

Juries was, on the motion of Sir Colman O'Loughlen, adopted by the Select Committee of the House of Commons on the Irish Jury Laws; another recommendation for having, in the county and city respectively, only a single panel of Special and a single panel of Common Jurors for all the courts in each term, was proposed for England in Mr. Lopes's Jury Bill.

When the British Association visited Ireland in the autumn, this Society was represented at Belfast by the President, some Vice-Presidents, and a Secretary of the section for Economic Science and Statistics, having been selected from its members.

At the Social Science Congress in Glasgow, in October, the Society was represented by two members of Council attending and taking part in the proceedings.

III.—*Report of Committee of the Council on (1) Mr. Jephson's Suggestions for securing greater attention to Suggestions for Amendments in the Law, contained in Reports and Papers read before the Society; and on (2) Mr. Jonathan Pim's Suggestions for obtaining Information as respects the differences which now exist between the Laws in force in England, and those in force in Ireland.*

[Read Tuesday, 26th May, 1874.]

THE committee, appointed at the April meeting of the Council, to consider Mr. Jephson's and Mr. Pim's suggestions, met on Tuesday, 27th of April: present, Mr. Jonathan Pim, Vice-President, in the chair; Mr. Jephson, Mr. Brooke, Mr. William J. Hancock, Mr. Molloy, Dr. Hancock, and Mr. Joseph Pinn, and adopted the following report:

I.—*Plan for securing greater attention to Suggestions for Amendments in the Law, contained in Reports and Papers read before the Society.*

Mr. Jephson stated the impression he had formed, that some steps should be taken to secure greater attention to the suggestions for amendments in the law, contained in reports and papers read before the Society; and in suitable cases to bring such suggestions under the notice of members of the government.

The Secretaries submitted, as a guide for arranging a plan to carry out Mr. Jephson's suggestion, a precedent established by the course of proceeding adopted by the Council of the Society in 1858; when suggestions were made in a paper read before the Society, with respect to the necessity of legislation for securing the Registration of Births, Deaths, and Marriages in Ireland.

The Laws of the Society, chap. III., s. 7, provided as follows:—
“The Council may form special committees for promoting the investigation of any particular subject, and may from time to time select

the members to serve on such committees ; and the result of such investigation shall be laid before the Society in such form as the Council shall think fit to direct."

On the 18th June, 1858, the Council, under the above law, appointed a special committee to investigate the question of a General Registration of Marriages, Births, and Deaths in Ireland, and to report thereon to the Council ; and named on the committee, Judge Longfield, Mr. Jonathan Pim, Mr. Lawson, Mr. Murland, Mr. Bagot, Mr. Codd, Mr. Morris, Mr. John O'Hagan, Mr. Moncreiff Wilson, Dr. Hancock, Professor Cairns, and Mr. Dix Hutton. The Council subsequently added to the committee, Mr. Commissioner Senior, Mr. Greer, M.P., and Mr. Todhunter.

The committee made a report on the 16th of November, 1858 ; and the Council resolved "That the Report of the Registration Committee be received, and printed for circulation amongst the members of the Society, and that copies be sent to the representatives for Ireland, and to the Irish newspapers."

The recommendations contained in the report were carried out partly in 1863, by the Registration of Births and Deaths (Ireland) Act, 26 Vic. c. 11. ; the Marriages Law in Ireland Act, 26 Vic. c. 27 ; and the Registration of Marriages (Ireland) Act, 26 & 27 Vic. c. 90 ; and partly in 1870, by the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, 33 & 34 Vic. c. 110.

In accordance with this precedent, the committee beg to recommend the following plan for carrying out Mr. Jephson's suggestion.

1. That when any member of the Council brings under the notice of the Council suggestions of amendments in the law, contained in any paper or report read before the Society, with a view to have recommendations founded thereon, a committee be named of members of the Society specially skilled in or interested in the subject.

2. That the report of the committee be made to the Council ; to be subsequently brought before the Society in such form as the Council shall think fit to direct.

3. That, pending any such report being made public, if the officers of the Society ascertain that any member of the government would like to have the information contained in the report for official use, they shall be authorized to communicate the report for such purpose ; it being understood that the recommendations in any such report are treated as those of the committee, and that neither the Council nor the Society takes part in pressing particular views on the members of the government, or comes to a vote upon particular recommendations in any report.

II.—*Plan for obtaining information as respects the Differences which now exist between the Laws in force in England, and those in force in Ireland.*

Upon this subject, Mr. Jonathan Pim submitted the following suggestions :—

"It would, I think, be well worthy the attention of the Statistical

Society to obtain full and clear information as respects the differences which now exist between the laws in force in England and those in force in Ireland, with suggestions as to the best mode of assimilating the law of the two countries, in those cases in which it is desirable that they should be assimilated; and in the hope of securing for the future identity of legislation, except where the peculiar circumstances of either country may require a different treatment.

“That there are peculiarities in the condition of Ireland which require, in some cases, different laws and different institutions from those in England, must, I think, be admitted by all who have considered the subject; but it ought to be the object of a sound policy to reduce these differences to a minimum, and to prevent any such differences from arising hereafter, unless the circumstances of the case imperatively require it.

“A complete statement of all the differences between the legislation of the two countries would be a large volume, and the labour of compiling it would be too great for any one person; but if the subject were subdivided under different heads the work would be lighter; and I should hope that some of the members of the Statistical Society would be willing to devote sufficient time to it, to enable each essayist to afford the information required, as respects the particular branch of legislation which might be considered in his own paper, and thus the whole subject would receive full investigation.

“As to the way in which the subject should be subdivided, I cannot pretend to offer any opinion. This could only be done by those who have legal knowledge. It seems to me that the inquiry is likely to be more complete by being divided under a considerable number of distinct heads, so that the range in each case should not be very wide.

“I think, also, that the inquiry should extend not only to differences of laws, but to differences in the mode of government, and the institutions by which government is administered; as for instance: the administration of the poor laws, etc., the powers of the Board of Guardians, the fiscal administration of towns and counties, the mode of assessment, and the contributions from imperial funds in relief of local taxation.

“There are many other subjects to which I need not now refer; but it must, I think, be evident that information such as I have pointed out, if furnished by the Statistical Society, would be very useful, and would, I believe, be frequently referred to by Irish members of Parliament, when new legislation may be under consideration; and if the inquiry be complete and efficient, as I think it would be if undertaken, the reports on the subjects would, I have no doubt, have a most important and valuable influence in the future legislation for Ireland.”

The Secretaries brought before the committee the precedents in the proceedings of the Society that might afford a guide to the formation of a plan for carrying Mr. Pim's suggestions into effect.

In 1850, 1851, and 1852, a series of eight reports on legal questions were obtained by the Social Inquiry Society of Ireland, a society

formed by members of the Statistical Society, and afterwards amalgamated with it.

One of these reports by Mr. (now Judge) Lawson, published in 1852, on "The present state of the Law and Practice of Ireland with respect to Wills and the Administration of Assets in Ireland," had the salutary effect of securing the reform of the Irish Probate Jurisdiction, in 1857, in the same session as the corresponding reform was carried for England.

The report of Mr. William Dwyer Ferguson (now Registrar of the Court of Chancery), as to Law of Debtor and Creditor, so far as relates to proceedings subsequent to final judgment, in 1851, preceded the assimilation of Irish and English law, carried out in the Irish Common Law Procedure Act, 1853.

The report by Mr. Colles (now taxing master) on the policy of Limited Liability in Partnerships, preceded the uniform legislation for Ireland with England on that subject.

The report on Patent Laws by Mr. (now Judge) Lawson, facilitated the removal of the exceptionally high fees to which applicants for patents in Ireland were at that time subject.

The other reports were not so much on imperial legislation as on questions in which Ireland was more immediately interested, viz., on Taxes on Law Proceedings in Ireland, by Mr. John O'Hagan and Mr. Arthur S. Jackson; on three branches of the Land Question—(1) by Mr. Edward Graves Mayne, on the Foreign Systems of Registry Dealings with Land, by means of Maps and Indexes; (2) by Mr. (the late) Robert Longfield (afterwards M.P.), on the Alterations and Amendments necessary in the present system of Sale and Mortgage of Land in Ireland; and (3) by the same gentleman, on the legislative measures requisite to facilitate the adoption of Commercial Contracts respecting the Occupation of Land in Ireland.

For each of these reports a fee of £20 was paid; and the cost of printing and circulating each report was about £17; so that the cost of the whole eight reports was about £300.

The mode in which this money was raised is explained in the Report of the Council of the Social Inquiry Society, 3rd November, 1851.

The report contrasts the difference in the mode of proceeding in what is now the Statistical branch of the Society, and the Social Inquiry branch.

"In the Statistical Society, the subscription is uniform and moderate in amount, the subjects of the papers read at the meetings of the Society are selected by the authors, and the authors volunteer their services and are unpaid.

"In the Social Inquiry Society, on the other hand, large subscriptions are sought for—one subscription last year amounted to £25, there were some of £5, and the lowest or ordinary subscription amounts to double the subscription to the Statistical Society. The subjects and authors are both selected by the Council, and the authors are paid for their reports."

In consequence of these differences in the means used, the Council of the Social Inquiry Society are enabled to obtain reports on

complicated and difficult investigations entirely beyond the reach of the voluntary and unpaid exertions of the individual inquirers of the Statistical Society.

This method of obtaining reports, which was so successful in 1850, 1851, and 1852, was revived in 1866, by Mr. Jonathan Pim offering a fee for a Report on the Impediments to Express Contracts as to the Occupation of Land in Ireland. This report was made by Mr. Randal McDonnell.

It was again revived in 1871, Mr. Alexander Thom presenting one hundred guineas to the Society for reports, which have been read at meetings of the Society :

1. Mr. Brooke on "The Differences in Law of England and Ireland as regards the Protection of Women."
2. Mr. William Mulholland, on "The best means of Reducing the Town Law of Ireland to a Code."
3. Professor Donnell, on "The best means of Securing the Local Transfer and Registry of Land in Ireland."
4. Mr. Molloy, on "The Application of the Principles laid down by the Judicature Commission to the Irish Local Courts."

Under these circumstances, it appears to the committee that the best way to carry out Mr. Pim's suggestion would be :

1. To divide the subject into eight branches, and to have eight reports, the branches and the authors of the reports to be selected by the Council.
2. That the members of the Society, and others interested in the assimilation of the laws, should be invited to subscribe towards a fund of £300, to defray the fees and cost of publication and distribution of the reports, by special subscription, as in 1850, '51, and '52.
3. That this report be read at the next meeting of the Society, and the secretary be requested to have a paper prepared, to be read at the same meeting, showing the progress that had been already made in giving an account of the differences in the laws in force in England and those in force in Ireland, illustrating some of the most marked differences not already noticed, and suggesting the most convenient division of the subjects.
4. That, in case adequate subscriptions are by this means secured before the meeting of the Council in June, the subjects be arranged, and the reporters selected, so as to have the Reports ready in November next.

JONATHAN PIM, *Chairman.*

W. NEILSON HANCOCK, *Secretary.*
