

# AN OUTLINE

OF

# LOCAL GOVERNMENT AND LOCAL TAXATION

IN

# ENGLAND AND WALES

(EXCLUDING LONDON)

BY THE LATE

#### SIR ROBERT S. WRIGHT

(SOMETIME A JUDGE OF THE HIGH COURT OF JUSTICE)

AND

### THE RT. HON. HENRY HOBHOUSE

CHAIRMAN OF THE SOMERSET COUNTY COUNCIL, M.P. FOR EAST SOMERSET 1885—1906.

FOURTH EDITION.

#### LONDON:

SWEET & MAXWELL, LIMD., 3, CHANCERY LANE,

Taw Publishers and Booksellers.

P. S. KING & SON, 2, GREAT SMITH STREET, Parliamentary Booksellers.

1914.

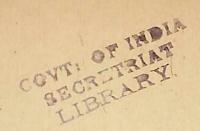


# .034240

352.042 Wn N140 W 90 0

PRINTED BY
WILLIAM CLOWES AND SONS, LIMITED
LONDON AND BECCLES





# GL

## PREFACE.

The object of this work when originally published nearly thirty years ago was to help on the then much-needed reform and simplification of our Local Government laws. Since then, the important Acts passed in 1888 and 1894 have done much to improve (though not much to simplify) the machinery of our local authorities, and subsequent legislation has largely extended their powers and duties. Such extension will probably continue, but the main structure of our local institutions seems now to be established on a fairly permanent footing. In view, however, of the steady demand existing for a work which aims at giving a concise and (it is hoped) an accurate account of our system of Local Government and Taxation, fortified by numerous references to the statute law, it has been thought desirable to republish this volume from time to time.

The first edition, brought out by me in 1884, was mainly based on two elaborate memoranda on Local Government written by Mr. R. S. Wright for Messrs. W. Rathbone and S. Whitbread, and privately circulated in the year 1877.

A second edition, largely recast, was published in 1894, and a third edition in 1906. In preparing these, I had the valuable assistance of the late Mr. Evelyn L. Fanshawe.

A fourth edition being now required, I have found it necessary to rewrite the Chapters on Small Holdings and Working Class Dwellings, and to make various additions to other Chapters. Part III. and the statistics and figures throughout the work have been carefully revised, amplified, and brought down to date by officials familiar with the subject.

HENRY HOBHOUSE.

December, 1913.





# CONTENTS.

# PART I. UNITS OF LOCAL GOVERNMENT.

		CHAPTER	I.	1		D	AGE
THE ]	Parish				1	. 1	1
		CHAPTER	TT ·				
THE ]	Poor Law Union						11
	John Mill Chick						
TT .		CHAPTER					15
THE	RURAL DISTRICT					•	17
		CHAPTER	IV.				
THE 1	URBAN DISTRICT.			· 6.			21
		CHAPTER	V.				
THE 1	MUNICIPAL BOROUGH						25
	John Bonson						
ft.		CHAPTER					
THE (	COUNTY					7	35
		PART I	T				
	MATTERS	OF LOCAL AL		RATION.			
	1	CHAPTER	VII.				
Poor	Law Administration						46
William .						1	
D-		CHAPTER Y					
LUBLI	C HEALTH		1 1		1		52

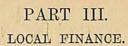


#### CONTENTS.



CHAPTE						DIGH
EDUCATION		1		•	1.	60
CHAPTI	ER X.					
HIGHWAYS	A	•			j.	69
CHAPTE	R XI.					
Police				1.		75
CHAPTE	R XII.					
LICENSING						80
CHAPTEI	R XIII.					
LUNATICS AND DEFECTIVES						85
CHAPTE	R XIV.					
BURIAL						91
CHAPTE	R XV.					
PARISH PROPERTY, COMMONS, AND OP	EN SPACES					96
CHAPTE	R XVI.					
ALLOTMENTS AND SMALL HOLDINGS .					•	101
CHAPTER	R XVII.					
Working-Class Dwellings						106
СНАРТЕВ	XVIII					
DRAINAGE AND EMBANKMENT						114
CHAPTE	NIA S					
			Text.			117
CHAPTER DRAINAGE AND EMBANKMENT	XVIII.					





CHAPTER XX.	
VALUATION FOR LOCAL RATES, AND LOCAL ACCOUNTS	. 138
CHAPTER XXI.	
LOCAL TAXATION: EXPENDITURE AND RECEIPTS	. 148
CHAPTER XXII.	
LOANS OF LOCAL AUTHORITIES	. 163
Tables of Taxation, Etc	. 173
	-
INDEX OF PARLIAMENTARY PAPERS AND DEBATES	. 179
INDEX OF SESSIONS	
INDEX OF SESSIONS	. 181
GENERAL INDEX	188



# EXPLANATORY NOTE TO MARGINAL REFERENCES.

The numerous Statutes referred to in the marginal notes to the following Chapters are (to save space) quoted by their year only. The Session corresponding to each year will be found in the Index at p. 181. Where no chapter is given in the marginal note, the reference is to the last cited Act of the year named.



[Note.—Throughout this Work, the Administrative County of London must be understood to be excluded unless it is expressly mentioned.]

#### PART I.

UNITS OF LOCAL GOVERNMENT.

#### CHAPTER I.

THE PARISH.

- (1) Area of "Parish."
- (2) Organization.
- (3) Purposes and Expenses of Parish Organization.

"Parish," for most purposes of Local Government, now means the (1) AREA. poor law parish, i.e., a place for which a separate poor rate is or can be s. 5. made, or for which a separate overseer is or can be appointed. parish in this sense is often only a part of the ancient civil parish, especially in the northern counties, where separate overseers were often appointed for each of the several townships included in the extensive parishes common in those counties (a) (b). The poor law parish differs also in most cases from the ecclesiastical parish, which was originally identical with the ancient civil parish, but has now, by successive divisions and amalgamations, usually ceased to be conterminous with it. This change is principally due to the operation of the Church Building and New Parishes Acts, under which particular districts have become parishes for ecclesiastical purposes (c), and of the Divided Parishes Acts, under which detached portions were amalgamated with other parishes for civil but not for ecclesiastical purposes. Many parishes have also been recently altered for non-ecclesiastical purposes under the provisions of the Local Government Acts, 1888 to 1894 (d).

Every part of England, including the bed of tidal rivers and the 1868, c. 122, seashore to low-water mark, is now (with some insignificant exceptions) comprised in some poor law parish. The number of such parishes is about 14,500 (e).





Parishes are very unequal in extent and population. About 2,000 have a population of less than 100; between 6,000 and 7,000 have less than 300; and about 5,000 have between 300 and 1,000. On the other hand, 270 have a population of over 20,000. One parish (Birmingham) has a population of over 770,000.

1888, c. 41, s. 57.

1867, c. 106, s. 3.

Parishes may now be united, divided, or altered by orders of the council of the administrative county or county borough, as the case may be, confirmed by the Local Government Board and laid before That Board has itself somewhat similar powers of Parliament. dividing and altering parishes, but these powers (except in cases of detached portions) can only be exercised by provisional order made on the application of one-tenth in value of the owners and ratepayers of the parish.

The boundaries of parishes never cut the boundaries of poor law unions, which are merely aggregations of parishes, and under the operation of the Local Government Act, 1894, they can no longer cut those of counties, and but very rarely those of county districts (f).

it is a rural parish, i.e., within a rural district, or an urban parish,

The organization of a parish for civil purposes varies, according as

(2) ORGANI-ZATION. 1893-4, c. 73.

Parish

meeting.

1897, c. 1.

Parish Council. i.e., within a borough or other urban district. In a rural parish it ordinarily consists of an assembly called a "parish meeting," an executive body called a "parish council," and of certain officers. A parish meeting consists of all the "parochial electors," i.e., the persons on the parliamentary and local government registers in force at the time, whether as owners, occupiers (male or female, married or single), lodgers, or service voters. The meeting chooses its own chairman, each elector has one vote, and every question is in the first instance decided by the majority of those present and voting. But a minority of not less than five persons or one-third of those present, or in most cases a single elector, may claim a poll of all the electors in the parish to be taken by ballot. The annual parish meeting is to be held between the 1st of March and 1st of April, and must not begin earlier than 6 p.m. In parishes with no parish council there must be at least two parish meetings a year (q).

A parish council must be elected in every rural parish with a population of 300 or upwards, and may be elected by order of the county council in any rural parish. In the case of a rural parish with a population of 100 or upwards it is bound to make such an order, if the parish meeting so resolves. Two or more neighbouring parishes, however, (whatever their population,) may be grouped under a common parish council by order of the county council with consent of the parish meeting of each parish. A parish council is elected in every third year

(from 1901) by the parochial electors at the annual parish meeting, or at a subsequent poll taken by ballot. Large parishes may be divided by the county council into wards for the separate election of councillors. Parochial electors and any residents in the parish or within three miles of the parish (including single or married women) are qualified to be elected (h). The number of the councillors, varying from five to fifteen, is fixed by the county council. They hold office for three years, from the 15th of April. The parish council is to hold 1899, c. 10. at least four meetings in each year, one of which is called the annual meeting, and is to be held on or within seven days of the 15th of April. The first duty of the council at the annual meeting is to elect as chairman either one of its own number or some other person who is qualified to be a parish councillor. It is a body corporate, and may hold land in mortmain; and it may appoint committees, consisting either wholly or partly of its own members, for the transaction of any business committed to them, subject to the approval of the council itself. Two or more parish councils may also appoint a joint committee for any purpose in which they are jointly interested.

In small rural parishes where there is no council, parish property is to be held by the chairman and overseers as a body corporate, and a committee of the parish meeting may be at any time appointed to act in any special matters subject to the approval of the meeting.

An urban parish has no parish council, but any powers and duties of a parish council may be vested in the urban district council or other representative body by an order of the Local Government Board. In the great majority of boroughs and other urban districts the power of appointing overseers has by such orders been vested in the town council or urban district council. Where no such order has been made, the old vestry still remains the governing body for nominating the overseers (who are then appointed by the justices), and for certain other civil as well as for ecclesiastical purposes.

Except as above, the old parish vestry (common or select) is now only concerned with the election of churchwardens, the making of voluntary church rates, and other ecclesiastical matters (i) (j).

The principal civil officers of a rural parish are the chairman of the Overseers. parish council or parish meeting, and the "overseers of the poor." 1601, c. 2. The overseers are appointed annually in April by the parish council, \$5.15. 1819, c. 12. or, where there is no council, by the annual parish meeting. Under 1866, c. 113. 1893-4, c. 78, the Poor Law Act of 1601 their number was to be from two to four, ss. 5, 19, 50. and the churchwardens were associated with them; but the Act of 1894, which divested the churchwardens in rural parishes of their civil duties, provides that two additional overseers may be appointed



in their stead. In small parishes, however, there need only be one overseer. In cases of omission to appoint, the guardians of the union are to fill the vacancy. An overseer should be a substantial householder (male or female) of the parish; but where there is no fit inhabitant in the parish, an inhabitant householder of an adjoining parish may be appointed, with his consent. The office is unpaid and is compulsory, subject to appeal, and to various exemptions and disqualifications. The principal duties of the overseers are the collection of the poor rate and other rates, and the preparation of valuation lists for rates. Their other duties include the giving of poor relief in urgent cases and the preparation of lists of jurors and electors (k).

Assistant overseers, &c. 1819, c. 12, s. 7. 1844, c. 101, ss. 61, 62. 1866, c. 113. A parish council may appoint one or more salaried assistant overseers to perform all or any of the duties of overseers. The same person cannot be overseer and assistant. There is no general power for parishes to appoint collectors of rates. But under the Act of 1844 they may, by order of the Local Government Board, be appointed by the guardians of a union for any parish or parishes in the union. Where the guardians have appointed a collector, the parish council cannot appoint an assistant overseer, but may invest the collector with any of the duties of overseers. Assistant overseers and rate collectors must obey the directions of the majority of the overseers, and the overseers are not exempt from any responsibility by reason of the appointment of an assistant or collector.

1893-4, s. 17.

In a rural parish the parish council may appoint a clerk, who may be either a councillor unpaid, or the assistant overseer, rate collector or other fit person, with remuneration. A councillor or other person may be appointed treasurer without remuneration, and is to give security. The clerk or chairman of the parish council is, as a rule, to take charge of all civil parish documents, the ecclesiastical documents remaining in the hands of the incumbent.

Vestry clerk. 1850, c. 57. In an urban parish with more than 2,000 population a salaried vestry clerk may be elected by the vestry under an order of the Local Government Board. His duty is ordinarily to perform or assist in performing the functions of the churchwardens and overseers. The Local Government Board has also a general power to remove paid parish officers employed in relation to poor relief (l).

1834, c. 76, s. 48.

The purposes of parish organization, which had been much diminished by the Poor Law Amendment, Highway District, and Public Health Acts, were (except as regards rural highways) extended by the Local Government Act, 1894. They include the management of all civil parish property, including village greens, recreation grounds, and allotments; the provision of parochial buildings for offices and

(3) Purposes and Expenses of Parish Organization. 1898-4, c. 73.

meetings (m), of recreation grounds and public walks, and of parish chests, books, fire-engines, fire-escapes, &c.; the utilization of existing sources of water-supply, and the removal of petty nuisances; the acquirement by agreement of, and the consent to stopping of, rights of way, and the acceptance of gifts of property for the benefit of the inhabitants; the appointment of certain trustees of parochial charities, and the audit of such charity accounts; the hiring of land for allotments, and the right of applying to the county council for the compulsory taking of land either by hire or purchase. These powers are ordinarily vested in the parish council, subject in certain cases to the control of the parish meeting. But in a rural parish where there is no parish council they may be exercised, either with or without an order of the county council, by the parish meeting. In an urban parish any of these powers may be vested in the urban district council or other representative body by an order of the Local Government Board.

Certain "adoptive Acts," i.e., those for lighting, and for establishing 1893-4, ss. 7, public baths and wash-houses, burial grounds, recreation grounds, public libraries, museums, and schools of science and art, may be adopted by the parish meeting of any rural parish for the whole or (in some cases) for part of the parish, and when adopted are to be carried out by the parish council (see p. 98 and Chs. XIV., XIX.)

A parish council or meeting has also a right of complaint to the ss. 6 (2), 16. district or county council in case of unhealthy dwellings, defective sewers or water supply, or the neglect of the district council to enforce in any other respect the sanitary laws, or to repair roads in a parish, or to take steps for providing lodging-houses for the working classes, 1909, c. 44, if needed. It has also power (concurrently with the district council) 1895, c. 18. to guarantee the Post Office against loss incurred in providing additional postal facilities beneficial to the parish. It is duty of a parish council to acquire land for allotments for resident labouring population, where there is a demand for them. A parish council may be invested by the county council with powers 1899, c. 30, to acquire land, make bye-laws, &c., under the Open Spaces Acts. A parish council or parochial committee may be empowered to carry out any of the provisions of the Public Health Acts by delegation from the rural district council. The parish council and meeting have no educational powers, except those of appointing one or more managers of any public elementary school serving the parish. (See Ch. IX.)

In addition to their organization for the above purposes all parishes must be regarded as forming constituent units of poor law unions (except where the "union" comprises only one parish), and rural

the 1908, c. 36,

1898, c. 18.





parishes must be regarded as forming constituent units of rural districts. Parishes in administrative counties must for certain county purposes (e.g. the levy of county contributions and the preparation of the county rate basis) be regarded as constituent units of the administrative county. The urban parish is now in the great majority of cases conterminous with the borough or other urban district: in only a minority of cases does a borough or other urban district comprise two or more parishes.

As organized for the purposes of the overseers the parish is a district for the assessment and collection of the poor rates and certain other rates, and for the preparation of jury lists and lists of parlia-

mentary and local government electors.

Poor rate. 1601, c. 2.

1896, c. 16.

The parish rate is the poor rate. It is leviable by the overseers in respect of all rateable hereditaments within the parish, at an equal amount per pound of rateable value, except that the occupier of agricultural land is liable to pay one-half only of the amount in the pound payable in respect of buildings and other hereditaments. The greater part of the poor rate of each parish is levied for purposes other than the relief of the poor and the expenses of the parish council, parish meeting, and overseers. The overseers have to include in the poor rate, and collect, rate moneys required by county councils, boards of guardians, rural district councils (general expenses), and some other local authorities (n). (See p. 48 and Ch. XX.)

1893-4, ss. 11, 19. The expenses of a parish council or meeting are to be paid out of the poor rate, but the rate raised in any one year for parish purposes, including debt charges, is not to exceed 6d. in the £; but where there is a parish council additional rates may be levied for any of the "adoptive Acts." The consent of a parish meeting is, however, required for incurring a rate exceeding 3d. in the £. Some of the "adoptive Acts" (see pp. 125, 126) contain special exemptions for agricultural land as regards liability to be rated.

1893-4, s. 12.

A parish council may, with the consents of the parish meeting, the county council, and the Local Government Board, raise loans up to one-half of the assessable value of the parish for purchasing land or buildings, or for other permanent works, and may borrow from the county council or elsewhere on the security of the poor rate (o).

1893-4, s. 58.

All parish accounts are to be audited by the district auditors appointed by the Local Government Board, and to be open to inspection by any elector. (See Ch. XX., p. 143.)



#### NOTES.

Note (a). The following note shows the historical relations of the different Township parochial areas :-

and Parish.

(i.) The oldest unit is probably the township (tything or vill) organized for maintenance of the peace under an elected tythingman, headborough, or borsholder, to which was often attached as a lesser member a hamlet or other dependency. Coke estimated the number of townships at 8,803. (1 Inst. 116a.)

(ii.) On the township was superimposed the ecclesiastical parish, which sometimes corresponded with the township, sometimes (especially in the South) included only a part of a township, sometimes (especially in the North) included two or more and often many townships, and sometimes had no relation to the township area. It is not known how or when the division of the county into ecclesiastical parishes was made, but it appears to have been nearly complete in the time of Edward I. (Taxatio Ecclesiastica, 1288-92, which however is, strictly, a list of taxable benefices, not parishes.) The area of the parish seems to have been determined partly by townships, partly (as in Liverpool and Berwick) by boroughs, partly by manors, partly by the lands which paid tithe to the church. Places for

any reason exempt from tithe were generally also extra-parochial.

(iii.) During the 13th and 14th centuries the parish remained chiefly an ecclesiastical area and the vestry an ecclesiastical assembly. Meanwhile, the civil matters of the locality were usually administered in, and the constables, haywards, and other civil officers appointed by, the manor court, which had in most places replaced the old township organization. From about the year 1535 (when the parish churchwardens became charged by statute with the civil duty of poor relief) the parish may be regarded as a civil unit. This "ancient civil parish" (so called here for distinction from the modern civil or poor law parish) coincides in general with the ecclesiastical parish, subject to accidental or customary exceptions. R. v. Watson, L. R. 3 Q. B. 762, for an instance of a place titheable in one parish, but rateable in another.

(iv.) The modern civil or poor law parish, in so far as it adopts the township (see next note), is a revival of the more ancient unit.

Note (b). The poor law parish differs from the ancient civil parish in many cases, partly through usages by which townships or other sub-divisions of ancient parishes have acquired a right of appointing separate overseers or of being separately 1819, c. 95. rated for the poor, and partly by the operation of certain statutes. Thus by an Act of 1662 there are to be separate overseers for every "township or village" in the large parishes. By an Act of 1819 parishes partly within and partly without a town corporate or liberty are divided for poor law purposes. Acts of 1857 and 1868 provide for the appointment of overseers in extra-parochial places, and for the annexation or incorporation of such places with adjoining parishes, and the latter Act also provides that every riparian parish should extend to low-water mark or mid-stream. Under the Poor Law Amendment Act, 1867, and the Divided Parishes Acts, 1876 to 1882, detached parts of parishes may be merged in the surrounding parish or organized as separate parishes. Under the same Act of 1867 large parishes may be divided by provisional orders of the Local Government 1898-4, c. 73, Board, but these powers are now supplemented by the powers given to the county s. 36. council by the Local Government Acts to divide, unite, and alter parishes by order confirmed by the Local Government Board. Many detached parts of parishes still remain, some of them incidentally created by the operation of the Local Government Act, 1894. (Census Report, 1911, Vol. I.) For further changes made in

Poor law parish. 1662, c. 12. 1844, c. 101,

1857, c. 19. 1867, c. 106, s. 3. 1868, c. 122, s. 27. 1876, c. 61. 1879, c. 54. 1882, c. 58. 1888, c. 41,





parish boundaries by the Local Government Act, 1894, see note (f), below. By the Poor Law Amendment Act, 1844, the creation of new poor law parishes by the appointment of separate overseers is prohibited except in the cases provided for by the subsequent Acts above mentioned.

Ecclesiastical parish.

Note (c). The Ecclesiastical Commissioners have, under the Church Building Acts, 1818 to 1884, and New Parishes Acts, 1843 to 1856, power with certain consents to divide a parish into two or more separate parishes "for any ecclesiastical purposes whatsoever." Where a new ecclesiastical parish is formed under these Acts, separate churchwardens are elected; but these have never had any poor law or civil functions, and the inhabitants of the new parish retain their right to vote for the churchwardens of the old parish (R. v. Stephens, 23 L. J. Q. B. 90).

Number.

Note (d). In 1911 the total number of poor law parishes in England and Wales (excluding London) was 14,545, while the number of ecclesiastical parishes was 13,711. In only about 6,000 cases did the civil and ecclesiastical boundaries coincide.

The substantial decrease (164) in the number of poor law parishes between 1901 and 1911 is mainly due to the marked tendency to amalgamate all the parishes in a

borough or urban district into a single parish.

Townships,

Note (e). The poor law parishes, which are townships or other parts of ancient civil or ecclesiastical parishes, are chiefly in Yorkshire, Northumberland, Cumberland, Westmorland, Lancashire, Cheshire and Durham. The only places that are still extra-parochial for poor law purposes seem to be 12 small islands. See Census (1911), Vol. II. p. vi.

Boundaries.

Note (f). In 1893 there were about 700 parishes partly within and partly without urban sanitary districts, but by the Local Government Act of 1894 (s. 1), these parts were all constituted separate parishes, subject to any alterations made by order of the county council in pursuance of their powers for the alteration of parishes and other areas. There were also parts of 83 parishes overlapping the boundaries of administrative counties. The Act did not directly constitute these separate parishes, but provided (s. 36) that the whole of each parish should by order of joint committees of the county councils be brought within the same administrative county and, except in special cases and for special reasons, the same county district. Parts of parishes in two or more urban districts also become separate parishes, unless the county council for special reasons should otherwise direct.

Parts of parishes. 1893-4, ss. 7, 18, 37, 56. Note (g). In certain cases a parish meeting may be held for a part only of a parish. Thus, where a parish is so large or its population so scattered that it is inconvenient to hold a single meeting for the election of parish councillors, the parish may be divided into wards with a separate meeting for elections in each ward. Again, the consent of a parish meeting held for a particular part of a parish may by order of the county council be required for any act of the parish council affecting any separate property or rights belonging to that part; or a meeting held for a particular part may require the parish council to act in matters separately concerning that part, through a committee on which that part of the parish is specially represented. And a parish meeting may be held for a part of a parish for the purpose of some of the "adoptive" Acts.

#### THE PARISH.

Note (h). By a temporary Act which has been annually continued in force Defective the county council is empowered to do anything necessary for the proper holding of elections. an election, or of the first meeting after an election, of a parish council, if any defect or difficulty is found to exist.

1896, c. 1.

Note (i). The ordinary organization of a parish for ecclesiastical purposes consists of a vestry, either common or select. A common vestry is a meeting of all the rated inhabitants with plural and open voting. The rector or other incumbent, if present, is the chairman. A vestry meeting may be summoned by the incumbent 1837, c. 45. or a churchwarden or overseer. In parishes with not less than 800 rated householders, a select vestry may be appointed instead of a common vestry, if two-thirds of the ratepayers resolve to adopt Hobhouse's Act (1831). A select vestry is elected 1831, c. 60. by ballot, each ratepayer having one vote. The select vestrymen, who must be resident householders with a rating qualification, retire by thirds annually. The rector, or other incumbent, and the churchwardens are ex officio members. There are also select vestries in certain parishes appointed under local usages or under local Acts.

Vestries. 1818, c. 69. 1819, cc. 12, 1850, c. 57. 1853, c. 65.

Compulsory church rates were abolished in 1868, with a saving Church rates. when there were mortgages of the rates. They are not now levied in any area. 1868, c. 109. The Act authorizes the appointment of a body of "church trustees" to receive and administer property for ecclesiastical purposes.

Note (k). The list of jurors in a county are made out according to parishes by Jury lists. the overseers, revised by petty sessions, and sent to the clerk of the peace, who 1825, c. 50. copies them in a book which he sends to the sheriff to form the jurors' book for the 1870, c. 77. year. With regard to the registration of electors, see p. 131.

Note (1). The rector or incumbent, besides being chairman of the parish vestry, has certain civil duties for the registration of marriages and burials. The parish clerk and sexton, and in rural parishes the churchwardens, have no civil duties. In some parishes there still remain certain ancient manorial offices, such as the haywarden (i.e. guardian of fences), and pound-keeper. With respect to parish constables, see note (a) on p. 78.

Other parish officers.

Note (m). A school-room or any rate-supported room in the parish may also 1893-4, s. 4. be used, under certain restrictions, for parish meetings, or meetings of the parish council, or other parochial purposes. (See also, as regards parish property and 1908, c. 36, allotments, Chs. XV. and XVI.)

Note (n). During the year 1911-1912 the overseers collected poor rates Overseers. amounting to £30,126,000, and received from other sources (in aid of those rates) £103,000; total, £30,229,000. Out of these sums they paid, under precept, the following sums as contributions towards the expenses of the local authorities mentioned :-

C		£		£
County councils		9,132,000	Rural district councils	2,669,000
Boards of guardians		8,114,000	Parish councils and	
Town councils	.:	8,046,000	parish meetings	125,000
Councils of urban district	ets		Other local authorities	456,000
not being boroughs		880,000	Total	29,422,000





The overseers also met, out of the above-mentioned poor rates and other receipts, their own separate expenses, as follows:—

Salaries, &c., of ass Registration of e	sistant electors	overse s (so	ers, a far	nd oth	er paro	chial off	lcers nder	374,000
"Salaries")	••			The Name	,	1		185,000
Cost of jury lists (	so far s	s not	inelne	lod nn	Jan (1 C)	1		The second second
Valuation expenses	oc Itti t	no Hou	шещ	ted un	der S	maries"	)	9,000
Out	29	"		,	,,	,,		9,000
Other expenses	••	••			••		<i>j</i> .	160,000
			7	Cotal			£3	0,159,000

In some parishes the overseers collected rates other than poor rates, and paid the proceeds to town councils and other local authorities.

The total amount of the outstanding loans of overseers at the end of 1911-1912 was only £150, apart from sums raised under the Liverpool Churches Act, 1897.

Parish councils and parish meetings.

Note (o). About 7,300 of the 12,900 rural parishes in England and Wales are entitled to parish councils; but in a normal year only 6,700 have financial transactions. Of the parish meetings in the 5,650 rural parishes which are not entitled to parish councils, less than 500 have financial transactions in a normal year. The total annual expenditure of all parish councils and parish meetings (excluding capital expenditure met out of loans) amounts to between £250,000 and £300,000, of which some £200,000 is met out of the proceeds of local rates (poor rates, lighting rates, and separate burial rates), £40,000 from rents of allotments, and £10,000 from burial fees. Of the expenditure about £90,000 is for lighting roads, £40,000 for purposes of the Burial Acts, £40,000 in respect of allotments, and £12,000 in respect of footpaths and rights of way. The expenditure out of loans, which seldom exceeds £20,000 annually, is for the most part spent in acquiring land for burial grounds. The outstanding loan debts of all parish councils and parish meetings amount to about £250,000.



#### CHAPTER II.

THE POOR LAW UNION.

- (1) Area of "Union."
- (2) Organization.
- (3) Purposes and Expenses of Union Organization.

The present Union organization has been created under the Poor (1) AREA. Law Amendment Act, 1834, which established a Poor Law Commission with extensive powers of organization and control. Their Assistant1867, c. 106.
1868, c. 122. Commissioners made a progress through the whole country, and 1876, c. 61. grouped the parishes as appeared most convenient. The general idea 1882, c. 58. on which the union was formed was that of taking a market town as a centre, and uniting the surrounding parishes, the inhabitants of which resorted to its market, such a centre being supposed to be convenient for the attendance of guardians and of parish officers. A limiting principle was, that in the first instance the union should be small enough for the guardians to have a personal knowledge of all the details of its management; and it seems to have been intended that, as the business became simplified and understood, the area might be enlarged. The situations of existing workhouses determined the limits of some unions. Various other local circumstances and feelings must have been allowed to modify the general plan. Unions under the former Acts were respected, and only gradually disappeared (a). Extra-parochial places could not be included in unions until later legislation had made them parochial, but are all (with very few exceptions) now so included. Many single parishes were constituted "unions" under separate boards of guardians.

The result was that unions were constituted of very unequal size, and often irregular form, nor did they respect municipal, urban, sanitary, or county boundaries, the only boundary which they never cut being that of the poor-law parish.

Under the Poor Law Amendment Acts, 1834 to 1876, the Local Alteration, Government Board has power to dissolve any existing union and to Cc., of Unions. add or take away parishes, and to constitute any severed parish or

1893-4, c. 73.

1834, s. 32.



1844, s. 36. 1868, s. 4. 1876, s. 11. 1879, c. 54, s. 8.

1904, c. 20.

1888, c. 41, s. 58. parishes a separate "union." The same authority may also, under the Act of 1879, with the consent of the guardians, combine any two or more unions for any poor law purposes, and invest a joint committee with any of the powers of guardians over the combined area. Under the Local Government Act, 1888, the Local Government Board was authorized, in the case of a union situate in more than one county, to divide it for the purpose of outdoor relief, while continuing it as one union so far as regarded the indoor paupers.

1893-4, s. 36.

The Act of 1894 did not directly alter the union boundaries, but under it the county council (or, where two counties are concerned, a joint committee of their councils) might, by order confirmed by the Local Government Board, provide for the alteration of a union where such alteration seemed expedient by reason of any of the provisions of that Act. But this power seems now to have expired (b).

Unions and parishes may be, but rarely are, combined into districts for pauper schools and (in certain large towns) for asylums for the houseless poor. Joint committees comprising representatives of two or more unions may be constituted for the management of poor law institutions. (As to school districts, see Ch. IX., pp. 65-66. There are only two poor law school districts, one poor law asylum district, and three poor law joint committee districts outside London.) The Act of 1834 also contains provisions enabling a complete consolidation of all the parishes in a union to be made for all purposes of poor relief, settlement, and rating, but these seem to be now almost obsolete.

1834, ss. 33– 36.

(2) ORGANIZATION. 1893-4, ss. 20, 24, 48. 1900, c. 16.

The administrative authority in a poor law union is the board of guardians. In "rural" unions (i.e., unions no part of whose area comprises the whole or any part of an urban district), and also in the rural portions of mixed unions (i.e., unions partly rural and partly urban), there is no election of guardians as such, the rural district councillors, elected as described in Ch. III. (p. 18), being themselves the guardians. In "urban" unions and in the urban portions of mixed unions the guardians are elected by the parochial electors and (in case of contested elections) by ballot, the elections being conducted according to rules framed by the Local Government Board, and in general accordance with the procedure at municipal elections. A guardian must either be a parochial elector or have resided during the whole of the twelve months preceding the election in the union (or, in the case of a parish in a municipal borough, be qualified for election to the borough council). Women, whether married or single, are qualified to be guardians. There is now no property qualification for a guardian. The term of office is three years, and one-third of the guardians retire annually on the 15th of April, except where the county



council on the application of the board of guardians directs in any case that the whole board shall retire simultaneously in every third year, or where (in the exercise of a power vested in the Local Government Board under the Act of 1834) the plan of simultaneous retirement in every third year was in operation prior to 1894 (c).

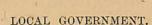
Prior to 1894 the number of guardians to be elected in each parish 1834, s. 38. was fixed by the Local Government Board, which has power to 1844, s. 18. group small parishes for this purpose, subject to the rule that every 1868, s. 6. parish of more than 300 population must have at least one guardian assigned to it. One effect of this rule has been to make the representation in some cases very disproportionate to the population. The Local Government Board has also (under the Acts of 1876 and 1882) power 1876, s. 12. to divide a parish into wards for the election of guardians, and to determine the number of guardians to be elected for each ward (having due regard to the value of the rateable property therein), and to alter the wards. And now the Act of 1894 enables the county 1893-4, s. 60. council to fix or alter the number of guardians for each parish in its county, and for that purpose to exercise powers of adding parishes together and dividing parishes into wards, similar to the powers vested in the Local Government Board. In the case of unions lying in more than one county these powers are exercisable by a joint committee of the county councils concerned.

Every board of guardians is entitled, but not obliged, to elect from 1893-4, s. 20 outside its own body a chairman, or vice-chairman, or both, and not (7). more than two other qualified persons, as additional guardians.

The usual officers of a board of guardians are a clerk, a treasurer, relieving officers, registrars of births and deaths (appointed by but not under the control of the guardians), one or more medical officers (or "parish doctors"), vaccination officers, and the necessary officers in the workhouse. There may also be a paid valuer and paid collectors of rates.

The board of guardians must annually appoint from among its 1862, c. 103. members an assessment committee for purposes of valuation. And, on their application, the Local Government Board may form parishes, 1842, c. 57, which are more than four miles distant from the place of meeting of the guardians, into a district, with a committee appointed by the guardians to receive applications for relief.

The Local Government Board (as the successor of the former Poor Control. Law Commissioners and Poor Law Board) has comprehensive powers of control over guardians. Firstly, it is empowered to issue general orders for regulating the meetings and procedure of guardians, the mode and conditions of outdoor relief, the management of workhouses,





Audit. 1844, ss. 32-36, 49. 1848, c. 91. 1849, c. 103, ss. 9-11. 1866, c. 113, ss 5-7. 1879, c. 6.

the appointment, dismissal, payment and conduct of union officers, the accounts of the guardians and of their officers, and generally all matters relating to the execution of the poor laws. issues special orders in particular cases under particular provisions of the Poor Law Acts or for enforcing performance of duties. Thirdly, it appoints district auditors, who are civil servants of the State, and who audit, under the control of the Local Government Board, the accounts of officers employed in the administration of the poor laws, and have power to disallow and surcharge illegal payments. subject to an appeal to the High Court or the Local Government Board.

(3) PURPOSES OF UNION ORGANIZA-TION.

The purposes of the union organization are—(i.) the local administration of the poor laws; (ii.) the supervision of the preparation of the parochial valuation lists on which the poor rate and certain other rates are assessed; (iii.) registration of births and deaths; (iv.) the enforcement of vaccination. (See as to these purposes, Chs. VII., XIX., XX.)

And, as a general rule (though not necessarily), the area of the rural county district coincides with the rural union, or the rural portion of the union, and the sanitary and other matters for which that district exists are administered by the guardians (exclusive of those who either represent urban parishes or are co-opted by the board) in their capacity of rural district councillors.

Rating.

The guardians do not (generally speaking) exercise any direct rating powers. They obtain the rateable contributions they require for their own expenditure, and also the rateable contributions required by county councils, by means of orders upon the overseers of parishes.

See 1865, c. 79, ss. 1, 9.

The poor law expenditure is now almost wholly borne by the "common fund" of the union, which fund was instituted in 1834 for workhouse and establishment purposes, but on which has since been thrown practically the whole cost of poor relief, valuation, registration, and vaccination. The burden thrown on the poor rate in meeting the expenditure of the guardians is, however, relieved by means of contributions from the "exchequer contribution account" of the county council in respect of the cost of officers of the union, of pauper lunatics, and of drugs and medical appliances supplied by the guardians (d).

the rateable value of the union for any permanent work or object, or

1888, ss. 24, 26.

Guardians may, with the sanction of the Local Government Board, borrow money up to one-fourth (or by provisional order of the Local Government Board confirmed by Parliament up to one-half) of

1889, c. 56, 8. 2. 1897, c. 29, s. 1.

mything of which the cost ought, in the opinion of the Local Government Board, to be spread over a term of years. The maximum period for repayment is sixty years.

#### NOTES.

Note (a). Before 1782 many unions of parishes had been constituted under Old Unions. special Acts, such as that for the Metropolitan counties (1662), those for Bristol 1662, c. 12. and Gloucester in the reigns of William III. and Anne, and certain other incorporations of hundreds, towns, and districts. There were also combinations of small parishes for a common workhouse under an Act of 1723. In 1782, Gilbert's Act provided for the constitution of unions by agreement of parishes, with elected and nominated guardians. Unions under this Act were financially combined for the purposes of indoor relief only, and they did not form consolidated areas, but consisted merely of such parishes within a radius of ten miles from the workhouse as chose to unite. Nor was there any provision for central control. of these old unions and incorporations now remain.

1796, c. 10. 1723, c. 7.

Note (b). In 1913 there were 639 unions in England and Wales (including 29 Number, &c. in London), containing 14,565 parishes, and a population (Census, 1911) of

Of these unions seven (e.g., Oxford) are incorporations or single parishes, in which poor relief is administered by governors or guardians or other authorities, constituted under local Acts. The rest are unions or parishes with boards of guardians under the Poor Law Amendment Acts.

These unions vary in population from Birmingham, with a population of 840,000, and West Ham (Essex), 700,000, down to Reeth (Yorkshire), and Welwyn (Hertfordshire), each with 2,400 inhabitants. About 110 unions are wholly rural, and about 400 are partly rural. The ordinary size of a purely rural union appears to be from 60 to 100 square miles, and its population is ordinarily from 6,000 to

In 1913 there were 121 unions which included parts of two or more counties, 17 of these being each in three counties, and 2 others being each in four or five counties; in addition 69 unions were situate partly in a county borough (or county boroughs) and partly in one or more counties, while one union was wholly situate in two county

Four of the 639 unions have for purposes of out-relief been sub-divided under 1888, s. 58. the provisions of the Acts of 1888 and 1894-3 into two parts, and 1 into four parts -to form 10 out-relief unions.

1894, s. 36 (b).

Note (c). Before 1894 guardians usually were elected for a year only. In Elections. 1893 there were 99 unions (mostly populous), in which the elective guardians held office for three years. In 13 cases one-third of the number retired each year, while in the remainder the whole number retired every third year.

Note (d). In the year 1911-12 the expenditure of boards of guardians on Expenses. the relief of the poor (excluding expenditure out of loans) amounted to £10,650,000, of which it is estimated that £2,180,000 was met either from grants paid by the councils of counties and county boroughs out of the Exchequer Contribution Accounts kept by them or from the Exchequer Grant under the Agricultural Rates Act, 1896, £650,000 was met out of sums recovered from the relatives and





property of paupers, sales of wood, oakum, &c., and £7,820,000 was met out of local rates.

The expenditure of the guardians in that year on purposes other than relief was mainly in respect of vaccination, valuation, and registration of births, deaths, and marriages, and amounted to £650,000, met (it is estimated) as to £44,000 from grants out of Exchequer Contribution Accounts or from the grant under the Agricultural Rates Act, 1896, as to £7,000 from fees, &c., and as to £599,000 from local rates.

The expenditure of the guardians met out of loans was in respect of the erection, extension, &c, of workhouses, poor law infirmaries, and other institutions, and amounted, for the year, to £330,000. The outstanding loan debt of guardians amounted to £7,390,000 at the end of the year.

For further details as to poor law expenditure, see notes to Ch. VII., pp. 50, 51. and as to the exchequer contribution account, see Ch. XXI.



#### CHAPTER III.

#### THE RURAL DISTRICT.

(1) Area of Rural District.

(2) Organization.

(3) Purposes and Expenses of Organization.

As originally constituted under the Public Health Act, the rural (1) AREA. sanitary district was simply the poor law union, or the rural portion s. 9. of the poor law union, regarded as an area of sanitary administration.

The Local Government Act, 1888, gave to the county council wide 1888, c. 41, powers (subject, in case of objection, to the control of the Local Government Board) for the alteration of rural sanitary districts, by dividing them or uniting them, or parts of them, to other districts, by forming new districts, and by making rural areas urban, or vice versâ. The policy of bringing all subordinate areas of local administration within the bounds of a single county was expressly recognized in that Act, but it did not enable the county council to deal with the area of the union, which could only be altered by the Local Government The alteration of a rural district, therefore, would have left the area for poor law purposes untouched, unless the Local Government Board made a corresponding order for the union. As a matter of fact, little was done towards bringing overlapping rural districts within the county boundaries; in 1893 there were 174 such districts (a).

Speaking generally, the rural district is still conterminous with the poor law union, or (in the case of a union partly but not wholly rural) with so much of it as is not comprised in an urban district. As 1893-4, c. 73, regards the crossing of county boundaries, however, the Act of 1894 provided that, unless a joint committee of the county councils should for special reasons otherwise direct, the whole of each rural district should be within the same administrative county; and now, when a union extends into two or more counties, the rural portion in each county forms, under ordinary circumstances, a separate rural district. But, where any such portion was too small to be conveniently constituted a separate district, the Act provided for its absorption into

ss. 24, 36.



another district, or its distribution among two or more neighbouring districts in the same county. There are now only nine rural districts which overlap the county boundary. Within the county limits the rural districts can be altered by the county council under the powers conferred in 1888.

(2) ORGANIZATION. 1893-4, ss. 20, 21, 24, 60. The affairs of the rural district are administered by a rural district council, consisting of a chairman and councillors. The number of councillors for each parish in the district is the same as the number of guardians for the parish, and the rural district councillors are themselves the guardians, so that there is no separate election to the latter office in rural parishes. The county council has power to fix or alter the number of rural district councillors and guardians for each parish in its county, and for these purposes may add parishes together or divide them into wards.

A candidate for election to the rural district council must either be a parochial elector for some parish in the district, or have resided in the district for the twelve months preceding the election; he must be nominated in writing by two electors, and in case of a contest the election must be by ballot in accordance with rules framed by the Local Government Board, following generally the procedure at municipal elections. Women, whether married or single, are eligible. Each parochial elector in a parish or ward in the district has one vote for each of any number of candidates not exceeding the number to be elected for that parish or ward. The term of office is three years, and the councillors retire by thirds in each year, in the absence of a special order, made on the application of the council, providing for their simultaneous retirement in every third year. The rules respecting the chairman and the meetings and committees of the council are the same as in urban districts (see p. 22); and certain sanitary and other duties may be delegated by the district to the parish council, or to a parochial committee constituted under the Public Health Act.

1875, s. 202. 1893-4, s. 15.

(3) PURPOSES OF ORGANIZA-TION.

1975 a 976

1875, s. 276. 1893–4, s. 25.

1893-4, s. 26. Curtis v. Kesteven C. C. 45 Ch. D. 504. It is the function of the rural councils to execute, in their respective districts, the Public Health Acts and the Highway Acts; and they have powers and duties under various Acts, including the Housing of the Working Classes Act, 1890, and others. (See Chs. VIII., X., XII., XV., XVII., XIX.) Certain powers under the Public Health and other Acts, which primarily belong only to urban councils, may, by order of the Local Government Board, be conferred on any rural council, or on rural councils generally (b). It is the duty of every district council (a duty especially incumbent on rural councils) to protect the public interests in rights of way, roadside wastes, and rights of common.



#### THE RURAL DISTRICT.



Rural councils may also promote the extension of postal facilities Harvey v. Truro, L. R. for their districts by guranteeing the Post Office against loss.

The expenses of a rural district council are divided into general and 638.

1891, c. 46, special expenses (c).

General expenses, which include the expenditure in respect of the Expenses. establishment and officers of the council, and the repair of highways, part of the expenses of the administration of the sanitary laws, and all other expenses which are not expressly declared to be special, are paid out of a common fund to which the several parishes in the district contribute out of their poor rates in proportion to their respective assessable values under the Agricultural Rates Act, 1896. Under this arrangement all rateable properties are assessable for general expenses in proportion to full net annual value, except agricultural land, which is assessable in proportion to one-half only of its net annual value. In this respect there is a distinction between urban and rural districts, the general expenditure in the former being defrayed out of a rate (the general district rate) to which land used for agricultural purposes or as a railway or canal, and tithes, are assessable in proportion to one-fourth only of their net annual value.

Special expenses are a separate charge on each parish (or "special drainage district" in cases where such a district has been formed out of part of a rural county district), and are met by a rate which is levied like a poor rate, but (except where the amount to be met is small) with the same exemptions as are allowed in a general district rate (d). Among special expenses are those connected with sewerage and water supply, and the provision of open spaces, of allotments, and of dwelling accommodation under Part II. (not Part III.) of the Housing of the Working Classes Act, 1890. The Local Government Board can in certain cases declare expenses to be "special."

A private improvement rate is leviable in a rural as well as an urban district (see p. 23).

The rural council has borrowing powers under various statutes, which powers are exercised under the supervision of the Local Government Board.

1903, 2 Ch. s. 8. 1898, c. 18. 1875, ss. 229-

1893-4, s. 29.

#### NOTES.

Number, &c.

Note (a). The following is a rough statement of the number, size, population, and rateable value, in the census years, 1891, 1901, and 1911, of urban and rural districts (excluding London, but including the county boroughs).

No. of the last	Year.	Number.	Acreage.	Population.	Rateable Value.
The state of the s	1891 { 1901 { 1911 {	1018 U. D 575 R. D 1121 U. D 664 R. D 1136 U. D 657 R. D	3 millions 34 millions 3½ millions 3½ millions 33½ millions 3¾ millions 33¼ millions	17½ millions 7¼ millions 20½ millions 7½ millions 23½ millions 8 millions	£ $67\frac{1}{4}$ millions. $53\frac{1}{4}$ millions. $95$ millions. $51\frac{1}{5}$ millions. $117\frac{3}{4}$ millions. $55\frac{3}{4}$ millions.

This would give for each rural district in 1911 an average area of about 50,000 acres, population of 12,000, and rateable value of £85,000.

Urban powers.

Note (b). Certain urban powers under the Public Health Acts are frequently extended to rural districts or to portions of such districts. See p. 58, note (a).

Expenditure and Loans.

Note (c). The sums expended by rural district councils during the year 1911–12 (apart from expenditure defrayed out of loans) amounted to £4,800,000, inclusive of £3,060,000 spent on highways, £540,000 on sewerage and sewage disposal, and £360,000 on water supply. This expenditure was met, as regards £640,000, out of moneys received from county councils; as regards £350,000, out of the grant under the Agricultural Rates Act, 1896; as regards £210,000 from charges for water; as regards £2,640,000, from local rates for general expenses; and as regards £870,000, from local rates for special expenses. £560,000 was expended out of loans, chiefly on works of sewerage and sewage disposal. The rural district councils had an outstanding loan debt of £64 millions at the end of the year. Only £44,000 of this sum was owing in respect of moneys borrowed for housing the working classes.

For further financial statistics see Ch. XXI., p. 148.

Special expenses. 1893-4, s. 29 (b). Note (d). The Local Government Board may direct that any expenses incurred by a rural district council under the Local Government Act, 1894, which the Board determines to be special expenses, shall be raised in like manner as general expenses, i.e., without the three-fourths exemption for agricultural land, &c.



#### CHAPTER IV.

THE URBAN DISTRICT.

- (1) Area of Urban District.
- (2) Organization.
- (3) Purposes and Expenses of Organization.

URBAN districts are either municipal boroughs or districts for which (1) AREA. urban district councils are elected under Part II. of the Local Government Act, 1894, superseding the former local boards and improvement commissioners (a).

Exclusive of municipal boroughs, (which are treated of in the 1893-4, c. 73. following chapter,) the total number of urban districts in England and Wales in 1913 was 811. Their populations vary from 200 (Kirklington-cum-Upsland, Yorkshire) to 154,000 (Willesden, Middlesex) (b). Formerly their areas used frequently to cut the area of the poor law parish, and not seldom that of the union (c). Act of 1894, however, provided for re-adjusting the parish boundaries so that each parish (unless in certain cases the county council should for special reasons otherwise direct) might be wholly within the same county district.

The 1893-4, ss. 1 (3), 36 (1), (2).

The Local Government Act, 1888, gives powers to each county council 1888, c. 41, to form new urban districts, and to alter existing districts, by order subject to confirmation by the Local Government Board. That Board, however, cannot refuse to confirm any such order unless a petition is presented against it by one-sixth of the electors or by any council affected, and a local inquiry has been held. And under the Public Health Act, 1875, c. 55, 1875, the Local Government Board has various powers of its own for the alteration or combination of existing districts, and the creation of new ones; but these powers can in general be exercised only with the consent of the local authorities, or petition of the inhabitants concerned, or by provisional order confirmed by Parliament, or under both restrictions.

ss. 270-304.

These urban districts are governed by incorporated bodies called (2) Organiza "urban district councils," a term substituted by the Local Government 1898-4, ss. 21

23, 48, 56-59.



Act, 1894, for that of "urban sanitary authority." The name and manner of election were altered by this Act, but the bodies themselves continue to be constituted under the same statutory authority as before, viz. those councils which were formerly called local boards, under the Public Health Act, 1875, and those which were called improvement commissioners, under their own local Acts. The Act of 1894, however, removed from the district councils all ex officio and nominated members and restricted the capacity for membership to those persons (male or female, married or single) who either are registered as parochial electors, or have resided for twelve months in the district. No property qualification is required for a district councillor. The electoral franchise is the same as for the parish councils, and contested elections are decided by ballot. The councillors hold office for three years, retiring annually by thirds, unless the county council orders in any case, on the request of the urban district council, that all the members should retire simultaneously in every third year.

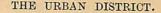
The urban council must meet at least once a month, and may act to a great extent through committees which need not consist exclusively of members of the council. The "annual" meeting is held in April, when a chairman (who is not necessarily taken from within the council) is elected for the year. The chairman (unless a woman holds the office) is ex officio a justice of the peace for the county. Business in which two or more district councils are jointly interested may be managed by a joint committee of their members.

1888, s. 57.

An urban district may be divided into wards, when a number of members is assigned to and separately elected in each ward. The division into wards, or the alteration of the number of boundaries of wards, or of the number of district councillors, or of their apportionment among the wards, can be effected by an order of the county council.

(3) PURPOSES OF ORGANIZATION.

The purposes of this organization are: the execution of the Public Health and Highway Acts, and (in certain cases) of the Burial Acts, and the Acts relating respectively to baths and washhouses, allotments, libraries, museums and gymnasiums. Under the Education Act, 1902, the council of an urban district having a population, according to the census of 1901, of over 20,000, is the local education authority for the purposes of elementary education. The council of a smaller urban district has no educational powers in respect of elementary education, except that of appointing one or more managers of public elementary schools serving the district. The council of any urban district may spend a rate not exceeding a penny a year in aid of higher education (see Ch. IX.). Urban councils also have powers and duties under the





Housing of the Working Classes Acts and Open Spaces Acts, and miscellaneous functions under other Acts (see Chs. VIII., X., XII., XIV., XV., XVI., XVII., XIX.). Subject to the restrictions of the 1872, c. 91. Borough Funds Acts, they may (equally with borough councils) promote and oppose Bills in Parliament, and prosecute and defend legal proceedings at the expense of the rates (d).

1903, c. 14.

The authorities of urban districts with 25,000 population can under the Stipendiary Magistrates Act, 1863, petition the Secretary of State 1863, c. 97. for a salaried police magistrate, who is appointed by the Crown, holds office during the King's pleasure, and is paid out of the local rate.

The expenses of urban district councils (other than the councils of Expenses. municipal boroughs) are defrayed for the most part out of a rate called the "general district rate," which differs from the poor rate in this, that agricultural land, railways, canals, and tithes are assessed at only 1875, ss. 207one-fourth part of their full rateable value, an exemption granted on 1890, c. 17. the ground that they may not be benefited equally with houses and 1891, c. 33. manufactories by town improvements, &c. The general district rate is leviable by the council itself through its own officers, and not by means of a precept to the overseers as is usual in the case of a borough rate.

The expenses under the Education Acts of such of the urban 1876, c. 79, district councils as administer those Acts are, however, so far as they 1902, c. 42, are met out of rates, met out of poor rates, by precept on the s. 18. overseers (d).

In particular cases (determined sometimes by Statute, sometimes by the district council itself subject to appeal to the Local Government Board) expenses may be defrayed by means of a private improvement rate levied on particular premises, so as to discharge the expenses with interest in not more than thirty years. An occupier holding at a rack rent may deduct therefrom three-fourths of such a rate.

Borrowing powers, the exercise of which is subject to the control of the Local Government Board, are given to urban councils by various Acts; and the loan clauses of the Public Health Act, 1875, which provide for the raising of money by mortgage of the rates, are applied for the purpose of loans under some other Statutes (e).

#### NOTES.

Note (a). Local boards were the governing bodies of "local government Other urban districts" constituted under the Public Health Act, 1875 (or previous Acts superseded by it); improvement commissioners were the governing bodies of "Improvement Act districts" constituted under local Acts. Together they constituted what





were known as "urban sanitary authorities" (for districts other than boroughs) under the Public Health Acts. In 1893, before both these classes of authorities were merged in the new "urban district councils," there were 688 of the former and 31 of the latter.

Outside urban districts there are places having a rudimentary urban organization under the Lighting and Watching Act, 1833 (see p. 126). There are also-port

sanitary authorities under the Public Health Act (see p. 56).

Population.

Note (b). See p. 20, note (a). In 1911 (the last census year) there were as many as 203 urban districts with populations below 3,000, and 203 others with populations between 3,000 and 5,000. It is thus apparent that many so-called "urban" districts are really to a great extent rural in character. See also, on this point, House of Commons Paper 119 of 1913, which shows the acreage of agricultural land in each urban district.

Boundaries. 1888, s. 50. Note (c). Prior to the passing of the Local Government Act, 1888, 11 boroughs and 32 other urban sanitary districts overlapped also the county boundaries. The effect of that Act, however, was to bring every such district wholly within the administrative county containing the largest portion of its population. As an instance of cross boundaries, we may quote the borough of Mossley in Lancashire, which formerly comprised parts of four poor-law parishes, two unions, and three counties.

Overseers.

Note (d). The overseers of parishes in urban districts maintain their separate existence even where they are appointed by the urban district council (see p. 3). The assistant overseer is in many districts also the collector of the rates levied by the urban district council.

Expenses.

Note (e). The sums expended by urban district councils (for districts other than boroughs) during the year 1911-12 (apart from expenditure defrayed out of loans) amounted to £11,600,000, inclusive of £2,120,000 spent on highways, £1,830,000 on education, £1,780,000 on sewerage, sewage disposal, and the removal and destruction of house refuse, £1,000,000 on gas supply, £500,000 on electricity supply, £290,000 on tramways, and £840,000 on water supply. About £900,000 of the expenditure on education was met by grants from the Board of Education. Other Exchequer grants were relatively small in amount, about £50,000. Balancing "losses" in some districts against "profits" in others, there were net profits on gas supply undertakings of about £60,000, and on tramways undertakings of £8,000. These profits were applied in reduction of local rates. On water supply undertakings there was a net loss of £100,000, which was met out of rates. The total amount received by the councils from rates for public local purposes was about £6,480,000. The expenditure met out of loans amounted to £2,000,000 for the year. The outstanding loan debt of the councils amounted at the end of the year to nearly £35,000,000, of which nearly one-third had been borrowed for purposes of highways, sewerage, and sewage disposal, and more than one-third for works of gas, electricity, and water supply, and tramways. For further financial statistics, see Ch. XXI., p. 148.



#### CHAPTER V.

#### THE MUNICIPAL BOROUGH.

- (1) Area of Borough.
- (2) Organization.
- (3) Separate Commission of the Peace.
- (4) Separate Court of Quarter Sessions.
- (5) Purposes and Expenses of Borough Organization.
- (6) County Boroughs.

MUNICIPAL boroughs are places which have been so constituted by (1) AREA. Royal Charter, and are regulated by the provisions of the Municipal Corporations Act, 1882. Charters of incorporation, under various 1882, c. 50. forms, and conferring various powers and privileges, were from early times granted by the Crown to favoured cities and towns; and a large number of such chartered places were in existence when, in 1835, the first Municipal Corporations Act was passed as the result of an inquiry conducted by specially-appointed commissioners, with a view to removing the anomalies and abuses which had followed the unsystematic grant of such concessions. The Act of 1835 provided a general system for the constitution and management of boroughs. It applied that system to a number of existing boroughs, which were specified in the schedules to the Act; and it authorized the Crown to extend its provisions to such municipalities as might afterwards be chartered. The Municipal Corporations Act, 1882, which contains the existing law on the subject, is substantially a re-enactment (with some amendments of detail) of the Act of 1835 and its amending Acts.

There remained, however, a considerable number of old municipal corporations, which, having been neither included in the schedules to the Act of 1835, nor subsequently dealt with by Charter, continued unreformed until, under an Act passed in 1883, such of these unre- 1883, c. 18. formed corporations as had not obtained fresh Charters by the 25th of March, 1886, were abolished. At the present time, therefore, all municipal boroughs are under the operation of the Municipal Corporations Act, 1882, that Act being extended to every borough by its charter of incorporation. The only exception to this rule is the City of London, which is still governed by its ancient Charters (a).



The total number of municipal boroughs is now 326, including 80 "county boroughs," which, though they have certain additional powers belonging to counties, are, so far as the Municipal Corporations Acts are concerned, on the same footing as the rest (b). The borough boundaries were not settled upon any general principle, and intersected unions, parishes, and counties. As regards the county boundaries, however, the Local Government Act, 1888, required the whole of every municipal borough (other than a county borough, which was altogether taken out of the administrative county) to be included in that county which contained the largest part of its population. And by the Act of 1894 (as mentioned in the preceding chapter) parish boundaries were required to be so adjusted as not to cross (unless under exceptional circumstances) the boundaries of urban districts. The boundary of a borough can, after local inquiry, be altered by the Local Government Board, by Provisional Order confirmed by Parliament, and the order can make any consequential alterations in the number and arrangement of councillors and wards (c). Boroughs are usually divided into wards, and the number and boundaries of the wards, and distribution of councillors among them, can be altered by Order in Council on petition. New boroughs are constituted by Charter from the Crown, and all necessary arrangements as to wards and distribution of councillors, &c., are made in the first instance by the Charter (d).

(2) ORGANIZA-

1888, c. 41,

1882, s. 30.

1893, c. 9.

s. 54.

Boroughs are governed by corporations, composed of a mayor, aldermen, and burgesses (or citizens (e)), acting by a council, often called the "town" council, consisting of from 9 to 141 members. The burgesses, or voters, ordinarily consist of persons (including unmarried women) qualified by occupation of a building of any value, or of land worth £10 a year, within the borough, and by residence in or within seven miles of it; the qualifying property being assessed to rates, and the rates having been duly paid. There are also in many boroughs freemen or other customary burgesses. burgesses elect councillors annually by ballot, and the council choose the mayor and aldermen. To be elected a councillor, a person must either be enrolled and entitled to be enrolled as a burgess, or be on a separate non-resident list of persons residing beyond seven, but within fifteen, miles of the borough. But in the latter case, or if he ceases for six months to reside in the borough, he must have the qualification of £1,000 property or £30 rating in the case of a borough divided into four or more wards, and £500 property or £15 rating in any other borough. Women are eligible for election whether married or single. If the borough is divided into wards, the councillors are

TION.

1907, c. 33.

apportioned among and separately elected in the several wards, but need not be qualified in their ward. The term of office is three years, one-third of the councillors retiring annually; and it is required that the number allotted to each ward should be three or a multiple of three. The mayor and aldermen are chosen from among the councillors or persons qualified to be councillors. The mayor holds office for one year, the aldermen for six years, one-half retiring triennially. The council appoints a town clerk, a treasurer, and other necessary officers, and may appoint general and special committees of its own members; but the acts of every committee have to be submitted for the approval of the council.

In every borough the mayor and last ex-mayor are justices for (3) Separate Commission the borough; and the mayor of a borough other than a county of THE borough is also a justice for the county. Women cannot be ex-officio Peace. justices. Moreover, a separate commission of the peace has been granted to the majority of boroughs, and may be granted to any others. A separate commission does not involve any exemption from the county rate, nor from the jurisdiction of the county justices to act in the borough in petty sessions, or to act in matters concerning the borough at the county quarter sessions. It merely enables the borough 1882, ss. 154, justices under the commission to act in the borough as if they were county justices acting in and for a separate petty sessional division. But in practice, where there is a separate commission, the county justices do not ordinarily sit in the borough. Where there is a separate commission for a borough, a clerk to the borough justices is appointed. Every borough with a separate commission of the peace is a separate licensing division for liquor licences.

A salaried police magistrate may be appointed in any municipal 1882, s. 161. borough by the Crown on the application of the council.

In addition to a separate commission of the peace, the Crown may (4) Separate grant to a borough a separate court of quarter sessions, which involves Sessions. a salaried recorder (appointed by the Crown and holding office during good behaviour) as judge of the court, a clerk of the peace, and (except in a quarter sessions borough with a population of less than 1888, ss. 37, 10,000 in 1881, or a borough receiving a separate court of quarter sessions since August, 1888) a coroner, who must appoint a deputy. The court is held, not, as in a county, by the justices, but by the recorder as sole judge (f) (g).

The principal functions of the council are, under the Municipal (5) Purposes Corporations Act, the acquisition and management of corporate land Organizaand buildings; the maintenance of those bridges in the borough which the borough, and not the county, is liable to maintain; the making of

OF BOROUGH





bye-laws for the good rule and government of the borough; and, in boroughs which have a separate police force (h), the management of that force through the watch committee of the council. The council of a borough has also, in its capacity as district council, all the powers and duties of such a council mentioned in the last chapter.

1888, s. 35-39.

As regards some other of the functions of local government, the position of the boroughs is not uniform. In some cases, a borough is made a distinct unit, and the borough council is made the local authority, with respect to matters which elsewhere are dealt with by the county council. Thus, a borough council is a local authority under the Inebriates Acts and the Shop Acts. Some, but not all, quarter sessions boroughs of more than 10,000 inhabitants, as well as the county boroughs, are separate units for the provision and management of lunatic asylums, while all other boroughs are for that purpose merged in the county.

In a quarter sessions borough with a population over 10,000 the council has certain powers under the Acts relating to reformatory and industrial schools, and to explosives, and can regulate and make bye-laws respecting the use of locomotives on roads in the

borough.

A borough with a population over 10,000, whether with or without a separate court of quarter sessions, is a separate unit for the administration of the Diseases of Animals Act and Destructive Insects Act, for the inspection of gas meters, and in some cases for the enforcement of the law relating to adulteration and to weights and measures.

1902, c. 42, s. 23 (8).

1902, ss. 2, 3.

The council of a borough with a population of over 10,000 according to the census of 1901 is a separate local education authority for the purposes of elementary education, whereas in smaller boroughs the council can only appoint a proportion of the managers of public elementary schools. The council of any borough can give rate aid to higher education, but in the case of a non-county borough the rate for the purpose must not exceed one penny in the pound per annum. (See Ch. IX.)

Expenses.

Expenses under the Act of 1882 and under the Education Acts are ordinarily defrayed out of the borough fund, which is supplemented by a borough rate, leviable on the same basis as or out of the poor rate (see p. 48). In some boroughs the council levies a separate watch rate over the whole borough, or over particular parts of it. In most boroughs the "sanitary" expenses of the council (i.e., generally, expenses incurred for the purposes mentioned in Ch. VIII.) are defrayed out of a rate similar to the general district rate leviable by

#### THE MUNICIPAL BOROUGH.



other urban councils, with the exemptions to the extent of threefourths of their value for agricultural and other special kinds of property. This rate is generally levied by the council directly, instead of being raised (as the borough rate in most cases is) by means of a precept to the overseers (i). Some boroughs have large corporate estates, and some derive large revenues from such undertakings as gasworks and waterworks. Corporate lands cannot be sold, mortgaged, or (except for certain limited terms) leased without the consent of the Local Government Board or an Act of Parliament. Returns of receipts and expenditure must be annually sent to the Local Government Board, and an abstract of them is laid before Parliament. Accounts are audited by three auditors, of whom two are elected by the burgesses and one is appointed by the mayor (j).

In addition to the borrowing powers under the Public Health and other Acts, the Municipal Corporations Act enables the council of a borough, subject to the approval of the Local Government Board, to borrow money on the security of any corporate land or of the borough fund or rate for the purchase of land or erection of buildings.

"County boroughs" are the creation of the Local Government (6) COUNTY Act, 1888. Speaking generally, those boroughs which have a popula- 1888, ss. 31tion exceeding 50,000 are county boroughs (k); and the Local Govern-34,54. ment Board by Provisional Order confirmed by Parliament may constitute any borough with that population a county borough. Their councils have, in addition to the ordinary powers of a borough council (1) most of those attaching to a county council, including the powers of a local education authority for both higher and elementary education (see p. 39); and they are, for most purposes, treated as being separate and distinct from the county in which, geographically, they are situated. The county borough, however, is generally under the jurisdiction of the county sheriff, it has to contribute to the costs of assizes in the county, and (if it has not a separate court of quarter. seesions) to the costs of the county quarter and petty sessions. militia purposes, also, for the service of jurors, and making of jury lists, and generally for the purpose of Parliamentary elections (in order that freeholders in the borough may not lose their county vote), the county borough is included in the surrounding county (m). A county borough not having a separate court of quarter sessions is within the jurisdiction of the county coroner, but the borough council has, usually through a joint committee, a voice in the election of a coroner for a district comprising the county borough. Those county boroughs which, in 1888, contributed to the county lunatic asylum were allowed to continue the existing arrangement.



#### LOCAL GOVERNMENT.

GL

The contributions of a county borough to the county are raised, not by the direct levy of a rate by the county authorities in the borough but through an order from the county treasurer to the borough council for the whole sum due (n).

# NOTES.

Number.

Note (a). The number of boroughs scheduled by the Act of 1835 was 178 (128 with, and 50 without, separate commissions of the peace). The Act of 1883 mentioned by name 25 places to which the commissioners, on whose report that Act was founded, reported that the Municipal Corporations Act might be applied, and 49 places not so reported. Twenty of the former and four of the latter have in fact become municipal boroughs.

Population.

Note (b). The 326 boroughs have an aggregate population of nearly 16 millions, and an assessable value in 1912 of 804 millions. In 64 boroughs the population according to the census of 1911 is under 5,000 (the smallest being Montgomery, with 983 inhabitants); in 38 it is over 100,000.

Adjustments. 1888, c. 41, ss. 32, 62. 1913, c. 19. Note (c). Where new county boroughs are constituted or boundaries are altered by order of the Local Government Board, adjustments have to be made and payments made by one authority to the other in accordance with the rules contained in the Act of 1913. Alterations of boundaries are sometimes made by Local Acts.

Charter. 1882, ss. 210– 8. 1888, s. 56. Note (d). The procedure for obtaining a Charter of incorporation commences with a petition to the Crown from certain inhabitants of the place proposed to be incorporated. The petition is referred to a committee of the Privy Council, and notice of it must be sent to the county council and Local Government Board, whose representations on the subject (if any) must be duly considered. Notice has to be published in the Gazette of the time when the petition will be considered. In practice, also, a local inquiry is held in the district by direction of the Privy Council. The scheme, if opposed, is subject to confirmation by Parliament; if unopposed, it may be confirmed by Order in Council. A draft of the scheme has also to be submitted to the Home Secretary, the Local Government Board, and (in some cases) the Board of Trade. A scheme may be amended by a subsequent scheme.

" City."

Note (e). Certain towns have at various times been created cities by Royal Charter or letters patent. Generally a city contains the cathedral church of a diocese; but places not thus distinguished have sometimes been made cities, e.g. Leeds, which became a city in 1893, and Bradford in 1897. Every city is also a municipal borough, and the term "burgesses" in Acts of Parliament includes the citizens of a city.

Recorder.

Note (f). Haverfordwest is an exception, having a court of quarter sessions consisting of the borough justices, and having no recorder. A few places, on the other hand (e.g. Durham and Wells), have a recorder without a court of quarter sessions, the recorder being merely the judge of a civil court, or holding a merely honorary office.

Justices.

Note (g). Of the 326 boroughs, 113 have separate commissions of the peace, and courts of quarter sessions, 139 have separate commissions of the peace only, and 74



have no separate commissions of the peace. The list of quarter sessions boroughs excludes some of the largest, e.g. Gateshead (117,000), and includes some of the smaller, e.g. Sandwich (3,000) and Ludlow (5,900).

County justices have concurrent jurisdiction out of quarter sessions with the

borough justices-

(i.) in all boroughs having separate commissions of the peace, but not separate courts of quarter sessions (except the boroughs of Coventry, Ramsgate, and Stratford-upon-Avon, where their jurisdiction is excluded by special statutes), and

(ii.) in all quarter sessions boroughs from which their jurisdiction is not

excluded by Charter.

The Municipal Corporations Act, 1882, provides (s. 154), on the one hand, that where no separate court of quarter sessions has been granted, the county justices shall have jurisdiction, and on the other that where it has been granted, a borough which before 1835 was exempt from their jurisdiction exerciseable out of quarter sessions shall continue exempt.

In 74 quarter sessions boroughs the borough justices have exclusive jurisdiction, and in addition there are a few cases in which the concurrent jurisdiction of the county justices is disputed. Since the passing of the Municipal Corporations Act, 1835, no grants of Charters of incorporation or grants of separate commissions or quarter sessions have been made containing clauses excluding the jurisdiction of the county justices out of quarter sessions.

In most of the boroughs in which they possess concurrent jurisdiction the county justices in practice do not act, and in the others they exercise their jurisdiction

only occasionally.

(In reference to the four preceding paragraphs, see a paper issued from the Home Office in 1913, entitled "Courts of Summary Jurisdiction in England and Wales." See also Lawson v. Reynolds, L. R. 1904, 1 Ch. 718.)

Note (h). Boroughs with a population less than 10,000, according to the Census Police. of 1881, were in 1888 deprived of their separate police force. One of these boroughs had then a separate force consisting of a single constable. Already, since 1877, the practice of allowing a separate force to any new borough with less than 20,000 inhabitants had been discontinued.

1888, s. 39.

Note (i). In a municipal borough the council may order the overseers to pay contributions to the borough rate out of the poor rate, but the council generally 1882, c. 50, employs collectors of its own for the collection of those rates which are not collected with the poor rates. The borough, watch and library rates are more usually collected by the overseers in accordance with the precepts served upon them. The borough rate, when not collected with the poor rate but by the corporation with the general district rate, is generally collected annually. Borough rates are compounded for in the same manner as poor rate. As regards the general district rate compounding 1875, c. 55, in large cities and boroughs is frequently regulated by Local Acts, while in other s. 211. urban areas the provisions of the Public Health Act as to compounding apply. As to valuations for the borough rate, see Ch. XX., p. 146.

Note (j). All the accounts of town councils under the Education Acts are Audit. audited by auditors appointed by the Local Government Board. In some boroughs the other accounts of the town council are also audited by these auditors. And in some boroughs there is an audit by professional auditors appointed by the council. See Ch. XX., p. 144,

Cities.

Note (k). The original county boroughs, as scheduled in the Local Government County Note (k). The original county boroughs, as scheduled.

Boroughs and Act, 1888, numbered 61; and, with a few exceptions, each of them had or was supposed to have a population exceeding 50,000. The exceptions were Canterbury, Chester, Exeter, Gloucester, Lincoln, and Worcester, which being already "counties of cities," were admitted although they fell short of the prescribed population. The Act further authorized the Local Government Board, by provisional order, subject to confirmation by Act of Parliament, to raise any borough with a population of not less than 50,000 to the rank of a county borough. The number of county boroughs is now 80 (including Carlisle and Southend-on-Sea, which assume that rank in April, 1914). Of these 24 are without separate courts of quarter sessions; all have commissions of the peace.

### The county boroughs are-

Reading, \*Barnsley, Exeter \*Rochdale, \*Barrow-in-Furness, \*Gateshead, Rotherham, Gloucester, Bath, \*St. Helens, Great Yarmouth, Birkenhead, Salford, Birmingham, Grimsby, Sheffield, Blackburn, \*Halifax, \*Smethwick, \*Blackpool, Hastings, Southampton, \*Huddersfield, Bolton, \*Southend-on-Sea, \*Bootle, Ipswich, \*Southport, Kingston-upon-Hull, Bournemouth, \*South Shields, Leeds, Bradford, \*Stockport, Leicester, Brighton, Stoke-on-Trent, Lincoln, Bristol, Liverpool, Sunderland, Burnley, Manchester, Swansea, Burton-upon-Trent, \*Tynemouth, Merthyr Tydfil, \*Bury, Middlesbrough, \*Wallasey, Canterbury, Newcastle-upon-Tyne, Walsall, Cardiff, \*Newport (Monmouth), \*Warrington, Carlisle, West Bromwich, Northampton, Chester, West Ham, Norwich, \*Coventry, \*West Hartlepool, Nottingham, Croydon, Oldham, Wigan, Derby, Wolverhampton, Oxford, Devonport, Worcester, Plymouth, \*Dewsbury, York. Portsmouth, Dudley, \*Preston, \*Eastbourne.

\*Those marked with an asterisk have no separate court of quarter sessions.

The county borough, as above described, is to be distinguished from the more ancient but now less important class of "counties of cities" and "counties of towns," most of which, however, are also county boroughs. These places were formerly, as their name implies, regarded as counties of themselves. The possession of a separate sheriff is, however, now almost their only claim to distinction.

Separate Commissions of Assize are not now issued for them unless they are the places at which assizes for the counties at large are held. [Those which have not now a separate assize are marked with an asterisk below.] Leicester, though not "a county of a town," has a separate commission of assize from the county at large.

### THE MUNICIPAL BOROUGH.



Gis

The counties of cities are-

Bristol,

\*Canterbury,

\*Chester,

Gloucester,

\*Hull (Kingston-upon-Hull),

\*Lichfield,

Lincoln,

London, Newcastle,

Norwich,

Nottingham,

Worcester,

York.

The counties of towns are-

\*Berwick (1836, c. 103),

Carmarthen,

Haverfordwest,

\*Poole,

\*Southampton.

Oxford has also a sheriff of its own, for the purposes of the local court, but the sheriff of the county is not ousted.

Haverfordwest is peculiar in having its own lord lieutenant.

In the above list (excluding London, which has a special organization) Lichfield, Berwick, Carmarthen, Haverfordwest and Poole are not county boroughs.

Note (l). It must be remembered that, though a county borough is not Sanitary technically called a "county district," its council, as the council of a municipal powers. borough, is an "urban sanitary authority" within the meaning of the Public Health and other Acts, and has in general the powers and duties of a district council. (See Kirkdale Burial Board v. Liverpool Corporation, 1 Ch. 829.)

Note (m). In Bristol, Exeter, Norwich, and Nottingham freeholders have votes Voting. for the parliamentary borough. Those county boroughs, therefore, are distinct for election purposes from the county at large.

Note (n). The sums expended (otherwise than out of loans) by the councils *Expenses*. of county boroughs during the year 1911–12 amounted to nearly £45,000,000, and by the councils of non-county boroughs to £12,000,000.

£17,500,000 of the total for county boroughs and £3,500,000 of the total for non-county boroughs was expended on undertakings for the supply of water, gas, or electricity, on tramways and light railways, and on harbours, docks, and piers, belonging to the councils.

£9,200,000 was expended during the year by the councils of county boroughs and £2,500,000 by the councils of non-county boroughs in respect of education.

The councils of county boroughs expended during the year £4,000,000 on high-ways and bridges, and £2,000,000 on police. The corresponding amounts for councils of non-county boroughs were £1,500,000 and £320,000.

The sums expended out of loans during 1911-12 (which are not included in the foregoing totals) amounted for county boroughs to £5,400,000 and for non-county boroughs to £1,800,000.

The sums received during the year by the councils of county boroughs from rates for public local purposes amounted to £16,100,000, and by the councils of non-county boroughs to £5,200,000.

From Exchequer grants (including local taxation licence duties) councils of county boroughs received £5,550,000 and councils of non-county boroughs £1,360,000 during the year.

L.G.

3



# LOCAL GOVERNMENT.

Setting losses made good out of rates in some boroughs against profits carried to the relief of rates in other boroughs, there was during the year, in respect of the undertakings mentioned in the second paragraph of this note, a net profit of £730,000 in county boroughs and of £60,000 in non-county boroughs.

The outstanding loan debt of the councils of county boroughs amounted at the end of the year (excluding sums borrowed to advance to other local authorities) to £213,200,000, towards the repayment of which (in addition to other assets) there was in sinking funds £16,700,000. The corresponding totals for non-county boroughs were £43,600,000 and £2,900,000. More than 50 per cent. of the outstanding loan debt had been incurred in respect of the classes of undertakings specified in the second paragraph of this note.

For further financial statistics, see Ch. XXI.



# CHAPTER VI.

### THE COUNTY.

(1) Area of County.

(2) Organization for Imperial and Judicial Purposes.

(3) Organization for Administrative Purposes.

England and Wales comprise fifty-two ancient counties or counties (1) Area. at large. Since the Local Government Act of 1888 these ancient counties have ceased for the most part to be administrative areas, but they still exist for parliamentary and certain judicial purposes.

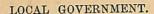
The term "county" for most local government purposes now means the administrative county. The whole of England and Wales is now divided into sixty-two administrative counties (including the county of London) and eighty county boroughs. The administrative county is based upon, and is in some cases co-extensive with, the ancient county; but it generally differs from it by excluding all municipal boroughs with a population of 50,000 and upwards, and certain others. Moreover, five ancient counties (Cambridge, Hampshire, Northampton, Suffolk, and Sussex) are each divided into two administrative counties, while the three ridings of Yorkshire and the three parts of Lincolnshire form separate administrative areas. In some of these cases, however, the judicial arrangements remain the same as before the ancient counties were divided (a).

The county boroughs (i.e. the municipal boroughs excluded from the administrative county) are for administrative, and often also for other purposes, separate counties. Boroughs with separate courts of quarter sessions are in some respects treated as distinct from the county in which they are situate. (See Ch. V., pp. 28, 31.)

The Local Government Board can by Provisional Orders made on 1888, s. 54 the representation of county or borough councils, and confirmed by Parliament, unite or divide administrative counties, unite county boroughs with counties, form new county boroughs, or alter the boundaries of counties or county boroughs (b) (c).

The purposes of county organization are twofold, viz.:

(A.) Imperial or judicial purposes, including the maintenance of







the King's peace, the local administration of justice, the Territorial Force, and Parliamentary representation.

(B.) Local government or administrative purposes. As has been explained above, the area of the county often differs for administrative and non-administrative purposes, the general rule being that the county boroughs remain in their old county for other than administrative purposes.

A. The organization of a county for imperial or judicial purposes consists of the following persons and bodies:—

- (1) A lord lieutenant appointed by commission. He was up to 1871 the commander of the county militia, yeomanry, and volunteers. He is now, as a rule, the president of the County Territorial Association, and, as such, recommends to first commissions in the "special reserve" force. He also appoints deputy lieutenants.
- (2) A custos rotulorum (keeper of the records) who is usually appointed by commission under the Great Seal. He is usually the same person as the lord lieutenant, is the principal justice of the county, and also, in conjunction with the "advisory committee," recommends persons for the commission of the peace.
- (3) A sheriff, now annually selected by the Crown out of three persons (having lands in the county) nominated by the judges and privy councillors at the Royal Courts of Justice, and appointed by warrant signed by the clerk of the Privy Council. The sheriff is the principal representative and agent of the Crown in the execution of the law, and in that capacity summons juries, tries compensation cases, and (as executor of Crown writs) executes the writs of the superior courts. He is also the returning officer in county elections, and in borough elections on the default of the borough returning officer. He cannot during his term of office act as a justice. He must appoint an under-sheriff (d).
- (4) Justices appointed by a commission of the peace for the county issued under the Great Seal (e). The Court of General or Quarter Sessions is held by all the justices in and for the county, two forming a quorum, with power to form a second court. A Court of Petty Sessions consists of any two or more justices of the county acting together. A Court of Special Sessions is a petty sessions summoned for a special purpose by notice to all the justices of the petty sessional division. The justices in each petty sessional division have

(2) ORGANIZA-TION FOR IM-PERIAL AND JUDICIAL PURPOSES. 1882, c. 49, s. 29. 1907, c. 9, ss. 1 (3) (c), 8.

1545, c. 1. 1688, c. 21.

1887, c. 55. 1888, c. 41, s. 46.

906, c. 16.

1879, c. 49, s. 20



one paid clerk. The duties of the county justices both in and out of quarter sessions are now almost entirely judicial, the recent Local Government Acts having transferred their administrative powers to the county and district councils. But the quarter sessions still license private lunatic asylums and drunkards' retreats. They appoint the county licensing 1910, c. 24. committee for confirming the grant of new liquor licences, and for refusing the renewal of on-licences in cases where compensation is to be awarded (see Chs. XII., XIII.). They 1877, c. 21, also appoint the visitors of private lunatic asylums and of local prisons, who have to authorize certain punishments and report to the Secretary of State. The justices in special sessions still grant licences for the sale of intoxicating liquors and for public billiard-rooms, and revise jury lists, and (out of sessions) allow rates. They may also in petty sessions, 1888, c. 41, by delegation from the county council, license places for stage plays and exercise powers in respect of explosives and diseases of animals.

(5) A clerk of the peace, formerly appointed by the custos rotulorum 1888, c. 41, as his deputy, but now by the standing joint committee.

(6) A coroner or coroners, a judicial officer chosen in pursuance of 1887, c. 71. the King's writ, formerly by the freeholders, and now by the s. 5. county council. His duties are to hold inquiries in cases of sudden death and treasure trove, and to act in lieu of the sheriff (when interested) in executing writs and summoning jurors (f).

Every county at large (except Rutland) is divided for judicial Petty Sespurposes into petty sessional divisions, each of which may consist of Divisions. any number of parishes or parts of parishes. The distribution of 1828, c. 43. divisions is often customary, but may be made by the quarter sessions, 1859 (2), c. 65. and it cannot be altered for three years from its making. An area cannot be made a petty sessional division unless five justices reside or usually act within it. Any justice of the county is legally capable of acting in any division of the county, but it is a settled practice that, except in exceptional cases, a justice acts at petty sessions only in his own division. Each petty sessional division, excluding boroughs with a separate commission of the peace, is a separate district for the granting of licences for the sale of intoxicating liquors. (See Ch. XII.)

B. Every administrative county is governed by a county council, (3) Organizaconsisting of a chairman, county aldermen, and county councillors. MINISTRATIVE The chairman may be appointed from outside the aldermen and PURPOSES. 1888, cc. 10, councillors. A vice-chairman may also be appointed, but must be an 41.
1891, c. 68.



GL

alderman or a councillor. The number and apportionment of the county councillors are fixed by the Local Government Board, and the number of aldermen is one-third that of the councillors. The councillors are elected all together for the term of three years, and the aldermen hold office for six years, half of them going out after each triennial election of councillors. For the election of councillors the county is divided into single member electoral divisions, which are arranged with a view to population and area and the boundaries of boroughs and other county districts, and are subject to alteration by the Local Government Board. The county electors are the burgesses in boroughs, and elsewhere are persons duly registered in respect of the necessary qualification, which involves occupation of a building of any value or land worth £10 a year in the county, and also residence in or within seven miles of it. The elections are conducted by ballot, and the expenses of the returning officer are paid out of the county fund. A person is not qualified for being a member of the county council unless he is registered as a county elector, or as an owner of property on the Parliamentary register, or is a peer owning property in the county, or occupies property in and resides within fifteen miles of the county. An unmarried woman may be a county elector, a county councillor or alderman, or chairman of the council.

1907, c. 33.

1888, s. 75. 1900, c. 13. The county council must hold at least four meetings in a year, including the annual statutory meeting, at which the chairman, vice-chairman, and county aldermen are chosen. The chairman (if not a woman) is ex officio a county justice. The council appoints a county treasurer, one or more county surveyors, one or more county coroners, inspectors of weights and measures, certain analysts, education secretaries or directors and other officers, a county medical officer of health, one or more land agents, and inspectors of midwives and of shops.

1888, ss. 28, 80–82. 1893–4, c. 73, s. 64. 1909, c. 44, s. 71. The council must appoint committees for finance, lunatic asylums, diseases of animals, small holdings and allotments, and public health and housing, and may delegate to these committees any executive powers except those of raising rates or loans. The council may appoint any other committees for general or special purposes either out of its own members, or jointly for matters of joint concern with other councils of counties or county boroughs. For certain purposes (e.g. the supervision of midwives and small holdings) it may appoint persons not members of the council to serve on the committee. The council may also delegate powers to district councils and employ them as agents for administrative matters in their districts. The powers of a county council for the licensing of theatres and cinematographs, or



the execution of the Explosives or Diseases of Animals Acts can be delegated to the justices in petty sessions (g).

Under the Education Act of 1902 the council must appoint one or 1902, c. 42. more education committees constituted under a scheme approved by the Board of Education. Every scheme is to provide for the inclusion in the committee of women and educational experts, and the majority of the committee are as a rule to be members of the council. The committee is to deal with all educational matters except the raising of a rate and borrowing money, and may be made executive by the county council.

For police and certain other purposes a Standing Joint Committee 1888, s. 30. is appointed by quarter sessions and the county council, consisting of an equal number of members of each body. This committee is, both administratively and financially, practically independent of the appointing bodies, though it reports to them both and has to raise its money through the county council. It appoints the chief constable, and the clerk of the peace, who is also ex officio clerk of the county council.

county finance, assessment and rating, pauper lunatic asylums, county Duties. bridges and main roads, locomotives, motor cars, reformatories and industrial schools, weights and measures, diseases of animals, allotments and small holdings, elementary and higher education, midwives, mental defectives, wild birds protection, employment of children, closing of shops, the arrangements for registering and polling parliamentary and county electors, and the alteration of the various administrative areas within their county. They have certain sanitary duties, mainly by way of control over the district sanitary authorities under the Rivers Pollution, Housing of the Working Classes, Isolation Hospitals, and Public Health Acts. They may make bye-laws for the 1888, ss. 15, good government of their county, including the suppression of 1891, c. 12. nuisances; also with regard to highways and locomotives and the 1903, c. 9. regulation of advertisements. They may under certain restrictions promote or oppose Bills in Parliament, may take legal proceedings against railway companies and other bodies on behalf of the inhabitants of their county, and may pay the expenses of inquiries by the Charity Commissioners into charities appropriated for the benefit of the county or any part of it. They may also exercise such powers of 1888, s. 10. Government Departments as may be transferred to them by Pro-

visional Order or Order in Council, e.g. the collection of duties on local

XIX., XX.)

The principal powers and duties of the county councils relate to Powers and

taxation licences. (See Chs. VIII., IX., X., XII., XIII., XVI., XVII., 1908, c. 16,





The standing joint committee and not the county council deals with county property and officers partly of a judicial character, e.g. shire-halls, police courts, and the salaries of justices' clerks.

1893-4, s. 64.

Each administrative county is divided into county districts, urban and rural (see Chs. III., IV.) (h). Every municipal non-county borough is an urban district. A county council may employ the council of any district in their county as agents for administering business affecting that district. But the powers of the county council with respect to boroughs and other urban districts are not so extensive as in the case of rural districts, e.g. the county council cannot make a bye-law for the good government of a borough, or an order affecting the boundaries of a borough or the apportionment of councillors in a borough, while in sanitary matters there is as a rule no appeal from an urban authority to the county council (i).

Property and Finance. 1883, ss. 64-74. The county council is a corporation for the purpose of holding and managing all county property, subject to the control of the Local Government Board. At the beginning of every local financial year (i.e. on or after the first of April) an annual budget must be submitted by the finance committee to the council. The accounts of the county council, the visiting committees of lunatic asylums, and of all joint committees are annually audited by district auditors appointed by the Local Government Board (see Ch. XX., p. 143). Abstracts of the audited accounts must be published and sent to the Local Government Board and to guardians of unions.

County Rate, 1852, c. 81. 1858, c. 33. 1866, c. 78. 1877, c. 66. 1888, c. 41, ss. 3, 8, 24. The ordinary expenditure of the county is defrayed out of the county fund, which is supplied principally out of a county rate largely supplemented by contributions from the Imperial Exchequer and sometimes from adjoining county boroughs (j). The county rate is levied according to an assessment made by the county council, not on individual properties, but on the several parishes in the county. A committee of the county council ascertains the total of the annual value of each parish (for which purpose it is not bound by the poor rate valuation, see Ch. XX., p. 140), and apportions the whole amount required according to the assessable values, and precepts for the amount required from a parish are sent to the guardians of the union in which it is included. The guardians pay the amount to the county treasurer and recover it from the overseers, who raise it in the parish by poor rates.

1888, s. 68.

For "general county purposes" a general county rate is made over the whole administrative county. For a "special county purpose" (one by which a part of the county is not benefited, and from contributing to which it is exempt) a special rate is made over the area



liable to contribute. In many counties special rates are levied for police, education, lunatic asylums, coroners and other matters. Areas may be exempt from contributing to some special county purposes and be liable to contribute to others. For each group of areas contributing in common to a special county purpose a separate rate must be levied and a "special county account" must be kept by the county treasurer (k).

County councils have general powers for borrowing money, with 1888, s. 69. the sanction of the Local Government Board, for the purchase of land or erection of buildings, or for other permanent works, or for consolidating their debts, or making advances to parish councils or other bodies. Whenever their total debts amount to one-tenth of the annual value of property rateable to the county rate (without the reductions allowed by the Agricultural Rates Act), a Provisional Order confirmed by Parliament is generally required. But borrowing for the purposes of the Education, Small Holdings and certain other Acts or of lending again to parish councils is excluded from this limit. The term for borrowing is ordinarily limited to thirty years. For the modes of borrowing by county stock, mortgage of rates or debentures, see Ch. XXII. (1).

# NOTES.

Note (a). The "administrative county" (i.e. the area for which a county Ancient and council is elected) differs from the ancient county mainly in the exclusion of the Administra-"county boroughs," i.e. of all, or nearly all, municipal boroughs with a population 1888, s. 100, of 50,000 or upwards, and also of a few with a population below that limit (see p. 32, s. 31. note (k)). There were formerly 43 boroughs and urban districts situated in more than one ancient county, but all these are now included, both for administrative ss. 50, 59. and judicial purposes, in the county which contained in 1881 the larger portion of the population. Two of the new administrative counties (Isle of Ely and Soke of s. 46. Peterborough) were formerly liberties, and have (with the exception of a common lord lieutenant and a common sheriff) a separate judicial as well as administrative organization from the counties of Cambridge and Northampton. The Isle of Ely has a separate custos rotulorum from the county of Cambridge. The ridings of York and the divisions of Lincoln have also as heretofore a separate judicial organization, except for sheriff and assizes, and (in the case of Lincolnshire) for lord lieutenant and militia. Suffolk and Sussex have each a single lord lieutenant, custos rotulorum, sheriff, and commission of the peace for the whole county, but in both counties quarter sessions are held in each division, jurors are summoned 1865, c. 37. separately, and a justice does not usually act outside his own division. The Isle of 1904, c. clvii. Wight was constituted a separate administrative county by a Provisional Order 1889, c. Act of 1889, but for other than administrative purposes still forms part of the clxxvii. county of Southampton (Hampshire). The Scilly Isles have a separate council, 1888, s. 49. but are not technically a separate county. Warwickshire is divided into two clxxvi. divisions (Warwick and Birmingham) for assize circuit commissions only.



### LOCAL GOVERNMENT.



Liberties. 1811, c. 36. 1836, c. 87. 1844, c. 61. 1850, c. 105. 1883, c. 18. 1888, c. 41, ss. 48, 59.

Hundreds, &c. 1825, c. 50, s. 12. 1865, c. 37, s. 13. 1878, c. 77, s. 20. 1888, ss. 3, 11, 47. 1869, c. 47.

Note (b). There were formerly many detached parts of counties, and also many liberties independent of any county. But by various Acts these are now nearly all merged in the adjoining counties. Of the liberties the Isle of Ely and the Soke of Peterborough are now separate administrative counties. There is, however, a separate commission of the peace and quarter sessions for the liberty of Ripon, in Yorkshire. And a commission of the peace is issued for the liberties of the Cinque Ports, but the justices, who act only in the liberties of the Cinque Ports of Dover and Sandwich, are not empowered to hold quarter sessions or to grant licences.

The ancient division of counties into hundreds, lathes, wapentakes, &c., is nearly obsolete; but the parliamentary and petty sessional divisions of counties are sometimes founded upon it, jury lists have still to be arranged by hundreds, and the hundred is sometimes still separately liable (e.g. in Lancashire) for its own bridges and main roads, and for the expenses of certain courts. In these latter cases, the county council may levy a hundred rate. The appointment of high constables for hundreds was practically abolished (with certain savings) by an Act of 1869.

Other "Counties."

Note (c). Other kinds of counties are:

- 1. Registration Counties, which are only aggregates of registration districts, containing one or more poor law unions, and formed for the registration of births and deaths, the census, and other statistics. Of 636 registration districts, as constituted at the beginning of 1903, about two-thirds (419) were each situated within a single administrative county, and 22 each within a single county borough; whilst 165 were each included partly within two administrative counties, or within an administrative county and a county borough, 27 within three, two within four, and one district within five, of these administrative areas.
- 2. Parliamentary Counties, a term which since 1885 includes any division of an ancient county returning a member to the House of Commons. In some cases these are no longer conterminous with the judicial and administrative county, owing to recent changes in the boundaries of the last-named area.
- 3. Counties of Cities and Towns. See p. 33.
- 4. County Boroughs. See p. 32.
- 5. Police Counties, i.e. the administrative county, excluding boroughs or other areas maintaining a separate police force, and subject to a power of transferring outlying areas from one county to another for police purposes (see Ch. XI., p. 75). The expenses of the county police (so far as they are payable out of rates) are payable out of rates which are raised in a similar way to the rates raised for other county purposes, but leviable only over the areas policed by the county.
- 6. Education Counties. For the purpose of elementary education (Part III. of the Education Act, 1902) the areas of every borough with a population over 10,000, and of every urban district with a population over 20,000 are excluded from the administrative county. The populations under this Act are ascertained according to the census of 1901, but a subsequent extension of the borough or district may result in its exclusion from the elementary education county. The same areas are excluded for the purpose of the Employment of Children Act, 1903. For purposes of education other than elementary (Part II.) the areas are the administrative counties and county boroughs. The county councillors of a borough or urban district, excluded as above, are prohibited from voting on matters of elementary education. (See Ch. IX.)

1885, c. 23, s. 33.



Note (d). Cambridgeshire and Huntingdonshire have a common sheriff chosen Sheriff. alternately from either county. Yorkshire and Lincolnshire have each a single 1887, c. 55, sheriff. The sheriffs of Cornwall and Lancashire are respectively appointed by the Duke of Cornwall and the Chancellor of the Duchy of Lancaster. In counties of cities and towns and the county borough of Oxford sheriffs are appointed by the town council.

Note (e). There are also some county justices ex officio or by Act of Parliament Justices. or by Charter, e.g. the Commissioners of Metropolitan Police are justices for 1856, c. 2. several counties. Judges of the High Court and Privy Councillors are ex officio justices. The chairmen of the county council and of each district council within 1893-4, c. 73, the county are exioficio justices for the county during their term of office.

See as to General and Quarter Sessions in Lancashire, the local Act, 1798, c. lviii.; as to Sussex, 1865, c. 37; Berwick-on-Tweed, 1836, c. 103, s. 6; Hertfordshire and St. Albans, 1874, c. 45; Kent, 1814, c. civ.; Suffolk, 1904, c. clvii.

Previous to the Act of 1906, county justices were required to have a qualification consisting either of an estate in possession of £100 a year, or of one in reversion, &c., of £300 a year, or of two years' assessment to the inhabited house duty at £100. A qualification by residence in or within seven miles of the county is still required. Any justice (whether ex officio or not) is removable by the Lord Chancellor. County justices are now ordinarily appointed by the Lord Chancellor on the recommendation of an advisory committee of which the Lord Lieutenant of the county is a member.

Justices who are members of Local Governing Bodies are as a rule disqualified Disqualificafrom acting in cases (a) in which they have actually voted for or otherwise pro- tions of moted or authorized the institution of legal proceedings, or (b) in which they have a substantial interest as members of the body authorizing the proceedings (see Lord Alverstone, L.C.J., in R. v. Meyer, 1 Q. B. D. 173; R. v. Henley, 1 Q. B. 504; R. v. Farrant, 20 Q. B. D. 58). But this disqualification is removed as regards proceedings under the Public Health Act, 1875, and under the Salmon Fisheries and 1875, c. 55, some other Acts. No similar provision occurs in the Local Government Acts, and s. 258. therefore members of county and district councils are as a rule absolutely debarred s. 61. from sitting as justices on the hearing of proceedings ordered by the council itself. It would seem, however, that a justice who is a member of the council may act in matters which are delegated to an executive committee or sub-committee, or to an officer of the council or of the police (e.g. school attendance, diseases of animals, dog licences, weights and measures), if he is not himself a member of the committee or sub-committee.

It is specially provided by an Act of 1867 that a justice shall not be incapable 1867, c. 115, of acting on the trial of an offence arising under Acts to be put into execution by local authorities, by reason only of his being one of several ratepayers or any other class liable to contribute to any fund of which penalties payable in respect of the offence will form part. A similar provision occurs in the Municipal Corporation 1882, c. 50, Act with respect to borough ratepayers acting as justices.

s. 158.

Note (f). The county coroner has a freehold office and is paid by salary out of the county fund. He appoints a deputy who is paid by fees, and must be approved 1860, c. 116, by the chairman of the county council. He can act notwithstanding the death of the coroner.

Coroner. 1887, c. 71. 1888, c. 41, 1892, c. 56.

A large county is usually divided into districts, by Order in Council made on s. 5. petition of the county council; and a separate coroner is then appointed by the 1899, c. 48. county council for each district, and as a rule acts only within his district, but is coroner for the whole county.

In some places "franchise coroners" are appointed for manors, hundreds,



### LOCAL GOVERNMENT.



1882, c. 50, s. 171.

parishes, etc., by lords of manors or other persons, and such coroners are often paid out of the county fund or local rate. Coroners for quarter sessions boroughs are appointed by the council, and paid by fees.

Committees. 1894, c. 57.

Note (g). If the powers of the council under the Diseases of Animals Act are not delegated to petty sessions, the council must appoint at least one executive committee under that Act. (See Ch. XIX., p. 121.)

1905, c. 18.

(4).

1909, c. 4, s. 1

Where a central body and distress committees have not been established by the Local Government Board for the whole of a county under the Unemployed Workmen Act, the council must appoint a special committee to collect information with respect to the conditions of labour. The powers of this committee have now, however, been practically superseded by the power of the Board of Trade to establish labour exchanges.

1888, s. 28 (2). 1893-4, s. 83. 1902, c. 42, s. 17. 1902, c. 17, s. 9.

There seems to be no general power to delegate executive powers to committees. The council can only delegate executive powers when such delegation is expressly authorized by statute. Thus, e.g., they can delegate powers conferred by the Local Government Acts of 1888 and 1894, the Education Act, 1902, the Midwives Act and the Small Holdings Act. There are similar powers of delegation under the recent Acts relating to Housing and Mental Deficiency.

Areas.

Note (h). By means of the Local Government Acts of 1888 and 1894, much has been done towards the simplification of areas. Every urban district is now entirely within one administrative county, and each civil parish, with very few exceptions, within one urban or rural district, while in many cases all the areas constituting an urban district have been consolidated into a single civil parish; but nine rural districts are still partly included in two counties, and in nine instances rural district councils administer, for convenience, civil parishes situated in a different administrative county.

1888, s. 54-7. 1893-4, s. 36. 1913, c. 19.

Boundaries of parishes and districts may still be altered by orders of the county council and the Local Government Board under the Acts of 1888 and 1894, and adjustments are thereupon made between the authorities affected in accordance with the rules contained in the Act of 1913.

County Councils and minor authorities. 1893-4, c. 73.

Note (i). The county council has considerable powers of control in minor matters over the minor administrative authorities in its county. Thus it may in certain cases establish and dissolve parish councils in small parishes, and group, alter, unite and divide parishes, and fix the number of councillors. It may confer on parish meetings any of the powers of parish councils, may determine questions as to parish documents and charities, may lend money to parish councils, and must consent to all parish loans. In the case of both district and parish councils certain disqualifications of councillors may be removed, and difficulties as to elections settled, and a scale for the expenses of elections fixed, by the county council. That council may also, on complaint by a parish council or electors that a rural district council has neglected its duties respecting sanitary matters, highways, or allotments, or the protection of rights of way, &c., proceed to perform those duties itself, or order the district council to perform them. There are somewhat similar powers vested in the county council in case of default of a rural district council to provide dwellings for the working classes.

1900, c. 59.

Although the county council have no direct control over urban authorities in sanitary matters, they can exercise a certain amount of indirect control by making representations to the Local Government Board that default has been made in such matters in an urban (as well as in a rural) district. They can also insist on having the reports of every district M.O.H. sent them periodically. The county council has as a rule no powers of control over boards of poor law guardians, but may alter

the number of guardians and combine and divide parishes for poor law elections.

1888, c. 41, s. 19.

1893-4, s. 60.

#### THE COUNTY.



Note (j). For some account of the contributions made from imperial sources Contributo the revenue of local authorities, see Ch. XXI., p. 155; and as to the contributions from county boroughs to the county fund, see p. 29.

Note (k). The partial exemption for occupiers of agricultural land and tithe Rates. owners from payment of rates (see p. 142) applies as well to the portion of the poor rate which is raised for expenses of the county council as to the portions of that rate which are raised for other purposes. It does not, however, apply to a rate which is assessed under any commission of sewers, or in respect of any drainage, wall, embankment, or other work for the benefit of the land.

Note (l). The sums expended (otherwise than out of loans) by county councils Expenditure. (except the London County Council) during the year 1911-12 amounted to £18,700,000. This sum includes £10,500,000 for education, £3,600,000 for main roads, other highways, and bridges, and £2,200,000 for police. The councils received £9,140,000 from rates (county contributions), and £8,300,000 from Exchequer grants and local taxation licence duties. The foregoing totals exclude £1,450,000 of Exchequer grants received by the councils and transmitted by them to boards of guardians and other local authorities.

The sums expended by the councils out of loans during the year amounted to £2,600,000, half of which was for sites, buildings, &c., for purposes of education.

The outstanding loan debt of the councils amounted at the end of the year to £24,100,000, exclusive of £300,000 borrowed to lend to other local authorities. Nearly £12,000,000 of the outstanding loan debt had been incurred for purposes of education, whilst £5,300,000 of that debt had been incurred for the erection, &c., of lunatic asylums.

For further financial statistics, see Ch. XXI.





#### PART II.

# MATTERS OF LOCAL ADMINISTRATION.

## CHAPTER VII.

### POOR LAW ADMINISTRATION.

- (1) Poor Relief.
- (2) Settlement.
- (3) Expenses and Rate.
- (4) Unemployed Workmen.

The unit for purposes of poor relief is everywhere the "union" (including a parish organized as a union) and the guardians of the union are the authority. The organization of the union has been already sufficiently explained. (See Ch. II.)

The principle of the Poor Laws may be shortly stated thus:-Every person who is unable to support himself has a right to relief, in the first instance in the place in which he is, and then in the place to which he is legally removable; and such relief is to be administered by boards of guardians and overseers subject to the control and regulations of the Local Government Board, the money being raised by rates levied on real property.

Poor relief is given by the guardians, except in case of urgent necessity, when an overseer may relieve, or, on the refusal of an overseer, a justice. The value of relief so given may be recovered from those persons who are liable to maintain the person relieved. parents, grand-parents, children, and grand-children of a pauper are all liable for his maintenance, but a man is primarily liable to support his wife and his and her children, and a widow, unmarried woman, or married woman with separate property is similarly liable to support her children or husband and children, as the case may be. Guardians may assume parental authority over pauper children who have been deserted by their parents, or whose parents are unfit to take charge of them. Justices may make orders for the removal of prisoners or persons detained in industrial and reformatory schools immediately on their release to the workhouse.

(1) Poor RELIEF. ! 1601, c. 2. 1662, c. 12. 1819, c. 12. 1834, c. 76. 1842, c. 57. 1844, c. 101. 1846, c. 66. 1847, c. 109. 1848, c. 110. 1849, c. 103. 1850, c. 101. 1851, c. 105. 1861, c. 55. 1865, c. 79. 1866, c. 113. 1867, c. 106. 1868, c. 122. 1871, cc. 70, 108. 1874, c. 54. 1876, c. 61. 1879, cc. 6, 54. 1882, cc. 36, 58. 1889, c. 56. 1894, c. 25.

1601, s. 6. 1834, ss. 56, 57. 1848, s. 8.

1868, s. 33. 1882, c. 75, ss. 20, 21. 1899, c. 37. 1908, c. 27. 1907, c. 14.

Poor relief is given either in or out of an institution, e.g. a work- 1834, s. 52 house, but no outdoor relief may be given except in accordance with Statute or Order of the Local Government Board.

Outdoor relief may be legally given in various forms: viz., in money or kind (bread, clothes, &c.), in medicine or surgical appliances, by apprenticing or assisting to educate children, by allotting land or aiding emigration. The payment by guardians of school fees for the 1876, c. 79, children of non-paupers, and of vaccination expenses, is not to be 1867, c. 84, deemed poor relief, and the receipt of medical or surgical relief is not 1885, c. 46. to disqualify for certain elections.

Institutional relief is given inside the workhouse or some other 1601, s. 4. institution. Under the old Poor Law Acts the churchwardens and 1834, ss. 23overseers of each parish were bound to provide "houses of dwelling for the impotent poor." And now the Local Government Board, with the consent of the guardians of a union or parish, may order a workhouse to be built, and may without such consent order an existing workhouse to be enlarged and altered, and may also authorize loans (within certain statutory limits) to be raised by the guardians for these and like purposes. A workhouse is managed by the guardians 1834, s. 42. subject to the regulations of the Local Government Board. Besides the regular inmates, the Poor Laws provide for the relief of the 1871, c. 108. wayfaring poor in casual wards, subject, however, in their case to certain liabilities to detention and forced labour. Instead of (or in addition to) providing a workhouse the guardians may contract for the support of their paupers in the workhouse of another union. They may also board out pauper children and send them to schools certified by the Local Government Board, and may provide hospitals and dispensaries for the poor. (As to district schools and pauper lunatics, see Chs. IX., XIII.)

The place in which a poor person is entitled to be permanently (2) Settlerelieved is the place in which he has a settlement, or (if he is irremovable) the place in which he is resident at the time of becoming chargeable. If a pauper is "removable," the guardians 1834, s. 79. of the union to which he becomes chargeable may obtain an order of removal from the justices to send him back to his place of settlement.

The law of settlement depends on many statutes and judicial See especially 1846, s. 1. The law of settlement depends of decisions, but has been much simplified by modern legislation. 1861, s. 1. 1865, s. 8. Speaking generally, it is as follows:

(i.) A person, when once chargeable, becomes irremovable from 35. (i.e. entitled to continuous relief in) a parish after one year's residence.

1893, c. 68,

1876, ss. 34,





- (ii.) Irrespective of chargeability, a person acquires a settlement in a parish after three years' residence.
- (iii.) A woman on marriage takes her husband's settlement if that is known.
- (iv.) A child under 16 takes its settlement from its father (if legitimate) or mother (if illegitimate or its father is dead), and, after attaining 16, retains that settlement until it acquires another. If its parents' settlement is not known, it takes its settlement from the place of its birth.

Though the parish is still the legal unit of settlement, yet the union is practically the unit since the Union Chargeability Act of 1865, which spread the expenses of poor relief over the wider area, and thus deprived the law of settlement of much of its former importance.

(3) EXPENSES.

The cost of poor relief is now, under the Union Chargeability Act (which applies to all unions under the Act of 1834, and may be applied to any union under a local Act by order of the Local Government Board), entirely chargeable on the common fund of the union (a) (b). This fund is formed, for the most part, by contributions from the several parishes within the union in proportion to their assessable value as determined by the last valuation list. (As to valuation, see Ch. XX.) The parish contributions are raised by the poor rate levied by the overseers on the precept of the guardians. Grants out of the Exchequer Contribution Accounts of counties and county boroughs are also paid into the union common funds, with the sums recovered from the relatives and property of paupers, &c.

Poor Rate. 1836, c. 96. 1862, c. 103, s. 30. 1869, c. 41, s. 17. 1896, c. 16. 1899, c. 17.

The poor-rate is levied by a uniform assessment or poundage on the net rateable value of all the lands, houses, mines, &c., and tithe rent-charge in the parish. But by temporary Acts passed in 1896 and 1899, which have subsequently been continued from time to time, occupiers of agricultural land and clerical owners of tithe are liable to pay one-half only of the rate in the pound payable in respect of buildings, and grants in respect of the resulting deficiency are made out of the consolidated fund. The overseers, when proceeding to make a poor rate, copy the valuation list (or the former poor rate with amendments), adding to it a statement of the number of shillings or pence in the pound which will produce the required sum, and a column showing the amount to be paid by each occupier, and other columns for arrears and sums excused. The document so filled up is properly called an "assessment." A declaration of its correctness is signed by the overseers, and it is submitted to justices for their allowance (which cannot be withheld if the rate is in proper form). When allowed it becomes a "rate," and it must be published and inspection of it must

be permitted to ratepayers and certain authorities. The amount due from any person ought to be demanded in writing (c).

The poor rate was originally in theory a contribution by inhabitant 1840, c. 89 occupiers according to their ability, and not only land but stock-intrade was rated in many places. The rating of stock-in-trade has ceased since 1840. The Rating Act, 1874, made plantations and woods, rights of sporting, and mines of every description, rateable to the poor and other local rates. Woods, stone quarries, and mines other than coal mines, had been previously rateable for highway purposes only (d).

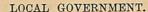
(continued by Expiring Laws Continuance Acts). 1874, c. 54.

Guardians may borrow money with the consent of the Local Govern- 1889, c. 56, ment Board for any permanent work or object, or for anything the costs of which ought in the opinion of that Board to be spread over a term of years, but their whole debt is not to exceed one-fourth of the annual rateable value of the union, except so far as may be specially authorised (up to one-half of the rateable value) by Provisional Order confirmed by Parliament.

In all boroughs and urban districts with a population of not less (4) UNEMthan 50,000, outside the London area, a distress committee, having all WORKMEN. the power and duties of a central body as well as those of a distress 1905, c. 18. committee, is established by order of the Local Government Board. The committee consists partly of members of the council and partly of members of the board of guardians and persons experienced in the relief of distress. In addition to these urban committees the Local Government Board may establish a central body and distress committees in any county or part of a county.

The duties of a distress committee are to make themselves acquainted with the conditions of labour within their area and discriminate between applications made to them by persons unemployed and resident within their area. They may endeavour to obtain work for any applicant honestly desiring and temporarily unable to get work, if they consider that he ought to be dealt with by them rather than under the poor law; but (except where they have the powers of a central body) they have no power themselves to provide or contribute towards the provision of work.

The central body is to superintend and co-ordinate the action of the distress committees and assist them by establishing labour exchanges, They may aid the emigration or removal of an unemployed person and provide temporary work in order to put the workman in a self-supporting position. The expenses both of the central body and the distress committees are defrayed out of the central fund managed by the central body, which is supplied partly by voluntary contributions and partly out of a rate usually limited to  $\frac{1}{2}d$ , in the £ (now







supplemented by grants from the Consolidated Fund). The objects of expenditure are also strictly limited, and it is provided that assistance under the Act shall not deprive the workman of any rights of voting (e).

Where a central body and distress committees have not been established for the whole of a county, the county council is to constitute a special committee of its members with power to co-opt other persons. The duty of this committee is to collect and supply information in respect to the conditions of labour within their area, but not to provide any assistance. Their expenses are payable out of the county fund as special or general county purposes "as the circumstances may require."

1909, c. 4, s. 1 (4).

The duration of the Unemployed Workmen Act was originally limited to three years, but is now continued annually. Since 1911, however, the powers of the above-mentioned bodies to establish labour exchanges and employment registers have been practically superseded by those of the Board of Trade under the Labour Exchanges Act, 1909.

# NOTES.

Common fund. 1834, s. 28. 1861, s. 6. 1862, ss. 38, 39. 1865, ss. 1, 9. 1890, c. 5, ss. 286, 294. Note (a). (i.) The following expenses are now all chargeable on the common fund of a union:—

workhouse and establishment charges,
relief of poor (both indoor and outdoor),
vaccination and registration expenses,
expenses of assessment committees,
election of guardians (general expenses),
prosecutions by guardians,
charges of pauper lunatics, settled in or irremovable from the
union.

(ii.) Among the few items of expenditure connected with the administration of the poor law which are still chargeable to separate parishes are—
salaries of parish rate-collectors and assistant overseers, special expenses of contested elections of guardians.

1893-4, c. 73, s. 48 (4) (o).

Expenditure.

Note (b). For expenditure on poor law purposes in England and Wales see Table B, p. 174.

Compounding. 1819, c. 12. 1869, c. 41. Note (c). Poor rates and other local rates are ordinarily paid by the occupier of the lands, &c. on which they are leviable. But in the case of small house property, it has been found necessary (in order to save excessive inconvenience and expense) to make the owners "compound," i.e. pay rates instead of the occupiers, on being allowed a reasonable reduction. Thus under the Act of 1869 owners of tenements the rateable value of which is not more than £8 (higher limits are allowed in London, Liverpool, Manchester and Birmingham) may by agreement compound at

### POOR LAW ADMINISTRATION.



a reduction of 25 per cent., or may be compelled to compound at a reduction which may amount to 30 per cent. (i.e. 15 per cent. if the rates are only paid on occupied tenements, with a further deduction not exceeding 15 per cent. more, if the owners agree to pay rates on all their tenements whether occupied or not). The occupiers' names are to be inserted in the rate, and they are qualified as parliamentary or local government electors, as if they paid the rate. And under the Act of 1819 (not applicable in a parliamentary borough) the owners of dwellings let for terms less than a year or at shorter than quarterly rents, the rents being not less than £6 nor more than £20, may be forced to compound. The composition may be at onehalf the rent or more. In an urban parish the agreement is made with or the compulsion is exercised at the direction of the vestry or the body (usually the town or urban district council) to whom the powers of the vestry in the matter have been transferred by order of the Local Government Board under the Act of 1894. In a rural parish the local authority in the matter is the parish council or (if there is no council) the parish meeting.

The Act of 1869 applies only to the poor rate; but its provisions for compounding were afterwards applied to highway rates, and somewhat similar provision is made with respect to the general district rates by the Public Health Act.

1875, c. 55,

By the Poor Rate Assessment Act of 1869, occupiers for terms of not more 1869, c. 41. than three months may deduct poor rates paid by them from their rents, and by cp. 1875, c. 55, the Rating Act 1874 countries of the state of the sta the Rating Act, 1874, occupiers of mines are allowed to make similar deduc- 1874, c. 54. tions. Owners are rated directly in the case of sporting rights severed from the occupation of the land, and in respect of tithe rent charge.

Note (d). There are some exemptions from liability to the poor-rate.

Exemptions.

1814, c. 170, s. 11, as to the power of justices with the consent of the overseers to excuse indigent persons.

1833, c. 30, as to churches and certified chapels, so far as used exclusively for religious services or for Sunday or charitable schools.

1843, c. 36, as to certified scientific and literary societies.

1863, c. 65, s. 26, as to volunteer storehouses.

1869, c. 40. Power to rating authorities to exempt premises used exclusively for Sunday or ragged schools without profit.

1897, c. 5, s. 3, as to non-provided public elementary schools.

(ii.) Lands acquired for burial grounds under the Burial Acts are not at any 1855, c. 123, time to be assessed at a higher value than their assessed value when s. 15.

(iii.) Lands, &c., in the occupation of the Crown or Government are not rateable, but contributions in lieu of rates are annually made out of money voted by Parliament.

(iv.) Some local Acts contain particular exemptions.

Several of the above exemptions extend to other rates besides the poor-rate. See also the Lands Clauses Consolidation Act, 1845 (and many similar pro- 1845, c. 18,

visions in local Acts), by which railway and other companies and pro- s. 133. moters (including local authorities) are bound to make good deficiencies of rates during the progress of their works.

Note (e). A return as to the proceedings of these committees is made annually Distress to the House of Commons. See, for example, No. 234 of 1913. The aggregate Committees. expenditure in the financial year 1912-13 of distress committees for districts outside London was £59,000, met, as to £29,100 from the parliamentary grant, and as



# CHAPTER VIII.

#### PUBLIC HEALTH.

- (1) Sanitary Authorities.
- (2) Port Sanitary Authorities.
- (3) County Councils.

(1) SANITARY AUTHORITIES. 1875, c. 55. The various matters administered by the councils of county boroughs, and by urban and rural district councils, as "sanitary authorities," under the Public Health Act, 1875, and amending Acts may be roughly classified as follows:—

- (i.) Sewerage and drainage.
- (ii.) Water supply.
- (iii.) Inspection and prevention of nuisances.
- (iv.) Inspection and regulation of lodging-houses and cellar dwellings.
- (v.) Provision of hospitals, cemeteries, and mortuaries, and powers in respect of infectious diseases.
- (vi.) Cleansing and improvement of streets.
- (vii.) Town improvements (new streets, bridges, parks, markets, &c.).
- (viii.) Lighting.
- (ix.) Regulation of traffic, hackney carriages, fires, &c.

Of these matters those numbered (i.) to (v.) are administered by both urban and rural councils, the remainder by urban councils (including county borough councils) only, except where such powers have been by Order conferred on certain rural councils (a).

These matters are administered under an elaborate code of laws, of which only an outline can here be given.

- (i.) These councils have full powers, and it is their duty to provide a proper system of sewerage, and to enforce the drainage of houses and the provision of proper sanitary conveniences.
  - (ii.) They may provide a water supply, and charge water rates, or

Sewerage and Drainage. 1875, ss. 13– 41. 1883, c. 37. Water.



supply water by measure, and may require houses to be supplied with 1875, ss. 51-

1878, c. 25, s. 10. 1885, c. 72,

(iii.) It is their duty to make inspection of their districts for the detection of nuisances, and to put in force as occasion may arise the 1897, c. 44. powers with which they are invested so as to secure the proper sanitary Nuisances. 1875, ss. 42condition of all premises within their districts. They may make 50, 91-119. bye-laws for the removal of house refuse and cleansing of foot pave- ss. 7-10. ments by occupiers, or they may, and if required by the Local Government Board must, undertake this work themselves. They have summary powers for the abatement of nuisances (including the prevention of overcrowding in houses and of the emission of smoke in excessive quantities from buildings other than dwelling-houses).

These summary powers can be enforced (subject to appeal to quarter sessions) by order of a court of summary jurisdiction, which, in addition to imposing a fine, may require the discontinuance or prohibit the recurrence of a nuisance, and direct the execution of any works necessary for either of those purposes, and may further, by a "closing order," prohibit the use of any building for human habitation until it has been rendered fit for that purpose.

These councils have also to prevent the pollution and choking- 1875, ss. 69, up of streams and the use of unwholesome drinking water. Under 70. 1876, c. 75. the Rivers Pollution Prevention Act, 1876, they are required to afford 1893, c. 31. facilities for drainage from manufactories into their sewers.

They are also required to provide for draining off acid from works 1906, c. 14. to which the Alkali, &c., Works Regulation Acts apply, at the request and expense of the owner; and they may complain to the Local Government Board as to nuisances arising from such works, and apply for an additional inspector.

(iv.) As regards the inspection and regulation by these authorities Lodging of cellar dwellings and lodging-houses under the Public Health Acts, see Ch. XVII., p. 112. (That chapter deals also with the kindred subject of the housing of the working classes, which, though treated in a separate branch of legislation, is closely connected with the law of Public Health.)

Houses, &c.

(v.) They may provide hospitals, and means of conveyance for Hospitals, &c. infectious patients, and cause premises to be purified and disinfected, 1875, ss. and take measures for checking the spread of infection, for cleansing 1878, c. 74, persons from vermin, and for securing cleanliness in cowsheds, dairies, and milkshops; and they may provide mortuaries and cemeteries. s. 9. They may with the consent of the Local Government Board provide temporary medical assistance for the poor; and it is their duty to enforce the regulations of that Board in case of an epidemic.

1875, ss. 46, s. 34. 1879, c. 31. 1886, c. 32, 1897, c. 31.





1875, s. 276. 1890, c. 59, s. 5. 1907, c. 53.

Streets. 1875, ss. 42, 44, 144, 148-160. 1888, c. 52. 1892, c. 57. 1893-4, c. 73, s. 25.

Town Improvements. 1875, ss. 146-7, 154-160, 164-70. 1888, c. 52.

Lighting. 1875, ss. 161– 3. 1883, c. 37. Miscellaneous. 1875, ss. 171– 2. 1889, c. 14.

1878, c. 25.

1875, s. 110. 1885, c. 35, s. 2. 1877, c. 60. 1884, c. 75.

1885, c. 72, s. 9.

1875, ss. 279-285. The foregoing matters are under the control of both urban and rural councils, though in some particulars the urban powers are somewhat the wider. The following matters are (speaking generally) provided for in county boroughs and urban districts only; but the Local Government Board may invest a rural council, as regards either their whole district or any contributory place, with any of the powers of an urban council (a).

- (vi.) While both urban and rural councils have as highway authorities for their districts (see Ch. X.) to repair the roads efficiently, urban councils may in addition provide for street scavenging and watering; they may improve the streets and take over new streets, and may compel the sewering, paving, &c., of streets which they have not taken over.
  - (vii.) They have powers with regard to the making of new streets and bridges and the position and construction of new buildings, and may make bye-laws regulating these matters; they may purchase and lay out public pleasure grounds (see Ch. XV., p. 99), and provide market places and slaughter-houses.
  - (viii.) They may contract for the lighting of their streets, and if necessary may supply the light themselves.
- (ix.) By the incorporation of certain sections of the Towns Police Clauses Act, 1847, they have powers with respect to obstructions and nuisances in streets, and with respect to fires, places of public resort, hackney carriages, and public bathing; and they may license horses, pleasure boats, &c., and make bye-laws for their regulation.

On the other hand, the Public Health (Water) Act, 1878, applies primarily to rural districts only, but may be extended by the Local Government Board to urban districts. This Act enables the district council to compel owners of houses to supply their property with water, subject to an appeal to petty sessions or the Local Government Board.

Many of the provisions relating to nuisances and to infectious diseases apply to ships lying within or near a county borough or district, as well as to houses. And the councils of county boroughs and districts have special powers for the registration and inspection of canal boats, and for securing by bye-laws and otherwise the sanitary condition of tents and other movable and temporary dwellings.

Any districts or parts of districts may by Provisional Order be formed into a united district under a joint board for the purpose of water supply, sewerage, or any other purpose of the Public Health Acts. And even without a Provisional Order the councils of adjoining districts may combine for common works. A rural council may, as regards any contributory place, delegate any of its sanitary duties





to a parish council, or to a "parochial committee" consisting wholly of members of the rural council, or partly of such members and partly of other persons being members of the parish council, or (if there is no such council) being ratepayers in the place.

A tendency has been shown in recent years to apply the adoptive principle to extensions of the laws relating to public health and some other matters of local administration. Thus an adoptive Act enables 1890, c. 34. every county borough council and district council to check infection by means of the inspection of dairies, and prohibition of the supply of milk from dairies found to be infected, and by other stringent measures. Another (the Public Health Acts Amendment Act, 1890) contains a 1890, c. 59. number of amendments of detail in the sanitary laws, adoptive partly in urban districts only (including county boroughs), and partly in both urban and rural districts, but the Local Government Board may declare any portion of the Act to be in force in any rural district. This Act also enables urban councils to adopt provisions for the prevention of danger from overhead wires, and for the regulation of music halls. Another similarly adoptive Act is the Private Street Works Act, 1892.

The Infectious Disease (Notification) Act, originally adoptive, has 1889, c. 72. since been made general in every urban, rural and port sanitary district. By it is required, under penalty, to be given to the medical officer of health notice of every case of any serious infectious disease occurring in the district.

1892, c. 57. 1899, c. 8.

The Notification of Births Act, 1907, is another adoptive Act. 1907, c. 40. The council of a borough or urban or rural district may adopt the Notification of Births Act for their borough or district and pay the expenses out of the sanitary rate, and the council of a county may adopt the Act either for their whole county or for any county district therein, and pay the expenses out of the county fund (b). The Local Government Board have power to declare the Act to be in force in the area of a local authority who have not adopted it, if the Board think it expedient, having regard to the circumstances of the area.

Another Public Health Acts Amendment Act of 1907 contains 1907, c. 53. further numerous amendments of the sanitary laws, taken largely from local Acts of Parliament applicable to the larger towns. These relate to streets and buildings, infectious diseases, recreation grounds, police, fire brigade, sky signs, &c.; but their provisions are only law where they have been declared to be in force by an Order of the Local Government Board made on the application of the urban or rural district council.

Thus, a sanitary authority may obtain powers in four different ways: (1) under a General Act, (2) under a Special Local Act,



GI

(3) by passing an adoptive resolution, (4) by Order of the Local Government Board.

Expenses.

1875, s. 216.

In urban districts expenses for sanitary purposes are, generally speaking, borne by the "general district rate," from which, as was shown in a previous chapter, certain kinds of property are partially exempt (see p. 23) (c). An urban authority may subdivide its district or any street in the district for any of the purposes of the Public Health Acts, and may levy a rate specially on any part.

Ss. 229, 230, 277. In a rural district, each parish is  $prim\hat{a}$  facie a separate "contributory place," and is separately chargeable with its own "special expenses," i.e. the expense of providing it separately with water or sewerage, or the expense of any other separate works, or any other expense which the Local Government Board declares to be special (d). These expenses are payable out of a special rate, which is levied in the particular parish or place on the same basis as that of the general district rate of an urban district, but is otherwise levied like the poorrate (e). "General expenses" are all other expenses of the rural sanitary authority, and are payable out of the poor rates of the several parishes in proportion to their assessable values (f).

(2) PORT SANITARY AUTHORITIES. 1875, ss. 287– 292. 1885, s. 3. The Local Government Board has power, by order, to constitute any sanitary authority whose district forms part of or abuts on a "port," or any commissioners having authority in a "port," the "port sanitary authority." The order may also combine two or more of such bodies (called "riparian authorities") into a joint board to act as the port sanitary authority for one or more "ports." A "port" is any place so appointed by the Treasury for customs purposes under the Act of 1876. But if an order is objected to by any riparian authority, it is provisional only, until confirmed by Parliament.

1876, c. 36, s. 11.

The district of a port sanitary authority consists of the waters of the port and so much of the districts of the constituent riparian authorities as are named in the order. A port sanitary authority may be invested with any powers given by the Public Health Act or by the Infectious Disease Prevention Act, 1890. Subject to the order, the expenses are defrayed as other sanitary expenses, or, where there is a joint board, out of a common fund to which the riparian authorities contribute in proportions fixed by the Local Government Board (g).

1896, c. 20.

(3) County Councils.

In addition to the powers of the above-mentioned sanitary authorities, there are extensive powers and duties of a sanitary nature vested in county councils. These include the prevention of pollution in rivers (h), medical inspection of school children, supervision of the Adulteration

Acts and of the Acts relating to working-class dwellings (see Chs. IX., XVII., XIX.). Under the last head, and in other sanitary matters,



the council of a county has to consider the complaints of parish 1890, c. 70, councils against defaulting rural district councils, and to take action \$8.45. if they consider the complaints justified.

Isolation hospitals for infectious diseases may on the application 1893, c. 68. of an urban or rural district council in a county, or of not less than 1901, c. 8. twenty-five ratepayers in a "contributory place," be provided by the county council for specially formed hospital districts, under the management of "hospital committees" representative of the county council and of local areas included in the district. The expenses, so far as they are not defrayed by the patients, are charged on the particular district; but the county council may contribute out of the county fund if it thinks it expedient to do so for the benefit of the county. A hospital which has been provided by a district council may, with the sanction of the Local Government Board, be transferred to the county council and may be adapted as an isolation hospital.

The Local Government Board may declare the county council to 1875, c. 55, be one of the authorities to enforce the Board's regulations made under 1913, c. 23, the Public Health Act to prevent the spread of cholera and other s. 2.

infectious diseases on the rivers and waters, as well as on land. County councils may also provide institutions for "sanatorium 1911, c. 55, benefit" under the National Insurance Act (see Ch. XIX., p. 127), and 1913, c. 23, may make any arrangements sanctioned by the Local Government Board for the treatment of tuberculosis.

Under the Midwives Act, 1902, the council of a county or county 1902, c. 17. borough are the local supervising authority for midwives within that area. Their duties are to investigate charges of misconduct, suspend, and exercise general supervision over all midwives practising within their area, subject to the regulations of the Central Midwives Board. They also keep copies of the midwives' roll and notify the Central Board of all changes. They may delegate their powers and duties either to a committee consisting wholly or partly of members of the council, or (in the case of a county council) to any district council within the county. Women are eligible to serve on any midwives committee. The expenses are defrayed out of the county or borough fund, and those of a district council are repaid by the county council.

The Housing Act of 1909 requires every county council to appoint 1909, c. 44, a full time medical officer of health, and empowers the Local Government Board to prescribe his duties (i). The district medical officers of health are to give him all information which he can reasonably require. Every county council has also to establish a public health and housing committee, and to refer to it for report all matters, which are not



### LOCAL GOVERNMENT.



urgent, relating to public health (except powers of rating and borrowing), and may also with like exceptions delegate to the committee any of the council's powers and duties. Since the establishment of an efficient county organization for public health purposes, there has been a tendency for legislation to give the county councils more extended supervision over the minor authorities, especially the rural district councils.

1911, c. 55, s. 59.

Under the National Insurance Act there has now been established in every county and county borough an Insurance Committee which has important functions in relation to public health (Ch. XIX., p. 127).

## NOTES.

Urban Powers in Rural Districts.

Note (a). Urban powers have been conferred on rural councils in a large number of cases by order of the Local Government Board: the average annual number of such orders made in recent years has been 170, the principal powers conferred relating to the cleansing and watering of streets and the making of byelaws for nuisances and new buildings.

Notification of births.

Note (b). In March, 1913, this Act had been adopted by 4 county councils, by 62 county borough councils, by 68 non-county borough councils, by 83 other urban district councils, and by 19 rural district councils.

Rates.

Note (c). The Public Health Act, 1875, contains the following special provisions as to rates :-

1875, ss. 6, 207.

(i.) In a borough in which the "sanitary" expenses were, before 1875, paid otherwise than out of the borough fund or rate, they are (subject to the provisions of local Acts) to be paid out of a general district rate. But in other boroughs constituted before 1875, they are to be paid out of the borough rate without the three-fourths exemptions.

(ii.) In an improvement Act district in which such expenses have been paid out of a rate in the nature of a general district rate leviable over the whole

district, they are to continue to be so paid.

S. 216.

(iii.) In an urban district, if the whole district is without public works of paving, water supply and sewerage, roads are to be maintained out of a highway rate. If part is without such works, the roads in that part are to be maintained out of a special highway rate on that part.

S. 208.

(iv.) In an urban district, where the expenses are not payable out of a general district rate, the Local Government Board is authorized on application to declare them, by provisional order, to be so payable, subject to the exceptional highway provisions.

Ss. 213, 232. Cf. 1892, c. 57. (v.) Private improvement rates are also authorized to be levied on individual occupiers both in urban and rural districts.

Contributory place. Ss. 229, 277.

Note (d). Any area consisting of several parishes or parts of parishes may be constituted by the Local Government Board a separate "contributory place" (also called a "special drainage district"), and becomes separately chargeable with " special expenses."



#### PUBLIC HEALTH.



Note (e). "Special expenses" may now in certain cases be defrayed, if the Special Local Government Board so directs, in like manner as general expenses, i.e. without Expenses. the three-fourths exemption for certain kinds of property.

1893-4, s. 29.

Note (f). For further details of expenditure for sanitary purposes, see Tables Expenditure. in Ch. XXI. See, also, as to general and special expenses in rural districts, Ch. III., p. 19.

Note (g). In 1911-12 there were in England and Wales (excluding London) 59 Port Sanitary port sanitary authorities, 29 being joint boards. Their total expenditure amounted to about £34,000 for the year ending March, 1912.

Authorities.

Note (h). The Rivers Pollution Prevention Act, 1886, is enforceable by Rivers county councils as well as by sanitary authorities, and a joint committee of county Pollution. councils can be appointed for the preservation of a river passing through several 1888, c. 41, counties.

In the West Riding and several parts of Lancashire and Cheshire special 1892, c. exci. powers in addition to those conferred by this Act are by local Acts conferred on 1894, c. clxvi. joint committees of the councils of counties and county boroughs concerned for better preventing the pollution of rivers.

Note (i). An Order of the Local Government Board (dated July, 1910) pre- County scribes that the County M.O.H. shall inform himself as far as practicable respecting M.O.Hs. all influences affecting, or threatening to affect, injuriously public health in the county; shall enquire into and report upon the hospital accommodation for infectious diseases; shall consult with the district M.O.Hs. and communicate to, and obtain from them, information as to the health statistics of the county; shall make an annual report to the county council, and, when directed by the Local Government Board or the council, a special report on any matter appertaining to his duties.



GL

# CHAPTER IX.

#### EDUCATION.

- (1) Public Elementary Schools.
- (2) Higher Education.
- (3) Poor Law Schools.
- (4) Industrial and Reformatory Schools.

(1) Public Elementary Schools. 1870, c. 75. 1876, c. 79. 1880 (2), c. 23. 1890, c. 22. 1891, c. 56. 1893, cc. 42, 51. 1897, c. 5. 1899, cc. 13, 32. 1902, c. 42. 1904, c. 18. 1907, c. 43. 1909, c. 29. 1911, c. 32. 1902, ss. 1, 20.

Previous to the year 1870, education was not a matter of Local Government concern, being left to the voluntary action of private persons or societies aided by grants from the Government. The Elementary Education Act, 1870, was passed to ensure the proper provision of public elementary schools and the efficient education of children at them. For that purpose school boards were elected in any district where the public school accommodation was found insufficient after enquiry by the Education Department. The school district was ordinarily the municipal borough and elsewhere the poor law parish, but many parishes were united by the order of the Education Department to form school districts or contributory districts.

The Education Act, 1902, altered the whole organization of elementary education. The whole of England and Wales is now divided into areas under local education authorities, which for the purposes of elementary education are (1) the councils of county boroughs; (2) the councils of boroughs with a population of over 10,000; (3) the councils of urban districts with a population of over 20,000; and (4) elsewhere the council of the administrative county. Arrangements may be made between any of these authorities for the management of schools and they may with the sanction of the Board of Education combine together for any educational purpose. The council of a non-county borough or urban district may, with the approval of the Board of Education, agree to relinquish any of its powers and duties under the Act to the county council (a).

Every local education authority must appoint an education committee and refer to it all educational matters, except the power of raising a rate or borrowing money, and may (with the same exception) delegate to the committee with or without restriction any of the



council's powers. The education committee is constituted in accordance with a scheme made by the council and approved by the Board of Education. This scheme ordinarily provides for at least a majority of the committee being members of the council, the remainder being persons experienced in education or acquainted with the needs of the various kinds of schools. Women as well as men must be included among the members of the committee. An education committee may appoint sub-committees, consisting wholly or partly of its own members.

It is the duty of the local education authority to maintain and keep Ss. 7-9. efficient all public elementary schools within their area which are necessary, and to provide such additional school accommodation as is necessary in the opinion of the Board of Education (b). Various notices and proceedings are required in order to establish a new school, the decision in case of disagreement lying with the Board of Education.

All public elementary schools have to be conducted in accordance 1870, s. 7. with the regulations of the Board and to be open at all times to inspection by the Board's inspectors. Any religious observance or instruction in these schools is subject to a conscience clause.

There are at present two classes of public elementary schools: - 1902, ss. 6, 7. (1) the "provided" or "council" schools, the buildings of which were originally provided by public funds or have since been transferred to the local education authority; and (2) the "non-provided" or "voluntary" schools, the buildings of which have been provided wholly or mainly by private funds, and are now maintained by private persons or societies. The provided schools are wholly under the control of the local education authority. When this authority is the council of a county borough or other borough or urban district it appoints all the managers. In a county the county council appoints twothirds of the managers, the remaining one-third being appointed by the "minor local authority," i.e. in a borough or urban district the borough or district council, and elsewhere the parish council or parish meeting of the area served by the school. In a provided school, under what is called "the Cowper-Temple clause," no religious formulary 1870, s. 14. distinctive of a particular denomination is allowed to be taught.

In non-provided schools the buildings (other than the teacher's dwelling-house) are maintained by the managers subject to a payment for wear and tear by the education authority, who also bear all other expenses of maintenance. The secular instruction in the school (including the number and qualification of the teachers) is controlled by the local education authority, but the teachers are appointed and





dismissed by the managers subject to the consent of the authority. The use of the school buildings by the authority only extends to the ordinary school hours and in some cases to three evenings a week for evening school purposes. The religious instruction in the non-provided school is not subject to "the Cowper-Temple clause," but is regulated by the trust deed of the school and is under the control of the managers. The managers in a non-provided school ordinarily consist of four foundation managers, appointed under the trust deed or by the owner of the school, and two representative managers appointed by the local education authority. In a county one of the latter is appointed by the minor local authority.

Schools may be grouped for the purposes of management by the local education authority, but non-provided schools can only be grouped with the consent of the managers.

Expenses. 1902, s. 18. The expenses of elementary education are defrayed in a county out of the county fund, the rates for this purpose being levied over the whole county, excluding any borough or district which has a separate local education authority. The county council charges a portion, not less than one-half or more than three-fourths, of the capital expenses or rent incurred for the provision or improvement of a school on the parish or parishes served by the school, and a similar charge is made for loans or rent incurred for any schools transferred to the council from a school board.

Expenses in a borough are paid out of the borough fund or rate, or, if no borough rate is levied, out of a separate rate assessed and levied like the borough rate. Separate accounts have to be kept by the borough council, as its education accounts are audited by Government and not by municipal auditors. The expenses of an urban district council are paid out of a fund raised out of the poor rates of the parishes in the district, the rates being levied by overseers on a precept from the district council. Any local education authority may borrow on the security of the fund or rate out of which its expenses are payable, and educational loans are not to be reckoned as part of the total debt of the authority for the purposes of limitation of debt under the Acts of 1875 and 1888.

1902, s. 19.

1875, c. 55, s. 234. 1888, c. 41, s. 69.

1870, ss. 96, 97. 1876, s. 19. 1890, s. 2. 1891, s. 1. 1902, s. 10. The funds raised by rates are supplemented by annual parliamentary grants. The principal grants are of six kinds: (1) the annual grant made for the ordinary instruction in efficient schools at the rates per "unit of average attendance" fixed by the annual day school code; (2) an "aid grant," the amount of which is determined partly by the number of scholars in attendance and partly by the amount produced by a 1d. rate on the area; (3) a "fee grant" at the rate of 10s. a year



for each child over three and under fifteen in average attendance at any school where fees are not charged, or where the Board of Education approve the fees; (4) a small population grant made for a school in a thinly-populated area; (5) a temporary grant to heavily-rated areas; (6) grants for medical inspection and treatment. No parliamentary grant is made at present in aid of building, enlarging, or fitting up a school, or on account of any religious instruction. The local education authority have power, with the consent of the Board of Education, to cause a weekly fee, not exceeding 6d., to be charged in any elementary school maintained by them; but sufficient free school accommodation must be provided. In some cases the funds of elementary schools are supplemented by endowments. The Board 1911, c. 32. of Education may make contribution orders where children resident in the area of one authority are attending the schools of another.

The local education authority may take transfers of schools, and 1870, ss. 18may take land by agreement and otherwise, for the purpose of erecting elementary schools; but land can only be taken compulsorily under a provisional order made by the Board of Education and confirmed by Parliament. Non-provided schools are exempt from local rates.

The powers of a local education authority include the cleansing of 1908, c. 67, verminous school children, the provision of vacation schools and other 1907, c. 43, means of recreation, and the power to make arrangements, with the s. 13. sanction of the Board of Education, for attending to the health and physical condition of school children. It is also their duty to provide for medical inspection as may be directed by the Board. No parent is bound to submit his child to medical inspection or treatment, but, where treatment is provided, repayment of the cost is to be required from all parents able to repay.

1897, s. 3.

It is the duty of the parent of every child to cause him to receive Attendance. efficient elementary instruction, and it is the duty of the local education authority, after duly warning the parent, to secure regular attendance at school of all children between five and fourteen years of age, not exempted, and not receiving efficient elementary instruction elsewhere.

1876, ss. 4, 11.

Every authority must make bye-laws for their area, determining the 1870, s. 74. time and standard of education for total exemption, and, if they think 1899, c. 13. fit, for partial exemption also. These bye-laws can only come into 1900, s. 6. force with the approval of the Board of Education, and after the prescribed publication and notices. The Board can make and enforce bye-laws in default of the local education authority. Bye-laws must be made in compliance with the statutory provisions as to attendance





and employment of children. These are somewhat complicated, but (generally speaking) are as follows: -A child under the age of twelve may not be taken into employment unless he gives a full attendance at school. A child between the ages of twelve and fourteen may be totally or partially exempted from school attendance on obtaining a certificate that he has reached a prescribed standard of education or has attended school 300 times a year for five preceding years. In factories or workshops children under twelve cannot be employed at all, and children under thirteen cannot be employed full time. There are special provisions for children employed in agriculture. Bye-laws are enforced by orders of a court of summary jurisdiction. The following are reasonable excuses for not complying with a bye-law (a) that the child has been prevented from attending school by sickness or any other unavoidable cause, and (b) that there is no public elementary school open which the child can attend within a distance, not exceeding three miles, to be fixed by the bye-laws, and that the local authority

The education of children on canal boats is enforced by the local education authority of the place in which the boat is registered, with the aid of the Government inspectors under the Canal Boats Acts.

have not made provision for the conveyance of the child.

The local authority has to provide suitable instruction for blind and deaf children of school age (ordinarily from the age of six to sixteen) residing in their area, and for this purpose can maintain or contribute to schools certified by the Board of Education as suitable, and may require the parents of the child to contribute to the cost of the instruction. There are similar provisions for the suitable instruction of defective or epileptic children (not being idiots or imbeciles), but it is not compulsory on the local authority to provide for their education. A board of guardians may contribute to the maintenance of schools for defective or epileptic children. (See Ch. XIII.)

The local education authorities, established by the Education Act, 1902, for elementary education are also the authorities for higher education ("other than elementary"), except that the area of the county council for this purpose extends throughout the administrative county. The larger non-county boroughs and urban districts are consequently not local authorities for higher education, but the council of every non-county borough and urban district has concurrent power with the county council to aid the supply of higher education, though the amount of aid given, so far as it is derived from rates, must not exceed the proceeds of a penny rate.

The duty of the local authority under the Act is to "consider the educational needs of their area, and take such steps as seem to them

1901, c. 22, s. 62.

1899, c. 13.

1907, c. 43, s. 14.

1877, c. 60, s. 6.

1893, c. 42.

1899, c. 32. 1913, c. 28, s. 31.

(2) HIGHER EDUCATION. 1902, c. 42, ss. 2-4. 1907, c. 43, ss. 1, 4, 12. 1909, c. 29.



desirable, after consultation with the Board of Education, to supply or aid the supply of higher education, and to promote the general co-ordination of all forms of education," having regard to any existing supply of efficient schools or colleges, and to any steps already taken under the Technical Instruction Acts. Their powers include the taking of land for sites and building of schools, the training of teachers, the supply of any technical instruction or education not given at a public elementary school, and the provision of scholarships within and without the area of the authority. They may also pay or contribute to the cost of the inspection of secondary schools by the Board of 1899, c. 33, Education or a University, and may make arrangements, subject to 1910, c. 37. the approval of the Board, for giving to boys and girls under 17 years of age assistance, information, and advice with respect to the choice of suitable employment.

The expenses of higher education were primarily chargeable on the 1890, c. 60. local taxation (customs and excise) residue fund, a fund raised since 1910, c. 8, 1890 by an additional tax on beer and spirits, and paid by the Local Government Board to the councils of counties and county boroughs. This fund has since 1902 been appropriated to higher education, and has since 1910 been replaced by a fixed annual grant from the Exchequer equivalent to the proceeds of the residue fund for the financial year 1908-9. Parliamentary grants are made for the maintenance of secondary, technical, and continuation schools, and for building as well as maintaining training colleges and hostels. Further sums may be spent out of the county or borough rates or funds. a county no higher rate than 2d. in the £ is to be levied in any one year without the consent of the Local Government Board, and the council may after giving notice to the overseers charge any expenses incurred for higher education on any parish served by the school or institution (c).

1902, s. 18.

Governing bodies of institutions established for technical instruc- 1892, c. 29. tion and other kindred purposes are given special facilities for acquiring land and making bye-laws for their management.

The education of pauper children is provided for in public (3) Poor-Law Schools. elementary schools, or in schools established by the guardians either 1844, c. 101, in connection with the workhouses or separately, or else in schools established under the poor law in special school districts. "school districts" for the education of pauper children may be formed 1903, c. 19. by the combination of unions and parishes not in union. They are formed and altered by order of the Local Government Board with the consent of the majority of the guardians in each union or parish, and may be dissolved by order without consent. The schools are now

ss. 40-49. 1848, c. 82. 1868, c. 122, 1904, c. 20.





inspected by the inspectors of the Board of Education. The authority of a school district is a district board composed of the chairmen of the boards of guardians and of qualified ratepayers elected by the guardians. The establishment expenses of the schools are charged on the constituent unions and parishes in proportion to their rateable values (d).

1900, c. 53, s. 2.

1882, c. 58, s. 13.

(4) Indus-TRIALAND RE-FORMATORY SCHOOLS. 1908, c. 67, ss. 44-90. Poor law guardians may contribute to such expenses of the provision, enlargement, or maintenance of any public elementary school as are certified by the Board of Education to be incurred in respect of pauper children sent by the guardians. They may also pay the expenses of pauper children sent to other schools certified by the Local Government Board as suitable for pauper children.

"Industrial schools," certified by the Secretary of State, are provided for the reception and maintenance of children under 14 years of age found begging, wandering or destitute, or in bad company, or out of control. Children committed to these schools receive industrial training, and may be detained, if so ordered, until they attain the age of 16 years. The local authority for elementary education of the district in which the child resides is responsible for his reception and maintenance, unless he is sent as a refractory child by his parents or guar tans, or by the poor law authority, or is a wandering child, or the child of convicted parents. But even in these cases the local authority may contribute to or provide for his maintenance.

An industrial school may be provided either by an education authority, or by other persons or bodies with whom the authority may contract. It may be either day or residential, but not both. "Day industrial schools" are only certified where the Secretary of State is satisfied that they are necessary or expedient owing to the circumstances of any class of the population in an area. Poor law guardians may contribute towards the cost of children sent to a certified school on their application. Industrial schools originally provided by county or borough councils are, since 1908, vested in the local education authority.

"Reformatory schools," certified by the Secretary of State, for the industrial training of youthful offenders, who may be committed to them from 12 to 16 years of age, are provided either by local authorities (i.e., the councils of counties and county boroughs), or by other persons or bodies. The local authority of the county or county borough where the offender resides is responsible for his reception and maintenance. He may be detained in the reformatory school, if so ordered, until the age of 19 years.

S. 74.



All certified industrial or reformatory schools are under the supervision of the Home Office and subject to regular inspection by the inspectors of that Office. The expenses are mainly defrayed out of Treasury grants, but those incurred by local authorities are paid, in the case of industrial schools, as expenses incurred for the purposes of elementary education, and, in the case of reformatories, out of the county or borough fund.

Any local authorities may take land and raise loans for the purposes of these schools with the consent of the Local Government Board. Local education authorities may combine, with the approval of the Secretary of State, and appoint joint managers of schools (e).

### NOTES.

Note (a). On the 31st of July, 1912, there were (outside London) 317 local Education education authorities for elementary education (Part III Authorities), consisting of Authorities. 62 county councils (including the Scilly Isles as a county), 75 county borough councils, 132 non-county borough councils, and 48 urban district councils. The councils of the following seven boroughs and one urban district have relinquished their powers as local education authority for elementary education to the county council, viz. :-Bangor, St. Albans, Stafford, Thornaby-on-Tees, Truro, Warwick and Wenlock boroughs, and Watford urban district.

The total number of ordinary public elementary schools maintained by local education authorities outside London was, on 31st July, 1912, as follows: council (or "provided") schools, 7624; voluntary (or "non-provided") schools, 12,271; total, 19,895. The total number of "non-provided" ordinary public elementary schools maintained by local education authorities in England and Wales at the same date was 12,637, viz.: National or Church of England, 10,877; Wesleyan, 214; Roman Catholic, 1082; British, Undenominational, &c., 464.

The number of children in average attendance at ordinary public elementary schools in England and Wales (outside London) in 1911-12 was about 4,700,000.

Apart from the smaller boroughs and urban districts having under s. 3 of the Act of 1902 concurrent powers with county councils, there were on 31st July, 1912 (outside London), 137 local education authorities for higher education (Part II Authorities), consisting of 62 county councils (including Scilly) and 75 county borough councils.

For particulars of education expenditure, see Table B, p. 174.

Note (b). If a local education authority fails to fulfil its duties under the Act Default. or to provide such additional public school accommodation as is in the opinion of 1902, s. 16. the Board of Education necessary, the Board after holding a public enquiry may 1904, c. 18. make an order compelling the authority to fulfil its duty, and such order may be enforced by mandamus. The Board may also in case of default make orders recognizing persons as managers of elementary schools and repaying their expenses, recovering such expenses from the authority in default.

Note (c). In Wales and Monmouth the Welsh Intermediate Education Act, Wales. 1889, has been practically superseded by the Act of 1902. But wherever a Welsh 1889, c. 40. county continues to levy a ½d. rate for higher education, contributions are made by

1902, s. 17 (8)



### LOCAL GOVERNMENT.



the Treasury up to an equivalent amount in aid of the intermediate schools established under the Welsh Act. A scheme under that Act has constituted the Central Welsh Board for intermediate education, a body on which the various county councils are represented and which exercises a general supervision over the public secondary schools of the Principality.

Poor Law Schools. Note (d). In 1913, 9 unions and parishes not in union provided for the education of their pauper children wholly or partly in workhouse schools, 60 in separate schools, and 20 in district schools, while 573 sent children to public elementary schools. These figures include London. In 1913 there were only two poor law school districts for areas outside London.

Reformatories.

111 000

Note (e). In England and Wales at the end of 1911 there were 37 certified reformatory schools, 122 certified industrial schools, of which 9 were short-term industrial schools, and 12 certified day industrial schools. These figures include London. The number of children on the books of these schools on December 31st, 1911, were as follows:—5,085 in reformatories, 14,961 in industrial (including short-term) schools, and 1,982 in day industrial schools. These figures include a considerable number allowed out on licence.



# CHAPTER X.

#### HIGHWAYS.

(1) Ordinary Highways.

(2) Main Roads.

(3) Locomotives and Motor Cars.

THERE are two classes of roads repairable at the public expense: 1835, c. 50. (1) the ordinary "highway" and (2) the "main road" (a). Those of 1862, c. 61. the first class are, in both urban and rural districts, managed by the 1878, c. 77. 1888, c. 41, district councils (b). For those of the second class, the county councils ss. 11, 85. (or, in county boroughs, the county borough councils) are responsible. s. 25. In 1911-12 there were in England and Wales (outside London) about 149,000 miles of roads repairable at the public expense, including about 28,000 miles of main roads.

It is the duty of highway authorities to keep their highways in (1) Ordinary proper repair. The ancient remedy for non-repair of a highway was an indictment of the inhabitants of the parish liable to repair it, and that remedy is still applicable. Modern Statutes, however, have provided other and more summary methods of procedure; and orders for 1835, ss. 94the execution of repairs may be made both by the petty sessions and 1862, ss. 18, by the county council, and may, if necessary, be enforced by the 19. 1878, s. 10. appointment of a person to execute the work, the cost being charged 1893-4, s. 16. to the defaulting authority. If, however, the liability to repair is disputed, the question must, under the Act of 1878, be settled by a jury on an indictment (c). Parish councils are expressly authorized to bring complaints to the county council of any failure on the part of the district council to keep the highways in good repair.

The highway authority may take stones and gravel for the repair 1835, ss. 51-5. of their highways from any common or waste land in the parish, or, if necessary, from another parish which has more than sufficient for its own roads. If the common and waste lands do not afford sufficient materials, they may be obtained from any other land in the same or an adjoining parish by agreement with the owner, or by licence fromthe justices, compensation being paid for the materials taken and for damage done in the taking.







1878, ss. 26, 1888, s. 85.

1835, ss. 82-1893-4, ss. 13,

1878, s. 24.

1835, ss. 23, 62, 93. 1862, ss. 35, 36. 1864, s. 24. 1875, c. 55, ss. 146, 148.

The Acts contain a number of provisions for the maintenance, repair, and regulation of highways, and for the prevention of obstructions and encroachments and the proper conduct of traffic thereon. The erection of sign-posts at crossways may be enforced by petty sessions. The county councils also have certain powers for making bye-laws, chiefly with regard to the weight of loads, the form and skidding of wheels, and the erection of gates on highways.

Provision is made for the widening of highways where necessary, and the compulsory acquisition of land for that purpose. Highways may be diverted, and, if unnecessary for the public use, may be stopped up, under certain restrictions and (if rural highways) subject to the consent of the parish council or meeting being obtained. The highway authority may also, if so authorized by order of petty sessions, discontinue the maintenance of an unnecessary highway (d).

New highways may be dedicated to the use of the public, and taken over by the highway authority by agreement, or by decision of petty sessions.

In an urban district which is rated for works of paving, water supply, or sewerage, the highway expenses of the town or urban district council are paid out of the general district rate (with the three-fourths exemption for agricultural land, &c.); but where the whole or a part of the district is not rated for such works, the highway expenses (either throughout the district or in that part, as the case may be) are met by a separate highway rate, which is levied on the same basis as the poor rate. In some boroughs, however, these expenses are payable under local Acts out of the borough rate or other rates.

1893-4, s. 29.

The highway expenses of a rural district council are, by the Local Government Act, 1894, required to be defrayed as general expenses (i.e. out of the "common fund" of the district, to which all the parishes comprised therein contribute uniformly on the basis of assessable value under the Agricultural Rates Act, 1896), subject to this exception—that, if the council thinks it just to do so by reason of natural differences of soil or locality, or other exceptional circumstances, it may, with the approval of the county council, divide the district into two or more parts, and charge each part separately with its highway expenditure (e).

1878, s. 23. 1898, c. 29, s. 12.

1878, s. 7.

Where extraordinary expenses are incurred through damage caused by any excessive weight or extraordinary traffic passing along a highway, the highway authority is entitled to be reimbursed by the person causing the damage.

A county council may, if it thinks fit, contribute to the expenses of



any ordinary highway in the county. County councils and highway 1891, c. 63, authorities may also enter into agreements with one another in relation s. 3. to the construction, alteration, or improvement of highways (including main roads).

A parish council may undertake the repair of any of the public 1893-4, s. 13. footpaths in the parish, other than such as are at the side of a public road.

Under the Development and Road Improvement Act, 1909, the 1909, c. 47, Road Board constituted by that Act may, with the approval of the Treasury, make advances to county councils and other highway authorities for the construction of new roads or the improvement of existing roads (the expression "roads" including bridges, viaducts and subways). Such advances may be either by way of grant or loan, or partly in one way and partly in the other. Where highway authorities are authorized to construct a new road, or advances are made to them for the improvement of existing roads, the authority may acquire land either by agreement under the Lands Clauses Act, or (if necessary) compulsorily under an Order of the Development Commissioners. Roads constructed by county councils under this Act are to be "main roads." The Road Board are empowered under the Act, with the approval of the Treasury, themselves to construct and maintain new roads, and to contract with the highway authority of the district for the maintenance and repair of such roads, the expenses being defrayed out of the funds of the Road Board. These 1910, c. 8, funds arise from the duties on motor spirit and the extra duties on motor cars levied since 1910.

A "main road" is either (1) a road which has ceased since the (2) MAIN ROADS. 31st December, 1870, to be a turnpike road, or (2) any road which the 1878, c. 77. county authority, on the application of rural district councils or other highway authorities, has declared to be a main road on the ground of its being a medium of communication between great towns or a thoroughfare to a railway station, or otherwise (f). The whole duty 1888, s. 11. and cost of maintaining a main road attaches primâ facie (subject to any existing private liabilities to repair such a road) to the county council, which for that purpose has all the powers of a highway authority. The county council may, however, contract with the highway authority for the maintenance of a main road by the latter authority, or may oblige that authority to undertake the maintenance in consideration of such annual sum as may be agreed on, or settled by the Local Government Board. Any urban highway authority Derby C.C. v. might within twelve months of the appointed day under the Act of L. R. 1888, and may now, within twelve months after the creation of a new 1896, A. C. 315.



Beds. C.C. v. Bedford, L. R. 1894, 2 Q. B. 786. 1878, ss. 15, 16. 1891, s. 4. main road within their district, claim to retain the power and duty of maintaining it, the county council making an annual payment (as agreed on or settled by the Local Government Board) "towards the costs of the maintenance and repair, and reasonable improvement connected with the maintenance and repair" (g).

The Local Government Board, on the application of the county council, and in the case of a road within a municipal borough, with the consent of the town council, can by order "dismain" a road and reduce it to the rank of an ordinary highway.

In Lancashire the main road expenditure is a separate charge on the several hundreds, but in general the expenditure is charged equally over the whole of a county.

(3) LOCOMO-TIVES. 1861, c. 70. 1865, c. 83. 1878, c. 77. Part II. 1898, c. 29.

A separate set of Acts regulates the use of locomotives on highways, prescribing the limit of weight and of speed, the breadth and pattern of wheels and other matters, providing for the security and convenience of the ordinary traffic, enabling county and borough councils to make bye-laws, and requiring the licensing or registration of locomotives by county (or county borough) councils.

Motor Cars. 1896, c. 36. 1903, c. 36. The use of motor cars, their construction, identification, speed, &c., and the obligations of their owners and drivers, are regulated by the Motor Car Acts, 1896 and 1903, the latter of which is a temporary Act. The Local Government Board has power to make regulations for various purposes under these Acts; and cars are registered, and their drivers licensed, by the county (or county borough) council.

Lights. 1907, c. 45. The carrying of lights on vehicles is no longer enforced by county bye-laws, but by the general provisions of the Act of 1907. The council of a borough may, however, by order approved by the Secretary of State, exempt from the operation of this Act vehicles carrying inflammable goods or in places where inflammable goods are stored. The council of a county may, by order, exempt from the same Act vehicles carrying farm produce in the course of harvesting during certain periods of the year.

# NOTES.

Turnpike Roads. Note (a). A third class of road, the "turnpike road," is now, as such, extinct. Turnpike roads were managed by trustees, and their expenses used to be chiefly defrayed out of the tolls; but consequent on the creation of railways and the diversion of traffic to them, there was a falling off of this source of income and many turnpike trusts became insolvent. By Acts passed in 1841 and 1863 the justices in special sessions were empowered to order contributions from the highway rates towards the repair of turnpikes with insufficient tolls. For a long series of



years annual Acts were passed providing for the winding up and dissolution of an increasing number of these trusts; and until 1878 turnpike roads ceasing to be so became ordinary highways chargeable to the local highway areas. The Act of 1878, c. 77. 1878 provided that turnpike roads disturnpiked after 31st December, 1870, whether before or after the passing of the Act, were with certain exceptions to be "main roads." The number of turnpike trusts in England (exclusive of the Isle of Wight) and in North Wales at the end of 1864 was 1,047, comprising 20,189 miles of road; in 1882 the number had diminished to 71, with 2,180 miles of road. The last surviving trust expired in 1896.

Note (b). Formerly there were four principal kinds of highway areas and Former authorities: -(1) the highway parish with its surveyor of highways; (2) the highway district, constituted under the Highway Acts of 1862 and 1864, consisting of a collection of parishes, and administered by a highway board, the members of which were partly the resident justices and partly waywardens elected by the several parishes; (3) the rural sanitary district and sanitary authority, which authority might be substituted for the highway board wherever the highway and sanitary districts were conterminous; (4) the urban sanitary district, in which the highways were in every case, as they continue to be, managed by the urban sanitary authority (now the district council). The Local Government Act, 1894, 1893-4, c. 73, provided for the transfer of all the powers, duties, and liabilities of any highway authority in a rural district to the district council. The first two of the abovementioned authorities, therefore,—the surveyor of parish highways and the highway board—have wholly disappeared.

Highway Authorities.

Note (c). A highway at common law was repairable by those who had the use Liability for of it, i.e. the public, and each parish repaired the highways within its limits, the repair of inhabitants providing the necessary labour and materials. The creation of the office of surveyor (in 1555) made no difference in the liability, but merely regulated the labour, and after a time money payments (rates) came to be substituted for personal labour. (The Acts regulating the performance of personal labour, or "statute duty," were only repealed in 1835.) The first departure from the highway parish as the area of administration was made by the Sanitary Acts in 1848 and 1858. In 1862 highway districts ad hoc were first invented, but until 1878 the parishes in a district remained separately chargeable for the expenses of repair. Through all these developments the technical obligation of the inhabitants of a parish to repair their highways and the remedy by indictment continued; and a highway in a highway district, on being dedicated to the public, was still, under the existing Acts, said to become repairable by the parish in which it was situate.

highways.

Some highways are repairable, ratione tenurae or otherwise, by private persons and not by the public.

Note (d). The Highway Act of 1864 gave powers to highway boards for the Improveimprovement as distinct from the ordinary maintenance and repair of highways, and for borrowing money for that purpose. These powers are apparently now exercisable by those rural district councils which have taken the place of highway 1875, p. 233. boards. Urban councils can exercise similar powers by virtue of the Public Health 1888, c. 41, Act. Improvements can also be made and loans raised by road authorities under the provisions of the Acts of 1888 and 1909.

The following table shows the mileage and comparative cost of maintenance (excluding expenditure out of borrowed money and for improvements) in 1891-2, 1903-4, and 1910-11 of the ordinary rural highways and of those main

ss. 11, 69. 1909, c. 44, Sched. IV. 1909, c. 47, Part II.

Cost of rural highways.





GI

roads the maintenance of which was delegated to rural highway authorities by county councils:-

Main R Coun	cils by Ru	ained on behral District C Predecessors	Ordinary Highways in Rural Districts.			
Year.	Mileage.	Cost of Repairs.	Average Cost of Repairs per Mile.	Mileage.	Cost of Repairs.	Average Cost of Repairs per Mile.
1891-2 1903-4 1910-1	6,973 7,001 5,842	£ 325,117 426,210 472,989	£ s. d. 46 12 6 60 18 0 80 19 3	99,862 95,177 95,077	£ 1,336,945 2,015,510 2,312,584	£ s. d. 13 7 9 21 4 0 24 6 6

In addition to the main roads maintained by rural district councils on behalf of county councils there were, in 1910-11, 17,723 miles of main roads which were maintained in rural districts, at a cost of about £1,500,000, by county councils.

Cost of urban highways.

In urban districts (other than county boroughs) there were, in 1910-11, about 4,200 miles of main roads, which were maintained at a cost of about £920,000, and about 16,300 miles of ordinary highways, which were maintained at a cost of about £1,510,000. In county boroughs there were 9,366 miles of public roads and streets, which were maintained at a cost of £1,290,000.

For further particulars respecting highway expenditure, see Table B, p. 174.

Maining of roads.

Note (f). The power to declare ordinary highways to be main roads is still in constant use. Some county councils have made extensive use of it, and so (i) have brought nearly all the highways in the county under their control, and (ii) have made the cost of maintenance a county instead of a district charge. In the administrative county of Huntingdon, for example, there are in all about 550 miles of highways, of which about 525 miles are "main" roads. In most counties, however, the power has been used sparingly.

Main Roads.

Note (g). Until the creation of county councils, main roads continued under the control of the highway authorities, but the county paid half the cost on the certificate of the county surveyor that they were properly maintained.

During the period between 1882 and 1889 there was voted annually by Parliament a grant specifically in aid of the cost of the maintenance of disturnpiked and main roads. The grant was at first equal to one-fourth and afterwards to one-half of the cost of maintenance. It ceased to be voted on the coming into operation of the system of "assigned revenues" provided for by the Local Government Act, 1888. There is no provision for the direct allocation of any specified part of those revenues towards the cost of the maintenance of roads, but the portion of those revenues not allocated to specific services (amounting to about £1,500,000 annually) is (with some unspecified part of the grant of £450,000 paid annually to councils of counties and county boroughs under the Agricultural Rates Act, 1896) applicable by councils receiving it to main road and other purposes.

The income of the Road Board amounts to about £1,250,000 annually, for the whole United Kingdom.

In 1910-11 the repair of about two-thirds in length of the main roads in England and Wales had been undertaken by the county councils themselves.



### CHAPTER XI.

#### POLICE.

- (1) Ancient Police.
- (2) County Police.
- (3) Borough Police.
- (4) Other Police Forces.
- (5) Special Constables.

The ancient police organization of the country consisted of (i.) a (1) ANCIENT POLICE. high constable for each hundred or other similar area; (ii.) petty con- See 2 Hale, stables (or headboroughs, tithing-men, or borsholders) for townships, &c.; and (iii.) watchmen appointed in towns under the Statute of Winchester, or appointed in any place by justices of the peace virtute officii. In more modern times the appointment and duties of parish constables were provided for and regulated by several Statutes. The whole of this organization is now practically obsolete (a).

The modern police organization consists mainly of police forces established since 1839 under the County and Borough Police Acts.

The county police area is, generally speaking, the administrative (2) County county, exclusive of those municipal boroughs which have a separate 1839, c. 93. police force (b). In a few instances, however, the same person is 1840, c. 88. appointed to be chief constable for two or more administrative counties, and in such cases the police forces are sometimes managed, to a great 1865, c. 35. extent, as a single force, though technically they are distinct (c). 9, 24, 25, 30. There are also powers for transferring detached and outlying areas from one county to another for police purposes; and this course has been taken in some instances (e.g. with regard to certain parishes in Gloucestershire, Worcestershire, Staffordshire, and other counties) (d).

The police force for a county consists of a number of officers and 1888, s. 9. men fixed (subject to the consent of the Home Secretary) by the standing joint committee of the court of quarter sessions and county council, a body substituted for this purpose by the Local Government Act, 1888, for the quarter sessions alone. (As regards the constitution of this standing joint committee, see p. 39.) But while the control of the police was in this way given jointly to the justices and the county

P. C. 96, 97.

POLICE. 1857, c. 2. 1888, c. 41, ss.



council, acting through the joint committee, it was expressly declared that nothing in the Act was to "affect the powers, duties, and liabilities of justices of the peace as conservators of the peace, or the obligation of the chief constable or other constables to obey their lawful orders given in that behalf."

The appointment, the general disposition and government, and the dismissal of the divisional superintendents, inferior officers, and men of the county police, are vested in the chief constable, who himself is appointed (subject to the approval of the Home Office), and is removable, by the standing joint committee. He is subject in his management of the force to the lawful orders of that committee. Appointments made by him have to be approved by justices in petty sessions. A superintendent is appointed for each petty sessional division or such other district as may be ordered by the joint committee; the superintendents report to the chief constable, and he sends monthly returns and makes quarterly reports to the committee.

1856, s. 7. 1888, s. 9 (2).

1839, ss. 4, 6.

Constables may be required either by the joint committee, or by the quarter sessions, or by the county council, to perform any duties connected with the police, in addition to their ordinary duties (e).

Expenses. 1840, 1856, 1888, s. 68. The expenses of the county police force are paid partly out of the exchequer contribution account (see p. 157), partly out of county contributions (i.e. rates) to which all the parishes in the county police area contribute uniformly on the basis of assessable value, partly out of the grant under the Agricultural Rates Act, 1896, and partly out of fees and other receipts. Under the Local Government Act of 1888, each county council annually pays out of its exchequer contribution account to the police account of the county fund a sum equal to one-half of the cost of the pay and clothing of the county police (if efficiently maintained) during the preceding year.

1890, c. 45, ss. 15, 16. 1890, c. 60, ss. 1, 4. 1893, c. 10. 1906, c. 7. 1907, c. 13, s. 17. 1908, c. 5. 1909, c. 40, s. 5. For each separate police force there is a "pension fund" out of which pensions and allowances to constables on retirement through length of service or bodily injury or infirmity are granted under certain conditions. These funds are supported by rateable deductions (not exceeding 2½ per cent.) from the constable's pay, by certain fines and other sums which are handed over to the funds, and by proportionate payments out of a sum of £150,000 which was granted by Parliament in 1890 to be annually distributed for this purpose among the county and borough police forces. Any deficiency in a pension fund is made good out of rates.

Central Control and Inspection. Though the standing joint committee is the police authority in the county, it is subject, in respect of nearly every part of its police jurisdiction, to the control of the Secretary of State. His consent or



approval is necessary for fixing or altering the numbers of the men and officers, in the selection of the chief constable, for establishing rules for the government and duties of the force (these rules must also be laid before Parliament), and for fixing scales of fees and allowances. Moreover, he appoints inspectors, who report to him on the numbers and discipline of the force, and if satisfied he issues a certificate of efficiency. If this certificate is withheld as respects any 1888, s. 25. county police force, the amount of the subvention from the exchequer contribution account is forfeited, and is paid into the exchequer (f).

By the Municipal Corporations Act, 1882, the watch committee of (3) Borough the council of every municipal borough was required to provide for a 1882, c. 50, sufficient number of police for the borough. This requirement is, however, subject to important limitations. It has been the policy of the Police Acts to encourage a partial consolidation of county and 1840, s. 14. borough police. With this view the County Police Act of 1840 enabled a municipal borough to agree for combination on the terms that the county chief constable should have the direction and dismissal of the borough police; and by the Act of 1856 it was added that such an agreement could not be terminated without the consent of the Secretary of State, and that a borough with not more than 5,000 population should not receive any Treasury subvention unless it had so consolidated; and that, on the application of a borough, terms of consolidation might be imposed on a county by Order in Council. Since 1877 no new borough with less than 20,000 inhabitants has been allowed to establish a separate police force. And the Local Government Act, 1888, went a step further by extinguishing the police force of every borough with a population, according to the census of 1881, of less than 10,000. At the present time there are about eighty boroughs with a population above that limit which are

ss. 190-200.

1856, ss. 5, 20

In a borough having a separate police force, the watch committee fixes the number and salaries of the police with the approval of the town council; the watch committee or any two justices can suspend a constable from duty, and the watch committee has the power of dismissal. There is no officer or person standing in relation to the borough police in the same position in which the chief constable stands to the county police. The expenses of the borough police are paid out of the borough fund or rate, or in certain places out of a watch rate which is limited to 8d. in the £. The boroughs receive a subvention from the exchequer contribution account for the maintenance of their police in the same manner as the counties, and on the same

policed by the county.

1888, s. 39.

condition of their police being certified as efficient by the Government 1888, s. 25 (2)



inspector. In the case of forfeiture by a non-county borough for inefficiency, the amount of the subvention is retained by the county council, and applied for general county purposes (f).

In addition to their ordinary duties, the borough police may also

1893, c. 10, ss. 2, 8.

(4) OTHER POLICE FORCES.

Metropolitan Police.

be employed to discharge the duties of a fire brigade.

The Metropolitan police and the City of London police are governed by their own statutes. The whole of Middlesex, the county boroughs of Croydon and West Ham, and parts of Surrey, Kent, Essex, and Hertfordshire, are within the Metropolitan police district, and the constables of that force have power to act within these counties and also in Berkshire and Buckinghamshire, and on the whole of the lower Thames. The Royal dockyards also are in charge of a branch of the Metropolitan police (a).

1860, c. 135.

Canals. 1840, c. 50. By an Act of 1840, on the application and at the cost of the "company of proprietors of any canal or navigable river," two justices or the watch committee of a borough may appoint persons "to act as constables on and along such canal or river." Their powers are defined, but they do not appear to be subject to any public authority. There are also river police forces under local Acts, e.g. on the Tyne.

1852, ch. cx.

(5) SPECIAL CONSTABLES. 1831, c. 41. 1835, c. 43. 1838, c. 80. 1882, c. 50, s. 196. To assist the regular police in times of disturbance, Acts of 1831 to 1838 provide for the appointment of special constables by county or borough justices in cases where riot or felonies have taken place or are apprehended. And the Municipal Corporations Act, 1882, provides for the annual nomination of special constables in boroughs to act when so required by warrant of justices in cases of emergency (h).

# NOTES.

High and Parish Constables. 1869, c. 47. 1842, c. 109. 1844, c. 52. 1850, c. 20. Note (a). As to High Constables, see The High Constables Act, 1869, which provides for the abolition of the office, with certain savings.

As to Parish Constables, the Parish Constables Act, 1872, provides the Parish Constables act, 1872, p

1872, c. 92.

As to Parish Constables, the Parish Constables Act, 1872, provides that for the future no parish constable shall be appointed unless by justices on the resolution of the vestry (now the parish council or parish meeting) in a rural parish, or by order of quarter sessions, and that if any are so appointed they shall be under the chief constable of the county. Where they are appointed on resolution of a vestry, a salary may be assigned to them by the vestry and is charged on the poor-rate. Parishes may combine for such appointments.

1833, c. 90.

The Lighting and Watching Act, 1833, enabled a parish in which the Act was adopted to provide itself with police officers and watchmen, but the County Police Acts have rendered this procedure obsolete.

County Boroughs Note (b). County boroughs (as well as non-county boroughs) may be policed by county police forces under agreements. In the year 1911-12 the county boroughs



of Bournemouth, Burton-upon-Trent, Bury, Dudley, Gloucester, Smethwick, Policed by West Bromwich, and West Hartlepool were so policed.

County Police Forces.

Note (c). Cumberland and Westmorland have a single chief constable between them, as have Northamptonshire and the Soke of Peterborough. One chief constable is appointed for the whole of Lincolnshire, although each of the three divisions thereof (viz., the Parts of Holland, Kesteven, and Lindsey) is a separate administrative county with a separate police force; the three police forces are managed jointly, and there is a joint pension fund.

Chief Constables.

Note (d). The standing joint committee have power also (and when required by Order in Council are obliged) to divide their county into police districts, with a specified number of police in each district. When a county, or part of it, is so districted, the police expenses of the districted area are divided into the two heads of "general expenditure" and "local expenditure." The local expenditure is to include pay, clothing, and such other expenses as the joint committee may direct, and is to be defrayed by the district in and for which it is incurred. The remaining or general expenditure is to be defrayed in common by all the districts. exercise of these powers is subject to the control of the Secretary of State.

Districts in Counties. 1840, s. 27. 1856, s. 4. 1859, s. 1.

Note (e). Besides the regular police in counties, provision is made for the Additional appointment by the chief constable of a county, with the approval of the standing joint committee, of "additional constables" on the application and at the cost of 1847, c. 89, companies or persons. Such police are under the direction of the chief constable 5.7. of the county. They numbered about 1200 in 1912.

Constables. 1840, s. 19. 1847, c. 27, s. 79.

Note (f). In 1912 there were in England and Wales (excluding the Metropolitan police district and the City of London) 60 police forces of counties and 128 police forces of boroughs (including county boroughs). 78 boroughs of more than Police. 10,000 population were in that year policed by county police forces.

Statistics of County and

The total authorized strength of all the county and borough forces in the same year was 33,435, exclusive of "additional constables" (see note (e)). In the census year 1911, the average ratio of constables to population throughout the counties and boroughs was one to 899 (as compared with one to 942 in 1901 and one to 1,008 in 1891). The ratio is considerably higher in the boroughs than in the counties.

The total cost of the county and borough police (including pensions and police stations) for the year ended 31st March, 1912, was £4,340,000.

Note (g). The total strength of the Metropolitan police force for the year 1911-12 was 18,496, costing (exclusive of police for purely imperial or national services) £2,719,000; City of London police, 1181, costing £206,000. The night population of the Metropolitan police district, according to the census of 1911, was 7,231,701; that of the City, 19,657. The day population of the City, however, on the 25th April, 1911, is stated to have been 364,061.

Police in London.

Note (h). Under the Riot (Damages) Act, 1886, compensation for injury, Riots. stealing, or destruction of property caused by riotous and tumultuous assemblies, 1886, c. 38. 1888, c. 41, is to be fixed by the county council, and paid out of the police rate.

s. 3 (xiv.).



# CHAPTER XII.

#### LICENSING.

- (1) Intoxicating Liquors.
- (2) Other Matters.

The areas for licensing are, speaking generally, the county and the borough, the county being divided into petty sessional divisions. The county and borough councils, however, are not invested with licensing powers, so far as the sale of intoxicating liquors is concerned.

(1) Intoxicating Liquors. 1860, c. 27. 1872, c. 94. 1874, c. 49. 1880, c. 6. 1902, c. 28. 1910, c. 24. In counties (including all boroughs not having a separate commission of the peace) the licensing authority for intoxicating liquors are the justices. The justices of each licensing district (i.e. each petty sessional division) hold a general annual licensing meeting, and an adjourned meeting for the grant of new licences, and for the renewal or the removal from one place to another of existing licences, and also several special sessions a year for the transfer of licences from one licensee to another. The annual meeting has to be held within the first fourteen days of February, and the adjourned meeting within a month afterwards. Appeals against refusals to renew or transfer licences are heard by the justices in quarter sessions. New licences and orders sanctioning removals of licences have to be confirmed by the county licensing committee appointed from among themselves by the justices in quarter sessions.

In boroughs having a separate commission of the peace the borough justices are the licensing authority, and the whole borough is the licensing district. Where there are ten or more justices, a committee appointed by the whole body hold the general annual licensing meetings and sessions for transfers, while the whole body in special sessions confirm the new licences and removals. In boroughs with less than ten justices new licences, &c., are granted by the whole body, and new licences and removals are confirmed by a joint committee of six justices, three appointed by the borough justices and three by the licensing committee of the county. In all boroughs



appeals against refusals to renew and transfer lie to the quarter 1882, c. 50, sessions of the county (i.e. in the case of county boroughs the geographical county), and not to the recorder, who has no licensing jurisdiction.

The present chapter deals only with justices' liquor licences (or "certificates," as they are called in some of the Licensing Acts); but excise licences are also required, these latter licences, however, being issued as a matter of course on the justices' licence (where necessary) being obtained, and the excise duty being paid (a).

A justices' licence or certificate is always required to authorize the 1910, ss. 65, sale of liquor by retail, except where an excise licence is taken out by a wine or spirit dealer for premises exclusively used for the sale of intoxicating liquors or mineral waters, and except also the sale of liquor in licensed theatres, passenger vessels, canteens and railway restaurant cars.

The licensing justices had previous to the Act of 1904 discretion Sharpe v. to grant or refuse any new licence, renewal, transfer, or removal, subject Nakepeta, 1 App. Cas. to appeal in the case of renewals and transfers, and with certain exceptions in the case of beer and wine-houses licensed for sale for consumption on the premises on May 1st, 1869. But since 1904 the powers of the licensing justices in the case of renewals and transfers of onlicences have been considerably curtailed. They can now only refuse renewals or transfers of such licences on one of three grounds, the principal of which are that the premises have been ill-conducted or are structurally unsuitable (b). In any other case the question of renewal must be referred together with the justices' report to quarter sessions, who can only refuse renewal subject to the payment of compensation under the Act. The compensation fund is formed by quarter sessions imposing an annual charge on all on-licences existing on August 15th, 1904, to be levied with the excise duties. limits of the rates of charge are fixed by the Act. Quarter sessions may also borrow on the security of the compensation fund.

New on-licences may now be granted for any term not exceeding 1910, s. 14. seven years instead of annually, and without being subject to renewal during the term. In granting new on-licences the justices may attach conditions as to payment, tenure, &c., and must secure to the public any "monopoly value" arising from the grant of the licence.

Quarter sessions may divide their area into districts for the pur- S. 5. poses of compensation, and in a county the quarter sessions must appoint a licensing committee to deal with new licences and renewals. Each non-county borough with a separate commission of peace may appoint an additional member of this committee. In a county borough





the licensing committee refers cases of licences to be refused subject to compensation to the whole body of borough justices instead of to the county quarter sessions (c).

Every place (except an inn or public-house) where a public billiard table is kept must have a billiard licence, which is granted, renewed, &c., in the same way as a liquor licence, but does not require confirmation; nor is there any appeal against a refusal to grant or transfer.

All clubs at which intoxicating liquor is supplied have to be registered on a register kept by the clerk to the justices of the petty sessional division.

The council of every county and county borough is the authority for licensing buildings for the performance of stage plays (outside the jurisdiction of the Lord Chamberlain, which extends to London and a few other places), with power, however, to delegate this function to the justices in petty sessions. The licensing authority is to make suitable rules for ensuring order at the theatres licensed by it. The same authorities may license and inspect premises for cinematograph exhibitions.

Any place in Middlesex or within twenty miles of the cities of London and Westminster which is kept for public dancing, music, or other public entertainment of the like kind (exclusive of theatres), must have a licence from the county council. In some towns outside the above limits the licensing of music-halls is regulated by local Acts. And, in any district in which Part IV. of the Public Health Acts Amendment Act, 1890, has been adopted by resolution of the district council, such places have to be licensed by the licensing justices.

County councils, and councils of boroughs with a population of 10,000, have powers in connection with the licensing of factories and magazines for gunpowder and other explosives, and of gunpowder stores and firework factories, and with the registration of premises where explosives are kept. It is also their duty to enforce the provisions of the Explosives Act in relation to inspection. They may, however, delegate their powers and duties under this Act to the justices of each petty sessional division in the county.

The council of a borough having a population of 10,000 according to the last census, and elsewhere the council of a county, are the local authorities for granting licences for the sale of poisons to be used exclusively in agriculture or horticulture, for the destruction of insects, fungi or bacteria, or as sheep dips or weed-killers. These licences are granted under regulations made by an Order in Council.

(2) OTHER MATTERS. Billiards. 1845, c. 109. 1872, c. 94, s. 75:

Clubs. 1910, c. 24, s. 91.

Theatres. 1843, c. 68. 1888, c. 41, ss. 7, 28, 36.

1909, c. 30.

Music, &c. 1752, c. 36. 1875, c. 21. 1888, c. 41, s. 3 (v.). 1894, c. 15.

1890, c. 59, ss. 3, 51.

Explosives. 1875, c. 17. 1888, c. 41, ss. 7, 28, 38, 39.

Poisons. 1908, c. 55.



#### LICENSING.

Licensing or registering powers are vested in district councils and Miscellaneous. county borough councils for-

1786, c. 71. Knackers' yards; 1844, c. 87. Gangmasters of agricultural gangs; 1867, c. 130. 1831, c. 32. 1839, c. 35. 1872, c. 93. Dealers in game; Pawnbrokers;

Passage brokers and emigrant runners;

Petroleum (including a general duty of enforcing, as local 1871, c. 105. 1893-94, c. 73, authority, the Petroleum Act);

Hackney carriages, &c. (see p. 54) (d).

ss. 27, 32.

1894, c. 60, ss. 343, 348.

### NOTES.

Note (a). There are altogether about twenty different classes of excise licences for the sale of liquor differing according to the kinds of liquor to be sold, and according as the sale is to be by wholesale or retail, and for consumption on or off the premises in which it takes place. The annual cost of a public-house licence is fixed at one-half (and for a beerhouse at one-third) the annual value of the licensed 1910, c. 8, premises, subject in each case to a minimum duty, varying according to the population of the area from £5 to £35, and from £3 10s. to £23 10s. respectively.

Note (b). There are still certain exceptional provisions for the protection of ante-1869 "on" beerhouses and ante-1902 "off" licences. (See 1902, s. 10 (4) and 1910, ss. 17, 18, and Sched. II, Pt. 2A.)

Note (c). The Licensing Consolidation Act, 1910, consolidates all former Acts 1910, c. 24. relating only to justices' liquor licences, but there still remains in force a considerable part of the former licensing laws relating to intoxicating liquors. These may be shortly summarized in the following groups:-

(1) Refreshment Houses Acts, 1860, c. 27.

1872, c. 94, ss. 27, 28. 1874, c. 49, s. 11.

(2) Beerhouse Acts, 1830, c. 60.

1834, c. 85.

1840, c. 61.

(3) Public-house Closing Acts and Occasional Licences, 1864, c. 77.

1865, c. 90.

1874, c. 49, s. 32.

(4) Various enactments relating to excise licences only.

Note (d). Besides the above, the following miscellaneous powers of regulating Wild Birds by local authorities may be here mentioned:

(i.) A county or county borough council may apply to the Secretary of State 1881, c. 51. to extend or vary the time during which the killing of wild birds is prohibited, and to prohibit the taking of their eggs in particular cases.

(ii.) District and county borough councils may apply to the Secretary of State 1871, c. 12. to abolish fairs, or to alter the days for holding them.

Protection. 1880 (2), c. 35. 1894, c. 24. 1896, c. 55. Fairs.

1873, c. 37.



#### LOCAL GOVERNMENT.



Pedlars, &c. 1871, c. 96. 1875, c. 70. 1888, c. 38.

Infant Life. 1908, c. 67, Part I.

Servants' Registries. 1907, c. 53, s. 85.

Metal dealers. 1907, s. 86.

1861, c. 110.

Dogs. 1871, c. 56. 1906, c. 32. (iii.) Pedlars, hawkers, and chimney-sweepers employing apprentices are licensed by the police, but the justices in petty sessions hear appeals from refusal to grant pedlars' certificates.

(iv.) The guardians of a poor law union are, under the Children Act (1908), the local authority for the protection of infant life within their district. They are to enquire about residents in the union undertaking the nursing and maintenance of infants, require them to give the legal notices, and appoint infant protection visitors.

(v.) In districts in which the Public Health Amendment Act, 1907, is in force, keepers of female domestic servants' registries must register their names and addresses with the urban and rural district councils who may make bye-laws for prevention of fraud and immorality in the conduct of such business. Officers of the local authority have powers of inspection of registered premises.

(vi.) In districts where the Public Health Amendment Act, 1907, is in force, old metal and marine store dealers must register their names and addresses with the district councils, who have powers of inspection. Justices may order the registration by the police of old metal dealers convicted of receiving stolen property.
(vii.) Wherever a dog is found mad, the local authority (i.e. the council of a harmonic dealers).

(vii.) Wherever a dog is found mad, the local authority (i.e. the council of a borough, the commissioners of an improvement Act district, and elsewhere the justices in petty sessions), may make orders as to the control of all dogs in the district. The chief officer of police in each police area has to keep a register of stray dogs seized by the police under the Dogs Act, 1906.

(viii.) County justices in quarter sessions, and borough justices in special sessions, may license retreats for habitual inebriates. A county or borough council may contribute to the establishment or maintenance of such a retreat, and may also establish or contribute to a reformatory for inebriates to be certified and regulated by the Secretary of State.

(ix.) A borough or urban district council may be licensed by the Postmaster-General to provide a system of public telephone communication, and may defray expenses out of the borough fund or rate, or (as regards a district which is not a borough) as general expenses under the Public Health Acts, and may borrow for the purpose.

Inebriates. 1879, c. 19. 1888, c. 19. 1898, c. 60.

Telephones. 1899, c. 38.



### CHAPTER XIII.

#### LUNATICS AND DEFECTIVES.

- (1) Public Asylums.
- (2) Private Asylums.
- (3) Criminal Lunatics.
- (4) Mental Defectives.

THE councils of all administrative counties and county boroughs (1) Public and also of certain quarter sessions boroughs are "local authorities" Asylums. 1890, c. 5, under the Lunacy Acts. Each of these councils is required to provide ss. 169-176, 238-314. sufficient asylum accommodation for pauper lunatics, and may also 1891, c. 65. provide it for lunatics who are not paupers (a).

The accommodation may be provided either by means of a separate asylum or asylums for a single authority, or by the union (with the approval of the Secretary of State) of two or more authorities in providing one or more "district" asylums. The local authority may itself decide which of these methods shall be adopted, but with that exception all its powers for this purpose must be exercised through a "Visiting Committee," consisting of not less than seven members annually appointed by the local authority, or, where several authorities act in union, appointed by those authorities respectively in such proportions as may be agreed on. Where there is more than one asylum a single committee may be appointed for all of them, but there must in that case be a separate sub-committee for each.

Where authorities unite in providing accommodation, the proportion in which the expenses are to be borne by each is a matter for arrangement, which may be made on the basis either of the accommodation required, or of population. An agreement for union may be dissolved with the Secretary of State's consent.

The council of a county borough has the further option of con- 1890, s. 243. tracting on terms approved by the Secretary of State with the visiting committee of any asylum to receive its pauper lunatics, instead of providing an asylum of its own either separately or in union with another authority: in this case a visiting committee must be appointed from the borough to visit the borough patients. Some of the county S. 244.



GL

S. 169 (4).

boroughs also which only became separate areas for lunatic asylum purposes by virtue of the Local Government Act, 1888, have continued liable to contribute to the county asylum on the old basis, together with a right to be represented on the visiting committee, a course specially permitted in these cases until a new arrangement should be made by agreement between the councils concerned, or by arbitration.

Private patients may be accommodated either in the same asylums with the paupers or in separate asylums or detached blocks, and may be received on such terms as to payment and accommodation as the visiting committee think fit. Separate asylums may also be provided for idiots or patients suffering from any particular class of mental disorder.

Visiting committees have wide powers for purchasing and hiring land, building and enlarging asylums, providing burial grounds, &c., subject to the general control of the Secretary of State. They cannot, however, independently of the local authority, spend in any one year more than £400 on any asylum for additions, alterations, or improvements, beyond necessary and ordinary repairs. The committees have also to make rules (subject to his approval) and regulations for the government and management of their asylums, and to appoint for each asylum a chaplain, medical officer, one or more superintendents, a clerk, treasurer, and other officers and servants as may be necessary. They have certain limited powers in respect of the pensions to which asylum officers and servants are entitled. Every visiting committee has a paid clerk who may also be clerk of the asylum. Members of the visiting committee are required to visit the patients at frequent intervals, and each committee must make a yearly report to the local authority.

1909, c. 48.

1890, ss. 188-190.

S. 247.

The obligation of a local authority to provide sufficient accommodation for its pauper lunatics can, if necessary, be enforced by the Secretary of State on a report from the Board of Control (b).

Temporary contracts for periods not exceeding five years may from time to time be made and renewed by visiting committees with the approval of the Secretary of State for the reception of pauper lunatics from one local authority into the asylum of another, or into a private asylum.

Expenses.

The expenses are defrayed out of (1) a weekly sum for each lunatic fixed by the visiting committee, which sum cannot, except by direction of the local authority, exceed 14s. a week (c), and which is charged (together with expenses of conveyance, burial, &c.) to the union in which the lunatic is settled, or from which he is "irremovable," or, if



he is removable and his settlement cannot be ascertained, then to the "local authority" of the asylum area (whether county or borough) in which he was found; (2) the county or borough fund or rate, a borough which is itself an asylum area being, of course, exempt from contributing for this purpose to the county fund. Towards the above- 1888, c. 41. mentioned weekly sums, whether payable by guardians or by county or borough councils, a contribution at the rate of 4s. a week is made from the exchequer contribution account by way of relief to the rates.

Money can be borrowed by the local authorities for providing the

necessary accommodation.

Besides the public lunatic asylums treated of above, there are two (2) PRIVATE classes of asylums kept by private persons for the reception of both 1890, ss. 207pauper and non-pauper lunatics; these are known respectively as "licensed houses," which are places established by private enterprise and for private profit, and "registered hospitals," which are institutions under the management of a committee. Recent legislation has discouraged private asylums, and no new licensed house, independent of one in existence before 1890, can now be established. Those remaining require an annual renewal of their licences, which, if the premises are suitable and well-conducted, may be granted as regards those in or near London by the Board of Control, and as regards the others by the county quarter sessions or the justices of a quarter sessions borough, subject however to revocation by the Lord Chancellor on cause being shown to him by the Board or justices. The justices S. 193. have annually to appoint visitors to visit the asylums licensed by them, each appointment being subject in a borough to the consent of the recorder.

Certificates of registration may be granted by the Board of Control for hospitals for the reception of lunatics, which thereupon become "registered hospitals" within the meaning of the Act and subject to its provisions (d).

The asylums for criminal lunatics are wholly under the control (3) CRIMINAL of the Secretary of State; and all the expenses of removing and 1860, c. 75. maintaining criminal lunatics are defrayed out of sums voted by 1884, c. 64. Parliament.

Mental defectives, other than lunatics, are to be dealt with under the (4) MENTAL Mental Deficiency Act, 1913, which comes into force on April 1st, 1914. DEFECTIVES. 1913, c. 28. They include (a) idiots, (b) imbeciles, (c) feeble-minded persons, and (d) moral imbeciles. Any of these persons is liable to be sent to an institution, or placed under guardianship at the instance of his parent, and, in cases of neglect, conviction, &c., by the order of a court, judicial authority, or the Secretary of State. Institutions for defectives,



GI

whether established by public authorities, societies, or private persons, are certified, supervised and inspected by the Board of Control now constituted for the supervision of lunatics. This Board may themselves provide, maintain, and manage State institutions for defectives of dangerous or violent propensities. All other institutions for defectives are to be managed subject to the regulations of the Secretary of State.

Ss. 27-33.

The local authorities under the Act are councils of counties and county boroughs. Every local authority must constitute a committee consisting partly of members of the council and partly of other persons being poor law guardians or having special knowledge and experience of defectives, and including some women. This committee may be the same as the visiting committee of the county or borough lunatic asylum, with the addition of at least two women, and the same committee may be appointed to act for lunatics and defectives. All matters arising under the Act, except urgent matters, are to be referred to the committee for report, and the authority may delegate to the committee any of their powers, except the power of rating or borrowing. A joint committee of two or more local authorities may be constituted by order of the Secretary of State, but if any of these authorities do not agree to the order, it requires confirmation by Parliament. Local authorities, with the approval of the Secretary of State, either separately or in combination with each other, themselves may undertake or contribute towards the establishment, building or management of certified institutions, or may contract with the managers of institutions for the reception of defectives.

S. 38.

S. 30.

The duties of a local authority are to ascertain what persons within their area are defectives, and provide suitable supervision and protection and accommodation for them, to maintain them in an institution or approved home, or under guardianship, or contribute towards the expenses of their maintenance, &c. The performance of some of these duties is made contingent on one-half of the net cost being paid out of parliamentary grants. The local authority can only deal with children between the ages of seven and sixteen who are notified to them by the local education authority as defectives. The last-mentioned authority has also the duty of determining which of these defective children are incapable of receiving benefit from instruction in special schools, or which it is undesirable to retain in special Local authorities have no duties with respect to defecschools. tives who are for the time being provided for by (a) the poor law authorities, or (b) local authorities under the Lunacy Acts, except as prescribed by the Secretary of State's regulations. Any default of



the local authority may be remedied by an order of the Secretary of State, enforced by mandamus.

The expenses of administering the Act, so far as not paid out of parliamentary grants, are charged on the county or borough fund, with a provision that non-obligatory expenditure is not to exceed a rate of  $\frac{1}{2}d$ . in the pound per annum. A county council may borrow for periods not exceeding sixty years, and the limitations on borrowing do not apply to these loans.

The Board of Control may approve buildings provided by boards of guardians as institutions for the reception of defectives, and any board of guardians or other public authority may, with the consent of certain Government departments, lease or grant the use of premises no longer required, for the purposes of the Act. Hospitals, institutions or S. 67. licensed houses formerly registered under the Idiots Act, 1886, which is now repealed, become certified institutions for defectives.

The persons appointed by the justices to act as visitors of licensed S. 40. houses under the Lunacy Acts (see above, p. 87), with the addition of one or more women appointed in the same manner, are to be the visitors of institutions for defectives in institutions and under guardianship, subject to regulations of the Secretary of State.

# NOTES.

Note (a). Before 1888, each quarter session borough was primâ facie a Lunacy separate lunacy area, but the Local Government Act of that year provided that areas. only (a) county boroughs, and (b) quarter session boroughs which had in 1881 a ss. 34, 38, 86. population of 10,000 and upwards, and (c) quarter session boroughs which had existing contracts with other authorities, should be separate areas. On the termination of existing contracts, the last class of boroughs were to be merged for lunatic asylum purposes in the county.

The Lunacy Act, 1890, which consolidated and repealed the old Acts, enumerated 1890, s. 245. in the fourth schedule twenty-eight places which were then treated as separate lunacy areas, in accordance with the above-mentioned enactments. Some of these have now, owing to the termination of their contracts, ceased to be separate lunacy

The Lancashire Asylums Board are the local authority both for lunatics and 1891, c. xx. defectives in the whole geographical county of Lancaster.

1913, s. 34.

The West Riding Asylums Board are the local authority for the West Riding 1912, c. ci. of Yorkshire.

Note (b). As from November the 1st, 1913, the Lunacy Commissioners are Board of superseded by a Board of Control, consisting of twelve paid and three unpaid Control. Commissioners, including two women. This Board will supervise both lunatics ss. 21-26, 65. and defectives, and visit all asylums and institutions.



Outside patients. 1890, ss. 269 (9), 283 (3). Fitch v Bermondsety, L. R. 1905, 1 K. B. 524. Statistics. Note (c). A higher weekly charge (but not exceeding the limit of 14s.) may be made for a patient sent from outside than for those belonging to the county or borough for which the asylum is provided; and a portion of the charge is payable by the authority sending him, in exoneration to that extent of the union to which he is chargeable.

Note (d). There were, on January 1st, 1913, 95 county and borough asylums containing patients, including "district" asylums, and including the 11 asylums belonging to London (Lancashire at that date had five asylums, and the West Riding five, one of which is reserved for private patients). Five other asylums were then in course of erection or about to be erected. The total number of patients (including London patients) in these asylums was: Pauper, 99,833; private, 3,760—together, 103,593 (besides 249 classified as "criminal").

The "registered hospitals" (inclusive of six idiot establishments registered under the Idiots Act, 1886, but exclusive of the naval and military hospitals) numbered at the same date 20, with 3,869 private and 759 pauper patients—together, 4,628. The number of "licensed houses" (inclusive of three idiot establishments registered under the Act of 1886) was 68, with 2,895 private and 566 pauper patients—together, 3,461.

The total number of lunatics and idiots in the different classes of establishments (including London, but exclusive of those in the naval and military hospitals and in the criminal asylums at Broadmoor, Parkhurst and Rampton, and exclusive also of private single patients) in the years 1894 and 1906 and 1913, was respectively:—

		1894.	1906.	1913.
Pauper .		60,456	87,895	125,841
Non-Pauper		7,743	9,058	10,524
		68,199	96,953	136,365

The above figures show an increase of 100 per cent. in the 19 years. The increase in the population between the census years 1891 and 1911 was about 24 per cent.

For some details as to the public expenditure incurred for lunatic asylums and lunatics, see Table B, p. 174.

# CHAPTER XIV.

#### BURIAL.

- (1) Old Law.
- (2) Burial Acts.
- (3) Other Acts.

THE common law appears to give to every person dying in a state (1) OLD LAW. of indigence, and not being "within certain exclusions laid down by R. v. Stewart, the ecclesiastical law," a right to Christian burial in the parish church- 773. yard at the expense of the person under whose roof he dies. seems that before the compulsory Church Rate Abolition Act (1868, c. 109), it was lawful for a vestry, if it thought fit, to make a church In re St. rate for the purposes of enlargement of the churchyard. The Church John's, Cardiff, Building Acts contain enabling enactments for the provision and enlargement of churchyards; and special Acts for the provision of cemeteries as commercial undertakings were common enough to render expedient the Cemeteries Clauses Act, 1847.

16 L.J.

But the principal legislation for burials is contained in the more (2) BURIAL recent series of Acts, known as the "Burial Acts," which provide 1852, c. 85. for the prohibition of burials within urban limits, the closing of overcrowded or insanitary burial grounds, and the appointment of burial or insanitary burial grounds, and the appointment of burial 1855, c. 128. 1857 (2), c. 81. The first of these Acts was passed in 1852, and was limited 1859, c. 1. to the metropolis and its immediate neighbourhood, but in the next year it was made universal.

Under the Burial Acts the area is primâ facie either the poor law or the old common law parish, but may be almost any parochial or quasi-parochial area (a). The authority is primâ facie a burial board of three to nine members elected by the vestry. In rural parishes, however, the vestry is superseded by the parish meeting; and, in those which have a parish council, that council is substituted for the burial board wherever the area under the parish council coincides with the burial area. And where the Acts are newly adopted in a parish having a parish council that council is the executive authority whether the area is the same or not. Where the area in which the Acts were adopted in or before 1894 does not coincide with the rural parish,

1853, c. 134. 1854, c. 87. 1860, c. 64. 1862, c. 100. 1871, c. 33. 1875, c. 55. Sched. V. Pt. III. 1880 (2), c. 41. 1900, c. 15. Parishes. 1852, ss. 10, R.v. Sudbury, E. B. & E.

1893-4, c. 73,

s. 7 (5), (7).



GL

S. 53 (1).

S. 53 (2).

S. 53 (4).

S. 7.

1852, ss. 34, 38, 44, 49. 1853, s. 7. 1855, s. 7.

1900, s. 3.

1852, s. 25. 1855, s. 18. then—(i.) if the burial area is wholly within one rural parish, the burial board or the parish meeting was empowered to transfer the administration of the Burial Acts to the parish council, subject to any condition as to their execution by a committee, and—(ii.) if the burial area is not wholly within one rural parish, the functions of the burial board were transferred to the parish councils of the several parishes acting by a joint committee (should the area be partly in an urban district the district council is represented on the committee). In order to reduce this confusion of areas and authorities, power was given to the county council, on the application of a parish council, to alter the boundaries of a burial area where this could be done without an undue alteration of liability to rates or interference with property rights.

The adoption of the Acts is in general optional, the power of adop-

tion in rural parishes now resting always with the parish meeting, in succession to the vestry, which body can in urban parishes still exercise the power if approved by the district council. It is practically compulsory where an Order in Council closes existing churchyards either on the ground of their condition, or on the ground that they are within a town. And the Acts confer large powers on a burial board when once it has been appointed, enabling it to raise the necessary money for providing a burial ground by mortgage of the rates, uncontrolled by the adopting authority. The management of the burial ground is vested in the board (including in that term any parish council or committee substituted for a burial board), subject to regulations which may be made by the Local Government Board for the protection of health and decency, and subject, as regards inscriptions in consecrated grounds, to the discretion of the bishop. interment are fixed by the board with the assent of the Local Government Board, subject to limits prescribed by the Acts in the case of paupers. The fees for religious services have to be approved by a Secretary of State. The board appoints a clerk and other officers. It may, instead of providing a cemetery of its own, contract for accommodation in the cemetery of some other authority or company. It may undertake the care of disused burial-grounds (b).

Any parishes (whether common-law or poor-law) which have adopted the Acts may concur in providing a common burial ground, and agree for the apportionment of expenses (c).

It remains to notice the provisions of the Acts specially applicable to boroughs and urban districts.

Under the Public Health Act, 1875, the burial board for any area included in or conterminous with a county borough or an urban district

Boroughs and urban districts.

1875, c. 55, Sched. V., Pt. III. may by agreement with the vestry and the borough or district council transfer all its powers, duties, &c., to that council. And now any urban 1898-4, s. 62 district council may by resolution substitute itself for any burial board acting for the whole or part of the district.

By Order in Council made on the petition of the council of a muni- 1854, ss. 1-9. cipal borough (after the compulsory closing of any burial grounds of parishes wholly or partly within the borough), the council of the borough

may be made the burial board for all or any of the parishes wholly or partly included in the borough, and the powers of the vestries of such

parishes are thereupon superseded.

The district council of an urban district other than a borough (after 1857, s. 4. the compulsory closing of any burial grounds in the district) may by Order in Council be constituted a burial board, upon their petition stating that their district is co-extensive with a district for which it is proposed to provide a burial ground, and that no burial board has been appointed. And under the Public Health Act, 1875, when the vestry Sched. V., of a parish comprised in any urban district which is what was then Pt. III. known as a "local government district" resolves to appoint a burial board, it may constitute the district council, or, if the parish forms a ward of the district, the councillors for the ward, the burial board for the parish. (As to what is meant by a local government district, see p. 23, note (a).)

The Burial Acts cannot be newly adopted in any part of an urban 1893-4, s. 62 district without the approval of the district council.

The rates generally applicable to the payment of expenses incurred Expenses. under the Burial Acts are in rural areas the poor rate, in boroughs the 1854, ss. 3, 9. borough rate, and in other urban districts the general district rate, or else a separate rate levied over the burial area on the same basis as 1860, ss. 1, 2. the above rates, respectively (d). Where the parish council acts as a 1875, Sched. burial board its expenses as such are paid out of the poor rate, and are not within the limitation to 6d. in the pound which circumscribes its ordinary expenditure (e) (f).

1852, s. 19. 1855, s. 13. 1857, s. 22. 1862. V., Pt. III. 1893-4, s. 7 (6).1893-4, s. 11.

Besides the above-mentioned powers under the Burial Acts proper, both urban and rural district councils may under general Acts provide cemeteries and mortuaries, and regulate their use by bye-laws, and acquire land for this purpose, and borrow with the consent of the Local Government Board. The expenses are paid as other sanitary expenses (q).

(3) OTHER 1875, s. 141. 1879, c. 31.

Guardians, with the consent of the Local Government Board, may 1857, s. 6. appropriate land in their possession for a cemetery for paupers. The expenses are charged on the common fund. Relatives of the deceased persons may object to their burial in such cemeteries.

1847, c. 65.

There are many cemeteries established under local Acts, usually incorporating the Cemeteries Clauses Act, 1847 (h).

Cremation. 1902, c. 3.

Burial authorities may provide crematoria, the plans and site of which must be approved by the Local Government Board, and their use is governed by Home Office regulations (i).

### NOTES.

Burial Areas.

Note (a). Although the common law or poor law parish is primâ facie the area for the purposes of the Burial Acts, these Acts may be adopted by various smaller or other districts, namely :-

1855, c. 128, s. 12.

(i.) By any parish, township or district which is not a poor law parish, but which before the Act of 1855 had a separate burial ground.

1857, c. 81,

- (ii.) By any "parish, new parish, township or other district" which is not a poor law parish, and although it has not had a separate burial ground, and this notwithstanding that there already exists a burial board for the whole common law parish in which the new area is included. (Reg. v. Walcot, 31 L. J., M. C. 221.)
- (iii.) And if a portion of any area which could be a burial board district adopts the Acts, it follows that the remainder of the area may separately adopt them. (Viner v. Tunbridge, 28 L. J., M. C. 251.)

1860, c. 64, s. 4.

But where a parish or place is ecclesiastically divided, and any part of it has a separate burial ground, the whole parish or place cannot adopt the Acts without the consent of the Local Government Board.

Consecration. 1900, c. 15, s. 1.

Note (b). The Burial Act, 1900, repealing former provisions as to consecration, authorizes a burial authority to apply to the bishop for the consecration of any portion of their burial ground approved by the Secretary of State; and, failing the burial authority, the Secretary of State may himself make the application if satisfied that a reasonable number of the persons concerned desire it.

1900, s. 2.

The burial authority may erect, at the public expense, a chapel on any part of their ground not consecrated or set apart for the exclusive use of any particular denomination. Any chapel so erected after 1900 is not to be consecrated or reserved for the exclusive use of any denomination. But a denominational chapel may be provided at the request and cost of the residents belonging to the denomination; and the Secretary of State is empowered to enforce this provision.

1855, c. 128, s. 9.

No burial ground under the Burial Acts can be established within 100 yards of any dwelling-house, unless with the consent of the owner, lessee, and occupier.

United Parishes. 1855, s. 11.

Note (c). The Act of 1855 also enabled any parishes or places which in 1855 had been united for any ecclesiastical purpose, or had had a common church or burial ground or a joint vestry for common purposes, to unite in appointing a joint board, the expenses to be apportioned according to the poor law valuations; but the consent of the Local Government Board is required should either of the uniting parishes or places be a poor law parish or have a separate burial ground.

1857, s. 9. 1893-4, ss. 53, 57.

Where parishes in which the parish councils are the authorities for executing the Burial Acts unite for this purpose, a joint committee can be appointed under the general powers of the Act of 1894, the expenses being divided according to agreement, or, failing agreement, as determined by the county council.

1897, c. 40.



Note (d). But, where under s. 62 of the Local Government Act, 1894, an urban Expenses. district council takes over the powers, duties, and liabilities of a burial board, it R.v. Connah's seems that the expenses continue to be chargeable on the poor rate, and do not 1901, 2 K. B. become chargeable on the general district rate.

Land acquired for a burial ground is not to be assessed to rates at a higher 1855, s. 15. value than that at which it was assessed at the time when it was so acquired.

Note (e). Apparently, however, the obligation to obtain the consent of the parish council before expenditure is incurred involving more than a threepenny rate in one year includes expenditure under the Burial and other adoptive Acts, as well 1893-4, ss. 11, as other expenditure. And money can only be borrowed by a parish council with consent of both the Local Government Board and the county council.

Note (f). In 1912 there were 180 burial areas under specially elected burial Statistics. boards, and 136 under borough councils, 169 under other urban councils, 229 under joint committees, 520 under parish councils, and 7 under parish meetings, administering the Burial Acts.

Note (g). These powers have been largely used of recent years. Thus, on the 31st of March, 1911, the outstanding loans of local authorities in England and Wales (outside London) in respect of burial grounds acquired under the Burial Acts amounted to £1,750,000; while those in respect of cemeteries acquired under the Interments Act of 1879 and Local Acts amounted to £1,070,000.

Note (h). Besides the Acts already mentioned, there are the following mis- Miscelcellaneous provisions as to burial grounds and burials :-

laneous.

1285, c. 6 (St. Win.). Prohibition of fairs and markets in churchyards.

1285 (Circumsp. ag.). Inclosure of churchyards.

1808, c. 75. Burial of bodies cast on shore. Charge on county rate.

1816, c. 141. Ecclesiastical corporations may sell land for cemeteries. Twenty years from consecration bars all adverse claims.

1846, c. 68. Single chapel for several burial grounds. (Amended 1851, c. 97, s. 28; and see 1855, s. 16.)

1850, c. 101, s. 2. Guardians, out of common fund, or parish, out of poor rate, may contribute to provision or enlargement of consecrated burial ground of parish in which workhouse is situate, or of any parish in the same union, and on their so doing they acquire a right to bury paupers there from the workhouse.

1855, c. 79. Power to bury paupers in another parish, where the proper churchyard is closed or unfit.

1864, c. 97. Registration of burials. And see 1853, c. 134, s. 8; and 1857 (2), c. 81, ss. 15, 16.

1869, c. 26. Simplification of title to burial grounds of religious bodies.

1880 (2), c. 41. Right of parishioner to be buried in churchyard or burial ground without Church of England service.

1886, c. 20. Burial of bodies cast on shore.

Note (i). A crematorium may not be established within 200 yards of a Cremation. dwelling-house except with the consent of the owner, lessee, and occupier, nor within 50 yards of a public highway, nor in the consecrated part of a burial ground.

1902, s. 5.

An incumbent is not obliged to perform the funeral service at the cremation of S. 11. a parishioner, but on his refusal any clergyman may perform it with the permission of the bishop.





### CHAPTER XV.

PARISH PROPERTY, COMMONS AND OPEN SPACES.

was held for the benefit of the inhabitants; and the uncertainty which seems to have existed respecting the precise legal ownership of such

land led to the enactment in a Statute of 1819 that the churchwardens

and overseers should hold as a body corporate for and on behalf of the parish all buildings, lands, and hereditaments belonging to the parish. Thus the parish property in general (unless specially vested otherwise) became vested in the churchwardens and overseers; and now by the operation of the Local Government Act, 1894, it is (as

regards rural parishes, and with an exception for church property) transferred from them to the parish council, or, if there is no such council, to the chairman of the parish meeting and the overseers who are made a body corporate for that purpose. And the powers, duties, and liabilities of overseers and churchwardens with respect to the holding or management of non-ecclesiastical parish property, and

Parishes have from early times had land attached to them which

Parish Property.

1819, c. 12, s. 17.

1893-4, c. 73, ss. 5, 6, 19.

1857, c. 31, s. 12. 1876, c. 56, s. 29.

1893–4, ss. 8, 9.

A parish council has power to provide or acquire buildings for public offices, and for meetings, and for any purposes connected with parish business, and to acquire land for such buildings by agreement, or under certain conditions compulsorily (a); also to accept and hold gifts of property, real or personal, for the benefit of the inhabitants of the parish or any part of it.

village greens, are transferred to parish councils. Special statutory

provision has been made for the protection of village greens.

Ss. 6 (1) (d), 8 (2), 52 (1).

S. 37.

Parish councils (and, where there is no such council, the guardians) have powers for letting, selling, and exchanging parish lands and buildings, subject to certain powers of control in the parish meeting, the Local Government Board, and in some cases the Charity Commissioners. But where any part of a parish has a defined boundary, and has any property or rights distinct from the rest of the parish, the county council may order any acts of the parish council affecting such property or rights to be subject to the consent of a parish meeting held for that part of the parish. Or the property may be managed

C = C (1) (1)



### PARISH PROPERTY, COMMONS, AND OPEN SPACES.



by a committee consisting partly of parish councillors and partly of S. 56 (2). persons representing that particular part of the parish.

It must be remembered that in rural parishes which have no parish S. 19. council there is a general authority for the county council to confer on the parish meeting any of the powers of a parish council.

Trustees holding property for the purposes of a public recreation S. 14 (1). ground or of public meetings for the benefit of all or any of the inhabitants of a rural parish, or for any public purpose connected with such a parish (except for an ecclesiastical charity), may, with the approval of the Charity Commissioners, transfer the property to the parish council or to persons appointed by that council.

Provision is also made for substituting in rural parishes persons Parochial appointed by the parish council (or parish meeting if there is no S. 14 (2), (3), council), as trustees of parochial charities, for the overseers, or (as (4). regards non-ecclesiastical charities) for the churchwardens or for persons appointed by the vestry, and also for adding persons appointed by the parish council or meeting to the governing bodies of nonecclesiastical parochial charities which had not previously included any members representing the inhabitants.

The draft of every scheme relating to a non-ecclesiastical charity S. 14 (5), (6). affecting a rural parish has to be communicated to the parish council (or chairman of the parish meeting). And the accounts of all nonecclesiastical parochial charities have to be annually laid before the parish meeting.

As to endowments attached to public elementary schools, see Ch. IX., p. 63.

Parish councils are entitled to apply to the Board of Agriculture to Commons and issue information and directions as to the mode in which applications 1893-4, s. 8. for the regulation or inclosure of commons under the Inclosure Acts are to be made, with explanations of the law. And notice of an application to the Board in relation to a common is to be served on the council of every parish in which any part of the common is situated, S. 26 (2). and also on the district council.

When a common is inclosed under the Inclosure Acts, the 1845, c. 118, Board of Agriculture may provide for a portion of the land being s. 84. appropriated as a place of exercise and recreation for the inhabitants of the neighbourhood.

A district council, with the consent of the county council, may aid 1893-4, s. 26 persons in maintaining rights of common, the extinction of which (2). would be prejudicial to the inhabitants, and may with the like consent and with the sanction of the Board of Agriculture, in cases where application is made under the Commons Act, 1876, for the regulation 1876, c. 56,





or inclosure of any common in the district, make contributions, and pay compensation in respect of the rights of commoners, for the purpose of securing for the district any benefit from the common. The district council may also itself in some cases apply for the regulation of a common, and may be invested with powers of management. These powers of the district councils in relation to commons extend, in the case of urban councils, to commons lying within six miles of a county borough, or of an urban district with a population of 5,000 or upwards.

1899, c. 30.

By the Commons Act, 1899, a district council is authorised to make a scheme for the regulation and management of any common in its district with a view to the expenditure of money on drainage, levelling, and improvement, and to the making of bye-laws and regulations for the prevention of nuisances and preservation of order. The scheme is made subject to the approval of the Board of Agriculture, which, however, cannot be given if the owner of the soil, or persons representing one-third in value of the interests affected, object. The scheme may include certain provisions for the benefit of the neighbourhood. The management of the common is vested in the district council, but may be delegated in a rural district to the parish council, which is also allowed to contribute the whole or any part of the expenses. Under the same Act a district council may purchase or acquire by gift the ownership of or rights over any common regulated by a scheme.

1893-4, s. 26. R. v. Norfolk C.C., L.R. 1901, 2 K. B. 268. It is the duty of every district council to protect all public rights of way in its own or an adjoining district, the stoppage or obstruction of which would be prejudicial to the interests of its district, and to prevent unlawful encroachments on roadside wastes in the district. It is expressly required to take proceedings for this purpose when called upon by a parish council, which on its default may appeal to the county council, who may in their turn take proceedings.

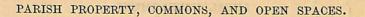
1893-4, s. 13.

A public right of way in a rural parish cannot be stopped up or diverted under the Highway Act without the consent of the parish council and district council.

Recreation Grounds. 1859, c. 27. Under the Recreation Grounds Act, 1859, in order to supply the want of open public grounds for the resort and recreation of adults and of playgrounds for children, facilities were given for the conveyance of municipal, parochial, and private land to trustees to be held and administered for these purposes.

1860, c. 30.

A parish with a population of 500 or upwards can by a two-thirds majority at a meeting of ratepayers (in a rural parish at a parish meeting) adopt the Public Improvements Act, 1860, by which land can be acquired by voluntary purchase, lease or gift for forming a public walk, exercise or playground, and an addition not exceeding sixpence





in the pound to the poor rate can, with the consent of a similar twothirds majority, be levied for maintaining it, and for removing any obstruction to its free use and enjoyment, and for improving any open walk or footpath, placing convenient seats, or shelters from rain, and for other similar purposes; but before any such rate is imposed at least one-half of the estimated cost of the proposed improvement must have been raised privately, and there is no borrowing power. management of any such improvement is committed by the Act to a body of elected commissioners, but now, where there is a parish council, it takes their place. (This Act may also be adopted for a borough.)

Every parish council is also empowered to provide and acquire 1893-4, ss. 8, land for a recreation ground and for public walks, and to exercise with respect to any recreation ground, village green, open space, or public walk which is under their control, or to the expense of which they have contributed, the like powers as an urban council can exercise under the Public Health Acts in relation to recreation grounds or public walks (see below). The parish council may also acquire rights of way by agreement in their own or an adjoining parish, and may accept gifts of property for the benefit of the inhabitants, and execute all necessary works incidental to the exercise of these powers, and may contribute money for any of these purposes, and in proper cases may obtain from the county council power to obtain land compulsorily (a).

The Public Health Act, 1875, authorises urban district councils to 1875, c. 55, purchase or lease and lay out land to be used as public walks or 1890, c. 59, pleasure grounds, and to support or contribute to those provided by other persons, and to make bye-laws for their regulation. And such councils may under the Public Health Acts Amendment Act, 1890 (when in force, see p. 55), exclude the public from free admission to parks or pleasure grounds on a limited number of days in the year, to enable them to be used for agricultural shows, &c.

Town councils may, in certain cases, take charge of any inclosed 1863, c. 13. garden or ornamental ground which has been neglected, and may vest it in a committee of the inhabitants of adjacent houses, or in the vestry of the parish, with powers of management.

Under the Open Spaces Acts passed in 1877 and subsequent years, Open Spaces. the district council of every urban and rural district (and also a parish 1877, c. 35. council, if empowered by the county council), may by voluntary 1887, c. 32. 1890, c. 15. purchase or gift acquire any open spaces whether inclosed or uninclosed, 1899, c. 30. and whether inside or outside its district, and hold them in trust for the perpetual use of the public for exercise and recreation, and may make bye-laws (subject to confirmation by the Local Government



#### LOCAL GOVERNMENT.



Board) for their regulation, and provide for their maintenance and protection. Special provision is made enabling trustees and other managing bodies and owners of open spaces to transfer them by agreement to a district or parish council. Disused burial grounds may similarly be transferred, subject to certain conditions respecting the removal of tombstones, &c., and such grounds may not, except by special permission, be used for games. Expenses of a district council are defrayed as sanitary expenses, and in a rural district are "special" and charged on the contributory places for which they are incurred. In a rural parish the expenses are defrayed as expenses incurred under the Local Government Act, and subject to the limitation in that Act on the amount of the rate leviable.

The powers of management under these Acts are also applicable to similar open spaces otherwise vested in district councils.

1899, s. 17 (4).

All the powers exercisable by other local authorities under these Acts may also be exercised by a county council.

# NOTES.

Compulsory purchase. 1893-4, s 9 Note (a). If a parish council fails to obtain a sufficient quantity of land by agreement, compulsory powers of purchase may be given to it by order of the county council, made after local enquiry, and subject, in case of objection, to confirmation by the Local Government Board, and if the county council refuses to make such an order, the Local Government Board may, after local enquiry, make it. The county council is to carry out the order, and an arbitrator is to be appointed to determine any disputed compensation, but no additional allowance is to be made by him for compulsory purchase.

Parish rooms. 1893-4, s. 4.

Note (b). In any rural parish where there is no suitable public room which can be used free of charge, the parochial electors and parish council are entitled to use any suitable room in a public elementary school receiving parliamentary grants, or other room maintained out of local rates, for the purpose of (a) parish council meetings, (b) Local Government enquiries, (c) meetings under the Allotments Acts, (d) the candidature of persons for either district or parish councils, (e) any parish or local government committees or officers appointed to administer public funds within the parish. Provisions are added for securing reasonable notice and non-interference with school hours, and for defraying the expenses of the meetings and any damage done.





# CHAPTER XVI.

ALLOTMENTS AND SMALL HOLDINGS.

- (1) Allotments.
- (2) Small Holdings.

Under Acts passed in the years 1819, 1831, and 1835, and still (1) Allorunrepealed, power was given to guardians of the poor, with consent of the vestry, to appropriate land belonging to the parish, or to purchase or hire land in or near the parish, and either to employ in cultivating it on account of the parish "any such persons as by law they are s. 4. directed to set to work," paying to those who were not supported by ss. 14, 15. the parish reasonable wages for their work, or, "for the promotion of industry among the poor," to let any portions of such land to any poor and industrious inhabitant of the parish at such reasonable rent as might be fixed by the vestry. The amount of land to be purchased by the guardians was limited to twenty acres, but they might hire up to fifty acres; and there was also power to inclose for the same purposes waste or common land to the extent of fifty acres, and forest and waste land belonging to the Crown. And under a more 1867, c. 106, recent Act guardians are empowered, with the approval of the Local s. 13. Government Board, to hire temporarily any land or buildings for the purpose of the relief and employment of the poor.

MENTS. 1819, c. 12,

ss. 12, 13. 1831, cc. 42,

1835, c. 69,

1873, c. 19,

Another early Act dealt with what have been known as "fuel Fuel Allotallotments." After a recital that "in parishes inclosed under Acts of 1832, c. 42. Parliament there are in many cases allotments made for the benefit of 1835, c. 69, the poor, chiefly with a view to fuel, which are now comparatively 1873, c. 19. useless and unproductive," it was provided that the trustees of the allotments, together with the guardians and a committee of the vestry, should let portions of the allotments yearly from Michaelmas to industrious cottagers of good character being day labourers or journeymen settled in the parish, not exceeding one acre to any individual; the rent to be applied in the purchase of fuel. Allotments inconveniently situated might be let at the best rent, and other land hired for the purposes of this Act, the provisions of which were also



1882, c. 80.

made applicable to other lands inclosed for the general benefit of the poor of any parish. In 1882 it was sought further to promote the dissemination of this class of allotments through the Allotments Extension Act of that year, requiring the trustees of lands of which the rents were distributed in doles, fuel, &c., to the poor to take proceedings, by public notice, &c., for letting part of such lands in allotments to cottagers, labourers, and others, and giving to the Charity Commissioners certain powers of control over the rules for the management of the allotments, which were not to exceed an acre for each person.

Inclosure Act Allotments. 1845, c. 118, ss. 34, 108-112. 1876, c. 56, ss. 21-28.

On a common being inclosed under the Inclosure Act, 1845, a portion of the land may be appropriated, under the supervision of the Board of Agriculture, for allotments for the labouring poor in the form of field gardens not exceeding a quarter of an acre each; but under a later Act this limit might be increased to an acre. allotments were placed under the management of "allotment wardens." The Board of Agriculture, in any Provisional Order made by them for the regulation of a common, may require an allotment to be appro-

1878, c. 56, s. 4.

priated for the labouring poor.

Council Allotments. 1893-4, c. 73, ss. 9, 10. 1908, c. 36, ss. 23 et seq.

The policy of facilitating the acquisition and popularising the management of allotments has been much promoted by modern legislation. Under the Small Holdings and Allotments Act, 1908, which consolidates the previous legislation of 1887 and 1894, it is the duty of every borough, urban district or parish council (if practicable without undue risk of loss) to purchase or hire land for allotments for the resident labouring population, wherever there is a demand which cannot be satisfied on reasonable terms by voluntary arrangement between the owners of suitable land and the applicants. Any six Parliamentary electors or resident ratepayers are entitled to call upon the council to take action.

Ss. 23-39.

Any of these councils have power to acquire land by agreement, and to adapt, fence, drain and equip such land with suitable buildings. Borough and district councils have also powers of acquiring land compulsorily, similar to those conferred on county councils in respect of small holdings (see p. 103).

S. 39 (7).

A parish council can, as a rule, only acquire land compulsorily through the county council, but the land so acquired is to be vested in the parish council and the expenses charged to the parish. If, however, the county council refuse to submit an order, the Board of Agriculture may make it on the petition of the parish council. council may appoint and remove allotment managers, consisting wholly or partly of resident ratepayers who are not members of the council.

S. 29.



The expenses are defrayed in a borough or urban district as part of Ss. 53, 54. the general expenses under the Public Health Acts, and in a parish, as part of the expenses of the parish council. Money may be borrowed in the case of a borough or urban district as under the Public Health Acts, and in a parish, as under the Local Government Act, 1894, but the money borrowed by a parish council is not to be reckoned as part of the debt of the parish for the purpose of the limitation on borrowing. Separate accounts are to be kept, and annual statements made, of the receipts and expenditure of every council providing allotments.

It is the duty of the county council to ascertain the extent of the demand for allotments in the several districts other than boroughs in the county, and to co-operate with other authorities, associations and persons to provide the allotments. They may resolve themselves to acquire the allotments, and thereby assume the powers of district or parish councils under the Act, and raise loans and charge expenditure on the rates of the district or parish primarily liable. If the county council fail in their duties, the Board may by Order transfer their powers to the Small Holdings Commissioners. In recent Acts, the 1908, s. 27 (3). term "allotment" is limited as a rule to holdings not exceeding five acres in extent (a).

A "small holding" is defined as an agricultural holding exceeding (2) SMALL HOLDINGS. one acre and not exceeding fifty acres or £50 annual value.

1908, s. 61.

Before 1907, the legislation as to small holdings was restricted to taking land by agreement, but its scope and procedure was much extended by the Act of 1907, now repealed by the Small Holdings and Allotments Act, 1908, which consolidates the previous legislation. 1908, c. 36, Under Part I. of this Act, the council of a county or county borough 1910, c. 34. may provide small holdings for persons who desire to buy or lease and will themselves cultivate the holding. For this purpose, the county council may, if they are satisfied that there is a demand for small holdings in their county, prepare draft schemes and submit them to the Board of Agriculture for confirmation. Such schemes, and also any schemes prepared by the Small Holdings Commissioners in default of action by the county council are, when approved by the Board, to be carried into effect by the county council, or by the Commissioners in their default.

The powers of the county council include—

- (a) the purchase or taking on lease of land situated within or without their county, either by agreement, or by compulsory orders made by the council and confirmed by the Board;
- (b) the adaptation, fencing, drainage and other equipment of any land acquired under the Act;





(c) the provision of new buildings or the adaptation of existing buildings.

Lands acquired are to be sold or let to persons able to cultivate them properly, subject to rules to be made by the county council and to certain statutory conditions restricting building, sub-division and sub-letting. All land purchased is to be registered under the Land Transfer Acts. Superfluous or unsuitable land can be sold, let or exchanged.

No land can be taken compulsorily under the Act which forms part of any park, garden, pleasure ground or home farm, or is required for the amenities or convenience of a dwelling-house, or is part of a holding not exceeding 50 acres. In taking land, regard is to be had to the convenience of owners and occupiers and to avoiding displacing any considerable number of agricultural labourers. Rights of grazing and common may be acquired and attached to small holdings and allotments. There are provisions for compensating evicted tenants and agricultural labourers thrown out of employment.

The hiring of land compulsorily is in the first instance limited to a period of not less than fourteen, or more than thirty-five years, but these terms may be compulsorily renewed on proper notice and revaluation of the holding. In case of lands hired, portions may be resumed by the owner under an Order of the Board for building, mining, or other industrial purposes.

A county council may promote the formation of and assist cooperative societies to provide and work small holdings, and make grants or advances to them with the consent of the Local Government Board.

The county council may, instead of acquiring land itself, advance to the tenant of a small holding who has agreed with his landlord for the purchase of the holding, a sum not exceeding four-fifths of the purchase money. One-fourth of the advance may be secured by a perpetual rent charge, and the residue by a charge repaying capital and interest within a term not exceeding fifty years.

Every county council must establish a small holdings and allotments committee, consisting either wholly or partly of members of the council, and all matters relating to small holdings and allotments which are not urgent shall stand referred to the committee. The council may delegate to the committee any of their powers under the Act, except the power of raising a rate or borrowing money. The committee may delegate any of their powers to sub-committees, consisting either wholly or partly of members of the committee.

In acquiring land for small holdings, the county council is limited

S. 49.

S. 19.

S. 50.

## ALLOTMENTS AND SMALL HOLDINGS.



to giving such price or rent as will in their opinion recoup all expenses incurred in relation to the land and guard against loss to the rates. They are also prohibited from taking any proceedings under the Act S. 17. whereby the annual charge on the county fund for these purposes, including loan charges, is likely to exceed a penny rate in any one year.

A county council may borrow for the purposes of this Act from the s. 52. Public Works Loan Commissioners, who are required to make loans at the minimum rate (now fixed at 31 per cent.). The money may be borrowed for eighty years for the purchase of land, and fifty years for other purposes, if sanctioned by the Local Government Board. expenses incurred in acquiring land under the Act and certain other expenses are repaid by the Board of Agriculture. Every excess of expenditure over receipts is to be charged on the county fund, or borough fund or rate. Separate accounts of receipts and expenditure must be kept by the council.

Arrangements may be made by the county council with the council S. 18. of any borough or urban district in the county for the borough or district council to act as the agents of the county council under the Act, and such council may defray their expenses as general expenses under the Public Health Acts (b).

## NOTES.

Note (a). It is the duty of the Board of Agriculture, in approving a sale of Glebe lands. land under the Glebe Lands Act, 1888, either to require the land or part of it to be offered for sale in small parcels, or to the district council for the purposes of the Allotments Acts, or else to satisfy themselves that such offer is not practicable without a sacrifice of price.

Note (b). Up to the 31st December, 1912, 154,977 acres had been actually acquired or agreed to be acquired for small holdings by county councils in England Holdings. and Wales, of which 104,533 acres had been purchased for £3,385,262, and 50,444 acres leased for rents amounting to £63,528. Of this land 124,709 acres had been actually let to 8,950 individual small holders, and 212 acres sold to 20 small holders. In addition 6,094 acres had been let to 49 Co-operative Small Holdings Associations, who had sub-let the land to 967 of their members, and 2,984 applicants had been provided with over 37,000 acres by private landowners direct, mainly through the instrumentality of the councils. The councils of county boroughs had acquired 1,586 acres, which were let to 192 individual small holders and 63 members of Cooperative Associations.

On the 31st December, 1912, 116,286 persons and 21 associations held allotments. from town councils, other urban district councils, and parish councils in England and Wales. The total area of the land so held was 30,960 acres, of which 21,498 acres was held from parish councils by 49,545 persons and 2 associations.



## CHAPTER XVII.

#### WORKING-CLASS DWELLINGS.

- (1) Housing of the Working Classes Acts.
- (2) Town Planning.
- (3) Small Dwellings Acquisition.
- (4) Other Enactments.

(1) Housing of the Working Classes Acts. 1890, c. 70. 1900, c. 59. 1903, c. 39. 1909, c. 44. Part I.— Unhealthy Areas. 1890, ss. 1–28.

The greater part of the law dealing with this subject is now contained in the Housing of the Working Classes Acts, 1890 to 1909.

Part I. of the Act of 1890, dealing with "Unhealthy Areas" in urban districts, reproduces without much alteration the series of Acts dating from 1875 which were known as "Cross's Acts." Under this Part, it becomes the duty of the council of a county borough or urban district to take action when it is officially represented to it by its medical officer of health that within a certain area in the borough or district either (i.) any houses, courts, or alleys, are unfit for human habitation; or (ii.) the narrowness, closeness, and bad arrangement, or the bad condition of the streets and houses, or the want of light, air, ventilation, or proper conveniences, or other sanitary defects, are dangerous or injurious to the health of the inhabitants; and that the most satisfactory way of dealing with these evils is by an improvement scheme for the rearrangement and reconstruction of streets and houses in the area. The medical officer of health is bound to inspect and report upon an area said to be unhealthy whenever called upon by two justices or twelve ratepayers, and on appeal the Local Government Board may appoint a medical practitioner to inspect and report. If the council is satisfied of the facts and of the sufficiency of its resources (or if the Local Government Board decide that a scheme ought to be made), it is its duty to make a scheme, subject to confirmation by order of the Local Government Board, for the improvement of the unhealthy area. The council has to arrange for the proper carrying out of the scheme, but is not allowed itself to undertake the work (other than clearing the site and laying out the streets) without the express approval of the Local Government Board. Land can be acquired at a price to be assessed with due regard to the condition of the premises

1903, s. 4 (1).

## WORKING-CLASS DWELLINGS.



and without any additional allowance for compulsion. The Local Government Board may require the scheme to provide for the accommodation of persons of the working classes who are displaced in the area affected.

The local authority has a special "dwelling-house improvement fund" for the purpose of carrying out this Part of the Act, and the fund is supplied, so far as any excess of expenditure over receipts may require it, out of the sanitary rate or by money borrowed for the purpose on the security of the rate. If the local authority fails to carry out the scheme the Local Government Board can order the land to be sold for the purpose of erecting on it working-class dwellings. (As regards schemes for small areas, see p. 108.)

Part II., which embodies the provisions of "Torrens's Acts" with Part II. modifications enlarging the powers and duties of the local authorities, Dwellingis headed "Unhealthy Dwelling-houses." It deals both (i.) with houses. 1890, ss. 29dwelling-houses which are themselves in a state so dangerous or 52, injurious to health as to be unfit for human habitation, and also 1909, ss. 17-(ii.) with "obstructive" buildings, i.e., buildings so situated that by reason of proximity to others they either stop ventilation or otherwise conduce to make such other buildings unfit for human habitation or dangerous or injurious to health, or prevent proper measures from being taken for remedying any evils connected with such other buildings.

- (i.) It is the duty of every local authority (i.e., the council of a 1909, ss. 17, county borough or urban or rural district) to cause their district to be inspected from time to time "with a view to ascertain whether any dwelling-house therein is in a state so dangerous or injurious to health as to be unfit for human habitation," and, on the representation of their medical or other officer, to make an order prohibiting the use of the dwelling-house until it is rendered fit for that purpose. Unless this order is complied with, or a successful appeal is made to the Local Government Board (of which notice must be given within fourteen days), the dwelling-house has to be closed and every occupying tenant may be required by a magistrate's order to quit the house. Where a closing order has remained operative for three months, the local authority may, after hearing any objections from the owner, order the demolition of the building.
- (ii.) When the local authority, after considering all the circum- 1890, s. 38. stances and the probable cost, and hearing any objections from the owner, decides to proceed in the matter of an obstructive building, it makes an order, which is subject to an appeal to quarter sessions, requiring it to be pulled down. Then, unless the owner agrees to the





demolition and claims to retain the site (in which case he will not be allowed to erect any new building of an unhealthy or obstructive character), the local authority can purchase the land and pull down the building, the site or part of it being kept as an open space or dedicated as a highway, and any part not so appropriated being sold.

1893-4, c. 73, s. 6 (2). 1890, s. 52. Ss. 39-41. Parish councils are expressly authorized to make complaints and representations to the district council as to unhealthy dwellings and obstructive buildings, and the district council have also to take action on any representation made by the county medical officer of health. (As to complaints and proceedings in case of default, see p. 109.)

Schemes for reconstruction can also be made under Part II. of the Act, both—

- (i.) as regards the sites of unhealthy or obstructive buildings whose demolition has been ordered under this Part, if the local authority considers that it would be beneficial to the health of the inhabitants of the neighbouring dwelling-houses that the area should be dedicated as a highway or open space, or used for the erection of dwellings for the working classes, or exchanged for other neighbouring land more suitable for the latter purpose; and
- (ii.) as regards any area of such a character as can be dealt with under Part I., but in the opinion of the local authority too small to be so dealt with.

Such a scheme has to be sanctioned by an order of the Local Government Board made after local inquiry. If circumstances so require, provision must be made for the dwelling accommodation of persons of the working classes who are displaced by the scheme. There are special provisions regulating the assessment of compensation (a).

1890, ss. 42–3. 1894, c. 55. Expenses are defrayed and money may be borrowed as for sanitary purposes, and in a rural district are "special."

Local authorities are required to make special yearly reports to the Local Government Board of their proceedings under this Part of the Act. The county council can intervene and assume the functions of a local authority which fails to take proper action.

1890, c. 45.

Part III. of the Act of 1890 relates to the provision of "lodging-houses" for the working classes (i.e., separate houses or cottages containing one or more tenements, and including a garden not exceeding one acre).

Part III.— Lodginghouses. 1890, ss. 53– 71. 1900, c. 59. 1909, c. 44, ss. 1–16.

The council of every county borough, urban and rural district, may acquire land for this purpose under the powers of the Public Health



Acts, but with a somewhat different procedure (b). On land so acquired they may erect, purchase, or lease, and fit up and furnish buildings suitable for lodging-houses for the working classes, and may lay out, construct or contribute to public streets or roads. In the case of an urban authority the lodging-houses may be either within their district or outside it. The management and control of the lodging-houses is vested in the local authority, which may make byelaws, subject to confirmation by the Local Government Board, for securing decency and orderly behaviour among the inmates, and other matters.

There is also power for the local authority (with consent in a rural 1900, s. 5. district of the county council and elsewhere of the Local Government Board) to let land acquired as above on lease, with due safeguards for the carrying out by the lessee of the intentions of Part III.

Expenses are defrayed as sanitary expenses, and in a rural district 1870, s. 65. are "general" except as far as the Local Government Board declare 1909, s. 31. them special expenses charged on specified contributory places. Money may be borrowed. The maximum period for the repayment of loans to local authorities is now extended to eighty years, 1903, c. 39, and these loans are not to be reckoned as part of the debt of the local authority with respect to the limitation on borrowing under the Public Health Act (i.e., two years' rateable value in the aggregate of all loans contracted under the Public Health Acts). Loans are to 1909, s. 3. be made at the minimum rate allowed for loans out of the Local Loans fund.

This Part provides, further, for the issue of loans by the Public 1890, s. 67. Works Loan Commissioners to railway and other companies, societies c. 38, s. 11. and private owners, for the construction or improvement of dwellings for the working classes.

A county or county borough council may promote the formation 1909, s. 72. of or assist co-operative societies formed for the erection or improvement of dwellings for the working classes, and may with the consent of the Local Government Board make to such societies grants or advances of money.

Complaints that the local authority have failed to exercise their Complaints. powers under Part II. or Part III. of the Act of 1890 may be made by a county, district or parish council, or by four inhabitant householders, to the Local Government Board. If that Board, after holding a public enquiry, are satisfied there has been default, they may make an order directing the defaulting authority to carry out the necessary works. The Board may also, on their own motion, order a local authority to carry out works under Parts I. or II. of the Act.



GL

Complaints of the default of a district council may also be made by the parish council or parish meeting or four inhabitant householders to the county council, and the county council, if satisfied of such default, may resolve to transfer to themselves the powers of the district council for the purposes of Part III. of the Act, with respect to either the whole district or to any parish therein, and may, accordingly, assume and exercise those powers. The Local Government Board may also on the application of a county council make an order conferring on that council any of the powers under Part III. as respects any rural district in their county, but the expenses incurred by the county council under such order are defrayed as expenses for general county purposes. In addition to their powers under Part III. the county council has a right to be informed of any complaints received or orders made under Part III. by any rural district council in their county, and can take steps to remedy any default of the district council.

1890, s. 45.

1903, s. 3, and schedule.

Where land acquired compulsorily or by agreement under a local Act or provisional order, or acquired compulsorily under a general Act (other than the Housing Acts), comprises working men's dwellings occupied by thirty or more persons belonging to the working class, possession may not be taken of those dwellings until the Local Government Board have either approved of a housing scheme or decided that none is necessary. And if the party so acquiring the dwellings is a local authority, the scheme may confer borrowing and other powers as for the purposes of Part III. of the Act of 1890.

S. 11.

Any power of a local authority under the Housing Acts to provide dwelling accommodation or lodging-houses includes (if the Local Government Board give their consent) a power to provide therewith any building adapted for use as a shop, any recreation grounds or other buildings or land serving a beneficial purpose in connection with the requirements of the persons for whom the dwelling accommodation or lodging-houses are provided.

(2) Town Planning. 1909, c. 44, ss. 54-65. Under Part II. of the Act of 1909, town planning schemes may be made for land "in course of development, or likely to be used for building purposes, with the general object of securing proper sanitary conditions, amenity and convenience in connection with the laying out and use of the land, and of any neighbouring lands." The Local Government Board may authorize a local authority (i.e., the council of any borough or urban or rural district) to prepare such a scheme within, or in the neighbourhood of, their area, or to adopt a scheme proposed by any of the owners of the land. Land already built upon, or not likely to be used for building purposes, may be included in the scheme with the authority of the Board. The order

made by the Local Government Board approving the scheme has, if any person or authority interested gives notice of objection, to be laid in draft before each House of Parliament for at least thirty days, and either House may present an address to the Crown against the draft scheme, which thereupon becomes invalid. If no such address is presented, the scheme, when approved by the Board, has effect as an Act of Parliament. General provisions for town planning schemes as to streets, open spaces, sewerage, lighting, water supply, &c., are prescribed by the Local Government Board.

The authority responsible for carrying out the scheme is the local authority or one of the local authorities of the area, or a joint body constituted specially for the purpose by the scheme. The responsible authority may remove, pull down or alter any building or work in the area included in the scheme which contravenes the scheme, or execute any work which is unduly delayed. It may purchase any land comprised in the scheme by agreement, or compulsorily, as under Part III. of the Act of 1890. The Local Government Board may, after a public enquiry, order a defaulting local authority to prepare or adopt a scheme, or consent to its being modified. There are provisions for the compensation of persons whose property is injuriously affected, and for the recovery of one-half of any increased value added to property by the scheme.

Expenses incurred by a local authority are defrayed, and loans raised, as under the Public Health Acts. If money be borrowed, it is not to be reckoned as part of the debt of the borough or district for purposes of the limitation of borrowing.

In 1899 an Act was passed for facilitating the acquisition of the (3) SMALL DWELLINGS ownership of small dwellings (not exceeding £400 in value) by the Acquisition persons occupying them. For this purpose the councils of counties, ACT. 1899, c. 44. county boroughs, and urban or rural districts (but, in the case of any district with a population under 10,000, only with the consent of the county council, or of the Local Government Board on appeal against the refusal of the county council), may make advances to resident occupiers of houses to enable them to acquire the "ownership," i.e., either the fee simple or a leasehold interest of at least sixty years unexpired at the date of the purchase. The advance in each case is strictly limited in amount, and must be repaid within a period not exceeding thirty years; and on the annual cost to the local authority exceeding the amount produced by a penny rate (in the case of a county council a halfpenny rate) the power to make further advances is suspended.

A person becoming the proprietor of a house under this Act is in general bound to reside in it during the currency of the loan.





The Public Works Loan Commissioners may lend money to local authorities for the purposes of this Act, and money borrowed under it is not to be reckoned as part of the debt of a local authority for the purpose of the general statutory limitations on its power of borrowing.

(4) OTHER ENACTMENTS. 1875, c. 55, ss. 71-90. 1885, c. 72, ss. 8–10. 1890, c. 59, s. 32.

The Public Health Acts enable any sanitary authority (whether urban or rural) to close cellar dwellings, register and regulate by byelaws "common lodging-houses," and also ordinary lodging-houses, and tents, vans, sheds, and similar structures used for human habitation. Any sanitary authority may also make bye-laws for the decent lodging of persons engaged in picking hops, fruit or vegetables within its district.

1875, s. 314. 1882, c. 23.

> Under the Merchant Shipping Act, 1894, the sanitary authority of any seaport town may, with the sanction of the Board of Trade, make bye-laws for licensing and regulating seamen's lodgings.

1894, c. 60, s. 214.

Municipal corporations are specially authorized to convert corporate

1882, c. 50, s. 111.

land into sites for working men's dwellings.

1864, c. 114.

The purposes of the Improvement of Land Act, 1864, include "the erection of labourers' cottages," and "the improvement of and addition to labourers' cottages," but with a view only to the permanent improvement of the value of private estates. For these purposes life-owners and other owners of land for long but limited terms are enabled, with the sanction and under the control of the Board of Agriculture, to charge the inheritance or reversion of the land. And under the Settled Land Act, 1882, limited owners may sell settled lands and invest the proceeds in certain authorized classes of improvements, including cottages for labourers, farm servants, and artizans, whether employed on the settled land or not, and any dwellings available for the working classes the building of which is not injurious to the estate (c).

1882, c. 38, ss. 25, 30. 1890, c. 70, s. 74.

## NOTES.

Compensation. 1890, s. 36. 1909, s. 19.

Note (a). For expenses incurred by an owner on works required by a local authority under Part II. of the Housing of the Working Classes Act, an annuity of 6 per cent. for thirty years may by order of the local authority be charged on the premises in favour of the owner and his personal representatives, and may be redeemed at any time.

In settling the amount of compensation to be paid by the local authority for the demolition of a building under this Part, the arbitrator is to make allowance for any increased value thereby accruing to other dwelling-houses belonging to the same owner.

Procedure. 1909, c. 44, Sched. 1.

Note (b). In a case of compulsory purchase, the council submits an order for confirmation by the Local Government Board who are bound, if objection is taken





by a person interested in the land, to hold a public enquiry. If the person holding the enquiry reports that the land is unsuitable, or that it cannot be acquired without undue detriment to persons interested, &c., then, if the order is made contrary to this report, it is only provisional, and has no effect until confirmed by Parliament.

Note (c). By the Standing Orders of the House of Commons it is required that Miscela copy of any private Bill containing power to take compulsorily or by agreement ten or more houses, occupied wholly or partly by persons belonging to the labouring class, shall be deposited with the Local Government Board, and that every such Bill shall give security for the provision of new dwellings for the persons displaced, to the extent approved by the Local Government Board.

laneous.

The Local Government Board issue annually a separate Report relating to the administration of the Housing of the Working Classes Acts.



## CHAPTER XVIII.

## DRAINAGE AND EMBANKMENT.

General powers for regulating drainage and defence against water are given to local authorities by three classes of Acts; namely-

- (1.) The Sewers Commissions Acts;
- (2.) The Land Drainage Act, 1861; and
- (3.) The Public Health Act, 1875.

In addition to these general powers there are many local Acts.

There are also Acts giving large powers to owners for the improvement of their lands by drainage, including compulsory powers over the lands of other persons to be exercised with the sanction of the Inclosure Commissioners, now the Board of Agriculture.

The following is a summary of the provisions of the two first classes of general Acts above mentioned: the powers of urban and rural district councils under the Public Health Act in relation to sewerage are mentioned in Ch. VIII. (p. 52).

(1) SEWERS COMMISSIONS ACTS. 1531, c. 5. 1533, c. 10. 1549, c. 8. 1571, c. 9. 1708, c. 33. 1833, c. 22. 1841, c. 45. 1849, c. 50.

1847, c. 38.

1864, c. 114. 1877, c. 31.

The Sewers Commissions Acts provide for the appointment (under the Great Seal) of Courts of Commissioners of Sewers for districts which may include the whole or any parts of a county or counties. Their jurisdiction extends only to the sea coast and navigable or tidal rivers, or such watercourses as "shall or may directly or indirectly communicate" with navigable or tidal rivers. Their powers include the supervision, erection and maintenance of sea and river walls and of sluices, and the scouring of watercourses and other means of defence against the sea, and of relief from superfluous land waters. Each court may divide its district into sub-districts, and may levy general or special sewers rates, either throughout their district or in distinct levels or sub-districts. By the Act of 1841 (s. 1), the assessment of a rate on lands in each parish or place within a district is to be so made, "that such lands and hereditaments shall contribute thereto in proportion to the benefit and advantage received or capable to be received from the said court, as compared with the lands and hereditaments of the other parishes, townships, or places within such

### DRAINAGE AND EMBANKMENT.



jurisdiction." The principal officers or servants of a sewers court are a clerk, a treasurer, a surveyor and dyke reeves. It has compulsory powers for taking land under order of the Board of Agriculture.

The powers of these commissions for the purposes mentioned in the Acts are limited by two restrictions. Firstly, they cannot act (except in emergency) unless upon a presentment made by a jury. Secondly, by the Act of 1833 (s. 21), no new works can be made without the consent of three-fourths in value of all the owners and occupiers in the "valley, level, or district" proposed to be charged with the cost.

By the Act of 1841, the sewers rates are to be assessed in gross on each parish, township, or place, in proportion to the benefit received by each of these areas: and the sum payable by each area is to be further apportioned among the occupiers in that area.

The Land Drainage Act, 1861 (which followed upon a number of (2) LAND DRAINAGE Acts for encouraging drainage by individual owners), extends to inland Acr. as well as maritime places. It provides in the alternative for two kinds of organization, namely :-

1861, c. 133.

- a. Drainage "areas," under new commissions of sewers;
- b. Drainage "districts," under elective drainage boards.

The areas or districts may be of any extent.

The powers which these bodies may exercise are primâ facie of the most extensive kind, including the construction or maintenance of every kind of work for defence of land against water, or for relieving land from water, and including unlimited powers of rating. But these primâ facie powers are subject to important limitations.

- a. As regards "Commissions of Sewers for Drainage Areas," the Act is limited as follows:-
  - (i.) The jurisdiction of an old commission of sewers cannot be affected without the consent of that commission (s. 4);
  - (ii.) A petition for a new commission shall be dismissed if one-third of the proprietors in the proposed area dissent (s. 5);
  - (iii.) No mill-dam, weir, or other like obstruction can be interfered with, if two justices in petty sessions determine that the injury "is not of a nature to be fully compensated for by money" (s. 17);
  - (iv.) No land can be taken compulsorily, except by provisional order, confirmed by Parliament (s. 21);
  - (v.) Improvements or works costing more than £1000 cannot be made if the owners of half the land which is to be rated for them dissent (s. 31);



## LOCAL GOVERNMENT.



- (vi.) The commissioners cannot interfere, except by consent, with any sewers or drainage works, made under any local Act, or with canals, waterworks, &c., worked for profit, or under local Acts (ss. 54, 57).
- b. Elective drainage boards for "separate drainage districts" must be constituted by provisional order, confirmed by Parliament, and made on the motion of the owners of one-tenth of the land affected, and with the approval of the owners of two-thirds of the land. No place within the limits of any commission of sewers or of any urban sanitary district can be included in a "separate drainage district" under this Act without the consent of the commissioners of sewers or urban sanitary authority.

Whenever any works under this Act involve an expenditure exceeding £1000, the expense is to be defrayed out of a rate levied on owners exclusively. In other cases the rate is apparently to be levied as under the old Sewers Commissions Acts (s. 38).

In 1911–12 there were in existence fifty-three commissions of sewers constituted under the old Acts or the Act of 1861, thirty-five drainage boards constituted under Part II. of the Act of 1861, and 217 other authorities which had been specially constituted, generally by local Acts, for purposes of drainage, embankment, and river conservancy (a).

# NOTE.

Expenses.

Note (a). In 1911–12 the aggregate expenditure of these three classes of local authorities amounted to £480,000, met, as to £260,000 from local rates and local taxes, and, as to £107,000 from tolls and dues. The amount of money borrowed by these authorities, which remained to be repaid, amounted to £1,800,000 at the end of 1911–12.



## CHAPTER XIX.

## MISCELLANEOUS MATTERS.

In the present chapter a number of minor matters are summarized under various heads, arranged in alphabetical order.

I.—Admission of the Press.

II.—Adulteration.

III.—Advertisements.

IV .- Ancient Monuments.

V.—Baths and Washhouses.

VI.—Bridges.

VII.—Development Commission.

VIII.—Diseases of Animals.

IX.—Employment of Children.

X.—Factories and Workshops.

XI.-Fisheries.

XII.—Harbours.

XIII.—Libraries and Museums.

XIV.—Light Railways.

XV.--Lighting.

XVI.—Military Lands.

XVII.—National Insurance.

XVIII.—Pensions.

XIX.—Prisons and Lock-up Houses.

XX.—Registration of Births, &c.

XXI.—Registration of Electors.

XXII.-Shops.

XXIII.—Taxes.

XXIV.—Territorials.

XXV.—Trade Boards.

XXVI.—Tramways.

XXVII.—Vaccination.

XXVIII.—Weights and Measures.

## I.—Admission of the Press.

By an Act of 1908, representatives of the Press have a legal right 1908, c. 43. to be present at the meetings of every local authority, unless they are temporarily excluded by resolution of such authority in view of the special nature of the business. This Act extends to every local rating authority, but does not extend to a committee of such an authority, except an education committee established under the Act of 1902 (so far as it is executive), to a distress committee under the Unemployed Workmen Act, 1905, and a joint committee or joint board of local authorities.

# II .- ADULTERATION.

Under the Sale of Food and Drugs Acts, the council of every 1875, c. 63. borough having a separate court of quarter sessions or a separate 1888, c. 41, police force, and having had in 1881 a population above 10,000, and 1899, c. 51. elsewhere the county council, is required to appoint a competent public analyst, and to put in force the powers with which the council is invested, so as to provide proper securities for the sale of food and



1907, c. 21,

drugs in a pure and genuine condition. The Local Government Board and the Board of Agriculture have powers to enforce this obligation where the general interest of the consumer or of agriculture is affected. The officers of a local authority have power to enter and inspect any premises registered under these Acts as manufactories of margarine or butter. The rates are the borough and county rate respectively, and boroughs which have their own analysts receive back an allowance from the county on account of their contribution to the county expenditure.

1906, c. 27.

Every county council must, and the council of any county borough may, appoint (either separately or in conjunction with other councils) an official agricultural analyst and one or more official samplers for the purpose of enforcing the Fertilisers and Feeding Stuffs Act, 1906, and protecting purchasers of such stuffs. Every such appointment is subject to the approval of the Board of Agriculture. Expenses are defrayed in the case of a county as general expenses, and in the case of a county borough out of the borough rate.

## III.—ADVERTISEMENTS.

1907, c. 27.

The council of a borough or of any urban district containing a population of over 10,000, and elsewhere the county council, may make bye-laws for regulating, restricting or preventing the exhibition of advertisements which affect injuriously the amenities of a public park, or disfigure the natural beauties of a landscape, and for regulating hoardings used for advertising and exceeding twelve feet in height. These bye-laws may apply to the whole or part of the area of the local authority, and require the confirmation of the Secretary of State.

1913, c. 32, s. 19. By a later Act these bye-law-making powers are extended to the display of advertisements of such a nature or in such a manner as to be detrimental to the amenities of any ancient monument.

The expenses are to be paid out of the county or borough rate, or, in urban districts, as part of the general expenses under the Public Health Acts.

## IV .- ANCIENT MONUMENTS.

1913, c. 32.

The council of a county or county borough may purchase by agreement any monument of historic, architectural, traditional, artistic, or archaeological interest (not being a building in use for ecclesiastical purposes) situated in or in the vicinity of their area. The same authority, whether it purchases or not, may become the guardian of such a monument and undertake or contribute to the cost of preserving it. The council may also receive voluntary contributions towards the



eost of preservation, and may transfer monuments to the Commissioners of Works or accept transfers from them. Agreements for guardianship are to be subject to the consent of the owners of the monument. The expenses are to be paid out of the county or borough rate.

## V .- BATHS AND WASHHOUSES.

The Baths and Washhouses Acts may be adopted in any county 1846, c. 74. borough or urban district by the borough or district council, and (with the approval of the Local Government Board) in any rural parish by a two-thirds majority of the parish meeting. The authority to execute 1882, c. 30. the Acts in a rural parish is the parish council, if there is one; otherwise, it may be either a special body of commissioners as provided in 19, 53. 1899, c. 29. the Acts, or the parish meeting itself, which may appoint a committee. The purpose of the Acts is explained by their title, but during five months in the year a swimming bath may be turned into a gymnasium or otherwise used for purposes of recreation. Money may be borrowed, and expenses are payable in an urban district as sanitary expenses, and in a parish out of the poor rate, without any special restriction on the amount, except that they must be sanctioned by the parish meeting. The sixpenny limit does not apply to these expenses in a parish having a parish council. These Acts have been adopted in many boroughs and urban districts. In the year 1910-11 they were also in operation in seventeen rural parishes, the total receipts there being £477 and expenditure £458.

## VI.—BRIDGES.

At common law the inhabitants of a county at large were prima 1297, c. 15. facie liable to repair all public bridges in the county. (2 Coke, Inst. 700.) 1702, c. 12. But by usage, prescription or ancient tenure, hundreds, parishes, 1739, c. 29. townships, corporations or individuals, may be liable to repair. (See 1803, c. 59. R. v. Hendon, 4 B. & Ad. 628; R. v. Ecclesfield, 1 B. & Ald. 359.) Thus, e.g., in Lancashire many bridges are repaired at the cost of the hundred rate. 1815, c. 143

Under the Statute of Bridges (22 Hen. VIII. c. 5) and the amending ss. 21, 22. 1870, c. 73. Acts, the general liability to repair public bridges, if outside cities and towns corporate, was imposed upon the inhabitants of the county, if 1880, (2) c. 5. inside, on the inhabitants of such city or town; but the liabilities of In a county the county council, and in a municipal borough the town 78 (3), 79. council, superintend the repair, widening, improvement and rebuilding s. 3. of such bridges, and may borrow money for these purposes. The expenses are charged and loans secured on the county and borough rate

1847, c. 61. 1875, c. 55, s. 10. 1878, c. 14. 1893-4, c. 73, ss. 7, 11, 12,

> 1530, c. 5. 1812, c. 110. 1814, c. 90. 1815, c. 143. 1878, c. 77, ss. 21, 22. 1882, c. 50, s. 119.





respectively. No bridge built by a private person or corporation after 1803 could become a county bridge, unless built under the superintendence of the county surveyor, or (in the case of a bridge built before 1878) accepted by the county authority.

Now, however, the councils of counties and of county boroughs may purchase or take over bridges on terms agreed on, and may erect new bridges. And county and district councils may enter into agreements for the construction or alteration of bridges in which they respectively are interested.

1888, s. 6.

The approaches to any public bridge, for the space of 300 feet on each side, are repairable by the same authority as the bridge, except in case of bridges built after the 20th of March, 1836, when the approaches and road over the bridge (unless it is a main road) are repairable by the highway or other authority or person previously liable to repair the road.

1870, s. 12. 1888, s. 11.

Where a turnpike road has become a highway, the bridges become county bridges. Bridges carrying main roads are in general repairable by the county council. As to improvement of bridges, see p. 71.

## VII.—DEVELOPMENT COMMISSION.

1909, c. 47, ss. 1-6.

Under the Development and Road Improvement Act, 1909, the Treasury may, on the recommendation of the Development Commissioners, make advances through a Government Department to any public authority, university, college, school or institute, either by way of grant or loan, for any of the following purposes:-

- (a) aiding and developing agriculture and rural industries by promoting scientific research, instruction and experiments, the organization of co-operation, &c.;
- (b) forestry;
- (c) reclamation and drainage of land;
- (d) general improvement of rural transport (excluding roads);
- (e) construction and improvement of harbours and inland navigations:
- (f) development of fisheries.

Advances for these purposes are made out of the Development Fund of £1,250,000 created by the Act. Land may be taken compulsorily by the authority to whom the advance is made, under an Order of the Commissioners.

# VIII.—DISEASES OF ANIMALS.

For the purposes of the Diseases of Animals Acts, the local 1888, c. 41, authorities are, for each borough with a population above 10,000

s. 39. 1894, c. 57.



according to the census of 1881, the borough council, and, for the 1896, c. 15. residue of each administrative county, the county council. The local 1903, c. 43. 1909, c. 26. authority is required to appoint a committee or committees, to which it 1910, c. 20. may delegate all or any of its powers, except that of making a rate, and any other powers which the Board of Agriculture may reserve. It may appoint upon a committee any rated occupiers in addition to members of its own body, and if it thinks fit can appoint a single executive committee, with all the powers of the local authority (except that of making a rate), and with power to appoint sub-committees. A county council is also allowed to delegate any of its powers under these Acts to petty sessions or to a district council. Districts (i.e., the 1888, s. 28. areas under the several local authorities) may, for the purpose of s. 64. administration, be wholly or partly transferred from one local authority to another, and joint districts may be formed. The local authorities have to enforce the Acts under the supervision of the Board of Agriculture, and for that purpose must appoint veterinary and other inspectors and officers. They may provide places for the reception and slaughter of animals and for sheep-dipping, and have large powers (subject to the orders of the Board) for inspection, for the slaughter (on certain terms as to compensation) of diseased animals and animals likely to be infected, for prohibiting the removal or shipment of animals, and for compelling disinfection. The Board of Agriculture may intervene where a local authority fails in its duty.

Expenses are paid out of the county and borough rates. In any year in which the amount required would exceed 6d. in the £, it may be borrowed for a term of seven years, which may be increased to fourteen years if the amount would exceed 9d.

The above-mentioned authorities and rates are also the authorities 1877, c. 68. and rates for the Destructive Insects and Pests Acts, 1877 and 1907. under which orders are made for the protection of crops from such pests as the Colorado beetle or the gooseberry mildew. But no compensation is payable under these Acts by the local authority without the consent of that authority.

1907, c. 4.

## IX.—EMPLOYMENT OF CHILDREN.

Borough and district councils may by bye-law vary the hours 1894, c. 41. during which the employment of children in performances for the public entertainment or in street trading is illegal, and may certify places of safety for the temporary reception of children who have been ill-treated.

Any local education authority (i.e., the council of a borough with 1908, c. 45. a population over 10,000, and of an urban district with a population

Surve Government 1 2 2

over 20,000, and elsewhere the county council) may make bye-laws for prohibiting and restricting the employment of children and street trading by persons under sixteen years of age. The bye-laws require the sanction of the Secretary of State. A petty sessional court may license any child of ten years or upwards to take part in entertainments conducted in a duly licensed theatre, circus, &c.

## X .- FACTORIES AND WORKSHOPS, &c.

1901, c. 22.

The Factory and Workshop Act, 1901 (consolidating, with amendments, the Statutes previously passed for the purpose of regulating the safety, sanitary conditions, &c., of, and the employment of women and children in, factories and workshops), is in general executed by inspectors appointed by the Secretary of State. But the duty of enforcing the sanitary law, relating especially to cleanliness, limewashing, ventilation, and the prevention of nuisances and overcrowding (and including certain special provisions affecting bakehouses and "home work"), is as regards workshops committed to the local authority (i.e. the council of every county borough and of every urban and rural district) and its officers, the Secretary of State and his inspectors having power to intervene if the local authority fails to do its duty. The factory inspectors can also, where necessary, call for the aid of that authority in enforcing the ordinary sanitary law in factories. The local authority has to keep a register of all workshops in its district.

1875, c. 55, ss. 91–96. 1901, ss. 2, 3, 115. Under the Public Health Acts, any "domestic" factory, or any workshop or workplace, if not properly cleansed and ventilated, or if overcrowded, becomes a nuisance abateable summarily on complaint of the sanitary authority. A furnace of a factory, &c., not consuming (as far as is practicable) its own smoke, is a nuisance abateable in like manner.

1872, c. 61.

Under an Act of 1872, the same authority may sanction the use of steam whistles in factories subject to an appeal to the Local Government Board.

## XI.—FISHERY DISTRICTS.

(1) Freshwater Fisheries. 1861, c. 109. 1865, c. 121, 1873, c. 71. 1876, c. 19.

1878, c. 39. 1884, c. 11. Under the Salmon and Freshwater Fisheries Acts, 1861 to 1892, a county council may appoint conservators or overseers for the preservation of salmon and for enforcing the law; and the Board of Agriculture and Fisheries on the application of the county council may order that any rivers in a county, which are frequented by salmon or any freshwater fish, shall form a fishery district, either

separately or jointly with rivers of another county. Each fishery 1886, c. 39 district has a board of conservators, consisting partly of ex officio members (being owners or occupiers of fisheries), partly of members 1892, c. 50. annually appointed by the county council (or by a joint fishery committee of two or more counties), and partly (where there are public or common rights of fishing) of members annually elected by persons licensed to fish. This board issues licenses, makes bye-laws as to close time, &c., appoints water-bailiffs, and generally enforces the laws for the protection of fish. At the beginning of 1912, 52 of these fishery boards were in existence, with a revenue for the year of £19,100 mainly derived from the sale of licenses.

Under a recent Act passed for the improvement of fisheries, the 1907, c. 15. Board of Agriculture and Fisheries may, on the application of a Board of Conservators, or of a county council, or of the owners of one quarter of the private fisheries proposed to be regulated, or of a majority of persons holding licenses to fish, and after a local enquiry, submit to Parliament for confirmation an Order for the regulation of any salmon or freshwater fisheries within a defined area, and the constitution of a Board of Conservators. They may also, by a similar Provisional Order, provide for the imposition and collection of contributions to be assessed on the private fisheries to be regulated, and empower conservators to purchase or take on lease part of the foreshore and erect engines for salmon, and may abolish any Board of Conservators previously existing in the area.

On the application of the councils of counties or boroughs the (2) Sea Board of Agriculture may by order made with the sanction of Parlia- 1888, c. 54. ment create sea fisheries districts comprising parts of the sea where British subjects have the exclusive right of fishing, and the adjoining 1894, c. 26. coast. Such a district is placed under the management of a local fisheries committee of the county or borough council (or, if two or more councils are interested, a joint committee), together with an equal or greater number of fishery members representing the fishing interests, inclusive of any board of salmon conservators in the district. The committee may, subject to the control of the Board of Agriculture, make bye-laws for regulating the sea fisheries within its district and appoint fishery officers to enforce the law. The powers of a local fisheries committee may also be conferred on a board of salmon conservators. In 1912-13, committees had been constituted for twelve districts; and their receipts during the year amounted to £17,700, nearly all of which was received from the contributory county and borough councils.

1891, c. 37, ss. 7–11. 1903, c. 31.





# XII.—HARBOUR AND MARINE BOARDS.

1894, c. 60, ss. 94, 244-7. Local Marine Boards are established under the laws now consolidated in the Merchant Shipping Act, 1894, in any seaports appointed by the Board of Trade. They consist of the mayor and stipendiary magistrate (if any), 4 members appointed by the Board of Trade, and 6 members elected by the qualified shipowners of the port. They make returns to the Board of Trade, and establish mercantile marine offices for the registry and engagement of seamen, examination of masters, and other matters connected with the sea service.

1847, c. 27. 1861, c. 45. 1862, c. 19. There are also many Harbour, Pier, and Dock Authorities, constituted either by special Acts incorporating all or some of the provisions of the Harbours Clauses Act, 1847, or by the Board of Trade's Provisional Orders under the General Pier and Harbour Acts. Including one county council, 38 town councils, and 10 urban district councils, all empowered to carry on harbours, piers, docks, and similar undertakings, distinct from and in addition to their ordinary powers, there were, in 1911–12, 108 of these authorities in England and Wales, with a revenue (excluding London) of 4½ millions, chiefly raised by tonnage dues and tolls, and receipts from loans of three-quarters of a million. Their outstanding debts amounted to 48¾ millions.

1908, c. 68, s. 8. The Thames Conservators appointed under the Act of 1908 (replacing former Acts) are a body composed of representatives of the Board of Trade, of the councils of various counties, county boroughs, other municipal boroughs and urban districts, of the City of London Corporation, of the Metropolitan Water Board, and of the Port of London Authority. They are invested with powers for regulating navigation, fishing, and order, and the registration of vessels, and for preserving the flow and purity of the water in the River Thames from Cricklade downwards to the landward limit of the Port of London.

# XIII.—LIBRARIES AND MUSEUMS.

1892, c. 53. 1893, c. 11. 1893-4, c. 73, ss. 7, 11, 12, 19, 53. 1901, c. 19. The Public Libraries Act, 1892 (consolidating and superseding former Acts), may be adopted for any county borough or urban district by a special resolution of the borough or district council, and for any rural parish by the parish meeting, but in the latter case a poll must be taken. The library authority for executing the Act is the borough, district, or parish council, or in a rural parish without a council commissioners appointed by the parish meeting, or, with consent of the county council, the parish meeting itself, which can appoint a committee for this purpose, as can also an urban council. When the



Act has been adopted, all or any of the following institutions, viz., public libraries, public museums, schools for science, art galleries, and schools for art may be provided, and the library authority may make bye-laws regulating their use. Payment may be required from persons not belonging to the library district for the use of a lending library. Power is also given to library authorities to combine together, and also to obtain by agreement the use of libraries not belonging to them. Money may be borrowed, and expenses are payable in a borough out of the borough rate, in any other urban district out of the rate applicable to sanitary expenses, and in a rural parish out of a rate from which agricultural land is exempt to the extent of two-thirds. Under the general law the annual rate is limited to 1d. in the £, but power has been obtained by means of local Acts to extend this limit in some urban areas. In a rural parish the expenditure has to be referred in every tenth year to the parish meeting for its sanction. In the year 1910-11, 47 parish councils and 1 parish meeting had financial transactions under the Public Libraries Acts. Their total receipts in that year under those Acts amounted to £2,600 and the expenditure to the same sum (a).

The Museums and Gymnasiums Act, 1891, authorizes the council 1891, c. 22. of any county borough or urban district, which by special resolution adopts the Act, to provide museums or gymnasiums, or both, according to the terms of the resolution. Free admission to any such museum is compulsory on three days in the week, and to a gymnasium for two hours a day during five days in the week, except that a gymnasium may be closed to the public and used for some special purpose on a limited number of days in the year. Money may be borrowed, and expenses are to be paid as for sanitary purposes, but the yearly rate is limited to  $\frac{1}{2}d$ . in the £ for a museum, and the same for a gymnasium.

# XIV.—LIGHT RAILWAYS.

The council of any county, borough, or district may apply to the 1896, c. 48. Light Railway Commissioners for an order authorizing the construction of a light railway. On an application by the council made in pursuance of a special resolution passed by a two-thirds majority, the council may be authorized itself to construct and work a light railway or to advance money for the purpose. In the latter case provision may be made for the representation of the council on the managing body.

The expenses of a county council may be made chargeable exclusively on certain parishes; otherwise expenditure under the Act

## LOCAL GOVERNMENT.

GI

is "general." There is power to borrow, the maximum period allowed for repayment of a loan being sixty years.

## XV.-LIGHTING.

1833, c. 90. 1851, c. 50. 1875, c. 55, s. 163.

1893-4, c. 73, s. 53.

For watching purposes the Lighting and Watching Act, 1833, is practically obsolete, but there were, in 1910-11, 1,003 parishes under parish councils, and 11 under parish meetings, where the Act was in operation for lighting, with an expenditure, respectively, of £85,000 and £187. There were in that year also 19 rural parishes in which lighting inspectors continued to be appointed, and 6 joint committees appointed under the Local Government Act, 1894, exercised the powers of lighting inspectors in areas comprised in more than one rural parish. The sums expended by these inspectors and committees during the year amounted to £2,550. The area of adoption is any rural parish or part of a parish; in urban districts the Act is superseded, the urban council having corresponding powers under the Public Health Acts (b). The authority for adopting the Act is the parish meeting, a two-thirds majority being required. The inspectors elected under the Act as the executive authority are superseded by the parish council if there is one, except in cases where the Act has previously been adopted for an area differing from the existing rural parish, and either the inspectors do not choose to resign their functions to the parish council, or else, the area of adoption extending to more than one parish, the execution of the Act is entrusted to a joint committee. In a parish not having a parish council inspectors are elected by the ratepayers, one-third of them retiring annually; but on application to the county council the parish meeting itself may be made the executive authority. Provision may be made under the Act for lighting the parish, and fire-engines may also be provided. Expenses are paid out of a rate levied like the poor rate, but houses, buildings, and property other than land or tithe rentcharge are to be rated at three times as much as land and tithe.

1898, c. 38.

Gas.

Gas,

Electric Lighting. 1882, c. 56. 1888, c. 12. 1909, c. 34. The powers of an urban council for the gas-lighting of their district are noticed in Ch. VIII. (p. 54). As to gas-testing, see p. 136.

Under the Electric Lighting Acts any county borough or urban or rural district council may apply to the Board of Trade for a licence or provisional order to supply electricity in any part of its district, and may when so authorized sub-contract with any company, &c., for such supply. The same authorities may also, where sanctioned by Provisional Order, generate electricity in bulk, take land compulsorily for generating stations and supply persons, railways, &c., outside their districts. The same authorities have also considerable control over



other electric undertakings within their district, and a right to purchase them on special terms after forty-two years. The expenses are paid as sanitary expenses, and in a rural district are "special." The Public Health Act borrowing powers apply (see p. 23), but loans are not to be reckoned as part of the total debt of the authority for the purpose of limitations on borrowing.

## XVI.—MILITARY LANDS.

Under the Military Lands Acts the council of a county or borough 1892, c. 43. may, with the consent of the Secretary of State and at the request of 1903, c. 47. one or more volunteer corps, purchase or hire by agreement land for military purposes or contribute to its purchase or hire. Such land may be either held by the council or leased to any volunteer corps for military purposes. A council may borrow for the purposes of the Act, and the expenses are to be defrayed out of the county or borough fund. Where bye-laws are made for regulating the use of military lands, no highway can be interfered with except with the consent of the repairing authority.

# XVII.—NATIONAL INSURANCE.

Under the National Insurance Acts, an Insurance Committee is 1911, c. 55. constituted for every county and county borough, consisting of such 1913, c. 37. number of members (not less than 40 or more than 80) as the Insurance Commissioners determine. Of these members, one-fifth is appointed by the council of the county or county borough with the addition of one or two duly qualified medical practitioners appointed by the same council. Three-fifths are representatives of insured persons and deposit contributors. Two members are elected by the medical practitioners resident in the county or borough, and the remainder are appointed by the Insurance Commissioners. any part of the cost of "medical benefit" or "sanatorium benefit" is defrayed by the council of the county or county borough, the Commissioners may increase the representation of the council on the Committee. The quorum, term of office, rotation of members and proceedings of the Committee (including the appointment of subcommittees) are prescribed by regulations made from time to time by the Insurance Commissioners. In every county a scheme for the appointment of district insurance committees is to be prepared by the Insurance Committee of the county and submitted for approval to the Commissioners. Such schemes must provide (except where grouping is allowed by the Commissioners) for the appointment of a separate district committee for each borough having a population of 10,000, and





for each urban district having a population of 20,000. Insurance Committees may combine together for any purposes of the Act. At least two members of every Insurance Committee and at least one member of every sub-committee must be women. Every Insurance Committee is a corporate body, and can take, purchase and hold land for the purposes of the Act.

The powers and duties of Insurance Committees include—

(i.) the administration of "sanatorium and medical benefits" for all insured persons, and of "sickness, disablement and maternity benefits" for insured persons who are not members of approved societies;

(ii.) making such reports as to the health of insured persons within the county or county borough as the Insurance Commissioners, after consultation with the Local Government

Board, may prescribe;

(iii.) providing lectures and publishing information on questions relating to health.

By way of promoting co-operation between the Committees and the councils of counties, boroughs and districts, any Medical Officer of Health may, with the consent of his authority, attend meetings of and assist the Committee.

In case of excessive sickness among insured persons in any locality alleged to be due to bad housing, or water supply, or insanitary conditions, or neglect to enforce the Acts relating to Public Health or the Housing of the Working Classes, the Local Government Board may appoint a competent person to hold an enquiry, and, if excessive sickness is proved on such enquiry, the amount of any extra expenditure found to be incurred by a society or insurance committee by reason of such excessive sickness is recoverable from any local authority or person proved to be in default.

The expenses of Insurance Committees are defrayed out of a fund consisting of—

(i.) sums payable in respect of members of approved societies and deposit contributors resident in the county or county borough for the purposes of "medical benefit" and administrative expenses,

(ii.) sums available for "sanatorium benefit" in the county or borough,

(iii.) annual contributions by approved societies of one penny per member resident in the county or borough towards the Committee's administrative expenses.

S. 63.

S. 61.

## MISCELLANEOUS MATTERS.



If in any year the sums payable to an Insurance Committee for either Ss. 15, 17. medical or sanatorium benefit are insufficient to meet the estimated expenditure, the Committee may transmit to the Treasury and the council of the county or borough an account showing the sums available and the estimated expenditure, and each of those authorities, if they sanction the account, are liable to make good out of the parliamentary grants and the county or borough rates respectively onehalf of the excess expenditure incurred by the Insurance Committee.

The Insurance Committee may, with the leave of the Commis- s. 61. sioners, repay the travelling expenses of members of the Committee, 1913, s. 31. and also pay them a subsistence allowance and compensation for loss of remunerative time.

Local medical committees representative of the duly qualified 1911, s. 62. medical practitioners resident in the county or county borough are to be recognized and consulted by Insurance Committees and district committees on all general questions affecting the administration of "medical benefit." There is a similar provision for the election in 1913, s. 33. counties and county boroughs of local committees representing persons and bodies who have agreed to supply drugs, medicines and appliances to insured persons.

For the purposes of "sanatorium benefit" (i.e., the treatment of 1911, s. 64. tuberculosis or such other diseases as the Local Government Board, 1911, c. 48, with the approval of the Treasury, may appoint), grants are made to s. 16. the councils of counties and county boroughs. These councils may be authorized by the Local Government Board to erect buildings and manage and maintain institutions and enter into agreements with Insurance Committees and other authorities, and the Insurance Committees may, with the consent of the Commissioners, enter into such agreements. Joint committees or joint boards of any local authorities not being Poor Law authorities, may be constituted by the Local Government Board for the provision of sanatoria and other institutions. The expenses of county and borough councils, so far as not defrayed out of the grants made by the Treasury or the sums contributed by Insurance Committees, are defrayed out of the county or borough fund, being charged on counties as expenses for general county purposes, unless otherwise ordered by the Local Government Board. The council of any borough, or urban or rural district may agree with the council of the county in which it is situate to repay any of the excess expenditure on medical or sanatorium benefit properly attributable to the borough or district, and such sums are payable in a borough out of the borough fund or rate, and in a district as part of the general expenses of the Public Health Acts.



1913, c. 28, s. 3. In addition to the powers conferred by the National Insurance Acts, any county council or sanitary authority is empowered by the Public Health Act, 1913, to make any arrangements sanctioned by the Local Government Board for the treatment of tuberculosis.

1913, c. 37, s. 6.

Persons employed by any local or public authority having an income under £160 a year, if not excluded by a special order of the Commissioners, are subject to the compulsory provisions of the National Insurance Acts.

## XVIII.—Pension Committees.

1908, c. 40.

Under the Old Age Pensions Act, 1908, local pension committees are appointed for every borough or urban district having a population of 20,000 according to the last census, and elsewhere for every county, by the council of the borough, district or county. The members of the committee need not be members of the council by which they are appointed. The committee may appoint sub-committees consisting either wholly or partly of members of the committee, and may delegate to them any of its powers and duties. The committee or sub-committee have to investigate all claims for old age pensions in conjunction with the pension officer appointed by the Treasury, and in accordance with the Treasury regulations. All the expenses of the Act are defrayed out of Parliamentary grants.

# XIX.—PRISONS AND LOCK-UP HOUSES.

1877, c. 21, ss. 13-15. The sole duty of local authorities in connection with the management of prisons is now the appointment of visiting committees. This appointment is made annually by the county quarter sessions or the borough justices according to rules made by the Secretary of State. The duty of each committee is to visit the local prisons, authorize certain punishments, and report to the Secretary of State. Any justice is also entitled to visit a prison within his jurisdiction.

1842, c. 109, s. 22. 1848, c. 101. 1868, c. 22. 1840, c. 88, s. 12. 1856, c. 69, s. 22. 1882, c. 50, s. 105. 1888, c. 41, ss. 3 (iv.), 64. County and borough councils have powers under various Acts for providing lock-up houses and strong rooms for the temporary confinement of persons taken into custody. It is the duty of every county council to provide such accommodation as may be determined by the standing joint committee to be necessary or proper for the due transaction of the business of the justices.

# XX.—REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES.

The district for registration of births and deaths is *primâ facie* the poor law union. The guardians are required to divide their district into sub-districts and appoint a registrar in each sub-district, and a

1836, c. 86. 1837, c. 22. 1858, c. 25. 1865, c. 79, s. 1.

## MISCELLANEOUS MATTERS.



superintendent registrar for the whole district. The Registrar-General, 1874, c. 88. however, with the approval of the Local Government Board, may unite, divide, or alter districts for registration purposes, and declare what board of guardians shall appoint the superintendent registrar for a united district. The registrars and superintendents are removable by the Registrar-General, who exercises a general control. Certain fees of registrars and the expenses of register offices are paid by the board of guardians out of the union common fund, and in united districts the several boards contribute in proportion to the population of their 1888, c. 41, respective areas (c).

The district for registration of marriages is the same; the superin- 1836, c. 85. tendent registrar of births and deaths is also the superintendent 1837, c. 22. registrar of marriages, and he has power, with the approval of the Registrar-General, to appoint registrars of marriages.

The registration sub-districts are also the units for taking the 1910, c. 27. decennial census, each sub-district being divided into enumerators' districts.

## XXI,—REGISTRATION OF ELECTORS.

The work of registering electors (as distinct from the holding of 1843, c. 18. elections) is carried on partly by parishes, through the agency of the 1878, c. 26. overseers, and partly by counties and boroughs, under the supervision 1885, cc. 3, 15. 1888, cc. 10, of the clerks of county councils and town clerks. The registration of 41. "parliamentary," "local government," and "parochial" electors is 68. conducted by the same officers, through the same machinery, and, as far as possible, as one operation. The franchises, however, and the areas of voting for these three classes of elections not being identical, the voters' names have to be arranged in a greater variety of lists than would otherwise be necessary. Speaking generally, the parliamentary franchise comprises owners, occupiers, "service voters," and lodgers, but peers and women are excluded; the "local government" (i.e., the county council and municipal borough) franchise admits occupiers only, inclusive, however, of peers and unmarried women; while the "parochial" franchise, on which not only parish councillors, but district councillors (except in boroughs) and guardians are elected, includes all the above classes and married women as well, if they are "occupiers."

1865, c. 36, 1891, cc. 18, 1893-4, c. 73.

The registers are revised annually, and the new registers come into operation on the 1st of January in each year, except borough registers (or "burgess rolls") which date from the previous 1st of November. The work of revision commences in April, when the clerks of county councils and the town clerks of boroughs issue to the overseers of





parishes certain precepts, the form of which was settled by Orders in Council under statutory authority, and which contain an elaborate code of instructions to guide the overseers in their various duties connected with the preparation of the lists of voters, of claims, and of objections, and with the publication and service of notices, &c. The overseers are bound under penalties to ascertain and enter in the rate-book, as regards each dwelling-house, the names of any persons, other than the owner or actual ratepayer, who are entitled to be registered as inhabitants. The lists have to be made up and copies of them sent to the clerks of county councils and town clerks not later than the 25th of August. The overseers attend the courts of the revising barristers, whose work has to be done between the 8th of September and 12th of October, and the lists of electors, as finally settled, are returned to the clerks of county councils and town clerks, by whom they have to be printed and compiled so as to form the appropriate registers. The expenses of registration are defrayed partly out of the poor rate and partly out of the county or borough rate.

1888, c. 10, s. 4 (2) (h). The duties of the overseers in relation to the registration of electors may be discharged by an assistant overseer, and in any rural parish or parishes not having an assistant overseer the guardians may, with the consent of the overseers, annually appoint and pay a fit person to act as registration officer in their place.

## XXII.—SHOPS REGULATION.

1912, c. 3.

Under the Shops Act, 1912, it is the duty of the local authority (i.e., the council of any municipal borough or of an urban district with a population of 20,000, and elsewhere the county council) to enforce the Act and appoint inspectors to see that the hours of employment for young persons in shops are not exceeded, and that shop assistants are provided with seats. The local authority may also make and enforce orders fixing the day for the weekly half-holiday for any class of shops or for any part of their district, and may, subject to confirmation by the Home Office, fix the closing hours for any class of shops. The expenses are to be paid out of the county or borough rate, or, in an urban district, as general expenses under the Public Health Acts.

# XXIII.—TAX COMMISSIONERS.

The districts formed for the collection of the imperial taxes have, as a rule, no connection with Local Government. But it seems desirable to notice shortly the local bodies that exist for the assessment of the land tax, income tax, and similar duties.

The Land Tax was originally (like other taxes) an aid periodically



granted by Parliament, but by the Act of 1798 (c. 60), was converted 1798, c. 5, into a perpetual charge on the land, subject to a right of redemption. c. 60, s. 1. This Act permanently fixed the "quotas" or amounts to be paid by ss. 3, 180.
1827, c. 75.
each county, or division of a county, and by each town, parish, or 1896, c. 28, place. It however provided (by s. 74, now replaced by s. 180 of the 1898, c. 10, Act of 1802) for a new assessment of the unredeemed portion of the s. 12 (1). quota (not exceeding 1s. in the £) being annually made on the unredeemed lands within each "parish or place." (See R. v. Tower Land Tax Commissioners, 22 L. J. Q. B. 386.)

The Land Tax Commissioners are appointed and named for "divisions," i.e., counties and divisions of counties and certain large towns, by the Act of 1798 (c. 5), and various subsequent Statutes. By the Act of 1827, all justices of the peace may act as such commis-In all cases a certain property qualification (e.g., £100 a year in land in counties) is required. These commissioners appoint assessors for each "parish or place" within their division, and hear appeals against assessments.

The land tax commissioners for each division are directed by the Income Tax. Income Tax Act, 1842, and amending Acts (revived annually by the s. 4. Finance Act) to appoint, for the assessment of the income tax and inhabited house duties, "General Commissioners" to act for the several inland revenue districts. They must have somewhat higher property qualifications (ordinarily £200 a year from real or personal property) than those of the land tax commissioners. They appoint "additional commissioners" with lower qualifications to make assessments under Schedule D. None of the above commissioners are paid, but the Treasury appoint paid "Special Commissioners," without property qualification, as an alternative tribunal, the taxpayer being assessed at his option by his neighbours or by paid officials.

Under the Taxes Management Act, 1880, the general commissioners 1880, (2) c. 19, annually in April appoint certain inhabitants of each "parish or place", ss. 42-57. to be assessors, and order them to make their returns to the commissioners in July. In default of other assessors the inland revenue surveyors act, and in any case these officers have to revise the assessments. The commissioners allow the revised assessments, and hear appeals against them.

The land tax commissioners of any division may unite or disunite Ss. 36, 37. "parishes" for tax purposes, and the same commissioners at a general meeting for a county may transfer any "parish" (with the quota of land tax chargeable on it at the time of transfer) from one division of the county to another, or constitute new divisions. The approval of the Treasury is necessary in either case. The areas for assessment 1884, c. 62,



of income tax and inhabited house duty are now generally identical with the poor law parish, but the Inland Revenue Board may divide large parishes, and the powers of the land tax commissioners to unite parishes are still to a certain extent preserved.

The council of every county and county borough may appoint valuers for the purposes of the estate duty, and fix a scale of charges

for their remuneration.

# XXIV.—TERRITORIAL ASSOCIATIONS.

1907, c. 9.

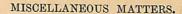
Valuers for estate duty. 1894, c. 30, s. 10 (6).

Under the Territorial and Reserve Forces Act (1907), an Association has been constituted in every geographical county by a scheme of Such schemes usually constitute the Lord the Army Council. Lieutenant of the county the President of the Association, and provide for the appointment by the Army Council of representatives of county and county borough councils and Universities on the Association, after consultation with those authorities. Populous counties may be divided and sub-associations appointed for the several parts. The powers and duties of the Association include (i) ascertaining the military resources and capabilities of the county, (ii) rendering advice to the Army Council and their officers, and (iii) such other powers and duties connected with the organization and recruiting of the Territorial Force, the provision of rifle ranges, buildings and other accommodation, establishment of rifle clubs, provision and registration of horses, &c., as may for the time being be ordered by the Secretary of State. An association is not to have any power of command or training over any military forces. The expenses of the Association are met by parliamentary grants, and their accounts are audited under Treasury regulations. Joint Committees may be appointed by any two or more Associations for purposes in which they are jointly interested.

# XXV.-TRADE BOARDS AND DISTRICT TRADE COMMITTEES.

1909, c. 22.

Under the Trade Boards Act, 1909, Trade Boards for fixing minimum rates of wages are established by the Board of Trade for various trades to which the Act applies. A Trade Board may establish district trade committees, consisting partly of members, and partly of non-members of the Trade Board, representing employers or workmen engaged in the trade, in accordance with regulations made by the Board of Trade, and may delegate any of their powers and duties to the district committees other than the actual fixing of the minimum rates. The expenses of the Board and committees are to be defrayed out of Parliamentary grants up to an amount sanctioned by the Treasury.





Under the Coal Mines (Minimum Wage) Act, 1912 (c. 2), joint district boards are established in each mining district for fixing minimum rates of wages and district rules for coal mining throughout the district. These Boards are representative of the employers and workmen in coal mines in the district, and the chairman is an independent person appointed by agreement, or, in default of agreement, by the Board of Trade. This Act expires on the 29th of March, 1915, if not renewed.

## XXVI.—TRAMWAYS.

The local authority under the Tramways Act, 1870, may apply for 1870, c. 78. a provisional order, and construct tramways, and lease them when 1884, c. 12. 1887, c. 65. constructed, or take tolls for their use, but may not itself (unless ss. 6, 19. authorized by a local Act or by a Provisional Order of the Board of 1899, c. 42, Trade confirmed by Parliament) run carriages (d). It may also regulate by bye-law, and in certain cases may purchase, the tramways of other undertakers, and obtain permission to use naval and military tramways. The local authorities are the council of a county borough or urban district, and elsewhere the parish council or parish meeting. The expenses in a borough are payable out of the borough rate, in an urban district (other than a borough) out of the sanitary rate, and in a rural parish out of the poor rate.

Certain powers of removing tramways when disused are vested in the highway authority. No new tramway can be made without the consent of the local authority and highway authority.

## XXVII.—VACCINATION.

The guardians in each poor law union are (generally speaking) the 1867, c. 84. local authority for the enforcement of the Vaccination Acts, subject to 1871, c. 98. 1874, c. 75. the control of the Local Government Board. Each union is ordinarily 1898, c. 49. divided into vaccination districts, for each of which at least one public vaccinator is appointed, towards whose remuneration an allowance is 1888, c. 41, made by the county councils. There are also vaccination officers who are charged with all duties of registering vaccinations, &c. These officers are appointed by the guardians, subject to the control of the Local Government Board. Vaccination expenses are payable out of the common fund of the union.

## XXVIII.—WEIGHTS AND MEASURES.

Under the Weights and Measures Acts the local authority provides 1878, c. 49. 1889, c. 21. local standards of measure and weight, and means for verifying 1892, c. 18. weights and measures by comparison with such standards. It also 1904, c. 28.



has to appoint qualified inspectors of weights and measures, and allot them districts, and (if authorized by the general regulations of the Board of Trade) may make special regulations in relation to the inspection of weights and measures and to other matters. It may also make bye-laws, with the approval of the Board of Trade, for securing the delivery of full weight on sales of coal.

1888, c. 41, s. 39. The councils of counties and county boroughs are local authorities for the purposes of these Acts, as also are the councils of boroughs with a population above 10,000 according to the census of 1881, subject to this qualification, that a non-quarter sessions borough is merged in the county unless the town council resolves to be an independent authority.

Expenses are paid out of the county or borough rate, but the boroughs having their own inspectors are entitled to receive back from the county the proportionate amount contributed by them to the county

expenditure incurred in the execution of the Acts.

1878, ss. 54, 69. 1892. Besides the local authorities under the Act, other bodies (vestries, commissioners, borough justices, &c.) have under local Acts or charters powers in respect of weights and measures, which powers, however, may be bought up by the local authorities, by agreement.

Gas Inspectors. 1859, (2) c. 66. 1860, c. 146. 1889, c. 21, s. 15. Under the Sale of Gas Acts the local authority is to provide gasmeters, stamps, &c., and appoint inspectors for enforcing the Act. The local authority is the county council for a county, and the town council for a borough, but the borough justices are substituted for a town council which itself supplies gas.

The Acts only treat as separate areas those boroughs which were in 1859 "county towns where gas is used," or in which the local authority has resolved to adopt the Act at some time previously to the 13th of April, 1861; and boroughs with a population under 10,000, according to the census of 1881, are merged in the county. When adopted, the Acts supersede all like powers under local Acts. The expenses are paid out of "the county stock," and in boroughs out of the lighting or borough rate.

1888, c. 41, s. 39.

Under the Gasworks Clauses Act, 1871 (which applies to all future gas undertakings unless specially excluded), "the local authority of any district," not itself supplying gas, may appoint gas examiners to test the gas supplied.

1871, c. 41, s. 29.

In certain counties (Yorkshire, Lancashire, and Cheshire) a committee of woollen and yarn manufacturers may appoint inspectors to

prevent frauds in those industries.

Yarn Inspectors. 1777, c. 11.

## MISCELLANEOUS MATTERS.



# NOTES.

Note (a). The Public Libraries Acts had on March 31st, 1911, been adopted Libraries. in 67 county boroughs, 130 other municipal boroughs, 205 urban districts (not being boroughs), and 61 parishes under parish councils and parish meetings. Library commissioners were appointed in one of the last-mentioned parishes. In addition, in a few places, local authorities had provided public libraries otherwise than under the Public Libraries Acts (see H. of C. Return, 266 of 1912).

Note (b). Some rural district councils have, by orders of the Local Govern- Lighting in ment Board, been invested with urban powers in regard to the lighting of streets, rural in one or more contributory places in the rural district. The expenditure of these parishes. 1875, ss. 161, councils on lighting is incurred under the Act of 1875, and not under that of 1833, 276. and amounted for 1911-12 to £25,500.

Note (c). The total cost of the registration of births, deaths, and marriages, Registration so far as it is met out of local funds, is about £90,000 annually. Prior to the of births, &c. coming into operation of the Act of 1888, payments amounting to about £9,000 a year were made by the Treasury to boards of guardians in respect of certain additional remuneration which had been granted to registrars. This grant was by the Act of 1888 charged on the exchequer contribution accounts of counties and county boroughs.

Note (d). The great majority of local authorities owning tramways have now Tramways. obtained authority to work them. In the year 1911-12, out of a total of 1,777 miles of line of tramways and light railways owned by local authorities in the United Kingdom, 1,571 miles were worked by local authorities, and only 206 miles were leased by local authorities to companies.



GL

# PART III. LOCAL FINANCE.

[Note.—Throughout this Part, the Administrative County of London, with the local authorities acting for areas wholly or partially comprised therein, must be understood to be excluded.]

## CHAPTER XX.

VALUATION FOR LOCAL RATES, AND LOCAL ACCOUNTS.

- (1) Valuation for Local Rates for public purposes.
- (2) Audit of Local Accounts.
- (3) Local Taxation Returns.

In the three chapters of this Part it is proposed to give a brief review of the most important matters incident to local finance, excluding rates so far as they are dealt with in other chapters. (See, as to rates, especially pp. 6, 19, 23, 28, 40, 48, 56, and 148.)

The sums collected by means of rates for public local purposes have during the past ten years increased by about £1,400,000 annually, and amounted, for the year 1911–12, to £50,000,000. Two-thirds of that total was raised by means of poor rates or rates having the same incidence as poor rates, and one-third by means of general district rates or rates having the same or nearly the same incidence as general district rates.

The properties assessable for poor rates include lands of every description, dwelling-houses, shops, factories, and other buildings railways and tramways, gasworks, waterworks, mines, quarries, tithe rent-charges, and sporting rights. Poor rates are leviable in respect of all rateable hereditaments within the parish, at an equal rate per pound of rateable value (i.e., net annual value), except that the occupier of agricultural land is liable to pay one-half only of the rate in the pound payable in respect of buildings and other hereditaments.

Poor rates are (or may be) levied in every parish (a). In far more

(1) VALUA-

Magnitude of amounts raised by rates.

Properties subject to valuation.

1601, c. 2. 1833, c. 30. 1836, c. 71, s. 69. 1840, c. 89. 1843, c. 36. 1854, c. 105. 1855, c. 128. 1863, c. 65. 1869, c. 40.

1874, c. 54. 1889, c. 27. VALUATION FOR LOCAL RATES, AND LOCAL ACCOUNTS.



than half the parishes in England and Wales the only rates levied are 1894, c. 60, poor rates.

The properties assessable for general district rates are the same as 1896, c. 16. those assessable for poor rates, but for the purposes of a general district rate the owner of any tithes, or of any tithe commutation rentcharge, or the occupier of any land used as arable, meadow or pasture ground only, or as woodlands, orchards, allotments, market gardens, or nursery grounds, and the occupier of any land covered with water, or used only as a canal or towing path for the same, or as a railway 1875, c. 55, constructed under the powers of any Act of Parliament for public s. 211. 1890, c. 17. conveyance, is assessed in respect of the same in the proportion of 1891, c. 33. one-fourth part only of the net annual value thereof.

General district rates are levied only in urban areas; and the rates which are not called general district rates but have the same incidence (e.g., separate rates for special expenses of rural district councils, and 1875, c. 55, many of the rates levied under local Acts), or approximately the same incidence (b), are levied in urban areas or in areas which although comprised in rural districts have urban characteristics.

The total number of rateable hereditaments appears to be about Numbers and eight millions (c). According to the valuations in force on the 1st April, of rateable 1912, the gross estimated rental of these properties was £220,000,000, properties. and their net annual value was £176,000,000, including £24,000,000, the net annual value of agricultural land (d).

annual values

annual values set out in these lists are binding both for poor rates and for general district rates. The number of parishes is 14,500,—1,600 in urban districts and 12,900 in rural districts. The parish valuation list is prepared, under the Union Assessment Acts, 1862 to 1880, by the overseers of the parish (see, as to the overseers, Chapter I.) under the supervision of a committee—the "union assessment committee" appointed by the guardians of the poor law union in which the parish is comprised (see, as to the guardians, Chapter II.). There is a union assessment committee for each of the 610 poor law unions, with four exceptions (e). It is the duty of the committee to secure uniformity Uniform and correctness of valuation throughout all the parishes comprised in throughout the union. The work of the committee is not controlled by any each union.

There is a separate valuation list for every parish (e). The net Parish valua-

fact extensively used for those purposes. This system of parish valuation lists, coupled with uniformity of Valuations for areas con valuation throughout each union, has sufficed for the purposes of the prised in more

Government Department, nor is the Central Government represented on the committee. The valuations, as settled by the committee, are not binding for purposes of imperial taxation, although they are in

rates of the vast majority of local authorities, comparatively few of

whom have occasion to levy rates over areas which are situate in more



than one union. A union assessment committee is, however, under no statutory obligation to take steps to secure that the standard of the valuations settled by it is the same as the standard of the valuations settled by committees acting for adjacent or other unions. Consequently it may happen that the valuations as settled by union assessment committees for different unions may not be sufficiently uniform inter se to serve, without adjustment, as a basis for a rate leviable over an area comprising several unions or parts of several unions. To meet this difficulty, so far as it affects rates leviable for purposes of county councils, provision has been made by statute for the setting up, independently of any action of the union assessment committees, of a "county rate basis or standard" for each administrative county (f). Provision has also been made by or under statute for meeting the difficulty so far as it affects rates leviable for the purposes of some other local authorities whose districts extend beyond the bounds of a single union (g). Voluntary arrangements (made at the suggestion of the county council or other authority interested) between assessment committees have resulted in some cases in the

separate valuation authorized by statute (h) (i) (j).

The following is an outline of the ordinary mode of valuation

application of a common standard of valuation throughout areas which, though situate in different unions, are liable to be rated in common, and in these cases entries in the parish valuation lists are often taken without alteration into the "county rate basis or standard" or other

under the Union Assessment Acts, 1862 to 1880.

1862, 1864, 1880.

1862, c. 103, s. 14.

Rateable value. 1836, c. 96, s. 1. The valuation list of a parish is a statement of the gross estimated rental and net annual value of all the rateable properties in the parish. By the Parochial Assessment Act of 1836, every poor rate must be made "upon an estimate of the net annual value of the several hereditaments rated thereunto; that is to say, of the rent at which the same might reasonably be expected to let from year to year, free of all usual tenants' rates and taxes, and tithe commutation rent-charge, if any, and deducting therefrom the probable average annual cost of the repairs, insurances and other expenses, if any, necessary to maintain them in a state to command such rent: Provided always, that nothing herein contained shall be construed to alter or affect the principles or different relative liabilities (if any), according to which different kinds of hereditaments are now by law rateable." This net annual value is in later Acts referred to as the "annual rateable value," or the "rateable value." During the continuance of the

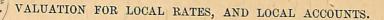
County rate basis or standard.

1875, c. 55,

s. 211 (4). 1882, c. 50,

ss. 29, 57.

s. 144. 1894, c. 73,





Agricultural Rates Act, the rateable value of agricultural land must, 1896, c. 16. in the valuation list, be stated separately from that of any building or other hereditament, and the total rateable value of the agricultural land in the parish must be stated separately from the total rateable value of the buildings or other hereditaments. Under the Agricultural Rates Act, farm buildings are to be valued not on structural cost but on the annual rent to be expected if they are only used for farm purposes. Every valuation list must also show the "gross estimated rental. rental," which by the Act of 1862, s. 15, is required to be calculated 1862, c. 103, in the same way as rateable value, but without the deductions shown in italics above.

ss. 14, 15.

The settlement of the valuation list of a parish includes three Settlement of valuation list. stages, viz .:-

(i.) The preparation of a list by the overseers of the parish;

(ii.) The correction of the list by the assessment committee of the guardians of the union;

(iii.) Appeals to the justices in special sessions and quarter sessions, and to the High Court.

It will be convenient to describe at the outset the constitution of the union assessment committee under the Union Assessment Committee Act of 1862.

The guardians of the union (an elected body—see Chapter II.) must 1862, c. 103. annually appoint an assessment committee out of their own members. The number may be from six to twelve. The appointment is made in April or May. If the union is conterminous with a municipal borough, the council of the borough may, on the invitation of the guardians, appoint an equal or less number of councillors to be members of the committee. Guardians may appoint a permanent salaried valuer to assist the committee.

The overseers in every parish (see p. 3) prepare a list, which is ordinarily a copy of the last approved valuation list, with such alterations (if any) as the overseers think proper to make. list is deposited in the parish for inspection during fourteen days, and notice of the deposit is published. It is then transmitted to the committee.

Within twenty-eight days from the notice of deposit any aggrieved person, or the overseers (or parish council, or other authority to whom the powers of overseers in the matter have been transferred) of any aggrieved parish may give notice of objection to the committee and to parishes or persons affected by the objection. The objection must be on the ground of unfairness, incorrectness, or omission in the



valuation. The committee hears and determines the objections. It may also, with or without objection, and at any time and on any information, make such alterations as it thinks fit, and may employ a person to value generally or in any special case. When satisfied, the committee approves and signs the list. If, however, the list has been altered, the committee's approval is merely provisional, and the list is re-deposited, and, in the event of valid objection being taken to the alteration, comes back to the committee for a fresh hearing and approval. Also, if any alteration is made necessary by the decisions of special sessions or quarter sessions (see below), the committee alters the list accordingly. Finally, it totals the columns showing gross rental and rateable value, and approves and signs the list and delivers a copy of it to the overseers, and also sends the parish totals of gross rental and rateable value to the clerk of the peace. The list as so approved and delivered becomes "the valuation list in force," subject to supplemental lists which may from time to time be made and approved in like manner. The valuation list, as so settled, becomes the only legal basis for the poor rate and for any other rate leviable (as nearly all rates for public local purposes are) on the basis of the poor rate; but it is not binding for the purpose of imperial taxes.

During the continuance of the Agricultural Rates Act, 1896, the contributions of the several parishes in a union to the "common fund" of the union (see p. 14) and of the several parishes in a rural district to the "general expenses" payable out of the "common fund" of the district (see p. 19) are (subject to the addition of the annual value of any non-rateable Government property in respect of which a contribution in lieu of rates is received) calculated in proportion to the respective "assessable values" of those parishes as ascertained from the valuation lists. "Assessable value" for this purpose is the total rateable value of a parish reduced by an amount equal to one-half of the rateable value of the agricultural land in the parish.

Appeals either against a valuation list or against a rate made in conformity with a valuation list must be made in the first instance by objection before the assessment committee. A person aggrieved by anything relating to valuation (as distinguished from liabilty to be rated) may appeal from the committee to the justices in special sessions, and from them to the quarter sessions. A person alleging that he is not liable to be rated at all must (and he may on any other ground, except perhaps the amount of his valuation) appeal directly to the quarter sessions. A parish may by its parish council or other authority to whom the powers of overseers in the matter have been transferred (or, where there is no such body, by the overseers with the

1864, c. 39, s. 9.

Assessable value under Agricultural Rates Act, 1896. 1896, c. 16, s. 4.

Appeal.

1601, c. 2, s. 5. 1743-4, c. 38, ss. 4-6. 1801, c. 23. 1820, c. 36. 1836, c. 96, ss. 6, 7. 1862, c. 103, ss. 32-4. 1864, ss. 1-3. 1869, c. 41. 1893-4, c. 73, s. 6. consent of the parish meeting or vestry), appeal directly to the quarter sessions against an alleged over-valuation in its own case or undervaluation in the case of any other parish, and the quarter sessions may alter the lists and may order a re-valuation, and may order the union or the appealing parish to pay the costs. In any case in which appeal lies to the quarter sessions on a matter of law (not of amount), a case for the opinion of the High Court may be obtained. Notice of any appeal to special sessions or to quarter sessions must be given to the overseers or parish council or other authority to whom the powers of overseers in the matter have been transferred, and to the assessment committee, who may, with the consent of the guardians, appear as respondents.

The process of re-valuing a parish or union as now generally con- 1864, c. 39, ducted is too expensive to be annually repeated. It may under certain circumstances be defrayed out of loans. The correction of valuations is commonly left to supplemental lists, which it is the duty of the overseers to make as often as occasion requires, or the assessment committee directs. And that committee may direct a new valuation to be made, as it sees fit. No period is fixed by law within which a complete revision of the valuation list of a parish is to be made. this matter, as in some others, the law relating to valuations in London, where new valuation lists are made quinquennially, differs from that in force elsewhere (k) (l).

The accounts of county councils, urban district councils (except in (2) Audit of boroughs), rural district councils, parish councils and meetings, and of Accounts. the committees and officers of all these bodies, also the accounts of 1844, c. 101, boards of guardians and overseers, and such of the accounts of borough 59. councils as relate to financial transactions under the Education Acts, 1848, c. 91, are audited by district auditors appointed by the Local Government 1849, c. 103, Board (m). District auditors are paid by salary out of moneys voted by Parliament, but a contribution towards the cost of the audit is paid by the local authority, in the form of an Inland Revenue stamp duty proportioned to the total expenditure audited (1879, s. 3; 1888, ss. 245-50. s. 71), except in the case of the overseers' accounts, which are audited 1876, c. 61, free of charge to the parish. A district auditor has full powers of disallowance (except in the case of expenditure expressly sanctioned by the Local Government Board), surcharging, compelling the production 1888, ss. 71, of all necessary documents, &c.; and any person aggrieved by his certificate may appeal to the Local Government Board, or move for a writ of certiorari. County, urban district, and parish council and parish meeting accounts are audited yearly, rural district, poor law guardians', and overseers' accounts half-yearly.

ss. 32-8, 49, s. 9. 1852, c. 81, s. 33. 1866, c. 113, 1875, c. 55, s. 38. 1879, c. 6. 1884, c. 43, s. 11. 1893-4, s. 58. 1902, c. 42,

COLUME CONTRIBUTION OF THE PROPERTY OF THE PRO

GI

1875, s. 246. 1882, c. 50, ss. 25-7, 62. Under the general law, in boroughs the accounts (except those under the Education Acts) are audited half-yearly by three auditors. One of these is a councillor appointed by the mayor, and the other two are elected yearly by the burgesses. The elective auditors must be qualified to be, but must not be, councillors. These borough auditors are not ordinarily paid for auditing the accounts under the Act of 1882, but are entitled to certain fees for auditing sanitary accounts. They have no express powers of surcharge or disallowance. The accounts ordinarily subject to audit by the above-mentioned borough auditors are, in many boroughs, also audited by professional accountants appointed and paid by the town council either under the provisions of the Act of 1882 (s. 19) or under local Acts; and, under provisions in local Acts or Acts confirming provisional orders, all the accounts of some important town councils have been made subject to audit by district auditors appointed by the Local Government Board (m).

1852, c. 85, s. 18. The accounts of burial boards (where such boards are not merged in the parish, district, or borough councils) are audited yearly by two auditors appointed by the vestry (in a rural parish not having a parish council by the parish meeting, and in other rural areas by a meeting of ratepayers).

1844, s. 33. 1875, s. 247. 1882, s. 233. 1888, s. 71. 1893-4, s. 58. (3) LOCAL Ratepayers or electors are entitled to inspect the accounts of local authorities and to take copies of and extracts from them at certain times.

Taxation Returns. 1860, c. 51. 1871, c, 70. 1877, c. 66. 1879, c. 6. 1879, c. 39.

1882, c. 50,

s. 28. 1888, c. 41,

s. 71.

Annual returns of all sums received by or in respect of compulsory rates, taxes, tolls, or dues levied for public local purposes, and of the expenditure thereof, are to be made by the clerk, treasurer, or other accounting officer of every local authority (including the town clerk of a borough) to the Local Government Board, in such form as shall from time to time be ordered by that Board, and an abstract of the returns is to be laid before Parliament. The returns are to be made up to the 31st March (or other prescribed date), and are to be sent in within periods specified in the Statutes.

1862, c. 103, s. 12. Guardians of poor law unions are required annually in April to report the proceedings of their assessment committee to the Local Government Board.

## NOTES.

Poor rates.

Note (a). There are few, if any, parishes in which a poor rate is not levied, although there are many where income from parish property is applicable in reduction of the rate.

## VALUATION FOR LOCAL RATES, AND LOCAL ACCOUNTS.

Note (b). The amount, per pound of net annual value, of the rates leviable Separate under the Lighting and Watching Act, 1833, in respect of land is one-third of that levied in respect of buildings and other hereditaments; and under the Tithe 1833, c. 90. Rating Act, 1851, tithes are assessable in the same proportion of their annual value as land. Rates under the Act are leviable only in rural areas. They are levied in about 1,000 rural parishes, for expenses of lighting streets, and for fire engines and other provision against fire.

lighting rates. 1894, c. 73,

Note (c). The great bulk of the assessments relate to dwelling-houses; and Number of most of those houses are of a gross annual value of less than £20. At the date of the census of 1911 the number of separate occupiers of buildings used as dwellinghouses was nearly 7,000,000; the number of uninhabited buildings intended for use as dwellings (uninhabited buildings are not exempt from valuation) was about 370,000; the number of shops, factories, offices, warehouses, and places of amusement, was about 300,000. There were, in addition, other separately assessed hereditaments, e.g., agricultural land, other land, mines, quarries, railways, &c.

assessments.

According to the Annual Report of the Inland Revenue Commissioners the number of "premises" (whether exempt from or charged to Inhabited House Duty) was 7,287,000 in the year 1911-12, including about 5,400,000 which were exempted from that Duty on the ground that their gross annual value was under £20.

Note (d). The rateable value of railways (including railway stations and Railways. depôts) was £15,200,000 in 1906.

Note (e). There are only four civil parishes (which are also poor law "unions") in which the provisions of the Union Assessment Acts are not in force, viz., the parish of Plymouth (poor law incorporation), the parish of East Stonehouse, and the townships of Manchester and South Manchester. In some of these places the valuations are made under local Acts, and there appears to be no valuation "list."

Note (f). Under the Act of 1888, as modified by the Act of 1896, county County rate contributions (or, as they are popularly designated, "county rates") to meet deficiencies in the county fund are assessed upon the several parishes in the county 1852, c. 81. in proportion to their respective assessable values, as determined by the county rate 1888, c. 41, basis or standard.

ss. 3 (i.), 8, 68 (6). 1893-4, ss. 6, 19, 33. 1896, c. 16.

A county council may appoint a committee of its body to prepare this basis or standard according to net annual value "as the same is or may be required by law to be estimated for the purposes of assessing the rates for the relief of the poor." The committee is not bound to accept the values shown in the parish valuation lists. It has power to call for returns as to the annual value of property in each parish, and to require the overseers and parish officers to appear before it. When the basis has been prepared and circulated, the committee has to hear objections made by the overseers; and the basis, when corrected and approved by the committee, is laid before the county council, which may confirm it, amend it, or refer it back to the committee. When confirmed by the county council the basis takes effect, subject to an appeal to quarter sessions by the overseers (or by any parish council, town council, urban district council, or other body, to whom the powers of the overseers in the matter have been transferred), or by any collector, or inhabitant, on the ground that some parish is over-rated, under-rated, or omitted. The basis may be revised from time to time by a committee appointed in like manner.

The same authorities or any inhabitant may also appeal to quarter sessions against a rate made on the basis, on the ground that parishes are unequally rated, over-rated, under-rated, or omitted from the rate.

The basis does not contain particulars of the several rateable hereditaments in



1852, c. 81, s. 26. the county: it shows only totals for each parish. Generally it is compiled by taking entries appearing in the parish valuation lists or in the lists made for the purpose of assessing income tax on profits from real property, and adjusting them to a standard deemed to be uniform for the whole county.

The "county rate" is not collected separately, but the amount of county contributions assessed upon a parish in accordance with the county rate basis is included in the poor rate of the parish, and is levied on the several ratepayers in the parish in accordance with the values shown in the parish valuation list.

Some indication of the extent of the work done by the county rate basis committees and the union assessment committees respectively is given by the figures as to expenditure: the aggregate cost of preparing all the county rate bases is seldom more than £7,000 a year, whilst the aggregate cost of the work of the union assessment committees approaches £150,000 a year, apart from the separate expenses of the overseers, which exceed £8,000.

According to the parish valuation lists in force in April, 1911, the assessable value of England and Wales (excluding London and county boroughs) was £106,734,000, whilst according to the county rate bases in force during the year 1911-12 it was £108,108,000—a difference of £1,374,000 (equivalent to one and a quarter per cent.). In particular unions, however, the difference between the two

values was considerably greater than these figures might suggest.

Borough rate valuation. 1882, c. 50, s. 144. Note (g). Under the general law, the values set out in valuation lists in force under the Union Assessment Acts are conclusive for the purpose of assessing a borough rate, except that if, for any reason, the town council think that the valuation list is not a fair criterion of value they may cause an independent valuation to be made. Independent valuations for the borough rate were made in only two of the 325 municipal boroughs in the year 1910-11.

When the council of a municipal borough requires an independent valuation to be made, it may order for its inspection, or for the purpose of taking copies, books of assessments of any rates or taxes, parliamentary or parochial, on any property, and the valuation by which the assessment is made, in the hands of the overseers, and may order copies to be made by the clerk to the Commissioners of Taxes for each district of the total amount assessed in each parish in respect of any tax payable to the Crown, and the total amount of the valuation of the property on which that assessment was made. By warrant of the council the overseers and such persons as they select may enter on, view, and examine any land chargeable to the borough rate in order to ascertain the annual value at which it ought to be charged; but no such entry shall be made unless fourteen days' notice has been given to the overseers and to the persons on whose land the entry is to be made. An appeal by the overseers against the borough rate, on the ground of inequality in the basis, or other just cause of complaint, lies to quarter sessions of the borough, or if there is none, to the quarter sessions of the county.

Sewers rates and other special rates for land drainage. Note (h). The valuations made for the purposes of the rates (or "taxes") collected for Commissioners of Sewers acting under commissions granted under the statute 23 Henry VIII., c. 5, or otherwise, and for Land Drainage Boards constituted under the Land Drainage Act, 1861, and for similar local authorities, are in many cases identical with or approximating to those set out in the parish valuation lists. In other cases the rates collected for them are general scots or lots assessed on the persons liable "after the quantity of their lands, tenements and rents."

1531, c. 5, s. 1.

Note (i). The gross estimated rentals set out in the parish valuation lists are in many cases identical with the "full annual values" in respect of which the inhabited house duty is payable; and the "rateable values" set out in those

Valuations for Inhabited

## VALUATION FOR LOCAL RATES, AND LOCAL ACCOUNTS.



lists are in many cases identical with the "reduced annual values" in respect of House Duty which the property tax (i.e., Income Tax, Schedule A) is payable. But, in and Income form, in all cases (and, in substance, in some) the valuation for income tax and inhabited house duty is (outside London) independent of the valuations entered in the parish valuation lists, and is made separately by the assessors, surveyors, and commissioners under the Income Tax Acts (see Ch. XIX., p. 133).

Note (j). Capital values ascertained by officers of the Imperial Government Capital under the Finance (1909-10) Act, 1910, are at present (1913) independent of and values. separate from all valuations for local rates.

Note (k). A comparison of the more complete system of valuation now in force Valuation in in London is appended :-

London.

The Valuation (Metropolis) Act, 1869, as amended by the London Government 1869, c. 67. Act, 1899, differs from the Union Assessment Committee Act of 1862 in the 1884, c. 5. following principal respects:-

1899, c. 14.

- 1. The Metropolitan Borough Council, who are now the overseers, are through the town clerk to send a copy of their lists to the surveyor of taxes, who sends his corrections of gross values to the assessment committee (s. 8), and his figures are to be inserted unless proved wrong (s. 53), and he may object and appeal (ss. 12, 18, 32).
- 2. The borough council are to give notice to occupiers of alterations in their valuations (s. 9).
- 3. A new valuation list must be made every fifth year. The list lasts for five years, but provision is made for an annual revision and for the insertion of new buildings (ss. 43-7).
- 4. The approved list (and totals derived therefrom) is made conclusive as regards valuation for nearly all rates (including the county rate) and some imperial taxes (inhabited house duty and Schedule A of income tax), and for juror and other qualifications under various Acts of Parliament (s. 45).
- 5. A maximum scale of deductions from gross rental is laid down (s. 52).
- 6. Owners and occupiers may be required to make returns of values, charges, &c., under a penalty, in the same way as for income tax (ss. 55-58).

The great majority of metropolitan boroughs are co-extensive with a single poor law union or with a group of unions, and the assessment committee is appointed by the borough council, instead of by the board of guardians, and acts for the borough.

Note (1). For figures showing the growth in population, valuation, and the produce of a rate of a penny per pound of valuation, see Table A, p. 173.

Note (m). The number of extra-metropolitan local authorities having financial Auditof Local transactions during the year 1910-11 was 25,500. Of these, about 24,500 had the Accounts. whole of their accounts audited by district auditors appointed by the Local Government Board, and about 200 others had some of their accounts audited by those auditors. The town councils, all of whose accounts are now under local Acts or provisional orders subject to audit by district auditors, are: -(county boroughs): Barnsley, Bournemouth, Hastings, Merthyr Tydfil, Plymouth, Southampton, and Warrington, and (other boroughs): Chelmsford, Cheltenham, Christehurch, East Ham, Lancaster, Margate, Monmouth, Poole, Shrewsbury, Southend-on-Sea, Swindon, and Tunbridge Wells.





#### CHAPTER XXI.

(The Note prefixed to Chapter XX. applies also to this Chapter.)

LOCAL TAXATION: EXPENDITURE AND RECEIPTS.

Local authorities meet by far the greater part of their capital expenditure (e.g., on the construction of public works) out of borrowed moneys, and meet their current expenditure (e.g., costs of administration, maintenance, repairs, interest on borrowed moneys, and repayments of borrowed moneys) out of rates and other revenues.

The amount expended out of borrowed moneys fluctuates somewhat from year to year. The average amount in recent years has been about £14,000,000 annually (a).

Generally, all that part of the current expenditure which the revenue from other sources is not sufficient to meet, is met by means of rates, i.e., by means of compulsory contributions levied rateably, upon the basis of the net annual value of immovable property, on the persons for whose protection, advantage, or convenience, the expenditure is (or is deemed to be) incurred. As already stated (see pp. 138, 139), persons rated in respect of agricultural land and certain other classes of property are exempt from contributing, in respect thereof, on the same scale as persons rated in respect of dwelling-houses, factories, shops, and similar properties, but are liable to contribute on reduced scales (b).

It is sometimes said that, considered with reference to their influence on local taxation, the services administered by local authorities fall into two main groups, viz.—

Rate-aided undertakings.

(i.) those which, as a rule, are maintained wholly or partially out of rate-moneys; and

Trading undertakings.

(ii.) those which, as a rule, are not maintained out of rate-moneys, but produce profits which may be applied in aid of rates.

The distinction is, however, not easy to maintain in practice. For some important services (e.g., water supply, markets, electricity supply, tramways) require, in some districts, support from the rates, and, in others, produce profits in aid of rates; and there are districts where undertakings, which require aid from the rates in some years, give aid

Amount annually expended out of borrowed money. Expenditure

falling on

rates.

### LOCAL TAXATION: EXPENDITURE AND RECEIPTS.

to the rates in other years. But the distinction is useful, if its limitations be borne in mind; and particulars as to the total sums expended (otherwise than out of loans) in respect of the principal classes of undertakings, belonging to local authorities, which are or may be productive of profits applicable in aid of rates, are in this chapter entered separately, on p. 153. All the other sums expended by local authorities (otherwise than out of loans) during a recent typical year —the year 1911-12—are set out briefly in the following table. The table is drawn in a manner which shows inter alia the amount Expenditure expended, by each of the principal classes of local authorities, in on rate-aided services. respect of each of the principal services charged on the rates. The sums entered were met partly out of rates and partly out of other revenues, as is shown on pp. 150 and 151.

Classes of local authorities.	Educa- tion.	High- ways and bridges.	Poor relief (not lunatics).	Lunatics.	Police.	Sewers, and removal of house refuse.	Other services (c).	Totals.
	£	£	£	£	£	£	£	£
County councils	(millions)	(millions)	(millions)	(millions)		(millions)		
Town councils of—	$10\frac{1}{2}$	$3\frac{1}{2}$		4	$2\frac{1}{4}$	-	$1\frac{1}{2}$	$18\frac{1}{2}$
County boroughs	91	4		1/2	2	3	9	$27\frac{3}{4}$
Other municipal boroughs	91	11				*	0.1	
Councils of urban	$2\frac{1}{2}$	$1\frac{1}{2}$	SATAR		4	$1\frac{1}{4}$	31	834
districts other				1		1	1	1 m
than boroughs Rural district coun-	$1\frac{3}{4}$	$2\frac{1}{4}$	-		_	$1\frac{3}{4}$	$3\frac{1}{2}$	91
cils		3			1	3	34	41
Parish councils and						34		72
parish meetings Poor law guardians	-			_	4	1	1 3 4	17
Land drainage		1	$8\frac{3}{4}$	2	-	_	3	$11\frac{1}{2}$
authorities (in-						1 1		
cluding commis- sioners of sewers)								
Other authorities		1-1-		1	1675	7	11	11
		7/1		4				11/2
Deduct,-for sums	24	144	$8\frac{3}{4}$	$3\frac{1}{2}$	$4\frac{1}{2}$	$6\frac{3}{4}$	$20\frac{3}{4}$	821
which appear in						1		
more accounts of		6.0				in the second	1	
more than one authority	1	$1\frac{1}{2}$	1			1		0.0
	1		4		4	4	4	$\frac{2\frac{3}{4}}{}$
Totals	$23\frac{3}{4}$	$12\frac{3}{4}$	$8\frac{1}{2}$	$3\frac{1}{2}$	$4\frac{1}{4}$	$6\frac{1}{2}$	$20\frac{1}{2}$	$79\frac{3}{4}$
111				" "	-		-	-

It will be noticed that a very large proportion (nearly 30 per cent.) of the total expenditure is incurred in respect of education.

The annual expenditure on lighting roads and bridges (which might, from some points of view, properly be entered under the head of "Highways and bridges," and, from others, under the head of



Receipts in respect of rate-aided services. "Police") amounts to about £2,000,000, and is in the foregoing table entered under the head of "other services." The other items entered under that head are shown in some detail in the note (c) appended to this chapter. The cost of each service, as entered in the table, includes the interest on loans and the sums provided during the year towards the repayment of loans.

The receipts out of which the expenditure entered in the foregoing table was met are shown in the following table:—

Classes of local authorities.	fees, repayments for work done, profits, and miscellaneous sources.	Exchequer grants (including local taxation licence duties).	From Rates for public local purposes.	Totals.
	£	£	£	£
	(millions)	(millions)	(millions)	(millions)
County councils Town councils of—	$1\frac{1}{2}$	814	9	$18\frac{3}{4}$
County boroughs	61	51	16	28
Other municipal boroughs	$\frac{6\frac{1}{2}}{2\frac{1}{4}}$	$\frac{5\frac{1}{2}}{1\frac{1}{4}}$	51	834
Councils of urban districts	-+	*	*	*
other than boroughs	$\frac{2}{\frac{3}{4}}$	1	61	91
Rural district councils	3	$\frac{1}{2}$	$\frac{6\frac{1}{2}}{3\frac{1}{2}}$	$\frac{9\frac{1}{2}}{4\frac{3}{4}}$
Parish councils and parish	*			
meetings	10		1/4	1
Poor law guardians	$\frac{1}{10}$	$2\frac{1}{4}$	8± 8±	$11\frac{1}{2}$
Land drainage authorities	*	1		
(including commissioners				
of sewers)	1/4	_	1	1/2
Other authorities	1 4 1 2	_	$\frac{1}{4}$ $\frac{3}{4}$	$1\frac{1}{4}$
		-		
	$14\frac{1}{2}$	$18\frac{3}{4}$	50	$83\frac{1}{4}$
Deduct,—for sums which				
appear in the accounts of				Sale Water W
more than one authority	$2\frac{3}{4}$	-	-	$2\frac{3}{4}$
Totals	$11\frac{3}{4}$	$18\frac{3}{4}$	50	801
Totals	114	104	00	002

The current expenses of each local authority which administers two or more rate-aided services are charged on a local "fund" (e.g., county fund, borough fund, district fund), into which revenues from rates, grants, and other sources, are received, and out of which expenditure on the various services is defrayed, without, as a rule, any definite earmarking of specific items of receipt to specific items of expenditure. But there is in many cases an obvious connection between certain items of receipt and certain items of expenditure; for example, sums which have been received for crops grown at a sewage farm may, although merged with other receipts in a district fund out of which the cost of many services is met, be taken to have been applied towards meeting the costs of sewage disposal. Similarly, the grants based on the amounts paid by poor law guardians to their officers, although merged in the union common fund, out of

#### LOCAL TAXATION: EXPENDITURE AND RECEIPTS.



which the cost of several services is met, may be taken as applied for the most part towards meeting expenditure connected with the relief of the poor. Thus it is possible to estimate, with some approach to Amounts of accuracy, as in the following table, how much of the cost of each falling on service is met from rates, Exchequer grants, and other receipts, respectively. The table re-classifies under those three heads the particulars grants, and set out in the foregoing tables.

expenditure rates, exchequer other receipts respectively.

Expenditure estimate	d to have	been met	out of—
----------------------	-----------	----------	---------

Services.	Fees, rents, profits, and other miscel- laneous local receipts.	Exchequer grants (including local taxation licence duties).	Local Rates.	Totals.
AMERICAN PRODUCTION AND AND ADDRESS OF THE PARTY OF THE P	£	£	£	£
71	(millions)	(millions)	(millions)	(millions)
Education	1	$12\frac{1}{4}$	$10\frac{1}{2}$	$23\frac{3}{4}$
Highways and bridges	$\frac{1}{2}$	$2^{-}(d)$	$10\frac{1}{4}$	$12\frac{3}{4}$
Lighting highways, &c. (public				
lighting)			2	$\frac{2}{81}$
Lunatics:	$\frac{1}{2}$	$1\frac{1}{2}$	$6\frac{1}{2}$	$8\frac{1}{2}$
i. Charged as poor relief	1	34	1)	
ii. Charged otherwise .:	4	_4	11	$3\frac{1}{2}$
Police	4	13	21	41
Sewers, and removal of house	4	-4	-4	±4.
refuse	1	_	61-	61
Other services	$8\frac{3}{4}$	1/4	91	$18\frac{1}{2}$
m				
Totals expended	$11\frac{3}{4}$	181	491	$79\frac{3}{4}$
Provided for working balances, &c.		$\frac{1}{4}$ (e)	$\frac{1}{2}$	34
Totals (as : 31 133)		100		
Totals (as in preceding table)	$11\frac{3}{4}$	$18\frac{3}{4}$	50	801
		A STATE OF THE STA		

More than 50 per cent. of the amount expended by local authorities in respect of education is, as the table shows, met out of moneys furnished to them by the Central Government, which also furnishes Proportion of them with funds sufficient to meet about 40 per cent. of the cost of the police, nearly 25 per cent. of the expenditure in respect of lunacy, and about 15 per cent. of the cost of the relief of the poor and the ex- different penditure on highways and bridges (d). These are the average percentages for England and Wales (except London) taken as a whole: in some local administrative areas the percentages are higher and in some lower.

cost met out of Exchequer grants different for services.

Up to the end of the year to which the foregoing figures relate, the Central Government contributed but little towards the cost of the public health services administered by local authorities. It is now Grants for endeavouring to induce local authorities to extend the provision made for the treatment of persons suffering from tuberculosis or certain other diseases, and has promised an Exchequer grant, amounting to £1,500,000, for the United Kingdom, as a capital sum towards the

treatment. dec., of tuberculosis.





provision of sanatoria and other institutions for the purpose, and an annual Exchequer grant, equivalent to one-half the net cost of the treatment of tuberculous persons, after taking into account the sums applicable thereto out of funds under the National Insurance Act, 1911, repayments by patients, and similar receipts.

Proportion of total rates raised for certain services.

Of the total amount raised by means of local rates, the cost of education—notwithstanding the aid given by the Central Government—absorbs about 21 per cent., and the cost of highways and bridges a little less—about 20 per cent. About 17 or 18 per cent. of the total amount raised by means of local rates is expended on the relief of the poor and provision for lunatics, about 8 or 9 per cent. on police and public lighting, about 12 or 13 per cent. on sewers, sewage disposal, and the removal and destruction of house refuse, and about 19 or 20 per cent. on public libraries, baths, burial grounds, fire brigades and appliances, hospitals (other than lunatic asylums and poor law infirmaries), parks and other pleasure grounds, public offices, registration of electors, valuation for local rates, and the many minor services administered by local authorities.

Of the total amount of rates nearly four-fifths is raised in urban areas (including boroughs) and a little more than one-fifth in rural areas.

Rates: proportion of urban to rural. Rates: amount different in different areas.

It is of the essence of local taxation that it shall be local—levied to meet the cost of services which vary to an appreciable extent, from locality to locality, in number, character, and cost. As regards the number of the services locally administered, there is, e.g., a marked difference between a town, whose inhabitants pay, through the rates, for an efficient sewerage system, public parks, and public libraries, and a rural area, where there are no rates for these things because none of them has been provided. And, as regards the character of the service rendered, there are many differences, even when the service is nominally the same. In some districts, e.g., house refuse is removed daily, whilst in others it is removed at weekly or longer intervals. In every locality the destitute poor have to be relieved; but in some places the poor can meet, out of their wages, expenses which in other places have to be met for them, out of rates. All children have to be educated; but the proportion educated in private schools (i.e. without aid from the rates) is much larger in some districts than in others. And, as regards cost, there are districts, e.g., where there is an abundance of local stone suitable for the repair of the highways, whilst there are other districts which have to pay for the carriage from far-distant quarries of nearly all road-mending materials. Examples of such differences could easily be multiplied. Again, the average amount of assessable value per

## LOCAL TAXATION: EXPENDITURE AND RECEIPTS.

head of population is in some unions less than £3, whilst in others it is more than £12. Thus, a comparison of the rates of different localities which has regard merely to the amount, per pound of assessable value, of the rates raised, and disregards other local factors, is misleading; and to show, in detail, all those factors is impracticable here. It may, however, be useful to state that the average amount in the pound of the rates levied has risen, during the last period of ten years for which figures are available (1902-11), by 11d. pound, in per annum in urban areas and by 13d. per annum in rural areas; rural areas, and that the average amounts, per pound of assessable value, of the rates raised in the years 1901-2 and 1910-11 were as follows:-

Average amount of rates, per urban and respectively.

-
d.
3
8
61

The following table shows the sums expended and received (other- Principal wise than out of loans) by local authorities in a typical year—the undertakings. year 1911-12-in respect of the principal "trading" undertakings carried on by them

carried on by them.						
Items.	Gas supply.	Electricity supply.	Harbours, docks, piers, canals.	Tram- ways and light railways.	supply.	Totals.
EXPENDITURE AND TRANS- FERS:	£ (millions)	£ (millions)	£ (millions)	£ (millions)	£ (millions)	£ (millions)
On maintenance, interest on loans, repayments of loans, &c.						
To depreciation reserve	$7\frac{3}{4}$	$4\frac{1}{2}$	4	$6\frac{1}{2}$	6	$ 28\frac{3}{4} $
Surplus revenue, trans-	1/4	1 4	_	1/2	4.	11
and of rates	$\frac{1}{2}$	1 .		1/2	1	11
Totals	81	5	4	$7\frac{1}{2}$	$\frac{-6\frac{1}{2}}{6\frac{1}{2}}$	311
RECEIPTS AND TRANSFERS: From private persons, commercial companies, &c. From funds of the local authorities to whom the undertakings belong, for gas, electricity, water, &c., supplied by the undertaking	8	334	41	7½	51	29
the undertakings (for lighting and watering streets and for other public purposes)  Transferred from local rates, to meet deficiencies in the accounts of the undertakings		11	# <u>4</u>	· Tank	14	. 2
Totals	81	5	$\frac{-4\frac{1}{2}}{}$	71	61	313
HY THE STATE OF TH			-	51/1/		announced A



The net effect of the financial transactions in connection with these undertakings, so far as the local rates are concerned, was that some of the undertakings produced profits, amounting to about £1,500,000, which were applied in aid of rates, and that other undertakings showed deficiencies, amounting to about £900,000, which were made good out of rates. The last-mentioned amount includes sums of £14,000, £43,000 and £90,000 (too small to be shown in the preceding table) on account of deficiencies on some gas supply, electricity supply, and tramways undertakings, respectively.

The great majority of these "trading" undertakings were carried on by the councils of boroughs and other urban districts; but rural district councils received and spent about £350,000 on water supply, £140,000 of which was raised by means of rates for special expenses. A few county councils and rural district councils received and expended small amounts in connection with tramways or light railways. Many of the important harbour and dock undertakings were carried on by

local authorities specially constituted for the purpose.

Total expenditure and total receipts (all accounts, except loans).

If certain duplications (which are necessary if the "trading" accounts are to be shown separately from other accounts) be eliminated, the total expenditure of local authorities on all accounts—trading and other—(excluding expenditure met out of loans) amounted in 1911–12 to upwards of £106,000,000, and the receipts (excluding receipts from loans, but including sums provided for working balances) to nearly £108,000,000.

It will have been seen from the table on p. 150 that, if the gross

Proportion of receipts derived from rates, exchequer grants, and other sources, respectively.

receipts on account of the principal classes of "trading" undertakings be omitted, about 15 per cent. of the total receipts of local authorities is derived from rents, fees, and other miscellaneous local sources, about 62 per cent. from local rates, and about 23 per cent. from Exchequer grants and local taxation licence duties.

Rents, &c.

The principal items included on p. 151 under the head of "From fees, rents, &c.," in respect of "Other services" are as follows:—

1005, 10105, 000, 12 1025	£ (millions)		£ (millions)
Markets (tolls, &c.)	$\frac{3}{4}$	Repayments for work done	
Burial grounds (fees, &c.)	$\frac{\hat{1}}{4}$	for private persons, &c.	
Public baths (tolls, &c.)	$\frac{1}{4}$	(private improvement	41
Other tolls, fees, fines	1	rates, &c.)	$1\frac{1}{4}$
Housing of working classes		Profits on gas, water, and	
(rents, &c.)	1/4	electricity supply under-	
Other rents, and dividends		takings, and on tram-	$1\frac{1}{2}$
(corporate property, &c.)	$2\frac{1}{4}$	ways and light railways	12

The principal items included under the head of "From local rates' have already been specified (see p. 138; see also p. 173).

Rates.

## LOCAL TAXATION: EXPENDITURE AND RECEIPTS.

The principal items included under the head of "From Exchequer Exchequer grants" (including local taxation licence duties) are as follows:-

Allocated to cost of-

		COST OI	
	Education.	Other services.	Totals.
From—	£	£	£
the Board of Education the Local Taxation Account	11,330,000 1,170,000	4,610,000	11,330,000 5,780,000
the Road Improvement Fund the Small Holdings Account local taxation licence duties formerly		180,000 40,000	180,000 40,000
Account but now levied by local			
authorities	_ '	1,480,000 80,000	1,480,000 80,000
Totals	12,500,000	6,390,000	18,890,000

The grants made to local authorities by the Board of Education have been enumerated on pp. 62, 63, and 65.

The finance of the Local Taxation Account is exceedingly complex. Local The Account itself was established by the Local Government Act, Account. 1888, is kept by the Bank of England, and is operated on by the Local Government Board. Into the account are paid, out of the 1888, c. 41, Consolidated Fund, grants of fixed amount and grants of variable amount.

Taxation

s. 20.

The grants of fixed amount paid into the Local Taxation Account are as follows :-

(i.) £1,550,000, deemed to be in respect of duties on licences for the sale of intoxicating liquor;

(ii.) £630,000, deemed to be in respect of so much of certain surtaxes on beer and spirits (known as the "Local Taxation tion customs Customs and Excise Duties") as is applicable to purposes of higher education;

(iii.) £150,000, deemed to be in respect of so much of the above- 1890, c. 45, mentioned surtaxes as is applicable in aid of police superannuation;

(iv.) £1,320,000, towards the increase of rates on buildings, &c., attributable to the partial exemption, under the Agricultural Rates Act, 1896, of agricultural land from rates (f); and

(v.) £35,000, towards the cost of the collection by local authorities of certain duties formerly collected by officers of the Central Government.

Liquor licences grant.

1888, c. 41, s. 20. 1910, c. 8,

ss. 87, 88, 96. 1910, c. 24, s. 14.

Local taxaand excise duties.

1890, c. 8,

s. 17. 1890, c. 60.

1902, c. 42. 1907, c. 13,

s. 17. 1911, c. 2, s. 17.

Agricultural Rates Grant.

1896, c. 16. 1907, c. 13, s. 17.

1908, c. 16, s. 6.

GL

Estate Duty Grant. 1888, c. 41, s. 21. 1894, c. 30, s. 19. 1907, c. 13, s. 17. Licence duties. 1888, c. 41, s. 20. 1908, c. 16, s. 6. The grants of variable amount paid into the Local Taxation Account are as follows:—

- (vi.) the Estate Duty Grant (the amount of which in recent years has been as low as £1,690,000 and as high as £1,810,000), deemed to be the equivalent of the sum that would have been yielded by four-fifths of one-half of the probate duty formerly levied in respect of personal property; and
- (vii.) the proceeds (the amount of which in recent years has been about £230,000 annually) of such of the local taxation licence duties specified in the first schedule of the Local Government Act, 1888 (other than the licences for the sale of intoxicating liquor), as continue to be collected by officers of the Central Government.

Licence duties levied by councils.

s. 17.

1908, c. 16.

1896, c. 36, s. 8. 1910, c. 8, ss. 86, 88. 1911, c. 2, s. 18.

s. 90.

Closely associated historically with the last-mentioned local taxation licence duties are certain other local taxation licence duties which were formerly collected by officers of the Central Government, but for the getting-in of which the councils of counties and county boroughs became responsible under an Order in Council made in pursuance of the Finance Act, 1908. The licence duties in question, which for the most part continue as formerly to be actually received at the local post offices by officers of the Postmaster-General, are licences to deal in game, licences to kill game, gun licences, dog licences, and licences for armorial bearings, male servants, and motor cars and other carriages (g). The councils do not, however, retain more of the proceeds of the duties on motor cars and other carriages than is equivalent to the sums collected in respect of those duties in the year 1908-9: the excess is paid into the Road Improvement Fund (see p. 71). In respect of the local taxation licence duties for the getting-in of which the councils are responsible they received during the year 1911-12 the following sums :-

(viii.) Fixed grant in respect of carriage licence	£
duties	470,000
(ix.) Dog licences	580,000
(x.) Other licence duties to which s. 6 of the Act of	
1908 applies	430,000
Total	1,480,000

The various bases on which the sums numbered (i.) to (x.) in the foregoing paragraphs are allocated to authorities and areas are laid down in the statutes already mentioned (h) (i). The sums numbered (i.), (ii.), (v.), (vii.), (viii.), (ix.), and (x.), are paid into the Exchequer

Exchequer Contribution Accounts.

#### LOCAL TAXATION: EXPENDITURE AND RECEIPTS.



Contribution Accounts which were established in each county and county borough by the Act of 1888; and out of those accounts payments are made under statute to other accounts of the councils of counties and county boroughs and to boards of guardians and other local authorities. The bases on which the sums paid out of the Exchequer Contribution Accounts are distributed, with the sums distributed in the years 1891-2, 1901-2, and 1911-12, are shown in Table D, on p. 177.

The Road Improvement Fund is operated on by the Road Board. Road Into it are paid so much of the net proceeds of the carriage licence Fund. duties as is not retained by local authorities, and the net proceeds of 1909, c. 47. the motor spirit duties; and out of it the Road Board make grants 1910, c. 8. 1911, c. 2. and loans to local authorities for purposes of road improvement and the construction of new roads.

The Small Holdings Account is operated on by the Board of Small Hold-Agriculture and Fisheries. Into it are paid certain sums voted by Parliament, and out of it are repaid to local authorities expenses 1910, c. 34. incurred by them in proceedings in relation to the acquisition of land for the purposes of small holdings (k).

ings Account.

1908, c. 36.

In Table A, on p. 173, some figures for—

Comparisons with past

(i.) the year 1867-8 (the year to which the late Lord Goschen's years. famous Report on Local Taxation chiefly relates),

are brought into comparison with those for-

- (ii.) the year 1887-8 (the year next before the passing of the Local Government Act, 1888),
- (iii.) the year 1902-3 (the year next before the coming into operation of the Education Act, 1902), and
- (iv.) the year 1911-12 (the latest year for which statistics are available).

The figures relate in each case to England and Wales, excluding London.

On a comparison of the figures for 1867-8 with those for 1911-12, one is mainly struck by the relative unimportance to which the expenditure of local authorities on the relief of the poor has shrunk: in 1867-8 nearly one-half of the total amount received from rates and one-fourth of the total amount received from Exchequer grants was spent on poor relief, whilst in 1911-12 it absorbed less than one-sixth of the total receipts from rates and less than one-eighth of the receipts from Exchequer grants. The expenditure of local authorities in respect of education, on the other hand, which in 1867-8 was so small as not to be recorded, had by 1911-12 grown to





£23,800,000. Expenditure on public health, highway, police, and miscellaneous services, which, in 1867–8, took £6,840,000 from rates and £470,000 from Exchequer grants, absorbed about £31,470,000 of rates and £4,270,000 of Exchequer grants in 1911–12.

It is, of course, necessary to bear in mind that these figures, whilst they truly represent the extent of the net growth in the annual expenditure of local authorities on the services mentioned, and so indicate, in some measure, the extent of the increase in the work devolving upon local councillors and other local representatives, cover, in the later years, the cost of services (e.g., in respect of education) formerly met privately without the intervention of local authorities, and so not recorded in those authorities' accounts. The growth, too, in population, from 18,640,000 in 1867 to 31,640,000 in 1911, has to be allowed for, with the growth in rateable value. A rate of one penny per pound of valuation, if levied over the whole of England and Wales (except London), would have produced £315,000 in 1867-8 and £605,000 in 1911-12.

Table B, on p. 174, brings out *inter alia* the extent of the striking increase in expenditure, and in rates and Exchequer grants, that has taken place (1) since 1887-8, just before the date when county government was re-organized by Parliament, and (2) since 1902-3, just before the date when the new arrangements made by Parliament in regard to the cost of education began to take effect.

In 1887-8, £20,220,000 was raised by local rates: in 1902-3, £36,240,000 was so raised: and, in 1911-12, £49,970,000.

In 1887-8, local authorities received from the Central Government grants amounting to £3,060,000: in 1902-3 they received £10,350,000 from that source: and, in 1911-12, £18,860,000.

Expenditure on main roads and other highways grew from  $5\frac{1}{2}$  millions in 1887–8 to  $12\frac{3}{4}$  millions in 1911–12—an increase due in great measure to the requirements of motorists. Expenditure on lunatics and lunatic asylums rose from £1,410,000 in 1887–8 to £3,330,000 in 1911–12. Expenditure on police amounted to £2,230,000 in 1887–8 and to £4,350,000 in 1911–12. Expenditure of local authorities on education, which rose from £3,130,000 in 1887–8 to £9,390,000 in 1902–3, has since that date increased to £23,800,000 in 1911–12, including the increase attributable to the transfer to the accounts of local authorities of expenditure in respect of voluntary schools.

These increases, and the other increases shown in the table on pp. 174 and 175, are in varying degrees attributable to the growth arising from the increase in population, to the demand for greater efficiency, to the acquisition by local authorities of new duties and



powers, to greater consideration for the poor and the afflicted, and to improvements in the pay and hours of labour of the employés of local authorities.

Table B also shows that "municipal trading" has grown apace in recent years. The sums expended (otherwise than out of loans) by local authorities in respect of their undertakings for the supply of gas, electricity, and water, their tramways and light railways, and harbours, docks, and piers, grew from £8,740,000 in 1887-8 to upwards of £27,400,000 in 1911-12. Here, again, allowance has to be made for the fact that whilst the difference between these two totals represents the net increase in the amounts expended by local authorities on the services indicated, it does not represent the net increase in the amounts expended by local authorities and others on those services, for many of the undertakings now belonging to local authorities, whose expenditure is included in the £27,400,000, formerly belonged to commercial companies and others, whose expenditure is not included in the £8,740,000. The figures are, however, further evidence of the great increase in the activity of local authorities—especially of town councils—which has taken place in recent years. It is noteworthy, in this connection, that the duty of carrying on trading undertakings (other than water supply undertakings)—unlike the duties of providing education, relieving the poor, safeguarding the public health, and maintaining internal peace has not as a rule been imposed by Parliament upon local authorities, but has been voluntarily sought by them.

## NOTES.

Note (a). The amounts expended out of borrowed moneys by each of the Expenditure principal classes of local authorities during 1911-12 were as follows: county councils, out of borrowed £2,640,000; councils of county boroughs, £5,440,000; councils of other boroughs, moneys. £1,800,000; councils of other urban districts, £2,020,000; councils of rural districts, £560,000; boards of guardians, £330,000; parish councils, £13,000; harbour and dock authorities (not being above-mentioned councils), £1,300,000; other authorities, £660,000.

Note (b). The general scheme of the enactments in this matter is that the Partial occupiers of the classes of property most benefited by the expenditure of the rates exemptions shall be liable to be rated at the highest rate, and the occupiers of the classes less from rates. benefited at lower rates.

#### LOCAL GOVERNMENT.



Limits on rates.

1902, c. 42, ss. 2, 3. In general there is no limit to the amount of a rate, but there are some exceptions. Thus in counties the rate for higher education cannot exceed 2d. in the £ per annum without the consent of the Local Government Board, and the rates raised by non-county borough councils for the same purpose must not exceed 1d. in the £. There is also a limit of 1d. in the £ imposed on rates for public libraries, and  $\frac{1}{2}d$ . in the £ for museums and a like amount for gymnasiums (see p. 125), but in some districts these limits have been extended by local Acts. The yearly expenditure of a parish council must not exceed 6d. in the £ (excluding any expenditure under the Adoptive Acts), and that of a parish meeting of a parish not having a parish council must not exceed the same sum (including any expenditure under those Acts). All these limits are to be calculated as if the Agricultural Rates Act had not passed.

1893–4, c. 73, ss. 11, 19.

1896, c. 16, s. 8.

Levy of rates.

The rates are in some cases levied directly by the rating authority, through its own officers, and sometimes by means of a precept to another authority, whose duty it then becomes to levy the amount required by the precept. The county and (in general) the borough rates, are "precept rates," while the general district rate is directly levied by the urban council. Precept rates are generally addressed to the guardians or overseers, and levied with the poor rate.

Compound-

See, as to "compounding" for rates, pages 50 and 51.

"Other services" (p. 149). Note (c). The principal services included under the head of "Other services" in the table on p. 149, and the amounts expended in respect of them, are as follows:—

$\begin{array}{c ccccccccccccccccccccccccccccccccccc$	
Burial grounds $\frac{2}{4}$ Parks $1\frac{1}{4}$	s)
Burial grounds $\frac{3}{4}$ Parks $1\frac{1}{4}$	197
Fire engines, &c \frac{1}{2} Private street works and	
Hospitals (sanitary) $1\frac{1}{4}$ improvements $1\frac{1}{4}$	
Housing of working classes $\frac{1}{2}$ Public offices $\frac{3}{4}$	
Public libraries ½ Small holdings and allot-	
Public lighting 2 ments	
Administration of justice Registration of electors 1	
(local courts) <sup>3</sup> / <sub>4</sub> General salaries and estab-	
Land drainage ½ lishment charges 3	

Exchequer grants for highways and bridges. Note (d). There is no specific annual grant from the Exchequer towards the cost of highways and bridges. But the portions of the grants paid into the Exchequer Contribution Accounts of counties and county boroughs and not allocated by statute to specific services are so dealt with in accounts that those portions become in fact in large measure grants towards the cost of highways and bridges. Similarly, a large part of the grant made under the Agricultural Rates Act, 1896, to rural district councils is carried to accounts the chief charge on which is for the maintenance of rural highways. As to the special grants made by the Road Board, see pp. 155 and 157.

Exchequer grants. Sums applied in providing working balances, &c. 1911, c. 2, s. 17. Note (e). Under the provisions of s. 17 of the Revenue Act, 1911, an unexpectedly large sum was paid exceptionally during the year 1911-12 in respect of the Local Taxation (Customs and Excise) Duties to local authorities. The excess over the normal amount was not expended within the year 1911-12, and is in the table on p. 151 entered as going to provide working balances. The excess was ultimately expended on higher education.

#### LOCAL TAXATION: EXPENDITURE AND RECEIPTS.



Note (f). The grant under the Act of 1896 is payable to the under-mentioned Grant under authorities :-Applicable in aid of rates for-

the Agricultural Rates Act, 1896.

MARKET THE SECOND OF SOME			
		Elementary education.	Other services.
		£	£
County councils	 	102,000	331,000
Councils of county boroughs	 	5,000	10,000
" other boroughs		3,000	10,000
" other urban districts	 	3,000	3,000
" rural districts	 		350,000
Boards of guardians	 		500,000
Totals	 	£113,000	£1,204,000

The sums payable to each authority out of the grant were certified by the Local Government Board in 1897, on the basis of the amount of certain rates collected from the occupiers of agricultural land in the year next before the passing of the Act (i.e., the year 1895-6). Payment is made by the Board, in accordance with its own certificates, directly to the authorities.

Note (g).—For the purpose of levying these transferred duties, the councils are Local entrusted with almost the same powers, &c., as those formerly possessed by the licences. Commissioners of Inland Revenue in respect of these licence duties. The licences issued by the councils are to have operation throughout the United Kingdom. The duties and all penalties and forfeitures are to be paid to the exchequer account of the county or borough fund as the case may be. An annual grant of about £35,000 is distributed among the councils (excluding London) in proportion to the amount of these duties collected in the preceding year. This grant was intended to cover the cost of collection, which, however, now amounts to more than double this sum.

Note (h). The following sums, which would otherwise be paid to local Deductions authorities out of the local taxation account, are diverted from them, viz. :-

from transferred

i. A share of the sum by which the money standing to the credit of the cattle revenues. pleuro-pneumonia account for Great Britain-a fund created in 1890 for defraying the expenses of inspecting, slaughtering, and paying compensation for diseased animals—is insufficient to defray the costs and expenses 1894, c. 57, made payable out of that money by the Diseases of Animals Act, 1894. s. 18. This deficiency has varied, for England and Wales as a whole, from nil to £145,000 annually.

ii. The Tithe Rentcharge (Rates) Act, 1899, provides that one-half of certain 1899, c. 17. rates assessed on the owner of tithe rent-charge attached to a benefice shall be paid by the Commissioners of Inland Revenue out of the sums payable in respect of the estate duty grant. The sums so paid by the Commissioners amounted for England and Wales as a whole to £105,000 in 1900-1 and £150,000 in 1911-12.

iii. A sum of about £12,000 a year is transferred from the local taxation 1888, c. 41, account to the Exchequer for the costs of revising barristers, election petitions, and other matters, for which the counties and boroughs are liable to pay under various Acts. But this sum is officially stated to be paid by the Local Government Board on behalf of the counties and county boroughs.

iv. See also, as to a possible deduction, s. 63 (6) of the National Insurance Act. 1911, c. 55.

L.G.

11

## LOCAL GOVERNMENT.

Note (i). Each county and county borough is entitled to receive annually the amount certified to have been collected therein in the year 1908-9 in respect of



Assigned revenues: Basis of apportionment between the several counties and county boroughs. 1888, c. 41, ss. 20, 22. 1890, c. 8, s. 7. 1890, c. 60. 1910, c. 8, s. 88. 1911, c. 2, s. 18.

the duties on (i.) licences for the sale of intoxicating liquor and (ii.) carriage licences. Each county and county borough is entitled to receive annually the amounts actually collected therein from year to year in respect of other local taxation licence duties.

So much of the sum receivable by local authorities in respect of the surtaxes on beer and spirits as is applicable towards police superannuation is divisible between the several police authorities in proportions annually certified by the Home

The remainder of the sums receivable by local authorities in respect of the surtaxes on beer and spirits, and the whole of the sums receivable by them in respect of the estate duty grant, are divisible between the several counties and county boroughs in proportion to the amounts of the former direct grants-in-aid-of-rates, certified to have been received by each of them respectively in the year next before the passing of the Local Government Act, 1888 (i.e., the year 1887-8).

These bases are subject to equitable adjustment from time to time as between county boroughs and the counties in which they are deemed to be situate. The adjustment may be made either by agreement between the councils interested, or

otherwise.

1888, c. 41, ss. 32, 61–63. 1896, c. 9.

Treasury Contributions paid as rates or in lieu of rates. Note (k). A distinction should be drawn between Imperial subventions proper and Treasury contributions paid as rates or in lieu of rates on Crown property. The latter (which amounted for England and Wales to £630,000 in 1911–12) are based upon a valuation of the property made, not by the local assessment committee, but by Treasury valuers, and—with the sums paid by the Commissioners of Inland Revenue under the Tithe Rentcharge (Rates) Act, 1899 (see note h)—are treated as receipts from "public rates" in the Local Taxation Returns.





## CHAPTER XXII.

(The Note prefixed to Chapter XX. applies also to this chapter.)

LOANS OF LOCAL AUTHORITIES.

ALL borrowing powers exercisable by local authorities are derived from Borrowing The power to borrow may be conferred either—

powers: how obtained. Acts of Parliament.

- (i.) by the general law, or
- (ii.) by local Acts of Parliament, or
- (iii.) by Provisional Orders issued by a Government Department and confirmed by Parliament.

The power, however conferred, is always hedged about by provisions intended to secure sound finance and to safeguard the interests of posterity (a).

The powers of borrowing conferred by the general law cannot, with sanction to relatively unimportant exceptions (b), be exercised without the consent exercise powers. of a Government Department. Loans under the Tramways Act are subject to the sanction of the Board of Trade. In nearly all other cases 1870, c. 78, the sanctioning department is the Local Government Board (c).

Borrowing under powers conferred by local Acts is a method much favoured by the larger municipal corporations and urban district councils. In many cases the powers so obtained are for the carrying out of works which could not be executed under the general law. exercise of the borrowing powers given by local Acts may, or may not, be subject to the sanction of a Government Department. The Standing Orders of both Houses of Parliament provide that in the case of all Bills whereby any local authority is authorized to borrow any money for any matter within the jurisdiction of the Board of Trade or the Local Government Board, estimates showing the proposed application of the money for permanent works shall (except so far as the exercise of the borrowing power is made subject to the sanction of the respective Board) be proved before the Select Committee to which the Bill is referred; and in the cases where the estimates are so proved the sanction of a Government Department is not required to the borrowing of the specified amounts. If, however, as is often the case, the local Act empowers the local authority to borrow such additional sums as may from time to time be necessary for the purposes of the Act or for the





extension and improvement of the works authorized by the Act, then the borrowing of the additional sums is almost invariably made subject to the sanction of the appropriate Government Department.

The borrowing powers conferred by Provisional Orders, or in respect of works authorized by Provisional Orders, are practically never exercisable without the sanction of a Government Department.

Parliament by local Acts passed in the session of 1912 conferred on local authorities powers to borrow, without departmental sanction, specified sums amounting to £3,300,000, in addition to sums of unascertained amount (usually for the compulsory acquisition of lands under the Acts). The Local Government Board during the financial year 1912–13 gave their sanction to the raising by local authorities of loans amounting to £12,500,000; and during the same year it refused sanction to the whole or part of a loan in between 400 and 500 instances, involving in the aggregate a sum of about £400,000 (d).

Security for loans.

Most of the loans obtained by local authorities are raised on the security of the rates leviable by them or of the funds formed by the proceeds of rates and other revenues under their control. Thus, the security for loans raised by a town council is, in most cases, either the borough fund and borough rate or the district fund and general district rate of the borough. Loans raised by a county council are secured on the county fund, and loans raised by a board of guardians are secured on the common fund of the union. It is not now (although it was formerly) the practice of Parliament to authorize local authorities to borrow on the security of particular undertakings or other property belonging to them. Under statutes passed some years ago loans may, however, in some cases, still be borrowed on such security (e).

Formerly nearly all loans raised by local authorities were secured

Mode of borrowing.

by mortgage deeds; and at the present time it is usual in a very large proportion of cases for the lenders to receive mortgage deeds. Special forms of mortgage for this purpose were prescribed by some of the Acts which authorize borrowing (e.g., the Public Health Act, 1875, and the Municipal Corporations Act, 1882), for use in connection with the borrowings thereunder. In a number of cases in recent years, however, local authorities have been given, by local Acts, power to use one form of mortgage deed for securing all the loans raised by them on mortgage

s. 236. 1882, c. 50, s. 240.

1875, c. 55,

The Local Loans Act, 1875, was passed with a view to enable local authorities to exercise their borrowing powers by means other than the granting of mortgages. The Act authorized three forms of security, viz., debentures, debenture stock, and annuity certificates. The pro-

visions of the Act are, however, defective, and, consequently, although

under any statutory borrowing power.

1875, c. 83.

#### LOANS OF LOCAL AUTHORITIES.



a large number of local authorities are empowered to borrow money by means of securities issued under it, very few avail themselves of it.

Every local authority which desired to exercise its borrowing powers by issuing stock had, at one time, to go separately to Parliament, by a Bill for a local Act, for permission to issue stock. Now, under the Local Government Act, 1888, county councils, and under Part V. of 1888, c. 41, the Public Health Acts Amendment Act, 1890, town councils and 1890, c. 59, other urban authorities who have adopted its provisions, may for the ss. 2, 52. purpose of exercising their borrowing powers create and issue stock, subject to regulations (f) made by the Local Government Board, and subject, in the case of stock under the Act of 1890, to the consent of the Board being obtained to the issue of stock. The provisions of the Act of 1890 have by local Acts been made applicable to the borrowing of money by certain joint boards constituted for special purposes (e.g., water supply).

Some county councils, the corporations of some of the larger municipal boroughs, and the councils of some of the larger urban districts have obtained by means of issues of stock a large proportion of the moneys borrowed by them. The total amount of stock issued or authorized to be issued under the regulations during the period from 1891 to 31st March, 1913, was nearly £29,000,000.

Under regulations made by the Local Government Board in 1901, local authorities having any statutory borrowing power which they may exercise by the issue of stock, may, instead of exercising that power by the issue of additional stock, exercise it by using for the purpose moneys standing to the credit of the funds created by them for the redemption of stock already issued, due provision being made that this exercise of their borrowing powers shall be accompanied by such transfers as are equitable between the several accounts concerned. Similar powers in regard to the use by local authorities, for purposes for which they are authorized to borrow, of moneys standing to the credit of sinking funds or loans funds created by them have been given in a large number of cases under local Acts. It would appear that up to the 31st March, 1913, the amount of the borrowing powers exercised by the transfer of stock under the regulations or under powers conferred by local Acts was approximately £10,350,000, apart from an unascertained amount exercised by the use by local authorities of moneys standing to the credit of sinking funds.

Local authorities in many cases exercise their borrowing powers by borrowing moneys standing to the credit of sinking funds or redemption funds created by other local authorities, the use in this way of moneys



for repayment.



Periods fixed

standing to the credit of these funds being authorized by the statutory provisions governing the formation of the funds.

Loans raised by local authorities are now without exception required to be repaid within a limited time, the length of which is, in the case of loans borrowed without departmental sanction, fixed by the local Act authorizing the borrowing. In other cases, the Act or Provisional Order specifies a maximum period within which the loan must be repaid, but leaves the exact period, within that maximum, to be fixed by the Government Department sanctioning the borrowing.

The period allowed does not usually exceed sixty years, and may be considerably less. The position as regards the maximum periods allowable under the general law is somewhat anomalous. maximum period allowable under the Public Health Act, 1875, the Local Government Act, 1894, the Poor Law Act, 1889, and (in the case of loans raised under it by town councils and other urban district councils) the Education Act, 1902, is sixty years; but a maximum of only thirty years is allowable in the case of loans raised under the Municipal Corporations Act, 1882, the Local Government Act, 1888, the Tramways Act, 1870, and (in the case of loans raised under it by county councils) the Education Act, 1902. Moreover, for the repayment of loans raised for the purchase of land under the Housing of the Working Classes Acts and the Small Holdings and Allotments Act, 1908, the maximum period allowable is eighty years. The maximum period allowable for a loan for the purchase of land is thus thirty, sixty, or eighty years, according to the Act under which the loan is raised.

As regards loans under local Acts, the Standing Orders require that the Parliamentary Committee dealing with a Bill shall "in no case allow to be exceeded the term of sixty years;" the cases where Parliament has relaxed this rule and has allowed a longer period, are very exceptional.

Mode of repayment.

The method to be adopted in repaying a loan depends in each case upon the Act under which it was borrowed, and the manner in which it was raised, e.g., whether by mortgage or by issue of stock.

Loans raised on mortgage are required to be repaid by one or more of three methods, viz.—

- (i.) By the "instalment" system, i.e., by equal yearly or halfyearly instalments of principal, interest being payable on the balance of the loan outstanding from time to time;
- (ii.) By the "terminable annuity" system, i.e., by equal yearly or half-yearly instalments of principal and interest combined;

#### LOANS OF LOCAL AUTHORITIES.



(iii.) By means of the "sinking fund" system, i.e., by setting aside to a fund each year such a sum as will be sufficient to repay the loan at the date fixed for its repayment (q).

These three methods of repayment are prescribed by the Public Health Act, 1875, the Local Government Act, 1888, the Poor Law 1897, c. 29, Act, 1897, and by other general Acts, as well as by most local Acts.

Loans raised under the Local Loans Act are required to be discharged as follows:-In the case of annuity certificates by their being made terminable at a given period; and in the other cases either by the annual appropriation of a fixed sum to the discharge of a portion of the loan, or by a sinking fund which accumulates at compound interest.

At the present time the larger proportion of the moneys borrowed by local authorities is being repaid by means of sinking funds or "loans funds" or "redemption funds" (h).

The first repayment to a lender or (if the loan is repayable by When repaythe sinking fund system) the first payment to the sinking fund, is usually required to be made within twelve months (or, in the case of loans repayable by half-yearly instalments, within six months) of the date of borrowing. Powers have, however, in some cases, been given by local Acts to postpone for a limited period the date of the commencement of the repayment of principal, if the borrowing is for the purpose of meeting the cost of establishing works or undertakings from which a cash return may reasonably be expected when the works are completed.

ment begins.

The accounts of many of the local authorities who have borrowed under the general law are audited by district auditors appointed by the Local Government Board, and the sums provided for the repayment of the borrowed moneys by those authorities are set out in the accounts submitted for audit. And, since 1873, practically every local Returns as to Act which has authorized a local authority to borrow has required a repayment of loans. return to be made to the Local Government Board, in forms prescribed by them, showing the provision made by the borrowing authority for the repayment of loans raised under the Act. The return has to be verified by a statutory declaration of the officer appointed to make the return; and if it appears that the authority have failed to make proper provision for the repayment of debt, or have misapplied moneys belonging to funds set aside for the repayment of debt, the Board have power to make an order, enforceable by mandamus, requiring them to make good their default in this respect. Upwards of one-half of the total amount of loans at present remaining to be repaid by local authorities comes under the direct supervision of the Board in this way.

#### LOCAL GOVERNMENT.

GL

Sources whence borrowed moneys are obtained. The greater part of the moneys borrowed by local authorities is lent to them by private persons, insurance companies, and banks. Some is (as already stated) obtained by local authorities from their own or other local authorities' sinking funds. Some is obtained from the Public Works Loans Commissioners; and some (at present relatively small amount) is obtained, under the Development and Road Improvement Funds Act, 1909, from the Road Board or the Treasury (i).

1909, c. 47.

Public Works Loans Board. The Public Works Loans Board is a statutory body constituted for the purpose of advancing loans to local authorities (and other bodies and persons) out of public moneys placed at their disposal by Parliament for the execution of works of public benefit. The powers and duties of the Commissioners are now regulated by the Public Works Loans Act, 1875, and amending Acts. Under the Public Health Act, 1875, the Local Government Board were empowered to recommend the Commissioners to advance moneys on loan to local authorities for the purposes of that Act, and this provision has been made applicable to the borrowing of money by local authorities under other Acts (j).

1898, c. 54.

1875, c. 89. 1875, c. 55,

s. 243.

to the borrowing of money by local authorities under other Acts (j). By virtue of the Public Works Loans Act, 1898, the recommendation of the Board is, however, no longer necessary in the case of such loans unless the period for the repayment of the loan exceeds thirty years. The purposes for which the Commissioners may lend money embrace all the more important works for which local authorities are empowered to borrow, including—

Baths and washhouses,

Burial grounds,

1894, c. 57. Purposes of the Diseases of Animals Act, 1894,

1882, c. 62. Docks, harbours, and piers, 1887, c. 37.

1890, c. 70. Housing of the working classes,

1909, c. 44.

Lunatic asylums,

1890, c. 5, s. 274.

Main drainage,

1894, c. 11, s. 3.

Police stations and offices,

1892, c. 53.

Public libraries and museums,

1876, c. 79, ss. 15, 42. School buildings, offices, &c., under the Education Acts,

1902, c. 42.

Small dwellings,

1899, c. 44.

Small holdings and allotments,

1908, c. 36.

Waterworks.

Workhouses, district schools, and other institutions, under the Poor Law Acts, and

1896, с. 42, s. 2. Any work for which the council of a county, borough, district, or parish is authorized to borrow.

In the cases mentioned above to which no marginal reference is appended, as also in some of the other cases, the powers of the Commissioners to lend money are derived from the Public Works Loans 1875, c. 89. Act, 1875.

In cases where the 'Public Works Loan Commissioners advance moneys to local authorities on the security of any rate, the Local Government Board are required to satisfy themselves that the moneys have been properly applied to the purpose for which they were borrowed. Accounts containing detailed information relating to the payments made out of loans amounting in the aggregate to £3,080,000 were investigated by the Board during the year 1912-13.

The amount advanced to local authorities by the Public Works Loans Commissioners during the financial year 1912-13 amounted to about £3,750,000, and the total amount remaining at the end of that year to be repaid to them by local authorities was approximately £45,500,000.

The following figures indicate the extent to which the local Total amount authorities in England and Wales (excluding, as elsewhere in this moneys. chapter, those acting for areas comprised wholly or partly in the administrative county of London) have raised loans in recent years, the extent of the sums devoted by them to the repayment of loans, and the amounts which remain to be repaid.

The borrowed moneys which remained to be repaid amounted at the end of the year 1890-1 to £160,000,000. The greater part of 1890-1. this sum was repayable in annual instalments, but a portion of it was repayable, by means of sinking funds and similar funds, at longer intervals; and in these funds £4,000,000 had then been accumulated towards repayment.

During the decennium 1891-2 to 1900-1 new loans amounting to Decennium £133,000,000 were raised, and in respect of these loans and of the 1891-2 to older loans represented by the above-mentioned £160,000,000, sums amounting to £35,000,000 were repaid, and an additional £7,000,000 was accumulated towards repayment.

During the decennium 1901-2 to 1910-11, both borrowing and Decennium repayment were on a larger scale: loans amounting to £204,000,000 1910-11. were raised, £80,000,000 was repaid, and a further £9,000,000 was accumulated towards repayment.

At the end of the year 1910-11 the borrowed moneys remaining to End of be repaid amounted to £382,000,000, and the sums remaining in sinking funds and similar funds towards repayment amounted to £20,000,000.

At the end of Table A, on p. 173, are some figures which show Loans for



"reproductive" services.

"trading" or that, alike in 1887-8, 1902-3, and 1911-12, considerably more than one-half of the total amount outstanding had been borrowed for purposes of water, gas, and electricity supply undertakings, tramways and light railways, and harbour and dock undertakings, belonging to the local authorities. Of the total of £382,300,000 outstanding at the end of 1910-11, no less than £201,600,000 had been borrowed for the purposes of these undertakings.

Loans for public health, and other nonreproductive services.

The principal services for which the remainder of the £382,300,000 had been borrowed, with the amounts outstanding in respect of each service, are set out in Table E, on p. 178. That table also shows, inter alia, that of the total of £382,300,000 outstanding, no less than £290,400,000 had been borrowed for purposes of urban district councils (including town councils), and that nearly £40,000,000 of the balance had been borrowed for purposes of harbour boards and similar authorities who (with rare exceptions) act in areas which are mainly urban.

Table E contains totals for England and Wales, but distinguishes amounts for areas not wholly or partly comprised in London.

The amount of interest (viz. £12,940,000) paid during the year 1910-11 in respect of borrowed moneys is equivalent to a little more than £3 8s. per cent. on the total amount outstanding at the beginning of the year.

Principal causes of additions to borrowings.

Average rate

of interest on borrowed

moneys.

As regards the indebtedness of local authorities generally, it should not be forgotten that the tendency of recent legislation has been to cast upon them many additional duties and to confer upon them everwidening powers, and in order to perform these duties and exercise these powers it is often necessary for them to borrow. Even when no new powers are conferred, the advance of public opinion requiring a higher standard of education, sanitation, road construction, care of pauper lunatics and other afflicted persons, has (largely through the action of the central government departments) forced even the most backward and economical authorities to incur expenditure and raise large loans for such objects as schools, sewage disposal, water supply, street improvements, and lunatic asylums. Thus the total debt of local authorities in England and Wales (outside London) in respect of educational institutions alone amounted at the end of 1910-11 to upwards of £36,000,000; in respect of highways and bridges, to £34,200,000; in respect of sewerage and sewage disposal works to £35,700,000; and, in respect of waterworks, to nearly £79,000,000. The activity of local authorities in "municipalizing" services such as gas and electricity supply and tramways also tends, as figures already given show, greatly to increase the amount of their borrowings; it also tends to increase the amount of their assets (k).





#### NOTES.

Note (a). There is in some cases a limited power to borrow otherwise than Loans other for works of a permanent character. The Education (Provision of Working Balances) Act, 1903, empowered local authorities to borrow for the purpose of morks. meeting the current expenses incurred by them in carrying out their duties under the Education Act, 1902, pending the receipt of rates and grants applicable 1902, c. 42. to that purpose. In the case of many trading undertakings belonging to local authorities, such as gasworks and waterworks, powers are frequently given by local Acts to borrow for the purpose of providing working capital for carrying on the undertaking pending the accumulation of a sufficient balance out of revenue for Under local Acts, also, powers similar to those possessed by Scottish local authorities under the Burgh Police (Scotland) Act, 1903, have been 1903, c. 33, conferred on a few local authorities to enable them to borrow temporarily for the s. 49. purpose of meeting current expenses pending the receipt of rates or other revenues.

than for

1903, c. 10.

Note (b). Among these exceptions are loans under the Local Government Act, 1888, for the adjustment of property and liabilities, &c.; loans under the s. 62. Diseases of Animals Act, 1894; and loans under the Public Health Act, 1875, if raised on mortgage of sewage land and works.

Loans without departmental sanction. 1888, c. 41, 1894, c. 57,

s. 42. 1875, c. 55, s. 235.

Government

Note (c). For a statement of the procedure of the Local Government Board Procedure in connection with the sanctioning of loans, see the Report of that Board Government (Part III. of the Report for 1912-13) which is published annually as a Board. Parliamentary Paper.

Note (d). Town councils and urban and rural district councils are limited as Limit on regards the whole of their outstanding loans for sanitary purposes (including the borrowing purposes of the Public Health Acts, and purposes such as Baths and Washhouses, powers. 1875, c. 55, Cemeteries, and Open Spaces under other Acts) to an amount equal to the assessable s. 234. value of their district for two years, and where the sum proposed to be borrowed would make their outstanding debt exceed one year's assessable value an inquiry has to be held by the Local Government Board before the loan is sanctioned.

The outstanding debt of a parish council (including loans raised for the adoptive 1893-4, c. 73, Acts, but excluding allotments) may not exceed one half of the assessable value of s. 12. the parish, and the consent of the county council as well as of the Local Govern- s. 53. ment Board is required to a loan.

A county council is not allowed to borrow except by provisional order, confirmed 1888, c. 41, by Parliament, if their total debt, including the proposed loan, after deducting s. 69 (2). sinking funds, would exceed one-tenth of the annual rateable value of the county. But loans for certain purposes are excluded from this limit, e.g. education, small holdings, and loans to parish councils.

Loans owing by guardians of the poor must not exceed one-fourth of the 1889, c. 56. rateable value of the union, but the Local Government Board may extend this

The borrowing powers of local authorities for certain specific purposes are also indirectly limited by the limits imposed on their rating powers (see Ch. XXI., note (b)).

Note (e). Under the Municipal Corporations Act, money may be borrowed 1882, c. 50, on the security of land belonging to the corporation, and under the Public Health s. 106.

#### LOCAL GOVERNMENT.



1875, c. 55, s. 235. 1861, c. 47, s. 3.

Stock Regulations, 1891, 1897, 1901. Act, 1875, a local authority can borrow on the credit of any land, works, or other property vested in them for the purposes of sewage disposal. See also the Harbours and Passing Tolls, &c., Act, 1861.

Note (f). These regulations embody substantially the provisions which the recent practice of Parliament had required to be inserted in special Acts authorizing the issue of stock by individual municipalities. They provide for the determination by the Local Government Board in each case of the period after which the stock may be redeemed at par at the option of the borrowing authority, the period within which the stock must all be extinguished, and the method by which the amounts to be carried to the redemption fund are to be determined.

Sinking funds.

Note (g). The fund may be either "accumulating" or "non-accumulating." In the case of an "accumulating" fund, the amounts paid to the fund are required to be invested and to accumulate at compound interest during the period of the loan.

Redemption funds.

Loans funds.

Note (h). The term "sinking fund" is sometimes restricted to the fund formed for the repayment of a loan raised on mortgage, the corresponding funds formed in the case of stock issued under the regulations of the Local Government Board and under local Acts being respectively termed "redemption funds" and "loans funds." But all three are sometimes comprised in the term "sinking funds."

Loans by Local Authorities. 1888, c. 41, s. 69. 1893, c. 68. 1893, c. 68. s. 12. 1888, s. 69. Note (i). In some cases local authorities are allowed to borrow to lend money to minor local authorities. This power is usually confined to their own area. Thus, county councils may lend to parish councils or isolation hospital committees within their county, and some of the larger municipal corporations have been empowered by local Acts to raise money for the purpose of lending to boards of guardians acting for areas within their respective boroughs.

County councils and county borough councils may also advance money in aid of emigration or colonization on a guarantee for repayment by some local authority in the county or borough or by the Government of a colony.

Practice of P. W. L. Board. Note (j). The Public Works Loan Commissioners, at the instigation of the Treasury, and in order to prevent the undue increase of the demands on the Local Loans Fund, decided in 1904 to refuse to advance any loans under Local Acts, and also any loans to local authorities with a rateable value of £200,000 or over, except (i.) loans to county councils for the purpose of the Education Act, 1902, (ii.) loans under the Small Dwellings Acquisition Act, 1899, and the Housing of the Working Classes Acts, and (iii.) since 1907–8, loans for Small Holdings.

The general policy of the Commissioners is "to hold out inducements to accept short periods of repayment instead of throwing as much of the burden as possible upon posterity" (Parl. Paper No. 239 of 1902, p. vi).

The Treasury are required in fixing the rates of interest on moneys lent by the Commissioners to differentiate in favour of short period loans. In 1907 the Treasury decided that it was not necessary to maintain the severe graduations then existing against long term loans, and a similar tendency has been shown in recent legislation—see the Small Holdings and Allotments Act, 1908, and the Housing and Town Planning Act, 1909.

1897, c. 51, s. 1.

1908, c. 36, s. 52. 1909, c. 44, s. 3.

Note (k). On the whole subject of this chapter, see the Annual Reports of the Local Government Board and of the Public Works Loan Board, the Reports of Select Committees of the House of Commons on the Repayment of Loans by Local Authorities (No. 239 of 1902) and on the application of Sinking Funds in the exercise of borrowing powers (No. 372 of 1908 and No. 193 of 1909), and the Return on the Indebtedness of Borough Councils (No. 114 of 1904).





#### TABLE A.

STATEMENT SHOWING, FOR THE YEARS 1867-8, 1887-8, 1902-3, AND 1911-12, FOR ENGLAND AND WALES (EXCEPT LONDON), ESTIMATED POPULATION, VALUATION, AND PRODUCE OF A PENNY RATE; AND FOR LOCAL AUTHORITIES IN ENGLAND AND WALES (EXCEPT THOSE ACTING FOR AREAS WHOLLY OR PARTLY IN LONDON) AMOUNTS RECEIVED FROM RATES AND EXCHEQUER GRANTS, AND AMOUNTS OF OUTSTANDING LOANS.

	1867-8.	1887-8.	1902-3.	1911–12. 1
Estimated population	18,640,000 £	23,770,000 £	28,420,000 £	31,640,000 £
Rateable value		118,610,000	150,430,000 138,500,000	173,690,000
Estimated produce of a rate of 1d. per £ of valuation	315,000	445,000	520,000	605,000
AMOUNT RECEIVED FROM PUBLIC RATES:—  i. For education	_	1,510,000	4,560,000	10,730,000
ing maintenance of pauper lunatics)	5,880,000	5,260,000	6,620,000	7,810,000
police, and miscellaneous services	6,840,000 12,720,000			
Amount of Exchequer Grants RECEIVED:—  i. For education  ii. For relief of the poor (includ-		950,000	4,390,000	12,520,000
ing maintenance of pauper lunatics)	130,000	510,000	2,030,000	2,180,000
police, and miscellaneous services	470,000 600,000			
OUTSTANDING LOANS, IN RESPECT OF SUMS BORROWED FOR-	1 "			Year 1910-11.
i. Water, gas, and electricity supply undertakings, tramways and light railways, and harbour and dock undertakings	I The second			201,600,000 180,700,000
ii. All other services iii. Total outstanding loans				382,300,000

<sup>&</sup>lt;sup>1</sup> For further particulars relating to the years 1887-8, 1902-3, and 1911-12, see Table B, on next page.





TABLE

COMPARATIVE STATEMENT OF THE EXPENDITURE AND RECEIPTS (OTHER THAN FROM FOR AREAS WHOLLY OR PARTLY SITUATE IN

#### I .- EXPENDITURE.1

The amounts include in each case, in addition to cost of maintenance and repair, the sums provided for repayment of loans and interest on loans. In the Local Taxation Returns for 1887–8 the sums provided for the last-mentioned purposes are distinguished as regards education, poor relief, and harbours, but are shown in a lump sum for other services. In this table, that sum has been allocated to the several services, the basis of allocation being the amounts of loans outstanding at the end of 1886–7. The sums entered against items 10 to 14 cover expenditure met out of rates and entered against item 8.

<sup>2</sup> Including expenditure in respect of voluntary (now "non-provided") schools under the Education Act, 1902. In 1902–3 and earlier years such expenditure did not pass through the accounts of local authorities, and is not included in the table.

3 Excluding expenditure on main roads in county boroughs.

<sup>4</sup> Including public street improvements and the scavenging and watering of roads.







LOANS) OF LOCAL AUTHORITIES IN ENGLAND AND WALES, EXCEPT THOSE ACTING THE ADMINISTRATIVE COUNTY OF LONDON.

#### II .- RECEIPTS.

Item.	Sources of receipt.	1887–8.	1902-3.	1911–12.
7.5	The state of the s	£	£	£
15. 16.	Rents, fees, and other sources not specified below	4,520,000	7,970,000	10,350,000
	of public rates from accounts of water, gas and electricity supply undertakings, harbours, docks and piers, and tramways and light railways (also entered against items 19 to 23)	Not ascertained.	830,000 6	1,490,000
	Totals for items 15 and 16	4,520,000	8,800,000	11,840,000
17.	Exchequer grants, including local taxation licence duties	3,060,000	10,350,000	18,860,000 s
18.	Public rates	20,220,000	36,240,000	49,970,000
	Totals for items 17 and 18 Totals for items 15 to 18	23,280,000 27,800,000	46,590,000 55,390,000	68,830,000 80,670,000
19. 20. 21. 22. 23.	Water supply undertakings Gas supply undertakings Electricity supply undertakings Harbours, docks and piers Tramways and light railways  Totals for items 10 to 22	2,270,000 3,500,000 2,360,000 120,000	4,180,000 7,170,000 1,610,000 3,540,000 3,290,000	5,440,000 7 8,100,000 7 3,660,000 7 4,230,000 7,190,000 7
	Totals for items 19 to 23	8,250,000	19,790,000	28,620,000
	Total receipts (except loans)	36,050,000	74,350,000	107,800,000

<sup>&</sup>lt;sup>5</sup> Excluding (for 1887-8) house scavenging in boroughs and other urban districts.

<sup>6</sup> Average amount for period 1888-9 to 1901-2, for town councils only.

<sup>8</sup> The sums received into Exchequer Contribution Accounts (which are here reckoned amongst the sums received during the year) generally differ slightly from those received out of the Accounts during the same year. The latter sums are shown in tables C and D.

<sup>7</sup> In order that the sums for 1911-12 entered in this table may be comparable with those there entered for earlier years, the following sums (which by local authorities themselves and in the tables on page 153 are accounted for twice) are included only once, viz., (1) Sums paid by local authorities to themselves: for water (for street watering, &c.), £210,000; for gas (for public lighting, &c.), £570,000; for electricity (used for tramways and in public lighting, &c.), £1,290,000; and for tramways, £60,000 (for services rendered to other accounts); and (2) Sums paid by local authorities to local authorities: for water, £290,000; for gas, £46,000; for electricity, £30,000; and for tramways, £151,000.





#### TABLE C.

SUMMARY OF EXCHEQUER GRANTS (INCLUDING LOCAL TAXATION LICENCE DUTIES)
RECEIVED IN THE YEARS 1891-2, 1901-2, and 1911-12 BY LOCAL
AUTHORITIES IN ENGLAND AND WALES, EXCEPT LOCAL AUTHORITIES ACTING
FOR AREAS WHOLLY OR PARTLY COMPRISED IN THE ADMINISTRATIVE COUNTY
OF LONDON.

	1891–2.	1901–2.	1911–12.
	£	£	£
Local taxation licence duties which for- merly passed through the Local Taxation Account, but now are levied by councils of counties and county boroughs		_	1,480,000
Grants which pass through the Local Taxation Account:—  i. Grants which subsequently pass through the Exchequer Contribu- tion Accounts of the councils of			
counties and county boroughs 1 ii. Grant towards police super- annuation	5,330,000 <sup>2</sup> 150,000 <sup>3</sup>	5,350,000 140,000	4,390,000 / 150,000
iii. Grant under the Agricultural Rates Act, 1896 4	_	1,320,000	1,320,000
Grant under the Unemployed Workmen Act, 1905	, <del>-</del>	_	20,000
Grants from Board of Education (or their predecessors) Other grants	$\substack{1,140,000\\50,000}$	3,350,000 40,000	11,300,000 <sup>5</sup> 310,000
Totals	6,670,000	10,200,000	18,970,000

<sup>1</sup> As to the sums paid into the Exchequer Contribution Accounts (which include the above-mentioned local taxation licence duties), see p. 156. The sums paid out of those Accounts are shown in detail in the next table.

<sup>2</sup> The grants discontinued under the Local Government Act, 1888, in lieu of which the sums which now pass through the Exchequer Contribution Accounts were granted, amounted in the year next before the passing of the Act to about £2,200,000 for areas in England and Wales not wholly or partly comprised in the Administrative County of London.

<sup>3</sup> Excluding £120,000 arrears.

<sup>4</sup> As to the local authorities to whom the grant under the Agricultural Rates

Act is paid, see note (f) on p. 161.

<sup>5</sup> Including sums which prior to the coming into operation of the Education Act, 1902, were paid directly to the managers of voluntary (now "non-provided" schools). The grants paid directly to those managers in the year 1899–1900 appear to have amounted for the whole of England and Wales (including London) to £4,530,000.



#### LOCAL TAXATION: EXPENDITURE AND RECEIPTS.

## 17SL

#### TABLE D.

EXCHEQUER CONTRIBUTION ACCOUNTS OF COUNTIES AND COUNTY BOROUGHS (EXCEPT LONDON).

Sums distributed out of the above-mentioned accounts by the councils of counties and county boroughs in the years 1891-2, 1901-2, and 1911-12.

1891-2.

1901-2.

			1011 12.
	£	£	£
I. Sums paid by the councils of cou	inties and co	unty boroug	hs to other
local authorities.			
1. To boards of guardians— On basis of amounts paid in 1887-8 as			
remuneration of officers of unions and			
poor law school districts	1,020,000	980,000	970,000
On basis of number of lunatics chargeable	1,020,000	300,000	370,000
to unions	420,000	560,000	740,000
On other bases	30,000	20,000	20,000
9 Me 1 - 5 1 1 1			
2. To councils of non-county boroughs (paid by county councils)—			BA GOVERNMENT
One-half of cost of pay and clothing of		3	
borough police	80,000	100,000	100,000
One-half of salaries of medical officers of	00,000	100,000	100,000
health and inspectors of nuisances	10,000	20,000	30,000
9 M			1
3. To councils of urban districts (not	A VIII		
boroughs) and rural districts, and to port sanitary authorities—			
One-half of salaries of medical officers of			
health and inspectors of nuisances	60,000	90,000	100,000
II. Sums paid by the councils of counties and county boroughs to public vaccinators.			
	.20,000	10,000	10,000
III. Sums distributed by county co	uncils between	en their ow	n services
One-half of cost of pay and clothing of	1	1	i beiviess.
county police	480,000	570,000	650,000
Higher education	610,000	530,000	730,000 1
Other specific services	10,000	10,000	60,000
"Free balances" available for expendi-			
ture on main roads and other general county purposes	1,580,000	1 400 000	
"Free balances" available for expendi-	1,000,000	1,420,000	1,180,000
ture on special county purposes	40,000	10,000	10,000
TV G	20,000	10,000	10,000

IV. Sums distributed by county borough councils between their own services.

One-half of cost of pay and clothing of county borough police	390,000 160,000 20,000 400,000	510,000 210,000 10,000 300,000	670,000 320,000 1 30,000
Totals	5,330,000	5,350,000	5,870,000

In addition, the following sums, which would otherwise have passed through the Exchequer Contribution Accounts of the councils of counties and county boroughs (except London) in the Metropolitan Police District, were paid directly out of the Local Taxation Account, on behalf of those councils, to the Metropolitan Police, viz., 1891–2, £130,000; 1901–2, £190,000; and 1911–12, £260,000.

<sup>1</sup> The total Exchequer Contribution Account moneys available in respect of higher education, taking counties and county boroughs together (excepting London), is, since s. 17 of the Revenue Act, 1911, has been in operation, £630,000 annually. The amount available in 1911–12 (i.e. the total of the above-mentioned sums of £730,000 and £320,000) was swollen by exceptional receipts.

#### LOCAL GOVERNMENT.





#### TABLE E.

STATEMENT SHOWING THE AMOUNTS, AT 31ST MARCH, 1911, OF THE BORROWED MONEYS WHICH REMAINED TO BE REPAID BY THE LOCAL AUTHORITIES OF ENGLAND AND WALES, DISTINGUISHING AMOUNTS REMAINING TO BE REPAID BY AUTHORITIES ACTING FOR AREAS WHICH ARE NOT WHOLLY OR PARTLY COMPRISED IN THE ADMINISTRATIVE COUNTY OF LONDON.

Classes of Local Authorities.	Totals (all Local Authorities in England and Wales).	Totals (included in preceding column) for extra- metropolitan authorities only.
	£	£
g		
County councils	82,000,000 12,000,000	22,900,000
Councils of boroughs (except metropolitan	12,000,000	
boroughs)	254,900,000	254,900,000
Councils of urban districts (except boroughs)	35,500,000	35,500,000
Councils of rural districts	6,300,000	6,300,000
Parish councils and parish meetings	200,000	200,000
Boards of guardians, and managers of poor law	44 000 000	L H00 000
school districts	11,000,000	7,500,000
Harbour boards, and other harbour, pier, dock, canal or quay authorities (not being town or		
other councils)	63,700,000	39,800,000
Commissioners of sewers, land drainage boards,	00,100,000	00,000,000
and similar authorities	1,800,000	1,600,000
Joint boards (for water, gas, hospitals, &c.)	63,100,000	13,400,000
Burial boards	150,000	150,000
Other authorities	9,550,000	50,000
Totals	540,200,000	382,300,000
Amounts included in the foregoing totals in	£	£
respect of loans for purposes of—		
Waterworks; gasworks; electricity supply		
works; tramways and light railways; har-		201 200 000
bours, docks, piers, canals, and quays	290,200,000	201,600,000
Baths, cemeteries, and markets	13,600,000	9,400,000
Housing of the working classes	10,900,000 41,400,000	6,100,000 30,700,000
Education—elementary (schools, &c.)	6,100,000	5,400,000
Education—higher (colleges, &c.) Sewerage, and sewage disposal works	42,300,000	35,700,000
Highways and bridges	59,500,000	34,200,000
Police stations and offices	1,900,000	1,500,000
Lunatic asylums	10,900,000	8.800,000
Hospitals for persons suffering from fever, &c.	5,800,000	4,500,000
Workhouses and other poor law institutions	12,300,000	7,500,000
Other works and purposes	45,300,000	36,900,000

Sums borrowed by county and borough councils to advance to boards of guardians and other local authorities specified above are, in the foregoing statement, reckoned once only, i.e., as owing by the authorities which have borrowed from the county and borough councils.



#### INDEX OF PARLIAMENTARY PAPERS AND DEBATES.

A.—The most important Reports and Returns bearing on the subject of Local Government are the following:—

- 1. Commissioners' Report on Poor Laws, 1834. (Reprinted 1906.)
- 2. Municipal Corporations Commission, first Report, 1835.
- 3. Report of Poor Law Commissioners on Local Taxation, 1843.
- 4. Duke of Buccleuch's Commission, 1844 (Large Towns and Populous Districts).
- 5. S. C. of H. of C. on County Finance, 1868.
- 6. Sanitary Commissions, Reports, 1868-72 (Sir C. Adderley).
- 7. Mr. Goschen's Report on Local Taxation, 1870. (Reprinted 1893.)
- 8. S. C. of H. of C. on Parish and Union Boundaries, 1873 (Mr. Stansfeld).
- 9. S. C. of H. of L. on Highways, 1881 (Duke of Somerset).
- 10. Sir H. Fowler's Report on Local Taxation, 1893.
- 11. S. C. of H. of L. on Betterment, 1894.
- 12. Reports of R. C. on Local Taxation, 1896—1902 (especially Pt. I. of App. to Vol. I., 1898, and Final Report, 1901).
- 13. S. C. of H. of C. on Repayment of Loans, 1902.
- 14. Joint S. C. on Municipal Trading, 1900-1903.
- 15. Return of Indebtedness of Borough Councils, 1904.
- 16. Departmental Committee on Education Rates, 1907.
- 17. Return of Loans of Local Authorities, 1908.
- 18. Report of R. C. on the Feeble-Minded, 1908.
- 19. Report of R. C. on the Poor Laws, 1909.
- 20. S. C. of H. C. on Sinking Funds, 1909.
- 21. Statistics and Charts relating to Public Health and Social Conditions, 1909.
- 22. Return of Municipal Trading Undertakings, 1909.
- 23. Joint S. C. on Financial Adjustments, 1911.
- 24. Return of Areas and Rates in Urban Districts, 1912.
- 25. First Report of Departmental Committee on Local Taxation, 1912 (especially Appendices).
- 26. Departmental Committee on Tuberculosis, 1913.
- 27. Annual Reports of Local Government Board.
- 28. Annual Reports of Public Works Loan Commissioners.
- 29. Annual Local Taxation Returns (especially the Summary which is issued separately. See Cd. 6566 of 1913).

B.—The following are the dates of some of the most important debates on Local Government since 1869:—

- 1870. Feb. 18; April 25. Mr. Goschen's Bill. Poor Relief: Metropolis.
  - " 21. Mr. Goschen. Motion for S. C. on Local Taxation.
- 1871. " 28. Sir M. Lopes. Motion: Local Burdens.
  - April 3. Mr. Goschen. Rating, &c. Bills.
  - May 5. Mr. W. H. Smith. Poor Law: Metropolis.
- 1872. Feb. 16; April 5. Mr. Stansfeld's Public Health Bill.
- April 16. Sir M. Lopes. Motion: Local Burdens. 1873. May 12. Mr. Stansfeld. Motion for S. C. on Boundaries, &c.



SCUTURE · GOVERNMENT		
of NDDA.	INDEX OF PARLIAMENTAL	RY PAPERS A
Man . Arte Her	1876. Feb. 12. Mr. Sclater-Booth'	s Valuation Bill.

Loans Bills. July 5. Mr. Clare Read's Resolution for County Board. 1877. Mar. 9. 1878. Jan. 28.

Mr. Sclater-Booth's County Government Bill. Feb. 18. Mar. 7.

Public Works Loans Bill. April 4, 12. Valuation of Property Bill. June 14, 17.

1879. Mar. 18. Mr. Sclater-Booth's County Boards Bill. Public Works Loans Bill. Aug. 9. ,,

Valuation of Property Bill. 1880. Feb. 28. mr. Harcourt. Motion: Maintenance of Main Roads.

1881. Mar. 28. Mr. Pell. Motion for annual Statement of Local Taxation and May 23. Expenditure.

Mr. Paget. Motion on Local Taxation. 1882. Feb. 21.

Mr. Pell. Motion on Local Taxation. 1883. April 17.

1884. Mar. 28.

Sir M. Lopes. Grant for Registration of Voters. 1885. May 7.

Sir M. H. Beach. Customs and Inland Revenue Bill: Local June 8. Charges for National Services.

Mr. Thorold Rogers and Sir R. Paget. Motion: Incidence of 1886. Mar. 23. Local Taxation.

Mr. Ritchie's Bill. Local Government Boundaries Commission. 1887. Aug. 29.

Mr. Ritchie. Introduction of Local Government Bill. 1888. Mar. 19.

Grant in aid of Indoor Paupers. July 3.

Division of Rates between Owners and ,, 18. Mr. Channing. Occupiers.

Mr. J. Stuart. Taxation of Ground Values. 1891. Mar. 13. Mr. Arthur Acland. Parish Councils. April 14.

Mr. H. H. Fowler. Introduction of Local Government Bill. 1893. Mar. 21.

Introduction and Second Reading of Agricultural Land 1896. April 20. Rating Bill. ., 27-30.

Rating of Ground Values. 1899. Feb. 10.

Local Taxation. 1900. May 1.

Period for Repayment of Loans under Housing Act. 1901. July 16.

Agricultural Rates Bill, Second Reading. ,, 29.

Urban Site Value Rating Bill, Second Reading. 1902. Feb. 19.

1906. May 8. Local Taxation.

1907. April 18, 24. Local Taxation.

July 2. ,,

1908. June 1, 2. \*\*

1911. Feb. 13. Burdens on Local Rates.

1912. Feb. 16. Local Taxation.

Note.—The above debates were all in the House of Commons, with the exception of that on May 8th, 1906, which was in the House of Lords.



#### INDEX OF SESSIONS.

#### (See note opposite p. 1.)

N.B.—These References are to the Revised Edition of the Statutes. The figure (2) denotes a second session in the same year.

1859 (2).-22 & 23 Vict.

1860.—23 & 24 Vict.

1285.—13 Edw. I. 1820.—1 Geo. IV. 1297.—25 Edw. I. 1825.—6 Geo. IV. 1827.—7 & 8 Geo. IV. 1530.—22 Hen. VIII. 1828.—9 Geo. IV. 1531.—23 Hen. VIII. 1533.—25 Hen. VIII. 1831.—1 & 2 Will. IV. 1545.—37 Hen. VIII. 1832.-2 & 3 Will. IV. 1549.—3 & 4 Edw. VI. 1833.—3 & 4 Will. IV. 1834.-4 & 5 Will. IV. 1571.—13 Eliz. 1835.-5 & 6 Will. IV. 1601.—43 Eliz. 1836.—6 & 7 Will. IV. 1662.—14 Chas. II. 1837.—7 Will. IV. &1 Vict. 1688.—1 Will. and Mary. 1838.-1 & 2 Vict. 1702.—1 Anne. 1839.-2 & 3 Vict. 1708.—7 Anne. 1840.-3 & 4 Vict. 1841.-4 & 5 Vict. 1723.—9 Geo. I. 1842.-5 & 6 Vict. 1739.—12 Geo. II. 1843.-6 & 7 Vict. 1741.—14 Geo. II. 1844.—7 & 8 Vict. 1744.—17 Geo. II. 1845.—8 & 9 Vict. 1745.—18 Geo. II. 1846.—9 & 10 Vict. 1752.—25 Geo. II. 1847.-10 & 11 Vict. 1848.—11 & 12 Vict. 1777.—17 Geo. III. 1849.—12 & 13 Vict. 1786.—26 Geo. III. 1850.—13 & 14 Vict. 1796.—36 Geo. III. 1851.—14 & 15 Vict. 1798.—38 Geo. III. 1852.—15 & 16 Vict. 1801.—41 Geo. III. 1853.—16 & 17 Vict. 1802.—42 Geo. III. 1854.—17 & 18 Vict. 1803.—43 Geo. III. 1855.—18 & 19 Viet. 1808.—48 Geo. III. 1856.-19 & 20 Vict. 1812.—52 Geo. III. 1857.-20 Vict. 1814.—54 Geo. III. 1857 (2).-20 & 21 Vict. 1815.—55 Geo. III. 1858.—21 & 22 Vict. 1816.—56 Geo. III. 1859.—22 Vict. 1818.—58 Geo. III.

1819.—59 Geo. III.

1861. -24 & 25 Vict. 1862.-25 & 26 Vict. 1863.—26 & 27 Vict. 1864.—27 & 28 Vict. 1865.—28 & 29 Vict. 1866.-29 & 30 Vict. 1867.-30 & 31 Vict. 1868.—31 & 32 Vict. 1869.—32 & 33 Vict. 1870.-33 & 34 Vict. 1871.—34 & 35 Vict. 1872.—35 & 36 Vict. 1873.-36 & 37 Vict. 1874.—37 & 38 Vict. 1875.—38 & 39 Vict. 1876.—39 & 40 Vict. 1877.—40 & 41 Vict. 1878.—41 & 42 Vict. 1879.—42 & 43 Vict. 1880.-43 Vict. 1880 (2).—43 & 44 Vict. 1881.-44 & 45 Vict. 1882.-45 & 46 Vict. 1883.-46 & 47 Vict. 1884.-47 & 48 Vict. 1885.-48 & 49 Vict. 1886.-49 & 50 Vict. 1887.-50 & 51 Vict. 1888.-51 & 52 Vict. 1889.—52 & 53 Vict. 1890.-53 & 54 Vict. 1891.-54 & 55 Vict. 1892.—55 & 56 Vict. 1893.-56 & 57 Viet. 1893-4.-- " 1894.—57 & 58 Vict. 1895.—58 & 59 Vict. 1896.—59 & 60 Vict. 1897.—60 & 61 Vict. 1898.-61 & 62 Vict.



182

#### INDEX OF SESSIONS.

GL

1899.—62 & 63 Vict. 1900.—63 & 64 Vict.

1901.—1 Edw. VII. 1902.—2 Edw. VII. 1903.—3 Edw. VII. 1904.—4 Edw. VII. 1905.—5 Edw. VII. 1906.—6 Edw. VII. 1907.—7 Edw. VII. 1908.—8 Edw. VII. 1909.—9 Edw. VII. 1910.—10 Edw. VII. & 1 Geo. V.

1911.—1 & 2 Geo. V. 1912.—2 & 3 Geo. V. 1913.—3 & 4 Geo. V.

GL

#### GENERAL INDEX.

ACCOUNTS; and see Audit.
annual returns of, 144
of local authorities, open to inspection, 144
tables relating to, 173-178

"ADOPTIVE" ACTS, for public health, 55 what are, 5

ADULTERATION. See Analysts.

ADVERTISEMENTS, regulation of, 118

AGRICULTURAL GANGS. See Gangmasters.

AGRICULTURAL LAND, net annual value of, 139 partial exemption from rates of, 6, 19, 23, 29, 45, 48, 70, 125, 126, 138, 148

AGRICULTURAL RATES ACTS, amount of Government contribution under, 155, 161, 176 assessable value under, 142, 173 rating of agricultural land and tithe under, 19, 23, 29, 45, 48, 125, 126, 138, 148

AGRICULTURE, Government grants and loans for, 120

ALDERMAN, of a borough, election of, 26, 27 of a county, 37, 38

ALKALI WORKS, provisions as to, 53

ALLOTMENTS,
committee of county council for, 38, 104
compulsory purchase and hiring of land for, 102–104
fuel, 101
provision and management of, 101–105
by district council, 19, 22, 102
by guardians, 101
by parish council, 4, 102
statistics of, 105
under Glebe Lands Act, 105
under Inclosure Acts, 102
under Small Holdings and Allotments Act, 102

ALLOTMENTS EXTENSION ACT, 1882, to increase fuel allotments, 102

ANALYSTS, and samplers under Fertilisers and Feeding Stuffs Act, 118 under Sale of Food and Drugs Act, 117





ANCIENT MONUMENTS, preservation of, 118-119 regulation of advertisements on, 118

AREAS, unhealthy, provisions for improvement of, 106-107

ART GALLERY, under Public Libraries Act, 125

ASSESSMENT; and see Income Tax, Poor Rate, Sewer Rate, Valuation.
made by overseers, 48, 139, 141
number of assessments, 145

ASSESSMENT COMMITTEE, appointment, constitution, and duties of, 13, 139-143

ASSISTANT OVERSEER, appointment of, 4

AUDIT,
of borough accounts, 29, 31, 143, 144
of burial board accounts, 144
of county accounts, 40, 143
of district accounts, 143
of parish accounts, 6, 143
of poor law accounts, 14, 143

BAKEHOUSES, regulation of, 122

BATHS, public, Acts relating to, 119

BILLIARDS, public, licences for, 37, 82

BIRTHS, notification of, 55, 58 registration of, 130-131, 137

BOARD OF AGRICULTURE AND FISHERIES, control of, over Sewers Commissioners, 114-115 under Improvement of Land Act, 112 under Small Holdings and Allotments Act, 103, 105, 157

duties of, on sale of glebe lands, 105 enforcing of Diseases of Animals Acts by, 121 formation and control of fishery districts by, 122–123 jurisdiction of, over commons, 97–98

BOARD OF CONTROL, constitution of, 89 licensing and registration of private lunatic asylums by, 87 powers of, with regard to institutions for defectives, 88-89 superseding of Lunacy Commissioners by, 89 visiting of lunatic asylums by, 89

BOARD OF EDUCATION, control of schools, &c. by, 39, 60-67 grants to local authorities by, 62-63, 155, 176

BOARD OF GUARDIANS; and see Guardians. constitution under Local Government Act, 1894..12-13

BOARD OF TRADE, powers of, 44, 50, 124, 134, 136, 163



# STATE OF STA

BOROUGHS.

county, 26, 29, 30-32, 35 application of Allotment Acts in, 103 contributions of, to county, for certain purposes, 29 how raised, 30 expenditure, rates, and loans of, 33-34, 178 financial adjustments on alteration of boundaries, 30 names of, 32 number, population, &c., 26, 29, 31, 32 policed by county police forces, 78 powers of Local Government Board over, 35 registration of electors in, 131 where freeholders have votes in, 33 municipal, area and number, 25-26, 30 auditing of accounts of, 29, 31, 143, 144 borrowing by, 29, 163-172 charters of, 25, 26, 30 corporate lands of, 27, 29 division into wards, 26 expenditure for local government purposes, 149 expenditure, rates, and loans of, 33-34, 149-151, 178 organization of, 26-27 population and assessable value of, 30 purposes and expenses of organization of, 26-29 registration of electors in, 131 with and without separate police force, 31, 77, 79 without commission of the peace, 30-31

BOROUGH COUNCIL; and see District Council, Urban District Council.

accounts of, 29, 62, 143, 144, 147 adoption by, of Public Improvements Act, 99

borrowing by, 29, 87, 105, 107–109, 111, 112, 119, 121, 125, 126, 127, 163–172, 178

with separate commission of the peace, 27, 30-32

election and functions of, 26-29

expenses of, 28, 149

lending by, 172

licensing and miscellaneous powers of, 82-83 powers of, under Education Act, 28, 60-67

under National Insurance Acts, 129

under Shops Act, 1912...132 under Small Dwellings Aquisition Act, 111

with regard to allotments, 102

lock-up houses, 130 small holdings, 105 town planning, 110–111 tramways, 135 unhealthy areas, 106–107 unhealthy dwellings, 107–108 weights and measures, 136 workmen's lodgings, 108–109

receipts of, 150 sometimes authority for lunatic asylum, 85 substitution of, for burial board, 92-93 superintendence of bridges by, 119

#### BOROUGH RATE,

how levied, 28, 29, 31 payment out of, of burial expenses, 93

of expenses of bridges, 119
education, 62, 65
highways, 70
libraries, 125
lunatic asylums, 87
police, 77



GL

BOROUGH RATE—continued.

payment out of, of expenses of registration, 132

small holdings, 105 tramways, 135

weights and measures, 136 of expenses under Diseases of Animals Acts,

Mental Deficiency Act, 89
Sale of Food and Drugs
Acts, 118

of sanitary expenses, 58 poor rate valuation not conclusive for, 146

BRIDGES, erection, repair, purchase, &c. of, 119-120

BURGESSES, qualification of, 26

BURIALS, miscellaneous provisions as to, 95

BURIAL ACTS, expenses incurred under, 93 provisions of, 91-95

BURIAL AREA, statistics of, 95 what constitutes, 91–92, 94

BURIAL BOARD, appointment and powers of, 91-92 audit of accounts of, 144

BURIAL GROUNDS, consecration of, 94 erection of chapels on, 94 loans for, 95, 178 miscellaneous provisions as to, 95 rating of land acquired for, 95

CABS, licensing of, 83 regulation of, 54

CANAL BOATS, enforced education of children on, 64 registration and inspection of, 54

CANALS, liability of, to rates, 139 partial exemption from certain rates of, 19, 23 police on, 78

CASUAL WARDS, relief in, 47

CELLAR DWELLINGS, closing of, 112 inspection and regulation of, 58

CEMETERIES, loans for, 95 provision of, 53, 91, 93, 94 provision of pauper, 93

CENSUS, units for taking, 131





CHARITIES, parochial, 5, 97

CHARTERS, of incorporation, 25, 26, 89 procedure for obtaining, 30

CHILDREN, cleansing of, 63 employment of, 64, 121 medical inspection and treatment of, 56, 63

CHIMNEY SWEEPERS, licensing of, 84

CHURCH BUILDING ACTS, changes in parishes under, 1, 8 powers of Ecclesiastical Commissioners under, 8 provision and enlargement of churchyards under, 91

CHURCH RATE, compulsory, not now levied, 9 voluntary, 3

CHURCHWARDENS, election of, 8 relation to overseers, 3

CHURCHYARD, provision and enlargement of, 91

CINEMATOGRAPH EXHIBITIONS, licensing and inspection of premises for, 82

CITIES, counties of, 32, 33 creation of, 30

CLERK,
county council, 39
guardians, 13
justices, 27
parish, 4
petty sessions, 37
town, 27

CLERK OF THE PEACE, in county, 37, 39 in quarter sessions borough, 27

CLUBS, registration of, 82

COAL MINES (MINIMUM WAGE) ACT, 1912, joint district boards under, 135

COLLECTOR, of rates, 4, 13, 24

COLONISATION, loans by county councils for, 172

COMMITTEE; and see Joint Committee.
assessment, 141
education, 39, 60
for isolation hospitals, 57
housing, 57
insurance, 58, 127
licensing, 80
local fisheries, 123
of borough council, 27, 58



GL

committee—continued.
of county council, 38, 44, 57-60, 80, 104, 127, 145
of district council, 18, 22
of parish council, 3
of parish meeting, 3
old age pension, 130
under Mental Deficiency Act, 88
under Public Libraries Act, 124
visiting, for lunatic asylum, 85
for prisons, 130

COMMONS, inclosure and regulation of, 97-98, 102

COMMON PASTURE, acquisition of land for, 104

COMPOUNDING OF RATES, in boroughs, 31 meaning of, 50-51

CONSTABLES; and see Police.
additional, 79
chief, in a county, appointment and powers of, 39, 76, 77, 79
high and parish, 75, 78
special, 78

CONTRIBUTORY PLACE, in rural district, 56, 57, 58

CORONER,
franchise, 43
in county borough, 29
of county, 37, 38, 43
of quarter sessions borough, 27, 44

CORPORATE LANDS, as sites for workmen's dwellings, 112 of borough, 27, 29

CORPORATIONS, municipal, 26-27

COUNCIL. See Borough Council, County Borough Councils, County Council, District Council, Parish Council, Rural District Council, Urban District Council.

counties,
administrative, 35, 41
alteration of, 35
ancient, 35, 41
auditing of accounts of, 40, 143
division into county districts, 40
education, parliamentary, police, registration, 42
electoral divisions in, 38
of cities and towns, 32, 33
organization for administrative purposes, 37-39
imperial purposes, 35-37
petty sessional divisions of, 37
property and finance of, 39, 40
registration of electors in, 131
territorial associations in, 134

COUNTY BOROUGH COUNCILS; and see Boroughs.

appointment of valuers by, 134
expenditure of, 149
have most powers of county councils, 29
have powers of district councils, 33
payments to, out of Exchequer Contribution Accounts, 177





COUNTY BOROUGH COUNCILS—continued.

power of, to purchase and erect bridges, 120

powers of, as to collection of local taxation licences, 156, 161

under Mental Deficiency Act, 88-89

under National Insurance Acts, 127-129

receipts of, 150

#### COUNTY CONTRIBUTIONS. See County Rate. COUNTY COUNCIL, accounts of, 40, 143 annual budget of, 40 appointment of coroners by, 37, 38, 43 of valuers by, 134 borrowing by, 41, 62, 87, 89, 103, 104, 112, 119, 121, 126, 127, 163-172, 178 committees of, 38 contributions to, from Imperial sources, 45, 150 control of county rate and valuation, 40, 140, 145 of other administrative authorities in county, 39, 44, 58 duties and powers of, 39 election of, 37-38 expenditure and loans of, 45, 149, 178 granting of licences by, 82 jurisdiction over highways of, 69-74 over organization of rural parishes, 2, 3, 5-9 over rural districts, 17, 18, 58 over unions, 12, 13 over urban districts, 21, 22 payments to, out of Exchequer Contribution Accounts, 177 powers of, as to collection of local taxation licences, 39, 156, 161

powers of, as to collection of local taxation licences, 39, 156, 161
to alter boundaries of burial area, 92
to confer powers of parish council on parish meeting,
5, 44, 97
to declare main roads, 71, 74
to delegate powers to district councils, 38, 57
under Education Act, 39, 60-67
under Housing of the Working Classes Acts, 108
under Mental Deficiency Act, 88-89
under Midwives Act, 57
under National Insurance Acts, 57, 127-129
under Small Dwellings Acquisition Act, 111
under Small Holdings and Allotments Act, 103-105

with regard to light railways, 125
lock-up houses, 130
lodging-houses, 109
weights and measures, 136
provision by, of accommodation for justices, 130

## receipts of, 150 COUNTY LICENSING COMMITTEE,

COUNTY RATE, or County Contributions, appeals against, 145 basis for, 140, 145 collected in poor rate, 6 expenses paid out of, 55, 57, 62, 65, 67, 76, 87, 89, 105, 118, 119, 121, 129, 132, 136 general and special, 40 how levied, 14, 40, 145–146 valuation for, 145–146

#### CREMATORIA, provision and regulation of, 94, 95

appointment of, 37, 80

CROSS'S ACTS, as to unhealthy areas, 106



CUSTOS ROTULORUM, of a county, 36 of Isle of Ely, 41

DAIRIES. inspection of, 55

DEFECTIVES. See Mental Deficiency Act, 1913.

DESTRUCTIVE INSECTS ACT, authorities and rates for execution of, 121

DEVELOPMENT AND ROAD IMPROVEMENT ACT, 1909, grants to local authorities under, 120, 155 loans by Treasury under, 120, 168 powers of Road Board under, 71 purposes for which grants and loans may be made, 120

DISEASES OF ANIMALS ACT, 1894, expenses under, 121 local authorities for enforcing, 120-121

DISPENSARIES, provision of, by guardians, 47

DISTRESS COMMITTEES, admission of press representatives to meetings of, 117 powers of, 44, 49-50 returns of proceedings and expenditure of, 51

DISTRICT AUDITORS, appointment and payment of, 14, 143

DISTRICT COUNCIL; and see Rural District Council, Urban District Council. accounts of, 143

delegation by county council of powers to, 38, 121 functions of, 18, 22 as highway authority, 69-74 as sanitary authority under Public Health Acts, 52-58, 112 as to employment of children, 121 as to light railways, 125 for providing allotments, 102-103 small holdings, 105 in factories and workshops, 122

under Electric Lighting Acts, 126-127 under Housing and Town Planning Act, 110under Housing of Working Classes Acts, 106-110 under National Insurance Acts, 129 under Small Dwellings Acquisition Act, 111 with respect to commons, rights of way, and open spaces, 97-100

licensing and miscellaneous powers of, 82-84

DISTRICT SCHOOLS, under poor law, 65, 68

DIVIDED PARISHES ACTS, operation of, 1, 7

DOCK AUTHORITIES, constitution of, 124

DOCKYARDS, police in, 78





DOGS.

control of, 84 licences for, 156

DRAINAGE,

of houses, 52

of land, Government grants and loans for, 120 powers of local authorities for regulation of, 114-116

DRAINAGE DISTRICTS,

elective boards in, 115, 116

number, expenditure and loans of elective boards, 116

DRUNKARDS. See Inebriates.

DWELLING HOUSE.

acquisition of, under Small Dwellings Acquisition Act, 111 closing order for, when unfit for habitation, 53, 107 unhealthy, 5, 106-108

DWELLING HOUSE IMPROVEMENT FUND, purpose of, 107

EARLY CLOSING. See Shops Act, 1912.

EDUCATION. See Elementary Education, Higher Education, Schools.

EDUCATION COMMITTEE,

all educational matters to be referred to, 60 every local education authority to appoint, 60 how constituted, 61

ELECTORS.

local government, 26, 38, 131 parliamentary, 131 parochial, 2, 131 preparation of lists of, 4, 6

ELECTRIC LIGHTING.

expenditure and receipts, 153, 174, 175 supply of, by local authorities, 126-127

ELEMENTARY EDUCATION; and see Schools.

endowments for, 63 expenses of, 62 grant under Agricult

grant under Agricultural Rates Act for, 161 loans for, 62, 178

local education authorities for, 22, 28, 29, 39, 60 appointment of education committee by, 39, 60

bye-laws of, 63, 121–122 default by, 67

duty of, to provide and maintain schools, 61

to provide and maintain industrial schools, 66

to secure attendance of children, 63

number of, 67 minor local authorities, 60, 61 of blind and deaf children, 64 of children in canal boats, how enforced, 64 of defective and epileptic children, 64 parliamentary grants for, 62–63 school boards for, 60

EMIGRANT RUNNERS, licensing of, 83

EMIGRATION,

aided by guardians, 47 loans by county council for, 172





ESTATE DUTY GRANT, amount paid into Local Taxation Account, 156

EXCHEQUER CONTRIBUTION ACCOUNTS, contributions from, for borough police, 77, 177 for county police, 76, 177 for higher education, 177 for lunatics, 87, 177 for medical officers of health, 177 for registrars of births, 16, 137 to guardians, 14, 177

distribution in certain years, 177 payments to, and application of, 156-157, 176, 177

#### EXCHEQUER GRANTS,

borough councils, 33 county councils, 45 for education, 62-63, 65, 68, 151, 173 for expenses of lunatics, 87, 151, 173 for industrial and reformatory schools, 67 for main roads, 74 for national insurance, 129 for old age pensions, 130 for police, 76, 77, 151 for small holdings, 105 for territorial associations, 134 for treatment of tuberculosis, 129, 151-152 guardians, 14-16, 173 principal items of receipt from, 155 receipts from, 173, 175, 176 rural district councils, 20 urban district councils, 24

EXPLOSIVES, licensing and enforcement of law relating to, 82

### EXTRA-PAROCHIAL PLACES, what are, 8

FACTORIES, drainage from, 53 inspection and regulation of, 122 steam whistles in, 122

FAIRS, regulation of, 83

FEEBLE-MINDED PERSONS, care of, 87–89

FERTILISERS AND FEEDING STUFFS ACT. See Analysts.

FIRE BRIGADE, borough police to undertake duties of, 78

FIRE ENGINE, provision of, 5, 126

FISHERIES, Government grants and loans for, 120

FISHERY DISTRICTS, for salmon and freshwater fisheries, 122-123 for sea fisheries, 123

FOOTPATH, power of parish council to repair, 71





FORESTRY,

Government grants and loans for, 120

FRUIT-PICKERS,

bye-laws for lodgings of, 112

GAME.

licences to sell, 83

GANGMASTERS,

of agricultural gangs, licensing for, 83

GAS,

examiners and inspectors of meters, 136 supply of, by local authorities, 54, 126 expenditure and receipts, 153, 174, 175

GENERAL DISTRICT RATE,

how different from poor rate, 23 properties assessable for, 139 to what purposes applicable, 28, 55, 56, 58, 70, 84, 93, 105, 107, 108, 109, 111, 118, 119, 125, 129, 132, 135

GILBERT'S ACT, provisions of, 15

GLEBE LANDS, sale of, 105

GROSS ESTIMATED RENTAL, definition of, 141\_

GUARDIANS,

accounts of, 143
appointment of assessment committee by, 13, 141
of registrars by, 130-131
borrowing by, 14, 16, 49, 178
control of Local Government Board over, 12-14
election of, 12, 15
enforcement of vaccination by, 135
expenses of, 14, 15, 149
officers of, 13
payments to, out of Exchequer Contribution Accounts, 15, 16,
177
powers of, as to infant life protection, 84
provision of allotments by, 101
of education for pauper children by, 65, 66
of pauper cemeteries by, 93
qualifications, number, and duties of, 12, 15

GYMNASIUMS,

receipts of, 150

conversion of swimming baths into, 119 in boroughs and urban districts, 125

HARBOUR AUTHORITIES; and see Port Sanitary Authorities.
constitution of, 124
expenditure and receipts of, 153, 174, 175
Government grants and loans for, 120
revenue and loans of, 124, 178

HAWKERS, licensing of, 84

L.G.

HIGHER EDUCATION, contribution by urban district councils to, 22, 64 expenses of, 65

13





HIGHER EDUCATION—continued.
in Wales and Monmouth, 67-68
limitation on rate for, 22, 28, 65, 160
loans for, 178
local education authorities for, 29, 64
number of, 67
powers and duties of, 64-65
parliamentary grants for, 65, 155, 177

HIGHWAY, authorities, 69, 73 district, 73 Highway District Act, 4 parish, 73 rate, 58, 70

HIGHWAYS,
Act of 1864, improvements under, 73
classes of former areas and authorities, 73
contribution by county council to, 70, 72
exchequer grants for, 160
expenditure falling on rates and grants, 151
expenses of, 70, 71, 72, 74, 149, 174
expenses of extraordinary traffic on, 70
extent and control of, 69
grants and loans from the Road Board, 71, 155
liability for repair of, 69, 73
maintenance, repair, and improvement of, 69-74
rural, mileage and comparative cost of, 74

HOME OFFICE. See Secretary of State.

HOP-PICKERS, bye-laws for lodgings of, 112

HOSPITALS,
for infectious cases, contribution by county council to, 57 loans for, 178
provision of, by district councils, 52, 53
by guardians, 47
isolation, by county councils, 57

HOUSE REFUSE, removal of, 53

HOUSING OF THE WORKING CLASSES ACTS,
enactments of, as to compensation, 112
as to compulsory purchase, 112–113
as to lodging-houses, 108–109
as to medical officer of health, 57
as to unhealthy areas, 106–107
as to unhealthy dwelling-houses, 107–108
Parliamentary Standing Orders as to workmen's dwellings, 113

HUNDREDS, arrangements of jury lists by, 42 rate, levied by county council, 42 repair of bridges and roads by, 42, 72, 119

IDIOTS, institutions for, 86, 87, 90

IMBECILES, care of, 87-89

IMPROVEMENT COMMISSIONERS, meaning of term, 23





IMPROVEMENT OF LAND ACT, 1864, purposes of, 112

INCLOSURE ACT, 1845, allotments provided under, 102 provision of recreation ground under, 97

INCOME TAX, assessment of, 133-134

INDUSTRIAL SCHOOLS, establishment of, 66 statistics of, 68

INEBRIATES, retreats and reformatories for, 37, 84

INFANT HOMES, registration of, 84

INFANT LIFE PROTECTION, under Children Act, 84

INFECTIOUS DISEASE; and see *Hospitals*. notification of, 55 prevention of, 53, 56, 57

INSURANCE COMMISSIONERS, control of, under National Insurance Acts, 127-130

INTOXICATING LIQUORS, duties on licences for, 155 licensing for, 37, 80-81, 83

ISOLATION HOSPITAL, provision of, by county council, 57

JOINT BOARD, admission of press representatives to meetings of, 117 for provision of sanatoria, 129 under Public Health Acts, 54, 56

JOINT COMMITTEE; and see Standing Joint Committee.
admission of press representatives to meetings of, 117
for burial purposes, 92, 94
for education, 60
for licensing in borough, 80
for lighting, 126
for lunatic asylum, 85
for sanatoria, 129
of county councils, 38, 59, 123
of district councils, 22
of parish councils, 3, 92
under Mental Deficiency Act, 88

JURY LISTS, cost of, 10 preparation of, 4, 6, 9 revision of, 9, 37

JUSTICES,
allowance of rates by, 48
appointment of prison visiting committees by, 37, 130
of special constables by, 78
of visitors of private asylums by, 37, 87
as Land Tax Commissioners, 133
borough, 27, 30-31



JUSTICES—continued.

county, 36-37 abolition of property qualification of, 43 ex officio, 22, 27, 43

jurisdiction over boroughs of, 27, 31

entitled to visit prisons, 130 licensing and miscellaneous powers of, 37, 80-83, 87 powers of, over police, 76, 77 remission of rates by, 51

KNACKERS' YARDS, licensing for, 83

LABOUR EXCHANGES ACT, 1909, powers of Board of Trade under, 44, 50

LAND DRAINAGE ACT, 1861, organizations provided by, 115-116

LAND TAX, assessment of, 132-133

LIBERTIES, privileges retained by remaining, 42

LIBRARIES, public, 124-125, 137

LICENCES, compensation for refusing renewal of, 81 consolidation of Acts relating to, 83 exceptional provisions for certain licences, 83 excise, 81, 83 for fishing, 123 for horses and pleasure boats, 54 for intoxicating liquors, billiards, &c., 37, 80-83 for private lunatic asylums, 37, 87 provisions as to "monopoly value," 81 public-house, cost of, 83

LICENSED HOUSES, under Lunacy Act, 87

LIGHTING,

by urban district council, 54 electric, powers of district council for, 126-127 in parishes, 5, 126

LIGHTING AND WATCHING ACT, adoption and execution of, 5, 126 valuation for rates under, 145

LIGHTS ON VEHICLES, regulations as to, 72

LOANS. See Local Loans.

LOCAL AUTHORITIES,

auditing of accounts of, 143-144, 147 borrowing of money by, 163-172 comparison of statistics of, for certain years, 157-159, 173-177 exchequer grants received by, 150, 173 expenditure of, 149, 154, 160, 174 falling on rates, grants, and other receipts, 151

financial position of, 148-155 inspection of accounts of, 144 licences collected by, 156, 176





LOCAL AUTHORITIES-continued.

principal sources of revenue of, 148, 150, 152, 155–157, 175 receipts of, 150, 154, 155, 175 statistics of income, expenditure, and debts of, 148–162, 173–178 trading undertakings of, 148–149, 153–154, 173, 174, 175, 178

LOCAL BOARDS, meaning of term, 23

LOCAL EDUCATION AUTHORITY. See Elementary Education, Higher Education.

LOCAL GOVERNMENT.

analysis of expenditure for purposes of, 149, 174 analysis of government contributions to purposes of, 150, 176 index to Parliamentary papers and debates bearing on, 179-180

LOCAL GOVERNMENT ACT, 1888,

alteration of ancient counties by, 35, 41 borough boundaries by, 26 parishes by, 1

union under, for out-relief, 12 change in system of grants in aid of rates under, 155 creation of county boroughs by, 29, 32 extinguishing of certain borough police forces by, 77 lending by county council under, 172 payments of county council to police account under, 76, 177 powers of county council under, to alter parishes, 2

rural districts, 17, 18 urban districts, 21

substitution of standing joint committee for quarter sessions by, 75-76 urban districts brought within administrative county by, 24, 44

LOCAL GOVERNMENT ACT, 1894,

alteration of parishes by, 1 change in constitution of board of guardians under, 13 change in holding parish property made by, 96 defraying of highway expenses, 70 effect of, on rural districts, 17 on urban districts, 21

extension of parish organization by, 2-8
highways put under control of district councils by, 73
loans by county council to parish council under, 172
powers of county council as to parish boundaries under, 7-8
powers of county council under, to alter burial areas, 92
union, 12

simplification of areas under, 17, 44, 73, 92

#### LOCAL GOVERNMENT BOARD,

appointment of auditors by, 14, 143 control of burial authority by, 92 guardians by, 12-14 vaccination officers by, 135

numbers and apportionment of county councillors fixed by, 38 powers of, as to poor law matters, 46-49, 65

as to sanitary matters, 53-59
as to town planning, 110-111
as to unhealthy dwellings and workmen's lodgings, 107-110, 112-113
for alteration and union of counties and county boroughs, 35
over parish, 2-7
over urban district, 21, 23
to alter boundaries of borough, 26, 30
to confer urban powers on rural council, 18, 54, 58,

to form, alter, or dissolve unions, 11



LOCAL GOVERNMENT BOARD-continued.

powers of, under National Insurance Acts, 128, 129 with respect to improvements of unhealthy areas,

with respect to local loans, 163-165, 167, 168, 171, 172

with respect to main roads, 71-72

procedure of, in connection with sanctioning loans, 171

LOCAL LOANS

amount of, 169-170, 173, 178

in urban districts, 170

by Public Works Loan Commissioners, 168-169

amount of, 169

rates of interest on, 172

by Road Board and Treasury, 168 expenditure out of, 148, 159

increase in, 169

interest on, 170

limit on borrowing powers, 171

mode of repayment of, 166-167

other than for permanent works, 171

period for repayment of, 15, 41, 105, 109, 121, 126, 166

raising of, and security for, 163-172

reference books on, 172

returns as to repayment of, 167

sinking, &c. funds for repayment of, 169, 172

stock regulations, 172

under local Acts, 163-164

without departmental sanction, 171

LOCAL LOANS ACT, 1875,

borrowing by local authorities under, 164-165

LOCAL LOANS FUND,

creation and use of, 168

LOCAL LOANS STOCK, issue of, 168

LOCAL TAXATION, grants in aid of, 150-152, 155-157, 160-162

returns of, 144

system of, 148-162

tables illustrating amount and growth of, 173-178

LOCAL TAXATION ACCOUNT,

basis of apportionment between counties and county boroughs,

creation of, and payments made from, 155-156, 176

deductions from, for certain purposes, 161

LOCAL TAXATION (CUSTOMS AND EXCISE) DUTIES,

exceptional amount received during 1911-12..160

replaced by fixed annual grant, 65

what are, 155

LOCAL TAXATION LICENCES,

collected by Central Government, 156

local authorities, 155, 156, 161, 176

grant to local authorities towards cost of collection, 155, 161 what are, 156

LOCK-UP HOUSES,

provision of, 130

LOCOMOTIVE ACTS,

effect of, 72





LOCOMOTIVES,

licensing or registration of, 72

LODGING-HOUSES.

provision, control, and expenses of, 5, 52, 53, 108-109, 112

LONDON,

asylum districts in, 12 its government by ancient charters, 25 police in, 78, 79 valuation in, 147

LORD LIEUTENANT,

of a county, 36 of Haverfordwest, 33

LUNACY COMMISSIONERS,

superseded by Board of Control, 89

LUNATIC ASYLUMS,

areas under Local Government Act, 1888..89 under Lunacy Act, 1890..85, 89 under old Lunatic Asylum Acts, 89 expenses of, 85–87, 149, 174 for criminal lunatics, 87 loans for, 178 private, 37, 86, 87 public, 85–87, 90 statistics of, and of patients in, 90 visiting committees of, 85, 86 weekly charge for patients in, 86, 90

MAIN ROADS,

exchequer grants for, 74
expenditure in Lancashire on, 72
expenditure on, 74, 174
extent and control of, 69, 74
maintenance and repair of, 71
origin of, 71
under rural highway authorities, mileage and cost of, 74

MANAGERS,

of elementary schools, 61, 62

MARINE BOARDS,

formation and duties of, 124

MARKET PLACES, provision of, 54

MAVOR

a justice for borough and county, 27 of borough, his election, 26, 27

MEDICAL OFFICER OF HEALTH,

in counties, 57, 59, 108 in unions, 13

MENTAL DEFICIENCY ACT, 1913,

constitution and powers of committees under, 88
expenses of administration of, 89
institutions for care of mental defectives, 87–89
local authorities under, 88
powers and duties of, 88–89
powers of Board of Control under, 88–89
what mental defectives are, 87



GL

MERCHANT SHIPPING ACT, 1894, local marine boards established under, 124 powers of seaport sanitary authorities under, 112

METAL DEALERS, registration of, 84

METROPOLIS. See London.

MIDWIVES, supervision of, 57

MILITARY LANDS ACTS, purchase or hire of land under, 127

MINES, rating of, 49, 138

MORTUARIES, provision of, under general Acts, 53, 93

MOTOR CARS, duties on, 71 licensing of drivers of, 72 regulation and registration of, 72

MOVABLE DWELLINGS, enforcement of sanitary laws in, 54, 112

MUNICIPAL CORPORATIONS ACTS, 1835, 1882, 1883, effects of, 25, 30, 31

MUSEUMS, in urban districts and parishes, 125

MUSIC HALLS, licensing and regulation of, 55, 82

#### NATIONAL INSURANCE ACTS,

committee under, 58
insurance committees, constitution of, 127
expenses of, 128, 129
powers and duties of, 128, 129
medical benefit under, 128–129
parliamentary grants under, 129
persons subject to compulsory insurance under, 130
provisions of, 127–130

NEW PARISHES ACTS, operation of, 1, 8

NUISANCES,

bye-laws of county council as to, 39 in factories and workshops, 122 in ships, movable dwellings, &c., 54 inspection and prevention of, 53 in streets, 54

OBSTRUCTIVE BUILDING, how dealt with, 107-108

OLD AGE PENSIONS ACT, 1908, expenses of, defrayed out of parliamentary grants, 130 local committees under, 130 powers of local authorities under, 130

OLD METAL DEALERS, registration of, 84





OPEN SPACES ACTS,

powers given to county councils, 100

to district and parish councils by, 5, 99-100

OVERSEERS.

appointment, qualifications, and duties of, 3, 4, 9, 46, 48, 131,

132, 139, 141

assistant, appointment of, 4

rates collected by, 9

separate expenses of, 10

PARISHES; and see Parish Council, Parish Meeting.

"adoptive" Acts in, 5 ancient civil, 1, 7, 8

area, population, &c., 1-2

auditing of accounts of, 6, 143

boundaries, division, union of, 2, 7-8

charge of documents of, 4

detached parts of, 7

ecclesiastical, 1, 7, 8

grouping of, under one parish council, 2

highway, 73

loans raised by, 6, 10

number, 1-2, 8, 139

number of, entitled to parish councils, 10

officers of, 3-4, 9

organization of, 2-6

parts of, 7,8

places outside for poor-law purposes, 8

poor law, 1, 7

property of, 3, 96-97

purposes and expenses of organization of, 4-6

rate, 6. See Poor Rate.

recreation grounds for, 4, 99

relation to townships, 7

rural, 2

urban, 2, 3

wards of, 3, 13, 18

#### PARISH COUNCIL,

"adoptive" Acts executed by, 5

appointment of clerk and treasurer, 4

of school managers by, 5, 61, 62

audit of accounts of, 6, 143

borrowing of money by, 6

chairman of, 3

committees of, 3

constitution of, 2-3

defective election of, 9

delegation by rural district council of duties to, 5, 18, 54, 98

general functions of, 4, 5

place of meeting of, 9, 100

powers of, for acquiring land, 3, 4, 96, 98-99, 100

to acquire rights of way, 5, 99

under Public Health Acts, 5

with regard to additional postal facilities, 5

allotments, 4, 5, 102

charities, 97

lodging-houses, 5, 109

parish improvements, 4, 5, 98-99

unhealthy dwellings, 5, 108

receipts, expenditure, and loans of, 10, 149, 150, 178

substitution of, for burial board, 91-92

PARISH MEETING,

adoption of "adoptive" Acts by, 5

chairman of, 2, 3



SULTURE COVERNMENT OF NOA

PARISH MEETING-continued.

committee of, 3
constitution of, 2
election of burial board by, 91
for parts of parishes, 8
place of meeting of, 9
powers of, 4, 5
receipts, expenditure, and loans of, 10, 178
vesting in, of powers of parish council, 5, 97

PARLIAMENTARY PAPERS, and debates, index of, 179–180

PAROCHIAL ASSESSMENT ACT, 1836, assessment of poor rate under, 140

PAROCHIAL COMMITTEE, under Public Health Act, 5, 18, 55

PASSAGE BROKERS, licensing of, 83

PASTURE, common, acquiring of land for, 104

PAWNBROKERS, certificates for, 83

PEDLARS, licensing of, 84

PENSION COMMITTEES. See Old Age Pensions Act, 1908.

PENSION FUND,

for police, 76
grant out of Local Taxation Account for police pension fund,
155, 176
joint fund in Lincolnshire, 79

PETROLEUM, licensing for, 83

PETTY SESSIONAL DIVISIONS, in counties, 37

PETTY SESSIONS; and see Justices.

delegation by county council of certain powers to, 37, 82, 121
in a county, 36, 37
jurisdiction of, over highways, 69, 70
miscellaneous powers of, 84

PIER AUTHORITIES, constitution of, 124

PLEASURE GROUNDS. See Recreation Grounds.

POISONS, licences for sale of, 82

POLICE; and see Constables.

ancient organization of, 75
central control over, 76-77
consolidation of county and borough forces, 77, 78
duty of, to obey justices, 76
expenditure falling on rates and grants, 151
expenses of, 28, 41, 42, 45, 76, 77, 79, 149, 174
grant out of Local Taxation Account for expenses, 177
for pensions, 155, 176

in borough, 28, 31, 77-79 in county, 75-77 in London, 78, 79 loans for, 178



POLICE-continued. on canals and rivers, and in dockyards, 78 pension fund for, 76 standing joint committee for, in counties, 39, 75-76 statistics of, 79 to perform duties required by quarter sessions or county council, under local Acts, 78

watch committee for, in boroughs, 28, 77

GENERAL INDEX.

POLICE COUNTIES. what are, 42, 75

POLICE DISTRICTS. in counties, 79

POLICE MAGISTRATE, in a borough, 27 in an urban district, 23

POLICE RATE, payment of compensation out of, 79 where leviable, 42, 76

POOR LAW, asylum districts, 12 auditing of accounts, 14, 143 expenditure charged on common fund of union, 14, 48, 50, 93, 131, 135expenditure falling on rates and grants, 151 expenditure for, 48, 50, 149, 174 joint committees, 12 loans, 14, 16, 49 principle of, 46 receipt of relief not in all cases a disqualification for elections, 47 relief, how given, 46-47 school districts, 12, 65, 68 settlement, 47–48

POOR LAW AMENDMENT ACTS. changes in parish organization under, 4, 7, 8 creation of unions under, 11 powers of Local Government Board over union under, 11

POOR RATE, amounts collected, 9 appeals against, 141-142 assessment of, 48 compounding of, 50-51 exemptions from liability to, 51 how levied, 6, 14, 48

levied in nearly every parish, 144 payment of borough rate, 31

county rate, 40 education expenses in urban district, 23, 62 expenses under Burial Acts, 93, 95 general expenses in rural district, 19, 56 highway expenses, 70 parish expenses, 6 registration expenses, 132 tramways expenses in rural parish, 135

properties assessable for, 138 valuation for, 48, 138-141 valuation list for, conclusive for some other rates, 142

POOR RELIEF. See Poor Law.

POPULATION, estimated, 173





PORT SANITARY AUTHORITIES, constitution and powers of, 56 statistics and expenditure of, 59

PRECEPT RATES, what are, 160

PRESS REPRESENTATIVES, admission of, to meetings of local authorities, 117

PRISONS, appointment of visiting committees for, 37, 130

PRIVATE IMPROVEMENT RATES, when leviable, 19, 23, 58

PROBATE DUTY GRANT, grant out of estate duty substituted for, 156 what was, 156

PUBLIC HEALTH ACTS, expenses under, 59 provisions and administration of, 52-59, 92, 93, 99, 105, 109, 112, 122, 130

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890, adoption and provisions of, 55, 82, 99 issue of stock under, 165

PUBLIC HEALTH ACTS AMENDMENT ACT, 1907, provisions of, 55

PUBLIC IMPROVEMENT ACT, 1860, adoption of, by parish or borough, 98-99

PUBLIC WORKS LOAN COMMISSIONERS. See Local Loans.

QUARTER SESSIONS; and see Justices.
appeals to, against valuation and rates, 141, 142
distribution of petty sessional divisions by, 37
duties of, in relation to licensing, 37, 80-84, 87
in a borough, 27, 30-31
in a county, 36
without recorder, 30

RAILWAYS, liability of, to rates, 139 light, 125 partial exemption from some rates of, 19, 23, 139 rateable value of, 145

RATE, in the £, average, of all rates in urban and rural areas, 153

RATEABLE HEREDITAMENTS, gross estimated rental and net annual value of, 139 what are, 48-49, 138

RATEABLE VALUE, amount of, 173 definition of, under Parochial Assessment Act, 140

RATE COLLECTORS, appointment of, 4



RATES; and see Borough Rate, Church Rate, County Rate, General District Rate, Highway, Police Rate, Poor Rate, Private Improvement Rates, Sewer Rate, Watch Rate. amount raised by, 138, 150, 173, 175 compounding of, 31, 50-51 exemptions from, 51 for elementary education, 62 for higher education, 65 limiting of amount of, 6, 22, 28, 64, 65, 77, 89, 93, 105, 111, 121, 125, 160 partial exemption from, 19, 23, 29, 45, 48, 70, 125, 126, 138, 148,

GENERAL INDEX.

payments in lieu of, on government property, 51, 142 precept," what are, 160 proportion of urban to rural, 152 provisions of Public Health Act as to, 56, 58 Treasury contributions in aid of, 155, 161, 162

#### RECORDER,

in borough without quarter sessions, 30 in quarter sessions borough, 27

#### RECREATION GROUNDS, power to charge for admission to, 99 provision of, under various Acts, 5, 54-55, 97, 98-99

#### REFORMATORIES, establishment of, 66 statistics of, 68

REGISTERED HOSPITALS, under Lunacy Act, 87

#### REGISTRAR-GENERAL, powers of, 131

REGISTRATION, of births, deaths, and marriages, 14, 16, 130-131, 137 of electors, 10, 131-132

#### REGISTRATION OFFICER, power to appoint, in rural parish, 132

RIGHTS OF WAY, acquiring and protection of, 5, 18, 98

RIOT (DAMAGES) ACT, 1886, compensation under, 79

#### RIPARIAN AUTHORITIES, what are, 56

#### RIVERS,

formation of, into fishery districts, 122-123 police on, 78 pollution of, 53, 56, 59 powers of Sewers Commissioners in respect to, 114

#### ROAD BOARD,

grants and loans by, 157, 168 income of, 71 powers of, 71

#### ROAD IMPROVEMENT FUND, grants and loans from, 155, 157

ROADS. See Highways, Main Roads.

#### ROADSIDE WASTES, prevention of encroachments on, 18, 98



RURAL DISTRICTS,

area and organization of, 17, 18 expenditure and rates in, 19, 20 general expenses in, 19, 56, 70, 109 number, population, etc., 20 overlapping county boundary, 17 powers of county council with respect to, 17, 18, 39, 44 purposes of organization, 18 special expenses in, 19, 56, 58, 59, 100, 108, 127

RURAL DISTRICT COUNCIL; and see District Council.

accounts of, 143 borrowing by, 19, 93, 108, 109, 111, 112, 127 conferring of urban powers on, 18, 20, 54, 58, 137 constitution of, 18 debts and expenditure of, 20, 149, 178 functions of, 18 powers of, as to workmen's lodgings, 108-109 under National Insurance Acts, 129 under Public Health (Water) Act, 1878..54 under Small Dwellings Acquisition Act, 111 with regard to town planning, 110-111

unhealthy dwellings, 107-108 power to promote extension of postal facilities, 19 receipts of, 150 special expenses raised as general expenses, 20, 59

RURAL PARISH. See Parishes.

SALE OF FOOD AND DRUGS ACTS. See Analysts.

SAMPLERS. See Analysts.

SANATORIA,

joint boards or committees for provision of, 129 parliamentary grants for, 129, 151-152 provision of, 57, 128-129

SANITARY AUTHORITY; and see District Council, Rural District Council, Urban District Council. county borough council is a, 33

matters administered by, 52 meaning of term, 52

SCHOOLS; and see Elementary Education, Higher Education. exemption from attendance at, 63-64 for higher education, 65 in Wales and Monmouth, 67-68 "non-provided," exempt from rates, 63 poor law, 12, 65 statistics of, 68 "provided" and "non-provided," 61, 67 public elementary, 61

attendance at, 63, 67 fees in, 63 managers of, 5, 22, 28, 61, 62 number of, 67

reformatory and industrial, 66 statistics of, 68 religious instruction in, 61, 62

SCHOOLS FOR SCIENCE AND ART, under Public Libraries Act, 125

SEA FISHERIES. See Fishery Districts.





SEAMEN'S LODGINGS, licensing and regulation of, 112

SECRETARY OF STATE,
appointment of factory inspectors by, 122
bye-laws as to employment of children sanctioned by, 122
consent of, to acquisition of military lands, 127
control by, of appointment of prison visiting committees, 130
control of police by, 75-77, 79
control of reformatory and industrial schools by, 67
early closing orders confirmed by, 132
holding of fairs controlled by, 83
jurisdiction of, over lunatic asylums, 85, 86, 87
powers of, in relation to burial authorities, 92, 94
under Mental Deficiency Act, 87-89

SERVANTS' REGISTRIES, registration and inspection of, 84

SESSIONS, parliamentary, index of, 181-182

SETTLED LAND ACT, 1882, powers given to limited owners by, 112

SETTLEMENT, poor law, how acquired, 47–48

SEWERAGE, expenditure on, 149, 174 loans for, 178 providing proper system of, 52

SEWERS COMMISSIONERS, appointment, jurisdiction, and powers of, 114–115 expenditure of, 149 numbers, expenditure, and loans of, 116, 178 receipts of, 150

SEWERS COMMISSIONS ACTS, provisions of, 114-115

SEWER RATE, assessment of, 114–115, 146

SHERIFF, of county, 29, 36, 43 of county of city or town, 32, 33 of Oxford, 33, 43

SHOPS ACT, 1912, enforcement of, 132

SLAUGHTER-HOUSES, provision of, 54

SMALL DWELLINGS ACQUISITION ACT, 1899, provisions of, 111-112

SMALL HOLDINGS AND ALLOTMENTS ACT, 1908, advances to tenants by county council, 104 allotments provided under, 102
Commissioners appointed by Board of Agriculture, 103 compensation of evicted tenants, 104 definition of small holding, 103
expenses repaid by Board of Agriculture, 105, 155, 157 loans under, 104-105
powers of county council under, 103-105
provision of small holdings by co-operative societies, 104
provisions as to acquisition of land, 103-104
provisions of, 103-105
statistics of small holdings and small holders, 105





SPECIAL DRAINAGE DISTRICT, in rural district, 19, 58

SPECIAL SESSIONS, appeals to, against valuation, 141, 142 of a county, 36

SPORTING RIGHTS, rating of, 49, 51, 138

STANDING JOINT COMMITTEE, accounts of, 40 appointment of, 39 appointment of clerk of peace by, 37, 39 jurisdiction over county police of, 75, 76, 79 powers and duties of, 39, 130

STANDING ORDERS, parliamentary, as to workmen's dwellings, 113 as to local loans, 163

STIPENDIARY MAGISTRATE. See Police Magistrate.

STREETS; and see *Highways*.
maintenance, cleansing, and improvement of, 54

SUPERINTENDENT, of county police, 76

TAXES, commissioners for assessing, 132-134

TEACHERS, training of, 65

TECHNICAL INSTRUCTION; and see Higher Education. provision of, by county and county borough councils, 65 special provisions for, 65

TELEPHONES, provisions as to public, 84

TENTS. See Movable Dwellings.

TERRITORIAL ASSOCIATIONS, expenses of, met out of parliamentary grants, 134 powers and duties of, 134

THAMES CONSERVATORS, appointment and powers of, 124

THEATRES, licensing of, 82

TITHE RENTCHARGE, rating of, 19, 23, 45, 48, 51, 126, 138, 139, 161

TORRENS'S ACTS, as to unhealthy dwelling-houses, 107

TOWN COUNCIL. See Borough Council.

TOWN PLANNING, local authorities for, 110 powers of Local Government Board as to, 110-111 provisions as to, of Housing and Town Planning Act, 1909... 110-111

TOWNS, counties of, 32, 33





#### TOWNSHIPS,

number of, 7 relation to parish, 7 situation of, 8

TRADE BOARDS ACT, 1909, trade boards and committees under, 134

#### TRADING UNDERTAKINGS,

expenditure and receipts in respect of, 153, 174, 175 growth of, in recent years, 159, 174, 175 outstanding loans for, 173, 178 profits and deficiencies on, 154, 174, 175 what are, 148–149

#### TRAMWAYS.

construction and letting of, by local authorities, 135 expenditure and receipts of, 153, 174, 175 statistics of, 137

#### TRANSPORT.

rural, Government grants for improvement of, 120

#### TUBERCULOSIS,

parliamentary grants for treatment of, 129, 151–152 treatment of, 57, 129, 130

#### TURNPIKES.

superseded by main roads, 71, 73

#### UNEMPLOYED WORKMEN ACT, 1905, exchequer grant under, 176 provisions of, 44, 49-50

#### UNION.

appointment of vaccinators in, 135 assessment committee in, 139, 141 auditing of accounts in, 14 common fund of, 14, 48, 50 district for registration of births, &c., 130, 131 division of, for purposes of out-relief, 12, 15 election of guardians in, 12-13, 15 formation, area, and alteration of, 2, 11, 12 number, size, population of, 15 officers of, 13 old, formation of, 15 purposes of organization in, 14 settlement in, 47-48 under special Acts, 15

#### UNION OFFICERS' GRANT, received by guardians, 14, 177

URBAN DISTRICT COUNCIL; and see District Council.
accounts of, 143
borrowing by, 23, 93, 107-109, 111, 112, 119, 125, 127, 170
constitution of, 21, 22
expenses and loans of, 23, 24, 149, 178
functions of, 22-23
powers of, in relation to allotments, 102

baths and washhouses, 119
commons, 98
employment of children, 121–122
libraries, museums, and gymnasiums, 125
pleasure grounds, 99
small holdings, 105
town planning, 110–111

14



GL

URBAN DISTRICT COUNCIL—continued. powers of, in relation to, tramways, 135

unhealthy areas, 106-107 unhealthy dwellings, 107-108 workmen's lodgings, 108-109

under Education Act, 22, 60-67 under National Insurance Acts, 129 under Public Health Acts, 52-56 under Shops Act, 1912...132

under Shops Act, 1912...132 under Small Dwellings Acquisition Act, 111 under Stipendiary Magistrates Act, 23

receipts of, 150
substitution of, for burial board, 92-93
vesting in, of parish council powers, 3, 5
of powers of rural council under Public Health
(Water) Act, 54

URBAN DISTRICTS,

area, population, number of, 21, 24 creation and alteration of, 21 organization of, 22–23 overlapping boundaries of, 21, 24 overseers in, 24 powers of county council over, 40, 44 wards of, 22 what are, 21

URBAN PARISH. See Parishes.

URBAN SANITARY AUTHORITIES. See Urban District Council.

VACCINATION, districts, officers, &c. for, 14, 135

VALUATION,

appeals against, 141–143
capital values under Finance (1909–10) Act, 1910...147
expenses of, 10
for borough rate, 146
for county rate, 40, 140, 145–146
for general district rate, 139
for Imperial taxes, 146–147
for other rates, 146
in London, 147
mode of, 140–143
number of separate assessments, 145
parishes in which Union Assessment Acts are not in force, 145
preparation of lists, 4, 14, 139–143
supplemental lists, 143

VESTRY,

common and select, 9 election and qualifications of vestrymen, 9 powers remaining to, 3

VESTRY CLERK, election and duties, 4

VISITING COMMITTEE, of asylums, 85, 86 of institutions for defectives, 89 of prisons, 37, 130

WALES and Monmouth, higher education in, 67-68

211





WARDS, of borough, 26 of parish, 3, 13, 18 of urban district, 22

WASHHOUSES, Acts relating to, 119

WASTES. See Roadside Wastes.

WATCH COMMITTEE, in borough, 28, 77

WATCH RATE, levied in borough, 28, 77

WATER SUPPLY, expenditure and receipts in respect of, 153, 174, 175 powers of parish council as to, 5 provided by sanitary authorities, 52 requirement of, in houses, 52, 54

WEIGHTS AND MEASURES, inspectors and standards of, 135-136 verification of, 135-136 weighing of coal under Acts relating to, 136

WILD BIRDS, protection of, 83

WOMEN,
as aldermen, 27, 38
as councillors, 3, 18, 22, 26, 38
as electors, 2, 26, 38, 131
as guardians, 12
as overseers, 4
cannot be ex officio justices, 22, 27, 38
on committee for institutions for defectives, 88, 89
on education committee, 39, 61
on insurance committee, 128
on midwives committee, 57

WORKHOUSES, building and management of, 47 loans for, 178 relief in, 47

WORKMEN'S DWELLINGS. See Housing of the Working Classes Acts.

WORKSHOPS; regulation and inspection of, 122

YARN, inspectors of, 136

THE END.

5441

