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CONTAINING

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I.—*Report on Homes of the Poor.* By Hon. F. R. Falkiner, Q.C., Recorder of Dublin.

THE state of the dwellings of the working and poorer population has been now so fully recognized as one of the most potent causes of all that is deplorable in the sanitary and social conditions of this city, that we do not think it necessary here to enter upon the proofs. These are to be found at large in the Report, dated June, 1880, of the Royal Commission on the sewerage and drainage of Dublin, which sat in the autumn of 1879, and the voluminous evidence thereto appended. The views of the Commissioners have since been repeatedly endorsed by our Municipal Corporation, and by public authorities, medical and official. In March of this year they have been emphatically and powerfully re-asserted in a joint report of the College of Physicians and of Surgeons. All that preliminary inquiry can do has been done effectually, and what is now needed is the application of practical and speedy remedies. To this end the diffusion of a forcible and benevolent public opinion is essential, for the needed reform must be thorough, and will demand the assistance of Government, as well as the effectual and persistent action of the municipal authority; *and as the immediate sufferers are for the most part without political or municipal influence, being mainly non-rate-payers, and without votes either for Parliament or for the municipal council, their cause must necessarily depend on its own intrinsic merits.*

We proceed to give a summary of the existing laws bearing on the subject, indicating their defects and suggesting remedies; and we add some miscellaneous recommendations.

CLASS I.—*Provisions for the clearing unhealthy city areas with a view to erecting dwellings for the working classes.*

This group we take first, as having hitherto most engaged the attention of our sanitary authority—the Corporation. By 38 & 39 Vic. c. 36 (*Artizans' and Labourers' Dwellings Act, 1875*) the Corporation,

on the representation of the Medical Officer of Health that the houses, courts, or alleys in a specified area are unfit for human habitation, may pass a resolution that the area is unhealthy, and thereupon cause a scheme to be prepared for the improvement of the area (section 3). This may include plans for widening the approaches to the area, or opening it out for the purposes of health; but it must make provision for the accommodation of the working or poor families displaced, and so far as is possible, in the immediate vicinity (section 5). The scheme requires confirmation by the Local Government Board, which can only be given after a local inquiry into the correctness of the official report, and the propriety and sufficiency of the scheme, which is held before an inspector of the Board at the expense of the Corporation, and at which objecting owners and all persons interested may be regularly heard. If the inspector's report be favourable, the Local Government Board, by a provisional order, authorize the scheme either absolutely or with modifications; but this order still needs confirmation by Act of Parliament, and opponents may be heard before a select committee, and costs may be awarded either at the local or parliamentary inquiry. If the order be confirmed, the Corporation proceed to carry it out by purchasing and then clearing the site, and disposing of it to persons or companies who will contract to carry out the residue of the scheme of artizan's dwellings or street improvement; but they are not themselves to undertake the rebuilding save with the express approval of the Local Government Board (section 9), and except the same Board otherwise determine, the Corporation must resell within ten years any dwellings they may have erected on the area. Upon default of the officer of health to report, the Local Government Board, at the instance of twelve or more ratepayers, are to appoint a medical officer, upon whose report that the area is unhealthy, the Corporation are to proceed as if on the report of their own officer.

This large and useful statute is specially adapted for cities in which schemes of street improvement, enuring to the benefit of the commercial and upper classes, can be advantageously combined with sanitary reform and provision for the labouring poor; cities in which the improved value of the cleared areas compensate the vast expense of inquiry, opposition, purchase, and clearance, *e. g.* London and Paris, Glasgow or Birmingham; or cities like the two latter, in which the working classes are confined to defined districts, the reconstruction of which is therefore matter of necessity. But there are several reasons which render it less adapted to Dublin than elsewhere:—

(1) Our Corporation are already themselves the owners of considerable landed property in districts, some of which are suitable in all respects for the working classes, if properly housed thereon. A large expenditure on the purchase of sites is a very different matter when the municipal body has no such property available.

(2) The working and poorer classes in Dublin are spread over very large and scattered areas through divers parts of the city, and sites have hitherto been found available for purchase by companies or persons desirous of finding dwellings for the poor, at a cost greatly below that at which a similar amount of space can be acquired by the Corporation under the Act. The acquisition must therefore usually entail an expenditure beyond the fair market value, and consequently a large loss to the ratepayers.

(3) In permitting compulsory purchase by the Corporation, the statute adopts the machinery of the Lands' and Railways' Clauses Acts, thus entailing a double hearing before the official arbitrator, followed by a traverse before a jury; and hitherto the verdicts of

the juries have been as a rule so largely in excess of the estimated value as to render the temptation to litigate almost irresistible, and to completely overthrow the calculations on which the scheme was based.

(4) The machinery of the Act is unnecessarily complex, entailing loss of time and increased expenditure.

Accordingly, though on the passing of the Act Dr. Mapother, as officer of health, reported twelve unhealthy areas, the Corporation have felt themselves in a position to deal with two of these only. Up to the present one only (the Coombe area) has been cleared at a cost of nearly thrice the original estimate of £8,500 and after a lapse of five years; and after endeavouring to obtain a remunerative price for this the Corporation have been obliged to lease it at £200 a year to the Artizan's Dwellings Company, equivalent to a loss of some £17,000 on this area alone before a single house had been built upon it.

The Act was amended by 42 & 43 Vic. c. 63, which provides that when at the date of the official report any property on the area has been in a state amounting to a nuisance, the arbitrator is to determine what would be the expense of abating the nuisance, and the compensation is then to be equal to the estimated value supposing the nuisance to have been abated, and deducting the expense.

But this amendment may be of little practical avail whilst juries act as hitherto; they will probably be pressed to award *on an assumption that if the nuisance were abated the property would be extravagantly enhanced.*

Having regard to the powers of the Corporation under the Labouring Classes Lodging Houses Acts, which we presently summarize, it seems to us that the more ambitious measure of 1875 should be applied in Dublin only in cases when—

(1) The scheme can be advantageously united with one of general street improvement, and thus indirectly justifying the expense by the increased commercial value to the district improved:

(2) When the unhealthiness of the area is so irremediable as to render improvement of the individual houses, and a stringent application of the sanitary law ineffectual to afford a substantial relief:

(3) And for its application even to these cases we think the Act should be amended by simplifying its machinery; a complete investigation by (1) the Corporation, and (2) the Local Government Board on opposition, ought to suffice without the additional delay and expense of a confirming Act of Parliament; and

(4) The valuation should be committed to the final valuation of a Government arbitrator, as in the case of portions of a similar class of property under the hereafter cited Artizans' Dwellings Act of 1868-1879, which recognizes the principle that property which has been permitted to become dangerous to the community should be officially valued without resort to a popular tribunal prone to make extravagant or speculative awards. The same principle is, to a certain extent, embodied in the clauses of our Public Health (Ireland) Act, 1878, which deals with compensation for damage consequent on structural sanitary improvement (see 41 & 42 Vic. c. 52, ss. 216-219.)

CLASS II.—*Provisions directly relating to the supply or adaptation of dwellings for the working or poorer classes.*

By 29 & 30 Vic. c. 44 (Labouring Classes' Lodging Houses and Dwellings Act, Ireland, 1866), municipal bodies, railway, and other

companies or societies employing persons of the labouring class, or private persons, may appropriate any lands vested in them, or may purchase or take on lease lands or buildings, and erect thereon buildings or lodging houses suitable for the labouring classes, or adapt existing buildings, and enlarge, repair, and improve them, and fit them with all requisite furniture, fittings, and conveniences (sections 14 and 16); they may contract for the supply to these houses of gas and water either without charge or at reduced rates (section 17); the management and control of any such houses established by the Corporation are to remain with them (section 20), and they may with the consent of the Treasury sell any lands vested in them and apply the proceeds to the purposes of the Act (section 19). The Board of Works may advance to corporations or other companies or persons for the purpose of carrying out the Act at four per cent. interest, on mortgage of rates or landed property (sections 8-12).

This statute seems specially adapted to the circumstances of Dublin, where the Corporation possess a considerable amount of property applicable to its purposes, and where there are many houses now defective which by a judicious expenditure could be made reasonably sufficient. Private individuals have with profit adopted this method in more than one instance, and houses which whilst in separate ownership cannot be effectively improved, have been successfully grouped together, and their adjoining open spaces consolidated and made available for the sanitary and convenient requirements of all. A wise application of civic property in this way would be much more economical and efficient towards the object in hand than the acquisition of large areas under the Acts of 1875-79. It has unfortunately been permitted to remain a dead letter here, save in so far as a few private individuals have borrowed from the Board of Works under the leading powers.

This statute was amended by 30 Vic. c. 28, in some slight particulars as regards the terms of loans from the Public Works, but by the Public Health (Ireland) Act, 1878, it is in effect incorporated with the sanitary code, its purposes are declared to be sanitary purposes, and are thus brought within the financial system of the Public Health Act, under which loans may be made to the Corporation by Government, repayable within fifty years, at three and a-half per cent. (41 & 42 Vic. c. 52, sections 2, 8, 237, 246).

These Acts thus recognize the principle of contributing civic property and state assistance to the supply of homes for the working classes, and of placing these directly under the control of the Corporation, both as to property and maintenance, whilst at the same time the co-operation of private companies and private persons is invited and encouraged. For the practical application of these statutes by the Corporation, it is necessary—

(1) That the statute should be formally adopted by a resolution of the Town Council after one or two months' public notice of the meeting at which the subject is to be considered; after which, if a memorial be presented by not less than one-tenth in value of the ratepayers requesting postponement of the question for a year, it is to be postponed accordingly. It would appear that then the Council may adopt the Act absolutely: an opportunity of obstruction is, however, thus given to an interested minority to delay the operation of this useful measure, which ought not to exist if the conditions of the city urgently requires the exercise of its powers, as we believe they do (sections 4, 5).

(2) The appropriation of the civic property to the purposes of the

Act requires the consent of the Lords of the Treasury (sections 14, 19.) In 1866, when the Act passed, the Local Government Board had not been established; this latter Board would seem to be now the appropriate controlling body, on the analogy of the Public Health Act, 1878, and otherwise. By the latter Act (section 276), the consent of the Local Government Board is expressly substituted for that of the Treasury in the case of borrowing money for the purposes of the Bath and Washhouses Acts, and for that of the Lord Lieutenant, Chief Secretary, and Privy Council, in the borrowing clauses of local Acts.

(3) Whilst the statute permits the absolute appropriation of civic property for labourers' dwellings in the hands of the Corporation itself, they cannot, it would seem, appropriate lands for this purpose if the dwellings are to remain in the control of other bodies or persons, save when they sell them at full market value under section 19.

*One of the most pressing wants in Dublin is the supply of house accommodation for the working and poor classes who are below the status of artizans, and who cannot afford to pay more than from one to two shillings per week.* For these it is most desirable that the aid of private benevolence, like that of the late Mr. Peabody in London, should be contributed. Commercial companies, working for even moderate profit, cannot supply this now, though the providing of accommodation for the higher working class may perhaps safely be left to them. Further, although under the statute our Corporation might, and we think should, reasonably establish a certain number of the required houses to be held and maintained by themselves, there may be considerable difficulty in their doing this to anything like the requisite extent, having regard to their other duties and functions. On the other hand, it would be entirely in accordance with the spirit and intention of the Act that they should have the power of effectuating the necessary supply of dwellings, by contributing civic property, under proper guarantees, to societies or persons undertaking to establish and maintain them.

We accordingly recommend that the Act of 1866 should be amended by clauses, providing:—

(1) For the immediate adoption of the Act in Dublin; (2) substituting the Local Government Board for the Treasury as the controlling body with respect to the appropriation of civic property to the purposes of the Act; (3) by permitting the contribution of civic property by the Corporation to companies and individuals undertaking to carry out the purposes of the Act. We have indicated in a schedule annexed, eight sites, four at each side of the city, in which we think model buildings might conveniently and economically be established by the Corporation under the Act for the poorer working classes above referred to, which have been selected by Dr. Cameron, superintendent medical officer. We add an estimate of the probable cost. An example thus set would have a beneficial effect upon the holders of this class of house property through the city, and might probably lead to the establishment of similar dwellings by benevolent persons with or without contribution from the Corporation, whilst the educating effect upon the occupiers themselves would, it is hoped, be considerable.

The above are the legislative provisions directly dealing with the supply of house accommodation for the working classes by or under corporate authority; but there are and must continue to be a vast number of houses in private ownership inhabited by these classes, the

sufficient improvement and maintenance of which it is most essential to enforce. We summarize next the existing enactments on this subject.

CLASS III.—*Provision for enforcing the reparation of city houses, and the execution of structural and sanitary improvements.*

By 31 & 32 Vic. c. 131 (Artizans' and Labourers' Dwellings Act, 1868) commonly called Torrens' Act, the local authority here, the Corporation, on the report of their officer of health that premises are in a state injurious to health or unfit for human habitation, may order the owner to execute the required structural improvements according to prepared specifications; in default they may execute these themselves, and obtain from the Court of Quarter Sessions a charge upon the fee simple of the premises for the amount expended, and costs; the owner, if he executes the work, can obtain from the local authority an annuity charged upon the fee simple at the rate of six per cent. on his expenditure, payable for a term of thirty years. Where the local authority fail to act, any four householders living in the neighbourhood may require the official report to be made, and the Secretary of State, at their instance, may require the local authority to carry out the provisions of the Act (sections 12 & 13).

(1) This statute, most useful in intention and just in principle, provides, however, a machinery so complicated that it is not surprising it has never been acted upon in Dublin. Beside the report of the officer of health there must be a report of the engineer (section 6); then both reports must be served on the owner, and a sitting of the authority appointed to hear objections, which may include the vague one that somebody else is responsible for the existing defects; then the plans are to be prepared; then a second sitting of the authority to hear objections to these; from each order of the authority there is an appeal to Quarter Sessions, and thence to the Queen's Bench, and pending final appeal no work is to be done (sections 7, 8, 9); the word "owner" includes lessees and mortgagees, and the proprietors of all interests in the premises except those holding for a term of less than twenty-one years unexpired, and when there are several owners interested the right of executing the work is offered to each, beginning with him nearest the fee (section 14). The owner ordered to execute has the option of demolishing the premises; but nothing in the Act is to prejudice the operation of existing covenants in leases (section 22). *There are thus entrusted to the authority the decision of complicated questions of law and fact, for which a lay and unpaid tribunal, such as a Corporation Committee, is plainly unsuited, and which it is quite unreasonable to cast upon them, whilst the repeated inquiries and the series of appeals afford temptation and opportunity to frustrate the Act.*

(2) The charge for the expenditure is made an incumbrance on the inheritance; this is on the principle of salvage, and in simple cases, or where the property is valuable and recuperative would work justly enough, but in the case of our ancient houses we have frequently a succession of owners between the occupier and the fee, and the interests of each are not always coterminous in area; the fee simple is often only a well secured head-rent with long intervening terms, and to charge this with a salvage for improvements, which under covenant or in justice should fall on the derivative interests, would often be unreasonable; this old and dilapidated property can often be made remunerative only under

the existing system of immediate lessors, little removed socially from their lodgers, letting in tenements at the last possible shilling and at the least possible outlay. Charges upon such rents and profits would frequently prove futile.

(3) Again, the requisite structural alterations are sometimes such as should fairly be borne by some one particular interest much lower than the fee; *e. g.*, by a lessee for a long term under covenant to repair, and sometimes they are such in amount as this proprietor could not execute without practically destroying his interest. Again, they are often of a mixed character, such as in justice should be partly borne by the owner of one interest and partly by another. The statute makes no adequate provision for these complications, and it is unfair and impracticable to throw the solution of them upon a municipal committee.

The Act was amended by 42 & 43 Vic. c. 64 (the Artizan's and Labourers' Dwellings Act, 1868, Amendment Act, 1879), which provides that any owner required to execute improvements under the principal Act, may by notice require the local authority to purchase the premises, and the lands so acquired may be applied to any sanitary purpose, or as a highway, street, or other public place (sections 5, 10, 11). This statute adopts the salutary principle of leaving the valuation of this questionable property to a single arbitrator acting under public responsibility, and without appeal to a jury; and in the valuation, regard is to be had to existing state of disrepair, and to the enhanced value of the sellers' remaining property consequent on the demolition or improvement of that purchased.

But in thus giving to the owner, who is often seriously in default, the alternative power of compulsory sale in every case, this amended Act largely abandons the wholesome principle of the original Act in its power of compulsory improvement over defaulting owners.

We are of opinion that both Acts should be amended for Dublin by provisions retaining and enlarging their principle, and adapted to all cases in which improvement orders are sought in respect of city houses; these amendments we shall presently indicate.

There is reason to believe that the existing dilapidation of many city houses is due to the defective title of the owners or representatives of the interests on which the duty of repair should properly fall. There are often a great number of owners of a single house holding fractional undivided shares in common, some of these persons living far away, some minors, or married women, or otherwise under disability, some, persons of most limited means. Similar difficulties were felt long ago in Scotland: by an ancient law similar in principle to that of the above-mentioned Act of 1868, the burgh magistrate was empowered to make an order for rebuilding to be affixed to the premises, and after the lapse of a twelvemonth to order any person interested to execute the requisite work, and then to give him a simple salvage charge on the inheritance for the amount expended.

We think the new provision should embrace the case of dilapidation or insufficiency of city houses arising from defects in title, and which were thus dealt with by the Scottish law.

By the 41 & 42 Vic. c. 52, the Public Health, Ireland, Act, 1878, which consolidates and amends the sanitary laws of the last thirty years, the Corporation, as sanitary authority, have large compulsory powers of enforcing structural improvements in the city houses—*e. g.*, in the case of insufficient sewerage (sections 25, 51), insufficiency of abutting footways (section 28), defective latrine accommodation (sections 45, 51),

whitewashing and cleansing (section 56), defective water supply (section 72), abatement of nuisances (section 114). In default of compliance by the owner or occupier with the requisition of the Corporation, they may themselves execute the required work, and recover the expense in the court of the Divisional Justices. In most of the above cases they have the option of declaring the expenses to be private improvement expenses, and thereupon to strike a rate called "private improvement rate," leviable on the occupier for a period not exceeding thirty years, sufficient to cover the expenditure and five per cent., but in all cases the expenses with five per cent. interest, remain a charge on the premises, and the Corporation may declare this payable by instalments within thirty years; when the occupier paying this rate or charge holds at not less than two-thirds the Government valuation, he may deduct three-fourths from his landlord, and so in turn each landlord a similar proportion of the rent paid by him, provided he holds for less than twenty years unexpired, *but not otherwise* (sections 229, 230, 255).

A private person advancing the necessary expenditure in these cases, may obtain from the Corporation a rent-charge on the premises, calculated so as to repay the amount with six per cent. within thirty years (section 244). These structural and financial provisions, however, involve practical difficulties similar to those pointed out in relation to Torrens' Act; and we believe the above clauses have never hitherto been acted upon in Dublin.

(1) Except in case of abatement of nuisances (section 114), the authority cannot obtain a preliminary judicial inquiry or order, and if, therefore, they execute the work themselves it is at the risk of recovering it from a doubtful defendant, doubtfully solvent often, or by an exceptional rate leviable upon doubtful property. The provision precluding an owner who holds for more than twenty years from deducting any part of the rate from his own rent may be often unjust—*e. g.*, when his pecuniary interest is small, and the improvements give a real security to the interest above him.

(2) The definition of "owner" as a person receiving a rack-rent, defined to be two-thirds of the Government valuation, has occasioned much legal and practical difficulty; there are frequently in Dublin several owners who answer this description between the occupier and the fee; the Government valuation being often so very much below the letting value.

(3) It is, as before observed, unreasonable to impose upon a body like the Corporation the unaided consideration of legal difficulties and complicated facts, which whilst affecting small individual interests, involve substantial risks in each.

*Proposed amendments in the provisions relating to structural improvements.*

(1) For the above indicated reasons we recommend that in all cases where for any reason structural improvements in the city houses are required by the municipal authority, they should have the power of applying to a legal tribunal for an authorizing order in the first instance; that the tribunal should have elastic powers to enable it to bring all persons intrusted before it, and to apportion between these the obligation of executing or paying for the required works according to the merits of each individual case. As the existing statutes already constitute the Court of Quarter Sessions the court of appeal in these cases, we recommend that it should be a court of first instance for hearing them, though such an arrangement might necessitate some modification of the existing functions of the judge of that court. In proper cases to



be regulated by general orders, there should be an appeal to the Lord Chancellor or the Land Court, and the court should be empowered, if necessary, to direct sales of the property to be carried out under the sanction of the court itself, or in cases of greater importance by the Land Court. As these proposals deal with matters of a technical character, we have in a schedule hereto appended draught clauses embodying a suggested procedure.

(2) There are cases in which from poverty the owners are wholly unable to bear the expense of the required improvements; others again, where owing to the condition of the neighbourhood a plan of improvement is required more extended and costly than could be with justice enforced against an individual owner prepared to carry out what was strictly necessary in his own case; and again, it would often be most desirable to group the sanitary arrangements of several houses in the manner indicated above. For these and analogous cases we recommend that the Court should have discretionary power to direct that a specified portion of the expense of carrying out improvement orders should be borne by the sanitary authority.

This principle of contribution is already fully recognized in the clauses of the Public Health Act, respectively relating to house sewers, to the expenses of utilizing and distributing sewage, and to the maintenance of hospitals for the sick and convalescent; and is analogous to that on which the Artizans' and Labourers' Dwellings Act have all been based (see 41 & 42 Vic. c. 52, sections 26, 33, 165). Our schedule contains clauses embodying this suggestion.

#### IV.—*Necessity of providing and enforcing stringent laws for the maintenance and protection of improvements.*

But no thorough amendment can be looked for until the people themselves have learned to use and protect, and not to abuse structural improvements provided for their better health and comfort. Several owners of tenement houses examined by the Royal Commissioners complained of the impracticability of effecting the requisite sanitary reforms owing to the habits of the inmates, and the certain destruction which awaited improved appliances. One witness stated that these habits necessitated an increase of the rents charged to all so large as 2s. 6d. instead of 1s. 6d.—this difference being very serious in the case of tenants with small wages and large families. They complain further that the more worthless tenants frequently, on falling into arrear, wilfully dilapidate or permit dilapidation whilst under notice of eviction, whilst they cannot be dispossessed even by summary order in less than an average of six weeks, and the consequent loss falls, in the shape of increased rent, on the more well conducted tenants. The experience of the litigation respecting these houses in the Recorder's Court, painfully corroborates these statements. We recommend:—

(1) That stringent bye-laws should be passed making punishable by imprisonment as well as fine the commission or wilful permission of dilapidation or damage in these houses, or to the structural appliances connected therewith.

(2) That a divisional justice should sit on each court day through the year for the hearing of sanitary cases, and that if necessary an additional justice should be added to the existing staff.

(3) That the justice should have a discretion, upon a simple summons, to order the summary eviction of a tenant committing or wilfully permitting dilapidation. The existence of such a power would in itself have the strongest deterrent effect, and the actual exercise would probably be very seldom necessary.

(4) That a thorough system of inspection of all tenement houses should be established by the Corporation, with the assistance of the Metropolitan Police, and that all constables should receive charges of owners or their agents against, and cause the summoning of, offenders against the bye-laws or statutory provisions affecting these houses.

(5) By section 100 of the Public Health Act, 1878, the Corporation are now empowered to enforce by bye-law a registration of tenement houses. This power has not been exercised, the Corporation considering hitherto that it might operate invidiously; but having regard to the magnitude of the question, and to the fact that the exercise of the power would devolve on the Corporation itself, and could be so regulated as to prevent abuse, it seems to us that the reasons in favour of registration strongly prevail, and we recommend it accordingly.

*Necessity of providing, under corporate authority, for the out-door recreation of the poorer classes and children.*

But we furthermore believe that no improvement of the house interiors or enforcement of the sanitary laws will prove an effectual remedy for the low social condition of the poorer population without a simultaneous effort to improve the out-of-door life. The opening of St. Stephen's Green has already been attended with excellent results—the rough conduct which characterized the earlier months has almost subsided, and even the least educated are learning to respect what is intended for their advantage; a few strict magisterial decisions mainly contributed to this result. But the Phoenix Park and St. Stephen's Green are quite unavailable for the daily life of many thousands of children in the city lanes and alleys. What we consider requisite for these is a large number of areas selected through the city, which at a small expense could be made available as play and recreation grounds for young people of both sexes. There are few quarters of our extended city in which open spaces, or spaces covered by mere ruins cannot be found which might be readily adapted thus. The Corporation are already the owners of some. There are several of the old parochial graveyards, now closed as such, which might be utilized as recreation grounds, with due sanctions against desecration, planted with shrubs and flowers, and furnished with seats in the way successfully carried out in some instances in London and elsewhere.

This subject was recently put forward by Dr. Mapother in his address as President of the Statistical Society; he indicated some of the areas thus available, and we have in a schedule hereto suggested several in different quarters of the city. We recommend that these or similar sites should be established, adopted, and maintained by the Corporation, under bye-laws to be enforced by their officers and the Metropolitan Police.

In effectuating this, no further legislative change would seem necessary than to restore to our Public Health Act, 1878, the provision contained in the 164th section of the English Act of 1878, *and which in the preparation of ours was, either by intention or otherwise, but certainly without sufficient reason, omitted.* This section provides as follows:—

Any urban authority may purchase or take on lease, lay out, plant, improve and maintain lands for the purpose of being used as public walks or pleasure grounds provided by any person whomsoever; any urban authority may make bye-laws for the regulation of any such public walk or pleasure ground, and may by such bye-laws provide for the removal from such public walk or pleasure

ground of any person infringing any such bye-law by any officer of the urban authority or a constable.

We recommend the adoption of this clause, with slight modifications directed to the object in hand, with our Irish sanitary code. Under the Public Works (Ireland) Acts, 1869-1872, the Corporation already have ample powers for establishing parks in the city and suburbs; but these provide for projects of a much more extensive character than the more modest and inexpensive ones we contemplate here.

We would also recommend that a moderate annual sum, to be fixed with the sanction of the Local Government Board, should be disposable by the Corporation out of their sanitary rate for providing music in certain of their recreation grounds during the summer months, and rendering them otherwise attractive to the people.

We might hope, as the statute seems to contemplate, that benevolent private persons might be found to establish such places, to whom the Corporation might contribute either by gifts of sites or money.

#### *Expense.*

The reforms above indicated would necessarily prove costly, and it has, therefore, been suggested that they should be postponed until the area of taxation has been enlarged by the amalgamation of the suburban townships with the city, as recommended in the recent report of the Boundary Commissioners; but pending the final settlement of this question, there is no reason why the requisite amendments in the statute law should not be sought for, and much of what is needed may be set on foot without any delay or further legislation. Even should the complete amalgamation with the city not be carried out, yet a reasonable contribution by the townships towards the purposes in hand, on the principle adopted in the case of the new bridges and the main drainage project of 1870-1875, could not with justice be resisted. This financial question is too large for the scope of our present report; but we would briefly indicate that the principles of any complete financial scheme should embrace the following:—

(1) Re-valuation of the city property within the whole area of taxation.

(2) Contributions by the townships, either by means of a general amalgamation, by a special contribution to be fixed by statute, or by the formation of a joint sanitary board under the Public Health (Ireland) Act, 1878, clauses.

(3) Government loans for maximum terms and at minimum interest.

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## II.—*Registration of Title Indispensable for Peasant Proprietors.*

By Henry Dix Hutton, Esq. LL.B.

THE subject of this paper is a branch of the large and difficult problem which increasingly engages the attention of social and legal reformers; how, namely, to combine security of titles to landed properties with facilities for dealings with them. It is a branch, however, which in Ireland, and at the present juncture, possesses extreme and exceptional importance, a satisfactory and prompt solution being urgently needed.