

But lest this worthy privilege should be by him abused,  
 To show him the indictment they most steadily refused  
 'Twas thus the law kept knaves in awe, gave honest men protection,  
 And widely famed, was justly named, of wisdom the perfection."

I may seem to have entered into a digression upon the whole history of our criminal law, instead of confining myself within the limits of the subject I have chosen. I did not mean so do so. I only proposed to show how little weight should be given to the argument that the proposed change is contrary to usage. For the rest; no one concedes more freely than I that all the alterations in the criminal law effected in modern times, have been in the direction of humanity and common sense; that it is administered in a spirit which leaves nothing to be desired, and that if the even balance is ever departed from, it is certainly not against the prisoner that the scale is depressed. I own, also, that it is right to proceed in these reforms with cautious and hesitating steps; but surely no one can complain that in this matter the pace has been too fast. Before the reforms in the law of evidence, to which I referred in the beginning of this paper, just the same arguments, drawn from liability to perjury and the like, which are now urged against the admission of prisoners to give evidence, were pressed against the examination of the parties.

I contend that there is no reason why the law should not, in this respect, be made what every law, springing from sound conclusions of jurisprudence, should be, as far as possible—symmetrical and coherent.

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VI.—*On the Temporary and the Permanent Business of Friendly Societies, with some Suggestions for making the latter secure through the agency of the Post Office Insurance and Savings Bank Departments.*—By William John Hancock, F.I.A.

[Read, 22nd June, 1875]

FRIENDLY Societies are formed to enable labourers by co-operation to guard against the vicissitudes of life—such as temporary want of employment, temporary sickness, old age, and death.

Provision for temporary want of employment, and temporary sickness may be considered as somewhat analogous to Fire Insurance, that is to say, in individual cases the contract ends and the claim on the funds of the society ceases with the close of the year or shorter term for which contribution is paid. Each payment of contribution may be considered as a new contract for another term; and so far as sickness is concerned, the rates of contribution are either the same for all ages within the ordinary working period of life, or increase but little, as it is found that the average amount of sickness suffered at each age is nearly uniform from age 16 to about 40; then there is some increase

up to about 60 ; after which the increase of average sickness becomes considerable. It does not therefore appear to be necessary for societies offering these benefits only to have large reserve funds. Probably a year's income in hand would be sufficient. Such a society having too large funds would run a risk of being broken up by unscrupulous members, for the sake of dividing funds accumulated by the prudence of former members.

Provision for old age and death are identical with Life Assurance. Here the contract, so far as the society is concerned, is for the life of the member, and each contribution is paid towards the fund which is to accumulate so as to be sufficient to provide for those who live to old age, and to provide for the deaths. In this class of society, it is necessary that the funds should be sufficient and safe. When a society of this kind fails, the effect is very serious: the old man finds himself without that provision for his old age which he strove so hard during his working years to make, and the widow and orphans find themselves without the provision the bread winner intended for them; and members who have paid many contributions find that they can only retrieve their position at the cost of increased contributions due to more advanced age.

The government, through the Post Office, offers the means of providing for old age and for death, to a certain limited extent; but the limits adopted do not meet all the cases which arise.

I will illustrate this by one example. I have in my summer visits to the seaside come in contact with the coast-guards. They are, as a body, respectable married men, who have got into that service by showing good conduct during a certain time of service in the Royal Navy; and the way in which they keep their wives, children, and houses, is a credit to them, and a good example to their neighbours. Thanks to the care of the government, these men do not suffer from temporary want of employment, temporary sickness does not affect their pay, and their old age is provided for by a pension.

But there is no government provision for their widows and orphans. I found that the widows and orphans were provided for in one of the three following ways, that is to say.—

1st. "The Coast-Guard's Compassionate Fund," which appears to be a kind of coast-guard friendly society, depending on voluntary subscriptions and voluntary membership, and does not appear to be very popular with the men. The sum payable to the widow is not guaranteed, and does not appear to be fixed.

2nd. By Friendly Societies or Clubs. I am informed that men joining friendly societies in England, on removal to Ireland, must either give up the society, or find it very difficult to continue members.

3rd. By insuring in insurance companies—some granting insurances for less than £100.

4th. By trusting to "subscription lists;" that is, where a man dies, if his widow and children are not otherwise provided for, a subscription is asked from his surviving comrades, whether in his own division or all round the coast.

Finding this unsatisfactory state of affairs, I strongly recommended the Post Office Insurance plan, and I induced some of the men to adopt it; but I found the difficulties to be as follows:—

1st. The men had to ask leave of absence, and travel some distance at their own expense to be examined, although they had a thoroughly competent medical man—the dispensary doctor—a man in good practice, and who was also their station doctor, beside them, and the Post Office in the village was a savings bank.

2nd. The Post Office Insurance plan provides for insurances payable at death, the consideration being either a sum paid down or a periodical sum payable till age 60 or till death ; but as the coast-guards retire on pension at ages from 50 to 55, they could not well afford to pay the periodical sum required after those ages, until either 60 or death.

These difficulties could be obviated as follows : that is to say, by making the Post Office at the central station of a division, a Post Office Insurance office, both as regards the Post Office there situate, and as regards the local medical man who is the coast-guard medical officer ; by preparing tables of periodical premiums or contributions to cease at ages 50 or 55, or whatever is the age the coast-guards retire at ; by making the paymaster act as agent to the Post Office, and deduct from each man's pay his insurance contribution, and pay for the whole district in one sum to the Post Office

If the state is not prepared to provide for the widows and orphans of the coast-guards, it ought at least to arrange the Post Office Insurance business, so that the men can make that provision themselves, as I believe they are willing to do.

The great importance of having the funds for superannuation and death payments secure and safe, leads me to suggest that friendly societies, instead of investing their own funds for these objects, should invest their money in the Post Office, by insuring the lives of the members, and purchasing deferred annuities, and acting as agents for the Post Office for these two benefits. By collecting the periodical payments with their own contributions, and paying the periodical payments in a bulk into the Post Office, the members would then be secure, so far as the funds for these benefits are concerned, the society would be relieved of responsibility ; its business would then be confined to provide for temporary sickness or temporary want of employment. If the society failed, the members could, if they wished, still keep up their connection with the Post Office by paying their premiums direct to it.

If a member goes from one part of the country to another, he could transfer his life and superannuation policies in the Post Office from one friendly society to another, without loss to himself or disturbance to the affairs of either society. If the limit of insurance were reduced to, say, £5, and the tables for life assurance and for superannuation were framed to suit different trades or classes of friendly society, the Post Office might come to aid friendly societies (not compete with them) by affording the best investment for their contributions for these two benefits.

Another advantage of adopting the Post Office Insurance and Superannuation plan, through the friendly society, is that if a member becomes unable to pay up his premiums for a time, the society might all the same pay them for him out of their general funds, and even if

they did not recover the amount from him, they would be relieved from the unpleasantness of either paying a levy or refusing to pay a levy for his support in his old age, or for his widow and orphans in the event of his death.

When the affairs of a friendly society are investigated, and it is found that there is a surplus, the question arises, what is to be done with it. I suggest that it be made a condition of membership in a friendly society, that an account be opened in the Post Office Savings Bank by a deposit of, say, £1, that whenever a division is made of surplus funds, instead of handing the cash to a member, it be lodged to his credit in the Post Office Savings Bank, if he reduces his Post Office Savings Bank account below the first deposit, together with additions made by the society, he, *ipso facto*, ceases to be a member of the society, the society to have a first charge on this sum in case of deficiency of its funds.

The society would thus have a reserve fund in names of the members, safe from improvident division, but available in case of need, without, in the first instance, causing the inconvenience to the members of a sudden or unexpected levy.

The position of a member of a friendly society under these circumstances would be:—if he attained the age of retirement, he and the society would cease to have anything to say to each other, and he would receive his superannuation from the nearest Post Office to the place he might select to spend the evening of his life, and he could deal with the balance on his Post Office Savings Bank account as he thought best, and at his death, his widow or representatives could receive the insurance money from the Post Office. In the event of his death before the age of retirement, the society would, by that event, be relieved from further concern in his affairs—his widow or representatives could at once draw the balance of his Post Office Savings Bank account, and receive the sum insured on his life.

With a view to further carrying out the advantages of the Post Office Savings Bank, I would suggest the following plan.

1st. Any depositor in the Post Office Savings Bank wishing to withdraw a portion of his or her deposits for the purchase of Government Stock, should receive, in lieu of the ordinary withdrawal warrant, a certificate of the transfer to his or her name of so much stock. The form of receipt for the certificate should contain an acknowledgment that that amount of stock cancelled so much of the deposit as was equal to the price of the day for the stock.

2nd. That the half-yearly dividends on such stock should be remitted by warrant payable at any Post Office Savings Bank, in the same way as withdrawal warrants are payable, or be placed to his or her credit, in the same manner in the Post Office Savings Bank account, as interest on deposits are placed.

3rd. That any Post Office Savings Bank depositor, holding Government Stock in the above manner, should be at liberty to have it re-transferred in a similar manner, and the price of the day placed to the credit of his or her deposit account.

4th. That, in case of death or incapacity of a depositor holding

stock in the above manner, the market price of the stock should be placed to the credit of the deposit account, and follow the same rule as other deposits.

By adopting the above plan, people of small means all over the country could become stock-holders, without the great inconvenience and expense of either going to one of the only two places where Government Stock is transferred and dividends paid, or transacting that business by power of attorney, and if necessary a small charge much less than 2s. 6d. per cent. brokerage, might be made to cover expenses; such a charge would be more than compensated for by the convenience of being able to become possessed of Government Stock through any Post Office Savings Bank.

V.—*The Law of Judgments and the Jurisdiction of the Sheriff in selling Land, considered with reference to the complaints of the County Down people on the subject:*

- 1st. *That the Law of Judgments operates unequally and harshly on leasehold interests and upon yearly tenancies*
- 2nd. *That the jurisdiction of the Sheriff in selling leasehold and yearly tenancies under the writ of "fieri facias" is burdensome and oppressive.*
- 3rd. *That the creditor who involves the tenant in the heaviest law costs can get an unjust priority over other creditors.*
- 4th. *That the judgment creditor can in many cases confiscate the rights of the widowed mother and the younger brothers and sisters of the tenant.*
- 5th. *That sales by "fieri facias" is a new procedure that has sprung out of the Land Act.*

By W. Neilson Hancock, LL.D.

[Read, 22nd June, 1875.]

- 1st. *That the Law of Judgments of the superior courts operates harshly upon leasehold interests and upon yearly tenancies.*

At a recent meeting of the County of Down Constitutional Association, Mr. Howe complained of the state of the law in these terms:

"No matter how small the debt, or how large the farm, crops in or crops out, June or December, satisfy the sheriff or the land must go, then follows an ejectment decree, and certain eviction at the suit of the buyer, armed with his newly acquired rights, legatees and creditors left without legal security; every interest other than the judgment raider swept down before the legal whirlwind"

The law of Judgments that is thus complained of, came under the notice of the English and Irish Law and Chancery Commissioners in their enquiries between 1863 and 1866. They had a special report on the subject prepared by Mr. Monahan, Q.C. Of his very comprehensive and able report, I will only refer to one—point, that in which he notices the Judgment Mortgage Act as affecting the