

II.—*Report of the Council at the Opening of the Twenty-fourth Session.*

[Read Tuesday, 15th November, 1870 ]

THE Council have to report the progress of the Society as indicated by the importance and practical character of the papers read and subjects discussed during the past session.

Dr. Robert M'Donnell brought before the Society some matters with regard to the system of "Patronage and Purchase in making Appointments," being the completion of a subject which had attracted so much attention in the previous session that the discussion was adjourned to a second evening, an event which had not occurred on any previous question since the Society was founded.

Mr. William John Hancock, Secretary of the Patriotic Assurance Company, read a paper on the "Application of American Legislation to Assurance Companies in the United Kingdom." This subject occupied the attention of Parliament during the last session, and a very important statute for the regulation of Life Insurance Companies (33 & 34 Vic., c. 61) was passed. This Act, though not going so far as the American legislation, is a very important step in the wise direction of checking bubble insurance companies, and of securing that they shall be promptly wound up as soon as their assets fall short of their calculated liabilities.

In the month of January last, before the Land Act had been introduced, Mr. Henry Dix Hutton contributed some original information which he had collected upon "Tenures and Land Legislation in British India," illustrating the extent to which local customary law, though differing from English precedents, had been sanctioned for years in that part of the empire—a precedent of some value in supporting the recognition of Irish local customs afterwards adopted in the Land Act; and on the same evening Mr. George Orme Malley, Q.C., directed attention to the importance of "The Utilization of the Reclaimable Waste Lands of Ireland," a subject for which provision was also made in the Land Act.

Mr. Thomas Baldwin, Agricultural Superintendent under the Commissioners of National Education, brought before the Society a great deal of valuable information regarding the "Diminution of the National Wealth from Cattle Disease," and suggested means for preventing such loss.

Mr. Robert Donnell contributed a paper "On the Linen Trade and Customs' Duties," showing the extent to which the linen trade of the north of Ireland was suffering from the high tariff on linen in the United States of America and other countries, and the consequent importance of converting the Americans to free trade. In connection with this he pointed out the impediment to the spread of free trade in America from the incomplete adoption of free trade amongst ourselves, and from the high tariff we imposed on tobacco, one of their chief products; and he advocated the adoption of direct

taxation as the only sure method of extending free trade to the rest of the world.

Mr. Constantine Molloy (Honorary Secretary) read a paper on the "Irish County Courts," and drew attention to the anomalous position of the Irish County Court as a court of equity for the defendant and not for the plaintiff, and recommended that the precedent of the English County Court should be followed by making the Irish County Court a court of equity for the plaintiff. He also recommended assimilation with the English County Courts in giving local jurisdiction in title and in bankruptcy, and advocated a further extension of its jurisdiction to cases of minors and lunatics when, the costs of central proceedings amounted to a denial of protection to the most helpless classes of the community. Since Mr. Molloy's paper was read, the principle which he recommended has received illustration in the extended equitable jurisdiction given to the Irish County Court in all equities connected with compensation under the Land Act. This, however, only presents in strange light that other rights and interests connected with land, though of much less value than the compensation to tenants under the Land Act, are still incapable of being the subject of an equitable suit for the plaintiffs in the Irish county courts. In the "Married Woman's Property Act" of last session (33 & 34 Vic., c. 93), the entire want of fixed principle in determining the jurisdiction of the Irish county courts received a singular illustration. The Irish county courts, concurrently with the English county courts, received under Section 10 the strictly equitable jurisdiction of appointing a trustee to protect a policy of insurance of a married woman, but for the more pressing matter of protecting the property of a married woman, however small or large in amount, the English county court has jurisdiction under Section 9, but no such jurisdiction is given to the Irish county courts, for in this country the married woman is by the same Section 9 referred to the Court of Chancery. This difference in legislation, it is manifest, amounts, wherever the amount of the property is small, to an absolute denial of justice.

The defective state of the law as to Admiralty jurisdiction in Ireland has been for some time a matter of complaint amongst foreigners trading with Ireland, and the Council adopted, with regard to this subject, a proceeding for which there were frequent precedents in the earlier years of the society. The Council directed an inquiry into the matter, and the result has been communicated in the report made by Mr. Henry Dix Hutton, who had in former years given attention to the subject of tribunals of commerce.

Upon Mr. Hutton's report, the Council came to the following resolutions:—

"That the Secretaries should take the necessary steps to bring the subject under the notice of the Chief Secretary for Ireland and the law officers, and to recommend the introduction of a bill.

"First, To give the High Court of Admiralty of Dublin jurisdiction:

(a.) As to any claim arising out of any agreement made in relation to the use or hire of any ship, or in relation to the

carriage of goods in any ship, and also as to any claim in *tort* in respect of goods carried in any ship, provided the amount claimed did not exceed £300 (32 & 33 Vict., c. 57).

(b.) As to any claim as aforesaid beyond this sum, when the parties agreed that the court should have jurisdiction (*ibid*).

"Second, To give Recorders' Courts of Dublin and Belfast, and the recorders or chairmen of Quarter Sessions Courts of the other principal seaports concerned, local jurisdiction with the Court of Admiralty in such matters, when authorized to exercise Admiralty jurisdiction under orders in Council under the Irish Admiralty Court Act, 1867 (30 & 31 Vict., c. 114, part IV.)."

The Secretaries were also directed to bring the subject under the notice of the Chambers of Commerce in Dublin, Belfast, Cork, and the seaport towns.

With regard to another important branch of law reform, viz., "The Expurgation of the Irish Statutes," the Council adopted the same method as that regarding the case of the Admiralty jurisdiction, and appointed a Committee "to consider and report on the best means for extending the Statute Law Revision to Irish statutes and statutes affecting Ireland, and securing the publication of a revised edition of Ante-Union Statutes, and guarding against those branches of the law which have been assimilated from being again dissimulated."

Before the close of the last session of Parliament a very important step with regard to this subject of the revision of our Irish Statute Law was taken by the Chief Secretary and Solicitor General for Ireland, introducing "The Statute Law Revision (Ireland) Bill," which was read the first time on 9th August last. The Bill has for its object the "Promoting the Revision of the Statute Law," by repealing certain enactments which have ceased to be in force, or have become unnecessary in Ireland.

The remaining branch of law reform to which the Council have directed their attention is the Bankruptcy Law, and they appointed a Committee, which has held one meeting, for the consideration of the subject.

Upon the general principles that should guide a change of the law, the Council are of opinion that :

First From the intimate commercial relations between this country and England, it is essential that there should, upon the principle of the Bankruptcy Law, be exact identity.

Second. That the local bankruptcy cases arising in such large centres as Belfast, and Cork, and Londonderry, where there are recorders should, at the option of the parties be locally disposed of.

Third. That the humane policy, in favour of the liberty of the subject involved in the abolition of arrest for debt, should be extended to Ireland

During the past session the Council have entered into a new and permanent arrangement with the trustees of the late John Barrington, Esq., with regard to the subject of his trust for lectures. The Council have resolved to enlarge the subject of the lectures by

adopting the name of "Lectures on Social Science," which at the present day corresponds with the intention of the testator, who described the object of his trust to be to lecture on Political Economy in its largest and most useful sense, but especially as regards the conduct and duty of people towards one another. The Council have also decided to propose as a guide to the lecturers, that they should enter upon any subjects discussed at the meetings of the Social Science Congress.

Concurrently with this change of plan, the Council have resolved to revert to the mode of selecting lecturers, adopted by them when first entrusted with the management of the lectures, that is, instead of electing one lecturer for three years, to elect two or more lecturers for one year only. At the last meeting, the Council made the first selection under the new arrangement, and Mr ROBERT DONNELL, A M., Barrister-at-Law, and Mr WILLIAM MULHOLLAND, A.B., Barrister-at-Law, were elected Barrington Lecturers on Social Science for the ensuing year.

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