate the Names of all Persons who have received Parochial Relief within Twelve Calendar Months next previous to the last Day of *July* in the Year in which the List is made out.

Election in University of London.

Vice-Chancellor of University of London to be the Returning Officer.

41. The Vice-Chancellor of the University of *London* shall be the Returning Officer for such University, and the Writ for any Election of a Member to serve in Parliament for such University shall be directed to such Vice-Chancellor.

Elections for University of London to be within Six Days after Receipt of Writ, Three clear Days Notice being given.

42. The Vice-Chancellor of the University of *London* shall proceed to Election, in pursuance of any Writ to be directed to him as herein-before mentioned, within Six Days after the Receipt of such Writ, giving Three clear Days Notice of the Day and Place of Election, exclusive of the Day of Proclamation and the Day of Election; and the Vice-Chancellor shall after such Election certify the same, together with such Writ, according to the Directions thereof.

Polling at University of London may continue Five Days.

43. At every contested Election of a Member or Members to serve in Parliament for the University of *London* the Polling shall commence at Eight o'Clock in the Morning of the Day next following the Day fixed for the Election, and may continue for not more than Five Days (*Sunday*, *Christmas Day*, *Ascension Day*, and *Good Friday* being excluded), but no Poll shall be kept open later than Four o'Clock in the Afternoon.

Power to Vice-Chancellor to appoint Polling Place, Pro-Vice-Chancellors, and Poll Clerks, to conduct the Poll in the University of London.

44. At every Election of a Member to serve in Parliament for the University of *London* the Vice-Chancellor shall appoint the Polling Place, and also shall have Power to appoint Two or more Pro-Vice-Chancellors, any One of whom may receive the Votes and decide upon all Questions during the Absence of such Vice-Chancellor; and such Vice-Chancellor shall have Power to appoint Poll Clerks and other Officers, by One or more of whom the Votes may be entered in the Poll Book, or such Number of Poll Books as may be judged necessary by such Vice-Chancellor; and such Vice-Chancellor shall, not later than Two o'Clock in the Afternoon of the Day next following the Close of the Poll, openly declare the State of the Poll and make Proclamation of the Member chosen.

Provisions of 24 & 25 Vict. c. 53, as to Voting Papers to apply to University of London.

45. All the Provisions of an Act passed in the Twenty-fourth and Twenty-fifth Years of Her present Majesty, entitled *An Act to provide that Votes at Elections for the Universities may be recorded by means of Voting Papers*, shall apply to every Election of a Member for the University of *London*.

Residence of Electors for the City of London extended to Twenty-five Miles.

46. So much of the Twenty-seventh and Thirty-second Sections of the Act of the Second Year of the Reign of King *William* the Fourth, Chapter Forty-five, and of the Seventy-ninth Section of the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, as relates to the Residence of Electors within Seven Miles of any City or Borough, shall be repealed in respect to Electors otherwise qualified to be registered and to vote for Members to serve in Parliament for the City of *London*: Provided always, that no Person shall be registered as an Elector for the said City unless he shall have resided for Six Calendar Months next previous to the last Day of *July* in any Year, nor be entitled to vote at any Election for the said City unless he shall have ever since the last Day of *July* in the Year in which his Name was inserted in the Register then in force have resided, and at the Time of voting shall have continued to reside, within the said City, or within Twenty-five Miles thereof or any Part thereof.

Miscellaneous.

As to Returning Officers in new Boroughs.

47. In any Borough named in Schedules (B.) and (C.) to this Act annexed, which is or includes a Municipal Borough, the Mayor of such Municipal Borough shall be the Returning Officer, and in the other Cases the Returning Officer shall be appointed in the same Manner as if such Places were included amongst the Boroughs mentioned in Schedules (C.) and (D.) of the Act of the Second Year of His late Majesty *William* the Fourth, Chapter Forty-five, for which no Persons are mentioned in such Schedules as Returning Officers.

Appointment of Boundary Commissioners, who may appoint Assistant Commissioners, to examine Boundaries of Boroughs constituted by this Act, and all other Boroughs, and Divisions of Counties as constituted by this Act, and report if Enlargement necessary.

48. The following Persons, that is to say, the Right Honourable Viscount *Eversley*, the Right Honourable *Russell Gurney*, Sir *John Thomas Buller Duckworth* Baronet, Sir *Francis Crossley* Baronet, and *John Walter* Esquire, of whom not less than Three shall be a Quorum, shall be appointed Boundary Commissioners for *England* and *Wales*, and they shall immediately after the passing of this Act, proceed, by themselves or by Assistant Commissioners appointed by them, to inquire into the temporary Boundaries of every Borough constituted by this Act, with Power to suggest such Alterations therein as they may deem expedient.

They shall also inquire into the Boundaries of every other Borough in *England* and *Wales*, except such Boroughs as are wholly disfranchised by this Act, with a view to ascertain whether the Boundaries should be enlarged, so as to include within the Limits of the Borough all Premises which ought, due Regard being had to Situation or other local Circumstances, to be included therein for the Purpose of conferring upon

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the Occupiers thereof the Parliamentary Franchise for such Borough.

They shall also inquire into the Divisions of Counties as constituted by this Act, and as to the Places appointed for holding Courts for the Election of Members for such Divisions, with a view to ascertain whether, having regard to the natural and legal Divisions of each County, and the Distribution of the Population therein, any and what Alterations should be made in such Divisions or Places.

The said Commissioners shall, with all practicable Despatch, report to One of Her Majesty's Principal Secretaries of State upon the several Matters in this Section referred to them, and their Report shall be laid before Parliament.

The Commissioners and Assistant Commissioners so appointed shall give Notice, by public Advertisement, of their Intention to visit such Counties and Boroughs, and shall appoint a Time for receiving the Statements of any Persons who may be desirous of giving Information as to the Boundaries or other local Circumstances of such Counties and Boroughs, and the said Commissioners or Assistant Commissioner shall by personal Inspection, and such other Means as the Commissioners shall think necessary, possess themselves of such Information as will enable the Commissioners to make such Report as herein mentioned.

Corrupt Payment of Rates to be punishable as Bribery.

49. Any Person, either directly or indirectly, corruptly paying any Rate on Behalf of any Ratepayer for the Purpose of enabling him to be registered as a Voter, thereby to influence his Vote at any future Election, and any Candidate or other Person, either directly or indirectly, paying any Rate on behalf of any Voter for the Purpose of inducing him to vote or refrain from voting, shall be guilty of Bribery, and be punishable accordingly; and any Person on whose Behalf and with whose Privity any such Payment as in this Section is mentioned is made shall also be guilty of Bribery, and punishable accordingly.

Returning Officer, &c. acting as Agent guilty of Misdemeanor.

50. No Returning Officer for any County or Borough, or his Deputy, nor any Partner or Clerk of either of them, shall act as Agent for any Candidate in the Management or Conduct of his Election as a Member to serve in Parliament for such County or Borough; and if any Returning Officer, his Deputy, the Partner or Clerk of either of them, shall so act, he shall be guilty of a Misdemeanor.

Not necessary to dissolve Parliament on any future Demise of the Crown.

51. Whereas great Inconvenience may arise from the Enactments now in force limiting the Duration of the Parliament in being at the Demise of the Crown: Be it therefore enacted that the Parliament in being at any future Demise of the Crown shall not be determined or dissolved by such Demise, but shall continue so long as it would have continued but for such Demise, unless it should be sooner prorogued or dissolved by the Crown, anything in the Act passed in the Sixth Year of Her late Majesty Queen *Anne*, Chapter Seven, in any way notwithstanding.

Members holding Offices of Profit from the Crown, as in Schedule (H.), not required to vacate their Seats on Acceptance of another Office.

52. Whereas it is expedient to amend the Law relating to Offices of Profit the Acceptance of which from the Crown vacates the Seats of Members accepting the same, but does not render them incapable of being re-elected: Be it enacted, That where a Person has been returned as a Member to serve in Parliament since the Acceptance by him from the Crown of any Office described in Schedule (H.) to this Act annexed, the subsequent Acceptance by him from the Crown of any other Office or Offices described in such Schedule in lieu of and in immediate Succession the one to the other shall not vacate his Seat.

Copy of Reports of Commissioners as to Boroughs herein named, and printed by Queen's Printer, to be Evidence.

53. Any Copy of any of the said Reports by the said Commissioners appointed for the Purpose of making Inquiry into the Existence of corrupt Practices in any of the said Boroughs of *Totnes*, *Great Yarmouth*, *Lancaster*, or *Reigate*, with the Schedules thereof annexed, and purporting to be printed by the Queen's Printer, shall for the Purposes of this Act be deemed to be sufficient Evidence of any such Report of the said Commissioners, and of the Schedules annexed thereto.

Provision in case of separate Registers.

54. Where separate Registers of Voters have been directed to be made in respect of the Divisions of the Borough and Counties divided by this Act into Two Divisions only, if a Vacancy take place in the Representation of the said County or Borough before the summoning of a future Parliament, and after the Completion of such separate Registers, such last-mentioned Registers shall, for the Purpose of any Election to fill up such Vacancy, be deemed together to form the Register for the Borough or County; and in the Case of a County divided into more than Two Divisions the Clerk of the Peace shall, from the separte Registers, make out a Register of Voters for the County or original Division of the County in which the Election may be about to take place, in the same Manner as if no new Division or Divisions of such County had been made by this Act.

Temporary Provisions consequent on Formation of new Boroughs.

55. Nothing in this Act contained shall affect the Rights of Persons whose Names are for the Time being on the Register of Voters for any County in which the Boroughs constituted by this Act are situate to vote in any Election for such County in respect of any Vacancy that may take place before the summoning of a future Parliament, but after such summoning no Person shall be entitled to be registered as a Voter or to vote in any Election for any such County who would not be entitled to to be so registered or to vote in case the Qualifications held by him were situate in a Borough other than One constituted by this Act.

In the Case of a Parish wholly or partly situate within the Limits of a Borough constituted by this Act, the Revising Barrister in revising at any Time before the summoning of a future Parliament the List of Voters for the County in which such Parish is situate shall write the Word "Borough" opposite to the Name of each Voter whose Qualification in respect of the Premises described in the List would not, after the summoning of a future Parliament, entitle such Voter to vote for the County; and at any Election taking place after the summoning a future Parliament the Vote of every Person against whose Name the Word "Borough" is written, if tendered in respect of such Qualification, shall be rejected by the Returning Officer.

General Saving.

56. The Franchises conferred by this Act shall be in addition to and not in substitution for any existing Franchises, but so that no Person shall be entitled to vote for the same Place in respect of more than One Qualification; and, subject to the Provisions of this Act, all Laws, Customs, and Enactments now in force conferring any Right to

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vote, or otherwise relating to the Representation of the People in *England* and *Wales*, and the Registration of Persons entitled to vote, shall remain in full Force, and shall apply, as nearly as Circumstances admit, to any Person hereby authorized to vote, and shall also apply to any Constituency hereby authorized to return a Member or Members to Parliament as if it had heretofore returned such Members to Parliament and to the Franchises hereby conferred, and to the Registers of Voters hereby required to be formed.

As to Issue of Writs to County Palatine of Lancaster.

57. From and after the passing of this Act, the County Palatine of *Lancaster* shall cease to be a County Palatine, in so far as respects the Issue, Direction, and Transmission of Writs for the Election of Members to serve in Parliament for any Division of the said County or for any Borough situate in the said County; and such Writs may be issued under the same Seal, be directed to the like Officer, and transmitted in the like Manner, under, to, and in which Writs may be issued, directed, and transmitted in the Case of Divisions of Counties and Boroughs not forming Part of or situate in a County Palatine; and any Writ issued, directed, and transmitted in manner directed by this Section shall be valid accordingly.

Writs, &c. to be made conformable to this Act.

58. All writs to be issued for the Election of Members to serve in Parliament, and all Mandates, Precepts, Instruments, Proceedings, and Notices consequent upon such Writs or relating to the Registration of Voters, shall be framed and expressed in such Manner and Form as may be necessary for the carrying the Provisions of this Act into effect.

This Act, as far as consistent, to be constructed with Enactments now in force.

59. This Act, as far as is consistent with the Tenor thereof, shall be construed as One with the Enactments for the Time being in force relating to the Representation of the People and with the Registration Acts; and in construing the Provisions of the Twenty-fourth and Twenty-fifth Sections of the Act of the Second Year of King *William* the Fourth, Chapter Forty-five, the Expressions "the Provisions herein-after contained," and "as aforesaid," shall be deemed to refer to the Provisions of this Act conferring Rights to vote as well as to the Provisions of the said Act.

In event of Dissolution of Parliament before Jan. 1, 1869, Elections to take place as heretofore, except as to Boroughs disfranchised.

60. Notwithstanding anything in this Act contained, in the event of a Vacancy in the Representation of any Constituency, or of a Dissolution of Parliament taking place, and a Writ or Writs being issued, before the First Day of *January* One thousand eight hundred and sixty-nine for the Election of Members to serve in the present or any new Parliament, each Election shall take place in the same Manner in all respects as if no Alteration had been made by this Act in the Franchises of Electors, or in the Places authorized to return a Member or Members to serve in Parliament, with this Exception, that the Boroughs by this Act disfranchised shall not be entitled to return Members to serve in any such new Parliament.

Interpretation of Terms.

61. The following Terms shall in this Act have the Meanings herein-after assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say),

"Month:" "Month" shall mean Calendar Month:

"Member:" "Member" shall include a Knight of the Shire:

"Election:" "Election" shall mean an Election of a Member or Members to serve in Parliament:

"County:" "County" shall not include a County of a City or County of a Town, but shall mean any County, Riding, Parts or Divisions of a County returning a Member or Members to serve in Parliament:

"Borough:" "Borough" shall mean any Borough, City, Place, or Combination of Places, not being a County as herein-before defined, returning a Member or Members to serve in Parliament:

"Dwelling House:" "Dwelling House" shall include any Part of a House occupied as a separate Dwelling, and separately rated to the Relief of the Poor:

"The Registration Acts:" "The Registration Acts" shall mean the Act of the Sixth Year of the Reign of Her present Majesty, Chapter Eighteen, and the Act of the Twenty-eighth Year of the Reign of Her present Majesty, Chapter Thirty-six, and any other Acts or Parts of Acts relating to the Registration of Persons entitled to vote at and Proceedings in the Election of Members to serve in Parliament for *England* and *Wales*.

CAP. CIII.

An Act for the Extension of the Factory Acts. [15th *August* 1867.]

WHEREAS it is expedient to amend and extend the Acts relating to Factories: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same as follows:

Preliminary:

Short Title.

1. This Act may be cited for all Purposes as "The Factory Acts Extension Act, 1867."

Application of Act.

2. This Act shall apply to the whole of the United Kingdom.

General Definitions.

3. For the Purposes of this Act the following Words shall in this Act and in the Acts incorporated herewith, herein-after included under the Expression this Act, have the Meanings hereby applied to them, unless there is something in the Context inconsistent with such Meanings; that is to say,

"Factory." "Factory" shall mean as follows:

1. Any Blast Furnace or other Furnace or Premises in or on which the Process of Smelting or otherwise obtaining any Metal from the Ores is carried on (which Furnace or Premises are herein-after referred to as a Blast Furnace):
2. Any Copper Mill:
3. Any Mill, Forge, or other Premises in or on which any Process is carried on for converting Iron into Malleable Iron, Steel, or Tin Plate, or for otherwise making or converting Steel (which Mills, Forges, and other Premises are herein-after referred to as Iron Mills):
4. Iron Foundries, Copper Foundries, Brass Foundries, and other Premises or Places in which the Process of Founding or Casting any Metal is carried on:
5. Any Premises in which Steam, Water, or other mechanical Power is used for moving Machinery employed—
   (a.) In the Manufacture of Machinery:
   (b.) In the Manufacture of any Article of Metal not being Machinery:
   (c.) In the Manufacture of India-rubber or

Gutta-percha, or Articles made wholly or partly of India-rubber or Gutta-percha:

6. Any Premises in which any of the following Manufactures or Processes are carried on; namely,
   (a.) Paper Manufacture:
   (b.) Glass Manufacture:
   (c.) Tobacco Manufacture:
   (d.) Letterpress Printing:
   (e.) Book-binding:
7. Any Premises, whether adjoining or separate, in the same Occupation, situate in the same City, Town, Parish, or Place, and constituting One Trade Establishment, in, on, or within the Precincts of which Fifty or more Persons are employed in any manufacturing Process:

And every Part of a Factory shall be deemed to be a Factory, except such Part, if any, as is used exclusively as a Dwelling:

"Manufacturing Process."

"Manufacturing Process" shall mean any Manual Labour exercised by way of Trade or for Purposes of Gain in or incidental to the making any Article or Part of an Article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for Sale any Article.

Definition of "Factory Acts."

4. The Factory Acts shall in this Act mean the Fourth and Fifth Sections of "The Factory Acts Extension Act, 1864," relating to Sanitary Measures and Special Rules, and such Provisions as are now in force of the Acts following:

An Act passed in the Fourth Year of the Reign of His late Majesty *William* the Fourth, Chapter One hundred and three, intituled *An Act to regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom*, which henceforth may be cited for all Purposes as "The Factory Act, 1833;"

An Act passed in the Seventh Year of the Reign of Her present Majesty, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories*, which henceforth may be cited for all Purposes as "The Factory Act, 1844;"

An Act passed in the Fourteenth Year of the Reign of Her present Majesty, Chapter Fifty-four, intituled *An Act to amend the Acts relating to Labour in Factories*, which henceforth may be cited for all Purposes as "The Factory Act, 1850;"

An Act passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter One hundred and four, intituled *An Act further to regulate the Employment of Children in Factories*, which henceforth may be cited for all Purposes as "The Factory Act, 1853;" and

"The Factory Act, 1856."

Exemptions from Provisions of this Act and Schedule annexed.

5. There shall be excluded from the Provisions of this Act and of the Schedule annexed hereto,—

1. Any Buildings or Premises defined to be a Factory by the Factory Act, 1844, and subject to the Regulations of that Act and of the Acts directed to be construed as one therewith:
2. Any Printwork as defined by the Act of the Session of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Twenty-nine, intituled *An Act to regulate the Labour of Children, Young Persons, and Women in Printworks*, and subject to the Regulations of that Act and of the Act amending the same:
3. Any Buildings or Premises defined to be "Bleaching Works" or "Dyeing Works" by the Act of the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter Seventy-eight, intituled *An Act to place the Employment of Women and Young Persons and Children in Bleaching Works and Dyeing Works under the Regulations of the Factory Acts*, or any Acts amending the same:
4. Any Lace Factories subject to the Provisions of the Act of the Session of the Twenty-fourth and Twenty-fifth Years of the Reign of Her present Majesty, Chapter One hundred and seventeen, and intituled *An Act to place the Employment of Women, Young Persons, Youths, and Children in Lace Factories under the Regulations of the Factory Acts*, and of the Acts therein recited:
5. Any Bakehouse as defined by "The Bakehouse Regulation Act, 1863:"
6. Any Factory subject to the Provisions of the Factory Acts Extension Act, 1864.

Application of Factory Acts to Factories not included in such Acts.

6. The Factory Acts as herein-before defined shall be incorporated with this Act, and, subject to the Modifications mentioned in the Schedule annexed hereto, shall, from and after the First Day of *January* One thousand eight hundred and sixty-eight, be in force in every Factory which is not excluded from the Operation of this Act.

Restrictions as to Employment of Children, Young Persons, and Women in certain Factories.

7. 1.—No Child, Young Person, or Woman shall be employed on *Sunday* in or about any Factory, subject to the Modifications in the Schedule as regards Blast Furnaces:

2.—No Boy under the Age of Twelve Years, and no Female, shall be employed in any Part of a Glass Factory in which the Process of melting or annealing Glass is carried on:

3.—No Child under the Age of Eleven Years shall be employed in grinding in the Metal Trades:

And any Child, Young Person, or Woman who is employed in contravention of this Section shall be deemed to be employed in manner contrary to the Provisions of the Factory Acts.

Meals not to be taken in certain Parts of Glass Factory.

8. In the Manufacture of Glass, no Child, Young Person, or Woman shall be allowed to take his or her Meals in any Part of the Factory where the Materials are mixed, or in the Manufacture of Flint Glass where the Work of grinding, cutting, and polishing is carried on; and any Child, Young Person, or Woman allowed to take his or her Meals in contravention of the said Provision shall be deemed to be employed in manner contrary to the Provisions of the Factory Acts.

Extension of Provision relating to Ventilation in Factories.

9. In every Factory where grinding, glazing, or polishing on a Wheel, or any other Process is carried on by which Dust is generated and inhaled by the Workmen to an injurious Extent, if it appears to any Inspector of Factories that such Inhalation could be to a great Extent prevented by the Use of a Fan or other mechanical Means, it shall be lawful for the Inspector to direct a Fan or other Mechanical Means, of such Construction as may from Time to Time be approved by One of Her Majesty's Principal Secretaries of State, to be provided by the Occupier of the Factory within a reasonable Time; and if such Occupier fail to comply with such Direction he shall be deemed to have failed to have kept his Factory in conformity with the Fourth Section of "The Factories Act Extension Act, 1864," and shall be punishable accordingly.

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Penalty on not fixing Grindstones securely.

10. If it appears to any Inspector that any Grindstone, worked by Steam or other mechanical Power in any Factory, is fixed in so faulty a Manner as to be likely to cause bodily Injury to the Grinder using the same, such Inspector shall take the same Proceedings as nearly as may be as he is required to take by "The Factory Act, 1844," with respect to Machinery not securely fenced; and the Occupier of the Factory shall be liable to the same Penalties for not properly fixing the said Grindstone as he would be liable to under the said Act in respect of any Machinery found to be not properly fenced.

Inspectors or Sub-Inspectors to be furnished with Certificates of Appointment as Secretary of State may direct.

11. Every Inspector or Sub-Inspector of Factories shall be furnished with such Certificate of his Appointment as the Secretary of State may direct, and on applying for Admission to any Factory such Inspector or Sub-Inspector shall, if required, produce to the Occupier the said Certificate.

Every Person who forges or counterfeits any such Certificate, or makes use of any forged, counterfeited, or false Certificate, or falsely pretends to be an Inspector or Sub-Inspector of Factories, shall be guilty of a Misdemeanor, and be liable to be imprisoned for any Period not exceeding Three Months, with or without Hard Labour.

Rule as to Number of Persons employed to constitute a Factory.

12. Fifty or more Persons shall for the Purposes of this Act be deemed to continue to be employed in any Factory during the Year One thousand eight hundred and sixty-eight and any succeeding Year, if that Number of Persons has during the preceding Year been employed in any manufacturing Process in such Factory for any Period or Periods amounting in the whole to One hundred Days; and in any Proceedings taken by any Inspector or Sub-Inspector of Factories for the Purpose of enforcing this Act, any Premises in or on which a manufacturing Process is carried on shall, until the contrary is proved, be deemed to be a Factory.

Exception as to founding and casting Metals.

13. Any Premises or Places on which the Process of founding or casting any Metal is carried on by not more than Five Persons, and as subsidiary to the Repair or Completion of some other Work, shall not, by reason only of such founding or casting, be deemed to be a Factory within the Meaning of this Act.

Power to Secretary of State to substitute other Regulations as to Surgical Certificates.

14. In Blast Furnaces and Iron Mills, One of Her Majesty's Principal Secretaries of State may, by Order under his Hand, dispense with so much of the said Factory Acts as relates to Surgical Certificates given by a certifying Surgeon, and substitute therefor such other Regulations as to Proof of the Age of Children and Young Persons, and of their bodily Health and Capacity for working daily for the Time allowed by the said Acts, as he may think expedient, and any Regulation so made by the Secretary of State shall be of the same Force as if they had been enacted in the Factory Acts in place of the Regulations for which they are so substituted.

Power to Occupier of Blast Furnace or Iron Mill to make special Rules.

15. The Occupier of a Blast Furnace or of an Iron Mill may, with the Approval provided by the Fifth Section of "The Factory Acts Extension Act, 1864," make Rules for compelling the Observance amongst his Workmen of any of the Provisions of the Factory Acts in respect of the Infringement of which such Occupier is liable to a Penalty, and such Rules shall be deemed to be special Rules within the Meaning of the said Fifth Section, and all the Provisions of the said Section shall apply accordingly.

SCHEDULE.

Temporary Modifications.

1. During the First Six Calendar Months next ensuing the First Day of January One thousand eight hundred and sixty-eight, Children of not less than Eleven Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons exceeding Thirteen Years of Age may be employed in pursuance of the Factory Acts.

2. During the First Thirty Calendar Months next ensuing the First Day of January One thousand eight hundred and sixty-eight, Children of not less than Twelve Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons exceeding Thirteen Years of Age may be employed in pursuance of the Factory Acts.

3. During the First Twelve Calendar Months next ensuing the First Day of January One thousand eight hundred and sixty-eight, Children, Young Persons, and Women may be employed on Saturdays until Half-past Four o'Clock in the Afternoon.

4. So much of the Factory Acts as provides that during any Time allowed for Meals no Child, Young Person, or Woman shall be employed or allowed to remain in any Room in which any manufacturing Process is carried on, and that all the Young Persons employed in a Factory shall have the Time for Meals at the same Period of the Day, shall not be in force with respect to any Factory to which this Act applies until the Expiration of Eighteen Months after the First Day of January One thousand eight hundred and sixty-eight.

5. Where the Occupier of any Paper Mill proves to the Satisfaction of One of Her Majesty's Principal Secretaries of State that such Occupier was at the Time of the passing of this Act employing, and had for not less than a Year previously to such passing employed, Young Persons and Women at Night, and further proves that he cannot without a considerable Interval of Time alter his Machinery so as to dispense with such Employment, it shall be lawful for the said Secretary of State, by Order, to authorize the Employment by such Occupier, until some Day not later than the First Day of June One thousand eight hundred and sixty nine, of Young Persons and Women in such Manner and for such Times as had previously been customary in the said Paper Mill.

6. During the First Thirty Calendar Months next ensuing the First Day of January One thousand eight hundred and sixty-eight, Male Young Persons of not less than Sixteen Years of Age may be employed in Blast Furnaces, in Iron Mills, in Iron Foundries, in Paper Mills, and in any Factory where the Manufacture of Machinery or the Processes of Letterpress Printing or Bookbinding are carried on in the same Manner as if they were Male Persons exceeding the Age of Eighteen Years.

7. During the First Thirty Calendar Months next ensuing the First Day of January One thousand eight hundred and sixty eight, Women may be employed in or about Blast Furnaces in the same Manner as they were employed in or about such Furnaces before the passing of this Act.

8. During the First Thirty Calendar Months next ensuing the First Day of January One thousand eight hundred and sixty-eight, Children, Young Persons, and Women may be employed in the Manufacture of Preserves from Fruit in the same Manner as they were employed therein before the passing of this Act.

Permanent Modifications.

9. The Twenty-ninth Section of "The Factory Act, 1833," and the Eighteenth Section of "The Factory Act, 1844," relating to the lime-washing and washing of Factories, shall not be in force as respects any Factory.

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10. No Factory shall be so overcrowded, while Work is carried on, as to be dangerous or prejudicial to the Health of those employed therein, and so far as relates to any Factory this Section shall be construed as Part of the Fourth and Fifth Sections of the Factory Acts Extension Act, 1864.

11. Whereas the Customs or Exigencies of certain Trades require that Male Young Persons of the Age of Sixteen Years and upwards should be occasionally employed beyond the Hours allowed by the Factory Acts: It shall be lawful for One of Her Majesty's Principal Secretaries of State, on due Proof to his Satisfaction that such Customs or Exigencies exist, and that such occasional Employment is not injurious to the Health of such Male Young Persons, from Time to Time, by Order to be advertised in the London Gazette, or otherwise published in such Manner as he may think fit, to give Permission that in the Case of any particular Factory or Class of Factories Male Young Persons of Sixteen Years of Age and upwards may be employed for a Period not exceeding Fifteen Hours on any One Day:

Provided that—

1st. They are not so employed except between the Hours of Six in the Morning and Nine in the Evening.

2d. In addition to the Time allowed under the Factory Acts for Meals, they shall be allowed Half an Hour for a Meal after the Hour of Five in the Evening.

3d. They are not so employed for more than Twelve Days in any Period of Four Weeks, nor on the whole for more than Seventy-two Days in any Period of Twelve Months.

12. Whereas the Customs or Exigencies of certain Trades require that the Children, Young Persons, and Women working in a Factory, or in certain Processes in a Factory, or that certain Sets of such Children, Young Persons, or Women, or any of them, should be employed at different Hours, and that the Limits of Time within which they or certain Sets of them may be employed should be extended without increasing their legal Hours of Work: It is hereby declared that on due Proof to the Satisfaction of One of Her Majesty's Principal Secretaries of State of such Customs or Exigencies existing in a Trade, it shall be lawful for the said Secretary from Time to Time, by Order to be advertised in the London Gazette or otherwise published in such Manner as the Secretary of State may think fit, to give Permission that in the Case of any particular Factory or Class of Factories in which such Trade is carried on the Occupier may employ the Children, Young Persons, and Women working in his Factory, or in any Processes of his Factory, or any Sets of such Children, Young Persons, or Women, or any of them, between the Hours of Seven in the Morning and Seven in the Evening, or between the Hours of Eight in the Morning and Eight in the Evening, instead of between the Hours of Six in the Morning and Six in the Evening, for any Time in such Order specified, or until further Order, or on any Day or Days named in such Order; and so far as respects the Persons referred to in any Order given as aforesaid, all the Provisions of the Factory Acts affected by such Change of Hours shall, during the Continuance of such Order, be read as if the Hours of Seven in the Morning and Seven in the Evening, or Eight in the Morning and Eight in the Evening, as Circumstances may require, were throughout such Act substituted for the Hours of Six in the Morning and Six in the Evening:

Provided—

1st. That Notice of the Hours between which Children, Young Persons, and Women, or each Set of them, are to be employed, in such Form as the Inspectors of Factories may direct, and signed by One of such Inspectors and the Occupier or his Agent, shall be hung up and be kept hung up during the Period affected by such Notice in such conspicuous Place in the Factory as may be required by One of the Inspectors of Factories.

2dly. Except in pursuance of the Provisions contained in other Parts of this Act, no Child, Young Person, or Woman shall be employed after the Hour of Two o'Clock in the Afternoon on Saturday; but it shall be lawful in Cases where any Children, Young Persons, or Women are employed in accordance with an Order given under the foregoing Enactment to begin to employ such Children, Young Persons, or Women at Six o'Clock in the Morning on Saturday.

13. In Letterpress Printing Male Young Persons of the Age of Sixteen Years and upwards may be employed for a Period not exceeding Fifteen Hours in any one Day:

Provided that—

1st. They shall not be so employed except between the Hours of Six in the Morning and Nine in the Evening, or in any Factory where Permission has been given by the Secretary of State to work between the Hours of Seven in the Morning and Seven in the Evening, or of Eight in the Morning and Eight in the Evening, then except between the Hours of Seven in the Morning and Ten in the Evening, or of Eight in the Morning and Eleven in the Evening, as the Case may be.

2d. In addition to the Time allowed under the Factory Acts for Meals, they shall be allowed Half an Hour for a Meal after the Hour of Six in the Evening.

3d. They shall not be so employed except on alternate Days.

4th. In every Week in which they are so employed on each alternate Day they shall be allowed either One whole Holiday or Two Half Holidays, each Half Holiday comprising at least One Half of an ordinary working Day.

In Letterpress Printing Male Young Persons of Sixteen Years of Age and upwards may work on alternate Weeks at Night between the Hours of One in the Morning on Monday and Eleven in the Evening on the succeeding Saturday:

Provided—

1st. That they are not employed for more than Eleven and a Half Hours at any One Time, with Intervals of Rest for Meals amounting in the whole to not less than One Hour and a Half.

2d. That there is an Interval of Twelve Hours between each Period of Employment.

3d. That the Total Number of Hours of Work in any One Week do not exceed Sixty Hours.

14. Young Persons of Fourteen Years of Age and upwards and Women may be employed in Bookbinding for a Period not exceeding Fourteen Hours on any One Day:

Provided that—

1st. They shall not be so employed except between the Hours of Six in the Morning and Eight in the Evening, or where Permission has been given by the Secretary of State to work between the Hours of Seven in the Morning and Seven in the Evening, or of Eight in the Morning and Eight in the Evening, then except between the Hours of Seven in the Morning and Nine in the Evening, or Eight in the Morning and Ten in the Evening, as the Case may be.

2d. In addition to the Time allowed under the Factory Acts for Meals, they shall be allowed Half an Hour for a Meal after the Hour of Six in the Evening.

3d. They shall not be so employed—

(a.) If less than Sixteen Years of Age, for more than Three Days in any One Month; or

(b.) If Sixteen Years of Age or upwards, for more than Ninety-six Days in any Period of Twelve Months, or for more than Five consecutive Days in any One Week.

15. Where, under the Modifications contained in the Schedule to this Act, any Child, Young Person, or Woman is employed on any Day for a longer Period than is allowed by the Factory Acts, the Day on which and the Period during which he or she is so employed shall be entered by the Occupier of a Factory in a Register, which shall be in such Form as the Inspectors of Factories may direct, and shall be deemed to be a Register within the Meaning of the Factory Acts.

16. So much of the said Factory Acts as provide that

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during any Time allowed for Meals no Child, Young Person, or Woman shall be employed or allowed to remain in any Room in which any manufacturing Process is carried on shall not apply to Iron Mills, to Paper Manufactories, or any Factory in which Letterpress Printing is carried on, or, except as in this Act mentioned, to Glass Manufactories, or to any Factory or Process in a Factory to which the said Secretary of State may by Order declare the same to be inapplicable; and so much of the said Factory Acts as provide that all the Young Persons employed in a Factory shall have the Time for Meals at the same Period of the Day shall not apply to Blast Furnaces, Iron Mills, to Paper Manufactories, or, except as in this Act mentioned, to any Factory, or Process in a Factory, to which the said Secretary of State may by Order declare the same to be inapplicable.

17. In Blast Furnaces, in Iron Mills, in any Factory in which Letterpress Printing is carried on, in Paper Mills, in any Factory in which the mechanical Power is Water, and in any Factory or Class of Factories, with respect to which One of Her Majesty's Principal Secretaries of State certifies by Order that it has been proved to his Satisfaction that by reason of the Nature of the Business it is necessary to carry on the same throughout the Night, it shall be lawful to employ Male Young Persons during the Night, subject to the same Intervals of Rest which they are allowed during the Day, and subject to this Provision, that no Male Young Person employed during the Night shall be employed during either the preceding or succeeding Day, and that no Male Young Person shall be employed more than Six Nights, or, in the Case of Blast Furnaces and Paper Mills, Seven Nights, in any Fortnight.

18. Where in any Blast Furnace, Iron Mill, Foundry, or Paper Mill the Process in which a Child, Young Person, or Woman is employed is in an incomplete State at the Hour at which such Child, Young Person, or Woman is required by this Act to cease Work, such Child, Young Person or Woman may be employed for a Period not exceeding Thirty Minutes beyond the said Hour.

19. It shall not be necessary to give Notice to the certifying Surgeon of any Accident to a Person employed in any Iron Mill or Blast Furnace unless the Accident prevents the Person injured from returning to his Work for a Period of Forty-eight Hours from the Time of the Accident. When the Person injured shall have been absent for such Period of Forty-eight Hours, the actual Employer of the Person injured shall immediately report the Absence of such Person to the Occupier of the Factory; and if the Inspector or Sub-Inspector of Factories is satisfied that Notice of an Accident has not been given to the certifying Surgeon, owing to the Default of such actual Employer and not of the Occupier, he shall take Proceedings against such actual Employer instead of against the Occupier.

20. In the Case of any accidental Delay occurring in any Process in any Glass Works, in order to recover the Time so lost, any Male Child or Male Young Person may be employed One Hour more than the Time during which such Child or Young Person might otherwise be employed, provided that the total Number of Hours worked do not exceed Sixty in any One Week.

21. In the Process of making Glass it shall be lawful for any Male Young Person, subject to the Provisions of this Act, to work according to the accustomed Hours of the Trade:

Provided—

1st. That the Hours of Work do not exceed Sixty in any One Week, between Midnight on Sunday Night and Midnight on the succeeding Saturday Night.

2d. That the Hours of Work for any such Young Person do not exceed Fourteen Hours in Four separate Turns per Week, or Twelve Hours in Five separate Turns per Week, or Ten Hours in Six separate Turns per Week.

3d. That no such Young Person work in any Turn without an interval of Time equal to One full Turn.

22. In Paper Mills it shall be lawful for any Male Young Person, subject to the Provisions of this Act, to work according to the accustomed Hours of the Trade:

Provided—

1st. That the Hours of Work do not exceed Sixty in any One Week, between Midnight on Sunday Night and Midnight on the succeeding Saturday Night.

2d. That the Hours of Attendance at the Mill of any such Young Person shall not in any Period of Twenty-four Hours exceed Fourteen Hours, and in case the Hours of Attendance exceed Twelve Hours such Young Person shall be allowed Half an Hour for a Meal in addition to the Time allowed under the Factory Acts for Meals.

23. So much of the said Factory Acts as require that in England and Ireland Male Young Persons must have Eight Half Holidays in every Year, in addition to Christmas Day and Good Friday, and in Scotland any Day wholly set apart for the Observance of the Sacramental Fast, and so much of the same Acts as forbid the Employment of Male Young Persons on any Saturday after Two o'Clock of the Afternoon, shall not apply to Male Young Persons employed in Day and Night Turns, changing every alternate Week, and so much of the same Acts as forbids the Employment of Women and Young Persons on any Saturday after Two o'Clock of the Afternoon shall not apply in any Week to any Woman or Female Young Person whose Hours of Work have not exeeded Eight in any Day of that Week.

24. Where it appears to One of Her Majesty's Principal Secretaries of State that the Regulations of the Factory Acts relating to the fencing of Machinery require to be modified in any particular Trade, and that such Modifications can be made with due regard to the Safety of the Children, Young Persons, and Women employed, he may, by Order with respect to any particular Factory or any Class of Factories, modify the said Regulations, so far as such Trade is concerned, upon such Terms and in such Manner as he thinks fit. Such Order shall be advertised in the London Gazette or otherwise published in such Manner as the Secretary of State may think fit. Any Regulations so modified by the said Secretary of State shall be of the same Validity as if they had been the original Regulations contained in the Factory Acts.

25. The said Secretary of State, on Proof to his Satisfaction that the Customs or Exigencies of the Trade require the Alteration to be made, may, by Order to be advertised in the London Gazette, or otherwise published in such Manner as the Secretary of State may think fit, give Permission, with respect to any particular Factory or Class of Factories, for any One or more of the following Things; namely,—

(a.) That Four whole Holidays in any Year may be allowed as a Substitute for the Eight Half Holidays required to be given to every Child, Young Person, and Woman by the Factory Acts: or,

(b.) That the Eight Half Holidays required to be given by the Factory Acts to all the Children, Young Persons, and Women employed may be given on different Days to any of the Children, Young Persons, and Women, or to any Sets of such Children, Young Persons, and Women, and not at the same Time; or,

(c.) That Children, Young Persons, or Women may be employed between Two and Eight o'Clock in the Afternoon on Saturday, provided that in any such Factory or Factories Arrangements are made to the Satisfaction of the said Secretary of State for giving on some Work-day in every Week, to every Child, Young Person, or Woman so employed, a Half Holiday of equal Length either at the Beginning or at the End of their Day's Work; or,

(d.) That in any Factory or Factories where such Secretary has given Permission to work between the Hours of Seven in the Morning and Seven in the Evening, or of Eight in the Morning and Eight in the Evening, Children, Young Persons, and Women may be employed on Saturday, or on any other Day

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on which the weekly Half Holiday is given, between the Hours of Seven in the Morning and Three in the Afternoon, or between Eight in the Morning and Four in the Afternoon; or,

(e.) That a Surgical Certificate given by a certifying Surgeon shall not be invalid solely on account of the Employment of the Child or Young Person named in such Certificate in a Factory other than that for which the Certificate was originally granted, if such Factory is within the District of the same certifying Surgeon.

(f.) That Male Young Persons of not less than Sixteen Years of Age may be employed in the same Manner as if they were Male Persons exceeding the Age of Eighteen Years.

26. Where the Occupier of any Factory is a Person of the Jewish Religion, and it is his Custom to keep such Factory closed on Saturdays until Sunset, it shall be lawful for him to employ Young Persons or Women on that Day from after Sunset until Nine o'Clock at Night.

27. Where in any Factory the Owner or Hirer of any Machine or Implement moved by Steam, Water, or other mechanical Power, in or about or in connexion with which Machine or Implement Children, Young Persons, or Women are employed, is some Person or other than the Occupier of the Factory, and such Children, Young Persons, or Women are in the Employment and Pay of the Owner or Hirer of such Machine, in any such Case such Owner or Hirer shall, so far as respects any Offence against the Factory Acts which may be committed in relation to such Children, Young Persons, or Women, be deemed to be the Occupier of the Factory.

CAP. CIV.

An Act to amend and extend as to Railways in *Ireland* the Provisions of an Act of the Seventh and Eighth Years of *Victoria*, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways.* [15th *August* 1867.]

WHEREAS it is expedient to amend an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways*, so far as the same relates to the furnishing of Accounts to the Commissioners of Her Majesty's Treasury by Railway Companies in *Ireland*:

7 & 8 Vict. c. 85.

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Treasury to call for Accounts of any Railway Company in Ireland.

1. It shall be lawful for the Commissioners of Her Majesty's Treasury to direct any Railway Company in *Ireland* to furnish to them, on such Day as they shall appoint, a full and true Account of all Monies received and paid during a Period of Three Years previous to the Date of the last half-yearly Account of such Company on account of such Railway or of any Undertaking connected therewith (distinguishing, if the said Railway shall be a Branch Railway or one worked in common with other Railways, the Receipts, and giving an Estimate of the Expenses, on account of the said Railway, from those on account of the Trunk Line or other Railways,) by the Directors of the Company to whom such Railway belongs or by whom the same may be worked; and also an Account of the Assets and Liabilities of such Company, at such Time or Times during the said Period as the said Commissioners shall specify; and such Accounts shall be duly audited and certified under the Hands of Two or more of the Directors of such Company.

Power to Treasury to appoint Persons to inspect Accounts, &c. of Railway Companies in Ireland.

2. It shall be lawful for the Commissioners of Her Majesty's Treasury, if and when they shall think fit, to appoint any proper Person or Persons for all or any of the Purposes following; that is to say,

To inspect the Accounts and Books of any Railway Company in *Ireland* during the Period of Three Years previous to the Date of the last half-yearly Account of such Company;

To examine the Railway, Stations, Works, Buildings, Engines, Carriages, and other Property, of whatsoever Kind, belonging to any Railway Company in *Ireland*;

And any Person so appointed may at all reasonable Times upon producing his Authority, if required, inspect the Books, Accounts, and Vouchers, and other Documents of such Company, at the principal Place of Business of such Company, and may take Copies or Extracts therefrom, and enter upon and examine the Railway or Railways, and the Stations, Works, and Buildings belonging to such Company, and may inspect the Engines and Carriages and other Property, of whatever Kind, belonging to such Company; and every such Person may call for the production of any Books, Accounts, Vouchers, or Documents in the Possession or Power of such Company which he may think necessary for the Purpose of determining any Question or Questions connected with the Inspection or Examination which he is authorized to make, and may examine any Person touching any Matters connected therewith on Oath, and may administer the Oaths necessary for that Purpose.

CAP. CV.

An Act to establish Equitable Councils of Conciliation to adjust Differences between Masters and Workmen. [15th *August* 1867.]

CAP. CVI.

An Act to make the Poor Law Board permanent, and to provide sundry Amendments in the Laws for the Relief of the Poor. [20th *August* 1867.]

CAP. CVII.

An Act to uncollegiate the Parish of *Canongate* within the Parliamentary Burgh of *Edinburgh*, to reduce the Amount of the Annuity Tax within the said Parish, and to make Provision for the Maintenance of Two Ministers therein. [20th *August* 1867.]

CAP. CVIII.

An Act to provide for the Guarantee of Persons holding Situations of Trust under Government by Companies, Societies, or Associations. [20th *August* 1867.]

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CAP. CIX.

An Act for extinguishing certain Rights of Way over and along *Barrack Lane* in the Borough of *New Windsor* in the County of *Berks*. [20th *August* 1867.]

CAP. CX.

An Act to consolidate and amend the Acts for rendering effective the Service of *Chelsea* and Naval Out-Pensioners and Pensioners of the *East India* Company, and for Establishing a Reserve Force of Men who have been in Her Majesty's Service. [20th *August* 1867.]

CAP. CXI.

An Act to form a Reserve of Men in the Militia to join Her Majesty's Army in the event of War. [20th *August* 1867.]

CAP. CXII.

An Act to provide further Facilities for the Repair of Roads, Bridges, and other Public Works in *Ireland* in case of sudden Damage. [20th *August* 1867.]

WHEREAS it is expedient that there should be further Facilities for the Repair of Roads, Bridges, and other Public Works in *Ireland* in case of sudden Damage:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Any Three Justices may order Sums not exceeding £50 for repairing sudden Damages to Roads, &c.

1. Any Three Justices of the Peace at Petty Sessions in any County, County of a City, or County of a Town in *Ireland* may, by Writing under their Hands, order any Sum not exceeding Fifty Pounds to be expended in repairing any Road, Bridge, Pier, Quay, Wall, House, Building, or other Work in such County, County of a City, or County of a Town, now or hereafter to be constructed and maintained by Grand Jury Presentment, which may be suddenly damaged, or in erecting a temporary Bridge, Gullet, Pier, Quay, Wall, or Fence in place of any Bridge, Gullet, Pier, Quay, Wall, or Fence suddenly carried away or destroyed, or in collecting and preserving the Materials of such Bridge, Gullet, Pier, Quay, Wall, or Fence, provided it shall appear to them that the Repairs of such Road, Bridge, Pier, Quay, Wall, House, Building, or other Work, or the other Matters hereby authorized to be done, cannot be delayed until the next Assizes without Prejudice to the Public, and that the Necessity of the same shall be notified to them by the County Surveyor; and it shall be lawful for such Justices to appoint a proper Person or Persons to repair the same, or to execute such other Works as aforesaid, and the Grand Jury of any such County, County of a City, or County of a Town is hereby empowered to present at the next Assizes the Sum so expended in repairing any such Road, Bridge, Pier, Quay, Wall, House, Building, or other Work, or in executing such other Works as aforesaid, to be levied on such County at large, or on the Barony, or on the County of a City or County of a Town in which the same is situate, according as the same is liable to be repaired or executed by the said County at large, or by the said Barony, or by the said County of a City or County of a Town; and the Sum so presented in the said several Cases shall be paid to the Person or Persons so appointed by such Justices to make such Repairs or execute such Works as aforesaid upon his or their producing such Order under the Hands and Seals of the said Justices, and also a Certificate under the Hand of the County Surveyor that the Sum specified in such Order appears to have been faithfully and honestly expended pursuant thereto: Provided always, that the same Justices of the Peace shall not make or sign more than One Order for the Expenditure of any Sum as aforesaid for the Reparation of the like sudden Damage between the Termination of one Assize and the Commencement of another.

In case of sudden Damage, Three Justices and Five Cesspayers may present Memorial to Lord Lieutenant.

2. When any Road, Bridge, Pier, Quay, Wall, House, Building, or other Work now or hereafter constructed or maintained by Grand Jury Presentment, and situate wholly within any County, County of a City, or County of a Town in *Ireland*, has been suddenly damaged, and it shall appear to any Three Justices of the County, County of a City, or County of a Town in which the same is situated, and to any Five of the Cesspayers appointed by the Grand Jury at the then preceding Assizes of the said County, County of a City, or County of a Town to be associated with the Justices at the ordinary Presentment Sessions to be holden next after such Assizes for the Purposes of the Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, Chapter One hundred and sixteen, for the Barony, Half Barony, County of a City, or County of a Town in which such Damage or the greater part thereof has occurred, that the Repairs of such Road, or that the Repairs or rebuilding of any such Bridge, Pier, Quay, Wall, House, Building, or other Work, cannot be delayed without Prejudice to the Public, and that the County Surveyor shall certify the Necessity of the same, and that the probable Cost of the same will exceed Fifty Pounds, it shall be lawful for the said Justices and Cesspayers to present a Memorial, signed by each of them, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, stating the Nature of the sudden Damage to such Road, Bridge, Pier, Quay, Wall, House, Building, or other Work, the said Certificate of the County Surveyor, the Natnre of the Works which are necessary, the Reasons why the same cannot be delayed without Prejudice to the Public, the probable Cost of the same, and the Mode in which the Cost of the Construction and Maintenance of such Road, Bridge, Pier, Quay, Wall, House, Building, or other Work was levied, and praying that he or they should order that an Extraordinary Presentment Sessions for the County at large, Barony, Half Barony, County of a City, or County of a Town previously chargeable with the said Cost of Maintenance, or the greater Part thereof, should meet and assemble to consider an Application to be made by the said County Surveyor for the Works necessary to repair the said Damage.

Lord Lieutenant may direct Presentment of Works under this Act.

3. Whenever any such Memorial shall have been presented as aforesaid it shall be lawful for the Lord Lieutenant or Chief Governor or Governors of *Ireland*, if he or they shall so think fit, by a Notice to be published in the *Dublin Gazette*, and also in One or more Newspapers circulating in the District in which Damage is stated in said Memorial to have occurred, and of which Notice Copies shall be posted in the usual Places for posting public Grand Jury Notices in such

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District, to direct and require that an Extraordinary Presentment Sessions for the County at large, Barony, Half Barony, County of a City, or County of a Town mentioned in said Memorial, shall meet and assemble at such Place in such District, for the Purpose of considering the Application for repairing the Damage stated as aforesaid, on such Day and Hour as shall be specified in such Notice, not being sooner than Five nor later than Ten Days after the Publication of such Notice in the Gazette as aforesaid; and it shall and may be lawful for every Justice of the Peace for the County, County of a City, or County of a Town in which such Extraordinary Presentment Sessions are holden respectively, not being a Stipendiary Magistrate, to attend, and such Justices respectively, and the Cesspayers associated with them respectively, as herein-after provided, are hereby required to assemble and to hold such Extraordinary Presentment Sessions respectively, for the Purposes of this Act, in such Place and at such Time as shall have been so appointed; and such Extraordinary Presentment Sessions shall in all respects be constituted as if the same had been appointed as an Ordinary Presentment Sessions by the Grand Jury of the said County, County of a City, or County of a Town by Presentment at the then preceding Assizes; and the Provisions contained in the said Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth relative to the Selection of a Chairman, and of the Cesspayers to be associated with the Justices or Justice at Presentment Sessions, and to the Casting Voice of such Chairman, shall, so far as the same are applicable, extend to such Extraordinary Presentment Sessions under this Act; and the Secretary of the Grand Jury and the County Surveyor shall attend thereat.

Justices to hold Sessions for the Purposes of this Act at the Time and Place appointed.

Applications to be made by County Surveyor.

4. The said County Surveyor shall make Application to such Extraordinary Presentment Sessions for the Works necessary to repair the Damage mentioned in the Notice of the holding of such Sessions, and for any temporary Works which may be necessary for the Convenience of the Public during the Progress of the said Works, and such Application shall be made in the Manner appointed for the making of Applications to Presentment Sessions by the recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth; and it shall not be necessary to lodge any such Application with the Secretary of the Grand Jury, but such Application shall be delivered to the Chairman at such Extraordinary Presentment Sessions, and shall be dealt with thereat in the Manner herein-after provided.

Proceedings at Extraordinary Presentment Sessions.

5. At any Extraordinary Presentment Sessions holden as herein-before provided the Justices and Cesspayers associated in the Business of such Sessions shall take into consideration the Application of the County Surveyor, and if the said Justices and Cesspayers at such Sessions as aforesaid shall approve of such Application, and of the Cost of the proposed Works, either wholly or in part, or of any Modification thereof, they shall direct the said County Surveyor to prepare such Specifications, Maps, Plans, Sections, or Elevations as may be necessary, expressing the Nature and Extent of such Works, and to deliver the same when prepared to the Secretary of the Grand Jury, and also to prepare a proper Form of Tender for the Execution of such Works, expressing the Nature and Extent of such Works, and the Materials proper to be employed in performing and executing the same, and the Term within which the same shall be completed, and such other Particulars as the said Justices and Cesspayers shall think fit to prescribe, and the said Justices and Cesspayers shall appoint the Manner in which Notice for the Receipt of Sealed Tenders and Proposals for the Execution of such Work shall be given, and the Period during which they shall be received, and shall direct that such Tenders and Proposals shall be opened by the Grand Jury at the then next succeeding Assizes; and the Chairman of such Sessions shall endorse such Application accordingly, and sign his Name thereto, and deliver such Application, so endorsed, to the Secretary of the said Grand Jury.

Application, Tenders, and Proposals to be laid before Grand Jury.

6. Such Application, sealed Tenders and Proposals, shall be laid before the Grand Jury of the County, County of a City, or County of a Town in which such Extraordinary Sessions shall have been held, at the then next succeeding Assizes, and shall be subject to such and the like Regulations in all respects as like Applications, Tenders, and Proposals are respectively subject to under the Provisions of the recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, and any Act or Acts amending the same: Provided always, that the said Grand Jury shall present to be levied off such County at large, County of a City, or County of a Town, such Sums as shall be necessary to defray the Cost of all copying or printing necessary for the Purposes of this Act, and also such other Sums of Money to be paid to the Secretary of the Grand Jury, and to the County Surveyor or his Assistants, as shall have been actually expended by them respectively for their Expenses out of Pocket in or in respect of their respective Attendance at any such Extraordinary Presentment Sessions as herein provided.

CAP. CXIII.

An Act for facilitating the Distribution of Sewage Matter over Land, and otherwise amending the Law relating to Sewer Authorities.

[*20th August* 1867.]

CAP. CXIV.

An Act to extend the Jurisdiction, alter and amend the Procedure and Practice, and to regulate the Establishment of the Court of Admiralty in *Ireland*.

[*20th August* 1867.]

WHEREAS it is expedient to extend the Jurisdiction and alter and amend the Procedure and Practice of the High Court of Admiralty of *Ireland;* to alter the Mode of appealing therefrom; to regulate the Establishment of the Court, and to substitute Stamps for Court Fees therein:

Be it therefore enacted: . . . . .

Preliminary:

Short Title.

1. This Act may be cited as "The Court of Admiralty (*Ireland*) Act, 1867."

Interpretation of Terms.

2. In the Interpretation and for the Purposes of this Act (if not inconsistent with the Context or Subject) the following Terms shall have the respective Meanings herein-after assigned to them; that is to say,

"Ship" shall include any Description of Vessel used in Navigation not exclusively propelled by Oars:

"Cause" shall include any Cause, Suit, Action, Matter, or other Proceeding in the Court of Admiralty of *Ireland:*

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"The Court of Admiralty" shall mean the Court of Admiralty of *Ireland*:

"The Judge" shall mean the Judge of the said Court of Admiralty for the Time being:

"Her Majesty in Council" shall mean Her present Majesty, Her Heirs or Successors, in the Privy Council in *England*:

"The Lord Chancellor" shall mean and include the Lord High Chancellor, Lord Keeper, and Lords Commissioners for the Custody of the Great Seal of *Ireland* for the Time being:

"Local Court" shall mean and include the Court of the Recorder of the Borough of *Cork*, the Court of the Recorder of the Borough of *Belfast*, and the Court of any other Recorder, or of any Chairman of Quarter Sessions in *Ireland*, to whom Jurisdiction in Admiralty Cases shall be given by virtue of this Act.

Commencement of Act.

3. Except with respect to the Appointment of Officers, in which respect this Act shall take effect from its passing, this Act shall take effect from and immediately after the Second Day of *November* One thousand eight hundred and sixty-seven (which Time is in this Act referred to as the Commencement of this Act).

Sects. 1., 2., and 3. of 23 & 24 G. 3. c. 14 (Irish), and so much of Sect. 1. of 2 & 3 W. 4. c. 116. as relates to the Salary of the Judge of the Admiralty Court of Ireland, and Sect. 14. of 20 & 21 Vict. c. 79., repealed.

4. From and after the Commencement of this Act, the First, Second, and Third Sections of the Act passed by the Parliament of *Ireland* of the Twenty-third and Twenty-fourth Years of the Reign of King *George* the Third, Chapter Fourteen, and so much of the First Section of the Act of the Second and Third Years of the Reign of King *William* the Fourth, Chapter One hundred and sixteen, as relates to the Salary of the Judge of the Admiralty Court in *Ireland*, and the Fourteenth Section of "The Probates and Letters of Administration Act (*Ireland*), 1857," shall be and the same are respectively hereby repealed.

Cesser of Offices.

5. From and after the Commencement of this Act, the present Judge, Registrar (if any), Marshal, and Seal Keeper of the High Court of Admiralty of *Ireland* shall cease to hold their respective Offices.

PART I.

COURT AND OFFICERS.

One Judge and One Registrar of Court.

6. There shall be One Judge of the High Court of Admiralty of *Ireland*, and One Registrar, who shall also act as Seal Keeper and Secretary of the Judge, and One Marshal of the said Court.

Appointment of Judge.

7. It shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time, by Letters Patent under the Great Seal of *Ireland*, to appoint a Person, being or having been an Advocate of the Court of Admiralty of *Ireland* or a Barrister-at-Law of not less than Fifteen Years Standing, to be such Judge; and the said Judge shall hold his Office during good Behaviour, but may be removed by Her Majesty, Her Heirs or Successors, on an Address of both Houses of Parliament; and the said Judge shall have full Power and Authority to hear and determine all manner of Civil, Maritime, and other Causes to the Jurisdiction of the said Court now belonging, and shall also have such Jurisdiction as is herein-after by this Act given to the said Court of Admiralty.

Judge before acting to take the following Oath.

8. Every Judge of the Court of Admiralty shall, before executing any of the Duties of his Office, take the following Oath, which the Lord Chancellor or the Master of the Rolls for the Time being is hereby respectively authorized and required to administer:

'I *A.B.* do solemnly and sincerely promise and 'swear, That I will duly and faithfully, and to the best 'of my Skill and Power, execute the Office of Judge 'of the High Court of Admiralty of Ireland.

'So help me GOD.'

Judge not to sit in Parliament or practise as an Advocate or Barrister.

9. No Judge appointed under this Act shall during his Continuance in such Office be capable of being elected or sitting as a Member of the House of Commons, nor shall he during such Period practise as an Advocate or Barrister-at-Law.

Power to Lord Lieutenant to appoint Registrar and Marshal.

10. The Lord Lieutenant or other Chief Governor or Governors of *Ireland* may from Time to Time, by Warrant under his Hand, appoint a fit Person, being an Advocate, Barrister-at-Law, Proctor, Attorney, or Solicitor of Ten Years Standing, to be the Registrar of said Court, and also One other fit Person to be the Marshal of said Court; and the Persons so appointed shall hold their respective Offices by the same Tenure as Officers serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by the Order of the Lord Chancellor, at the Instance of the Judge of the said Court of Admiralty, for some reasonable Cause to be expressed in the said Order.

Registrar to attend the Court of Appeal in Chancery.

11. The Registrar of the said Court of Admiralty shall attend the Hearing by the Court of Appeal in Chancery of all Appeals preferred thereto by virtue of this Act, and (subject to any Order of the said Court of Appeal in Chancery) shall transact and do all such Acts and Things as have heretofore been done by the Registrar of Appeals and Provocations Spiritual in the High Court of Delegates in *Ireland* in Cases of Appeal to that Court from the said Court of Admiralty.

Officers not to execute their Duties by Deputy, except in case of Illness, &c.

12. From and after the Commencement of this Act, the Registrar and all other Officers of the said Court of Admiralty shall perform their Duties in Person, and not by Deputy, except in case of temporary Illness or other reasonable Cause allowed by the Judge: Provided always, that in case any Officer of the said Court of Admiralty shall be prevented by temporary Illness or other reasonable Cause allowed as aforesaid from attending to his Duties, the Judge may appoint a fit and proper Person to act as the Deputy of such Officer; and no such Deputy shall continue to act for any longer Time than shall be allowed and specified in and by the Order to be made on each such Occasion by the Judge; and all the Powers and Authorities of the Officer in whose Place any such Deputy shall be appointed may be exercised by such Deputy during the Time while he shall be so authorized to act as aforesaid.

No Officer of the Court to practise therein.

13. No Registrar or other Officer of the said High Court of Admiralty, save the Marshal, nor any Clerk of said Court, shall during the Time of his holding such Office, directly or indirectly, practise as an Advocate, Barrister, Proctor, Solicitor, or Attorney, or as Clerk to any Proctor, Solicitor, or Attorney, or participate in the Fees of any other Person so practising; and the Marshal of said Court shall not, directly or indirectly, practise therein,

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or participate in the Fees of any other Person so practising.

Power to Judge to appoint Chief Clerk to Registrar and other Clerks.

14. It shall be lawful for the Judge of the said Court of Admiralty, with the Approval of the Commissioners of Her Majesty's Treasury, to appoint a Chief Clerk to assist in the Duties of the Registrar's Office, and such other Clerk or Clerks as may be necessary for the Business of the said Court, and such Chief Clerk, Clerk or Clerks, shall hold their respective Offices by the same Tenure as Officers serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by the Order of the Judge of the said Court, with the Concurrence of the Lord Chancellor, for some reasonable Cause to be stated in the said Order.

Crier, Tipstaff, and Servants.

15. It shall be lawful for the Judge of the said Court of Admiralty from Time to Time to appoint a Crier and Tipstaff to be attached to the said Court, and, with the Approval of the Commissioners of Her Majesty's Treasury, such Servants as may be required for the said Court; and such Crier, Tipstaff, and Servants shall hold their respective Offices and Situations during the Pleasure of the said Judge.

Salaries of Judge and Officers.

16. The Salaries of the Judge and Officers of the said Court of Admiralty shall be as follows; namely,—

Of the Judge Twelve hundred Pounds a Year:

Of the Registrar Five hundred Pounds a Year;

Of the Marshal Four hundred Pounds a Year; besides such travelling and other Expenses necessarily incurred in the Execution of his Duty as the Judge, with the Approval of the Commissioners of Her Majesty's Treasury, shall allow.

Of the Chief Clerk in the Registrar's Office and the Clerks of the said Court, and of the Crier, Tipstaff, and Servants of the said Court, such Salaries respectively as the Judge, with the Consent of the Commissioners of Her Majesty's Treasury, shall appoint.

Retiring Pension to Judge.

17. Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, may grant unto any Person executing the Office of Judge in pursuance of this Act an Annuity not exceeding Eight hundred Pounds, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; provided that it shall be lawful for Her Majesty, in and by such Letters Patent, to limit the Duration of Payment of such Annuity or any Part thereof to the Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall not exceed in the whole the said Sum of Eight hundred Pounds; provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act shall be valid unless such Person shall have continued in the said Office, or in such Office and in the Office of Judge of the present Court of Admiralty or some other Judicial Office, for the Period of Fifteen Years, or shall be afflicted with some permanent Infirmity disabling him from the due Execution of his Office, which shall be distinctly recited in the said Grant.

Compensation to Judge and any Officer of present Court of Admiralty not reappointed under this Act.

18. In case the present Judge of the Court of Admiralty be not appointed to the Office of Judge of the said Court under this Act, he shall be entitled to receive by way of Compensation during his Life an Annuity equal to his Salary at the Commencement of this Act; and such Annuity shall be charged on and payable out of the Consolidated Fund of the United Kingdom; and in case any other Person who shall cease by the Provisions of this Act to hold any Office in the said Court be not appointed to some Office of not less Emolument under this Act, it shall be lawful for the Commissioners of Her Majesty's Treasury to grant to such Person such special annual Allowance and in such Manner as by the Seventh Section of "The Superannuation Act, 1859," is provided in case of Persons whose Offices have been abolished.

Power to Judge to appoint Superannuation of Officers.

19. Any Officer of the said Court of Admiralty who shall resign his Office shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Office or in any other Public Office, and shall proceed according to the Principles laid down by "The Superannuation Act, 1859."

Salary of Judge and Conpensations to be charged on Consolidated Fund; other Salaries, &c. out of Monies to be provided by Parliament.

20. The Salary of the Judge of the said Court of Admiralty, and any retiring Annuity granted to a Judge of the said Court under this Act, shall be charged on and payable out of the Consolidated Fund of the United Kingdom; and the Salaries of all Officers or Servants of the said Court, and any Superannuation Allowance which may be granted to any such Officer or Servant under this Act, shall be paid out of such Funds as Parliament shall from Time to Time provide for that Purpose.

Court to be a Court of Record.

21. The Court of Admiralty shall be a Court of Record for all Intents and Purposes.

Protection of the Judge of Court of Admiralty.

22. No Action shall lie against the Judge of the said Court of Admiralty for Error in Judgment, and the Judge shall be entitled to and have all the Privileges and Protection in the Exercise of his Jurisdiction as Judge of the said Court which by Law appertain to the Judges of Her Majesty's Superior Courts of Common Law in the Exercise of their several Jurisdictions.

Power to the Judge to appoint a Surrogate.

23. The Judge of the said Court of Admiralty shall be entitled, as heretofore, to appoint, with the Consent of the Lord Chancellor of *Ireland*, a Surrogate, being an Advocate or Barrister of not less than Ten Years Standing, who, in case of the Illness or Absence of the Judge, or in any Cause in which the Judge, his Wife or Child, or any Member of his Family, shall have an Interest, and also during any Period which shall be specified by any General Order of the Court, may sit for the Judge, and exercise all his Powers.

Power to Judge to appoint "Clerk in Court."

24. It shall be lawful for the Judge of the said Court of Admiralty, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to appoint a

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competent Writer of Shorthand to attend the Court for the Purpose of taking down and transcribing all such Evidence, Statements, and Matters as the Judge shall direct; and any Person so appointed shall hold Office during the Pleasure of the said Judge, and shall be paid such annual Salary as the Commissioners of Her Majesty's Treasury, on the Recommendation of the Judge, shall appoint; and there shall be charged, as Part of the Costs in any Cause in the said Court, such Fees for Copies of the Minutes of any Evidence taken down by such Shorthand Writer during the Progress of such Cause as shall be appointed by General Orders and sanctioned by the Commissioners of Her Majesty's Treasury; and there shall be One such Copy made in every Cause for the Use of the Court, and certified as true and correct by such Shorthand Writer, and filed as a Record of the Court; and the Fees payable therefor shall be charged as Court Fees, and be paid for by such Party in the first instance, and in such Manner as shall be directed by General Orders, and shall be deemed to be Part of such Party's Costs in the Cause.

Barristers-at-Law, Attorneys-at-Law, and Solicitors to be at liberty to practise in High Court of Admiralty.

25. All Barristers-at-Law, and all Attorneys-at-Law and Solicitors, shall, from and after the Time when this Act shall come into operation, be entitled to practise as Barristers, Attorneys, and Solicitors respectively in all Matters and Causes whatsoever in the said Court of Admiralty; and the said Barristers-at-Law shall and may have and exercise the same Rights and Privileges of practising in the said Court of Admiralty as Advocates now have and enjoy in the said Court, and the said Attorneys and Solicitors shall and may have and exercise the same Rights and Privileges of practising in the said Court of Admiralty as Proctors now have and enjoy in the said Court; and the said Advocates and Barristers-at-Law shall have respectively the same Rank and Precedence in the said Court of Admiralty which they now have in the Superior Courts of Common Law, unless and until Her Majesty shall otherwise order: Provided always, that all Attorneys-at-Law and Solicitors practising in the Court of Admiralty shall be subject to the Authority of the Judge in the like Manner as Attorneys of the Queen's Bench are subject to the Authority of that Court: Provided also, that the Queen's Advocate General in the Court of Admiralty for the Time being shall have and retain the same Rights, Rank, and Precedence in that Court as he now has therein by virtue of his said Office.

Admission of Wm. Russell Kelly and of Articled Apprentices as Attorneys and Solicitors.

26. Whereas *William Russell Kelly* has been lately admitted a Proctor of the said Court of Admiralty, and *Charles Taylor*, *John Chambers Hamerton*, *Henry Albert Lee*, and *John Mallins* have been duly articled as Apprentices to Proctors of the said Court of Admiralty: It is hereby enacted, That the said *William Russell Kelly* may, within Six Months from the coming of this Act into operation, and that each of them the said *Charles Taylor*, *John Chambers Hamerton*, *Henry Albert Lee*, and *John Mallins*, who shall complete the full Term of Service for which he has been bound as such Apprentice, may, within Six Months thereafter, be admitted, without any further Apprenticeship, and without the Payment of any Stamp Duty, Fee, Charge, or Gratuity whatsoever, as a Solicitor of the High Court of Chancery in *Ireland*; and upon the Production of an official Certificate of his being admitted or qualified to be admitted as a Proctor of the said Court of Admiralty, and upon signing the Roll of Solicitors of the said Court of Chancery, each of the Persons in this Clause above named shall respectively be entitled to be admitted as a Solicitor of that Court, and to be afterwards in like Manner admitted and enrolled as an Attorney of Her Majesty's Superior Courts of Law in *Ireland*.

PART II.

JURISDICTION OF THE COURT.

Jurisdiction in Cases of Salvage.

27. Subject to the Provisions of "The Merchant Shipping Act, 1854," and "The Merchant Shipping Amendment Act, 1862," the Court of Admiralty shall have Jurisdiction to decide upon all Claims whatsoever relating to Salvage, and to enforce the Payment thereof, whether the Service in respect of which Salvage is claimed were performed upon the High Seas or within the Body of any County, or partly in one Place and partly in the other, and whether the Wreck is found at Sea or cast upon the Land, or partly in the Sea and partly on Land.

Jurisdiction in Cases of Towage.

28. The Court of Admiralty shall have Jurisdiction to decide all Claims and Demands in the Nature of Towage, and to enforce the Payment thereof, whether such Towage was performed within the Body of a County or upon the High Seas.

Jurisdiction in Cases of Damage.

29. The Court of Admiralty shall have Jurisdiction over any Claims for Damage received or done by any Ship, whether within the Body of a County or not.

As to Claims for building, &c. of Ships.

30. The Court of Admiralty shall have Jurisdiction over any Claim for the building, equipping, or repairing of any Ship.

Jurisdiction of the Court in Claims for Necessaries.

31. The Court of Admiralty shall have Jurisdiction over any Claim for Necessaries supplied to any Ship elsewhere than in the Port to which the Ship belongs.

Court of Admiralty to decide Questions as to Ownership, &c. of Ships.

32. The Court of Admiralty shall have Jurisdiction to decide all Questions arising between the Co-Owners or any of them touching the Title to or the Ownership, Possession, Employment, and Earnings of any Ship registered at any Port in *Ireland*, or any Share thereof, and may settle all Accounts outstanding and unsettled between the Parties in relation thereto, and may direct the said Ship or any Share thereof to be sold, and may make such Order in the Premises as to it shall seem fit.

As to Claims for Wages and for Disbursements by Master of a Ship.

33. The Court of Admiralty shall have Jurisdiction over any Claim by a Seaman of any Ship for Wages earned by him on board the Ship, whether the same be due under a special Contract or otherwise, and also over any Claim by the Master of any Ship, for Wages earned by him on board the Ship, and for Disbursements made by him on account of the Ship.

Provisions of 3 & 4 Vict. c. 65. in regard to Mortgages extended to Court.

34. The Court of Admiralty shall have Jurisdiction over any Claim in respect of any Mortgage duly registered according to the Provisions of "The Merchant Shipping Act, 1854," whether the Ship or the Proceeds thereof be under Arrest of the said Court or not.

Sections 62 to 65 of 17 & 18 Vict. c. 104. extended to Court.

35. The Court of Admiralty shall have the same Powers over any *British* Ship, or any Share therein, as are conferred upon the High Court of Chancery in *Ireland*

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by the Sixty-second, Sixty-third, Sixty-fourth, and Sixty-fifth Sections of "The Merchant Shipping Act, 1854."

Part 9 of 17 & 18 Vict. c. 104. extended to Court.

36. The Court of Admiralty shall have the same Powers as are conferred upon the High Court of Chancery in *Ireland* by the Ninth Part of "The Merchant Shipping Act, 1854."

Extension of Jurisdiction of Court of Admiralty over Ships and Goods.

37. The Court of Admiralty shall have Jurisdiction over any Claim by the Owner or Consignee or Assignee of any Bill of Lading of any Goods carried into any Port in *Ireland* in any Ship for Damage done to the Goods, or any Part thereof, by the Negligence or Misconduct of, or for any Breach of Duty or Breach of Contract on the Part of, the Owner, Master, or Crew of the Ship.

Court may exercise Jurisdiction in rem or in personam.

38. The Jurisdiction conferred by this Act may be exercised either by Proceedings in *in rem* or by Proceedings *in personam.*

Practice, &c. to be regulated by General Orders.

39. General Orders shall be from Time to Time made under this Act for the Purposes in this Act directed, and for regulating the Practice and Procedure of the High Court of Admiralty and of the Local Courts, and the Forms of Writs, Warrants, Summonses, Processes, and Proceedings therein or issuing therefrom, and the Duties of the Judges and Officers thereof, and the Fees to be taken therein.

Authority for making General Orders.

40. General Orders under this Act shall be made by the Judge of the Court of Admiralty, with the Approval of the Lord Chancellor, and, as far as they relate to Fees, or Receipt and Expenditure of and accounting for Money, with the Approval of the Commissioners of Her Majesty's Treasury; and any General Orders under this Act may be made at any Time after the passing of this Act.

Certain Powers of Superior Courts extended to Court.

41. The Judge of the Court of Admiralty shall have all such Powers as are possessed by any of the Superior Courts of Common Law in *Ireland*, or any Judge thereof, to compel either Party in any Cause or Matter to answer Interrogatories, and to enforce the Production, Inspection, and Delivery of Copies of any Documents in his Possession or Power.

Gaolers to receive Prisoners committed by Court of Admiralty.

42. The Keeper for the Time being of any Common Gaol or Prison shall be bound to receive or take into his Custody all Persons who shall be committed thereunto by the said Court of Admiralty; and every Keeper of any Gaol or Prison who shall refuse to receive into his Custody any Person so committed, or wilfully or negligently suffer such Person to escape or go at large without lawful Warrant, shall be liable to the like Penalties and Consequences as if such Person had been committed to his Custody by any other lawful Authority.

Prisoners in Contempt may be discharged.

43. It shall be lawful for the Judge to order the Discharge of any Person who shall be in Custody for Contempt of the said Court, or for any other Cause other than Nonpayment of Money, on such Conditions as to the Judge shall seem just: Provided always, that the Order for such Discharge shall not be deemed to have purged the original Contempt in case the Conditions on which such Order shall be made be not fulfiled.

Judge and Registrar to have same Power as to Arbitration as Judges and Masters at Common Law.

44. All the Powers possessed by any of the Superior Courts of Common Law, or any Judge thereof, under "The Common Law Procedure Act, 1856," and otherwise with regard to References to Arbitration, Proceedings thereon, and the enforcing of Awards of Arbitrators, shall be possessed by the Judge of the Court of Admiralty in all Cases and Matters depending in the said Court; and the Registrar of the said Court of Admiralty shall possess as to such Matters the same Powers as are possessed by the Masters of the said Superior Courts of Common Law in relation thereto.

Section 15 of 17 & 18 Vict. c. 104. extended to Registrar of Court of Admiralty.

45. The Registrar of the Court of Admiralty shall have the same Powers under the Fifteenth Section of "The Merchant Shipping Act, 1854," as are by the said Section conferred on the Masters of Her Majesty's Court of Queen's Bench in *England* and *Ireland.*

Registrar to have Power to administer Oaths.

46. The Registrar of the said Court of Admiralty shall have Power to administer Oaths in relation to any Cause or Matter depending in the said Court, and shall have also such other Powers as may be given him for the Discharge of his Functions as Registrar by any Rule, Order, or Regulation to be made in pursuance of this Act.

Restriction on Arrest of Property.

47. The Party at whose Instance any Property is arrested under a Warrant of the High Court of Admiralty shall be liable to be condemned in all Costs and Expenses occasioned thereby, and in Damages for the Detention of the Property, unless he shows to the Satisfaction of the Court that he could not, without such Arrest, have obtained Bail or other Security for the Sum in which the Cause is instituted, or that he had otherwise good and sufficient Reason for having caused the Issue and Execution of the Warrant of Arrest.

PART III.

PRACTICE AND PROCEDURE.

1.—*Payment of Money into Court, &c.*

Money payable into Court to be lodged in the Bank of Ireland.

48. All Money payable into the Court of Admiralty under any Order of the Court, shall be lodged, under Orders of the Court, to be made from Time to Time, in the Bank of *Ireland*, to an Account there to be opened in the Name of the Registrar of the High Court of Admiralty of *Ireland*, to the Credit of the Cause in which such Order may be made, and the same shall not be drawn out therefrom save in pursuance of an Order of the Court, by the Cheque or Draft of the said Registrar, countersigned by the Judge.

2.—*Evidence.*

Rules of Evidence in Common Law Courts to be observed.

49. The Rules of Evidence observed in the Superior Courts of Common Law shall be applicable to and observed in the Trial of all Matters and Facts in the Court of Admiralty.

Power to examine viva voce in open Court.

50. In any Cause depending in the Court of Admiralty, the Court, if it shall think fit, may summon before it and examine or cause to be examined Witnesses by Word of Mouth, and either before or after Examination by Deposition or before a Commissioner,

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as hereafter mentioned, and Notes of such Evidence shall be taken down in Writing by the Judge or Registrar, or by such other Person or Persons and in such Manner as the Judge of the said Court shall direct.

Evidence may be taken viva voce before a Commissioner.

51. The Court may, if it shall think fit, by Order in any such Suit, appoint some Person, being a Barrister-at-Law of not less than Seven Years Standing, an Examiner to take Evidence in such Suit by Word of Mouth upon Oath, which every such Examiner is hereby empowered to administer, at such Time or Times, Place or Places, and as to such Fact or Facts, and in such Manner, Order, and Course, and under such Limitations and Restrictions, and to transmit the same to the Registry of the said Court in such Form and Manner, as in and by the said Order shall be directed; and such Examiner shall be attended, and the Witnesses shall be examined, cross-examined, and re-examined, by the Parties, their Counsel, Solicitors, Attorneys, or Agents, if such Parties or either of them shall think fit so to do; and such Examiner shall, if need be, make a special Report to the Court touching such Examination, and the Conduct or Absence of any Witness or other Person thereon or relating thereto; and the said Court of Admiralty is hereby authorized to institute such Proceedings and make such Order or Orders upon such Report as Justice may require and as may be instituted or made in any Case of Contempt of the said Court.

Attendance of Witnesses and Production of Books, &c. may be compelled by Subpœna.

52. It shall be lawful in any Suit depending in the said Court of Admiralty for the Judge or for any such Examiner appointed in pursuance of this Act to require the Attendance of any Witness, and the Production of any Deeds, Evidences, Books, or Writings, by Writ to be issued by such Judge or Examiner in such Form as shall be directed by the General Orders to be made under this Act or as nearly thereto as may be, and every Person disobeying any such Writ so to be issued by the said Judge or Examiner shall be considered as in Contempt of the said Court of Admiralty, and may be punished for such Contempt in the said Court.

Judge of Admiralty may appoint Solicitors, &c. to administer Oaths, &c.

53. The Judge of the Court of Admiralty may and he is hereby empowered, from Time to Time and as and when he may think fit, to appoint any Person practising as a Solicitor, Attorney, or Notary Public in any Part of *Ireland* to administer Oaths, and take Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the Court of Admiralty; and such Persons shall be styled "Commissioners to administer Oaths in Admiralty," and shall be entitled to charge and take a Fee of One Shilling and Sixpence for every Oath administered by them, and for every Declaration, Affirmation, and Attestation taken by them, subject to any Order of the Judge of the said Court varying or annulling the same.

Commissioner's Appointment to bear a Stamp of One Pound.

54. The Fiat or Document by which any such Commissioner shall be appointed shall bear a Stamp of One Pound, and it shall not be necessary that any such Appointment shall be published in the *Dublin Gazette*.

Personal Answers may be taken without a Commission.

55. It shall not be necessary to sue out any Commission to take the personal Answer of any Party in any Cause in the Court of Admiralty; and any such Answer may be filed without any further or other Formality than is required in the swearing and filing of an Affidavit.

Answers, Affidavits, &c. how to be sworn and taken in Ireland.

56. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Matter, Suit, or Proceeding in the said Court of Admiralty may be sworn and taken in *Ireland* before any Commissioner appointed as aforesaid, or before any Commissioner to administer Oaths in Chancery.

Answers, Affidavits, &c., how to be sworn and taken out of Ireland.

57. All Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations in or relating to any Cause in the said Court of Admiralty may be sworn and taken in *England*, *Scotland*, or the *Isle of Man*, or the *Channel Islands*, or any of them, or, in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Judge, Court, Commissioner, Notary Public, or Person lawfully authorized to administer Oath in such Country, Island, or Plantation or Place respectively, or before any of Her Majesty's Consuls or Vice-Consuls in any Foreign Parts out of Her Majesty's Dominions; and the Judge and other Officers of the said Court of Admiralty shall take judicial Notice of the Seal or Signature, as the Case may be, of any such Judge, Court, Commissioner, Notary Public, Person, Consul or Vice-Consul attached, appended, or subscribed to any such Answers, Examinations, Affidavits, Depositions on Oath, Declarations, Affirmations, and Attestations, or the Documents to be used in the said Court.

Penalties for false swearing.

58. All Persons swearing, declaring, affirming, or attesting before any Person authorized by this Act to administer Oaths, and take Declarations, Affirmations, and Attestations, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the Matter sworn, declared, affirmed, or attested before any Court or Person now by Law authorized to administer Oaths and take Declarations, Affirmations, and Attestations.

Penalty for forging Signature or Seal of Judge, &c. empowered to administer Oaths under this Act.

59. If any Person shall forge the Signature or the official Seal of any such Judge, Commissioner, Court, Notary Public, Consul or Vice-Consul, or other Person lawfully authorized to administer Oaths and take Declarations, Affirmations, or Attestations under this Act, or shall tender in Evidence any Answers, Examination, Deposition on Oath, Declaration, Affirmation, Attestation, or other judicial or official Document with a false or counterfeit Signature or Seal of any such Commissioner, Judge, Court, Notary Public, Consul or Vice-Consul, or other Person authorized as aforesaid attached or appended thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents.*

8 & 9 Vict. c. 113.

Power of Judge to issue Commissions as heretofore, to administer Oaths, &c.

60. Nothing herein contained shall abridge or lessen the Power of the Judge of the said Court of Admiralty, as it now exists, to issue Commissions as heretofore, and to appoint fit Persons to administer Oaths, take Affidavits, Depositions on Oath, Declarations, Affirmations, and Attesations, and generally to execute any Commissions, nor shall affect in any Manner the Power of the Judge to administer Oaths, and take Affi-

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davits, Depositions on Oath, Declarations, Affirmations, and Attestations, as heretofore, in or relating to any Cause in the said Court.

3.—*Issues and New Trials.*

Power to direct Issues.

61. In any contested Cause depending in the said Court of Admiralty the said Court shall have Power, if it shall think fit, to direct a Trial by Jury of any Issue or Issues on any Question or Questions of Fact arising in any such Cause, and the Substance and Form of such Issue or Issues shall be specified by the Judge at the Time of directing the same; and if the Parties differ in drawing such Issue or Issues, it shall be referred to the Judge to settle the same, and such Trial shall be held before the Judge himself, or before some Judge of Assize at Nisi Prius, as to the Judge shall seem meet.

Costs of Issues in Discretion of Court.

62. The Costs of such Issues as the Judge shall under this Act direct shall be paid by such Party or Parties, Person or Persons, and be taxed by the Registrar of the said Court of Admiralty in such Manner as the said Judge shall direct, and Payment of such Costs shall be enforced in the same Manner as Costs between Party and Party may be enforced in other Proceedings in the said Court.

Power to direct New Trials.

63. The said Court of Admiralty, upon Application to be made within Three Calendar Months after the Trial of any such Issue, by any Party concerned, may grant and direct One or more new Trials of any such Issue, and may order such new Trial to take place in the Manner herein-before directed with regard to the First Trial of such Issue, and may, by Order of the same Court, direct such Costs to be paid as to the said Court shall seem fit, upon any Application for a new Trial or upon any new Trial or Second or other new Trial, and may direct by whom, and to whom, and at what Times and in what Manner such Costs shall be paid.

Granting or refusing New Trials Matter of Appeal.

64. The granting or refusing to grant an Issue or a new Trial of any such Issue may be Matter of Appeal to the Court of Appeal in Chancery in *Ireland*.

Record of the Issue to be lodged with the Registrar.

65. The Record of each such Issue and of the Verdict therein shall be transmitted by the proper Officer to the Registrar of the said Court of Admiralty; and the Verdict of the Jury upon any such Issue (unless the same shall be set aside) shall be conclusive upon the said Court and upon the Parties, and in all further Proceedings in the Cause in which such Fact is found the said Court shall assume such Fact to be as found by the Jury.

Party in Court may apply for an Order for Inspection by Jurors.

66. Any Party in a Cause in the Court of Admiralty shall be at liberty to apply to the said Court for an Order for the Inspection by the Nautical Assessors or others appointed for the Trial of any Cause, or by the Party himself or his Witnesses, of any Ship or other Personal or Real Property the Inspection of which may be material to the Issue of the Cause, and the Court may make such Order in respect of the Costs arising thereout as to it shall seem fit.

Admission of Documents.

67. Any Party in a Cause in the Court of Admiralty may call on any other Party in the Cause by Notice in Writing to admit any Document, saving all just Exceptions; and in case of Refusal or Neglect so to admit same the Costs of proving the Document shall be paid by the Party so neglecting or refusing, whatever the Result of the Cause may be, unless at the Trial the Judge shall certify that the Refusal to admit was reasonable.

4.—*Other Branches of Practice and Procedure.*

Power of Court, when personal Service of Citation has not been effected, to order Parties to proceed.

68. Whenever it shall be made to appear to the Judge that reasonable Efforts have been made to effect personal Service of any Citation, Monition, or other Process issued under Seal of the said Court of Admiralty, and either that the same has come to the Knowledge of the Party thereby cited or monished, or that he wilfully evades Service of the same and has not appeared thereto, the said Judge may order that the Party on whose Behalf the Citation, Monition, or other Process was issued be at liberty to proceed as if personal Service had been effected, subject to such Conditions as to the Judge may seem fit, and all Proceedings thereon shall be as effectual as if personal Service of such Citation, Monition, or other Process had been effected.

As to Services out of Ireland.

69. The Service in any Part of the United Kingdom of any Writ of Subpœna ad testificandum or Subpœna duces tecum, issued under Seal of the Court of Admiralty, shall be as effectual as if the same had been served in *Ireland*.

Decrees and Orders of Court of Admiralty to have Effect of Judgments at Common Law.

70. All Decrees and Orders of the Court of Admiralty, whereby any Sum of Money, or any Costs, Charges or Expenses, shall be payable to any Person, shall have the same Effect as Judgments in the Superior Courts of Common Law; and the Persons to whom any such Monies, or Costs, Charges, or Expenses shall be payable, shall be deemed Judgment Creditors, and all Powers of enforcing Judgments possessed by the Superior Courts of Common Law or any Judge thereof, with respect to Matters depending in the same Courts, as well against the Ships and Goods arrested as against the Person of the Judgment Debtor, shall be possessed by the said Court of Admiralty with respect to causes therein depending and all Remedies at Common Law possessed by Judgment Creditors shall be in like Manner possessed by Persons to whom any Monies, Costs, Charges, or Expenses are by such Orders or Decrees of the said Court of Admiralty directed to be paid.

As to Claims to Goods taken in Execution.

71. If any Claim shall be made to any Goods or Chattels taken in Execution under any Process of the Court of Admiralty, or in respect of the Seizure thereof, or any Act or Matter connected therewith, or in respect of the Proceeds or Value of any such Goods or Chattels by any Landlord for Rent, or by any Person not being the Party against whom the Process has issued, the Registrar of the said Court may, upon Application of the Officer charged with the Execution of the Process, whether before or after any Action brought against such Officer, issue a Summons calling before the said Court both the Party issuing such Process and the Party making the Claim; and thereupon any Action which shall have been brought in any of Her Majesty's Superior Courts of Record, or in any local or inferior Court, in respect of such Claim, Seizure, Act, or Matter as aforesaid, shall be stayed, and the Court in which such Action shall have been brought, or any Judge thereof, on Proof of the Issue of such Summons, and that the Goods and Chattels were so taken in Execution, may order the Party bringing the Action to pay the Costs of all Proceedings had upon the Action after Issue of the Summons out of the said Court of Admiralty, and the Judge of the said Court of Admiralty shall adjudicate upon the Claim, and make such Order between the Parties in respect thereof, and of the Costs of the Proceedings, as to him shall seem fit; and such Order shall be enforced in like Manner as any Order

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made in any Suit brought in the said Court. Where any such Claim shall be made as aforesaid the Claimant may deposit with the Officer charged with the Execution of the Process either the Amount or Value of the Goods claimed, the Value to be fixed by Appraisement in case of Dispute, to be by the Officer paid into Court to abide the Decision of the Judge upon the Claim, or the sum which the Officer shall be allowed to charge as Costs for keeping Possession of the Goods until such Decision can be obtained; and in default of the Claimant so doing the Officer may sell the Goods as if no such Claim had been made, and shall pay into Court the Proceeds of the Sale to abide the Decision of the Judge.

As to the Hearing of Causes and cross Causes. 72. The Court of Admiralty may, on the Application of the Defendant in any Cause of Damage, and on his instituting a cross Cause for the Damage sustained by him in respect of the same Collision, direct that the principal Cause and the cross Cause be heard at the same Time and upon the same Evidence; and if in the principal Cause the Ship of the Defendant has been arrested, or Security given by him to answer Judgment, and in the cross Cause the Ship of the Plaintiff in the principal Cause cannot be arrested, and Security has not been given to answer Judgment therein, the Court may, if it think fit, suspend the Proceedings in the principal Cause until Security has been given to answer Judgment in the cross Cause.

5.—Assessors.

List of Assessors. 73. General Orders may from Time to Time provide for the framing of Lists of Persons of mercantile or nautical Skill and Experience to act as Assessors in the High Court of Admiralty and in the local Courts, and for the Publication of the Lists, and for the Ascertainment of the Cases in which Assessors are to be summoned, and the Mode in which, in each Case, they are to be selected, and their Functions, and the Proceedings in the Cases in which they sit, and their Remuneration; and every Person for the Time being named in any such List shall give Attendance according to General Orders.

PART IV.

Jurisdiction of local Courts.

Admiralty Jurisdiction of local Courts. 74. The local Courts shall, in the Cases following, have all the like Civil and Maratime Jurisdiction (with all Powers and Authorities relative thereto) as for the Time being belongs to the Court of Admiralty (otherwise than by way of Appeal); that is to say,

(1.) Where the Amount or Value of the Money or Thing in dispute does not exceed Two hundred Pounds:

(2.) Where the Amount or Value of the Money or Thing in dispute exceeds Two hundred Pounds, but the Parties agree by a Memorandum signed by them, or by their Attorneys or Agents, that a local Court or Courts specified in the Memorandum shall have Juisdiction:

(3.) Where this Act provides for the Retention or Prosecution of a Cause in a local Court:

A Cause in which Jurisdiction is by this Act given to the local Courts is in this Act referred to as an Admiralty Cause.

Local Court for Commencement of Cause. 75. Subject to General Orders, Proceedings in an Admiralty Cause in a local Court shall be commenced as follows:—

(1.) In the local Court within the Jurisdiction whereof the Ship or Goods to which the Cause relates is or are at the Commencement of the Proceedings:

(2.) If the foregoing Rule is not applicable, then in the local Court in the District whereof an Action should or might be commenced under the ordinary Jurisdiction of the Court.

(3). In any Case in the local Court, or One of the local Courts, which the Parties by a Memorandum signed by them, or by their Attorneys or Agents, agree shall have Jurisdiction.

Transfer from local Court by Order of the Court of Admiralty. 76. The Court of Admiralty, on Motion by any Party to an Admiralty Cause pending in a local Court, may, if it thinks fit, (with or without Service and Hearing of a Summons to the other Party, as it thinks fit,) transfer the Cause to the Court of Admiralty, on such Terms (if any) as to Security for Costs or other Things as the Court thinks fit.

Transfer by Order of County Court. 77. If during the Progress of an Admiralty Cause in a local Court it appears to the Court that the Subject Matter exceeds the Limit in respect of Amount of the Admiralty Jurisdiction of the Court, the Validity of any Order or Decree theretofore made by the Court shall not be thereby affected, but (unless the Parties agree by a Memorandum signed by them or their Attorneys or Agents that the Court shall retain Jurisdiction) the Court shall, by Order, transfer the Cause to the Court of Admiralty, which Court may nevertheless order that the Cause shall be prosecuted in the local Court in which it was commenced, and it shall be thereupon remitted to such local Court and proceeded with therein.

Transfer to other local Court or Court of Admiralty. 78. If during the Progress of an Admiralty Cause in a local Court it appears to the Court that the Cause could be more conveniently prosecuted in some other local Court or in the Court of Admiralty, the Court may, by Order, transfer it to such other local Court or to the Court of Admiralty (as the Case may be), and it shall be thereupon prosecuted accordingly.

Costs of Proceedings in Court of Admiralty. 79. If any Person takes Proceedings in the High Court of Admiralty which he might (without Agreement) have taken in a local Court, he shall not be entitled to receive Costs in the High Court of Admiralty in any Event unless the Judge shall otherwise direct, and shall be liable to be condemned in Costs, if the Judge shall so think fit.

Powers and Authorities of Judges of local Courts. 80. In an Admiralty Cause in a local Court the Judge of such Court shall (in addition to his other Powers and Authorities) have all the like Powers and Authorities as the Judge of the High Court of Admiralty.

Marshal, &c. to act for local Courts. 81. The Marshal of the Court of Admiralty shall be deemed an Officer of all and every the local Courts in Admiralty Causes pending in any of those Courts; and it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, on the Application of the Judge, to award to the said Marshal by way of Remuneration for the Duties by this Section imposed upon him such annual or other Sum as they shall deem

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reasonable, and such Sum shall be paid out of the Funds which Parliament shall provide for that Purpose.

Scale of Costs in local Courts.

82. A Scale of Costs and Charges of in Admiralty Causes in the local Courts shall be prescribed by General Orders.

Execution of Decrees, &c.

83. For the Execution of any Decree or Order of a local Court in an Admiralty Cause the Court may order, and the Clerk of the Peace on such Order may issue, and any Officer of the said Court may execute, any Writ or Warrant of Arrest, Possession, or Execution, or other Process.

Appointment of special Courts of Quarter Sessions for Admiralty Jurisdiction.

84. It shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, from Time to Time, by Order in Council made at any Time after the passing of this Act, to declare that the Recorder of any Borough Court, or the Chairman of any Court of Quarter Sessions therein, and not herein-before specified, shall have Jurisdiction in Admiralty Causes, which Recorder or Chairman shall have Jurisdiction accordingly, and to assign to each such Court as its District for Admiralty Causes any Part or Parts of any One or moce District or Districts in which such Court shall (independently of this Act) have Jurisdiction, and in any such Case to prescribe the Places and Times at which local Courts for Admiralty Causes shall be holden.

Remuneration to Recorders of Cork and Belfast.

85. It shall he lawful for the Commissioners of Her Majesty's Treasnry, if they shall think fit, with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to award to the Recorders of the Boroughs of *Cork* and *Belfast*, as Remuneration for the additional Duty which they may respectively have to perform by qirtue of this Act, such annual or other Sums as they shall deem reasonable; such Suns shall be paid out of the Funds which Parliament shall provide for the Purpose.

Provision for Remuneration of other Recorders and Chairmen.

86. When, under any such Order in Council as aforesaid, Jurisdiction in Admiralty Causes shall be given to any Recorder of a Borough or Chairman of a County, it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to award such annual or other Sum as they shall deem reasonable to such Recorder or Chairman by way of Remuneration for the additional Duty which he may have to perform in consequence of such Order, and such Sum shall be paid out of the Funds which Parliament shall provide for that Purpose.

PART V.

APPEALS.

Appeal from County Court to Court of Admiralty.

87. An Appeal shall lie to the High Court of Admiralty from the final Decree, Order, or Decision of a local Court in an Admiralty Cause, and, by Permission of the Judge of the local Court, from any interlocutory Decree, Order, or Decision therein, subject to such Provisions respecting Notice of Appeal, Deposit or other Security for Costs, and other Matters, as General Orders shall direct.

Time for Appeal from County Court.

88. The time for so appealing shall be limited to Fourteen Days from the Date of the Decree, Order, or Decision appealed from; and an Appeal shall not be allowed unless the Appeal is lodged in the Registry of the High Court of Admiralty within that Time, subject to this Provision,—that the Judge of the High Court of Admiralty may, if he think fit, allow an Appeal to be prosecuted notwithstanding that the Appeal has not been lodged within that Time.

Agreement not to Appeal.

89. Provided, That such an Appeal shall not lie if before or after the Decree, Order, or Decision is made or given the Parties agree by a Memorandum signed by them or by their Attorneys or Agents, that the Decree, Order, or Decision shall be final; and any such Agreement need not be stamped, except in respect of any Fee imposed by General Orders.

Appeal to the Court of Delegates abolished.

90. From and after the Commencement of this Act no Appeal shall be brought from the Court of Admiralty to Her Majesty's Delegates in the Court of Chancery in *Ireland* commonly called the High Court of Delegates in *Ireland*.

Appeal given to Court of Appeal in Chancery and Privy Council.

91. Any Person considering himself aggrieved by any final or interlocutory Sentence, Decree, or Order of the Court of Admiralty, except a Sentence, Decree, or Order made by the Judge upon an Appeal from a local Court, may appeal therefrom to the Court of Appeal in Chancery in *Ireland*, and from thence to Her Majesty in Council: Provided nevertheless, that any such Appeal from the Court of Admiralty may be brought to Her Majesty in Council in the first instance without interposing any Appeal to the said Court of Appeal in Chancery; and provided always, that no Appeal from any interlocutory Order of the Court of Admiralty shall be made without Leave of the Court of Admiralty first obtained, but on the Hearing of an Appeal from any final Sentence or Decree all interlocutory Orders complained of shall be considered as under Appeal as well as the final Decree.

Power and juris- of the Court of Appeal.

92 From and after the Commencement of this Act, save as to any Appeal that shall be then pending, all the Jurisdiction which is now possessed and exercised by the High Court of Delegates in *Ireland*, or which, but for the passing of this Act, would be possessed and exercised by that Court, in respect of Appeals from the said Court of Admiralty, and all powers and authorities incident to such jurisdiction, now exercised and performed by the said High Court of Delegates, shall, subject to the Provisions of this Act, be exercised and performed by the said Court of Appeal in Chancery in relation to Appeals under this Act.

Power to the Court of Appeal in Chancery to make Rules.

93. The Lord Chancellor and Lord Justice of Appeal in *Ireland* for the Time being may from Time to Time make, rescind, and vary General Orders for regulatiug the Form and Mode of Procedure on Appeals from the Court of Admiralty to the said Court of Appeal in Chancery, and for regulating the Costs, Fees, and Allowances to be paid or allowed to Solicitors or other Persons respecting such Appeals; and such Orders shall take effect at such Times as may be therein specified, or in default of such Specification for the Time of making thereof.

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Power to the Court of Appeal in Chancery to call in Nautical Assessors.

94. The said Court of Appeal in Chancery shall, on the Hearing of any Appeal from the Court of Admiralty, have Power to call to its Assistance One or more Nautical Assessors, to be selected by the said Court of Appeal; and the Advice and Opinion of such Nautical Assessor or Assessors may be taken by the said Court in the same Manner, upon such Questions, and for such objects as the Advice and Opinion of any Nautical Assessor now is or may be taken by the Judicial Committee of the Privy Council in Appeals brought from the High Court of Admiralty of *England;* and the said Court of Appeal in Chancery shall have Power to direct what Remuneration shall be paid to each such Assessor for his Attendance on the Hearing of any such Appeal, and such Remuneration shall be paid accordingly by such of the Parties to the Appeal as the said Court of Appeal shall in that Behalf direct.

Evidence in the Court of Appeal in Chancery may be taken viva voce or upon written Depositions.

95. In any Appeal which shall come before the said Court of Appeal in Chancery by virtue of this Act the said Court may examine Witnesses by Word of Mouth (and either before or after Examination by Deposition), or direct that the Depositions of any Witness shall be taken in Writing by the Registrar, or by such other Person or Persons and in such Manner as the said Court shall direct.

Court of Appeal in Chancery may order any particular Witness to be examined, and as to any particular Facts, and may remit the Cause for Re-hearing.

96. In any Appeal which shall come before the said Court of Appeal in Chancery by virtue of this Act the said Court may direct that such Witnesses shall be examined or re-examined, and as to such Facts, as to the said Court shall seem fit, notwithstanding any such Witness may not have been examined, or no Evidence may have been given on any such Facts in a previous Stage of the Matter, and may remit the Cause to the Court of Admiralty, and at the same Time direct that the said Court of Admiralty shall re-hear such Cause, in such Form, and either generally or upon certain Points only, and upon such Re-hearing take such additional Evidence, though before rejected, or reject such Evidence before admitted, as the Court of Appeal in Chancery shall direct; and further, on any such remitting or otherwise, the Court of Appeal in Chancery may direct One or more Issue or Issues to be tried in any Court in any of Her Majesty's Dominions abroad for any Purpose for which such Issue or Issues shall to the said Court of Appeal in Chancery seem proper.

Witnesses to be examined on Oath, and to be liable to Punishment for Perjury.

97. Every Witness who shall be so examined in pursuance of this Act shall give his or her Evidence upon Oath, or, in Cases in which an Affirmation is allowed by Law to be substituted for an Oath, upon solemn Affirmation, which Oath and Affirmation respectively shall be administered by the Court of Appeal in Chancery, and the Registrar thereof, or such other Person and Persons as the said Court shall direct; and every such Witness who shall wilfully swear or affirm falsely shall be deemed guilty of Perjury, and shall be punished accordingly.

Court of Appeal in Chancery may direct an Issue to try any Fact.

98. The said Court of Appeal in Chancery may direct One or more Issue or Issues to be tried in any Court of Common Law, and either before a Judge of Assize, or at the Sittings for the Trial of Issues in *Dublin*, and either by a Special or Common Jury, in like Manner and for the same Purpose as is now done by the High Court of Chancery of *Ireland*.

Court of Appeal in Chancery may direct Depositions to be read at Trial of the Issue;

99. It shall be in the Discretion of the said Court of Appeal in Chancery to direct that on the Trial of any Issue directed by it as aforesaid the Depositions already taken of any Witness who shall have died, or who shall be incapable to give oral Testimony, shall be received in Evidence; and further, that such Deeds, Evidences, and Writings shall be produced, and that such Facts shall be admitted, as to the said Court of Appeal in Chancery shall seem fit.

May make such Orders as to Admission of Evidence as are made by Court of Chancery;

100. The said Court of Appeal in Chancery may make such and the like Orders respecting the Admission of Persons, whether Parties or others, to be examined as Witnesses upon the Trial of any such Issue directed by it as aforesaid, as the Lord Chancellor or the Court of Chancery of *Ireland* has been used to make respecting the Admission of Witnesses upon the Trial of Issues directed by the Lord Chancellor or the Court of Chancery in Ireland.

And may direct new Trials of Issues.

101. The said Court of Appeal in Chancery may direct One or more new Trial or Trials of any Issue, either generally or upon certain Points only; and in case any Witness examined at a former Trial of the same Issue shall have died, or have become incapable to repeat his Testimony, the said Court of Appeal in Chancery may direct that parol Evidence of the Testimony of such Witness shall be received.

Powers, &c. of 13 G. 4. c. 63. and 1 W. 4. c. 22. as to Examination of Witnesses extended to Court of Appeal in Chancery.

102. All the Powers and Provisions contained in the Thirteenth of *George* the Third, Chapter Sixty-three, and First of *William* the Fourth, Chapter Twenty-two, for the Examination of Witnesses, shall, with reference to Cases of Appeal from the said Court of Admiralty, extend to and be exercised by the said Court of Appeal in Chancery, as if that Court had been therein named as One of His Majesty's Courts of Law at *Westminster*.

Costs to be in the Discretion of Court of Appeal in Chancery.

103. The Costs incurred in the Prosecution of any Appeal preferred to the said Court of Appeal in Chancery, under the Provisions of this Act, and of such Issues as the same Court shall under this Act direct, shall be paid by such Party or Parties, Person or Persons, and be taxed by the Registrar, or such other Person or Persons to be appointed by the same Court, and in such Manner as the said Court shall direct.

Attendance of Witnesses and Production of Papers may be enforced by Subpœna.

104. The Court of Appeal in Chancery may require the Attendance of any Witnesses, and the Production of any Deeds, Evidences, or Writings, by Writ, to be issued by the said Court, in such and the same Form, or as nearly thereto as may be, as that in which a Writ of Subpœna ad testificandum or of Subpœna duces tecum is now issued by Her Majesty's Court of Queen's Bench at *Dublin;* and every Person disobeying any such Writ so to be issued by the said Court of Appeal in Chancery shall be considered as in Contempt of the same Court, and shall also be

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liable to such and the same Penalties and Consequences as if such Writ had issued out of the said Court of Queen's Bench, and may be sued for such Penalties in the same Court.

The Privy Council empowered to determine Appeals under this Act.

105. All the Provisions contained in the several Acts for the Time being in force relating to the Appellate Jurisdiction of Her Majesty's Privy Council in *England*, and the Administration of Justice therein, shall, so far as the same shall be applicable and consistent with the Provisions of this Act, be deemed to extend to Appeals preferred to Her Majesty in Council by virtue of the Provisions of this Act; and the Proceedings on all such Appeals shall, so far as practicable, and consistent with the Provisions of this Act be proceeded with in the same Manner as Appeals from the High Court of Admiralty of *England*.

Bail given in the Court of Admiralty good in the Court of Appeal.

106. In any Cause in the said Court of Admiralty Bail may be taken to answer the Judgment as well of the said Court as of the Court of Appeal, and the said Court of Admiralty may withhold the Release of any Property under its Arrest until such Bail has been given; and in any Appeal from any Decree or Order of the Court of Admiralty, or of the said Court of Appeal in Chancery in any Appeal thereto, preferred by virtue of this Act, the Court to which such Appeal shall be brought may make and enforce its Order against the Surety or Sureties who may have signed any such Bail Bond, in the same Manner as if the Bail had been given in the Court of Appeal.

Certified Notes of Evidence may be admitted on Appeal.

107. In any Appeal preferred by virtue of this Act the Notes of Evidence taken, as herein-before provided, by or under the Direction of the Judge of the Court of Admiralty shall be certified by the Judge to the Court to which such Appeal is preferred, and shall be admitted to prove the oral Evidence given in the Court of Admiralty; and no Evidence shall be admitted on such Appeal to contradict the Notes of Evidence so taken and certified as aforesaid: Provided always, that nothing herein contained shall enure to prevent the Court of Appeal in Chancery or the Judicial Committee of the Privy Council from directing Witnesses to be examined and re-examined upon such Facts as to the said Court of Appeal in Chancery or the Judicial Committee shall seem fit.

Notes of Evidence on Appeal to Court of Appeal in Chancery to be certified to the Privy Council.

108. In any Appeal preferred by virtue of this Act from the said Court of Appeal in Chancery, the Notes of Evidence (if any) taken by or under the Direction of that Court shall be certified by the Lord Chancellor to the said Judicial Committee of the Privy Council, and no Evidence shall be admitted on such Appeal to contradict the Notes of Evidence so taken and certified as last aforesaid; but nothing herein contained shall enure to prevent the said Judicial Committee from directing Witnesses to be examined and re-examined upon such Facts as to the said Judicial Committee shall seem fit.

Appeal from an Order, &c. of the Court made on an Appeal to it.

109. An Appeal shall lie from a Decree, Order, or Decision of the High Court of Admiralty made or given, on Appeal from a local Court, in like Cases and in like Manner as Appeals lie from the High Court of Admiralty in Causes originally instituted therein.

Costs of Appeal.

110. Where in an Appeal under this Act the Appellant is unsuccessful, he shall pay the Costs of the Appeal, unless the Appellate Court shall otherwise direct.

Limit of Time for all Appeals from Court of Admiralty.

111. The Time for appealing from any Decree or Order of the Court of Admiralty in any Cause instituted after the passing of this Act (under this Act or otherwise, shall be limited to Two Months from the Date of the Decree or Order appealed from, and an Appeal shall not be allowed unless the Petition of Appeal is lodged in the Registry of the Court of Admiralty and the Court of Appeal within that Time: subject to the Provision, that it shall be lawful for the Court of Appeal to which such Appeal shall be made to allow, under special Circumstances, the Appeal to be prosecuted notwithstanding that the Petition of Appeal has not been lodged within that Time.

PART VI.

STAMPS SUBSTITUTED INSTEAD OF FEES.

Lord Chancellor may, with Consent of the Treasury, vary, alter, or abolish Fees.

112. The Lord Chancellor, with the Consent of the Commissioners of Her Majesty's Treasury, may by Order from Time to Time increase, diminish, alter, or abolish all or any of the Fees payable in relation to Proceedings in the Court of Admiralty, and may substitute One or more Fee or Fees in lieu thereof.

From Commencement of Act, Officers not to receive Fees on their own Account.

113. From and after the Commencement of this Act, no Officer of the said Court of Admiralty shall be entitled to or take for his own Use or Benefit, directly or indirectly, any Fee or Emolument whatsoever, save the salary to which he shall be entitled by virtue of this Act.

From Commencement of Act Fees to be collected by Stamps.

114. From and after the Commencement of this Act, the Fees payable in relation to Proceedings in the Court of Admiralty and the local Courts aforesaid shall not be received in Money, but shall be collected by means of Stamps.

Such Fees to be Stamp Duties.

115. The Fees to be collected by means of Stamps under this Act shall be deemed Stamp Duties, and shall be under the Management of the Commissioners of Inland Revenue, and the Money received for such Stamps shall, under the Direction of the Commissioners of Her Majesty's Treasury, be carried into and shall form part of the Consolidated Fund.

Stamps to be impressed or adhesive, as the Treasury shall direct.

116. The Stamps to be used under this Act shall be impressed or adhesive, as the Commissioners of Her Majesty's Treasury shall from Time to Time direct.

The Treasury, with Concurrence of Judge, may make Rules regulating the Use of Stamps and Cancellation of adhesive Stamps.

117. The Commissioners of Her Majesty's Treasury, with the Concurrence of the Judge of the Court of Admiralty, may from Time to Time make such Rules as may seem fit for regulating the Use of Stamps under this Act, and particularly for prescribing the Application thereof to Documents from Time to Time in use or required to be used for the Purposes of such Stamps, and for ensuring the proper Cancellation of adhesive Stamps.

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No Document to be received or used unless stamped.

118. No Document which by any Order as aforesaid ought to have had a Stamp impressed thereon, or affixed thereto, shall be received or filed or be used in relation to any Proceeding in the Court of Admiralty, or be of any Validity for any Purpose whatsoever, unless or until the same shall have a Stamp impressed thereon or affixed thereto in the Manner directed by such Order: Provided always that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon or affixed thereto has through Mistake or Inadvertence been received or filed or used without having such Stamp impressed thereon or affixed thereto, the Judge may, if he shall think fit, order that a Stamp not exceeding the Value Four Times the Amount of such original Stamp shall be impressed thereon or affixed thereto, and thereupon, when the proper Stamp shall, in compliance with such Order, have been impressed on such Document or affixed thereto, such Document and every Proceeding in reference thereto shall be as valid and effectual as if such Stamp had been impressed thereon or affixed thereto in the first instance.

Officers guilty of Fraud or wilful Neglect in relation to Stamps liable to be dismissed.

119. If any Officer of the Court of Admiralty or other Person shall do or commit or connive at any fraudulent Act or Practice in relation to any Stamp to be used under the Provisions of this Act, or to any Fee or Sum of Money to be collected or which ought to be collected by means of any such Stamp, or if any such Officer or Person shall be guilty of any wilful Act, Neglect, or Omission in relation to any such Stamp or Fee as aforesaid, whereby any Fee or Sum of Money which ought to be collected shall be lost or the Payment thereof evaded, any such Officer or Person so offending may be dismissed from his Office or Employment by the Judge of the said Court of Admiralty.

Compensation to the Registrar of the Court of Delegates.

120. And whereas *Joseph Hamilton* Esquire, the present Registrar of Appeals and Provocations Spiritual in *Ireland*, will suffer Loss in his said Office by the Abolition of Appeals from the Court of Admiralty to the High Court of Delegates in *Ireland*, and the said *Joseph Hamilton* has held his Office for upwards of Forty-three Years: There shall be paid to the said *Joseph Hamilton* by way of Compensation such Annuity as the Commissioners of Her Majesty's Treasury may deem just and proper, not exceeding the Average of the net Profits of his said Office from Admiralty Appeals on an Average for the Five Years ending Thirty-first *December* One thousand eight hundred and sixty-five, to commence from the Day when this Act shall come into operation, and to continue during his Life.

Compensation to Proctors.

121. Whereas the Number of Persons entitled to practise as Proctors of the said Court of Admiralty, does not exceed Six, and the Fees or Emoluments of the said Proctors may be damaged by the Abolition of the exclusive Rights and Privileges which they have hitherto enjoyed as such Proctors in the said Court: Be it enacted, That the Commissioners of Her Majesty's Treasury, by Examination on Oath or otherwise, which Oath they are hereby authorized to administer, and may inquire into, and may, by the Production of such Evidence as they shall think fit to require, including the Returns for the Assessment of Income Tax made by such Proctors before the passing of this Act, and the Receipts for Payment of such Tax, ascertain and absolutely determine the net annual Amount of the Profits arising from the Transaction of Business by Proctors on Matters and Causes in such Admiralty Court on an Average of Five Years immediately preceding the Commencement of this Act, and shall award to each and every such Proctor a Sum of Money or annual Payment during the Term of his natural Life, not exceeding in Value One Half of the net Profits derived by such Proctor in respect of Matters and Causes in the said Court of Admiralty, upon the said Average of Five Years immediately preceding the Commencement of this Act: Provided that if any such Person shall be at any Time appointed to any Office under this Act, or any other Office of Profit of a like Nature, or any other Employment as an established Civil Servant of a State, he shall during his Continuance in any such Office or Employment be entitled to receive such Part only, if any, of the annual Sum awarded to him under this Clause as shall with the Salary and Profits of such Office or Employment make an annual Sum equal to the annual Sum so awarded to him: Provided also, that the Portion of the Business of the Queen's Proctor which he discharges for Her Majesty shall not be taken into account in estimating his Compensation under this Clause.

Compensation to Proctors in Partnership.

122. And whereas divers Proctors practising in the said Court of Admiralty now are or may at the Commencement of this Act be associated together in Partnership: Be it therefore enacted, That in all such Cases the Commissioners of Her Majesty's Treasury shall inquire into and ascertain the Terms or Conditions of such Partnerships, and shall absolutely determine and award Compensation in respect thereof, as herein-before provided, to each of such Partnerships, in like Manner as if all the Emoluments thereof had been derived by One Individual, and shall apportion such Compensation among the Members of each such Partnership, with or without Benefit of Survivorship, regard being had to the existing Terms and Conditions of the same.

Retiring Pensions, &c. to be paid out of Monies provided by Parliament.

123. Except as is herein-before expressly provided, the several Retiring Pensions and Compensations granted by this Act shall be paid by the Commissioners of Her Majesty's Treasury out of such Funds as may be provided by Parliament for that Purpose.

Extent of Act.

124. This Act shall apply to *Ireland* only.

Cap. CXV.

An Act to remove Disqualifications of Justices of the Peace in certain Cases.

[20th *August* 1867.]

In order that Justices of the Peace may act in the Execution of Acts in some Cases in which they now are incapable of so acting, be it enacted . .

Short Title.

1. This Act may for all Purposes be cited as "Justices of the Peace Act, 1867."

Justices not incapable of acting in execution of Acts in Cases specified.

2. A Justice of the Peace shall not be incapable of acting as a Justice at any Petty or Special or General or Quarter Sessions on the Trial of an Offence arising under an Act to be put in execution by a Municipal Corporation, or a Local Board of Health, or Improvement Commissioners, or Trustees, or any other Local Authority, by reason only of—

(a.) His being as One of several Ratepayers, or as One of any other Class of Persons liable in com-

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mon with the others to contribute to or to be benefited by any Fund to the Account of which the Penalty payable in respect of such Offence is directed to be carried or of which it will form Part, or to contribute to any Rate or Expenses in diminution of which such Penalty will go.

CAP. CXVI.

An Act to amend the Act of the Twenty-eighth and Twenty-ninth *Victoria*, Chapter Fifty, for regulating the keeping of Dogs, and for the Protection of Sheep and other Property from Dogs, in *Ireland*. [20th *August* 1867.]

28 & 29 Vict. c. 50.

WHEREAS it is expedient to amend the Act of the Twenty-eighth and Twenty-ninth *Victoria*, Chapter Fifty:

Be it enacted . . . . . .

Application of Word "Borough" in recited Act.

1 That the Word "Borough" in the said Act shall apply to all Towns in *Ireland* which are subject to the Provisions of the Towns Improvement Act, *Ireland*, and to all Townships having Commissioners under Local Acts, or under the Provisions of the Act of the Ninth Year of *George* the Fourth, Chapter Eighty-two, intituled *An Act for the lighting, cleansing, and watching of Cities, Towns Corporate, and Market Towns in* Ireland *in certain Cases*, and that the Registrar shall pay over to the Treasurer of such Town and Township the surplus Monies arising from the Sale of Licences to Persons resident within the Boundaries of the said Town and Township in Manner directed by the Fifteenth Section of said Act of Twenty-eighth and Twenty-ninth *Victoria*, Chapter Fifty, to be applied by the Treasurer in aid of the Rates of such Town and Township, in such Manner as the Town Commissioners shall direct.

CAP. CXVII.

An Act to amend the Industrial and Provident Societies Acts. [20th *August* 1867.]

CAP. CXVIII.

An Act to provide for the Appointment of the Officers and Servants of District Lunatic Asylums in *Ireland*, and to alter and amend the Law relating to the Custody of dangerous Lunatics and dangerous Idiots in *Ireland*. [20th *August* 1867.]

Whereas under the Provisions of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offences, in* Ireland, and of the several Acts amending the same, District Lunatic Asylums have been established in *Ireland:*

1 & 2 G. 4. c. 33.

And whereas Doubts have arisen as to the Person or Persons by whom the Officers or Servants of such District Lunatic Asylums should be appointed:

And whereas it is expedient to remove the same, and to provide for the Appointment of the said Officers and Servants:

And whereas an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to make more effectual Provision for the Prevention of Offences by Insane Persons in* Ireland, by which it is, amongst other things, enacted, that if any Person should be discovered and apprehended in *Ireland* under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime for which, if committed, such Person would be liable to be indicted, it should be lawful for any Two Justices of the Peace of the County, County of a City, County of a Town, City or Town, and Liberties, before whom such Person might be brought, to call to their Assistance any legally qualified Physician, Surgeon, or Apothecary; and if upon View and Examination of the said Person so apprehended, or from other Proof, the said Justices should be satisfied that such Person was a dangerous Lunatic or a dangerous Idiot, it should be lawful for the said Justices, by Warrant under their Hands and Seals, to commit such Person to the Gaol of such County, County of a Town, City or Town, and Liberties, there to be kept in strict Custody until or unless such Person should be discharged in manner by the said Act provided:

1 Vict c. 27.

And whereas the said Act was amended by another Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Establishment of a Central Asylum for Insane Persons charged with Offences in* Ireland; *and to amend the Act relating to the Prevention of Offences by Insane Persons, and the Acts respecting Asylums for the Insane Poor in* Ireland; *and for appropriating the Lunatic Asylum in the City of* Cork *to the Purposes of a District Lunatic Asylum.*

8 & 9 Vict. c. 107.

And whereas it is expedient further to amend the same, and to make other and better Provision for the safe Custody of dangerous Lunatics and dangerous Idiots in *Ireland:*

Be it therefore enacted, ...

Interpretation of Terms.

1. In this Act the Words following shall have the Meanings herein-after assigned to them:

"Lord Lieutenant" shall mean Lord Lieutenant of *Ireland* and the Lord Justices or other Chief Governors or Governor of *Ireland* for the Time being:

"Officer" shall include Resident Medical Superintendent, Consulting and Visiting Physician, Chaplains, Matron, Apothecary, Clerk, and Storekeeper, Schoolmaster and Schoolmistress of any District Lunatic Asylum, and any Person discharging any Duties in any such Asylum whom the Lord Lieutenant by Order in Council shall so designate.

Power to Lord Lieutenant in Council to determine Staff of Officers and Servants of District Lunatic Asylum.

2. It shall be lawful for the Lord Lieutenant from Time to Time, by Order in Council, to determine the Staff of Male and Female Officers and Servants of any District Lunatic Asylum, and to direct that the same shall be increased, diminished, or altered, as he shall think fit, and to appoint the Salaries, and define the Duties of the said Officers and Servants, and to make Rules and Regulations for the Control and Guidance of the said Officers and Servants.

Appointment of Resident Medical Superintendent and Visiting Physician and other Officers and Servants.

3. When any Vacancy happens in the Office of Resident Medical Superintendent of any District Lunatic Asylum in *Ireland* it shall be lawful for the Lord Lieutenant to appoint a Person to fill such Vacancy; and when any Vacancy happens in any other Office in any such Asylum the

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Governors of the same shall, with the Approval of the Lord Lieutenant, appoint a fit Person to fill the same: Provided that no Person shall be appointed Resident Medical Superintendent or Visiting Physician who is not duly qualified to practise both Medicine and Surgery; and registered as such under the Medical Act, 1858, or any Act amending the same; and the said Governors shall appoint all the Servants necessary for such Asylum; and when any District Lunatic Asylum shall hereafter be established the Officers and Servants of the same shall respectively be appointed in like Manner.

Appointment of certain Officers to be in the first instance probationary only.

4. The appointment of any Officer by the Governors of any District Lunatic Asylum shall in the first instance be probationary only; and the same shall require to be confirmed by the Governors at a Meeting to be held not sooner than Three nor later than Six Calendar Months from the Date of the probationary Appointment; and every Appointment confirmed by the Governors shall be laid before the Lord Lieutenant for his Approval; and if the Governors shall not, at a Meeting held within the Period of Six Months herein provided, confirm such probationary Appointment, or if they shall at such Meeting, refuse to confirm the same, or if the Lord Lieutenant shall refuse to approve of any Appointment so confirmed, and shall notify such Refusal to the Governors, the Officer so appointed shall cease to hold his Office, and the same shall become vacant from the Expiration of such Period of Six Months, or from the Date of the Meeting at which the Governors shall so refuse to confirm the Appointment, or from such Notification by the Lord Lieutenant, as the Case may be.

Lord Lieutenant shall appoint Officers in default of Governors.

5. If the Governors of any District Lunatic Asylum shall neglect to appoint any Officer or Servant whom they are empowered to appoint, and who shall be required to complete the Staff for the Time being determined on for any such Asylum, for the Space of Two Calendar Months after they shall have been called upon to make such Appointment by Writing under the Hand of One of the Inspectors of Lunatic Asylums, the Lord Lieutenant shall appoint such Officer.

Tenure of Office of Officers and Servants.

6. The Resident Medical Superintendent of any District Lunatic Asylum now or hereafter to be appointed shall hold office during the Pleasure of the Lord Lieutenant; and all other Officers of any District Lunatic Asylum now or hereafter to be appointed may be removed by the Governors of such Asylum with the Approbation of the Lord Lieutenant, and any Servant in any such Asylum may be dismissed by the Governors thereof.

Power to remove Officers.

Confirmation of Appointments hitherto made.

7. All Appointments made by the Lord Lieutenant to any Office or Situation in any District Lunatic Asylum in *Ireland* before the passing of this Act shall be valid and effectual.

Superannuation.

8. From and after the passing of this Act it shall be lawful for the Governors of any District Lunatic Asylum, with the Approval of the Inspectors of Lunatics, or One of them, on the Retirement of any Officer or Servant whose whole Time has been devoted to the Service of such Asylum, to direct that any Officer or Servant shall receive such Superannuation Allowances as they shall think proper; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Governors shall proceed according to the Principles laid down by "The Superannuation Act, 1859," and every such Superannuation Allowance shall be advanced, paid, presented for, and raised in like Manner as any other Monies advanced or raised for supporting and maintaining such District Lunatic Asylum: Provided always, that nothing herein contained shall prejudice or affect the Right to Superannuation of any Person employed in any District Lunatic Asylum previous to the passing of this Act.

No dangerous Lunatic or dangerous Idiot to be committed to any Gaol in Ireland.

9. From and after the First Day of *January* One thousand eight hundred and sixty-eight it shall not be lawful for Two or more Justices to commit to any Gaol in *Ireland* any Person proved to their Satisfaction to be a dangerous Lunatic or dangerous Idiot, anything in the recited Acts to the contrary notwithstanding.

Dangerous Lunatics and dangerous Idiots to be sent to Asylums.

10. From and after the First Day of *January* One thousand eight hundred and sixty-eight whenever any Person shall be brought before any Two Justices of any County, County of a City, County of a Town, City or Town, and it shall be proved to their Satisfaction that such Person was discovered and apprehended under Circumstances denoting a Derangement of Mind, and a Purpose of committing some Crime for which, if committed, such Person would be liable to be indicted, the said Justices shall call to their Assistance the Medical Officer, or if there be more than One, the nearest available Medical Officer of the Dispensary District in which they shall be at the Time, and if there shall not be any such Medical Officer available, then the nearest available Medical Officer of any neighbouring Dispensary District, who shall examine such Person without Fee or Reward; and if such Medical Officer shall certify that such Person is a dangerous Lunatic or a dangerous Idiot, it shall be lawful for the said Justices, by Warrant under their Hands aad Seals, to direct that such Person shall be taken to the Lunatic Asylum established either wholly or in part for the County, County of a City, or County of a Town in which he shall have been apprehended; and every such Person shall remain under Confinement in such Asylum, and be there maintained, in like Manner and subject to the same Conditions as if such Person had been removed from any Goal to such Asylum by virtue of the Warrant of the Lord Lieutenant under the Provisions of the recited Act of the First Year of Her present Majesty, Chapter Twenty-seven: Provided always, that nothing herein contained shall be construed to restrain or prevent any Relation or Friend from taking such Person under his own care and Protection if he shall enter into sufficient Recognizance for his or her peaceable Behaviour or safe Custody before Two Justices of the Peace, or the Chairman of the Court of Quarter Sessions of the County in which such Person shall be confined, or One of the Judges of Her Majesty's Superior Courts at *Dublin*.

Persons removed to Lunatic Asylums may be discharged on Medical Certificate. 9 & 10 Vict. c. 115. s. 3.

11. Whenever it shall be duly certified by the Resident Medical Superintendant or Visiting Physician of any District Lunatic Asylum that any Person removed to such Lunatic Asylum as aforesaid has become of sound Mind, or has ceased to be or is not a dangerous Lunatic, or is not a dangerous Idiot, such Person may lawfully be discharged from such Lunatic Asylum without the Order of the Lord Lieutenant, as in the Case of other Lunatic Poor.

Cap. CXIX.

An Act for the Protection of Naval Stores.

[20th *August* 1867.]

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CAP. CXX.

An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year ending the Thirty-first Day of *March* One thousand eight hundred and sixty-eight, and to appropriate the Supplies granted in this Session of Parliament. [20th *August* 1867.]

CAP. CXXI.

An Act to continue certain Turnpike Acts in *Great Britain*, to repeal certain other Turnpike Acts, and to make further Provisions concerning Turnpike Roads. [20th *August* 1867.]

CAP. CXXII.

An Act for the Application of surplus Fees paid by Suitors in the Superior Courts of Law and other Courts towards the Expenses of providing the intended Courts of Justice; and for other Purposes. [20th *August* 1867.]

CAP. CXXIII.

An Act to confirm certain Provisional Orders under "The Local Government Act, 1858," relating to the Districts of *Exeter*, *Devonport*, *Reading*, *Warley*, and *Midgley*, and for other Purposes relative to certain Districts under the said Act. [20th *August* 1867.]

CAP. CXXIV.

An Act to amend The Merchant Shipping Act 1854. [20th *August* 1867.]

CAP. CXXV.

An Act to continue and amend the Acts relating to Contagious or Infectious Diseases among Cattle and other Animals. [20th *August* 1867.]

CAP. CXXVI.

An Act to amend the Law relating to Railway Companies in *Scotland*. [20th *August* 1867.]

CAP. CXXVII.

An Act to amend the Law relating to Railway Companies. [20th *August* 1867.]

BE it enacted . . . .

Preliminary.

Short Title. 1. This Act may be cited The Railway Companies Act, 1867.

Extent of Act. 2 Except as in this Act expressly otherwise provided, this Act shall not extend to *Scotland*.

Interpretation of Terms. 3. In this Act—

The Term "Company" means a Railway Company; that is to say, a Company constituted by Act of Parliament, or by Certificate under Act of Parliament, for the Purpose of constructing, maintaining, or working a Railway (either alone or in conjunction with any other Purpose):

The Term "Action" includes Suit or other Proceeding:

The Term "Judgment" includes Decree, Order, or Rule:

The Term "Share" includes Stock:

The Term "Person" includes Corporation:

The Term "Court of Chancery" or "Court" means the Court of Chancery in *England* or *Ireland*, as the Case requires:

The Term "Gazette" means, with respect to *England*, the *London Gazette*, and with respect to *Ireland*, the *Dublin Gazette*.

Protection of Rolling Stock and Plant.

Restrictions on Execution against Personal Property of Company. 4. The Engines, Tenders, Carriages, Trucks, Machinery, Tools, Fittings, Materials, and Effects, constituting the Rolling Stock and Plant used or provided by a Company for the Purposes of the Traffic on their Railway, or of their Stations or Workshops, shall not after their Railway or any Part thereof is open for Public Traffic, be liable to be taken in Execution at Law or in Equity at any Time after the passing of this Act, and before the First Day of *September* One thousand eight hundred and sixty-eight, where the Judgment on which Execution issues is recovered in an Action on a Contract entered into after the passing of this Act, or in an Action not on a Contract commenced after the passing of this Act; but the Person who has recovered any such Judgment may obtain the Appointment of a Receiver, and, if necessary, of a Manager, of the Undertaking of the Company, on Application by Petition in a summary Way to the Court of Chancery in *England* or in *Ireland*, according to the Situation of the Railway of the Company; and all Money received by such Receiver or Manager shall, after due Provision for the Working Expenses of the Railway and other proper Outgoings in respect of the Undertaking, be applied and distributed under the Direction of the Court in Payment of the Debts of the Company and otherwise according to the Rights and Priorities of the Persons for the Time being interested therein: and on Payment of the Amount due to every such Judgment Creditor as aforesaid the Court may, if it think fit, discharge such Receiver or such Receiver and Manager.

Determination of Questions respecting Executions. 5. If in any Case where Property of a Company has been taken in Execution a Question arises whether or not it is liable to be so taken notwithstanding this Act, the same may be heard and determined on an Application by either Party by Summons in a summary Way to the Court out of which the Execution issued, or if the Court is One of the Superior Courts of Law, then to a Judge of any One of those Courts, and such Determination shall be final and binding.

Arrangement.

Preparation and filing of Scheme of Arrangement. 6. Where a Company are unable to meet their Engagements with their Creditors the Directors may prepare a Scheme of Arrangement between the Company and their Creditors (with or without Provisions for settling and defining

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any Rights of Shareholders of the Company as among themselves, and for raising, if necessary, additional Share and Loan Capital, or either of them), and may file the same in the Court of Chancery in *England* or in *Ireland*, according to the Situation of the principal Office of the Company, with a Declaration in Writing under the Common Seal of the Company to the Effect that the Company are unable to meet their Engagements with their Creditors, and with an Affidavit of the Truth of such Declaration made by the Chairman of the Board of Directors and by the other Directors, or the major Part in Number of them, to the best of their respective Judgment and Belief.

Stay of Actions.

7. After the filing of the Scheme, the Court may, on the Application of the Company on Summons or Motion in a summary way, restrain any Action against the Company on such Terms as the Court thinks fit.

Notice in Gazette.

8. Notice of the filing of the Scheme shall be published in the Gazette.

Stay of Executions, &c.

9. After such Publication of Notice no Execution, Attachment, or other Process against the Property of the Company shall be available without Leave of the Court, to be obtained on Summons or Motion in a Summary Way.

Assent by Mortgagees, &c.

10. The Scheme shall be deemed to be Assented to by the Holders of Mortgages or Bonds issued under the Authority of the Company's Special Acts when it is assented to in Writing by Three Fourths in Value of the Holders of such Mortgages or Bonds, and shall be deemed to be assented to by the Holders of Debenture Stock of the Company when it is assented to in Writing by Three Fourths in Value of the Holders of such Stock.

Assent by Holders of Rentcharge, &c.

11. Where any Rentcharge or other Payment is charged on Receipts of or is payable by the Company in consideration of the Purchase of the Undertaking of another Company, the Scheme shall be deemed to be assented to by the Holders of such Rentcharge or other Payment when it is assented to in Writing by Three Fourths in Value of such Holders.

Assent by Preference Shareholders.

12. The Scheme shall be deemed to be assented to by the Guaranteed or Preference Shareholders of the Company when it is assented to in Writing as follows:—If there is only One Class of Guaranteed or Preference Shareholders, then by Three Fourths in Value of that Class, and if there are more Classes of Guaranteed or Preference Shareholders than One, then by Three Fourths in Value of each such Class.

Assent by Ordinary Shareholders.

13. The Scheme shall be deemed to be assented to by the Ordinary Shareholders of the Company when it is assented to at an Extraordinary General Meeting of the Company specially called for that Purpose.

Assent by Leasing Company.

14. Where the Company are Lessees of a Railway the Scheme shall be deemed to be assented to by the Leasing Company when it is assented to as follows:

In Writing by Three Fourths in Value of the Holders of Mortgages, Bonds, and Debenture Stock of the Leasing Company.

If there is only One Class of Guaranteed or Preference Shareholders of the Leasing Company, then in Writing by Three Fourths in Value of that Class, and if there are more Classes of Guaranteed or Preference Shareholders in the Leasing Company than One, then in Writing by Three Fourths in Value of each such Class.

By the Ordinary Shareholders of the Leasing Company at an Extraordinary General Meeting of that Company specially called for that Purpose.

Assent of Creditors, &c. not affected, unnecessary.

15. Provided that the Assent to the Scheme of any Class of Holders of Mortgages, Bonds, or Debenture Stock, or of any Class of Holders of a Rentcharge or other Payment as aforesaid, or of any Class of Guaranteed or Preference Shareholders, or of a Leasing Company, shall not be requisite in case the Scheme does not prejudicially affect any Right or Interest of such Class or Company.

Application for Confirmation of Scheme.

16. If at any Time within Three Months after the filing of the Scheme, or within such extended Time as the Court from Time to Time thinks fit to allow, the Directors of the Company consider the Scheme to be assented to as by this Act required, they may apply to the Court by Petition in a summary Way for Confirmation of the Scheme.

Notice of any such Application, when intended, shall be published in the Gazette.

Confirmation of Scheme.

17. After hearing the Directors, and any Creditors, Shareholders, or other Parties, whom the Court thinks entitled to be heard on the Application, the Court, if satisfied that the Scheme has been within Three Months after the filing of it, or such extended Time (if any) as the Court has allowed, assented to as required by this Act, and that no sufficient objection to the Scheme has been established, may confirm the Scheme.

Enrolment and Effect of Scheme.

18. The Scheme when confirmed shall be enrolled in the Court, and thenceforth the same shall be binding and effectual to all Intents, and the Provisions thereof shall, against and in favour of the Company and all Parties assenting thereto or bound thereby, have the like Effect as if they had been enacted by Parliament.

Notice of Confirmation of Scheme.

19. Notice of the Confirmation and Enrolment of the Scheme shall be published in the Gazette.

Company to keep printed Copies of Scheme for Sale.

20. The Company shall at all Times keep at their principal Office printed Copies of the Scheme, when confirmed and enrolled, and shall sell such Copies to all Persons desiring to buy the same at a reasonable Price, not exceeding Sixpence for each Copy.

Penalty for Neglect.

If the Company fail to comply with this Provision they shall be liable to a penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the First Penalty is incurred, which penalties shall be recovered and applied as Penalties under The Railways Clauses Consolidation Act, 1845, are recoverable and applicable.

Provision for Cases where Railways or Part in Scotland.

21. Where a Company whose principal Office is situate in *England* have a Railway or Part of a Railway in *Scotland* the following Provisions shall have Effect:

(1.) Any Scheme under this Act shall be filed in the Court of Chancery in *England*:

(2.) Where, after the filing of the Scheme, any Person who is not amenable to the Jurisdiction of the Court of Chancery in *England* brings any Action against the Company in *Scotland*, the Court of Session may, on the Application of the Company by Petition in a summary Way, sist, stay, or interdict the same on such Terms as the Court thinks fit:

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(3.) Notice of the filing of the Scheme shall be published in the *Edinburgh Gazette*, and after such Publication no Diligence against the Property of the Company in *Scotland* shall be available for any Person who is not amenable to the Jurisdiction of the Court of Chancery in *England* without the Leave of the Court of Session, to be obtained on Petition in a summary Way:

In this Section the Term "Court of Session" means either Division of the Court of Session, or in Time of Vacation the Lord Ordinary officiating on the Bills.

General Orders for Regulation of Practice in Court of Chancery.

22. The Lord Chancellor of *Great Britain*, with the Advice and Assistance of the Lords Justices of the Court of Appeal in Chancery, the Master of the Rolls, and the Vice-Chancellors, or any Two of those Judges, and the Lord Chancellor of *Ireland*, with the Advice and Assistance of the Lord Justice of Appeal in Chancery and the Master of the Rolls, or One of them, may from Time to Time make General Orders for the Regulation of the Practice of the Courts of Chancery in *England* and *Ireland* respectively under this Act.

Loan Capital.

Priority of Mortgages.

23. All Money borrowed or to be borrowed by a Company on Mortgage or Bond or Debenture Stock under the Provisions of any Act authorizing the borrowing thereof shall have Priority against the Company and the Property from Time to Time of the Company over all other Claims on account of any Debts incurred or Engagements entered into by them after the passing of this Act: Provided always, that this Priority shall not affect any Claim against the Company in respect of any Rent-charge granted or to be granted by them in pursuance of The Lands Clauses Consolidation Act, 1845, or The Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any Rent or Sum reserved by or payable under any Lease granted or made to the Company by any Person in pursuance of any Act relating to the Company which is entitled to rank in priority to, or *pari passu* with, the Interest or Dividends on the Mortgages, Bonds, and Debenture Stock; nor shall anything herein-before contained affect any Claim for Land taken, used, or occupied by the Company for the Purposes of the Railway, or injuriously affected by the Construction thereof, or by the Exercise of any Powers conferred on the Company.

Power to issue Debenture Stock, subject to Part III. of 26 & 27 Vict. c. 118.

24. Any Company may create and issue Debenture Stock, subject to the Provisions of Part III. of the Companies Clauses Act, 1863, (relating to Debenture Stock,) and the Part III. shall, with respect to any Special Act of a Company incorporating that Part, whether passed or to be passed, be read and have Effect as if the following Words, that is to say, "not "exceeding the Rate prescribed in the Special Act, "and if no Rate is prescribed then not exceeding the "Rate of Four Pounds *per Centum per Annum*," had not been inserted in Section Twenty-two of that Act: and for the Purposes of the present Section this Act shall be deemed a Special Act passed incorporating that Part; and any Special Act of a Company passed before the passing of this Act prescribing any Rate shall be read and have Effect as if no Rate had been prescribed therein.

Restriction on Rate of Interest on Debenture Stock already authorized.

25. Provided that any Debenture Stock the Creation whereof has been authorized by a Company, but which has not been issued, before the passing of this Act, shall not be issued on any Terms other than those whereon it might have been issued if this Act had not been passed, unless and until the Issue thereof on Terms other than as aforesaid is after the passing of this Act authorized by the Company in manner provided by Section Twenty-two of The Companies Clauses Act, 1863.

Advances to meet Debentures falling due.

26. Money borrowed by a Company for the Purpose of paying off, and applied in paying off, Bonds or Mortgages of the Company given or made under the statutory Powers of the Company, shall, so far as the same is so applied, be deemed Money borrowed within and not in excess of such statutory Powers.

Share Capital.

Power to issue Shares or Stock at Discount.

27. Section Twenty-one of The Companies Act, 1863, shall, with respect to any Special Act of a Company incorporating Part II. of that Act, whether passed or to be passed, be read and have Effect as if the following Words, that is to say, "but so that not less than the full nominal "Amount of any Share or Portion of Stock be payable or paid in respect thereof," had not been inserted in that Section.

Power to issue Residue of original or other Capital at Discount.

28. Any Shares forming Part of the Capital (whether original or additional) authorized to be raised by any special Act of a Company passed before the present Session, which have not been disposed of, may be disposed of in manner provided by Part II. of The Companies Clauses Act, 1863, as amended by this Act, and that Part, as so amended, shall be deemed incorporated with such Special Act accordingly.

Restriction on issuing of Discount of Shares or Stock already authorized.

29. Provided that any Shares the Creation whereof has been authorized by a Company, but which have not been issued, before the passing of this Act, shall not be issued on any Terms other than those whereon the same might have been issued if this Act had not been passed, unless and until the Issue thereof on Terms other than as aforesaid is after the passing of this Act authorized by the Company in Manner provided by Part II. of The Companies Clauses Act, 1863.

Audit of Railway Accounts.

30. No Dividend shall be declared by a Company until the Auditors have certified that the Half-yearly Accounts proposed to be issued contain a full and true Statement of the financial Condition of the Company, and that the Dividend proposed to be declared on any Shares is *bona fide* due thereon after charging the Revenue of the Half Year with all Expenses which ought to be paid thereout in the Judgment of the Auditors; but if the Directors differ from the Judgment of the Auditors with respect to the Payment of any such Expenses out of the Revenue of the Half Year, such Difference shall, if the Directors desire it, be stated in the Report to the Shareholders, and the Company in General Meeting may decide thereon, subject to all the Provisions of the Law then existing, and such Decision shall for the Purposes of the Dividend be final and binding; but if no such Difference is stated, or if no Decision is given on any such Difference, the Judgment of the Auditors shall be final and binding; and the Auditors may examine the Books of the Company at all reasonable Times and may call for such further Accounts, and such Vouchers, Papers, and Information, as they think fit, and the

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Directors and Officers of the Company shall produce and give the same as far as they can, and the Auditors may refuse to certify as aforesaid until they have received the same; and the Auditors may at any Time add to their Certificate, or issue to the Shareholders independently at the Cost of the Company, any Statement respecting the financial Condition and Prospects of the Company which they think material for the Information of the Shareholders.

Abandonment.

Provisions of 13 & 14 Vict. c. 83. as to Abandonment of Railways to apply to all Companies authorized to make Railways before this Session.

31. The Abandonment of Railways Act, 1850, shall extend and apply to all Companies authorized to make Railways by Act of Parliament passed before the present Session, subject and according to the following Provisions:

(1.) Section Thirty-one of that Act shall be read and have Effect as if The Companies Act, 1862, were referred to therein instead of The Joint Stock Companies Winding-up Act, 1848, or any Act amending the same.

(2.) Section Thirty-five of the said Act of 1850 shall be read and have Effect as if the Date of the Twenty-first Day of *May* One thousand eight hundred and sixty-seven were therein substituted for the Date of the Eleventh Day of *February* One thousand eight hundred and fifty:

(3.) Nothing in the said Act of 1850 or this Act shall be deemed to make it obligatory on the Board of Trade to authorize the Abandonment of a Railway or Part of a Railway on any Application in that Behalf, and the Board of Trade shall not authorize such Abandonment in any Case unless it appears to them just and expedient so to do, and the Board of Trade may, if they think fit, refuse in any Case to authorize such Abandonment, except on Condition of the Money deposited as Security for the Completion of the Railway, or the Stocks, Funds, or Securities on which the same is invested, or the Money secured by any Bond conditioned for Completion of the Railway, or for Payment of Money in default thereof, being applied as Part of the Assets of the Company.

Abandonment where Three Fifths of Capital not subscribed.

32. Where it is shown to the Satisfaction of the Board of Trade with respect to a Company authorized to make a Railway by Act of Parliament passed before the present Session, that no Part, or a Part less than Three Fifths, of the Share Capital of the Company, has been subscribed, the Board of Trade may, if they think fit, proceed under the said Act of 1850, as extended by this Act, on the Application of any Person named in the Special Act incorporating the Company as a Member or Director thereof, or of any Person named in the Warrant or Order directing Payment of any Deposit under any Standing Order of either House of Parliament, or of any Person who has lent the Amount of such Deposit, or any Part thereof, or has entered into any Bond conditioned for the Completion of the Railway, or for Payment of any Money in default thereof, and without the preliminary Consent of a Meeting of Shareholders of the Company.

Compensation for Damage to Land by Entry, &c.

33. The Authority given under this Act for the Abandonment by a Company of any Railway or Part of a Railway shall not affect the Right of the Owner or Occupier of any Lands that have been temporarily occupied by the Company to receive Compensation, in accordance with the Provisions of the Railways Clauses Consolidation Act, 1845, for such temporary Occupation, or for any Loss, Damage, or Injury that has been sustained by him by reason thereof, or of the Exercise as regards such Lands of any of the Company's Powers.

Cancellation of Bonds for Completion of Railways, and Release of Deposit.

34. Where a Warrant for Abandonment is granted under The Abandonment of Railways Act, 1850, as extended by this Act, the Commissioners of Her Majesty's Treasury may cancel and deliver up any Bond entered into by or on behalf of a Railway Company for securing the Completion of a Railway, or, in Case the Abandonment be of Part of the Railway only, may cancel and deliver up such Bond on receiving another Bond in lieu thereof conditioned for Payment of a due proportionate Part of the Amount secured by such former Bond; and any Money remaining deposited as Security for the Completion of the Railway, or the Stocks, Funds, or Securities in which the same is invested, or any Bank Annuities, Stocks, Funds, Securities, or Exchequer Bills remaining deposited as such Security, or in case the Abandonment authorized is of Part only of a Railway then such proportionate Part as the Board of Trade thinks fit of such Money, Stocks, Funds, Securities, Annuities, or Exchequer Bills, shall be paid, transferred, or delivered out to the Persons who would be entitled to receive the same if the Railway had been completed and opened for Public Traffic; and the Court of Chancery shall, on the Application of those Persons, order Payment, Transfer, of Delivery out thereof accordingly, on a Certificate of the Board of Trade certifying that such a Warrant for Abandonment has been granted

Protection for Board of Trade in case of Error.

35. The issuing in any Case of any Warrant or Certificate relating to Deposit, or to any Money, Stocks, Funds, Securities, Bank Annuities, or Exchequer Bills deposited, or any Error in any such Warrant or Certificate, or in relation thereto, shall not make the Board of Trade, or the Person signing the Warrant or Certificate on their Behalf, in any Manner liable for or in respect of the Money, Stocks, Funds, Securities, Bank Annuities, or Exchequer Bills deposited, or the Interest of or Dividends on the same, or any Part thereof respectively.

Purchase of Lands.

Amendment (as to Railway Companies) of Section 85 of 8 & 9 Vict. c. 18.

36. Where after the passing of this Act a Company exercise the Powers conferred on the Promoters of the Undertaking by Section Eighty-five of The Lands Clauses Consolidation Act, 1845, the following Provisions shall have Effect:

(1.) The Surveyor to be appointed as in that Section provided shall be appointed by the Board of Trade instead of by Two Justices, and all the Provisions of that Act relative to a Surveyor appointed by Two Justices shall apply to a Surveyor so appointed by the Board of Trade:

(2.) The Company shall give not less than Seven Days' Notice of their Intention to apply to the Board of Trade for the Appointment of a Surveyor to any Party Interested in or entitled to sell and convey the Lands in question, and not consenting to the Entry of the Company:

(3.) The Valuation to be made by the Surveyor so

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appointed shall include the Amount of Compensation for all Damage aod Injury to be sustained by reason of the Exercise of the Powers conferred by the said Section, as far as such Damage and Injury are capable of Estimation:

(4.) The Sureties to the Bond to be given by the Company under that Section shall, in case the Parties differ, instead of being approved of by Two Justices, be approved of by the Board of Trade, after hearing the Parties.

Costs of Arbitrations as to Lands.

37. Where, in *England*, under The Lands Clauses Consolidated Act, 1845, or any Act incorporating the same, a Question of disputed Compensation relating to Lands required to be purchased or taken by a Company is determined by Arbitration, the Costs of and incidental to the Arbitration and Award shall, if either Party so requires, be settled, as between the Parties, by One of the Masters of the Court of Queen's Bench.

CAP. CXXVIII.

An Act for the Protection of War Department Stores. [20th *August* 1867.]

CAP. CXXIX.

An Act to alter and regulate the Official Establishment of the High Court of Chancery and of the Superior Courts of Common Law in *Ireland*. [20th *August* 1867.]

WHEREAS it is expedient to alter and regulate the Official Establishments of the High Court of Chancery and of the Superior Courts of Common Law in *Ireland*: Be it therefore enacted . . . . .

Short Title.

1. This Act may be cited for all purposes as "The Chancery and Common Law Officers (*Ireland*) Act, 1867."

Commencement of Act.

2. This Act shall commence on the First Day of *October* One thousand eight hundred and sixty-seven.

PART I.

OFFICES OF THE HIGH COURT OF CHANCERY IN *Ireland*.

Abolition of certain Offices.

3. From and after the Commencement of this Act the following Offices of the High Court of Chancery in *Ireland*, namely, the Offices of Clerk and Assistant Clerk of Affidavits, of Clerk and Assistant Clerk of Appearances and Writs, of Deputy Keeper of the Rolls, of Clerk and Assistant Clerk of Enrolments, and of Clerk and Assistant Clerk of Pleadings in the Department of the Deputy Keeper of the Rolls, of Clerk of Recognizances, and of Clerk and Assistant Clerk of the Record Department in the Office of the Registrar, and of the Cash Clerk in the said Office of the Registrar shall be and the same are hereby abolished.

"Record and Writ Office" to be provided.

4. From and after the Commencement of this Act there shall be an Office of the High Court of Chancery in *Ireland*, to be called "the Record and Writ Office," and the Lord Chancellor and the Master of the Rolls shall cause to be provided at the Four Courts in the City of *Dublin* suitable Chambers for the Purposes of the said Office.

Transfer of Records, &c.

5. From and after the Comm[illegible] of this Act all Records, Ple[illegible] Affidavits, and other Documents in the C[illegible] Charge of the Officers of the said abolished Of[illegible] all their Bill Books, Clause Books, Indexes, an[illegible] Books in respect of the said abolished Offices, [illegible] transferred to the said Record and Writ Office, and [illegible] there kept in Custody of the Clerk of Records and [illegible] unless and until other Provision shall be made by [illegible] liament for the Custody of any of said Docume[illegible] ordinarily required for the Business of the Court.

Business of abolished Offices to be performed in the Record and Writ Office.

6. All the business which is now [illegible] formed and transacted in the fol[illegible] Offices of the said Court, that is [illegible] in the Affidavit Office, in the Of[illegible] Writs and Appearances, in the Office of the De[illegible] Keeper of the Rolls, and in the Recognizance Of[illegible] and the Duties which are now discharged by the De[illegible] Keeper of the Rolls, and by the Clerk and Assi[illegible] Clerk of Enrolments, the Clerk and Assistant Cl[illegible] Pleadings in the Office of the Deputy Keeper of [illegible] Rolls, and by the Clerk and Assistant Clerk in [illegible] Registrar's Office in respect of Reports and Acco[illegible] there kept, shall, from and after the Commenceme[illegible] this Act, be performed, transacted, and discharg[illegible] the said Record and Writ Office; and the N[illegible] Department in the Office of Appearances and W[illegible] shall continue as at present constituted, and shall f[illegible] a Part of the said Record and Writ Office, and sh[illegible] be under the Control and Supervision of the Cl[illegible] Records and Writs; and all Pleadings, Affida[illegible] Recognizances, Reports, Accounts, Notices, and oth[illegible] Documents which according to the *Practice* of [illegible] Court are now filed or lodged in any of the [illegible] abolished Offices shall be filed, lodged, and kept [illegible] said Record and Writ Office; and all the Du[illegible] Authorities which if this Act had not been passe[illegible] have been performed and exercised by the Offi[illegible] the said abolished Offices shall be perform[illegible] exercised by the Officers of the said Record a[illegible] Office in such Manner as shall be *appointed* by [illegible] General Order made as by this Act is provided.

Appointment of Officers of Record and Writ Office.

7. There shall be a Clerk *of Recor*[illegible] and Writs and Two Assistants to [illegible] Clerk in the Record and Writ Office, an[illegible] the said Clerk and his Assistants *shall* respectivel[illegible] discharge all such Duties as shall be appointed by an[illegible] General Order made as by this Act is provided, and the said Officers shall have to aid them in the Discharge of their said Duties the several Clerks set forth in the First Schedule to this Act annexed, *and so many* Scrivenery Clerks as the Lord Chancellor with the Consent of the Commissioners of Her Majesty's Treasury shall appoint.

New Establishment to be formed from Persons employed in abolished Offices.

8. And whereas it is expedient that the new Establishment *of Clerk of* Records and Writs Assistants and Clerks hereby created shall in the first instance consist of Persons employed in the Offices hereby abolished: Be it therefore enacted, That *John Re*[illegible] Esquire, Deputy Keeper of the Rolls, shall be and he is hereby appointed Clerk of Records and Writs, and *Maziere J. Brady* Esquire, Clerk of Affidavits, shall be and he is hereby appointed First *Assistant in sai*[illegible] Record and Writ Office, and they shall hold their respective Offices by the same Tenure as they held their said Offices by this Act abolished, and the Lord Chancellor, with the Concurrence of the Master of the Rolls and Vice-Chancellor, or One of them, shall tender to the Clerks and Assistant Clerks of the Office by this Act abolished, according to their respective Rank

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and Seniority at the Time of the passing of this Act, if competent for the permanent Discharge of such Duties, the Option of accepting the Offices of Second Assistant and First and Second Class Clerk, and any such Clerk or Assistant Clerk of less than Twenty-five Years Service who shall decline to accept any Office tendered to him as aforesaid shall be deemed to have resigned his said Office, and shall be entitled to receive such retiring Allowance as is provided by Section Twenty-eight of this Act for Officers of the Court of Chancery; and if there shall not be found amongst the Clerks and Assistant Clerks whose Offices are hereby abolished a sufficient Number of Persons to fill the Places of Clerks in said Record and Writ Office, the Lord Chancellor and the Master of the Rolls shall alternately, beginning with the Master of the Rolls, appoint a fit Person or fit Persons to fill such Place or Places: Provided always, that any Clerk or Assistant Clerk of any of the said abolished Offices appointed to any of the said Offices by this Act created in manner aforesaid shall hold his Office by the same Tenure as he held his former Office, and shall be entitled to receive a Salary not less than that which he enjoyed in virtue of his said former Office, and such Salary shall be paid to him out of the like Funds and in like Manner as the Salaries payable under this Act; and any Instrument by which any Person employed in any of the said abolished Offices shall be appointed to any of the above-mentioned Offices shall not be chargeable with any Stamp Duty.

How Vacancies in Record and Writ Office to be filled up.

9. When any Vacancy happens in the Office of Clerk of Records and Writs, the Master of the Rolls shall appoint a fit Person to fill the said Vacancy; and when any Vacancy happens in the Office of First Assistant in the said Record and Writ Office, the Lord Chancellor shall appoint a fit Person to fill the said Vacancy; and when any Vacancy happens in the Office, of Second Assistant in said Record and Writ Office, the Master of the Rolls shall appoint a fit Person to fill the said Vacancy; and when any Vacancy happens in the Office of First-class Clerk, the Lord Chancellor shall promote thereto the Clerk of the Second-class next in Seniority who shall be competent to fill the said Vacancy; and when any Vacancy happens in the Office of Second-class Clerk, the Lord Chancellor and the Master of the Rolls shall alternately, beginning with the Master of the Rolls, appoint a fit Person to fill the said Vacancy; and when any Vacancy happens in the Office of Clerk in the Notice Department, the Master of the Rolls shall appoint a fit Person to fill the said Vacancy.

Tenure of Office.

10. Every Person appointed to any Place under this Act, save such Persons as shall have held Offices by this Act abolished, shall hold Office by the same Tenure as an Officer serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by an Order of the Lord Chancellor, with the Concurrence of the Master of the Rolls or the Vice-Chancellor, stating the Cause for such Removal: Provided always, that no Person shall be appointed to the Office of Second-class Clerk unless he shall have received a Certificate of Fitness from the Civil Service Commissioners, or shall have been employed in any of the Offices by this Act abolished.

Salaries of Officers.

11. There shall be paid to the said Clerk of Records and Writs, and to his Assistants, and to the said Clerks of the said Record and Writ Office appointed under this Act in the first instance, and to their successors, the several and respective Salaries in that Behalf set forth in the Second Schedule to this Act annexed.

Power to Lord Chancellor to transfer Scrivenery Clerks from Registrar's Office to Record and Writ Office.

12. It shall be lawful for the Lord Chancellor from Time to Time to transfer any Person employed as a Scrivenery Clerk in the Registrar's Office in the said Court of Chancery, whose Services in the said Office may be dispensed with, to such Situation of a similar Nature in the said Record and Writ Office as he shall consider such Person best qualified to fill; and any such Person who shall refuse to discharge the Duties of the Situation to which he shall have been transferred as aforesaid shall be liable to Dismissal by the Lord Chancellor.

Officers, &c. of abolished Offices to continue to be Officers, &c. of the Court of Chancery, and to be entitled to receive their present Salaries if they discharge Duties imposed upon them.

13. Every Person who on the Thirtieth Day of *September* One thousand eight hundred and sixty-seven shall hold any Office or Situation in any Office of the said Court of Chancery which is by this Act abolished, and who, being of more than Twenty-five Years Service, shall not have accepted, or being of less than Twenty-five Years Service shall not have been tendered the Option of accepting, any Office or Situation in the said Record and Writ Office, shall continue to be deemed an Officer of the Court of Chancery, and shall hold by the same Tenure, and be entitled to the like Salary and Superannuation Allowance (if any), as if the said Office or Situation had not been abolished, and shall, unless and until he shall retire pursuant to the Provisions of the "Court of Chancery (*Ireland*) Regulation Act, 1850," discharge such Duties suitable to his Position as an Officer of said Court connected with the Business of the said Court of Chancery, or the Arrangement and Classification of Records in any Public Record Office, or other Place provided for the keeping of Records by Parliament, as shall be assigned to him by the Lord Chancellor, or, at the Instance of the Lord Chancellor, by the Head of such Public Record Office respectively; and every such Person who shall decline to discharge such Duties when called upon to do so shall forfeit his Right to any Benefits to which he would otherwise be entitled under this Act, or the "Court of Chancery (*Ireland*) Regulation Act, 1850."

Appointment of Deputy in case of Absence of Clerk of Records and Writs.

14. In case of Absence from Illness or other reasonable Cause it shall be lawful for the said Clerk of Records and Writs to appoint a Deputy, such Deputy and also the Occasion for such Appointment being first approved by the Lord Chancellor; and in case the said Clerk of Records and Writs, being absent as aforesaid, shall neglect to appoint such Deputy, or to renew the Appointment of a Deputy, the Lord Chancellor may appoint a Deputy, and every Deputy to be appointed as aforesaid shall have all the Powers and Authorities of his Principal, and shall be paid such Sum out of the Salary of his Principal as the Lord Chancellor shall direct; and during Vacations the whole of the Business of the Record and Writ Office may be performed by such of the Officers of the said Office and upon such Terms as the Lord Chancellor shall by any Order direct.

Clerk of Records and Writs and Assistants to attest Copies of Affidavits.

15. The said Clerk of Records and Writs and the said Assistants to the said Clerk shall cause every Copy of any Affidavit to be duly compared with the Original from which it shall be made before he shall attest the same, and shall be responsible for the Accuracy of every Copy so attested by him.

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The Clerk of Records and Writs, &c. may administer Oaths and take Affirmations.

16. The said Clerk of Records and Writs and the said Assistants to the said Clerk may administer the Oaths and take the Affirmations and Attestations of Honour which they may from Time to Time be required to administer and take.

Persons swearing before such Officers to be subject to Penalties for Perjury.

17. All Persons swearing, affirming, or attesting before the said Clerk of Records and Writs, or any Assistant to the said Clerk, under this Act, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false Swearing or Perjury contained therein, as if the Matter sworn affirmed, or attested had been sworn, affirmed, or attested before the High Court of Chancery.

Officers and Clerks not to take Gratuities.

18. If the Clerk of Records and Writs, or any Assistant to the said Clerk, or any Person employed in the said Record and Writ Office, shall, for anything done or pretended to be done relating to his Office or Employment under this Act, or under Colour of doing anything relating to his said Office or Employment, wilfully demand or accept, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, any Fee, Gift, Gratuity, or Emolument, or anything of Value, other than what is allowed or directed to be taken by him, the Person so offending may, upon Complaint made to the Lord Chaucellor, be removed from any Office or Employment he may hold under this Act.

Persons employed under this Act not to practise as Barristers, &c.; and Solicitors, &c. accepting Office to be struck off the Rolls.

19. No Person while he holds any Office or Employment in the Record and Writ Office shall practise as a Barrister or as a Solicitor or Attorney; and every Solicitor or Attorney who shall accept any Office or Employment under this Act shall be struck off the Roll of Solicitors of the High Court of Chancery, and off the Roll of Attorneys of any of Her Majesty's Courts of Record at *Dublin* on which his Name may be.

Power to Vice-Chancellor to appoint "Clerk in Court."

20. It shall be lawful for the Vice-Chancellor from Time to Time to appoint a competent Writer of Shorthand to the Office of "Clerk in Court," whose Duty it shall be to attend the Vice-Chancellor's Court for the Purpose of taking down and transcribing all such Evidence, Statements, and Matters as the Vice-Chancellor shall direct, and for the Purpose of reading all Documents necessary to be read in Court, and discharging such other Duties as shall be prescribed by the Vice-Chancellor.

Future Clerks in Court in Lord Chancellor's Court or Rolls Court to be practised Shorthand Writers.

21. When any Vacancy shall occur in the Office of "Clerk in Court" in the Lord Chancellor's Court or the Rolls Court, it shall be lawful for the Lord Chancellor and Master of the Rolls respectively to appoint a competent Writer of Shorthand to fill such Vacancy; and the present "Clerk in Court" in the Rolls Court, and every Person appointed a "Clerk in Court" as aforesaid after the Commencement of this Act, shall, in addition to the Duties hitherto performed by the Person filling such Office, take down and transcribe all such Evidence, Statements, and Matters as the Judge in whose Court he shall attend shall direct.

Salaries of Clerks in Court.

22. There shall be paid to the present Clerk in Court in the Rolls Court, and to any Person appointed after the Commencement of this Act to the Office of "Clerk in Court" in the Lord Chancellor's Court, Rolls Court, or Vice-Chancellor's Court, the net Yearly Salary of Four hundred Pounds, and every such Clerk in Court shall hold his Office by the same Tenure as an Officer serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by the Judge to whose Court he shall be attached.

Power to increase Salaries of Clerks in Court.

23. After the Expiration of Two Years from the passing of this Act, it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall so think fit, to increase the Salaries of all or any of the Clerks in Court appointed under this Act to any Sum they may think fit, not exceeding the yearly Salary of Six hundred Pounds for each such Clerk, upon the Recommendation of the Judge to whose Court the Clerk shall be attached.

Office of Second Examiner-in-Chief abolished.

24. The Office of Second Examiner-in-Chief in the said Court of Chancery, now vacant, shall not be filled up, and the same is hereby abolished, and the Duties of the said Office shall be discharged, as at present, by the Examiner-in-Chief; and all Records and Documents belonging to the said Office shall be transferred to the said Record and Writ Office, and shall be there kept in the Custody of the said Chief Clerk of Records and Writs unless and until other Provision shall be made by Parliament for the Custody of any of the said Records and Documents.

Office of Supernumerary Examiner abolished.

25. When any Vacancy shall occur in the Office of Supernumerary Examiner to the Receiver Master of the said Court of Chancery, such Vacancy shall not be filled up, and the Duties of such Office shall be discharged by such of the Officers of the said Master and in such Manner as the said Master, with the Approbation of the Lord Chancellor, shall order and direct; and any Person appointed to any Office or Situation in the Registrar's Office after the Commencement of this Act shall not be entitled to claim any Right of Succession to any other Office or Situation in the said Registrar's Office.

Office of Third Taxing Master abolished.

26. There shall be only Two Taxing Masters of the said Court of Chancery, and the Office of third Taxing Master of the said Court of Chancery, now vacant, shall be and the same is hereby abolished, and there shall be paid to each Taxing Master the yearly Salary of One thousand Pounds.

Vice-Chancellor may appoint a Trainbearer and Lord Justice of Appeal a Trainbearer and Tipstaff.

27. It shall be lawful for the Vice-Chancellor to appoint a Trainbearer at a yearly Salary of One hundred Pounds, and for the Lord Justice of Appeal to appoint a Trainbearer at a yearly Salary of One hundred Pounds, and a Tipstaff at a yearly Salary of Fifty Pounds.

As to Superannuation Allowances.

28. Any Person hereafter appointed an Officer of any Office in the said Court of Chancery who shall resign his Office shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently engaged in the said Office or in any other Public Office, and shall proceed according to the Principles laid down by the "Superannuation Act, 1859;" and all Sums and

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Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable, and be charged and chargeable, in the same Way as is provided in respect of the Salaries of the said Officers: Provided always, that the present Taxing Masters of the said Court and also any Person who shall have been employed in any of the Offices of the said Court of Chancery by this Act abolished, and who is or shall be appointed to any Office in said Court by or under this Act, shall be entitled to the same Retiring or Superannuation Allowance, and upon the same Conditions under the Court of Chancery, *Ireland*, Regulation Act, 1850, as if his said Office had not been hereby abolished, and in case the Salary of the Office under this Act which he shall hold at the Time of his Retirement or Superannuation shall exceed the Salary of such abolished Office, then such Officer shall, in case he shall have served not less than Three Years in such new Office, be entitled to receive such further Superannuation Allowance in respect of such Excess as the said Commissioners shall think proper to direct, and same shall be ascertained and awarded in manner herein-before mentioned.

In awarding Retiring Allowance Service in other Offices may be reckoned.

29. It shall be lawful for the Commissioners of Her Majesty's Treasury, in awarding Retiring Allowances to the Officers of the Court of Chancery under "The Court of Chancery (*Ireland*) Regulation Act, 1850," to take into consideration the Period, if any, during which such Officers may have served in any Office under the Lord Chancellor, or in the Superior Courts of Common Law in *Ireland*, or in the Court of Bankruptcy and Insolvency, or the late Court of Bankruptcy or Court for the Relief of Insolvent Debtors in *Ireland*, in such Manner as they shall think proper.

Orders may be made for carrying Act into execution.

30. The Lord Chancellor, with the Advice and Concurrence of the Master of the Rolls and Vice-Chancellor, or either of them, may make such Orders as he shall think fit, as well in relation to any Matter connected with the said abolished offices, and not hereby otherwise provided for, as for carrying the Provisions of this Act into execution, and with the Consent of the Commissioners of Her Majesty's Treasury for regulating the Amount of Fees payable in the said Record and Writ Office and elsewhere under this Act, and may also make such other Rules and Orders, not being inconsistent with the Enactments and Provisions of this Act, as may be required for the Performance of the Business heretofore done in the said abolished Offices, and for establishing and settling the Practice of the Office hereby created.

Orders under the Act may be varied.

31. Any Order or Orders for the Time being made under this Act may from Time to Time be annulled, altered, or varied, and new Orders may from Time to Time be made for any of the Purposes of this Act, by the Lord Chancellor, with the like Advice, Concurrence, and Consent.

Act not to affect other Powers of Lord Chancellor.

32. Provided always, and be it enacted, That nothing in this Act contained shall be construed to affect the general Powers vested in the Lord Chancellor either solely or otherwise.

Precedence of Lord Justice.

33. Whereas by the Act of the Nineteenth and Twentieth Years of *Victoria* the Lord Justice of the Court of Appeal in Chancery in *Ireland* is entitled to Rank and Precedence next after the Lord Chief Baron of the Court of Exchequer in *Ireland*, except when the said Lord Chief Justice shall have exercised the Office of Lord High Chancellor of *Ireland*, then and in that Case the said Lord Justice is entitled to rank next after the Chancellor for the Time being: Be it enacted, That from and after the passing of this Act the said Lord Justice, whether he has exercised the Office of Lord High Chancellor of *Ireland* or not, shall have Rank and Precedence only next the Lord Chief Baron of the Court of Exchequer in *Ireland*.

Holidays in Courts of Law to be Holidays in Court of Chancery.

34. In addition to the Days now by Law kept as Holidays in the Court of Chancery and the Offices thereof, the several Days directed by "The Common Law Procedure Amendment Act, 1853," to be kept as Holidays in the Superior Courts of Law and the Offices thereof, shall be kept and observed as Holidays in the Court of Chancery and the Offices thereof.

PART II.

Officers of the Superior Courts of Common Law in *Ireland*.

Enumeration of abolished Offices.

35. From and after the Commencement of this Act the Offices of the Pleading Department, the Record Department, and the Rules Department, except the Office of Clerk of the Rules, in each of the said Superior Courts of Common Law, the Offices of Principal Assistant and Clerk to each of the Masters of the said Superior Courts of Common Law, the Office of Revenue Assistant in the Court of Exchequer, and the Offices of General Purposes Clerks in each of the said Superior Courts of Common Law, shall be and the same are hereby abolished.

Duties of Officers, &c., of abolished Offices to be performed by Officers and Clerks appointed under Provisions of this Act.

36. From and after the Commencement of this Act the Duties and Authorities which, if this Act had not been passed, could have been performed and exercised by the Officers, Assistants, and Clerks of the said abolished Offices, shall be performed and exercised by the Officers and Clerks appointed under the Provisions of this Act in such Manner as the Judges of the said Superior Courts of Common Law shall, by any General Order made as by this Act is provided, from Time to Time direct.

As to Appointment of new Officers.

37. From and after the Commencement of this Act there shall be in each of the said Superior Courts of Common Law, to conduct the Civil Business thereof beside the Master and Clerk of the Rules, the following Officers and Clerks; that is to say, a Pleadings and Record Assistant, a Chief Clerk, and Two First-class, Two Second-class, and Two Third-class Clerks; and the said Officers and Clerks shall respectively discharge all such Duties as they shall from Time to Time be directed by any General Order made as by this Act is provided by the Judges of the said Superior Courts of Common Law, and such Officers and Clerks shall hold their respective Offices by the same Tenure as an Officer serving in an established Capacity in the permanent Civil Service of the State, but shall be removable by Order of the Judges of the Court to which they shall be respectively attached, stating the Cause for such Removal.

Proviso as to present Masters.

38. Whereas additional Duties will by this Act be imposed upon the present Masters of the Courts of Queen's Bench and Common

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Pleas, and it is expedient that Compensation for the same shall be made to them: Be it therefore enacted, That in case the present Salaries and Emoluments of the said present Masters, or either of them, shall not amount in the whole to the annual Sum of One thousand four hundred Pounds, there shall be paid to such Masters or Master while holding such Office such further annual Sum as, together with their or his present Salary and Emoluments, shall amount for each to the full Sum of One thousand four hundred Pounds a Year.

Salaries of Masters and Officers.

39. Save as is by the next preceding Section provided, there shall be paid to the Master of each of the said Superior Courts of Common Law the Yearly Salary of Twelve hundred Pounds, and to the Clerk of the Rules and Officers of each of the said Superior Courts of Common Law, and to any Crier hereafter appointed in any of the said Courts, the several and respective Salaries in that Behalf set forth in the Schedule (A.) to this Act annexed.

New Establishments to be formed from old.

40. And whereas it is expedient that the new Establishments of Pleadings and Record Assistant, Chief Clerk, and First, Second, and Third Class Clerks, should in the first instance consist of Persons employed in the Offices hereby abolished: Be it therefore enacted, That the Judges of each of the said Superior Courts of Common Law shall tender to the Officers, Assistants, and Clerks of the Offices by this Act abolished in their Court of less than Forty Years Service, according to their respective Rank and Seniority at the Time of the passing of this Act, if they shall deem them competent for the permanent Discharge of such Duties, the Option of accepting the Offices of Pleadings and Record Assistant, of Chief Clerk, and of First, Second, or Third Class Clerk; and any such Officer, Assistant, or Clerk of less than Twenty-five Years Service who shall decline to accept any Office tendered to him as aforesaid shall be deemed to have resigned his said Office, and shall be entitled to receive such Retiring Allowance as is herein-after provided: Provided always, that any Officer, Assistant, or Clerk of any of the said abolished Offices appointed to any of the said Offices by this Act created in manner aforesaid shall hold his Office by the same Tenure as he held his former Office, and shall be entitled to receive a Salary not less than that which he enjoyed in virtue of his said former Office, and such Salary shall be paid to him out of the like Funds and in like Manner as the Salaries payable under this Act; and any Instrument by which any Person employed in any of the said abolished Offices shall be appointed to any of the above-mentioned Offices shall not be chargeable with any Stamp Duty.

Vacancies in Offices of Pleading and Record Assistant, and of Chief Clerk, to be filled by Judges.

41. When a Vacancy happens in the Office of Pleadings and Record Assistant, or of Chief Clerk, the Chief Justices of the Court of Queen's Bench and the Court of Common Pleas respectively as to Vacancies occurring in those Courts respectively, and the Chief Baron of the Court of Exchequer as to Vacancies occurring in that Court, shall appoint such Person filling an Office in the said Court as, having regard to the existing Rights of Succession of the present Offices, to Length of Service, and Competency, they shall consider most fit to fill the Vacancy.

Vacancies in Offices of First, Second, and Third Class Clerks, to be filled by Judges.

42. When a Vacancy happens in the Office of First or Second Class Clerk the Chief Justices of the Court of Queen's Bench and the Court of Common Pleas respectively as to Vacancies occurring in those Courts respectively, and the Chief Baron of the Court of Exchequer as to Vacancies occurring in that Court, shall appoint such Clerk of the Second or Third Class in the said Court as, having regard to the existing Rights of Succession of the present Officers, to Length of Service, and Competency, they shall consider most fit to fill the Vacancy; and when any Vacancy happens in the Office of Third-class Clerk the Chief Justices of the Court of Queen's Bench and the Court of Common Pleas respectively as to Vacancies occurring in those Courts respectively, and the Chief Baron of the Court of Exchequer as to Vacancies occurring in that Court, shall appoint a fit Person to fill the Vacancy: Provided always, that no Person shall be appointed to the Office of Third-class Clerk unless he shall have received a Certificate of Fitness from the Civil Service Commissioners, or shall have been employed in any of the Offices by this Act abolished.

Officers of abolished Offices to continue Officers of Court to which they shall have been attached, and to receive Salaries if they discharge Duties imposed upon them.

43. Any Officer, Assistant, or Clerk of less than Forty Years Service who on the Thirtieth of *September* One thousand eight hundred and sixty-seven shall hold any Office or Situation in any of the Superior Courts of Common Law which is by this Act abolished, and who being of more than Twenty-five Years Service shall not have accepted, or being of less than Twenty-five Years Service shall not have tendered the Option of accepting, any of the Offices in said Courts by this Act created, shall continue to be deemed an Officer of the Court in which he shall have held such an Office or Situation, and shall hold by the same Tenure, and be entitled to the like Salary, as if the said Office or Situation had not been abolished, and shall, unless and until he shall retire pursuant to the Provisions of this Act, discharge such Duties suitable to his Position as an Officer of the Court connected with the Business of the said Court, or the Arrangement and Classification of Records in any Public Record Office or other Place provided for the keeping of Records by Parliament as shall be assigned to him by the Judges of the said Court, or by the Head of such Public Record Office, at the Instance of such Judges respectively; and every such Person who shall decline to discharge such Duties when called upon to do so shall forfeit his Right to any Benefits to which he would otherwise be entitled under this Act.

So much of 7 & 8 Vict. c. 107, as is inconsistent with this Act repealed, and such Parts, as are applicable to extend to it.

44. So much of an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to regulate and reduce the Expenses of the Offices attached to the Superior Courts of Law in* Ireland *payable out of the Consolidated Fund*, as shall be inconsistent with any of the Clauses or Provisions of this Act, and also Section Eight of the same Act, shall be and the same are hereby repealed; and so many and such Parts of the Clauses and Enactments of the said recited Act as may be applicable to the several Officers and Clerks appointed under this Act shall extend and be construed to extend and be applied to such Officers and Clerks respectively as fully and effectually as if such Clauses and Enactments had been repeated and re-enacted in this Act.

Pleadings and Record Assistant and certain other Clerks may administer Oaths, &c.

45. It shall be lawful for the said Pleadings and Record Assistant, Chief Clerk, and Two First Class Clerks in each of the said Superior Courts of Common Law to take Affidavits or Affirmations in all Matters relating to the Business of the said Courts respectively, and to administer the necessary Oaths and

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Affirmations for that Purpose; and all such Oaths, Affidavits, and Affirmations shall be of the same Force, Validity, and Effect, and shall and may be filed and used and acted upon respectively as fully and effectually to all Intents and Purposes whatsoever, as if the same had been sworn or affirmed before the said Courts, or all or any of the Judges thereof respectively; and any Person who shall wilfully or corruptly swear or affirm anything false in any such Affidavits or Affirmations shall be subject to all Pains, Penalties, Punishments, and Disabilities for wilful and corrupt Perjury, in like Manner in all respects as if such Affidavits had been made in any of the said several Courts, or before all or any of the Judges thereof respectively.

Orders may be made and varied for carrying Act into execution.

46. The Judges of the said Superior Courts of Common Law may make such Orders as they shall think fit as well in relation to any Matter connected with the said abolished Offices as for carrying the Provisions of this Act into force, and may make such other Rules and Orders, not being inconsistent with the Provisions of this Act, as they shall think fit, for the Performance of the Business of the said abolished Offices, and for settling the Practice in the Offices in the said Superior Courts of Common Law, and may annul, alter, or vary such Orders as they shall think fit: Provided always, that no such Order shall take effect unless and until it shall be approved and signed by Two of the Chief Judges and Five of the Puisne Judges of the said Superior Courts of Common Law.

Fees now payable to Masters to be henceforth received by Stamps.

47. From and after the Commencement of this Act, all and every the Fees authorized and made payable under and by virtue of the several Acts set forth in the Schedule (B.) to this Act annexed shall no longer be received in Money, but by a Stamp denoting the Amount of the Fee which would otherwise be payable; and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall by any General Order made as by this Act directed, be stamped on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed, or engrossed, or which may be otherwise used in reference to such Proceedings.

Officers of Court of Queen's Bench (Crown Side) not to receive Fees otherwise than by Stamps.

48. From and after the Commencement of this Act, no Officer employed on the Crown Side of the Court of Queen's Bench in *Ireland* shall be entitled to receive and retain for his own Use any Fee, Emolument, or Reward whatsoever; and all and every the Fees payable for or by reason of any Matter or Thing done or to be done by the said Clerk of the Crown in his said Office, or in anywise appertaining to the Business thereof, now received in Money, shall no longer be received in Money, but by a Stamp denoting the Amount of the Fee which otherwise would be payable; and where any Fee shall be payable in respect of any Document, such Stamp shall, at the Expense of the Party liable to pay the Fee, and in such Manner and under such Regulations as shall be directed by any General Order under this Act, be stamped or affixed on the Vellum, Parchment, or Paper on which the Proceeding in respect whereof such Fee is payable is written, printed or engrossed, or which may be otherwise used in reference to such Proceedings.

Stamps to be issued by Commissioners of Inland Revenue.

49. All Stamps by this Act directed to be substituted for Fees in any of the said Superior Courts of Common Law, or in the Crown Office of the said Court of Queen's Bench, shall be issued by and shall be under the Care and Management of the Commissioners of Inland Revenue; and the several Rules, Regulations. Provisions, Penalties, Clauses, and Matters contained in any Act now or hereafter to be in force with reference to Stamp Duties shall be applicable thereto.

Salary of £800 to the Clerk of the Crown.

50. From and after the Commencement of this Act, there shall be paid to the Clerk of the Crown of the Court of Queen's Bench in *Ireland*, in lieu of any Salary, Fees, or Emoluments to which he may now be entitled under the Provisions of any Act of Parliament or otherwise howsoever, the yearly Salary of Eight hundred Pounds.

Salary of the Chief Assistant Clerk.

51. From and after the Commencement of this Act, there shall be paid to any Person employed as Chief Clerk to the said Clerk of the Crown appointed after the passing of this Act the Yearly Salary of Two hundred Pounds, to be increased every Year of Service by the annual Sum of Ten Pounds until the yearly Salary of such Chief Clerk shall amount to the yearly Salary of Three hundred Pounds: Provided always, that the present Chief Clerk to the said Clerk of the Crown, shall so long as he shall continue in the said Office, be paid the yearly Salary of Three hundred Pounds in lieu of any Salary, Fees, or Emoluments, to which he may be now entitled under the Provisions of any Act of Parliament or otherwise howsoever.

Power to Clerk of the Crown to employ an additional Clerk.

52. The said Clerk of the Crown may, in addition to the said Chief Clerk, employ a Clerk, removable at his Pleasure, to aid him in the discharge of the Duties of his said Office; and there shall be paid to such Clerk the yearly Salary of One hundred Pounds, to be increased every Year of Service by the annual Sum of Ten Pounds until the yearly Salary of such Clerk shall amount to the yearly Salarly of One hundred and Fifty Pounds; and the Clerk at present in the Employ of the said Clerk of the Crown shall be the first such Clerk, and shall so long as he shall continue in said Office, be paid the said full yearly Salary of One hundred and fifty Pounds.

Power to Chief Clerk to take Affidavits.

53. It shall be lawful for the Chief Clerk to the said Clerk of the Crown to take Affidavits, Affirmations, or Attestations upon Honour in all Matters relating to the Business of the Crown Side of the Court of Queen's Bench in *Ireland*, and to administer the necessary Oaths, Affirmations, or Attestations for that Purpose; and all such Oaths, Affidavits, Affirmations, and Attestations shall be of the same Force, Validity, and Effect, and shall and may be proceeded upon and dealt with in all respects, and to all intents and Purposes, as if the same had been taken, made, or administered by or before the said Court, or any of the Judges thereof, or by or before the said Clerk of the Crown; and any Person who shall wilfully or corruptly swear, affirm, or attest anything false in any such Affidavits, Affirmations, or Attestations so taken or administered by the said Chief Clerk shall be subject to all Pains, Penalties, Punishments, and Disabilities for wilful and corrupt Perjury, in like Manner as if such Affidavits, Affirmations, or Attestations had been made or taken by or in the said Court of Queen's Bench, or any of the Judges thereof, or by or before the said Clerk of the Crown aforesaid.

Power to Chief Clerk to sign Documents.

54. During the temporary Absence of the said Clerk of the Crown the affixing or signing the Name of the said Clerk of the Crown by the said Chief Clerk to all Orders,

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Writs, Pleadings, Instruments, and Proceedings, upon his being duly authorized in that Behalf by the said Clerk of the Crown so to do, but not otherwise, shall be as good, valid, and effectual as if the same were respectively affixed or signed or done in person by the Clerk of the Crown aforesaid.

Additional Salary to Registrar of Consolidated Nisi Prius Court.

55. There shall be paid to the present Registrar or Clerk of Nisi Prius for the Consolidated Nisi Prius Court in *Ireland*, and to his Successors in the said Office, in addition to the annual Salary which is now payable to such Officer, the annual Sum of One hundred Pounds.

As to Superannuation Allowances.

56. Any Master Clerk of the Rules, or Officer of any of the said Superior Courts of Common Law who shall resign his Office shall be entitled to receive such Superannuation Allowance as the Commissioners of Her Majesty's Treasury shall think proper to direct; and in ascertaining and awarding the Amount of such Superannuation Allowance the said Commissioners shall take into consideration the whole Period during which any such Person shall have been permanently employed in the said Office or in any other Public Office, and shall proceed according to the Principles laid down by "Superannuation Act, 1859;" and any Officer, Assistant, or Clerk of any Office by this Act abolished who shall have served for a Period of not less than Forty Years shall be entitled to receive during his Life an Annuity equal to his Salary at the Time of the Abolition of his Office; and all Sums and Allowances which shall be so awarded and granted under the Authority aforesaid shall be paid and payable and be charged and chargeable in the same Way as is provided in respect of the Salaries of the said Officers: Provided always, that in case *Arthur Bushe* Esquire, Master of the Court of Queen's Bench, shall for any Cause retire from his said Office, he shall be entitled to receive yearly and every Year during his Life the Sum of Three hundred and eighty-four Pounds Twelve Shillings and Threepence provided for him by the said Act of the Seventh and Eighth Years of the Reign of Her present Majesty, in addition to any Sum the Commissioners of Her Majesty's Treasury may award to him by way of Superannuation Allowance in respect of his said Office of Master.

A. Bushe, Esq., Master of Court of Queen's Bench, upon Retirement, to receive £384 12s 3d. in addition to Superannuation Allowance.

Salaries.

Funds for Payment of Salaries.

57. The Salaries of the Masters of the said Superior Courts of Common Law shall be charged upon and paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and the Salary of the present Clerk of the Crown of the said Court of Queen's Bench shall, so long as he shall hold such Office, be also charged upon and paid out of the said Consolidated Fund; and all other Salaries under Parts I. and II. of this Act shall be paid out of such Funds as Parliament shall from Time to Time provide for such Purpose.

Payment of Salaries.

58. All Salaries under Parts I. and II. of this Act shall grow due from Day to Day, but shall be paid on the usual Quarter Days; and if any Person holding any of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportional Part of his Salary for the Time that such Person shall have lived or executed his Office since the last Payment.

Power to Treasury in certain Cases to grant Retiring Allowances to Officers whose Office is abolished.

59. In case it shall at any Time hereafter be made appear to the Satisfaction of the Commissioners of Her Majesty's Treasury, upon the Representation of the Lord Chancellor or of the Judges of the Court of Common Law, as the Case may be, that there are not any Duties in which any Examiner, Assistant Clerk, or Registrar to any of the Masters in Ordinary of the Court of Chancery whose Office is abolished by the Court of Chancery (*Ireland*) Act (1867), or any Clerk or Assistant Clerk of the said Court of Chancery, or any Officer, Assistant, or Clerk of any of the Officers of the Superior Courts of Common Law whose Office is by this Act abolished, and who shall not be appointed to any other Office in said Courts respectively, or entitled to retire immediately under the Provisions of this Act, can be suitably employed, it shall be lawful for the said Commissioners, if they shall so think fit, to permit any such Person to retire from his Service, and to grant to him such special annual Allowance and in such Manner as by the Seventh Section of the Superannuation Act, 1859, is provided in case of Persons whose Offices have been abolished.

Power to Treasury to increase Salary of certain Officers in Court of Bankruptcy and Insolvency.

60. And whereas by the Forty-fourth Section of "The *Irish* Bankrupt and Insolvent Act, 1857," it was (amongst others) enacted, that it should be lawful for the Lord Chancellor to direct that a Salary not exceeding Two hundred Pounds *per Annum* be paid to the Deputy Assistant to the Chief Registrar: And whereas by the Forty-sixth Section of the said Act it was (amongst others) enacted, that the Salaries of the Clerks or Assistants in the said Section mentioned should not in any Case exceed collectively the annual Sum of Four hundred Pounds: And whereas it is expedient that there should be Power to increase the said Salaries in the event of their being deemed insufficient Remuneration for the Duties which such Deputy Assistant Clerks or Assistants are required to perform: Be it therefore enacted, That it shall be lawful for the Judges of the Court of Bankruptcy and Insolvency in *Ireland*, if it shall appear to them that the Salary of the said Deputy Assistant, or any of the said Clerks or Assistants is insufficient, with the Approval of the Lord Chancellor, to represent the Circumstances to the Commissioners of Her Majesty's Treasury, who are hereby empowered to increase such Salaries to such Amounts as to them shall seem fit.

Compensation to Registrar of Judgments.

61. The Commissioners of Her Majesty's Treasury shall settle and adjust the Amount to be allowed to the present Registrar of Judgments in *Ireland*, so long as he shall hold the said Office, as Compensation for the Loss of the Fees of which he will be deprived by the Operation of this Act, on an Average of Five Years prior to the passing of this Act, and the Sum so awarded shall be paid out of Monies to be voted by Parliament.

SCHEDULES

REFERRED TO AND MADE PART OF THE FOREGOING ACT.

SCHEDULE I.

Setting forth the Number of Clerks for the Record and Writ Office.

Three First-class Clerks.
Three Second-class Clerks.
Four Clerks in the Notice Department.

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SCHEDULE II.

Setting forth the yearly Salaries payable to the Persons appointed in the first instance Officers of the Record and Writ Office, and to their Successors respectively.

Office	Salaries of Officers appointed in the first instance	Salaries of Persons afterwards appointed
Clerk of Records and Writs,	J. Reilly, Esq., £1,300	£1,000
First Assistant -	M. J. Brady, Esq., £800	£800
Second Assistant -	£600 - - -	£600
First class Clerks -	£300, to be increased by £15 each Year of Service up to £400	Same as in next Column
Second class Clerks	£200, to be increased by £10 each Year of Service up to £300.	Same as in next Column
Clerks in Notice Department	£185 - - -	£200
	£175 - - -	£150
	£155 - - -	£150
	£115 - - -	£100

SCHEDULE (A.)

Setting forth the yearly Salaries payable to the Clerk of the Rules and Officers of each of the said Superior Courts of Common Law, and to any Crier hereafter appointed in any of the said Courts.

Office	Yearly Salary payable to	
	Clerks of the Rules and Officers appointed in the first instance	Persons appointed afterwards
Clerk of the Rules	£900 - - -	£700, to be increased by £25 every Year of Service till Salary amounts to £900
Pleadings and Record Assistant	£700 - - -	£600, to be increased by £20 every Year of Service till Salary amounts to £700
Chief Clerk - -	£500 - - -	£400, to be increased by £20 every Year of Service till Salary amounts to £500
Two First-class Clerks	£350 each - -	£250, to be increased by £15 every Year of Service till Salary amounts to £350
Two Second-class Clerks - -	£250 each - -	£200, to be increased by £10 every Year of Service till Salary amounts to £250
Two Third-class Clerks	£200 each - -	£150, to be increased by £10 every Year of Service till Salary amounts to £200
Crier - - -	- - - - -	£100

SCHEDULE (B.)

Setting forth the Statutes referred to in Section 47 of this Act.

3 & 4 Vict. c. 105. s. 16.
11 & 12 Vict. c. 120.
12 & 13 Vict. c. 104. s. 17.
12 & 13 Vict. c. 107. s. 112.
13 & 14 Vict. c. 29.
13 & 14 Vict. c. 74. s. 10.
17 & 18 Vict. c. 55.

CAP. CXXX.

An Act for the Regulation of Agricultural Gangs. [20th *August* 1867.]

CAP. CXXXI.

An Act to amend "The Companies Act, 1862." [20th *August* 1867.]

CAP. CXXXII.

An Act to remove Doubts as to the Power of Trustees, Executors, and Administrators to invest Trust Funds in certain Securities, and to declare and amend the Law relating to such Investments. [20th *August* 1867.]

22 & 23 Vict. c. 35.

WHEREAS by an Act passed in the Session holden in the Twenty-second and Twenty-third Years of Her present Majesty, Chapter Thirty-five, "to further amend the Law of Property, "and to relieve Trustees," it is enacted that "when a "Trustee, Executor, or Administrator shall not by "some Instruments creating his Trust be expressly "forbidden to invest any Trust Fund on Real Securities "in any Part of the United Kingdom or on the Stock of "the Bank of *England* or *Ireland*, or on *East India* "Stock, it shall be lawful for such Trustee, Executor, or "Administrator to invest such Trust Fund on such "Securities or Stock, and he shall not be liable on that "account as for a Breach of Trust, provided that such "Investment shall in other respects be reasonable and "proper."

And whereas Doubts have arisen as to the legal Effect and Signification of the Words "*East India* Stock" in the said Act mentioned:

Be it therefore enacted, . . .

Application of Term "East India Stock" in recited Act.

1. The Words "*East India* Stock" in the said Act passed in the Session holden in the Twenty-second and Twenty-third Years of Her Majesty, Chapter Thirty-five, shall include and express as well the *East India* Stock which existed previously to the Thirteenth Day of *August* One thousand eight hundred and fifty-nine, when the said Act received the Assent of Her Majesty, as *East India* Stock charged on the Revenues of *India*, and created under and by virtue of any Act or Acts of Parliament which received Her Majesty's Assent on or after the Thirteenth Day of *August* One thousand eight hundred and fifty-nine; and it shall be lawful for every Trustee, Executor, or Administrator to invest any Trust Fund in his Possession or under his Control in the Stock created by the last-mentioned Act or Acts to the same Extent, and for the same Purposes and Objects, as he can now invest such Trust Fund in the *East India* Stock which existed previously to the Thirteenth Day of *August* One thousand eight hundred and fifty-nine.

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Trustees may invest in any Securities Interest whereon is guaranteed by Parliament.

2. It shall be lawful for every Trustee, Executor, or Administrator to invest any Trust Fund in his Possession or under his Control in any Securities the Interest of which is or shall be guaranteed by Parliament to the same Extent and in the same Manner as he may invest such Trust Fund in such Securities as aforesaid.

CAP. CXXXIII.

An Act relating to the Consecration of Churchyards. [20th *August* 1867.]

CAP. CXXXIV.

An Act for regulating the Traffic in the Metropolis, and for making Provision for the greater Security of Persons passing through the Streets, and for other Purposes. [20th *August* 1867.]

CAP. CXXXV.

An Act for the Establishment of a Table of Fees to be taken on the Consecration of Churches, Chapels, and Burial Grounds, on the Ordination of Deacons and Priests, and on Visitations. [20*th August* 1867.]

CAP. CXXXVI.

An Act to enable the Courts of Referees to administer Oaths and award Costs in certain Cases, in the same Manner as Committees on Private Bills. [20th *August* 1867.]

WHEREAS it is expedient to enable the Courts of Referees on Private Bills in certain Cases to administer Oaths and to award Costs in the same Manner as Committees on Private Bills:

Be it enacted, ...

Power to Court of Referees to administer Oaths to witnesses.

1. Any Court of Referees may examine Witnesses upon Oath upon such Matters relating to any Bill as they may under any Standing Order or other Order of the House of Commons be empowered to inquire into, and for that Purpose may administer an Oath to any such Witness.

Witnesses falsely deposing guilty of Perjury.

2. Any person examined as aforesaid who shall wilfully give false Evidence shall be liable to the Penalties of Perjury.

Power to award Costs.

3. Any Court of Referees on Private Bills, in Cases in which, under any Standing Order or other Order of the House, the Referees may be empowered to inquire into the whole Subject Matter of any such Bill, and to report it, with or without Amendments, to the House, may award Costs in the same Manner as Select Committees on Private Bills are empowered to award Costs by an Act passed in the Twenty-eighth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for awarding Costs in certain Cases of Private Bills*, and all the Provisions of the said Act shall apply in the Case of Bills so referred to the Referees.

CAP. CXXXVII.

An Act to validate certain Orders made by the Lord Lieutenant in Council under the Church Temporalities Acts in *Ireland*, and to increase the Stipends payable by the Ecclesiastical Commissioners for *Ireland* to certain Incumbents in *Ireland*. [20th *August* 1867.]

CAP. CXXXVIII.

An Act to authorize the Extension of the Period for Repayment of Advances made under The Railway Companies (*Ireland*) Temporary Advances Act, 1866. [20th *August* 1867.]

WHEREAS it is expedient that the Time for Repayment of Advances made by the Public Works Loan Commissioners under The Railway Companies (*Ireland*) Temporary Advances Act, 1866, should be extended:

29 & 30 Vict. c. 95.

Be it therefore enacted, ...

Short Title.

1. This Act may be cited as The Railway Companies (*Ireland*) Temporary Advances Act, 1867.

Public Works Loan Commissioners may consent that Time for Repayment of Advances may be extended.

2. On the Application of any Railway Company to whom any Advance has been or shall be made under the Provisions of the Railway Companies (*Ireland*) Temporary Advances Act, 1866, and with the Approbation of the Commissioners of Her Majesty's Treasury, and subject to such Terms and Conditions (if any), as to Payment of Interest or otherwise, as the last-mentioned Commissioners may think proper to impose, it shall be lawful for the Public Works Loan Commissioners, by any Writing under the Hand of their Secretary for the Time being, to consent that the Time for Repayment of all or any Part of the Principal Money remaining due in respect of any such Advance shall be extended to any Day not later than Twelve Calendar Months from the Day when the same Advance shall become due by the Terms of the Debenture or other Security given or to be given for securing the same, and after any such consent shall have been given, and for all the Purposes of The Railway Companies (*Ireland*) Temporary Advances Act, 1866, the Principal Money secured by any Debenture or other Security given or to be given under that Act shall be deemed to have become due only on the Day to which the Time for Repayment of such Principal Money shall be extended by any Consent to be given as provided by this Act, and all Powers and Provisions for recovering and compelling Payment of such Principal Money shall be read and have Effect accordingly; provided that in the Case of any Extension of Time for the Repayment of any such Principal Money the Rate of Interest thereupon until such Repayment shall not be less than that at which the Advance was originally made.

CAP. CXXXIX.

An Act to confirm Provisional Orders for the *Quinagh* and *Parsonstown* Drainage Districts respectively. [20th *August* 1867.]

CAP. CXL.

An Act to authorize a Sale or Lease of the Royal Military Canal and its collateral Works; and for other Purposes. [20th *August* 1867.]

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CAP. CXLI.

An Act to amend the Statute Law as between Master and Servant. [20th *August* 1867.]

CAP. CXLII.

An Act to amend the Acts relating to the Jurisdiction of the County Courts. [20th *August* 1867.]

CAP. CXLIII.

An Act to continue various expiring Laws. [20th *August* 1867.]

CAP. CXLIV.

An Act to enable Assignees of Policies of Life Assurance to sue thereon in their own Name. [20th *August* 1867.]

WHEREAS it is expedient to enable Assignees of Policies of Life Assurance to sue thereon in their own Names:

Be it enacted, ...

Assignees of Life Policies may sue in their own Names.

1. Any Person or Corporation now being or hereafter becoming entitled, by Assignment or other derivative Title, to a Policy of Life Assurance and possessing at the Time of Action brought the Right in Equity to receive and the Right to give an effectual Discharge to the Assurance Company liable under such Policy for Monies thereby assured or secured, shall be at liberty to sue at Law in the Name of such Person or Corporation to recover such Monies.

Defence or Reply on equitable Grounds may be pleaded.

2. In any Action on a Policy of Life Assurance, a Defence on equitable Grounds, or a Reply to such Defence on similar Grounds, may be respectively pleaded and relied upon in the same Manner and to the same Extent as in any other Personal Action.

Notice of Assignment to be given.

3. No Assignment made after the passing of this Act of a Policy of Life Assurance shall confer on the Assignee therein named, his Executors, Administrators, or Assigns, any Right to sue for the Amount of such Policy, or the Monies assured or secured thereby, until a written Notice of the Date and Purport of such Assignment shall have been given to the Assurance Company liable under such Policy at their principal Place of Business for the Time being, or in case they have Two or more principal Places of Business, then at some One of such principal Places of Business, either in *England* or *Scotland* or *Ireland*, and the Date on which such Notice shall be received shall regulate the Priority of all Claims under any Assignment; and a Payment *bona fide* made in respect of any Policy by any Assurance Company before the Date on which such Notice shall have been received shall be as valid against the Assignee giving such Notice as if this Act had not been passed.

Principal Places of Business to be specified on Policies.

4. Every Assurance Company shall, on every Policy issued by them after the Thirtieth Day of *September* One thousand eight hundred and sixty-seven, specify their principal Place or principal Places of Business at which Notices of Assignment may be given in pursuance of this Act.

Assignment by Endorsement or separate Instrument.

5. Any such Assignment may be made either by Endorsement on the Policy or by a separate Instrument in the Words or to the Effect set forth in the Schedule hereto, such Endorsement or separate Instrument being duly stamped.

Notices of Assignment to be acknowledged.

6. Every Assurance Company to whom Notice shall have been duly given of the Assignment of any Policy under which they are liable shall, upon the Request in Writing of any Person by whom any such Notice was given or signed, or of his Executors or Administrators, and upon Payment in each Case of a Fee not exceeding Five Shillings, deliver an Acknowledgment in Writing under the Hand of the Manager, Secretary, Treasurer, or other principal Officer of the Assurance Company of their Receipt of such Notice; and every such written Acknowledgment, if signed by a Person being *de jure* or *de facto* the Manager, Secretary, Treasurer, or other Principal Officer of the Assurance Company whose Acknowledgment the same purports to be, shall be conclusive Evidence as against such Assurance Company of their having duly received the Notice to which such Acknowledgment relates.

Interpretation of Terms.

7. In the Construction and for the Purposes of this Act the Expression "Policy of Life Assurance," or "Policy," shall mean any Instrument by which the Payment of Monies, by or out of the Funds of an Assurance Company, on the happening of any Contingency depending on the Duration of Human Life, is assured or secured; and the Expression "Assurance Company" shall mean and include every Corporation, Association, Society, or Company now or hereafter carrying on the Business of assuring Lives or Survivorships, either alone or in conjunction with any other Object or Objects.

Not to apply to Contracts under certain Acts.

8. Provided always, That this Act shall not apply to any Policy of Assurance granted or to be granted or to any Contract for a Payment on Death entered into or to be entered into in pursuance of the Provisions of the Acts Sixteenth and Seventeenth *Victoria*, Chapter Forty-five, and Twenty-seventh and Twenty-eighth *Victoria*, Chapter Forty-three, or either of those Acts, or to any Engagement for Payment on Death by any Friendly Society.

Short Title.

9. For all Purposes this Act may be cited as "The Policies of Assurance Act, 1866."

SCHEDULE.

I *A. B.* of, *&c.*, in consideration of, *&c.*, do hereby assign unto *C. D.* of, *&c.*, his Executors, Administrators, and Assigns, the [within] Policy of Assurance granted, *&c.*, [*here describe the Policy*]. In witness, *&c.*

CAP. CXLV.

An Act for providing a further Sum towards defraying the Expenses of constructing Fortifications for the Protection of the Royal Arsenals and Dockyards and the Ports of *Dover* and *Portland*.

[21st *August* 1867.]

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CAP. CXLVI.

An Act for regulating the Hours of Labour for Children, Young Persons, and Women employed in Workshops; and for other Purposes relating thereto.

[21st *August* 1867.]

WHEREAS by The Factory Acts Extension Act, 1867, Provision is made, amongst other things, for regulating the Hours during which Children, Young Persons, and Women are permitted to labour in any manufacturing Process conducted in an Establishment where Fifty or more Persons are employed:

And whereas it is expedient to extend Protection so far as respects the Regulation of the Hours of Labour to Children, Young Persons, and Women working in smaller Establishments, and further to make Provision respecting the Employment of a Fan or other mechanical Means for the Prevention of the Inhalation of Dust by Workmen in Processes of Grinding:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title. 1. This Act may be cited for all Purposes as "The Workshop Regulation Act, 1867."

Extent of Act. 2. This Act shall apply to the whole of the United Kingdom.

Commencement of Act. 3. This Act shall come into operation on the First of *January* One thousand eight hundred and sixty-eight.

General Definitions. 4. The following Words and Expressions shall in this Act have the Meanings hereby assigned to them, unless there is something in the Context inconsistent with such Meanings; that is to say,

"Child" shall mean a Child under the Age of Thirteen Years:

"Young Person" shall mean a Person of the Age of Thirteen Years and under the Age of Eighteen Years:

"Woman" shall mean a Female of the Age of Eighteen Years or upwards:

"Parent" shall mean Parent, Guardian, or Person having the Custody of or Control over any such Child or Young Person:

"Employed" shall mean occupied in any Handicraft, whether for Wages or not, under a Master or under a Parent as herein defined:

"Handicraft" shall mean any Manual Labour exercised by way of Trade or for Purposes of Gain in or incidental to the making of any Article or Part of an Article, or in or incidental to the altering, repairing, ornamenting, finishing, or otherwise adapting for Sale any Article:

"Workshop" shall mean any Room or Place whatever whether in the open Air or under Cover, in which any Handicraft is carried on by any Child, Young Person, or Woman, and to which and over which the Person by whom such Child, Young Person, or Woman is employed has the Right of Access and Control:

"The Court" shall include any Justice or Justices, Sheriff or Sheriff Substitute, Magistrate or Magistrates, to whom Jurisdiction is given by this Act.

Application of Act. 5. This Act shall not apply,

(1.) To any Factory or Part of a Factory, or other Place subject to the Jurisdiction of the Inspectors of Factories, in pursuance of any Act of Parliament already passed or which shall be passed during this present Session of Parliament:

(2.) To any Bakehouse as defined by "The Bakehouse Regulation Act, 1863."

Regulations as to Time of Labour. 6. Subject to the Exceptions mentioned in the First Schedule annexed hereto, the following Regulations shall be observed with respect to the Employment of Children, Young Persons, and Women in Workshops:

(1.) No Child under the Age of Eight Years shall be employed in any Handicraft:

(2.) No Child shall be employed on any One Day in any Handicraft for a Period of more than Six and a Half Hours, and such Employment shall take place between the Hours of Six in the Morning and Eight at Night.

(3.) No Young Person or Woman shall be employed in any Handicraft during any Period of Twenty-four Hours for more than Twelve Hours, with intervening Periods for taking Meals and Rest amounting in the whole to not less than One Hour and a Half, and such Employment shall take place only between the Hours of Five in the Morning and Nine at Night:

(4.) No Child, Young Person, or Woman shall be employed in any Handicraft on *Sunday*, or after Two o'Clock on *Saturday* Afternoon, except in Cases where not more than Five Persons are employed in the same Establishment, and where such Employment consists in making Articles to be sold by Retail on the Premises, or in repairing Articles of a like Nature to those sold by Retail on the Premises:

(5.) No Child under the Age of Eleven Years shall be employed in grinding in the Metal Trades or in Fustian Cutting.

Penalty for Employment of Children, Young Persons, and Women contrary to the Provisions of this Act. 7. If any Child, Young Person, or Woman employed in contravention of this Act the following Consequences shall ensue:

First, the Occupier of the Workshop in which such Child, Young Person, or Woman is employed shall be liable to a Penalty of not more than Three Pounds:

Second, the Parent of or the Person deriving any direct Benefit from the Labour of or having the Control over the Child, Young Person, or Woman shall be liable to a Penalty of not more than Twenty Shillings, unless it appears to the Court before whom the Complaint is heard that the Offence has been committed without the Consent, Connivance, or wilful Default of the Parent or Person so benefited, or having such Control.

Provision with respect to Use of Fan in grinding. 8. In every Workshop where grinding, glazing, or polishing on a Wheel, or any other Process is carried on by which Dust is generated and inhaled by the Workmen to an injurious Extent, if it appears to the Local Authority or to any Inspector of Factories that such Inhalation could be to a great extent prevented by the Use of a Fan or other mechanical Means, it shall be lawful for the Local Authority or for the Inspector of Factories, by Notice served on the Occupier of the Workshop in the Manner in which Notices given by such Local Authority or by the Inspector of Factories are usually served, to require a Fan or such mechanical Means as may from Time to Time be approved by One of Her

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Majesty's Principal Secretaries of State, under the Provisions of the Factory Acts, to be provided by the Occupier of the Workshop within a reasonable Time.

If the Occupier of any Workshop fails to provide a Fan or other mechanical Means in compliance with a Notice served on him in manner aforesaid he shall be deemed to be guilty of an Offence against this Act, and to be subject in respect of such Offence to a Penalty not exceeding Ten Pounds nor less than Three Pounds.

The Court having Jurisdiction to inflict any Penalty under this Act may, in addition to or instead of inflicting such Penalty in respect of an Offence under this Section, make an Order directing that within a certain Time to be named in such Order he do provide such Fan or other mechanical Means: The Court may upon Application enlarge any Time appointed for the Adoption of the Means directed by the Order, but any Non-compliance with the Order of the Court shall, after the Expiration of the Time as originally limited or enlarged by subsequent Order, be deemed to be a continuing Offence, and to be punishable by a Penalty not exceeding One Pound for every Day that such Non-compliance continues.

Power to Officers appointed by Local Authority, &c. to enter Workshops.

9. If, on the Complaint of any Officer of Health, Inspector of Nuisances, or other Officer appointed by a Local Authority, or of any Superintendent of Police, it appears to any Justice of the Peace that there is reasonable Cause for believing that any of the Provisions of this Act or of the Sanitary Act, 1866, are contravened in any Workshop, it shall be lawful for such Justice, by Order under his Hand, to empower the Complainant to enter into such Workshop at any Time within Forty-eight Hours from the Date of such Order, and to examine such Workshop; and any Person so empowered may examine, touching any Matter within the Provisions of this Act or of the Sanitary Act, 1866, so far as relates to such Workshop, any Person whom he finds in such Workshop.

Penalty on Persons refusing Admission.

Any Person refusing Admission to any Person so empowered, or obstructing him in the Discharge of his Duty, shall for each Offence incur a Penalty not exceeding Twenty Pounds.

Power to Inspector or Sub-Inspector of Factories to enter Workshops and inspect Condition thereof.

10. Any Inspector or Sub-Inspector of Factories may, when any Person is at work at any Handicraft, enter any Workshop and inspect the Condition thereof, and examine, touching any Matter within the Provisions of this Act, or of the Sanitary Act, 1866, so far as relates to such Workshop, the Persons therein, provided that he report to One of Her Majesty's Principal Secretaries of State the Fact of such Entry, and the Condition of the Workshop, in his next half-yearly Report.

Penalty on obstructing Inspector, &c.

Any Person obstructing any Inspector or Sub-Inspector in making any such Entry as aforesaid, or in his Inspection of a Workshop, shall for each Offence be liable to a Penalty not exceeding Twenty Pounds.

Liability of Hirer of Machine instead of Occupier.

11. Where in any Workshop the Owner or Hirer of any Machine or Implement moved by Steam, Water, or other mechanical Power, in or about or in connexion with which Machine or Implement Children, Young Persons, or Women are employed, is some Person other than the Occupier of the Workshop, and such Children, Young Persons, or Women are in the Employment and Pay of the Owner or Hirer of such Machine or Implement, in any such Case such Owner or Hirer shall, so far as respects any Offence against this Act which may be committed in relation to such Children, Young Persons, or Women, be deemed to be the Occupier of the Workshop.

Recovery and Application of Penalties.

12. All Penalties under this Act may be recovered summarily as to *England* before Two or more Justices in manner directed by an Act passed in the Session holden in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders* of any Act amending the same; as to *Scotland* in manner directed by "The Summary Procedure Act, 1864;" asr to *Ireland* in manner directed by the Act passed in the Session holden in the Fourteenth and Fifteenth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Ninety-three, intituled *An Act to consolidate and amend the Acts regulating the Proceedings of Petty Sessions and the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, or any Act amending the same.

The Court imposing any Penalty under this Act may direct the whole or any Part thereof to be applied in or towards the Payment of such costs of the Proceedings as the Court thinks just (including compensation for Loss of Time to the Person upon whose Information such Penalty was recovered), and, subject as aforesaid, all Penalties shall be applied in the Manner directed by the Acts referred to in this Section.

Description of Local Authority.

13. For the Purposes of this Act, in the several Places mentioned in the First Column of the Second Schedule hereto annexed the Local Authority shall be the Bodies of Persons or Persons in that Behalf specified in the Second Column of the same Schedule, and such Schedule, with the Explanation annexed thereto, shall be deemed to be Part of this Act.

Regulations for Attendance at School of Children employed in Workshops.

14. The following Regulations shall be made (subject to the Provisions herein-after mentioned) respecting the Education of Children employed in Workshops:

(1.) Every Child who is employed in a Workshop shall attend School for at least Ten Hours in every Week during the whole of which he is so employed:

(2.) In computing for the Purpose of this Section the Time during which a Child has attended School there shall not be included any Time during which such Child has attended either

(*a*) In Excess of Three Hours at any One Time, or in Excess of Five Hours on any One Day; or

(*b*) On *Sundays*; or

(*c*) Before Eight o'Clock in the Morning, or after Six o'Clock in the Evening:

Provided, that the Non-attendance of any Child at School shall be excused—

(1.) For any Time during which he is certified by the principal Teacher of the School to have been prevented from Attendance by Sickness or other unavoidable Cause:

(2.) For any Time during which the School is closed for the customary Holidays, or for some other temporary Cause:

(3.) For any Time during which there is no School which the Child can attend within One Mile (measured according to the nearest Road)

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from the Workshop or the Residence of such Child:

Parents to Cause Children to attend School.

15. The Parent of every Child employed in a Workshop shall cause that Child to attend School in manner required by this Act.

Every Parent who wilfully fails to act in conformity with this Section shall be liable to a Penalty of not more than Twenty Shillings for each Offence.

Occupiers of Workshops shall obtain Certificates of Attendance of Children at School.

16. Every Occupier of a Workshop who has employed a Child for any Time amounting in the whole to not less than Fourteen Days shall on *Monday* in every Week during the Employment of such Child obtain from the principal Teacher of some School a Certificate that the Child so employed has, in manner required by this Act, attended School during the preceding Week, if Attendance at School was so required during that Week.

The Certificate may be in the Form contained in the Third Schedule hereto, or in such other Form as One of Her Majesty's Principal Secretaries of State may from Time to Time prescribe.

The Employer shall keep the said Certificate for One Month, and shall produce the same to any Inspector or Sub-Inspector of Factories whenever required by him during that Period.

Every Person who acts in contravention of this Section shall be liable to a Penalty of not more than Three Pounds.

On Application of Teacher, Occupier to pay Sum for Schooling of Child, and deduct it from Wages.

17. The principal Teacher of a School which is attended by any Child employed in a Workshop may apply in Writing to the Occupier of such Workshop to pay such Sum as herein-after mentioned on account of any Child in respect of whom he may have duly granted a Certificate in pursuance of this Act, and after the Date of such Application the Occupier, so long as he employs the Child, shall pay to the principal Teacher of the said School for every Week that the Child attends that School the weekly Sum specified in the Application, not exceeding Twopence *per* Week, and not exceeding One Twelfth Part of the Wages of the Child. The Occupier may deduct the Sum so paid by him from the Wages payable for the Services of such Child.

Any Occupier who, after such Application, refuses to pay on Demand any Sum that may become due as aforesaid, shall be liable to a Penalty not exceeding Ten Shillings.

Inspector may disqualify for granting Certificates any Teacher who is unfit.

If an Inspector of Factories is satisfied, by Inspection of a School or otherwise, that the principal Teacher of a School who grants Certificates of School Attendance required under this Act ought to be disqualified for granting such Certificates for any of the following Reasons; namely,

1. Because he is unfit to instruct Children by reason either of his Ignorance or Neglect, or of his not having the necessary Books and Materials:
2. Because of his immoral Conduct:
3. Because of his continued Neglect to fill up proper Certificates of School Attendance—

in any such Case he may serve on the Teacher a written Notice, stating the Reason for such Disqualification. At the Expiration of Two Weeks from the Date of such Notice the Teacher shall, subject to the Appeal herein-after mentioned, be disqualified for granting Certificates.

The Inspector shall, so far as he can, serve on every Occupier of a Workshop who obtains Certificates from such Teacher a Notice to the like Effect as the Notice served on the Teacher, and also specifying a School which the Child employed in the Workshop of such Occupier can attend within One Mile (measured according to the nearest Road) from the nearest Workshop or the Residence of the Child.

Any Teacher who is disqualified as aforesaid, and any Occupier of a Workshop who obtains Certificates from him, may, within Three Weeks after the Service of the Notice on the Teacher, Appeal therefrom to One of Her Majesty's Principal Secretaries of State, who may confirm or reverse such Disqualification.

After a Teacher is disqualified for granting Certificates no Certificate given by him shall be deemed to be a Certificate in compliance with this Act, unless in the Case of there being no other School which the Child employed in a Workshop can attend within One Mile (measured according to the nearest Road) from the Workshop or the Residence of such Child, or unless with the written Consent of an Inspector of Factories.

The Inspectors of Factories shall in their Reports to One of Her Majesty's Principal Secretaries of State report the Name of every Teacher disqualified under this Section during the preceding Six Months, the Name of the School at which he taught, and the Reason for the Disqualification, and in the Case of such Teacher's continued Neglect to fill up proper Certificates, shall report the Fact of such Neglect to the Committee of Council on Education, if such Teacher is employed in any School in receipt of annual Grants made by the Committee of Council on Education.

Penalty for forging, &c. Certificates.

Every Person who forges or counterfeits any Certificate required by this Act, or gives or signs any such Certificate falsely, or wilfully makes use of any forged, counterfeited, or false Certificates, or aids in or connives at any of the foregoing Offences, shall be guilty of a Misdemeanor, and be liable to be imprisoned for any Period not exceeding Three Months, with or without Hard Labour.

Local Authority to enforce Act.

18. It shall be the Duty of the Local Authority to enforce within their Jurisdictions the Provisions of this Act, so far as relates to any Powers or Authorities conferred on the Local Authority by this Act, and all Expenses incurred by them in enforcing the same may be defrayed out of any Funds in their Hands, or any Rates leviable by them and applicable to any Purpose relating to the Improvement, paving, cleansing, or Management of the Places within their Jurisdiction, or, in cases where the Local Authority is in the Receipt of any Poor Rate, out of any such Rate.

Provision as to pleading that Workshop is a Factory.

19. Where any Proceedings are taken against any Person in respect of any Offence under this Act committed in or relating to a Workshop, it shall not be competent for the Defendant to prove that such Workshop is a Factory within the Meaning of any Act for regulating Factories unless he has previously given Notice of its being a Factory to the Inspector of Factories in manner required by any Act of Parliament in that Behalf.

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Inspector or Sub-Inspector to be furnished with Certificate of his Appointment.

20. Every Inspector or Sub-Inspector of Factories shall be furnished with such Certificate of his Appointment as the Secretary of State may direct; and on applying for Admission to any Workshop such Inspector or Sub-Inspector shall, if required, produce to the Occupier the said Certificate; every Person who forges or counterfeits any such Certificate, or makes use of any forged, counterfeited, or false Certificate, or falsely pretends to be an Inspector or Sub-Inspector of Factories, shall be guilty of a Misdemeanor, and be liable to be imprisoned for any Period not exceeding Three Months, with or without Hard Labour.

FIRST SCHEDULE

REFERRED TO IN THE FOREGOING ACT.

TEMPORARY EXCEPTIONS.

1. During the first Six Calendar Months next ensuing the Day on which this Act is limited to come into operation, herein-after referred to as the Commencement of this Act, Children of not less than Eleven Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons may be employed under this Act:

2. During the first Thirty Calendar Months next ensuing the Commencement of this Act, Children of not less than Twelve Years of Age may be employed for the same Time, and subject to the same Conditions, for and subject to which Young Persons may be employed under this Act:

3. During the first Twelve Calendar Months next ensuing the Commencement of this Act, Children, Young Persons, and Women may be employed on Saturdays until Half-past Four o'Clock in the Afternoon:

4. During the first Thirty Calendar Months next ensuing the Commencement of this Act, Children, Young Persons, and Women may be employed in the Manufacture of Preserves from Fruit in the same Manner as they were employed therein before the passing of this Act:

5. During the first Thirty Calendar Months next ensuing the Commencement of this Act, Male Young Persons of not less than Sixteen Years of Age may be employed in any Workshop where the Manufacture of Machinery is carried on in the same Manner as if they were Male Persons exceeding the Age of Eighteen Years.

PERMANENT EXCEPTIONS.

6. Whereas the Customs or Exigencies of certain Trades require that Male Young Persons of the Age of Sixteen Years and upwards should be occasionally employed beyond the Hours allowed by this Act; it shall be lawful for One of Her Majesty's Principal Secretaries of State, on due Proof to his Satisfaction that such Customs or Exigencies exist, and that such occasional Employment is not injurious to the Health of such Male Young Persons, from Time to Time by Order to be advertised in the London Gazette, or otherwise published in such Manner as he may think fit, to give Permission that in the Case of any particular Workshop or Class of Workshops Male Young Persons of Sixteen Years of Age and upwards may be employed for a Period not exceeding Fifteen Hours on any One Day:

Provided that—

1st. They are not so employed except between the Hours of Six in the Morning and Nine in the Evening.

2d. In addition to the Time allowed under this Act for Meals, they shall be allowed Half an Hour for a Meal after the Hour of Five in the Evening.

3d. They are not so employed for more than Twelve Days in any Period of Four Weeks, nor on the whole for more than Seventy-two Days in any Period of Twelve Months.

7. In any Workshop in which the mechanical Power is Water, and in any Workshop or Class of Workshops with respect to which One of Her Majesty's Principal Secretaries of State certifies by Order under his Hand that it has been proved to his Satisfaction that by reason of the Nature of the Business it is necessary to carry on the same throughout the Night, it shall be lawful to employ Male Young Persons during the Night, subject to the same Intervals of Rest which they are allowed during the Day, and subject to this Provision, that no Male Young Person employed during the Night shall be employed during either the preceding or succeeding Day, and that no Male Young Person shall be employed more than Six Nights in any Fortnight.

For the Purposes of the last-mentioned Provision, Night shall mean any Time between Six o'Clock in the Afternoon of One Day and Six o'Clock of the Morning of the following Day.

8. So much of this Act as forbids the Employment of Young Persons and Women on any Saturday after Two o'Clock of the Afternoon shall not apply to Male Young Persons employed in Day and Night turns, changing every alternate Week, nor in any Week to any Woman or Young Person whose Hours of actual Work have not in any Day in such Week exceeded Eight.

9. The said Secretary of State, on Proof to his Satisfaction that the Customs or Exigencies of Trade, or any other special Circumstances require the Alteration to be made, may, by Order to be advertised in the London Gazette, or otherwise published in such Manner as the Secretary of State may think fit, give Permission, with respect to any particular Workshop or Class of Workshops for all or any of the following Things; namely,—

(1.) That Children, Young Persons, or Women may be employed between Two and Eight o'Clock in the Afternoon on Saturday, provided that in any such Workshop or Workshops Arrangements are made to the Satisfaction of the said Secretary of State for giving on some Workday in every Week to every Child, Young Person, or Women employed a Half Holiday of equal Length either at the beginning or at the End of their Day's Work; or,

(2.) That in any Workshop in which it is proved to his Satisfaction that Work does not commence before the Hours of Seven or Eight in the Morning Children, Young Persons, and Women may be employed on Saturday, or on any other Day on which the weekly Half Holiday is given, from the Hours of Seven in the Morning to Three in the Afternoon, or from Eight in the Morning to Four in the Afternoon. Subject to the usual Hours for Meals.

(3.) That Male Young Persons of not less than Sixteen Years of Age may be employed in the same Manner as if they were Male Persons exceeding the Age of Eighteen.

10. Where the Occupier of any Workshop is a Person of the Jewish Religion, and it is his Custom to keep such Workshop closed on Saturday until Sunset, it shall be lawful for him to employ Young Persons or Women on that Day from after Sunset until Nine o'Clock at Night.

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SECOND SCHEDULE

REFERRED TO IN THE PRECEDING ACT.

ENGLAND AND WALES.

Column (1). Places within Jurisdiction of Local Authority.	Column (2). Description of Local Authority.
The City of London and the Liberties thereof.	Commissioners of Sewers of the City of London.
Parishes within the Metropolis mentioned in Schedule (A.) to The Metropolis Management Act, 1855.	The Vestries incorporated by The Metropolis Management Act, 1855.
Districts within the Metropolis formed by the Union of the Parishes mentioned in Schedule (B.) to The Metropolis Management Act, 1855.	The Board of Works for the District incorporated by The Metropolis Management Act, 1855.
Boroughs, excepting Oxford.	The Mayor, Aldermen, and Burgesses, acting by the Council.
The Borough of Oxford and any Place not included in the above Descriptions, and within the Jurisdiction of a Local Board constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or One of such Acts.	The Local Board.
Any Place not included in the above Descriptions, and under the Jurisdiction of Commissioners, Trustees, or other Persons entrusted by any Local Act with Powers of improving, cleansing, or paving any Town.	The Commissioners, Trustees, or other Persons entrusted by the Local Act, with Powers of improving, cleansing or paving the Town.
Any Parish not within the Jurisdiction of any Local Authority herein-before mentioned, and in which a separate Rate is or can be levied for the Maintenance of the Poor.	The Vestry, Select Vestry, or other Body of Persons, acting by virtue of any Act of Parliament, Prescription, Custom, or otherwise, as or instead of a Vestry or Select Vestry.

SCOTLAND.

Column (1). Places within Jurisdiction of Local Authority.	Column (2). Description of Local Authority.
Burghs - -	The Magistrates and Town Council.
Places where Police Commissioners or Trustees exercise the Functions of Police Commissioners acting under "The General Police and Improvement (Scotland) Act," or Trustees or Commissioners acting under any General or Local Act.	The Police or other Commissioners or Trustees.
Any Place not included in the above Descriptions.	The Parochial Board having Jurisdiction in that Place.

IRELAND.

Column (1). Places within Jurisdiction of Local Authority.	Column (2). Description of Local Authority.
The City of Dublin - -	The Right Honourable the Lord Mayor, Aldermen, and Burgesses, acting by the Town Council.
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Towns having Town Commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 113), or under any Local Act.	The Town Commissioners.
Townships having Commissioners under Local Acts.	The Township Commissioners.
Towns under Commissioners appointed by virtue of an Act made in the Ninth Year of George the Fourth, intituled "An Act to make "Provision for lighting "cleansing, and watching "of Cities and Towns Corporate and Market Towns "in Ireland in certain "Cases."	The Commissioners.
Towns having Municipal Commissioners under 3 & 4 Vict. c. 108.	The Municipal Commissioners.
Any Place not included in the foregoing Descriptions.	The Guardians of the Poor of the Union in which such Place is situate.

Explanation.

In this Schedule the following Words shall have the Meanings herein-after assigned to them; that is to say,

(1.) "Borough" in England shall mean any Place for the Time being subject to the Act passed in the Session holden in the Fifth and Sixth Years of the Reign of King William the Fourth, Chapter Seventy-six, intituled "An Act to "provide for the Regulation of Municipal Corporations in "England and Wales."

(2.) "Burgh" in Scotland shall mean any Place returning or contributing to return Members to Parliament.

THIRD SCHEDULE.

FORM OF CERTIFICATE OF SCHOOL ATTENDANCE.

School.

I do hereby certify that [*Christian Name and Surname of the Child*] has attended the above School for not less than Ten Hours during the Week ending on Saturday the of , 18

(Signed) *A.B.*
Principal Teacher of the above School.

Date of 18 .

Address of School.

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TO THE

PUBLIC GENERAL STATUTES,

30° & 31° VICTORIÆ,

Showing whether they relate to the whole or to any Part of the United Kingdom, viz.:—

E. *signifies that the Act relates to* England (and Wales, if the subject extends so far).
S. - - - - Scotland.
I. - - - - Ireland.
E & I. - - - England and Ireland.
G.B. - - - - Great Britain.
G.B. & I. - - - Great Britain and Ireland.
U.K. - - - - The whole of the United Kingdom.

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Printed at the Office of *The Irish Law Times and Solicitors' Journal*, by JOHN FALCONER, 53, Upper Sackville-street, Dublin.

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