

OBSERVATIONS

ON THE

GENERAL GRAND JURY ACT,

6 & 7 WILLIAM IV., CHAP. 116,

WITH REFERENCE TO

THE ARRANGEMENTS THEREBY PROVIDED FOR
THE EXECUTION OF COUNTY WORKS.

IN

A LETTER

TO

THE RIGHT HON. E. HORSMAN, M.P.,

CHIEF SECRETARY FOR IRELAND.

By *Justitia.*

DUBLIN:

HODGES, SMITH, AND COMPANY,

104, GRAFTON-STREET.

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Houses Of the Oireachtas

TO

The Right Hon. Edward Horsman, M. P.,

CHIEF SECRETARY FOR IRELAND.

SIR,

The amendment of the Grand Jury Laws has attracted a large share of public attention for several years past, and formed the subject of repeated discussions in Parliament. Believing that, in reference to the practical and really important department of the subject, very erroneous ideas are entertained, I have endeavoured, in the following pages, to call attention to it, and to supply what has hitherto been a great omission.

Feeling assured that Government only requires to have the shortcomings of such measures as the General Grand Jury Act pointed out, to have the requisite amendments made, I have taken the liberty of addressing the following Observations to you on the subject.

I am your very obedient servant,

JUSTITIA.

Houses of the Oireachtas

OBSERVATIONS,

ETC.

THE extension of the facilities of communication is one of the most certain indications of progress. Whether in the construction of improved means of transit by steam-boat, by railway, or by the common high roads of the country, the subject will be found to attract attention as material progress advances, inasmuch as trade and manufacturing industry must be at a low ebb wherever the products cannot be readily brought to market. Accordingly, the improvements so characteristic of the past half-century have not been more remarkable in any department than in the changes which have taken place in the means of transit generally. By the electric telegraph, our messages are conveyed hundreds of miles in an instant; by modern ocean steamers, voyages to distant lands are contracted to an extent which, a short time ago, would have appeared incredible; by rail, we can distance the speed of the fleetest racehorse: and, though last not least, by improved public roads the means of conveyance from one part of the country to another, has been so completely revolutionised, as to have kept pace with progress in any other direction.

Confining our attention for the present to the last-mentioned means of locomotion, the evidence of progress must be familiar to everyone. The "Fly," the "Despatch," and the "Express" coaches of half-a-century ago required over three times the length of time for their journeys that is now occupied in traversing the same lines. Nor has the rate of travelling per hour been more improved than animal power has been economised,

as measured by the comparative loads which could be conveyed on the high roads at the period referred to and at the present time. During the early part of the present century, seven to eight cwt. was the ordinary horse-load (the Commissariat being unable to compel horses pressed into the service to convey more than seven cwt.); but, so great has been the change in our highways, that loads of twenty-five to thirty cwt. are now quite common. And while some of the credit of this improvement may be ascribed to the change that has taken place in the construction of the vehicles, it must be borne in mind that on the public roads of other days the use of the carts and drays now in vogue would have been altogether inadmissible.

The expense of the construction and maintenance of public roads and bridges in Ireland being defrayed by county assessments, their management has been from a remote period under the control of the Grand Juries by which such assessments are made, and the works themselves have been called "county works." The present system of providing for the execution of these works had its origin in the Act 3 & 4 Wm. IV. c. 78, by which a complete change was effected in the plan previously in operation; the system being still further modified by the Act 6 & 7 Wm. IV. c. 116, known as the General Grand Jury Act—that under whose provisions all such works are now executed. From the operation of both these Acts the metropolitan county was exempted; and it was not till 1844 that the present County Dublin Grand Jury Act was passed, the 7 & 8 Victoria, c. 106, to some of the provisions of which reference will be made in the after-discussion of the subject.

Previous to 1834, the construction and maintenance of county works were provided for by the several Grand Juries, without the intervention of any controlling power on the part of the great body of the ratepayers, and without any further professional assistance than was provided by the party at whose instance the work was brought forward. Deliberating with closed doors, there was little responsibility to public opinion, and competition not being brought into requisition, there were no proper criteria by which to judge of the adequacy of the sums applied for. The manner in which the necessities of a

district were provided for, depended entirely on the activity of the proprietors of it; and while in some cases the most ample accommodation was secured that the plan then in operation could afford, in others the means of locomotion were neglected, from the absence of any member of the Grand Jury having a special interest therein. And, again, while in some cases the professional assistance invoked for the occasion was such as could not be objected to, in others persons wholly unfit for such an office were employed. Hence the contrasts presented by the remains of the works of the period referred to—some being highly creditable as regards both design and execution, and others being in both respects worthy only of the earliest period of human progress. Hence, also, the very conflicting opinions on record as to the working of the law for regulating the fiscal proceedings of Grand Juries in Ireland, prior to the introduction of the present system—jobbing and inefficiency being laid to its charge in some quarters, while in others a high degree of perfection is claimed for it.

The General Grand Jury Act was founded on principles of justice and sound policy—of justice, inasmuch as the voice of a selected body of the ratepayers, not Grand Jurors, was to be heard in the determination of the question as to how far and in what manner they were to be taxed; and of sound policy, as ensuring the designing and execution of the works under adequate professional superintendence, and also introducing the important provision, that county work should be executed by contract, in lieu of the system of nomination, at prices privately agreed on previously.

In the consideration of the question now under review, there are two features presenting themselves for discussion. On the one hand, there is to be determined the proper organization for the attainment of the desired object—whether by the Grand Jury system as it at present exists, or by the formation of what have been termed County Boards, with or without a re-distribution of the area of taxation. On the other hand, there is the machinery by which any such organization is to be put in motion—the duties and powers of the executive, the emoluments of the officers, and the rules to be laid down for their

guidance. It will be observed, however, that in the discussions that have taken place on the subject, both in and out of parliament, during the past twenty years, the former of these departments has occupied almost exclusive consideration; and this is easily accounted for, inasmuch as it presented the requisite scope for theorising. Accordingly, the *modus operandi* of taxation and the constitution of the controlling body, have formed the subject of debate, the details as to how any system could best be carried out being generally overlooked. In the following pages it is proposed to reverse this order of things—to pass by the constitution of Grand Juries, or the consideration of any substitute for them—and to consider merely the operation of the present state of the law as affecting the construction and maintenance of county works, and how in its details it may be improved.

The General Grand Jury Act, though a most important measure of reform, was, like all great changes, in some degree in the nature of an experiment, the operation of which could only be fully developed by time. While introducing important principles—giving a voice to a selected body of the ratepayers outside the Grand Jury room, as to the extent and manner in which they were to be taxed, providing for works being executed by contract, and placing the works under the control of responsible professional officers—it introduced a number of anomalies, and failed to make provision for a numerous class of contingencies, to an extent which in practice not unfrequently makes the law a dead letter. With a view, doubtless, of guarding against the perpetration of jobbing, compliance with an unnecessary amount of forms is enjoined, the failure of which in any respect is fatal, and for which, whatever be the consequences involved, there is no adequate remedy. Reference is here made to works of maintenance, applications for which should be matters of course, and requiring deliberation merely as to expense and manner of execution. And while providing competent professional superintendence, the general arrangements connected with the discharge of the duties of county surveyor are anomalous in a high degree.

With a view of putting an end to the previous system of nomination of parties to execute works at prices arranged

privately beforehand, and the consequent jobbing which that system engendered, it was made a leading feature of the General Grand Jury Act that *all works must be executed by contract*; and in the absence of a valid tender, the application falls to the ground, however great the inconvenience which the public may in consequence sustain. Without the "approval" of the presentment sessions, composed of the magistrates and associated cesspayers, no presentment for a public work can be made; but a presentment sessions cannot be held without a magistrate to preside on the occasion. Here the inelasticity of the Act is first seen, as no provision is made for adjournment, unless to receive tenders for the execution of works previously sanctioned; and any failure of attendance on the day appointed for holding the presentment sessions is fatal to any works being passed for the barony at the ensuing assizes, or any payments being made for works executed. Passing by this first difficulty, the manner in which applications are to be brought forward comes under consideration; and here it is necessary to premise, that works of maintenance only are referred to, the arrangements for adequate publicity and due deliberation in the consideration of presentments for new works being desirable, and the provisions of the Act in this respect not being open to objection. Some important local road may, for example, be without any contract for maintenance, and in such a state that, if not soon attended to, great inconvenience will result to the inhabitants of the district, but unless an application has been made in due form at the presentment sessions, no further step can be taken in the matter; and while it is competent for the surveyor to make application where none has been already made, it has frequently been held, that in the event of an application having been made previously, the surveyor is precluded from applying, though the previous application may have been rejected through some informality. Again, the application must specify the "probable expense" of the proposed work; and if, through ignorance or by design, an insufficient sum is inserted, the presentment sessions has been held to be bound thereby, and the rejection of the application will not enable the surveyor to replace it by a proper one, if, as the law now stands, he can move only in

cases "where no application shall have been made." Supposing that an application has been made at presentment sessions, the formal compliance with the provisions of the Act comes to be enquired into, when it may happen that, from notice not being posted at some police barrack in an adjoining barony, the application falls to the ground. If, however, the application be "approved," the surveyor prepares a plan and specification for the inspection of intending contractors, tenders being received up to a given day, to be considered and decided on at the adjourned sessions; and here, again, the sessions not being properly constituted on the day appointed, is fatal to the applications passed at the presentment sessions, no provision being made for such a contingency. For the execution of some of the "approved" works there may be no tenders, in which cases, the applications fall to the ground, however urgent the emergency for which they were intended to provide. The security proffered may be inadequate, on account of the Act requiring security for due fulfilment *in double the amount of the proposed contract*—a condition sometimes opposing an insurmountable obstacle, even when no other stands in the way, and which, in practice, is inoperative, as, however great the neglect, parties are rarely sued for penalties, and even when sued, the penalties are seldom enforced. Or the tenders may, in certain cases, be too high or too low; but the adjourned sessions has no further power to deal with them than to accept or reject; and from this cause the most absurd tenders are frequently accepted.*

* For the information of those who may not be familiar with the working of the Act, the following *resumé* may not be out of place:—

All county works are said to be executed by "presentment," the proceedings of Grand Juries being in the form "We present," &c., &c.

To procure the execution of a county work by presentment, under the General Grand Jury Act, the mode of proceeding was intended to be simple and appropriate.

Two cesspayers lodge an "application" with the secretary of the Grand Jury, and serve and post notices in the manner prescribed by the Act, ten days prior to the day for holding the presentment sessions. This sessions, composed of the magistrates of the district and certain of the highest cesspayers of the barony, "approve" or disapprove, as the majority think fit. If disapproved, there is an end to the application; if approved, the county surveyor furnishes to the secretary of the Grand Jury specification and form of tender for the work, copies of which may be had by intending contractors, on payment of a small fee to the secretary; and at the adjourned presentment sessions the several proposals, which had previously been sent under seal to the secretary of the

As a general rule, the propriety of having public works executed by contract, does not admit of question; but the inflexible maintenance of this or any other rule, without allowing circumstances to be taken into account, cannot fail to be frequently productive of great inconvenience. The manner in which the county printing is usually contracted for is an illustration of this. The proper course would obviously be, to tender at so much per sheet for the printing, especially as in the preliminary stage the number of sheets required cannot be determined; but the law requires that at the presentment sessions the application for the printing must be made in the usual manner, the application, moreover, proposing a given sum for the execution of work, the extent of which cannot then be ascertained. Any such tenders as those for county printing must, therefore, be mere guess-work, and, accordingly, the most extraordinary variations are to be found in the sums proposed, founded on the more or less accurate estimate of the parties as to the extent to which the work may go.

In the event of the obstacles previously enumerated being successfully overcome, and the proposed work duly presented by the Grand Jury, its further progress comes to be considered. The contractor may be dilatory in setting about its execution; but however urgently required the work may be, the surveyor is almost powerless to arouse the dilatory contractor to action. Were funds available, the surveyor might, under the provisions of the 50th section, cause the work to be executed by day labour, first serving due notice on the recusant; but without the means of paying wages, for which there is no provision whatever, this remedy is out of the question. Another apparently simple remedy would be to relet the contract to another party; but the cause of the delay being generally taking the contract at too low a rate, there is no inducement to any other person

Grand Jury, are opened; the lowest tender, the security and the party making it being unexceptionable, is accepted, and the contract is then entered into to be duly executed, "if the same shall be presented by the Grand Jury." If no proposal be made for the execution of the work, the application becomes void. The "accepted tender," if there be one (or contract), is next taken into consideration by the Grand Jury, who present therefor, or not, as they think fit; if no presentment be made, the contract is void; if, on the other hand, the presentment pass, the contract receives the "fiat" of the judge, and binds all parties concerned.

to take it up. The amount presented by the Grand Jury cannot be exceeded, and the only way of meeting the contingency is by relaxing the stringency of the conditions of the specification—a course, the adoption of which, however, would hold out an inducement to contractors to become defaulters, so as in collusion with some other party put forward as a new contractor, to get the work on better terms than originally obtained. Months may therefore elapse without anything being done; the surveyor, who is supposed to be responsible for the due maintenance of the roads, being provided with no adequate remedy. Enforcing the penalties of the bond against the sureties is a work of time, and provides no immediate remedy for the evil.*

But assuming that all has so far gone on well—that the presentment has successfully gone through the ordeal described, and that the work has been properly executed, we then come to perceive a further great drawback in the working of the General Grand Jury Act—the undue delay which takes place in obtaining payment even under the most favourable circumstances. Suppose, for example, as is the practice in Limerick and some other counties, that a contract for maintenance has been entered into at the last summer assizes (1856), the contract was

* The reports of the county surveyors to their respective Grand Juries furnish abundant evidence of the inconvenience resulting from the stringency of the provisions of the Act 6 & 7 Wm. IV., c. 116. The following is selected, from a host of similar testimony, from the report of Mr. John Hill, surveyor of King's County, to the Grand Jury of that county, at last summer assizes:—

“On several roads through the county, in which no provision was made for their repair or maintenance, applications were approved at sessions to make presentments for that purpose, at an expense principally estimated by me, and which, according to my judgment, was fair and reasonable. They were advertised in the usual way, but no proposals were made for the works. There are 184 miles so circumstanced, of which 63 miles are of the most important roads in the county. The neglect of these roads for the coming winter will be a most serious public evil, and there is no remedy under the ordinary operation of the Grand Jury Act until after the next spring assizes.”

With reference to the value of the provisions for securing the execution of the contract, usually so stringently acted on at adjourned sessions, it has been ascertained, that, in some counties, the securities have not been made amenable since the passing of the Act, notwithstanding repeated defalcations on the part of contractors. In the case of contracts for maintenance for a number of years, if the penalties of the bond have been exacted at the end of the first year for default during that period, the securities are not further amenable during the rest of the term. Another anomaly of the Act is, that the contract is only determined by time, whatever be the conduct of the contractor.

It may be observed, that the Act 19 & 20 Vict., c. 13, s. 17, extends the powers of the General Grand Jury Act, as regards repairs; but the real difficulty—the want of funds—has been apparently overlooked in the remedy provided, which is, therefore, practically inoperative.

then recorded, but no money will be presented for it till next spring assizes, by which time half a year's work will have been executed. The money then presented will not, however, be paid in to the county treasurer until the assizes following, so that no payment can ordinarily be made to the contractor for twelve months after the work has been commenced.* For such a contract a considerable outlay must be incurred in the early stage in providing a supply of materials, the sound economy of which will be experienced at a subsequent stage; and this makes the delay in receiving the first instalment still more inconvenient to the contractor, who, unless possessing large capital, becomes the prey of some of the host of harpies who are always ready in county towns to make advances on surveyor's certificates at a ruinous rate of interest; and this drawback, it is needless to state, enhances the rate at which county works can be executed. To obviate, in some degree, the inconvenience thus caused, and by way of assisting deserving contractors, a variety of expedients is adopted for avoiding, or rather removing, the obstacles interposed by the Act; conditional certificates of the completion of the work are occasionally given at sessions, and to enable early payments to be made, certificates are sometimes handed in and received at assizes instead of at sessions. In short, the rule seems to be that each county has devised a method of its own for obviating the inconvenience caused by the absence of any provision in the General Grand Jury Act for making prompt payments, the law being thereby directly and deliberately violated.

In the case of post roads, those on which her Majesty's mails are conveyed, a sort of remedy is provided by the Act for a road getting out of repair, but the machinery for the purpose is cumbersome, hard to move, and slow in action. And further, the remedy is not available until the road is actually out of repair, as the

* The best mode of levy adopted is that which obtains in Tipperary and a few other counties. For example, a contract is let at Summer Assizes, 1856, and a year's money at once placed on the levy, payable into the hands of the treasurer at Spring Assizes, 1857. But it will be seen that even this plan, though it alleviates, does not remove the evil; as under the provisions of the 130th section of the Act, the application for payment must be made at sessions, and must be accompanied by "a certificate of the performance of the contract," which, in the case of works of maintenance, cannot be given till after the completion of the half year, or, in the case supposed, until the May sessions, being that first following such completion; and thus, *legally*, payment cannot be made until the succeeding Summer Assizes.

Post-office authorities will not move in the matter until the mails have been delayed. Then, and not till then, an application is made to the Commissioners of Public Works on the subject, on receipt of which the Board call on the county surveyor for a report thereon. The report is in due course laid before the Commissioners, and upon it an order is made for repairing the road, which is effected, if a contractor can be had, not otherwise, after considerable inconvenience has been sustained, and usually at a period of the season the most difficult in which to procure materials or make proper arrangements, and consequently at an expense much greater than would have sufficed had the remedy been applied in proper time.

For the repairs of sudden breaches in roads and bridges, the provision made by the Act is of a defective character. Before anything can be done, *two* magistrates must view the breach and afterwards sign, in petty sessions, an order for the necessary repairs—the amount not to exceed £20 for a bridge, or £10 for a road. A person is nominated to execute the work, and at next assizes the Grand Jury present for the amount certified by the county surveyor to have been expended—payment, however, not being available until the assizes following—some ten or twelve months after the work was performed. The delay in payment, as in all cases connected with the execution of county works, prevents the necessary repairs from being made at such reasonable rate as would otherwise be sufficient; while it may be difficult in certain localities (those very localities, too, in which breaches are most likely to be made by floods) to promptly get *two* magistrates to view the breach and afterwards sign, *in petty sessions*, an order for its repair; and the limitation of the amount to so small sums appears also to be inexpedient.

Notwithstanding all these drawbacks, many of which are confessedly of a serious character, it is admitted that the high roads of the country generally are maintained in excellent condition. The surveyor is *prima facie* responsible, but the inelasticity of the law prevents his interposition in the event of the failure of other parties. A road, as has been seen, may be sadly out of repair, and unless it be a post road it must so remain for months. At the ensuing presentment sessions the surveyor may bring forward an application, but in the absence of a proper

tender for the execution of the work, the application falls to the ground, and cannot again be brought forward for a further six months; or the contractor may be neglecting his duty, in which case the law makes no adequate provision for the work being otherwise proceeded with from no funds being available for such a purpose. The surveyor may refuse his certificate, and return the name of the defaulting contractor for legal proceedings being instituted against him and his sureties for breach of covenant, a proceeding rarely adopted; but this does not repair the road, and in the meantime the evil goes on increasing for months before any provision can be made to remedy it.

Such is the state of the law for the maintenance of county works! Can it be matter of surprise that cause of complaint should occasionally exist as to roads not being in a satisfactory condition? The wonder is that such cases are not more frequent; and the successful manner in which a defective Act of Parliament has been carried out reflects the utmost credit on those concerned in its administration, whether as magistrates and associated cess-payers at sessions, Grand Jurors, surveyors, or contractors.

The defects in the existing state of the law for the construction and maintenance of county works in Ireland have now been pointed out. The position and duties of the county surveyor, the officer under whose direction the works are carried on, come next to be considered.

It has already been seen that a leading feature of the General Grand Jury Act was making provision for the adequate superintendence of county works by properly qualified professional men. To each of these officers the title of "County Surveyor" was given by the Act; and to the appointment an examination by a board of inquiry was made a condition precedent—a condition not required for any other civil appointment in Ireland. The duties of the officer, as defined by the 6 & 7 Wm. IV. c 116, secs. 15, 17, 42, 43, 49, 54, 128, and 130, are:—to inspect, specify, and estimate for all works applied for at presentment sessions; to apply for such as may be omitted; to attend each presentment sessions, report on every work applied for, and certify for those completed; to inspect, previous to assizes, all

county works ; to attend the sittings of the Grand Jury to report on the works successively brought forward, and on the state and condition of all buildings, roads, bridges, gullets, walls, or other works," and "generally on all matters and things relating to the office of county surveyor, or which may be given to him in charge by the Grand Jury ;" to cause neglected works of maintenance to be repaired ; to inspect and certify (under magistrate's order) the repairs of roads and bridges "suddenly damaged : " and inspect, from time to time, and certify for "advances on works in progress."

The importance of a due discharge of the duties of the office will be seen by a glance at the magnitude of the work, as well as the consequences involved in its proper execution. By a tabular statement recently published, entitled a "Return of Extent and Cost of Works executed under Grand Jury Presentments in Ireland in the years 1834, '44, and '54, compiled from the County Presentment Books by the Surveyors of the respective Counties," it appears that the annual expenditure on these works closely approximates to half-a-million sterling. Taking the years above-mentioned—the first being at the termination of the old system, and the others marking decennial periods—it will be seen by reference to the tabular statement, an abstract of which is appended hereto, that for the maintenance of roads there was expended in 1834, £228,000 ; in 1844, £288,000 ; and in 1854, £312,000 ; these sums being distributed respectively over 13,000, 32,000, and 36,000 miles of road. Before proceeding further, a contrast which the figures present may be pointed out. For example, it appears that in 1834 the cost of maintenance was at the rate of £17 10s. per mile ; in 1844, of £9 per mile ; and in 1854, of £8 13s. per mile—a reduction which, without the actual figures to refer to, would be altogether incredible, when the great increase in the price of labour during the period, as well as the increase in traffic, are taken into consideration. Of new roads the mileage has been, during the 20 years the present system has been in operation, as given in the tabular statement, in fifteen counties (from which only have returns of extent and cost been obtained), 2,381 miles, at an expense of £628,299, being £268 per mile, or 16s. 9d. per perch.

RETURN OF EXTENT AND COST OF WORKS,

Executed under Grand Jury Presentments in Ireland, for the Years 1834, 1844, and 1854, compiled from the County Presentment Books,
BY THE SURVEYORS OF THE RESPECTIVE COUNTIES.

COUNTIES.	Years	NEW WORKS.												Total Outlay.	Cost of Superintendence.	Per Centage of Cost on Expenditure.	Gross Number of Miles of New Roads, made from 1834 to 1854.		No. of Surveyors.	No. of Assistants.	OBSERVATIONS.
		Road Repairs.		New Roads.		Cutting Hills, &c.	Bridges, Gulleys, &c.		Amount.		Amount.		Length.				Amount.				
		M. F. P.	£ s. d.	M. F. P.	£ s. d.		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.									
ANTRIM, ...	1834	240 0 0	15,310 0 0			2,500 0 0	218 0 0	1,600 0 0	19,628 0 0	1,080 0 0	5-50	234 0 0									
	1844	630 0 0	19,840 0 0			8,678 0 0	808 0 0	4,442 0 0	30,568 0 0	905 0 0	3-05										
	1854	1,020 0 0	20,055 0 0			9,371 0 0	335 0 0	1,003 0 0	30,764 0 0	905 0 0	2-94										
ARMAUGH, ...	1834	554 0 0	12,832 8 11			1,631 7 2	314 12 6	5,078 8 8	19,566 17 3	450 0 0	3-28	15 from 1844 to 1854.								Maintenance of footpaths is included with roads in Returns for years 1844 and 1854.	
	1844	783 0 0	3,895 1 4	4 0 0		2,679 0 0	391 0 0	3,300 0 0	13,727 18 4	550 0 0	4-00									Large Presentments for cutting hills were made in some of the intermediate years.	
	1854	941 0 0	10,489 18 4	0 0 0		480 0 0	0 0 0	0 0 0	6,508 13 3	400 0 0	6-14									Considerable amount of work, consequent upon the Drainage operations, has now to be provided for in this County. 162 miles of roads added in summer, 1854, which previously had been maintained by the Commissioners of Public Works.	
CARLOW, ...	1834	210 0 0	3,220 12 1	1 4 0		168 10 1	11 14 0	255 19 4	3,656 15 6	382 0 0	10-44	29 4 0									
	1844	412 0 0	4,655 14 11	0 4 0		29 16 0	0 0 0	401 0 6	5,286 11 5	490 0 0	7-56										
	1854	503 0 0	4,559 1 7	1 4 0		480 0 0	0 0 0	22 0 0	6,058 13 3	400 0 0	6-14										
CLARE, ...	1834	554 0 0	15,778 11 8	28 0 0		3,011 9 4	331 7 1	1,713 4 8	20,834 12 9	445 0 0	2-13	482 0 0									
	1844	1,445 0 0	10,719 7 4	16 0 0		1,135 2 0	360 9 3	1,144 11 10	13,359 10 5	500 0 0	3-74										
	1854	1,061 0 0	11,423 17 8	23 0 0		1,720 11 7	106 0 0	0 0 0	13,875 5 11	550 0 0	3-96										
CORK, WEST, ...	1834	862 0 0	8,395 12 7	12 0 0		2,493 8 0			10,819 0 7	540 19 0	5-00	357 0 0	75,642 8 2								
	1844	1,253 0 0	9,065 13 4	51 0 0		9,997 10 0	254 15 6	1,934 16 1	21,272 14 11	500 0 0	2-55										
	1854	1,492 0 0	10,243 12 11	1 4 0		190 1 0		3,829 7 4	14,262 1 3	550 0 0	3-85										
DUBLIN, ...	1834	201 6 26	8,277 19 6	12 4 0		574 7 6	59 18 3	927 8 5	9,649 13 8	195 0 0	2-02										
	1844	3,063 0 0	13,575 17 3	25 2 0		6,102 13 11	507 9 6	1,487 8 6	21,673 9 2	825 0 0	3-80										
	1854	3,318 4 0	15,850 2 1	18 6 0		3,194 7 11	469 16 1	2,343 5 8	21,987 11 9	1,250 0 0	5-73										
DOWNTOWN, ...	1834	370 0 0	14,247 8 6	23 0 0		1,033 11 8	81 8 1	1,976 10 3	17,338 18 6	Cannot be ascertained.		263 0 0	22,411 3 5								
	1844	1,853 0 0	21,501 4 6			1,477 13 6	2,782 14 3	2,376 1 10	22,459 2 0	720 0 0	3-20										
	1854	1,853 0 0	21,501 4 6			146 10 0	1,364 17 4	2,016 17 1	25,029 9 1	720 0 0	2-87										
DUBLIN, ...	1834	462 0 0	9,044 17 9	0 7 5		138 0 3	460 9 11	1,543 19 0	11,187 6 11	Cannot be ascertained.											
	1844	584 0 0	10,479 2 9			87 7 7	37 0 2	1,260 15 10	9,676 2 9	800 0 0	4-01										
	1854	692 0 0	13,522 13 0			18 0 9	0 0 0	6,364 11 4	19,905 5 1	800 0 0	4-01										
FERMANAGH, ...	1834	506 0 0	4,104 16 10	29 0 0		5,792 10 9	373 14 2	1,678 1 5	11,949 3 2	927 19 2	7-76	224 4 0	62,410 17 1								
	1844	610 4 26	4,375 12 6	10 6 0		3,821 17 3	147 12 5	1,550 3 7	7,596 9 9	450 0 0	2-88										
	1854	770 0 0	7,312 19 8	11 1 0		5,310 5 0	593 0 0	3,175 8 11	16,991 13 7	450 0 0	2-74										
GALWAY, EAST, ...	1834	285 4 0	4,944 19 2			881 3 10	0 0 0	273 3 4	6,099 6 4	377 15 0	6-19	82 0 0	15,506 0 0								
	1844	1,039 4 0	4,375 12 6	9 4 0		555 15 7	242 17 0	455 14 6	7,226 16 7	350 0 0	4-84										
	1854	1,106 0 0	4,976 0 8	3 0 0		186 0 9	0 0 0	930 13 2	7,125 14 7	400 0 0	5-61										
GALWAY, WEST, ...	1834	148 0 0	3,874 14 5	7 0 0		1,240 3 8	103 13 1	895 5 8	6,143 16 10	394 13 10	6-42										
	1844	542 0 0	4,479 2 9	16 0 0		1,294 7 0	75 8 6	2,295 3 8	8,144 1 11	350 0 0	4-29										
	1854	766 0 0	4,357 18 2	2 0 0		373 6 4	32 0 0	3,130 9 4	7,893 13 0	400 0 0	5-06										
KERRY, ...	1834	608 0 0	6,280 0 0						6,538 0 0	350 0 0	5-35	202 0 0	130,000 0 0								
	1844	1,218 0 0	8,243 2 7						10,287 0 5	450 0 0	4-37										
	1854	1,420 0 0	11,963 16 1						12,666 14 1	550 0 0	4-34										
KILDARE, ...	1834	343 0 0	4,515 0 0	0 0 0		0 0 0	157 10 0	280 0 0	4,952 10 0	400 0 0	5-82	51 0 0									
	1844	647 0 0	5,123 18 0	3 0 0		440 0 0	863 7 9	432 5 6	6,859 11 3	400 0 0	5-82										
	1854	932 0 0	7,128 5 0	2 0 0		319 0 0	86 7 0	111 12 0	7,640 4 0	400 0 0	5-23										
KILKENNY, ...	1834	445 1 25	3,499 11 2	14 0 31		6,080 0 0	49 8 6	221 4 1	9,850 3 9	1,135 0 0	11-52	49 2 26	27,636 8 0								
	1844	879 4 37	7,340 5 1	0 5 22		0 1 0	19 5 0	363 19 6	7,723 10 7	800 0 0	7-76										
	1854	947 1 27	9,013 8 0	0 0 0		0 0 0	106 12 0	447 15 8	9,667 16 6	550 0 0	5-74										
KING'S COUNTY, ...	1834	537 0 0	4,053 0 1	0 0 0		0 0 0	17 0 0	215 17 5	4,286 17 6	213 19 4	5-79	12 2 29	1,444 9 2								
	1844	859 0 0	4,047 11 1	0 0 0		0 0 0	24 0 0	150 17 4	4,222 8 5	430 0 0	10-18										
	1854	640 0 0	4,170 15 5	0 0 0		0 0 0	0 0 0	118 10 0	4,289 5 5	450 0 0	10-45										
LEITRIM, ...	1834	181 3 15	1,619 16 6	3 2 0		781 5 0	0 0 0	635 10 6	3,036 12 0	456 6 7	15-01	243 4 16	84,067 15 6								
	1844	928 5 24	3,427 7 6	16 1 0		3,305 0 0	0 0 0	1,636 7 1	5,382 14 7	350 0 0	4-18										
	1854	692 1 18	7,379 18 11	34 2 0		13,532 0 0	0 0 0	2,681 4 5	23,939 3 4	350 0 0	1-48										
LIMERICK, EAST, ...	1834	448 3 20	4,888 17 8	6 6 0		1,791 18 10	279 9 0	418 17 11	7,379 4 2	363 19 2	5-00	110 6 0	22,800 0 0								
	1844	649 1 32	6,380 12 9	2 4 0		580 13 8	321 17 0	137 4 0	7,390 7 5	450 0 0	6-09										
	1854	701 7 12	6,784 15 0	1 4 0		72 5 0	0 0 0	307 8 0	7,164 8 0	450 0 0	6-29										
LIMERICK, WEST, ...	1834	498 0 0	4,025 13 5	6 6 0		2,832 14 7	118 3 0	728 3 4	7,704 14 4	525 0 0	6-81	113 0 0	19,325 9 4								
	1844	881 2 0	4,329 19 2	1 4 0		3,279 7 8	283 15 0	255 9 10	5,148 11 8	400 0 0	7-76										
	1854	730 4 0	6,368 5 11	15 4 0		3,024 0 0	55 15 0	418 7 10	9,866 8 9	400 0 0	4-05										
LONDONDERRY, ...	1834	310 0 0	7,861 0 0	2 0 0		200 0 0	48 0 0	1,400 0 0	9,509 0 0	1,071 0 0	11-26	141 0 0	28,000 0 0								
	1844	1,210 0 0	14,876 0 0	12 0 0		2,329 0 0	400 0 0	16,555 0 0	34,070 0 0	650 0 0	1-90										
	1854	1,335 0 0	13,387 0 0	6 0 0		1,700 0 0	472 0 0	3,297 0 0	18,556 0 0	650 0 0	3-44										
LONGFORD, ...	1834	67 2 0	3,008 8 11	2 0 0		481 9 4	61 0 0	129 0 0	3,686 9 3	266 6 1	7-21	88 2 26									
	1844	510 3 26	4,581 19 6	4 0 0		779 9 6	262 9 0	393 4 0	6,009 2 0	300 0 0	4-92										
	1854	408 4 0	3,571 9 3	2 0 0		477 11 7	23 7 6	1,472 0 5	5,544 8 7	300 0 0	5-41										
LOUTH, ...	1834	167 4																			

The following tabular summary shows, at a glance, the comparative expenditure and cost of superintendence in the years 1834 and 1854, including Cavan, Meath, and the East Riding of Cork, from which no returns appear in the General Abstract, the figures for these being assumed from the general averages:—

Year.	Miles of Road Repaired and Maintained.	Total Cost of Works.	Cost of Superintendence.	Rate per cent. of Superintendence.
1834	£ 356,274	£ 22,636	6·4
1854	40,009	460,046	19,314	4·2

By this summary, taken from the tabular statement, it will be seen that the percentage of the cost of superintendence on the whole outlay for county works, *including all charges, is only four per cent.* If the works were all situated within short distances of each other, and individually of considerable amount, thereby rendering superintendence inexpensive and easy, such a charge as four per cent. would be an extremely moderate one, being about one-half the usual rate at which works of this class are executed; but when it is borne in mind, that a large proportion of the contracts are for a few pounds each, and extended over miles in length—that the average number of miles under contract in each district is 1,000—that the number of contracts which each officer has in charge ranges from 500 to 800—when all this is borne in mind, such a charge as four per cent. on the expenditure, as the cost of designing and superintendence, must appear truly marvellous, and is altogether without parallel.

In 1854, the last year included in the return, there were forty county surveyors in Ireland, and these forty officers had the control of the expenditure of £460,000, spread, as has been observed, over a host of small contracts, miles asunder. Not only, therefore, is a high professional *status* required for the discharge of the duties of the office (as tested by a searching preliminary examination), but an astonishing amount of work is to be gone through. There are, besides, so many conflicting interests to

come in contact with, on the part of the surveyor, that the greatest firmness, as well as the most earnest determination to faithfully and fearlessly discharge the duty, are imperatively required for the office. Great physical powers are needed to go through the mere drudgery which it imposes; sound judgment and good temper are required in the discharge of what is often an unpleasant duty — having to decline compliance with the wishes of influential parties, to refuse certificates to contractors, and direct the prosecution of defaulters—not to speak of the professional qualifications, the possession of which the previous examination is provided to secure. Nor is there any other office, the discharge of the duty of which is so completely under the surveillance of those interested in it; and yet the *gross* income is only £300 a-year!

In a preceding portion of these pages, the General Grand Jury Act was characterised as being passed, for the most part, as an experiment, the defects of which could best be modified after being some time in operation; in *practice*, however, such has been the earnest spirit of co-operation of the several parties brought into contact under it, that its shortcomings have remained in the background. The defects in the Act have been shown to be of a character, that it could only be by such co-operation they could be even partially overcome, and also by occasionally violating some of its most stringent provisions; and yet these drawbacks have been got over in such a manner, that public opinion has not been very strongly expressed as to the necessity of providing a remedy. But no greater anomaly can be laid to the charge of the Act, in any other respect, than the position in which it places the county surveyor; the high qualifications required for the office, the great amount of labour which it imposes, and the miserable rate of remuneration—miserable it may truly be said, when it is taken into account, that *at least one-third of the salary will be absorbed in defraying the expenditure necessarily incurred in the discharge of duty*. At the period of the passing of the Act, the precise amount of duty to be performed could not well be estimated, and accordingly a rate of remuneration was fixed on, at which it was supposed such services could be secured; acting on the sound principle, that the

amount could afterwards be easily increased, if such increase appeared advisable (as was, in fact, done under the powers conferred by the County of Dublin Grand Jury Act), whereas reduction of salary is almost impossible. Little surprise need, therefore, be excited at a more liberal salary not being provided in the first instance, but when the duties of the office came to be duly appreciated, it is passing strange, that over twenty years should have been allowed to elapse without any energetic attempt being made to remedy what must appear to any one of the least reflection a manifest injustice. One cause of the question being allowed to remain so long in abeyance has undoubtedly been overlooking the great expenditure incurred in discharge of duty in estimating the remuneration, which, in reality, is under £200 a-year. Another cause of matters of this kind being overlooked, is to be found in the circumstance of attempts at reform of the General Grand Jury Act being chiefly founded on theoretical views as to the bases on which taxation for local purposes should be levied, rather than designed to modify and improve the details of the existing system; and so the glaring injustice has been allowed to remain, year after year, of providing something like a net income of £200 a-year as the remuneration of a highly-qualified and over-worked officer, controlling the expenditure of some £10,000, £20,000, £30,000 per annum—exposed on every hand to temptation in the most substantial shapes, the most powerful among which being the necessities of his own position.

The provision for the appointment of assistants, contained in the 43rd section of the Act, may appear to have been designed to relieve the surveyor of a portion of the duty of superintendence. He is thereby empowered "to appoint so many persons as the Grand Jury shall, with reference to the extent of the county, and of the duties to be performed, think necessary to be assistants;" the salary to be £50 per annum. A moment's consideration will, however, show that the business of the county surveyor is such as can only to a very small extent be discharged by deputy, and that if he had an indefinite number of assistants, the really responsible and conscientious officer would not, in consequence, dispense with personal inspection to

any large extent; the duties of assistants being confined to matters of detail, such as measurements of quantities, &c., which are absolutely necessary during the progress of the work.

The modifications required to insure the efficient working of the General Grand Jury Act have been indicated in the previous remarks on its shortcomings. It has been seen that one of its leading features is, that *all* works shall be executed by contract, and by contract only—a provision, the stringency of which was supposed to be necessary at the period of the passing of the Act, to do away with the evils of the previously-existing system. The propriety of making provision for exceptional cases, in which there might either be no tender or an improper one, was overlooked. The relaxation of the stringency of this condition is imperatively demanded by the inconvenience which it occasions in practice. A further important modification must be, to make provision for more prompt payments than are at present practicable. And the observations which have been already made on the duties and emoluments of the office of county surveyor will indicate that here, too, some changes are required. These, as well as some minor points, it is proposed to discuss *seriatim*, again premising that *it is only as relates to the arrangements for the execution and maintenance of county works* that the subject is discussed in these pages.

The changes contemplated, it will be observed, involve only matters of detail—a position which it is necessary to bear in mind in their consideration. They are not of a merely speculative character. Their advocacy is, moreover, founded on an enlarged experience of their necessity. In the County of Dublin Grand Jury Act, 7 and 8 Vic., c. 106, the changes here contended for have been substantially embodied, with the most satisfactory results. The value of prompt payments has been practically tested in the metropolitan county; and this must be the great basis of any attempt at reform. The arrangements for this purpose must place the office of county treasurer on a new footing, by increasing its utility. For the County of Dublin, a finance committee transacts the business of treasurer—the committee being appointed by the Grand Jury at each

Easter term, and the cess-collectors being obliged to make lodgments monthly in the Bank of Ireland to the credit of the committee. This arrangement is, however, open to the objection of placing responsible duties on honorary officers, and which, however admissible in the metropolis, would appear to be highly inexpedient in the provinces, where gentlemen could not always be found on the spot who could conveniently devote attention to the discharge of such duty. The County Dublin Act abolished the office of treasurer; but in any modification of the General Grand Jury Act, the exigencies of the public service demand that the utility of that office should be increased, rather than that any attempt should be made to abolish it. Under any efficient system for the execution and maintenance of county works, weekly or fortnightly payments must be made by the treasurer on all works given in charge to the surveyor, as well as more frequent payments to contractors than at present; and for this increase of duty, adequate arrangements should, of course, be made, so as to continue to make the office sought after by gentlemen of such position in the respective counties as those who now fill it.

By the County Dublin Act, the adjourned presentment sessions is held *after* the Grand Jury has decided on the various applications; and the absence of a tender is not, as in other counties, necessarily a bar to the execution of any work applied for. The 87th section of the Act provides that, "if no proposal shall be made in respect to any work within the time limited for such proposals, or if no proposal or tender shall be approved 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 a power to expend a sum not to exceed the maximum fixed as aforesaid; and such surveyor shall cause such work to be executed, and shall account for the execution thereof to the finance committee." A complete remedy is thus provided for the inelasticity of the General Grand Jury Act, so far as regards making a valid tender a *sine qua non* to the execution of any work—a provision, moreover, which has been made available to a large extent, as may be seen by the great number of works "given in charge to

the surveyor" at every adjourned sessions; but it would seem to be desirable to vest such powers in the Grand Jury, rather than in the adjourned sessions. In the metropolitan county the whole of the arrangements for such works are thrown upon the surveyor—not merely the superintendence, but the payments also pass through his hands. It is, however, highly undesirable that the surveyor should, on any extended scale, be placed in the position of a *quasi* contractor, as his attention is thereby unduly taken from the discharge of his proper duties, and, becoming paymaster, he is obliged to keep accounts and discharge functions wholly foreign to his office. In short, the experience of the relaxation of the stringency of the contract system in the case in question, would indicate the necessity of making provision for such organization as may be required in the financial department, when occasion arose for the surveyor receiving or taking in charge the execution of works, as well as proper arrangements for carrying on such works. In the reports of the district surveyors to the County Dublin Grand Juries, repeated reference is made to the extent to which this department of their labours pressed on their attention, and the unpleasant position in which they have thereby been placed. In modifying the stringency of the 23rd section of the 6 and 7 Wm. IV., c. 116, which enacts, "that if no proposal shall be made in respect of any work within the time limited for receiving same, the application shall be void and of no effect whatsoever," it will, therefore, become necessary to make arrangements for the execution of such works, so as to prevent the necessity of the surveyor becoming a *quasi* contractor, by placing the making of all payments in the hands of the county treasurer.

Under proper arrangements, the provision for the execution of work, in certain cases, under the direction of the surveyor, may be used to great advantage. In cases in which no tender is made, the value of the provision is obvious. It also may be made the means of keeping down any combination among contractors to unduly keep up prices. In the case of special works, an example as to the best manner of executing them cannot fail to be useful, in a high degree, to contractors generally, as must also be the proper training of the workmen. And further, the

information thereby obtained will be available in other cases, to enable the surveyor to make his calculations in reference to the expenditure necessary for certain classes of works.

It has just been observed that the propriety of conferring further powers on the adjourned presentment sessions, without the opportunity of any control on the part of the Grand Jury, appears to be questionable; and hence it would not seem desirable that any change should be made in the existing arrangements so far as regards *the time* at which the adjourned sessions is held, so that, in cases where there was no proper tender, the Grand Jury might have the power of deciding on the course to be adopted—whether the application should be allowed to fall to the ground, or whether the work should be given in charge to the surveyor.

The inadequacy of the salary of the county surveyor and his assistants, has already been shown to be one of the great anomalies of the General Grand Jury Act, considering the position of these officers, and the nature of the duties to be performed. Of late there has been a strong tendency manifested in the direction of a reduction of salaries, founded chiefly on the circumstance that whatever the office may be that becomes vacant, there is a host of candidates, irrespective of salary. But the extent to which this principle has been acted on has brought forth the fruit that might naturally be expected from it, in the betrayal of trust to a degree that has gone far to shake confidence to its foundation. In most of these cases it has been found that men were so placed as to be obliged to maintain social positions for which their salaries were inadequate. A reaction has, however, already set in, founded on the conviction that it is sound economy to afford liberal salaries in offices involving responsibility and high qualifications. In such cases it is idle to refer to the law of supply and demand, as regulating the amount to be paid for services. Those who fancy that the adequacy of the salary of any office is established by *apparently* eligible candidates presenting themselves on a vacancy, reason on very imperfect premises; and yet this is a common argument. What is the office that could not be filled up at one-half the present salary, whatever that salary may be? But if we refer to the examples of the great commercial houses—those in which

fortunes have been made—we find that the leading maxim has been to secure the best men as heads of departments, almost irrespective of salary. When it is taken into account that on a single transaction more than a year's salary may be gained or lost by efficiency or incompetence, the wisdom of such policy is apparent. And the object must be not only to secure the highest qualifications, but to retain them. The officer who regards with dissatisfaction his present position, is constantly intent on changing it; and, under such circumstances, the discharge of current duties can rarely receive that consideration which it demands. Besides, it must be consistent with the experience of everyone who has devoted attention to such matters, that in the supervision of such a large expenditure as £20,000 or £30,000 per annum, a saving of £300 or £400 would be a small item as the result of good management, when compared with that of mediocrity. On a single large contract, a year's salary may be lost by bungling in the specification, or neglect in looking after the execution of the work; the amount of salary in such cases comes therefore to be a bagatelle, compared with the manner in which the duties of the office are discharged.

Apart from these general considerations, there are certain specialities connected with the office of county surveyor which demand attention, and in reference to which some misconception appears to exist. The large outlay in travelling expenses has suggested in some quarters the idea of a re-distribution of districts, as, with a smaller area under supervision, a decrease would take place in the item in question. But this change would increase the number of officers; and by lowering the position of the office, leave it to an inferior class of men, without effecting even a nominal saving;—this is not the direction in which sound economy is to be sought. Extend, rather, the sphere of duties, raise the position of the office, and increase the stimulus to exertion—providing at the same time the necessary staff of assistants—and in this way so much more efficiently will the duties be discharged as to make any reasonable increase of salary a matter of comparatively small moment. Nay, more, it is consistent with every day's experience, that by such policy an actual saving may be made, and that, frequently, to a large amount.

Another matter requiring a passing notice is the misconception which appears to prevail relative to private practice, and the difference of opinion entertained as to whether or not the whole time of the county surveyor should be devoted to the office. As the result of a rather extended inquiry, it may be affirmed that the extent to which private practice is enjoyed by these officers is very small indeed; and at present not more than half-a-dozen out of the forty surveyors make any addition thereby to their incomes; the question as to whether or not private practice should be permitted, can therefore be but of small moment to the greater number of these officers. But the consideration here would not appear to be the extent to which such practice prevailed, or how it was valued, but how far any prohibition would affect the status of the office. In this respect, however, the question is of some significance—though utterly insignificant as a means of adding to the incomes of the surveyors generally. And although it is only in certain localities that private practice is likely to occur, even there the enjoyment of it will be an evidence of the high qualifications of the officer; and any such practice being usually in his district, attention to it will not necessarily interfere with the discharge of duty. It may also frequently be a matter of general convenience that the casual services of an efficient body of engineers may be had throughout the country. Preliminary reports may, for example, be required relative to some local affair, in getting up which it is important that the services of a local officer should be procurable on easy terms; hence there appears to be no valid reason why restrictions should be placed on the enjoyment of private practice, while a variety of arguments might be advanced in favour of no interference with it.

In the consideration of the amount of salary, it should be borne in mind that almost any modification of the Grand Jury Act cannot fail to add to the amount of duty to be discharged. Whatever other changes may be made, it is quite clear that a relaxation must take place of the stringency of the regulation which prescribes that all work must be executed by contract; and this alone will open up a new field for exertion, and make a large demand on the surveyor's time, and on his pocket in

additional travelling expenses. Besides, by recent legislation a considerable addition has been made to the duties of the office; such as the supervision of roads previously maintained by the Commissioners of Public Works, and under the turnpike system; the construction of bridges rendered necessary by arterial drainage, formerly under the charge of the drainage engineers; and the construction and maintenance of piers and harbours—all onerous and important duties, occupying, in some districts, a large proportion of the time of the surveyors, and none of them contemplated by the Act under whose provisions the office itself was created. The salary, too, should be dependent on the size, importance, and other circumstances of the district. In some counties or districts there is double the work that is to be looked after in others, and there should be a suitable variation in salary; the higher rates would become prizes to which the more active members of the profession might look forward as the reward of their labours, and in this way would be provided a further stimulus to exertion.

The position and salary of assistants come next under consideration. Although the duty of this office is confined to matters of detail, the position is one of responsibility; and hence assistants should be placed beyond temptation by an adequate salary. Measurements of quantities, for example, and other matters of detail, must principally be in the hands of assistants; and in the case of a hard-worked and underpaid officer there is the temptation to modify the return according to the suggestion of an influential contractor; and the loss sustained in this way on a single contract, might be much more than an entire year's salary. At present, county surveyors, in the selection of assistants, are usually obliged to appoint persons who have some other source of income, and therefore only a portion of whose time is available. Taking the responsibility of the position and probable increase of duty into account, it would appear that a range of salary from £50 to £100 a-year should be provided—the higher rate being paid to the most efficient officer, and the prospect of increase of salary insuring increased attention to the discharge of duty. In reference to the number of assistants to be provided, some rule should be laid down in-

sureing a more equitable proportion between the number of officers and the work to be got through than at present exists. In some very small counties, the surveyor is provided by the Grand Jury with several assistants, while in some of the large counties there are only one or two assistants. The tabular statement will show illustrations of the anomalies existing in this respect; in one case only does the number of assistants amount to one for every hundred miles of road, while in many there is but one assistant for five hundred, and seven hundred miles, and in one case for fifteen hundred miles of road!

Premising these general considerations as to the leading features of the Act 6 and 7 Wm. IV., c. 116, we now propose to notice in detail such of the sections of it, relating to the execution of county works, as appear to require revision.

Section 9.—In this section, regulating the proceedings of presentment sessions, the absence of any provision for non-attendance of a magistrate requires attention. The cases have, no doubt, been few, in which the wants of a district have been left unprovided for on account of no presentment sessions been held, but *such cases have occurred*, and even in the County of Dublin, where a larger number of resident gentry is to be found than in any other county, an instance occurred only a few years ago of a barony being without any presentment sessions for twelve months (presentments being there only made annually) through non-attendance. The remedy is to vest the secretary of the Grand Jury with authority to adjourn the sessions to some future day, of which due notice should be given; or, in the event of no magistrate attending, enabling the cesspayers to choose a chairman.

Section 11—Prescribing the manner in which notice of application for any work is to be given, would be amended by merely requiring the applicant to serve the secretary of the Grand Jury with notice, say thirty days before the day for holding the presentment sessions, and placing on that officer the onus of giving due publicity; and for which purpose the printed list of applications posted in the places prescribed for the purpose, and sent by post to each magistrate and associate cesspayer, would appear to be sufficient. The allusion in a

preceding page to the chance of an application being rejected through want of notice being posted at some police barrack in an adjoining barony or county, was founded on this section prescribing the posting "at every police station within the parish," and parishes, baronies, and counties not always being conterminous.

Section 13 prescribes that for *new* works, which it is proposed to charge on different baronies, application "shall and may be made at the presentment sessions holden for the barony off which it is proposed that the larger portion of the expense should be raised;" and here the omission of the word "new" would be an improvement, so as to make this provision apply for *all* works.

Section 15 empowers the surveyor to apply, without any previous notice, at presentment sessions for any work of repair or maintenance, "in case no application shall have been made;" but it would be desirable to add the words, "or in case of the insufficiency or informality of any application so made," so as to meet the objection sometimes raised to any application from the surveyor, where one was previously made, though it failed.

Section 20 empowers contracts to be made for a series of years "for gravelling or repairing with small stones any public road, or for keeping open the drains on the side of any public road, or for gravelling or repairing any footpath on the sides of any such road, or for repairing the battlements of the bridges upon any such road;" but it should include also a continuing contract for buildings and all other county works, including printing.

Section 22—The security for due fulfilment of the contract provided by this section is double the amount of the contract up to £1,000, and over £1,000 the security is to be £1,000 in addition to the amount of the contract. In a previous part of these pages it has been seen that, in practice, this provision is of little value, such a thing as making amenable the securities of defaulting contractors being seldom heard of, while such excessive security being required, operates as a drawback to legitimate competition. The scale should be altered, taking care that for contracts at nominal prices security should be had to the value

of the work; but the true remedy, in case of default, is promptly to take up the contract from the defaulter, after serving due notice upon him to that effect; and with funds available for the purpose, little public inconvenience could result.

Section 23—Contains the provision referred to so frequently—rendering every application void for which there is not a satisfactory tender put in. The remedy has already been discussed at length, the stringency of the provision here being one of the cardinal defects of the Act.

Section 41—Specifies the maximum salary for county surveyors. This topic, also, has been already fully considered. For the reasons previously stated at length, it would appear, that the maximum should be fixed at £600, making the scale of salaries range from £300 to £600, according to the extent of each district or county, with the addition of travelling expenses, as the more effectually the duties are performed the greater the expense out of pocket.

Section 43—Prescribing the salary, duty, and mode of appointment of assistants, requires to be amended, as shown in a preceding page.

Section 54—Funds should be provided for working this section.

Section 80—Limits the amount to be expended on depots for materials and milestones to £1, but the amount should be left to the discretion of the surveyor, subject to the approval of the presentment sessions and Grand Jury. The object is at present often accomplished in an irregular manner, contrary to the provisions of the Act.

Section 103—Providing for the superannuation allowance of a large number of county officers fails, by a singular omission, to include county surveyors, who, from the nature of their duties, are peculiarly exposed to those contingencies which make superannuation not only highly expedient, but render it a simple act of justice.

Section 128—Provides for the payment of three-fourths the amount of the contract by the treasurer, if exceeding £20, on the certificate of the surveyor, if so ordered by the Grand Jury at the time of passing the presentment. The value of prompt

payments is here recognised, but provision should be made to extend this advantage to all works, irrespective of amount.

Among the other matters for which the Act fails to make provision, and some of which clearly were omissions not contemplated at the time of passing it, the absence of any authority for constructing bridges of iron may be mentioned. There are some cases in which iron could be economically and effectively used for bridges, and where it would be peculiarly applicable, though, at the time of passing the Act, iron was little employed for such purposes. The selection of the material should be left to the discretion of the county surveyor, subject, of course, to the presentment sessions and Grand Jury.

In conclusion, it is hoped that enough has been advanced to show that the provisions of the General Grand Jury Act, with reference to the arrangements thereby provided for the execution of county works, urgently require revision. These provisions have been here criticized in no carping spirit. The inconvenience which they occasion, and, it may be added, the injustice which they inflict, have been considered with an earnest determination to place the subject in its proper light before those who have the power to provide the desired remedy; and if the observations here made in any degree contribute towards the advancement of the object in view, the writer will have the satisfaction of knowing that he has done the state some service.

County Surveyors

Houses of the Oireachtas