Grand Jury to consider the bills of indictment, Messrs. Burkitt and Clare, attorneys for the traversers, challenged the panel as containing the names of persons not qualified to serve as jurors; whereupon, as each grand juror was called, he was examined as to the tenure of his land under Lord Fitzwilliam, the owner of the entire division, and, all but nine having admitted that they had not any leases, the court decided that only those nine were qualified, and consequently the criminal business could not be proceeded with, as nine would not be sufficient to find a bill of indictment, and the traversers were discharged upon giving bail to keep the peace."

DISCUSSION.

The CHAIRMAN (The Right Hon. the ATTORNEY-GENERAL) complimented Mr. Molloy on the ability he had exhibited in his paper, in treating so important a subject, and was glad that a gentleman of Mr. Molloy's abilities had taken up this important subject. In it he had clearly shown that a necessity existed for legislation on this question; and they could not but have observed the difficulty which had arisen from fixing the qualifications of jurymen at so remote a period. A change of circumstances manifestly pointed out a necessity for some alteration in the qualification, and it appeared to him that the question really to be considered was, what amount of rating would produce in the counties a sufficient and not too large a number of jurors, and at the same time supply a sufficiently intelligent class of men to discharge the important duties of jurymen. He conceived it would be well to postpone the discussion until after the reading of the next paper, which was of a kindred nature.

See page 201.

III.—*The Venue for Trials, Civil and Criminal.* By Mark S. O'Shaughnessy, Esq., Barrister-at-law.

[Read Tuesday, 16th May, 1865.]

To secure a full, fair, and impartial trial of such issues as, for the adjustment of personal disputes, or for the protection of public rights, it may become necessary to decide, is surely an object to which, in the interests of the public, none can be pronounced as superior.

That, for a jury, men should always be had in whom this great public trust may be reposed with confidence, there should be upon the face of the panel a body of men such as, by character and station, would be above imputation.

To know whether each locality in which trials may be had would afford a sufficient number of qualified persons, becomes then a necessary element in the consideration of the question as to the qualification of jurors; and to that question, therefore, the complement is, the consideration of the fittest locality in which trials should take place.

The general considerations involved in this question resolve themselves (I think) into the following:—Whether those to whom these issues are submitted should approach their consideration with minds on which no impression whatsoever, whether as to the persons or the circumstances, has been made; and that, to secure this object, in all cases the trial should be had away from the influence of local feeling?—or whether, for purposes of convenience, or to obviate inconvenience incident to holding investigations at a distance from the locality where the circumstances occurred, the trial should be had in the locality where the facts to be investigated arose?

The ancient practice of the law required that the jury should consist of persons who were witnesses of the facts, or at least in some measure personally cognizant of them, and who consequently in their verdicts gave, not as now, the conclusion of their judgment upon facts proved before them in the cause, but their testimony as to facts which they had antecedently known. Accordingly the jury were summoned from the immediate neighbourhood where the facts occurred, from among those persons who best knew the truth of the matter. The separation of the functions of the jury and the witnesses came very slowly into effect. So late as Charles the Second's time the right of a juryman to communicate privately to his fellow-jurymen evidence which had not been produced in court was judicially recognized. But the modern doctrine is, that if a juryman have a knowledge of any matter of evidence in a cause which he is trying, he ought not to impart the same privily to the rest of the jury, but should state to the court that he has such knowledge, and thereupon be examined and be subject to be cross-examined as a witness. Now, although the ancient practice of summoning the jury from the neighbourhood where the cause of action arose had its foundation in the trial by witnesses rather than by judges, yet the convenience of local trials is dwelt upon by Sir Matthew Hale, who in his History of the Common Law remarks, that to obviate the troublesome and most expensive attendance of jurors and witnesses, the trial is brought home to them in the county where most of them inhabit.

Thus, then, we are easily led from the ancient practice and the principles which guided it, to the consideration of the more modern division of actions into local and transitory, and the system of fixing accordingly the venue or place from whence a jury is to come for the trial of the cause. In local actions, that is such as could only have arisen in a particular place or county, as in ejectment, or in actions for injuries to real property, the case must have been tried in the proper county where the property was situated; but when the action is brought for an injury to the person or to personal property, and in general when it is founded on a contract, express or implied, it is said to be transitory; at the option of the party injured (the plaintiff) the venue might be laid in any county, subject, however, to the power of the court to change it to the county where the cause of action arose.

Some exceptions were made, as for instance, in favour of magistrates, public officers, and the like, who could not be proceeded

against for acts done in discharge of their duty, save in the locality where the acts complained of took place; but with the exception of these, and of that raised by the favour in all matters pertaining to land which pervades our legal system, it was in the power of the party injured to select the place where the trial was to be had. But in fact it would seem that the practice grew out of the statement implied in the venue, that the cause of action had arisen in that place, it being changed, on the common affidavit, to the place where in fact the action did arise; for, as is said in Reeves' *History of the English Law* (iii. 107, &c.), "there was great doubt how far the jurors might take cognizance of matters that happened out of the county."

But in criminal cases, and even (in general) in actions under penal statutes, the common law made the venue the county in which the offence had been committed; the exceptions were mainly the creatures of statute, and these in general left to the prosecutor the choice between the county where the offence had been committed and that in which the prisoner had been apprehended. In some classes of offences the next adjoining county might be selected, but, without entering into tedious particulars, the rule may be taken as already stated.

Yet, if justice so demanded, this rule yielded to the necessity, and it lay in the power of the Court of Queen's Bench to say if that occasion had arisen. The elements for the consideration of the court may be gathered from the remarks of the late Mr. Justice Perrin, made on a recent and a very remarkable occasion. In the case of the Queen *v.* the Rev. Peter Conway, prosecuted by order of the House of Commons, the Court of Queen's Bench in this country was applied to, that the Attorney-General may be at liberty to enter a suggestion upon the record, that a fair and impartial trial could not be had by a jury of the County of Mayo, and that it was convenient that the issue be tried by a jury of the County of Dublin or such other county as to the court should seem fit. In his judgment the eminent judge already named cited Wilmot J. (R. *v.* Harris, 3 Burr. 1334) to the following effect:—"There is no rule better established than that all causes (*i. e.* criminal cases) shall be tried in the county and by the neighbourhood of the place where the fact is committed;" "and I have," said Mr. Justice Perrin, "for more than two-thirds of a century learned and been successively confirmed by that time in the conviction that trial by a jury of the vicinage is of the essence of the protection of the rights and liberties of the people of the kingdom" (9 Ir. C. L. Rep. 520–1). But in the same case Mr. Justice Crampton called attention to what he designated "another common-law right, equally open to defendants and prosecutors, namely, that where it appears that either party cannot obtain a fair and impartial trial in the proper county, then the court has jurisdiction to take the case out of that county, and to bring it into an indifferent county" (525). The statute (19 & 20 Vic. cap. 16) under which the trial of Palmer was had, not in Staffordshire, but in the Central Criminal Court, became necessary because of the peculiar jurisdiction of that court, extending as it

does over the City of London and County of Middlesex, as well as over portions of the counties of Essex, Kent, and Surrey. In that instance it was the desire of the prisoner that the trial should not be had in his own neighbourhood, where the imputation of the serious offences with which he was charged had so prejudiced him that he believed a fair and impartial trial could not be had. When the bill came down to the House of Commons, the Chancellor of the Exchequer stated that the prisoner (Palmer) was an acquiescent party to the arrangement. He had in fact previously applied to the Court of Queen's Bench to remove the indictment into that court, on the ground that a fair and impartial trial could not be had in Staffordshire or elsewhere in the midland counties (5 Ell. & Bl., 1024, Q. *v.* Palmer). But as the act was to have a general application, and had been rendered necessary by reason that the Queen's Bench, though competent to grant a trial at bar, that is, before the judges of the court, or to have moved the venue to an adjoining county, was unable to remove the indictment into the Central Criminal Court, the terms on which that removal should take place were much discussed. Sir John Packington suggested that it should be a condition that the consent of the accused should be obtained; this was also urged by Mr. Whiteside, and in following up the same view Mr. Henley dwelt upon the injustice of the compulsory removal of the prisoner from the place where he is known and where he also knows those by whom he would be tried, thus destroying all opportunity of challenging the jury. On the other hand, the then Attorney-General for England (now the Lord Chief Justice, Sir Alex. Cockburn) objected that from a traverser who had influence in a locality (as was alleged in the Mayo election case already mentioned), that consent would never be obtained.*

Sufficient has now been said to mark with reasonable clearness the strong and steady current wherein our system carried all issues of fact to the place in which the facts had occurred. In criminal trials it holds on still, varying only to meet, in the interests of justice or for greater convenience, certain cases for very special reasons. In all things pertaining to the reality the rule was all but inflexible; nay, there was an old rule of the Court of Common Pleas, "that all actions upon the case, trespass for goods, assault, or imprisonment arising in any county, be laid in the proper counties, unless they arise where judges of nisi prius do seldom come;" but this became obsolete, and the party injured in his person or goods was allowed to lay his venue where he pleased. Yet here, too, the defendant could come to the court, and according to the practice before 1854† it was the absolute right of the defendant to change the venue in all actions founded on simple contracts (except on bills of exchange and promissory notes) upon producing the common affidavit, viz.,

*** In the recent discussion (9th May) in the House of Lords on the *Juries (Ireland) Bill,* the Earl of Donoughmore and other lords seemed unaware of the powers of the Court of Queen's Bench in Ireland so to deal with the place of trial in criminal cases, as to prevent a failure of justice by reason of local prejudice.**

† Ferg. Pr. ii. 853.

that the cause of action arose elsewhere. So strongly do the reasons in favour of local venues press upon the judicial mind, that so late as 1857 a report of a royal commission, urging the issuing in England of a winter commission to despatch the business accumulated between the summer and the following spring circuits, dwelt on the advantages to suitors in counties neighbouring to those to which the commission may be sent, of being enabled to lay their venues nearer home, and not have to come up to the after sittings at London or Westminster.

By the act which came into operation in Ireland on the 1st of January, 1864, all actions except that of ejectment being called "personal actions," it was enacted that in any personal action the venue may be in any county which the plaintiff thinks proper, power being given to the court or a judge to change it to any county in which the trial can be more conveniently or properly had, on special grounds only, and not merely because the action accrued in any particular place or county. Let us pause to consider how this may work; during the ten years or more that this system has been in operation, the case may have, and probably has, arisen frequently. A person, little if at all removed from destitution, has some real or fancied cause of complaint against a man of substance, and carries his wrongs for redress to an attorney, who sees that a good case can be made, a verdict had, and his costs at least secured The parties may reside in some place to which in due time the circuit judges would come—Lifford or Ennis, far away in the south or high up in the north, but the plaintiff has a statutable right, and lays his venue in Dublin. The defendant wishes to save himself the expense of taking witnesses an immense distance; he prefers to remain minding his business at home, to having to wait in Dublin for the trial to come on He feels too, it may be, that justice would be more surely done by those who have daily knowledge of himself and of the other litigant party, in the place where reputation grows from day to day, till, by fine indescribable but not impalpable traits, the credit to be attached to every man, be he rich or poor, and the favour to be shown to him according to his deserts, are well and generally defined. Thinking, then, that in their own neighbourhood and by their own neighbours his acts and the plaintiff's wrongs would best be measured, the defendant makes his affidavit and sets out the special grounds, showing a preponderance of convenience, on which he seeks to change the venue. The motion may be resisted or it may not; if granted, the costs will be costs in the cause, to increase his expenses should a verdict pass against him, never to be had from his poor opponent should the case fail; but, in any case, his own costs in the matter are lost to him. Such circumstances as these, which to every barrister in common law practice are by no means unusual or unfamiliar, may have incidents of oppression which have been adverted to (as will presently be seen) by some well acquainted with such facts. Yet the increase of costs, and that unnecessarily, is the invariable attendant upon all such cases, whether the litigant parties be or be not solvent However, inasmuch as her Majesty's commissioners appointed to inquire into the supe-

rior courts of common law in England and Ireland have made this matter the subject of a portion of their report, their recommendations should first be stated. They say :—" By the Irish Common Law Procedure Act of 1853, the venue in all personal actions, which includes many which would be local in England, is made transitory in Ireland; on the other hand, actions by and against assignees of leases have long been by express enactment transitory in Ireland whilst they are local in England. These actions might advantageously be made transitory in England, and the venue in all other classes of actions which are now local in England ought to be local in Ireland." And they recommend (sec. iv. 13):—"That in all actions (except actions by and against assignees of leases) which are now local in England should be local in Ireland." They say further (p. xiii):— "As to those actions which are transitory in England, but which are substantially, by reason of the character of the dispute and the residence of the witnesses, country causes, there is a general tendency in the practice at chambers to change the venue from London and Middlesex to the country, which tendency is caused by a reluctance to increase the burthen which the heavy nisi prius business in town imposes upon the London and Middlesex juries.

In Ireland a similar reason does not exist, so that there is no balance of general inconvenience to disturb the practice which has prevailed in Ireland since 1853. In this case we think the Irish practice should be retained in Ireland, but not extended to England."

With the utmost deference to the opinion of men so deservedly eminent as are those who signed that report, the question is not one of the labour imposed on jurors, whether in London and Middlesex or in Dublin, but of convenience to suitors. Moreover, the present system is one causing a preponderance of cases in one locality to be tried by one set of jurors, and tending therefore, in Ireland as in England, to increase the burthen of business upon the jurors "in town."

It is deeply to be deplored that it is not proposed to change a system, of which one of the most eminent men at the Irish bar, Mr. John Thomas Ball, Q.C., states his experience to have been, that "to withdraw the case from the neighbourhood where the character of the parties and their witnesses is known, has tended to increase expense, encourage speculative actions, and make the result uncertain."

In favour, however, of continuing that system, Mr. Whiteside says :—" I shall also mention another change in practice sometimes complained of, chiefly, I believe, by young and inexperienced professional men. No person can doubt that, *cæteris paribus*, a record will be tried more satisfactorily in Dublin by a city jury, assisted by a central bar, than on circuit, in the hurry and scramble of an assizes. The old rule as to venue in transitory action was utterly uncertain. The plaintiff laid his venue where he pleased; the defendant uniformly changed it on an affidavit that the cause of action arose in some other county, a statement which in a transitory action was in nine cases out of ten an impalpable fiction; and then the plaintiff, in almost every case, moved to restore or retain his venue on special grounds of convenience, or on conflicting affidavits as to residence of witnesses.

Some classes, *e. g.*, attorneys, had peculiar privileges as to venue denied to other persons. Now, nothing finally controls the venue but the relative convenience of the place for trial, and where no reasons can be offered to turn the balance, the suitor naturally has the choice. Thus, a multiplicity of idle motions, sustained by hard swearing and at a great expense, are cut short, and as a general rule, the important records are tried at Dublin, where for obvious reasons the suitor prefers to have his case tried. He escapes the hurry and confusion of an assizes, the time of despatching the reduced business at the assizes being inconveniently short."—(pp. 108-9.)

The system, too, has in its favour the weight of the opinion of the present Solicitor-General (Mr. Sullivan), who gives it the preference over that in England.

On the other hand, Master Fitzgibbon, Sir Colman O'Loughlen, (Serjeant-at-law), Dr. Battersby, Q.C., Dr. Ball, Q.C., Mr. Hemphill, Q.C., Mr. Morris, Q.C., and others condemn the present system. To comprehend their reasons the following may be read. They are the opinions of members of different circuits :—

"I think the system in Ireland which enables a plaintiff to lay the venue where he pleases, and throws on the defendant the necessity of making a special case in order to change such venue, is faulty to an excess; it throws the burden on the wrong party.

"I would suggest that the defendant be at liberty, as heretofore, before the Common Law Procedure Act, to change the venue by motion, without notice, on the common affidavit, and then to enable the plaintiff, upon a proper case, to bring back the venue to the place he originally laid it.

"I have been in cases where a defendant has been obliged to bring all his witnesses to a distant county, although the plaintiff, who was confessedly a pauper, and all the plaintiff's witnesses, resided in the same county with the defendant.

"The only convenience often suggested is, that a trial can sooner be had in the county where the venue was laid by the plaintiff, than in that where the cause of action arose, a convenience which a plaintiff can always secure, as he can select the time for bringing the action. I do not think that convenience to the plaintiff an equivalent for the mischief arising from pauper and disreputable plaintiffs bringing speculative actions, laying the venue in counties where their position and character are unknown.

"I have known instances of successful experiments of that nature, where the action would never have been brought if the case should be tried in the place where the plaintiff's character, and that of his witnesses, were known; and I have likewise known instances where such actions were abandoned on the venue being changed to the proper county."—(Henry Concanon, Esq., Barrister-at-law, *Connaught Circuit*, *p.* 119).

"I cannot too strongly or forcibly express my opinion upon the injurious results of the provision as to "venue," Irish C. L. Proc. section 72; I have heard it stated it was the concoction of some leading practitioners of both branches of the profession at Dublin nisi prius. I know that parties bring actions and lay their venues

in Dublin, where they are not known, and which they never intend to proceed with, if the defendant, escaping the special demurrers to a motion to have the case tried in the vicinity, meets the capricious views entertained of the words "more conveniently and properly tried." A defendant cannot, in the very plainest case for so doing, apply to change the venue until after his defence is filed, often not until notice of trial is served. Possibly the defendant's affidavit has not been revised by counsel, nor the stereotyped statements introduced, which various cases have decided to be indispensable. Perhaps a hardy plaintiff meets the defendant's case by a counter affidavit that necessary witnesses are resident at the venue selected, the audacity of which assertion many judges will not question or consider; then the usual platitudes of counsel, of plaintiff's statutable right to select any absurd venue; and finally a decision, often on very fanciful reasons. The plaintiff, at the worst, has his costs in the cause, even when the motion of defendant succeeds, and I have known a venue deliberately selected to drive the defendant to a motion to change, thus mulcting him with costs." (Michael Morris, Esq., Q.C., *Connaught Circuit*, p. 126.)

"I would suggest that an error was committed in allowing plaintiffs in all cases to lay the venue in any place they choose. The difficulty at present in changing the venue from the place where the plaintiff has laid it to the place where cause of action arose, and where all parties reside, is very great. Defendant is invariably met with arguments, that plaintiff is not (on slight grounds) to be deprived of right given him by statute; that convenience is to be estimated by expense, which can be calculated by the railway fares, and amounts to so trifling a sum that the court should not regard it; and that plaintiff would be delayed if venue was changed. These arguments generally prevail; and in my opinion the practice of laying the venue in a distant locality has become, in any cases, a real persecution; and I feel satisfied that the facility afforded in having a trial far away from the county where parties reside, multiplies a class of actions which should never be brought, and would never be brought in the assize town and before a jury of the county. The practice in England in this respect is much better than that in Ireland. The old practice of allowing venues to be changed on the common affidavit was, in my opinion, a very salutary one." (James Murphy, Esq., Barrister-at-law, *Munster Circuit*, p. 127.)

"As to the '*venue*,' I should have all actions *prima facie local*, except such as are now triable in the 'Consolidated Nisi Prius Court in Ireland," reserving to the judges, of course, the most ample powers of changing the venue on special grounds. Under the present system, enormous expense is incurred in bringing to Dublin witnesses from remote parts of the country. The expenses of witnesses are generally found to be the heaviest item in bills of costs. Again, special juries are constantly resorted to in Dublin in cases which, if tried in the country, would probably appear in the common jury list, which is in itself a great additional expense to the suitor; moreover, the class of jurors attending the assizes are, generally speaking, more competent to deal with the evidence of country

witnesses than can be reasonably expected from Dublin juries. I never could understand on what grounds this great latitude as to venue was introduced into Ireland, repugnant alike to the old law and the modern practice in England." (Charles H. Hemphill, Esq., Q.C., *Leinster Circuit*, p. 115.)

It is, then, to be regretted that the tendency of the Commissioners' Report should not be in favour of localizing venues in Ireland; the bar have no reason to object to increasing business on circuit; for some time past they have had reason rather to deplore the want of it. With their attention to the legal business legitimately belonging to the seats of the courts of judicature, the trial of issues of fact is calculated rather to interfere. Moreover, a well-grounded complaint has come from the profession and from the public, as to the juries in Dublin being almost habitually constituted of the same class of men who frequent the courts, not of persons taken indifferently from the large number who must be on the jury panel in so large a population as that of Dublin. This fact is notorious, so notorious as to have formed the subject of public comment alike from the bench and the bar during the term just passed.*

Nor should it be lost sight of, that by taking away the investigation of disputes from the places where they arose, the means of creating and protecting the exercise of public opinion are disregarded. Alike the plaintiff and the defendant, if conscious of misconduct, and dreading publicity, will seek for a trial as far from the knowledge and observation of their ordinary associates as they can. For every reason, then, I would localise the administration of justice, not centralize it. And if it be apprehended that the trial of causes in the very locality where all the parties are known—where, often it may be, the circumstances of the case have been discussed—may taint verdicts with partiality; if it may seem that such incidents are calculated to "prejudice the minds of men who ought to come to compose a jury without any preconceived opinions to decide upon the subject," such fears may be calmed by the assurance to be found in Lord Kenyon's words—words spokén in a proud confidence in the law which it was his noble function to administer:—"The constitution of this country has done all that human prudence can do, that justice should be administered by those who have no wishes on the subject; it is for that reason that various challenges are given by law to a juryman. A relation, in however remote a degree, cannot sit upon a trial, and yet the law does not mean to say that all the relations are villains. The challenge is not deemed a scandalous attack: it is enough to say general rules must be laid down adapted to the case of evil men and good men. If by possibility evil may creep in, shut the door as close as you can; the law, I say, has done as much as human wisdom can do to keep the streams of justice pure and entire." (21 State Trials, 871.)

DISCUSSION.

MR. O'REILLY DEASE believed that Mr. Molloy's paper assumed

* Court of Common Pleas, Easter Term, *O'Brien* v. *Kilbee*, a motion to change the venue from Dublin.

that high sheriffs of counties were incompetent to perform their duties, and he considered that it would have been more germane to the subject to have devised some means whereby the sheriffs should perform their duties more effectually than to assume them at first to be incompetent. With reference to Mr. O'Shaughnessy's paper, he agreed with him that in many cases at present the jury system was unsatisfactory. For his own part, he was aware that in several instances in this city the jurymen were paupers, whose opinion was almost worthless.

Mr. Dodd thought it would be a great grievance if venues were localised. Delays would be caused, and the Dublin merchants having actions against parties in the country would have very great grievances to complain of, if they had to bring their actions in every case where the defendants resided. There was great room for improvement in the class of jurymen; and in the mode of selecting their names, as at present, corruption could be, and perhaps was, largely practised. There was no want of intelligence on the part of the jurors, but they were very frequently more influenced by the consideration of the remuneration they were to receive than by any other motive.

Mr. Leahy, Q.C., bore testimony to the inefficient working of the present jury system. At present the method was for the baronial collectors to send in the names of the persons qualified to serve as jurors, but there was no check upon the baronial constables, and it was well known that very often their friends were left out of the lists. He thought that if the lists were settled in open court by the county chairman as the voting lists were now settled, and if the county chairman had power to fine baronial collectors for neglect of duty, a great deal of good would be effected. The rating qualification should be adopted, and the judge of assize, he thought, should inflict smart fines whenever neglect or abuse came under his notice. As regarded the laying of venues, he conceived that when the venue was laid improperly away from the place where the cause of the action arose, the court should have power to make it a condition precedent to the action proceeding, that the plaintiff should pay the costs of changing the venue to the proper county. It was a misfortune in some cases that a majority of a jury could not decide a case, owing to the obstinacy of one or two, who might be a friend of either of the suitors.

Professor Houston said he had some years ago read a paper suggesting reforms in the jury system, and he was glad to find the opinions he then expressed were now finding such favour. He thought an amendment of the jury system most desirable.

Mr. F. M. Jennings agreed with Mr. Molloy that some judicious reform should be carried out in the present jury systems, but he considered a £25 rating too high.

Dr. Hancock said the important matter to be obtained was a proper qualification for jurors. He thought the being rated on a valuation of £20 (like the English qualification of householders rated at a valuation of £20) would be a suitable qualification, and would give a sufficient increase to the number of jurors. His own

experience led him to think that venues should be localized in questions of wrong or character, and that strong reasons should be urged before the venue was changed from the locality in which the subject of the action took place. He did not approve of the Scotch jury system.

MR. CONN referred at some length to the grievances under which the jurors laboured—the expense and trouble to which they were put, without any return, while all other functionaries connected with the law were amply paid for their trouble. There was in consequence great difficulty, therefore, in obtaining jurors. There should be sheriffs appointed who should not depute their authority to the sub-sheriffs.

IV.—*The differences between the Statutes bearing on Public Health for England and Ireland.*—By E. D. Mapother, M.D., Professor of Hygiene R.C.S., Medical Officer of Health, and Surgeon to St. Vincent's Hospital.

[Read Tuesday, 21st February, 1865.]

No medical practitioner who has treated disease in this country, especially in its populous towns, can have failed to observe the insufficiency of our present legal enactments towards its prevention. Upon me this conviction has forced itself more urgently since July last, when I was entrusted by the Corporation with the carrying out of the provisions of the Sanitary Acts concerning this city. Having submitted my views to the Committee of the Corporation with whom I have the pleasure of acting, I was directed to draw out a statement of the differences which exist between Public Health Statutes in England and Ireland, and having done so, I was rejoiced to have been granted this opportunity of bringing the subject forward in this Society, where I enjoy the cooperation of its legal and other members expert in the construction of acts of Parliament. In order to exhibit at a glance the useful statutes from the benefits of which Ireland is excluded, and to systematize the discussion, I have set them forth with their most important provisions on this table.

I may mention, as remarkable facts, that the first Sanitary Act for any part of the kingdom (59th Geo. III., c. 41) was passed for Ireland, and an appeal that its operations should extend to England was made by the famous Dr. Paris and Mr. (afterwards Judge) Fonblanque; that the first Parliamentary Reports on Public Health related to Ireland; and, thirdly, that it was by the notoriously disgraceful state of a Dublin cemetery, Bully's-acre, that public atttention was first awakened to the dangers of intramural sepulture.

LAWS FOR ENGLAND ONLY.

The Public Health Acts, 1848 *and* 1858; and with them is amalgamated the *Local Government Act*, 1858, which renders legislation for