

rick were last year successfully brought under its operations, and as its provisions are better understood, I am confident they will be more generally applied. I do not see any very important distinction between the deepening of a lengthened river course and the construction of a tramway or a railway extension, as far as parliamentary powers are concerned. I have been one of those who confidently asserted many years ago, as I do now, that railways should, in the advance of civilization and scientific improvement, be regarded as nothing more than common highways, differing from them only in cost and carefulness of construction, and the exclusive purposes to which their peculiar characteristics require them to be applied. For these peculiar features the legislature can easily provide, and I hope in our time to see their civilizing influences more easily attainable by the removal of those barriers which now render their adoption so costly and so difficult, and that this desirable result will be attained by the total abolition of the present tedious and expensive ordeal of Private Bill Legislation.

The limits which the rules of this Society, and regard for the feelings of my auditory, impose upon me, have prevented me from going at greater length into this branch of the subject, but I hope I have not trespassed too much on your patience, in attracting your attention to a subject which I feel to be one of the greatest possible importance to this part of the United Kingdom.

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VI.—*Should the Local Government Acts be extended to Ireland?*—By John Hancock, Esq., J.P.

[Read Tuesday, 16th February, 1869 ]

In September, 1867, at the request of the Council of the National Association for the Promotion of Social Science, I read a paper at the Belfast Congress in answer to the question, "Should the Local Government Acts be extended to Ireland?" which was printed in the Transactions of the year; and at the same meeting a valuable paper was read by Mr. Anderson on Irish Municipal Government, calling attention to the defective provisions of the Towns Improvement (Ireland) Act, 1854; stating that the Act and its incorporations now embrace more than 900 sections, and recommending consolidation; and suggesting that these towns should be exempt from county cess, and bound to keep their streets in order at their own expense. In the discussion which followed this paper, Mr. Millar, who had been chairman of the Lisburn Town Commissioners, recommended that the towns under the old Paving Act of 1829 should now be compelled to adopt the act of 1854, so that there might be in Ireland a uniform system of municipal administration; and Mr. S. M. Greer recommended that there should be some more efficient means of settling the area of towns under the act.

The section of Economy and Trade at Belfast, under the presidency of Sir Robert Kane, unanimously adopted the following reso-

lutions, viz. :—“That it be recommended to the council—1st. That the powers of the Local Government Acts now in operation in England ought to be extended to Ireland. 2nd. That it is most desirable that the Local Government and Public Health Acts should be amended and consolidated by one act applicable to both countries.” Two years’ volumes of statute law have been issued since I read my paper, and I propose now to call your attention to such acts as bear on the question already proposed.

In June, 1867 (30 Vic. c. 28), we have the Labouring Classes Dwelling Houses Act, 1867, amending the act of the previous year as to England and Ireland, and extending to Scotland the provisions of the act of 1851, which had been granted to Ireland in the previous year, and had been sixteen years in force in England.

The Sewage Utilization Act, 1867 (30 and 31 Vic., c. 113), facilitates the distribution of sewage matter over land, and otherwise amends the law relating to sewage authorities under the act of 1865, and confers additional powers on local authorities.

The Justice of Peace Act, 1867 (30 and 31 Vic., c. 115), removes the disqualification from justices acting in cases in which they may happen to be remotely interested as ratepayers.

The year 1868 opens with the Industrial Schools Act (31 Vic., c. 25), extending to Ireland, with modifications, the beneficial English Act of 1866; and this is followed by the important act, 31 and 32 Vic., c. 97, called the Lunatic Asylums (Ireland) Accounts Audit Act, which came into operation on the 1st January last.

The present lunatic asylums in Ireland were established under the provisions of an act of Parliament passed in 1821 (1 and 2 Geo. IV. c. 33), and the accounts have hitherto been submitted to a London audit board. The vouchers and documents had to be regularly transmitted to London, and endless correspondence took place on the most trifling accounts; but now the new improved system of audit which has worked so well in poor law matters is introduced, under which the governors of each asylum must prepare, before the 25th of March in each year, accounts up to and ending the 31st December previously, and send them, with full statistical returns of all kinds, to the Asylum Inspectors in Dublin Castle. Twelve days notice of audit is given, during seven of which all accounts are open to public and local inspection in the board room of each asylum. The auditor is empowered to summon witnesses, examine accounts, and charge personally against any governor or officer any sum of money improperly paid, and to summon such person before the magistrates in default of payment. Within fourteen days after audit, the auditor is to deliver a copy of his report to the secretary of the grand jury and governors of the asylum, who are bound to publish the same in a newspaper circulating in the district.

Can anything be fairer or better than this? A local audit after public notice by an experienced independent public officer, not connected with the locality, and armed with full authority to send for persons and papers, and an appeal from his decision to two local magistrates in open court. Nothing so effectually stops illegal and irregular payments as making the governors who sign the checks

personally and summarily answerable for such payments. This system of audit, now extended to the asylum expenditure of £100,000 a year, has worked well for years in the Poor Law expenditure of £600,000 a year, and there is no difficulty then in at once extending it by law to the town rates of Ireland, amounting to about half the above-named sums.

In 1866 we had the great Public Health or Sanitary Acts, applicable to the three kingdoms, and I was in hopes that exceptional legislation on that point at least was at an end; but nearly the last act of the last session of Parliament is one to amend the sanitary act of 1866 in several important and valuable particulars applicable to this country, yet section 2 of 31 and 32 Vic., c. 115, enacts that this act shall not extend to Scotland and Ireland.

I cannot close this examination of the laws for the past two years without calling your attention to a very important act passed for England alone in June, 1867 (30 and 31 Vic., c. 35), entitled an act to remove some defects in the Criminal Law. This act recites amongst other things, that complaint is frequently made by persons charged with indictable offences, upon their trial, that they are unable, by reason of poverty, to call witnesses on their own behalf, and that injustice is thereby occasioned to them, and it is expedient to remove, so far as practicable, all just ground for such complaint, and enact—That in all cases of any person charged with any indictable offence, the justice shall demand and require of the accused person whether he desires to call any witness, and if so, the justice is bound to take the deposition of such witness in the same manner as if he were for the prosecution, and bind him by recognizance to attend the trial. These depositions are to be returned along with the other papers, and can be read on the trial in favor of the prisoner, in the event of the death of the witness, or "*in case he is so ill as not to be able to travel*" to the place of trial. Power is given to the court to award expenses to such witnesses, in the case of poor prisoners, out of the same fund as is charged with the expenses of the prosecution. Another valuable clause provides for the case of a witness for either side who is dangerously ill, and has not made a deposition. A magistrate may, after notice to both sides, take the deposition at his house, and require the presence of the accused on the occasion, no matter by what authority he be detained in gaol, and such deposition, so taken, is available in the event of the death or continued illness of the witness. Justice for Ireland demands that the same measure of freedom and support should be given to the poor Irish prisoner in this country as in the sister island.

I will take the liberty therefore of making four suggestions to this meeting:—1st. That there should be a complete assimilation, when possible, of all laws between the two countries affecting the general interest of the people. 2nd. That the Poor Law Audit system should be extended to town rates. 3rd. That the Local Government Acts in both countries should be consolidated and codified. 4th. That when local information is wanted, for instance in reference to boundaries, &c. the English system should be adopted of Parliament acting upon the report of the Irish Chief Secretary.