

1, PALL MALL EAST,
LONDON. S.W.

8th Jan'y 1884.

My dear Colonel,

As you have
about £30 on your account
& I thought it a pity to
ask the Firm for a larger
loan than you may probably
(from what you told me)
require, I have asked for
£70 for the present, & I
enclose a Note which
please sign & return to

1. PAID MAIL EAST.
LONDON. S.W.
me, when the money shall
be at once placed to your
account. I will take
care that if more is
wanted it shall be forth-
= coming.

Hoping that you will
enjoy a pleasant holiday,
with good weather, & with
best regards, I remain,

Yours very sincerely

Colonel J. C. Croker
The D'Arman Station M.R.

✓
11th Jan^y. /84

Dear Sir,

My motive for
addressing you will,
I hope, be a valid excuse
for this intrusion.

I am deeply interested
in a young girl who
wishes to become a Catho-
lic, and also to make
herself, by teaching, inde-
pendent of her Protestant
surroundings. I should
be very grateful for the

Smallest contribution
towards the amount
of a year's schooling in
a parent for her. I am
trying to raise this amount
and who is less likely to
refuse me aid, than the
noble, Catholic, and truly
Irish heart of the O'Garra
Mahon!

Again apologising for
this intrusion,

I remain,

dear Sir,
Sincerely yours
E. K. Smyth.

To

Miss Smyth
23 Upper Gardiner Street
Dublin

18 Jan^y 1884

1. Capt Sampson was today released from Holloway Prison by order of the Court of Appeal
2. He has been 6½ months in prison for Contempt of Court at the discretion of Mr Justice Kay whose decisions have now been reversed by the Appeal Court
3. During that time his wife has been refused permission to visit him by the Visiting Justices
4. Although the term "Adventurer" was used in Court by Mr Justice Kay during the case, Capt Sampson is a member of an old County Family in the South of Ireland, he is owner of a Freehold Property of some 2000 acres in Clare & is a Magistrate for that County & he served 14 years with credit in the Army. Two year ago his father died a very wealthy man for Ireland
5. The young lady has no near relations living except two younger Brothers and her Mother. She latter entirely approved of her engagement & marriage
6. Two Solicitors are the sole acting Trustees & Executors of Wills under which the 3 Infants are entitled to very considerable Property, & they have had the entire control & management of the Property for some years in their hands
7. One of them had been appointed by the Court to act as Guardian with the Mother. They objected to the Ward getting married. The only ostensible objections this guardian could bring against Capt Sampson was the difference of age (48 years & 19 years) & the difference of Religion, he being a Roman Catholic.
8. Mr Justice Kay at once granted an Injunction forbidding all intercourse on these two grounds, expressing in the strongest terms his personal aversion to mixed marriages
9. Not anticipating any objection on the part of the Court, the marriage had been arranged for 21st June and took place that day, although the parties

were informed a few minutes beforehand, that an Injunction had been granted on the previous day.

10 The other Solicitor has conducted the case & the greatest animus has been shown throughout, against the Ward, her Mother and Capt Sampson

11 On 19 Dec^r in Court Mr Justice May said "I have done every thing in the power of the Court from the very beginning to avoid any delay in this case"

12 Now when leaving Town for the ^{Long} Vacation through his Lordship gave permission for the matter to go on during the vacation he also left a letter addressed to the Vacation Judge. — on 3rd Oct Mr Justice Butt said that on reading the letter left by Mr Justice May, he would not deal with the matter but adjourned it to Mr May's return

13 This letter of Mr May's therefore caused at least 4 months imprisonment and cannot be reconciled with his statement above Para: 11.

14 His Lordship also stated in Court that his Chief Clerk (Mr Church) had informed him that all the delays were caused by the obstructions of Capt Sampson and his Solicitors

15 This statement has been flatly denied on oath to the appeal Court by Capt & Mrs Sampson, & in the strongest terms by their Counsel & Solicitors

16 This Mr Church is known to have also left a letter addressed to the Vacation Chief Clerk, when Mr Justice May's letter was left, and several obnoxious clauses which were afterwards ~~struck~~ struck out of the Settlements by the Court, had been inserted in them by his express directions.

17 On hearing that an appeal was decided on it was stated by Officers of the Court that Mr Justice May had mentioned the matter beforehand to the Appeal Judges.

Kenport Cottage, Lincoln.

January 31st 1884.

Dear Sir,

I have taken the liberty of forwarding to you, under another cover, a small pamphlet, which I trust you will do me the honor of perusing; on which, I am sanguine, that, should the matter be brought before the House of Commons during your presence therein, I may rely on your kind influence and support in according justice to my sor.

Yr

The O'Gorman Mahon 3rd Yr truly,
M. P. 3 J. M. Conway Esq. M. P. Col.
Dep. Lieut. Col. of Lincoln.

Handwritten text, likely a date or address, partially obscured by a large brown stain.

Dear Sir,

I have taken the liberty of
forwarding to you, under separate cover,
a small pamphlet, which I think you will
be as the bearer of this, and which
I am sending, that you may be enabled
to decide upon the form of answer
which you may think proper to return.
I am, Sir, very respectfully,
Your obedient servant,

Wm. Lloyd Garrison
No. 10, South Street, New York

an established principle with us, and it cannot be denied that it has worked well in practice. Why should a different principle be established in the case of our resident magistrates? If a magistrate be in a position of having to obey orders from Dublin Castle, his decisions, however honest, will not command respect. How can he be indifferent as to parties if his conduct as a magistrate is subject to the secret scrutiny of officials not only irresponsible to the public, but whose sentiments and opinions are opposed to those of the vast majority of the people of this country? The time has arrived when a change should be made in the mode of appointment and in the duties of a resident magistrate. Ireland should now be deemed, even by the English Government, to be at a stage of civilisation sufficiently advanced to separate the position of a dispenser of law from that of a policeman. In times of civil commotion an excuse might be found for uniting in one person the duties of policeman and magistrate, but when peace prevails, and when civil, not martial, law is to be dispensed, the duties of each should be made distinct. It is the misfortune of the people of this country to witness the same paid magistrate hunting out crime and afterwards presiding as a judge. This is not an exaggerated description of the Irish resident magistrate. To the accused—and the word accused does not always mean guilty—there is communicated a feeling of distrust whenever he sees presiding on the Bench the Government official who has been so active and zealous on behalf of the Crown, and whose activity continues until the moment when some wretched person is hunted down. The present Bench of resident magistrates is composed principally of retired officers who probably never had the honour of going into action in the cause of any country, of police-officers or excisemen, and of amateur detectives who have at one time or another given information to the Detection of Crime Department. There are very few of them who have made the study of law a profession. Yet these are the men who sit in judgment, and control the liberties, and even the lives, of the people. They may endeavour to discharge magisterial duties as conscientiously as possible, but their training and other surroundings deprive them of popular confidence. How absurd it is that the constabulary inspector, for example, who has detected some crime, or who, perhaps, has some influential friends at headquarters, should, at a hop-step-and-jump, be constituted a judge without any preparation or training for the proper discharge of his duties. He should obtain promotion, if he deserved it, in the business to which he has devoted himself, but that promotion should be confined to the Detective Department. If he has voluntarily assisted in the detection of crime he should be rewarded by a post in that department for which Nature had specially adapted him. But to make such men judges in a science which they never studied, seems to be an invasion of every principle which should guide the ordinary affairs of life. If a judge is to receive payment from the State, it should be for the discharge of the duties of a judge. If he obtain an appointment as a reward for duties in a different sphere, we maintain that a two-fold wrong is inflicted on the country in taking such a man from his natural position, and putting him into another for which he has not prepared himself, and has no qualifications whatever. Very frequently, in our Petty Sessions Courts, solicitors raise many intricate and difficult questions, constitutional and legal. The solicitor propounding legal doctrines, in the study of which he has spent years of his valuable time, finds himself very often acting before a magistrate to whom legal authorities are a mystery, and strict legal procedure babbling nonsense. It is degrading, surely, to the legal profession to be obliged to bow acquiescence in the decisions of the salaried judge who was never taught to draw a legal distinction. The remedy for this unsatisfactory state of affairs is a simple one. It is to give to Irish Courts of Petty Sessions magistrates who know something of the work which they are to perform, and who have qualified themselves for the duties of the office by legal education and training. This is a grievance

which has been suffered to continue too long. It should be removed without further delay. In maintaining such a system of dispensing justice the Government only shows that it hopes to outrage the people with impunity. If only proper appointments are made in future—of men who have been trained in a knowledge of the law—in a short time we shall see the offices of stipendiary magistrate and criminal investigator quite distinct, and we shall further be relieved from the necessity of seeing courts of justice presided over by an ex-police officer, and dictating in the matter of law to men who have made law the study of a lifetime.—*Morning News* (Belfast).

THE MARRIAGE OF WARDS OF COURT.

The jurisdiction of the Chancery Division over wards of court and those who, in contempt of court, insist on marrying its wards has long had its ludicrous side. But it has seldom placed the judges in a more absurd position than in the case of *Re Sampson and Wall, an Infant*, which came before the Court of Appeal on Jan. 11, and necessitated a solemn argument before the full court, in which the Lord Chancellor in person appeared as *Deus ex machina*, on the question whether a young lady should be compelled against her will to exclude her husband from all hope of any interest in her property. A gallant captain, named Sampson, had, without leave duly obtained, married Miss Wall, a ward of court with money, and found himself in Holloway Prison six months ago for contempt. A settlement had been prepared in the usual way in such cases, excluding the husband from any interest in the property, and he professed his willingness to execute it. But the lady herself, though far out of reach of his influence, refused to execute it, unless the clause which prohibited her from making an appointment in his favour in the event of her dying without issue was struck out. Mr. Justice Kay insisted that she should execute it, and declared his intention of letting the husband "languish in gaol" until she did. On appeal, the question was argued on behalf of the recalcitrant lady whether the court could really compel her to make any settlement, much less a settlement to which she objected, after the marriage had once taken place.

The question turned on the construction of section 1 of the Infants' Settlement Act, which gave the court power to sanction an infant's settlement made "upon or in contemplation of marriage." Apart from that Act the court could only have defeated the husband's interest if the wife would execute the settlement when she came of age, which the court had clearly no power to compel her to do. The words "upon or in contemplation" of marriage would seem in their natural sense to refer to a pre-nuptial settlement, and we suspect the words would have been so construed if the instrument under consideration had been a settlement giving power to a woman to make any provision "upon or in contemplation of" a marriage with a second husband. But *boni judicis est ampliare jurisdictionem*, and the penultimate Master of the Rolls, in a similar case, had held in *Powell v. Oakley*, 34 Beav. 575, that the words included a post-nuptial settlement. The Lord Chancellor and Lord Justice Fry approved of this decision, and held that the court had power to sanction a purely post-nuptial settlement—Lord Justice Cotton *dubitante*. It was not decided, but appears to have been assumed, that, if the court could sanction such a settlement at all, and when the infant was willing, its sanction would be equivalent to a command, and it could compel its execution if the infant was unwilling. Indeed, Lord Romilly, in the case referred to, said that if the statute did not extend to post-nuptial settlements, he would still attain the object by making the offending husband covenant for her execution. This roundabout method is now, however, of no use, owing to the Married Women's Property Act. Mr. Justice Kay, however, thought he could get at the same object by coercing the husband with a view to making him coerce his wife to cut him out of all interest in her own property. This

would be a curious perversion of the court's jurisdiction. It would come to this, that while the whole action of the Court of Chancery in regard to married women, and especially infant married women, has been for centuries to protect them against the power of their husbands over their property, and while Parliament has just declared emphatically that husbands shall cease to have any power over their wives' property, the individual judges of the court are to make the husband exercise power over the wife, and compel her to deal with her property in a way she does not like. A more flagrant absurdity could not be imagined, nor one more calculated to perpetuate the marital power which has been so emphatically condemned. Happily, Lord Justice Cotton took a more sensible view, and directed the proposed settlement to be altered in accordance with the lady's wishes. As he well put it, in such cases "the rule was that the offending party would not be allowed to take any interest in the property which he acquired *at law* by reason of the marriage, but it was a very different question whether the wife should be deprived of all power of giving her husband an interest in her property. The better course, in the interests of both husband and wife, and for their happiness during their married life, would be that she should not be restricted in the power of giving an interest to her husband by will. Differing from Mr. Justice Kay, he did not think that to exclude such a power altogether would be a good way to inflict punishment on the offending husband."

The fact is, that since the passing of the Married Women's Property Act, the jurisdiction of the court over its wards, except in the way of prevention, is become a useless anachronism. There may be some good done by the court's preventive action in restraining the intercourse of an interested suitor with the girl, though even then it generally comes too late, and may inflict much useless unhappiness. But when the marriage is once accomplished, it is even more futile than it used to be to put the offending husband in prison. In the old days, when *mariages de convenance* were the custom in England, as they still are in France, it may have been of some use in the eyes of the parents to prevent Lydia Languish from being carried off by a designing adventurer; but in these days, when a girl's choice is left free, she is not under the same temptation to run away for the mere love of the fun of an elopement. The interference of guardians and the court may succeed in producing an artificial revival of that temptation, and thereby assist the adventurer. But when a girl knows her own liberty and power she may safely be trusted not to rush into marriage unless her affections are engaged, and when they are it is probably useless to interfere before marriage, and certainly cruel as well as useless to do so afterwards. If the Contempts of Courts Bill is revived next session the Chancellor would do well to consider whether the marrying of wards should any longer be retained on the list of contempts.—*Law Journal*.

THE PROPOSED AMALGAMATION IN THE LEGAL PROFESSION.

MEETING OF THE NORTHERN LAW SOCIETY.

On Friday, January 25th, a meeting of the Northern Law Society, called by requisition, was held in the rooms of the Northern Law Society, Donegall-place, to take into consideration the proposed amalgamation of the Professions of Barrister and Solicitor.

The President of the Society, Mr. THOS. M'CLELLAND, J.P., occupied the Chair.

There were present:—Messrs. Hans M'Mordie, LL.D.; Peter Macaulay, LL.D.; Alexander O'Rorke, Daniel O'Rorke, J.P.; Ambrose O'Rorke, John Dinnen, R.J. M'Mordie, James Usher, Lurgan; Jas M'Lean, jun.; M. A. Galvin, James Morton J. B. Atkinson, Portadown; Henry C. Cronhelm, William Montgomery, William Sheahan, T. D. Card, Banbridge; Robert Kelly, Robert Kelly, jun.; and D. Frederick Spiller, jun., hon. secretary.

The CHAIRMAN said the meeting had been called in compliance with a requisition signed in proper form. He did not think it was at all necessary that he

should make any remarks upon the question of amalgamation, because for himself he might say that, on this subject, his mind was a clean sheet of paper, being without any particular impression one way or other; but he might say, at any rate, that he for forty-nine years had been practising in the profession of solicitor, and during all that time they had had the two branches of counsel and attorney. Within that period many changes had taken place, some of them beneficial, and others, in his opinion, quite the contrary; but they had worked through those difficulties, and now it was proposed to have another innovation in their profession. He did not know what the views of the meeting might be, and as to his own he did not intend practically to express them. He understood that this movement had been commenced as a consequence of the visit of Lord Coleridge to America, who there saw the practice of solicitor and counsel in its amalgamated form working in a way that appeared to him generally satisfactory, and he had raised this question for the first time in England. They were all aware what had occurred in Dublin at the Incorporated Law Society when a considerable amount of discussion took place on the subject. When Mr. Clay first introduced the question, it being an ordinary meeting of the Incorporated Law Society, the President ruled that Mr. Clay was not in order, and the result was that further discussion was deferred to a special meeting of the Society, to be called for the express purpose of taking the matter into consideration. Speeches of considerable length were made on the occasion, and some of them very valuable, on both sides. Those speeches were reported *in extenso* in the Dublin papers of the 12th January, and, as might have been observed by those who read the report, the discussion was adjourned to the 25th April, so that the present meeting was in the position of having before it almost everything that could be said on the subject. He understood that Dr. M'Mordie had a resolution to bring forward.

Dr. M'MORDIE said he regretted that the duty of moving the resolution had not been placed upon the shoulders of some member of the profession senior to himself. It was a matter that, he should say, affected, and peculiarly, too, the interests of the public, and, therefore, it was one upon which he did not hesitate to pronounce an opinion. Since he became acquainted with the practical working of his profession, he came to the conclusion that the public interests were not served by the distinction which now existed between the two branches of the profession. It was not difficult to see that the costs of litigation were enormously increased, and that, after all, the interests of the litigants were not attended to so well as they possibly might be. In coming to that conclusion he never, for one moment, dreamt of attaching blame either to the profession to which he belonged or to the profession of the Bar. He thought that two professions diverging in interests, but engaged practically at the same work, were a strange anomaly in the legal procedure of a country where it was intended that justice should come home easily and cheaply to every citizen. The recent meeting in Dublin had brought the matter prominently before the public mind, and he thought it was their duty to express their opinion on the point at issue. It has been urged often, as a reproach against the legal profession in both its branches, that the public interests were never consulted—or, at least, very rarely consulted. There was no use going into the origin of the distinction between the professions. Whatever might have been the exigencies of society at an early period in the history of the law, those peculiar circumstances had passed away, and if ever there was a reason for a division of labour and double fees that reason had long since passed away. The present effort had really in view the bringing the suitor into direct contact with the lawyer who might undertake his case. So far as the public were concerned, and it was the public interest they had to deal with, they must see that the public interest had been rapidly making inroads upon their own branch of the profession. He need not remind the meeting that there were

We imagine that he became a guest as soon as he entered the inn with the *bona fide* intention of becoming a guest; otherwise if, for example, his property had disappeared before he had ordered his drink, the innkeeper would not have been liable. It must not be forgotten that there is no necessity to show an express contract to create the relationship of innkeeper and guest. The relationship is established by implication. The innkeeper, if he has room, is bound to receive the guest, and the guest is bound to pay a reasonable charge. If the inn porter meets a guest at the station, and takes charge of his luggage, is that not a sufficient admission that there is room in the inn, and does not the relation commence then? If so, did the relation cease by the traveller deciding not to stay the night, and by his taking his lunch in the refreshment-room? It is clear that, if he had taken his lunch in the coffee-room, he would have remained a guest. His going to the refreshment-room was an arrangement to the mutual advantage of both innkeeper and guest. Had it any more significance than if the traveller, instead of taking his meal in the ordinary coffee-room, were to be asked to take it, say, in the kitchen? It is not as if the place where he lunched made any difference in the place where his goods were. They were all the time *infra hospitium* in the custody of the porter. With all respect for this decision, it is difficult to see how there was not evidence to go to the jury that the plaintiff had intended to become a guest at the defendant's inn, and had not abandoned that intention, and that his luggage was received as the luggage of a guest, and never lost that character.—*Law Journal*.

STATEMENTS BY PRISONERS WHEN DEFENDED BY COUNSEL.

At the Bedford Assizes on January 15, before Mr. Justice Smith, a woman named Martin was tried upon an indictment for concealing the birth of her newly-born child by placing its dead body in a box. At the close of the case for the prosecution, Mr. Attenborough, who defended the prisoner, asked the learned judge that she might be allowed to state to the jury the circumstances under which, and the reason why, she placed the child in the box, none of the facts, so far as they were proved in evidence by the prosecution, being disputed. The learned judge said he should certainly permit this course to be adopted if the woman desired it; but he should give the counsel for the prosecution the right to reply upon such statement, and should not allow her counsel to address the jury at all. The prisoner accordingly made her statement; but Mr. Etherington Smith, for the prosecution, did not address the jury upon it. The woman was acquitted.

BUILDING SOCIETIES.

A return bearing on this subject, just issued, shows that there are 1,687 societies in existence, with a membership of 493,271, and the total receipts during the last financial year amounted to no less than £20,919,473. Of societies making a return of liabilities there were 1,528, the liabilities being, to the holders of shares, £29,351,611, and to depositors, £16,351,611. There was a balance of unappropriated profit to the extent of £1,567,942. The assets amounted to £44,587,718. Scotland had nothing like the same proportion of these building societies as England. In Scotland the total membership was only 5,386. The receipts were £413,009, the liabilities to holders of shares amounted to £674,990, and to depositors and other creditors £268,511. The assets consisted of balance due on mortgage securities, £987,987; and a sum of £67,618 invested in other securities and cash. Ireland had 9,714 members of building societies. The receipts were £778,889; liabilities to the holders of shares, £684,396; to depositors and others, £432,050. The assets included balance due on mortgage securities, £1,051,423; and amount invested in other securities, £79,802.

NOTES OF ENGLISH CASES.

[From the *Law Journal*.]

SUPREME COURT OF JUDICATURE.

COURT OF APPEAL.

(Before LORD SELBORNE, L.C., COTTON, L.J., and FRY, L.J.)

In re SAMPSON AND WALL.

Jan. 11, 13, 17.—*Practice*—Ward of court—Marriage of, in defiance of order of court—Infants' Settlement Act (18 & 19 Vict., c. 43)—Form of settlement.

In July, 1882, Captain Sampson, against whom an order had been made restraining him from marrying or having any communication with a ward of court, eloped with her and married her the day after the order was made. For this contempt he was committed by Kay, J., to prison, and an order was made for approving of a settlement of the lady's property, which amounted to about £2,000 a year. A settlement was prepared by which the property was settled in the most stringent way on the wife, and giving the wife in default of issue a power of appointment by will in favour of anyone except her husband. Several applications for the release of Captain Sampson had been made to the court, and on December 22, 1883, the case came before Kay, J., when Captain Sampson expressed his willingness to execute this settlement; but his wife declined to do so, as she objected to the provision preventing her appointing anything to her husband, and she also objected to the trustees named in the settlement. Kay, J., made an order that the settlement should first be executed by the wife, and when it had been executed by her it should be tendered to Captain Sampson. Captain Sampson and his wife appealed from this order. Captain Sampson and his wife, when the case was before Kay, J., were represented by the same solicitor, but on the appeal they appeared by separate solicitors.

The question whether the court could, under the Infants' Settlement Act (18 & 19 Vict., c. 43), direct a post-nuptial settlement of an infants' property was argued before LORD SELBORNE, L.C., COTTON, L.J., and FRY, L.J.; the rest of the case was argued before COTTON, L.J., and FRY, L.J., and the question was then raised whether the court had jurisdiction to compel the lady to execute the settlement.

W. F. Robinson, Q.C., and M'Clymont, for Captain Sampson.

Rigby, Q.C., and Stallard, for the wife.

Graham Hastings, Q.C., and E. W. Byrne, for the guardians.

Held by LORD SELBORNE, L.C., and FRY, L.J. (COTTON, L.J., *dubitante*), that the words of section 1 of the Infants' Settlement Act were wide enough to include a settlement after marriage; that there was nothing in the subsequent sections of the Act to limit that construction; and that the court had power under the Act to direct a post-nuptial settlement.

COTTON, L.J., and FRY, L.J., were of the opinion that the wife ought not be precluded, in default of issue, from appointing by will to her husband; and that, having regard to the circumstances, her wishes as to the trustees of the settlement ought to be regarded. The proper order would be that the settlement should be altered by striking out the power of appointment as it now stood, and giving the wife a general power of appointment by will, and by changing the trustees. The case might be mentioned on the following Thursday.

On that day, the Court having been satisfied that the settlement as altered had been executed by the wife and husband, said that the wife having executed the settlement it became unnecessary for them to decide whether the court had power to compel a ward to execute a settlement, and they made an order for the discharge of the husband.

(Before LORD SELBORNE, L.C., LORD COLERIDGE, L.C.J., and COTTON, L.J.)

In re BODDINGTON. BODDINGTON v. CLARIAT.

Jan. 21.—*Will—Construction—Wife—Widowhood—Nullity of marriage—Misdescription.*

This was an appeal from a decision of Fry, J., reported 52 Law J. Rep. Chanc. 239; L. R. 22 Chanc. Div. 597.

A testator by his will gave his residuary estate to trustees upon trust "to pay to my wife, Emily Caroline Boddington, within one month of my decease, a legacy of £200; and in addition thereto to pay to my said wife, as long as she shall continue my widow and unmarried, an annuity of £300 by equal quarterly payments commencing from the date of my decease, or otherwise in lieu or substitution of the said annuity at the option of my said wife, if she shall prefer it, a legacy of £2,000." The person described as wife obtained a declaration of nullity of marriage after the date of the will on the ground of the impotency of the testator.

Fry, J., held that she was entitled to the legacy of £200, but not to the annuity or legacy of £2,000.

The lady appealed from so much of this decision as related to the annuity and legacy of £2,000.

The Attorney-General (Sir Henry James, Q.C.), Cozens-Hardy, Q.C., and Finch, for the appellant.

Horace Davey, Q.C., and Langworthy, for the respondents, were not called upon.

Their LORDSHIPS held that upon the words "in addition thereto to pay to my said wife, as long as she shall continue my widow and unmarried, an annuity," it was plain that the *status* of widow was the condition of the inception and duration of the gift of the annuity, and that as the appellant could not take as widow she could not take the annuity at all. That as to the legacy of £2,000 it was a gift which she would be entitled to take on the same condition as she could take the annuity. If she could have taken the annuity she might have commuted it into the lump sum, but as she could not take the annuity she could not take the legacy.

Appeal dismissed, with costs.

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

(Before BACON, V.C.)

Re AGG-GARDNER.

Jan. 11.—*Vendor and Purchaser—Enfranchisement of Copyholds—Right to Production of Title-deeds to Manor and of Court Rolls—Trustee—Undertaking for Safe Custody—Conveyancing Act, 1881 (44 & 45 Vict. c. 41), s. 3, subs. 2, s. 9.*

A corporation having compulsory powers under the Lands Clauses Consolidation Act agreed to buy the lord of the manor's interest in a copyhold tenement, the manor being vested in a trustee for Mr. Agg-Gardner. The purchasers required an acknowledgment by the trustee and Mr. Agg-Gardner of their right to production of the title-deeds to the manor and the Court rolls, and an undertaking by both of them for safe custody. This was a summons under the Vendor and Purchaser Act, 1874, taken out by the purchasers for a declaration accordingly.

V. Smith, for the summons.

Rawlinson, for the vendors, offered to give an acknowledgment of the right to production so far as the deeds and Court rolls related to the property, and an undertaking for safe custody by Mr. Agg-Gardner alone, but not by the trustee.

Bacon, V.C.—Looking to the Conveyancing Act, 1881, s. 3, subs. 2, which enacts that the lord's title is not to be looked into as part of the title to the enfranchised land, the offer made by the vendors gives the purchasers as much and, in my opinion, more than they are entitled

to. I make an order that, the lord being willing to give an acknowledgment in the form suggested, the summons be dismissed, with costs.

(Before KAY, J.)

HYETT v. MEKIN.

Jan. 14.—*Conversion—Will—Real Estate—Power of Sale with Direction that Realty be Impressed with Quality of Personality—Infant—Decree for Sale in Administration Suit operating as Conversion.*

A testator, who died in 1872, devised and bequeathed his residuary real and personal estate to trustees upon trust, after payment of his debts and funeral and testamentary expenses, to pay an annuity of 10s. a week to his wife, and subject thereto in trust for all his children who, being sons, should attain twenty-one, or, being daughters, should attain that age or marry, equally; and the will proceeded: "I give to my trustees a power of sale over all or any part of the real and personal estate hereinbefore devised and bequeathed to them, and I declare that my residuary real estate so bequeathed in trust as aforesaid shall, for the purposes of transmission, be impressed with the quality of personal estate from the time of my decease." Four children of the testator, two daughters and two sons, became entitled under his will. In 1875 the eldest of the sons, being then an infant, brought this action against the trustees for administration of the real and personal estate, and by the decree in 1876 it was ordered that the unsold residuary real estate of the testator should be sold. It was not necessary to resort to the real estate for payment of the testator's debts, or funeral or testamentary expenses. J. H., one of the youngest sons, was an infant when the decree was made. He attained twenty-one in March, 1878, and in July, 1878, obtained liberty to attend proceedings under the decree. He died in March, 1880, intestate. Subsequently to his death most of the real estate was sold pursuant to the decree, but a portion still remained unsold. The question was whether, on the death of J. H., his share in the residuary real estate then remaining unsold passed as realty to the plaintiff as his heir-at-law, or was to be treated as converted into personality, and so passed to his next-of-kin.

W. Pearson, Q.C., and Archibald Brown, for the plaintiff.

Rawlinson, for the defendants.

Chubb, for the administratrix of J. H.

KAY, J., held, first, that the language of the will was not sufficient to effect an immediate conversion of the residuary real estate into personality; but, secondly, that the decree made in the suit operated as a conversion, and that, therefore, the share of J. H. in the residuary real estate remaining unsold at the time of his death belonged to his next-of-kin.

(Before PEARSON, J.)

In re BLOCKLEY. BLOCKLEY v. BLOCKLEY.

Aug. 12.—*Marriage settlement—Contemporaneous agreement to settle other property of the wife—After-acquired property.*

By a settlement, made in 1861, prior to the marriage of Mrs. Barker with G. R. Jacquet, certain property of the lady was settled upon certain trusts for the benefit of the wife, the husband, and the children of the marriage. On the same day an agreement was signed by Mrs. Barker and G. R. Jacquet, containing a recital that any property Mrs. Barker "may be entitled to" other than that contained in the settlement should be settled upon similar trusts. And it was thereby agreed that in case Mrs. Barker "shall be entitled to" any property other than that comprised in the settlement, the same should be settled upon certain trusts.

In 1882 Mrs. Jacquet's father died intestate, and she became entitled, as one of his next-of-kin, to a



Feb. 8. 1884.

Dear O'Gorman Mahon.

It was only last night that I heard of your son's death. I need scarcely say that I greatly regret it, and that had I not missed the announcement, I



would have long since
offered you the expression
of my sympathy.

I remain

Yours very truly
W. M. O'Shea

Enoch Sakashie
February the 8th 18
Dear Col.

promising to
submit to
the
made

I beg to inform you
that the Deputy Lieutenant of this
District Mr James Rice Hann
has applied to Lord Inchiquin
to get for me the Commission of the
Peace. May I also request of you
to use your influence on my behalf
You will recollect your late nephew
Mr Charles George Mason wrote
to you ^{time} some ^{ago} on my behalf
Mr Reeves another Lieutenant
promised to speak to Lord
Inchiquin about me. There is no
Magistrate in this District except
Mr Han who is almost absent

Being the County Court Judge
of Galway and the Public
and the for much concerned
from time to time through the
want of a Magistrate, I have
Sra Inchequin Arms all about
me from Mr. Hen I occupy and
farm about 500 acres of land
the Estate of Sra Liconfield
on which I reside and the Estate of the
Wilton Fitzgerald. I have also some
Property near Ennis namely the lands
of Liffra for which I pay no rent
and have it during my life it
is a remnant of Mrs. Fitzhugh's Estate
who has about 2000 Acres a year
at one time until the Court of Chancery
Confiscated it like many other Estates
I have the honor to be very
Sincerely yours
Edw. J. Fox

Col. the O'Connell Nation M. D.



Feb. 11. 1884

My dear O'Gorman Mahon.
The Kilrush and Kilkee
railway Bill has to be
presented by 4 to 4 o'clock.
Rather than that it should
be backed by an "outside"
member, I have taken the
liberty of authorising the
Parliamentary Agent to
place, as the two necessary



names on the back of it,
those of the County
members -

Yours very truly
W. H. O'Shea

Let me know where to
write to you.

Yours ever

W. H. Shea

Enclose my note to
Shaw Levefre in yours
to him.



Feb 12th
1884

My dear Chief.

I will tell them how
you rattle about for
Erie, Clare and the
Railway - White Lord
Suckiquin a line; it
may do great good.

Please write another
saying that you feel
the deepest interest in



Garen's case which I
have explained to Mr
Shaw Sefton, and that
he and his people family
are most respectable
and influential people
and he himself a
splendid sailor.

It is Kenney of Beagh

who is so anxious about
it.

On Tuesday I shall
be in the care of the
Rev: P White P.P.
Milton Malbay. After
that in the care of
Sir George O'Donnell Bart
Newport House. Mayo,
and damned good care
it is, too.

24
Feb 14 84
Ans. immediately

Ans.

Amfr
12th Feb 1884

Dear Sir,

We are old supporters of you
for the representation of you
native Co. might respectfully
beg you would be so good
as to see, that in the proposed
Grand Jury Bill the Deputy-
Collectors of Grand Jury Co.
(of whom your humble servant
is one) have their interests
honestly and fairly dealt
with - all the work of

The Collection is done by
them and in any measure
brought in by the Government
it is only fair that the
interest of these hard-
working officials should
be honestly considered -
and allowed =

I have been requested to
write this at the desire
of many of them. who
in common with your old
Ser^t will feel grateful to
you to comply with this request
which I am sure you

will only consider reason-
able and just.

Believing you will secure
this benefit.

I remain

your old servant

M. W. Mainumaro

The Officer in Charge M. P.

✓
1, ALBERT MANSIONS,

LONDON, S. W.

Feb 16. 1884.

1884

My dear Gorman Mahon,

May I ask you to
sign the enclosed and
return it to me?

It has been signed
by Parnell, Shaw,
Mitchell Henry, King-
Sturman, Tottenham,
& so on & we
hope for practical

unanimity among Irish
members.

Yours very sincerely
W. M. O'Shea.

(Copy) Armagh 19th February
1884

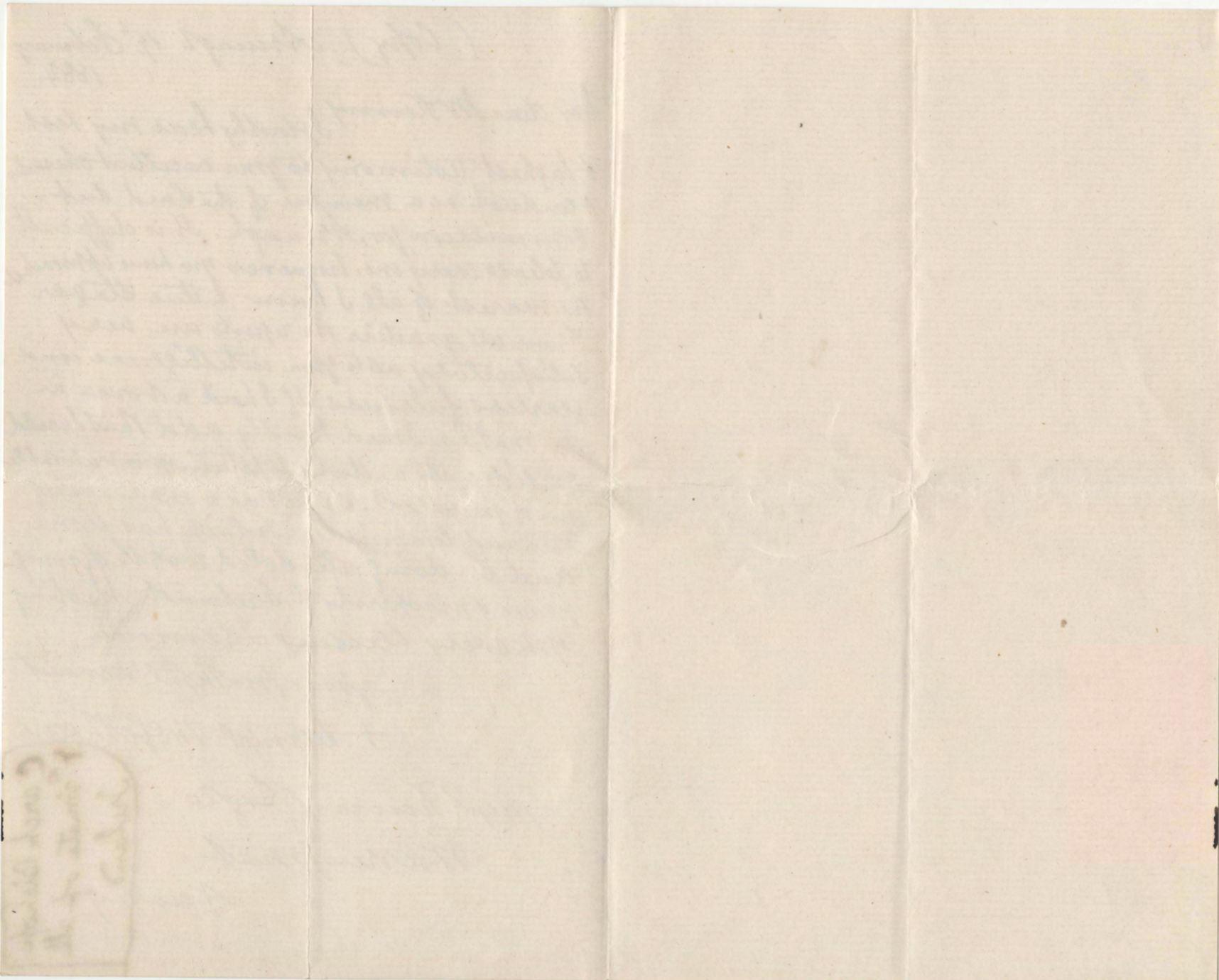
My dear Mr. Henry I gladly bear my best
& highest testimony to your excellent character
& conduct as a member of the Land Sub-
Commission for Armagh. It is difficult
to please every one, however you have approached
the nearest of all I know to this stage.
From all quarters the reports are very
satisfactory as to your intelligence and
fearless fairness. If I had a voice in
the matter I need hardly add that I would
consider it a duty to retain your valuable
and practical services as a member of
the Land Commission which has done
and is doing the solid work of giving
peace & prosperity to Ireland. Wishing
you every blessing I remain

your faithful servant
+ Daniel McGettigan

Wm. Henry Eagle
Warrenpoint

Newry

Cath. Bishop
Primate of all
Ireland



Copy Annagh
Feb 19. 1842.

My dear Mr Kenney
I gladly bear my best & truest
testimony to your Excellent character
& conduct as a member of the Land sub-
-Commissioners for Annagh. It is ~~impossible~~
difficult to please every one, however you
have approached the nearest of all I
know to this state. From all quarters the
reports are very satisfactory as to y^r
intelligence & fearless fairness. If I had
a voice in the matter, I need hardly add
that I would consider it my duty to retain
your invaluable services as a member of the
Land Commission which has done & is
doing the solid work of giving peace &
prosperity to Ireland. Wishing you
every blessing I remain your faithful
servant & Daniel M'Gethigan
George Kenney Esq
Warrington
Newry.

(I am a member of the
Land Commission)
Dated 19th Feb 1842



some washing & refused
to pay it, saying he would
pay nothing for her.

You may judge what a
scandall this is in an
old family place where
the Walls have been respected
for years, & this man was
no family friend but
just a solicitor put in as
a Trustee by the family
lawyer who drew the will.
Yours most sincerely
G. Dampier

associated with any
ladies <sup>St. Georges Chambers,
Maddox Street. W.</sup> if their
Mother is removed from
the Guardianship.

An affidavit was made
out for Mrs Wall some
time since by Mr
Braikenbridge, the solicitor
who has conducted all these
proceedings, & in this
she was made to say that
she would not interfere
with the management
of the Boys or the money

in consideration I think,
of her being left as a
nominal guardian &
these debts being paid,
but the way she has been
treated since then has
been simply disgraceful.
after the Boys vacation
was over the servants
were sent away & the
house was left in charge
of the Gardener's Wife

and a Kitchenmaid.
Mrs Wall had come to town
for a few days to take care
of my Wife and this was
done by Mr. Barney
without even consulting
her. When the ordinary
House bills were taken in
to his office a short time
afterwards by this woman
he had put in charge,
he picked up the bill
Mrs Wall had sent in for

the Guardianship of her two
Boys aged 18 & 15- and she
has not received a penny
of allowance since June
1883 the date of my marriage.
The present Guardians are
this Solicitor Mr Barneby
an old Bachelor of 76. &
a distant Cousin a Mr
Williams, a gentleman who
lives separated from his
wife, so that the Boys
will have no opportunity of
being in any way

St. Georges Chambers,
Maddox Street W.

'84

22. 2. 84

My dear Colonel
With regard to our
conversation about Mr
Wall I find the Property
of the Eldest son is about
£6000 a year, & there was
over £115,000 cash and a
Farm about £80 a year
between the two younger
children.

The Court allowed £3200
a year for the support

of the 3 children & the upkeep of the family place, Wheatfields. of this Mrs Wall got £1500 a year, & £700 a year was paid to Mr Barney, the other guardian, to pay for the school fees &c at the time of my marriage Mrs Wall was in debt about £2200, & one installment of £750 was due to her in a few days. I have explained to you how she got into this debt,

which of course could have been paid off by her in a very short time, but I would like to remind you that over £1000 of it was incurred by her in building a fine range of glass houses, and a billiard room, Both of these are valuable & permanent additions to the Estate of the Eldest son aged 18. Mrs Wall has been Guardian since 1876 & now she has been virtually removed from

Copy Answer Feb^y 23. 84
No 203 of Portland Street W.

Col^l The Col^l presents his Compliments
to Mr Gladstone on whom he hopes
to have the honor of waiting at
dinner on Tuesday next.

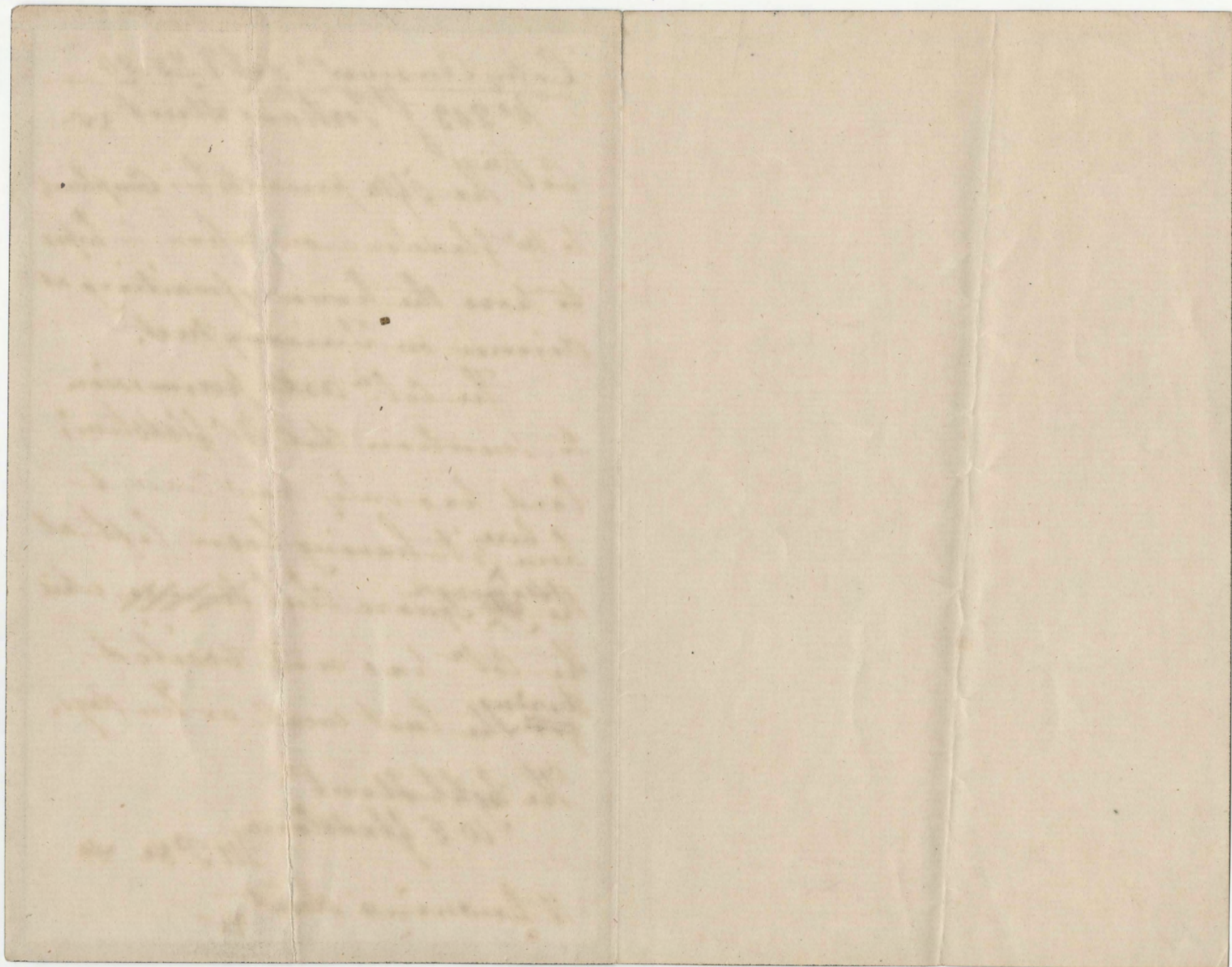
The Col^l asks permission
to mention that Mr Gladstone's
Card has only now reached
him it having been left at
the ^{Hampover} ~~the~~ Square Club ~~the~~ which
the Col^l has not visited
during ~~for~~ the last week or ten days.

The Right Hon^{ble}

W E Gladstone

M P &c &c

10 Downing Street W



St. James Place

Dear Sir

Feb. 24. 1884

I would ask your careful perusal of the accompanying pamphlet which gives a General Exposition of the Principles of the "Liberty & Property Defence League" - and of the position it occupies in current Politics. The tendency of legislation has, of late years, been to substitute "State Help"

for Self Help. Every suc-
cessful Sifted shows how rapid
is the growth of State Socialism,
Liberals & Conservatives joining
with each other in mis-
considered & misdirected
efforts to ameliorate the phy-
sical & moral condition of
certain classes of the Community,
or to improve their pecuniary
position in the matter of
Contract at the cost of those

with whom they have to deal
in the ordinary business trans-
actions of life. Individual
liberty and the Security of
Property thus equally suffer
through the Socialistic
legislation of the two great
political parties in the State;
and everything points to
the necessity of establishing
some common ground on
which all who love liberty,

and believe that human Society
can alone safely rest on the security
of individual property, can take
their stand. Such standing ground
the Liberty & property Defense
League offers to the moderate
men of both sides of politics,
and unless it is speedily and
strongly occupied State Socialism
will presently come to such a
head that it will be impossible
to arrest its progress -

Yours faithfully J. H. M. J.
Chairman

What will Clare say to her
Best and Bravest being
cast into Saxon dungeons,
under the Cloture - for I
read the signs amiss if
Cloture will not in the
immediate future take the
place of Coercion, in the
published Catalogues of
British Crime in Ireland.

Excuse my troubling you
with the wise words of
Comparative youth &

Believe me, dear Chief,
Your friend & Colleague W. H. O'Shea.



Feb 29 1884

My dear Chief,

Principle is our
Guiding Star - principle
and its satellite, the
Prosperity of Clare. Now,
a contest in that County
at the next general
election would not conduce



to that prosperity.

I beg of you to weigh carefully the duty which we owe to our Constituency, to spare it, whenever possible, all pain and turmoil. And if you think that your vote in favour of the Closure would be followed

by the undue and pernicious excitement, at the next election, of opposing patriots, it might be worth while carefully to consider the final arguments of the debate.

What is this about increased coercion, fore-shadowed by that wretched creature, Forster, yesterday?



11 Perry Place

Cambridge

29 February 1884

My dear O'Gorman Mahon
As a good Irish
Irish Salmon may be a
little treat I am to thee the
liberty of giving directions
for one to be sent to you
& I hope it may be delivered
to you safely on Wednesday
morning next & thus
you will purchase the
liberty



Henry Shaw taken

Believe me

Yours very faithfully

Thos. F. Brady

Subscribed

The German Mission

M. D.



[Feb] 29th 1884

My dear Chief,

The enclosed is from
a man to whom I
understood you were going
to write a line of regret
that neither you nor I
are in receipt of funds
for his purposes.

Father Egan is most
anxious for admission



to the House of Lords on
the Disturbance Bill debate
— Monday next.

I have been doing all
I possibly could about the
Ennis & West Clare Rg.
I am now going to Mr
Forster. I hope you will
see Gladstone on the
subject. I have written

to Mitchell Henry, enclosing
a ~~Petitioners~~ 'Promoters'
statement.

I have telegraphed to
Ireland in order to get
W. Lane Foxgnt to telegraph
to D. Inghiquin if he
(W.L.F.) has influence. I
have written to Robert
O'Brien - Yours ever
W. H. O'Shea