

them more generally acknowledged to be essential for promoting the peace, and happiness, and wealth of mankind.

As the opinions I hold in relation to the traffic in intoxicating liquors may seem to some inconsistent with the views on Free Trade which I have expressed in this paper, I beg to offer a few words in explanation. I am an advocate for "The Permissive Bill." If that act were passed, and the people at large were thereby permitted to decide whether the liquor traffic should be continued or abolished altogether, and that the majority voted for its continuance, I should say, in such case, that the trade should be open to all who inclined to embark in it. A trade which it is right for one man to follow ought to be free to all: but if, on the contrary, it was the decision of a large majority, which I believe it would be, that this traffic was a common nuisance, no one should be allowed to engage in it; for it is clear that if sense and reason are to govern our actions, no business which is more injurious than beneficial to mankind would be considered as a right and honourable occupation for any one to follow. The liquor traffic, taken from this point of view, and in justice to the safety of life and property, and the maintenance of good morals, has no place in the category of trades useful in the sight of God or man; and it should therefore be prohibited as a curse to our country. But this is a question for the people to decide, when the legislature gives them the power to do so. If they vote for its continuance, it should be open to all. It is not the business of government to prevent capital from flowing into any business which is engaged in under its sanction. The slave trade, once followed by Englishmen, illustrates my views. It was open to all; but when the mind of the nation was awakened to its enormity, it was abolished—not licensed or regulated by law; so it will yet be with the liquor traffic, which is a greater curse to these nations. Ireland was never cursed by a participation in the slave trade, but the liquor traffic has long been to her a source of moral and physical degradation. It has long been the great impediment to her advancement in comfort and civilization.

V—*The Defects of Private Bill Legislation.*—By George Orme Malley, Esq., Q C., Barrister at-law.

[Read Tuesday, 16th February, 1869]

THE great importance of the question of Private Bill Legislation in relation to the growing wants of the community is so vast and so interesting, that it requires no small resolution for anyone, however experienced, to undertake the treatment of the subject. I hope, however, that before an audience like this, the defects in my manner of dealing with it will be received with every indulgence, and my deficiencies atoned for by the motives which have induced me to accept the responsibility.

As the social condition of a country improves in material prosperity, the exigencies of good local administration proportionally

increases. The advance of civilization in a rapidly increasing population, creates a demand for those scientific and practical improvements which are calculated to promote public health and domestic happiness; and as those exigencies become more pressing and more frequent, the urgent necessity for a proportional improvement in the organization of the tribunals which decide upon their concession and application, becomes more obvious and irresistible. These reflections necessarily bring us to the consideration of the subject of this paper—the present system of Private Bill Legislation; its inadequacy to meet the increasing requirements of the country; its unsuitableness for examining into and properly deciding upon the wants and interests of the community; its unnecessarily obstructive character; and the ruinously expensive process which it prescribes to those who are obliged to have recourse to it for its sanction and authority.

In the early periods of the history of this great country, when the towns were insignificant, and a spare and needy population was thinly scattered over the unimproved rural districts, when agriculture and commerce were in a state of comparative infancy, and the social wants of the community confined within narrow limits, applications to Parliament for legislative interference were almost unknown. The people seldom required the sanction of Parliament for the execution of great national works or improvements. These originated with the supreme ruler, and were suggested and carried out more for the purposes of conquest, the gratification of ambition, or the consolidation of power, than for the benefit of individuals or localities. Parliamentary aid was at first confined to the granting of supplies, the redress of private wrongs; and the right of petitioning for the latter purpose has been acknowledged as a fundamental principle of the constitution, and has been uninterruptedly exercised from very early times. Before the constitution of Parliament had grown to the vast and complicated condition which in recent years it has assumed, and before its judicial authority had been clearly defined and separated completely from its legislative functions, petitions were presented to the crown and the great councils of the nation for the redress of those grievances which were beyond the powers of, or were inefficiently protected by, the common law. But as the independence and authority of the courts of justice increased, the intervention of Parliament for the redress of private wrongs diminished, until at last it has become more a mode of evoking the expression of public opinion and national condemnation in extreme cases of great public importance, than of active intervention for the suppression of wrongs. However, in proportion as the interposition of Parliament for the redress of private wrongs diminished, its legislative functions by means of private bills increased, and at last grew to such an alarming extent, that the time and attention of our representatives became so occupied, that their more important duties in the assemblies of the two houses were seriously interfered with. Local legislation connected with important districts throughout our rapidly advancing empire, particularly that of railways, municipalities, drainage, ports and harbours, and such like improve-

ments, absorbed the greater part of the time of members. The discussion of the merits of bills was spread out to such an interminable length as to become almost unendurable. It is not my intention to give a history of Private Bill Legislation, as the details would be now useless and uninteresting, and it is a legitimate subject to refer to the causes which produced a better and more economical system of local government, which even in its improved condition is still lamentably defective, by reason of not being universally available throughout this portion of the United Kingdom.

In the decade of 1840-1850 railway legislation was at its height. The Consolidation Acts were introduced for the purpose of reducing the voluminous and oft repeated provisions theretofore necessarily introduced into private bills. Still the evil was not cured. The details of every inquiry into the merits of each scheme, before the preamble was declared proved by each Private Bill Committee, were protracted beyond endurance. The promoters of a bill were not only obliged to go through the usual form of complying with obstructive standing orders, by depositing books of reference, plans, and sections, large proportions of capital, payment of heavy house-fees, reading the bills a first and second time, but they were also obliged to prepare their estimates of construction in a manner capable of defying the closest and most critical scrutiny of hostile counsel, engineers, witnesses, and parliamentary agents. I remember when whole days were occupied before committees on merits, in investigating the weight of the rails by the yard; the dimensions of drains, culverts, aqueducts, and fences, the number of cubic feet of embankments and cuttings; the incline of slopes; the shapes and frequency of sleepers (whether cross or longitudinal); and the minutæ of probable receipts and profits on passengers, cattle, and goods traffic.

The persecution which members were obliged to undergo, hour after hour, in listening to those details deposed to by witnesses and commented on by counsel, was ludicrously but faithfully represented by *Punch* in an early number, which depicted an unfortunate M.P. on his knees before a relentless counsel, supplicating him with uplifted hands bound in fetters, and, like the suffering slave, asking him the touching question, "Am I not a man and a brother?" A great portion of this tiresome duty is now cast on the Court of Referees, who, under the present system, enquire into compliance with standing orders in regard to all preliminaries, and the Private Bills Committee have only to decide on the general question of the merits of the bill as stated in the preamble, before proceeding to the comparatively easy task of the settlement of clauses. Still the expense which this system has entailed, especially upon Ireland and upon Irish enterprise, is almost incalculable. There is great difficulty in obtaining materials for forming an accurate estimate of this vast expenditure, but some idea may be formed of it by a statement of the expense incurred in cases of an ordinary character, and a concise reference to the number of railway acts obtained after the first special act authorising the construction of each of the three great trunk lines of Ireland.

The Great Southern and Western, since the year 1843, obtained

twelve special acts, and in addition contested an equal number of projects brought forward by other companies, and aided and promoted extensions such as the Irish South Eastern ; Killarney Junction ; Limerick, Ennis, and Killaloe Junction ; Roscrea and Parsonstown, &c.

The Midland Great Western, since the year 1844, obtained thirteen special acts, exclusive of the protracted contests with the Irish Great Western, and other projects, and the extension to Westport and Ballina.

The Belfast Junction, including the Dublin and Drogheda, Dundalk and Enniskillen, obtained upwards of twenty special acts, exclusive of minor branches, and the expense of opposition to the Dublin and Enniskillen Direct, and other competing schemes.

One of those contests which came under my personal observation cost upwards of £11,000. Taking the average expense of the promotion of these bills at £3,000, and of each contest at £2,000, it is not an exaggeration to state that the original capital of each company has been diminished to the extent of £160,000, if the aggregate amount of parliamentary expenditure from the introduction of the original special act to the present time were computed. It would be an interesting enquiry for some member to move for a return of the sums expended by each of these railways in parliamentary costs and expenses from their original promotion to the present time, the shareholders would be able to ascertain one at least of the causes of the small dividends paid by those great undertakings, and would have reason to hope that in the prosperous future, when a recurrence of such outlay will be impossible, and when their property shall have recovered from the effects of the enormous incubus resulting from past mismanagement, brighter times and a higher percentage on their invested capital will be inevitable.

Numerous as the bills connected with railway legislation, expensive as the process, dilatory as the enquiries have been, they are but a portion of the enormous tax imposed on this country hitherto by private bill legislation. I have taken the titles of the Irish local and personal acts which passed through Parliament and obtained the Royal assent during the last three sessions, and as they are not very numerous, and as they give a concise history of the local enterprise of this country during the last three years, I shall read the lists as I have compiled them :—

SESSION 1866, 29 & 30 Vic.

No	Chap.	No.	Chap.
1		11.	
Amending Dublin Corporation Water Works; for erecting telegraph poles and wires, to borrow money and other purposes ..	23	Cork Harbour Commissioners	131
2.		12.	
Port of Dublin Amendment Act	24	Great Southern and Western Railway Amendment Act	144
3.		13.	
Corporation purchase of Customhouse Docks, &c.	25	Dublin and Antrim Amendment Act	179
4.		14.	
Midland Great Western Railway, purchase of Lands, &c. ...	34	Midland & Shannon Junction	182
5.		15.	
Lease, Kingstown Railway to Dublin, Wicklow, and Wexford ..	48	Amalgamation of Dublin Gas Companies	205
6.		16.	
Parsonstown and Portumna Railway	57	Extension of time, Great Northern and Western Railway Company	237
7.		17.	
Letterkenny Railway Co.	60	Central Ireland Railway Act	257
8.		18.	
Belfast Gas Company	62	Waterford and Limerick Amendment Act	272
9.		19.	
Belfast Burial Ground	113	Limerick and Castleconnell Railway	339
10.		20.	
Winding up Cork & Youghal Railway Company	124	Waterford and New Ross Railway	348
		21.	
		Sligo and Ballaghaderreen	360
		22.	
		Downpatrick and Newcastle	363

SESSION 1867, 30 & 31 Vic.

No	Chap.	No.	Chap
1.		10.	
Limerick Harbour Amendment Act	53	Dalkey Township	134
2.		11.	
Galway Harbour Commissioners' Act	56	Waterford & Wicklow, Extension of time ..	140
3.		12.	
Compounding debt, Youghal Bridge	57	Navan and Kingscourt Deviation	146
4.		13.	
Dublin Metropolitan Police Act	94	Limerick Port and Harbour	155
5.		14.	
Dublin Superannuation	95	Kilkenny Junction Railway	159
6.		15.	
Drainage District, Qunna & Parsonstown	139	Waterford & Passage Railway Company	141
7.		16.	
Athenry and Ennis Railway	74	Dundalk and Greenore Railway	183
8.		17.	
Port of Dublin	81	West Cork Railway	192
9.		18.	
Waterford and New Ross Railway ..	129	Dublin Trunk Company	205

SESSION 1867, 31 & 32 Vic.

No	Chap.	No.	Chap.
1.		13.	
Athenry and Ennis	144	County Down and Belfast	117
2.		14.	
Belfast Borough	117	Downpatrick and Dundrum Railway	68
3.		15.	
Belfast Central Railway ..	166	Dublin Steam Packet Company	30
4.		16.	
Canoge Drainage ..	157	Dublin, Wicklow, and Wexford Railway ..	62
5.		17.	
Carlingford Lough, Provisional Order	47	Clonmel & Dungarvan Railway	93
6.		18.	
City of Dublin Steam Packet Company ...	30	Elphin Drainage	31
7.		19.	
Clodagh Drainage	151	Waterford Harbour	96
8.		20.	
Cork Borough Act	33	Kilmanham Township	90
9.		21.	
Cork Gas Company	32	Waterford and Central Ireland Railway	141
10.		22.	
Cork and Kinsale Railway Company	176	Waterford and Limerick ..	88
11.			
Cork and Macroom	180		
12.			
Cork, Blackrock, & Passage	33		

From these lists the Drainage Acts, passed for the sanction of provisional orders, may for the reasons hereafter stated be properly excepted, but I think it right to include them in the first instance, to show the extent to which we have availed ourselves of parliamentary aid of late years, notwithstanding the depression caused by internal political commotion and the disturbed state of financial affairs resulting from recent panics in the money market.

The foregoing lists only contain the titles of such bills as passed through the parliamentary ordeal and obtained the royal assent. They do not contain the names of those that, after a heartrending, perhaps bitter, and certainly expensive contest, have been rejected. In many instances projects have been selected only to be abandoned; in others those have been rejected that were promoted with the *bona fide* intention and the capabilities of being successfully carried out. Such consequences are inevitable when we consider the course of practice adopted by those tribunals and the manner in which their inquiries are conducted. As a rule, the committee of selection choose members unconnected with Ireland to inquire into Irish projects. This may have its advantages in preventing partiality or prejudice, but certainly it has its defects. Advocates have been retained who are supposed to have the "ear of the House," and have made that branch of their profession their peculiar study, but who also are lamentably ignorant of Irish interests, national peculiarities, and localities. I should be sorry to join in the condemnation or criticism which I have sometimes heard some of those persons indulge in, who have patronized and preferred the very advocacy they condemned. All who have been associated with or opposed to members of the English parliamentary bar, must have observed and admired that courtesy of demeanor, close reasoning, quickness of apprehension, clear judgment, and accomplished style of address, for which that branch of the profession is so signally remarkable. But at the same time all these advantages are often marred and obscured by a glaring absence of local knowledge, ignorance of pronunciation, and want of acquaintance with the national character of the witnesses produced for examination. How often have we heard such outlandish appellations as *Droghéda*, *Mullinjer*, *Dundaalk*, *Ballyna*, *Navan*, and *Rathmeenes* applied to places familiar to us from our childhood, and whose distances from each other, and local situations, have been sadly altered and disturbed in the recollection or imagination of our English brethren. Fancy an English barrister asking a witness could he inform the Committee how many miles from *Rathmeenes* to Dublin, and bringing Galway within ten miles of Mullingar, and removing it 160 from *Athlun*. I cannot avoid congratulating our English friends on not having been obliged to cope with the difficulty of finding the longitude or pronouncing the names of Ballaghaderreen or Kultemaugh. The vast amount of business which these "stars" have been obliged to transact during a session has also rendered them incapable of thoroughly mastering unfamiliar details. The usual five-guinea consultation which daily took place before or after committee has been frequently a ludicrous farce. Generally a consultation among counsel is one of the most necessary as well as

the most beneficial preliminaries they have to discharge, and in Parliamentary cases of importance, when time, labour, and preparation has been devoted to it, it has often decided the fate or fortune of a bill. But when you are no sooner introduced ere the importunate promoters of another bill are heard knocking at the door, and you are summarily dismissed with a polite assurance that you may safely proceed as you did the day before, the ceremony becomes rather an expensive mockery. I could cite innumerable cases within my own recollection; but one remarkable instance, publicly described by some of those who were eye witnesses of it, and whose characters for integrity are impeachable, will suffice. A celebrated leader now deceased had an irresistible desire for smoking cigars in his chambers at his morning consultations. One forenoon, Irish counsel, solicitors, engineers, and agents, having displaced an unsatisfied English collection of a similar character, beheld the great leader standing with his back to the fire enveloped in smoke, and a fragrant Havana in his mouth—"How do you do, gentlemen? Glad to find you got on so well yesterday, notwithstanding my inevitable absence on that tedious Falmouth, Plymouth, and Exeter Bill, which I had the good fortune to throw out, but to-day I hope to be able to give you more of my time if—"The Dundee and Diddlesex Junction,"—"Sir," exclaims the clerk, opening the door wide, while in rush an eager crowd of irresistible Scotchmen; and the overwhelmed Irish are politely ushered out with as much knowledge and less hope than when they came in three minutes before.

When we reflect on procedure thus conducted; on the distance at which the tribunal of inquiry is held; on the expense of maintaining promoters and witnesses for weeks in the great metropolis; on the sums paid for house fees, shorthand writer's notes, special fees to counsel, retainers, refreshers, consultation fees, and other disbursements, can we wonder at the dissatisfaction so often felt and expressed by those who are obliged to defray them. The proportions of that expenditure may be ascertained by the details of a printed bill of costs kindly furnished to me by a friend, in a case of an ordinary character, which was not contested, and which may be taken as considerably below the average:—

	Costs out of pocket.	Other Costs	Total
Law Agent ...	1,033 12 10	443 12 11	1,477 4 9
Parliamentary Agent ...	281 17 8	430 19 6	712 17 2
Engineering .	207 2 2	110 5 0	317 7 9
	<u>£1,522 13 3</u>	<u>£984 17 5</u>	<u>£2,507 10 8</u>

Out of this sum, £475 5s. 6d. was paid for printing; fees to House, £257 11s. 6d.; the latter about ten per cent. on the whole expenditure.

I have been furnished with lists of all the bills promoted for Irish measures in Parliament during the years 1865, 1866, 1867, and 1868; but as I have already given the numbers of those which received the royal assent, I shall now give only the sum total, distinguishing those that were rejected or withdrawn.

		Rejected or withdrawn.		
Total promoted in	1865	...	35	5
" "	1866	.	32	4
" "	1867		19	6
" "	1868		20	4

One of the greatest evils resulting from this state of things, and which is peculiarly deplorable in the case of Ireland, is that many beneficial measures are hopelessly abandoned in consequence of the vast labour and expenditure required for their successful promotion. In a country like ours, struggling with the baneful results of centuries of depression, and eagerly desirous of emerging from the sloth, poverty, and degradation in which she has so long been sunk, it is essentially necessary, now that she has been educated into a knowledge of what her real wants are, and how they should be supplied, that every facility should be given to her to raise her to something like equality with the rest of the United Kingdom. The central authority situated in Westminster should be aided by local administration among the people themselves, and they should be allowed to organize and arrange for themselves the details of self-government in a manner more suited to their condition, and more in accordance with their limited finances. If this policy were more generously adopted towards us by the central government, I have no doubt that soon our vast unimproved wastes would be brought under the influence of the spade and the plough; that our rivers, instead of mandating our fertile fields, and spreading malaria and disease along their course, would be utilized for traffic or applied to manufacture; that our vast national harbours would be improved, and new ones created on the rock-bound portions of our coasts,—and that railways would be extended to districts hitherto neglected, and deprived of the means and the opportunity of communicating, on remunerative terms, with the great central markets in this country and in England. This system of central government has hitherto kept us in a state of comparative despondency; it has damped our energies and retarded our efforts for self-improvement; while at the same time it has incumbered the imperial parliament with an amount of business consisting of small details and local interests, for the ascertainment and disposal of which it is totally unsuited. Mr. John Stuart Mill, in his work on *Representative Government*, thus alludes to this great evil. "It is but a small portion of the public business of a country which can be well done or safely attempted by the central authorities, and even in our own government, the least centralized in Europe, the legislative portion at least of the governing body busies itself far too much with local affairs, employing the supreme power of the state in cutting small knots which there ought to be other and better means of untying. The enormous amount of private business which takes up the time of parliament, and the thoughts of its individual members, distracting these from the proper occupations of the great council of the nation, is felt by all thinkers and observers as a serious evil, and, what is worse, an increasing one."

Again this great writer, in alluding to the relative positions of England and Ireland in reference to this very subject, makes use of the following observations, some of which, though we may not all concur with them, yet are remarkable for the views the author entertained in the year 1861:—"When the nationality which succeeds in overpowering the other is both the most numerous and improved, and especially if the subdued nationality is small, and has no hope of reasserting its independence, then, if it is governed with any tolerable justice, and if the members of the more powerful nationality are not made odious by being invested with exclusive privileges, the smaller nationality is gradually reconciled to its position, and ultimately becomes amalgamated with the larger. No Bas Breton, nor even any Alsatian, has the smallest wish at the present day to be separated from France. If all Irishmen have not yet arrived at the same disposition towards England, it is partly because *they are sufficiently numerous to be capable of constituting a respectable nationality by themselves*,—but principally because, until of late years, they had been so *atrociously governed* that all their best feelings combined with their bad ones in rousing bitter resentment against the Saxon rule. This disgrace to England and calamity to the whole empire has, it may be truly said, completely ceased for nearly a generation. No Irishman is now less free than an Anglo-Saxon, nor has a less share of every benefit either to his country or to his individual fortunes than if he were sprung from any other portion of the British dominions. The only real remaining grievance of Ireland, that of the State Church, is one which half, or nearly half, the people of the larger island have in common with them. There is now next to nothing, except the memory of the past and the difference in the predominant religion, to keep apart two races perhaps the most fitted of any two in the world to be the competing counterpart of one another. The consciousness of being at last treated not only with justice but with equal consideration, is making such rapid way with the Irish nation, as to be wearing off all feelings that could make them insensible to the benefits which the less numerous and less wealthy people must necessarily derive from being fellow citizens instead of foreigners to those who are not only their nearest neighbours, but the wealthiest and one of the freest, as well as most civilized and powerful, nations of the earth."

That passage is well rounded, and its style of self-laudation is, to say the least, amusing; but I wish he had studied the important question a little more, and he would have found that Ireland is, in some of the important matters he alludes to, far from being on a footing of equality with "the wealthiest, the freest, the most civilized and most powerful nation of the earth." In the very subject of local and central government he would find many instances in which our great neighbour is in a far better condition than we, who in our poverty need it more. An attempt has been made to substitute local inquiry and local government sanction in Ireland for inquiry by Committees of the House in respect of one very important matter, viz. the introduction of tramways as a mode of facilitating internal communication in Ireland. Two statutes were passed for this

purpose in the years 1860 and 1861, prescribing the mode by which such projects might be instituted, and the preliminaries to be observed and complied with in respect of them. That piece of local legislation has been a miserable failure; not one tramway has been constructed under its provisions since the latter of the two acts was passed, and for obvious reasons. The promoters are required to originate the project on their personal responsibility, prepare plans, sections, estimates, books of reference, and reports; get the sanction of the grand juries, at the risk of traverses at the suit of every dissatisfied or litigious owner or occupier; obtain the approval of the Board of Works; then get an order of the Lord Lieutenant in council, and finally deposit one-twentieth of the capital—to be locked up until the completion of the undertaking, or, in the event of non-completion within the prescribed time, and certain other contingencies, *same to be forfeited to Her Majesty, her heirs and successors*. It is almost a mockery to legislate in such a manner for a country like this, and for such a purpose. Tramways are most likely to be required in remote or unimproved districts, where the traffic is insufficient to pay for railways, and capital is not forthcoming. It was therefore essential that every facility should have been given, consistently with ordinary prudence, and the protection of vested interests, and that the fewest possible obstacles should be thrown in the way of their institution. But the preliminaries and penalties imposed have proved to have been an actual prohibition, and the “Tramway (Ireland) Acts” are a precedent of impracticable legislation, which will I hope be a “caution” to all future parliamentary draftsmen.

It is fortunate for the cause which this paper advocates, that at this particular juncture the system of inquiry by parliamentary committees has been superseded by local inquiry through the medium of another tribunal empowered to conduct investigations on the spot, and that the experiment has been attended with the most signal and remarkable success—I allude to the Parliamentary Elections' Act, 1868. I believe I speak the almost unanimous opinion of the community at large, both in this country and in England, when I say that this great amendment of the law has been already productive of the greatest benefit; has saved an immense amount of unnecessary and wasteful expenditure; has removed tedious and vexatious obstacles; has wonderfully facilitated the investigation of facts; and has rendered certain and satisfactory the determination of most important questions affecting the exercise of the franchise. I should only be repeating the eulogies of the daily press, were I to expatiate upon the merits of the trained and impartial judges who conduct those inquiries, the condensation of evidence to the point at issue, the saving of time and money thereby effected, and the curtailment of unnecessary matter and superfluous eloquence on the part of advocates, which the presidency of a single judge necessarily imposes. With such an example in view, I think we need not hesitate in urging the expediency of extending the principle to other and equally important matters; and although it is unnecessary and inadvisable to select the same tribunals, yet we

can easily discover one which, armed with sufficient powers and not superior to just and legitimate responsibility, may work equally as well.

A general and increasing desire has grown up amongst us for the extension of the Local Government Act, England, 1858, to this country. It will, I believe, be the duty of the very able and eminently qualified gentleman who will read the next paper this evening to explain and enumerate the advantages which that extension would confer in reference to the particular matters with which that statute is conversant. I should therefore be trenching on his task, were I to refer to its provisions to any greater extent, than merely to point out in what respect I think they might be beneficially adopted for remedying the defects of Private Bill Legislation in respect of other matters, besides those already included within its provisions. The machinery sanctioned by the Local Government Act had been successfully adopted prior to 1868, in reference to turnpike abolition, piers and harbours, the institution of drainage districts, the inclosure of commons, and other similar purposes, both in England and Ireland. That machinery consists of an application by memorial or petition to the Secretary of State or the Board of Trade in England, or the Board of Works in Ireland, for putting the act into force in the particular locality, and instituting a preliminary enquiry into the expediency of complying with the prayer of the memorial. A provisional order is then pronounced and published by the authority so constituted. A public act of parliament, promoted by the Legislature, is subsequently passed for the confirmation of that provisional order, and compulsory powers for taking lands, levying rates and taxes, and such like powers, are conferred on the local body thereby constituted. This procedure is simple, economical, and effective. Due publicity is given to the several preliminaries required from the promoters, prior to obtaining the sanction or confirmation of their scheme, and objectors have full opportunity of being heard before the provisional order is granted. A very wholesome restriction is imposed by the Local Government Act, that is to say, if the provisional order should involve questions of serious importance, likely to affect large local interests, and calculated to lead to the perpetration of a job, all parties interested are empowered to petition against the bill sanctioning such provisional order in its passage through Parliament, and the House has the power of referring such petition to a select committee, before which "the petitioner shall be allowed to appear and oppose, as in the case of private bills."

I confess I do not see why these important enactments should not be extended to tramways, railways, and such like undertakings in a country like ours. The principal arteries of intercommunication have been already supplied by the great trunk lines of Ireland, and extensions through remote and unimproved districts are all that will be required in the future. The Drainage (Ireland) Act has worked well under these provisions, although as yet it has not been universally applied. The Clodeagh Drainage District, in the County of Tipperary, the Elphin Drainage District in the County of Roscommon, and the Camoge Drainage District in the County of Lime-

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.

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-