

# REVIEW OF THE LEGISLATION OF THE BRITISH EMPIRE IN 1895.<sup>1</sup>

## I. BRITISH ISLANDS.

### I. UNITED KINGDOM.

[Contributed by Sir Courtenay Ilbert.]

Acts passed—*First Session* : Public General, 44 ; Local, 158.

*Second Session* : Public General, 6 ; Local, 15.

THE first Session of 1895 was prematurely terminated by the dissolution of Parliament in June. A second short Session was held immediately after the general election.

The following Acts present features of general interest :—

The Seed Potatoes Supply (Ireland) Act, 1895 (c. 2), enables the Poor relief guardians of poor law unions in Ireland to borrow public money for the purpose of providing seed potatoes in impoverished districts in Ireland.

The Outdoor Relief (Ireland) Act, 1895 (c. 22), extended, during a limited period in 1895, the power of poor law guardians in Ireland to grant outdoor relief in food and fuel, and provided that outdoor relief so granted was not to involve any electoral disability.

The Australian Colonies Duties Act, 1895 (c. 3), expressly repeals Colonial Customs duties certain enactments which restricted the powers of the Legislatures of the Australian colonies in respect of the imposition of Customs duties.

The Colonial Boundaries Act, 1895 (c. 34), enables the Queen by Colonial boundaries Order in Council to alter the boundaries of any colony, and validates certain alterations previously made ; but in the case of a self-governing colony the power to alter is not to be exercised without the consent of the colony.

The Army (Annual) Act, 1895 (c. 7), contains the usual provisions Army for keeping the Army Act (44 & 45 Vict. c. 58) in force for another year, and makes a few minor amendments in the provisions of that Act.

<sup>1</sup> This review comprises sessions which ended in 1895, whether begun in 1894 or 1895. Sessions which began in 1895 and ended in 1896 are not noticed on this occasion.

- UNITED KINGDOM.** Mr. Speaker's Retirement Act, 1895 (c. 10), authorizes the grant of a life annuity to the late Speaker, Mr. Arthur (now Lord) Peel.
- Speaker's pension.** The Cruelty to Animals (Scotland) Act, 1895 (c. 13), brings cock-fighting expressly within the meaning of cruelty to animals under the Act of 1850 (13 & 14 Vict. c. 92).
- Cruelty to animals.**
- Finance.** The Finance Act, 1895 (c. 16), is the usual Budget Act. The Budget of 1895 made no alterations of importance in the national system of finance.
- Court of Session.** The Court of Session Consignations (Scotland) Act, 1895 (c. 19), amends the procedure with respect to consignations or payments into court in the Court of Session in Scotland.
- Tramways.** The Tramways (Ireland) Act, 1895 (c. 20), enables the Treasury to commute for a capital payment their liability in respect of guaranteed dividends on the share capital of Irish tramway companies. Under an Act of 1883 (46 & 47 Vict. c. 43) the construction of these tramways in Ireland has been in some cases aided by guaranteeing the payment of dividends out of baronial rates supplemented by contributions from the Treasury.
- Seal fishery.** The Seal Fisheries North Pacific Act, 1895 (c. 21), supersedes the Act of 1893 for the regulation of the seal fisheries in the North Pacific Ocean. It provides for the establishment of a close season for the fisheries of the fur seal in Behring Sea and adjacent parts of the Pacific Ocean, and supplies machinery for enforcing its regulations by detention of ships and their papers, and by fine. The Act supersedes and repeals the Seal Fisheries (North Pacific) Act, 1893 (56 & 57 Vict. c. 23), but its provisions are to be read in addition to those of the Behring Sea Award Act, 1894 (57 & 58 Vict. c. 2).
- Volunteers.** The Volunteer Act, 1895 (c. 23), extends the powers of calling out volunteers in a case of national emergency.
- Distress.** The Law of Distress Amendment Act, 1895 (c. 24), supplements an Act which was passed in 1888 (51 & 52 Vict. c. 21) for preventing abuses by bailiffs and other officers employed to levy distresses for rent. In particular it gives county court judges wider powers of dealing with the certificates of such bailiffs.
- Solicitors.** The Mortgagees Legal Costs Act, 1895 (c. 25), enables a solicitor to charge for mortgage costs when he is himself the mortgagee.
- Friendly societies.** The Friendly Societies Act, 1895 (c. 26), makes in the law relating to friendly societies sundry minor amendments which had been recommended by the representatives of the principal societies.
- Landlord and tenant.** The Market Gardeners' Compensation Act, 1895 (c. 27), extends the power of market gardeners to make improvements for which they can claim compensation from their landlords under the Agricultural

Holdings (England) Act, 1883 (46 & 47 Vict. c. 61). In particular it dispenses with the condition of landlord's consent to certain classes of improvements, such as planting fruit bushes and the like. *UNITED KINGDOM.*

The False Alarms of Fire Act, 1895 (c. 28), imposes a penalty for Fire. giving false alarms of fire to a fire brigade.

The Extradition Act, 1895 (c. 33), was passed with special reference Extradition. to the case of Dr. Cornelius Herz. It enables a magistrate to be sent into the country to take the deposition of a person whose extradition is demanded if there is reason to believe that he cannot be brought up to London without risk to life or health.

The Naval Works Act, 1895 (c. 35), authorises the grant of £1,000,000 Naval works. for the purpose of carrying out certain specified works at Gibraltar, Dover, and elsewhere. The money is to be borrowed by means of terminable annuities.

The Fatal Accidents Inquiry (Scotland) Act, 1895 (c. 36), pro-Fatal accidents. vides for the holding of public inquiries on the occurrence of fatal accidents in the course of industrial employments or occupations in Scotland.

The Factory and Workshop Act, 1895 (c. 37), makes several impor- Factories. tant alterations in the law relating to factories and workshops, mainly in the direction of increasing sanitary requirements, giving additional precautions for safety, and restricting the hours of employment. It defines what is to amount to overcrowding (s. 1). It enables orders to be made prohibiting the use of dangerous buildings and machines (ss. 2, 4). It prohibits the employment of persons in places injurious to health (s. 5), and imposes penalties on allowing wearing apparel to be made in places where there is infectious disease (s. 6). It increases the safeguards against risks from machinery (ss. 7, 8, 9), and requires the provision of movable fire escapes (s. 10). It provides for the representation of workmen on any arbitration as to the special rules to be applied to a particular factory (s. 12). It restricts the amount of overtime during which women and young persons may be employed (s. 14), and the employment of children, young persons, and women outside and inside a factory or workshop on the same day (s. 16). It amends and extends the provisions as to notice of, and inquiry into, and register of, accidents (ss. 18-21). It places laundries under the Factory Acts (s. 22). It applies to docks, wharves, quays, and warehouses, the provisions of the Factory Acts with respect to penal compensation for injuries caused by neglect to fence, and with respect to accidents, the powers of inspectors, the power to make special rules for dangerous employments, and the power to make orders as to dangerous machines. And it applies to certain large buildings the

**UNITED  
KINGDOM.**

provisions of the Act with respect to notice and formal investigation of accidents (s. 23). In the case of tenement factories, *i.e.* large buildings let out in parts under such circumstances that each part constitutes a separate factory, it imposes on the owner certain obligations, which in other cases attach to the occupier (ss. 24, 25). It increases the stringency of the sanitary provisions as to bakehouses, and prohibits the use of any place underground as a bakehouse (s. 27). It enables the Secretary of State to prohibit or restrict by means of special rules or requirements employment in dangerous trades (s. 28). It requires notification of certain diseases, such as lead poisoning and anthrax (s. 29), makes obligatory the use of lavatories in places where lead, arsenic, or any other poisonous substance is used (s. 30), extends to all humid factories certain provisions previously applying to cotton cloth factories (s. 31), and requires adequate measures to be taken for securing and maintaining a reasonable temperature in factories and workshops (s. 32). It provides for annual returns of persons employed in factories and workshops (s. 34), and amends the provisions of the Act of 1891 as to the particulars respecting wages to be furnished to the workers in certain cases (s. 40). It extends the provisions of the law as to notice of workshops (s. 41), and lists of out-workers (s. 42), and makes sundry other minor alterations in the law relating to factories and workshops.

**Married  
women.**

The Summary Jurisdiction (Married Women) Act, 1895 (c. 39), enables courts of summary jurisdiction, *i.e.* justices and stipendiary magistrates, to make an order, which is to have the effect of a decree of judicial separation, in the case of cruelty or neglect by a husband, and to provide for the legal custody of children, and for the maintenance of the wife. An appeal lies from any such order, or from the refusal of an order, to the Probate and Divorce Division of the High Court.

**Corrupt  
practices.**

The Corrupt and Illegal Practices Prevention Act, 1895 (c. 40), declares the making or publication of false statements about a candidate before or during a parliamentary election an illegal practice within the meaning of the Corrupt and Illegal Practices Acts.

**Sea fisheries.**

The Sea Fisheries Regulation (Scotland) Act, 1895 (c. 42), reconstitutes the Fishery Board for Scotland, establishes sea fishery districts under district committees with appropriate powers, and gives power to make byelaws for regulating sea fisheries, prohibiting seine trawling in certain localities, restricting beam trawling and otter trawling, and regulating mussel fisheries.

**Naturaliza-  
tion.**

The Naturalization Act, 1895 (c. 43), makes the residence of a child of a naturalized British subject with his father while in the service of the Crown out of the United Kingdom have the same effect for the

purposes of naturalization as residence with the father in the United Kingdom. *UNITED KINGDOM.*

The Judicial Committee Amendment Act, 1895 (c. 44), strengthens the Judicial Committee by adding to it any person who, being or having been Chief Justice or a judge of the Supreme Court or a superior court in Canada, the Australasian colonies, the Cape, or Natal, or any other superior court named in that behalf by the Queen in Council, is a privy councillor. *Judicial Committee.*

The six public general Acts passed in the second session of 1895 are not of sufficient general interest to require notice here.

## 2. CHANNEL ISLANDS.

*[Contributed by Sir Courtenay Ilbert.]*

The States of Guernsey and Jersey have power to make laws subject to the approval of the Queen in Council. There is no fixed time for the sessions of the States: they are convened in each case by the Bailiff whenever business requires. The laws are not numbered, and their titles do not contain any reference to any particular session or year. The language is French. The following extract from an Order in Council of 1895 illustrates the form assumed by legislation:—

“AT THE COURT AT WINDSOR,

The 11th day of May, 1895.

*Present:*

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President.

Speaker of the House of Commons.

Lord Chamberlain.

Mr. Arnold Morley.

Lord Kensington.

“WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee<sup>1</sup> of Council for the Affairs of Jersey and Guernsey, dated the 21st day of March, 1895, in the words following, viz.—

“YOUR MAJESTY having been pleased by Your General Order of Reference of the 21st day of March, 1862, to refer unto this Committee a letter from the Greffier of the island of Jersey, transmitting an Act passed by the States of that island on the 14th day of February, 1895, intituled “Loi sur la Procédure

<sup>1</sup> In an Order relating to Guernsey the Committee is described as the Committee of Council for the Affairs of Guernsey and Jersey.

CHANNEL ISLANDS.

devant la Cour Royale (Jours Fériés)”: THE LORDS OF THE COMMITTEE, in obedience to Your Majesty’s said Order of Reference, have this day taken the said Act into consideration, and do agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to approve of and ratify the said Act.’

“HER MAJESTY, having taken the said Report into consideration, was pleased, by and with the advice of Her Privy Council, to approve thereof, and to approve of and ratify the said Act, and to order, as it is hereby ordered, that the same Act (a copy whereof is hereunto annexed), together with this Order, be entered upon the Register of the Island of Jersey, and observed accordingly: Whereof the Lieutenant-Governor or Commander-in-Chief, the Bailiff and Jurats, and all other Her Majesty’s Officers, for the time being, in the said island, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

“C. L. PEEL.”

“AUX ETATS DE L’ILE DE JERSEY.

“LOI SUR LA PROCÉDURE DEVANT LA COUR ROYALE<sup>1</sup>

(Jours Fériés).

“L’AN mil huit cent nonante-cinq, le quatorzième jour de Février.<sup>2</sup>

“Considerant que l’expérience a démontré que plusieurs des dispositions des Lois en vigueur sur la Procédure devant la Cour Royale empêchent la Cour, dans certains cas, de siéger le Samedi ;

“Que la non tenue de la Cour Royale, ce jour-là, est souvent contraire aux intérêts des plaideurs et du public ;

“Que, de plus, l’ouverture de l’Assise Criminelle a souvent lieu le Samedi, qui est le jour de la semaine, dans l’Ile, le plus affecté aux affaires commerciales, ce qui souvent cause un préjudice considérable aux commerçants et autres appelés à servir comme Hommes d’Enquête ;

“Qu’il serait, par conséquent, utile d’apporter certaines modifications auxdites Lois.

“Les Etats ont résolu, moyennant la sanction de Sa Très Excellente Majesté en Conseil, d’établir la Loi suivante.”

Then follow five articles<sup>3</sup> regulating the days on which the Royal Court may sit, and repealing certain enactments of earlier date.

<sup>1</sup> In the case of Guernsey, the measure scheduled to the Order in Council is described as a “Projet de Loi,” or Bill, not as a “Loi.”

<sup>2</sup> There are no preambles to the Guernsey laws of 1895.

<sup>3</sup> The sections of Guernsey laws are not described as articles. There are no marginal notes.

The States of Jersey in 1895 passed the law referred to above relating to the Royal Court, and also laws modifying the constitution of the "Conseil d'Administration" of the Jersey Prison, regulating the affairs of the "Société de Bienfaisance pour la Marine Marchande," and applying to the island certain provisions of the Criminal Law Amendment Act, 1885 (48 & 49 Vict. c. 69).

CHANNEL  
ISLANDS.

The only other Jersey Act of 1895 relates to a local work at St. Helier.

The States of Guernsey passed a law about colportage, under which hawkers and pedlars must be licensed, and a law about certified reformatory schools which follows the lines of English legislation.

### 3. ISLE OF MAN.

[Contributed by *Llewellyn Kneale, Esq.*]

Seventeen Acts, passed in 1895, are now in force as law. Other Acts were passed, but are not in force, as they have not yet received the Royal assent, or have not yet been promulgated.<sup>1</sup>

The Cruelty to Animals Amendment Act, 1895, declares that not supplying an animal with sufficient food and water is ill treatment within the meaning of the principal Act of 1853, and that the putting or keeping out of an animal to graze in any place where there is not sufficient food is *prima facie* evidence of ill treatment. Cruelty to animals.

The Sale of Goods Act, 1895, adopts, with slight modification to suit insular requirements, the Sale of Goods Act, 1893, (56 & 57 Vict. c. 71), so as to make the law of England and the Isle of Man similar. Sale of goods.

The Uniforms Act, 1895, extends to the Isle of Man the provisions of 57 & 58 Vict. c. 45. Uniforms.

The Weights and Measures Amendment Act, 1895, provides that a weight or measure duly stamped under the law in force for the time being in the United Kingdom shall, unless false or unjust, be of the same effect as if stamped under the insular Weights and Measures Act. Weights and measures.

<sup>1</sup> There are no regular legislative sessions in the Isle of Man. Each Act has a short title, by which alone it is cited. The enacting words are: "Be it enacted by the Queen's Most Excellent Majesty, by and with the advice of the Lieutenant-Governor, Council, Deemsters, and Keys in Tynwald assembled, and by the authority of the same, as follows," etc. The Acts are confirmed by the Queen in Council, after reference to a committee of Council. The confirmation is notified to the Lieutenant-Governor by the Home Secretary, and the Act is promulgated on Tynwald Hill.

- ISLE OF  
MAN.** The Advertising Rate Act, 1895, provides for a grant of money to advertise the island as a pleasure and health resort.
- Advertising  
rate.  
Customs.** The Revenue Return Amendment Act, 1895, provides for the making of a return of wines, spirits, or any other goods, wares, or merchandise, liable to duty. The Act was passed in order to facilitate arrangements between the United Kingdom and the island with respect to the Customs. The returns of tea, coffee, and tobacco had been provided for by a previous Act.
- Crown  
revenues.** The Local Government and Common Lands Act, 1895, contains provisions for the redemption of certain ancient chief rents, commonly called the Lord's rents, payable to Her Majesty.
- Act of  
Parliament** The Promulgation Act, 1895, alters the mode of promulgating Acts of Tynwald. In future, when an Act is to be promulgated from Tynwald Hill in accordance with ancient custom, there is to be read a brief statement in Manx and in English showing the object and purport of the Act and the Royal consent, and this, together with the reading of the title of the Act, is to be held to be the promulgation of the Act. After the promulgation is over, the certificate, or attestation of the promulgation written at foot of the Act, is to be signed by the Governor and Speaker, instead of, as heretofore, by all the members of the Legislature.
- Adulteration.** The Adulteration Amendment Act, 1895, enacts for the Isle of Man, ss. 1, 2, 3, and 6 of the Fertilizers and Feeding Stuffs Act, 1893 (56 & 57 Vict. c. 57), and provides for the analysing of fertilizers and feeding stuffs by a public analyst. The Act also enacts for the Isle of Man ss. 2, 3, and 5 of the Adulteration of Seeds Act, 1869 (32 & 33 Vict. c. 112).
- Intoxicating  
liquor.** The Licensing Amendment Act, 1895, creates a new departure in the licensing law. Each of the four districts into which the island is divided is to have a licensing board, consisting of the High Bailiff (stipendiary magistrate), the members of the House of Keys representing any constituency wholly or partly within the district, the justices resident within the district, the captain of each parish, and the chairman of town and village commissioners within or partly within the district. Once in each year the board are to meet, and are to select from among themselves six members, who, together with the High Bailiff, are to form the Licensing Court for one year for the district. A Licensing Appeal Court is also formed. The Douglas District Licensing Board are once in each year to elect two members, and each of the other District Boards are once in each year to elect one member, and the five members so elected, together with the four high bailiffs, are to form an Appeal Court.



Each Licensing Court is to be a court of justice, with power to take evidence on oath or otherwise, and act on its own knowledge of the wants or requirements of a locality or neighbourhood. *ISLE OF  
MAN.*

The Licensing Appeal Court is to be a court of justice, and on the hearing of any case is to consider the evidence taken in the district court, but is to have full discretionary power to receive further evidence on questions of fact, and to have full power to act on its own knowledge of the wants or requirements of a locality or neighbourhood.

Questions of law are excluded from the jurisdiction of the Appeal Court, and are to be brought before the High Court of Justice.

The Act also makes provision for the granting of short term licences.

The Church Act, 1895, amends and extends the provisions of the Church Act, 1880, and the Ecclesiastical Residences and Dilapidations Act, 1879. It establishes a Cathedral Chapter and four Canonries, and deals with certain Church properties and trusts. *Church of  
England.*

The Marriage Law Amendment Act, 1895, makes certain amendments in the Marriage Act, 1849, and the Dissenters Marriage Act, 1849. The Act also deals with marriages in the parish church of Braddan. If one of the persons to a marriage at the time of the publication of the banns in this island is resident in the United Kingdom, it is to be sufficient that the banns are also published in the church of the place where the person is resident according to the laws of the United Kingdom. The hours during which marriages may be performed are extended to between 8 o'clock in the morning and 4 o'clock in the afternoon.<sup>1</sup> Residence in a parish is reduced to fifteen days, and three clear days' notice must be given to the Surrogate or to the Registrar before a licence is granted. *Marriage.*

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## II. BRITISH INDIA.

[Contributed by Sir Courtenay Ilbert.]

BESIDES the Governor-General's Council, there are four local Legislatures in British India—those of the presidencies of Madras and Bombay, of the province of Bengal, and of the province constituted for legislative purposes by the North-West Provinces and Oudh.

<sup>1</sup> The hours in England are now from 8 a.m. to 3 p.m. (49 Vict. c. 14).