

tax, at the very most 6d. in the £1, in lieu of tobacco and sugar duties, would be required, and that only temporarily. The increased vitality of the large indirect taxation still remaining would soon fill up the deficit. Mr. Gladstone, in his budget speech of 1861, likened the recuperative power of indirect taxation to "Virgil's tree, from which when one branch was plucked another took its place." This recuperative power is the result of added prosperity which the substitution of direct for indirect taxation infallibly brings about, and it is the experimental evidence of the scientific truths I have advanced in this paper.

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V.—*Report on the extension of Admiralty Jurisdiction in Ireland to cases of Freight and Demurrage; prepared for the Council by Henry Dix Hutton, Esq., LL.B.*

[Read Tuesday, 14th June, 1870.]

HAVING examined into the question referred for consideration by the Council of the Statistical and Social Inquiry Society of Ireland, namely, the justice and expediency of extending the jurisdiction of the Court of Admiralty in Ireland to disputes relating to Freight and Demurrage, I beg to report as follows:—

While the Court of Admiralty in Ireland has jurisdiction to proceed against the masters of ships at the suit of the merchants employing their vessels, it has no correlative power of entertaining complaints by captains in respect of freight or demurrage. This state of things causes delay, which involves hardship, and not unfrequently a practical denial of justice, since the Court of Admiralty sits all the year round, while the Superior Courts of Common Law only sit at intervals for the trial of such causes. The long vacation extends practically over four months, and during that period no cause can be brought to trial. Even in the other eight months the remedy is very slow, and may be so dilatory as to be practically useless. Such cases can only be tried at the sittings of each term, or at assizes (in March and July). The Consolidated Nisi Prius Court, which sits during term, has no jurisdiction in such cases; nor can the Courts of Quarter Sessions in Ireland deal with them beyond their ordinary jurisdiction of £40.

A similar injustice formerly existed in England, but has been to a great extent remedied by recent legislation, which applies to that country only, but equally admits of application to Ireland.

The attention of the Commissioners appointed to inquire into the High Court of Admiralty in Ireland, who sat in 1864, was called to this particular question by some of the foreign consuls residing in Dublin—among others by the representatives of Italy and Greece, who made strong observations upon the injustice and impolicy of the then state of the law, which remains in full force as regards Ireland.

Influenced, no doubt, by these representations, the above Commissioners reported as follows as regards extending the jurisdiction

of the Admiralty Court to cases of Freight and Demurrage :—" We do not think it expedient to recommend such an extension, as the result would be to give the Court of Admiralty in Ireland a wider jurisdiction than that possessed by the Court of Admiralty in England; and we think the object should be to assimilate the jurisdiction of the Courts. At the same time, if it should be deemed advisable so far to extend the jurisdiction of the Court in England, we think that a similar jurisdiction should be given to the Court of Admiralty in Ireland."—(Rep. p. xiii.)

In accordance with these recommendations, the Court of Admiralty (Ireland) Act, 1867, (30 and 31 Vic. c. 114) did assimilate the Irish to the English jurisdiction, giving, among other things, to masters of ships the right to recover in that Court their wages and disbursements, but making no provision for trying cases of demurrage or freight.

By the same act (part 4) power was given to the Lord Lieutenant by Order in Council, to declare that the Recorder of any Borough Court, or the Charman of any Court of Quarter Sessions, should have jurisdiction in Admiralty causes.

(1.) Where the amount or value of the thing or money in dispute did not exceed two hundred pounds.

(2.) Where the amount or value of the money or thing in dispute exceeded two hundred pounds, but the parties agreed, by a memorandum signed by them, that the Local Court should have jurisdiction.

This jurisdiction, however, would not at present comprise cases of freight and demurrage (such being excluded from that of the Court of Admiralty in Dublin), and in fact no order in Council has been issued in pursuance of the powers conferred by the above Act.

No statute passed since the date of the Irish Admiralty Act to extend the jurisdiction of the High Court of Admiralty in England to cases of freight and demurrage; but in the year 1868 the County Courts Admiralty Jurisdiction Act (31 and 32 Vict. c. 71), empowered her Majesty in Council to confer an Admiralty jurisdiction upon the English County Courts.

(a) In salvage cases, when the amount claimed did not exceed £300.

(b) In claims for towage, necessaries, or wages not exceeding £150.

(c) In claims for damage to cargo by collision not exceeding £300.

(d) In cases beyond these sums, where the parties mutually agreed that the County Court should have admiralty jurisdiction.

Orders in Council, dated 9th December, 1868, and the 4th June, 1869, were issued conferring Admiralty jurisdiction on thirty-six of the English County Courts, under the above Act of 1868. That Act, however, did not provide for cases of freight and demurrage; but this omission was supplied in the following year (1869) by an Act (32 and 33 Vict. c. 51) which conferred upon the English County Courts Admiralty jurisdiction.

(a) As to any claim arising out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship, provided the amount claimed did not exceed £300.

(b) As to any claim, as aforesaid, beyond this sum, where the parties agreed that the Court should have jurisdiction.

While therefore the English High Court of Admiralty remains as before, without any jurisdiction over claims for freight and demurrage, such cases are now in England, within the limits prescribed by the Act of 1869, dealt with by the English County Courts. Their jurisdiction in this respect, which extends to all the principal seaports, including London and its outlying maritime districts, there is reason to believe embraces a large proportion of the disputes arising out of claims for freight and demurrage. In England, therefore, there is no longer that denial of justice which still subsists in Ireland.

In Liverpool a special and ancient Admiralty Court exists, called the Court of Passage, which by one of the above acts (31 and 32 Vict. c. 71, sec. 25) has concurrent jurisdiction with the County Court of Lancashire holden at Liverpool. This Court also retains its original jurisdiction to try causes of action, in all cases where the property to which the cause relates is within the borough or port of Liverpool, or where the owner of the property to which the cause relates resides within the borough.

The English County Courts sit at least once in each month.

The Courts of Quarter Sessions in Ireland only sit once in every quarter of a year, with the exception, I am informed, of the Courts presided over by the Recorders of Belfast and Cork. These gentlemen, I believe, sit by arrangement once a month, but I am not aware that this is done in any other Irish borough possessing a Recorder's Court.

As the entire reconstitution of the Superior Courts in England is at present under consideration, it might be premature to offer any recommendation which would place the general jurisdiction of the Irish Court of Admiralty on a different footing from that of the corresponding English Court. But there is no reason why, pending these discussions, the limited jurisdiction conferred by the Acts of 1868 and 1869, and her Majesty's Order in Council above mentioned, should not be extended to Ireland in a way suited to her special circumstances. The principal and easiest way of effecting this object at present would seem to be the exercising of the powers of the Lord Lieutenant under the Act of 1867, and the passing of an Act conferring the extended jurisdiction, now exercised by the English County Courts, on the Court of Admiralty in Dublin, with concurrent jurisdiction as to local cases, to be conferred on the Recorders' Courts of Dublin and Belfast, and Recorders' or Civil Bill Courts of the other principal seaports of Ireland, in their respective local jurisdictions; making also, as far as possible, arrangements for the more frequent sitting of the Recorder or Chairman in such places.