# REPORT

ON THE PROPOSED

# GRAND JURIES' (IRELAND) BILL

OF

# 1858,

BY A

## Committee of the Grand Jury of the County of Antrim:

WITH

# AN APPENDIX,

BY THE SECRETARY OF THE GRAND JURY,

**AT SPRING ASSIZES, 1858.**

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PRINTED AT THE BELFAST NEWS-LETTER OFFICE.
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# RESOLUTION.

GRAND JURY ROOM,

*9th March*, 1858.

*Resolved*—"That the following gentlemen be a Committee, to read and report upon the proposed 'Grand Juries' (Ireland) Bill,' 'The Markets and Fairs Bill,' and 'The Clerk of Petty Sessions Bill,' viz.:—

A. S. ADAIR, Esq.,
SAML. G. GETTY, Esq.,
ROBERT THOMSON, Esq.,
JAMES E. LESLIE, Esq.,
GEO. GRAY, Esq.,
JOHN MONTGOMERY, Esq.,
THOMAS GREG, Esq.,

And that they be requested to meet at *ten* o'clock, and report at *three* o'clock, P.M., on Wednesday the 10th March, 1858."

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# REPORT.

In pursuance of the foregoing Resolution, Colonel Adair, on the part of the Committee, brought up the following Report:—

"As respects the appointment of County Committees, while your Committee approve of the establishment of a body which shall have a legal power to continue the action of the Grand Jury between Assizes, yet they think it unadvisable to place duties of an intricate nature, and requiring considerable familiarity with financial details, on the Finance Committee, of which the members must necessarily be changed from year to year; and, as a necessary consequence of the above resolution, the Committee recommend that the office of Treasurer be consolidated with that of Secretary.

"With reference to the alteration in the duties of County Surveyor, while your Committee approve of the general provisions of the Bill, especially in providing a large remuneration for assistants in Baronies, they consider the retiring allowances proposed totally inadequate to the circumstances of the case.

"Your Committeee have to observe, that a novel principle is proposed to be introduced by this Bill, by the election of asso-

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ciated Cesspayers; and report that they consider the provisions of the present law to have been perfectly satisfactory, and they see much difficulty in giving effect to the principle of election by the general body of Cesspayers.

"The establishment of a General Purposes Fund appears well adapted to promote the public service, by seasonable advances to Contractors.

"Your Committee approve of the prompt payment of salaries of Secretaries and Surveyors at each Assizes.

"The power of appointments, as given to the Grand Jury by clause 50, appears to be a useful definition of a power hitherto uncertain, although exercised.

"The Committee approve of the principle of classification of Counties, proposed by the Bill.

"Your Committee regret that a sufficient distinction has not been taken between the different classes of applications for Presentments on the County at Large, as shown in clause 34.

"And, finally, the Committee recommend that the appointment of the County officers, not being officers of the Crown, should remain with the Grand Jury for the time being."

Colonel Adair proceeded to say, that the Committee, in the first place, examined the Bill as to the constitution of the Grand Jury, and found that no alteration was proposed in it as to the mode of assembling Grand Juries by the Sheriffs; but large alterations were introduced as to its functions. He referred to the paragraph in the Report, having reference to the appointment of County and Finance Committees—the latter of which was in-

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tended to relieve the Treasurer of his duties—and added that the Committee felt very great difficulty on that point. In law, none of the Grand Jury had a right to expect that they would be called on to act on the Grand Jury of the year following; and, if a Finance Committee were entrusted with the duties which the Bill contemplated, and which he apprehended would comprise matters involving particular nicety of detail, that Committee being only appointed for one year, it may happen that gentlemen will be placed upon it who are not conversant with the details of the outlay of a large and important County like Antrim, and who may find themselves in want of knowledge to discharge their duties properly. At the same time great objections were entertained to the office of Treasurer, and gentlemen would have an opportunity of expressing their opinions on that part of the Report. The Committee, although opposed to the formation of a Finance Committee, were of opinion that the offices of Treasurer and Secretary could be satisfactorily amalgamated. Referring to the provisions respecting the County Surveyor, the gallant Colonel said that County Surveyors were to be examined by a Board of Examiners, in Dublin, for the purpose of deciding upon their qualifications, and that, County Surveyors being appointed, the Magistrates and Grand Jurors were authorised to make road districts in the County, and appoint Assistant-Surveyors to each, if they thought necessary; and these Assistant-Surveyors, though appointed by the County Surveyor, are not to be accepted as officers of the County until they have undergone an examination in Dublin. With regard to salaries, they had the opinion of the County Surveyor; he stated that he was very desirous to pay assistants properly for their services. £50 is now the limit, and, by the Bill before the Grand Jury, the maximum rises to £80; but it may be considered advisable to have a higher figure. The Committee thought that, considering the high posi-

tion which the County Surveyor holds in the County system of Ireland, the high talents that he must possess, and the continued attention that is required from him, that the retiring allowance was too low, being only eight-twelfths of his salary, after forty-five years' service; and it was considered that that retiring allowance would not bring into the public service the class of gentlemen and engineers whom it is desirable to employ. A point of considerable importance was that with respect to the election of associated Cesspayers, instead of selecting them in the manner now in use, by taking the highest on the list of Ratepayers. In this manner they went, as far as time would allow, into detail, as they would not have felt themselves justified in taking so decided a step, unless they had got the best information on the subject; and if the principle of election of Cesspayers were the principle admitted under this Bill, that, it was feared, would be attended with exceeding difficulty, inconvenience, and expense. There were thirty thousand Cesspayers in the County, and the provisions of the Bill, by which it is necessary to forward notices from the Secretary to the High-Constable for distribution, would cause a great deal of expense and inconvenience. If the Grand Jury were satisfied that the Cesspayers are contented with the matter, they would express that opinion. The Cesspayers evinced an immense amount of interest at the Presentment Sessions, and he apprehended that some further notification from that great body of the population should be had before they decided on adopting the change of substituting the election of Cesspayers for the present system. The Grand Jury were not called on to make an alteration. If, on the other hand, the principle of election is more acceptable, and can be carried out without real inconvenience to those who desire it, he was quite sure that the Grand Jury would not oppose it; but they had no evidence at all justifying them in making that representation. In reference to the

General Purposes Fund, the Committee considered that it would advantage the public service by seasonable advances to Contractors. Many difficulties were experienced in the payment of Contractors, and probably this would do away with them. In some degree connected with this matter was the provision made for the prompt payment of the salaries of the Secretary and the Surveyor which, it was provided, should be paid half-yearly at each Assizes. The Committee had evidence before them as to the exceeding inconvenience arising from the officers of the Grand Jury receiving their salaries in the present manner, and they thought that these officers should be relieved from that inconvenience and delay. The Committee did not object to the classification of the Counties by which Antrim was placed first. One clause appeared to be loosely and rather unintelligibly written. It was that having reference to the different classes of presentments on the County at Large; and the Committee were of opinion that the clause should be re-written. He was reminded by his friend Mr. Montgomery that the question of voting by Magistrates was not clearly defined, and that it was left in doubt whether it was intended that the *Magistrate* should vote in all *places* where he has property, in the place where he resides, or in any place in the County for which he is Justice. The provision with regard to Weights and Measures would also require revision. The question of Markets and Fairs, and of the Clerks of Petty Sessions, and the propriety of substituting the payment of the latter by salaries instead of fees, would require to be very closely considered.

It was subsequently proposed, and unanimously adopted, in continuation of the Report, that provision should be made in the Bill for the superannuation of Secretaries of Grand Juries, similar

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to that for County Surveyors; and that Secretaries should be empowered to appoint deputies, when unable from illness or other sufficient cause, to perform their duties in person.

It was further resolved—"That the Secretary of the Grand Jury be requested to forward to the County Members any observations and suggestions which he may think advisable to make as regards the proposed Grand Jury Bill."

*(See Appendix.)*

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# APPENDIX

BY THE

## SECRETARY TO THE GRAND JURY.

THE Committee, finding the time at their disposal, in the midst of the fiscal business of an Assize, exceedingly limited, were necessarily obliged to confine their observations to a few of the most prominent features of the Bills committed to them. They, therefore, after presenting their Report to the Grand Jury, proposed that the Grand Jury Secretary should be requested to append such observations and suggestions as he might think it advisable to make, and transmit them, together with the Report of the Committee, to the County Members.

A Resolution to this effect having been passed, it has become my duty to comply with the request contained in it.

In doing so, I feel that my province is, not so much to deal with or discuss general principles—for these will be equally as well, if not better, understood by the Members of the Legislature themselves—as to observe upon such matters of *practical*, and even *minute*, detail as may tend to aid in working out the principles adopted; and especially on such as are more immediately connected with my own department.

I propose to take up such Sections as I may have occasion to refer to, in the order in which they stand in the Bill.

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*Section* 2. Proposes that the Act shall commence on the 1st of January, 1859; but it will be seen, from observations on Section 6, that the 1st of May, 1858, or 1859, would be a more suitable time for its commencement.

*Section* 4. The word "*in*consistent" in this Section should be "consistent."

*Section* 6. As the interval between the Summer and Spring Assizes is usually about double the length of that between the Spring and Summer, it would be better to appoint any extra business* recurring only once in each year, to be done during the longer period. I would, therefore, propose to have the County Committee, referred to in this Section, appointed at each Summer, instead of at each Spring Assizes.

*Section* 8. Following up the suggestion offered respecting Section 6, "Spring Assizes" in this Section should be altered to Summer Assizes. (See the observations of the Committee on this Section, and Section 9.)

*Section* 10. Under the 38th Section of "The Grand Juries' Act, 1836," a Section not proposed to be repealed, the Grand Jury have the power not only of ascertaining the necessity for the immediate execution of the repairs of such works as are herein referred to, but also of presenting them to be executed. It is probable that it has been intended by this 10th Section to place a similar or even greater power in the County Committee, in order that repairs of the character referred to might be executed still more immediately, and paid for more promptly than hitherto. But, while it enacts that the County Committee shall *consider* and *determine as to the necessity* of the work, it does not decidedly confer the power of *ordering* its execution. Without this no advantage is gained, as the work must still be suspended until a presentment be made by the Grand Jury, as formerly.

There is some obscurity, also, with regard to the form to be observed in the payment of such works.

* See also Sections 8 and 27.

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The *Finance Committee* are to advance to the County Surveyor such amount as the *County Committee* shall *certify* to be necessary, upon the order of such *County Committee*, SIGNED AS AFORESAID. It is these three last words which create the obscurity—there being no mention previously, either in this or any other Section, of any mode of signing to be adopted by the *County Committee*. It is of importance that this should be so expressed as to raise no difficulty or doubt as to the mode of proceeding.

From Section 12 to 24, inclusive, *vide* Report of Committee.

With regard to Section 24, I shall merely add, that if it is intended that Justices qualified, as herein prescribed, are to have their powers of acting at *Baronial* Presentment Sessions, limited to those baronies out of which their qualifications arise, care should be taken to extend to all who are so qualified, the power of acting at the County at Large Sessions, to be held in the County town, or other town appointed for them.

*Section* 25. I would suggest two improvements in this Section. 1st, Provision for the appointment of a County at Large Sessions, in addition to the one for each Barony or half Barony; and 2nd, Provision for holding Presentment Sessions for any County or Barony of a County in an adjoining County, when found that it shall be conducive to the public convenience; in the same way as Petty Sessions, under "The Petty Sessions' (Ireland) Act, 1851," are authorised to be held. (See 14 & 15 Vic., c. 93, sec. 1, clause 1.)

There is a case in point in this County, which suggests the idea, and there may be similar cases in others.

To express part of this Section as follows, would meet such cases, viz.:—"The several Grand Juries in every County in Ireland shall, at every Assize, appoint by Presentment certain places (that is to say, one *for* each Barony or half Barony, and one *for* the County at Large), within their respective Counties, or when more conducive to public convenience, then in the County imme-

diately adjoining the same, where, and certain times when, Presentment Sessions shall be successively holden," &c., &c.

It is doubtful whether the hours between which Sessions are to be holden, as mentioned in this section, means those only between which the Sessions shall commence, or the hours between which they shall not only commence but also terminate. It might be better to fix a definite hour for the commencement, and add, "or so soon after, on the appointed day, as may be convenient."

*Section* 27. Alter "Spring Assizes" to "Summer Assizes."

*Section* 28. The Committee have reported on this Section; but there is in connexion with it a practical matter for consideration, not taken up by them.

The previous Section seems to prepare, by a preliminary movement, for the election of Cesspayers to take part in the proceedings at Presentment Sessions; but although it provides for an *annual* fixing and determining of the number of Cesspayers to be associated with the Justices, and rather leads to the supposition that the election of Cesspayers is also intended to be *annual*, this 28th Section leaves the point unsettled.

If the system of election is to be adopted, and that the election is to be held once a year, it would be well to hold it after each Summer Assizes during the long interval.

It is worthy of consideration whether, when the new Valuation shall have been completed, and when all property taxable for Poor-rates will also be taxable for County Cess, the persons elected as Guardians, or a certain number of them, throughout the various baronies, might not also be privileged to sit and act at Presentment Sessions, as associated Cesspayers, and thus save the trouble and expense of a separate election, such as that proposed by the Bill.

There is another way—an improvement, as I conceive, upon the present plan—not open to the objections which may on very good grounds be urged against the adoption of the elective principle *for this purpose*, and yet calculated to secure for each dis-

trict of the county a fair representation. It is this:—Instead of the Collector's return of 100 of the highest Cesspayers from the Barony generally, as at present—an arrangement by which it often happens that a majority of the associated Cesspayers are from nearly the same locality, leaving the other parts of the barony unrepresented—let there be a return of a given number, say *eight* or *ten*, of the highest Cesspayers from each PARISH; in all not exceeding 100, or say 50, from the whole Barony. Then the number who are to be associated with the Justices at Sessions being fixed by the Grand Jury, might be made up by a fair proportion from each PARISH, not by selection throughout the list, but simply by telling them off from the *highest* as they stand on the list, for each such *Parish*, downwards, in the same manner as the law at present prescribes that they shall be told off upon the *Baronial* lists.

In line 34, in this Section, "lands" *only* are mentioned as qualifying ratepayers to vote for associate cesspayers; to harmonise with other parts of the bill, this should read, "lands, tenements, or hereditaments." *(Vide* Section 29.)

*Section* 29. The word "wherein," in line 8, should be altered to the words "for which," to make it accord with Section 25, (35th line) where it is important to retain the word "*for*."

In this Section there are several parties disqualified from acting as associated Cesspayers at Presentment Sessions; and by the previous Section (28) it is arranged that they shall not receive voting-papers, thus disqualifying them also from *voting* for associated Cesspayers. There is another class of persons (see Section 32 of the "Grand Juries' (Ireland) Act, 1836,") also disqualified from acting as associated Cesspayers; but not being specified in Section 28 of the Bill, among those who are *not* to receive voting-papers, it is presumed that they would be entitled to vote. I imagine this has not been intended. Perhaps it is an oversight. If this latter class be excluded from acting as associated Cesspayers, or from voting for such, viz., Stipendiary Magistrates, Secretaries of Grand Juries, Surveyors, High Constables or Col-

lectors of Cess, Clerks of the Crown, Clerks of the Peace or Coroners, so also should the Deputies of those who have deputies be equally excluded, and provision should be made not to have voting-papers served on, or sent to any such, as otherwise would be required under Section 28 as it now stands.

*Section* 30. To prevent carelessness, or the wanton destruction of voting papers, and consequently an unreasonable demand for duplicates, there should be some charge for such *duplicates.* Without this, or some other check, the number of voting-papers, which in this County would at first be upwards of 30,000, might possibly be doubled.

*Section* 34. Instead of confusedly mixing up the business of the Baronial Sessions for the Barony in which the County Court-House is situated, with the business of the County at Large, I would suggest that, for all matters chargeable to the County at Large, except those enumerated in Section 12 of "The Grand Juries' (Ireland) Act, 1836" (not repealed), there should be a distinct Sessions, to be called the County at Large Sessions. (See observations on Section 25.)

The want of such a distinction has led, in constructing this Section, to the exclusion of all the cesspayers (except one) for the Barony in which the County Court-House is situated, from exercising that power and authority which the cesspayers at Sessions in all the other baronies are permitted to exercise over one of the classes of applications chargeable to the County at Large, enumerated in Section 12 of the Act of 1836.

(See observations on Section 24, respecting the Justices who should attend County at Large Sessions.)

The words "in and" should be omitted in the fifteenth line, to make this and Section 25 agree, the word "for" being very properly used in the latter.

*Section* 35. In the thirty-fourth line, after the word "Sessions," I would propose to add the words "or adjournment thereof;" and, in the thirty-fifth line, after the word presentment, add "or adjourned Sessions."

Authority might be given to *one* cesspayer to proceed with Sessions' business, in case *no Justice* and *only one cesspayer* should happen to attend.

*Section* 36. This Section is substituted for Section 13 of "The Grand Juries' (Ireland) Act, 1836," but, in addition, embodies one of the suggestions respecting it which I took the liberty of offering to one of the promoters of the proposed Bill—namely, that of permitting the cesspayers in the adjoining barony to come in and vote with those of the barony in which the application of the kind referred to in this Section is to be made, when the work extends into both.

There were other suggestions connected with this, respecting the places for making applications, which have been overlooked.

The provision made here is for cases wherein two or more baronies shall be liable to pay *unequal* shares of the cost of works situated in more than one barony, but there is no provision as to the place where applications should be made, in cases where the expense of a work is proposed to be *equal* on each; nor for those of a certain class of works, chargeable on the County at Large, inasmuch as this Section subverts the arrangement of Section 12 of "the Grand Juries' (Ireland) Act, 1836," virtually repealing it, though not intended to be repealed, and which, but for this, had provided for the class of works I allude to.

The defect would be remedied in this latter case by adding after, "County at Large," in the 3rd line "except such works as are specified in Section 12 of 'the Grand Juries' (Ireland) Act, 1836,' which, though chargeable to the 'County at Large,' are to be considered at Baronial Sessions as is therein enacted."

The other defect would be remedied by leaving out (in lines 4 and 5) the words "the Barony off which it is proposed that the larger portion of the expense of such work is to be raised," and substituting the following, "such of the said Baronies as Presentment Sessions shall be first held in after any Assizes."

*Section* 37. The lodging of Applications with High Constables might be dispensed with, now that there are such facilities for transmitting papers by post; and the five days thus saved might with advantage be added to the time allowed to the Secretary and Printer to prepare abstracts of applications for distribution. Otherwise it would be well to alter Section 38, as to the time of such distribution: indeed, the whole of this Section 38 is so vaguely and indefinitely expressed as to require that it should be re-constructed.

*Section* 38. By this Section the Secretary is required to forward a printed *copy of every application* to certain parties mentioned. A *copy* of the applications themselves would be a most voluminous affair. The intention must have been that a *copy of an abstract* of them should be sent. The persons to whom they are directed to be sent are—all Justices, and cesspayers associated with such Justices in the business of Presentment Sessions *in such County*. This is so stated as to make it necessary to send a complete *copy* of *all applications* for *all the Baronies* in the ENTIRE COUNTY to *every* associated cesspayer and Justice *in the County*, whereas a copy of the *abstract* of the applications *relating to each Barony* is all that would be really, practically, necessary to furnish to the Justices and cesspayers, not of the whole County, but only to those *resident* or *interested in* each such *Barony;* and the transmission of these, ten days before the day for holding the *Baronial Sessions* for each such *Barony*, would be ample time, instead of ten days before the first Presentment Sessions in the *County*, after any Assizes, as is proposed by the Bill.

It further proposes that a copy shall be delivered to the Clerk of the Petty Sessions *of the District off which it is intended that the larger portion of the cost of a work is to be raised.* This is a bad arrangement. It is one which was adopted formerly by "the Grand Juries' (Ireland) Act of 1836," and which I was the means of having altered by the 7th of Wm. IV., Cap. 2, Sec. 3; but the amendment has been overlooked by the promoters of the proposed Bill. As a proof of the arrangement being a bad one, take the case of a work, the expense of which it may be proposed to levy off the *County at Large.* In such a case the amount must be applotted over all the baronies in proportion to their value respectively.

The larger amount of the expense of such a work would then be paid by the Barony of highest value, and if there should be more than one Petty Sessions District in such Barony, the most valuable district would pay the largest proportion. It would be the Petty Sessions Clerk of this most valuable district, when ascertained, upon whom the copy of the abstract of applications for any barony, containing the work referred to, as well as of every similar work chargeable to the County at Large, must be served, although this district would, in many cases, be at the opposite extremity of the County to the locality in which the proposed work is situated! And there is no provision for serving the Clerk of the Petty Sessions in or near to the locality most interested in the work. This could not have been the intention, but expressed as it is the practical effect would be as shown.

As I have said, the whole Section should be re-constructed in some such way as the following, viz.:—"The Secretary of the Grand Jury of each County shall forward a printed copy of the abstract of every application for work intended to be made at any Presentment Sessions for any Barony or half Barony, to each of the qualified Justices, to the Cesspayers elected to be associated with such Justices, in the business of Presentment Sessions for such Barony or half Barony, and to the County Surveyor, *ten* days at the least, before the day appointed for holding such first Presentment Sessions for each Barony after any Assizes, and shall also send, at the time hereinbefore mentioned, like printed copies of such abstracts to the Sub-Inspector of Police for each Barony or half Barony within such County; and each such Sub-Inspector shall, without delay, cause the same to be affixed on, or immediately adjacent to, the doors of every Police-station or Barrack, and at the places (if any) appointed by the Grand Jury for posting such abstracts or other notices throughout the Barony or half Barony wherein the proposed works are situated. A copy of the like abstract shall be sent by the said Secretary to the Clerk of every Petty Sessions, every District or Assistant Surveyor, and to the High Constable or Collector of Cess in or for the said Barony or half Barony, provided always that when any application shall be made by any County Surveyor for any public work, in the

manner provided by 'the Grand Juries' (Ireland) Act, 1836,' or this Act, it shall not be necessary for such County Surveyor to deliver any application or notice for same previous to the Sessions."

The change proposed to be effected by this Section is a great practical improvement, as it will tend to secure much better notice to the public than the present plan affords, and will save much time at Sessions.

*Section* 40. Proposes to continue what, indeed, is the present law on the subject, that Grand Juries shall not name persons in presentments by whom works are to be executed. The prohibition must have been intended to prevent Grand Juries from appointing persons to execute public works, as *overseers* were appointed to do under the olden system, without having entered into contracts; but this purpose would be fully answered if there were added after the word "same," in the 6th line, the words "except the name of the person or persons who shall have duly contracted for the execution thereof, or of the County Surveyor when presentment shall be made to him." It is found to be a great convenience to have the contractors' names mentioned in the Presentment Books.

*Section* 41. This Section, which relates to the making of new roads, proposes that the expense of such work shall be levied off the *Barony* or *Baronies* through which the road is intended to be made; but it would be well to give power, in such cases, to the Grand Jury to present such portion of the expense of making a new road as arises from the necessary cuttings and fillings in forming and bringing it to its proper inclinations; and all masonry to be levied, at discretion, off *either* the *Barony* or *County at Large*.

*Section* 45. Applications for presentments for works are required, at present, to be made by *two* persons paying Grand Jury cess—this Bill proposes that they may in future be made by *one*. This is an improvement; but I think a still greater one might be effected.

When the system of having applications put forward by cesspayers, or others, was first adopted, there were no County or District Surveyors, and at that time the plan may have been the best that could be devised; but, now that there are such officers in charge of the public works, it seems unbusiness-like and objectionable to have the initiatory steps necessary to bring the condition of these works periodically under the notice of the Justices and cesspayers, depending so much on irresponsible parties, who may or may not, just as fancy or self-interest happens to actuate them, take the trouble of making the requisite applications.

Many of these applications, when made, turn out to be for works not considered necessary, whilst works that are really required may be quite overlooked.

It is true that, in cases of the latter kind, the County Surveyor is empowered to supply the omission by making applications in his own name.

I am of opinion that a system the very reverse of the above would be more efficient, and, therefore, I would propose that, instead of applications by either two or one cesspayer, a LIST* or *statement* from the County Surveyor should be lodged with the Secretary of the Grand Jury, at the time proposed by the Bill for the lodgment of the cesspayers' applications, showing all works proposed by him to be submitted to the consideration of each Baronial or other Presentment Sessions; that the list for each Barony should be printed, and copies distributed and posted, as abstracts of applications are proposed, in observations on Section 38, to be distributed and posted; and, if any work, considered by any cesspayer to be of importance, should be omitted, intentionally or otherwise, by any Surveyor, then such cesspayer to be entitled to make application for such work, provided he shall, by notices in writing, give publicity to his intention of making such application, by serving with copies thereof all the public officers in and for the Barony or Baronies to which the

* See proposed form of such list at the end of this Appendix.

application may belong, and hereinbefore directed to be served by the Secretary, with copies of the Surveyor's lists for such Barony, and shall lodge his application with the Secretary days before the day appointed for holding the Sessions for the Barony, or for the County at Large, as the case may be, at which such application is intended to be considered.

It would tend greatly to facilitate business if skeleton* maps of the baronies, on a small scale, were provided and produced at each Baronial Sessions to which they respectively relate, showing distinctly every existing road, bridge, and other permanent public work practicable to be shown thereon; and, also, as many other prominent objects as might be considered useful in affording information respecting County business, such as townland and parish boundaries, rivers, streams, quarries of stone, limestone, gravel and sand pits, &c.

I would propose to number every public road upon the map with a *permanent number*, and have a list either on the margin of the map or in a schedule† separate from it, for each Barony, containing an intelligible short description of each such road, and numbered to correspond with the number of the road on the map. This number and description also to be permanently fixed and retained, in order that the Justices and Cesspayers attending Sessions from time to time might become so familiar with each line of road, from its number and description, as to recognise at once the locality in which any proposed work was situated, and save time enquiring as to this point at Sessions.

This knowledge could, without much expense, be widely diffused by having such permanent lists printed, and the maps lithographed, and circulated among the Justices, Cesspayers, and officials.

The arrangement of the Surveyor's lists should be such, that all works of every description proposed to be executed on each

* See Sketch Map at end of this Appendix.

† See Schedule with List and Sketch Map at end of this Appendix.

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entire line of road, so far, at least, as it should pass through the Barony for which the application was being made, would appear in consecutive numbers, not permanent, so that the amount proposed to be expended on each line would be seen at a glance. This would be an important point gained, but one which is not attainable under the alphabetical arrangement of applications adopted by the present system, and proposed to be continued by the Bill.

*Section* 46. The words, "that purpose," in line 28, should read, "those purposes."

This Section erroneously places the duty of making a specification for printing on the County Surveyor. In correction of this in line 29, after the word "works" add, "and the Secretary of the Grand Jury, who shall make a specification and form of tender for printing, and for advertising County matters in newspapers, shall insert in such specification and tender the period for which the contract for such printing or advertising shall have been fixed. And the Justices and Cesspayers, when tenders for advertising shall be opened and dealt with at Sessions, or the Grand Jury, when tenders, for such purpose, shall be referred to them, shall not be bound to accept of any tender, merely because of its being at the lowest price proposed, but shall, and may, also take into account the circulation which the competing newspapers may prove that they have, within the County for which such contract is intended to be made."

*Section* 47. The words, "specification or," in the 32nd line, should be left out, and the word "specification" be inserted before the word "maps," in the 34th line—as "tender" and "specification" are not synonymous, and are erroneously used as such in this Section.

In page 21, 10th line, for the word "also," substitute the words "shall state," doubts being entertained whether or not the proposed sureties should, with their own hand, subscribe their respective names to the proposal. The proposed alteration makes this unnecessary, and removes the doubt.

*Section* 48. In the 24th line, after the word "him," insert the words "partaining to such meeting," otherwise the Section might be supposed to require that all the tenders and proposals received by the Secretary up to the time of such meeting, no matter for what Barony, or for how many Baronies, should be produced at it.

*Section* 49. In the 9th line, "Justices" should read "Justice." In the 10th line, after "chairman" add "or if no Justice shall be present, any associate Cesspayer, entitled to act under the provisions of this Statute, at the previous Presentment Sessions for the same Barony, shall, and he is hereby authorised, to take such bond.

In the 14th line, "there*un*to" should be "there*in*to."

*Section* 55. At the end of this Section, it would be well to add, "or partly off the County at Large and partly off the Barony or Baronies aforesaid, in such proportions as shall have been approved of by the Justices and Cesspayers at Presentment Sessions."

*Section* 58. Add, "and also such expenses as may necessarily be incurred in *re*-adjusting and transmitting all standard and sub-standard weights and measures belonging to the County for which they have been provided."

In the Summary Jurisdiction Act, 14 & 15 Vic., c. 92, sec. 18, clause 2, the approval of "said" Inspector-General is required to the appointment, by the Grand Jury, of a Sub-Inspector of Constabulary to adjust and stamp sub-standard weights and measures; but no Inspector-General is previously referred to. Doubtless, it has been intended to mean the Inspector-General of the Constabulary Force, but should be clearly expressed.

*Section* 62. In the 43rd line in page 26, and 1st line in page 27, leave out the words, "the High Constable or" (if the suggestion in Section 38 be adopted).

In the 10th, 11th, and 12th lines in page 27, leave out, also, the words, "and the like notices shall be posted, of such application as hereinbefore prescribed, in cases of other applications to

Presentment Sessions. Section 11 of "the Grand Juries' (Ireland) Act, 1836," from which these words are copied, being proposed by the present Bill, to be repealed, and a better mode of noticing substituted.

In the 16th line, page 27, substitute the word "of" for the words "and posting."

In the 28th line, after "townland," add "townlands."

*Section* 63. Instead of the words "and the notices of such application shall be posted accordingly," in the 1st and 2nd line of page 28, read "and an abstract of such application shall be scheduled on the Secretary's list of abstracts hereinbefore directed and required to be made, printed, distributed, and posted."

This arrangement would secure all the publicity formerly required, and would relieve the parties who have sustained the injury from a portion of the formalities at present required of them, which they often find to be puzzling, and fail to perform.

*Section* 74. In the 11th line, after the words Justice of the Peace, read "*at the *Quarter* or *Special* Sessions of the Peace, or at PETTY Sessions, if such High Constable or Collector of Cess shall have been appointed at the said Assizes, or at the Quarter Sessions or Special Sessions of the Peace."

In the 16th line, page 32, "on or before" should be altered to "*before the first fiscal day*," as it would be inconvenient, in all probability, for the Finance Committee to meet and attend to such duty as is in this Section required of them during the fiscal business of the Assizes.

In the 18th line, the word "him," which has reference to the Finance Committee, should be changed to "them."

In this Section the maximum rate for Collectors of Cess to receive is 9d. per £1, but, in Section 83, it is stated at 1s. per £1. One or other should be changed.

* *Vide* 11 & 12 Vic., cap. 26, secs. 1 and 5; and 20 & 21 Vic., cap. 7, sec. 2.

Houses of the Oireachtas

*Section* 78. By this Section, the Collector of Cess, on receipt of the Warrant of the Finance Committee, is authorised to proceed to collect, levy, and *enforce* payment of cess.

The words used here are transcribed from the 19th and 20th of Victoria, cap. 63, sec. 4. When this Act was passed, the authority for levying Grand Jury cess by distress, as well as for enforcing payment by civil bill process, given in the 152nd and 153rd Sections of "The Grand Juries' (Ireland) Act, 1836," was, as it still is, in existence; but, as these Sections are proposed, in Schedule A of the new Bill, to be repealed, the power contained in them would, if the Bill pass unaltered, be withdrawn; and, as there is *no power*, that I can discover, substituted in the proposed Bill, either by distress or otherwise, to *enforce* payment, it would be well to supply the omission, which otherwise might lead to *most serious* inconvenience.

*Section* 83. *Vide* Section 74.

SCHEDULE C. Voting paper. In the 6th line, after the word "lands," should be added "tenements and hereditaments," to coincide with other parts of the Act.

This completes my review of the Bill. My observations have become more extended than I at first anticipated; but I found it difficult in some cases, to make myself intelligible, without being diffuse, besides there were many more matters to be noticed than what, on a cursory reading, presented themselves to the mind.

If the corrections and suggestions made be adopted, I have no doubt that the Bill, if passed into a law, will be found perfectly practicable, and will prove to be a considerable improvement on the present system.

JOHN COATES,

*Secretary to the Grand Jury, County Antrim.*

House of the Oireachtas

Houses of the Oireachtas

County of _____

Barony of _____

Surveyor's List of Public Works required in this Barony; to be submitted to Presentment Sessions, at _____ on the _____ day of _____ 18____

| Permanent No. of Road | Division of Road | No. of Work | Description of Work | Situation of Work. | No. of Perches | Quantity of Materials (in Bushels) to be used: Broken Stone | Quantity of Materials (in Bushels) to be used: Clean Gravel | Width of Road to be Stoned | Time of Completion. | Description of Masonry and General Remarks | Probable Cost: on Barony | Probable Cost: on Cut large | No. of Works | Decision of Court |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | | | From Johnstown to Jamestown | | | | | | | | | | | |
| . | A | | Between Johnstown and the South Side of Road No. 4 where it branches off towards Robertstown at A. B.'s land | | | | | | | | | | | |
| . | . | No. | | | | | | | | | | | No. | |
| . | . | 1 | Surface Repair | | | | | | | | | | 1 | |
| . | | 2 | Repair of Footpath | | | | | | | | | | 2 | |
| . | | 3 | Build a flat pipe | at A. B.'s land | | | | | | | | | 3 | |
| . | B | | Between No. 4 Road and No. 6 Road at J. K.'s | | | | | | | | | | | |
| . | . | | | | | | | | | | | | | |
| . | . | 4 | Cut a hill and fill hollow | at C. D.'s land | | | | | | | | | 4 | |
| . | . | 5 | Build a Gullet | at E. F.'s land | | | | | | | | | 5 | |
| . | C | | Between No. 6 Road and the junction of No. 1 and No. 2 Roads at G. H.'s land | | | | | | | | | | | |
| . | . | 6 | Widen the Road | at I. K.'s land | | | | | | | | | 6 | |
| . | D | | Between the junction of No. 1 and No. 2 Roads at G. H.'s land and Jamestown | | | | | | | | | | | |
| . | . | 7 | Surface Repair | | | | | | | | | | 7 | |
| . | . | 8 | Repair Footpath | | | | | | | | | | 8 | |
| . | . | 9 | Build two Depôts | at L. M.'s and N. P.'s lands | | | | | | | | | 9 | |
| 2 | . | | From Williamstown to Jamestown | | | | | | | | | | | |
| . | . | 10 | Surface Repairs | | | | | | | | | | 10 | |
| . | . | 11 | Footpath Repair | | | | | | | | | | 11 | |
| . | . | 12 | Build a pipe | | | | | | | | | | 12 | |
| . | . | 13 | Repair a Bridge | | | | | | | | | | 13 | |
| 3 | | | From Johnstown to Charlestown | | | | | | | | | | | |
| . | . | 14 | Surface Repairs | | | | | | | | | | 14 | |
| . | . | 15 | Footpath Repair | | | | | | | | | | 15 | |
| . | . | 16 | Fill gripes | | | | | | | | | | 16 | |

* When a line of Road is considered too long to be placed in the hands of only one Contractor, it may be divided into two or more divisions, so as to bring it within the reach of a larger number of Contractors of moderate capital and encourage competition.

Houses of the Oireachtas

Houses of the Oireachtas

County of _____

Barony of _____

Schedule of Roads in this Barony, described and
to correspond with Baronial Map; and shewing the div
which each Road, when divided, is separated for co
in making Contracts.

| Permanent No. of Road | General Permanent Description of Road. | Total Len in Perc |
|---|---|---|
| 1 | From Johnstown to Jamestown | |
| 2 | From Williamstown to Jamestown | |
| 3 | From Johnstown to Charlestown | |
| 4 | From Road No. 1 to Robertstown | |
| 5 | From Charlestown to Jamestown | |
| 6 | From Road No. 1 at ___ to Road 4 at ___ | |
| 7 | From Road No. 6 at ___ to Williamstown | |
| 8 | From Road No. 6 at ___ to Road No. 2 at ___ | |
| 9 | From Road No. 2 at ___ to Road No. 10 at ___ | |
| 10 | From Road No. 2 at ___ to the Barony Mearing at | |
| 11 | From Road No. 10 at ___ to Road No. 5 at Barony Mearing | |
| 12 | From Road No. 4 at ___ to Road No. 10 at ___ | |
| 13 | From Road No. 4 at ___ to Barony Mearing at ___ | |
| 14 | From Road No. 3 at ___ to Barony Mearing at ___ | |
| 15 | From Road No. 4 at ___ to Barony Mearing at ___ | |
| 16 | From Road No. 14 at ___ to Road No. 3 at ___ | |
| 17 | From Road No. 3 at ___ to Road No. 18 at ___ | |
| 18 | From Road No. 3 at ___ to Barony Mearing at ___ | |

Houses of the Oireachtas

Houses of the Oireachtas

Houses of the Oireachtas