<url>https://api.parliament.uk/historic-hansard/sittings/1901/may/15</url>

HOUSE OF COMMONS.
Wednesday, 15th May, 1901.
PRIVATE BILL BUSINESS.
DERBYSHIRE AND NOTTINGHAMSHIRE ELECTRIC POWER BILL.
As amended, considered; to be read the third time.
BATH GAS LIGHT AND COKE BILL [Lords].
WINSFORD URBAN DISTRICT (GAS TRANSFER, ETC.) BILL.
Read a second time, and committed.
LONDON UNITED TRAMWAYS BILL. [BY ORDER]
Motion made, and Question proposed, "That it be an Instruction to the Committee to whom the London United Tramways Bill is referred that the County Council of Middlesex be allowed to appear by counsel, witnesses, and agents in opposition to and to be heard against the Bill.";(Mr. Bigwood.)
*THE CHAIRMAN OF COMMITTEES (Mr. J. W. LOWTHER, Cumberland, Penrith): I hope the hon. Member will not go on with this motion, which is of an objectionable character. The effect of it really is to disestablish the Court of Referees which has been specially established by this House for the purpose of considering whether the matter contained in petitions of different petitioners is relevant to the Bills against which the petitions are lodged. In this case the Middlesex County Council have lodged a petition against the London Tramways Bill. I hold it in my hand. There are no doubt certain things which are perfectly relevant to the Bill, but there may be other matters contained in this petition which are not relevant, and upon which the Middlesex County Council have no right to appear before the Committee. The proper tribunal to decide that question is not this House, but the Court of Referees. If the hon. Member's motion is carried to day it will give an absolute right to the Middlesex County Council to appear and be heard, although there may be irrelevant matter in the petition. I hope my hon. friend will leave it to the proper tribunal to decide whether or not the Middlesex County Council are entitled to appear.
MR. BIGWOOD: After that explanation I beg leave to withdraw the motion.
Motion, by leave, withdrawn.
ARDROSSAN HARBOUR ORDER CONFIRMATION BILL.
Order read for consideration of Bill under Section 9, Sub-section (4) of the Private Legislation Procedure (Scotland) Act, 1899.
MR. CALDWELL (Lanarkshire, Mid), in moving that this Bill be now considered, said: As this is the first batch of Confirmation Bills under Section 9 of the Private Legislation Procedure (Scotland) Act, 1899, I may explain that, no person having availed himself of the power given under Section 8 of presenting a petition against any order comprised in the Bill within seven days after the introduction of the Bill, and the Bill being thus unopposed, I will move that it be now read a third time. This batch of Bills is different from the Confirmation Bills which we had the other day under Sub-section 2 of Section 7 of the same Act, where, in the latter case, the orders being unopposed in Scotland, the Confirmation Bills are deemed after introduction to have passed through all

their stages up to and including Committee, and where it is undoubtedly desirable that the Third Reading should be on a separate day from that of consideration.

MR. T. M. HEALY (Louth, N.) said this raised a very important point in regard to these Scotch Bills. He asked whether any question as to the stages of private Bills would arise afterwards if similar proceedings were established in Ireland. It was very desirable that this matter should be considered fairly and in a manner which would relieve the people of Scotland from too many stages in this House. It was most desirable that those who had succeeded before the local tribunal should be spared, as far as possible, needless and harassing stages in this House.

*THE LORD ADVOCATE (Mr. A. GRAHAM MURRAY, Buteshire): I would remind the hon. Member that the Bills have been very carefully considered by the Scotch Office, and they have declared in favour of them. Of course, what we are doing is absolutely statutory. That was all settled by the House itself in the Private Bill Procedure Act. I would also remind the hon. Member that these stages were arranged in deference to the wishes of the House at the time, in order that the House might still have command over a Bill. An interval of seven days has to elapse in these particular Bills, during which time an opponent at the local inquiry may have a motion brought forward in the House in order to get a remit to the Joint Committee of the two Houses. That has not been done, as a matter of fact, on this Bill, and therefore the Bill passes. I can assure the hon. Member that, if he is at all curious on the subject, I shall be happy to confer with him and let him understand exactly what is being done. What has been done now is in no sense outwith the power of the Scotch Office. We are simply and absolutely following the terms of the Act of Parliament.

Bill read the third time, and passed.

AYR HARBOUR ORDER CONFIRMATION BILL.

Considered, under Section 9, Sub-section (4), of the Private Legislation Procedure (Scotland) Act, 1899; Bill read the third time, and passed.

FALKIRK AND DISTRICT TRAMWAYS ORDER CONFIRMATION BILL.

Considered, under Section 9, Sub-section (4), of the Private Legislation Procedure (Scotland) Act, 1899; Bill read the third time, and passed.

HIGHLAND RAILWAY ORDER CONFIRMATION BILL.

Considered, under Section 9, Sub-section (4), of the Private Legislation Procedure (Scotland) Act, 1899; Bill read the third time, and passed.

COMMONS REGULATION AND INCLOSURE (SKIPWITH) PROVISIONAL ORDER BILL.

Read a second time, and committed.

INCLOSURE (SUTTON) PROVISIONAL ORDER BILL.

Second Reading deferred until Friday.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 12).

Bill to confirm certain Provisional Orders of the Local Government Board relating to Liverpool (two) and West Ham, ordered to be brought in by Mr. Grant Lawson and Mr. Long.

LOCAL GOVERNMENT PROVISIONAL ORDERS (No. 12) BILL.

"To confirm certain Provisional Orders of the Local Government Board relating to

Liverpool (two) and West Ham," presented accordingly, and read the first time; to be referred to the Examiners of Petitions for Private Bills, and to be printed. [Bill 191.]

PRIVATE BILLS (GROUP K).

MR. HEYWOOD JOHNSTONE reported from the Committee on Group K of Private Bills, That the parties promoting the Bradford Corporation Bill had stated that the evidence of Dr. Adam McVie, Medical Officer of Health to Baildon Urban District Council, was essential to their case; and, it having been proved that his attendance could not be procured without the intervention of the House, he had been instructed to move that the said Dr. Adam McVie do attend the said Committee on Friday next, at Twelve of the clock.

Ordered, That Dr. Adam McVie do attend the Committee on Group K of Private Bills on Friday next, at Twelve of the clock.

PETITIONS.

ROMAN CATHOLIC UNIVERSITY IN IRELAND.

Petitions against establishment, from Arbroath; and Brechin; to lie upon the Table.

SALE OF INTOXICATING LIQUORS ON SUNDAY BILL.

Petitions in favour, from Deal; South Hackney; Bassingbourn; Staines;. Rhosllanerchrngog; Bedford; North Hagbourne; Bretherton; Tiverton; Coppull; Tunstall; Lydney; Whitecroft; Ellwood; and James H. Marquand and another; to lie upon the Table.

SALE OF INTOXICATING LIQUORS TO CHILDREN BILL.

Petitions in favour, from Portsmouth; Bath (two); Maidenhead; Bosworth; Stockport (four); Birmingham; Bampton; Watchet (six); and Sheffield; to lie upon the Table.

SALE OF INTOXICATING LIQUORS TO CHILDREN (SCOTLAND) BILL.

Petitions in favour, from Dunfermline; Penninghame; Dirleton; North Berwick; Eskdalemuir; and Sutherland; to lie upon the Table.

SOVEREIGN'S OATH ON ACCESSION BILL.

Petition from Eston against; to lie upon the Table.

RETURNS, REPORTS, ETC.

EMIGRATION AND IMMIGRATION.

Return presented, relative thereto [ordered 14th May; Mr. Gerald Balfour]; to lie upon the Table.

PAPER LAID UPON THE TABLE BY THE CLERK OF THE HOUSE.

Inquiry into Charities (County of Lancaster).;Further Return relative thereto [ordered 8th August, 1898; Mr. Grant Lawson].

PIER AND HARBOUR PROVISIONAL ORDERS (No. 1) BILL.

Copy ordered "of Memorandum stating the nature of the proposals contained in the Provisional Orders included in the Pier and Harbour Provisional Orders (No. 1) Bill.";(Mr. Gerald Balfour.)

WAGES AND PROFITS IN COAL MINING.

Copy ordered "of Tables showing for the United Kingdom, and the principal Coal Mining Districts, the quantity and value of Coal produced, and the number and average Wages of Coal Miners in each year 1886–1900, together with the

estimated amounts expended on Miners' Wages, and remaining for other expenses and Coalowners' Profits in the United Kingdom in each year; with explanatory Memorandum.";(Mr. Gerald Balfour.)

ASCENSION DAY.

THE FIRST LORD OF THE TREASURY (Mr. A. J. BALFOUR, Manchester, E.): Before moving "that Committees do not sit to-morrow, being Ascension Day, until two of the clock," I think it may be convenient to inform the House that as the division on the Army resolution is by general consent to take place to-morrow, I propose to suspend the twelve o'clock rule. In doing so, however, I may say that I do not anticipate that the sitting will be protracted much beyond that hour. I move, according to precedent, the motion which stands in my name.

Motion made, and Question proposed, "That Committees do not sit to-morrow, being Ascension Day, until two of the clock.";(Mr. A. J. Balfour.)

*SIR JOHN LENG (Dundee) said he had a sincere regard for the usages of all Churches and all religious bodies, and it was from no disrespect to them in regard to Ascension Day that he submitted for the consideration of the House whether the time had not arrived when this usage should be reconsidered. It was not an immemorial usage, although it originated at a distant date. It was for a considerable period suspended and afterwards resumed. At that time the services of the Church of England on Ascension Day were held much later than now, and he doubted whether any services would be going on in London to-morrow between twelve and two o'clock. Why, then, should this practice be continued? The Committee rooms upstairs were crowded with witnesses and experts brought from all parts of the country at very great expense, and every hour, indeed minute, was valuable. Moreover, many of them were Nonconformists, and while they had no objection to the services of the Church of England they did not see why, on coming to the metropolis at the expense of corporations and councils, their business should be retarded in the way it was. He thought the Government ought seriously to consider whether it was necessary to divide on this question year after year.

LORD HUGH CECIL (Greenwich) appealed to the House not to depart from what had been a custom for many years. Ascension Day was a festival of the highest importance in the Church of England, and it ought to be recognised by the House. It was true that their recognition of it was a very slight one, but that was no reason why it should be given up. He contended that the recognition of ceremonies was not an unimportant thing. The hon. Member for Dundee was mistaken in thinking that there would be no services going on in London to-morrow between 12 and 2 o'clock. There were services in St. Paul's Cathedral, which would not be over till a quarter past twelve. But, apart from the utilitarian view of the matter, it was their duty to respect ancient ceremonies. They might easily transact their business within four bare walls
and on plain wooden benches, but he was sure they would be unwise to do so. He hoped the House would adhere to its uniform practice of recognising this great and important festival of the Church, and, by emphasising outward

AYES.

Abraham, Wm. (Cork, N. E.)

Finch, George H.
O'Brien, P. J. (Tipperary, N.)
Agg-Gardner, James Tynte
Fisher, William Hayes
O'Donnell, John (Mayo, S.)
Aird, Sir John
Fletcher, Sir Henry
O'Donnell, T. (Kerry, W.)
Allsopp, Hon. George
Flower, Ernest
O'Dowd, John
Anson, Sir William Reynell
Galloway, William Johnson
O'Kelly, James (Roscommon N.
Anstruther, H. T.
Gilhooly, James
O'Neill, Hn. Robert Torrens
Arrol, Sir William
Godson, Sir Augustus Fredk.
O'Shee, James John
Ashmead-Bartlett, Sir Ellis
Gordon, Hn. J. E. (Elgin & Nairn
Pilkington, Lt.-Col. Richard
Atkinson, Rt. Hon. John
Green, Walford D. (Wednesb'ry
Plummer, Walter, R.
Bailey, James (Walworth)
Greene, Sir E W (B'ry S Ed'mnds
Powell, Sir Francis Sharp
Bain, Colonel James Robert
Greene, Henry D. (Shrewsbury)
Power, Patrick Joseph
Balcarres, Lord
Hamilton, Rt Hn Lord G. (Mid x
Purvis, Robert
Balfour, Rt. Hon. A. J (Manch'r)
Hardy, L. (Kent, Ashford)
Redmond, William (Clare)
Barry, E. (Cork, S.)
Hayden, John Patrick
Reid, James (Greenock)
Bentinck, Lord Henry C.
Healy, Timothy Michael
Richards, Henry Charles
Bigwood, James
Helder, Augustus

Round, James
Blundell, Colonel Henry
Hope, J. F (Sheffield, Brightside
Samuel, Harry S. (Limehouse)
Boland, John
Jackson, Rt. Hn. Wm. Lawies
Seely, Chas. Hilton (Lincoln)
Brookfield, Colonel Montagu
Kennaway, Rt. Hn. Sir John H.
Sharpe, William Edward T.
Brymer, William Ernest
Kenyon, Hn. Geo. T. (Denbigh
Smith, H. C. (North., Tyneside
Burke, E. Haviland-
Lawson, John Grant
Spear, John Ward
Carew, James Laurence
Lockwood, Lt. Col. A. R.
Spencer, Ernest W. (Bromwich)
Cavendish, V. C. W (Derbyshire
Long, Col. Chas. W. (Evesham)
Stewart, Sir M. J. M'Taggart
Cecil, Evelyn (Aston Manor)
Lowther, Rt Hn J W (Cum., Penr
Stroyan, John
Chapman, Edward
Lucas, Reginald J. (Portsmouth
Sullivan, Donal
Churchill, Winston Spencer
Lundon, W.
Talbot, Lord E. (Chichester)
Clancy, John Joseph
Macdona, John Cumming
Thornton, Percy M.
Colston, Chas. Edw. H. Athole
MacDonnell, Dr. Mark A.
Tully, Jasper
Cranborne, Viscount
M'Calmont, Col. J. (Antrim, E.)
Wason, John Cathcart (Orkney
Crean, Eugene
Mellor, Rt. Hn. John Wm.
Welby, Lt.-Col. A. C. E (Taunt'n
Cross, Herb. Shepherd (Bolton)
Morris, Hn. Martin Henry F.
Wilson, John (Glasgow)

Cullinan, J.
Morton, Arthur H. A. (Deptford
Wodehouse, Rt. Hn. E. R. (Bath
Dairymple, Sir Charles
Mount, William Arthur
Wyndham, Rt. Hn. George
Doogan, P. C.
Murray, Rt Hn A Graham (Bute
Douglas, Rt. Hon. A. Akers-
Myers, William Henry
TELLERS FOR THE AYES;
Esmonde, Sir Thomas
Newdigate, Francis Alexander
Mr. William Johnston and Lord Hugh Cecil.
Fardell, Sir T. George
O'Brien, K. (Tipperary, Mid
Farrell, James Patrick
O'Brien, Patrick (Kilkenny)
NOES.
Acland-Hood, Capt. Sir Alex F.
Ffrench, Peter
Randles, John S.
Allan, William (Gateshead)
Fielden, Edward Brocklehurst
Reckitt, Harold James
Bagot, Capt. Josceline FitzRoy
Fison, Frederick William
Renshaw, Charles Bine
Barlow, John Emmott
Flavin, Michael Joseph
Rentoul, James Alexander
Bathurst, Hon. Allen Benjamin
Flynn, James Christopher
Roe, Sir Thomas
Blake, Edward
Goddard, Daniel Ford
Royds, Clement Molyneux
Caldwell, James
Gordon, J. (Londonderry, S.)
Shaw-Stewart, M. H. (Renfrew
Cameron, Robert
Hemphill, Rt. Hon. Charles H.
Strachey, Edward
Cochrane, Hon. Thos. H. A. E.
Hope, John Deans (Fife, West)
Thomas, J. A. (Glam., Gower)

Colville, John
Horniman, Frederick John
Tollemache, Henry James
Corbett, A. Cameron (Glasgow)
Houldsworth, Sir Wm. Henry
Tomkinson, James
Corbett, T. L. (Down, North)
Jacoby, James Alfred
Trevelyan, Charles Philips
Crombie, John William
Joyce, Michael
Wallace, Robert
Crossley, Sir Savile
Lambert, George
Walrond, Rt. Hn Sir William H.
Daly, James
Loder, Gerald Walter Erskine
Wason, Eugene (Clackmannan
Delany, William
M'Laren, Charles Benjamin
White, Luke (York, E. R.)
Denny, Colonel
Molesworth, Sir Lewis
Dewar, John A. (Inverness-sh.)
Moore, William (Antrim, N.)
TELLERS FOR THE NOES;Sir John Leng and Mr. Herbert Roberts.
Dickson, Charles Scott
Nicol, Donald Ninian
Dilke, Rt. Hon. Sir Charles
Norton, Capt. Cecil William
Fenwick, Charles
O'Malley, William
LEGAL PROCEDURE (IRELAND) BILL.
[SECOND READING.]
Order for Second Reading read.
observances, maintain the tradition that we were a religious people.
Question put.
The House divided:;Ayes, 109; Noes, 58. (Division List No. 186)
*MR. T. M. HEALY (Louth, N.): In moving the Second Reading of this Bill I am reminded that it was pleaded as
a great merit in regard to the Coercion Act that it made no change whatever in the law, and that it dealt purely with procedure. I have heard that from the right hon. Gentleman the First Lord of the Treasury, who was then Chief Secretary for Ireland, and I suppose he repeated that as a saving argument a million times in the course of the debates on this question some fourteen years ago. Now this Bill of mine deals solely with procedure, and makes no change

whatever in the law as laid down by the First Lord of the Treasury. But if I were to describe it otherwise I should say it is another step in the nature of a Catholic Emancipation Act. The administration of the law in Ireland is altogether in the hands of a particular sect. We are often told of the freedom of Catholics under the rule of His Majesty, and even I have seen in very high Catholic quarters declarations made that it is only in the British dominions that the Catholic Church has anything like freedom. So far as Ireland is concerned, the Catholics of the country are in administrative matters nearly as much outside the pale of the law to-day as they were when the Penal Laws were in force, although this is done by a trick. They are not legislatively excluded from juries, but they are excluded by selection, and by the method of the valuation which is in force. The result is that it is not merely in criminal cases, not merely in matters between the Crown and the subject, but in every civil case, wherever a Catholic comes asking for justice, if a special jury be demanded, he has to appeal to a Protestant tribunal, so that by means of a high valuation, even if it is an ordinary horse case, or a question of the warranty of a cow, the Catholic is not merely excluded from the bench but from the jury box. We hear very often of the evils of boycotting in Ireland, and what a criminal thing boycotting is. Yet the mass of Catholics in Ireland are boycotted by the British Government, not merely in criminal cases in which the Crown is interested, but in the whole civil administration of justice.

Now, my Bill proposes to deal firstly with the jury franchise, and I shall place before the House the figures with respect to valuations taken from the Government's own Returns. The mean
valuation in Leinster is £;31; in Munster £;25; in prosperous Ulster £;15; and in Connaught £;11; and the total mean valuation of holdings in Ireland is £;20. The question of the juries in Ireland and the effort to create a fair panel was first dealt with from the point of view of the Catholic community by Lord O'Hagan in 1871. A Liberal Government was in office, but the new law was only allowed to remain in force for three or four years. The Tories came in in 1874, and they were hardly warm in their nests in Dublin Castle when they got up the usual outcry in Ireland that the jury franchise was too low to suit them, just as in South Africa it was too high. It used to be said by the Dublin correspondent of The Times that the fellows who got on juries could not speak English, that they could not read or write, or that they had broken the law, and this went on for two years, while the Castle gang were working and striving to undo what Lord O'Hagan had done; and there was the usual Royal Commission to inquire into the matter. The English must always have a recommendation for whatever they do. They have never any natural inspiration at all. They always need the inspiration of a Royal Commission. Sir Michael Hicks Beach, the present Chancellor of the Exchequer, was then Chief Secretary, and he brought in the Juries Procedure (Ireland) Bill in 1876. Everything is procedure in Ireland. No law is ever changed. The Catholics have been emancipated since 1829, and the way in which he amended the procedure was that over all the counties the valuation for common jurors was made, as a rule, to average about £;40, with a town rating of £;10, but in Dublin City and Cork and places of that kind, where most of the

trials took place, he made for common jurors a net annual valuation of £;20. In the case of the special juror he made it for the County Antrim, including Belfast, and for the County Dublin £;150 of net annual value in respect of a man's tenements, hereditaments, etc., and £;50 as regards town rating. In Cork it was £;150 as regards lands, tenements, etc., and £;100 as regards town rating. I moved for a Return in 1887 in order to give the House an idea of what that process of selection meant, as the Coercion Act was then being debated, under which the Crown got the right to change venues and have special juries for criminal trials. It shows how few Irishmen enjoy even the common jury franchise as compared with those possessing the parliamentary franchise. It is signed by Sir Redvers Buller, who apparently was Under Secretary for Ireland at that time. The Government must have known the point when the Return was ordered by the House of Commons on 13th May, 1887. Sir Redvers Buller, who sent it over, dates the Return 6th May, so that one week before the House of Commons considered this matter at all the Government had the figures prepared in Dublin Castle.

Now I shall state to the House the figures with respect to the number of common jurors and special jurors in a few typical counties, and also the number of voters in each of these counties, but there is really no practical difference between one county and another. In Antrim there are 64,000 voters, 900 special jurors, and 6,800 common jurors. I will give the figures roundly. In Clare there are 21,500 voters, 233 special jurors, and 1,123 common jurors. In Dublin County there are 23,600 voters, 960 special jurors, and 5,270 common jurors. In Dublin City there are 46,500 voters, 1,300 special jurors, and 3,300 common jurors. In county Cork there are 57,600 voters and 600 special jurors, so that of the people who are entitled to vote, in sending a Member to this House, 57,000 are excluded from the jury list, and the 600 who are on it include, I believe, every man who is a member of a Freemason lodge, so that the whole administration of the law lies in the hands of a secret society. We who are warned continually of the evils of secret societies know, as a matter of fact, that whenever a special jury is empanelled in any part of the country, in either a civil or a criminal case, the members of a secret society may if they like determine the result overnight as to what they are to do in the morning. In Cork City what chance has a Catholic of getting justice where religion or politics are involved? There are 16,000 voters, 382 special jurors, and 821 common jurors. This is your own Return signed by Sir Redvers Buller. The Attorney General seems horrified at it. In the terrible county

Kerry, where it is said the law cannot be administered, the voters number 22,500, the special jurors 236, and the common jurors 1,178, yet it is pretended this small residuum cannot be trusted to do justice. Now I take my own county, Louth. The voters there number 12,000, the special jurors 300, and the common jurors 673. I am not merely now on the point of the relation between the Crown and the subject, but I say that in any litigation between Protestant and Catholic the administration of justice rests practically in the power of a little secret society in any county or city in Ireland. Yet few as Catholic jurors are on the panel, in Crown cases by the method of "stand by," you still apply a further shrinkage to those who have the right of admission to the jury

box.
Now the reform I propose to make in this qualification of special and common jurors is a very moderate one, and I do not disturb the qualification laid down in the Act itself. I take the minimum stated in the Act. The qualification for a common juror in many cases is £;10. I make that general. Is that too much to ask? That is all I do for the common juror. Again, I want to know, is it fair that the Protestants of Ireland should be put in this invidious position? Do you think you will have that union of all persons in the State which you desire to have if you put Protestants into a segregated area, and do not allow them to mix with Catholics? We are told that Protestant and Catholic children ought to be allowed to mix in schools, that they ought to be educated together in common schools and in universities, so that they may understand each other, and that their prejudices may be worn off. But when it is the jury box, where you have the judge as the schoolmaster, the education is only for Protestants, and the rule is that Catholics are to be ordered to stand aside. Now I take the special juror. My proposition as regards that is not very wide either, but before I approach it let me remind the House of a very important change which was made as regards some districts in the matter of the jury franchise by the Local Government Act. Belfast and Derry were made counties of cities. You conferred on two Ulster towns this proud privilege of being county boroughs, and you inflicted on three Leinster and Con-
naught towns the stigma of being unworthy to hold the rank they formerly had as counties of cities. You abolished that dignity in the case of Galway, Kilkenny, and Drogheda, the last named being a place where Parliament sat and money was minted at one time.
Now the effect of the Local Government Act was that, whereas the old franchise in Belfast was the County Antrim franchise for jurors, you declared that in future in Belfast and Derry it should be a £;50 franchise for special jurors, but a contrary operation entirely, as regards special jurors, occurred by merging Galway, Kilkenny, and Drogheda in the counties. What, therefore, my Bill proposes as to special jurors is this: the Leitrim franchise is £;50 franchise for special jurors in country areas and £;40 in towns, and I make that the general Irish franchise for special jurors; in other words, I take both the franchises you have in your Act for common and special jurors in some particular locality, and make it general. It is not contended that the people in Leitrim with a £;40 franchise are more intelligent than the people of Dublin or Cork. I cannot see any objection to making that general. In the counties of cities I make the special juror qualification £;30, which is the figure in Waterford, and I apply that to Dublin, Cork, Belfast, Derry, and Limerick. I cannot see why a man who is good enough to be a special juror under a £;30 franchise in Waterford is not good enough in Dublin and other places, and this would really relieve the special juror class from enormous labour. It is no fun serving on a jury. You see unfortunate men dragged in to serve, not in a criminal case, but in some wretched case between litigants, and are kept there sitting for three days, and if it is a common jury they are dismissed with a reward of sixteen pence. No doubt the juror is told he is exercising the proud privilege of citizenship and

all that kind of rubbish by people who are very well paid. That is all very well, but if this is a proud privilege it ought to go round. There ought to be more of it, and in that way there would be less duty and obligation cast upon those who are at present called upon to act as special or common jurors. My scale probably only would give an infusion of 15 per cent. of Catholics on the jury
panel, and you would still have 85 per cent. of the Lutherans and other persons of the "made in Germany" religion.
So much for the principal clause in the Bill. The second clause deals with the abolition of grand juries. The grand juror must be a director or manager of a railway, bank, insurance office, steamship company, or any other company incorporated by charter, or he must be a member of a board of harbour commissioners. When you come to the Grand Jury Act itself it would appear that he must be a £;50 freeholder. I think, in mercy to these grand jurors, this antiquated system of presenting "true bills" in criminal cases ought to be done away with. It imposes on these people an enormous burden. The common man sees very little of the hardship the law inflicts on peaceable citizens, who are disturbed in their ordinary work and brought in for no useful function and no necessary purpose. They are brought in and kept hanging around a nasty, suffocating court-house only to write their names on the back of a bill when a true bill is found. In former days these grand jurors had fiscal business to discharge. They had the administration of the whole county rates in their hands, but now in several places judges had to remonstrate with, and to threaten, the grand jurors in order to bring them together. Having no longer any function to discharge as regards fiscal business they became slack and slow in their attendance, and it is as a measure of mercy and reform that I make this proposal. In cities it must be very annoying that people belonging to banks, insurance offices, and shipping companies should have to leave their avocations to find true bills against tramps and burglars before a petty jury can be sworn.
It is a curious fact that while the law nominally is that a common juror is not to be selected by the sheriff, but is to be drawn by a system of rotation and by the chance of the ballot, the sheriff's right to pack the grand jury has been absolutely decided as a matter of law. That was done in the case of the hon. Members for Mayo and Cork;Matt Harris, Crilly, and others in 1886. When we demurred to the formation of the grand jury on the ground that it was not struck in accordance with law, it was
decided by Justice Murphy that it was the right of the sheriff to pick and choose from the shipping and insurance people, and the result is that the right of the sheriff to pack grand juries at his discretion remains the law.
Before I come to the question of "stand-bys," I wish to say a word about the method of selecting juries struck under the old system. Take a jury struck under the old system trying, say, the case of Mr. M'Hugh. I do not propose to deal in any way with the merits of the case. I only propose to deal with the question of procedure. The Attorney General removed the trial from Sligo, the natural venue of the case, to Dublin. Then, I think, a motion was made to strike the jury under the old system. Nobody has a right to sit upon a special jury in Dublin

unless he has a holding of £;50; so that if you take the City of Dublin, out of a population of 300,000;out of 46,500 voters, the only people who have a right theoretically to be on the jury panel amount to 1,301. Then by some system, which is said to be a very fair one, of the ballot, you get forty-eight names, and of those twelve are struck out by the Crown and twelve by the prisoner, and then it was decided that a prisoner has a right to strike out a further six, in order to obtain twelve jurors. That looks very fair, but in the government of Ireland hypocrisy and fraud are often glozed over and hidden by a little constitutional white paint. If you start with this fact;take the Tory party in this House, as it is now constituted, and suppose you strike a panel of Tory Members to try, we will say, an Irish Member, you first reduce the 300 Members to forty-eight, and then you give each side the right to strike off another twelve, and you give the Irish Member a further right to strike off another six; but behind all that you have a Tory jury still. Was this the basis adopted at the trial of Mr. M'Hugh?

*THE ATTORNEY GENERAL FOR IRELAND (Mr. ATKINSON, Londonderry, N.): When?

*MR. T. M. HEALY: The last trial, I am speaking of.

*MR. ATKINSON: He was not tried by a jury arrived at by that process.

*MR. T. M. HEALY: I was not counsel in the case, and if the right hon. Gentleman states that, I accept his statement. But if so, Mr. M'Hugh had not all these challenges; he had only six. I thought that his having them might have been suggested as a point in favour of the Crown, but my remarks equally apply to any special jury struck under the old system, when the Government made loud complaint because they had only twelve challenges and the prisoner eighteen. I come now to the general question of stand-bys. I do not intend to deal with specific cases. "Stand-bys" in certain Irish criminal trials, sometimes even in capital cases, have gone up to eighty, and in others have averaged twenty. The value of the number of the challenges depends on the number of the panel, and under the Coercion Act it was provided that the panel must be 300. The maximum number of challenges by prisoners is twenty in Ireland, but in England it was thirty-five in capital felonies, and I suppose it is the same now. In 1828, in the time of George IV., the right of challenge in Ireland was reduced from thirty-five to twenty, and in the same Act a provision was made which so far as I can see is non-existent in the analogous English statute, which took away the power of unlimited challenge from the Crown. In the reign of Edward I., when the Crown had an unlimited right to challenge, an Act was first passed which took away that right, because it appears the King abused it by allowing prisoners to remain in gaol, challenging juror after juror until a trial of the man became impossible. So that right was taken away; but there grew up in England a practice by the Crown to "peruse the panel," so that, although the King by statute could challenge, he acquired by usurpation a power to "peruse the panel," and to say that such a man could not be sworn at the moment. But what I submit is that there is no right on behalf of the Crown, either in England or Ireland, to challenge. All that the Crown has a right to do is to ask the judge to make an order for a juror to stand by. That law, which is the law both in England and Ireland, is never enforced. The judge never makes an

order for a juror to stand by;as a rule the Crown solicitors are ashamed to ask for an order, and they get some wretched underpaid clerk to shout from under his beard when the unhappy juror answers to his name, "Stand by." They never apply to the judge. The Act of Edward I., which abolishes Crown challenges, is still in force, it having been re-enacted by the Act of George IV. There is not any English statute which gives a right to the Crown of "stand by," but when that English Act of George IV. and the statute of Edward were being re-enacted for Ireland in 1828, the year before Catholic emancipation;when no Catholic sat in this House;knowing the Catholics were to be emancipated the Government proceeded to disemancipate in advance. They took out some words of the English Act, and put in a provision "that nothing herein contained shall be considered to affect the right of the Crown to order a juror to stand by until the panel shall be gone through." And then it further cut down the right of challenge in Ireland from thirty-five to twenty. I assert, however, in spite of this proviso, that there is no right on the part of the Crown, as such, and the right hon. Gentleman the Attorney General for Ireland has no right whatsoever, by virtue of his office, to challenge a juror. The matter is purely one for the court itself in its discretion to allow. I say this claim by Crown Prosecutor, and the Crown Solicitor, and the Crown Solicitor's clerks, to order jurors aside of their own mere motion is an odious abuse and usurpation. This fact was recognised in England, when a great Englishman, Horne Tooke, being an honest man, was put upon his trial for upholding the liberties of the people. The panel in his case apparently was not a large one, and the Crown had only told seven jurors to stand by;in Ireland they tell seventy to stand by and nobody is horrified. These were black days when Home Tooke was tried, it was in 1794, during the time of the French Revolution, when this country was in considerable jeopardy, and a word spoken against the king might have brought on a revolution. Yet although he was defended by counsel, he was allowed from his place in the dock to make a protest against the number of jurors who were ordered to stand aside, though they were only seven. I cite from "Howells State Trials" to show-how the great masters of English law dealt with the liberty of the subject;

"I do not mean to argue with your lordship and counsel, said Tooke,";[The Chief Justice was Chief Justice Eyre];"but I find myself compelled to tell your lordship that I should, if I had not been overruled by the superior; judgment of my counsel, have contended very early against the challenges of the Crown."

The Chief judge said;

"Counsel very properly advised you.… At the same time I feel that the circumstance of making the panels vastly more numerous than they were in ancient times might give to the Crown an improper advantage, and when ever we see that improper advantage attempted to be taken it will be for the serious consideration of the Court whether they will not put it into some course to prevent that advantage being taken. I do not perceive at present that there is any complaint that an ill use has been made of this power in this instance."

Could anybody say an improper advantage was taken when the prisoner himself had the right to challenge thirty-five jurors? But so delicate was the administration of justice in this country at the time that this gentleman,

although he was represented by counsel, was heard in court to make a personal complaint that the Crown had challenged seven men when he had a perfect right to challenge thirty-five himself? The Government of Ireland claim for themselves a sort of administrative right to challenge jurors, and the defence of the right hon. Gentleman is that, if they did not, law and order and justice would disappear from the land. Any crime may be committed in Ireland against the Irish Constitution in the name of this fetish. The Englishman seems to me to go about as a sort of Paladin, with "law and order" inscribed on his banner, as if he had from God Himself a divine right to preserve law and order everywhere. But we had law and order in Ireland before the English came there [laughter]. Yes, we had law and order there when you were only painted savages. It is curious that, although we have attempted to get the Brehon laws re-published, the only reply we can get in this House is that it is forty-eight years since the first editions were published, and nobody knows at what time in the century the next will be published. What did England want Ireland for? They wanted it to get men and horses for their army, and money to
pay for their wars, and seeing, by the system which prevails, that you get what money you want;you have screwed it up from £;1,000,000 to £;10,000,000;since the Union, I want to know why the King of England should make the Catholics, a proscribed class, pay their quota, and not allow them, if they pay their own soldiers, to preserve the law and order of their own country? Why is this little faction of foreigners, who have only been planted in the country for two centuries, to administer the law in Ireland? You have two different versions of your proceedings according as we assail your methods. When we ask for fair trials you say the Catholics are rebels, and being discontented cannot be trusted, but when we demand Home Rule you say they are satisfied and prosperous. You show how the savings banks have increased, and the insurance offices, and the increase of commercial schemes. Now I suppose when we ask for a share of the administration of the country you will say that the Irish are as great rapparees and rebels as they were in the days of James II., and that they are not to be trusted. I have seen in the last twenty years gentlemen drawn from that bench and put upon the bench of justice who are as hostile to the general mass of the Irish people as the British will be in the Transvaal as soon as the war is over. How do you expect to make your rule respected or regarded by the Catholic in the land? He does not get justice. He may read of it as one sees a rare object in the British Museum;in a glass case; but not as an article for home consumption;the whole thing is kept in the hands of this small, dominant faction. Another matter is that this objectionable system is not even paid for by the English, but by the Irish, out of the local rates. In the House of Lords' Report No. 11, of 1881, page 10, I see that a sum of eightpence per juror is paid to the clerks of the unions for every name obtained by them. So that, although a man may be disqualified from serving on a jury from age, the clerks get eightpence just the same. If you want to have a jury-packing system, pay for it out of your own Imperial taxation. If you must retain it as a British luxury, pay for it yourselves, do not put it on the unfortunate community which is insulted by your schemes of exclusion.

Trial by jury in Ireland should be put on a parity with England. If you want things otherwise, state what you want; or, what is a far more honest course, abolish trial by jury altogether. The duty of Catholics in Ireland is to compel the Government either to grant complete justice or to resort to naked illegality. We have a constitutional form of representation in this House by which we are denied legislation; let us compel you to make a Crown colony of us. We have a constitutional form of trial by jury; let us compel you to abolish it altogether if you will not amend it. Catholic emancipation is not real. I never pass the statue of O'Connell in Sackville-street, Dublin, without a smile at the thought of that man being called the emancipator of Ireland. The only result of Catholic emancipation was to break up the solidarity of the Catholic masses of Ireland; to divide them into honest men and shoneens;the shoneens deserting their poorer co-religionists to take the side of the Government. Mr. Gladstone did approach this question in 1882; when he passed the Crimes Act he appointed three judges to try criminals, because, he said, "juries will not find verdicts, so I will appoint judges." One judge resigned, and the result of that protest was that the system of trial by judge was not established, and the plan of creating special juries to try criminals was invented. Under the Coercion Act you hauled up from different places in Galway and Donegal Irish-speaking peasants to Dublin, where you tried them by Orange lodges. The trial of the Donegal prisoners took place in Queen's County, and the entire panel of Queen's County was Protestant, with few exceptions; yet there happened to be one who was a Protestant Home Ruler, and upon his name being called he was ordered to stand by, although he was a Scotchman. The men who were tried were tried by men who hated every bone in their bodies, who hate their race and their religion and every man who was defending them, and it is idle for the Crown to pretend that this system is anything except a system of trial by loaded dice. I remember reading in the Black Book of Limerick that in the days of King John, it was probably before the signing of Magna Charta, that when you wanted to take over the lands and places of the people in Limerick you appointed a jury of twelve English, twelve Irish, and twelve Danes, there being some Danes in the country then. Later on, in Cromwell's time, you took twelve common soldiers and put them in the box to confiscate the lands of the Catholics. That was, at least, above board, because they sat there in their regimentals, and you took their verdict as that of your menials. That was straightforward and honest tyranny, and we will drive you to frank tyranny again. All these forms and trappings of the Constitution are flaunted before our eyes while we are denied its realities. Catholic soldiers are praised for their valour and told they may wear the shamrock when they are going to be shot, but no men who wear the green may go into the jury box. And I believe that, while such a declaration as His Majesty was supposed to make at the commencement of the session appears more glaring and brutal because it is condensed, it is far more tolerable than the administration of the law in Ireland in its working against Catholics.

I pass now from jury packing to the rest of the Bill. The other matters are matters of detail, except the repeal of the Coercion Act. I do not suppose the Government have any real objection to granting an appeal in criminal cases where

motions are made in the High Court. I do not know how that may be, but, seeing that you have the nomination of all the judges, it would not much matter which judge the case should go before, and to refuse such an appeal appears to me to argue a want of confidence in your own Lord Chancellor. Then as to the clause dealing with contempt of court. I am quite of opinion that the power to punish contempt of court in a number of cases is absolutely necessary. A fraudulent bankrupt who will not make disclosures of his goods should be sent to gaol until he does; a fraudulent attorney who takes his clients' money and will not return it, and fraudulent executors and administrators ought to be sent to gaol till they make repayment, and accordingly I propose to make no change in the law in that respect. But when you come to deal with personal contempt it is desirable that the rule of law that no
man is judge of his own case should as far as possible be allowed. Of course there are such things as gross insults, and those ought to be punished, but I do not think it is wrong that there should be a right of appeal to another court, to perhaps a calmer chamber, in which the matter would be considered from a more general point of view.

The only other clause I need mention is the repeal of the Coercion Act. It has been nine years slumbering, and, so far as I can see, nobody wants to wake it up. Would it not be reasonable, at the beginning of a new reign, that this great jubilee measure, passed to commemorate in Ireland fifty years of Her late Majesty's reign, should be permanently laid on the shelf? It is the only reminder we have of the jubilee of Her Majesty, and now at the beginning of a new reign, with a new Ministry in office, seeing that it has not been availed of for the last nine years or so, and that the judges admit the country is peaceful and quiet, I think it might be laid aside. I do not see why you want this Act, which you do not use, and which is a permanent stigma on the nation.

I will say one word with regard to the clause with reference to having two Commissioners at the trial of an election petition. When the Local Government Act was passed, by the method of drafting then adopted, unknown to many Members of this House, you applied the Corrupt Practices Act of England to Ireland with regard to the elections of these local bodies, and under the rules a barrister is sent down to try those matters. The law is that a Member of Parliament must have two judges to agree before he is unseated, as it was found that one judge was not to be trusted. Now, when the same law is applied to the election of town councillors, and so forth, I do not think it is too much to ask for the agreements of two minds before voiding such an election. I do no more than point that out as a matter of precaution without criticising here any decision which may have been made.

In conclusion, I will only say that during the twenty years I have been in this House I have rarely known any attempt to be made by Irish Attorney Generals or by the Irish Administration to improve the law without popular
pressure, with two exceptions;the Land Act of 1896 and the Local Government Act of 1898. That was a great measure, for which, in spite of its shortcomings, I shall never cease to thank the right hon. Gentleman who passed it, the President of the Board of Trade. But, so far as actual domestic administration of the

country is concerned, I have never known the Irish Administration to address itself to the question of reform. It throws the whole burden of making suggestions upon Irish Members, and then, if they win a day to put forward their proposals, it rejects them. This House is so competent to deal with Irish affairs by always rejecting the proposals we make that we practically remain in the same state as we were before the Catholic Emancipation Act was passed. The law to-day as regards its bearing on the Catholic masses of the country is practically what it was in the dark ages of British administration. I bring this Bill in, therefore, not in the slightest hope that it will reeceiv encouragement or acceptance, but as an act of protest against the system which prevails in our country; knowing perfectly well that if the Government were to award it a Second Reading of the House the forms of the House are so arranged that no further time would be allowed to advance it; and that if by any conceivable circumstances it should pass its Third Reading, you have a bears' den at the other end of the Lobby in which it would be dragged to pieces in a very short time. It is therefore with no hope of securing reform, but to maintain the policy of protest, that I move the Second Reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time.";(Mr. T. M. Healy.)

MR. MOORE (Antrim, N.): I think this Bill may be said, in one sense, to reflect a great deal of credit on the hon. and learned Member, because he has succeeded in sandwiching a number of innocuous provisions among some reforms which are not so desirable. Among what I should describe as the colourless provisions is that which proposes to enact that, where the Crown is a party to a suit, it should be made liable to the same penalty for costs as the ordinary litigant. It is also desirable that there

should be an official record of proceedings in court where litigation by the Crown is going on, and there can be no such accurate record as a shorthand note. But I think the Government itself should provide a shorthand writer, and make his costs costs in the action. There are many matters in the Bill which are not colourless. With regard to the appointment of two Commissioners to hear Election Petitions, I think such an appointment would be extremely undesirable. There will be no objection if the number is three, but if you make it two, who will probably be junior members of the Bar, without the large experience of His Majesty's judges on the Bench, it may be they will differ among themselves, and, after all the trouble and expense, the proceedings may end in a miscarriage of justice. But there would be no harm in the section if three Commissioners were provided instead of two, and the report of the majority were made binding.

I have called these "colourless" matters, and I do not intend to refer further to them. But there are a great many matters in the Bill which are by no means colourless, and to which the hon. and learned Member has referred at considerable length. I do not think, however, he alluded sufficiently to two matters which, as distinguished from having a merely administrative importance from the legal aspect of the case, have a very real political importance. One is that this Bill involves the repeal of the Crimes Act. It is perfectly true that the Crimes Act is not at present in active force in Ireland, but I would like to

see the Chief Secretary who would be willing to undertake the duties of that office without it, at a time when he is told from the benches opposite and in every paper in Ireland that there is only one organisation in the country, and that the United Irish League. While that organisation is there you are always face to face with the possibility of a fresh agitation springing up under its auspices, but while this weapon is in the armoury of the Chief Secretary he has, at any rate, some protection, if he considers that there is any real chance of a conflict between the two forces;one the much despised and jeered at "law and order," and the other the United Irish
League in the south and west of Ireland. I think there are very few Members on this side of the House who would for one moment support the proposal that the powers given by that Act;which are not at present enforced, but which can be enforced when emergency arises;should be taken away. The real question in many parts of Ireland is not whether the Act should be repealed, but rather whether it will not be necessary in the near future to put some of its provisions into force.

Another fact of political importance, or which has recently been made of political importance, is the Crown right to challenge. I listened to the remarks of the hon. and learned Member on this subject, and was rather struck with the absence of enthusiasm among his supporters. I would suggest that the hon. and learned Member on this question is not voicing a very influential body of public opinion, even on his own side of the House. ["Oh, oh!"] Hon. Members refuse to accept that statement, but I think the explanation is tolerably plain. I have always understood that they derive a great many of their views upon current Irish topics from what is known as the popular instructor;the Freeman's Journal;and the view of the Freeman's Journal upon this very Bill quite explains the lack of enthusiasm to which I have referred. [The hon. Member read an extract from an article in the Freeman's Journal.] I think, when we have all this information with regard to the Bill that we are now asked to pass, we have an explanation of the extraordinary lack of enthusiasm with which the hon. Member's proposals have been received.

The practical parts of the Bill are largely connected with this question of juries. I would point out to the House the extraordinary position in which they are placed if they give full credence to the statements of the hon. and learned Member who to-day attacks the composition of the jury panel, and to the statements made only a few days ago from those benches in regard to what the hon. Member for the Scotland Division of Liverpool called the obnoxious system of jury-packing. The point of the hon. Member for the Scotland Division of Liverpool was that the panel consisted of Roman Catholics, with a very sparse sprinkling of Protestants, and that the
officers of the Crown set aside the Roman Catholics, who formed the majority, and selected the Protestants. But the statements and figures of the hon. and learned Member for North Louth are absolutely destructive of that complaint, because his point is, not that the panel is Roman Catholic, but that, by reason of the Jurors' Act of 1876 and the manipulation of the Government that passed it, the whole panel is Protestant, to the exclusion of the Roman Catholics. Both

those positions cannot be accurate, and I would ask the House to discount very liberally each of them before accepting either. I have listened, often with very much interest and pleasure, to the speeches of the hon. and learned Member, but, if he will not object to my saying so, I do not think that on matters of this sort I can accept as accurate some of the descriptions he so often gives us. When it comes to a question of either Orangeism or Freemasonry, the hon. and learned Member seems unable to give to what he considers to be two very minor and insignificant societies or associations their proper place. Everything to him seems to be dwarfed by the malignant influence of these bodies. I remember that some years ago the hon. and learned Member made a speech at Glasgow, in which he stated, in reference to the composition of the grand juries of Down and Antrim;it may have been the exuberance of the platform;that every man was an Orangeman. I cannot speak for County Down, but shortly after that statement;which was hammered home with all the eloquence of which the hon. and learned Member is a master;I had the honour of dining with the grand jury of Antrim, and I found that there was not a single Orangeman amongst them.
MR. T. M. HEALY: Were there any Catholics at that dinner?
MR. MOORE: I think there were, but the point was not whether they were Catholics or non-Catholics; the statement was that they were Orangemen. When you come to the statement that there are 500 or 600 special jurors in the county of Cork, and that those 600 are, first of all, freemasons, and, secondly, that they meet and decide what course they should take as to the guilt or innocence of a prisoner, I think too much of a
strain is put upon our credulity. The whole position with regard to jurors is this. There are some counties in Ireland which are much poorer and less progressive than others. The Act of 1876 in order to equalise matters as much as possible, to get a reasonably large panel, and to get people of sufficient intelligence and status, was obliged to provide for different qualifications in each. If it had not been a question of the size of the panel, I think there would have been no difficulty in making the qualification the same all over Ireland, but in some of the small counties it would be impossible to find enough of the same class, and therefore it is necessary to have a lower qualification. The present proposal is to bring the rest of Ireland down to the level of Leitrim. I do not say anything particularly against Leitrim; I have never been there; but I do not think that even the representatives of Leitrim would describe it as the most progressive county in Ireland, and the whole theory of this proposal is that the people of Antrim and Cork are to be brought down to the level of the Leitrim farmers on the question of jurors. The question is spoken about as though it was a franchise. It is not a franchise at all. The object is to obtan men of ordinary intelligence who will give a proper verdict after an ordinary fair hearing. If any one went into the courthouse at Ennis or Limerick or Kerry when an ordinary common jury action was being tried, and ascertained for himself the religious views of the men trying the case, I doubt whether he would find three Protestants among the twelve jurymen.
Another curious thing is that the existing system with regard to the special jurors in Dublin has been challenged. I understood the hon. and learned Member

to say that there are about 1,300 special jurors in the City of Dublin. What happens? Dublin is the venue at which you have more actions tried involving political, religious, or agrarian issues than any other part of the country. Every time there is an action against the Freeman's Journal itself, whether for one of its carts knocking down a woman in the street, or for libel, or anything else, the advisers of that journal are not content with the ordinary jury, but it is always to a jury drawn from this much abused and diminished panel of 1,300 that the Freeman's Journal is willing to commit its cause. It is a great mistake to treat this question of the qualification of jurors as if it was a qualification for the franchise. There is the greatest difference in the agricultural community in Ireland as far as the mass goes between the £;10 and the £;20 qualification. I believe that in nearly every county there would be a difference of two-thirds. What I mean by that is that if there were 1,000 men qualified under a £;20 rating, the number would be increased to 3,000 if the qualification was reduced to £;10. Once you have got a sufficient number a large panel is unnecessary. They are not all summoned, and I have never heard that the procedure by which the sheriff puts them on the panel for a particular assizes is in practice either unfair or unfairly conducted. If the panel is large enough to supply sufficient who are ordinarily competent to try these cases, what is the good of increasing it simply to meet political prejudice? If there is one charge more than another which is made time after time from the Benches opposite it is that the Irish law officers do that which they have no right to do, namely, that they inquire into the religion of the jurors. But the whole of the speech of the hon. and learned Member for North Louth is based on the fact that he himself is seeking out the religion of the jurors, that he is dividing them not really into men who own land worth £;20 or £;10 per annum, but into Catholics and Protestants. If that is to be the principle, let us have an understanding. We have mixed tribunals in consular courts. In Japan if an Englishman commits an offence against Japanese law he may be tried by a jury composed partly of Japanese and partly of Europeans. You may have mixed courts in Ireland, but if that is the object of the Bill let it be distinctly stated, and see how long the country will stand it. Do not say that you are going to have a £;10 rating or a £;20 rating, when the real object is to sort out the Catholics and the Protestants, and to put them, according to their numbers, in the jury box. I do not think that the remarks we have heard about the repeal of the Emancipation Acts and these other matters are at all on a higher footing; they are just as mischievous as any of the charges which are made against the Crown, on the
ground that they, and not hon. Members opposite, are interested in this question of the religion of jurors. The real test of the thing is this. If one looks back upon the last twenty years it will be found that, no matter which party has been in power, no matter who has gone over to Ireland as Chief Secretary, the law officers in the fulfilment of their duties have always followed the same practice, because it is absolutely necessary for the administration of justice. The next matter is that of giving an appeal in criminal matters. I am greatly against any court of appeal in criminal matters; we see in America the abuses to

which such a system leads. But I think it would be desirable to have in Ireland, as soon as it was established in England, a court for the revision of criminal sentences. The present system is very unsatisfactory. We know perfectly well what happens now. A man commits an offence, and one judge may sentence him to six months imprisonment, while if he was tried by another judge the sentence would be only three or four months, or, on the other hand, it might be twelve months. As soon as a court is established in England, by which sentences for similar offences will be made as nearly as possible equal, I should be glad to see the same applied to Ireland.

In regard to the order of attachment for contempt of court, I agree with much that the hon. and learned Member said. It is absolutely necessary in Ireland that nothing should be done to weaken the power of the court in regard to contempt, but at the same time it is not desirable that there should be a power of imposing unlimited imprisonment. I recognise to that extent the effort the hon. and learned Member has made in the direction of limiting the period to three months. When imprisonment was abolished by the Debtors Act of 1872, except in the cases there mentioned, it was provided that the term should in no case exceed twelve months, and I think that if this provision was to become law it would be desirable that there should be a limit of twelve months, as I think that period would be sufficient to purge any such contempt.

The next question is with regard to the Juries Detention Act. The old law, which put the jury in the

hands of the sheriff, who was responsible, not only for their safe keeping, but also for the prevention of any intimidation of them from without, and for keeping them in the custody of the law until they were discharged, was altered in this country in 1897, and a proposal was made in another place that the Act should extend to Ireland. A promise was then made that the point should be considered. The Bill came down to the Commons, but no Amendment was made in that direction, and therefore it must be taken that Ireland was deliberately excluded from its scope. That decision having been come to in 1897, is there any reason now why we should proceed specially to extend it in 1901? I think it would be a most disastrous Bill to extend to Ireland. Picture the position of jurymen in criminal cases in which the offence is agrarian, or arises out of agrarian trouble. It is bad enough to be a juryman at all, but if this provision was carried it would mean that a man would be absolutely bereft of the protection of the law from the time the court rose in the evening until the next morning. During that period all the influences of persuasion and terrorism and intimidation would be brought to bear on the man, and how could he be expected to go back into the box the next morning and return a verdict uninfluenced by any of these considerations? It would be a great misfortune to the administration of justice and the maintenance of law and order in Ireland if this principle were extended to that country, and in the interest of the jurors themselves, who must be considered as well as law and order, this provision forms; a very serious blot on the measure we are considering.

The last matter to which I wish to call the attention of the House is in Clause 13, which proposes to give a person who is bound over to give sureties of the

peace, or to be of good behaviour, a right of appeal to quarter sessions. It also provides that if such person so elects, such person, or the husband or wife of such person, may be examined as a witness. In dealing with the criminal law you must undoubtedly remember that recent legislation has made a difference in England, and that difference is largely, if not entirely, due to the hon. Members; opposite. In England a prisoner is a competent but not a compellable witness,
and the jury have the whole case before them one way or another when they have heard his evidence. In Ireland the old law obtains, and the prisoner cannot be called upon. In the case of a man bound over to be of good behaviour, it was originally a matter entirely for the magistrates, as magistrates, but it is now proposed to give the man a right of appeal to quarter sessions. He is originally committed by two or three magistrates sitting in the petty sessions district in which the offence is committed. These magistrates are appointed by the Lord Chancellor, practically upon terms that they will not sit outside the petty sessions district to which they are appointed. In regard to quarter sessions, magistrates, no matter to what petty sessions district they are appointed, have a right to assemble to hear these appeals. The magisterial bench in Ireland has been so largely increased during recent years that it has become a most unsatisfactory tribunal in cases where agrarian questions crop up, and it is only in regard to agrarian questions that any difficulty is likely to arise. It is not very long ago that a case was brought before this House, in which twenty-six magistrates formed a majority and voted against an application for a publican's licence simply because the applicant had exercised his rights under the Land Act to buy the holding on which the public-house stood. There you had considerations brought in which were wholly foreign to the licensing laws, and which did not relate to the personal fitness of the applicant or to the fitness of the premises, and a similar state of things would arise under this clause. I can quite understand that the alteration would be desirable, and I would support it if the procedure proposed was that given by the Grimes Act of 1887, because there, while there was an appeal to quarter sessions, the appeal court was not the quarter sessions generally, but the chairman of quarter sessions for the purposes of appeals under that Act became the sole judge. It would be a most disastrous thing to give an appeal to an unlimited quarter sessions. For these and for other reasons I beg to move that the Bill be rejected.
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. Moore.)
Question proposed, "That the word 'now' stand part of the Question."
*ME. JOHN GORDON (Londonderry, S.): I rise to second the rejection of this Bill. My hon. friend has called attention to an article in the Freeman's Journal, in which it is sought to throw some discredit on the hon. Member for North Louth, and which seems to suggest that the hon. Member's object in bringing forward the Bill is anything but what appears on the face of it. I take a different view of the matter, and I regard the hon. and learned Gentleman as having, in an exceedingly clever way, endeavoured to bring before this House some matters

which we lawyers in Ireland would desire to be dealt with, not perhaps in exactly the way the Bill proposes, but yet dealt with in some way. I refer, for example, to having a shorthand report of trials and to the provisions relating to licensing business. I take the view that the hon. and learned Member brought in this Bill for the purpose of securing the support of Members like myself, who know the necessity which exists for some of these changes, and in that way to secure votes in favour of what the hon. Member really wishes to have passed, namely, important changes in reference to the matter of "stand by" and the repeal of the Coercion Act. I may be wrong in this, but I do not agree with the way in which the matter was put in the Freeman's Journal.

Leaving general questions, however, I come to matters which I think the hon. and learned Member intended as the vital parts of his Bill. Knowing the power, ability, force of argument, and clear, logical mind of the hon. and learned Gentleman, one thing struck me as showing the weakness of his case so far as the matter of "stand by" and the getting rid of the Coercion Act is concerned. The arguments he put forward were arguments which he would be the very last to address to any jury in Ireland if he were dealing with a matter in which his clients were vitally interested. His argument is that jurors meet together the night before a trial to arrange what they are going to do. He calls them Freemasons and Orangemen, and he assumes that every Protestant juror is a freemason, and that every Freemason is ready to conspire for the purpose of doing

What he knows to be wrong and for the purpose of violating his oath. He also asserts that Orangemen and Freemasons take up the same position, and his argument is that Roman Catholics cannot get justice from Protestants. I do not know what is his justification for that. Mere assertion is not argument, although it is the assertion of an able man, and it should not appeal to this House very strongly. But let us see the mode in which a change is sought to be brought about. The first provision of the Bill proposes an alteration in the qualification of jurors. I have lived in Ireland all my life. I have been practising at the Irish Bar, and have come in contact with jurors for over twenty years, and I have never heard from any juror or anyone else the expression of any burning desire to be put on the jury fist. What the hon. and learned Gentleman wishes to do is to have all people in Dublin rated at £;10 and upwards put upon the jury list. I should like to bear the views of these proposed new jurors as to whether or not they like what is in store for them. Jurors are always trying to impress on the Government the hardship of having to serve, and are trying to get rid of the liability, and yet it is proposed by this Bill to set up a jury panel which will widely extend this liability. If it be necessary for the administration of justice, of course it ought to be done, but is it requisite that this burden should be cast on the people who are least able to bear it? It is a hardship to take artisans and small tradesmen away from their work, and most of the persons to whom this extension would apply come within these classes. Then, again, it is proposed to extend the special jury lists. I know something of special jurors, and I think that if a Bill were introduced to limit their number they would be exceedingly glad, especially in

counties like Cork, where exceptionally long distances have to be travelled. But this Bill suggests that the present special jury qualification shall be reduced from something like £;120 to £;40 a year. This would bring in a new class of jurors when there is no necessity for it. Remember there are only two or three venues outside Dublin where any large number of cases have to be tried, namely, Belfast, Derry, and Cork, and at present the jury panels are provided from the districts immediately around those cities, and no complaint is made as to any insufficiency of jurors to do the work. I say, therefore, that this proposed change is absolutely unnecessary, and would impose a burden and hardship on those who are sought to be brought in.

What would be the effect of the proposed changes in reference to the question of "stand by" on the administration of the criminal law? This House has heard a great deal about the administration of justice in Ireland. The fact is that, so far as juries are concerned, no one raises any objection to the vast bulk of criminal administration. But in connection with a certain class of crime which exists in Ireland there is a large number of jurors in the venue in which such cases have to be tried who are either openly or secretly in sympathy with this class of crime, members of the same organisation as the accused, an organisation by which very often the crime has been discussed and incited, and you are asked to put these men in the jury-box in order to try one of themselves. You might just as well give up trying to administer the law altogether. Surely such men ought to be excluded from the jury-box. We are told that because most of those who are ordered to stand by happen to belong to one particular religious faith, we are therefore to jump to the conclusion that it is because of their religion that they are ordered to stand by. It is nothing of the kind, and it is well known that religion has nothing to do with it. The hon. Member told us of a case in which a Protestant was ordered to stand by, and explained it by saying that the man was known to be a Nationalist sympathiser. In his case, then, it was not on account of his religion that he was ordered to stand by. The case referred to was one which excited a good deal of attention in Ireland; it was one which was calculated to enlist the sympathies of all people who were Nationalists throughout the country; the venue of the trial had, in fact, been changed, and are we to be told that because the people's sympathies were so strong that they might do wrong without deliberately intending to do it, and the Crown asked them to stand

by, that action was taken because they belonged to a particular religious faith? There is, I repeat, no real foundation for such a suggestion. What is the ground on which we are asked to get rid of the power to order jurors to stand by? The hon. and learned Member, with that ability and research for which we know him to be so remarkable, has come here with an explanation of the history and origin of stand by. It is quite true that formerly the Crown had an absolute right to order any juror to stand by who was not likely to be in favour of the Crown. After a time the right of challenge for cause only was given to the Crown, and immediately there grew up a practice under which the Crown had the right to have the whole jury list gone through, and simply say "stand by" until the list was exhausted, and then, if there were not sufficient jurors left to try the

prisoner, they had to begin again with the first man ordered to stand by, and the Crown had to show good cause why he should not be empanelled. That principle has been acted upon for hundreds of years. We are told that the power exists in England, but that it is never used. If it were not necessary in Ireland it would not be used there, but I say it is essential, if justice is to be administered, and if men are to go into the jury-box prepared to do their duty, that the power should exist. And I believe, too, that if necessary it would be used in England in the same way as it is in Ireland. I should like to hear the views of my right hon. friend the Member for North Tyrone on the subject of getting rid of this right to order jurors to stand by, if he were called upon again to administer the law in Ireland. I should think that, whatever he may do in the irresponsible position of a Member of the Opposition, he would, if he were on this side of the House, assisting in preserving what the hon. Member for North Louth describes as the British "fetish of law and order," find himself in a very awkward and unpleasant position without the right to order a juror to stand-by, and would be very strongly inclined to promote some change in the law which would restore it. You cannot look at this matter merely from the point of view of the party in power. Every party must have the same desire to administer law and to preserve order, and both parties find that they require this weapon in order to maintain law and order, and to preserve peace. In addition to the want of wisdom in getting rid of this power, which has never injured an innocent man, I say that even if its exercise resulted in having a Protestant jury, it is a gross libel on the Protestants of Ireland to assert that they cannot be trusted as jurors to do justice upon their oaths. What we say, however, is that it is not a matter of religion at all, but that in a particular class of case men who are in sympathy with the accused or with the associates of the accused are not fit to go into the jury-box, because of their known sympathies. What is the next point? You are going to get rid of the Coercion Act. I have lived in Ireland all my life, and I know many people who have also done so, and who never knew, except from seeing it in the papers, or hearing it on political platforms, that there was a Coercion Act.

MR. FLYNN (Cork, N.): You will hear more of it now.

*MR. JOHN GORDON: Yes, because you do not desire to assist the Government to administer the law in the way which is most beneficial to the people generally. The Executive knew perfectly well that while the Act remained and did no harm to anybody it would be a useful measure if need arose, and that they would not so long as it remained require to come here again to get a measure passed to preserve law and order in Ireland, so they left it slumbering. By whom have those slumbers been broken? It was doing no harm, and it has been treated as a dead letter until this time;until it was referred to in this House. I should not like to see the Coercion Act applied to Ireland unless its application is found to be absolutely necessary, but I do not object to seeing a law upon the Statute-book that would enable the representatives of the Crown to preserve law and order and the lives and property of our fellow subjects in Ireland. Now, of the other matters referred to in the Bill one looks very simple, and possibly might not do much harm. That is the clause referring to the Juries Detention

Act. That clause seems to say that if a judge thinks fit he may allow the juries to go at large during a
trial for felony, as may be done in England Under a statutory provision to that effect. But I do not think that should be so in Ireland. I think it is in the interest of the jurors, who are no worse in this respect than their fellows, that they should be kept away;at least, were I a juror myself, I would just as soon be kept away from the influence of persons in favour of the prisoner I had to try, and who wanted to see me, until after I had given my verdict. Of the other matters which are referred to, some are good, and had they been put into a Bill by themselves would have received a considerable measure of support. But there are three important items in this Bill: there is the extension of the juror franchise; the abolition of the "stand-bys"; and the repeal of the so-called Coercion Act. To those three items I am opposed. I am strongly in "favour of having the jury system as it is. We do not want it extended, and we think to extend it to a larger class would not be of any benefit to the country.

MR. FLYNN said that the hon. Gentleman had not put on any mask in expressing his views. He had with brutal frankness and candour defended the Coercion Act and jury-packing in all its moods and tenses. There had been no such courtesy as they had been used to from the Attorney General for Ireland, in the speech of the hon. Gentleman. There was a frank and brutal defence of the whole wretched system as it was known to Irishmen at the present time. The debate would not have been a characteristic Irish debate had not the rejection of the Bill been moved by two Irish Unionist Members. There could be no measure of land reform, to say nothing of judicial reform, introduced for Ireland, but what two Irish Unionist Members got up in a genial mood to move its rejection. The hon. Member for North Antrim, who moved the rejection of this Bill, spoke of the want of enthusiasm on the Irish benches, but no one expected to see any enthusiasm at twelve o'clock in the day. It was not required until the division took place five and a half hours later. The hon. Gentleman had not been quite fair to the mover of the Second Reading of the Bill in quoting
an article from the Freeman's Journal against it. Irish Members were quite capable of forming their own opinion without the aid of the Freeman's Journal, The whole objection to the Bill proceeded from Ulster Members, who were returned to Parliament on a household franchise, but who thought that the people who were competent to send them to Parliament were not competent to sit in a jury box. The hon. Gentleman had said that jury-packing was essential in Ireland to preserve law and order. Such a statement indicated an entire reversal of the well-known judicial maxim that it was better that ninety-nine guilty men should go unpunished that that one innocent man should suffer. With regard to the way juries were packed in Ireland, he might say that at the last winter assizes in Cork in a case called the Lixnaw case, where six farmers were brought up for trial charged with the atrocious offence of intimidation;a charge with regard to which no jury in the world would have found a verdict, because the man who had grabbed the land said that he was not intimidated;out of a panel of 400, forty-three jurors were ordered to stand aside, every one of whom was a Catholic. In a city like Cork, with an overwhelming majority of Catholic citizens, those

farmers were tried by a jury exclusively Protestant. If such a thing occurred once in fifty years it might be said it was owing to a fortuitous circumstance or an extraordinary coincidence, but occurring as these things did at every assize in Cork, it was perfectly plain that the cards were shuffled by the Crown Solicitor until he got the trumps he required. In another case, on a charge of murder, a man was tried and the jury disagreed, and on the second trial sixty jurors were ordered to stand aside. The man had now gone before his Maker. Could such a thing be conceived? If in this country a Crown official dared to stand up and challenge sixty jurors with such shameless and brazen effrontery, the Minister who allowed such a thing would be impeached in this House. Yet such things were done in Ireland every day. So great was the scandal of jury-packing at the last Cork Assizes that he took occasion to call attention to the matter at a public meeting. He did not think that the Attorney General would, after those cases, repeat his argument that the religion of those men was not known to the prosecuting counsel and the Crown Solicitor, because he (Mr. Flynn) had sat behind prosecuting counsel, and had seen names in the lists of jurors marked in a certain manner, and when those names were called the men were ordered to stand by. So much a matter of course had the practice become that these things were done openly before the judge. He hoped, therefore, the House would not be told again that these men were told to stand by not because of their religion, but because they might be in sympathy with the prisoner. If such an argument meant anything it meant that any man who had national aspirations, who believed in Home Rule or self-government for Ireland, was ordered to stand by, and in that way the greater part of the population of Ireland was disfranchised from serving on juries.

With regard to the repeal of the Coercion Act, he thought the Attorney General should support that provision, because the last time he spoke in Ireland he acknowledged that there was no crime in the country, and said the people who were urging him to use coercion were mistaken. County court judge after county court judge in Ireland had been presented with white gloves, and Judge Adams had received such a number that he had asked to be presented with ladies' gloves, in order that he might pass them on. They were told that the Coercion Act was not in active operation, that it was sleeping. But that was the reason they wanted it repealed. It was not required in Ireland. The last official quarterly Return showed that, excluding thirty alleged threatening letters, there were only twenty-eight offences classed as agrarian over the thirty-two counties in Ireland. He need not say that any man who understood Ireland did not pay the slightest attention to threatening letters. Therefore they were justified in calling on the Government to repeal that hateful, odious piece of legislation.

With regard to contempt to court, the proposal in the Bill was very moderate and fair. Of course where a

gross insult had been committed or where a fraudulent bankrupt was concerned it Was necessary and right to preserve the power to commit for contempt of court, but Certainly that power ought to be limited and used with discretion. The cases of contempt of court which the hon. and learned Gentleman had in his mind were, unfortunately, not unfrequent in Ireland. A man might have an injunction granted

against him for cutting a few sods of turf on an estate under a receiver. That was regarded as contempt of court, and the unfortunate man was stuck into prison for six or twelve months. He had read a most pathetic case the other day, in which a man evicted for non-payment of rent returned with his family for shelter to the farmhouse, and because he would not give an undertaking that he would not seek shelter there again he was imprisoned for contempt of court. If that cruel power were to be retained in the hands of judges, it should be limited to three months, and that was the fair and moderate proposal in the Bill. In conclusion he would say that the Government would do well to accept the main features of the Bill. The details could be dealt with in Committee. If the present jury system, which they called jury-packing, were to be continued in Ireland and defended in Parliament, it would be far more honest, straightforward and candid to abolish trial by jury altogether, proclaim that Catholics and Nationalists were not to be trusted, and revert to ancient and more candid forms of tyranny.
*MR. TULLY (Leitrim, S.) said that hon. Members from Ulster had been beating the Orange drum very vigorously, but he could not gather from the hon. Member who moved the rejection of the Bill whether he was altogether opposed to it. He himself had read the Bill as carefully as he could, and he listened to the brilliant speech of the hon. Member who introduced it, whose skill and brilliancy were intensely admired even by those opposed to him. But if eight of the fifteen clauses of the Bill were put into a Bill by themselves, he should have to vote against it, and to use every possible means to defeat it. He was entirely in favour of the clause dealing with jury-packing, which abolished the right of the Crown to order a juror to stand by,
and he was also in favour of the clause to repeal the Crimes Act. He further thought that the provision with reference to contempt of court was most useful, as the manner in which the power to commit for contempt of court was sometimes used was a scandal. He believed in the Land Judges' Courts in Ireland they had a fixed contempt of court day, in which the judge was reminded of the persons in gaol. He had read that prisoners in the Bastille were forgotten, and so many unfortunate people were indefinitely in prison in Ireland that a day had to be fixed in order to remind judges that they were in prison, and he knew what comments hon. Members would make on the administration of justice if it were carried out in that way in France.
There were, however, other portions of the Bill from which he dissented in the strongest manner. The first proposal to which he objected was that any man who had a Parliamentary vote should be on the jury panel. If he asked his constituents, even the humblest, whether they wished to be on the jury panel, to be dragged to quarter sessions and assizes, and to be hauled about from day to day to suit the convenience of lawyers and judges, they would express their opinion in a manner which he would not appreciate, and probably the subsequent proceedings would interest him no more. He had a case in his mind in which an old carpenter had an ambition to be on the jury panel. His name was Flaherty, and he lived in the country of the MacDermotts. As his name began with F, he was always called on to serve, in addition to a number of MacDermotts. He was continually travelling to the county town, twenty-one miles distant, and often

had to remain there a week, and the result was that he wound up by becoming an inmate of the local workhouse. That was what he got for his ambition to be a juror. He therefore was not going to assist to put every man who was a voter on the jury panel. He did not think that in ordinary civil cases there was any necessity for widening the panel so as to include every voter. He knew that in political cases the Crown would stop at nothing to procure a conviction. If they could not get a conviction by fair means, they would get it by foul means, and if not by a jury, then
by a judge. When the Crown could do that, he was not prepared to worry men by making them jurors. The clause only referred to cities and boroughs in Ireland, but if the artisans and others in Dublin rated at £;10 knew that the privilege of being dragged down to the Four Courts to be treated by the police, as he had seen jurors treated, was proposed to be conferred on them, he doubted whether they would appreciate it.
The next clause to which he could not assent was Clause 6. It provided that a case might be stated in respect to any application for a licence in Ireland. The hon. Member for North Antrim referred to the Monaghan case very properly, and it was a most extraordinary proposal that an application for a transfer of a licence should be set aside on a case stated. At present, when a licence-holder died, the licence passed as a matter of course to his heirs, executors, or assigns; but if the contention in the Bill were established it would shake all the licensed property in Ireland. It would introduce the principle involved in Sharpe v. Wakefield, and he would resist it in every way he could. Then Clause 8 provided that the High Court might examine evidence taken in an inferior court. As far as he was aware, the High Court at present could only deal with matters of law, and under the Bill they would have the power to deal with evidence. That would be introducing a principle which the Attorney-General would be glad to use against them in political cases. With regard to Clause 11, which provided for shorthand writers, that might be all very well if the shorthand writers were provided at the expense of the Crown, but he was not in favour of making a poor litigant pay for a shorthand writer in a case perhaps about the warranty of a cow. Clause 12 provided that common jurors, if a case lasted longer than one day, should be paid as special jurors. If a poor man had to pay twelve guineas to a jury, he thought it would be grossly unfair, and he was not in favour of it. Why should not men with property give up some of their time to the administration of justice? He would be no party to taking the burden off the rich man of acting as a juror and putting it on the poor man, who would thereby have to waste his time. There was another
clause in the Bill providing that binding a man to the peace should be regarded as a conviction within the meaning of the Petty Sessions (Ireland) Act, and that there should be an appeal to quarter sessions. He had often, as a magistrate, bound a man to the peace, and he did not think that it should be regarded as a conviction. Such a conviction might have the effect of disqualifying a man under the Local Government Act. Clause 14 provided that local government election petitions should be tried by no less than two commissioners He thought the law as it stood, by which such petitions were tried by one commissioner, was good

enough. The cost of petitions, which was paid out of the local rates, was already enormous, and if they doubled the cost, he did not think their constituents would thank them.
There were fifteen clauses in the Bill, and he would vote against eight of them if they were in a Bill by themselves. Having in view Ireland's experience with regard to the Malicious Injuries Clauses in the Local Government Act, he felt that as he could not vote for this Bill he should explain in the clearest manner his objection to a number of the clauses. The hon. Member for North Antrim, in the usual Ulster tone, had attacked the people of Leitrim, but it would be an easy task to pick out twelve men at any fair in Leitrim who would be as intelligent as any twelve representatives of Unionist Ulster in the House of Commons. It had been stated that the effect of the Bill would be to reduce Antrim to the level of Leitrim, but the difference between the qualifications was very small, and certainly not sufficient to warrant the sneer at the county of Leitrim. As to the remark that the Bill was designed by legal gentlemen for the purpose of creating litigation, he did not think that would be borne out by the result. The effect of the Bill would be to make litigation twice as expensive as at present, and anything which tended in that direction deterred people from having recourse to the law. While he was in favour of those portions of the Bill which dealt with stand-bys, contempt of court imprisonment, and the repeal of the Crimes Act, he desired to say frankly and above board that he was entirely opposed to the eight other clauses.
MR. DALY (Monaghan, S.): From my short experience of this House? should say there is scarcely ever a Bill brought in which gives satisfaction to all sides, and, therefore, it is not at all to be wondered at that my hon. friend is not in sympathy with the whole of this measure. As for, the two hon. and learned Gentlemen who moved and seconded the rejection of the Bill, they certainly gave us a great many legal phrases, but I, for one, was certainly not able to understand what they were hammering at. The hon. Member for South Londonderry said that the new jurors should be consulted, but in regard to all these matters the people of Ireland have had very little to say at all. In the majority, of cases in which the interests and the liberties of the people of Ireland have been concerned;in matters of far greater importance than where they were to be common jurymen;they have not been consulted at all. The hon. Member also said it would be better to have the jurors respectable and educated, and that if the qualification was reduced there would be a lower class admitted to the jury-box. I wonder at the hon. Member making such a mistake as that. In my own county the qualification for a petty juror, provided he is under a landlord, is £;20, but the moment he purchases his holding and becomes the owner of his farm he is qualified to be a juror if the valuation is only £;10. That in itself is one of the absurdities of the law under which Ireland suffers. In Monathan five or six years ago the jurors were of the more educated class, but in consequence of the sale of a large number of estates to the tenants the men who were previously excluded are at the present time actually trying every case in the county, and I have never heard a word of protest from either the Crown or anybody concerned in the cases as to the manner in which they have discharged their duties. I,

therefore, think that no mistake would be made by making the qualification for the jury panel £;10 in the case of common jurors. It does not at all follow that because a man has a holding of a lower valuation he is not as intelligent as a man with property of a higher valuation. I hope the right hon. Gentleman will accept this Bill, because, although it may not be every-
thing that is desired, Amendments could be introduced in Committee which would make it acceptable to all sides.

*MR. ATKINSON It is customary to confine the discussion on the Second Reading of Bills to the consideration of principles, but what is one to do when the Bill under discussion has no principle? There is no principle in this Bill. It is like a bundle of sticks cut from trees of different growth and ages, and apparently, as far as I can see, bound together with only one desire, and that is to force the Government to tyrannous measures in Ireland. I think the hon. and learned Member who introduced the measure has copied some of the methods of the skilled apothecary. At the present time the most nauseous medicines are administered in capsules. The outer shell is of a negative quality, and the potent drug is found within. Therefore I regard all these clauses, to which no exception has been taken by my hon. friends, as so much of the outside. The dish is presented like quails in aspic. The aspic is around, the really toothsome morsel is confined to the provisions about the qualification of jurors, and the abolition of the right to stand jurors aside; but the pith and kernel of the whole business is the repeal of the Crimes Act. I must, first of all, remark upon the peculiar silence of my right hon. friend opposite (the right hon. Member for North Tyrone). There is rarely an Irish debate in which the right hon. Gentleman does not give the House the benefit of his matured opinions and his vast experience. But he has been painfully silent upon this occasion.

MR. CLANCY (Dublin Co., N.): There is plenty of time yet.

*MR. ATKINSON: He could have given us information of the utmost importance on this question of so-called jury-packing. Thirty years ago he approved of it, and certainly eight years ago the Administration of which he was a member practised it, and practised it to a far greater extent that it was ever practised by, I believe, any Government during the last fifty years. I remember that in one case the Administration of which the right hon. Gentleman was a member stood by forty seven jurors out of a panel of seventy-one, and in all my experience; and I have been responsible for the administration of the criminal law in Ireland for nearly seven years;I cannot find an instance in which so large a proportion of jurors were challenged. However, as I say, the right hon. Gentleman has not given us his views upon that matter.

The hon. and learned Member who has introduced this Bill has selected not only controversial topics, but I might almost say that he has selected all the exciting and combustive topics in Irish politics. He has left out the Catholic university, the land question, and industrial schools, but, with those exceptions, he has really not omitted one of the questions which raise so much excitement and heat in Ireland.

MR. T. M. HEALY: That is a great compliment to me.

*MR. ATKINSON: And he has wrapped all this up in the harmless envelope to which

I have referred. It is often said that if you make an Irishman logical you spoil him, and there is a great deal of truth in the statement. But why has the hon. and learned Member, who introduced this Bill by the preface that owing to the provisions of the Jurors Clauses of 1876 Roman Catholics were excluded from the jury-box all over Ireland by reason of the qualification lain down by that Act, left the qualification in every county in Ireland exactly as it at present stands? The qualification for common jurors in every county in Ireland is left under this Bill precisely as it is in the Act of 1876. If there is one word of truth in all this parrot repetition about insults to Catholics, why does the hon. and learned Member perpetuate the present state of things?

MR. T. M. HEALY: Then pass the Bill if it is all right.

*MR. ATKINSON: The hon. and learned Member said that the scale laid down in the Act of 1876 for the different counties in Ireland was an insult to Catholics. If he believes that, instead of merely taking up this parrot cry of insults to Catholics in the administration of the law, why has he not had the courage of his opinions, and sought to change the qualification which he says is the means of excluding members of that faith from the jury box? He leaves it absolutely untouched. That qualification was introduced because it was found that the qualifications for jurors introduced by the Acts of 1871 and 1873 were altogether inadequate to secure jurors of intelligence and independence sufficient to enable them to discharge their duty. There is a story told, and I believe there is some truth in it, that in a western county of Ireland, when a jury were summoned for the first time after the Act of 1871 was passed, they were scattered about the court, and it was impossible to get them together. After being sworn, the judge said, "Now gentlemen, you must take your accustomed places," and several of them went into the dock. At all events, in the two years following the passing of that Act the qualification was found to be too low to secure jurors of intelligence and independence suitable for the discharge of the duty. I remember perfectly well that I was in practice on the Munster Circuit when this law was introduced, and there used to be trial of strength amongst us as to how long we could speak to the jurors in words not exceeding two syllables. We called our addresses "Plain words to plain men," and we used to see who could speak longest without using a word of three syllables. Instead of using the phrase "Gentlemen of the jury," we were driven to resort to the formula, "You who are sworn to try this case." The qualification was raised by the Act of 1873, and again by the Act of 1876. Before the Act of 1876 was passed a Committee of great authority sat and, with great elaboration, inquired into this question. Several witnesses were examined, amongst them being the right hon. Gentleman opposite (the right hon. Member for North Tyrone). I will not refer to the evidence at present, but the point of it was that a change in the qualification was desirable. The change in the qualification was not by any means, to a great extent, in the direction of an increase of the rating valuation. The qualification of the juror who occupied premises in towns was lowered and the qualification of a juror occupying premises in the country was raised. The qualification of freeholders remained the same for all the counties in Ireland. Those are the

qualifications described in the Bill, and those are the qualifications which the hon. and learned Member leaves untouched. He says that by these qualifications Roman Catholics are excluded from the jury-box. Mr. Morphy, Crown Solicitor for Clare and Kerry, gave evidence before the Commission of 1881, and said that in Clare and Kerry, under the act of 1876, 80 per cent. of the jury panel were farmers. Does anybody who knows Ireland say that 80 per cent. of the jurors of Clare and Kerry are Protestants;or even 1 per cent.? I understand that the accusation about jury-packing was that whereas the majority of the panel are Roman Catholics, they all have to stand by in order that the Protestant residuum may be on the jury. According to the contention of the hon. and learned Gentleman opposite, under the Act of 1876 the majority of the men on the panel are Protestants, and the other contention is a mere figment. If I put aside all the Roman Catholics in order to get the Protestant residuum it is perfectly absurd to say that there is on the panel a Roman Catholic residuum and a Protestant majority. Both contentions cannot be accurate. The hon. and learned Member says the Roman Catholics are boycotted. I have before given reasons to show that that is perfectly absurd in, I should think, at all events twenty-five or twenty-six counties in Ireland. It cannot be so in any county in Connaught, or in Munster or in Leinster. It is absolutely impossible that men under the qualification laid down in the Act can be anything but Roman Catholics in a considerable majority of the counties in Ireland. I quite admit that this juror qualification is not an ideal test of a man's fitness. Very often a man with a high qualification is not as intelligent or as independent as a man with a lower qualification. But it is a rough rule, and the only rule; and that there should be a property qualification for the service of jurors is a rule which has been adopted both in this country and in Ireland from the earliest times. In Dublin it sometimes works in the most extraordinary way, and the special jurors are often of a very indifferent class, because owing to the high valuation such persons as market gardeners who live in the vicinity of Dublin get on the jury panel to the exclusion of men of a superior class.

But the real test in all cases is, Does the standard of selection supply you with an adequate number of jurors? If so, the higher the standard the better, because the wealthier the jurors are the greater the probability that they will be intelligent and independent. Owing, however, to the varying conditions of counties in Ireland, it is impossible to set the same standard for all, because in some counties under one particular standard the number of jurors would be too few. The standard has, therefore, been varied from county to county so as to secure a qualification which will give an adequate number of jurors. While the hon. and learned Gentleman was referring to Thorn's Directory, I endeavoured to follow him through the different counties as given before the Committee in 1873.

MR. T. M. HEALY: I quoted from a Return of 1887.

*MR. ATKINSON: I only intend to show what a small difference the change in the qualification made. Before the passing of the Act of 1873 there were 730 common jurors in Louth and 203 special jurors. Therefore, the change introduced by the Act of 1876 made very little difference indeed in the number of jurors. That number is quite adequate, because it cannot be contended that 730 is too small a

number for ordinary jurors for such a small county, or that 200 is not a sufficient number of special jurors. I do not suppose that in the county of Louth there is one case in ten years in which a special jury is required. The hon. and learned Member also expressed regret that there had been no progress in judicial reform in Ireland for the last half century. I really do not know to what he can possibly refer. The history of judicial reform in Ireland is that it has gone on pari passu with judicial reform in England. Starting from 1852, there was Jarvis's Act in England followed by the Petty Sessions Act in Ireland; in 1865 there was the Chancery Regulation Act in England followed by a similar Act in Ireland; and the same has been the case with other
Acts. The English Acts have been applied to Ireland.
MR. T. M. HEALY: With all the good English provisions omitted.
*MR. ATKINSON: That I entirely deny. The Acts are, on broad lines, identical. Hon. Members opposite are constantly saying that such and such a thing is done in Ireland, but is not done in England. There is a great difference between England and Ireland, but the greatest difference is in the hon. Gentlemen themselves and their opinions. Hon. Members profess to possess the confidence of the Irish people. You have them preaching to-day that a certain class of crime is no crime; that the people are justified in defeating the law when an attempt is made to put it in force; that it is a duty to themselves and their country to try to defeat that law, to make government impossible, and to force the administration to resort to methods of tyranny. It is absurd to ask, while these doctrines are being preached, and while these courses of conduct are pursued, that the same methods should be followed in Ireland as in this country, where trial by Jury is based upon the only safe foundation, namely, that of a stratum of society which approves of the law as it exists and is willing to share honestly and fearlessly in the administration of justice. That makes all the difference. Therefore, when hon. Gentlemen say that there is no challenging of jurors in England;which, by the way, is a mistake;I would ask as I have asked before, Does the history of England furnish any instance within the last half-century of a juror being murdered or maimed simply for doing his duty? Does it suggest any case of a juror being threatened for doing his duty? I have known jurors to be threatened within ten yards of the jury-box after the delivery of their verdict. Does it supply any case of jurors being canvassed as they are canvassed in Ireland? Before this Committee of 1881, Mr. Morphy, Crown Solicitor for Kerry and Clare, gave evidence, and said that when there was for trial a case that excited popular interest, the sheriff could not supply the demands from all over the country for copies of the
printed panel. For what purpose were those copies wanted? The next time hon. Members denounce me for standing up to defend those subordinates of mine who refuse to put into the box men who are terrified or intimidated in order that they should not give a fair verdict, or who are prejudiced to such a degree that they will not give a fair verdict according to the evidence, let them explain how it is that in a remote county, such as Kerry or Clare, the moment a man is charged with a popular crime the sheriff cannot supply sufficient copies of the

printed panel. I say that those copies of the panel were wanted for the purpose of canvassing and intimidation. The same district supplies a humorous illustration of what sometimes occurs when jurors are about to be sworn. In Tralee not long ago a case was about to be tried. A juror came forward, and the solicitor for the accused, who generally was very well informed as to the feelings of the jury, made a mistake. The Crown attempted to challenge, but the solicitor for the accused jumped too soon. He challenged the juror, whereupon the man in a tone of indignant remonstrance said, "What do you mean? Sure, wasn't I for the prisoner?"

MR. FLAVIN (Kerry, N.): Who is the author of that story? a Conservative lawyer?

*MR. ATKINSON: It is perfectly true.

MR. FLAVIN: Yes, by a Conservative lawyer.

*MR. ATKINSON: That man was a Roman Catholic, and if the prisoner's solicitor had waited for a few moments, that would have been represented here as an insult to the Catholic religion. It is ridiculous to say that it is not absolutely necessary to use this power. I have read through the greater part of these Blue-books of the evidence given before the different Commissions. I will not occupy the time of the House by quoting, but I repeat the challenge I have made on former occasions, and that is for any hon. Member to point to any statement by a responsible person, from my right hon. friend opposite downwards, who ever said that it was possible to administer justice in Ireland without this power. I thank the hon. Member for North Cork for the illustration he has given me. He referred to an instance of the insult and the injustice done to Catholic jurors by setting them aside. What are the facts in that particular case? The jury who tried the man was composed of six Catholics and six Protestants. I am waiting for a retractation.

MR. FLYNN: My point was that sixty jurors were challenged, and that I say was a gross outrage.

*MR. ATKINSON: That was not the point. The point was that it was an insult to Roman Catholics and that it was resented as such. That is an instance of the recklessness and disregard of fact with which these accusations are made. The only Catholics who were insulted were insulted by the prisoners, if it be an insult to set a man aside or to object to him. I have already referred to the suggestion that it is an insult. I say that it is not an insult. I have known;and the experience of the present Solicitor General for England coincides with mine;I have known men to go to the Crown solicitor and beg to be challenged, and I have seen the same men take part in meetings the next day to denounce that practice.

MR. FLAVIN: Why were they not prosecuted?

*MR. ATKINSON: That is a conundrum. If they committed an offence, it was the offence of extreme hypocrisy, and that fortunately is not a criminal offence in Ireland.

To come to the clauses, the Bill deals with such inconsistent things as the qualification of jurors, cases stated in licensing cases, the question of stand-bys, the repeal of the Crimes Act, election petitions, and the payments of jurors. I pass now from the first section, and I come to Section 2, which

provides for the abolition of grand juries. As in other cases of this kind, I find each clause is insulated from the other clauses. This section deals with the finding' of a true Bill by a grand jury; and declares that this shall not be necessary upon the indictment or trial of any accused person. It is held by high authorities that the present practice in Ireland in regard to grand juries is a great security to the citizens. I quite admit that in Ireland, where every prosecution is undertaken by the Crown, and where there are no dangers whatever which a grand jury cannot guard against, a great deal might be said for this clause, at all events in regard to quarter sessions, because the Local Government Act of 1898 severed altogether the fiscal functions of the grand jury from the discharge of their duty in criminal cases, and this really was to prevent vindictive and unjust prosecutions. Clause 3 deals with "stand bys," and abolishes them, but I have already dealt with this question. In regard to appeals in criminal causes and matters provided for in Clause 4 I presume the hon. Member for North Louth refers to the section of the Judicature Act of 1877.

MR. T. M. HEALY: It is mentioned in the clause.

*MR. ATKINSON: The obvious policy of the Judicature Acts is practically to pass by criminal proceedings and deal with civil proceedings. It may be perfectly true that the law with regard to criminal proceedings is in a most anomalous condition at the present time.

MR. T. M. HEALY: What attempt do you make to remedy it?

*MR. ATKINSON: I think it would be a most anomalous state of things that there should be a new trial in such cases. With regard to the 5th Section dealing with the duration of contempt of Court orders, it has nothing to do with what has gone before or what follows. People do not distinguish between what contempt of court really is. In many cases where contempt of court is applied it is really only a way of carrying out and enforcing the orders of the court. The hon. and learned gentleman opposite says he has no objection to defaulting trustees or executors being sent to goal, but there are many other forms of contempt of court. For instance, there is the ordinary case of bankruptcy where a witness refuses to answer a most vital question, and where a man refuses to make a full disclosure of his liabilities. The only way to meet such cases is to commit the person for contempt in case of a refusal to answer. There is another form of contempt which is an entirely different thing, and that is the contempt which consists in commenting in a newspaper to the prejudice of a pending case. I do not think that this mischief can be exaggerated. I think it is an evil that, so far from diminishing, is growing day by day. I think there is not a case in this country which excites popular attention and popular interest in regard to which there are not most unfair and unjust comments made by the public press. I cannot conceive a meaner and a baser crime than that of any proprietor of a public journal, for the purpose of selling that journal, publishing damaging details about the life of some wretched man who stands accused of a crime for which, in the event of a conviction, his life would be forfeited. Lord Blackburn has laid down that once a criminal cause comes into court the accused has the right to have his case tried without interference and

without hostile comment, I do not think, that, so far from weakening the law here or in Ireland, any change is desirable except a change in the direction of strengthening the law. This is a crime which is an indictable offence, but, as is pointed out by Lord Blackburn, procedure by indictment would be no remedy at all, because all the mischief would be done before you could prefer an indictment. The trial will proceed and the jury will come into the box prejudiced against the accused. To limit the period of imprisonment in cases of contempt of court to three months, and thus to deprive the Court of the power to stop or to punish comments that prejudge the merits of a case, would be a great mistake. If there is any change at all it ought to be in the direction of strengthening the law so that the moment a case comes into court it may be fought out between the parties upon the evidence, and no comments on one side or the other should be allowed to prejudice the case. Of all forms of trial, trial by newspaper is the worst.

I pass now to the proposal to repeal the Criminal Law and Procedure (Ireland) Act, 1887. Many hon. Members have referred to the fact that crime is diminishing in Ireland. That is, fortunately, true; but how long that will be so I cannot say. I know that many of the leaders of the Nationalist party have given advice which, if followed, would lead to an entirely different result. Some hon. Members opposite have advised the people to carry out the practices of the Land League. I have read in a speech made by the hon. Member for Water-ford that it is the intention of the Nationalist party to make the Government of Ireland by present methods impossible, both in the House of Commons and in Ireland. I do not know how soon that ambition may bring his followers into direct conflict with the law, and disturb peace; but, if that be so, it would be an act of imbecility on the part of the Government to deprive themselves of a weapon which, since it has been forged, no Government has ever found itself in a position to dispense with. It is now in abeyance, and I sincerely hope and trust it will long be allowed to remain in abeyance. But it is well that people should know that if the advice of the hon. Member for Waterford is taken, and if recourse is had to those methods, the sword will be unsheathed again, no doubt with the same good results. I do not think it is necessary for me to refer to the proposed clauses in regard to the detention of jurors in felony trials, shorthand notes in civil actions, or to the clause dealing with the payment of common jurors.

The only other clause I will refer to is Section 13, which deals with appeals in recognisances cases. It provides that;

"An order of justices requiring a person to give sureties of the peace or to be of good behaviour is hereby declared to be a conviction or order within the meaning of the Petty Sessions (Ireland) Act, 1851, and an appeal to quarter sessions shall lie in every case from any such order.

Before any person is required to give security as aforesaid he may examine witnesses on his own behalf, and if such person so elects such person or the husband or wife of such person may be examined as a witness."

I am altogether against this provision. Both in England and Ireland this corresponds

in a great degree, and carries out Sub-clause 2 of Clause 13. It must be remembered that the binding over of people to keep the peace is merely a measure of prevention. It may be imposed upon a man whether he is guilty or not, and so far as that goes, even if a man be acquitted he may be bound over to keep the peace for a very good reason. This is not done because the man has committed a crime, but because he may do so, and if that man shows a tendency to commit crime, in mercy to himself very often he is put under a rule to restrain him. That is a very common case in Ireland.

MR. CULLINAN (Tipperary, S.): That charge was brought against me, and I was sent to prison for it.

*MR. ATKINSON: That is only a proof in part of what I say, that a person may not have committed a crime, and yet it may be most desirable that he should be restrained from committing crime in the future.

MR. CULLINAN: I did two months imprisonment.

*MR. ATKINSON: Yes, but if the hon. Member had given security for his good behaviour he could have avoided imprisonment, and it is not for me to state whether he took that course as a matter of prudence or on the contrary. I have now said nearly all I have got to say upon this Bill. Of course it is absolutely impossible for the Government to accept this measure. It deprives them of many of the most important provisions which, according to the concurrent testimony of every person with a knowledge of the difficulties that surround the administration of the law in Ireland, it is absolutely essential to preserve, and of a weapon which no administration has ever thought itself justified in dispensing with. Under these circumstances, I shall support the motion of my hon. friend for the rejection of this Bill.

*MR. HEMPHILL (Tyrone): My right hon. friend seemed very anxious that I should inflict some observations upon the House in the present debate, and in that he follows the example of my hon. and learned friend who moved the rejection of this Bill. It is a favourite mode of defence of
he present Government, or that portion of it to which the Government of Ireland is entrusted, that whenever any charge is brought against their administration of Irish affairs, and whenever they feel at a loss to give an answer to that charge, they turn to the benches opposite and say, "We have only done what has been done by the right hon. Gentlemen on the Front Opposition Bench." But I think the time has gone by for dealing with Irish questions in that spirit, and that whatever the effect of it may be upon the statesmanship of individuals, this House now is bound to deal with Irish questions on their merits, and quite in dependently of how they have been dealt with by Ministers on either side. I congratulate my right hon. and learned friend, because in his very able speech he seems to have achieved what a great statesman once alleged to be an impossibility, namely, to indict a nation. His entire argument with reference to the jury clauses of this Bill came to this;that it is impossible to administer English law in Ireland without resorting to the system of jury-packing. Is not that a terrible confession for an English statesman to make in the House of Commons? Is not that an admission that the entire system of English Government has broken down in Ireland?;and that admission made upon the floor of the House

of Commons will be disseminated through every part of the country to-morrow morning, and will not be accompanied by any suggestion of a remedy for that state of things; nor is any mode pointed out by which it can be shown that at least three-fourths of the Irish people who are Roman Catholics can be dealt with on an equality with their English and Scotch fellow-subjects. I say that is a lamentable admission, and I do not believe that the resources of statesmanship are so utterly exhausted that no remedy can be devised for that state of things. Unquestionably there are cases, and have been cases, in the Administration of which I was a very humble member, in which, following the bad example of our Tory predecessors;an example recognised in the old days before the Union in Ireland, and which has been followed up ever since;we assumed aright which the law only nominally gives to the Crown of challenging jurors. There is no doubt that that error may have been fallen into, but I am perfectly satisfied that it was only upon very rare and extreme occasions. What I want this House to do is to give this Bill a Second Reading in order that the whole question may be fully discussed, particularly in reference to the clause about the abolition of stand-bys and grand juries. It was an evasion originally, because, as was pointed out by the hon. and learned Member for North Louth in his very able speech, the Statute law provided that the Crown should not have any such right of challenge. Nevertheless, in Ireland this law was very soon set aside, and juror after juror was asked to stand by until the whole panel was exhausted, and where the panel was long the Crown were thus able generally to get twelve men to their own liking before they came to the last name on the list. When the panel was exhausted they called the jurors over again, and only then is the Crown called upon to show cause for objecting. The common law of England was evaded, although it was fair in its principles, and if it had been left to operate without the interference of ingenious and astute lawyers, we never should have been in this condition with regard to the system. Time will not allow me to go in any detail into this question, but I ask the House to give this Bill a Second Reading, because in Committee the whole question can be fully and exhaustively dealt with. In Committee some Member may get up and be able to reconcile trial by jury with reality, and not continue it as at present, for it is in reality merely a sham.

I pass from that part of the Bill to the proposed amendment of jurors' qualifications. I find that Clause 1 reduces the qualification from £;20 to £;10. This is a clause upon which there may be some difference of opinion, but it is one well deserving of the consideration of the House, and it can be dealt with either by adoption in toto or by adopting a less qualification than the one which at present exists, but not so low as that indicated in this first section. That is a question which should be fully discussed in Committee. I confess with regard to the law of contempt of court that there does not appear to be much difference on cither side of the House. I admit that this law of contempt must continue to exist, and the power must be retained by every court to commit for contempt calculated to lower the court in the estimation of the public. I do not thins, however, that any individuals should have the power, which they have at present,

of sending a few fellow subjects to gaol for an indefinite period. In this respect this Bill deserves the most careful attention on the part of the House. Three months is the limit provided in the Bill, and it is put in italics, and that period may be raised or lowered by the Committee. We are all agreed that the powers should be preserved, but we say that there should be some limit put upon the discretion of the judge who pronounces the sentence. I think that the attack upon the press made by my right hon. friend, whose power of sarcasm and vituperation I have often had occasion in other places to admire, was rather out of place here in considering this question as to the duration of contempt of court orders. The question is whether a limit should be put upon the duration of the punishment which the court may inflict for contempt of court. I agree with my right hon. friend that it is wrong for matters still pending before the court to be commented upon in the press, but that is a lesser evil than that of crushing and muzzling the press, for if we do not have a free press to criticise, and to throw a strong light upon what takes place not only in courts of justice, but in the Houses of Parliament,

AYES.

Abraham, William (Cork, N. E.)
Crombie, John William
Hayter, Rt. Hn. Sir Arthur D
Abraham William (Rhondda)
Daly, James
Hemphill, Rt. Hn. Charles H.
Allan, William Gateshead)
Davies, Alfred (Carmarthen)
Hope, John Deans (Fife, W.)
Asher, Alexander
Dewar, John A. (Inverness-sh.)
Horniman, Frederick John
Ashton, Thomas Gair
Donelan, Captain A.
Jacoby, James Alfred
Austin, Sir John
Doogan, P. C.
Jameson, Major J. Eustace
Barlow, John Emmott
Dunn, Sir William
Joicey, Sir James
Bell, Richard
Emmott, Alfred
Jones, D. Brynmor (Swansea)
Blake, Edward
Esmonde, Sir Thomas
Jones, William (Carnarvonsh.
Boland, John
Evans, Sir F. H. (Maidstone)

Joyce, Michael
Bolton, Thomas Dolling
Evans, Samuel T. (Glamorgan)
Kay-Shuttleworth, Rt Hn Sir U
Burke, E. Haviland
Ffrench, Peter
Kearley, Hudson E.
Burns, John
Fitzmaurice, Lord Edmond
Kinloch, Sir John George Smyth
Caldwell, James
Flynn, James Christopher
Langley, Batty
Cameron, Robert
Fuller, J. M. F.
Leamy, Edmund
Campbell, John (Armagh, S.)
Furnesss, Sir Christopher
Leigh, Sir Joseph
Carew, James Laurence
Goddard, Daniel Ford
Long, Sir John
Carvill, Patrick Geo. Hamilton
Grant, Corrie
Levy, Maurice
Causton, Richard Knight
Gurdon, Sir W. Brampton
Lewis, John Herbert
Channing, Francis Allston
Harwood, George
M'Crae, George
Colville, John
Hayden, John Patrick
M'Laren, Charles Benjamin
Craig, Robert Hunter
Hayne, Rt. Hon. Charles Seale
Markham, Arthur Basil

and on all public occasions, I do not know to what pass this country would be reduced. Under the existing state of things it is very hard for anything like a strong or democratic opinion to prevail, because in this House we have a majority who follow the Administration of the day, no matter how they may differ in opinion from some of the measures proposed. When a Bill is passed in this House by the existing Ministry it is sure to be adopted by the House of Commons, no matter how it may run against our preconceived notions of what constitutes the greatness of the British Empire. I think the power of attachment should be limited, and I believe that is the general opinion of almost every educated man,

whether he is a lawyer or not, who has discussed this subject oh any serious occasion. In regard to other matters, such as about the right of appeal, I think my right hon. friend said that some of them are useful and others perhaps were not so good. As to the provision relating to shorthand notes in civil actions, that is a matter of mere detail. On the whole, I think there underlies this Bill a great principle that something must be done to ensure the administration of justice in Ireland on the lines of the English system without resorting to means which, if they were had recourse to in England, would produce little short of a revolution.

Question put.

The House divided:;Ayes, 102; Noes, 226. (Division List No. 187.)

Mooney, John J.
Philipps, John Wynford
Thomas, David Alfred (Merth'r)
Morgan, J. L. (Carmarthen)
Redmond, John E. (Waterford)
Tomkinson, James
Moulton, John Fletcher
Redmond, William (Clare)
Trevelyan, Charles Philips
Nolan, Joseph (Louth, South)
Reid, Sir R. T. (Dumfries)
Ure, Alexander
Norton, Capt. Cecil William
Roberts, John Bryn (Eifion)
Wallace, Robert
Nussey, Thomas Willans
Robson, William Snowdon
Walton, John Lawson (Leeds, S.
O'Brien, Patrick (Kilkenny)
Roe, Sir Thomas
Wason, Eugene (Clackmannan
O'Connor, James (Wicklow, W.
Samuel, S. M. (Whitechapel)
Woodhouse, Sir J. T. (Hudd'fi'ld
O'Kelly, James (Roscommon, N
Soames, Arthur Wellesley
Young, Samuel (Cavan, East)
O'Mara, James
Scares, Ernest J.
Yoxall, James Henry
Palmer, Sir Charles M (Durham
Stevenson, Francis S.

TELLERS FOR THE AYES;

Partington, Oswald
Sullivan, Donal

Mr. T. M. Healy and Mr. Clancy.
Pease, Alfred E. (Cleveland)
Thomas, Abel (Carmarthen, E.)
NOES.
Acland-Hood, Capt. Sir Alex F.
Dimsdale, Sir Joseph Cockfield
Leigh-Bennett, Henry Currie
Agg-Gardner, James Tynte
Dorington, Sir John Edward
Llewellyn, Evan Henry
Agnew, Sir Andrew Noel
Doughty, George
Lockwood, Lt.-Col. A.R.
Aird, Sir John
Douglas, Rt. Hon. A. Akers-
Long, Col. Chas. W. (Evesham)
Allsopp, Hon. George
Doxford, Sir William Theodore
Long, Rt. Hn. Walter (Bristol, S
Anstruther, H. T.
Duke, Henry Edward
Lonsdale, John Brownlee
Archdale, Edward Mervyn
Durning-Lawrence, Sir Edwin
Lowe, Francis William
Arnold-Forster, Hugh O.
Dyke, Rt. Hon. Sir Wm. Hart
Loyd, Archie Kirkman
Arrol, Sir William
Egerton, Hon. A. de Tatton
Lucas, Col. Francis (Lowestoft)
Ashmead-Bartlett, Sir Ellis
Elliot, Hon. A. Ralph Douglas
Lucas, Reginald J (Portsmouth)
Atkinson, Rt. Hon. John
Faber, George Denison
Macartney, Rt. Hn. W. G. E.
Bain, Col. James Robert
Fielden, Edward Brocklehurst
MacIver, David (Liverpool)
Baird, John George Alexander
Finch, George H.
Maconochie, A. W.
Balcarres, Lord
Finlay, Sir Robert Bannatyne
M'Arthur, Charles (Liverpool)

Baldwin, Alfred
Fisher, William Hayes
M'Calmont, Col. J. (Antrim, E.)
Balfour, Rt. Hon. A. J. (Manc'r)
Flannery, Sir Fortescue
M'Iver, Sir L. (Edinburgh, W.)
Balfour, Capt. C. B. (Hornsey)
Fletcher, Sir Henry
M'Killop, James (Stirlingshire
Balfour, Rt Hn Gerald W (Leeds
Flower, Ernest
Majendie, James A. H.
Balfour, Maj. K. R. (Christch.)
Forster, Henry William
Martin, Richard Biddulph
Banbury, Frederick George
Galloway, William Johnson
Maxwell, Rt Hn Sir H. E (Wigt'n
Bartley, George C. T.
Garfit, William
Maxwell, W. J. H. (Dunmfries.)
Bathurst, Hon. Allen B.
Gibbs, Hn A. G. H. (City of Lond.
Meysey-Thompson, Sir H. M.
Bentinck, Lord Henry C.
Godson, Sir Augustus Fred.
Middlemore, John T.
Bigwood, James
Gordon, Hn. J. E. (Elgin & Nairn
Milmay, Francis Bingham
Bill, Charles
Goschen, Hn. Geo. Joachim
Milton, Viscount
Blundell, Col. Henry
Goulding, Edward Alfred
Milward, Col. Victor
Bond, Edward
Green, Walford D (Wednesbury
Molesworth, Sir Lewis
Boscawen, Arthur Griffith-
Greene, Sir E. W (B'ry S Edmnds
Montagu, G. (Huntingdon)
Bowles, Capt. H. F. (Middlesex)
Greene, Henry D. (Shrewsb'ry
Montagu, Hon. J. S. (Hants.)
Brassey, Albert

Greville, Hon. Ronald
Moon, Edward Robert Pacy
Brodrick, Rt. Hon. St. John
Groves, James Grimble
Morgan, Hn Fred. (Monm'thsh
Brookfield, Colonel Montagu
Hain, Edward
Morton, A. H. A. (Deptford)
Brown, Alexander H (Shropsh.
Hall, Edward Marshall
Mount, William Arthur
Brymer, William Ernest
Hamilton, Rt Hn Lrd G. (Midd'x
Mowbray, Sir Robert Gray C
Bull, William James
Hamilton, Marq. of (L'donderry
Murray, Rt. Hn. A. G. (Bute)
Campbell, Rt Hn. J A (Glasgow)
Hanbury, Rt. Hon. Robert Wm.
Murray, Col. Wyndham (Bath)
Carson, Rt. Hon. Sir Edw. H.
Harris, Frederick Leverton
Myers, William Henry
Cautley, Henry Strother
Haslam, Sir Alfred S.
Newdigate, Francis Alexander
Cavendish, V. C. W. (Derbysh.)
Hay, Hn, Claude George
Nicol, Donald Ninian
Cecil, Evelyn (Aston Manor)
Heaton, John Henniker
O'Neill, Hon. Robert Torrens
Chamberlain, Rt. Hon. J. (Birm.
Helder, Augustus
Parkes, Ebenezer
Chamberlain, J Austen (Worc'r
Hoare, E. Brodie (Hampstead)
Pemberton, John S. G.
Chapman, Edward
Hoare, Sir Samuel (Norwich)
Pilkington, Lt.-Col. Richard
Charrington, Spencer
Hope, J. F. (Sheffield Brightside
Platt-Higgins, Frederick
Cochrane, Hn. Thos. H. A. E.
Houldsworth, Sir Wm, Henry

Plummer, Walter R.
Cohen, Benjamin L.
Howard John (Kent Faversh'm
Powell, Sir Francis Sharp
Collings, Rt. Hon. Jesse
Hozier, Hon. James Hy. Cecil
Quilter, Sir Cuthbert
Colston, Chas. Edw. H. Athole
Hutton, John (Yorks., N. B.)
Randles, John S.
Cook, Sir Frederick Lucas
Jackson, Rt. Hn. Wm. Lawies
Rankin, Sir James
Corbett, A. Cameron (Glasgow)
Jessel, Capt. Herbert Merton
Reid, James (Greenock)
Corbett, T. L. (Down, North)
Johnston, William (Belfast)
Renshaw, Charles Bine
Cranborne, Viscount
Johnstone, Heywood (Sussex)
Rentoul, James Alexander
Cripps, Charles Alfred
Kennaway, Rt. Hon Sir John H.
Renwick, George
Cross, Alexander (Glasgow)
Kenyon, Hn. G. T. (Denbigh)
Ridley, Hon. M. W. (Stalybr)
Cross, Herb. Shepherd (Bolton)
Keswick, William
Ridley, S. Forde (Bethnal Green
Crossley, Sir Savile
Kimber, Henry
Ritchie, Rt. Hn. Chas. Thomson
Dairymple, Sir Charles
King, Sir Henry Seymour
Robertson, Herbert (Hackney)
Denny, Col.
Law, Andrew Bonar
Robinson, Brooke
Dickson, Charles Scott
Lawrence, Wm. F. (Liverpool)
Round, James
Dickson-Poynder, Sir John P.
Lawson, John Grant
Royds, Clement Molyneux

Digby, John K. D. Wingfield-
Lee, A. H. (Hants, Fareham)
Sadler, Col. Saml. Alexander
Samuel, Harry S. (Limehouse
Talbot, Rt. Hn. J. G. (Oxf'd Uni.
Whitmore, Charles Algernon
Seely, Chas. Hilton (Lincoln)
Thorburn, Sir Walter
Williams, Col. R. (Dorset)
Sharpe, William Edward T.
Thornton, Percy M.
Willoughby de Eresby, Lord
Shaw-Stewart, M. H. (Renfrew)
Tollemache, Henry James
Willox, Sir John Archibald
Simeon, Sir Barrington
Tomlinson, Wm. Edw. Murray
Wilson, A. Stanley (York, E. R.)
Sinclair, Louis (Romford)
Tritton, Charles Ernest
Wilson, John (Falkirk)
Smith, H C (North'mb Tyneside
Tuke, Sir John Batty
Wilson, J. W. (Worcestersh., N.
Smith, James Parker (Lanarks)
Valentia, Viscount
Wilson-Todd, Wm. H. (Yorks.)
Spear, John Ward
Vincent, Col Sir C. E. H (Sh'ffi'ld)
Wodehouse, Rt. Hn. E. R. (Bath
Spencer, Ernest (W. Bromwich)
Vincent, Sir Edgar (Exeter)
Wrightson, Sir Thomas
Stanley) Hn. Arthur (Ormskirk
Walrond, Rt. Hn. Sir William H.
Wylie, Alexander
Stewart, Sir Mark J. M'Taggart
Warde, Col. C. E.
Wyndham, Rt. Hon. George
Stone, Sir Benjamin
Wason, John C. (Orkney)
TELLERS FOR THE NOES;
Stroyan, John
Welby, Lt.-Col. A C E (Taunton
Mr. William Moore and Mr. John Gordon.
Strutt, Hon. Charles Hedley

Whiteley, H. (Ashton-u.-Lyne
Main question, as amended, put and agreed to; Second Reading put off for six months.

OUTDOOR RELIEF (FRIENDLY SOCIETIES) BILL.

[SECOND READING]

Order for Second Reading read.

Motion made, and Question proposed. "That the Bill be now read a second time."

Objection having been taken to the Second Reading;

THE PRESIDENT OF THE LOCAL GOVERNMENT BOARD (Mr. WALTER LONG, Bristol, S.): I hope the hon. Member will not press his objection to the Second Reading of this Bill. The principle contained in it is one which has met with general acceptance on the part of the friendly societies of the country. It is a measure which has been considered most carefully this year. I agree that the Bill will require some Amendment, because I am not quite sure that as it is drafted at present it carries out precisely the objects which the promoters desire. Under these circumstances I do hope that my hon. friend will withdraw his objection, and that the House will assent to the Second Reading.

Question put, and agreed to.

Bill read a second time, and committed for Thursday, 6th June.

PRIVATE BILLS (GROUP K).

Mr. HEYWOOD JOHNSTONE reported from the Committee on Group K of Private Bills, That, for the convenience of parties, the Committee had adjourned till Friday, at Twelve of the clock.

Report to lie upon the Table.

PUBLIC ACCOUNTS COMMITTEE.

Second Report brought up, and read;

Report to lie Upon the Table, and to be printed. [No. 175.]

PUBLIC PETITIONS COMMITTEE.

Sixth Report brought up, and read; to lie upon the Table, and to be printed.

BUSINESS OF THE HOUSE;THE ARMY ORGANISATION RESOLUTION.

On the motion for the adjournment of the House.

*SIR J. DICKSON-POYNDER (Wiltshire, Chippenham): May I be permitted to ask the Leader of the House a question with regard to the debate upon the Army resolution to-morrow? I wish to ask whether, in view of the fact that so many hon. Members on this side desire to speak upon this question, and in view of its great importance, the First Lord of the Treasury can see his way to allow the discussion to be prolonged over to-morrow, and allow us to have another day for the consideration of this important matter.

MR. A. J. BALFOUR: I quite recognise that there has been some natural disappointment in connection with the debate, and that many hon. Gentlemen have not found an opportunity to speak, partly owing to the great length of some of the speeches that have been made. I earnestly hope that in the day which remains hon. Gentlemen will endeavour to compress their remarks within narrower limits. But there is a general agreement on both sides of the House that the division should be taken tomorrow, and my hon. friend knows that it would be very inconvenient to upset this arrangement. I am obliged, therefore, upon the

present occasion, to give an unfavourable reply to this question.
House adjourned at twenty minutes before Six of the clock.