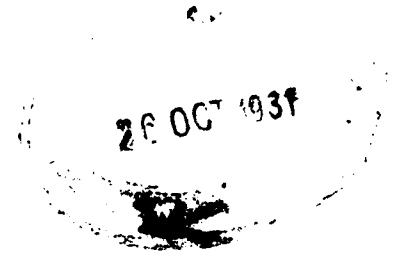


THE PRINCIPLES OF LOCAL GOVERNMENT IN
ENGLAND AND THEIR APPLICATION
IN INDIA

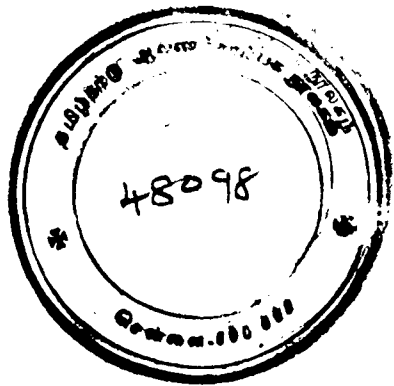
**THE PRINCIPLES OF
LOCAL GOVERNMENT IN ENGLAND
AND THEIR APPLICATION
IN INDIA**

BY

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PREFACE

The object of this little book is to give those in India who are interested in the subject of Local Government in general an idea of how the English system developed, of its salient features at present, and of the extent to which its principles can be applied to India.

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THE PRINCIPLES OF LOCAL GOVERNMENT IN ENGLAND AND THEIR APPLICATION IN INDIA

CHAPTER I

WHAT IS MEANT BY THE TERM LOCAL GOVERNMENT?

LOCAL GOVERNMENT may be defined as "that part of the Government of a nation or state which deals mainly with such matters as concern the inhabitants of a particular district or place and which it is found desirable to administer by local authorities subordinate to the Central Government." Thus, in the Madras Presidency, Local Government is that part of the Government of the country which is carried on by local bodies such as the District Boards, Taluk Boards and Municipalities. The part of the Government which deals with matters concerning the nation or state as a whole will be referred to as the Central Government. In England this Central Government is carried on by Parliament and by officials directly or indirectly responsible to and controlled by it. In India we have the more complicated system of the Central Government properly speaking (the Government of India) and the Provincial Governments subordinate to it; but, as our present concern is only with Local Government as already defined, we need not trouble ourselves with the distinction between the Government of India and Provincial Governments. When speaking of India, we shall refer to both alike as the Central Government, whether it be of the Province or of India as a whole, in distinction to the Local Government carried on by the various local bodies.

Our definition of local government is couched in very general terms because the "part of the government which it is found desirable to administer by local authorities" varies in different times and circumstances to such an

extent as to make more precise definition impossible. Matters which are administered by the central government in some countries are entrusted to local authorities in others, while the sphere of local government in any one country is frequently contracted or expanded as circumstances require. The rule of practical convenience included in our definition by the words "which it is found desirable" is the only one that can be laid down to define what matters fall within the sphere of local government. Thus, in England the Police are recruited and controlled mainly by local authorities, though the central government bears half the cost and has certain powers of inspection to secure efficiency, while in India the Police are administered and controlled by the central government alone. Again both in India and in England the upkeep of roads has generally been regarded as one of the most important functions of local authorities. But, with the development of motor transport, the administration of main roads tends to become a central rather than a local matter and in both countries the central government is finding it necessary to finance and control it to an increasing extent.

CHAPTER II

LOCAL GOVERNMENT IN ENGLAND IN EARLY TIMES

An essential feature of the present system of local government in England is that it is not the creation of the central government but has developed along with the central government from very early times. If we are to understand the present system we must first get at least a general idea of the lines on which that development took place.

In early Anglo-Saxon times the country was divided into a number of kingdoms and, even when it came to be accepted that a single king and a single central government were necessary to give some sort of unity to the government of the country, to protect it from perpetual quarrels within its borders and from foreign foes, the spirit of local, as distinct from national, patriotism persisted as a very important factor in English history. The principle that local affairs should be managed so far as possible locally has always been one of the Englishman's most treasured traditions. Even after he had acknowledged a common king for the whole country he clung jealously to his local organization in village, in hundred and in shire. The shire corresponded in most cases to the modern county, of which there are fifty-two in England and Wales. Some of these correspond in both name and boundary with some of the separate kingdoms of early times, others were organized later as convenient administrative units. The hundred was a unit mid-way between the village and the county. This desire to keep local affairs free from the interference of the central government persists throughout English history and frequent conflicts arose between the spirit of local independence, on the one hand, and the necessity for the maintenance of a strong central government to secure a reasonable measure of uniformity of administration on the other.

Both the principle of local independence and the principle of a strong central government are essential elements in the English system of government, and the history of its development is largely the history of the working out of a reasonable

compromise between the two. In later Anglo-Saxon times the spirit of local independence got the upper hand to such an extent as to bring about the downfall of the Anglo-Saxon state. Local interests were allowed to encroach on a weak central government, order and cohesion were lost, and the country became an easy prey to William the Conqueror when he and his barons came over from Normandy and conquered England in 1066. William and his successors realised that what England required was a strong central government which would keep the unruly elements in the country in order and they saw to it that the king's government was recognised as supreme throughout the land: but at the same time they were wise enough to recognise that there was good as well as weakness in Anglo-Saxon institutions, and they preserved and developed the old organization based on divisions familiar to the country for centuries, instead of parcelling it out, for purposes of administration, into whatever arbitrary divisions might be most suitable to the central government.

It must not be imagined that these early institutions, based on local divisions, dealt with local government as we understand it to-day. Even drainage and sanitation were unfamiliar ideas then, child-welfare and model houses were not to be heard of for centuries. The local government of those days was concerned almost entirely with what we would call police and magisterial functions. Its function was to preserve law and order and to protect property in such minor matters as did not call for the intervention of the courts and officials of the central government.

Thus, from the very earliest times the idea of local government was familiar in England and, though its functions were not these which we associate with local government to-day, it is to be remembered that the local government of that time fits in equally well with the definition which we discussed in the previous chapter. From the very earliest times the Englishman has accepted the principle that there were certain parts of the Government of the nation "which it was desirable to administer by local authorities."

We can now pass from the Norman Conquest in 1066 to the reign of Edward III (1327-77). About this time there first came into prominence the institution of Justices of the Peace which is one of the two important points

of origin of the present system of local government. In India we are familiar with the idea of a Justice of the Peace as a rather superior kind of magistrate and it was with magisterial and police functions that he was first entrusted in England. The important points about this institution were that while on the one hand the Justice of the Peace was appointed by the King and his function was to help to preserve law and order in the name of the King—the distinction between the work of a Magistrate and that of a Police Officer was not so clear in those days as it is now—he was not a mere official of the central government, transferred from place to place whenever and wherever the central government wished, but was a local magnate belonging to and having jurisdiction only in the locality for which he was appointed. Thus the maintenance of law and order, though carried out in the name and under the authority of the central government, was organized on a local and not on a centralised basis. As the advance of civilization called for a more highly-organized system of society the Justices of the Peace were given new functions and the control of local government outside the towns was in their hands to a very great extent at the end of the 18th century.

The other important starting point of the present system is to be found in the Borough system of government in towns. Trade and craftsmanship in Western Countries in early times tended to concentrate in places suitable for their purposes and gradually towns grew up with interests and individuality sharply distinct from the country surrounding them. Trade and craft guilds, with an organization similar in some respects to that of castes such as the weavers, goldsmiths and money-lenders in India, were formed in the towns; and, being compact and well to do with a certain community of interest, a town was able to evolve an organization of its own much more quickly than a sparsely populated agricultural tract.

On the continent of Europe towns frequently become almost entirely independent of the state in which they were situated and were even able to set up as semi-independent states themselves. While they never attained complete independence of the central government in England, they did extract from it complete control of their internal affairs. Privileges of this kind were conferred on them by the central

government in the form of charters, constituting the Borough a separate legal personality with power to possess and dispose of property and to manage its own affairs. At the time which we are now considering, about 1400 A. D., the borough was managed on representative, though not entirely democratic lines. While the lowest class in its population had no voice in its affairs, all burgesses or citizens of standing, the members of its guilds of merchants or craftsmen, were regarded as having a right to a share in its government, even though in practice they did not all exercise that right. Their administrative activities fell very far short of those of a modern Municipality, they did not have child-welfare centres or model houses, but they did manage the affairs of their town efficiently in accordance with the ideas of their time, they kept the unruly elements in order and even did something to keep the streets and drainage in proper condition.

We can therefore discern at this time the beginnings of local government in rural parts, organized on the geographical basis of the county under the autocratic control of the Justice of the Peace, so far as matters of local importance were concerned—matters affecting the nation as a whole were dealt with by the King's Courts—while in the towns we have a more advanced system of local government on representative lines. Though we are not concerned with the affairs of Parliament and the central government as such, it is important for our purpose to note that at this time and until late in the 19th century, representation in Parliament was on the same local lines, the counties and boroughs respectively sending their representatives to the national Parliament. Both national and local institutions grew up together and were inter-related and affected each other as they grew.

CHAPTER III

THE PAUPER PROBLEM OF 1600

• We can now pass over another 200 years to the year 1600. In the meantime the struggle between the spirit of local independence and the need for a strong national government had continued with varying fortunes. Up to 1485 the central government grew steadily weaker and the country was in a state bordering on anarchy until the Tudor sovereigns came to strengthen the central power, setting up special courts under the direct influence of the Crown and preparing the way for excessive encroachments on liberty by their successors the Stuarts. The end of the 16th century was a time of great changes in the social and economic history of England. Henry VIII had suppressed the monasteries, the great religious houses which, though they were by no means free from vice and corruption, had for centuries done much to succour the poor and distressed. Other economic causes were also at work, including a succession of bad harvests and a deterioration in the prosperity and good government of the towns. As a result the country became infested with "sturdy beggars" who either would not or could not find work, and preyed upon all those who were too weak to resist them. The problem became so grave as to call for national action, and about 1600 the English Poor Law system was begun.

The question of the relief and care of the poor in England is so completely different from anything in India that, for our purposes, it would not call for no more than a passing allusion, were it not that it is very closely involved with other aspects of local government which are of interest to us. When the Government tackled the problem of the sturdy beggar about 1600 they regarded it as one to be settled on both religious and local lines. The care of the poor was a religious duty and it was but fair that each locality should look after its own. They accordingly chose the parish as the most convenient unit for dealing with it. The parish was the town or village or group of villages belonging to each church, and England had been divided up into parishes for

religious purposes from early Anglo-Saxon times. As religion and politics were very closely connected and many of the early statesmen were priests, the corporate life of a rural community tended to centre round the church to a considerable extent, and later on the parish became a unit of government for other than purely religious matters. While the clergyman had naturally a good deal to say in parochial affairs he was not an autocrat, as the management of the parish was in the hands of an "open vestry" which all persons of standing in the parish had a right to attend. By 1600 such matters as the upkeep of roads and bridges had been entrusted to the vestry or parish meeting. As a democratic assembly in early times it has won the excessive admiration of a certain school of writers, but it seems doubtful whether a parish meeting in early times was really able to effect very much; the probability is that when things had to be done they were done more often by the Justices of the Peace, who, we find, were given supervisory powers over the work of the parish in maintaining roads or bridges.

However this may be, the parish was found to be a suitable local unit for dealing with the "sturdy beggar" problem of 1600, and the central government accordingly arranged for the appointment in each parish of "overseers of the poor," who had power to levy a poor-rate or tax and apply it to the relief of distress. The imposition of this rate is a landmark in local finance as almost all subsequent local taxation was raised in the same way. As the Englishman of those days objected to anything in the nature of an inquiry by government officials into his income or wealth, the tax was levied mainly on "visible property", that is to say on houses and lands, the ownership and approximate value of which were easily determinable. The system of rating or taxing property was developed and made more complicated as time went on, but its starting point is to be found in this piece of legislation at the end of the reign of Queen Elizabeth. The sturdy beggar of that period was responsible alike for the English rates of to-day and for the house and property tax of our Indian municipalities. While the levy of this rate was entrusted to the parish and its overseers in the first instance, its administration was put very definitely under the control of the Justices of the Peace, who nominated the overseers, sanctioned the rate of tax to be levied and supervised its expenditure.

CHAPTER IV

ENGLAND AT THE BEGINNING OF THE XIX CENTURY

We shall now pass over another two hundred years and endeavour to get a general idea of the structure of English Society in the early part of the 19th century. The attempt of the Stuart kings to set up a strongly-centralized government under the rule of a king who could do as he liked had failed and England was turned into a limited monarchy, in which the king must act in accordance with the advice of ministers chosen from the party with a majority in Parliament. It must be remembered, however, that Parliament at the beginning of the 19th century was not a democratic assembly elected by the whole people, for the system of election was so arranged as to give a great preponderance to the wealthy land-owner and no representation at all to the poor labourer and workman. England in that period was ruled both in central and local affairs by the upper classes. Though ideas of the equality of all men and their rights to a share in the Government were in the air, the lower classes as a whole had neither the desire nor the ability or education to think or act politically. In the central government the aristocracy monopolized all offices of any importance, while in local affairs the Justices of the Peace, nominated by the central government from the landed aristocracy, were predominant, though the democratic element was present in the parish meeting.

It will be of interest to examine somewhat closely the manner in which local government was carried on at this time, almost entirely through these two ancient institutions the Parish and the Justice of the Peace.

We have seen how the parish, originally created for the administration of the affairs of the church, was subsequently given secular functions such as the care of the poor and of roads and bridges. Though subordinate to the Justices of the Peace, whose approval was necessary before anything of importance could be done, the parish meeting, the assembly of the inhabitants of the parish, did play a very considerable part in

local affairs throughout the 18th century and in the first quarter of the 19th. It is difficult to give a precise and accurate description of its functions because they varied enormously in different places. To begin with parishes differed in size, shape and population, from the compact and thickly populated town parish to the sparsely populated irregular stretch of moorland with very few inhabitants living at long distances from each other. The constitution and functions of the parish meeting were regulated mainly by immemorial custom, occasionally by legal decision in particular cases, and were very rarely interfered with by enactments of the central legislature laying down a uniform procedure for the whole country. As a result "immemorial customs" which varied very greatly according to the needs and circumstances of different places came to be established. Thus in theory all "inhabitants" who "belonged" to the parish had a right to attend the parish meeting, but there was the greatest difference in the practical application of these conveniently vague terms. In most places there was a very definite restriction of them to include only people of considerable status and we find such terms as "the most discreet" "the more sufficient" or "the most substantial" used to qualify the right of all persons to attend. Whether any such qualifications were laid down by the parish meeting itself or not, and there are many records in which parish meetings did limit themselves in this manner, it is quite certain that in the majority of rural parishes only the few substantial men of the village attended, the lower classes being excluded either by custom or by a specific resolution the legality of which they had neither the power nor the desire to question.

Thus, in a typical rural parish we should find the squire, (the chief land owner), the clergyman, three or four of the richer farmers, the miller, who ground the corn into flour, and the inn-keeper, who kept accommodation for travellers and sold intoxicating liquor, as the only "substantial people", the only persons who paid local rates and the only effective members of the parish meeting. This little oligarchy would meet formally once a year, when the accounts of the year would be passed and the amount of the parish rate or tax settled. Both of these important administrative acts would require the approval of two Justices

of the Peace, who would probably be the same squire and clergyman who were the leading persons at the meeting. When other items of parish business cropped up during the year three or four members of the meeting would foregather informally, possibly at the village inn, possibly at a casual meeting in the village street, and settle it as they thought best. Their decision would usually be accepted without question by the rest of the members of the meeting and by the community at large. The number of matters which were dealt with in this informal way was considerable—the destruction of sparrows which damaged the crops, the relief of the poor and aged, the whipping of vagrants, the repair of the village stocks in which offenders were confined, are a few of them. It was a loose and unbusiness like way of doing things and could never lead to a high standard of efficiency, but it sufficed for a rural community which was quite content to let its leading and substantial men manage its affairs for it.

The parish had its own executive officials, but the arrangements as to their functions and appointment were similarly haphazard and ill-adapted for efficient administration.

The Churchwarden was primarily occupied with church affairs and had the important function of levying the church rate with the approval of the parish meeting. This tax was often applied to objects not connected with the church, as no hard and fast distinction between religious and secular purposes was observed. The Churchwarden was generally a man of considerable status and the method of appointing him varied in different places. In many he was elected annually by the parish meeting but in others the retiring Churchwarden nominated his successor, while in others the office went by rotation among those of sufficient status to fill it. The Constable or village policeman, though a parish official, was pre-eminently the underling of the Justices of the Peace; he was appointed by them and in addition to putting down petty disturbances and arresting offenders had to execute the warrants of the Justices. The office was an unpopular one and only persons of low status were appointed to it—much against their will as a rule. As the duties became more onerous with an increasing population, the constables were allowed to pay themselves by charging fees for performing such duties as executing warrants; they never received a regular

salary and were in no sense government officials. Superior to that of the constable in status but only a little less unpopular was the office of Surveyor of Highways, in which every inhabitant was liable to serve for a year without payment, unless he had sufficient influence to avoid it. The parish meeting suggested suitable names to the Justices who made the appointment and supervised the work of the surveyors, whose chief duties were the care of bridges and roads, the removal of encroachments and obstructions, and especially the summoning of the inhabitants to do or provide six days work on the roads annually, and the levy of penalties on those who failed to do so. Until well into the 19th century paid Surveyors of Highways with technical knowledge were extremely rare.

Another unpaid and unpopular office of a similar nature was that of the Overseer of the Poor, who was the executive officer responsible for the relief of the poor. We have already referred to the origin and duties of this office. Another important functionary who at first had purely ecclesiastical functions but later came to do important secular work was the Parish Clerk. He differed from those already described in that he was paid, and therefore controlled, by the parish meeting. In the sparsely populated country parish which we have been describing there was little work for a clerk to do; such records and accounts as were kept were generally made on odd bits of paper by the chairman of the meeting. In the more progressive parishes, which we shall describe later, the office of Parish Clerk acquired considerable importance.

In addition to these more important officials the parish had a number of petty functionaries with duties peculiar to the needs of a rural community. There was the Bellman and Crier who broadcasted public announcements in a manner similar to the tom-tomming with which we are familiar in India, the Beadle who took messages and did the work of a peon or chupprassi, while the Common Driver and Hogwarden looked after the flocks and herds and the Dog Whipper controlled the dogs while their masters were worshipping in the church.

Such, in outline, was the organization of a quiet country parish about the year 1800 in those parts of the country which had not yet been affected by the growth of industrialism and the

spread of democratic ideas. Where these important changes in the life of the nation were making themselves felt we find a number of variations from the primitive rural organization. Even in some of the county parishes the parish meeting achieved a degree of organization and efficiency considerably in advance of what we have described. In one parish in Gloucestershire, a county still predominantly rural in character, the parish meeting met regularly every month, kept regular records of its meetings and accounts, appointed committees to do particular items of business and obtained the consent of all the inhabitants to all important propositions by calling them to special meetings. In progressive parishes of this kind the parish meeting, composed of the substantial and not of *all* inhabitants, frequently established the custom of nominating all the village officers itself and exercising control over them, instead of leaving this to the Justices. The idea of paying the officials and insisting on an efficient discharge of their duties was also gradually developing. In some of newly developing towns also, in Liverpool for example, efficient and progressive parish meetings were working on similar lines and starting such useful institutions as new markets and free schools. Less desirable manifestations of democracy were likewise to be found in some of the larger towns and in the thickly populated areas round London. In these control by the Justices was lax, the parish organization degenerated into control by persons making profit for themselves, and a general corruption of both the meeting and its officials ensued. In other places the mob asserted its right to attend the meeting "en masse". It had some constitutional justification for doing so, but the meetings soon degenerated into brawls which no self-respecting person would attend.

In yet other places the democratic theory of parish government was completely abandoned and the parish was managed by a "close vestry" of twelve or twenty-four of the leading inhabitants who, as vacancies occurred, filled them by co-option. Thus, though certain parishes were administered efficiently and with a certain amount of popular control, these were the exception rather than the rule. After the first quarter of the 19th century the parish sank into insignificance as a unit of local government and the increasing volume of administrative business was

entrusted to various other bodies specially created for particular purposes. It was not until 1894 that the parish was given a definite place in a more regular system of government.

From the affairs of the parish we pass to those of the larger local division of the county, of which there are fifty-two in England and Wales. There were certain survivals of the intermediate division of the hundred but they are not important. The titular head and chief magistrate of the county was the Lord Lieutenant, who had impressive ceremonial functions on state occasions and also the important privilege of suggesting to the central government the names of persons to be appointed as Justices of the Peace. Next in importance was the Sheriff, who was responsible for the execution of all important legal processes, which he did mainly by deputy. Finally we come to the Justices of the Peace—the real rulers and administrators of the county at this time. There were over 3000 of them, but only some 700 or 800 actually exercised their functions.

One of the most striking points about the system of administration by the Justices was that originally every act which they performed was regarded as a judicial act, performed after an inquiry conducted in the form of a judicial trial; it was only very slowly that the difference was recognised between a judicial trial of a criminal offence, an administrative order that a particular thing, such as the repairing of a bridge, should be done, and a legislative resolution laying down rules for future conduct. By the end of the 18th century the Justices were performing all three functions.

The powers of Justices of the Peace were of three different classes, according as they were exercised by a single Justice, by two acting together or by a formal "session", either of the Justices of the County as a whole or of the Justices of a portion of it.

THE FUNCTIONS OF "SINGLE" AND "DOUBLE" JUSTICES

When acting singly a Justice was mostly concerned with petty magisterial functions which he exercised at whatever time and place were most convenient to him, most frequently in his own house. He had powers which seem very quaint to-day, such as

that of ordering a man to be fined or put in the stocks for swearing or failing to go to a church, or for any noisy or unseemly behaviour which would break the sanctity of the strictly observed English Sunday. In addition to these and the more ordinary magisterial functions of signing warrants and punishing petty offences, he could also exercise certain executive functions connected with local government, though as we have said these were given a judicial form. If a constable or surveyor had collected money to repair a bridge or for some other public purpose but had failed to pay it in fully or promptly, the Justice could issue an order "presenting" him to a meeting of Justices in Sessions, which would investigate the matter and pass such order as was necessary. It was the duty of a single Justice to keep a general watch on the parish officers, the ale-houses and taverns, the relations between masters and servants, especially as regards wages, and on the morals of the parish in general.

The powers of two Justices related to the more important administrative affairs of a parish. They approved the rate for the relief of the poor and the annual accounts, and appointed surveyors and overseers and, as towns grew up, were given increased powers to deal with the nuisances arising from the congestion of population. Any two Justices would perform these functions at any place and time, and there was nothing formal in their mode of transacting business.

THE FUNCTIONS OF THE JUSTICES IN SESSIONS

Four times a year the sheriff of the county summoned all the Justices to meet in Quarter Sessions. In some counties these sessions were always held in the chief town of the county and were attended, if not by all the Justices, by the majority of those who took their office seriously. In others they were held in four different places and attended mainly by different sets of Justices living near the meeting place. A "Grand Jury" of substantial citizens was summoned at the same time, and on it was laid the duty of "presenting" for trial by the Quarter Sessions not only individuals against whom there was a reasonable suspicion of having committed a criminal offence, but also the case of any bridge or road or other public work requiring repair or attention. After the criminal business

was disposed of the Sessions took up a less judicial attitude, sometimes retiring from its formal meeting in the county hall to an ale-house, and disposed of the county administrative business relating to roads and bridges, the relief of the poor, sanitation, the licensing of ale-houses and the like. But it was only gradually that the difference between a judicial trial and an executive order came to be realised and more suitable arrangements made for the speedy and efficient transaction of executive business.

By about 1800, however, more up-to-date arrangements had been arrived at in many places without any legislation by the central government. In these progressive counties Quarter Sessions were always held in the chief town and attended by the same Justices, who were thus in a position to pursue a continuous administrative policy and see that decisions made at one session had been given effect to before the next. The practice of holding special Divisional Sessions for licensing of taverns and care of roads in different divisions of the county grew up, and other meetings, mainly for executive business, known as Petty Sessions were also held. The obvious administrative advantage of electing a standing Chairman of Sessions, who would get a general grasp of the executive work, was realised, and the practice of electing a new chairman at each session abandoned. The practice of admitting the Press to sessions where administrative business was disposed of was also begun and regular time-tables published to show the order in which different items would be taken up. Central committees of Justices were set up, at first to deal with particular emergencies, and later to perform regular functions in certain branches of the county business, such as its accounts the control of vagrants or the upkeep of bridges.

In the early part of the 18th century the county had no proper executive. If a Justice "presented" a bridge or road to the Quarter Sessions as needing repair, he was generally authorised to arrange for the repairs himself and employed a mason to do the actual work. More important items, including even the care of vagrants, criminals and the poor, were farmed out to contractors who had every inducement to starve the unfortunates committed to their care and to do all work as cheaply and badly as possible. The

clerical staff was similarly inadequate, consisting only of the Clerk of the Peace, who was really the Court Clerk for criminal work. As administrative business grew the titular clerk entrusted his duties to a leading solicitor of the county town, who was in a position to dispose of it more efficiently and charged the county fees for doing so. The office of Treasurer of the County Funds was similarly entrusted to a leading merchant, who occasionally got a gratuity or a trifling stipend for his services.

It will be clear from the above description that up to the end of the 18th century there was no idea in England of developing any clearly defined system of local government. The central government abstained as far as possible from interference in local affairs and allowed ancient institutions to adapt themselves as best they could to the needs of the day. The extent to which a satisfactory form of local government resulted varied with the particular circumstances of each locality, and especially with the public spirit and political intelligence of the people and of their accepted leaders, the landed gentry. Where ability and public spirit were present and other circumstances, such as the convenient distribution of population and a fair measure of prosperity, were favourable, a workable, though not a scientific method of administration was evolved. Where these advantages were lacking old institutions deteriorated and misgovernment and corruption ensued.

CHAPTER V

LOCAL GOVERNMENT IN THE XIX CENTURY

By the end of the 18th century a great change in the economic and social life of the country was beginning to make itself felt. With the discovery of the power of steam and of machinery England began to be changed from an agricultural to a predominantly manufacturing country and large towns such as Manchester, Liverpool, Sheffield and Leeds were growing up in the North and Midlands, creating a host of new social and economic problems. Along with material changes went changes in political and social ideas and a steadily increasing demand for concerted action by the community through representative institutions, to replace the more or less spasmodic efforts of individuals or of a government controlled by the upper classes. The demand for public administration as we understand it to-day became more and more urgent as the country progressed both materially and intellectually. This was particularly noticeable in the sphere of public health and sanitation. As men had to live closer together the necessity for improved drainage of streets and houses, for a regular water supply properly protected from pollution, for houses that were properly ventilated was increasingly felt. As the social conscience developed it was realised that the sick, the infirm and the mentally afflicted should be looked after by the community and not left to take their chance of private charity. As industry increased the necessity for better roads was more and more felt, while the problem of the poor, as distinct from the infirm, of those who were able to work but either would not or could not find work, became more rather than less pressing as the organization of society grew more and more complicated. The tendency at first was to deal with each problem separately and on its merits as it arose. The idea of a definite system of local government applicable to the country as a whole was not developed until towards the end of the century.

REFORM OF THE POOR LAW

The first problem to receive attention was the care of the Poor—the Poor Law as it is termed in England. We have seen how this began about 1600 and was administered by parishes under the superintendence and control of the Justices of the Peace. By 1800 grave abuses had crept in, more especially in the practice of making additions on a large scale to workmen's wages out of the poor rate. That is to say occupiers of property (the English rate falls on the occupier not on the owner), as a whole, were taxed to increase the insufficient wages paid by individual employers of labour. There were also abuses in the purchase of supplies for the "workhouses" where the poor were housed, and in the giving of contracts. The Poor Law Amendment Act of 1834 dealt drastically with these abuses. Parishes were grouped in Unions of a convenient size for efficient administration, and the relief of the poor was entrusted to Guardians, who were partly the Justices of the Peace and partly elected representatives. The Guardians were made to appoint auditors who had power to surcharge them for improper expenditure. Supplies were to be made by public contract for which Guardians could not tender, and the local administration of the Poor Law was put under the general supervision of a Board, called the Poor Law Commissioners, in London. While the detailed history of Poor Law administration is not of particular interest to us, this grouping of parishes into Unions for Poor Law purposes is important, as the Unions and Guardians were afterwards given other functions. The creation of a central department of state, the Poor Law Commissioners, to supervise the local authorities, the Guardians, is also important.

REFORM OF THE BOROUGHES

The next important step was the reform of borough government begun in 1835. We have seen how towns flourished in the Middle Ages and enjoyed a representative corporate existence of their own. This form of government began to deteriorate as early as the 16th century and the town govern-

ment tended to fall into the hands of a narrow clique, which perpetuated itself and gave the bulk of the population no say in municipal affairs. From economic causes many of the towns, which had been large and flourishing, declined greatly in population, though they still retained the ancient privileges to which they had little claim if judged by their size and importance. These privileges were denied to the new towns which had recently arisen in industrial areas. One of the most important privileges of the old boroughs was that of sending members to Parliament, and this they kept in all cases, even though the member was sometimes returned by only a single voter. In local government, too, the boroughs were entirely unable to meet the needs of a rapidly advancing civilization and were guilty of much dishonesty and maladministration.

A radical reform of the whole system was undertaken by the Municipal Corporations Act of 1835. This Act restored the old idea of the borough being a corporate body of the whole of its inhabitants, but set up a democratically elected Town Council to manage its affairs. Open meetings and audit of accounts were made obligatory, and a system of town government similar to that with which we are familiar in Indian municipalities was begun. At first the reformed boroughs confined themselves to their original function of maintaining peace and order through the police and magistracy, managing revenues and endowments of the borough and electing members of the national Parliament; it was not until later that they took on those functions in regard to public health, sanitation and the like which we regard as essentially local, though provisions enabling them to do so were included in the Act of 1835.

PUBLIC HEALTH

The next question to receive attention was that of Public Health, and it too was treated separately—the idea of a co-ordinated system of local government as a whole had not yet emerged. The need for legislation to improve sanitary conditions was first felt in the growing towns, and the first efforts towards improvement took the form of setting up for "Improvement Districts" in towns, "Improvement Commissioners", who had power to levy in their districts, which might or might

not coincide in area with a town, rates based on the poor rate, and to apply them to making sanitary improvements. Another set of authorities and another set of jurisdictions were thereby created, but as borough government developed the borough councils themselves took over the functions of the Improvement Commissioners.

The next stage was a series of "Adoptive" or "Model Clauses Acts", beginning in 1845. These Acts could be adopted by any town or other area which wished to apply them, and gave the adopting authority elementary sanitary powers, such as those to improve water supply, streets and burial grounds and to control offensive trades. The next important stage was the first General Public Health Act of 1848, which set up a central Board of Health in London to supervise the health of the country generally and to collect statistics; it enabled local Boards of Health to be created at the request of the inhabitants, or even to be enforced in a locality, if inquiry showed that this was necessary to secure proper sanitary conditions. This act represented a very great increase in the powers of the central government to interfere in local affairs and was attacked as being excessively bureaucratic and contrary to the English spirit of local independence. The officials of the central Board of Health were not above suspicion and it was abolished ten years later.

A new act passed in 1858 enabled local authorities to adopt the whole Sanitary Code by a single resolution, without the delays of a previous inquiry as to the necessity for its application. But it was still found that the local machinery was unsatisfactory for practical administration, and a Royal Commission was set up to investigate the whole subject and sat from 1868-71. From it sprang the Local Government Board, established in 1871 to control the administration of public health and local government generally. It produced the Public Health Act of 1875 which codified the law and inaugurated a definite system for dealing with public health. The desirability of making the Town Council (the representative body of the borough) the sanitary authority in towns was realised, and the separate authorities created in towns for sanitary purposes, such as Local Health Boards and Improvements Commissions, were gradually abolished and their functions handed

over to Town Councils. In rural areas the Boards of Guardians, whose original function was to administer the Poor Law only, were also given sanitary powers.

In the meantime other problems of local government had been considered and settled on their merits and according to immediate practical convenience, without any attempt to evolve a co-ordinated system. In 1862 and 1864 the Highway Acts divided the country into "Highway Districts", which did not coincide with the "unions of parishes" for poor law purposes. The removal of nuisances had also been treated separately from other questions of public health in a series of Acts beginning in 1846. Education is too big a subject for us to consider in detail; it will suffice to note that here too separate authorities, the School Boards, were set up by the Education Act of 1870, though the boundaries of the borough and parish were taken as those of the education districts.

CHAPTER VI

THE LOCAL GOVERNMENT ACTS OF 1888—1894*

We have seen in the previous chapter how the social, economic and political changes that were taking place in the 19th century produced a number of problems which was solved by establishing separate local authorities to deal with each. The result was what has been described as a "chaos of areas, franchises, authorities and rates", the product of "piece-meal legislation and patchwork reforms." Thus, before the reform of local government in 1888, the Justices of the Peace were still exercising many of the administrative functions which had been thrust upon them during the four centuries of their existence; the volume of their business was increasing, but the antique machinery of the Justices, meeting only occasionally for the transaction of business and having little clerical assistance, was ill adapted to cope with the increase. The imposition and assessment of all rates had to be approved by the Justices and they also dealt with such matters as the settlement of wages and prices and the maintenance of bridges, roads and public buildings. This form of administration was contrary to democratic theories and was objected to by theorists, though there was little general demand for a change, as the need for a system capable of dealing with the more complicated problems which were now emerging was only beginning to be felt.

In addition to the Justices there were the various special authorities which we have reviewed in the last chapter—the Boards of Guardians administering the Poor Law and recently given powers in public health matters as well, the Boards of Health specially set up for public health purposes, some of the older Improvement Commissions who had not yet handed over their sanitary functions to the Town Councils, the Highway Boards and Highway parishes for roads, the School Boards for education. The boroughs had an authority suitable to take over almost all functions in their comparatively small areas in the shape of their Town Councils, but this trans-

ference had not yet been completely effected and many Town Councils exercised concurrent jurisdiction with Improvement Commissioners and Boards of Health. The ancient division of the parish was also still in existence, in a number of different forms for different purposes, and its boundaries cut across those of the counties, one parish being often partly in one county and partly in another.

The Act of 1888 made a definite attempt to bring a measure of order into this chaos. Its principal feature was the creation of County Councils on an elective basis, to take over such administrative functions of the Justices of the Peace as could be conveniently performed by an elective body with a permanent clerical and administrative staff—to mention a few of them, the upkeep of roads and bridges, the management of the finance of the county and of its property, and of asylums and similar institutions. Had this change been made by a centralized bureaucratic government, such as that of France, it would have probably wiped out the whole existing organization and divided the country into divisions of approximately equal sizes, in whatever manner would have been most convenient for administrative purposes, and would have created a simple and logical chain of authorities in subordination to the central government. But any such arrangement would have been contrary to the whole spirit of English government, which jealously guards its old institutions even at the expense of simplicity and facility of administration. The familiar division of the county, which had been in existence as an area of jurisdiction for the courts for centuries, and round which local patriotism centred to a very great extent, was therefore taken in the majority of cases as the area of administration of the newly constituted authorities. Certain exceptions had however to be made, owing to some of the old counties such as Yorkshire and Hampshire being unduly large; so that while there are 52 geographical counties in England, 63 County Councils were created.

We have remarked in an earlier chapter that for a long time Parliament itself had been elected according to the local divisions of County and Borough. It is worth noting here that by 1888 it had lost this local character, as the shifting and growth of population had made it impracticable to keep the old Parliamentary divisions and new divisions had to be created in which

the principle of local individuality had to be sacrificed to that of logical convenience and fairness. The parliamentary divisions of today have no historical basis, and the Englishman has to look to his local bodies to give expression to his local, as distinct from his national, patriotism.

Within the county the Act of 1888 formed Districts, called Rural Districts in the country areas and Urban Districts for towns which had not got the status of a borough. The form of government for both the county and its districts was copied from that of the borough, that is to say they were managed by councils elected on a franchise somewhat wider than that for members of Parliament. The County Councils did their administrative work mainly through Committees,—we shall examine their functions in detail later; broadly speaking they were supreme as regards finance and carried on negotiations with neighbouring Councils on matters affecting them jointly; but details of local administration such as drainage, water supply and lighting were left to the District Councils unless they affected the county as a whole. The County Council was given power to modify the boundaries of its districts when administrative convenience demanded, and the districts were so arranged that each fell within the boundary of a single county. Certain adjustments had to be made to secure this, but, so far as possible, earlier groupings of villages or parishes, for one administrative purpose or another, were followed in making the new districts in 1888.

The Act of that year was experimental to a considerable extent and had to be modified considerably by the Local Government Act of 1894, which placed the District Councils (Urban and Rural) on a firmer basis and adjusted their relations with the County Councils. The Act of 1894 also created elective Parish Councils, generally for parishes with a population of over 300, thus bringing formal organized democracy to the smallest area of local government and completing the framework of the present system. The internal structure has undergone many modifications since then, for the essence of English government is the progressive, though often somewhat tardy, adaptation of old existing institutions to the changing needs of the day. Since 1894 government activity has increased enormously, entailing the addition of many new

functions to those of the local bodies and considerable adjustments of their administrative relations with each other. The Education Act of 1902, for instance, gave them their respective shares in the management of education, while the Local Government Act of 1929 abolished the Boards of Guardians and distributed the work of Poor Relief among the existing local authorities.

The general tendency since 1888 has been to distribute the work of local government amongst County, Rural District and Parish Councils in country areas, and amongst Borough and Urban District Councils in towns, abolishing special authorities for particular purposes as far as possible. But the resolve to preserve old historical divisions, while it has the great advantage of stimulating loyalty to and interest in the work of local bodies, makes perpetual re-adjustments of the machinery necessary and gives rise to many difficult administrative problems. Not the least of these is the ancient problem of the extent to which the Central Government should interfere in local affairs. As civilisation becomes more complicated the need for unified expert control increases; but it is hardly likely that the Englishman will abandon his devotion to local independence and put himself completely under the control of a centralised bureaucracy. The spirit of individual and local independence has many champions in the press, in literature and in Parliament, against the alleged encroachments of the bureaucracy. This was exemplified in the discussions regarding the Local Government Bill which became law in 1929. The object of this important act, which was long overdue, was to remove anomalies in the existing system and to make it more efficient for dealing with the needs of the day. Its main provisions relate to the administration of poor relief, to rating and to matters of administrative detail which are beyond the scope of this book. We shall refer later to its important provisions regarding the distribution of Government grants and to certain other matters dealt with by it.

Part II

THE PRESENT SYSTEM AT WORK

CHAPTER I

OUTLINE OF THE SYSTEM

Having traced the lines on which the present system of local government has developed, we can now take a general view of it as a whole, before passing to a more detailed study of the working of its component parts.

RURAL AREAS

Beginning with the smallest unit, we find that the management of the affairs of each parish, that is to say each village, or group of villages, is vested in theory in a "parish meeting", which is an assembly of all persons living, owning property or carrying on business in the parish. The law as regards voting for and membership of local bodies is still somewhat complicated, owing to the retention of numerous distinctions which were of greater importance when the franchise was less broad than it is to-day. But, as a result of the most recent extension, we may say, broadly, that all persons over 21, of both sexes, have the right of voting and standing for membership in the local area to which they belong. In the Parish Meeting we have a theoretical example of complete democracy, in which an assembly of the whole people of the area manage their own affairs directly. We shall find on more detailed examination that the scope of this simple democratic institution is extremely limited in practice, and that where any appreciable amount of administrative work has to be done it has to be entrusted to an elected body, the Parish Council. It is laid down by statute that a parish with a population of over 300 *must* have a parish council, parishes of from 100 to 300 can have a parish council

if they wish, those of under 100 can have one if the County Council approves. The number of members elected to a parish council varies from five to fifteen and is fixed by the County Council.

The next unit above the Parish is the Rural District, which is composed of a group of parishes and is administered by a Rural District Council to which each parish elects at least one Councillor. While the Parish Council deals with the purely local questions of its area, the Rural District Council is concerned with the larger problems which affect its wider area, and does the bulk of the executive work in matters of public health and sanitation. There were 7200 Parish Councils and 649 Rural District Councils in England in 1927. A County Council has power to form a new rural district after inquiry into the need for doing so, and 26 such new districts have been formed since 1888. Above the Rural Districts are the sixty-two Administrative Counties, each with its County Council varying in size from 56 to 140 members. The County Council is the highest authority in local affairs, but is subject to the executive control of the Ministry of Health, the department of the Central Government which deals with the greater part of local affairs. Other departments of the Central Government have certain powers of control over local bodies in the matters with which they deal—the Treasury in the matter of loans, the Board of Trade, in regard to industry and commerce and statistics, the Home Office, in the many judicial matters which are administered locally in England, the Ministry of Agriculture and Fisheries and the Ministry of Transport in their respective spheres.

TOWNS

The government of towns is either wholly or partly outside the system which we have outlined for rural areas, according to the status of the town. Thus the County Borough ranks as a county itself and is independent in almost all respects of the county or counties within which it is situated. The essential features of its government are that it is a legal corporation constituted by the legal incorporation of *all* the inhabitants of the borough, who administer its affairs by an elected Town Council, presided over by a Mayor who is an important civic dignitary

though he does little or no administrative work. There were eighty-two county boroughs in 1927, over half of which are towns whose special status has been recognised for centuries. We have already seen how they secured the right to govern themselves in early times and maintained their rights and privileges after their relative importance had decreased. The remaining county boroughs are the most important of the large industrial towns which grew up in the nineteenth century and, after a considerable struggle in Parliament, obtained the same privileges as the older county boroughs. Under the Municipal Corporations Act of 1882 and the Local Government Act of 1888, and their subsequent amendments, a borough of over 50,000 inhabitants can obtain the status of a county borough with independence of the County Council, either by promoting a private bill in Parliament or by a petition to the Minister of Health. The status of a county borough is conferred only after a detailed inquiry has been made and all objections heard, and by no means all towns of over 50,000 have acquired this status. The question of the circumstances in which and the procedure by which it should be granted is one of the outstanding questions of the day in the domain of local government. The towns are as a rule anxious to attain it, while the county councils feel that their finances and the general interests of the county may suffer by taking rich and populous areas away from their control.

Next in importance to the County Borough is the Non-county Borough, administered on very similar lines but within, instead of outside, the framework of county council government. Like the county boroughs, some are of early origin, while others have been granted borough status under recent enactments. There were 246 non-county boroughs in 1927.

Next to the Boroughs come the Urban Districts, whose status, powers and functions are similar to the Rural Districts in country areas. They differ from the borough theoretically, in that there is no idea of the whole population being incorporated as a corporate body. The corporate body is their elected Urban District Council itself, which is responsible for the public health, sanitation and other administrative work

which we shall consider in detail later. It is presided over by a "Chairman" who does not enjoy the civic dignity of the title of Mayor. The distinction between an important Urban District and a Borough is theoretical and superficial rather than practical and fundamental; both enjoy almost the same degree of independence and the population of the urban district is often greater than that of the borough; five urban districts, but no non-county boroughs, had a population of over 100,000 in 1921. As its name implies, the urban district usually, though by no means always, covers a larger area than the borough. An urban district can petition the King for the grant of a charter constituting it a borough, and when the population is over 10,000 this is usually granted, after an inquiry into the circumstances of the case has been held by a Commissioner and considered by a Committee of the Privy Council, the effective members of which are usually the Lord President of the Privy Council and the Minister of Health. But as we have seen many of the large towns are content to remain as urban districts.

As the smallest unit in town government we have what may be called the urban parish. It does not differ in any way as regards its form of government from the rural parish, with its parish meeting and parish council; but it is to be observed that many parishes which are content to retain this status are in reality small towns, which could claim to be governed as urban districts but do not wish to subject themselves to the additional expense, responsibility and interference by the central government which would result from their being raised to that rank.

LOCAL BODIES ACTING JOINTLY

It frequently becomes desirable for local bodies to combine to exercise functions jointly over an extended area, and there are various provisions to secure such joint action.

Joint Boards.—The Councils of two or more Boroughs, Urban Districts or Rural Districts may apply to the Minister of Health to be formed into a united district for all or any of the following purposes:—

(a) A common water supply (b) a common sewerage system (c) any other purpose connected with public health. It is to be noticed that this provision refers to combination within

the county only and does not enable two county councils to set up a joint board. These joint boards have independent financial powers and take over all the powers of the councils of their component districts in regard to the objects for which they have been constituted. The Minister of Health may, however, authorise the constituent local authorities to exercise powers concurrently with the joint boards, and may allow the latter to delegate any of their functions to the ordinary local authorities. Two such joint boards have been constituted for water supply, twenty-five for sewerage and drainage, eighty-nine for hospitals for infectious diseases and seven for other purposes.

Joint Boards may also be set up by two or more local authorities, including county councils, for the joint supply of electricity.

Joint Committees, without independent financial powers, are also constituted for similar purposes, and in 1925 there were nine such committees for water supply, sixteen for sewerage and drainage and fifty-seven for hospitals for infectious diseases; one hundred and fifty were Joint Burial Committees and thirty-one were for other purposes. County Councils also appoint Joint Committees of this nature for hospitals, education and other purposes. There were ten such joint committees of county councils in 1925. There are numerous other provisions for joint action on particular subjects which it is unnecessary to describe in detail.

Critics of the existing system consider that for many important purposes the present county areas are too small and do not correspond sufficiently with the practical needs of the day, which are so very different from those of the time when these areas were evolved. While admitting that a drastic bureaucratic revision of the areas without regard to historical associations would be out of the question, they advocate, not without reason, the gradual creation of regional councils with larger areas, which might first undertake functions such as the supply of electricity and the making of large-scale schemes for town-planning, and might later assume more general responsibility for the control and co-ordination of the functions of local government, thereby lessening the necessity for interference by the central government.

ALTERATIONS IN THE BOUNDARIES AND STATUS OF LOCAL BODIES

One of the outstanding features of modern England is that its population and industries are frequently shifting, and as a result its system of local government cannot be a rigid one. Provisions have to be made for the shifting of the boundaries of local authorities, as well as for alterations of their status, required by changed conditions. Alterations in the boundaries of parishes, rural districts and urban districts can be effected by the county councils themselves after due inquiry, while alterations in the boundaries of county boroughs, boroughs and counties are effected, after proper inquiry, by the Minister of Health, subject to formal confirmation by Parliament. The procedure for effecting these changes is lengthy and complicated. The Local Government Act of 1929 requires all county councils to submit to the Minister of Health such proposals for alterations of boundaries of districts and parishes and conversion of rural districts into urban, or vice versa, as may be found necessary, and to make periodical reviews of requirements of this nature at least every ten years. But the difficulty of hearing all interests affected and arriving quickly at decisions that will give general satisfaction remains a grave one. The system as a whole has been described recently as "flexible and responsive to facts of growth and change", but it would undoubtedly be advantageous if this flexibility and responsiveness could be obtained by a less round-about and dilatory procedure.

The system of government by elected bodies which we have just described covers what we in India would regard as the whole sphere of local government: with us other matters are left to the central government. We must not however lose sight of our original broad definition of local government, or of the fact that there are still important survivals of the system of local government carried on by justices which we studied in detail in Chapter IV of Part I. The Lord Lieutenant of the County is still its social and, in several important respects, its administrative head: he is responsible for law and order within it, and he is still a local magnate and not a paid official of the central government who could be moved off to

another county. The justices of the peace still retain their local status. In addition to their judicial work they form half of the committee which controls the county police (the other half is elected by the county council), and still dispose of important items of administrative business, the chief of which is the licensing of houses for the sale of liquor. All this is as much part of English local government as the elective bodies with which we are chiefly concerned.

CHAPTER II

FINANCE

The origin of the poor rate as a tax on houses and lands has been explained in Part I, at the end of Chapter III, where it was observed that almost all subsequent local taxation was raised in the same way. The method followed was the simple one of collecting, along with the poor rate, extra rates for each purpose for which money was required. Thus, if the requirements for the care of the poor demanded a half-yearly rate of five shillings in the pound on the value of houses and landed property in the locality, the requirements for roads, sanitation, water or lighting would be estimated and assessed in a similar manner and further rates levied separately to cover expenditure on each of these heads. The accounts of each rate were kept entirely separate and the bare requirements for each purpose were raised each year. The system was a simple one and had the advantage of showing clearly what financial burden was entailed on the community by any particular service, but it was not sufficiently elastic to suit the complicated needs of an advanced community and has been considerably modified by recent legislation. The system at present in force is a transitional one. Its main features may be summarised as follows:—

The only source of tax revenue is the rate on houses and landed property. Agricultural land has recently been entirely exempted from rates, as a special concession to agriculture which has not been prosperous in recent years. Certain kinds of buildings have been partially exempted with the object of encouraging industrial production. These exemptions have, as might be expected, led to complaints that they give relief in certain cases where it is not really required and fail to give it in others where it is necessary. The task of adapting the earlier system to modern industrial needs is by no means an easy one.

The method of assessment of rates is similar to that with which we are familiar in the levy of house and property tax in Indian municipalities. The area administered by each

County Council is made up of one or more assessment areas, the value of each item of property in the assessment area is assessed in the first instance by a paid assessor, and the owner has the right of appeal to an assessment committee and in the last resort to a court of law. There are arrangements for joint committees to secure that, so far as possible, the same scales and methods of valuation are applied, not only in the different areas within the county but in each county and therefore over the country as a whole. The total value of the property liable to tax in a county, district or parish being known, the tax required to meet any particular item of expenditure is spoken of as a rate of so much in the pound on the value of the taxable property. Thus if the taxable value of a certain district was £ 96,000 and it required £ 400 for a certain item of expenditure, its council would raise that £ 400 by the levy of a rate of 1d in the pound.

The County Council first fixes in this manner the rate necessary to provide for its expenses, which has to be collected over the county as a whole. It sends a "precept" for this rate to each district, urban and rural, and to each non-county borough; the District or Borough Council adds to it the various items required to meet its expenditure, the greater part of which consists of items applicable to the district or borough as a whole, though special rates for particular expenditure may be levied on particular parishes in which such expenditure is incurred. A consolidated rate is thus arrived at and collected by the District or Borough Council. To take a concrete example, the County Council finds that a rate of five shillings and eleven pence on all assessable property is required to meet its expenditure for a certain half year. It sends a "precept" for this amount to each district or borough council. The District Council finds that its expenditure requires a rate of four shillings and three pence on the assessable property within its limits, and therefore collects a rate of ten shillings and two pence, with a possible addition of a few pence in the pound in parishes where special expenditure is incurred.

The only other important source of revenue of local bodies is that of grants from Government. In the past these were given either in the form of assignments of certain taxes and fees collected by the local authority on behalf of

the central government, or in the form of a percentage of the expenditure which the body incurred from its own sources on certain approved purposes. By the Local Government Act of 1929 a new system for the allotment of grants is being 'introduced gradually. Under the old arrangements, whether of assignments of revenue or of percentage grants, there was no guarantee that one local body was not being unduly favoured and another treated unfairly. What is now being aimed at is the distribution of assistance from the central government in accordance with the needs of local bodies, as shown by their population, their comparative wealth, the number of paupers they have to support and certain other factors giving them a claim for a greater or lesser amount of assistance. The first item taken into consideration is population, but this is either increased or decreased by the application of a complicated mathematical formula which endeavours to give effect to the other important factors. The population as modified by this formula is called the "weighted population", and all government grants will eventually be given to local bodies in proportion to their "weighted population" so determined. All bodies above the rank of parish council will receive separate grants, and district councils and boroughs will be independent of their county councils in this respect.

It has been found necessary to introduce the scheme gradually, to avoid extreme decreases or increases in the amount of assistance given, and it will not come into force fully until 1947. The scheme is an interesting and instructive experiment in the relations between central and local finance. Its main objects are to secure a fair contribution to local funds from the central exchequer, to ensure that local authorities have complete financial interest in their administration, to permit the greatest freedom of local administration and initiative, and to provide, through the power of withholding the central contribution where administration is proved to be unsatisfactory, for sufficient control and advice from the Central Departments to ensure a reasonable standard of performance.

CHAPTER III

THE PARISH MEETING AND PARISH COUNCIL

We have already observed that the government of every h is vested in an assembly of all its electors called the ~~h~~ Meeting. This assembly has its annual meeting in ~~h~~ and one other ordinary meeting in the course of the

Special meetings can be called by the Chairman or by electors. In parishes with a population of less than 300, ~~e~~ there is normally no elected parish council, the Chairman ~~e~~ Parish Meeting, who is elected at the annual meeting in ~~1~~, and any member or members of the meeting who have elected to the Rural District Council are a corporate body the "representative body of the parish" and are compe-
o act for it.

The following are the chief powers of a Parish Meeting:—
To provide allotments of small pieces of land on which
ables and flowers can be grown by the working classes in
spare time.

To maintain public rights of way.

To petition the Minister of Health regarding the alteration
oundary of the Parish.

To represent to the County Council that the Rural District
il are in default regarding the provision of houses or their
enance in proper condition or regarding water supply,
e, public health or the maintenance of roads.

To undertake to pay the loss on the establishment by the
aster-General of extra postal facilities for the Parish.

To manage and dispose of parish property.

The meeting can appoint committees to perform any of
unctions, but their acts must be reported for the approval
Parish Meeting. The Meeting can levy a rate up to 6d
£, which is collected along with the general rate (see
I, Chapter II).

1 villages which are so small as not to require a parish
the democratic machinery of the parish meeting does
actual practice, play a very important part in the lives of

the people. Meetings are rarely well attended, and the general practice is to leave the affairs of the parish in the hands of one or two persons who are felt to be suitable and who are willing to undertake the work. It is often difficult to find persons who will do this, as there is a tendency to treat "the affairs of the parish pump" as something of a joke and rather beneath people of position. The general attitude of the Englishman in such matters is one of easy going indifference: intrigue and faction with the object of getting control in parish affairs is almost unknown in rural villages.

On the other hand, the existence of a well-defined democratic organization is not without its importance, and if any real grievance arises, through the acts or omissions of any superior body or private individual, public opinion can and will make itself felt through the Parish Meeting.

In parishes with a population of over 300, and in certain cases in those of less, there is an elected representative body called the Parish Council, though the Parish Meeting is also retained and has certain powers superior to those of the Council.

A Parish Council consists of from five to fifteen members, elected for three years by show of hands at the parish meeting. A poll can be called for if necessary. The Chairman is elected annually by the Council from among its members or those qualified to be members—that is to say the Council may elect as Chairman a person who has not stood for membership—a useful if "undemocratic" provision, which enables a person who does not wish to submit to the verdict of the electorate as a whole to take the office of Chairman if those elected desire him to do so. We shall find similar provisions regarding the Chairmanship of the larger local bodies. A parish council holds its annual meeting in April and usually holds three others during the year. Special meetings can be called if required.

The parish council, on formation, takes over the powers which we have already enumerated as those of a parish meeting, and has also certain further powers such as the acquisition of land and buildings for public offices and meetings, the acquisition of land for open spaces, recreation grounds and paths, the care of footpaths. The parish meeting, however, reserves a veto on the imposition of any rate exceeding 3d in the £ and on the

loan, sale or exchange of land. It also has the power, which it does not possess where there is no Parish Council, of "adopting," i.e. securing the application to the parish of, certain "Adoptive Acts" which give the Council special powers to provide:—

- (a) Lighting or fire engines.
- (b) Burial grounds.
- (c) Public libraries.
- (d) Public baths, wash-houses and open bathing places.
- (e) Recreation grounds.

These "adoptive acts" which are, so to speak, kept ready-made by the central government to be applied without further legislation when local bodies require them, are an important feature of English local government. After a parish meeting has adopted them, their provisions are carried out by the parish council.

In the important matters of sewerage and water supply the parish council has no independent powers, but may act for the district council in regard to sewerage and other sanitary matters. The parish had, however, until recently, to bear the whole cost of any sewerage or water-supply scheme affecting itself alone. The provision of adequate services under these heads often entails a greater financial obligation than the parish is willing or able to bear. The Act of 1929 enables a rural district council to contribute to such expenses from its general funds, but it has yet to be seen to what extent these powers will be used.

The functions of parish councils and meetings which we have enumerated do not require a separate staff. The executive officials are the Clerk, who is not a whole time official but gets a salary of about £100 a year, according to the amount of work to be done, and the unpaid Treasurer, who is responsible for the small monetary transactions. The parish has nothing to do with the valuation of property or collection of rates, beyond the appointment of members of the rating committee. In many parishes which are just large enough to have a parish council, the easy-going methods of administration which we have described as typical of parishes without a council also prevail. The council meetings often merely assemble formally to comply with the law, and, when the annual

parish meeting comes round, it is often found that none of the electors have thought it worthwhile to attend.

In parishes with a larger and more compact population, however, the institutions of the Parish Meeting and Parish Council are of more importance and excite sufficient public interest to be reported in the local newspapers.

CHAPTER IV

THE RURAL DISTRICT COUNCIL

A Rural District Council is composed of at least one representative of each parish within the district. One-third of its members usually retire annually, so that there are elections in a part of the district each year, while the new members have as colleagues councillors of either a year or two years previous experience. This helps to ensure stability and continuity of policy. The Council is a corporate body with perpetual succession and a common seal. Its Chairman is elected from amongst the Councillors and those qualified to be councillors (*i.e.* he may be a person of position in the district who has not stood for election as councillor). While Chairman he is a Justice of the Peace by virtue of his office. The Council meets once a month and special meetings can be summoned by the Chairman or at the request of two councillors. A complete list of the functions of a Rural District Council would cover several pages and would contain about a hundred different items. The following are some of the more important subjects with which it deals :—

- Public Health.
- Water Supply.
- Roads and bridges.
- Housing and Town planning.
- Education.
- Adoption of Adoptive Acts (as already explained under Parish Councils).
- Lighting and watching.
- Baths and wash houses.
- Burials.
- Public improvements (village greens and recreation grounds).
- Public Libraries.
- Framing of bye-laws under most of these heads.
- Application to County Council to become an Urban District Council, if the character of the District has

become urban owing to development of industry and increase in population.

These various functions are governed by a very large number of different enactments, and there is no general principle defining the relations of the District Council with the Parish Council below and the County Council above. These relations vary with the requirements and previous history of the different subjects to be administered. It is impossible to understand this complicated system by studying each function of each type of local body separately and in detail; we must rather take the different subjects separately and see what share each class of council takes in the administration of them. We shall do this for some of the more important subjects, after we have surveyed in general the activities of the remaining classes of bodies.

The bulk of the work of a district council is carried on by the committee system, which we shall describe more fully when dealing with county councils. A district council is empowered to appoint a committee to carry out any of its functions, but the acts of the committee are subject to the approval of the council, with the exception that it may authorise a committee to exercise its functions relating to public health and highways without requiring the approval of the council, provided that the committee cannot raise a loan or make a rate or contract.

There are also certain committees, such as the Committee for Maternity and Child Welfare, which the council is bound by law to appoint. The principal executive officers are the Clerk, Treasurer, Engineer, Surveyor, Medical Officer of Health and Sanitary Inspector. The appointment of the last two is subject to the approval of the Minister of Health, who can insist on their being properly qualified. At present many Medical Officers of Health are not whole-time officials and are allowed private practice. The Act of 1929 provides for the gradual introduction of whole-time officials except in exceptional cases. Smaller authorities can share the services of a whole-time officer if necessary. The central government may pay half the salary and establishment charges of the Engineer and Surveyor if the Council is responsible for certain roads: if this is done the Minister of Transport, as representative of the central government, has to approve the appointment and the amount

of establishment charges. A district council is responsible for the levy and collection of rates, as explained in Chapter II, and can raise loans.

Audit is carried out by the District Auditor of the Minister of Health.

CHAPTER V

THE COUNTY COUNCIL.

We have already seen that England is divided into sixty-two administrative counties, and that these coincide, as far as possible, with the geographical boundaries of the old counties round which a very real local patriotism centres. The men of Kent, of Dorset or of Yorkshire feel that they have a strong and ancient bond of local patriotism one with another, in addition to the common bond of national patriotism which unites all Englishmen. While it cannot be said that the county council is the embodiment of this local patriotism in a democratic assembly, it is too recent a creation for that, it may safely be asserted that the good-humoured tolerance with which the average Englishmen regards his county council and other local institutions is due to the feeling that they pay due regard to old established divisions and customs of the country. Had they been thrust upon him, in the form of approximately equal divisions of the country, by a mathematically and logically minded bureaucracy, he would undoubtedly regard them with the active dislike and distrust which he bestows on all bureaucratic institutions. We have also seen that the county council consists of from fifty-six to one hundred and forty members, according to the size and population of the county, elected by the votes of all adults over the age of twenty-one. One councillor is elected for each electoral division, the divisions usually coinciding with the rural or urban districts and boroughs, or with parts thereof where they are exceptionally large.

Elections are held every three years. One-third of the total number of councillors are given the additional dignity and status of County Aldermen, holding office for six years. They are elected from amongst the councillors and those eligible to be councillors. One-half of the aldermen retire every three years, when their successors are elected at the annual meeting of the council. This departure from simple and direct democracy ensures that there should always be on the council a considerable number of members with experience in its affairs

and thereby secures a continuity of policy that would be unlikely if its whole composition were changed at a single election. Similar arrangements are in force in boroughs and to a lesser extent in district councils. The latter do not have aldermen but, as already observed, their members are elected for three years and one-third of them retire annually. The Act of 1929 empowers county councils to pay the necessary travelling expenses of their members. It is only to this very small extent that members receive any remuneration for the expense and trouble entailed by membership of a local body.

Though the Council is elected on a democratic basis, the supremacy of the old landed aristocracy, and of those who attained wealth and position more recently from success in industry, still counts for a great deal, and in the agricultural counties the majority of the members of the local bodies belong to these classes. The more extreme forms of democracy have as yet made little headway in these counties. The small farmer and labourer still prefer to elect persons of wealth, education, position and leisure to represent them in the councils, rather than to put forward candidates belonging to their own class. In the industrial counties of the midlands and north, however, the less well-to do classes are better educated and better organised, and have learned to make effective use of their numerical superiority and to elect representatives from their own class. In many of these counties they have an actual majority on the councils and carry on the administration on democratic and even on socialistic lines.

Broadly speaking we may say that the predominance of the propertied classes in the rural counties results in their business being carried on honestly and efficiently, though possibly on somewhat too easy-going and conservative lines. The members are actuated by a genuine regard for the public welfare and rarely let their decisions be influenced by personal or sectional motives. On the other hand, it might fairly be argued that if they had a larger number of members who had themselves felt the pinch of poverty and bad social conditions, they would show more eagerness and initiative in promoting schemes of public utility. As education and organisation spreads among the agricultural classes they will inevitably tend to choose representatives from amongst themselves, but the pro-

cess is a slow one. In the industrial counties the faults are in the opposite direction; their councils are frequently lacking in that balance of view and foresight which is essential to good administration. They are liable to embark on schemes which are impracticable or financially unsound, and suffer from the very grave disadvantage of having members who enter the council to further their private interests.

The functions of the whole body of a County Council are of a general nature. It keeps an eye on the administration of the county as a whole, and is specially concerned with any problems which may arise involving relations with adjoining counties. It elects its Chairman and Vice-Chairman annually, from among its members or those eligible to be members, and has power to alter the local divisions of districts and parishes within its own area. It is, to a certain limited extent, a local parliament, holding a statutory meeting in March and three or four other meetings at convenient intervals throughout the year. Its chairmanship is a position of honour and importance and gives the Chairman considerable opportunities to direct the general policy of the council on sound lines, though it is to be remembered that the social and political head of the county is the Lord Lieutenant of the County, who is appointed by the King and is entirely outside the elective system of local Government. The Chairman's sole legally recognised function is to preside at meetings. He has no executive or administrative powers.

The more detailed work of the Council is carried on by the committee system. At its annual meeting in March the Council appoints the various committees who do the actual work during the forthcoming year. Their decisions do not require the confirmation of the Council, except in matters of finance, but they report their work and expenditure to each quarterly meeting of the Council. There are a number of committees which the Council is bound by statute to appoint, of which the most important are those for (1) Finance, (2) Education, (3) the standing Joint Committee for Police, which consists of members of the County Council and Justices of the Peace in equal numbers, (4) the Visiting Committee of Lunatic Asylums, (5) Maternity and Child Welfare, (6) Public Health and Housing. In regard to (1) we may observe that all expendi-

ture has to be sanctioned by a resolution of the whole County Council made on a recommendation of the Finance Committee. The Education Committee is responsible for higher education throughout the county, except in county boroughs, and for elementary education except in county boroughs and the larger boroughs and urban districts. There are of course subordinate bodies for the actual management of the schools. As regards (3), the idea of a local body taking a share in the control of Police over a large rural area is unfamiliar in India and illustrates how local bodies undertake different functions in different countries.

In addition to the statutory committees there are many others for the different functions of the Council—roads and bridges, contagious diseases of animals, industrial schools, reformatories, assessment, general purposes, local government, to mention a few. The committees are sub-divided according to different sub-divisions of the work to be done, and according to localities where areas are large. Where co-operation by two local bodies is necessary to promote a joint scheme joint committees are formed. The number of members appointed to a committee or sub-committee is often large, but the quorum is small—five for a committee and three for a sub-committee; committees appoint their own Chairman and Vice-Chairman, who are ex-officio members of all sub-committees; and any councillor is entitled to attend any committee or sub-committee. There is thus ample provision for getting the views of all concerned on any subject before a committee, while the bulk of the work can be left to a few members with special qualifications for it. The press have a right to admission to the meetings of all local authorities but can be temporarily excluded. They have no right of admission to committees, but a committee can admit them. This committee system, by which committees are given wide powers of their own and are not merely to report, is a most useful and important feature of Local Government in England.

The details of administrative work are carried out by paid officials appointed and controlled by the Council. The "Clerk" is usually a solicitor of standing in the county, who holds his office until he dies or becomes too old. He acts as legal adviser and is responsible for the correspondence, and clerical

and administrative, work for which the Chairman of a local body is held responsible in India. Not infrequently the office of Clerk passes from father to son or from one member of a firm to his successor. The Clerk is appointed by the standing Joint Committee for Police already mentioned. This is a relic of earlier times, when the Justices of the Peace played a larger part in county government. In the existence of this type of semi-hereditary, skilled professional administrator lies the greatest strength of the English system of local government. These officials are not bureaucrats, recruited by a rigid system of examinations or qualifications, but men of position and knowledge in local affairs, who have a personal and traditional interest in doing their work in a businesslike and efficient manner, and they do it with an admirable economy of paper, ink and subordinate officials. These remarks apply with equal force to the clerks of Borough and Town Councils, and to a great extent also to those of District Councils. The clerical staff and volume of work is small compared with what we are accustomed to in India. The Treasurer is a local banker who gives substantial security of £ 10,000 for the safe keeping of the funds of the Council, but the actual accounts work is done by an accountant on a low salary. Engineering work is done by the County Surveyor, and amongst other officials are the Inspector of Weights and Measures, the Analyst, the Coroner, who holds inquests on dead bodies, and the Medical Officer of Health. Minor officials are appointed by the respective committees, and in all cases the vacancies are advertised and the appointments made by the votes of the Council or committee.

The budgets of a county council are in theory subject to revision and adjudication by the central government, to secure independent supervision and check loose expenditure, but in practice the central government rarely interferes with a budget unless some grave abuse is occurring. The accounts, however, are audited by government auditors and in this way considerable control is exercised, both in regard to minor items and in regard to general policy. Those who hold advanced views on the subject of local government consider that the auditors are prone to interfere unduly in questions of general policy, instead of confining themselves to seeing that laws and rules are obeyed.

CHAPTER VI

THE BOROUGH AND URBAN DISTRICT COUNCIL

(a) *The County Borough.*—The County Borough is a self-governing unit, with its own police and magistracy, and almost entirely independent of the authority of the county council and the central government so far as its internal administration is concerned. In theory the whole body of its citizens or burgesses form a Municipal Corporation, but this corporate body can act only through its elected council composed of a Mayor, Aldermen and Councillors. The Mayor is elected annually from among the aldermen and councillors or those qualified to be councillors. Aldermen are elected by the councillors for six years; half of them going out of office every three years. They are chosen from those eligible to be councillors, that is to say not necessarily from amongst those who are already councillors, though in some boroughs there is a convention that they should be so chosen. Councillors are elected for three years but one-third go out of office yearly. While the annual elections for one-third of the councillors' seats keep alive public interest in Municipal affairs, the system of aldermen ensures stability and continuity of policy. The smallest council of a County Borough consists of 3 aldermen and 9 councillors, the largest of 90 aldermen and 30 councillors. The central government has no power to interfere in borough elections, if irregularities occur the remedy must be sought in the courts.

The council has its own instead of government auditors, two of them elected by the council and one nominated by the Mayor, and is therefore free from this powerful form of control by the central government. The Mayor has no additional powers beyond those of a Chairman, but is important as a civic dignitary and can exercise much influence unofficially. He is Chairman of the Bench of borough magistrates, and remains a magistrate for a year after he goes out of office as Mayor. The bulk of the Council's work is done by committees on the same lines as those of district councils. Its principal executive officers are the Town Clerk, Treasurer,

Surveyor, Medical Officer of Health, and Sanitary Inspector. The Town Clerk is responsible for the greater part of the executive work, and enjoys a position in the town similar to that of the Clerk of a County Council which we have already described in detail. The appointments of the Officer of Health and Sanitary Inspector are subject to the approval of the Minister of Health, who can insist on their being properly qualified.

(b) *The Non-County Borough.*—The non-County Borough does not differ materially in constitution from the County Borough, while in powers and duties it is in almost the same position as an Urban District. The larger non-county boroughs have certain powers which are not conferred on the smaller.

(c) *The Urban District Council.*—The constitution and functions of an Urban District Council are similar to those of a Rural District Council, with such modifications and enhanced powers as are required by the special needs of a town or urban area in such matters as the control of streets, buildings, shops and the like. An Urban District Council has ordinarily certain powers in regard to undertaking trading operations, the making of contracts and the issue of stocks, which are only given to rural councils in exceptional cases.

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CHAPTER II 45098

THE MUTUAL RELATIONS OF LOCAL BODIES IN
REGARD TO PUBLIC HEALTH, ROADS AND
EDUCATION

Having reviewed the activities of each type of local authority, we shall now try to obtain a more detailed idea of the way in which particular subjects are dealt with, and of the co-ordinated activities of the different types in regard to them.

PUBLIC HEALTH

The County Council is responsible for the general supervision of the Public Health of the County, and is bound by law to appoint a Medical Officer of Health and a Public Health and Housing Committee. Periodical reports of the Medical Officers of Health of the Districts within the County are sent to the Minister of Health, and copies thereof have to be sent to the County Council. If the County Council considers that a report shows that the Public Health Act (the principal law relating to Public Health) is not being properly complied with, or that any other matter affecting public health requires attention, it may represent this to the Minister of Health, who can see that the District Council puts matters right.

The County Council is further empowered to take action in almost all important matters of public health if the subordinate body is in default in doing so—this power applies to such matters as sewerage, water supply and the control of dairies.

The County Council has also a number of statutory duties, most of which it can delegate to the district council. Of those which it can only exercise itself we may mention:—

Maintenance of institutions for the care of mental defectives.

Welfare of the blind.

Treatment of tuberculosis and venereal disease.

Of public health powers which the county council may delegate to the district or town council we may mention :—

(1) Supervision of midwives. This is at present almost entirely under county control, but the Act of 1929 provides for its delegation to those district and town councils which have whole-time medical officers and are authorities for Maternity and Child Welfare. There are county committees for this, and the subordinate authorities may also have their own committees. The Act of 1929 provides that the education committees of each body shall exercise these functions, so that there may be continuity of supervision over the health of children before and after they go to school.

(2) Provision of Hospitals for infectious diseases other than tuberculosis and venereal disease. The smaller authorities also maintain hospitals for these purposes and as there has been considerable overlapping in some places, whereas others are without proper provision, the Act of 1929 lays down that each county council shall prepare a scheme to co-ordinate the various institutions, prevent overlapping, and provide hospitals where their want is badly felt.

The remaining public health functions are discharged almost entirely by the district and town councils. These functions are extremely numerous, and each of them has a history and legal basis of its own. The powers of an urban district or town council are larger than those of a rural district, and further powers still are conferred on the larger urban district and town councils. To mention a few of the powers and duties of district and town councils at random :—

Inspection for detention and abatement of nuisances, securing proper sanitary condition of all premises.

Provision of sewerage.

Notification and prevention of infectious diseases.

Enforcing statutory provisions prohibiting the sale of tuberculous milk.

Registration of dairies, cowsheds and milk shops.

The above are some of the many functions which the council *must* exercise. Among those those which it *may* exercise we may mention,

Removal of house refuse.

Cleaning of privies, closets etc.

Provision of mortuaries and cemeteries.

These can be made obligatory on any council by an order of the Minister of Health.

Other functions which may be exercised when there is need for them are,

Provision of hospitals.

Provision of crematoria.

Inspection of food for human consumption.

Making bye-laws as to cleaning of closets and privies, removal of refuse, control of lodging houses etc.

Provision of water supply.

We have already seen that a parish council has little independent power in regard to matters of public health, but the district council can allow it to act on its behalf in matters, affecting its area only.

ROADS

This complicated subject, with its history going back to early times and completely different conditions and with its numerous enactments passed from time to time as occasion arose, has been greatly simplified by the Act of 1929, which vests in the County Council the control of all roads in rural areas and all "classified" roads in urban areas and non-county boroughs. "Classified" roads include all roads of any importance, and not merely the main arteries of traffic. Urban authorities with a population of over 20,000 can, however, claim to maintain all the "county" roads in their districts, all approved expenditure thereon being repaid by the County Council. The County Council is also empowered to arrange with the councils of urban and rural districts for the carrying out by the latter of the road functions of the County Council, *as agents* of that body. If the county council refuses to hand over any unclassified road in this manner, the district desiring its transfer can appeal to the Minister of Transport.

A comparatively simple system is thus created by which general responsibility for all roads, except the smaller roads of the more important urban district and town councils, is vested in the county council, while the larger subordinate authorities can be entrusted with the actual work on all roads in their areas, and the smaller with that on the less important; some time

will however be required before the new system is working fully and satisfactorily.

EDUCATION

The law and procedure was consolidated by the Education Act of 1921, the fundamental purpose of which was the progressive development and comprehensive organisation of education, under the general control of the central government. Hitherto the government had confined itself in the main to supplementing voluntary effort. The central authority is the Board of Education, a government department with a consultative committee of educational experts to advise it.

Education is divided into "elementary", the education of children up to sixteen or seventeen within the limits of the code issued by Board of Education. Other education is called "higher", and includes technical, commercial, education of those who have left elementary schools at about sixteen and do not go to the Universities till they are about eighteen, and university education.

The local authority for elementary education is the County Council for rural areas and small towns. The Councils of boroughs of over 10,000 and of urban districts of over 20,000 are local authorities for their areas. The authorities for higher education are the county councils and county borough councils only. The actual administrative work is done by the education committees of the respective councils; expenditure and the raising of loans has to be approved by the councils. All these committees consist of a majority of councillors, but persons experienced in education, who are not councillors, are also co-opted. Councils of non-county boroughs and urban districts which are education authorities can, if they wish, relinquish these powers to the county council, and there are provisions by which education authorities can combine to form joint committees or bodies of management for carrying out works of common interest.

The education authorities submit to the Board of Education schemes for education within their areas and for the medical inspection and treatment of children. They have also to see that children are not debarred (through inability to pay fees) from receiving the benefit of any form of education by which they may be capable of profiting.

Educational authorities have wide powers and duties to deal with the special problems which arise in respect of children other than normal children living in normal circumstances, *e. g.*, the grant of scholarships for those who are poor, of board and lodging for those living a long way from any school, special education for those who are exceptionally backward, and for the blind, mentally defective or epileptic, advanced education for those who have made exceptional progress.

- Elementary schools are open to inspection by the inspectors of the central government at all times, and are classed as "provided" or "non-provided", according as they are "provided" by the local authority and entirely under its management, or originated as some sort of private institution. Provided schools are controlled by managers, of whom four are appointed by the county council and two by the minor local authority, the council of the borough, urban district or parish as the case may be. A rural district council does not appoint managers, as the parish is a more suitable area for this purpose.

For non-provided schools four of the managers are persons connected with the school or the body which originally started it, while one is appointed by the county council and one by the minor authority—in a borough or urban district the town or urban council appoints both of the latter.

Even in non-provided schools the local authority has complete control of education, other than religious teaching, and can require the management to admit teachers of special subjects to them. Religious instruction is at the discretion of the managers, but must be given at the beginning or end of each meeting of the school, so that children whose parents do not wish them to attend can be absent. In provided schools there is no religious instruction. No fees are charged in any elementary school, and children from five to fourteen or six to fifteen are compelled to attend school—the local education authority has to take legal action if they fail to do so. These schools are not used by the well-to-do, who send their children to private schools which are not controlled by government or local authorities. The expenses of elementary schools are borne mainly by the central government. As regards higher education, local authorities can incur expenditure in a variety of ways, such as the training of teachers and provision of scholarships, but the

greater part of the institutions for higher education are financed by private bequests or voluntary contributions of one kind or another, many of them many centuries old. A number of problems relating to higher education and the education of adolescents and adults have been considered by recent Committees, and further efforts towards the co-ordination and development of education on national lines are being made. There is frequent and heated controversy as to whether further additions to the already heavy expenditure on services of this nature is justified and practicable.

CHAPTER VIII

THE MEETINGS OF LOCAL BODIES

We may illustrate the working and mutual relations of local bodies by studying the reports of a few typical meetings as reported in the press.

PARISH COUNCILS AND PARISH MEETINGS

At the annual meeting of the Parish Council of "A" seven members were present. The yearly statement of expenditure was passed, and questions regarding the state of certain ditches and the arrears in the payment of rent on allotments were discussed, the Chairman explaining how matters stood at present. It was resolved to canvas for signatures to a protest against a proposal by the County Council to alter the boundaries of the parish. The annual Parish Meeting had already resolved that this should be done, and the Council was giving effect to its wishes. This same Parish Council is an energetic body, holding regular quarterly meetings and using its powers of protesting to the County Council against alleged defaults by the Rural District Council in regard to the sanitation and drainage of the parish.

At a meeting of the Parish Council of "B" eight members, including one lady, were present and questions relating to huts for bathers on the seafront and to a "park" for motor cars were discussed. The annual Parish Meeting of this parish was only sparsely attended. It expressed its disapproval of a proposal to amalgamate the parish with a neighbouring borough, and agreed to levy £ 150 for extra lighting.

In the parish of "C" we find that the annual parish meeting was largely attended and that many ladies were present. The Chairman explained that the parish reading room had had to be abandoned, as it was not a success. It was agreed to instal two extra hydrants, as a precaution against fire, and to instruct the member of the County Council in whose division the parish is situated regarding the proper site for a new school. Certain minor questions of drainage and the like were discussed and the action

taken by the Parish Council explained to the meeting, which was also informed that the County Council had granted a loan of £700 to buy a new burial ground. The receipts for the year were £ 211-1-10 and expenses £ 179-10. It was also decided to ask the Parish Council to prepare a sewage scheme, as the existing system of cess-pits was unsatisfactory; but the question of the cost, both of preparing the scheme and of carrying it out, gave rise to doubts and fears in the minds of the rate-payers. It was also decided to inquire the cost of bringing electricity from a large town in the neighbourhood. At the annual parish meeting of "D" a brief summary of the work of the Parish Council for the year was laid before the meeting. The question of the parish boundary was discussed, and the parish representatives on the Managing Board of a school appointed. It was resolved to address the Rural District Council regarding the state of a lane under its control. The question of the position of the burial ground was also discussed.

RURAL DISTRICT COUNCILS

The Rural District Council of "E" decided to drop a scheme for water supply as expensive and impracticable. It approved the estimates for the year, which showed that, in addition to the county rate of 9/5d fixed by the County Council, it had to incur expenditure at the rate of 10d in the pound on the annual value of taxable property to pay for its general sanitary services, at 1d in the pound for its housing scheme, and at ½d in the pound to cover the expenses of the assessment committee; some of this money was provided by government grants, so that the total amount actually to be levied was only 4sh. in the pound for the half year. A special rate of 9d in the pound was also levied in the chief town of the district, to cover the special expenses of sanitary and other services therein.

The Rural District Council of "F" found that its general expenses could be covered by a rate of 5d, with a number of additional special rates of from 1d to 8d for special services, such as drainage and lighting, in particular areas.

In the Rural District Council of "G" there was something of "a breeze." M The Rural District Council has power to undertake the bacteriological examination of milk to see that the supply is pure, but this power is somewhat difficult to enforce

in practice, and farmers frequently object to having their cows examined. Diphtheria, a disease of the throat which may be due to infected milk, was prevalent in the district, but the Council had decided that it was not necessary or practicable to undertake the bacteriological examination of milk. One member, dissatisfied with this decision, wrote a letter on the subject to the Minister of Health, who sent it to the Council "for their observations." The writer of the letter was sharply criticised for going behind the backs of the Council, which resolved, by seven votes to two, "to proceed to the next item of business," i.e., to ignore the request for their observations. The Chairman, a gentleman of position in the district, abstained from voting, but observed that the Council would do well to consider the question on its merits later, as, if they did not, the County Council would probably take action, and this would cost the District Council more than if they acted themselves.

Passing to other matters, the meeting directed the Clerk to write to the County Council regarding the state of a loop road, and considered the report of its Highways Committee. Arrangements regarding the work on roads, the charge of which had been delegated to the District by the County Council, were not working very smoothly. The District Council complained that it had no information as to what estimates had been sanctioned by the County Council, though a certain sum of money had been paid into its account. It resolved to write to the County Surveyor direct, though the proper channel of communication was between the District Surveyor and the County Surveyor.

It was further resolved to write to the County Council regarding a "regional" scheme for town planning over a large area.

There was some debate as to whether the contractor would complete a drainage scheme in the time laid down by his contract, but the time for action regarding this had not yet arrived.

The Rural District Council of "H" resolved to make a proposal to a neighbouring Council that they should entertain a joint Sanitary Inspector for the two districts—it had discovered that another Council, which it had already addressed, kept a whole-time inspector of its own.

The Council appointed an architect to carry out a scheme

for the construction of twelve houses, which had just been sanctioned by the Minister of Health. It also accepted tenders for the supply of gravel and coal.

URBAN DISTRICT COUNCILS

The Urban District of "I" considered the report of its Financial Committee. Its expenditure for the half year was at the following rates in the pound on the value of taxable property:—

Sewage disposal	...	7'06d.
General expenses	...	7'92d.
Refuse collection and destruction	...	3'0d.
Hospital	...	2'21d.
Cemetery	...	'60d.
Establishment	...	7'55d.
Highways	...	6'25d.
Loan repayment	...	1 shilling 2'30d.
Housing	...	2'21d.
Total	...	4 shillings 3d.

Services administered by County Council and s. d.
 expenses of assessment committee ($\frac{1}{2}$ d. for
 the latter) ... 5 11

The Urban District Council got a grant from government equivalent to $1/6$ in the pound and the County Council $1/1$, so that the general rate was fixed at $7/7$ in the pound.

Arrears of rates left uncollected were reported to be £330, as against £7,400 in the previous year, and an appeal was made to rate-payers to pay promptly in future. The total annual receipts and expenditure were in the neighbourhood of £20,000. Rents of houses provided by the Council were fixed at $13/6$ and $14/6$ weekly.

The meeting protested against the large rise in the county rate, due to heavy expenditure by the County Council, and resolved to summon a Town Meeting of all citizens, and to co-operate with other bodies in a protest against too lavish expenditure by the County Council.

School Managers were appointed, and a resolution passed that County, Borough and District Councillors should be exempted from service on juries. Tenders for meat, provisions

and oilman's stores for hospitals, and for coal, oil and dustbins were accepted, and the cycle allowance of the Sanitary Inspector was increased from £2 to £4 annually.

BOROUGH COUNCILS

The Town Council of the County Borough of "K" discussed certain aspects of an improvement scheme, involving the clearing of a large open space in the form of a "Circus" in the middle of the town, and the making of foot paths along its ancient walls. The scheme is still in its preliminary stages.

The Council resolved to present an illuminated address to its ex-Mayor, who had recently come to the end of his term of office. It also accepted the patronage of a Trades Fair to be held in the town. A petition regarding noisy vehicles was referred to the Watch Committee. The Town Clerk was instructed to obtain the approval of the Minister of Health to the conversion of a parish infirmary into a General Hospital under the Council's control. A proposal by the Entertainments Committee to extend hospitality to some distinguished French visitors was approved.

The Parliamentary Committee, which deals with the promotion in Parliament of legislation affecting the Council, was instructed to provide, in the next Bill to be submitted to Parliament, for the control of dance halls and fairs by officials of the County Council acting under its orders. Control of these matters by the Police and Justices of the Peace was considered undesirable.

Tenders for refuse collection were accepted, and the delay of the Public Health Committee in formulating a scheme for more satisfactory refuse collection was unfavourably commented upon. The relative merits of the tender system and direct employment of labour by the council were discussed. After considerable debate a Housing Manager was appointed on special duty to get a general grasp of the Housing work of the Council, as the Chairman of the Committee was unable to cope with the work. The members of socialistic views advocated the creation of a new department for this work, but this was resisted, and it was decided that the appointment should be a temporary one and should not involve the creation of a new department.

Whether these pious intentions will be maintained in practice is open to doubt.

The report of the Water Supply Committee was considered and adopted. It included a detailed report by the Water-works Engineer, pointing out the necessity for obtaining further powers from Parliament to put the water supply on an entirely satisfactory basis.

A trivial matter, which engaged the Council's attention because a principle of some importance was involved, was a notice by the Housing Committee that a notice-board of a Friendly Society (a society for mutual insurance and co-operation) should be removed from one of the Council's dwelling houses, on the ground that they were intended as private residences and that nothing of the nature of advertisements should be allowed on their outsides. The Council considered the notice-board in question to be not greatly different from the professional plate of a doctor or lawyer, considered that the Housing Committee's action was too drastic, and referred the matter back to them for further consideration.

Another point of some interest arose with reference to the recommendations of the Tramways Committee regarding certain tenders. The Committee's recommendation had to be amended, owing to circumstances arising since it had been made, and one member suggested that the lowest local tender should be accepted, as local firms did better work and the acceptance of their tenders gave employment in the town. The Sheriff, who is a member of the Council, pointed out that they might require a loan from the purpose in question and that unless the lowest tender were accepted Government would be unlikely to sanction the raising of a loan.

CHAPTER IX

SUMMARY

We may enumerate what appear from our review to be the outstanding features of the system of Local Government in England.

1. *The System has an historical Basis.*—In its gradual development due regard has always been paid to the importance of local sentiment and ancient tradition in creating loyalty to and interest in institutions suitable to the needs of the present. For this reason the ancient divisions of county and parish and the ancient privileges of the boroughs have been maintained as far as possible, even when this respect for tradition has involved considerable administrative inconvenience.

2. *The system is not unreservedly democratic.*—That is to say, the extreme democratic theory, that the opinion of the majority of the electorate should be given expression and effect as often and as fully as possible, is subject to certain limitations. While the principle of a vote for every adult is the basis of the franchise, the system of county and borough aldermen and the arrangements by which only a portion of each body retire at a time give stability and continuity. The facts that members get no salary and that payment of travelling expenses has been introduced only recently, and in the case of county councils only, also discount the superiority of mere members. In rural areas the management of local affairs is still largely in the hands of the well-to-do.

3. *The system is flexible.*—It provides for re-adjustments of boundaries and functions without legislation by Parliament. Considerable controversy exists as to whether this flexibility is sufficient, as, even though an act of Parliament is not necessary, the procedure for such re-adjustment is complicated and lengthy.

4. *The system is a co-ordinated whole.*—The authority of the larger body over the smaller is definitely recognised. The mutual relations of the different parts may be at times com-

• plicated and illogical, but the general principle of subordination of parish council to district council, and of district and non-county borough council to county council, is accepted, and gives a guarantee of supervision of the smaller by the larger bodies.

5. *The Central Government is recognised as the final authority even in local affairs.*—Its responsibility for a fair standard of efficiency in local government throughout the country is accepted, and is secured by such means as the visits and reports of Government Inspectors, the audit of accounts, co-operation and financial assistance in approved schemes, the withholding of grants where unsatisfactory administration is proved, and the insistence that certain officers should have certain defined qualifications. In general this control is exercised more by co-operation, advice and warning than by disciplinary action. Only in very rare cases of exceptional maladministration is the local body deprived of its functions.

6. *Local Bodies are given the maximum amount of independence consistent with the above general control by the Central Government.*—Until recently the tendency has been to increase the amount of control by the central government, as it was found that the increasing complexities of modern civilisation gave a national aspect to a number of problems which were of only local importance in earlier times. Complaints have not been lacking of excessive activity and interference by the Central Government to enforce bureaucratic uniformity at the expense of local requirements and often of common sense. The Act of 1929 aims at an efficient and logical control in essentials and at greater freedom in details.

7. *The responsibility for general administrative routine rests in a single expert administrator.*—The Town clerk or clerk of the council is not tied down by departmental regulations, but has a tradition for businesslike and efficient administration behind him. His attitude is that of the businessman rather than the bureaucrat, and he is in a position to give sound practical advice to the council as well as to execute its orders. The more impersonal element of strict bureaucratic adherence to rules, which is at times necessary, is supplied by the supervision of the Central Government.

8. *Much time and energy is saved by the committee system.*—The main bodies of the larger councils confine themselves mainly to important matters affecting general policy. The bulk of the work is done by smaller bodies of a few members specially competent to deal with the subjects under their control.

9. *Taxation.*—Local bodies impose taxation by means of a rate fixed at so much in the pound on the value of houses and landed property other than agricultural land. This enables the amount of taxation to be understood readily by everybody, as it can be expressed simply in the statement that the rates are so much in the pound. As regards each head of expenditure or each new project, the cost is likewise stated as amounting to a rate of so much in the pound, so that electors and elected can grasp their cost easily.

10. *Government grants.*—In the assistance of local bodies from Government funds a system is being gradually developed by which each body is given a sum proportionate to its needs, and is allowed the maximum amount of freedom as to the manner in which that sum is to be spent. The amount of financial assistance is calculated by a complicated mathematical formula, based primarily on population, but modified by other considerations, such as the comparative wealth of the bodies, and any special claims which they may have to meet.

11. *General understanding for honest and efficient government.*—Finally, and most important of all, the system rests on a general understanding among electors, elected and executive that the administration shall be carried on honestly and efficiently, in the interests of the locality as a whole and not in those of any party or section.

We have noticed exceptions to this rule. Jobbery, dishonesty and the furthering of sectional interests do occur. But they are exceptions; honest and efficient administration and subordination of private and sectional interests to those of the public are the general rule.

CHAPTER X

THE INDIAN SYSTEM AND THE APPLICATION OF
ENGLISH PRINCIPLES TO IT

We shall now summarise some of the main features of the Indian system of Local Government, and then consider the application of the English principles to them.

In India, as in England, we find the first instances of separate bodies for Local Government in the larger towns. As early as 1687 a Corporation composed of European and Indian members was formed in Madras. No regular system of Local Government, however, sprang from this early venture, and it was not until the middle of the 19th century that elected bodies were set up in Calcutta, Bombay and Madras and shortly afterwards in other important towns. In 1870 the principle of developing local bodies to afford a training in self-government was first formally recognised by Lord Mayo's government. Even then the development was confined almost entirely to Municipal bodies in towns, and very little was done towards the development of similar institutions in rural areas.

The year 1882 marks an important advance, with the resolution of Lord Ripon on Local Self-Government. In this the principle that Local Self-Government should be used as an instrument of political and popular education was laid down, thereby re-affirming and emphasising the principles of Lord Mayo's earlier resolution. As a result the elected element in local bodies was greatly increased and the system was widely extended in rural areas. It is to be observed, however, that, even after Lord Ripon's resolution, Local Government continued to be regarded in practice as a branch of the central administration. Executive control remained in the hands of officials, who carried on this branch of their duties as officials of the Central Government; in rural areas the elected bodies were generally not much more than advisory committees. This system is in marked contrast to that which has been in force for so long in England, where the institutions

of local Self-Government have grown up along with those of the Central Government and, although they recognise the ultimate authority of the latter, are to a very large extent independent of it. It is worth remembering that this latter system is peculiar to England. On the continent of Europe Local Government is to-day regarded simply as a branch of the central authority, and continental nations do not consider that there is anything undemocratic or reactionary in this arrangement.

After the reforms introduced by the Government of India Act of 1919 (The Montague-Chelmsford Reforms), the change from the continental to the English system was accomplished. The local authorities with which we are familiar to-day, having a large elected majority and administered by a non-official Chairman, were set up in towns and in the country in almost all provinces of India.

Thus the system which has been in force for the last ten years corresponds in its broad outline to that in force in England to-day. Following the Madras nomenclature, we may say that the Panchayat (including the late Union Boards) corresponds to the English Parish Council, the Taluk Board to the Rural District Council, and the District Board to the County Council. The system of Municipal Government in towns is, broadly speaking, the same in both countries.

It would, however, be idle to suggest that the Indian bodies can imitate in detail the constitutional arrangements and administrative methods of their English counter-parts. The differences between England and India in size, in density of population, in social and economic conditions, in the level of political education, raise a host of different problems in the two countries. Though it is hoped that the outline of the actual working of the English institutions given in the earlier part of this book may be useful and suggestive in many ways, it is obvious that India must work out her own problems in detail in her own way.

She has, however, accepted the broad outlines of the English system as the basis of her own, and we shall now attempt to indicate how far its principal features, enumerated in the last chapter, and the principles which they embody can be applied in India.

1. *The English system has an historical basis.*—Here we come to one of the most striking differences between the two countries. We have seen how the English system developed as a natural constitutional growth alongside of the Central Government, and how, on the contrary, the Indian system is a recent creation of it. In the matter of loyalty to the institutions of Local Self-Government England has an enormous advantage. Its institutions are rooted in its historical past and they are regarded as part of the heritage of liberty of the English people. But the advantage is not entirely on the side of England, for the gradual development of local institutions there has in many ways allowed the system to become extraordinarily complicated. Each branch of activity, such as roads, public health, sanitation, education, has a separate history of its own, often reaching back to the remote past, and is governed by a whole net-work of acts passed at different stages of its development.

The Indian system on the contrary is comparatively simple and straightforward, the number of acts affecting it are few and simple, and it is much more easily workable from an administrative point of view.

2. *The English system is not unreservedly democratic.*—Here again the difference of conditions in the two countries is of importance. England has accepted adult suffrage, whereas in India only a small percentage of the population have the vote.

It is, however, worthy of note that, while accepting adult suffrage, the English system retains certain checks, with the object of ensuring stability, at some sacrifice of the direct and frequent control of the elected by the electors. There are undoubted advantages in the system of county and borough aldermen and in the arrangements by which only a portion of each elected body retires at a time. In India the introduction of the system of aldermen, who hold their seats for a longer period than ordinary members and are thereby given a higher status, might encourage a larger number of men of position and influence to undertake membership of local bodies, especially in rural areas.

3. *The English system is flexible.*—This feature relates primarily to the re-adjustments of boundaries and functions,

which are much more frequently necessary in a thickly populated industrial country. While it is obviously desirable that there should be provision for such re-adjustments without legislation by the central body, the problem does not assume the same importance in India that it does in England.

4. *The English system is a co-ordinated whole.*—The principle involved here is equally applicable to India and has been recognised by the recent Madras Local Boards Act, which provides for the more effective control of panchayats by Taluk Boards and of Taluk Boards by District Boards.

5 and 6. *The Central Government is recognised as the final authority in Local affairs, but Local bodies are given the maximum amount of independence consistent with that general control.*—The principle applies likewise to India, and the manner in which control is exercised in England, as summarised in the previous chapter, is deserving of consideration here.

7. *The responsibility for general administrative routine rests in a single administrator.*—The importance of this has been emphasised in the recent report of the Simon Commission, who were of the opinion that it has been insufficiently recognised hitherto. Up to 1920 the office of Chairman was held, in almost all cases, by an official trained in administrative methods who combined the executive and presidential functions, both of which he regarded as part of the duties which he was paid by Government to perform. When non-official Chairmen were substituted for officials the whole of the duties of the official Chairmen were handed over to non-officials, without distinguishing between the presidential and executive functions. As a result the non-official Chairmen, in almost all rural Boards and in most Municipalities, are responsible for routine administrative work for which they have rarely had any previous training. The question of approximating more closely to the English system, in which the Chairman has no executive power but exercises much influence in the general direction of policy by the local body, might well be considered.

8. *Use of the committee system.*—While this system is provided for at present, it might well be resorted to more freely, especially by rural bodies. The agenda of many of these are choked up by a mass of routine items for sanction or approval. Such items would be dealt with more efficiently and promptly

if delegated to a Committee, while the Board would have more time to perform its proper function of deciding important matters affecting its general policy.

9. *Taxation.* The application in its entirety of the English rating system to India would be neither practicable nor desirable, but the principle that the general incidence of taxation and the cost of particular proposals should be carefully watched is of the greatest importance. As these are not brought so clearly before us in India as in England, the necessity for keeping a watchful eye on general finances, and of scrutinising every proposal from the financial point of view, is all the greater.

As regards the kinds of taxation imposed, the Indian system is considerably more varied than the English. In addition to the main taxes on houses and on landed property we have provision for profession tax, company tax, tolls and taxes on vehicles. Such taxes distribute the burden of taxation more widely, but are open to objection on the ground of difficulty and expense in assessment and collection. It is undoubtedly desirable that such taxes as tolls, and octroi and terminal taxes (these latter are still levied in parts of India) should be abolished, as they are a hindrance to freedom of movement and to trade. Their removal can, however, be effected only when the taxpayer is prepared to submit to some other form of taxation, and this he is often reluctant to do. Tolls have an irresistible attraction for the voter and taxpayer, in that they are largely paid by somebody else. Taxing the foreigner is, inevitably, the one form of taxation which can be described as popular. We have to give as much attention to practical considerations as to general theories in evolving a satisfactory scheme. Any attempt to bring an existing system into line with abstract theories by drastic changes is liable to produce unlooked for and unfortunate reactions.

10. *Government grants.*—The new English system of distributing Government grants for general purposes according to the relative needs of each body, as determined by a mathematical formula, is still in its experimental stage. Its application in India is not immediately practicable, but the principle which it embodies will merit consideration as the Indian system develops. It is probable that, as in England,

grants for roads would have to be allotted according to a different criterion from that adopted for the more general purposes of sanitation education and the like.

11. *General understanding for honest and efficient Government.*—What we have mentioned as the last and most important feature of English Local Government, the general understanding for honest and efficient Government, is really complementary to the historical basis of the system, which we have mentioned as its first feature. It is largely because the English system is rooted in the early history of the country that it is accepted as a matter of course by the bulk of the people and worked in the interests of the community as a whole.

We cannot expect that the Indian system, created within the last 50 years by the Central Government, can command the same general measure of acceptance and public spirit. It is not however unreasonable to hope that, if it is consolidated and developed in a practical manner, it will gradually inspire loyalty and trust, and that public spirit and efficiency will triumph over personal and sectional interests.