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PAST AND PROPOSED LEGISLATION

ON THE

PRESENTMENT OF PUBLIC MONEY

BY

GRAND JURY PRESENTMENTS

FOR

PUBLIC WORKS IN IRELAND.

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Houses of the Oireachtas

TO

COLONEL LARCOM, R.E., F.R.S., LL.D., &c.,

UNDER SECRETARY,

THE FOLLOWING

REVIEW OF ROAD LEGISLATION IN IRELAND

IS

INSCRIBED.

PAST AND PROPOSED LEGISLATION

ON THE

PRESENTMENT OF PUBLIC MONEY BY GRAND JURY PRESENTMENTS FOR PUBLIC WORKS IN IRELAND.*

THE working of Grand Jury laws with reference to the presentment of public money for county works has been the cause of considerable discussion, and now, perhaps, more than ever, occupies the attention of the cess-payers and government of this country, from its connexion with an increasing annual levy of about £460,000, and the expenditure of a like sum on a rapidly increasing mileage of roads, placed under repair and maintenance, and on other public works. The extent and state of our highways have a considerable effect on the amount, nature, and value of our agricultural productions, and upon our intercourse; and we know of no subject connected with the development of our resources more deserving of attention than the laws under which the public roads are repaired, improved, and extended. We recollect some twenty-three years past, before the introduction of the Act 3rd and 4th Wm. IV., cap. 78, on which the present Grand Jury Act, 6th and 7th Wm. IV., cap. 116, is founded, and

from which it scarcely differs, when the Acts 36 Geo. III., cap. 55, and 59 Geo. III., cap. 84, were still in operation, when the "swearing system" was in its expiring struggle, and an affidavit was necessary to prove a road out of order before it could be repaired, and another to prove that the amount presented had been faithfully expended,† and the road put into good order, before the overseer or contractor could be paid for his work; when every step was through "an affidavit;" when Grand Juries sat on fiscal business within closed doors, as they do at present when finding bills in criminal cases; and cannot, therefore, but perceive the advantages of the present system, for however defective it be in some details, it is certainly a great improvement on those that went before. A short glance at the earlier state of our highways, and of the progress of legislation on this subject, may not be uninteresting to our readers. It is probable that little progress was made in opening up this country by highways‡ until the intro-

* Report of the Commissioners appointed to revise the several laws under and by virtue of which moneys are now raised by Grand Jury Presentment in Ireland. Dublin, 1842.

A Bill to make better Provision for the Administration of the Fiscal Affairs of Counties, Counties of Cities, and Counties of Towns in Ireland. 20 July, 1849.

A Bill to Consolidate and Amend the Laws relating to Highways in Ireland. 13 August, 1853.

A Bill to relieve Grand Juries from Fiscal Duties, and to place the Administration of Local Affairs in Ireland in Elected Councils. 4 July, 1855.

Report of the Commissioner appointed to inquire into Turnpike Trusts, Ireland, 1856, with notes of evidence. Dublin, 1856.

† Applicants or contractors under this system are said to have sometimes laid a sum of money on a road to be repaired, equal to the amount presented, and picked it up again, in order to enable them to swear that it was "laid out on the road."

‡ "There is an Act of Henry I. (between 1100 and 1135) in which the king's highway, *via regia*, is defined to be that which is always open, and which no man may shut by any threats, as leading to a city, port, or town. Its breadth the same law prescribes to be such as that two carts may pass each other, or sixteen horsemen armed go abreast. Public roads were formerly (and I believe still in law authorities) divided into three kinds: 1st, *iter*, a footway; 2nd, *actus*, a pack, bridle, or prime way, which is both a horse and a footway—(while the principal traffic was carried on by pack horses the greater part of the public roads were of this kind); 3rd, *via* or *aditus*, a cart way, which contained the other two as well as a cart way."—*Strictures on Road Police*, by WILLIAM GREIG. Dublin, 1818.

duction of statute labour in 1614, not indeed until 1711, at the dawn of the presentment system; for so late as the termination of the fourteenth century we learn, that when Richard II. advanced to attack M'Murrough, he commanded "the country people to cut down the wood that his waye mought be made passable, and which was then overgrown with trees," and about half a century later,

In 1447 the parliament which sat at Trim, stated, 25th Hen. VI., cap. 3, that "many people of this land of Ireland did take and levy sundry customs of merchants passing and going through the king's highways;" and to provide against this black mail system, it was enacted, "that no man be so hardy henceforward as to take and levy any customs of merchants or other people in the king's highways." The Act 36th Hen. VI., passed at a parliament held in Dublin, in 1458, enacted of "towns being in the highways between markets, &c.," that "every tenant and inhabitant of towns and villages being in highways may enclose same, leaving a sufficient highway for carts and carriages through or near the same, so that people be not interrupted in their passage from market to market; that said way be not more than forty perches about, and that every man that shall make any highway shall make it on his own land." In the reign of Henry VIII. we learn that a means of controlling the country beyond the Pale would be the "cutting passes of the woods next adjoining the king's subgetts;" and we have, in *Harris's Hibernica*, page 51, a list of the passes by the Chief Baron of the Exchequer of that time.

In 1614 James the First introduced, by the Act 11th, &c., Jac. I., cap. 7, the system of statute labour into this country. This statute enacted, "that six days labour shall be given yearly by each inhabitant of a plough-land (not being a hired servant); that every person keeping a draught, or plough, shall send one *cart* or *wain*;" and provided for the appointment of overseers, surveyors, or orderers of *highways*, *kishes*, and *passes*.

The 10th of Car. I., cap. 10, 1635, enacted, that Justices of Assize on circuit, and of the peace at quarter sessions, with the consent of the grand jury, might levy a tax on the inhabitants of any shire or barony, for building or repairing bridges, *causeways*, or

toghers. Two surveyors were to be appointed for building and repairing every such bridge, to whom the collectors were to pay the levy. Surveyors were to account at quarter-sessions, were to be imprisoned if they refused, and were to receive such reasonable costs and charges as the justices considered fair.

In 1704, under the 2nd Anne, cap. 6, the parish was to be prosecuted for neglecting to appoint overseers; two justices might hear and determine all offences against the 11th, &c., of Jac. I., and order money, levied for offences, to be expended on the highways; and cap. 8 provided for the continuance of tolls on bridges repaired at the cost of the person demanding the toll. So many abuses had crept in before 1706, that the 4th Anne, cap. 6, was passed "to prevent the illegal raising of money by Grand Juries, and the misapplication of money legally raised," by which the amount of taxation to be levied by Grand Juries was limited. The 8th Anne, cap. 5, provided for removing indictments for not repairing highways or bridges. In 1711, the 9th Anne, cap. 9, was passed, to empower Grand Juries to define plough-lands, to enable the parishioners to agree for the maintenance of the highways in proportion to the land occupied by each. Power was given to two justices to make a presentment of forty shillings to *purchase tools*. Each presentment of money by Grand Juries for repairing highways was to state the termini, the number of perches, the width of roadway, *not to be less than nine feet*, the mode of construction, and the rate per perch. This act also provided, that where a parish had no highways through it, the Grand Jury might, with the consent of the Judge of Assize, or Justices at Sessions, present its statute labour for the repairs of highways not more than two miles distant. We have here the first germ of the present system, which enables Grand Juries to present for clearly defined works.

Under the Act 6th Geo. I., cap. 10, 1720, every presentment of money for roads or bridges was grounded on the affidavit of two creditable persons, stating that they had viewed the road or bridge, and that it was out of repair. The overseers named in the presentment were to account, and also the treasurer, before the Judges of Assize, upon oath.

Sudden damages to bridges were

provided for by the Act 1st Geo. II., cap. 3; and powers were given to justices to order the expenditure of any sum, not exceeding £5, between assizes. In 1727 the Act 1st Geo. II., cap. 13, provided for the appointment and payment by the Grand Jury of "some skilful person, to be surveyor or director of the work to be presented for." Also, that no presentment was to be made for making or repairing unless at Assizes. If the parishioners neglected to appoint overseers, the Grand Jury at quarter-sessions might do so; and if this body also neglected, the Grand Jury at the next Assizes might do so, and apply the six days' statute labour as the others should have done. The fifth section, &c., provided for the difference between *carts* and *wains*, in the Act of James, and our Irish *creels* or *clieves*, as applied to statute labour. The sixth section, &c., provided that herds, grass keepers, shepherds, and bailiffs, exempted under the former Act, should perform the six days' statute labour as well as other cottagers. The ninth section gave powers to overseers to accept of a certain portion of work in lieu of the six days' labour. The twelfth section, &c., increased the required width of metaling from nine to twelve feet, at least, and restricted the presentment of money in aid to cases where the six days' statute labour was found insufficient for the purposes required.

We must pause here, in our notice of the progress of Grand Jury legislation, for the purpose of remarking on the introduction of a new element introduced at about this period. In 1711, under the Act 9th Anne, cap. 9, Grand Juries received the power of raising money in addition to statute labour, "that remnant of personal service;" and in 1727 it was found necessary to limit this power of levying money to cases for which the statute labour was insufficient. The operation of these laws was, however, so defective, and some of the leading roads become so "ruinous and bad," that a new system—the turnpike one—was introduced in 1729, for repairing the highway from Dublin to Naas, and thence to Kilcullen-bridge; and an Act, the 3rd Geo. II., cap. 18, obtained for the purpose, which states that, "Whereas the highway or road leading from the city of Dublin, through Kilmainham and Rathcoole, to the town of Naas, and thence

to Kilcullen-bridge, in the county of Kildare, by reason of the many and heavy carriages frequently passing through the same, are become so ruinous and bad that in the winter season many parts thereof are impassable for waggons, carts, cars, and carriages, and very dangerous for travellers, and cannot, by the ordinary course appointed by the laws and statutes of this realm, be effectually mended and kept in repair: Wherefore, and to the intent that the said highways or roads may with convenient speed be effectually mended, and hereafter kept in repair, so that all persons may travel through the same with safety, be it enacted, &c." As the authorized tolls were known to be insufficient, two days' statute labour were provided for this road, the remaining four to be available on the other roads of the parishes through which it passed. This Act was amended in 1734, and since then numbers of turnpike Acts were obtained for different roads, necessarily varying in details, but all founded on the principle of toll, either with or without aid, from the neighbouring districts. The tolls on the Naas and other turnpike roads leading into Dublin were very lately abolished, and the repairs transferred to the counties through which they pass. There are yet through the country three hundred and twenty-five miles, comprised in sixteen trusts, repaired under the toll system, which, however well suited to past times and to past circumstances, is no longer applicable to those now existing. The turnpike system had, from the beginning, an advantage which the Grand Jury system never yet possessed; that is to say, the power of trustees to make repairs, when required, by day labour or contract, and at the seasons most suited for such work; while under the Grand Jury system the only manner by which work can be executed is by contract, requiring a tedious process, through a period of six months or more, to complete the forms, and its success is then dependent on the skill and energy of the contractors, who are generally small farmers, without skill or capital, and who make repairs only at those seasons when road work interferes least with farm work, and when repairs are least wanted to the roads. But to resume our sketch.

In 1740, the 13th Geo. II., cap. 10, provided for the construction of new roads, by Grand Juries, and the pay-

ment of damages by traverse, for the scouring of trenches along roads in boggy, low, or marshy lands; for the lopping of hedges; and for the more effectual prevention of the misapplication of public money. In 1760, the statute labour was found too objectionable, and by the Act 33rd Geo. II., cap. 8, day labourers who were subjected to statute labour, in 1727, under the 1st Geo. II., cap. 13, were again exempted, and not compelled to labour without payment. No vehicles were to be used with wheels under three inches broad, exhibiting an increased attention to the subject, but a movement in the wrong direction; new roads were to be made thirty feet wide in the clear; old roads might be widened from twelve to twenty-one feet. This Act contained also a number of provisions respecting the abatement of nuisances and other matters, amongst which the most important were, power to present *three pence per perch for overseer's wages*,* and to make presentments for repairing roads on the affidavit of two honest persons, to be laid on the barony through which they passed.

We next have the 3rd Geo. III., cap. 8, repealed, with all former Acts, by the 5th Geo. III., cap. 14, which brings us to the presentment system, forming a new epoch in our road legislation. By this statute all "statute labour" was abolished, the "six days" superseded, and all presentments for executing works were to be made in money levied off the baronies. This Act, passed in 1765,† is said to be due to

the exertions of a gentleman of Galway, Arthur French, Esq., of Monivea, who had it passed in the Irish Parliament. Ireland having thus taken the first step in cancelling "statute labour" for the repairs of its highways, we perceive the cause of Arthur Young's observations, some thirteen years after, when he says, "For a country so far behind as Ireland, to have got so much the start of us in the article of roads, is a spectacle which cannot fail to strike the British traveller," and with reference to the originator of the system, that "Ireland, and every traveller who visits it, ought, to the latest posterity, revere the memory of such a distinguished benefactor to the public."

Next in order follow the 10th Geo. III., cap. 9, 11th and 12th Geo. III., cap. 20, and we come to the 13th and 14th of Geo. III., cap. 32, repealing, remodeling, and incorporating, the 5th Geo. III., cap. 14, "to avoid the confusion which might arise from a multiplicity of Acts of Parliament relative to the same subject." This Act provided that all maps of new roads should be lodged twenty-one clear days before assizes with the county treasurer. Notices to occupiers through whose land such proposed new road was to pass, were to be given twenty-one days, and a like notice posted on the door of the county court-house seven days before the assizes. The Grand Jury system, up to 1834, was principally founded on this Act, which formed a regular code, amended from time to time by several acts. By the 17th and 18th Geo. III., cap. 22, the mainten-

* The average cost for superintendence now never exceeds two-thirds of a penny per perch in the smallest county; and the average through Ireland is less than one-third of a penny per perch per year, for all roads under repairs and maintenance.

† It was not until 1835, under the Act 5 and 6 Wm IV., cap. 50, that a rate was generally substituted in England for "statute duty." In Scotland "besides the ancient highways which are generally left to take care of themselves, there are two classes of public roads the offspring of modern Acts of Parliament—the one distinguished as statute labour, and the other as turnpike. The statute labour roads are supported by annual assessments upon the whole heritors and tenantry, and upon householders in certain districts. In the County of Fife the annual rate is from 30s. to 36s. per ploughgate, fifty Scots acres of land. The Fife and Kinross Statute Labour Acts make the heritors liable, in the first instance, for the assessment, with recourse on the tenants and occupiers. . . . Supposing that the landlord delays to collect from his tenant till after the first year's rent falls due, by which time a second year's statute labour for the farm has been levied from the landlord, then when the landlord asks the tenant for the repayment of the two years' statute labour, the tenant wonders very much how it is possible that he should have to pay two years of that tax with his first rent. When there is only one rent he thinks there should be only one year's 'statute labour,' but after reference to some legal friend, he finds there is no avoiding it. Other landlords collect their tenant's statute labour assessment with each 'year's rent.'"—*Road Reform*, by WILLIAM PAGAN, Writer, 1846.

ance contract system was introduced, and subsequent acts gave power of presenting for maintenance for a period of seven years, at rates varying, per perch per year, from three pence to nine pence.

In 1796, the 36th Geo. III., cap. 55, was passed, embodying the results of previous legislation, and repealing the former road acts, unless so far as they repealed others. This Act made provision for laying out, and making new roads; for widening roads; lowering hills and filling hollows; for building walls and bridges; repairing roads; making fences and filling drains; for footpaths, milestones, and stopping up old roads; for obtaining materials; against offences and nuisances; for making maps and surveys; also provision for appointing conservators, and indeed for almost every matter connected with Grand Jury business. To extend and make this Act clear, we have next* the 46th Geo. III., cap. 96; the 49th, cap. 84; the 50th, cap. 29, and the most important of all, the 59th Geo. III., cap. 84, being "An Act to amend the laws for making, repairing, and improving the roads and other public works in Ireland by Grand Jury presentments, and for further securing a true, full, and faithful account of all monies levied under same."

The systems introduced in the previous Acts, and under which our highways were repaired up to 1834, may be reduced to three—statute labour, money presentments, and tolls, or the turnpike system, which latter we shall hereafter refer to. The presentment system required an affidavit sworn to by two persons at road-sessions, at which only justices presided, stating that the work sought for was necessary. Proof was to be given that notices had been served and posted by

the applicants, according to the Act, of their intention to apply for the presentment sought; and if the Grand Jury sanctioned the work at the ensuing assizes, the applicants might execute it, and account at some ensuing road sessions, by another affidavit, stating that the work was properly executed. If sanctioned by the Grand Jury, the money presented, if levied in the mean time, was paid by the treasurer. Traverses as to the proper execution of the work might be entered. One of the most objectionable elements in this system was, that the Grand Jury sat within closed doors, and the public was therefore excluded from affording at assizes any assistance on fiscal matters. At this period there were from 13,000 to 14,000 miles of roads under repairs and maintenance, the cost of which, including all other road works, was, in round numbers, £360,000; the average rate per perch for repairs and maintenance, taken together, was $13\frac{1}{4}d.$; while in 1854 the mileage was increased to 40,000 miles, the whole cost of all road works to about £460,000,† and the average rate per perch for repairs and maintenance, reduced from $13\frac{1}{4}d.$ to $6\frac{1}{4}d.$ per perch, which difference would be more striking if we take into consideration the difference in the value of labour, and increased traffic on all county roads at the present time. It will not, therefore, be out of place to refer here to the present Grand Jury system, under which results so satisfactory, on the whole, have been obtained. The Commissioners appointed in 1840 to report on the several laws by which money is raised by Grand Jury presentments in Ireland, have not embodied in the tables given at pp. ix and x of their report of 1842, the mileage of roads under repairs and maintenance for the

* For the purpose of more especially extending and maintaining the POST ROADS we have also the Acts 32 Geo. III., cap. 39; the 45th, cap. 43, or Baron Foster's Act; and the 46th, cap. 134. The first of these Acts authorized Grand Juries to present for new roads not less than 42 or more than 52 feet wide. It is now desirable to narrow many of the wide roads constructed under this system.

† The expenditure on roads and bridges in 1840 was £486,200, and the whole amount of presentments, £1,270,000. Taking an average of three years, 1840, 1848, and 1855, we have:—

Year.	For Roads and Bridges.	Total of all Presentments.
1840, . . .	£486,000	£1,270,000
1848, . . .	414,000	1,243,000
1855, . . .	479,000	967,000
Averages, . . .	£460,000	£1,160,000

Showing that that the whole levy is more than double, and less than treble, the the amount presented for roads and bridges.

different years;* so that a general increase of levy is perceived, from year to year, without any means of connecting this increase of expenditure with an increase of work, and the opening up of the country. In fact those tables are useless for drawing any inferences between *cost* and *work* at the respective periods for which they are made out. Adam Smyth says, "it is evident, without any proof, that the expense of making and maintaining the public roads of any country, must evidently increase with the annual produce of the land and labour of that country, or with the quantity and weight of the goods which it becomes necessary to fetch and carry upon these roads." If we state the cost it is necessary also to state the quality and quantity of work, in order to know the benefit conferred and the rate—the true tests, taken in conjunction with the value of labour of any system of works. The number of miles of road under yearly repairs and maintenance, have been very nearly trebled from 1834 up to the present time, while the average annual cost has been reduced in the proportion of one to two, without taking into calculation the increased price of labour; the whole expenditure increasing only in nearly the ratio of forty-six to thirty-six.

In 1834, the Act 3rd and 4th Wm. IV., cap. 78, repealing the 59th Geo. III., cap. 84, was passed; and soon after, in 1836, this, and all former Grand Jury Acts, were repealed by the 6th and 7th Wm. IV., cap. 116, now in operation. Under this Act it is not lawful for any Grand Jury to make any presentment for the execution of any public work whatsoever, unless by the authority of its provisions. The principle of the statutes of 1834 and 1836 being the same, we may date the commencement of the present system from 1834, and will endeavour to point out its peculiar structure, so far as it differs from the presentment system previously in operation; the new elements being the admission of cesspayers to sit at road-sessions with justices; the appointment of county surveyors or county engineers after an examination on the

competitive system; and the limitation of the power of Grand Juries to sanctioning or rejecting works previously adopted at road sessions, for before 1834 they might sanction what had been rejected at sessions. In the first place this Act provides for presenting sessions to be held twice a-year in each barony; not more than twelve, nor less than five, associated cesspayers, according to the extent of the barony, to sit and vote at road sessions with justices; to be drawn by ballot from a list of double the number determined, from a return of 100 of the highest cesspayers in each barony, furnished to the Grand Jury by the high-constable or collector. Before making out such list the Grand Jury shall strike out of the return half of the names on the preceding list, and the names of persons who were associated and acted with the justices at the preceding sessions, in the first place; justices to be chairmen at sessions; no sessions without a justice to preside thereat; in case cesspayers do not attend justices may act without them; declarations to be made by justices and cesspayers; notices to be served on clerk of petty sessions, surveyor, and secretary, and also affixed to the doors of police-barracks, and posted at places appointed by the Grand Jury; applications for works shall be made by two persons paying Grand Jury cess, or by the county surveyor; adjourned sessions to be held for receiving sealed tenders to be lodged for works sanctioned at the first sessions; person making lowest tender when opened at adjourned sessions to be declared contractor, and to give security for the performance of the contract; if there be no contractor there shall be no presentment; contractor to get the surveyor's certificate before being paid; Grand Jury to be summoned in time to complete the fiscal business before the arrival of the judges; one Grand Juror from each barony at each assizes; Grand Jury to transact all fiscal business in open court; *no power to make a presentment for any work whatsoever for which an application had not been approved at road sessions*; the appointment of a county surveyor by the Lord Lieute-

* Neither is the mileage given in the parliamentary returns (pursuant to Acts 49 Geo. III., cap. 84, and 4 Geo. IV., cap. 33) of presentments made by Grand Juries in Ireland. An able statist in the Chief Secretary's office would do good service to this branch of statistical science, by having the form of these returns extended and improved.

nant after examination by a board of examiners; surveyors to appoint as many assistant surveyors as might be approved of by the Grand Jury; all works to be executed by contract; no magistrate of the county, or associated cesspayer, nor any county officer, nor any person in his employment, to undertake or be interested in any contract; surveyor to repair roads on neglect of contractors after ten days' notice; advances to be made to contractors for works, the expense of which exceeds £20, on the surveyor's certificate. Also various other provisions, nearly all of them common to the statutes in operation up to 1834. In 1837, the 7th Wm. IV., cap. 2; in 1842, the 5th and 6th Vict., cap. 77; and in 1843, the Act 6th and 7th Vict., cap. 32, provide for various details respecting the working of the Act; but not until 1853, by the 16th and 17th Vict., cap. 136, sec. 5, did Grand Juries receive power to present for "such sum or sums of money as may be incurred in defending the county on trial of any traverse or other proceeding, in which it may consider the rights of the cesspayers should be defended and protected."*

The introduction of this Act has, unquestionably, tended to improve the highways of the country, so as to be inferior to those of no other; and they continue to maintain that superiority over those of England, class to class, which attracted the attention of Arthur Young, so early as 1778. There are portions of contract roads in every barony occasionally out of repair, but it will be found that there is either no existing contract to maintain those portions, or if there be, that the contract-money will be stopped by the surveyor at the sessions or assizes, and either applied to the repairs of the road, or be represented in aid of the cess by the Grand Jury. This is, however, but a poor recompense to the public for travelling over a bad road for several months in each year. The law provides that the surveyor may repair such roads after serving the "ten days' notice," *but it provides him with no funds for doing so*, and this section of the Act is, therefore, inoperative. The contract system is of

advantage as long as contractors of skill and sufficient capital can be had to execute work for a fair remuneration; but in the event of such parties not being had, why should the Grand Jury be precluded from making a presentment of money, and executing through the surveyor a necessary work, previously approved of by the justices and cesspayers at road sessions? The 23rd section enacts, "That at the meeting of each such adjourned presentment sessions, as aforesaid, the secretary of the Grand Jury shall, in open court, produce, duly numbered and arranged, and with the seals unbroken, all the tenders and proposals which may have been delivered to him, and shall open consecutively all those relating to the same public work; and so soon as the lowest proposal made for the performance of each such work shall be ascertained, the party making such proposal and his sureties shall be called; and if the said party and his sureties shall appear and shall satisfy the justices and cesspayers at such sessions, upon oath, or otherwise, of the sufficiency and ability of each and every of them to make good the penalty hereinbefore specified for the non-performance of such contract, and that such proposal has not been made for any unfair or fraudulent purpose, and shall thereupon enter into security for the due performance of such contract, conditioned in such penalty as aforesaid, such proposal shall be accepted, and the party making the same shall be declared entitled to execute the work to which such proposal may refer, if the same shall be presented by the Grand Jury; but if the party making such proposal and his sureties shall not appear when called, or shall fail to satisfy the justices and cesspayers at such sessions in any of the particulars aforesaid, or shall decline to enter into such security as aforesaid, then, and in such case, the proposal of the party making default as aforesaid shall be deemed null and void, to all intents and purposes whatsoever, and the next lowest proposal shall be ascertained and dealt with in the same manner, and so on until the said security shall be entered into, and the contract duly completed: *provided always that*

* We are aware of a case which occurred previously to the passing of this Act, in which a county gained £400 by the exertions of the Grand Jurors, who had to subscribe out of their own pockets to make up the legal expenses incurred in gaining it.

if no proposal shall be made in respect of any work within the time limited for receiving the same, the application for such work shall be void and of no effect WHATSOEVER;* and provided further, that if the Grand Jury of the county at and for the assizes then next holden shall not make any presentment on the application, in respect of which any contract shall have been made according to the provisions hereinafter mentioned, then and in such case, such contract shall be null and void to all intents and purposes, any thing herein contained to the contrary notwithstanding." We have already pointed out the difference between the powers of turnpike trustees and of Grand Juries on this point. The liberty to effect immediate repairs is not more essential to the turnpike, or any other, than to the Grand Jury system. It is more a matter of detail than of principle, and the sooner it is grafted into the present or some Grand Jury law the better for all parties. It may be inquired, what is the necessity for making hundreds of applications from year to year, at each road sessions, for the maintenance of roads acknowledged by all to be generally useful, and to which maintenance there can be no possible objection? What loss of time, of labour, of applications, of notices, &c., &c., would be saved if the road contracts of maintenance through the county were consolidated and arranged in order by the surveyor, and contracts were permitted for the supply of materials to be applied by day labour at the proper seasons, under skilful overseers. It is more easy to amend the present law on this point, than to trust for better success by altering the principle of presenting and Grand Jury control altogether. There is abundant data in every county of Ireland to enable the Grand Juries to present at once a sufficient sum for the maintenance of the roads of each

barony, defining the amount to be expended on each mile of each class; and the repairs by contract or day work, or both, should be left to the discretion of this body, or to that of the justices and cess-payers at road sessions, as in the Dublin Act. There would be no practical difficulty in arranging the details.

It frequently happens that the cess-payers, nominated from assizes to assizes, seldom attend at road sessions. We can, therefore, see no objection to a portion of the associated cesspayers being elected after the manner of poor law guardians, nor indeed to the division of the counties into districts corresponding to the existing baronies or to the poor law unions, and letting the guardians sit at road sessions with the magistrates and associated cesspayers, to represent the different electoral divisions within the district, considered either as a barony† or a poor law union. But those who are well acquainted with the country know that such bodies ought not, in themselves, have the complete power of laying on money for works within their districts; and that the control of some higher body is necessary to prevent the occasional misapplication of funds. We can find no better body for this purpose than the Grand Jury in each county, and, as landlords and the largest cess-payers, no board can be more interested in the reduction and appropriation of the rates. We are, therefore, in favour of the negative power which this body now possesses, of rejecting such applications for money from below, as to them seems fitting.

A common objection made to the control of Grand Juries in fiscal business, arises from a misconception of their powers. They are not directly taxing bodies; they only assent or dissent from a tax agreed to elsewhere.

* This defect is remedied in the County Dublin Grand Jury Presentment Act (7 and 8 Vict., cap. 106, sec. 87), which says:—"Provided always, that if no proposal shall be made in respect of any work within the time limited for receiving such proposals, or if no proposal or tender shall be approved of by the presentment sessions, it shall and may be lawful for the said presentment sessions, if they think proper, to give such work in charge to the district surveyor, with power to expend a sum not exceeding the maximum fixed as aforesaid; and such surveyor shall account for the execution thereof to the finance committee in manner hereinafter provided.

† We see no good reason for altering our ancient baronial districts, for newer ones, unless their unequal sizes, and the same principle of change would then apply to county districts. If fully carried out where would this principle of equalization stop?

They have no power whatever to levy money for any work, the amount and destination of which was not previously adopted by the justices and cesspayers at road sessions; and new works, the cost of which exceeds £50, must be passed at two different sessions before a presentment can be made. Their power is, therefore, as we have before observed, of a negative character, and that it has been generally exercised of later years for the benefit of the public, in reducing taxation, there can be no doubt. Although new jurors or "colts" come in from year to year, there is always a sufficient number, out of about twenty-three on every panel, acquainted with the working of the law, and the wants of the country generally; and when any legal difficulty arises they have an opportunity of consulting the judges, which no district boards, county boards, or county presidents, could well have. The strongest objection to this body in its fiscal capacity, is that it meets only twice a-year, but there would be no difficulty in appointing a standing financial or executive committee of five or more of the body to act through the year, as recommended by the Commissioners to Inquire into Grand Jury Laws, in their Report of 1842, and adopted in the Dublin Act—who could attend at presenting sessions, whom the public officers could at all times consult, who could meet once a-month, and who could be empowered to audit accounts, to order sufficient funds from time to time for the repairs of sudden damages, and neglected contracts; and to transact all other necessary executive business. *The expenses of this committee should be paid to make its work effective,** but the cost would be considerably less than that of a president of a county, with district and county boards, each with a staff of officers, and the business would be better performed.

The Commissioners appointed to report on Grand Jury Laws state, Report, 1842, p. lix, in their concluding summary:—"According to the recommendations which we have now offered, the power of each Grand Jury (except Dublin City) to present for

the making or keeping in repair of public roads or works, for the salaries of county officers, and for miscellaneous purposes, would continue; but the Grand Jury would be relieved from the necessity of making presentments for charities, as these would be transferred to the poor law authorities; or for imperative demands, as the duty of imposing and levying the necessary rates, for these would be transferred to the finance committee. The task of discharging queries or presentments, of making the necessary orders for payments thereupon, and of examining such accounts as it may be necessary to investigate for the purpose, business that should be disposed of with a degree of minute care, attention, and deliberation, which it is scarcely possible for a Grand Jury to give it, would also be committed to the finance committee. The committee, too, would be at all times in existence, and authorized to act from time to time on behalf of the county. Whereas, the powers of each Grand Jury at present commence and end with the assizes for which they are empaneled, there is no committee or body authorized to act for the county between one assizes and the other; and the want of one not only causes much inconvenience, but as to parties who have demands upon the county, subjects them to serious hardships. By having the county cess paid in from month to month, as it is collected, provision could be made, as we have pointed out, for prompt payment to contractors; and from the concurrent testimony of different witnesses, we cannot estimate the reduction of charge which would ensue at less than 10 per cent. There ore, as the presentments for repairs in 1840 amounted to £347,414 1s. 4½d., a saving would be thus effected, according to the expenditure, in 1840 of about £34,741 a-year."

We cannot agree with many of the recommendations of the Commissioners, but, unquestionably, as far as the retention of the present powers of grand juries, and an extension of them, so far as we have already pointed out, their opinion, founded on no particular love for the system, if a better could

* We know of a turnpike board of trustees, which can be only got to meet once in several months, and then only after much exertion on the part of the officers, although five form a quorum, and eight or nine reside within a mile of each other and of the place of meeting. The case would be very different if they were paid for attending.

have been suggested, is deserving of the greatest attention, and it will be perceived when we come to the consideration of the bills introduced since the report was made, that one of those bills, at least, is founded on a justly exploded system, and that it appears to have been drawn out without any knowledge of the laws in operation in this country in past or present times.

The County Dublin Grand Jury Presentment Act of 1844 (7 and 8 Vict., cap. 106), is principally founded on the Commissioners' Report. It provides for a presenting term once a-year, when presentments shall be made by the Grand Jury: the division of the county into districts, and the appointment of qualified district surveyors, county secretary, and clerk of the peace: for making presentments on the county at large, baronies, and parishes, and the mode of doing so; the modes of payment, raising rates, and the appointment of a finance committee.* It differs from the Grand Jury Act for other counties, in having only one Grand Jury presenting term, instead of two; in having the district surveyor selected by the Grand Jury from a list of qualified candidates, instead of by the Lord Lieutenant from the head of the list, on the competitive principle; it provides for one of the greatest defects in the general Grand Jury Act, namely, for the execution of works for which no tender is received at the adjourned road sessions, or for which tenders received are not approved; and, also, section 108, for summoning defaulting contractors before petty sessions; for the appointment of road-wardens; and abolishes the office of treasurer, substituting therefor the Bank of Ireland.†

"The Fiscal Affairs (Ireland) Bill," ordered to be printed on the 20th July, 1849, proposed to repeal altogether the powers of Grand Juries to make presentments for public works. It proposes that the Lord Lieutenant shall divide the counties into districts, and provides for the election of members

of county and district boards, to meet twice a-year. The appointment of district surveyors, to act as clerks, by the district board, without examination or control; and of qualified county engineers by the Lord Lieutenant; for the appointment and payment of a secretary, and finance committees for each county, the latter to consist of five members of the county board, and to meet monthly; for the appointment of some bank in which all money levied for county rates shall be lodged; for payments by drafts on the county bank; for the making of presentments by the county and district boards; and the payment of contractors, and a number of miscellaneous provisions which are necessary to every system.

The Bill "to Consolidate and Amend the Laws Relating to Highways in Ireland," headed "13th August, 1853," 16 and 17 Vict., strikes at the root of all consolidation, and is founded on the English parish system, under the Act 5 and 6 William IV., cap. 50, to abolish which a Bill was introduced in 1849, entitled "The Public Roads' Bill (England and North Wales.)" We have no reference in this Bill to any Irish Presentment Act, and the framers appear not to be aware of the well-known superiority of Irish highways over those of the sister country. The Bill is principally a compilation from the English Highway Act of 1835, and merits no serious attention. Under this Bill the qualification of a surveyor is, "Any person living within the parish or adjoining parish, and having an estate in houses, lands, tenements, or hereditaments, lying within such parish, in his own right, or in right of his wife, of the value of £10 by the year, or a personal estate to the value of £100 (such person not living within the parish being willing to serve the office), or being an occupier or tenant of houses, lands, tenements, or hereditaments (whether resident within the parish or within any adjoining parish), of the yearly value of £20, shall be eligible to be elected as surveyor for

* The great fault here is, that the finance or executive committee is an unpaid body, and, therefore, has no sufficient incentive to discharge duties effectually, which should be paid for. The road-wardens are also unpaid officers.

† The principle of the general Grand Jury Act, which provides that there shall be one grand juror, at least, from each barony is omitted in this Act, which is so far defective. If the number of Grand Jurors from each barony were chosen in proportion to its taxation, under Griffith's valuation, or as nearly thereto as may be, the mode of selecting jurors by the sheriff for fiscal matters would be less objectionable.

the purpose of this Act: provided, nevertheless, that no person who is now exempted by law from serving the office of overseer of the poor shall be compellable to serve the office of surveyor: provided, also, that any person who may be chosen and elected to serve the said office of surveyor may provide a sufficient deputy, such deputy to be approved of by the justices at a special sessions for the highways, who shall by writing under their hands testify their consent thereto. If any person who shall be chosen and elected, and who is not exempt as aforesaid from serving the said office, shall refuse or neglect to take upon himself the office of surveyor, or to provide a sufficient deputy, to be approved of as aforesaid, he shall forfeit, on conviction before any two justices, any sum not exceeding £20, unless he can show to the said justices good and sufficient cause why he should not be called upon to serve the said office: provided, also, that every deputy so provided and approved of shall have the same powers and authorities, and be subject to the discharge of the same duty, and be liable to the same penalties, as any surveyor appointed under the authority of this Act;" and we have in it none of those provisions which would provide for a consolidated system of extended baronial, district, or county works. It is a Bill of shreds and patches.

"The Grand Juries (Ireland) Bill," to relieve Grand Juries from fiscal business, &c., ordered by the House of Commons to be printed, 4th July, 1855, contains some useful provisions; but it would be complex and expensive in its operation, and the creation of paid presidents, paid vice-presidents, and paid assessors for each county, including the salaries of clerks, engineers, and treasurers for each district, as well as for each county, with the expenses also of executive committees and councils, would soon raise a general and just cry amongst the cesspayers. Like the Dublin Act and proposed Bill of 1849, it provides for the division of Ireland into districts, to correspond as nearly as possible with the boundaries of poor-law unions, the fiscal affairs of the districts to be managed by elected councils, composed of wardens. District councils to be corporate bodies, to maintain the main lines of communication, bridges,

&c.; to levy sufficient rates. It provides for the power of borrowing money, and for sanctioning works of private enterprise for public use; for the mode of making and sanctioning applications; for the appointment of executive committees and committees of management, and the appointment of a district engineer, or surveyor of works, a clerk, and a treasurer. County councils to be formed by deputies from district councils, the county magistrates to select an equal number, who, together with the lieutenant of the county (if he be not also president), shall form the body; to be a corporate body; to appoint an executive committee, and pay the expenses thereof; to make provision for county establishments, and all bridges and roads the expense of which shall exceed £200; levies to be made through district councils; to appoint a clerk, county engineer, and treasurer, and to complete Grand Jury collections. In addition to the foregoing proposed multiplication of offices, and consequent expenses, we have the appointment by the Lord Lieutenant of a president, vice-president, and assessor for each county, with proportionate salaries. The president to appoint a secretary and auditor with salaries. The Bill also proposes an administrative general council for the whole country, presided over by the Lord Lieutenant, of which *the presidents* are to be members, which is to have powers similar to those of councils for counties. The general council to be a court of appeal, and to have power to make regulations for the management of public establishments, statistics, &c. The Bill makes provision for executing works by the district engineer, as in the Dublin Act, in case parties tendering withdraw before the completion of the contract, or if no sufficient contractor shall be found; and contains some useful provisions not embodied in any existing or proposed legislation that we know of. The proposed system is, however, too complex; and, although developed with great care, it does not make sufficient use of our existing districts and institutions, to save expense or simplify its operations.

One of the defects of the present law is the want of available funds, with which, under the 128th section, to pay a contractor advances as his contract progresses, without waiting for at least six months, when the levy for the work

becomes available. In the Commissioners' report the difficulty is proposed to be met, by recommending that the collectors should pay in the cess monthly, as it is collected. But we know that the collection of nearly the whole of the cess is always made in a few weeks immediately before the assizes, and therefore, practically, this suggestion is of little use; besides, the levy for some counties—Limerick, for instance—is not made until after six months' work is executed, so that no funds are available for payment until after twelve months; while in other counties the money is presented for levy immediately when the contract of maintenance is granted, and the delay of payment does not exceed, on an average, six months. To each of these periods a few weeks must be added for making up the treasurer's books after the Assizes. There is, however, no need of all this endeavour to meet a difficulty which is rather apparent than real; for, with scarcely an exception, there are always sufficient funds available, from presentments levied for unaccounted for works, to meet advances to contractors under the present system, or the orders of a finance committee under an altered one; and if there be not, a presentment should be made in advance, on an estimate, to meet the current county expenses.

An endeavour was made at the late session to remedy the 54th section of the Act, under which a county surveyor has power to repair a neglected contract, if, after ten days' notice, the contractor still omitted to do so; but which is useless, as the Act provides no funds for the surveyor to make the repairs under this section. The Dublin Act, section 108, provides for summoning contractors before petty sessions, for neglect of works contracted for; and in case of further neglect, it empowers justices to authorize the surveyor to make good the same, and to levy the amount necessary for the completion of the work, by warrant of distress, on the goods of the contractor or his sureties. This section, with the necessary changes, has been embodied in the 19th and 20th Vict., cap. 63, sec. 17, for counties generally. The summoning of a defaulting contractor and his sureties will have a good effect, for the justices can mulct them in costs, as well as levy, by warrant, the sum necessary to make good their neglect, which be-

comes registered, with the activity of the surveyor, on the petty sessions books. The sureties have their attention also called in the best way to the neglect of their principal, and being brought more readily under a full knowledge of their responsibility, will be careful for the future in placing themselves in a like position. The moral effect on other contractors and their sureties will be very great, if only the surveyor and justices discharge their respective duties with energy, and a due respect for the public benefit.

In the Commissioner's report on the Turnpike Trusts, in Ireland, we have some evidence of public feeling with reference to the presentment and the turnpike systems. He states that there are at present sixteen trusts for repairing a distance of 325 miles, or something averaging about twenty miles per trust; and that nine trusts, comprising 260 miles, leading from Dublin, were lately abolished; and comes to the following conclusion from the evidence: "Having given it as my opinion that the continuance of the turnpike system upon any of the roads under consideration is not only inexpedient but injurious, it is my duty to recommend that they be all abolished by statute in like manner as others were abolished by the Act of last session, chap. 69. By which act of simple abolition all will fall under the charge of county surveyors, and be repaired by tax on their respective baronies." Certainly the distribution of toll collectors—"legalized footpads," as the *Times* calls them—over every six or seven miles of these roads, is very objectionable on many grounds; and their wages, with the cost of gates, toll-houses, and also the salaries of a surveyor, a secretary, and a treasurer for each trust (as well as the wages of road overseers, the charge for which is considerable, although seldom or never appearing openly on the accounts), form together a formidable item of expenditure in proportion to the work actually performed, and its net cost, in fact fully fifty per cent. of the toll collected. A writer in "Chambers' Journal," speaking of the system generally, says: "The whole road system of Great Britain, with its eight or nine thousand managements, its endless exactions, and its universal net-work of toll-bars, is, without exception, the most awkward and absurd institution on the face of the earth. Laying aside altogether the

loss of time, and the personal trouble and expenses of the individuals composing the trusts, the cost incurred for making and maintaining the roads is enormously disproportionate to the ends attained. No plan could have been invented to act so ruinously on the funds as that of levying money at turnpike gates from travellers. Were it possible to institute a rigorous examination, it would probably be found that, what with charges for acts of Parliament, charge for toll-houses, gates, and support of keepers, with heavy miscellaneous charges, not more than fifty or sixty per cent. of all the money collected is at the disposal of the trustees for behoof of the roads. In other words, from two to three pence out of every sixpence handed to the turnpike men are absorbed by managerial expenses." The advantages of this system, that is, prompt repairs and payments, might be easily engrafted, as we have already observed, on the present system, without otherwise altering the Grand Jury stock, from which so much good fruit has been obtained.

On the fullest consideration, we are advocates not only for a continuance of the powers now possessed by Grand Juries to present money for the execution of public works, but also for an extension of those powers to the extent we have already pointed out.

I. Because there is a close analogy between the legislation for the United Kingdom through two houses, and the administration of county business through those ancient boards, Grand Juries assembled at assizes, and magistrates and cesspayers assembled at baronial road sessions.

II. Because Grand Juries having to meet twice a-year at assizes* on other than fiscal business, and having the immediate assistance of the highest legal advice appertaining to all matters connected with their duties at these meetings, no other bodies can be had in every way better adapted to discharge the duties referred to them from road sessions.

III. Because no other persons could, under any circumstances, have the same interest in keeping down the amount of taxation for county works as Grand

Jurors, possessing the largest estates, and in general paying themselves the largest amounts of taxation as cesspayers as well as landlords. The difficulties which at present often arise from the want of a permanent executive body, might be easily met by the Grand Jury appointing a *paid* finance committee, of resident landlords, or qualified cess-payers, to meet and transact business once a-month, if necessary, for each district or barony, in a like manner as at the present monthly meetings of turnpike road trustees—when trustees can be got to meet regularly.

We are for an extension of the present powers of Grand Juries—

IV. Because they at present have no power whatever to present money for any works, unless its expenditure had been previously sanctioned at road sessions by the associated cesspayers and magistrates, and unless also a contractor had been declared at the adjourned sessions for the works sanctioned at the first sessions. We consider, here, that the sanction of road sessions should be sufficient to empower the Grand Jury to present, afterwards, for the execution of any work, by contract or otherwise, when there had been no contract entered into at the adjourned sessions; and that the cesspayers at road sessions, and Grand Juries, are the best judges of how the money, sanctioned for any work, could be laid out with the greatest advantage for the country.

V. In the event of sufficient funds for the general purposes of the county not being in the treasurer's hands to meet the outlay necessary for prompt payments, from assizes to assizes, there should be power to present, on estimate, a sufficient sum for the purpose.

We are of opinion it would be useful to graft the principle of election into the constitution of road sessions—

VI. Because the associated highest cesspayers of each barony at present frequently neglect attending; and we think that elected Poor Law Guardians for the electoral divisions within each barony, should, as the representatives of the cesspayers at large, have votes in

* Whether Grand Juries should be nominated by the sheriffs, as at present, or be wholly or in part elected by the cesspayers, we shall not inquire into farther than by remarking that the principle of representation would be fully and fairly carried out by electing the cesspayers to constitute the road sessions.

addition to those now possessed by the associated or largest cesspayers.

VII. Because the admission of this principle, so far, appears equitable, and should entirely remove any just cause for complaint that the many smaller cesspayers were not proportionately represented.

We are opposed to the parish system proposed in the bill of 13th August, 1853—

VIII. Because the parish system has been exploded in this country for nearly 100 years, and to return to it would be to retrograde in legislation, because, also, this system, as in operation in England under the 5th and 6th Wm. IV., cap. 50, has been since again tried and found wanting—a bill intituled “Public Roads Bill (England and North Wales),” having been introduced by Mr. Cornwall Lewis and Sir George Grey, and ordered to be printed on the 21st March, 1849, to sweep that Act away, the parish districts being found too small to ensure any thing like progress or unity of action over the country at large, and there being no central or general control.*

And we are opposed to new district and county boards, as proposed by the bill of July, 1849, or that of the 4th July, 1855—

IX. Because the magistrates and cesspayers at road sessions for baronial districts, and Grand Juries at assizes, for the county at large, should be looked upon as existing boards, requiring but slight modifications to make their action as administrative bodies far more efficacious than any proposed to be elected in their places, and be-

cause it is safer to remedy defects in detail, in a principle which has conferred so much benefit on the public, than to alter it altogether for a more expensive and an untried one. The Commissioners appointed to inquire into Grand Jury Laws, in their report of 1842, recommended also the retention of the fiscal powers of Grand Juries, who have greater incentives, as unpaid boards, to meet twice a-year at assizes, than any others could possibly have.

With reference to the engineering staff required for carrying on effectually the present or any system, it is evident it should be proportionate and suited to the amount of work to be performed; and as experience has proved that Grand Juries differ very much in their views of what is a sufficient staff, it should be defined in number and cost for each county by the Legislature or the Lord Lieutenant and Council, to prevent anomalies. We are advocates for open and direct taxation for every purpose, as well as in our county fiscal affairs; and when we find one county engineer with twelve assistants, at an average salary of £50 each, and another engineer for a county equally large, with only one assistant, we come at once to the conclusion that there is something wrong somewhere—in the engineers or in the system—and that if the respective duties be effectually performed, or as well as the law permits, the cost of the twelve assistants in one case is unnecessary, or it must be concealed as a much heavier item under the head of “repairs and maintenance” in the other. The chief duty of a county engineer should be to direct and

* In Scotland we have the following account of parish assessments, in Mr. Pagan's “Road Reform” already referred to:—“The Statute Labour Acts give the persons qualified as trustees the power of determining the amount to be assessed; and sometimes, as in Forfarshire, this power is exercised at annual meetings in each parish, and at other times, as in Fife and Kinrosshire, the assessment is laid on at meetings of districts, composed of several parishes. When each parish assesses, and collects, and expends for itself, *the patch-work is exceedingly beautiful*. The having passable or impassable roads depends on the caprice of the majority, and innumerable have been the contentions in the administration of this piece of parish business. A gentleman who is non-resident may not care what sort of roads there are, so long as his old-fashioned tenants make their way “through mud and mire,” and are punctual at term-day with their meagre rents. Another gentleman, however, who resides in the parish, and would like decent roads, as a step to further improvements, urges the propriety of an increased assessment, but he happens to be the smaller heritor of the two, and, however anxious for bettering the condition of the district, all his efforts towards that end are checkmated by the non-resident, who thinks the roads well enough, and resists every proposition for their amendment, at least if he is to bear any part of the expense. Cross purposes such as these often keep a wide locality in a backward and barbarous state, and show most strikingly the impolicy of having the matter of public roads under parochial control.”

control the expenditure, and to organize a sound system for the purpose. The principle of the division of labour should be carried out here as in other well-conducted departments, and if it be not, the cesspayers are sure to suffer from an excess of taxation, bad roads, or both. Taking the whole of the surveyors and assistants, or overseers, for all the counties, there is only one person at an average salary of £130, including all expenses, to superintend, direct, and control every seventy-five road contractors at a minimum, and each 300 miles of roads; while we learn from Mr. Pagan's book, "Road Reform," that the salaries of surveyors alone, not including overseers, in the Counties of Fife and Kinross, for 877 miles of statute labour and turnpike roads, is £1,268 14s. 7d., which is over £430 for each 300 miles, the "patch work" repairs of a portion of which is described as "exceedingly beautiful," while the "old-fashioned tenants make their way through mud and mire." With all our faults, we do things better in Ireland. Our road system, therefore, requires mending, not radical change; reform, not revolu-

tion. To our legislators we beg to say—

"That is best which lieth nearest,
Shape from that your work of art."

Since writing the above, two new bills have been introduced this session into Parliament. One to give powers to Grand Juries to present for works sanctioned at road-sessions, although not contracted for—the necessity for which we have already dwelt upon. The second bill proposes that Grand Juries should be composed of jurors taken alternately from the sheriff's panel and from elected jurors. Here we must have a separate panel for fiscal matters, or else introduce the principle of representation into the appointment of juries in criminal proceedings, which we look upon as inadmissible; and the advantage of introducing the representative system into the controlling body at assizes, as well as into the presenting body at road sessions, is questionable. The bill has, however, the great merit of simplicity; it deals with a single principle, and leaves the details and experience acquired in the working of the present Act untouched.

March, 1857.

