

V.—*On the Policy of Extending the Provisions of the Towns Improvement Act (Ireland), 1854, to the Towns still under the old Paving and Lighting Act, 9 Geo. IV. c. 82.*—By John Hancock, Esq., J.P.

[Read Tuesday, 31st January, 1865.]

THE Towns Improvement Act of 1854 was a very important step in our local legislation. It gave to the towns throughout Ireland the power of obtaining from the Lord Lieutenant and Privy Council, without the expense of a private act of parliament, a large number of the provisions of the commissioners' clauses and towns' improvement clauses acts which had been passed for England and Wales in 1847. The great value of this act is shown by the extent to which it has been adopted, 76* towns having in ten years come under its provisions, whilst at the end of 25 years only 55 towns had adopted the provisions of the old paving and lighting act of George IV. The act of 1854 left it optional with towns already under the paving and lighting act of 1828 to accept its provisions, but expressly provided that it should not be lawful for the Lord Lieutenant to call any meeting for the purpose of extending or applying in any way the provisions of the old act after August, 1854; and so favourably has the new act been viewed by the old commissioners that 37† towns out of the 55 under the old act have adopted its provisions; the remaining 18 towns‡ are the following:—Parsonstown, in the province of Leinster; Bandon, Cahir, Clonakilty, Fethard, Tralee, and Youghal, in the province of Munster; Armagh, Banbridge, Downpatrick, Dungannon, Enniskillen, Lisburn, Monaghan, Moy, Newry, Omagh, and Strabane, in the province of Ulster. My object in now addressing you is to contrast the leading points of the two acts, with a view of inducing the above-named towns to co-operate with the other towns of the country, and thus have a uniform system of municipal government throughout Ireland. Under the recent act the proposed boundaries of the town applying for its introduction are submitted to the Lord Lieutenant for approval, and are published in the *Gazette* before the ratepayers are called on to vote for the introduction of the Act, and no subsequent alteration in boundaries can be made without the consent of his Excellency; whereas under the former act the boundaries are settled by the commissioners after the introduction of the Act, and there is no appeal from their decision. It is obviously much fairer that all parties should know not only the powers sought to be introduced into a town, but also the area over which they are to be exercised, before deciding whether the act should be adopted. Under the old law the mode of rating is graduated, and houses under £5 yearly value are exempt. The scale of rating is 6d. per £1 from £5 to £10; 9d. per £1 from £10 to £20; and 1s. per £1 on £20 and upwards. Under the Towns' Improvement Act the

* Now 80. Newbridge, placed under act 10th February, 1865; Newtownards, 6th March, 1865; Newry substituted new act for old one, 6th March, 1865; and Banbridge, 14th June, 1865, leaving only 16 towns still under 9th Geo. IV. c. 82.

† Now 39. See note (*).

‡ Now 16. See note (*).

rating is uniform, and all houses under £4 value are rated upon the owner or immediate lessor. It appears that nearly one seventh of the property escapes taxation under the old act, and that a 9d. tax, under the new act will produce more money than a graduated tax, commencing at 1s. and ending at 6d. [Having pointed out the differences between the two acts regarding works, qualification of commissioners, &c., he proceeded.] Powers are given to enforce cleanliness, not only in streets, courts, and lanes, but in back-yards and premises, by removing contents of cesspools, &c., and by the erection of dust-boxes and other conveniences. The levels of all new streets must be settled by the surveyor of the commission, and the width of the carriage way must be at least 30 feet. Spouts are to be affixed to houses, and ruinous and dangerous buildings may be taken down. Party walls must be run up through the roofs, so as to prevent the spread of fire. No further buildings can be erected until the plans for supplying fresh air to such buildings have been approved of by the commissioners. The sale of unwholesome and adulterated food is prohibited under severe penalties, and the Inspector of Nuisances is authorised, at all reasonable times, to visit the shops used for the sale of butcher's meat, poultry, or fish, and to seize such as is unfit for food, and bring it before the chairman of the commissioners for adjudication. No new offensive trade can be commenced and carried on without the leave of the commissioners, and gunpowder is also under control. In the case of contagious diseases being prevalent, houses can be entered, cleansed, and whitewashed, upon the certificate of two medical men, and the expense, charged to the occupiers or owners. Slaughter-houses must be cleaned weekly, and are at all times subject to the supervision of the inspectors. No new slaughter-houses can be built, or additional houses used for slaughtering, except in situations approved of by the commissioners. Sewers must be cleansed and kept in order, and drains made into them from yards and dwellings. When a particular district requires a new sewer, the commissioners can construct one at the expense of the district; they may borrow money for the purpose, spreading the repayment over thirty years. There is a clause in the old act authorising sewers to be made, but no mode of obtaining funds is given, and the ordinary rate of taxation is not more than sufficient for ordinary purposes; there is no clause in the old Act for a special sewer rate, and it is unfair to charge upon the whole town an expense benefitting only a portion of it. Damp and dark cellars are not to be used for human habitations. Lodging-houses must be registered, and the commissioners have power to make rules for promoting cleanliness in such places. Houses cannot be built after the adoption of the new act without notice in writing to the commissioners, accompanied by a plan showing the level at which the foundation of such a house is to be placed, and making due provision for the proper drainage of such house. Hackney cars must be licensed, and the commissioners can make rules for their management, and fix fares for short distances not exceeding four miles. The drivers must be licensed, and impropriety on their part can be punished by fine or withdrawal of license.

These regulations are useful, and will prevent passengers arriving by rail from being subjected to annoyance or imposition. The commissioners are also empowered to make similar regulations as to bathing-machines, boats, and porters. The bye-laws in all those cases must be approved of by the Lord Lieutenant after public notice. If the existing waterworks afford a sufficient supply of water, the commissioners are not authorised to interfere with them; but if the supply be insufficient, and the deficiency is not remedied after due notice, the commissioners are authorised to take measures for procuring a better supply, and may levy a tax of an additional 6d. in the £1 on the property of the town for such purpose. The powers under these clauses are considerable. Baths and wash-houses may be erected, and public open bathing-places may be maintained. The commissioners also provide places of public recreation anywhere within three miles of the centre of the town, and lay out and improve such grounds for the more convenient use and enjoyment thereof. They may also provide a public cemetery, and make such bye-laws for the management of it as will meet with the approval of the Lord Lieutenant. The commissioners may contract for three years with any gas company for lighting the town with gas; and in the event of any disagreement as to price, may avail themselves of the arbitration clauses of the land clauses consolidation act, 1845. This is an excellent clause. Gas companies in small towns have a virtual monopoly, and commissioners have not the knowledge requisite to determine whether the gas company is asking too much or not. No such precaution exists in the old act, nor does it take cognizance of or attempt to prohibit the keeping of improper houses, loitering in the streets for improper purposes, using disgusting language, disturbing the town at night. Some of those offences could be punished under the general law, but all are punishable under the new act, and the fines leviable would go to the funds of the town. Street gambling of all descriptions is punishable by imprisonment. At present in many towns the assessment is not sufficient to meet the expenses, and many things have to be provided in other ways. Under the new act the assessment would amount to a larger sum extending over all houses at a uniform rate, and the town would benefit by the fines and license fees. There is no provision for audit in the old act: the accounts are to be printed once a year, and furnished to any persons paying a reasonable price for printing. Under the new act the commissioners must make up their accounts one month before the annual general meeting in June, and allow them to remain open to the inspection of the ratepayers without charge; and at the annual meeting two auditors are to be appointed by the ratepayers, from householders qualified to be commissioners; and these auditors have full power to examine and sign the accounts if correct. Any person may appear before them and object; if the objection is well founded there is an appeal to the assistant barrister, so that every precaution is taken to prevent malversation of funds, and every facility given to ratepayers to ascertain how the rates are expended. The annual audit in June and the annual election in October practically bring

the commissioners and ratepayers face to face twice a year, and afford ample opportunity for the expression of opinion as to the management of the town. Under the old act the ratepayers and commissioners meet but once in three years. The town of Lurgan was one of the first to adopt the new act, and I have served as chairman under both acts, and recollect the condition of the town before the introduction of either. I can bear testimony to the improvement produced by the act of 1828 on the previous state of affairs, and the still greater improvement arising from the act of 1854. Such being the facts of the case, the proposition which I venture to submit is, that the time has arrived when the salutary provisions of the act of 1854 should be extended to the few towns still under the old act of 1828; and that the public opinion of this country should be brought to bear in these towns that lag behind in the march of improvement of our local institutions; that some effort should be made, by the public discussion of the question, to induce the inhabitants of them to take the very simple step necessary to give themselves the benefit of the reforms which have been introduced into so many other towns in Ireland within the past ten years. Whilst endeavouring to show the advantages of the act of 1854 over that of 1828, I must not be understood as holding it to be perfection; nothing human is, and this act, in its turn, will require amendment. One grave defect common to both acts is, that the commissioners are not incorporated. Now that they are authorised to hold lands for public parks, cemeteries, and other purposes, it would facilitate their operations much if they had the power and authority of a corporation. Other defects will, no doubt, suggest themselves to you; but the first point is uniformity of action over the country, and the increased experience of so many towns will greatly facilitate and ensure improved legislation when the day of amendment arrives.

DISCUSSION.

MR. JACKSON said that, having had some experience of the working of the act as Chairman of the Town Commissioners in Bray, he did not think it went far enough in some respects. For instance, it was defective in reference to the regulation of markets, and also in reference to mendicancy. In these and other respects he hoped to see the act amended.

MR. JAMES HAUGHTON wished to know if the act was permissive. If that were so, he would be glad to know why those towns which had not adopted it did not do so. It appeared to him to be a fallacy to say that the expenses of the act did not fall upon the poor householders because the expenses were paid by the landlords, for they all knew that if the tenant did not pay the taxes directly, he paid them in the shape of increased rent.

MR. CLOKEY said the paper was a most instructive and valuable one. He never knew until he heard the paper read there that town commissioners possessed so much power which was not exercised, but could be most beneficially exercised. He would be glad to see the act amended, so as to give the commissioners power to regulate the names and numbers of streets, terraces, &c.

MR. J. HANCOCK, in reply to Mr. HAUGHTON, stated that the act was permissive, and could be adopted by the inhabitants, on petition to the Lord Lieutenant. The reason certain towns had not the act extended to them was on the ground of taxation. With regard to fairs and markets it was better they should be perfectly free. The committee had power to regulate the thoroughfares of fairs and markets. The lodging-house clauses were in force in every town in which there were 3,000 inhabitants instead of 10,000, as stated. With respect to mendicancy there was ample power for the prosecution of beggars, but the public could not be induced to put these powers in force. The real reason why the eighteen towns under the old act did not seek to come under the new act, was that, under the old act houses under 5*l* were exempt from taxation. After some further explanations, Mr. Hancock concluded amid applause.

THE CHAIRMAN said the Society and the public must feel greatly indebted to Mr. Hancock for his very clear and useful explanation of the act.

VI.—*On Strikes with respect to Hours of Labour.*—By W. Neilson Hancock, LL.D.

[Read Tuesday, 25th September, 1865.]

IN old times, when business of all kinds was carried on in small establishments, the hours of labour were regulated by the hours kept by the employer and his family, who generally resided at the place of business, and personally superintended the work. The old hours in all common occupations were ten hours for work, with two hours for meals, twelve in all—usually from six a. m. to six p. m. Such I believe to be the natural hours for common occupations, allowing enough of time for sleep and for domestic or social life. The time for sleep being limited by natural laws, the effect of extending the hours of labour beyond the ten hours' limit, is to encroach on the time a man should devote to the discharge of the duties that he owes to his wife, to his children, to his parents, his family, his friends, his neighbours, his fellow-tradesmen, and his fellow-citizens. Hence the extension of hours of labour beyond their natural limit of ten hours destroys the character of the labouring man, and no increase of wages compensates for this injury to the workman and to all dependent on him or connected with him.

When capitalists get up large establishments like factories, and have a large capital sunk in machinery, they are tempted to make the machinery work as many hours as possible out of the twenty-four. In proportion to the size of the establishments, the capitalist is removed from the workmen; he knows less about them and cares less about them. He ceases to regard them as human beings with large family and social duties to discharge, but simply as animated machines. The capitalist is thus led to offer extra wages for