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Irish Unionist Alliance.

SPECIAL COMMITTEE

ON

LOCAL GOVERNMENT.

PRELIMINARY REPORT.

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PRELIMINARY REPORT.

1. The system of Local Government in England either before the passing of the Local Government Act of 1888 or since, bears scarcely any resemblance to that existing in Ireland. One point is clear, however. Ireland has long had, and still has, a system of County Government superior to that of England, as regards simplicity, uniformity, economy and efficiency.

In illustration of this statement it may be useful before proceeding to deal categorically with the various matters entrusted to the management of County Councils in England, to point out the different modes by which the most important county work—viz., that of the construction and maintenance of roads and bridges—is carried out in the two countries.*

* Arthur Young, writing about 112 years ago, says:—"For a country so very far behind us as Ireland, to have got suddenly so much the start of us, in the article of roads, is a spectacle that cannot fail to strike the English traveller exceedingly. . . . . I found it perfectly practicable to travel upon wheels by a map. I will go here. I will go there. I could trace a route upon paper as wild as fancy could dictate, and everywhere I found beautiful roads, without break or hindrance, to enable me to realize my design. What a figure would a person make in England who should attempt to move in that manner, where the roads, as Dr. Burn has very well observed, are almost in as bad a state as in the time of Philip and Mary."—(ARTHUR YOUNG'S "Tour in Ireland, vol. ii., part 2, pp. 56-57., Dublin, Ed. 1780.)

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DESCRIPTION OF IRISH SYSTEM.

2. The Irish system may be briefly but with sufficient accuracy described as follows:—In every barony in Ireland a court or meeting called a Presentment Sessions is held every half-year, at which the utility of public works, which it is proposed to carry out, is considered. This meeting is not composed necessarily of Grand Jurors. Every Justice of the county is entitled to attend, but it is unusual for Justices to attend Presentment Sessions unless they possess property in the barony. There are associated with them a certain proportion of the highest cesspayers in the barony.

In view of the utterly erroneous impression which prevails with reference to the powers of the Grand Jury to nominate these associated cesspayers, a few lines of detailed explanation may be useful. The Barony Constable (who is the cess collector) is bound to make a return to each Grand Jury of the names of the 100 persons in his barony who in the previous half-year have paid the highest amount of county cess, classifying the names according to the amount paid by each, so that the name of the person who has paid the largest amount shall appear at the top of the list, and so on. The Grand Jury have power, and are indeed required at each assizes, to make an order fixing the number of associated cesspayers for each barony, which must not be less than 5 nor more than 12. Let us suppose that a Grand Jury decide that 8 shall be the number of associated cesspayers entitled to sit at Presentment Sessions for a particular barony. They next proceed to nominate double that number, or 16. When the time of holding the Presentment Sessions arrives, out of these 16, 8 are chosen by ballot to act. The impression is that Grand Juries have a wide range of choice, and out of a list of 100 names can select their favourites. This is not so. Their functions in this respect are almost automatic. In the illustration taken above they must select the 16 highest cesspayers. At the next assizes, before making the new list, they must strike out the names of half of those whose names appeared on the previous list. Even here the Grand Juries cannot strike out any names they please. They must first strike out the names of those who have already served, and only after these are exhausted have they any choice. In the case just taken 8 fresh names (the next highest on the list) would have to be added, and the list would be once more complete. The cesspayers are

therefore chosen by what is practically an automatic process out of the list of 100, furnished by the Barony Constable. The area of selection is confined to a number equal to three times that fixed for each barony—the greatest area of choice being 36, the least 15.

In practice some Grand Juries in order to exclude men unable through age or infirmity to serve, or to distribute the representation more effectively through the Barony, nominate some of those whose names appear on the Collector's list below or outside the narrow limits defined by the Act; but any cesspayer could challenge the legality of this course by simply appealing to the judge at the assizes.

The bodies thus formed (which for the purposes of this Report it will be convenient to call Baronial Sessions), deal only with matters strictly relating to the districts in which they act. They may either adopt, limit, or reject any proposal put before them for the construction or repair of a road, or for other public works. Having gone through the list of applications, which are in every case made either by any two cesspayers of the county, or County Surveyor, they adjourn until a further date. In the meantime the County Surveyor prepares, where necessary, plans and specifications of the various works approved of by this body; advertisements are issued inviting tenders for their execution, an adjourned meeting of the Baronial Sessions is held, when the tenders are opened, and the contractor, who then and there enters upon a contract for the due execution of the work, declared. The adjourned Presentment Sessions are bound to accept the lowest tender, except the contractor and sureties are not considered sufficiently solvent.

The Sessions already spoken of act for Baronies. A "County at Large" Sessions is composed by the County Justices and one cesspayer selected by each barony out of the cesspayers sitting at the Baronial Sessions. The "County at Large" Sessions deals with proposals, the cost of which it is proposed to levy off the whole county.

Up to this point the Grand Jury have not appeared upon the scene at all. The proceedings of the Baronial and County at Large Sessions are sent forward to be considered by the Grand Jury of the County at their next meeting. Broadly speaking, the Grand Jury have only the right to say "yes" or "no" to the various proceed-

ings of the Baronial Sessions. Contracts not approved of by the Grand Jury fall through; those approved of are carried out, subject to the conditions laid down at the Presentment Sessions. The Grand Jury, therefore, have no power to *initiate* any public expenditure (except in a few limited cases), their business being solely confined to that of *control*. Salaries of certain officers, imperative presentments, such as contributions to lunatic asylums, instalments in payment of loans, etc., and certain works of a more important nature, (mail roads are charged half on the county at large, and half on the barony or baronies through which they run) are charged upon the "county at large," while the works directly belonging to the various baronies or districts are paid for by the districts to which they relate.

A further power possessed by the ratepayers. *Any person paying County Cess* may apply to the Assize Judge for liberty to traverse any presentment, whether for illegality, inutility, or damage; and, if permission is given, the traverse is tried before the Judge, with the assistance of a common jury, who, as in all other cases, are sole judges of the facts. As illustrative of current misrepresentations of the existing system of Local Government in Ireland, it may be worth while to quote what Mr. Richard O'Shaughnessy says upon this point, in the article he contributed to the Cobden Club volume, dealing with "Local Government and Taxation," he said:—"Any cesspayer is allowed to appeal against the ratification of the Grand Jury. The judge has no special knowledge about the convenience of a road, or the construction of a bridge. It is not unnatural. nor is it to be regretted, that appeals on the ordinary subjects of administration to so unsuitable a tribunal are few." One would imagine from reading this that the judge was the sole and final tribunal to which the cesspayer could appeal; whereas, as a matter of fact, it is to a common jury, composed of persons belonging to his own class, in all cases where issues of fact are to be tried.

It is worth noting that where the presentment traversed had its initiation at Presentment Sessions (and in nine cases out of ten this is so), the notice of intention to traverse must be given in the way provided in the Act, within two days after the date of the Sessions (except in the case of traverses to presentments for malicious injuries). Here again the importance of the Presentment Sessions is recognized, as in nearly every case it is *their* action, and not that of the Grand Jury, which is challenged when a traverse is entered.

In the paper to which allusion has been made Mr. O'Shaughnessy further says:—"The farmers chosen by the Grand Jury, being "generally little disposed to come a long distance from private "business on the chance of success in a ballot which can only give "a nominal part in the affairs of the barony, are slack in attendance, "while the Justices, usually men of leisure, assemble in numbers."

This is by no means universally the case, as is shown by the following table of attendances at the various Presentment Sessions held in the County of Kerry previous to the Spring Assizes of 1887 (taken from the list of applications sent to the office of the Irish Unionist Alliance for quite another purpose, some time since):—

	Magistrates.	Cesspayers.
Clanmaurice Barony ...	6 ...	6
Corkaguiny " ...	3 ...	7
North Dunkerron " ...	1 ...	3
South " " ...	4 ...	5
Glanerough " ...	3 ...	7
Irraghticonnor " ...	8 ...	3
Iveragh " ...	2 ...	7
Magonihy " ...	5 ...	6
Trughenackeny " ...	10 ...	7

The duties of the Presentment Sessions and Grand Juries are fairly and impartially discharged. In all Ireland there were only eleven objections to presentments, other than for damage, made to the Judges of Assize during the year 1890, while there must have been several thousand presentments made. The cause of this is certainly not the unsuitability of the tribunal to try them, but the absence of any grievance.

It will be seen that every presentment for public works has to be considered and approved by two courts, viz., (1) the Presentment Sessions and (2) the Grand Jury, and even then may be challenged and investigated by a third. It is impossible to rate too highly the security thus afforded against jobbery and extravagance by the Irish system.

Of course other duties are discharged by the Grand Juries and Presentment Sessions, to which reference will be made later on, but that of the construction and maintenance of roads and bridges is by far the most important, the amounts spent being in 1889 almost 50 per cent. of the total expenditure.

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ENGLISH SYSTEM OF ROAD MAINTENANCE.

3. In England the system of road construction and maintenance is totally different. It is only within the last thirty years that the county authorities in England became involved in highway management at all, and then only in a very indirect way. Previously to that, the parish, which in Ireland does not exist for any civil purpose, was the road authority, and the duty was cast upon the parish vestry of maintaining the roads within their jurisdiction. In 1864 the Quarter Sessions (or in other words the County Justices), was empowered to group certain parishes into highway districts, and the highway boards, which were formed under this system, succeeded to the powers of the parish surveyor. But it would be a mistake to suppose that all England was mapped out into highway districts. At the present moment there are 362 highway boards acting for 7,129 parishes, 40 rural sanitary authorities exercising the powers of highway boards for 738 parishes; while there are still 6,464 parishes each with their own system of road maintenance and construction.

The unsatisfactory method of maintaining in uniform, or, indeed, proper repair, the great roads between large centres of population by, perhaps, some hundreds of separate authorities, through whose jurisdiction portions of the road were carried, led from time to time to the formation of commissioners under various special acts, for the purpose of keeping these principal highways in efficient condition. These commissioners were empowered to collect tolls, and in this way turnpike trusts were created. There were thus, up to 1870, two authorities dealing with highways in England, viz.—the various turnpike commissioners, maintaining great arterial roads upon the one hand, and the various local authorities, maintaining district roads, on the other. Up to this time no county authority had any direct interference with road management, but in 1870 an act was passed providing for the gradual extinction of turnpike trusts, and investing the Quarter Sessions with the care of the roads thus disturnpiked.

Parenthetically it may be interesting to observe that in this matter also, Ireland was a long way ahead of England. Mainly through the efforts of the Grand Juries, turnpikes were abolished in Ireland in 1857.

English disturnpiked roads were from 1870 described as "main" roads. From that time the Quarter Sessions, aided by a sub-

stantial contribution from the Treasury, constructed and maintained main roads and bridges, the minor local authorities still retaining the management of the district roads. The Quarter Sessions exercised this power for somewhat less than twenty years, when it was handed over, by the Act of 1888, to the newly formed County Councils.

The definition of a main road is now somewhat wider. It embraces

(1) Disturnpiked Roads.

(2) Other roads serving as a communication between great towns.

(3) Roads leading to a railway station.

(4) Roads which, while not coming within the two latter descriptions, taken literally, might in a general sense be understood to communicate between important points, or lead to a particular point where there was a large amount of traffic.

All proposals to "main" roads must come from the district authorities; all proposals to "dismain" roads from the County Councils.

"Main" roads are now managed by the County Councils in almost every imaginable sort of way. Some counties spend all the money necessary for the maintenance of main roads directly, maintaining a plant and staff for the purpose. Others contract with the various local authorities, either for a fixed sum or for the actual outlay. Most of the main roads in England are maintained upon the latter plan, so that in practice, the highway boards, local boards, parish surveyors, or sanitary authorities, as the case may be, maintain all the roads within their respective jurisdictions, obtaining a refund for main roads from the County Councils. The tendency is in the direction of complete control by county authorities.

The amount spent directly by County Councils during the first year of their existence on the maintenance, improvement, and repair of main roads was £247,004, and the amount paid by them to various local highway authorities for the same purpose was £913,247. Of course no payment to any local authority is made by the County Council for main roads, except upon the certificate of their surveyor.

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In East Suffolk, deputy surveyors, who are mostly farmers, or resident in the district, superintend the maintenance of portion of a road, varying from five to ten miles in length, at a remuneration which must not exceed £2 per mile, per annum. This system, which is an approach to the Irish practice, is preferred to the alternative system, also in vogue in some parts of the administrative county, of employing foremen under the direct supervision of the county surveyor. In another division of Suffolk the Council contribute to the maintenance of all roads, both main and district. The cost per mile of main roads in England varies as much as from £1,175 per mile for maintenance, paid by the County of Surrey for portion of their roads, to £18 per mile in more rural parts of the country. In the year 1888-89, which is the last one for which the complete returns are available, the expenditure on highways in the rural districts of England was £2,167,797, of which the Quarter Sessions contributed £541,804, towards the maintenance of main roads and bridges. It will be seen from the figures quoted above that County Councils have largely increased the expenditure upon main roads. According to an opinion given by Mr. Alex. M'Morran, who is one of the best authorities in England on Local Government Law, it appears that County Councils cannot take over the management, or, in other words, "main" all the roads in a county. The County Authority "must have regard," to quote the words of a communication from the Local Government Board to the Gloucester County Council, "to the circumstances of each particular road."

This part of the subject has been dealt with at some length, because not only in Ireland, but to a great extent in England, the expenses of maintaining roads figure largely in the accounts of the Grand Juries and County Councils.

SYSTEM OF ROAD MANAGEMENT IN SCOTLAND.

4. Up to the year 1878 there was a multiplicity of road authorities in Scotland. An effort was made in this year to evolve some sort of order out of the existing chaos, and a comprehensive measure—the Road and Bridges (Scotland) Act—was passed. Under its provisions a county road board of thirty members was appointed, of which the half, and in some cases two-thirds were "Commissioners of Supply." The "Commissioners of Supply" have existed in Scotland for a very long period, and have discharged a great variety of functions. They may be popularly described as landlords or representatives of

landlords. The whole incidence of certain taxation fell upon them, until the Local Government Act of 1889 divided it equally between the owner and occupier, with certain exceptions that it is not necessary to enter into here. As has just been said the Commissioners of Supply were one element which entered into the composition of the County Road Trustees formed under the Act of 1878. The other element was the representatives of the ratepayers of the various parishes and burghs.

The powers of the County Road Trustees, formed in the way described above, were transferred by the Local Government Act of 1889, to County Councils, or rather to a Road Committee, not exceeding thirty members, elected by the County Council at their first meetings.

Counties are divided by the Council into Districts, and District Committees, formed of the Councillors for the electoral divisions comprised in the district, together with one representative from each parish and burgh comprised in it, form a local authority for the management of the highways and other matters.

There is no distinction in Scotland as between "Main" and "District" roads.

The "Joint Committee"—a body to which further reference will be made—have important powers with reference to new works.

It will be seen from the foregoing summary of the way in which highways have been managed in Ireland as compared with England and Scotland, that the systems possess no features in common, and that to transplant systems evolved or partially evolved out of chaos within the last twenty years to Ireland in substitution of a consistent and uniform system, thoroughly reformed and re-organized as long ago as 1836, which has worked well and stood the test of over half a century, would be a retrograde step. On the ground of economy the Irish system is acknowledged to be much superior.

OTHER COUNTY AFFAIRS.

5. Having dealt with the question of Road Management at some length on account of its great importance it will be necessary to refer more or less briefly to the other matters entrusted to the management of the County Councils in England and Scotland, pointing out from what authorities they have been transferred, and whether similar duties are imposed upon any local authority in Ireland.

The question of the police may at once be left out of consideration, as Mr. Balfour has specifically stated that it is the intention of the Government to maintain them as an Imperial force.

RATES.

6. With reference to the collection of rates, the English system is radically different from that in force in Ireland. Here the Grand Jury make and levy their own rates through the medium of their barony constables or cess collectors. In England the County Council after it has made an estimate of the amount required to carry on its operations makes a rate at so much in the £ of the valuation, and then having the rateable value of the various parishes before it, fixes the total amount to be levied on each parish according to the valuation. All the parishes comprised in a Union are grouped together and a precept is sent to the clerk of the union stating that the County Council require a specified contribution from each parish comprised in the particular Union to which it is addressed. The union authorities in turn deal with the parishes, which is in their unit of area, (corresponding to the poor law electoral divisions in this country) adding to the amount required by the County Council the amount necessary to carry on their own work. The precept is sent in full to the overseers of each parish. Other bodies, such as the sanitary authorities (which may in some cases be the Board of Guardians over again), highway boards, parish surveyors, etc., all send in their claims to the overseer, who makes a parochial rate sufficient to meet all these demands.

The overseers are chosen at an annual vestry in a manner that it is not necessary to describe here in detail, but they do not actually collect the rates. This is done by assistant overseers, or, as they would be called here, rate collectors. These officials are appointed, paid, and liable to dismissal, not by the overseers, but by the Boards of Guardians. When the collection is made the amount is paid by the assistant overseer not to his employers, but to the overseers who distribute the amounts to the various local authorities from whom they have received warrants. Out of the amount remitted by the overseers to the Boards of Guardians, the latter bodies remit the quota required by the County Council to its Treasurer.

The power of revising the basis of the county rate was not contained in the original bill, but was inserted in committee.

It is scarcely necessary to say that in Ireland (with the exception of a few instances in which urban authorities pay an ascertained amount to Grand Juries) these bodies and the Board of Guardians collect their own rates.

BORROWING.

7. Borrowing money for County purposes, was a power exercised in England, before the passing of the Local Government Act, by the Quarter Sessions. In Ireland Presentment Sessions and Grand Juries have power to borrow money, in certain cases, and under certain limitations and restrictions. In some cases, such as the erection of asylums, the advance is made by an order of the Lord Lieutenant, and the Grand Jury have only the duty of repaying the instalments. No further loans can, however, be effected by the County Council without the consent of the Local Government Board in England (or the Secretary of State in Scotland) who, before giving their consent will take into consideration any representation made by any ratepayer or owner of property rateable to county contributions. If the amount proposed to be borrowed will raise the total debt of the County Council to over one-tenth of the annual rateable value of the county, then a further check is imposed, the money cannot be borrowed except in pursuance of a provisional order of the Local Government Board confirmed by Act of Parliament. The "Joint Committee" in Scotland have also a check upon the action of County Councils with respect to borrowing.

ACCOUNTS.

8. The accounts of the County Councils in England and Scotland are subject, like the accounts of the Grand Juries in Ireland, to a Local Government Board audit.

COUNTY BUILDINGS.

9. (*a*) Assize and other courts, judges' lodgings, and county property generally, previously to the passing of the Local Government Act were under the control of the Quarter Sessions, and are now, both in England and Scotland, under the control of the County Councils, subject, as to the use of the necessary buildings, by the Quarter Sessions and Justices. High Sheriffs have the custody in Ireland of Assize and Quarter Sessions Courts, and appoint and can dismiss the keepers of these buildings.

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(*b.*) Police stations. This of course is part of the question of police, and while the control of the police stations in England are now transferred to the County Councils, they are not under the control of any local authority in Ireland.

MUSIC AND RACECOURSE LICENSES.

10. The licensing of houses and places for music and dancing, and the granting of licenses under the Racecourses Licensing Act of 1879, have been transferred to County Councils in England, No licenses for any of these purposes are necessary in Ireland. As a matter of fact, in England the Racecourses Licensing Act is only applicable within a radius of ten miles from Charing Cross.

LUNATIC ASYLUMS.

11. The construction, maintenance, and management of asylums for pauper lunatics were duties hitherto exercised by the Quarter Sessions in England and by a Committee mainly nominated by the Commissioners of Supply in Scotland. It is in respect of the erection of Lunatic Asylums that the greater part of the debt of the County Authorities in England has been created. In Ireland, since the year 1817, the lunatic asylums have been in the hands of special boards of governors, appointed by the Lord Lieutenant, acting under the general supervision of inspectors. When in the opinion of the advisers of the Lord Lieutenant it becomes necessary to build an asylum, the money for the purpose is advanced out of the Consolidated Fund, repayable by the Grand Juries of the various counties affected, in such instalments as the Treasury may fix. Towards the maintenance of the asylum, the Treasury contribute four shillings per week per patient. This comes on the average to about half the total cost. The Grand Juries are bound to provide the remainder of the necessary money. In 1889 the average cost of maintenance per patient was £20 0s. 11d., of which the Government contributed £10 6s. 0d. In England and Scotland there was also a Treasury contribution to the Quarter Sessions and the Asylums Board for the same purpose, but since the passing of the Acts of 1888 and 1889 the County Councils are bound to provide the amount out of the proceeds of certain licenses transferred to them. In Ireland, the Board of Governors control the admission and detention of patients.

In England this power, hitherto exercised by the Committee of visitors of the Quarter Sessions, is *not* transferred to the Committee of visitors appointed by the County Council.

REFORMATORIES AND INDUSTRIAL SCHOOLS.

12. The power to contribute to the maintenance and establishment of Reformatory and Industrial Schools, hitherto exercised by the Quarter Sessions is now transferred to County Councils. Similar powers are vested in Grand Juries in Ireland.

LOCOMOTIVES.

13. All the powers hitherto vested in Quarter Sessions in England, under the Highways and Locomotives Act of 1878, have now passed to the County Councils. As many of these powers in England referred to the power of compelling Highway Authorities to repair the roads there, this portion of the Act had no application to Ireland. The power of granting licenses to owners of locomotives is exercised by the Grand Juries in Ireland.

COUNTY OFFICERS.

14. Sub-Sections IX., X., and XI., of Section 4 of the Local Government Act transfer the powers hitherto exercised by Quarter Sessions to County Councils in respect of salaries and fees allowed to inspectors of weights and measures, public analysts, and coroners, and the appointment and removal of county officials other than the clerks of the peace and clerks of the justices. However, special provisions are inserted in the Act declaring that the Clerk of the Peace shall also be Clerk of the County Council, and that he shall be appointed from time to time by the standing "Joint Committee," consisting of an equal number of members of the County Council and the Quarter Sessions. This does not merely refer to the existing officers, but, what is more important, it deals with all future appointments as well. With reference to the justices' clerks, it is scarcely necessary to burden this report with reference to them, as they have never come under the control of the Grand Jury in Ireland. The mode of remunerating them is entirely different from the system either now prevailing in England or before the passing of the Act of 1888. With reference to other officials, there are sections protecting officers who were transferred from the Quarter Sessions to the new County Councils, providing that they should hold their offices under the same tenure

and conditions as if the Act had not been passed, and also providing compensation for any officer whose office is abolished, or who has suffered any diminution or loss of salary by the passing of the Act. This clause is so far-reaching as to include the officers of highway districts and parishes, whose duties in the maintenance of district roads have been lessened in consequence of the tendency to main roads, so that their immediate employers have reduced their emoluments. Of course officers so affected who are not satisfied with the amount of compensation proposed to be awarded by the County Councils can appeal to a department of the State to arbitrate upon the matter.

POLLING DISTRICTS.

15. The division of the county into polling districts for election purposes is a power which has been transferred, in England, from the Quarter Sessions to the County Councils. This power is exercised in Ireland by the Lord Lieutenant, assisted by the county justices at Quarter Sessions.

CONTAGIOUS DISEASES ANIMALS, DESTRUCTIVE INSECTS, WEIGHTS AND MEASURES, ETC.

16. The execution as Local Authority of Acts relating to (*a*) Contagious Diseases of Animals, (*b*) Destructive Insects, (*c*) Fish Conservancy, (*d*) Wild Birds, (*e*) Weights and Measures, (*f*) Gas Meters, and (*g*) Local Stamp Act of 1869, were all exercised before the passing of the Act of 1888 by the Quarter Sessions in England, and have been transferred to the County Councils.

(*a*) In Ireland the Acts relating to Contagious Diseases of Animals, and

(*b*) Destructive Insects, are administered by the Boards of Guardians.

(*c*) The County Councils in England have power to nominate certain members upon boards of conservancies for fishery districts. The question of local authorities in Ireland being entitled as such to seats upon boards of conservancies is not an unimportant one, from the point of view of affording proper protection to the owners of fisheries.

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(*d*) The provisions of the Act with reference to Wild Birds, relates to the power of Justices to petition a Secretary of State with reference to varying the close time.

(*e*) The provisions of the Acts of Parliament dealing with weights and measures, as far as they relate to the action of local authorities, are administered by Grand Juries in Ireland. In Ireland (except in Dublin) the Constabulary are the custodians of the standards.

(*f*) The inspections of gas meters by county authorities are only adoptive.

(*g*) The provisions of the Local Stamp Act do not affect county authorities in Ireland.

MALICIOUS INJURY BY RIOTOUS ASSEMBLY.

17. The powers of compensation for malicious injuries by riotous assemblies were placed in the hands of Grand Juries by the Act of 1853, and is analogous to the powers transferred in England from Quarter Sessions to County Councils. Of course this class of injury differs widely from, and is not to be confounded with, that provided for in our Grand Jury Act of 1836. It is, however, very important to note that in the case of the Metropolitan Police District of England, the power of awarding compensation under the English Act is *not* handed over to the County Councils.

REGISTRATION OF RULES OF SOCIETIES.

18. The registration of rules of various societies, and the recording of places of religious worship, are either matters which have no application in Ireland, or are not of any great practical importance.

This concludes the list of powers transferred by the Local Government Act from the control of the Quarter Sessions to County Councils. The powers dealt with below were transferred from other authorities.

CORONERS.

19. The appointment of coroners is now placed in the hands of the County Councils. In Ireland, speaking generally, the coroners are appointed, as they were in England, by the parliamentary electors of the district for which they act.

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THEATRES.

20. The licensing of theatres was hitherto exercised by the Lord Chamberlain in London, and by the justices in the country; these powers are now transferred to the County Councils. In Ireland it is exercised by the Attorney-General.

POLLUTION OF RIVERS.

21. The powers of sanitary authorities in England, with reference to the pollution of rivers, is also transferred to County Councils. In Ireland the provisions of this Act are administered by Boards of Guardians, acting as a sanitary authority.

PARLIAMENTARY ACTION.

22. Power is also given, by the Act of 1888, to enable County Councils, with the approval of the Local Government Board, to oppose bills in Parliament, but they have no power to take any steps or incur any expense in *promoting* bills.

MEDICAL OFFICER OF HEALTH.

23. County Councils in England have also power to appoint and pay a medical officer of health, whose duty it will be to see that the Public Health Act of 1875 is properly put in force by the various sanitary authorities. In case of default the County Council have the right to direct the attention of the Local Government Board to the matter, but apparently have no power of any further direct interference. No other power under the Public Health Act is transferred from any local authority to the County Council, although in several matters they have relations with them.

ALTERATION OF BOUNDARIES.

24. Another important duty cast upon the County Council is the initiation of any change in the boundaries of areas of Local Government, of any electoral divisions, of the number of divisions, and other matters of a similar kind.

As has been already stated they have only the power of representation to the Local Government Board, and even this department has only the

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power, if it sees fit, to make a provisional order, subject to the final sanction of Parliament. The Local Government Board have powers upon the representation of County Councils to deal with such matters as the conversion of a rural into an urban district, or *vice versa.*

This completes the list of powers transferred to County Councils from other bodies.

HISTORY OF THE 10TH SECTION.

25. The 10th section of the English Act enables the Local Government Board to make a provisional order transferring certain departmental powers to County Councils. Under the provisions of this section, the Local Government Board made a provisional order, transferring a number of powers, hitherto exercised by various departments, amongst which were certain powers of the Secretary of State with reference to parochial grants, and the power of abolishing or fixing days for holding fairs, powers of the Board of Trade to make provisional orders with reference to the construction of piers, quays, waterworks; licensing of provisional orders under the Electric Lighting Act; of the adoption by parishes of the Baths and Washhouses Act, and certain powers under the Public Health and other Acts.

When this provisional order came to be confirmed by Act of Parliament, it met with strenuous opposition on the part of persons interested in the construction of tramways and of the representatives of what are known as non-county boroughs, and the result was that the provisional order dropped.

The other local authorities affected by the Act seem in every case to have preferred to remain under the control of the central departments, and to have been completely opposed to the idea of decentralization.

TECHNICAL INSTRUCTION.

26. An Act passed in 1889 conferred on County Councils in England, and urban or rural sanitary authorities in Ireland, the power to devote certain funds to the promotion of technical instruction. Under the provisions of the Act, dairy, cookery, and other schools have been established in various parts of England.

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SUMMARY OF POWERS OF ENGLISH COUNTY COUNCILS.

27. The following is a summary of the powers exercised by County Councils in England, arranged so as to show the authority, if any, under which similar powers are exercised in Ireland :—

ADMINISTERED IN IRELAND BY GRAND JURIES.

(i.) Roads and bridges (only exercised by County Councils with respect to main roads.)

(ii.) Assessment and collection of taxes (the county rates in England are not collected directly by the county authority).

(iii.) Borrowing of money (also exercised in Ireland by other local authorities).

(iv.) Assize and other courts, and county buildings generally. The High Sheriff is the partial custodian of the Assize and Quarter Session courts.

(v.) Contributions to the erection and maintenance of reformatory schools.

(vi.) Certain powers under the Locomotives Act.

(vii.) Administration (partial) of Weights and Measures Act.

(viii.) Appointment of Public Analysts.

(ix.) Payment of Coroners (according to fixed scale).

(x.) Appointment and removal of county officials, (*see* exception with reference to Clerk of the Peace who in Ireland is appointed nominally by the Lord Lieutenant, and in England will in future be appointed by the Joint Committee of the Quarter Sessions and the County Council), subject to compensation for loss of fees or diminution of income.

(xi.) Provisions dealing with the publication of the list of Parliamentary electors.

(xii.) Compensation for malicious injuries caused by riotous assemblies (NOT transferred in Metropolitan Police District to County Council).

ADMINISTERED IN IRELAND BY BOARDS OF GUARDIANS.

(xiii.) Administration of Acts relating to Contagious Diseases of Animals.

xiv.) Administration of Acts relating to Destructive Insects.

(xv.) Administration of Acts relating to Pollution of Rivers.

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(xvi.) Administration of Acts relating to Technical Education (conferred in 1889).

IN IRELAND UNDER IMPERIAL CONTROL.

(xvii.) Police Stations.

ADMINISTERED IN IRELAND BY THE ATTORNEY-GENERAL.

(xviii.) Licensing of Theatres.

ADMINISTERED IN IRELAND BY SPECIAL BOARDS.

(xix.) The management of Asylums.

(xx.) Fish Conservancy.

(xxi.) Revision of Parliamentary Polling Districts.

IN IRELAND STILL APPOINTED BY AN ELECTION *AD HOC*.

(xxii.) Coroners.

MATTERS WHICH DO NOT ARISE IN IRELAND.

(xxiii.) Licenses for Music and Dancing.

(xxiv.) Licenses for Racecourses.

(xxv.) Appointment of Medical Officer of Health.

MATTERS ADMINISTERED BY GRAND JURIES WHICH DO NOT ARISE IN ENGLAND.

28. The following matters administered in Ireland by Grand Juries, have either no application in England or are discharged by other bodies than the County Council.

(i.) Compensation for malicious injuries other than by riotous assemblies.

(ii.) Several important Acts relating to the construction of Tramways and Light Railways. The first of these Acts passed in 1860, provided that instead of having to apply to Parliament for an Act to construct a Tramway, a presentment might be obtained from the Grand Jury, needing only confirmation by the Lord Lieutenant in Council.

(iii.) A further step was taken in 1881, empowering Grand Juries to regulate the speed up to ten miles an hour.

(iv.) The most important Act, however, was that passed 1883, known as the Tramway Guarantee Act, by which Grand

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Juries were empowered to give a guarantee, in perpetuity, chargeable upon a barony or portion of one, that dividends would be paid upon paid up capital of a Tramway or Railway, not exceeding five per cent. Under this Act 172 miles of Tramways or Light Railways have been constructed and opened for traffic, the amount guaranteed being £720,000. Sixty-one miles are in process of construction under baronial guarantees, to the amount of dividends upon £246,000 of capital. The Government contribute two per cent. to the guarantee thus reducing the amount contributed by the county authorities from £28,080 in 1880-90 to £16,345.

(v.) Other duties were imposed upon the Grand Juries by the Light Railways Act of 1889. Under this Act Grand Juries have approved of projects aggregating to 247 miles of Light Railways, principally in Donegal, Mayo, Galway, and Kerry.

The foregoing statement contains a summary of the principal duties imposed upon County Councils in England (and generally speaking in Scotland) and points out under what local authority similar duties are now discharged in Ireland. There remain one or two other matters to which it may be useful to draw attention.

"STANDING JOINT COMMITTEES."

29. One of the most important provisions contained in the English and Scotch Acts is that by which a "Standing Joint Committee" is appointed for certain purposes.

The Standing Joint Committee in England consists of an equal number of members nominated by the Quarter Sessions and the County Council. In some cases twelve members are returned from each body to form the Joint Committees, in others it is composed of the whole Council with an equal number of Magistrates. The following matters are controlled by the Joint Committee in England:—

(i.) The Police.

(ii.) Appointment of future Clerks of the Peace (who are also to be Clerks to the County Councils).

(iii.) Fixing their remuneration.

(iv.) Fixing fees to be taken by Justices' Clerks, (subject to confirmation of Secretary of State).

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(v.) Providing accommodation for Quarter Sessions, or Justices out of Session.

(vi.) Use by Justices or Police of Buildings or premises.

In Scotland the Standing Committee is composed of an equal number (not exceeding seven) of the Commissioners of Supply (which are continued for the purpose of this election), and of the County Council, with the Sheriff—who is in Scotland a judicial personage, said to correspond to the County Court Judge in Ireland—as an *ex officio* member. The powers of this "Standing Joint Committee" are as follows :—

(i.) They are the Police Committee under the Police Act of 1857.

(ii.) No money can be borrowed by County Councils without their consent.

(iii.) No work involving the erection, rebuilding or enlargement of buildings, the construction, reconstruction or widening of roads and bridges, the construction or extension of drainage or water supply works, or the acquisition of land for any of these purposes, can be undertaken without the consent in writing of the Joint Committee.

ADMINISTRATIVE COUNTIES.

30. Every County in England forms an "administrative County" with certain exceptions, namely Yorkshire and Lincolnshire which are each divided into three, and Suffolk, Sussex, Cambridge and Northampton which are each divided into two. Certain Counties of Scotland on the other hand are united to form an administrative area. Of course the whole area of a County is not always an area of Local Government. Counties may contain the whole or portion of a borough which is an administrative County in itself. County Boroughs are generally speaking all boroughs having a population of over 50,000 or Counties of Cities or Towns having a population of 20,000. The following places in Ireland have a population of over 50,000 :—

Dublin.
Belfast.
Cork.

The following places have a population of between 20,000 and 50,000 :—

Pembroke
Rathmines and Rathgar

Limerick
Waterford
Londonderry.

31. Each County in England and Scotland is divided into Electoral Districts, and one Councillor is elected by each district. The Local Government Board in England and the Secretary of State in Scotland determine the number of Councillors to be comprised in each County Council, and the Quarter Sessions in England and a Boundary Commission in Scotland determined the areas of the electoral divisions. In England, at the first meeting of the Council, a number of aldermen (equal to one-third of the entire number of councillors), were appointed by the newly-elected councillors. There are no aldermen in Scotland but certain persons—namely, the Lord Lieutenant of the County, the Convenor of the County, Chairman of the Road Trustees, and Chairman of the County under the Contagious Diseases (Animals) Act, are *ex officio* Councillors for the first two years.

The elections in England are triennial, in Scotland biennial.

THE COUNTY COUNCIL FRANCHISE.

32. The Franchise of the County Council in England is practically an extension of the qualifications contained in the Burgess Act of 1882. Broadly it may be said to be for all practical purposes the Parliamentary Franchise. Lodgers cannot be county electors, nor persons claiming under the Service Franchise. On the other hand, peers and women disqualified, by reason of their position or their sex from being Parliamentary voters, are entitled to vote in County Council Elections.

In Scotland all persons on the Parliamentary Register, except those exempt from, or who do not pay county rate, are entitled to vote in County Council Elections. Peers and women are also qualified in addition as in England.

Throughout all Ireland, with the exception of a few counties containing an urban population, the present Parliamentary rolls do not contain the name of any person entitled to vote as a lodger, or in respect to the Service Franchise, and on the other hand, the number of peers and women to be added to the list would not be so great as to produce any appreciable effect in an election.

QUALIFICATION OF COUNCILLOR.

33. Speaking generally, every person entitled to elect a County Councillor is qualified to become a candidate.

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Clergymen who were disqualified to serve on Town Councils are qualified to be candidates for seat at the County Councils.

INCIDENCE OF TAXATION.

34. This is a matter immediately connected with the question of the franchise. When it is stated that County Councils in England are elected upon a wide and popular franchise, not merely is it forgotten that in the composition of the Councils a totally different result would be arrived at, but that the incidence of local taxation is also widely different. In England the whole Poor Rate, as well as all the County Rates, fall upon the occupier. In Ireland the landlord is bound to pay half the Poor-Rate upon a holding valued at upwards of £4, and the whole of the Poor-Rate on holdings valued at that sum and under, unless the occupier has other holdings in the same Union which bring the aggregate of his holdings to a valuation exceeding £4.

As regards the County Cess, it appears to be for the most part primarily paid by the occupier, and in this way the landlords, of course, pay the whole County Cess on all lands and buildings in their own occupation, which represents a considerable proportion of the total County Cess. Moreover, under the Act of 1881 the landlord must allow half the County Cess in all agricultural or pastoral tenancies created since the passing of that Act (unless the tenant's holding or holdings represent a valuation of £150 or upwards); and he is also *primarily liable* for the whole of the County Cess since 1881, in all new agricultural or pastoral tenancies valued at or under £4.

NUMBER AND VALUATION OF HOLDINGS IN IRELAND.

35. The following table (taken from a Parliamentary Return issued during the past Session) gives the number and valuation of agricultural holdings in Ireland. It will be useful as furnishing an idea of the relative proportion of small and large holdings.

					No. of Holdings.	Aggregate Valuation.
	£4	and	under		151,901	£326,902
Over	4	,,	,,	£15	232,084	1,958,895
,,	15	,,	,,	30	88,361	1,871,204
,,	30	,,	,,	50	38,731	1,497,459
,,	50	,,	,,	150	34,497	2,769,394
,,	150	,,	,,	200	3,051	526,834
	200				3,724	1,185,805
				Total,	552,349	£10,136,493

This return does not give the number of town holdings, which would largely increase the proportion under £4 valuation.

36. In dealing with Local Government in Ireland it is absolutely necessary to refer to the manner in which local affairs have been administered by Boards of Guardians in Ireland. It was not for a considerable time after the creation of the Poor-Law system that powers were given to the Local Government Board for the dissolution of Boards of Guardians, and the substitution of paid vice-guardians in their place. The circumstances under which this power was given arose in the famine years. It was found that many Boards of Guardians were not so much unwilling, as apparently unable, to cope with the enormous difficulties which suddenly presented themselves, and the Act to which I have alluded was passed to enable the Local Government Board to deal with the crisis.

During the famine visitation it was found necessary to resort to the provisions of this Act in thirty three different cases. When the crisis was over only two cases arose, until quite recently. Within the past ten years it has been found necessary to suspend ten boards.

(i.) In 1882, the Carrick-on-Suir Board of Guardians repeatedly adjourned without transacting the ordinary business of the Union. The nature of the business remaining untouched was matters arising out of the Contagious Diseases of Animals Act, the adoption of a rate, the disposal of the reports of several sanitary officers, and the signing of cheques for the purpose of out-door relief. The funds for this purpose had to be advanced by the Clerk of the Union out of his own resources.

(ii.) In 1886 the Board of Guardians of the New Ross Union established a "Ward of Honour" for certain families evicted from town holdings. Their conduct was repeatedly objected to by the Local Government Board but the Guardians defied that authority and expressed their determination not to conduct the institution placed under their care under the general orders relating to the management of Workhouses. The result was the dissolution of the Board on the 14th December, 1886.

(iii.) In October, 1887, the Guardians of the Belmullet Union

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had failed to make any provision for the food necessary to support the inmates. A special meeting summoned at the instance of the Local Government Board for the express purpose of considering tenders for the supply of those necessaries, adjourned without making any provision for the poor committed to their charge, and as a matter of fact on that day the supply of food on hands was only sufficient to provide for one meal. The Local Government Board threatened that a continuation of this scandal would result in the dissolution of the Union, but the warning was of no avail and the Board had eventually to be dissolved.

(iv.) Scarcely less scandalous was the condition of things in the Swineford Union. In February, 1888, the contractors for the supplies to the Workhouse threatened that unless they were paid they would stop them. At this time the Guardians were in debt to the extent of nearly £6,000, and in consequence of this state of matters the Board was dissolved.

(v.) In May of the same year the Board of Guardians of Ballinasloe Union was dissolved, because the members of the Board engaged in a series of disputes which culminated in acts of violence on the part of the Guardians to each other, to the complete neglect, it is hardly necessary to say, of the ordinary and proper business of the Union.

(vi.) The Athy Union in the same year issued a cheque for the amount of surcharges made by the Local Governmen Auditor against one of their body who had signed cheques for illegal out-door relief. Persisting in this misappropriation of the funds of the Union the Board was dissolved by sealed order.

(vi.) In the same year the Dungarvan Board of Guardians accepted a tender for the supply of bread at 5¼d. per 4 lb. loaf, from a Mr. Casey, although they had before them another tender from a Mrs. Armstrong at 4¾d. In the letter enclosing the order dissolving the Board, the Local Government Board stated that Mrs. Armstrong had invariably carried out her contracts to the satisfaction

of the Guardians and their Medical Officer, and that upon frequent occasions the bread supplied by Mr. Casey, whose tender had been accepted, was either insufficiently baked or unfit for food.

(viii.) In the same year the Ballyvaghan Board of Guardians were dissolved under the following circumstances. In the month of February, 1888, they were in debt to the amount of nearly £1,600, their only assets being outstanding rates to the amount of £225. Under these circumstances there was naturally great difficulty in procuring supplies for the workhouse inmates. The clerk's estimate showed that over £2,100 would be required to carry on the work of the Union, but the Guardians reduced the rate to £1,550, a sum which they were perfectly well aware was totally inadequate. Frequently during the previous half year the Guardians cheques were dishonoured, and on the 27th September, an auditor had to report that the collection of rates was not closed, that several Guardians had not paid their own rates, and that many of the officers were owed as much as half a year's salary. In October the guardians again declined to make a rate for the amount necessary to carry on their business, and when the Local Government Board remonstrated with them upon these extraordinary proceedings, they simply marked the letter "read."

(ix.) A similar state of things was found to exist in the Portumna Union in 1889. The Union treasurer in that year refused to honour the cheques of the guardians; a year's salary was due to the chaplains of the workhouses and the Sisters of Charity in the hospitals, and half-a-year's salary to all the other officers of the Union. No one would contract for straw, and the turf contractor, not being paid, stopped the supply, which had to be bought from anyone who brought in fuel, and was willing to wait upon the convenience of the guardians for payment. The children were almost in rags, mostly their own clothes. Only one person tendered for the supply of clothing and bedding. The guardians were in debt to such an extent that all their outstanding

rates would have been only sufficient to discharge their liabilities, and would have left no funds for carrying on the business of the Union. The Vice-Guardians appointed by the Local Government Board speedily rectified this disgraceful condition of things.

(x.) In the same year the Cork Board of Guardians insisted upon discussing political topics before the transaction of the ordinary business of the board, Dr. Tanner, M.P., being one of the principal offenders. This conduct was repeated again and again in utter disregard of the warnings of the Local Government Board, until finally that body stated they were compelled to abandon all hope that the management of the affairs of the Cork Union would be carried on with any regularity and in accordance with the law, and suspended the Board. When the Vice-Guardians took charge of the Union on the 26th January, 1890, cheques to the amount of £6,329 17s. 0d. had been issued and dishonoured, while the balance against the Union on foot of the treasurer's account was £2,216 7s. 1d. There was also owing to contractors a sum of £2,500, for which cheques had not been issued. In less than two months the Vice-Guardians had lodged to the credit of the Union no less than £18,378, more than enough to clear off all liabilities, and during their year of office they reduced the rates by 20 per cent. It is important to observe that this was not a small obscure Union in some out-of-the-way part of the country. It embraced within its area the third city in Ireland, and there are actually twenty Irish counties, none of which have a total valuation equal to that of the Cork Union.

These cases in which Boards of Guardians have been suspended are, of course, only a fraction of those in which serious abuses have occurred.

ADMINISTRATION OF THE LABOURERS' ACTS BY BOARDS OF GUARDIANS.

37. Not less instructive is an examination of the proceedings of several Boards of Guardians, with reference to the administration of the Labourers' Acts of 1883 and 1885.

The scope of these Acts may be roughly stated in a few words.

Upon the representation of twelve ratepayers the Board of Guardians of any Union may entertain a scheme for the construction or repair of cottages suitable for agricultural laboures. The Guardians, if they entertain the proposal favourably, prepare a draft of the scheme, by which they propose to erect cottages, showing the cost, site, and other particulars of the proposed structures. This scheme is forwarded to the Local Government Board, who examine into the matter. Certain parties have the right to oppose the scheme, amongst others, those on whose lands it is proposed to erect the cottages. The Local Government Board, after due inquiry by one of their inspectors, have power to approve, disapprove or vary the scheme. There is a still further appeal from the Local Government Board to the Lord Lieutenant in Council. This appeal was given under the Act of 1885. Previously to that the only appeal was to Parliament, when the matter came forward in the nature of a proposal to confirm the Provisional Orders made by the Local Government Board.

It would be utterly impossible within the limits of this Report, to give in detail even the barest particulars of the cases that were brought fore the Privy Council, by persons objecting to schemes made by Boards of Guardians under the Act.

There were in all 227 petitions lodged for hearing before the Privy Council up to 20th March, 1889, the date to which the last Parliamentary Report is brought. In 31 of these the Provisional Orders of the Local Government Board were confirmed, and in 196 they were rejected, varied or withdrawn.

In one case the Kilmallock Board of Guardians attempted to place a cottage upon an evicted farm which was strictly boycotted, with the view of letting it to the evicted tenant, the Guardian who selected the site being the Secretary of the local branch of the National League. In another case the Tullamore Board of Guardians proposed to place two cottages upon a farm of 40 acres in extent upon which there were five other cottages already erected, the only offence of the unfortunate victim of this proposal apparently being, that he had held aloof from the National League. The Nenagh Board of Guardians prepared a scheme by which, amongst other things, they proposed to erect a cottage upon a farm belonging to a Mr. J. Bayly, and place in it as tenant a man who had been

convicted by that gentleman for poaching. They also proposed to place three cottages, like so many forts, upon the lands of a Mr. White, one behind and one before his gate lodge, and another at his back entrance. In the case of a Mr. King they proposed to erect a cottage opposite his hall-door. They also proposed to erect five cottages upon a farm of 40 acres belonging to Miss Anna Bolton, from which she had been compelled to evict a tenant for non-payment of rent, and upon which there were two cottages already, the "agricultural labourers" which occupied them being a hackney car driver, and a tenant of the Chairman of the Board of Guardians. While they proposed to place seven cottages upon Miss Bolton's farm of 40 acres, it was not proposed to erect a single cottage upon the remainder of her property in the occupation of tenants.. The Board of Guardians of Newcastle West, in the County Limerick, endeavoured to place three cottages upon the farm of a man who had been subjected to a great deal of persecution, because he did not vote for a certain candidate as Poor Law Guardian, although he had actually in the course of erection, with the concurrence of the Poor Law Guardians, a similar number of cottages of his own. In a case where it was proposed to erect four cottages on the holding of a farmer in the Oldcastle Union, the objector gave evidence to the effect that he was the subject of an outrage in 1881, that the bullet was then (1887) still in his knee, that the farm upon which it was proposed to erect the cottages was all laid down in grass, and, finally, that it had been proposed to exempt him from having these cottages thrust upon him if he would subscribe £3 to a "certain fund." In another case in Ballinasloe Union, a Mr. Parker had been for fifteen years a Poor-Law Guardian, and was turned out by the Nationalist party. Meetings had been held with reference to him, and resolutions passed against him, and although the Poor-Law Inspector reported that the repair of a cottage already existing would be quite sufficient, three of the guardians, accompanied by a mob, proceeded to Mr. Parker's farm, and selected a site for a new cottage. In another case it was proposed to erect a number of cottages on the estate of Captain Cosby, in the Queen's County, although that gentleman had himself erected 70 cottages in the neighbourhood suitable for labourers, for which he had been awarded prizes by the Royal Agricultural Society. There was so little necessity for any additional cottages that eleven of those al-

ready existing were vacant for want of tenants. It was only when the Plan of Campaign had been put in force on Lord Lansdowne's estate, and when, as a consequence, fewer labourers were wanted, that it occurred to the local Board of Guardians to erect a number of cottages on Lord Lansdowne's property. In another case it was proposed to erect a cottage on the property of Mr. Rochfort Boyd, for a man who had been in his employment for several years, but who one day left the horses he had been ploughing with standing in the field (where they were found at night), and went off, never returning to Mr. Boyd's employment. The Croom Guardians proposed to place a cottage close to the back entrance gate of a gentleman who was boycotted, for the reception of a person that was obnoxious to him. The same guardians also proposed to erect a cottage for one of the leading spirits of the local National League, upon the farm of a man who had abstained from joining that organization. In a district in the south-east of Cork, where it was proposed to erect eight cottages, not a single site was chosen upon farms belonging to members of the National League, but, on the contrary, the selected sites were, curiously enough, all upon farms belonging to persons who had voted for the election of a Poor-Law Guardian who was opposed to that organization. In another case it was proposed to erect four cottages upon the farm of a man who was under police protection, the persons selected to occupy the cottages being those who were evicted some time previously.

Cases like these might be multiplied over and over again, but it may be worth while, before closing this portion of the Report, to mention the case of Mr. Michael Kelly. of the Co. Limerick. Mr. Kelly acted as agent for his brother, and in 1885 refused to reduce the judicial rents of three or four tenants. Shortly afterwards four of his cattle were driven away, and were not recovered for months; one hundred tons of his hay was burned; his herd refused to remain any longer in his employment. Early in 1886 an attempt was made to assassinate Mr. Kelly, and at the time of the Privy Council inquiry, in 1887, some of the slugs were still in his body. He identified a man as his would-be assassin, but a Cork jury acquitted him. A man named Vaughan, who worked for him, was attacked and beaten, and his skull fractured in three places. At the inquiry a speech delivered by Mr. Finucane, M.P., at the local National League meeting, was read, in which he stated that the herdsman who

had left his employment received a weekly wage for doing so, and that he had been promised the first labourer's cottage erected in the district.

FINANCIAL CONDITION OF IRISH UNIONS.

38. According to a return moved for by Mr. Russell in the year 1888, it appeared that on the 29th of September, 1887, in the following Unions (50 out of 162) the total assets, mainly consisting of outstanding rates, was less than their liabilities (not counting amongst the latter any capital sum due beyond the current instalment payable and interest).

Union.	Total Liabilities.	Total Assets.
Lurgan	£838	£603
Cavan	1,344	1,236
Glenties	697	624
Banbridge	1,162	725
Downpatrick	1,034	528
Kilkeel	492	212
Newtownards	514	439
Omagh	1,443	840
Ballyvaughan	2,650	1,579
Scariff	2,883	2,085
Fermoy	1,322	1,158
Macroom	2,341	761
Mallow	1,217	851
Youghal	938	658
Dingle	1,993	494
Kenmare	1,246	984
Rathkeale	1,244	1,099
Borrisokane	483	299
Clogheen	2,063	676
Dungarvan	2,120	1,240
Kilmacthomas	2,018	742
Lismore	2,951	1,127
Athy	1,727	1,116
Celbridge	545	381
Thomastown	1,212	714
Urlingford	831	553
Ardee	1,545	753
Drogheda	6,249	4,464
Dundalk	1,041	514
Navan	2,023	1,899
Trim	2,521	1,444
Delvin	1,835	740
Gorey	888	619
Clifden	6,146	1,356
Glennamaddy	1,135	598
Gort	1,255	717

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Union.	Total Liabilities.	Tota Astets.
Loughrea	1,700	1,100
Oughterard	4,719	1,593
Portumna	1,240	1,164
Tuam	1,915	888
Manorhamilton	1,456	318
Mohill	1,036	465
Belmullet	2,602	1,354
Castlebar	700	624
Killala	1,167	1,089
Swineford	5,923	3,252
Westport	5,212	1,784
Boyle	1,379	1,044
Castlerea	886	605
Tobercurry	1,421	515

COLLECTION OF RATES BY POOR LAW AUTHORITIES.

39. The question of rate collection is a matter of much more importance than might at first sight appear, as the consequences of a slovenly or corrupt discharge of these duties has the effect of unduly ncreasing the taxation of the larger ratepayers. The following table shows by Provinces the total amount of rates and arrears to be collected on the 29th September, 1887.

Province	Total Rates and Arrears	Rates Due	Percentage Uncollected.
Ulster ...	£219,157	£22,098	10
Leinster ...	375,978	73,490	19·5
Munster ...	403,133	150,797	37
Connaught ...	129,702	25,282	19·5

COMPARISON OF ASSETS AND LIABILITIES AND UNIONS BY PROVINCES.

40. The following table shows by Provinces the total Assets and Liabilities of Poor Law Unions, on the 29th September, 1887.

	Assets.	Liabilities.	Proportion per cent. of Liabilities to Assets.
Ulster ...	£ 55,464	£14,534	26
Leinster ...	111,630	44,737	39
Munster ...	185,097	97,006	52
Connaught ...	35,754	47,813	133

PROBABLE RESULT OF APPLICATION OF FRANCHISE OF ENGLISH ACT.

41 In this report an attempt has been made to point out the radical difference that exists between Great Britain and

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Ireland in respect of the matters administered by County Authorities and of the system of management. This difference has existed for centuries. The parochial system of road management, which seems to be gradually doomed to extinction, was tried in this country for a short time in the reign of James I., but proved a total failure. These are all considerations of the very greatest importance, but they occupy a secondary place when one comes to consider the probable composition of Irish County Councils as compared with the bodies recently established in England and Scotland.

The Acts relating to these countries were in theory and appearance of the most sweeping character. But in their practical outcome they were not so. In 15 counties of England which have been selected in a purely haphazard way (taking one under each letter of the alphabet), out of 1,152 members constituting the County Councils, 493 or nearly 43 per cent. are members of the Quarter Sessions. Probably the same thing is true of Scotland. The most remarkable feature of the figures given below is that the newly formed body of Councillors, consisting in a large proportion of gentlemen who did not belong to the Quarter Sessions, not merely had so little hostility to this body but felt the value and necessity of their co-operation to such an extent, that out of the 288 aldermen belonging to the counties referred to 176 or 61 per cent. are members of the Quarter Sessions. The following is a table showing the result of the County Elections from this point of view in the following English Counties :—

		Magistrates and Members of Quarter Sessions.
Berkshire	17 Aldermen	12
Do.	51 Councillors	23
Cambridgeshire	16 Aldermen	4
Do.	48 Councillors	4
Derbyshire	20 Aldermen	17
Do.	60 Councillors	29
Essex	21 Aldermen	18
Do.	63 Councillors	20
Gloucestershire	20 Aldermen	12
Do.	60 Councillors	33
Hampshire	25 Aldermen	19
Do,	75 Councillors	27

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		Magistrates and Members of Quarter Sessions.
Kent	24 Aldermen	14
Do.	72 Councillors	20
Lancaster	34 Aldermen	20
Do.	102 Councillors	45
Middlesex	18 Aldermen	13
Do.	54 Councillors	14
Norfolk	19 Aldermen	10
Do.	57 Councillors	27
Oxford	15 Aldermen	7
Do.	45 Councillors	16
Rutland	7 Aldermen	3
Do.	21 Councillors	4
Shropshire	17 Aldermen	9
Do.	51 Councillors	19
Warwick	18 Aldermen	9
Do.	54 Councillors	21
York (East Riding)	17 Aldermen	9
Do.	51 Councillors	15
	1,152	493

SOME PROBABLE DANGERS.

42. It may be well to point out a few of the dangers that would ensue from the establishment of popularly elected County Boards in Ireland.

(i.) Broadly stated the effect of the English Act was to bring about a partial change in the composition of the *personnel* of the county authorities. What would be the result in Ireland under a Franchise similiar to that which exists in England? The most sanguine view that can be taken is that in probably not more than six counties of Ireland would any appreciable number of those who have hitherto administered county affairs be elected to the new boards. In four other counties probably a few members representing the minority would find seats. But in the remainder of the country, especially in those

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parts where the maladministration of the Poor Law and Labourers' Acts has been so notorious, where the loyal minority would need most protection, in very few cases would one single member of that class be returned. In a word, the machinery which in England and Scotland has produced a partial, and, perhaps, an innocuous change, would in Ireland produce what would practically amount to a revolution.

(ii.) The largest taxpayers would either be wholly unrepresented or completely outvoted.

(iii.) It is the declared intention of the Nationalist party in this country, and the hope of the Gladstonians, that Irish County Councils shall be made not so much the machinery for discharging the ordinary business of the county, as engines of political warfare. *United Ireland* in its issue of the 31st March, 1888, says:—"**We will unscrupulously use every position we can capture, board room or town hall, as a Home Rule fortress, and drive the enemy unsparingly off the ground.**" This is not merely an alarmist view held by loyalists. The *Pall Mall Gazette* (6th February, 1889), dealing with the effort of the *Star* newspaper, when under the control of Mr. T. P. O'Connor, to "gerrymander" the London County Council, so as to exclude any representation of the minority on the list of "Aldermen," said:—"What is it that Mr. T. P. O'Connor has done. He has taught all men that when Parliament has created a subordinate assembly to carry on the work of Local Self-Government, it is in accordance with Irish ideas of fair play to deny to the minority the right to be represented in accordance with its numbers. . . . The one preoccupation of the inspiring genius of the *Star* has been . . . to control everything, not from the point of view of the actual administrative work that is to be done, but in order to use the privileges already conceded to extort more."

(iv.) The making, assessment, and collection of rates is a very serious matter when one bears in mind the conduct in

this respect of so many Boards of Poor Law Guardians. A present the barony constable, is bound under bond to lodge the whole amount of his "warrant" on or before a certain day. If there are any rates he cannot collect he must appear before the Grand Jury and make a statement on oath with respect to them, and if they have reason to believe that the rates are uncollectable they have power to "re-present," or, in other words, refund them.

(v.) There would be great danger in the tendency to undertake new works of an unnecessary or extravagant character.

(vi.) In the giving of contracts, and in the treatment of contractors with regard to payment and otherwise, undue favour would be shown to the political and personal friends of the majority of the Council, and hardship inflicted on Unionist contractors and cess payers.

(vii.) The protection apparently afforded by the provisions referring to compensation for malicious injuries under the Act of 1836, 1853, and other enactments, would be altogether illusory if placed in the hands of Irish County Councils.

(viii.) County officers who were not regarded as sharing the political views of the Board would soon be compelled to retire, no matter what provisions might be devised for their protection. Apart from the gross injustice thus inflicted on individuals, the counties would be thereby deprived of the services of many officers of long experience. In the appointment of new officers, moreover incompetent men would very often be appointed.

MUNICIPAL FRANCHISES IN THE COLONIES.

43. The following facts with reference to the Municipal Franchises existing in the Colonies mentioned below have been collected through the courtesy of the Agents-General. It will be seen that in nearly all of them a system of plural voting exists :—

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(i.) In New South Wales, in which there are 64 Boroughs and 83 Municipal Districts, every occupier of a holding rated at less than £25 is entitled to 1 vote.

Every occupier of a holding rated at £25 or less than £75 is entitled to 2 votes.

Every occupier of a holding rated at £75 or less than £150 is entitled to 3 votes.

Every occupier of a holding rated at £150 or over is entitled to 4 votes.

In this Colony, according to the mos recent available statistics, there are 138,507 persons entitled to vote.

There are 79,148 entitled to 1 vote.

There are 38,407 entitled to 2 votes.

There are 12,028 entitled to 3 votes, and

There are 8,924 entitled to 4 votes.

(ii.) In Boroughs, in New Zealand.

The occupier of a holding rated at less than £50 is en titled to 1 vote.

The occupier of a holding rated at £50 and less than £100 is entitled to 2 votes.

The occupier of a holding rated at £100 and less than £150 is entitled to 3 votes.

The occupier of a holding rated at £150 and less than £350 is entitled to 4 votes.

The occupier of a holding of over £350 is entitled to 5 votes.

For County Councils in the same colony, plural voting does not come into effect until the voter is rated at over £1,000, when he may have two or more votes, according to his rating, the limit being five votes in respect of a rating of over the annual value of £7,500.

(iii.) In Victoria, the Franchise in respect of Urban Municipalities is as follows :—

In respect of property rated at under £50, 1 vote.

In respect of property rated at £50 and under £100, 2 votes.

In respect of property rated at £100 and upwards, three votes.

In counties and road districts, plural voting takes effect when the voter is rated at over £25, the limit being four votes in respect of property valued at over £75.

(iv.) In Canada, plural voting does not seem to exist, but there is a high franchise for electors, and a still higher qualification for representatives to the various municipal boards is in force. The following table shows the various classes of municipal and county authority, with the rating qualification for electors and candidates in Ontario, which is the most advanced province of the Dominion in the direction of popular government.

Description of Authority.	Nature.	Rating Qualification for Electors.	Qualification for Candidates.	
			Freehold.	Leasehold.
		£ s. d.	£ s. d.	£ s. d.
Incorporated Villages ...	Population of over 750	40 0 0	40 0 0	80 0 0
Townships ...	Area from 8 to 10 square miles. Population from 3,000 to 6,000 ...	20 0 0	80 0 0	160 0 0
Towns ...	Population over 2,000	60 0 0	120 0 0	240 0 0
Cities ..	Population over 15,000	80 0 0	200 0 0	400 0 0

County municipalities are composed of the heads of the different minor municipal divisions.

MUNICIPAL GOVERNMENT IN IRELAND.

44. In view of the fact that the Local Government Act of 1888, establishing County Councils, was in many respects based upon the Municipal Corporations Act of 1882, it may be useful to refer briefly to the existing conditions of Municipal Government in Ireland.

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There are four forms of Municipal Government in this country regulated by the following statutes :—

(1.) The Act of 1828.

(2.) The Municipal Corporation Act of 1840.

(3.) The Towns Improvements Act of 1854, and

(4.) Various Local Acts.

A Special Act for Dublin was passed in 1849, which was an offshoot from the Act of 1840. The other local Acts under which twelve municipalities are governed, are mainly offshoots of the Act of 1854.

(1.) The Act of 1828 was originally adopted by sixty-six towns. The Towns Improvements Act provided that no further Municipalities should be created under the Act of 1828, and that towns which had adopted it, could abandon it in favour of the later enactment. This latter provision has been so largely availed of that there are only eight towns now remaining under the Act of 1828.

It is scarcely necessary, therefore, to discuss that Act further. The Acts of 1840 and 1854 are the important measures to which attention should be directed.

(2.) The cities and towns under the Municipal Corporations Act of 1840, or modifications of it, are, although comparatively few in number, by far the most important in the country. They are—Dublin, Belfast, Cork, Limerick, Londonderry, Waterford, Kilkenny, Drogheda, Wexford, Sligo, Clonmel. The receipts and expenditures of the Municipalities in these places, were, during the last financial year for which returns are available, £856,005, and £843,548, respectively. The corresponding figures relating to the eighty-four towns under the Act of 1854, were £79,440 and £75,829, respectively.

The franchise under the Act of 1840 is as follows :— The voter must be an inhabitant householder, resident for

six months previous to the 31st of August, in the borough, or within 7 miles, and in occupation of premises valued at £10 Subsequent Acts have reduced the franchises in Dublin and Belfast.

Councillors under this Act are elected for three years, Aldermen for six.

(3.) The Act of 1854 has been adopted, as has been already stated, by 84 towns in Ireland, only 16 of which, however, have a population of over 6,000. The elector under this Act must be:—

(i.) The immediate lessor of premises within the town valued at £50 or upward, and residing within five miles.

(ii.) The occupier as tenant or owner of premises valued at £4 or upward.

(iii.) The immediate lessor of premises rated at £4 or upward, provided the owner is himself rated in respect of the premises.

(4.) The places which are governed by local Acts are principally the important townships constituting the surburbs of Dublin. The provisions of the special Acts mainly relate to the payment of rates for county and Grand Jury purposes, and special qualifications for the electoral and governing body.

It is important to note, however, that although off shoot of the Towns Improvement Act of 1854, the franchises in almost every one of these places is considerably higher than that contained in the Act upon which they are modelled.

As regards the qualification required for membership of the governing bodies of towns an Act passed in 1880, provided that every person shall be qualified to be Elected and to be a Member who is at the time of Election qualified to Elect to Membership.

THE GRAND JURY ACT.

45. Whatever else may be done with reference to the question of Local Government in Ireland, it would be a very great pity if the Act of 1836, which is acknowledged to be one of the best drawn Acts in the Statute Book, and has worked so efficiently for upwards of half a century, should not be preserved as the basis on which any new body created to administer it should work. Following the analogy of the Acts referring to England and Scotland probably this will be so.

SAFEGUARDS.

46. It is acknowledged by all shades of Unionist opinion, one might also venture to say by the less violent members of the separatist party, that any measure drawn up for Ireland must of necessity contain effective safeguards against extravagance, maladministration or the oppression of certain classes. This Report, however, expressly abstains from the advocacy of any particular form of such safeguards.

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