

LOCAL GOVERNMENT  
IN SCOTLAND

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## P R E F A C E.

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WHEN as a Scholar of Glasgow University and a Research Student of the London School of Economics it was necessary for me to choose a subject for special investigation, I at first thought of selecting some definite point connected with the local administration of Scotland, and endeavoured to find an elementary book sketching in outline the machinery of Scottish Local Government as a whole. But no such book was in existence, and I decided in consequence to devote my time to the collection of such information as was necessary in order to understand merely the main points in the development and present organisation of Scottish local bodies, hoping thereby to make it easier for future workers to set forth more fully the political and economic problems involved in the study of local administration. The results were embodied in two sets of lectures, delivered at Glasgow University and the London School of Economics, and their kind reception determined me, after considerable hesitation, to prepare them for publication. I am fully conscious that there are many faults in my

work; lack of legal training has been a drawback, and it is not possible in so short a period as two years to become acquainted with all the complexities of the subject. But I would ask my critics to remember that the book is not intended as an exhaustive treatise, but as an introduction for the student to a field hitherto curiously neglected, and as a readable book for the general public. Hence I have not striven after the exhaustive and precise accuracy of a legal handbook. Had I done so, my pages would have been so laden with detail and with lists of exceptions as to be unreadable. At the same time, I have done my best to present in accurate outline a general view of the institutions under examination, and I have placed in Appendices A and B information which may be useful to the serious student.

I wish to express my indebtedness to those members of the staff of the London School of Economics who assisted me in my work, and especially to Mr and Mrs Sydney Webb. Many of the general conclusions arrived at were suggested by Mr Webb's lectures on Local Government, and in the arrangement of the material I have also followed to a large extent the plan adopted by him. Only when Mr and Mrs Webb's forthcoming book on the Local Government of England appears will it be seen how much the present work owes to their teaching.

I wish also to acknowledge the kindness of the councillors and officials (too numerous to mention by name) who frequently interrupted their work in order to give me information concerning the practical side

of local government, and to show me its concrete developments. I was greatly helped by the courtesy shown me, and this book owes much to the facts related to me by those practically engaged in local administration.

My thanks are also due to my father, Mr J. B. Atkinson, for reading the proofs and suggesting amendments, and to Miss B. L. Hutchins for verifying several references.

It should be observed that the book was written in Scotland, and all references to different sides of the Border are to be understood in this sense.

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2 DEVONSHIRE TERRACE,  
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# LOCAL GOVERNMENT IN SCOTLAND.

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## CHAPTER I.

### THE PRESENT IMPORTANCE OF THE STUDY OF LOCAL GOVERNMENT.

THE last twenty years have seen a great rise of interest in questions of local government. This seems to have originated in the United States, where the citizens' unfortunate experience of the powers for evil of a corrupt municipality led them to look abroad for patterns of good administration: there resulted many studies of local government as carried on both in the United States and in European countries. In England also the last few years have produced several handbooks and treatises dealing, though on more stereotyped and less scientific lines, with the organisation of local bodies in England. So far, little attention has been paid to Scotland. The reason, perhaps, is one on which we may congratulate ourselves. We have, on the whole, been so well governed that we are quite willing to allow the machinery to go on without investigation. In the United States things went wrong, and people naturally asked, "What is the matter?" "How must our methods be changed?" In Scotland our

machine occasionally needs a little readjustment and reshaping; but, as a rule, it works without too much creaking, and turns out a fairly satisfactory product. English and foreign students, on the other hand, have neglected us, because they have failed to realise that we have a system of our own. English ignorance of what goes on beyond the Border is proverbial, and foreigners appear to have no conception that Scotland has still its own laws and its own method of administration. Even the great German handbooks of political science make no mention of Scotland. There are, of course, some exceptions to this universal neglect. Woodrow Wilson in the 'State'<sup>1</sup> devotes half a page to the local institutions of Scotland, while the Cobden Club published twenty or thirty years ago two pamphlets on the subject; but the latter are now quite out of date, while the former is a mere summary.

Yet there are many reasons why Scottish methods of local administration should be carefully studied, and why Scottish citizens should make themselves familiar with the organisation and functions of their local bodies. In the first place, every man should understand how he is governed; otherwise he will be unable to criticise or suggest remedies, should it become apparent that matters are going wrong. We all acknowledge this, more or less, with regard to imperial questions and the doings of Parliament. We even take care to know something of the work of a big municipality, but the mass of electors are not enthusiastic in the interest they display in county, parochial, or school-board matters. And yet the care of the poor and the education of our children are both questions which concern us closely. And the work

<sup>1</sup> The State. Elements of Historical and Practical Politics. By Woodrow Wilson. Revised edition. London, 1899.



of our local bodies grows every day more important, for the following reason. Without being adherents of socialistic doctrines in their extreme or utopian forms, thoughtful men are coming to see that co-operation and corporate action are to be of far greater importance in the future than in the immediate past. And this comes about,—not from the spread of lofty ideals of the brotherhood of man, but simply as the result of economic changes. The evolution of industry from the domestic workshop to the factory system involves a similar change in education, in means of communication, in the provision of such necessities of life as water and gas. Formerly men taught their children themselves, or suffered them to go for a year or two to the parish school; now the board school must impart to them the rudiments of knowledge, and train them in habits of obedience and co-operation. Some children should by means of scholarships move up the educational ladder to the secondary school and the university, others should receive careful technical training. Formerly men hired cabs to take them from place to place, or, if too poor, walked. Now they demand that their town councils shall supply them with cheap, swift, and comfortable tram-cars. The change in economic conditions makes poor-law problems more pressing. This is seen, for example, in a question which has been temporarily shelved, but is sure to emerge before long from its present obscurity—the condition of the aged poor. We are a richer nation than ever before, but our old labourers cannot keep themselves from the workhouse; and the reason is,—not any degeneration of human nature, but simply the fact that our increasingly complex processes of industry make it more and more difficult for the old to get employment, while the vastness of

society and the ease of moving from one place to another render it easier to lose sight of relatives and former employers. But the question must closely connect with poor-law administration. Another problem which is looming on our horizon (and in Glasgow has already arrived) is the treatment of the "ins and outs," the residuum, half-criminal, half-pauper, which from some disability, mental, moral, or physical, cannot support itself, and hangs on to the fringe of society, a perpetual menace and a perpetual horror. This class is the despair alike of the parish councillor, of the police, and, as Mr John Mann has well shown,<sup>1</sup> of the housing reformer. The course of social development is presenting us with many new problems. Economic changes such as we have passed through during the last hundred years are bound to necessitate changes in our domestic laws; and if we consider the main points in domestic affairs on which reform is at present demanded, we find that they all touch more or less directly the work of local bodies. Education and old-age pensions have been mentioned; temperance reform, whether we favour local veto or municipalisation, must evidently come about through delegation of increased powers to localities. The solution of the housing question, again, may be reached in two ways—either by the provision of houses by the local authority, or through the method advocated by Mr Balfour, the improvement of roads and of the means of communication. Both methods involve the granting of larger powers to our city councils. In short, the development of the economic conditions of our society is forcing us to alter our methods of government. In the last century our predominant bias was in favour of liberty, the unrestrained action of

<sup>1</sup> Proceedings of the Philosophical Society of Glasgow, vol. xxx. p. 84.

the individual. In the coming century this attitude must be altered : we must learn to trust in corporate action ; and as the Imperial Government is overweighted, we must be prepared to see more and more functions delegated to the local bodies. But if this delegation or devolution, and the strengthening of local authorities, is to proceed safely, it is essential that the plain man should have knowledge of and interest in their position and work. For these reasons it seems that a general descriptive account of local government in Scotland might be useful to Scottish citizens.

And perhaps it may be useful from another point of view also—that of political science. For our subject-matter is painfully limited, so long as we confine political science to the study of sovereign States only. Such questions as the election of representatives, of the relations of the executive to the legislative, can be quite as easily investigated in the working of subordinate authorities as in sovereign States. And some political devices—as, for example, the referendum or plebiscite—are more fully developed in the organisation of our local bodies than in the national constitution. In Scotland we find more than one example of unusual pieces of machinery. A special form of the primary governing body existed for many years in county and parish organisation. A certain committee of the present county councils possesses some unusual financial powers, which, it has been suggested, might usefully be developed in Glasgow also. The district committees in Scotland have an almost unique constitution, which appears to have solved successfully a difficult question in administration—namely, the combination of the interests of a large and small area.

The present book has therefore two aims—in the first place, to give an account to the ordinary Scotsman of the local institutions of his country : to indicate how they work, and what work they do. The book is not intended as a history ; but the present cannot be understood without some reference to the past. Nor is it in the least meant as a legal handbook. I have no desire, and certainly no expectation, that it should be a guide to the election agent, or should be referred to by town clerks in connection with a knotty point of law. I hope, however, that it may help the plain man to follow more intelligently the proceedings of his town council, and that in the event of any proposed reconstruction of Scottish local institutions he may understand more clearly what are the points at issue. I have also the wish that it may help to pierce the skin of a few popular misconceptions. And partly in the aim of making the book more readable, I have not hesitated to enter into a certain amount of discussion of general political and economic questions, nor to illustrate, in so far as my knowledge allowed me to do so, from the organisation of other countries.

In the second place, it is hoped that the book may be useful to students of politics and economics, by presenting them for the first time with an accessible account of the Scottish system of administration and of local finance. It is intended to be a general descriptive account of the various local bodies in Scotland at the present time, with no more introduction of law and of history than is necessary in order to understand the present organisation.

## CHAPTER II.

### WHAT IS LOCAL GOVERNMENT?

PERHAPS it would be well at the outset to understand clearly what we mean by local government. What is the distinction between local and central government? The term means, of course, government of a particular place. Now in every seaport town there is stationed a customs officer who superintends the receipt of revenue there; to some extent he takes part in the government of the place. But we see at once that this is not local government. The inhabitants of the town or their council have no voice in his selection, no control over his action; and the town receives no part of the revenue derived from the customs which it is his duty to superintend. Consider the difference in the position of the manager of the municipal water-works. He is appointed and dismissed by the council; he works under its direction; any revenue derived from the sale of water is expended exclusively on that locality. Shall we then say that local government implies the management of the affairs of the locality by the inhabitants thereof through their elected council? This is the form which local government tends to take throughout the British dominions, and to some extent in foreign countries also. But it is far from being the only possible form. There may

be no council; the inhabitants may assemble in a general meeting at stated times and may manage their affairs directly, without the intervention of representatives. This method is followed in the smaller parishes of England, where the parish meeting is the governing body, and in the townships of New England. To some extent it prevailed in Scotland until 1894: the parochial board in landward (*i.e.*, rural) parishes until that date comprised all holders of land in the parish above a certain small amount. We see then that local government may be carried on without a council, by the direct action of the inhabitants.

Again, a council may exist, but it need not be elected by the people. The council in many Scottish towns prior to 1833 was self-electing—*i.e.*, the old council chose the new. There was no reference to the will of the people. Or, again, the council may be appointed by some external power. The justices of the peace in England prior to 1888 had many functions to perform which are now transferred to the county councils. They were appointed from among the resident country gentlemen by the central government. Yet the great German writer on administration, Dr Rudolph Gneist, praised the system as the most perfect example of local government that he knew.

In some Scottish burghs up to 1892 the bailie and council were appointed by the "superior," or descendant of the landowner from whom the burgh had obtained its charter. This was, for example, the case in the burgh of Rosehearty; but yet it would be hard to deny that Rosehearty enjoyed a system of local government.

Thus we see there are other methods of organisation besides the elected council: local affairs may be

managed by a general meeting of the inhabitants, or certain persons may be appointed for the purpose by the old council or by the central government. In every case, however, the inhabitants in some way or other are responsible for the government of the locality. We would not consider it local government if the appointing authority habitually set up a managing body, members of which had no connection with the locality, and were in no way controlled by the will of its inhabitants. The management of police in London, for example, is not a branch of local administration, for the people of London, as such, do not control it. The county council has no voice in the appointment of constables nor in the traffic regulations, for the London police management is a branch of Home Office administration.<sup>1</sup>

Another possible criterion of local government is that each locality should bear the cost of its own administration. Thus each parish is required to pay for its own poor and the education of its own children, each county and burgh for its own roads. The cost of national services, on the other hand, is borne by the whole country and defrayed from the taxes, not the rates. Kent would be first attacked if an invasion of England came about, but the people of Kent do not pay the expenses of Kent's extra fortifications. The whole country contributes equally. If, however, for any reason any county has unusual difficulty in making its roads, that extra cost has to be met from local resources.

It will usually be found that a place bears the cost

<sup>1</sup> The exceptional treatment of the capital frequently occurs in police matters, and is easily justifiable. The capital belongs to the inhabitants of the whole country as no other town does. The inhabitants of Glasgow may look on the state of Dundee with indifference, but both Glasgow and Dundee are interested in the management of London.

of its own local administration, but by no means invariably so. Such a criterion is, in the first place, losing its importance by our system of "grants in aid," the growth of which is gradually removing from the locality the exclusive cost of certain services, which still continue to be administered locally, and which is rendering untrue the statement made above, that each parish maintains its own poor and educates its own children. This complicated question is to be discussed later on.<sup>1</sup> But the suggested criterion does fit in other cases. The Londoner pays police rates though he may not manage his own police, and we have in Scotland, conversely, certain educational bodies—the secondary education committees—charged with the administration of sums handed over to them by the Scottish Education Department, and not drawn from local sources at all. But the committees are chosen from the inhabitants of the locality, and manage its affairs, and it would certainly be straining at a very small gnat to hold that the work of such a committee is not part of the local government of Scotland. Moreover, signs are not wanting that in the future more money will be drawn from imperial sources, while more work, at least in the carrying out of details, will be given to the local bodies; therefore the second criterion will probably be of less and less importance.

So we conclude that the distinguishing mark of local government is the management of the affairs of each locality by its inhabitants, whether by means of a general meeting (or primary assembly), or by elected representatives, or through appointment of certain persons among the inhabitants. Commonly along with local management goes local taxation, but not invariably. For the one may exist without the other.

<sup>1</sup> See chapter xvii.



We have attacked the question of what is local government from the point of view of organisation or structure ; we can also approach it from the standpoint of function. We can ask not only how is a local body constituted, but also what special work does it do. What division of government is distinctively marked out as "local" in opposition to "central" ? And here we may notice a curious fact. We are all convinced of the superiority of our system of local administration ; we congratulate ourselves on the Anglo-Saxon genius for self-government, and feel much contempt for the centralised nations of the Continent. But whenever we come across a man anxious for reform in any special branch of local government, we almost invariably find that he also desires that it, or part of it, should be transferred to the central government. Thus public-health experts are convinced that public health, being essentially a matter of importance to the whole nation, should be cared for by officials appointed and paid by the national administration. Road reformers are also now demanding that our main roads should be removed from the charge of burghs and counties and transferred to a department of roads after the model of the French system. Poor-law reformers urge that the care of the poor is essentially of national importance, and should therefore be undertaken by the nation at large ; more moderate men suggest that the State should take over certain branches of poor-law work—*e.g.*, the maintenance of pauper lunatics—leaving the remainder to the parish councils. Some enthusiasts even insist that as the provision of the police is really national and not local, it ought to be transferred to the central government. In this latter case, however, it is usually zeal for an ab-

stract ideal, not experience of concrete wrongs, that gives rise to the opinion. There is little real discontent with our police system. In some quarters, again, the belief is gaining force that education is a national service, whose cost should not be laid on the localities. And now see the result. Police, public health, poor law, education, roads,—these comprise all the more important divisions of local government, and in the case of each, some thinkers advocate centralisation. What would be left for our local bodies to do? The provision of lighting the streets would be almost the only function remaining to them.

The truth is that the criterion which such thinkers employ is false. We do not intrust local affairs to the local body because they concern the locality exclusively. There is practically no branch of administration which is not of more or less importance to the whole nation. A burgh or county whose police force is inadequate in numbers or efficiency will attract criminals and tramps from all parts of the country; similarly with a parish where casual out-relief is given with too great laxity. It is of the utmost importance to the Glasgow or Dundee of to-morrow that the school boards of the Highlands should to-day properly educate the children under their charge. The whole of Scotland owes a debt to Glasgow for promptly stamping out the plague. Leith has practically got rid of scarlet fever within its boundaries, but every now and then sporadic cases occur when the infection is imported. If all local authorities were as vigilant as Leith the disease might disappear entirely. The inhabitants of Paisley ought to be keenly interested in the work of the sanitary authorities of Renfrew; for they draw their milk-supply from the country, and if the dairies of Renfrew are ill-regulated,

then the children of Paisley will die from diarrhoea. Again, a man may live in Edinburgh; but if a cyclist, the condition of the roads of Mid-Lothian or Haddington is a matter of considerable interest to him. There is practically no branch of local government which does not concern the whole country. Even lighting is perhaps not an exception, if it be true that every gas-lamp is equivalent to one constable in keeping public order. And therefore the argument proves too much. We cannot hand over all branches of local work to the central government,—for two reasons.

In the first place, one may venture to doubt whether there is really such a superiority of central over local administration. Greater uniformity will certainly be attained; and possibly, if the service in question is greatly improved by the employment of highly paid experts, greater efficiency also. For both these reasons the inspection of mines and factories is rightly a part of the central administration, and it is largely in the hope of securing experts that the centralisation of public health is advocated. But in many matters the importance of local knowledge and of local criticism is easily underrated. The work of outdoor poor relief, for example, and the speedy discovery and removal of cases of infectious diseases, seem essentially fitted for local administration.

But perhaps the second reason is still more important—*i.e.*, the indirect influence which the habit of taking part in public affairs exercises on the characters of the citizens. Certain Continental writers on administration trace foreign disability to work parliamentary government to the absence of a system of local self-government. It is insisted that the power which Britons show of grasp of details, of self-control,

and of timely compromise in their management of imperial affairs, is essentially a result of the people's long training in government of their localities. It would, indeed, be difficult to overrate the importance to the country of that habit of unpaid voluntary public service which is produced by our system of local government. Doubtless the motives with which a man enters a town or parish council are not always very high, but the fact of being responsible, in however small a degree, for the public welfare has an ennobling influence even on a man of somewhat low moral calibre. And, again, it has a good effect on the man whose moral ideals have outrun his mental grasp. Many a wild enthusiast has been tamed, and his impracticable schemes reduced to realisable measure, by practical experience of administration. It may even be suggested that one reason why we have in this country no Socialist party as such is that it is easier for would-be reformers through our system of local government to become acquainted with actual conditions of public work. Hence instead of a Social Democratic party, we see our old political parties taking up much of what is wisest and most capable of realisation in the Collectivist ideals. Whether or not there is any truth in this speculation, it yet remains certain that the more important feature of our self-government is,—not necessarily that it produces better results than might be attained by a more centralised bureaucratic system, but that it trains up citizens in public spirit and in self-reliance. Modern conditions may perhaps render necessary a greater employment of paid expert officials, but it should always be our aim to combine this, as far as possible, with the unpaid voluntary service of elected representatives; and in order to secure the best men

both as officials and representatives it is worth while, even at the cost of greater mechanical efficiency, to preserve for local management many important branches of administration.

Our conclusion, then, is that it is not possible to distinguish between "local" and "central" government on the ground that the former concerns the inhabitants of a particular place exclusively, and the latter the whole country. We must entrust to the local body much which is really of national importance, and the criterion must be simply practical convenience, and may vary under different political and economic circumstances. In a country recently subdued or disaffected it will be unwise in the extreme to give the charge of the police to local councils. Thus in Ireland and in South Africa police management is a branch of central government. One very important consideration is the condition of means of communication. Till thirty years ago, for example, the management of prisons was confided to local authorities. But when it became possible to move prisoners quickly and easily from one part of the country to another, it was seen that greater efficiency would be attained by a few large prisons under the central government than by many small ones under local management; hence the control of prisons was transferred to the Home Office. Again, take roads: at the beginning of the century, when roads were the only means of communication between different parts of the country, many important roads were supervised, if not directly managed, by commissions appointed by Parliament. And it was evident that the course of development was leading to a national service of main roads. But this was checked by the rise of the railway system. The roads were no longer the only

channels of through communication. They sank into merely local instruments. The condition of the roads in any place was of importance only to the inhabitants of that place, and therefore there grew up an axiom that each burgh and each county should defray the cost of its own roads. Now matters are changing again. The increase in cycling and motoring is bringing back our roads to something approaching their old importance, and there is in consequence an agitation for the nationalisation of main roads. It is not, therefore, possible to draw any hard and fast rule concerning the relative spheres of the local and the central governments. The distinction will depend on the historical development of the country in question, on its economic conditions, and specially on the state of the means of communication. When we live in an age of rapid economic development, we should hold ourselves ready to review our system of government at any time. And by so doing we cast no reflection on the wisdom of our ancestors. Their methods were suited to their day, and were framed for its conditions and its needs. Our conditions are different, and we shall better incarnate in ourselves the wisdom of past ages by fitting our legislation to the new needs than by clinging tenaciously to past institutions. To take a concrete instance, Scotland has owed much to her system of parish schools, and to the fact that the instruction given therein was in no way restricted to elementary subjects. And doubtless at the time of their foundation, when roads were few and the country-side unsettled, no better method than the parish schools could have been devised for securing a primary education for every child, and secondary instruction for those fitted for it. But now the aims and methods of education are changed; and the

parish is no longer the best area even for primary instruction, still less for secondary and technical. Scottish citizens will enter most fully into the spirit of John Knox and his followers by thinking out and setting up a new system, in which a larger area than the parish is taken as the educational unit of administration. x

The foregoing discussion has, it is hoped, given the reader some conception of the meaning of the term "local government." In form a governing body to be properly "local" must consist of inhabitants of the district, and must have the management of certain branches of administration in so far as they relate to the affairs of that district. Generally, but not invariably, this body has the power of levying taxes on the inhabitants of the area over which it bears rule for the whole or part of the expenses it incurs. We can lay down no hard and fast rule concerning the functions of the local governments, but usually the following duties are undertaken by the local administrations:—

1. Police; but in London and in Ireland this is a branch of the central government.
  2. The making of by-laws and regulations, and frequently the issuing of licences to ensure obedience to them.
  3. Public health; but in Italy this belongs to the central government.
  4. Poor law; but in many parts of France there is no legal provision for the poor at all.
  5. Education, especially primary.
  6. Roads and means of communication.
  7. Provision of recreation and means of enjoyment.
- In large towns the governing body frequently undertakes a mass of miscellaneous work—*e.g.*, housing,

supply of sterilised milk, of common lodging-houses, of tramways and trams, of libraries, baths, &c. But most of these fall under one or other of the preceding heads and are only extensions of the ordinary work, due to the special need for collective action in the crowded mass of human beings gathered together in a modern city. Thus it is easily seen that the provision of common lodging-houses may be undertaken as a branch either of police or public-health work, and unless they pay their way, they may be looked on also as a part of poor-law administration, and as an adjunct to the poorhouse.

These functions, then, are delegated to the local authorities. But the latter are not permitted simply to perform them as they think fit. It must be carefully noted that a local body is bound within the limits of the law which constitutes it. We often hear critics asking why the town or county councils do not do this or that: often enough the reason is that under the law they have no power. Thus we sometimes wonder why the authorities do not deal with the hideous advertisements which are such a disfigurement to the landscape; but in order to enable them to do so there must be inserted a special provision in an Act of Parliament.<sup>1</sup> Again, to take a recent famous case: the London county council ran buses to connect two tramway termini. The law courts decided that the power to run tramways did not include the right of providing buses; consequently the buses had to be discontinued (although admittedly meeting a public need), greatly to the

<sup>1</sup> By an Act of 1903 burghs are enabled to pass by-laws regulating the display of advertisements. County councils have not yet obtained this power, and country solitudes are still liable to disfigurement by huge boards extolling blue boluses.



disgust of every one save the shareholders in bus companies. The laws under which local authorities work fall into several classes.

1. Many burghs in Scotland possess peculiar powers granted to them by their charters, and not dependent on the statute laws of the realm. Thus Haddington has the right of levying a customs duty on all corn brought into the town for sale. Many burghs still possess their ancient burghal property, the "Common Good," and of this they may make any use that is for the advantage of the general body of citizens. Thus Glasgow from the Common Good is about to endow a lectureship in Social Philosophy; Edinburgh keeps a town observatory. In neither case is the power so to use the Common Good dependent on statute, but on charter rights. The rates could not be applied to any such purpose.

2. Public General Acts, applying necessarily when passed. For example, the recent Public Health Act applied to all health authorities, and made it incumbent on them to make arrangements for the notification of certain infectious diseases. These Acts fall mainly into two divisions, though different parts of the same Act may fall into different divisions.

(a) Some Acts lay down the structure or constitution of the authority. Thus the Local Government Act of 1894 completely altered the constitution of the parochial body. But it made no alteration in the function of administering poor law. So too with the Town Councils Act of 1900. It altered the structure of burghs, specially a certain class—police burghs. It made little difference in the duties which they had to perform.

(b) In other cases functions alone are dealt with.

This is well exemplified by the Public Health Act of 1897. The bodies administering public health remained the same in constitution as before the Act, but their powers and duties were greatly increased. That portion of the Poor Law Act of 1845 which dealt with duties or functions has been little changed to this day. The part of it which laid down the constitution of the parochial boards has been completely swept away.

3. Private and Local Acts. Certain bodies, specially the larger burghs, find themselves confronted by problems which for their successful solution require powers exceeding the general law. In Glasgow, for example, the terrible prevalence of overcrowding compelled the authorities to obtain special powers<sup>1</sup> for preventing it; accordingly in Glasgow the sanitary inspector has power to enter houses below a certain size, at any hour of the day or night, in order to ascertain that the number of its inhabitants does not exceed the legal limit. In Edinburgh, again, the town council has been specially anxious to keep its beautiful city from disfigurement by advertisements, and after some difficulty the council has got power<sup>1</sup> to license hoardings and to prevent the erection of unsightly boards calling one's attention to the merits of Morrison's Pills or Jones's Wash-all Soap.

In other instances private bills are promoted in order to obtain compulsory powers for acquiring land. This is the case with regard to gas-works or water-works, or electric-lighting installations. Here the town council requires a private bill,—not in order to alter its constitution or increase its governing power, but rather to enable it (exactly as if it were a trading company) to compulsorily acquire land for its gas-pipes

<sup>1</sup> Recently extended to all town councils. See preceding note.

or telephone wires, and to frame by-laws governing the use of gas or tramways. Of private bills of the latter order there are many in Scotland, but of the former very few. In England almost every big borough has its own private act, and so its constitution or powers differ from those laid down by the general law. This fact adds immensely to the difficulties of investigating the subject. In Scotland, on the other hand, only six burghs have private acts—namely, Glasgow, Edinburgh, Dundee, Greenock, Aberdeen, and Paisley. All the other burghs are governed by the general laws.

Together with private acts may be classed Provisional Orders. The distinction is that in the case of the latter the necessary inquiry is made and the order granted, not by Parliament, but by a Government department. Thus a provisional order for the installation of electric light is granted by the Board of Trade, subject to confirmation by Parliament. The provisional order system is cheaper and quicker than the other; but it has the disadvantage of being greatly hampered by the law establishing the procedure. It is not possible, for example, by provisional order from the Board of Trade, to obtain compulsory powers of acquiring land. There has, however, been a recent change in the law, making the provisional order system, in so far as Scotland is concerned, the usual form of procedure. But the precise meaning and extent of the change will be discussed later on.<sup>1</sup>

4. Midway between general acts and private acts stand what are known as adoptive acts. It is often desirable that local bodies should have certain powers, but should not be compelled to exercise them unless at the wishes of the communities which they govern. To

<sup>1</sup> See pp. 361 ff.

some extent this state of things is met by the use of the word "may" in a general act. Thus burgh councils may provide public slaughter-houses, but shall provide a system of drainage. Frequently, however, it is desirable to ascertain the feeling of the community at large concerning the question whether or not certain powers shall be exercised, or it is at least necessary that ample opportunity of discussion should be given. Hence arises the system of adoptive acts, which are not in force in any district unless formally "adopted." In the case of the Public Library Act, its adoption requires a poll of the householders; but the adoption of the Baths and Wash-houses Act needs only a certain procedure—purposely elaborate, in order to ensure full consideration of the question by the council.

Private acts and adoptive acts form a rather convenient method of trying social experiments, and a certain provision not infrequently passes through three stages. It is first found in a private act, and refers to one town only; found useful there, it is embodied in an adoptive act. Finally, having been thoroughly tested and the results being entirely satisfactory, it becomes part of the general law, and is compulsory over the whole country. This development took place, for example, with regard to the notification of infectious diseases. The first town to insert a provision providing for this necessary preliminary to isolation and disinfection was Dundee. Then in 1889 it became possible for any health authority to adopt it. And in 1897 arrangements for notification of disease became compulsory over the whole of Scotland.

The central government, then, is connected with the local bodies by the fact that it frames the law which they must administer. This is known as the legisla-

tive control, but it touches them also in two other ways. In the first place, the existence of laws to which the local authorities must yield obedience involves their subordination to legal tribunals. If a local body fails to do its duty, or if, on the other hand, in its zeal it oversteps the limit laid down by the legislature, it can be sued in a court of law. Quite recently a public health authority in Aberdeen was prosecuted for failure to provide an adequate supply of water. In Britain and in the United States local authorities are subject to the ordinary law courts. On the Continent, however, a special set of courts, the administrative courts, on which administrative officials have a place, decide questions bearing on the work of local bodies. This is the legal control.

The third form of control is of more recent origin, and is constantly growing in importance. It is the administrative control, and its special feature is the requirement that the proceedings of local bodies shall be supervised by departments of the central government. For example, the parish councils must get the consent of the Local Government Board to their regulations for the administration of poorhouses, and the regulations are not valid till the approval is given. This form of control is almost entirely the work of the nineteenth century, and is, in all probability, directly due to the improvement in means of communication. But the whole question of central control is very complicated, and must be further discussed when the reader is in a better position to understand its significance.<sup>1</sup>

One other point of some importance must be noticed before we proceed to describe the Scottish system in detail; and this is the distinction between

<sup>1</sup> See pp. 359 ff.

general and *ad hoc* bodies. A general body is created for the government of its district in practically all matters of importance. On the Continent all local bodies have general powers—in fact, the Continental laws do not lay down in detail their powers and duties, but simply state that they are created for the government of their districts. This does not, however, mean that they are permitted to go their own way: uniformity and adherence to a common type are secured by administrative control. A French city, if it wishes to establish model lodging-houses, need seek no warrant in the general law, nor yet apply for a private act; it must secure the approval of the prefect to the proposed new departure.

An *ad hoc* body, on the contrary, is created for a special purpose only. We have now in Scotland two *ad hoc* bodies: the burghal parish council, which exists simply for the object of supplying poor relief; and the school board, which manages education. Formerly many others existed—*e.g.*, the county road board—but they have all been abolished, and their work undertaken by the general bodies.

But in one sense all our local bodies are *ad hoc*, save the burghs when administering the common good. They are all bound by a definite list of their powers, and if they step outside this, their proceedings may be declared illegal—as was the case, for example, with regard to the omnibuses provided by the London county council. In all Anglo-Saxon countries the work of the local bodies is strictly defined by law, a fact which is probably due to our subordination of the executive to the legislative. Any executive official is subject to the ordinary law once he steps beyond his legal powers; he has no discretion. A local body is really only a corporate executive per-

sonality. It is even perhaps a misnomer to talk of local government: a town council, for example, does not govern, it administers. And therefore under the British and American system it is necessary to carefully define the powers of these authorities.

But while it is true that all our local bodies are *ad hoc* in the strict sense of the word, yet on some—as, for example, town and county councils—there is cast a mass of miscellaneous work which practically makes them general authorities. And a further illustration of this is afforded by the attitude of the ordinary citizen to the two classes of bodies. A Dundee man, for example, feels that his town is under the charge of the town council, and that the town council represents his city in its corporate capacity. Hence a considerable interest is taken in the work of the town council. The parish council and school board, though performing most important functions, are comparatively neglected in comparison, as is shown by the apathy displayed in the elections to these bodies. It is therefore sufficiently near the truth to say that a town council performs general functions, while a school board is an *ad hoc* body.

Having now discussed in a superficial manner these considerations necessary for an understanding of the problem, but to be returned to later on, we may begin the description of the structure of local bodies in Scotland.





**DIVISION I.**  
**STRUCTURE**



## CHAPTER III.

### THE STRUCTURE OF LOCAL BODIES IN SCOTLAND.

THE next step should perhaps be to describe the structure and relations of the various Scottish bodies. But to go into details with regard to each successively would involve much wearisome repetition, and a simpler, though perhaps less logical, method will be adopted—*i.e.*, to discuss in this chapter the general plan or type to which all the Scottish local authorities are tending to conform, noting occasional deviations, and in subsequent chapters to describe the various bodies in greater detail, with some account of the historical development of each. But there must be mentioned simply the names and main functions of the various councils and boards now existing.

In burghs the general administrative body is the town council: it manages roads, public health, usually the police force; provides drainage and water, and often public parks and baths, libraries and other means of recreation. It should be observed that there are two main groups of burghs—

Royal burghs, which have been created by charter; and police burghs, which are purely statutory institutions.

In the country, or landward area as the Scottish phrase has it, there are two general authorities, a superior and an inferior, the county and the parish.

The county administers the police, roads, public health; the parish has the power to manage footpaths, to provide recreation-grounds, burial-grounds, baths, libraries, &c. But these general powers of landward parishes are not of great significance, and by far the most important work of the parish is the management of poor relief. The burghal parish council exists for this purpose only, and is therefore an *ad hoc* body. The other *ad hoc* body is the school board, which undertakes the whole duty of providing primary education, and has concurrent powers with the county council and town council in the management of technical education. These four are the only directly elected local bodies; but there also exist some which are indirectly elected—*i.e.*, the district lunacy boards (which are practically joint committees of county and burgh councils), and the trusts or commissions which in larger towns often manage the gas or water. It is worthy of notice that the local authorities are much fewer in number than in England. There we find county councils; borough councils, divided into several classes; urban district councils; rural district councils, which in the country act also as boards of guardians; urban boards of guardians, school boards,<sup>1</sup> parish councils, and parish meetings. The reader should also carefully observe that bodies with the same title have often quite different constitutions and duties in the two countries. A Scottish parish council has little resemblance to the English body of that name; it is much more closely akin to the English board of guardians.

As was said above, these four bodies, starting with quite different constitutions, are now all converging to a common type,—though, as will be observed, the

<sup>1</sup> Abolished in 1902.

school board exhibits some important peculiarities. In the case of each we find four factors, by whose relations the working of the body is determined. These are—

1. The electors and mode of election.
2. The members and constitution of the body. Its honorary officers, and its committees.
3. The permanent officials.
4. The employees.

1. The county council, town council, and parish council are all elected by the parliamentary electors residing within the area, together with women and peers who would be qualified but for their rank or sex. Practically this means that all householders, all permanent lodgers, and all who receive a house rent free as part of their wages (the service franchise) are qualified to take part in the choice of the councillors. Occupation, for business purposes, of premises of £10 annual value and upwards, and, under certain restrictions, ownership of property, also confer a right to vote. Each elector has only one vote for each body, even when he has more than one qualification. Thus a man occupying property in different parishes of the same county has still only one vote for the county council; but if he had property in another county, he would have a vote for its council also, and he would have a vote in all three parishes in which his property was situated. But in the case of royal burghs, it was formerly provided that the occupier of premises for business purposes only should not have a vote unless he resided within seven miles of the municipal boundary—a restriction which is still in force for the parliamentary vote. This provision seems very reasonable. A man whose livelihood depends on his business in a great city, but who prefers to live in the suburbs, will still

be interested in its management; a man, however, who has no ties to the place, whose interests are elsewhere, though for business purposes he rents an office, will tend only to desire that rates should be kept low, and to vote, regardless of all other questions, for the man who undertakes to make cheapness his main object. And to this class of person a vote is wisely refused. Probably, however, under modern conditions of swift travelling, the seven miles limit proved too low to form a sound basis of discrimination between the two classes of business men, and apparently the total abolition of the restriction was the simplest solution of the difficulty.

The question of the women's vote is interesting, and a careful investigation of its working would be useful as a contribution to a difficult subject. It is often stated that in England the women's vote is not a success, that few women vote, and that those who do avail themselves of the privilege so much coveted by some members of their sex display little intelligence in their choice of candidates, and usually small appreciation of the issues at stake. In Scotland I have been told that the women voters are not unintelligent, and that they often take a vigorous interest in local politics. If this view is true, it would be tempting to account for the distinction by the Scottish system of co-education, which creates in girls and women a healthy sense of their own powers, and prevents the growth of that exaggerated shyness and dread of seeming to mingle in men's work which is characteristic of the unemancipated Englishwomen of the upper and middle working classes. The difference may also be due to the fact that in Scotland women lodgers receive a vote, while in England women householders only are qualified. And this leads to an important point which

has been little noticed by political thinkers, nor yet by the feminists.<sup>1</sup>

We are most of us now convinced that universal suffrage would be less valuable than our present restricted system, because, under that system, we practically give the vote only to a man who has a stake in the country and a fairly permanent position. This stake—this permanency—is represented by the householder vote, and to apply the test to men is fair enough; but the case of women is totally different. A woman householder is usually either a widow or an elderly spinster; she is, that is to say, more or less a piece of flotsam drifted by life into a back-water, and living usually a stagnant and uninteresting existence. She is precisely the kind of woman least likely to desire a vote, and least able to use it wisely. And the climax of absurdity is reached in the women's school board franchise: we carefully give the power of electing those who are to manage the education of the nation's children to women who either have had no children or whose children are now grown up (for the number of married women or young widows in possession of houses of their own is so small as to be practically negligible), and then we are surprised that the women voters are apathetic.<sup>2</sup>

Another anomaly with regard to the women's vote has now been swept away. For some years the local

<sup>1</sup> Convenient term, borrowed from the French, to denote what in English is implied by the slang expression "New Woman."

<sup>2</sup> These considerations bring us near to certain difficulties with regard to women's franchise in this country which are often overlooked. If we give a vote to women on the same terms as men, we enfranchise a minority so small and so unfitted for the privilege that it is practically not worth while to agitate for a change in the law. And it seems probable that any scheme by which a considerable majority of women would be enfranchised would give rise to a complete change in our suffrage system, and might lead before long to adult suffrage. Possibly, however, some

government franchise, while granted to duly qualified spinsters and married women separated from their husbands, could not be exercised by a married woman possessing a separate qualification but living in family with her husband. Now, however, this supposition that the possession of a husband absolutely robs a woman of intelligence and public spirit has been given up, and for the local government franchise neither sex nor marriage is any longer a disqualification.

The school board franchise differs considerably from that for county, burgh, or parish. In a school board election every person of lawful age is entitled to vote whose name is entered on the valuation roll as an owner or occupant of lands or heritages of £4 annual value or upwards. The lodger, therefore, does not receive a vote, while the occupant of purely business premises does, no matter how far he resides from the school board area.<sup>1</sup>

*Disqualifications.*—The usual disqualifications with regard to the parliamentary vote operate also in the local government franchise—*e.g.*, bankruptcy, madness, alien birth, failure to pay rates, &c. A rather interesting question emerges in connection with the last point. In England it is lawful and customary in the case of very small houses for the landlord to collect the rates with the rent, and pay them over in a lump sum to the local authority, although in that country local rates are levied on the tenant alone, and not half on owner and half on occupier as is usually

adaptation of the service franchise might solve the difficulty. For many reasons it is desirable not to place married women in an inferior political position to spinsters—even spinsters of independent means. But this is precisely what would be the effect of the extension of the franchise to women under its present conditions.

<sup>1</sup> See p. 32.



the case here. A tenant in such a position is known by the awkward name of the compound householder. In Scotland, on the contrary, owing probably to the usage of division of rates, as a general rule the local authority collects directly from the tenant his own proportion. It is a much more expensive and cumbrous system, but it has this good result—it tends to disenfranchise the slums; for casual workers manage to pay their rent, but to the collector when he pays his quarterly or half-yearly visit they turn a deaf ear, or apply for exemption on the ground of poverty. In England, where the tenant compounds for the payment of rates by a higher rent, the rates of slum and low-class property are paid, so to speak, mechanically, and are no evidence of independence and reliability of character. Dr Albert Shaw, indeed, states in his study of Glasgow his belief that the excellence of Glasgow's municipal government is due to this automatic disenfranchisement of the slums.<sup>1</sup> In Edinburgh the same result is obtained by a peculiar provision under a local act relieving the occupier of property under £5 annual value from the payment of rates. The compound householder may, however, be introduced into Glasgow in a somewhat unlooked-for way. It is the custom for the Kyrle Society's rent-collectors in Glasgow, and for those of the Edinburgh Social Union, to collect rent and rates together in weekly instalments. Thus it is possible that these benevolent institutions may unwittingly do a considerable damage to Scottish local government by introducing a system which, though convenient, proves hurtful in the long-run. These societies should see that their tenants are obliged to carefully distinguish

<sup>1</sup> *Municipal Government in Great Britain.* By A. Shaw. London, 1895. Pp. 41 ff.

between the payment for rates and payment for rent.

In the school board vote, for some obscure reason, non-payment of rates does not disenfranchise, nor yet alien birth. These anomalies seem to be due merely to historical accident. The school board was brought into existence at a time when the county and parish governments were still unreformed, and when it was impossible to use their unwieldy assemblies, elected or appointed by obsolete methods, as a basis for educational administration. But it is to be regretted that the anomalies should remain in force now that a reform in the local franchise has been obtained.

It is, I think, not sufficiently observed how all-important for successful democratic government is a simple and easily understood organisation. For the system has to be worked by the average elector, and it is therefore most necessary that it should be of such a nature that he can grasp its complexities without much difficulty. The existence of many governing bodies, each with a different mode of election, is directly opposed to a genuinely democratic system. Let the internal organisation of your body be complicated, if necessary; for the relations of committees, bailies, officials, and full council need only be fully understood by men who are probably above the average in intelligence, and who give much of their time to the work. But in the external constitution—*i.e.*, the method of election—simplicity should override almost every other consideration. The average elector can give only very little time to public matters, and it is most important that he should easily comprehend his own relation to the man whom he has to choose, and that he should not be prevented from

coming quickly to essentials by technicalities of qualification which a trained lawyer finds it hard to carry in his head.

Turning now from qualifications of the electors to the mode of election, we note that various differences exist. In the smaller burghs and parishes the council is chosen by a general vote: each elector has as many votes as there are members to be elected, and may only give one to each candidate he favours. This method is familiar to most people, for by it committees of societies are usually chosen.

In the larger burghs and parishes, however, a division into wards is common, the electors in each ward choosing their own representatives. In burgh councils one-third retire in each year, and there are three members for every ward; it follows, then, that each ward elects one member to the town council every year. Parish elections, however, are held every third year, and the whole council retires at once. According to political theory, the parish councils, as there is a possibility of a complete change of their *personnel* at each election, should be more energetic and vigorous in facing the problems of their administration, while the burgh councils, since their members are only changed slowly, should be more conservative bodies. In practice, however, in Scotland the *personnel* of both is fairly constant; the same men sit for many years in succession, and quite often a considerable number of seats are uncontested, the electors showing such satisfaction with the work of the sitting member that it would be simply waste of time and money to oppose him. Therefore there is no more danger in parish councils than in burgh councils of a dangerous infusion of new blood, and the difference in the constitution makes no difference in the working.

Burgh and parish elections are held in November, save in a few fishing villages, where, by an order of the Secretary for Scotland, the date may be changed and fixed at a time when the bulk of the ratepayers are not absent on the herring-fishing, as is usually the case in November.

In the county councils the system of single-member districts prevails: this distinction seems to be based on a real consideration of the differences between town and country. For in a densely populated town a convenient area for electoral purposes will naturally choose several members in order to secure a council of adequate size: among the sparse populations of the country, however, each suitable voting area must choose one member only, or the councils would be unwieldy. County elections are held once in every three years, beginning in November 1892. To obviate the trouble of separate elections, the parish council elections are always held at the same time and place as the burgh and county elections respectively.

Here once more county, burgh, and parish form a fairly consistent and well-thought-out scheme; and here once more the school board presents anomalies. School board elections are held once in every three years, in the spring: the date coincides with the date of election of none of the other bodies, and the choice of members is carried out by a quite peculiar device, known as the cumulative vote. Put shortly, each elector receives as many votes as there are members to be elected, and he may distribute these as he pleases. To take a concrete instance: suppose a school board of six members is to be elected, and there are eight candidates. Then each elector has six votes, and he may, if he pleases, use them as would the elector in a burgh not divided into wards

—*i.e.*, give one vote to each of six candidates ; but he may also, if he likes, cumulate his votes (or “plump”) and give the whole six to one favoured candidate ; or he may give three to each of two, or four to one and two to another, &c. The object of this curious device, which was strongly commended on abstract grounds by John Stuart Mill, is to secure the representation of minorities, and was adopted in the hope of stilling religious controversies by enabling every small sect to elect its own representative. Like many political devices based merely on theory, it has not worked well in practice. Religious controversies have been inflamed rather than stilled, as the possibility of “plumping” raises each small group of sectarians to a position of fictitious importance. Indeed the existence of this clever system for the representation of minorities rather than of the views of the general body of citizens has made the school board the home of many kinds of faddists. Moreover, it adds to the perplexities of the average elector, and makes canvassing much more difficult. On the other hand, the fact that the school board is elected by the district at large, and not by divisions or wards, is often claimed as a point in its favour. The evil of the ward system is that it tends to make the member identify himself too exclusively with the interests of his ward and neglect those of the city as a whole. Thus in every scheme for parks or baths or public halls, each member keeps urging the claim of his own ward for a share of the good things, and therefore expenditure tends to rise unduly. The same evil appears, though not to the same extent, in Parliament. In any scheme, for instance, for the distribution of grants-in-aid, each member considers the proposals not in the light of the good of the country as a whole, but solely

in the interests of his constituents, and supports only the method of distribution which would secure them the highest amount. And by this local selfishness excellent reforms have been blocked before now. The possibility of a similar selfishness forms one of the greatest stumbling-blocks in the way of imperial federation. There is need of much iteration of the sentiment that public spirit ought to be as much cultivated in communities as in individuals, and that it is not the duty of a person elected for any purpose by a special locality *therefore* to keep in mind exclusively the interests of that locality; he ought to represent its public spirit as well as its selfishness.

An important point in what I have named the external constitution of a body is the qualifications of candidates. And here we may give greater praise to the school board system than to that prevailing in counties, burghs, or parishes. Candidates for the councils of these areas must be themselves electors, though not necessarily electors in the ward or division for which they stand. The school board qualification is extraordinarily wide. Any one may be a school board member who is not a teacher in a public school. Neither non-residence nor sex disqualifies. And this has several results. In the first place, an eminent educational expert may be elected to a board for which he may not vote, and may even be elected to more than one board at once. A curious case occurred in Fife, where a certain gentleman famed for his interest in education was a member of five school boards at one time and chairman of four. In the second place, it has certain results with regard to the presence of women on the boards. A woman may not be a member of either town or county councils, but qualified women may be members of parish councils. A

member of a parish council, however, must be himself an elector; and we have already pointed out what class of women receives the local government franchise under present conditions. Practically only women who reside in their own houses, or are permanent lodgers, can become parish councillors,—a state of things which keeps out the great mass of married women, who should, one would imagine, be specially suited for the management of the poor. The difficulties of the situation were well illustrated by a recent occurrence near Glasgow. A certain lady, qualified by being owner of the house in which her husband and herself resided, had been for many years member of one of the suburban parish councils, and had earned considerable distinction by her ability and her energy as an administrator. At the last election she was unopposed, and was so sure of her seat that she issued no address to the electors. About two or three days before the poll was taken it was suddenly discovered that her name was not on the roll of electors, and that in consequence she was unable to stand. By some mistake her husband instead of herself had been entered on the valuation roll as the owner of the house, and as the valuation roll is the basis of the electoral roll, and there is no appeal from its evidence, nothing could be done: the electors were forced to find another candidate. In the school board elections no technicality of this sort prevents a useful candidate from standing. And on the whole there appear to be many advantages in giving the electors as wide a choice as possible. They are not in any case likely to elect a member whose interests are unconnected with the locality, and yet by expressly insisting that he shall be himself an elector the choice of the community may be unduly

circumscribed by a mere technicality, as in this instance. In the election of a councillor the wisest plan is to trust the electorate. It will be safe to prophesy that under such a system the majority of the members will be electors, but there will remain the advantage that a valuable member, disqualified under a stricter system by a mere formality, can, if necessary, be chosen.

In one respect we already follow the suggested system. It is true that in town, parish, and county elections only electors are eligible as candidates, but a candidate need not be enrolled as an elector in the ward or division for which he stands. In the United States the contrary is by invariable usage the case. There, with regard alike to Federal, State, and local elections, the member must reside in the district which he represents: it is evident that such a condition must often keep out useful men. It is only necessary to imagine how hampering it would prove in parliamentary elections. An able Liberal, for example, living in a Tory constituency, would be unable to secure a seat, no matter how well qualified. And in burgh elections the poorer districts would be greatly limited in their choice of suitable candidates. In Scotland, in some cases, custom has unfortunately stepped in to change the law, and the American system is followed in practice. Thus in Edinburgh a candidate is usually resident in the ward which he represents, and competent observers hold that this habit is a serious hindrance to the presence of the best men on the council, and damages the general standard of the administration. Dr Albert Shaw in his account of Glasgow, on the other hand, states that the fact that a candidate may be, and often is, elected by a ward in which he is not resident, is one cause of Glasgow's success in city government.



Before leaving the external constitution we may note the disqualification for membership of the bodies. Among these are bankruptcy, absence for six months without leave, and pecuniary interest in a contract with the council. Women may not be members of town or county councils, and school teachers are disqualified for a seat on the school board.

The elections are always by ballot. Casual vacancies are filled by co-optation, not by by-elections.

It is an interesting fact that the influence of imperial politics on Scottish local elections seems to be very slight: in Liberal Dundee, for instance, the lord provost is a Unionist, while in Conservative Glasgow the chief magistrate is a Liberal. Scottish electors seem to have sufficient intelligence to grasp the fact that the issues of local and imperial politics are quite distinct, and that while a man's views on the justice of the late war, for example, may not quite please the electors, he may yet be a very valuable town or county councillor. We never, therefore, find the Scottish newspapers carefully criticising the results of the local elections and deducing from them the growth or decrease in Conservative or Liberal enthusiasm. And a Scottish candidate for municipal honours never appeals for support on the ground that he is a Unionist, as did the Moderates in London in 1901. But in Edinburgh, unfortunately, imperial politics have considerable influence on local elections, and this reached such a point that, so it is said, a few years ago the voting in the town council was carried on largely on party lines: a proposal for new baths brought forward by one party would be opposed by the other, quite irrespective of local needs and conditions. But things are now altering for the better, and, while in elections political preferences have still

in Edinburgh too great an influence, once within the council, members cast aside their views on imperial matters, and devote themselves to their proper work of ministering to local needs. Outside Edinburgh local issues practically always decide. Burgh elections are often vigorously contested, and the questions at issue are the growth of expenditure, the desirability of municipal trading, &c. In the small burghs the elections turn naturally on personal influence rather than on matters of policy. County elections are less frequently contested.

We turn now to what I have named the internal constitution—*i.e.*, the relations of full council, committees, and permanent officials. We often hear town councils spoken of as the local Parliament, but those who give them this name betray great ignorance of their organisation. Curiously enough, our local councils have in one or two matters a much greater resemblance to the Congress of the United States than to our own Imperial Parliament. For in Parliament the executive work is intrusted to one single committee,—the Cabinet,—each member of which is the responsible head of one department. In Congress, on the other hand, there is no Cabinet, but each branch of the executive has attached to it a special committee. Thus there is a committee on foreign relations, a committee on the navy, the army, and so on. And the real work of American government is done, as Mr Bryce points out, in these committees.<sup>1</sup> The debates in the full house are more for show than for a real purpose, and seldom upset a decision of a committee. Now this is very similar to the organisation of a town council. It is divided up into committees on every important branch of its work. In every town

<sup>1</sup> The American Commonwealth. London, 1888. Vol. i. pp. 204 ff.

we find committees on police, on streets, on public health, on finance. The other committees differ from town to town, according to the special local needs. But we usually find committees on water-supply, on gas, on parks, sometimes on public libraries, on housing, on technical education (the latter, unfortunately, is rare in Scotland). Each member must serve on two or three committees, and make himself familiar with all the issues of the branches of administration managed by them. The committees report to the full council; but, exactly as is the case in the United States Congress, the reports are often passed as a matter of course, and the debates are of little real value. I attended a meeting of one town council where many important committees presented reports or recommendations: most of these were passed in silence, and the two subjects on which debate was really vigorous were petty matters of detail—*i.e.*, whether the public baths in view of a drought should be closed at once or whether the closing should be delayed in hope of rain, and the question of the charges on the municipal golf-links. There is, of course, much to be said for this respect for the decisions of the committees: their members have gone into the details, and are usually in a better position to form a correct judgment than the other members of the council. But it has one serious drawback, which will be noticed farther on.<sup>1</sup>

The committee, then, is the hub of the municipal wheel. It is in the committee that all the hard work is done, and in committee that the majority of important questions are decided. It is apparent, therefore, that much will depend on the way in which the members of committee are selected. Unfortunately it is not easy to get information on this point, for it

<sup>1</sup> See pp. 54 ff.

would involve the study of the standing orders of each separate town. An interesting piece of work in political science awaits any one who has time and energy for this investigation. My own casual inquiries concerning this point have shown that probably the commonest method is to have one member from each ward on each committee: it is not a system to be commended. It leads to local particularism. The member feels that he must defend the interests of his ward on every occasion; and as each member works in the interests of one ward, no one takes an impartial view of the needs of the city as a whole. The good of the city is subordinated to the good of the wards, and unnecessary expenditure goes up by leaps and bounds. This system is followed in Edinburgh, and, combined with the custom of insisting that a member shall be chosen from among the residents in the ward which he represents, has led to the recent rapid growth of Edinburgh's debt. Another disadvantage is that the committees are too big. Several towns have fifteen or more wards, and a committee of fifteen is too large for the speedy and efficient transaction of business. At the head of each committee is its convener,<sup>1</sup> who takes general charge of its work, and is usually prepared to answer questions in the full council concerning its proceedings. If a strong man, he may practically run his special branch of administration; but he may be a mere figurehead. In some towns the conveners are all members of a central committee, the Provost's or Lord Provost's Committee, which is intrusted with the duty of selecting the members of the other committees. If important questions of policy are brought before this body, and the opinions of all the con-

<sup>1</sup> *I.e.*, chairman.

veners ascertained, we get the beginning of a Cabinet system, but this further development does not seem common in Scotland. Often the Provost's Committee is purely for emergency purposes; in one or two cases it replaces the committee on legal business.

On some committees it is legal to co-opt members from outside. This is the case, for instance, with regard to the Library Committee. In Dundee it is composed of ten members of council, and ten co-opted members, among whom is one woman. The technical education committees have power to co-opt, but, so far as I can learn, the power is rarely taken advantage of, the Scottish custom differing in this respect from that followed in England. On the Dean of Guild Court, which in many respects resembles a committee on building operations within the burgh, outside citizens commonly sit. The county council co-opts practical farmers for the purposes of the committee on diseases of animals.

This power to co-opt seems on the whole a rather valuable piece of machinery. By its means the services of citizens expert in a special subject could be obtained for that subject only, while yet the co-opted member would not care to give up the time required for the work of an ordinary councillor, or is perhaps unwilling to face the harassing process of an election. An eminent physician, for example, might well be willing to attend the meetings of the Health Committee, or an architect those of the Committee on Public Buildings, while neither could so far free himself from the ties of his profession as to enter the council in the ordinary way. In Edinburgh a university professor is commonly one of the members co-opted to the Library Committee, and the plan might be followed in many branches of administration.

Thus the community might benefit by an increased employment of the advice of eminent citizens, and the sphere of active citizenship would be widened. It would, at the same time, be easy to preserve the supremacy of the elected representatives by requiring that the co-opted members should always be in a minority on every committee.

A very important adjunct to the committee is the permanent official; but before discussing his duties we must describe the position of what one may name honorary officers—*i.e.*, provost, treasurer, and bailies, convener of the county, chairman of the parish.

The provost is appointed by the council from among its own number for three years, differing in this respect from the English mayor, who is appointed for one year only. During his term of office he represents the town in its corporate capacity.<sup>1</sup> For this reason the provost in the name of the town despatches telegrams of congratulation and condolence, receives royal and other personages of distinction, acts as host at civic receptions to congresses, &c. He is expected to take an active part in the life of the town—to open bazaars, preside at meetings, lend the light of his countenance to reviews of boys' brigades, and similar functions. It can easily be imagined that these social duties leave in a large town little time for the more practical work of administration, and in fact in many cases the provost is more like a constitutional monarch than an administrative officer. He reigns, but does not govern. In this matter he differs markedly alike from the American mayor, the French *maire*, and the German *Bürgermeister*, all of whom, though in different ways, are responsible officials. And that the office in

<sup>1</sup> Not, however, in its aspect as a district of the nation. In this relation it is of course represented by its members of Parliament.

Britain is ornamental (though not, perhaps, of the less value to the community for that reason) is shown by the fact that to hold it is considered an honour, and therefore it is handed round, a second term being very rare. The convener of the county, on the other hand, though his legal term of office is only one year, is generally reappointed, and in fact the principal gentleman or nobleman of the county frequently continues in the conveyership for many years at a time.

The position of the chairmen of the school board and parish council is sufficiently described by their name. The former holds office for three years, the latter for one only.

Below the provost come the bailies. These are often said to be the Scottish equivalent to the English aldermen, but the description is very misleading. The alderman in England is appointed for six years by the council either from its own members or from outside, and if already a councillor, he vacates his seat on becoming an alderman. He has no special duties, but is thought to be useful by providing, through his long term of office, an element of stability in the work of the council. The bailie, however, is appointed from within the council, and does not vacate his seat; moreover, he holds office as a bailie, unless re-elected and reappointed, only till the date of his retirement from the council in the ordinary course—*i.e.*, not for more than three years; and duties of a quite peculiar kind are attached to the office. The bailies act as a licensing court for public-houses,<sup>1</sup> and sit also as police-court magistrates. Scotland, therefore, already possesses local veto for burghal areas in its indirect form.<sup>2</sup>

<sup>1</sup> Now only in the larger burghs.

<sup>2</sup> An Act of 1903 has extended this system to the landward areas. See pp. 155 ff.

The people do not directly elect the licensing authority, but through their representatives they do so indirectly. The system works, on the whole, quite satisfactorily, and has resulted, for example, in Glasgow, in such reforms as the abolition of barmaids. On the other hand, the licensing powers of the bailies lead sometimes to an undue interest in local elections on the part of the liquor interest. One Edinburgh official expressed to the writer his belief that on the whole it is wiser to intrust the duty of licensing to justices of the peace appointed by the Crown, as in England. But Edinburgh is not typical of the rest of Scotland, and elsewhere the people appear well content with the system.

The existence of elected magistrates is rather unusual in Britain, though common enough in the United States. The only English town with at all a similar system is the City of London. There also it seems to work satisfactorily. Few complaints are heard; but in Glasgow the work is said to be too hard for voluntary judges, and the appointment of a paid stipendiary has been discussed. On the other hand, the very tiny burghs, which are numerous in Scotland, are probably too small to provide an efficient bench of magistrates.

One is tempted to wonder also whether the system provides sufficiently for that division of powers between the executive and the judicature which all political thinkers recognise as so important. The town council has power to make by-laws, offences against which are brought before the burgh police court. Now, the man who has to judge between the corporation and the private person prosecuted by it—*i.e.*, the bailie—may have in his capacity as a member of the council helped to frame the by-laws—has certainly, if they are recent, voted on the question of their ultimate



adoption—may even serve on the committee which has ordered the prosecution. There seems here a certain confusion of functions which might lead to a miscarriage of justice. On the other hand, purely legal functionaries are apt to take an unsympathetic view of administrative necessities and to press the law in favour of the private person. There is in Scotland a certain sheriff<sup>1</sup> who has publicly declared that in a prosecution for adulteration of milk he will only convict on circumstantial evidence, and not on the result of analysis. A man who has had some experience of work on a public health committee would be likely to take a more reasonable view, and possibly for this reason the existence of magistrates elected from and by the administrative body may be useful.

In addition to the provost and bailies some town councils elect a treasurer for three years to supervise the finances of the town; but except for his longer term of office, he does not seem to differ greatly from the convener of the Finance Committee.

There are no subordinate dignitaries in the case of the other local bodies, save that the county councils appoint a vice-convener.

We now turn to a factor in the organisation of local bodies which is constantly growing in importance, and whose existence is perhaps less recognised than it ought to be—*i.e.*, the position of the permanent official. The members of town, county, and parish councils do not themselves actually undertake the detailed work of management. The members of the Health Committee, for example, do not themselves go on tours of inspection for the discovery of nuisances, nor are

<sup>1</sup> The sheriff in Scotland is a resident county judge, and his position differs almost completely from that of the English sheriff. See p. 372.

the members of parish councils obliged to pay personal visits to the outdoor poor on the roll. It seems almost a matter of course to us that all detailed work should be delegated to officials. But a different system often prevails. In the United States the Boards of Health are themselves the executive authorities, and, as is later pointed out,<sup>1</sup> our own school boards make little use of responsible permanent officials. But in the other British bodies details are confided to the permanent officials, one of whom we usually find attached to each committee. Thus the gas-manager is attached to the Gas Committee, the surveyor to the Streets and Roads Committee, the medical officer and sanitary inspector to the Health Committee, the chief constable to the Police Committee, the chamberlain or treasurer to the Finance Committee, &c. In some cases the committee is expressly prohibited from interfering in details of administration. The Police Committee, for example, is forbidden to decide on the appointment of individual constables, or to direct that such a man is to be placed on such a beat. All these matters must be left to the chief constable. The committee's work is to lay down general lines of policy—to decide, for example, how many constables shall be employed in each district, and to give directions for cases of special emergency. In poor-law work, again, the law lays down with great exactness the duties of the inspectors of the poor, and the result is that all the details are left to him, and the council comes to its decisions mainly on his report. In other cases where there is no express provision for confiding the executive work to the permanent official, in practice the same path is followed. A medical officer of health, for example, appoints and dismisses all his sub-

<sup>1</sup> See p. 121.

ordinates, and they work immediately under his orders. The committee decides what is to be done, but the doing of it is left to the permanent official.

The system has many advantages. Two may be briefly mentioned, but a full comprehension of them will be only possible at a later stage. The execution of details, specially the appointment of subordinates and employees, by the permanent official, removes one great source of corruption—the double connection between the council and a considerable number of citizens.<sup>1</sup> For they stand both in the relation of employer and employed and of electors and representatives: it is well known that much of the ill-government in American cities is due to the evil influence of this connection. Again, in certain branches of administration the central government obtains considerable control over the local bodies by insisting that the appointment and dismissal of the permanent official shall only be valid after its consent has been obtained.<sup>2</sup> Thus a police constable cannot be dismissed save with the consent of the Secretary for Scotland, nor a medical officer except with that of the Local Government Board. This system secures to the permanent officials great independence of action—puts them, in fact, in the position of being half-imperial, half-local officers—and so to some extent solves the difficulty, noted in the first chapter, of combining the interests of the central and the subordinate communities in local government. Both these points will be discussed at greater length later on.

The main advantage of the British employment of both the committee and the permanent official is evidently, however, that it combines the one-man rule

<sup>1</sup> See p. 61.

<sup>2</sup> See pp. 101, 124, 151, 186, 229, 374.

with government by council. It ensures both prompt action in emergencies and careful many-sided consideration of new developments. It involves both the employment of the paid expert and the voluntary service of the amateur. It enables the council to carry the community with it and to obtain the support of public opinion, and yet the presence of the paid official ensures many of the advantages of bureaucratic government. The system is seen at its best when a strong committee is served by an able officer. Then reforms are carried through with a firm hand, definite lines of policy laid down, based on a careful knowledge of details. It is said that the foundation of Glasgow's reputation for public health administration was laid in the days when she had an exceptionally able and far-sighted man as medical officer of health serving a committee whose convener was enthusiastic in the cause of sanitary reform.

But the system has one great disadvantage, which has been already hinted at. It does nothing to promote unity and harmony among the different branches of the administration. Each committee, with its own permanent official, does its own work and proceeds on its own lines, with very little reference to the proceedings of the other committees and officials. True, the recommendations of the committees must be reported to and approved by the full council, but the supervision is often of a very superficial and perfunctory character. With regard to the peculiar work of each committee, it is no doubt quite desirable that the questions already decided by those who have most fully investigated them should not be upset by a less well-informed body. But it is also desirable that some means should be adopted for co-ordinating the work of the committees in matters

which are closely connected, and it is necessary for good administration that all divisions should be kept nearly at the same level. In Glasgow, for example, zeal for health led the Improvement Trust (*i.e.*, the Housing Committee) to erect common lodging-houses, where certain minimum conditions of cleanliness and comfort were assured to the lodgers. But the police management in Glasgow has not, unfortunately, been so good as the administration of public health, and it is asserted that the municipal lodging-houses became the haunt of all manner of bad characters. It is especially alleged against them that they led to wife desertion and added to some extent to the difficulties of the poor-law officials.

In another instance there was serious friction between the department of the medical officer, who orders the removal of patients suffering from infectious diseases, and the sanitary department, whose duty it is to disinfect the rooms occupied by the sick man. It was stated that in some cases the disinfecting staff did not arrive for several days after the patient had been taken away. Again, the department of tramways and housing should be carefully co-ordinated in order to secure that cheap suburban houses may be available by means of cheap and rapid transit. In fact, civic administration is becoming so complex a matter that each branch touches a dozen others, and therefore the need for harmony and co-operation increases daily. And unfortunately this is the one thing which our present system does not secure. The committee, assisted by a permanent official, can and does do magnificent work; it combines, as already noted, the advantages of two different methods of administration while minimising the defects of both. But the constitution of a local body contains prac-

tically no provision for co-ordination. It is the duty of no one committee or person to see that all parts of the elaborate municipal machine work together. The control by the full council is quite illusory: the provost is usually much occupied with his social duties; and, moreover, if there is friction between two committees and their two officials, he who does not make municipal management his main work finds himself in a difficult position when called on to mediate between two experts. The town clerk's function is mainly legal; he cannot practically exercise any supervision over the different branches.

Another difficulty connected with this state of things is the growth of expenditure. Each committee, working on its own lines, develops its own branch of administration, and makes naturally larger and larger demands for money. True, there is a Finance Committee which must report on fresh schemes, but in many cases it does not appear to exercise a very efficient control. The various committees all get their estimates passed, and expenditure constantly increases.

Various expedients have been put forward for coping with this lack of unity in municipal management. For meeting the purely financial difficulty it has been suggested that the Finance Committee should be invested with a power of absolute veto on any schemes of fresh expenditure. Such a power is already possessed by a committee of the county council with regard to capital expenditure, but is found to have many drawbacks.<sup>1</sup> The members of the Finance Committee tend to get out of touch with the needs of the community, and arbitrarily to block useful reforms on account of their cost. This has happened in the

<sup>1</sup> See pp. 325 ff.

case of county management. In the county of Wigtown an important scheme for water-supply to a certain district had advanced a long way: plans had been prepared, the consent of the Local Government Board obtained, and the boundaries delimited by the sheriff, when the standing joint-committee interposed its veto, and all the work had to be dropped. Financial control by a purely financial body is apt to be too rigid and mechanical.

Another proposal is more interesting and more original. It is suggested that a municipal general manager should be appointed with supervision over the whole work of the local body, and having much the same relation to the heads of departments as the general manager of a railway to the subordinate managers. It would be his work to see that no department was allowed to fall much behind the others in efficiency, to criticise new schemes in the light of the general good, and to remove causes of friction. He would be, in fact, a paid deputy-provost. The proposal is so interesting that one is tempted to wish that some town would try it as an experiment. But also it is permissible to wonder whether a man qualified for the multifarious duties of this post could be found, unless indeed we imported a German *Bürgermeister*. And there are other objections. Such an appointment would seriously upset our existing system. The present relations, for example, of committees and officials could not continue. The committee appoints the head of the department, and they usually work in harmony. But the proposed general manager could not adequately control his subordinates unless he had the power of appointment or dismissal. If he had, the committees would become weaker, and would probably end by being purely con-

sultative bodies. Such an official would draw all the power into his own hands exactly as does the American mayor, and our present balance of functions with its many advantages would be overthrown.

On the whole, a third and less striking suggestion seems the most useful. Being less striking, it is also less out of touch with the constitution of our local bodies. It is to originate or develop the Provost's Committee into something half resembling a Cabinet and half an Upper House. Let every convener be a member of it, and let every important new proposal come before it either for discussion and report or for ratification. Let it also arbitrate in the case of friction between two departments. Such a body, composed entirely of men who had been many years engaged in municipal work (for they would all be conveners), and each of whom was in close touch with one particular branch, would be capitally fitted to judge of the rights and wrongs of any dispute, and would also, by affording means of consultation and communication between every department, promote harmony in the administration as a whole.

To show by example what such a body could do. Quite recently one department in Glasgow—the police—sued another—the tramways, in the persons of its conductors—before the courts, for permitting overcrowding of tram-cars. The public was a little bewildered by this proceeding, as it seemed not unlike the dilemma of the Lord Chancellor in 'Iolanthe' when he wondered if he could consent to his own marriage with his own ward. Here the corporation prosecuted itself for permitting overcrowding in its own tram-cars. Now, if the proposed Central Committee had existed, the chief constable would have reported the overcrowding of tram-cars, and the con-



sequent danger and inconvenience to the public, to the Police Committee. Its convener would have brought the matter before the Central Committee, and after the views of the tramway convener had been heard, some definite arrangement could have been decided on, and an appeal to the law courts rendered unnecessary. It is in every way absurd and ridiculous that two departments of one administrative body should be obliged to fight out their differences before the legal tribunals. And by constant intercourse and conference probably many possibilities of co-operation and mutual assistance between departments might be discovered which now never suggest themselves, simply through lack of opportunity. In Shoreditch, for instance, the rubbish collected by the cleansing department provides part of the fuel necessary for the production of electric light. By this co-operation two objects are attained : the rubbish is quickly and thoroughly destroyed, and the electric light is produced at a cheaper rate. There must be many possibilities of similar dovetailing, which are bound to be neglected if each committee simply works on its own lines.<sup>1</sup>

American and Continental systems of municipal government, though in many ways less successful than our own (save, perhaps, in Prussia), do make special provision for this co-ordination of the various branches. In a German town the Magistratsrath performs some of the functions suggested for the Provost's or Central Committee, and is composed of the chiefs of each commission or department. In Germany, how-

<sup>1</sup> A committee of somewhat this character exists in the city of Toronto : any new policy involving an increase of expenditure must be discussed and reported on by it, and if it reports unfavourably no further action can be taken.

ever, the Magistrate, or chairman of a department, is not, as in England, unpaid, but receives a salary, and is, in fact, a combination of our convener and permanent official.

In France, and also in America, the committees have no executive power, but are merely supervisory. The mayor is in each case the sole agent for carrying out the will of the council, and is responsible for the appointment of all his assistants. There is not the close connection between the committee and its permanent official which works so well in this country. In France the mayor is appointed by the council, and presides over its deliberations. In America, however, it is becoming more and more common for the mayor to be directly elected by the people, and not to preside over the council. He appoints and dismisses all the officials, and is responsible for the government of the city. In a few American towns a council of the mayor and the officials forms such a cabinet as I have described, with, of course, the difference that its members correspond rather to our permanent heads of departments than to the chiefs of committees. But in each case there is a distinct provision to guard against what is the characteristic weakness of the British system, the tendency to lack of harmony and co-operation between departments.

These remarks refer mainly, as will have appeared in the course of the discussion, to large cities. In bodies with less complex functions to discharge—*i.e.*, county and parish councils—there is both less possibility of useful co-operation and greater opportunity for becoming acquainted with the proceedings of the other departments. But even here the organisation shows no attempt at providing a co-ordinating authority.

In county government there are only as many full meetings of the councils as are necessary by statute, and these are almost purely formal. So far this state of things does not seem to have resulted in actual inconvenience as in the big towns; but it is safe to prophesy that in the future more and more work will be laid on county councils, and as their duties increase in complexity, the need for co-ordination may be expected to appear there as it has already done in the big towns.

Having now discussed the position of provosts and conveners, of committees and permanent officials, we turn to the last screw in the municipal machine—*i.e.*, the employees. These may vary in numbers from one or two street-cleaners in the small country town to the thousands employed by Glasgow and Dundee. And their position opens up many interesting problems: are they to be paid and treated exactly as private firms treat their workers, or is the municipality to consider itself bound to show greater liberality and humanity than a merely commercial undertaking? The question has been much debated, and seems likely to increase in importance; for it is impossible to deny, whether one welcomes or deplures the fact, that municipal trading is likely to grow in the future, and with it the number of individuals in the direct employ of the municipality. It has been already pointed out that their position certainly adds to the dangers of corruption. It is easy for a councillor to reward a prominent and useful member of his election committee by a place in the gas-works. This underground patronage should be sternly repressed by public opinion and, wherever possible, by standing orders. The appointment of subordinates should be intrusted entirely to the officials, and should not be interfered with by members of committees. Such a

condition is laid down by law in the case of the Police Committee, which is bound to leave the appointment and dismissal of individual constables in the hands of the chief constable. And, as a matter of fact, this procedure seems to be adhered to in other departments—at least as a general rule. There has been no hint of any widespread Tammanyism in any Scottish burgh. Members of Scottish councils do not use their powers of patronage to reward their electoral supporters. But the danger is so great, and its realisation so disastrous to good government, that it is worth while insisting with some emphasis that no approach to the methods of the American boss should be tolerated. No member should endeavour to find employment under the corporation, even for an elderly workman who appeals to him for help. Any interference of the individual member for the purpose of appointing or dismissing individual workmen should be frowned on in even its apparently harmless forms.

But admitting this, the bigger question remains. Ought the corporation to adopt any special policy in fixing wages and conditions of labour for its body of employees as a whole, or is it to buy its labour at the cheapest rate possible? One thing at least must be said. There are some classes of labour whose market rate is low because they live constantly at the margin, and the least illness or misfortune pushes them over and drives them often to ask for poor relief. Or they take refuge in another way: they live in insanitary overcrowded houses to escape high rents, and are in consequence the cause of much ill-health both to themselves and their neighbours. In both ways the lowest class of labour is parasitic on the community at the wages it earns, and lays a heavy burden on the rates. If we could force up its pay to a living wage, calculated

not on the level of bare subsistence but on the amount necessary to maintain a man in health and efficiency for his work and to enable him to rear his family under decent conditions, our poor rates and public health rates, possibly also our police rates and the expenses of our prisons, would fall considerably. It is true that the town council is not itself responsible for the relief of the poor; but it is elected by the community, which must pay the expenses of parish relief. It is therefore justified in considering what effect on the poor rates any proposed action of its own is likely to have. And it certainly appears that the rates would be relieved if the wages of casual labourers were higher. Therefore it may be simple economy on the part of the town council to fix a living wage for every man working full time; to say: "This is the minimum on which a working man can retain his self-respect and remain self-supporting. If he fails to support himself, he will certainly in one way or other appeal for help to the community. Better, therefore, to pay him the minimum wage and prevent his becoming parasitic on the public."

It may, therefore, for the very lowest grade of labour be well worth while to pay wages considerably in advance of the market price. But it should be a real minimum, and should not rise above it unless the market price also rises; for if we pay one grade of labour at a rate above their market value, we are subsidising them at the expense of their fellow-citizens, who from their private incomes must provide the funds necessary for the high wages. And the support of some labour members to schemes for extravagant remuneration of corporation employees, and the existence of Workers' Municipal Leagues, bears in some aspects a rather ugly likeness to the methods

of Tammany, and may, if not carefully watched, turn into an exploitation of the community for the good of a particular class. But it is a good sign that in Britain such agitations are carried on openly. Where publicity rules, and the appeal is to principles and not to favouritism, it will not be possible for extravagance in wages to go very far.

It appears, then, that local bodies ought to fix a living wage; for such a proceeding, though resulting in immediate increase of expenditure, may serve to raise a class whose present method of life constantly throws heavy burdens on the rates. Above the lower grades the corporation should not pay higher wages than private employers, but should aim at not giving worse conditions than the best private firm. For the corporation, as representing the community, is directly interested in the conditions of labour, and ought to help on, with due regard to the other sections of the community, all projects for its improvement. Therefore we conclude that the policy of the local body towards its employees should be—

1. To allow no underhand connection between the employees and the members, to intrust all individual appointments to the heads of departments, and to sternly repress any interference by members of committees in the choice of individual employees. Those who wish to see an increase of municipal trading should insist specially on this point, for it is quite certain that municipalities cannot successfully work large enterprises if patronage and favouritism enter into the selection of workmen.<sup>1</sup>

<sup>1</sup> The lack of development of municipal trading in America is largely due to the existence of corruption in the big cities. Philadelphia, for example, finds its gas-supply better managed by a private company than by the boss and his hangers-on.

2. To establish a minimum wage, thus paying in the lower grades of work—*i.e.*, the labourers—higher wages than the market price.

3. In the higher grades, composed of “tradesmen,”<sup>1</sup> to accept the standard or trade-union rate (or to insist on its payment by contractors), but not to go beyond it.

And this finishes our somewhat lengthy description of the constitution of a local governing body. We have discussed the qualifications of electors, of candidates, the mode of election, the internal constitution of the body, the position of the permanent official, the policy to be pursued in regard to the employees. Much of what has been said applies mainly to the big burghs, and many of the complications discussed do not arise among the smaller bodies with less complex functions, but even to them this general description applies more or less.

The next chapters take up the constitutions, and to some extent the history, of these bodies in detail, and discuss specially their relations to one another, a point which thus far has not been touched on.

<sup>1</sup> In Scotland the term “tradesman” is applied to the skilled artisan.

## CHAPTER IV.

## BURGHES.

IN taking up the various bodies in greater detail, we begin with the burghs, mainly because their constitution was first reformed—*i.e.*, in 1833.

At the beginning of the century burghs both in England and Scotland were governed under a system which, though well suited to the middle ages, was totally out of touch with modern requirements. But it was difficult to alter it, as it was closely bound up with that thorny subject, electoral reform. Accordingly we find that, though burghal government was openly acknowledged for many years to be both corrupt and inefficient, no serious attempt was made to secure a better system until after the Reform Act of 1832,—that piece of legislation which, far more truly than the accession of the late Queen, is the beginning of all that is most distinctive of the Victorian era.

The first reformed Parliament appointed an important commission to inquire into the constitution of the English boroughs and Scottish burghs (the pronunciation of the two words is identical), and its voluminous report, presented in 1834, furnishes a mine of information with regard to the condition of towns at the beginning of the century. From it we learn that the town councils had become practically self-



renewing bodies. Almost every council had its own "sett" or constitution, founded on its charter, or gradually developed through the use of custom. In most cases the old council chose the new, and chose it from among the members of a close corporation—the burgesses of the town.

To become a burghess a man had to belong to a craft guild, members of which had the exclusive right of trading in the burgh. It is impossible here to explain fully the complicated organisation of a mediæval town, which still persisted amid the new and changing life of the nineteenth century, and to some extent lingers on to this day. It must be sufficient to say that the craft guilds, originally a combination of trade-union, employers' federation, and friendly society, had gradually lost their popular character, and in many cases their connection with the trade whose name they bore, and had become mere associations of private individuals. Entrance to the guilds at this time was obtained by birth or by payment of a subscription, and yet they retained command of the funds, accumulated when they were genuine associations of workmen: moreover, it was not possible to be a burghess unless also a member of a craft guild. The craft guilds still exist, though their connection with town management has faded away to a shadow: they add a touch of picturesqueness to modern life. In Dundee, for example, there is a body called the Nine Incorporated Trades (bakers, shoemakers, glovers, bonnet-makers, tailors, fleshers, hammermen, weavers, dyers). It is a descendant of the mediæval craft guilds, and has the right to appoint representatives on various public bodies—*e.g.*, the directors of the High School of Dundee and the Harbour Trustees. Similar bodies are found in most royal burghs.

But it can well be imagined that the town councils, when recruited by a self-renewing process exclusively from associations which had lost their connection with the life of the people, were not very efficient governing bodies, and in fact in every burgh there were complaints of great financial corruption. The property of the town was sold in the most reckless fashion: some of the most valuable land in Glasgow formerly belonged to the burgh, and was sold by the corrupt town councils at the end of the last century. The councils did not usually levy rates; funds for town management were drawn from the corporate property (the common good), and from duties laid on articles of commerce brought into the town (the petty customs). Two towns, Paisley and Edinburgh, actually went bankrupt, and in Paisley, at least, the common good is still paying off its creditors.

The administration was also bad; the police were a farce; roads were badly made and lighted; drainage and water-supply were of the most meagre character. In some towns, in despair of the constituted authorities, the inhabitants voluntarily rated themselves for the purposes of paving, lighting, and scavenging.<sup>1</sup> This course was followed, for example, in Crieff, which is not, however, a royal burgh, but a burgh of regality, a term to be shortly explained. In some towns police commissioners were set up, apart from the municipality, with power to rate.

Reform came, as we have said, in 1833, before the report of the commission, and before the English Municipal Reform Act. This is the only instance in which Scottish bodies were reconstituted before the

<sup>1</sup> The same course of voluntary taxation is occasionally taken by wealthy suburbs of inefficient American towns to-day. See Zueblin, 'Recent Municipal Progress,' p. 322.

corresponding English authorities. Thus the English poor law was reformed in 1834, the Scottish not till eleven years later (in 1845). School boards were set up in England in 1870, in Scotland in 1872. English county government received its present shape in 1888, Scottish in the year following. And in 1894 the subordinate local bodies (district councils and parish councils in England and the latter alone in Scotland) were given a democratic organisation. But reform of Scottish municipalities preceded the English Municipal Reform Act, and was carried out in two ways.

In the first place, the municipal council proper, having charge of the common good, and performing various functions under its charter, was made elective. It received, in fact, very much the constitution which it still possesses, and which has subsequently in many respects formed the model for reorganisation of all other local bodies. The electorate is now much wider than at that time, but with this exception the constitution of town councils remains almost unchanged. But the guilds retained in a few towns the right of electing one or two members of the town council. Thus in Glasgow the Merchants' House and the Trades' House elect the Lord Dean of Guild and the Deacon Convener respectively. In Edinburgh and Perth and two other burghs these nominated members are found, and their presence forms an interesting link with past mediæval institutions.

But even under their new constitution distrust and suspicion of the town councils remained, and in consequence it was not considered safe to intrust them with the larger statutory powers, both of taxation and administration, necessary for the right government of a modern town. For this purpose a new body was constituted: it already existed in a few towns under

Local Acts. This was the Police Commissioners : the Act under which the new authority was elected was made adoptive. A certain number of householders could demand a poll on the question whether a Board of Police Commissioners should be instituted. If the poll was favourable, then an election was held and the Police Commissioners came into being. They had powers to institute a system of police, to make arrangements for paving, draining, scavenging, &c., and could levy rates. The town council appointed one or two members to sit on the Board of Police Commissioners, but had otherwise no control over its proceedings. It is not easy to discover how many Scottish burghs adopted the Act, but Police Commissioners existed, for example, in both Glasgow and Dundee. There was, perhaps, a good deal to be said for the Act as the best method available at the time for carrying out a necessary reform. But inevitably the presence of two bodies with functions so closely akin brought difficulties ; also it became more evident as time went on that there was a needless expense in electing, and providing with buildings and officers, two authorities where one would suffice ; and finally it became common for the town council, meeting at one time in its proper capacity, to sit at another as the Police Commissioners : in exactly the same way the Boards of Guardians in the English rural districts are not abolished, but to avoid double elections the rural district councils have the power to exercise the functions of the Guardians. But the proceedings of the two bodies were kept quite distinct. Although they were composed of the same men, business pertaining to the municipality could not be transacted at a meeting of the Police Commissioners, nor *vice versâ* : separate minute-books had to be kept,

separate standing orders obeyed. These cumbrous formalities were in their turn felt to be irksome and wearisome, and finally by an Act of 1900 the police and the municipal establishments were completely consolidated. No distinction between the different functions of the town council was to be drawn in future. But it still remains in certain legal phrases, and has in particular left its mark on the finance of the body. The volumes of town council accounts often continue to distinguish between the municipal accounts, consisting of the revenues from the common good and petty customs, and the police accounts, dealing with the revenue drawn from the rates.

These reforms of 1833 concerned only the royal burghs. But there were other classes of burghs, though they are of little more than antiquarian interest. Royal burghs were so called because their charters of incorporation were granted by the Crown directly; burgesses of royal burghs, being under the king's protection, had special privileges throughout Scotland in the middle ages. But charters were also granted by bishops and by peers. In the former case the burgh was known as a burgh of barony, and its magistrates and council were appointed by the bishop. Glasgow, for example, was formerly a burgh of barony. When the bishop's jurisdiction was abolished, burghs of barony became, as a general rule, royal burghs. Of this also Glasgow is an example. In 1833, then, burghs of barony had either become obsolete or had assumed the position of royal burghs.

But a third class, those holding their charters from a feudal "superior" and not from the Crown, still existed, and were known as burghs of regality. In them the magistrates and council were usually appointed by the town's superior or his representative.

In Crieff, for example, whose voluntary subscription for town management was mentioned above, there did exist a council, but it was appointed by the predecessors of the Earl of Ancaster. The burghs of regality were usually small and unimportant, and possibly for this reason were not included as such in either of the Acts of 1833. Some of them dragged on a shadowy existence till quite recently. The burgh of Rosehearty, for example, though a burgh of regality with an unreformed town council, claimed to be allowed to act as public health authority, and its claim was allowed. But in 1892 all burghs of regality still existing were required to adopt the constitution of police burghs, which is described hereafter.

The unreformed constitution of Leith should be specially mentioned. It held its charter from the town council of Edinburgh, and Edinburgh had therefore the power of appointing its magistrates and council.

The Act of 1833, however, applied to a few large towns which were not royal burghs. Twelve towns, including Leith, Paisley, and Falkirk, were specially named and given the constitution of a royal burgh. They are known as parliamentary burghs, and to them were added in 1860 Hawick and Galashiels.

With the exception of these parliamentary burghs, no new burghs were created in Scotland for over a century. In England the custom of applying for a charter of incorporation to the Privy Council still holds, and is, indeed, very frequently followed; but in Scotland no charters have been granted since the Union of the Parliaments in 1707. From that date till 1833 no towns in Scotland received burghal government, and the crisis which then created a dozen parliamentary burghs could not be expected or desired

to occur again. One burgh, Coatbridge, was indeed incorporated by a special Act of Parliament, but the process is too cumbersome and costly to be often adopted.

And yet there was great need of a procedure by which a growing town could secure a form of government suited to its needs. The changing economic conditions, the growth of coal-mining and factory industries, also the settlement and civilisation of the Highlands, had led to the massing of population in many places which had formerly been country districts. Towns sprang up here and there in the Highlands; thickly in such districts as Fife and Lanark. What was wanted was a cheap and easy method for setting up a town council without the expense and the delay of promoting a private bill. Accordingly a scheme was adopted which is quite peculiar to Scotland, and has the merits of great cheapness and great simplicity. It has the disadvantage, to be presently noticed, of carrying local autonomy right up and even beyond its proper sphere.

Without going into the details of the various changes of the law, we may describe the procedure briefly as follows; it is copied to a large extent from that formerly in use to set up police commissioners in a royal burgh. The sheriff, on being appealed to by the inhabitants, took (1) a census to discover if the population reached a certain limit, and (2) a poll of the ratepayers to find out whether or not it was their wish that a police burgh should be established. The limit of population varied from time to time, but is now as low as 800. It will be seen that this procedure gives absolute power to the inhabitants of the locality. They alone can set the machinery in motion;

they alone, if the prescribed limit of population is found to exist, have the final right of decision in the matter. The sheriff throughout has no discretion. The procedure is, as we said before, very simple and astonishingly cheap. I have been told that a police burgh can be instituted at a cost only a little over £20, and doubtless it has been very useful in providing burghal government for districts in which fresh industries have developed, and where consequently new towns have arisen. And it has been largely made use of, as the following figures show. At the time of the Municipal Reform Act there were 70 royal burghs in Scotland, while by the legislation of 1833 and 1868 14 parliamentary burghs were added to this number. But since the middle of the century more than 119 police burghs have been established in the country.<sup>1</sup> These numbers give some idea of the extent to which the Act has been used.

But though the Act has been of great service to mining or industrial populations which became massed together in new towns, it is by no means free from serious defects. In the first place, the limit of population is too low. A town of 800 is not a town at all, but a village, and ought to be governed as such. It cannot undertake the elaborate works necessary for efficient road or public health administration. It is so apparent that it cannot manage its own police that the bulk of police burghs are not, and never have been, permitted to undertake this function.<sup>2</sup>

<sup>1</sup> 119 now exist, but several have been absorbed into the neighbouring cities.

<sup>2</sup> There is a slight confusion here owing to the different senses of the word "police" in English and Scottish law. In English law, and also in common usage, "police" refers to the provision of a constabulary force. In Scotland (as in Germany) police administration means much more than this. It includes drainage, the suppression of nuisances, paving,



The absurdity of the low limit of population can be realised by comparing it with that permitted to cities under similar circumstances in other countries. In some parts of the United States, for example, a place has township (or parish) government till it contains a population of 8000; then it becomes a city. There was, however, more reason for permitting small places in Scotland to have burghal government at the time when the first Burgh Police Acts were passed than there is now. Then county government was entirely in the hands of the country gentlemen, and the bulk of the inhabitants had no voice whatever in its direction. Moreover, even the then existing county bodies had no powers with regard to public health, lighting, or paving. And the natural result was that all the villages wanted to be made into burghs, with the right to provide these things for themselves. At the present time Scotland has an extremely good system of rural administration, and the smaller towns (really no more than big villages) would be much better managed by the district committee and the county council than when endeavouring to govern themselves. On the other hand, there are some big towns which refuse to be made into burghs in order to escape the heavier load of taxation entailed by the institution of a burgh. Blantyre, for example, which has a population of 8000, has refused by the poll of the inhabitants to accept a burgh organisation. In both directions the police burgh procedure seems to stretch local autonomy too far. The inhabitants

lighting, cleansing. From the two meanings of the word we get the rather absurd spectacle of police burghs which exercise all municipal functions save the provision of the police force. The double sense of the word leads sometimes to curious misunderstandings. For an example of one, which apparently never became clear to the parties in the discussion, see Qs. 922-928 in the recent report on Municipal Trading (270 of 1903).

of a locality have not the sole right to govern it as they please; we ought not to permit either a crowded area to refuse to have the town government suited to its circumstances because it dislikes the expense, nor ought we to allow a small area to set up a special body for its own administration because it desires the honour of being a burgh. Doubtless the wishes of the inhabitants ought to be most seriously considered in any question of this kind, but they are not the sole determining factor.

And there is still another defect. The Act was used for a purpose for which it was never intended, by the suburbs of large towns. These, not really isolated communities at all, but dependent in every way on the cities on whose fringes they sprang up, used the police burgh procedure in order to avoid the heavy rates which incorporation within the city boundaries would have entailed on them. And once constituted, a British local authority is not easily extinguished, although the circumstances which called it into existence may have absolutely changed.

There are two flagrant cases in connection with the police burghs. The first is that of Glasgow and its subordinate burghs. The suburbs of Glasgow, instead of being included, as would have been the proper course, in the extended boundaries when from time to time the city passed its former limits, got themselves erected into police burghs, until Glasgow was almost surrounded by a ring of nine parasitic little authorities, each with its own apparatus of administration, its own council and chief magistrate, its own officials, its own buildings. There was a long fight over their absorption, and the Government appointed a Special Commission to investigate the Glasgow boundaries: after hearing evidence, it reported

in 1888 in favour of merging all the smaller burghs in the parent city.<sup>1</sup> This report, together with the evidence of the witnesses examined, is a very valuable account of city administration, and though referring mainly to Glasgow, is useful as illustrating many problems. But notwithstanding the report of the Commission, Parliament would only extinguish those burghs which consented to absorption after many negotiations and on certain conditions. Three which still clung to their separate existence—Partick, Govan, and Kinning Park—were allowed to remain outside the Glasgow boundaries, though all of them are indistinguishable by the ordinary man from the rest of the city. Kinning Park in particular is surrounded by Glasgow on all sides save where it touches the boundaries of Govan. The existence of these smaller bodies often leads to curious mistakes on the part of the public. Thus the corporation of Glasgow was severely criticised by certain persons unacquainted with the local circumstances of the West of Scotland for its negligence in connection with the football stands at Ibrox, the weakness of which led to such a dreadful disaster in the spring of 1902. "Is the much-praised council of Glasgow," they asked, "unable to take reasonable precautions to secure the safety of the public in such an elementary point as the strength of a football stand?" But in reality the Glasgow town council had no jurisdiction at all in the matter. The Ibrox football-ground is within the burgh of Govan.

The other case to which reference was made is curious, but unimportant, as the striking point about it is the absurdly small size of the authorities involved. There is a little seaside town in Fife—

<sup>1</sup> Parl. Paper, c. 5382 of 1888.

Elie—whose total population barely exceeds a thousand, yet part of it is a royal burgh—Earlsferry—and part a police burgh—Elie. The village is quite continuous; the visitor is unable to tell where Elie ends and Earlsferry begins, yet each of these tiny authorities has its own council and its own officials.

The truth is that we carry our respect for local autonomy somewhat too far. A local body has, after all, only delegated authority, and though for many reasons it is desirable that it should be left to exercise this authority in its own way, and not be overmuch subjected to interference from the Legislature or central departments, yet there should be no hesitation in interfering when the necessity becomes apparent. And specially in this matter of boundaries it may be necessary to override the prejudices of the local magnates. It is said that Parliament practically never amalgamates two local bodies save with the consent of both. Thus Portobello was only included in Edinburgh, and the six police burghs in Glasgow, with their own consent, won by lengthy bargaining. But it can be easily seen that the smaller body will always object to absorption. For the councillors of, let us say Partick, know very well that they will have little or no chance of becoming councillors of Glasgow—that to consent to absorption practically means for the larger number of them retirement from office. Naturally, then, they cling to the existence of their little separate jurisdiction, and refuse consent to amalgamation; the ratepayers, on their side, are not eager for union with the larger city, though not, as a rule, very keenly opposed to it, because it usually means higher rates. But clearly a grave injustice is done when, as at

Glasgow, the wealthy residential quarters<sup>1</sup> are allowed to become separate authorities, bearing none of the burdens of the larger city, although their inhabitants use its roads, its public parks and buildings, and often its schools and libraries, as freely as its own citizens. The question of boundaries should not be settled by the will of the inhabitants alone, still less by that of the elected authority, but should be referred to an impartial tribunal.

The above-mentioned defects appear to have weighed with those who drafted the Burgh Police Act of 1892, for we find that its provisions greatly limit the power of localities to set up police burghs at their own will. In the first place, the sheriff is now directed when hearing an application to take into consideration the representations of any neighbouring burgh, in order to prevent the establishment of parasitic authorities as at Glasgow. This part of the Act is still in force.

Other clauses were evidently framed in order to meet the difficulties discussed on pp. 74-78. The poll of the inhabitants was abolished; in the case of a populous locality over 2000 the establishment of a police burgh was made imperative,—under 2000 the decision was transferred from the ratepayers to the sheriff. He, carefully considering all the circumstances of the case, was to decide whether or not the place was suited to town government. Apparently these clauses slipped through without attracting any great attention; but in the following year, unfortunately, a movement was set on foot to get the town of Blantyre made a burgh. Its population was considerably over 2000, and great indignation

<sup>1</sup> This description does not apply to the three present suburban burghs of Glasgow, all of whom contain poor as well as rich districts, but it did to Crosshill, Hillhead, &c.

was expressed when it was discovered that under the new law the inhabitants had not the final decision of the question. A bill was hastily passed restoring the old law, and a village of 800 inhabitants can still, in Scotland, remove itself to a large extent from the jurisdiction of the county council at its own will. The law of 1892, leaving the decision to an unprejudiced official, was much more reasonable than this extreme pandering to local particularism.

The authority in a police burgh has now the same name as in a royal burgh: it has its provost, bailies, and council. But until 1900 the lower position of a police burgh was marked by the title of its governing body: they were burgh commissioners, its bailies were magistrates, its provost simply chief magistrate. The powers of a police burgh do not markedly differ from those of a royal burgh. As it is a purely statutory body, it has no common good, and therefore no discretionary power in any of its proceedings. It draws all its funds from the rates, and must expend them in accordance with Acts of Parliament. Some police burghs have established a voluntary rate for meeting emergencies not provided for by statute—*e.g.*, in celebrating national or civic occurrences of interest. The voluntary rate is placed on the ordinary demand note in an unobtrusive manner, and is usually paid by the innocent citizen without any idea that he is not legally bound to accede to the demand.

Until recently another point of difference was that the bailies in a police burgh did not act as a licensing court for public-houses; but after 1903 the larger police burghs will have the same powers in this respect as royal burghs.

The striking point about Scottish burghs is the small number of big cities and the very large number

of small towns. In England there are over sixty towns with a population exceeding 50,000; these—the county boroughs—are put in a class by themselves and invested with much larger powers than the smaller towns. In Scotland there are only nine towns with more than 50,000 inhabitants—*i.e.*, Glasgow, Edinburgh, Aberdeen, Dundee, Greenock, Paisley, Leith, Govan, Partick—while there are no less than fifty-nine with fewer than 2000 inhabitants. The case of Fife is specially remarkable: in this county there are twenty-eight burghs, and of these four have less than 1000 inhabitants, and in only eight does the population exceed 5000.

There are two reasons for this state of things—(1) The decay of the royal burghs. This is specially noticeable in Fife: Earlsferry, Falkland, Culross were all important places in mediæval times; now they are dwindled down to big villages. (2) The ease of the process of erecting police burghs. This need not be discussed further.

The existence of so many little authorities, all independent in their exercises of such important functions as the care of the public health and the provision of roads or technical education, is very unfortunate, and tends to keep down the standard of administration. But this question can be better discussed later on, after the relation of the burghs and the counties has been described.<sup>1</sup>

There are, as we have said, no county boroughs in Scotland, but out of the nine burghs with a population of over 50,000, six have Local Acts of their own which put them practically in the position of a county borough. Leith and Govan, however, are administered under the same law as the smallest of the little Fife

<sup>1</sup> See pp. 99, 100.

towns, and find themselves much hampered by their restricted rights. Leith is now (1902) applying for a provisional order, which will give it more power to deal with the problems incidental to every great city. But it is to be wished that the system prevalent in England and Ireland, of giving increased powers to all the larger cities under the general law and not merely by Private Acts, should be made applicable to Scotland also.

An important feature in the organisation of each class of bodies is the number of permanent officials which it is required to appoint, and the conditions of their tenure of office: a notice of these will terminate our description of the Scottish burghs.

First must be mentioned the Town Clerk. He is very generally a lawyer, and has charge of the legal and general secretarial business of the council. It is his work, for example, to keep the minutes, and to draft and send out agenda papers. In a royal burgh the town clerk holds his office *ad vitam aut culpam*; that is, he cannot be got rid of save in cases of gross neglect, when recourse must be had to an action at law. He has thus great permanence of tenure, and if an able and energetic man, may be the real head of the city government. He is often, as, for example, in Edinburgh, called on to report to the council on important new schemes, and may thus largely direct the city's policy. On the other hand, he is by no means sufficiently a general administrative officer to exercise that careful supervision over the work of the different departments which, as we saw in chap. iii., is carried on by the French *maire*. The town clerk is essentially a legal official. In parliamentary and police burghs he holds his office at the will of the council.

There are two financial officers, the Chamberlain



and the Collector. Both are required to give security for the proper fulfilment of their duties, and both can be dismissed at the will of the council.

There are also two health officers, the Medical Officer of Health and the Sanitary Inspector. Their appointment must be reported to, and their dismissal approved by, the Local Government Board.<sup>1</sup>

The Chief Constable has also a permanent tenure of office. He can only be dismissed with the joint sanction of the provost and the sheriff for the county. If these disagree, the Secretary for Scotland is called in to decide the matter. The burgh must also appoint a surveyor, who holds office at its pleasure.

These officials must be appointed in every burgh (except in those cases where police and road administration is handed over to the counties). Practically, that is, the burgh is compelled to make some provision for health, police, and road administration, and in order that its legal and financial work may be fitly carried out, must also appoint officers to have charge of these branches. The town clerk's permanent tenure of office appears to be only a relic of mediæval times,—as we shall see, the parish schoolmasters were in exactly the same position,—but there is a real purpose in giving a modified security to the health and police officials. This question, however, will be discussed further in the chapters on the various administrative functions.

<sup>1</sup> The tenure of office of both the health officials and the chief constable is rendered more secure by the fact that the Government gives a grant-in-aid to the police and health administration. This grant increases the power of the central departments, so that it would be practically true to say that none of these officials can be appointed or dismissed without the consent of the Local Government Board or the Secretary for Scotland.

## CHAPTER V.

## COUNTY GOVERNMENT.

THE county performs in the country the greater part of those general functions which in a burgh devolve on the town council, and we may, therefore, fitly discuss its organisation next, though it only received its present shape quite recently—*i.e.*, in 1889, the year following the institution of county councils in England.

Prior to that date, in both England and Scotland, county administration had been in the hands of the resident country gentlemen. In England this resulted from the custom of committing the government to the hands of the justices of the peace, who, nominally appointed by the central government, were almost always men belonging to the upper classes and possessing property in the neighbourhood. In Scotland the same end was attained by a different means; there the management of county business was in the hands not of justices<sup>1</sup> but of the Commissioners of Supply. To be a Commissioner of Supply neither appointment nor election was necessary, but merely

<sup>1</sup> The J.P.'s in Scotland are a much less important body than in England. Some idea of what is considered their main, almost their only, duty will be gathered from the fact that they are usually known as Licensing Justices.

the possession of landed property to the annual value of £100.

A landowner could be represented by his agent, and if he had over £800 a-year derived from the rent of land, his eldest son was also entitled to be a Commissioner of Supply. The Scottish county governing body was thus what is known as a primary assembly; there was no system of election. The members were not representatives, but in virtue of their interest in a certain county had the direct right of taking part in its administration. But the right was modified by a high property qualification. It was certainly an anomalous method of government to continue in existence till nearly the end of the nineteenth century, but there was, at least, this justification for it, that taxation and the right of administration went together: county rates were paid exclusively by the proprietors of land. In England the rates are all borne by the tenants, so that under the English system the payment (at all events, the direct payment) of rates was divorced from the levying of them.

A primary governing body, as a rule, manifests certain defects—*i.e.*, unwieldiness in debate and decision, and consequent apathy on the part of the majority of its members, while a few energetic persons can easily obtain almost irresponsible power. Doubtless the same defects showed themselves in county administration. Some provision against the difficulty of transacting business in the overgrown assembly of all the Commissioners was made by the law; for certain purposes standing committees were to be appointed. Roads, for example, were managed by a county road board of not more than thirty members. The execution of the Acts concerning contagious diseases of animals was intrusted to a committee

composed partly of Commissioners of Supply, partly of tenant farmers.

The justices of the peace had also some administrative functions, though these were of small importance compared with the work of the justices of England. One still remains to them—*i.e.*, the licensing of public-houses in the county and in police burghs, and the duty of acting in some cases—*e.g.*, the refusal to renew a licence—as a court of appeal from the decisions of the bailies in royal and parliamentary burghs. After 1903 members of the county councils are to be associated with the justices in these duties. Other administrative functions of the justices were the provision of standards and appointment of inspectors of weights and measures, the appointment of visitors to lunatic asylums, the licensing of inebriate homes. On the whole, there was not much active dissatisfaction with or agitation against this system of county government. The standard of efficiency was not, perhaps, very high, neither was it scandalously low. There was no immediate and pressing need of reform, as in the case of the burghs prior to 1833. At the same time, it had long been evident that the districts outside the burghs must be provided with a more representative and responsible system of government. The demands of public health, in particular, then managed, or rather neglected, by the parochial boards, urgently required the institution of a popular body. In fact, the growth of civilisation and the improvement of the means of communication had changed the proper area of government. Exactly as the sovereign state grows from the city to the nation, and from the nation to the federated commonwealth, when culture spreads, and roads and trains and tele-

graphy are improved, in the same way the proper area for different branches of local administration alters from time to time. During the eighteenth century the parish could manage its own communal provision for public health and for education better than the county could perform these functions for it. But now a parish could not keep up a gravitation water-supply, or infectious diseases hospital, or a good secondary school, — all necessary instruments of efficient government under modern conditions. It was therefore desirable to set up a representative county assembly, not so much because the Commissioners of Supply had failed to do their work, but because larger powers must be given to the county, and the increase in function must be preceded by democratisation of the governing body. Moreover, another reason was that these new powers (and more were perhaps contemplated by the draftsman of the Act than have yet come into existence) would involve an increase in local rates, which must fall partly on the tenants, and not, as formerly, be paid by the landowners alone. But it would then be necessary to give representation to the occupiers as well as the owners of property. Again, the number of Commissioners of Supply was too large, and it was not agreeable to modern notions that a man should be allowed to manage public business with no other test of fitness than the possession of a certain amount of property. For all these reasons the establishment of county councils, elected by the ratepayers, was necessary.

County councils were set up in England by the Local Government Act of 1888. The Scottish Act was, as usual, a little later, and was passed in 1889. We have already discussed the external constitution

of county councils. The general effect of the Act is accurately described as the extension of municipal government to the country districts. The primary assembly was replaced by a representative council, the electors of which were the parliamentary electors for the county.

The general internal constitution is very similar to that of a town council. We have a convener corresponding to the provost, though with legally a shorter and actually a longer term of office; we have committees and permanent officials attached thereto; we have some employees, but these are few in the case of a county council, as the cause which swells their number in towns—*i.e.*, municipal trading—has not so far appeared in the county. There are, however, no bailies in the county councils, nor yet aldermen as in the English councils. The convener is the only honorary official, with the exception of the vice-convener.

But although the general aim of the legislation of 1889 was to establish municipal government in counties and to do away with the old class system of administration, the county councils are subject to some restrictions from which the burgh councils are free. The reasons for this are to be found in the discussions on the English Act of the preceding year. It is clear from the first form of the English bill, and from the speeches on it, that, in addition to the aim noted above, there entered in another object which has practically not been attained at all. The promoters of the bill desired not merely to erect a representative body for rural administration, but to establish councils which in many matters were to have jurisdiction over the towns. There was, in fact, an attempt to set up provincial councils, to which were to be transferred many matters now in the

hands of the central departments. Only five towns were to be exempt from the supervision of the county councils. This scheme was completely changed in committee: instead of only five towns having complete freedom from the counties' jurisdiction there are now over sixty, the county boroughs, and in consequence it has been impossible to carry out the proposed transfer of powers. Functions which might rightly have been exercised by county councils, on which the larger urban areas were represented in addition to the rural districts and the smaller towns, could not be handed over to councils which were, in fact, mainly rural bodies, having nothing to do with the larger cities. The Scottish councils have even less jurisdiction over the towns than the English, and we find accordingly that the transfer of powers has never even been attempted in Scotland, while in England it was attempted and failed.

In the first form which the proposal took, the county councils would, there can be no doubt, have been exceedingly important bodies: they might, in short, have come to bear a greater resemblance to provincial legislatures, with strictly defined and limited powers. Now, just at the time when the bill was being discussed, there was a wave of social democratic agitation in Great Britain: in reading the debates on the bill, we continually, while turning over the pages of Hansard, come on references to the condition of the unemployed. The great Trafalgar Square riot took place shortly before, and it is clear that the Government felt considerable alarm at the condition of affairs. With reference to our particular subject their trepidation showed itself in various ways. It was felt that if the Socialist agitators rushed the county councils, they might attain great

power. Accordingly the administration of the police is committed to the new councils under careful restrictions. A town council appoints the police committee entirely from its own members; but it was felt that it would be most unwise to intrust this important function to the new bodies. For this reason the Commissioners of Supply (in England the justices of the peace) are associated with the county councils in this duty. Each body is required to appoint an equal number of its own members to form the standing joint-committee, which has entire charge of the police, and whose decisions cannot be reviewed by either of the appointing authorities. Thus the fiery zeal and enthusiasm of the new councillors were to be kept in check by the caution and experience of the old Commissioners of Supply.

There was another curious restriction on county councils: they might not promote private bills; they might oppose, but were forbidden to promote. The object appeared again to be to keep them strictly within bounds, and to give them no more power than Parliament by its own initiative should determine to grant. This restriction had to be relaxed immediately in the case of London (which was in 1888 made an administrative county), but it continued in force with regard to the other counties of England, Wales, and Scotland until 1903. It proved very irksome. Fife, for instance, was being urged by some persons to undertake a county water-supply, and to bring the water from the Perth mountains; but the county council would have had no power, had it decided to adopt the scheme, to promote the necessary private bill.

It need hardly be said that the fears of the Government in 1888 and 1889 have not been justified. No alarming zeal for social democracy has shown itself in



any Scottish county council, although in London the Progressive party proved itself worthy of its name. But the rural county councils, both in England and Scotland, are very steady-going and sober bodies. The *personnel* even has not been changed to the extent which some people anticipated. The country gentlemen are now leavened by a few business men, and by a very few workmen, but to a large extent those who managed county affairs as Commissioners of Supply before 1889 continue to manage them now as county councillors. But a considerable difference in the spirit of the administration is apparent in many districts.

One curious power of county councils, which has never to my knowledge been exercised, still remains as evidence of the concern felt with regard to social conditions when the Act was passed. Power was given to borrow money in order to assist emigration. Possibly if a severe period of trade depression were again to come over the country, it might be found useful.

To the newly established county councils were transferred all the powers of the Commissioners of Supply, the administrative functions of the justices of the peace (with the single and important exception of the granting of licences to public-houses),<sup>1</sup> and the public health work of the landward parochial boards.

The latter had up to this time acted as health authorities; they were much too small to do the work efficiently; they employed as sanitary inspectors men of no special qualifications for the post; and, in short, rural public health was far from being well managed. But, on the other hand, if the parish were too small an area, the county was as much too large.

<sup>1</sup> Licensing powers were partially transferred in 1903. After the end of this year county councillors will sit, together with the justices, on the county licensing courts.

The difficulty was met in England by the creation of intermediate authorities—the rural district councils. They are directly elected, and consist of a different *personnel* from either the county or the parish councils. In Scotland these intermediate authorities had never existed: there had, indeed, been an attempt, which we shall notice in subsequent chapters,<sup>1</sup> to form combinations of parishes somewhat similar to the English unions, but it was unsuited to Scottish conditions, and had been unsuccessful. There was no desire for the creation of a new body: the elector is already overloaded with demands on his time and interest. The difficulty, therefore, had to be met in another way—namely, by the institution of an indirectly elected authority, the district committee. The Scottish district committee is a very interesting, though little known, attempt to deal with a problem that frequently presents itself in local administration,—the difficulty of providing a body to administer a matter which in different and quite inseparable aspects touches the interests of both a large and a small area. And the difficulty is intensified when, as is usually the case, the smaller area has had entire charge of the particular business. This is the difficulty which, for example, confronts England (at the time when I write, June 1902) in connection with education. Hitherto education has been administered in a small area—the parish, for the school board is of course a parochial authority,—and no one will deny that it is desirable that each parish should have some say in the management of its schools; yet, on the other hand, the parish cannot provide technical or secondary education, and cannot even be trusted with the entire management of primary instruction. The

<sup>1</sup> See pp. 109 and 228.

obvious remedy is to have a larger area—to hand over education, in short, to the county council. This procedure also has drawbacks, of which not the least important is that it is fiercely resented by the smaller bodies. The English problem is, of course, so greatly complicated by the sectarian difficulty that minor dilemmas are not greatly discussed; but undoubtedly one factor in the whole matter is this opposition between the bodies controlling the large and the small areas. Scotland had to face precisely the same difficulty in 1889. Public health up to that time had been intrusted, in landward areas, to the parochial boards; and we cannot deny that in such questions as scavenging and the remedying of nuisances the parish authorities should have a considerable voice. But the parish cannot provide infectious diseases hospitals nor gravitation water. Nor can it employ a thoroughly competent man as sanitary inspector. Yet the two divisions—that in which the interest of the individual parish is strong and that which the county can best provide—cannot be confided to two distinct bodies. The whole of public health management should undoubtedly be in the hands of one authority, in precisely the same way as the whole provision of education, or at least the responsible supervision thereof, should be intrusted to one council. Scotland met this difficulty by the constitution of the district committees: each county council was required to divide up its area into suitable districts; the method of division was absolutely at its own discretion, with the single provision that the boundaries of districts must not cut the boundaries of parishes. Each district is managed by its own committee, composed of all the members of the county council for that district, together with one representative of each parochial

board (now parish council) within the area. Thus the district committee contains representatives of all the interests involved in public health. The county councillors are usually men of weightier standing and better education; they bring the element of knowledge, and their minds, accustomed to deal with the interests of a whole county, take a broad view of important questions. In such matters, for example, as the site for an infectious diseases hospital, the county councillors are not likely to pay too great attention to the complaints of the various parishes in which it is proposed to put the hated building. They will consider the general interests of the whole county. The parish council representatives, on the other hand, being actively engaged in the management of their own parish, bring knowledge of and sympathy with local needs. Each knows of the evil-smelling pigsty or the scarcity of water in his own parish. Each being probably a man of standing in local estimation, may persuade the parish to welcome measures of reform which it would otherwise resist. The combination of the two classes, the county councillors and the parish representatives, is probably the best instrument yet achieved for certain branches of rural administration. And it leads to education in sanitary matters: the county councillors and county officials teach the parish representatives, and they in their turn stir up the individual parishes. So great has been the success of the district committees that a high authority on Scottish public health said in 1898 that more had been done to improve rural sanitation in the eight years since the passing of the Act than in the twenty years preceding.<sup>1</sup>

<sup>1</sup> See an article entitled "The Public Health (Scotland) Act," by T. G. Nazmyth, in the 'Juridical Review,' January 1898.

The number of districts in a county varies considerably: some counties—*e.g.*, Dumbarton—have only two districts; Lanark has three, Mid-Lothian four; Inverness has nine. There are about half a dozen counties which are too small for subdivision, and in them—for example, Kinross—the public health authority is the whole county council and the parish representatives. The relation of the county council to the district committees is very curious. The latter is not simply an ordinary committee; it is a corporate body in its own right, and possesses a common seal; it also has a banking account of its own. But yet it is distinctly subordinated to the county council in many matters. It has not, for example, the right to levy a rate; its funds are transferred from the county. The county council, again, may lay down regulations in general for the proceedings of the district committee, and an appeal against the acts of the latter may be made by the medical officer of health or five ratepayers. In practice, however, the district committee is not much interfered with. It goes on in its own way, merely formally reporting to the county. Occasionally the standing joint-committee exercises its veto on capital expenditure,<sup>1</sup> but in other respects the district committee is practically a distinct body. Uniformity of administration over a county is, however, secured in another way, which will be pointed out when we come to deal with the permanent officials.

But uniformity over so large an area as the third or fourth of a county is not desirable in all branches of sanitary business. With regard to the detection and treatment of infectious diseases, and the inspection of bakehouses and dairies, one uniform system is necessary—so much so, indeed, that many people urge

<sup>1</sup> See p. 325.

that these branches should be transferred to imperial officers. But it is not possible to treat every part of the area in a similar fashion with regard to drainage, water-supply, and scavenging. A little country hamlet will require practically no scavenging at all; a big mining village will be in urgent need of it. One district can with perfect safety use water drawn from wells, another with a large population and many factories or mines in its area would run serious risks unless a gravitation supply were provided. So, too, with drainage: small separate areas will require different treatment. In England this difficulty is met by making the populous place into an urban district having a directly elected council of its own, with power to arrange for all public health and other municipal matters. In Scotland a different system is pursued: the area is not entirely removed from the jurisdiction of the county council, but is created a "special district" for the particular purpose under consideration. Thus in Fife we find a "special water district" at Largo, a "special drainage district" at Largoward, &c. The district committee has power, either on its own initiative or at the request of the parish council or of a certain number of ratepayers, to define the boundaries of a special district; there is no need of any confirmation of its proceedings by a central authority, but a public inquiry must be held before the sheriff and his consent obtained.<sup>1</sup> The expenses of a special district are met by a special rate; and very frequently the management of the scavenging or lighting is intrusted to a local committee largely composed

<sup>1</sup> The sheriff in this matter, as in some others, seems to act as a local representative of the central government in a way which is unknown in England, and has many advantages. To this question we return later on. See pp. 372 ff.

of the parish council. It works under the supervision of the district committee, thus again uniting strong local interests and the control of a larger body. The system is a great success, and since its institution there has not been the former justification for the creation of police burghs. In fact, many populous places are now contented under county government, their peculiar needs being supplied by the special district procedure, while in its absence they would almost certainly have erected themselves into police burghs. Two drawbacks, however, are noted:—

1. When the same place is made, at different times, a special district for different purposes—*e.g.*, first for drainage, then for water-supply, then for lighting—sufficient care is not taken to secure that the boundaries are the same in each case, and thus considerable confusion is caused. But the difficulty can be easily remedied by the district committee.

2. Sometimes such undertakings as railways, mines, and factories complain that the area of a special district is unfairly extended in order to include them and to enable rates to be levied from them, although they gain no advantage from the lighting or scavenging. Perhaps there may be a grain of truth in this accusation, but in general such commercial undertakings are well able to look after themselves. In some cases, indeed, they use their power in order to secure unusually favourable terms. An instance came under my observation in regard to the police burgh of Melrose. Its boundary is shaped in one place somewhat like a circle with a long narrow segment cut out; the railway line runs through the cut-out segment. The reason for this curious shape is that the railway company refused to relinquish its opposition to the formation of the police burgh unless conciliated by the

exclusion of a large portion of the line from the natural boundaries of the town, and therefore from the town's rates. It does not seem probable that great injustice is done by including the buildings of commercial enterprises within special districts.

The relations of the burghs to the counties are complicated: a royal burgh is not part of the county, and the largest—*e.g.*, Edinburgh or Dundee—have no connection at all with the counties in which they are situated. The city and county officers, city and county rates, are absolutely separate. It is curious how little this fact is understood. At a time when there was much discussion concerning Edinburgh's high rates and her need for economy, a letter to the editor of one of the evening papers protested against the extravagance of the authorities in taking down the County Buildings and erecting new ones. But of course the cost of the new buildings, though situated in Edinburgh, would be borne entirely by the inhabitants of the landward area of Mid-Lothian, and had no bearing on the finances of the city.<sup>1</sup> Yet although the larger royal burghs are quite independent, the greater part of the small ones hand over some functions to the counties. Thus no burgh under 5000 population is allowed to manage its own police; if below this limit it must be policed by the county, and many towns even with a larger population find it to their advantage to combine with the county. Some of the smaller burghs, again, hand over their roads to the counties. In such cases the town council of the royal burgh appoints a representative to act on the county council with regard

<sup>1</sup> It is to such citizens as the writer of this letter, desirous of understanding public affairs but bewildered by the different councils and boards, that I trust the present volume may be useful.



to roads or police, as the case may be. And the county council, we may observe, does not itself levy rates for either of these purposes. It presents a requisition to the town council, which then raises the amount along with its own rates.

Police burghs, on the other hand, are nominally within the county; therefore each police burgh is a county electoral division and elects its members directly, while the county may itself levy rates within the burghal area. But practically the police burgh is nearly as free from county jurisdiction as the royal burgh. If below the assigned limit of population, it must be policed by the county, and must pay rates. It may hand over its roads at its own pleasure. It pays general county rates and rates for the maintenance of lunatic asylums (but not for cost of the inmates).<sup>1</sup> It is "valued" by the county, and is under its jurisdiction in regard to the prevention of contagious diseases of animals. But in matters of public health, of upkeep of roads and streets, of lighting, of making of by-laws, of all provision of recreation such as parks or baths, the police burgh is entirely self-governing. This condition of affairs is anomalous, and in two directions. It is absurd that the police burgh of Govan should form part of the county of Lanark for many purposes—*e.g.*, valuation. The inhabitants of Partick, to take another example, actually pay rates to the county of Lanark for the prevention of diseases of animals. The bigger police burghs should be freed from all jurisdiction of the county.

On the other hand, the smaller royal burghs ought to be deprived, notwithstanding the regrets of anti-quarian sentimentalists, of many of their powers. To

<sup>1</sup> This is defrayed by the poor law authorities.

intrust valuation or the licensing of public-houses to villages of 1000 or 2000 inhabitants is ridiculous. The inspector of constabulary points to the existence of the twenty-two licensing courts of Fife (one for the county, twenty-one for royal burghs) as a cause of maladministration.<sup>1</sup> The distinction between royal and police burghs might, however, be very useful if based on now existing facts. A large town may rightly claim larger powers of self-government than are intrusted to a small place. The latter ought to hand over many of its functions to the county councils. But the present distinction is founded solely on historical accident, and has no reference whatever, as has been repeatedly pointed out, to administrative needs. Reform is needed in both respects: the larger police burghs should be raised to the rank and endowed with the privileges of royal burghs, while, on the contrary, the smaller towns should all be police burghs. The very smallest ought, perhaps, to be entirely abolished and a "special district" organisation conferred on them instead. Were these reforms carried out, the various distinctions would have some meaning in relation to present conditions. As it is, to the man in the street they are simply absurd and irritating, whatever the charm they may have for such antiquarians as the members of the Scottish Records Society or of the Convention of Royal Burghs.

The officials of a county council do not greatly differ from those of a burgh. The county clerk performs the same work as his namesake in a town; he often acts as district clerk for one or more of the district committees. There is a county treasurer, but no separate financial officers for the districts, as

<sup>1</sup> By an Act of Parliament of 1903 the duty of licensing has been transferred from the smaller burghs to the county authorities.

they have no power to levy rates. On the other hand, the county and district surveyors are usually distinct; and the former not infrequently acts as supervisor and inspector of the latter. In England much the same system is followed with regard to public health. The county medical officer, whose appointment is voluntary, is not a directly executive officer; it is rather his work to see that the medical officers of the subordinate authorities—rural and urban district councils—perform their duty. He inspects and supervises, but does not directly administer. In Scotland this system is quite legal. A district committee *might* appoint separate sanitary officials of its own, and in that case the county medical officer (whose appointment, however, is compulsory on a Scottish county) would have merely the supervision and not the direct execution of the health laws. But considerable power is given to the Scottish central authority, the Local Government Board, by the fact that it pays half the salary of the sanitary officials whose appointment it approves, and it used this power as a lever to persuade the district committees always to avail themselves of the services of the county medical officer and sanitary inspector. In many cases two small counties are persuaded to unite and to share the services of a medical officer: the result is that in Scotland rural public health is administered by professional men of very high standing, many of whom give their whole time to the work. In England, where the health authority is the district, local practitioners are often appointed at absurdly small salaries, who snatch a few hours a-week from private practice for public health administration. Quite obviously the efficiency of the work must suffer, both from lack of time and knowledge on the part of the medical officer,

and also because a man depending for his living on his professional work cannot display that independence of spirit and zeal for reform which are necessary in a competent health official. Such men "were paid to do nothing, and they did it." The same thing happens in Scotland in the smaller burghs, whose private practitioners were often appointed medical officers. The performance of their duties was a farce. Now, however, the burghs often appoint the county officials to act for them, a course which is often forced upon them, since every newly appointed Scottish medical officer must hold the Diploma of Public Health, and frequently there is no other medical man save the county officer with the necessary qualification. In Dumfries, for example, the four burghs of Annan, Lockerbie, Moffat, and Sanquhar are all served by the county officials. Since in chap. iii. the great importance of the permanent official was explained, and his influence on administration pointed out, the reader will see that this arrangement minimises many of the drawbacks of the separate small area.

The Chief Constable for the county cannot be dismissed save with the consent of the Secretary for Scotland. His duties are of a similar character to those of the Chief Constable for a burgh.

The county councils do not often step outside the stereotyped path of police, road, and health administration. They never undertake any trading functions, so that the gas and electricity managers attached to burgh councils are never found in the counties. It is perhaps, one may mention incidentally, rather to be regretted that the county councils of industrial areas have not availed themselves of their powers to run light railways. One would imagine that an electric tramway between the crowded mining villages

of Lanark or Fife would not only be a great boon to the inhabitants but would pay well. One official, however, appears in the counties who is unfortunately not found in Scottish burghs: this is the Director of Technical Education. The county councils have power under an Act of 1890 to spend a certain Government grant either for relief of rates or on technical education.<sup>1</sup> A large proportion now spend either a whole or part on education, and in some counties a wonderfully complete scheme has been worked out. Five counties have appointed an officer whose duty it is to superintend the various classes and teachers, and to watch the institutions to which special grants are made. In one county—Fife—the technical education secretary receives a salary of £300 and gives his whole time to the work of organisation. There can be little doubt but that the counties' interest in this subject will strengthen in the future, and that the Director of Technical Education will become, probably, an important official of every county council.

In conclusion, we may note that there are in Scotland thirty-three counties, and one hundred and seven district committees, counting the eight undivided counties as districts.

<sup>1</sup> See pp. 338, 339, and 346, 347.

## CHAPTER VI.

## THE PARISH.

THERE is an interesting task awaiting some future student of political science in the investigation of the connection between the Church and the development of local government. In burghs and in the larger county areas this relationship does not appear, though in England the towns which possess a cathedral are held to be of higher rank and are entitled cities. But in the country districts the smaller areas have been formed and their management for years directed by the Church. In England the parish was managed by the vestry meeting, presided over by the clergyman of the parish; and the very name shows its connection with Church matters, for the vestry is so entitled from the room where the priest kept his vestments.

This connection of the Church with rural administration remained for many years, and was indeed only finally abolished eight years ago (in 1894); but many years previously the English parish had lost what was unfortunately its most important duty—namely, the relief of the poor. By the Act of 1834 the parish was deprived of this function, which passed to the union, a larger area composed of several parishes and governed by the Board of Guardians. The parish dwindled in importance, and though in 1894 there were attempts

to revive it by the reform of the vestries and the institution of parish councils, competent observers doubt whether the parish will ever again play an important part in the English constitution.

In Scotland, as we shall see, the course of events was entirely different. The parish was not deprived of the administration of poor relief; hence in Scotland to-day the parish councils are far more important bodies than in England. We find, however, in the seventeenth and eighteenth centuries the same connection with the Church. The governing body in a parish at that time was the minister and kirk-session, and with them were associated the heritors or landowners in the parish, on whom fell the duty of supplementing the church-door collections in the case of poor relief,<sup>1</sup> and the children's fees in the case of the parish schools.<sup>2</sup> We know that the kirk-session entered into the minutest details of the daily life of the people, and enforced what were practically by-laws far more strict than those proposed by the most puritanical of present-day bailies. But it also performed two other very important functions. It managed poor relief, and it appointed the parochial schoolmaster. The head of the kirk-session was, of course, the minister, and he exercised considerable supervision over both poor law and education.

To put it shortly, the parochial administrative body was chosen by electors qualified by church membership, with, however, a permanent head in the person of the minister, and with the addition of the resident landowners. It had no permanent officials for poor-law purposes, but the parish schoolmaster or dominie held his position on the same terms as now apply to town clerks in royal burghs—i.e., *ad vitam aut*

<sup>1</sup> See p. 213.

<sup>2</sup> See p. 248.

*culpam*. Once appointed, he could not be got rid of, however drunken, inefficient, or indolent, save by a cumbrous process at law. But the system seems to have worked well in most country parishes. Poor relief was given with a cautious—perhaps too cautious—hand, and the parish schools of Scotland have long been famous.

In the towns the parishes were more purely ecclesiastical areas. A town parish had no connection with education, unless indeed the congregation established voluntary schools at their own expense. It could not draw, as did the country parish, on public money for the purpose, for in the town the care of education was intrusted to the town council. With regard to poor law, the usage seems to have varied in different towns. In some cases it was undertaken by the municipal authorities; in others by the kirk-sessions. In Glasgow the two systems existed side by side. There were both hospital—*i.e.*, town—poor and sessional poor. In cases not a few, where the limits of the town and the parish did not coincide, there gradually grew up a system whereby the landward part of the parish separated itself from the other, keeping both funds and administration distinct. It is a pity that this simplification was not legalised by an Act of Parliament, for it would have prevented many complications that have since arisen. But after it had gone on for many years, it was pronounced illegal in an action concerning the burgh and the parish of Dunbar, and thus we have now three kinds of parishes in Scotland, burghal (urban), landward (rural), and mixed—*i.e.*, parishes lying in both town and country.

We see, then, that at the beginning of last century Scottish parishes were governed by the Church through



its ministers and elders; in the landward parishes the kirk-session had, in addition to its proper ecclesiastical office of keeping up church, manse, and graveyard, the charge of education and poor law. In towns the kirk-session was, as a rule, of less importance. In many towns the municipal council performed all administrative work, including both poor law and education. About the time mentioned considerable discontent with the system of poor relief began to show itself. Probably the interest in the question was in some degree due to the reflex influence of English conditions, but the discontent took quite another shape. It was declared that relief was grudging and inadequate, and that the parsimony of the kirk-sessions caused begging and much unavoidable distress. Another reason why the old system had failed to work was the growth of dissent. One body after another seceded from the Church of Scotland; when at length there came the great rift which resulted in the establishment of the Free Church, the kirk-session was no longer supreme in each parish. Since the poor were largely helped by church-door collections, and these were greatly diminished by the secessions, it was clear that the time had come to establish a more representative body than the kirk-session could be under the new conditions. Accordingly a Commission was appointed which reported in 1844, and in the following year an Act was passed prescribing various sweeping alterations in Scottish poor law. The powers and duties then laid down—the functions—are not greatly changed to this day. The structure—the organisation of the administrative body—was completely changed by the Local Government Act of 1894. It is interesting to observe, as a proof of the ecclesiastical relations of the Scottish poor law, that the Commission, instead

of grouping the parishes according to their counties, arranges them instead according to synods—an ecclesiastical district corresponding to a diocese. I shall touch again on the work of this Commission when we come to discuss the care of the poor from the standpoint of function.<sup>1</sup>

The new body set up was entitled the Parochial Board, and its constitution was singularly complex. The framers of the Act seem rather to have kept before them the need of conciliating every interest which formerly had a finger in the poor-law pie than the desirability of instituting a body with a constitution comprehensible by the plain man. In burghal and mixed parishes the magistrates—*i.e.*, the provost and bailies—appointed four members and the kirk-session four: thus each of the bodies previously interested was represented on the new boards. The remaining members were elected by the ratepayers on a system of plural voting. A man received from one to six votes in proportion to the value of his house: both owner and occupier of the property voted, and if a wealthy man lived in his own house, he might receive as many as twelve votes. This was very clearly property representation.

In the country parishes the parochial boards were only set up where the church-door contributions were insufficient to provide adequate relief. Otherwise the old assembly of the kirk-session and heritors continued to be the authority. There are still five parishes in Scotland where no poor rates are levied. The system of church-door collections had, however, already shown itself insufficient in many parishes, and as time went on, in more and more cases it was relinquished. Hence parochial boards were soon established in the

<sup>1</sup> See p. 216.

majority of landward parishes. Their constitution differed from that of the burghal parishes, but was framed on the same lines. The kirk-sessions and the heritors remained in authority, but the latter were more closely defined: only heritors owning land of an annual value of £20 were permitted to take part in the proceedings, and a quite new element was introduced (as in the burghs)—*i.e.*, the ratepayers' representatives. These were elected in the same manner as in the town, by a plural vote, and the number was fixed for every parish by a newly constituted central authority, the Board of Supervision. The position of the heritors bears some resemblance to that of the Commissioners of Supply. They were not representatives, nor yet appointed *ex officio* like the kirk-session, but took part in the work of the Poor-Law Board in virtue of a direct personal qualification. To this extent the parochial board was a primary assembly, and it showed the usual defects. Some of the parochial boards were swollen to a monstrous size by the inclusion of many small proprietors. In Old Machar there were at one time more than one thousand heritors entitled to act on the board.

A great feature of the English reformed poor law was the substitution of the union, or group of parishes, for the individual parish as the area of management. And some attempt was made to introduce it into Scotland: power was given to parishes to combine if they pleased, a combined parish being invested with a burghal constitution. But voluntary combination between local bodies is very seldom successful, for the reasons discussed in chap. v., and union was not so necessary in Scotland, where the parishes are ten times as large as in England. At all events, only two or three combinations were formed, and

most were soon dissolved. The present parish of Govan is almost the only example of a successful and enduring combination. This form of combination for all purposes must be sharply distinguished from another which is common and quite successful in Scotland—combination for poorhouse purposes. The latter is frequently adopted, while outdoor relief remains in the charge of the individual parish. It may be compared to the combinations which are occasionally formed to provide hospitals for infectious diseases. The burghs and district committees forming members of the combinations remain free to perform all other public health functions as they please. These combinations have worked well, but in Scotland the combinations of parishes for all purposes have never taken root.

The characteristic feature of the old Scottish poor law was the employment of voluntary and amateur administrators, and it was on this feature, as we shall see, that Dr Chalmers laid such stress.<sup>1</sup> But, rightly or wrongly, the law of 1845 swept it away, and substituted for the voluntary workers a paid expert in each parish. This is the inspector of the poor, who must be appointed by each parochial board (now parish council). On him was laid the duty of attending to all appeals for help, and he was criminally liable for the death of a pauper. Moreover, he held his office on an entirely new form of tenure. The parochial board appointed him subject to the approval of a newly created central department, the Board of Supervision, but it could not dismiss him. That power was given to the Board of Supervision alone. The parochial board was required to appoint another official—namely, the medical officer—but he held, and

<sup>1</sup> See p. 225.

continues to hold, his position entirely at the will of the local body.

The body with this complex constitution was set up in 1845. It was at first distinctly *ad hoc*. Its only function was to manage the poor relief. The old parish assembly, the meeting of the kirk-session and the heritors, continued to control education, in so far, at least, as the appointment of a master and the upkeep of school buildings were concerned; and the result was that the landward parish was governed by two bodies of very similar constitution. One, however, could levy rates on occupiers, and therefore on its ratepayers' representatives had a place; the other was composed of the kirk-session and heritors only. There is a temptation to wonder whether it never occurred to the legislators of 1845 to transfer education also to the new boards, and thus make them general bodies for the administration of all parish business. But at that period men seemed to see all social reforms in sections. If any special thing needed to be done, they created a special body for that purpose only. They never kept in view the general organisation of all local administration.<sup>1</sup> Kirk-session and heritors continued as the educational authority till 1872, when school boards with the constitution described in chap. iii. were established. But it should be observed that though the school board is a parochial body, its area did not entirely coincide with that of the parochial board. In fact, the areas adopted were those which custom had been setting up until declared illegal in the Dunbar case, referred to on p. 106. Every burgh and every landward parish was given its own school board, but mixed parishes were divided; the burghal and the

<sup>1</sup> Cf. p. 135.

landward portions were kept distinct. Thus there was both a landward and a burghal school board of Portobello. Considerable power, however, was given to the Education Department to alter boundaries where it thought necessary, and moreover, as the subsequent extension of burgh boundaries does not carry with it extension of those of the two *ad hoc* bodies, the parish council (formerly parochial board) and the school board, the boundaries are all in a condition of considerable confusion. The Glasgow town council, school board, and parish council all govern different areas. It should be noticed that the term burghal, when used with regard to school boards and parishes, refers to royal burghs only. Police burghs were instituted later than the parochial boards, no regard being paid to the boundaries of the latter. Thus the parish of Govan contains three police burghs—Partick, Govan, and Kinning Park,—that of Lasswade portions of four.

The parochial board, then, as we have said, was when first instituted strictly an *ad hoc* body. It was created for and performed one function only, that of poor relief. But as time went on fresh duties were laid upon it, specially in the landward areas. It became the authority for primary vaccination, though, curiously, the provision for revaccination is now undertaken by the burghs and district committees. It was made the registration authority for births, deaths, and marriages. These functions are still exercised by all parish councils.

In the country districts, however, many more duties were laid on the parish, for until the reform of county government, and the institution of district committees, it was to the parish that legislators usually turned as the machinery ready for any new piece of social work.

Thus from 1867 to 1889 the landward parish was the public health authority, and it still retains the right of appointing one member of the district committee. On the parish falls the duty of providing burial-grounds when the graveyard attached to the parish kirk becomes insufficient, and an interesting group of powers were conferred on landward parish councils by the Act of 1894, which reformed parish government and gave to it its present shape. These are the provision of libraries, of baths, of recreation-grounds. Moreover, the parish council may be made the trustees for parochial endowments, may keep up footpaths and take steps to preserve rights of way. Thus the landward parish is once more to a large extent a general body, performing some of the functions which are in burghs intrusted to the town council, while other such functions are discharged by the county council.

We have described the constitution which was in 1845 conferred on parochial boards. Doubtless it was useful at the time, since its very complexity combined various interests, and thus made it more possible to carry out reforms by its agency. But at the best it was a clumsy organisation. The landward boards were unwieldy to a degree: Old Machar had, as noticed above, over one thousand members. The Church had too close a connection with local administration. A system of ecclesiastical government adapted to the seventeenth century was totally unsuited to the nineteenth, and the members elected by the ratepayers were too few in numbers to secure any real popular control, even had the system of election been more democratic. But the plurality of votes based on property was unpopular, and the arrangements for taking the votes were

exceedingly lax and unsystematic. As in county government, it was plain that the time for a change had come; but in this case the discontent with the system was active, and based on real experience of its disadvantages. A committee of the House of Commons investigated the subject in 1878, and showed clearly in their report<sup>1</sup> that many vexatious anomalies existed under the system then in force. And as in the case of county government, the need for reform was emphasised by the fact that the legislators were anxious to give fresh functions to the parish authorities, but were unwilling to do so until the latter had received a simpler and more democratic organisation. There was in England a great desire to revive the parish as a living and important area; to cultivate the power of self-government among the rural population by exercising it in matters so closely concerning its interests as the provision of recreation-grounds, the defence of rights of way, &c. And as many of the English parishes are so small that the election of a representative body would have been a farce, in such cases a primary assembly, consisting of all the ratepayers, and called the parish meeting, was established. But in Scotland the parishes are larger, and therefore a representative body or parish council was set up in each. So that in England Parliament has endeavoured to institute primary government just at the time when in Scotland it abolished it; for the presence of the small heritors on the parochial board really turned the latter into a primary assembly. The constitution of the parish council was described in chap. iii. It is elected at the same time as the town council in burghal areas and the county council in landward, thus preventing the wearisome and

<sup>1</sup> Parl. Paper, Session 1878, 297 of 1878.



the absurd multiplicity of elections, which is such a hindrance to the keenness of the electors' interest in local affairs.

In Scotland the reformed parish councils carried on as before the work of poor relief, but in addition they perform most of the functions conferred on the English parish councils. But here a difficulty arose. The English councils are purely rural bodies; the Scottish councils, however, are some burghal, some landward, some mixed. The burghal councils were not, of course, permitted to exercise any of the "local government powers." These are intrusted only to the landward councils, and in the case of mixed parishes to the landward portion only. In such cases there exists a body called the landward committee, whose relations to the parish council somewhat resemble those of the district committee to the county council. It consists of the members elected by the landward portion alone, with occasionally one or two additional members taking part only in the work of the committee. Its proceedings are in no way controlled by the parish, but it is not allowed to levy rates. It presents a requisition to the parish, which then levies the sum necessary from the landward area together with the parish rates. Landward in this case excludes police burghs. A landward committee has no jurisdiction within any sort of burgh.

The landward committee is an awkward body, and it is to be regretted that it could not be swept away by such a readjustment of parish boundaries as would make every parish either burghal or landward. This has not been found impossible in the case of school boards, and one cannot see why the same course should not be taken with regard to parish councils also. Certainly, if more powers for self-government

are to be given to the parishes, such a simplification ought to be brought about. So long as the parish authority was an *ad hoc* body only, it was not of great consequence that its boundaries intersected those of burghs. But if we wish the country parish to provide, in a suitable form, for the inhabitants of the rural districts many of those privileges which a progressive town council secures to its citizens, then the boundaries of town and country should be clearly marked and distinguished. The institution of the landward committee is only a clumsy way out of the difficulty, which must be attacked in a more determined fashion before long.

Thus during last century the control of parochial matters passed from the Church to a democratic representative assembly. The parochial boards, although they existed for fifty years, were only a step in an evolution which has gone on for long, and seems now to have reached its close. Other local bodies may perhaps be swept away, but the landward parish, at least, is bound to be an important factor in Scottish local matters for many years to come. It forms a definite part of a consistent scheme.

## CHAPTER VII.

THE SCHOOL BOARD. THE ADVANTAGES AND DIS-  
ADVANTAGES OF *AD HOC* BODIES.

THE organisation which we have described so far is full of anomalies and complications. The distinction, for example, between police and royal burghs, though arising naturally from historic circumstances, is now confusing and unnecessary. The existence, again, of mixed parishes, leading to the formation of that clumsy body, the landward committee, seems specially annoying when it is remembered how easily it might have been avoided. Had a bill been passed to legalise the very sensible practice which had grown up towards the beginning of the century of considering the landward and burghal portions separate parishes, the legislators of to-day would have been saved many difficulties. Then the extraordinary number of small burghs is a blot on the Scottish administrative system. Yet notwithstanding these anomalies there is a definite system which is gradually working itself out, and in this system there are three elements—the burgh, the county, the parish. A crowded urban area, compact and with strong common interests, naturally requires one governing body. To this all its interests are intrusted; it should have entire charge of the whole

business of the town. This may be said emphatically of a large town, and for it the absolutely independent position of a royal burgh is well suited. The smaller towns, however, though naturally and rightly desiring to govern themselves in the majority of municipal matters, will not be large enough nor wealthy enough to make adequate provision for certain requirements—*e.g.*, police and perhaps the upkeep of main roads and technical education. They should be given the status of police burghs—*i.e.*, should be subject in a very few matters to the county council, but, as a general rule, should manage their own affairs. But undoubtedly the smallest burghs should be dissolved: there can be no question but that their continued existence keeps down the level of administration.

In the country districts, however, one body is not enough. The county is too large for some functions—*e.g.*, outdoor relief, and the provision of recreation-grounds in villages; the parish is too small for others—*e.g.*, public health, police, education; so that we require two bodies, one governing the large area, one the small. And in Scotland we have these two, strong and well organised, in the county and the parish, while the district committees and the system of special districts forms an interesting series of links between the two.

Notwithstanding the complexities noted at the beginning of the chapter, a system on these lines is beginning to work itself out in Scotland. We have these three bodies—burgh, county, and parish—each with a simple and easily understood constitution, each with certain permanent officials, whose presence as experts adds strength to the administration of the amateur members. The very differences between the

bodies—the ward system in burghs, the single-member districts of the counties—seem, even if due to accident, to be well fitted to the differences in circumstances.

But now there is in Scotland another directly elected body, the School Board, and it fits very badly into this developing system. As we saw in chap. iii., it differs from all the other bodies in (*a*) qualification of electors, (*b*) date of election (spring instead of autumn, as with burgh, parish, and county councils), (*c*) method of election, (*d*) qualification of candidates. In the last matter, as will be remembered, it seemed that perhaps the school board system of practically unlimited choice has many advantages. In all the other three cases, the deviation, where not injurious, was at least of no special value.

Now it cannot be too much insisted that to have a genuinely democratic government, with both electors and representatives alive to their responsibilities to one another, the legislator must make simplicity his main object. To parody Adam Smith's famous maxim concerning taxation, "The elections in which a citizen is called on to take part ought to be certain and not arbitrary. The time and place of election, the manner of election, the body to which the election is made, ought all to be plain and clear to the elector and to every other person." And we may add the elections should not be so frequent as to become a nuisance, or to fail to rouse interest. The writer once spent six months in London, and happened at the time to take considerable interest in local government questions. During that period there were (1) school board elections, (2) borough council election, (3) sporadic bye-elections to fill up vacancies caused by the selection of aldermen in the latter bodies, (4) Boards of Guardians elections, (5)

county council elections; all this on the top of an unusually exciting general election. She no longer felt any astonishment at the Londoner's apathy in regard to municipal matters, but wondered rather that he had sufficient energy left to record his vote at all for the county council. A local election should be something of an event, as indeed it already is in the case of a provincial town council. The various candidates, their proposals, and their merits should be the subject of common conversation and interest. Otherwise the election is a bore; few people vote; the management falls into the hands of faddists, and democratic organisation becomes a mere farce.

These considerations are of far greater importance than has hitherto been recognised, but some acknowledgment of their truth was given when the Local Government Act of 1894 decreed that parish elections should henceforth be held at the same time as county and burgh elections respectively, and when the qualifications of a parochial elector were made identical, save for the difference of area, with those of burghal and county electors.

Now it would perhaps be hardly fair to say that the above-mentioned defects are prominent features of all Scottish school boards. But it is a fact that the poll for them is smaller than for the other bodies, that more cranks sit on school boards than on parish or burgh councils, and that the electors take less interest in the work of the former than of the latter bodies. And it is commonly admitted that the smaller school boards, those of the landward areas, are far from competent. This was the case so far back as twelve years ago: when the county councils were set up, the desire was expressed that they should supersede the country school boards. However, the special incompetency of

the small boards is not due solely to the fact that the school board is an *ad hoc* body; the parish area is now too small for efficient educational administration.

There is a curious feature about the internal constitution of a school board which has rarely been remarked. It has no permanent official responsible for executive details. The officials of the school board are the clerk, the teachers, and the officer for enforcing compulsory attendance. But the clerk has purely secretarial functions, and the two other officials are strictly confined to their proper work. To illustrate shortly the distinction. A police committee does not itself interview and engage constables; members of a school board do, however, engage personally all the more important teachers. In technical education the county council employs a skilled man as director or organising secretary. He makes himself acquainted with all details; in many cases he formulates lines of policy, which are then submitted to the education committee for approval. In any case he supervises the whole work of technical instruction in the county. Now there is no similar official in the case of the school board; details, policy, supervision, all alike fall upon the elected members, and the result is that in educational work we get committee management without the other element which exists in municipal work, the presence of the paid expert organiser.

It is very commonly said that one advantage of the *ad hoc* body is that it secures expert management, for men are elected to school boards mainly because of their interest in education. But if we thus obtain experts as members of the board, which is by no means certain, we lose them where they would be much more valuable—in the service of the board, paid for their work, and giving their whole time to it. No

one doubts the value of the chief constable or medical officer of health, but it never seems to have dawned upon the public mind that the *ad hoc* educational body prevents the establishment of a similar official in education, where he is perhaps even more needed. And his absence has another curious and unlooked-for effect. It increases central control and diminishes local power. School boards have not, after all, very much to do with educational programmes. Their work is to supply buildings, appoint teachers, and enforce school attendance. The work of the schools is largely prescribed by the Education Department, and hence there tends to be a lack of variety and adaptability to different conditions. We do not find this in public health work or police, although these branches also are subject to central control. In their case, however, the control is not over the means used but over the result attained—a very different method, which, while securing efficiency and uniformity, does not interfere so much in the autonomy of the locality.

Curiously enough, we find the same characteristic—rigidity of central control—in the other *ad hoc* body; the parish council in the landward districts is now, as we pointed out in the last chapter, becoming once more a general body. Any new functions touching the country villages only are laid upon it; but its predecessor, the parochial board, was for many years intrusted with one function only, the care of the poor, and in the towns the parish council is to this day a purely *ad hoc* body. The characteristic of the school board, the absence of a permanent official, does not, it is true, appear here. Perhaps, indeed, the most important change introduced by the Poor Law Act of 1845 was the appointment of an expert, the inspector of the poor; but, notwithstanding his presence, the



administration of poor relief is far more closely controlled and strictly supervised than any of the functions intrusted to a general body. The Scottish central body, the Board of Supervision, had not, it is true, the almost tyrannical powers of the English Poor Law Commission; it could not issue regulations to which the local authorities were bound to conform. But yet the Board of Supervision could hold inspections and inquiries, could demand why this was done and that not done, and could issue instructions to the inspectors of the poor concerning minute details of office work which the latter were forced to obey, since the Board could dismiss them without the consent of the local body. And in regard to the establishment and management of poorhouses, every step of the proceedings had to be approved by the Board of Supervision.

We can, indeed, see that it is natural enough that a general body should have greater power to carry out its work in its own way than an *ad hoc* board. The inhabitants of the district take a keener interest in the proceedings of the former, and therefore its members have a sense of responsibility and a feeling of the corporate importance of their locality which is lacking in the members of a school board or urban parish council. The town councils of Glasgow and Edinburgh are in a condition of vivid self-consciousness accompanied by keen rivalry. And although self-consciousness is a quality to be condemned in the individual, it is to be encouraged and cultivated in associations of individuals. *Ad hoc* bodies lack this sentiment of *esprit de corps*. Their work and meetings are carried on in a comparatively obscure manner. Their proceedings are less carefully watched by the electors, and therefore the need of central control is

stronger. Moreover, unless compelled by the law, as are the parish councils, the members of *ad hoc* bodies do not repose sufficient confidence in their officials—a consideration which brings us back to the point in the organisation of school boards from which the discussion started. We do not find there that balance of amateur and expert administration which works so well in other branches. The administration outside the actual teaching is all amateur. There is not present at meetings of the school board a paid expert, as there is at meetings of the county technical education committee.

And this state of things connects closely with another important feature in school board administration, the position of the teachers. Under the system of parochial schools the schoolmaster had formerly a permanent tenure of office, and, as will be explained in the chapter on education, it had been found difficult, if not impossible, to get rid of even palpably inefficient teachers. Many schools had languished for years under indolent or drunken masters; therefore, when the new system was set up, it naturally happened that Parliament reverted to the other extreme, and gave the appointment or dismissal of teachers entirely into the hands of the new bodies. No officials of a school board have permanency of tenure; they hold office simply at the pleasure of the board.

But this system also works badly, specially when combined with the amateur management of the school board. It matters little that the inferior officials of a public health committee, the sub-inspectors, the matrons and nurses of the hospital, hold office nominally at the pleasure of the council. For the medical officer has a permanent tenure; he is an important

professional man ; the subordinates are appointed and dismissed by his agency, and therefore are not subject to the private whims and prejudices of the members of the committee. But school teachers, especially in the country districts, are in a very different position. Some of the country boards have only five or six members, and if one member, offended for any reason at some action of the teacher's, could persuade two others to support him, the teacher could at first be dismissed without further delay ; and offence could be, and frequently was, taken on very absurd and inadequate pretexts—because a teacher, perhaps, had punished a child more severely than the parent thought right, or because he refused to undertake some work which was unconnected with his proper duties. It seems quite clear that the teachers had a real grievance, at least when working under the smaller boards. In the big burghs there was not the same chance of petty jealousies and private spites. The remedy desired by the teachers is that they should have the right of appeal against unjust dismissal to the Education Department. This would put them in much the same position as the chief constables and medical officers, none of whom can be dismissed without approval from a central authority. But Parliament and public opinion have steadily refused to sanction this change. It would, perhaps, lay too heavy a burden on the Education Department. There are only sixty-five chief constables in Scotland ; there must be many hundreds of elementary school teachers.

One step, however, to ameliorate the teachers' position has been taken. Some years after the institution of school boards, Parliament, at the instigation of Mr Mundella, passed a short Act providing a cum-

brous and somewhat elaborate form of procedure to be gone through before the dismissal of a teacher is legal. This, of course, ensures due and careful consideration of the matter and prevents haste. But it does not prevent a few persons on a small board, who by influence persuade others, from causing the dismissal of a teacher through obstinate prejudice, and to this extent the grievance of the teachers is still unremedied.<sup>1</sup>

We may perhaps notice here that there is another official who is in the same position as the elementary teachers, and suffers from the same grievance. This is the parochial medical officer. Curiously enough, the medical officer for the poorhouse can only be dismissed with the consent of the Board of Supervision (now Local Government Board). But the medical officers for outdoor relief, who must be appointed in every parish, hold office absolutely at the pleasure of the councils. And they also complain of unjust dismissal. There was one case recently reported where the difference of the political views of the medical officer and the chairman of the council was said to have led to the dismissal.

There is one important difference between the English and the Scottish school boards, a difference which greatly simplifies the educational problem in this country. In England the establishment of a school board is only necessary when the schools already in existence are insufficient, and over a large part of rural England to-day<sup>2</sup> there are no school boards and little local control of education at all. But in Scotland for over two hundred years there has been some attempt at public provision of instruction in every

<sup>1</sup> The question is further discussed in chap. xiii., p. 261.

<sup>2</sup> Written before the passing of the Education Act of 1902.

parish, and in many parishes in the Lowlands the attempt was unusually successful. Hence when school boards came into existence, in Scotland each parish was obliged to set up its own board. The system was not partial and (to some extent) adoptive as in England, but universal and compulsory. One or two school districts have no school, since their children go to a neighbouring town for education, but they must all the same elect a school board.

One can enter into little historical detail with regard to school boards, for they have only been in existence thirty years, and during that time their constitution has practically not changed at all. They have undergone no such alterations as the burghs or the parishes. We will, therefore, conclude the chapter by a discussion of the arguments for and against *ad hoc* bodies.

The main argument in favour of them is that certain functions are so important, and demand such special qualifications, that they cannot safely be intrusted to general bodies. It is often urged, for example, that a man who will make a good enough town councillor, who can be safely put in charge of drainage, paving, and lighting, will not be qualified to undertake the management of education. This view seems to assume that the work of a town or county council is of a commonplace and unideal character, while that of a school board touches an absolutely different sphere. But the town council provides parks, reading-rooms, and recreation. Its work is not confined only to such material matters as sewers and tramways; it steps frequently, and with considerable success, into a more spiritual sphere, and there seems no reason why it should not with safety undertake the care of elementary education or poor relief. The county councils,

moreover, already to a large extent administer technical education, and in some cases have done very good work. The argument has no force whatever with regard to country districts, for there we not infrequently find the same men sitting on both the school boards and the parish councils. And if in the towns it is perhaps true that we find men in charge of education who are of a different calibre from those who sit on the burgh councils, yet in making the town council the educational authority we need not give up the services of such men. A plan has been already suggested by which their special interest and training could be utilised. If the power of co-optation were given to the town councils, persons specially interested in one branch of administration could give their help in that branch only, without taking part in the whole government of the town. Exactly as the Library Committee may now co-opt eminent literary men, so the Education Committee might co-opt university professors or retired teachers;<sup>1</sup> the Poor Law Committee, managers of important charitable institutions or the secretary of the local Charity Organisation Society. It may be objected that the town council would in this way delegate its own powers to irresponsible private persons; but this could easily be guarded against by providing that the elected members should always be in a majority on every committee, and by insisting on full and detailed reports to the meeting of the full council, where, of course, the co-opted members would have no place. We may then conclude that the supposed advantage of *ad hoc* bodies in attracting to themselves specially qualified men frequently does not appear, and could in every case be more easily secured by a system of co-optation.

<sup>1</sup> This scheme was adopted by the English Education Act of 1902.

In the second place, it is urged that to have only one body for all local affairs would lead to its being overloaded with business. The town councils, it is said, have already too much to do; they could not possibly undertake poor law or education in addition to all their other work. This objection, however, assumes that each councillor must take an active part in every branch of administration: it ignores altogether the committee system and the existence of the permanent officials. The absorption in the town councils of the two present *ad hoc* bodies would not mean that the business of the councils would be tripled. It would simply involve the addition of two fresh committees and of some more officials, and the work of the education committee would not be as heavy as that of the present school board, for the reason indicated on p. 121: they would not themselves undertake the details, but would appoint an organising secretary or director, who would act as their executive officer.

The organisation of town councils and county councils would prevent the increase of work from being as severely felt as some people anticipate, and yet we may admit that the objection has some force. It is certain that the administration of a large town is very arduous, and it might be difficult to spare members to serve on the fresh committees that would be necessary. But this difficulty could be avoided in two ways: (1) Increase the number of the council; this could be very easily done in towns not divided into wards, and though more difficult under the ward system, could still be carried through after some adjustment. Or (2) decrease the membership of committees. We have pointed out already that the committees are too large. If reduced by one-third, men could easily be

spared to undertake the new branches intrusted to the town council.

In the third place, it is frequently alleged that the election of the *ad hoc* body gives the citizens a more direct control over an important function. To take education as an example again: if it were committed to the town council, so the advocates of the *ad hoc* system argue, the questions of schools, teachers, and instruction would be swamped in matters of drainage, of police, &c. The elector would not make his views on this important matter apparent.<sup>1</sup>

This is, of course, a real difficulty, and one which is by no means confined to local government. The same problem confronts the elector in imperial matters. How shall a conscientious Liberal Imperialist vote when called on to choose between a Jingo brewer and a pro-Boer? It is precisely this dilemma which leads many to advocate the adoption of the referendum on important questions of policy; but no one has ever urged that we should set up *ad hoc* bodies in national matters,—one, let us say, for home affairs, the other for foreign. And it does not appear why what would be absurd and ridiculous in the national constitution should be right and proper in local government.

And concerning school boards, two facts may be noticed. (1) The method of election does not now ascertain the views of the majority of the citizens. The cumulative vote is expressly designed for the representation of minorities, and succeeds admirably in its object. Every school board has on it one or two members elected by cliques and faddists. (2) The

<sup>1</sup> In England it is also said that to hand over education to the town councils would introduce the religious difficulty in their elections. But that objection fortunately does not touch us in Scotland, since sectarianism has never taken so firm a hold of our educational system.



majority of electors do not seem anxious to exercise that careful and deliberate choice of their representatives which the upholders of the *ad hoc* bodies seem to expect. The poll for the school boards is always small, and the apathy of the citizens in the matter is remarkable.

Against these advantages is to be set a long line of drawbacks, which are perhaps less apparent to the untrained politician, but are nevertheless real.

1. The existence of *ad hoc* bodies leads to a considerable amount of unnecessary duplication of officials and of buildings, of account-keeping, and often of rate-collecting. This was well shown at the time when both corporations and burgh commissioners existed in the Scottish towns. Each required its own meeting chambers and its own staff of clerks. And at the present time the town council and the parish council both collect their own rates, employing a double staff for what could easily be done by one set of officials. In one or two counties arrangements have been made for joint collection of county and parish rates, but although it is cheaper, to start the system requires a considerable amount of negotiation, and it has only succeeded in a few cases. Concentration of all local business in the hands of one body would result in considerable saving of expenditure on buildings and officials, and in greater convenience to the elector in payment of rates. To some extent the latter point has been already recognised. There are several bodies which may not collect their own rates, but must present requisitions to others for the amount needed. The school board, for example, presents a requisition to the parish council; the district committees to the county council. The county council does not collect its own rates in royal burghs, but

receives the money it needs from the town authorities. But so long as the different bodies exist this joint collection of rates has its drawbacks. It tends to bewilder the ratepayer, and to make him uncertain by whom and for what purpose he is being taxed.

2. The existence of *ad hoc* bodies leads to unnecessary multiplication of elections. We have already discussed this question at considerable length, and have shown that a large number of separate elections, so far from stimulating the citizen's interest and strengthening his hold over his representatives, tends to apathy and irresponsibility. A man cannot always be devoting his mind to public matters, and if too many calls are made on him, he will end by neglecting all local elections alike. But if local elections came with comparative rarity, he would realise the importance of securing a good councillor, and would take some pains to consider the qualifications of the various candidates.

3. A very great evil of the *ad hoc* system is the fact that it leads to confusion of boundaries. The original system of counties, royal burghs, and parishes was fairly simple. Royal burgh and county were mutually exclusive; there were a few mixed parishes, but not a great number. The school board area was at first fairly simply defined: a school district was a royal burgh or a landward parish, or the landward portion of a mixed parish. But eight towns, not being royal burghs, were specially scheduled in order that they might receive school boards of their own, and power was also given to the Education Department to rearrange boundaries where it thought necessary. Hence the school board divisions have become considerably confused in reference to the other areas. Finally, the police burghs were instituted with very

little consideration of the boundaries of parishes, and a fresh complication is introduced by the fact that if a growing burgh gets an extension, the other bodies are not extended along with it. Thus much of municipal Glasgow is within the parish and school district of Govan. The Edinburgh parishes, after many years of fighting, were amalgamated and made coextensive with the boundaries of the city; but next year the municipal area was extended, and the fight with the suburban parishes had to be undertaken anew. In fact, a simple and straightforward system of local boundaries is hardly to be hoped for while the *ad hoc* bodies remain.

4. A fourth and very important drawback to *ad hoc* bodies is lack of concentration of responsibility. This is specially noticeable in matters of finance, and has been pointed out by a recent writer in 'The Economic Journal': "In the ordinary large English town there are a town council, a board of guardians, and a school board, each going its own way, each incurring what expenditure it chooses, and each asserting that its own outlay is absolutely necessary, and that the other two are by their extravagance responsible for the high rates. There is no authority answerable over against the ratepayers for the whole expenditure for town purposes."<sup>1</sup> If we substitute parish council for board of guardians in this passage the contention is equally true of Scotland. We have already pointed out that if the various committees are not carefully supervised by a central committee the same tendency to extravagance appears, and the tendency will naturally be stronger when the bodies are completely independent. Moreover, it is not hindered but rather helped by the fact that the

<sup>1</sup> See 'Economic Journal,' June 1902.

school board does not collect its own rates. Again, clashing of function will naturally arise sometimes between the independent bodies. In Paisley recently there was a proposal that a systematic medical inspection of the children in the board schools should be undertaken; but the school board was not permitted to arrange for this by the Education Department, on the ground that it was a question of public health, and therefore part of the town council's duty. The town council, however, declared that the schools were under the school board, and refused to interfere with the children in them. In the treatment of beggars and vagrants, co-operation between the poor-law authorities and the police would be very valuable, but is rarely attained. In Glasgow this is a source of some irritation; and in Kelso the magistrates disapprove so strongly of the action of the poor-law authorities in providing a shelter-house for tramps, that they refuse to punish heavily for disorder and drunkenness, holding that the parish council by their action encourage vagrancy. In fact, all that was said in chap. iii. of the drawbacks attending a too distinct separation of the various branches of a town council's work can be repeated and intensified in connection with this question of *ad hoc* bodies. One may hope that different committees of one body may learn to co-operate, but the chance of harmony is much smaller in the case of two absolutely distinct authorities.

5. We have already pointed out that *ad hoc* bodies do not employ such highly qualified officials, nor trust them so fully, as town or county councils, and need not further discuss the point.

On the whole, the argument seems to be distinctly on the side of the "general" authorities, and in fact it is quite a mistake to believe that the policy of

erecting *ad hoc* bodies was entered on deliberately after full consideration of their merits and demerits. Our legislators rather stumbled on the plan as the line of least resistance. In the beginning and middle of last century there was very little study of the machinery of local government, but there was a keen practical interest in its functions. Social reform was called for in every direction: health, education, roads, poor relief, police,—all these matters demanded fresh legislation and the greater extension of the powers of localities. But at the same time the organisation of the mediæval local bodies had broken down: the towns were corrupt; the parishes were governed by an antiquated ecclesiastical system; the counties were administered by one class only, the country gentlemen. The new powers were therefore committed to fresh bodies, constituted haphazard, for the exercise of one function alone, and accordingly the first seventy years of the nineteenth century was the period when *ad hoc* bodies flourished most luxuriantly. Then arose in Scotland Police Commissioners, Burghal Parochial Boards, County Road Boards (though the latter was rather a committee of the Commissioners of Supply). In England, where the ancient system had more completely collapsed, there was an even greater variety of authorities—Local Boards of Health, Highway Boards, Burial Boards, Boards of Guardians, Improvement Commissioners, School Boards, &c. But about the seventies men began to awaken to this extraordinary confusion, and to see how the lack of good machinery hindered or nullified the various public health and police Acts. Since that period there has been a steady simplification of the local authorities. In 1889 the county government was established on a sure foundation; in 1894 the parish councils were

instituted. Scotland has now a simple straightforward scheme of local authorities, in which there exist only two important anomalies—the existence of the school boards and of the burghal parish councils.

There can be little doubt but that the disappearance of the *ad hoc* body is only a matter of time, and that those who oppose it may delay, but will not prevent, the organisation of our system of local government on scientific lines.

## CHAPTER VIII.

## CERTAIN MISCELLANEOUS BODIES.

WE have now come nearly to the end of the first division of our subject, that, namely, which deals with the *structure* of Scottish local government. All the directly elected bodies have now been described and discussed, but before going on to the second division of the subject, the *functions* or work of these bodies, there remains to be noticed the constitution of a few indirectly elected authorities.

These deal with matters of local interest which for some reason or other do not fall wholly within the sphere of any directly elected authority, because (1) the area of the particular matter to be administered does not coincide with the area of burgh, county, or parish, or (2) because the question touches some special class in the community in a particular way, and therefore entitles it to special representation. An example of the first class is the district lunacy board. The upkeep of lunatic asylums is a matter which must be confided to a large area if it is to be efficiently performed, and which concerns town and country alike. Therefore neither the burghs nor the counties could be made the authority; instead a joint board was set up. Representatives are appointed to the district lunacy board by counties and by royal and

parliamentary burghs (but not by police burghs). Quite often two or three counties are combined, and considerable power of joining and separating the constituent areas is given to the Central Board of Lunacy. In England the lunacy authority is the county and the county borough. In Scotland the big towns do, as a general rule, maintain their own asylums; curiously enough, however, the duty is not intrusted to the town council as in England, but to the parish council, which is constituted the district board of lunacy for its own area. Thus the parish councils of Glasgow, Edinburgh, and Govan are also the district lunacy boards for their burghs. By this means in the big towns the maintenance of lunatics and the upkeep of asylums are in the same hands. In other cases they are separated, the cost of maintenance being borne by the parish councils, the cost of upkeep by the lunacy board. There are now twenty-seven lunacy boards.

Another body of a somewhat similar constitution is the secondary education committee. The Scottish Education Department receives every year a sum of £60,000<sup>1</sup> from imperial sources to be spent in furthering secondary education. But for successful use of this fund local knowledge and local administration were necessary, and therefore in every county the Department requested the county council and the chairmen of the school boards to choose a committee, to whom, under the supervision of the Department, the expenditure of the grant was intrusted. Here the school boards alone are too small to be intrusted with the advancement of secondary education; yet it is necessary that their co-operation should be secured, for secondary education must be closely linked to

<sup>1</sup> Now £97,000.



primary, and in not a few cases Scottish school boards, even in the country districts, pass considerably beyond the bounds within which their English prototypes were theoretically confined. Therefore the school boards must be represented on this committee. But the county council, since they governed the large area suitable for the development of secondary instruction, and since they already administered technical education, could also claim representation; hence the committees received their present constitution. It should be noticed that these committees are not statutory. They are mentioned in no Act of Parliament, but are set up simply by a minute of the Education Department. Their membership reminds us somewhat of the district committee: county council members and representatives of the parochial authority sit side by side. But in the education committees there is no division into districts, and the representatives of the small area are appointed, not one by each school board, but by a meeting of the chairmen of school boards. Their only work is to administer each its share of the grant. They exist in all counties, but only in a few of the largest burghs. There the members are appointed partly by the town council, partly by the school board, with occasionally a representative from such bodies as the trustees of educational endowments.

Difficulties with regard to area frequently arise in relation to municipal trading. Where we have a parent town with a group of suburban districts surrounding it, the absurdities of the divided jurisdiction are evident enough in matters of police or public health administration. But they are intensified in the question of water, gas, or tramways supply. The burghal area is seldom the natural water area, and

it would be altogether wasteful for the parent city and each small parasitic authority to go on in its own way in providing reservoirs and filtering apparatus and pipes. In such a case there are two ways out of the difficulty. A special body may be appointed jointly by the authorities concerned, and to it may be intrusted the supply of the commodity in question. This method has been followed in Edinburgh in regard to gas and water. The water trust and the gas trust are appointed by the town councils of Edinburgh and Leith and by various smaller suburban bodies. The trust or commission, once appointed, is quite independent, goes on its own way, employs its own officials, levies its own rates, and does not report to the council. Except for the fact that it is not directly elected, and so saves some trouble to the elector, it has all the disadvantages of an *ad hoc* body. It requires separate buildings and officials, and works in obscurity, since its proceedings are not reported to the town council, and its meetings are not usually described fully in the local papers. We need not, therefore, be surprised to find that the separate trusts are not a very great success, and that there is a distinct tendency to abolish them. In Edinburgh's later undertakings—*i.e.*, tramways and electric lighting—it has kept entirely within its own area, and has intrusted the matter simply to an ordinary committee of its own members. But this has, of course, the disadvantage of two undertakings in what is practically one town. Edinburgh and Leith have separate electric light works and tramway systems. In the case of tramways, the inconvenience to the public is very great, as a change at the boundary is necessary.

Glasgow had to face the same difficulty, but met it in an entirely different way. The suburban authorities

of Glasgow are all small and insignificant compared to the "second city"; there is no approach to equality, as in the case of Edinburgh and Leith. Moreover, the Glasgow town council had a considerable reputation for efficiency and progressiveness, perhaps also for a tendency to overlook the views of neighbouring bodies. So it naturally came about that the Glasgow corporation made itself the one water, gas, and tramway authority. The smaller bodies knew that no proposal for a joint board or trust would be considered, and knew also that their interests would be safe in the hands of the town council. Therefore Glasgow supplies water, gas, tramways, and telephones far beyond its own area, while yet the outside districts have no representation on the council. It is a position indefensible in theory, but justified by practical experience. The councillors of Glasgow are better fitted for carrying out trading enterprises than would be the representatives of the suburban areas; and the supervision of the committee by the council, and its feeling of responsibility to the citizens, ensures greater efficiency and activity than would be the case if an *ad hoc* joint-board were appointed. But the Glasgow policy is only made possible by the fact that the town council never aims at making a profit out of its trading enterprises, but uses any surplus for improving the service. The outside districts certainly would not submit to their lack of representation were the profits of the tramways to be applied in relief of rates in Glasgow. A further discussion of this question will be found in Appendix C.

In Dundee a middle course is adopted. The water enterprise there is in the hands of the town council, but the outside districts have special representation on the water committee. Their position is somewhat

similar to that of the royal burgh representatives on the standing joint-committee (the county police committee). This method secures representation of the outside area without the existence of an *ad hoc* body.

The bodies hitherto discussed have come into existence because of a difference of area, but, as we noticed, the factor preventing the committal of the matter in question to an already existing body may be not merely or solely difference of area but difference of interest. This is exemplified in the case of harbour boards. In some instances the town council acts as the harbour authority. This is the case at Dunbar and Helensburgh. But, as a general rule, it is felt that harbours touch in a peculiar manner the interests of certain classes, and therefore such classes are given special representation. At Dundee, in addition to the members appointed by the town council, and to representatives of certain mediæval corporations—*e.g.*, the Guildry—there sit among the harbour trustees persons elected by the Chamber of Commerce and the shipowners. The Clyde Trust is constituted in a somewhat similar fashion. Here members are chosen not by electoral divisions, nor yet by other public bodies, but by semi-private associations, as representing special interests. Other bodies of a similar nature are the educational trusts for the administration of endowments. To take Dundee again as an example, on the Education Trust sit members of the town council, of the school board, of the kirk-session, Chamber of Commerce, trades council, Senate of St Andrews University, &c.

There exist various river authorities. Fishery boards are elected by the riparian proprietors, and enforce laws with regard to close-time. There are a few joint-boards for the purification of streams; thus

the condition of the Water of Leith has been greatly improved by a body on which are representatives of all the authorities through whose areas the river flows, and also members chosen by the mill-owners. There are other river boards for different and, in fact, quite opposite ends. One stream in Fife is practically entirely controlled by a board of mill-owners, and is in an extremely filthy condition. The Act of Parliament constituting the board gave it almost absolute control over the river and its gathering-grounds. One local authority wishing to draw water from a tributary of this stream for the formation of a reservoir, which, as elsewhere in Fife, was greatly needed, found its way blocked by the existence of this board with its extraordinary powers to exploit a natural force for a private end.

This practically concludes the list of local authorities in Scotland. Joint-boards of the kind described in this chapter are many and various, and shade imperceptibly into private associations. Several such could probably be discovered in every big town, but enough perhaps has been said to indicate their general characteristics. They are not, of course, of great importance, but should be mentioned in any account of the system of local government.



DIVISION II.  
FUNCTION





## CHAPTER IX.

### PREVENTION OF VIOLENCE, FRAUD, AND DISCOMFORT.

THE preceding chapters have been occupied mainly with the history and constitution of the various bodies—*i.e.*, with their mode of election, with their committees, and with the position of their honorary and permanent officials. The question of the duties of these authorities has been treated only very incidentally, and mainly in illustration of the structure.

We now leave structure behind and turn to function: we shall investigate now, not what the bodies are but what they do. This double discussion from two points of view involves doubtless a certain amount of repetition, but, on the whole, it very considerably simplifies our subject.

One of the most important functions of the local body is the keeping of order and the prevention of crime within its area. In fact, of so great significance is this work that in many countries it is not intrusted to the local authorities at all, but to a branch of the national government. This is the case, for example, in Ireland. On the Continent the police are usually managed by the local authorities, but a sharp distinction is drawn between functions that are properly local and central functions intrusted to local agents, and whenever the two clash, the latter is always to

have the precedence. In Great Britain there has been no such distinction made, but, as we shall see, the central authorities have by several methods acquired a very considerable control over the police administration.

The provision of police has always in this country been confided to the local communities. In the eighteenth century, in the counties, there was little attempt at watching or guarding the citizens. Each household was obliged to take care of itself, and travellers had to be well armed against possible violence. In the towns rather more was done. Sometimes the system of unpaid constables prevailed : any citizen when called upon was obliged to serve for a certain space of time.<sup>1</sup> In all probability the famous watch presided over by Dogberry and Verges was formed of such constables, and even in Shakespeare's day they seem to have been noted for inefficiency. Other towns kept up paid forces. Edinburgh's town-guard, which figures so prominently in the 'Heart of Mid-Lothian,' was a force of this nature ; but the system was piecemeal, and quite inadequate to the needs of an advanced civilisation.

Accordingly towards the middle of the nineteenth century the necessity for reform became manifest. At first an adoptive Act was passed giving power to the Commissioners of Supply to establish a police force in counties. This Act was taken advantage of to a

<sup>1</sup> It is curious to observe how similar devices repeat themselves under different circumstances. This system of the employment of unpaid officials for the keeping of order, who must serve when called on, is frequently met with in the "dormitories" or halls of American colleges. In Bryn Mawr College, "proctors," whose duty it is to enforce silence during study hours, are chosen by the students half-yearly from among their own body. The office is by no means easy, but must be accepted by the student elected.

considerable extent in Scotland, but some counties lagged behind, and very many of the little burghs were hopelessly inefficient. Finally in 1857 the next step was taken, and the establishment of police forces was made compulsory over the whole country. The authorities were the counties (where the force was managed by a committee of the Commissioners of Supply), and burghs over 7000 inhabitants; smaller burghs had to be content to be policed by the county. Lerwick and Renfrew, however, are permitted to keep their own force, although the former has only about 4000 inhabitants. But any new burgh formed under the police burgh procedure was not allowed to police itself unless it had more than 20,000 inhabitants. By these regulations the establishment of a few large and well-drilled forces was ensured rather than the existence of a multitude of small and inefficient bodies. It is easy to see how impossible it is for a little town of one or two thousand inhabitants to keep up without enormous proportional expense a force equal to all emergencies, while, if it forms a part of the county for police purposes, the expense is less, and when a special emergency arises—*e.g.*, at the time of a horse-race or fair—the rest of the county can be drawn on as a reserve. Therefore the steady policy of the central department (now the Scottish Office) is to encourage amalgamation of county and burgh forces.

But in addition to the compulsory establishment of police forces in large areas over the whole country, the Act introduced another reform—one which has since been largely followed in other branches of administration. To sweeten the compulsory institution of police forces (which was at the time very fiercely resisted in some rural districts), the Government

offered to pay one-quarter of the expenses of pay and clothing under certain conditions. This is a "grant-in-aid," one of those subventions from the imperial to the local exchequers which are often represented as being given simply in aid of rates, but which in many instances are given rather to secure efficiency of administration. The police grant was given to every authority which submitted to inspection by an inspector sent from the Home Office, which listened to his suggestions, and whose force he pronounced efficient. In the first year several municipal authorities—namely, Aberdeen, Perth, and Kilmarnock—were so indignant at this invasion of their ancient privileges that they would not permit inspection, and stated that they would not accept the grant even if declared efficient. But this attitude of bravado was not long maintained: the municipal independence could not hold out against the temptation of the payment of one-quarter of the police expenses, and before many years these recalcitrant towns meekly submitted to the annual visit of the inspector. The reports of the inspector of constabulary form very interesting reading. We learn that in the first year there were thirty-two county forces (for some reason Orkney and Shetland have never been included in the police inspection), and of these thirty-one were efficient. Stirling for several years remained below the standard, and was refused the grant. Of burgh forces there were fifty-seven, and of these only nineteen were efficient. Many of the smaller burghs were urged to amalgamate with the counties, and gradually this advice was followed. The number of separate burgh forces steadily decreased, while the proportion efficient steadily rose. In 1868 there were forty-eight burgh

forces, and thirty-eight received the grant. In 1888 there were thirty-six, and thirty-three received the grant. In 1901 there were only thirty-three forces, and all were pronounced efficient. It is clear that the steady pressure of the central department has resulted in a great improvement in the Scottish police forces. In 1874 the grant was increased to one-half, and in 1889 certain changes with regard to it were introduced, whose nature will be described in the chapter on Grants-in-Aid and the Local Taxation Account.<sup>1</sup> In 1885 the inspection was transferred from the Home Office to the newly established Scottish Office.

Another important reform introduced was the institution of the office of Chief Constable. Every police authority must appoint a chief constable, whose appointment, through the operation of the grant, must practically be approved by the Scottish Office, while under no circumstances can a county chief constable be dismissed save with the consent of the Secretary of Scotland. The dismissal of a burgh chief constable requires the consent of the provost and the sheriff for the county, and if they disagree, the Secretary for Scotland is called in. Of course this secure tenure of office makes it difficult to get rid of an inefficient man, a fact which has recently been exemplified in one important city; but it adds greatly to the power and independence of a good man, and, on the whole, is of great advantage. The chief constable in an English borough is liable to dismissal at the will of the council, and the Royal Commission on the Liquor Laws strongly recommends that he shall be put in a more secure position.

<sup>1</sup> See pp. 330 and 342 ff.

In the counties a special police committee exists—*i.e.*, the standing joint-committee—whose constitution has already been discussed. It is quite independent of the council with regard to the policy it pursues and the regulations it issues. The only control of the county council over the standing joint-committee is its power of refusing the necessary funds; for its estimates require the approval of the whole council. In English boroughs a similar independent committee—the watch committee—exists, differing, however, from the county committee in the fact that it is composed only of members of the council. In Scotland, however, the police committee is not statutory,<sup>1</sup> and differs in no way from other standing committees. The object of the English watch committee is to secure a better executive body than the whole council: on our side of the Border the same object is attained by the independent position of the chief constable. That official in Scotland cannot be dismissed, while he himself has the sole power of appointing and dismissing constables. He is the executive, and the committee is to a large extent only advisory. On the other hand, the Scottish chief constable is hampered by the fact that he cannot conduct his own prosecutions, but must apply to the procurator-fiscal to perform this duty for him.

The main duty of the police is to prevent crime and to arrest criminals after the crime is committed. In these matters they are carrying out the national law, and to discuss the duties of this nature is not a part of our present task; but special protection against fraud and against discomfort is usually a matter of local enactment. Many towns have secured special powers by local Acts. Thus in Edinburgh it

<sup>1</sup> Glasgow seems to be an exception.

is a police offence to cast orange-peel on the pavement, and in Leith to throw waste-paper into the street. Every town, moreover, has power to make certain by-laws for securing the safety and convenience of its citizens. Thus we find sets of by-laws concerning traffic. Glasgow has, since the introduction of electric cars, found it necessary to enact that henceforward slow-moving vehicles, vans, carts, &c., should always keep to the side of the street and not encroach on the car lines. Musselburgh has an unusual set of by-laws concerning sea-bathing, one of which forbids bathing on Sunday within the boundaries of the burgh. Apparently cleanliness is not a virtue but a vice in Musselburgh "on the Sabbath." At Dundee there are regulations dealing minutely with traffic in certain narrow streets. Other matters for which by-laws are commonly made are the driving of cattle through the streets, the use of public links or parks, and the beating of carpets. There is no doubt that in the crowded life of a modern city collective regulations may very greatly increase the social comfort of the citizens, and in all probability the future will see a great increase in this form of public activity. For example, there is great need of by-laws providing for cleanliness in streets and public places, forbidding spitting on the pavement and on tramcars, and the scattering of waste-paper, &c., in the streets. Such by-laws would be educative, as they would call the attention of careless people to the harmfulness of practices in which they thoughtlessly indulge with no regard to the comfort of others. Much might be done for the preservation of beauty in towns. Edinburgh has already got powers to regulate advertisements, and in consequence the city is not disfigured by enormous

hoardings and abominable placards testifying to the virtues of patent pills and soaps to the same extent as other towns.

But there is the danger that such by-laws may interfere with the liberty of the subject, or that they may voice the opinion of a section of the community only. Little burghs often wish to restrict the speed of cyclists within their area to a quite absurd extent. It is not possible to allow burghs simply to make what by-laws they please. Any proposed regulations must be submitted to some central authority, and by it approved or disapproved. By-laws of the kind we have been describing concerning the general order and comfort of the town require usually the consent of the sheriff, and the consent is often not given without considerable alteration. The new Glasgow traffic regulations, for example, when first framed, forbade absolutely the presence of heavy vehicles on the tram-rails; but the sheriff refused his consent until a clause was introduced providing that if good cause could be shown, the slow-going vehicles should be permitted to encroach temporarily on the centre of the road. It might, perhaps, be held by some that the consent of the sheriff to the Musselburgh by-law forbidding bathing on Sunday should have been refused. In the same way, when a burgh proposes to limit the speed of cycles within its area to four or five miles an hour, a higher limit is always insisted on by the confirming authority. With proper consideration by the central agents to ensure that no unnecessary or foolish by-law shall be passed, there can be little doubt that the existence of these regulations adds greatly to the comfort of town dwellers.

In recent years a great fabric of enactments has



been raised to protect citizens against fraud. The police have the inspection of weighing-machines in their hands; very special attention is usually paid to the weighing of coals. In Edinburgh the coal-dealer is required to have marked on his bags the weight of coals contained, under penalty of 40s. or thirty days, or else to indicate the weight in some conspicuous part of his cart to the satisfaction of the coal inspector. Such requirements are likely to be of the greatest service to the poorer classes, who buy coals in small quantities, and who are specially liable to be cheated. Similarly the adulteration of food is now much more closely watched and guarded against than formerly. It, however, is to be considered rather a branch of public health, and will be discussed in the following chapter.

A very useful method of guarding against fraud, and in some cases against danger to the public, is to require certain classes of tradespeople to take out a licence, for which a small fee is given. This serves two ends: it ensures that the holder of the licence is a person of reasonably good character, and it enables the police to keep a list of the names and addresses of those engaged in certain businesses which are likely to be a danger to the public, to be closely connected with criminals, or to lead to immorality.

In one special case the issuing of licences by local authorities is of such unusual importance for the moral wellbeing of the community, and of such pressing pecuniary interest to one section, that it has almost eclipsed in the public eye all issue of other licences, and has in many ways received an exceptional treatment from the Legislature. Up to the present time the granting of licences for public-houses was in royal burghs in the hands of the bailies or magistrates; in

police burghs and counties it was intrusted to the justices of the peace, who were appointed by the central government, and were beyond the control of the inhabitants of the locality. Appeals against the refusal to renew existing licences (even in burghs) came before quarter sessions, and considerable annoyance was often felt when the justices upset the decisions of the magistrates, who were, though indirectly, the representatives of the people themselves. Nevertheless Scotland had by means of this system already to some extent local control of the liquor traffic. But there were many anomalies. The recent date of the institution of county councils, and the consequent possible rashness and inexperience of the councillors, had for a time given some appearance of reason to the refusal to intrust to the elected representatives of the county a duty which had long been performed by the magistrates of the burghs. But more than a dozen years had shown that county councillors were not distinguished by any extraordinary rashness or inability, and that the new authorities were quite as capable as the burgh councils of discharging delicate and important functions. Moreover, in the position of the burghs there were unjustifiable and inconvenient anomalies. The constitution of the court of appeal was a source of irritation. It was indefensible, on the one hand, to refuse the right of appointing their own licensing authority to the larger police burghs, and, on the other, to continue it to all the tiny and decrepit royal burghs.<sup>1</sup> Accordingly an Act of this session (1903) has introduced a new system, which will come into force at the beginning of 1904. In the counties a new body is to be set up, somewhat similar in constitution to the

<sup>1</sup> Cf. p. 100.

standing joint-committee. Half of its members are to be elected from among their own number by the justices of the peace, half from its own number by the county council; the county council may, if it pleases, divide its area into licensing districts, but if it selects any divisions other than those already existing for the purposes of public health and road management, the special consent of the Secretary for Scotland is necessary. The jurisdiction of the smaller royal burghs is abolished; henceforward no burgh containing less than 4000 inhabitants is to possess a separate licensing court. In compensation, however, the councils of the smaller royal burghs will send one or more members (in proportion to their population) to the county licensing court—precisely as a royal burgh which keeps up no police force of its own sends a representative to the standing joint-committee. On the other hand, the larger police burghs are in future to possess a separate jurisdiction. Licensing courts, consisting of the magistrates or bailies, will be instituted in every police burgh with a population exceeding 7000. The system is thus approximated to that in existence in royal burghs; but the limit of population is different in the two cases.

New courts of appeal are to be established, differing from the licensing courts in number and in area of jurisdiction. In burghs having more than 20,000 inhabitants the court of appeal will consist of the members of the licensing court and an equal number of justices of the peace. For burghs with a population between 20,000 and 7000 there is to be in each county one court of appeal, consisting of equal numbers of burgh magistrates and of justices. The number of members varies from six to sixteen; some burghs send one, some two, some three, in proportion to their

respective populations. The court of appeal from county and district licensing courts, and from the courts of royal burghs below the 7000 limit, is to be made up equally of county councillors and of justices, but is to contain six more members than the lower court. Those royal burghs which, having a population between 7000 and 4000, retain their existing courts, have no representation on the court of appeal.

The term of office is in every case three years.

To these courts are to be intrusted in future the issue of certificates for public-houses, inns, and hotels; they may make by-laws for closing licensed premises wholly or partially on certain days, or making provision for a supply of eatables and drinking water,—such by-laws to require the consent of the Secretary for Scotland. They also control the structure of the premises intended for the sale of liquors, and the applicant for a certificate must produce a plan.

On the whole, the scheme, though somewhat complicated in details, seems to be a cautious but yet considerable step towards fuller public control of the liquor traffic, and an experiment which will be watched with much interest. In the landward areas the association with the former authorities of councillors elected, even though at the second remove, by the community is a new departure, which is yet in line with the position of the long-existing court in royal burghs, and shows also a similarity to the constitution of the police authority. The institution of separate courts for the larger police burghs tends to the abolition of that historical anomaly, the relatively dependent position of such towns as Govan and Motherwell; and the destruction of the jurisdiction of the small royal burghs is a much-needed reform, which it is to be hoped will be imitated in other

directions. Apparently, according to the census report, there exist eighteen police burghs with over 7000 inhabitants: these receive licensing courts of their own. On the other hand, over thirty royal burghs are deprived of their present licensing powers. In two cases groups of burghs (*i.e.*, Banff and Macduff, and Anstruther-Wester, Anstruther-Easter, Pittenweem and Kilrenny) are amalgamated for the purposes of the Act.<sup>1</sup>

The issue of public-house licences is intrusted to a special body and surrounded by special precautions. But similar methods are pursued in many other cases. We license, for example, pedlars, in order to ensure that the hawking of small wares shall not become a mere excuse for begging. We register the addresses of places where fireworks and explosives are stored in order that they may be inspected and kept in a safe condition. We license pawnbrokers and second-hand dealers; the object in this case is to keep such dealers under supervision, as otherwise they may become merely receivers of stolen goods. Very commonly a Scottish golfing resort licenses caddies. The introduction of the licences at St Andrews has resulted in a great change for the better in the character of

<sup>1</sup> The same Act which establishes these new authorities introduces many other reforms which, though not all falling strictly within the sphere of local government (since they are of a legal rather than an administrative character), may yet be shortly noted. It provides for the registration of clubs, extends the discretion of the court with regard to early closing, provides for the formation of a "black-list" of habitual drunkards, and makes it an offence to sell drink to those whose names are on the list. It prohibits the sale of drink to children under sixteen for consumption on the premises, or under any circumstances to children under fourteen. A person found drunk in a public place while in charge of a child under seven is to be liable to a fine. The Act by no means introduces radical reforms, but undoubtedly it proceeds cautiously and in pursuance of a natural line of policy in the direction of a conservative solution of the drink problem.

the caddies. Similarly many towns license messengers and porters, fixing a scale of charges and providing each porter with a number plate. And any one who has lived much in lodgings knows well the relief it is to have one's luggage carried down by a clean and respectable man at a reasonable charge rather than by a dirty, disreputable, and often drunken street-loafer, who demands an exorbitant reward. All large towns license both cabs and cab-drivers and fix the scale of charges. Edinburgh licenses chimney-sweeps; Glasgow children street-sellers. Quite recently power has been acquired by various towns to license ice-cream shops:<sup>1</sup> these were, it is said, often haunts of disorderly persons, and became demoralising influences in the town's life. For a similar reason common lodging-houses must be licensed; in this case public health considerations also lead to supervision.

This power to issue licences may indeed be used in a narrow and puritanical manner. Some annoyance was caused a few years ago in Glasgow by the refusal of the magistrates, on the grounds of public morality, to permit the exhibition of a certain picture. But yet the power is very valuable. There are many matters which cannot safely be left entirely to private notions of what is right and decent. Unfortunately it cannot be denied that in the large cities of the present day there is springing up a class which takes a morbid pleasure in the indecent, and for the sake of respectable people, but especially of children and young persons, the desires of this class must be checked. And the check comes better and with less publicity through prevention, through the refusal to issue necessary licences, than by a prosecution after the

<sup>1</sup> The regulation of ice-cream shops may now be carried out by any burgh under a recent adoptive Act.

picture or show has been on exhibition. It is, for example, to be regretted that so many of the automatic mutoscope pictures on exhibition in stations and other public places are frequently of a dubious character: the mutoscope shops, in some towns at least, are undoubtedly centres of corruption. Before long the burghs will apply for power to license all mutoscopes, and it is greatly to be hoped that they will promptly receive it.

In other cases the object of licensing is to prevent fraud, and it is frequently accompanied by the fixing of a certain scale of charges which must not be exceeded. This is done, for example, in the case of chimney-sweeps, cabs, and messengers.

Probably this system of licensing might with advantage be extended. There is one business which is in urgent need of regulation, for, as at present conducted, there is great reason to believe that it exists largely by means of dubious practices. I refer to the registry offices for domestic servants. It is said, and many ladies will be inclined to believe the allegation true, that registry offices take little pains to suit their customers, but rather bring together mistresses and maids who are not likely to please one another. The natural result is the dismissal or resignation of the servant and a fresh application to the registry office. This is one of the cases where perfectly free competition develops unexpected evils, and where the imposition of certain restrictions will be to the advantage of the competitors of better character. If no one were allowed to open a registry office without a licence from the local authority (precisely as no one is allowed to be a hawker of small goods without a licence), and if the licence were granted only to applicants of good character, and might be revoked on due

cause, probably a great improvement in the conduct of the business would come about.<sup>1</sup>

By these means, then, the local authority preserves the character and comfort of the community and prevents crime, fraud, immorality, and disorder. It employs a police force, for the good condition of which it is responsible to the central government. It prevents fraud by licensing businesses which are peculiarly liable to dishonest practices, and also licenses such places as public-houses, ice-cream shops, and common lodging-houses, which if unregulated are apt to become haunts of immorality and crime. In many ways it strives to secure the comfort of its citizens, and although there is always the danger of unwise and meddlesome interference, yet in our crowded modern cities there is an ever-growing need of wise collective regulations : that this is so is shown by the fact that a by-law or system of licensing once enacted is seldom abolished, save for the purpose of being re-enacted with greater stringency. And much yet remains to be done, and doubtless will be done, as we shake ourselves free from a set of economic doctrines which, though true for the circumstances in which they arose, are ceasing to be true for us. The ideal of the police administrator now goes far beyond the mere detection and punishment of crime ; he aims rather to prevent it, and in many other ways, which in this chapter have been merely hinted at, to promote the honesty, morality, and order of the district which he and his subordinates govern.

<sup>1</sup> Registry offices must be licensed in New Zealand ; see 'State Experiments in Australia and New Zealand,' by W. P. Reeves. London, 1899. Vol. ii. pp. 204 ff.



## CHAPTER X.

## THE CARE OF THE PUBLIC HEALTH.

IN many cases it is hard to draw the line of demarcation between police and public health work: spitting, for example, is an unhealthy as well as a disorderly habit, and must be suppressed for both reasons. In some towns the reporting and prosecution of smoke nuisances is intrusted to the health authorities, in others to the police. Common lodging-houses may be nests of disease as well as haunts of criminals. Therefore we take up next the discussion of public health work,—of the ways in which a district provides its inhabitants with the necessaries of wholesome life, and provides for the prompt suppression of infectious disease when it occurs.

The most important necessity for health is a sufficient supply of pure water, and accordingly a local authority must either see that every house is properly provided with this or itself remedy the deficiency. The latter is the method usually adopted in Scotland. Even the most ardent opponents of municipal trading admit that the provision of water and gas is properly in the hands of the community. In England private water companies remain in Newcastle, and in London and many other southern towns, but in Scotland they are nearly extinct. Every large

town and all the landward areas supply themselves with water; and in only about half a dozen of the smaller burghs (Airdrie, Auchtermuchty, Dollar, &c.) do water companies still exist, and in the former town the acquirement of the property of the company by the municipality has been already discussed. The water company in Scotland will in a short time have disappeared, and the provision of water be entirely in the hands of local authorities. In burghs the supply is, of course, over the whole area, and frequently, as in Glasgow, considerably beyond it. In Edinburgh a special trust or joint-board exists for this one purpose. In counties the authority is primarily the district committee, but, as has been already pointed out, it is very rarely that one water scheme can be applied to the whole district. Outlying houses are supplied from wells. A gravitation supply is needed for two or three villages and hamlets, and can be obtained under different circumstances in each case. This is one of the instances where the peculiarly Scottish device of "special districts" comes into play. The boundaries of the village are marked out, a special sub-committee (consisting often of members of the parish council) is appointed, and a special water assessment levied within the area. It is a system which works with great success in sparsely populated rural areas, where water is easily obtained and the villages are far apart.

Some of the crowded counties, however, are beginning to have considerable difficulty with regard to water. The case of Fife was described to the writer by a member of the county council. It is a mining and industrial area, at least in the west, and population is increasing. At the same time it is becoming more difficult to get water. The mines are disturbing

the old wells, and the growth of population is exposing existing sources to greater chances of pollution. In consequence there is something of a conflict prevailing at present among the burghs and district committees of Fife for the remaining available water areas (lochs and gathering-grounds for reservoirs). At the same time there is, not very far away, a magnificent source of supply in the Perthshire hills. This seems to be distinctly a case where the county council should be the water authority, and should promote a large scheme for supplying the whole county with drinking-water, leaving the doubtful wells and small reservoirs at present existing to be used for flushing drains and watering streets.

In fact, it is held by many people that one of the duties of the central health department should be to carefully survey the whole country in regard to water, and assign to each industrial community and district its own collecting area or gathering-ground, in order that no part of the country may receive more than its share, and none be left without a proper source of supply, as may possibly be the case with London unless it soon bestirs itself. In Scotland there is no likelihood of so serious a difficulty as in London; the Highlands supply Glasgow, the southern uplands will soon supply Edinburgh, and even with regard to Fife, though a temporary scarcity may prevail for a few years, the hills are not far away, and will certainly be utilised when the scarcity begins to be distinctly felt. Yet even here it is hardly desirable that so important a matter should be left to chance, and a small expert commission on the subject, which would lay down rules to guide the granting of future private bills and provisional orders in regard to water-supply, would be of great service.

The health authority is responsible not only for providing pure water, but for carrying off and getting rid of the used water and all waste products. It is, that is to say, the authority for sewerage and drainage.

Questions of sewerage are purely technical, and cannot be properly discussed in a book of general interest. The object is to get rid of waste products as quickly as possible, and whether this can be best attained by a sewage-farm, by filtration, or by the modern bacteriological processes, is a matter to be decided by experts: the reader who is interested in the question must therefore be referred to technical treatises on hygiene.

Unfortunately, many towns in Scotland make use of none of these methods. Paisley sends its crude sewage into the Cart; Dundee discharges into the Tay; Glasgow has so far only partially adopted a purification system. The small town of Melrose empties all its drains into the Tweed, and so do many of the manufacturing towns of the Border. The large number of waterways in Scotland is the reason why few experiments are made, and in many cases, indeed, an artificial system is not needed. The Clyde certainly has for years been little more than an open sewer, but the broad estuary of the Tay seems to suffer little from the drainage of Dundee. Accordingly, most health authorities in Scotland drain complacently into the nearest stream.

But this conflicts with another of the duties of local bodies—the prevention of pollution of rivers. It is their duty to apply to the Scottish Office for power to prosecute millowners and others who permit injurious liquids from dye-works, paraffin-oil works, distilleries, &c., to flow unpurified into natural water-courses. But obviously when the local authority is itself an offender by permitting its sewers to empty

into the rivers, it cannot evince any great zeal in the matter. And little is done. Year by year the streams become fouler and fouler, until now in many—the Almond, for example—fish cannot live. Other causes contribute to the same result. Representatives of the manufacturers often find a place on the county and burgh councils, and vote steadily against any attempt at purification: they are not perhaps consciously corrupt, yet it is their own interest that actuates their vote. Again, the fact that every river flows through the area of several local authorities renders action more difficult. It is of little use for the county council to be zealous in the matter, if a royal burgh situated nearer the source is apathetic. Individual action is useless, while joint action is always difficult to arrange—and specially so in the case of counties and burghs. These two sets of bodies always exhibit a curious jealousy of each other. Finally, when all these difficulties have been overcome, and the council has decided on a course of action, the Scottish Office has a veto on any prosecution of offending manufacturers, and unfortunately this veto is often used in too great tenderness for industrial interests.

This matter of the pollution of rivers seems to be essentially a point in which the central authority should intervene to stimulate, not to check, local action. It is to the interest of the whole country that the rivers should be preserved in a fairly pure state; but it is to the interest of the localities to pollute them by sewage, and of the manufacturers, who are largely represented on the councils, to discharge into them trade refuse. The councils will not move until the conditions become very bad, and therefore, while perhaps a central department should possess a right of veto to prevent possible injury to trade through haste

and lack of consideration, central control should, as a general rule, rather stir up the local bodies to action than hold them back. It has even been suggested that the central government should give a grant towards the purification of sewage to every authority which adopts some artificial system. As we shall see when we come to discuss the *raison d'être* for grants-in-aid, this is an eminently suitable proposal.<sup>1</sup>

There should also be greater facilities for the formation of joint-boards. As a general rule, joint-boards or indirectly elected authorities are to be avoided, as an energetic directly elected body is likely to be far more effective, but exception must be made in this case. For a river comes under the jurisdiction usually of many authorities, of whom no one has a controlling interest. Moreover, it is desirable to have a special representation of the millowners and manufacturers in order that they may concur in the justice of any measures for purification. Such a joint-board created by Act of Parliament exists for the Water of Leith, which is consequently in a far more satisfactory condition than any other Mid-Lothian river.

Very many of the difficulties with regard to river purification exist in another department of public health work, where also very little progress is being made—*i.e.*, in the prevention of the pollution of the atmosphere. In this case also the local authority is very often an offender. If it possesses its own gas-works, as Scottish towns usually do, or has a large disinfecting apparatus, or runs public baths, its works may emit as disagreeable fumes and smoke as the factories. This is said to be the condition of things in Dundee, and inevitably in such a case the local body will not be anxious to prosecute other offenders. More-

<sup>1</sup> See p. 351.

over, the latter, in the persons of manufacturers, are often present on the council, and therefore another reason for slackness in the matter is at hand. And so we find little or no progress in the purification of the atmosphere; all our towns are covered with dust and smuts; the labour of housekeeping is nearly doubled by the constant fight against dirt. In the larger towns the smoky air causes in cold still weather a choking fog. As Dr J. B. Russell points out,<sup>1</sup> it is absurd to make elaborate regulations concerning ventilation and free air-space around houses while yet the atmosphere as a whole is permitted to remain in a condition of gross pollution.

In every other department of public health we are making some progress, in some cases rapid progress, but in these two most important matters, purity of rivers and purity of the atmosphere, we are at a standstill, and no provision of hospitals, no alertness in discovering and removing infectious diseases, can make up for neglect of these two primary necessities of life; nor can even the provision of fresh houses for the working classes raise the standard of health so much as the simple and energetic performance by the sanitary authority of its statutory duties with regard to air and water. No man can be healthy, still more no child, even though living in a house erected according to the newest scientific methods, if he must constantly breathe a polluted atmosphere.

It is pleasant to turn away from matters in which local authorities are apathetic, in which, indeed, not a few are completely inactive, to departments which are carried on with greater energy.

Scottish burghs are unusually successful in dealing with scavenging and the collection of domestic refuse.

<sup>1</sup> *Evolution of Function of Public Health Administration*, p. 112.

Neither in Glasgow nor Edinburgh are there seen in the daytime those disgusting dust-carts which disfigure even the most important residential quarters of London,—laden with ashes, with decaying vegetables, with waste-paper, and often provided with such badly fitting covers that the lighter portion of their contents is sometimes wafted over the street by a sudden breeze. The scavenging of the streets is in Scotland done in the night-time, and in the larger towns domestic ash-pits or dust-bins are in many quarters forbidden by the town's by-laws. There is instead a daily collection of refuse; the householders are required to place their dust-pails by the street doors ready for the dust-cart at an early hour in the morning. In Edinburgh the hour is for part of the town six, for other parts seven o'clock, in the morning. Although nominally forbidden, it is customary to put out pails the night before, and to the casual passenger through Edinburgh at eleven at night the rows of pails in the streets have a curious and ghostly appearance.

There is great difficulty in finding means to dispose of the domestic refuse. In some places it is taken out by canal boats and tipped into quarries; Glasgow possesses two farms which she utilises for the disposal of her street sweepings and other refuse. Paisley has recently set up a destructor, and this is probably the best method of dealing with the problem. But Paisley has not, unfortunately, followed the example of Shore-ditch, and utilised the refuse-destructor to provide part of the power for the electric-light works.

In the work of keeping a district thoroughly fit for human habitation a most important factor is the prompt and ready removal of nuisances. This is the special work of the sanitary inspector and his assist-



ants, and is usually carried out with considerable success. Thus in Leith during the year 1900 there were 970 nuisances abated, including 272 cases of foul areas, three cases of houses unfit for human habitation, one of odours from a fried-fish shop, several of defective water-closets, defective drainage and ventilation, &c. An energetic inspecting staff can do much to promote the healthfulness of the district under its care by prompt attention to every complaint received. In many cases no prosecution is necessary. The inspector draws the attention of the person responsible and suggests remedies, which are often, after a little persuasion, carried out. The great function of inspectors is, indeed, not so much to prosecute, though they must have the power of doing this in the last resort, as to embody the collective conscience of the community with regard to dangers against which individuals are not able personally to defend themselves without great inconvenience. Our system of inspection is entirely an invention of the nineteenth century, and by means of it many laws are now actively enforced which were formerly a dead letter. In earlier days, if a man was injured or inconvenienced by the action of any of his neighbours, his only resource was personally to bring an action. But in the increasing complexity of modern life this remedy became too cumbrous, and a new method appeared, showing itself first in those developments of civilisation on which all other changes of modern life are based—*i.e.*, in the manufacturing and mining industries. There certain regulations must in the interest of the community be enforced, but simply to make them part of the law of the land, and then trust to the people concerned to insist on their fulfilment, proved an unworkable plan. The miners or

factory workers could not possibly prosecute the coal-owner or manufacturer for a breach of the Acts; for, in the first place, their knowledge of the law and their leisure for conducting prosecutions were alike too small; and, in the second, any such course of action would have made them liable to immediate dismissal. Accordingly the Mines Regulation and Factory Acts remained a dead letter until the appointment of inspectors bound to investigate complaints without disclosing the name of the complainant, and if necessary to institute prosecutions. So in public health work inspectors are necessary to secure the prompt suppression of nuisances—partly because a private individual will not trouble to move unless a smell becomes very annoying indeed, partly because in some cases his position prevents him from prosecuting at all. A poor tenant cannot, for example, prosecute his landlord for failing to provide proper sanitary accommodation, for the landlord would promptly eject him and put in some more complaisant and less fastidious tenant: he may, however, under our modern system send a letter to the inspector's office, and so bring about a visit from an impartial authority. And this is the inspector's proper work—to act as intermediary between the person injured and the person responsible. It is not, as a general rule, his work to personally discover breaches of the Act he is administering. The intelligent co-operation of the public is necessary, for even the best of inspectors is not ubiquitous. Surprise visits may be useful, but a thorough inspection at regular intervals of the whole of the inspector's area of jurisdiction would necessitate in most cases an enormous staff and an enormous expense. No possible number of inspectors could ensure, for example, that every one of Glasgow's common-

stairs was in a sanitary condition. But much can be done by having a staff ready to hear and investigate complaints. Hence it is necessary to educate the general public in this matter. Let all who visit in the poorer quarters of a town—district visitors and district nurses, poor-law inspectors, school board visitors, &c.—be ready to draw the attention of the sanitary authorities to the existence of nuisances.

Some of the methods we described in the chapter on police come into play in connection with public health also. Thus the system of licensing is applied to dairies and milk-shops, to byres and lodging-houses; and those which are licensed are required to adhere to certain definite regulations. Milk-shops must now have no communication with living-rooms. Bakehouses are not licensed, but are placed on a register and are inspected annually by the medical officer of health. Slaughter-houses must also be licensed by the public health authority. But in the large Scottish burghs the slaughter-house is usually provided by the municipality, and where this is the case private slaughter-houses are not permitted. Persons intending to establish certain offensive trades, such as tallow-boiling, must receive a licence from the local authority.<sup>1</sup> There is an appeal to the Local Government Board against either the grant or the refusal of the licence.

Again, exactly as the police inspect weighing-machines and coal-carts in order to prevent fraud as regards the quantity of goods sold, so it is the work of the health department to supervise the quality of

<sup>1</sup> We should perhaps notice that the term local authority has come to be used in Scotland solely with reference to public health. Thus a burgh will divide up its expenses into those incurred as corporation, as burgh commissioners, and as "local authority." The latter means its expenses in carrying out the Public Health Act.

many commodities. There are considerable powers for the seizure of food unfit for human consumption—*i.e.*, unsound meat and fish and over-ripe fruit. The provision of municipal slaughter-houses and municipal markets simplifies this work of inspecting perishable articles. But the further precaution is taken by some towns of keeping a staff for occasional inspection of the retail shops. And the latter method only is available in the case of such commodities as coffee, flour, &c. Each public health authority in Scotland is empowered to appoint a public analyst, and a steady pressure by the central authorities has been exercised to induce them to do so. In their report of 1900 the Local Government Board gave the names of thirty-two burghs which had not yet appointed a public analyst, evidently with the hope of shaming the recalcitrant authorities into action by publicity.

To the analyst samples may either be sent by a private person or be taken by sampling officers (usually either policemen or assistant sanitary inspectors), and on his report a prosecution may if necessary be based. Leith intends to make use of its woman sanitary inspector as sampling officer, as a woman, owing to her frequent changes of costume, is, it is said, less easily recognised by the trader, and perhaps also less easily suspected. Unfortunately in many cases the appointment of an analyst is merely an empty form: the report of the Local Government Board, referred to above, pillories a number of authorities to whose analyst no samples had been sent for report. Milk<sup>1</sup> is examined by this method, also butter and cheese; so that there is an endeavour to secure the purity of these articles by two methods—by analysis of the

<sup>1</sup> Glasgow also keeps a laboratory for the bacteriological examination of milk.

product, and by licence and inspection of the place where it is produced.

It will thus be seen that it is the duty of the local authority to provide us with drinking-water; to see that the air we breathe and the rivers running through our towns are clean and wholesome; to carry away, as quickly as may be, all foul matters produced in the course of daily life; to remedy nuisances; to watch our food in order to see that it is sold to us wholesome and unadulterated. Not only food but dwellings must be provided in a condition for healthy existence. What are the powers of a health authority in regard to this matter?

They superintend, in the first place, all building operations, and insist on a certain standard being adhered to. This is achieved in two ways. In most towns plans of new buildings must be passed by the Dean of Guild Court. This is an ancient institution, whose duties were at first to keep the streets straight and prevent one landlord from encroaching on the territory of another. But frequently it is now charged with sanitary matters also. In towns under the Burgh Police Act—*i.e.*, all towns save the six possessing private Acts—the Dean of Guild Court has statutory powers under that Act, and may forbid, for example, the erection of tenements having more than twelve houses entering from a common-stair, and may insist on the provision of separate water-closets for each house. In the six burghs under private Acts the custom varies. In Edinburgh, Glasgow, and Paisley the sanitary provisions with regard to new buildings are also under the Dean of Guild Court, and are very stringent. Thus the new Glasgow Building Regulations Act forbids the old-fashioned box-beds which are usually found in Scottish working-

class houses, and fixes a minimum cubic space for the one- and two-roomed houses which are, unfortunately, so common in Glasgow (1000 and 1600 cubic feet respectively).<sup>1</sup> In Dundee the Dean of Guild Court has not been modernised, and exercises its old powers simply over the ancient area of the burgh — the royalty. The supervision of building operations and the enforcement of a certain sanitary minimum is carried on by the other of the two possible methods — namely, by the health committee. The local authority has power under the Public Health Act to issue building by-laws, and to insist that all plans should be submitted to it in order that obedience to the by-laws may be enforced. The same system is followed in country districts. It has the advantage of being more elastic; the regulations are not enacted by Parliament, and can with the consent of the Local Government Board be altered when necessary. On the other hand, the system has not the same publicity and authority; a committee is a less important body than the Dean of Guild Court. Not very many counties have yet adopted building by-laws. They are in force, however, in two such important counties as Fife and Lanark, and in the suburban district of Mid-Lothian.

With regard to old buildings, the law is complicated. A very ruinous, dirty, or overcrowded dwelling is a nuisance, and can be dealt with as such. But the method is cumbrous, and it is not very easy to get convictions. Glasgow introduced a new and very successful method of dealing with uninhabitable houses. It got power to shut up, without application to the law courts, any dwelling which was

<sup>1</sup> By the Burgh Police Act of 1903 any burgh may adopt these regulations.

certified as unfit for human habitation by the medical officer, the sanitary inspector, and the Master of Works. The landlord had, indeed, power of appeal to the sheriff, but it was found that he seldom used it, knowing by experience that the sheriff was unwilling to upset the unanimous decision of three experts. The procedure amounted, indeed, to the transference of a power from the judiciary to the executive. When in order to get a house closed it was necessary to set on foot legal proceedings, it was seldom attempted; indeed the sheriff was usually unwilling to injure private property. The onus of proof lay heavily on the health authority. Now, the onus of proof lies on the landlord. Edinburgh has also adopted this procedure, and has indeed "gone one better." Her recent Act provides that where a house, closed by the joint-certificate of the three officials, remains closed for three months, and the owner refuses to pull down or repair, the town council shall have power to buy the property on the valuation of an auditor appointed by the Scottish Office, with no compensation for compulsory sale.

Glasgow also first obtained unusual powers for dealing with overcrowding by its famous system of "ticketed houses." The officials of the corporation have the power to measure the cubic capacity of all small houses, and to affix a plate to the door stating the number of cubic feet and the number of inmates allowed. Four hundred cubic feet is the minimum permitted for an adult; a room of 1000 feet may contain father, mother, and one child. A larger family must move into a two-room house. All ticketed houses can be entered at any time, day and night, by the sanitary staff for the detection of overcrowding, so that in Glasgow at least a Briton's house

is not his castle when he overcrowds it to a degree dangerous to health.

It is possible that the law is not carried out quite stringently, but it is far from being a dead letter. The inspecting staff in Glasgow makes its rounds regularly, and soon comes to know persistent offenders. If the surplus inmates are members of the same family, the contravention of the regulations may be passed over. If, however, they are lodgers, a prosecution will probably follow. It is said that the larger houses containing three or four rooms, which are exempt from the regulations and inspection, are now becoming overcrowded by the presence of lodgers; so that evidently the number of inmates in one- or two-roomed houses is checked to a considerable extent. Paisley and Edinburgh have both followed Glasgow's lead, and the same regulations have recently been inserted in an adoptive general Act, and may now be put in force in any burgh. The minimum is, it is true, very low, and very far from a true standard of health. One thousand cubic feet is a common standard for each inmate of a bedroom, and the Glasgow minimum, counting in bedroom and living-room alike, is less than half. But yet it is an achievement to have set up, and even partially enforced, a definite standard of cubic space for each inhabitant.

Sanitary accommodation also can be enforced by resolution of the health committee. It was considered a wonderful step in advance when the Glasgow Town Council resolved to abolish all privies within its jurisdiction. Now it is common to insist on proper water-closet accommodation for each house, or group of houses. But in many places—*e.g.*, Dundee—the privies continue to exist.

If a town has a district where the houses are so old,



and so badly arranged and built, that rebuilding is necessary in order to make the area really healthy, the town council may, under the Housing of the Working Classes Act, set on foot a scheme of reconstruction, buying and clearing out the unhealthy area and then selling the land again. But usually in Scotland burghs in such cases work under local Acts. Thus Glasgow and Dundee have both carried out extensive clearances under Local Improvement Acts.

The public health authority has thus considerable power with regard to new buildings, and is able to some extent to regulate houses already existing. But the question of boundaries is often found to nullify at this point many of the efforts of a large town. Strict building regulations are enforced within the city area. In the suburban districts, however, where new building goes on with greatest energy, and which when once built over are bound to be included within the city before many years, the county authorities frame the by-laws. In the country these are rightly of a less stringent nature; sanitary conditions are different; a cesspool in town is an abomination, in the country it may be innocuous. In the town we must be stringent regarding ventilation, otherwise the inhabitants of the closely-crowded houses would be slowly suffocated. In the country less strict regulations are necessary. It is therefore not desirable to have town and country building by-laws framed on quite the same lines. But all buildings within a couple of miles of a great city should be subjected to its building regulations exactly as if they were within its boundaries. At present it is much to be feared that we are laboriously demolishing the slums within our walls, and allowing fresh ones to spring up at our gates.

In these manifold ways the health authority guards us against disease, and guards us, be it noted, against disease of all kinds. Against one disease, smallpox, there are further measures to be taken—*i.e.*, vaccination. This is compulsory in the case of primary vaccination, but a second inoculation, though often paid for by the local authorities, cannot be insisted on. The authority has, moreover, remedial as well as preventive powers, though directed at present against infectious diseases only. These powers comprise insistence on notification, removal and treatment of the patient, disinfection (of bedding, premises, &c.)

We took notification of infectious diseases as an example of the way in which a special power is confined at first to particular towns under local Acts, is then made adoptive by all districts, and finally, becoming part of the general law, is compulsory on all authorities. So early as 1882 Dundee insisted on notification of infectious diseases to its health officials. The system worked well; medical men did not object to the trouble; cases were more easily removed to the hospital; disinfection was surer. This success led in 1889 to an adoptive Act, which was, for example, adopted by Glasgow in 1890. Finally, by the Public Health Act of 1897 notification was made compulsory over the whole of Scotland, a matter in which the Northern Kingdom was in advance of England. The Act specifies certain diseases which must be notified, and leaves the health authority to add others to the list from time to time as it thinks necessary, with the consent of the Local Government Board. In this way a wise elasticity is secured: thus when plague appeared in Scotland the authorities were able at once to put it on the list of notifiable diseases. The medical officer of Edinburgh has urged

his council to make consumption a notifiable disease, but hitherto without success.

In the next place, to prevent the spread of infection hospitals must be provided. In this matter Glasgow led the way, and showed how the possession of a beautiful and well-ordered fever hospital, free to all citizens suffering from certain diseases, facilitated the health administration of the city. The building of Belvedere marked the beginning of a new era, and Glasgow's example has been followed all over Scotland. Every large town has now its own hospital, and some of them—*e.g.*, the Leith Hospital at Pilton—are astonishingly pretty and cheerful buildings, exquisitely clean, comfortably furnished, with polished floors and tinted walls. Even well-to-do patients show no reluctance to be sent there, and to members of the poorer classes they must be veritable palaces. The consequence is that in Scotland by far the greater number of cases of infectious diseases are treated in hospital. Thus Paisley removes to hospital 80 per cent of the cases of serious infectious disease within its boundaries. Many towns, in addition to the hospitals, now provide houses of reception, where contacts are kept for observation in cases of virulent diseases such as plague and smallpox. The writer well remembers how, in the autumn of 1900, one eagerly watched the newspapers for information concerning the health of those who had been in contact with the cases of plague, and with what relief one learned at last that the reception-house was empty once more.

In the counties the organisation is naturally less elaborate, but even here the provision of hospitals is often fairly complete. The district committees and the burghs frequently combine to erect a fever hospital. Thus Fife has eight hospitals, one of which

belongs jointly to Dunfermline burgh and Dunfermline district. In the Highlands hospital accommodation is often replaced by the provision of the services of a trained nurse in the patient's own home; but this method is not considered to work very successfully, and is probably no more than a make-shift till hospitals can be erected.

Finally, there remains the function of disinfection. When a patient is removed, or pronounced free from infection if treated at home, the sanitary officials undertake all disinfection free of charge; they fumigate the rooms, carry off clothing and bedding to be treated scientifically—*i.e.*, exposed to intense heat or washed with disinfectants—at the disinfecting station. So great confidence is felt in Glasgow in the arrangements for disinfection, that it was found necessary to limit the number of articles sent with each patient. Otherwise there appeared to be a danger that a large proportion of the citizens' washing would be done free by the disinfecting establishment.

The Local Government Board has considerable power of compulsion with regard to hospitals and disinfection. It can at any time require a local authority to set up apparatus for dealing with infectious disease, and can sue it in a court of law if it refuses. Thus Kirkcaldy was very unwilling to make proper hospital provision, but under pressure from the Board was obliged to do so. The Scottish Board has no hesitation in using its powers, and does, in fact, exercise great influence throughout the whole of Scotland.<sup>1</sup> The Board can also issue special regulations in time of epidemic, which the local bodies must obey.

<sup>1</sup> If the question of the pollution of rivers could be transferred to it from the Secretary of Scotland, in all probability a great improvement would be manifested.

The health officials have many powers in regard to the detection of the source of any infectious disease. They can demand from laundries and dairies lists of their customers, and from the dairies also lists of the farms which supply them with milk: if any farm appears to be infected, the sale of milk from it can be forbidden. There is, however, a difficulty here. The farm is rarely situated within the area of the town which it supplies; hence many towns desire to have power to inspect any dairy supplying their inhabitants, no matter where situated. The question was even more serious before the institution of county councils, when rural sanitation was badly administered, or rather let alone, by the parochial boards. Under those circumstances Glasgow got powers to inspect all dairies supplying the town; but no other burgh has ever succeeded in persuading Parliament to allow it to go outside its area. It is now a maxim that each district should be responsible for its own health administration, and that no other authority should be allowed to interfere; and, in fact, the necessity for such interference is not at present so great. The appointment of responsible officials in the counties has greatly improved rural sanitation, and in most cases there is a considerable amount of co-operation between the burgh and county medical officers. The officials of two large burghs informed me that they were quite satisfied with the present position, that their colleagues in the county always responded promptly to a request for attention to or information concerning any dairy which was believed to be the source of infection, and that frequently the burgh officers were invited to be present on the visit of inspection. But other towns drawing their milk-supply from counties exclusively rural are not so contented. In such counties

the large number of farmers and landowners on the councils is a reactionary force, preventing the setting up of a high standard of dairy sanitation in much the same way as the presence of manufacturers retards river and air purification in the towns.

The administration of these laws is intrusted, as we have already said, to burghs and district committees. Up to 1889 the parochial boards were the health authorities in rural Scotland, but were much too small for efficiency. The big burghs even before that date had many of them provided thoroughly good hospitals, had made admirable arrangements for scavenging and drainage, and had intrusted the administration to highly qualified experts, who gave their whole time to the work. The value of Dr J. B. Russell's work in Glasgow is well known. He it was who, with energy and intelligence nearly akin to genius, raised Glasgow to its proud position of pre-eminence in public health—always with the sad exception of the condition of river and air, which not even Dr Russell could persuade his council to attempt to purify. It must be remembered that to have the whole time of a medical officer is valuable not merely because of the extra hours of work, but because his position as purely a public official saves him from many possible embarrassments in his work. A man cannot serve God and Mammon, neither can he at the same time serve the public and his private clients. It is too much to expect of a medical officer who is also a doctor in private practice to be keenly alive to the insanitary conditions of bakehouses when he numbers many bakers among his patients, or of dwelling-houses if the greater part of his income is drawn from owners of property. The administration of public health conflicts with so many private interests, that it is

absolutely essential that those engaged in it should be in a position of impartiality. But this, unfortunately, is impossible if the district is small. A parish cannot possibly pay for the whole time of a medical officer and sanitary inspector. Therefore the parochial boards paid a few pounds a-year to some local practitioner, who in return gave odds and ends of his time to health administration, and employed the inspector of the poor or the school board clerk, both alike unskilled in hygiene, as sanitary inspector. In the smaller burghs similar conditions existed. In the landward areas this state of things was swept away by the Local Government Act of 1889. Health administration was transferred to the district committee, and the parishes were bribed into acquiescence by the privilege of sending representatives to that body. It was at first intended that burghs of less than 7000 inhabitants should also be absorbed by the districts, but unfortunately burghal jealousy and particularism were aroused. The "ancient centres of civic life" were up in arms at the proposal to deprive them of their rights as independent bodies, and the scheme had to be abandoned. It is a little absurd that, when we refuse to permit the small towns to police themselves and encourage them (see next chapter) to hand over their roads, we should still allow them to manage or mismanage so all-important a matter as public health. But the disadvantages of their independence are minimised in various ways.

The Act of 1889 made the district committees the health authorities, but gave the county councils certain powers of supervision. The district committee, as "local authority,"<sup>1</sup> was required to appoint a medical officer and sanitary inspector; the county council was

<sup>1</sup> See p. 173, note.

also obliged—and not merely authorised as in England—to make a similar appointment. But the district committees were allowed, if they pleased, to appoint the county officials to act for them also. And two facts have influenced them to move in this direction. In the first place, all newly appointed medical officers hold a Diploma of Public Health; hence district committees can no longer appoint any local practitioner to act for them. Often the only holder of the Diploma of Public Health available is the county officer.

In the second place, the Local Government Board has the distribution of a Government grant for health purposes, and with it pays half the salary of the health officials, if these are appointed in accordance with its regulations. One condition insisted upon in almost every case—exceptions are made in some of the large Highland counties—is that the district should appoint the county officers. The smaller burghs are also coming now to avail themselves of the services of the same men, or at least of the medical officer. The necessity of appointing a holder of the Diploma of Public Health degree forces them also in many cases to take this course.

The same set of regulations enjoined, as a condition of sharing in the grant, that the officials should give their whole time to the work. But this was fiercely resented by one or two counties, which held that the matter was one for each locality to decide for itself; and when a Liberal Secretary for Scotland came into office in 1892 he listened to these complaints, and, unfortunately, annulled the regulation. But many of the counties had already made arrangements for the appointment of whole-time officers, and so throughout Scotland, save in some small burghs and one or two counties, the Public Health Acts are administered



by highly-paid professional experts who make this their lifework; and nothing has so greatly impressed the writer in the course of her researches as the public spirit and devotion to duty displayed by these gentlemen, and she wishes to take this opportunity of specially acknowledging the great kindness and assistance she has received from several medical officers and sanitary inspectors.

Their tenure of office is remarkably secure. Neither officer can be dismissed, under any circumstances, without the consent of the Board, and appointments must be reported: as the Board can refuse to give the grant, if any undesirable person is chosen, it has thus a fairly strong control over the *personnel* of the service. The result is that local medical officers work in harmony with the central authority, and have confidence that it will back them up in any contest with their committee or council. They are, in fact, nearly as much imperial as local officers.

There is, however, one weak point in the Scottish system. We have throughout spoken as though public health were one function only, and so in truth it is. But the health departments employ two permanent officials, between whom there is a division of work corresponding somewhat to our division between preventive and remedial public health. In England the sanitary inspector is subordinate to the medical officer, and must obey his directions. In Scotland the theory is that they are to be mutually independent and mutually helpful. There is frequently, as already pointed out, irritating and foolish discord between different branches, and inevitably, with two heads to what is really one department, the chances of discord are aggravated. Accordingly in almost every important Scottish burgh there is enmity between the

health officials: in some cases they are not on speaking terms, with disastrous results to their work. In each town this unfortunate state of things is thought to be due to personal reasons—petty jealousies or spites. But it is certainly caused by badly framed regulations, and would pass away if the English system were adopted. Leith has now made its medical officer the responsible head of all health work, and it will be interesting to watch the result.

The sanitary inspector's duties are to watch over the detection and remedying of nuisances, to carry on the inspection of common lodging-houses, of dairies, &c. He usually has a considerable staff of subordinates. Glasgow employs half a dozen women "health visitors," to whom is intrusted the inspection of the common water-closets and common stairs, which are often, under the flat system, neglected in the poorer neighbourhoods. At the same time, these ladies instruct the women they visit in elementary principles of cleanliness and care of their children. Their visits are not at all resented, but, on the contrary, seem to be welcomed as a pleasure.

In the counties the subordinate officers reside in the different parishes, and indeed the inspector of the poor is now often employed as assistant sanitary inspector also. He is therefore on the spot, and is yet under the direction of a skilled head.

The medical officer's work is less detailed and more general. Curiously enough, the duty of inspecting bakehouses is by some oversight laid on him, and not on the sanitary inspector. He has to keep himself acquainted with the general conditions of health in his district, and especially to endeavour to trace the source of infection when an outbreak of disease occurs. He advises his council with regard to their

general policy, and must study offensive trades in order that the injury to health arising from them shall be minimised as much as possible. He examines patients suspected to be suffering from infectious diseases, and certifies that they must be removed if he is not satisfied with the arrangements made for isolation. He is in charge of the hospital and its staff. It will be seen how close is the connection between the two officers, and how very probable it is that disputes will arise between them. If matters are to go smoothly, it is essential that one should be definitely subordinate to the other. The medical officer and sanitary inspector are required every year to prepare reports of the sanitary condition of their district, and of the means taken to prevent nuisances and to check the spread of infectious diseases. These reports make very interesting reading, and will one day be a very valuable source of information on local history. Unfortunately they are usually printed only for the use of the council, and not published in the ordinary way; it is, therefore, very difficult to procure them. It is in many ways desirable that the Scottish bodies should follow the example of the London county council, and put all their papers on sale in the ordinary way. By such means the rate-payer could easily learn what was being done in his district.

The inspection of food and drugs is not in the hands of the district committee. It is administered by the county council, but the sanitary staff is utilised as sampling officers.

Primary vaccination, again, is not intrusted to the health authorities at all. When the Vaccination Acts were passed the most important local government function was the relief of the poor, and naturally this new matter was delegated to the poor-law bodies,

with whose existence and constitution every one was familiar: they have retained this branch of administration ever since. That they should do so is quite an anomaly, since health authorities now exist over the whole kingdom: one wonders whether the anomaly accounts for some of the difficulties with regard to vaccination. Is it in some people's minds associated with the poor-law taint, and would it be more successfully managed by the burghs and district committees? Probably these questions should be answered in the affirmative. But there is no appearance of a movement for having the duty transferred.

It will be seen how marvellously complete is the organisation. Theoretically we are protected against almost every channel by which infection can reach us. It is the duty of public officials to supply us with pure water, to inspect and analyse our food and drink, to supervise the building of our houses, to see that the air we breathe is not polluted, to guard us against all nuisances; and if infection does reach us, how prompt are the measures taken for isolation and disinfection, and for the discovery of the source of the disease. Theoretically, I repeat, the system is complete, and in many places it is practically carried out. In other localities it is, however, to a large extent a dead letter. A medical officer is appointed, but no attention is paid to his representations; dairies are inspected, but no prosecution follows even flagrant disobedience to the law. The influence of the Local Government Board is indeed directed to spur up the backward districts. But the general public ought to have more knowledge of and interest in the work undertaken to protect it, and women specially ought to study with intelligence the annual reports of the health officials. The mistress

of a household and the rearer of children should know whether the water- and milk-supply of the district is plentiful and pure, and ought to use all her influence to see that properly qualified men are appointed as inspectors of dead meat, and to insist that domestic scavenging should be performed promptly and efficiently. In crowded areas the mistresses of households ought to demand a daily removal of domestic refuse. But unfortunately most women are curiously ignorant of, and indifferent to, considerations of hygiene, and of the machinery of local government they, as a general rule, know absolutely nothing; yet as heads of households, responsible for the health of the inmates, they ought to be in a position to criticise and co-operate with the health authorities of the district. Our system of preventive medicine will never be complete until it is recognised that the primary area of health administration is the home, and that one of the most important health officials is the housewife. And perhaps the strongest argument for the admission of women to local councils is not the abstract injustice of their exclusion, nor their special fitness for a particular branch of work,—the argument which seems to have brought about the opening of the poor-law bodies to the membership of women,—but rather the indirect and reflex influence of a responsible share in administration on women's character and capabilities generally. One cannot but believe that the housewife would pay more attention to sanitary conditions in her home if she were more familiar with the cares and pains taken to secure healthy conditions in the district. In Glasgow the vigorous administration of the health laws has already resulted in the education of its inhabitants. The landlords of houses let for the summer months in neighbouring seaside villages are

reported to believe that a "privy-midden is to a Glasgow visitor as a red rag to a bull."

It should be noticed that public health considerations are very often the determining motive leading to certain forms of municipal trading. The local authorities observe that a certain commodity or convenience necessary for health is supplied only under very unsuitable and insanitary circumstances. For example, the unregulated common lodging-houses of sixty years ago were abominably unhealthy, and were the source of many diseases not only in those who used them but in the surrounding community. The local authorities, therefore, got powers to regulate them, to set certain standards of cubic space, of whitewashing, and of sanitary convenience, and to license those only which came up to the standard. But it was found that the result of the regulations was a very greatly decreased accommodation—in fact, it was difficult to enforce them when the supply of licensed houses was not at all equal to the demand; and in many cases a third step followed—the municipality itself supplied the accommodation required. Glasgow, for example, got power to build and maintain model lodging-houses. A somewhat similar evolution took place with regard to slaughter-houses. When in private hands they were insanitary—therefore a system of by-laws and licensing was set up; but it was found impossible to carry these out, and in the end the local authority got power to run a slaughter-house itself. And much the same course of events is now happening with regard to dwelling-houses for the poorer classes and the milk-supply. We have made stringent by-laws concerning building, concerning sanitary conveniences, and to prevent overcrowding, and the natural and inevitable result

is the housing problem, which is only acutely felt in towns where the health administration is stringent. Thus Dundee is not conscious of a housing problem, because there is no insistence on a minimum of accommodation as in Glasgow, and because sanitary arrangements are still in many cases very primitive, causing little expense to the landlords. But in Glasgow the lack of houses is severely felt, and the sanitary inspector is demanding the immediate erection of 2000 small houses, avowedly in order that he may then be in a position to enforce the city's by-laws concerning overcrowding.<sup>1</sup>

So with regard to milk. We attempt to keep our dairies clean and wholesome and to prevent adulteration, and the natural result is that milk tends to become scarcer and dearer. Moreover, even with the utmost endeavours it is hard to attain a high standard of dairy administration. The industry is in the hands of many small producers, and therefore needs much inspection; it employs labour of a low grade of skill, which is inclined to uncleanness, and in addition there are difficulties with regard to area of jurisdiction which have been already noticed. We are not, then, surprised to find that a municipal milk-supply is

<sup>1</sup> This demand of the Glasgow official led to an interesting situation and an unlooked-for development in Glasgow. A discussion of the housing problem was held by the Civic Club, a body instituted for the study of modern municipal and industrial conditions. It became apparent in consequence of the discussion that many citizens felt a grave distrust of the wisdom of the town council's action in providing so large a number of dwelling-houses, and in the end the malcontents, led by Prof. Wm. Smart, forced on the town council the appointment of a municipal commission for the purpose of investigating the housing problem and of recommending the adoption of a definite line of policy. This appointment by a town of a special commission to study its own problems is a new departure, and the appearance of the commission's report is expected with great interest by all students of municipal questions.

advocated by many reformers,<sup>1</sup> and most ardently not by avowed Socialists, but by practical health officials. It has been tried to a limited extent in St Helen's and Battersea, where sterilised milk for the use of small infants is sold in sealed bottles. The Scottish proposal is, however, that cows should be bought, milkers employed, and in fact the whole dairy run by the municipality. It is pertinently pointed out that it is cheaper to prevent diseases than to cure them, and that there is no doubt that unwholesome milk is the cause of much expenditure on hospitals and disinfection. The authors of the project pay, however, very little attention to the financial aspects of the proposal, basing all reasoning on the advantage to the public health.

Indeed it is a common feature of this group of municipal enterprises that they rarely result in profit. No town council has yet to any extent relieved the rates from the profits on model lodging-houses, on slaughter-houses, on public baths, on municipal buildings. In fact, as a general rule, a loss is incurred, which has to be borne by the rates, and it is considered a great cause for pride if the charges cover the cost of maintenance. In this respect a great difference is to be noted between this class of municipal enterprises and that which falls to be described in the following chapter. But on consideration we see that failure to make a profit is inevitable: the local authority steps in because its own regulations have made it impossible to supply the article at the established price. It demands a higher quality, in the interests of the common healthfulness, but finds that it cannot enforce its regulations without taking

<sup>1</sup> See, *e.g.*, 'Municipalities and Milk Control' By Dr Robertson, Medical Officer of Health of Paisley. Glasgow: Hodge & Co.



the supply on itself, and not infrequently meeting part of the cost from public funds. Moreover, it should be observed, as a fresh distinction from the other group, that these enterprises are not monopolies. If a town council runs its own cars, it permits no opposition: we never find a gas company and the municipality in opposition. But the supply of lodging-houses, or of baths,—and perhaps we may say prophetically of milk,—by the local authority is no hindrance to the competition of private firms. If an ordinary trader can rise to the standard set up in the general interest by the health authority, he is just as entitled to offer his article for sale as it is. An exception is the case of slaughter-houses. There, if the health authority provides one, the others must be shut up. But setting aside this single and unimportant exception, we may say that of this class of municipal enterprises there are three characteristics:—

1. They are entered on in the interests of the health of the community.

2. They give rise to sectional competition, not monopoly.

3. They rarely yield profits, rarely even pay their way; commonly there is a deficit to be made up from the rates. And the last fact opens up many grave difficulties. Public health, though important, is not the supreme consideration, and certainly the financial aspects of such enterprises should be more carefully weighed than is customary among the health officials.

## CHAPTER XI.

## THE PROVISION OF ROADS.

WE may conveniently turn next to the provision and maintenance of roads, for this function is intrusted to the same bodies as those which administer the public health—namely, the burghs and district committees.

The provision of roads in Scotland has never, as in England, been laid upon the parish. At the beginning of the last century it was in the hands of the Commissioners of Supply and of the royal burghs. It was at that period still possible to call on the inhabitants to take part personally in the repairing of the roads. This system of "statute labour," as it was called, resulted in many difficulties, and was finally commuted for the payment of rates. But the name still survives. Glasgow has, for example, a "statute labour" committee.

There were other than the statute labour roads. The turnpike system lingered on till quite recently; but its faults won it many opponents. And among these there should, perhaps, be mentioned a certain indefatigable Mr Pagan, who wrote two interesting pamphlets on the subject about the middle of the century. There were also roads made for military purposes in the Highlands, towards which there were considerable Government grants; and in addition

Parliamentary Commissions watched over and reported on the condition of important through routes—*e.g.*, the Great North Road.

This organisation left marks which can still be traced on the face of Scotland. One of the charms of rural England is its delightful, winding, and irresponsible lanes. One feels instinctively that they were made by small districts, and mainly for pedestrians and slow-moving country vehicles. No skill in engineering, no forethought in choosing the best route, has been shown; the road often goes straight uphill, when a slight deviation would have enabled it to be carried round an easier slope. In Scotland, on the contrary, we do not find the charm of the lanes, but even in the Lowlands our roads are better planned and more scientifically constructed, and the Highland roads are often magnificent: though passing through a more mountainous country than any part of England, they are so beautifully engineered that very few bad hills are to be found. But how woefully few they are. There are many places in the Highlands where there is one road in and another out—a great contrast to the multiplicity of roads surrounding an English town. In short, Scotland has fewer roads than England, but those few are better engineered and better planned.

Road reform was a much discussed problem in the middle of the century. The inconveniences of the turnpike system began to be acknowledged just at the time when railway enterprise was extending and was rapidly absorbing all the through traffic. Our roads sank in importance. Instead of being lines of communication between distant places, they became merely district highways. It is safe to assert that if the question of road reform had come forward fifty

years earlier, an attempt would have been made to provide a system of national main roads, served by subordinate channels for local traffic. But as it was, nothing but the local traffic was left, and therefore it was natural, though — one may think now — a little short-sighted, that the maintenance of roads should be made purely a local matter. We say maintenance advisedly; for whatever the drawbacks of the turnpike system, we have lost one of its advantages. Under it new roads were constantly being made. Now we look on a road as almost a natural feature of the landscape, unalterable and inimitable by human efforts.

The question was discussed for years, and was finally settled by the Roads and Bridges Act of 1878. The authorities were to be all royal burghs, police burghs with more than 5000 inhabitants, and the counties. By a later Act power was given to all police burghs to take over their roads if they pleased, and unfortunately many of them availed themselves of this opportunity. In the counties two authorities were set up—a County Road Board, nominated by the Commissioners of Supply, who were themselves too unwieldy a body to discharge the function through their full meeting; and District Road Boards, the forerunners of the present district committees. To the latter was intrusted the direct maintenance of all the roads in their special section of the country; the former received reports and exercised a certain supervision. It was a very necessary body so long as county government remained in the hands of a cumbersome primary assembly, but since the institution of the county councils it could well be dispensed with. Any proposal for a new departure in road management, any appointment or loan, must now go

through three stages: it must be considered (1) by the district committee; (2) by the County Road Board, consisting frequently of a majority of the county council; (3) by the full council. Moreover, any proposal to borrow money must also obtain the approval of the standing joint-committee.<sup>1</sup> True, the Road Board and county council (though not the standing joint-committee) commonly confirm, as a matter of course, any proposal coming before them. But still it cannot be denied that the procedure is unnecessarily complicated, and that relic of former days, that "atrophied organ," the County Road Board, should certainly be abolished at the first opportunity.

There is no distinction in Scotland between main roads and highroads. In England the county council has charge of the former, the district council of the latter. On our side of the Border the division of function is different: the district committees undertake the direct work of management of all county roads; the councils are supervisory bodies. This has one great disadvantage. In England the county councils often keep up main roads within boroughs, and in any case exercise considerable control over their condition. In Scotland the roads within burghs are entirely in the hands of the town council, unless they choose—which, unfortunately, is seldom the case—to hand them over to the district committee; and the very small burghs often keep their streets in an execrable state. Musselburgh and Haddington, for example, pave their high streets with the old-fashioned round cobble-stones, and allow these to get into disrepair. Such a road must be annoying even to farmers in their springless carts; to cyclists and motorists it is simply an instrument of torture. A curious case occurred recently in

<sup>1</sup> See p. 325.

St Andrews, when a retired Indian civilian, fined by the burgh court for riding a bicycle on the footpath, asked leave to address his judges, and berated them soundly for the condition of the streets, saying that cyclists were driven on to the footpath, and that when he was in charge of the roads of a district in India larger than Fife he would have been severely reprimanded had he permitted them to fall into the state of the St Andrews streets. This unfortunate state of things is due to the fact that there is no central control of road administration. We have already pointed out how the Scottish Office and the Local Government Board keep the districts up to the mark in police and public health matters; the two following chapters will describe the system of central control in poor relief and education. But the upkeep of roads is left absolutely to the discretion of the local bodies. Surveyors may be appointed or dismissed at the will of the council. True, there is a road grant; it is, however, absurdly small in amount—roughly, about one-sixteenth of the expenditure—and is given to every authority, absolutely irrespective of the good or bad condition of its roads. Musselburgh receives its share equally with the county of Berwickshire, which is famous among cyclists. In the middle of the century, when traffic on roads was purely local, when stage-coaches had almost vanished and the cyclist and motorist were undreamed of, it was natural enough to let each district set up its own standard for the upkeep of roads. For at that time roads were only used by pedestrians, by the carriages of local magnates, and by the carts of farmers and tradesmen. Such people rarely passed far beyond the boundaries of their districts, and were all ratepayers: if *they* did not insist on good roads, there was no reason for interference, any more

than we need now interfere with the lighting of a provincial town. It is a matter purely for the inhabitants.

But to-day the roads are regaining, and will continue to regain, their position as channels of through communication, and some effort must be made to ensure that main roads throughout the country, even when passing through backward little burghs, should be in a reasonable state of repair. The need for central control appears also in another matter. We have said that under our present system new roads are not made, and yet they are very greatly needed. By far the most hopeful method of dealing with the housing problem is to encourage building beyond the city area. But at present builders are obliged to open up new districts themselves,—to make its roads and then hand them over to the authorities for maintenance. There is much building now, but not nearly enough to supply the demand. What wisdom and foresight would be displayed by a town which made a big new road leading from its crowded quarters, and ran electric trams along it! The land alongside would very rapidly be split into building plots, and rows of new houses would rise like magic. The pressure in the town would be relieved, and it would become possible to properly enforce the laws against overcrowding. Such a scheme would be far more scientific and far more likely to lead to ultimate success than the methods followed at present by Glasgow and Edinburgh. Both towns are putting up municipal houses for the poorest, but, unfortunately, in the very centre of the city. The land which is cleared by improvement schemes, instead of being sold for business purposes, is utilised for this object, and thus dwelling in the most crowded area is rendered more and not less attractive; and no attempt is made to

free the inmost ring altogether from its poor inhabitants. A far wiser plan would be to encourage building in the suburbs—under proper by-laws—by the making of new roads.

But, unfortunately, this plan is at present practically impossible, for the reason that the city authorities are usually confined within narrower limits than the actual streets and houses. The suburbs where building is going on still form part of the county, and for such new roads as we have described co-operation between burghs and counties would be necessary. But two local bodies rarely contrive to work in harmony, and it may safely be said that if Glasgow or Dundee invited a neighbouring district committee to join with it in promoting a bill for such a new road, a vigorous snub would await it. The action of some controlling authority is necessary which would *compel* city and county to work together. The Premier, in a speech of a year ago, very wisely insisted that the housing problem was to be solved by the provision of such wide new roads as we have suggested, and the Garden Cities Association is presenting a somewhat similar idea. Both, however, fail to observe how the present arrangements for road administration prevent the realisation of their schemes. It is taken for granted that burghs and counties should be absolutely independent in their management of roads. The Convention of Burghs lays this down as an axiom. But our greatest social difficulty is to be solved only by co-operation—enforced, if necessary—between the two classes of bodies. Glasgow and Edinburgh, as it is, pay considerable annual sums to the neighbouring counties for upkeep of roads, and such a payment instead of being abolished should be increased, and perhaps accompanied by joint management. But the



best method to secure proper provision of new roads and upkeep of existing ones is to establish a central department of roads with the same powers of supervision and compulsion in case of failure as are possessed by the Local Government Board with regard to public health.

Burghs are able already to insist on certain conditions when new roads are being laid out. The level and gradient must be approved by the council. But here again the difficulty as to boundaries prevents the law from being as useful as it might be. If the town grows rapidly, and spreads beyond its original area, the council will have no jurisdiction exactly where it is most needed—*i.e.*, in the suburbs. The desire of burghs to constantly extend their boundaries is not based—as some people imagine—simply on megalomania or “swelled head,” but springs from genuine administrative difficulties.

And there is another set of problems which is attracting a good deal of attention at present. We use our streets apparently as channels for pedestrians and vehicles. In reality they are channels for many other things also—for water- and gas-pipes, for drains, for electric light and power cables, for telephone wires, often for underground railways and tramways. These run below the surface, but the need of getting at them for repairs is often a serious obstacle to the use of the streets for their primary purpose, the passage of citizens to and fro. Scottish cities are, however, better off than the southern towns. In London, for example, there are statutory gas and water companies which have power to take up the streets at any time, and are not compelled either to ask permission or even to give notice to the local authorities. In Scotland the burghs usually keep a very careful control over

their streets, and outsiders rarely receive power to meddle with them. In Dundee the council's control is absolute; in Glasgow the National Telephone Company alone has certain limited powers, under a licence from the Postmaster-General, to take up certain streets for the purpose of laying down underground wires. In Paisley, however, the new electric tramway company has absolute power, without any application to the town council, to perform any operations in the streets necessary for its purpose.<sup>1</sup> But it is very rarely that a Scottish burgh is handed over thus arbitrarily to a private trading body. In fact, in most places the supply of the commodities involving interference with the surface of the streets is now in the hands of the council itself. Thus Glasgow, Aberdeen, and Dundee have municipal water, gas, tramways, and electric light; Paisley water, gas, and electric light. In Edinburgh the supply of electric light is municipal; water and gas are in the hands of trusts nominated by various public bodies; tramways are run by a complicated system of joint-ownership by the town and the company. Glasgow to these items has now added telephones, at present in competition with a company.

Under these circumstances the condition of the streets in Scotland is usually more satisfactory than in England. There is considerable co-operation among

<sup>1</sup> Students of municipal trading should watch the tramway systems of the three towns of Glasgow, Edinburgh, and Paisley. In Glasgow the municipality reigns supreme; in Paisley, on the contrary, a company has absolute power. In Edinburgh there is a curious system of joint-control. In Glasgow and Paisley, at least, there is sufficient similarity of condition to afford a basis for a very fair comparison.

Edinburgh is, of course, always a little backward and unbusiness-like, and it has adopted, to save the beauty of the city, an antiquated system of cable-traction. But allowing for these factors, it could be taken as an example of a system midway between public and private management.

the various departments. Thus in Dundee, when the new tramways were in process of being laid, as each fresh street was attacked notice was sent to every department having pipes or wires in that street (and also to the National Telephone Company), in order that any repairs might be done then before the pavement was relaid. And the officials had no hesitation in asserting that much inconvenience was saved to the public by this system.

At the same time, even with the best management and the largest amount of co-operation, it is difficult to avoid a frequent interference with the streets and much disturbance of traffic. Our roads are now absolutely honeycombed with pipes and wires of various kinds. There are drains, gas- and water-pipes, cables for supply of electric light and electric power, telephone and often telegraph wires. To these probably even more pipes and wires will be added in the future. There are already projects for bringing sea-water in pipes to our towns, and for using unfiltered river-water for flushing drains and watering the roads, in order to economise the filtered supply. A pipe or wire belonging to one or other of these systems is inevitably often out of order, and it is absurd that the repairs can only be executed by taking up the surface of the streets. Sooner or later underground subways for carrying all the pipes and wires must be constructed. Leith has already discussed the question. And it would be wise to attack the difficulty sooner rather than later, for the ultimate expense will only be increased by delay.

In fact, our councillors should bestir themselves and take heed to building operations below, as well as above, the surface of our towns. Glasgow has already experienced the inconveniences resulting from

lack of forethought in this matter. In one of her principal streets the roof of the railway tunnel comes so close to the surface that it was impossible to employ the conduit system of electric traction for that street, and therefore overhead trolley wires were the only alternative throughout the whole city. There is quite as much need for the exercise of forethought concerning operations below the streets as with regard to building alongside of them.

In the last chapter we pointed out how the desire of improving the public health led to one form of municipal trading which exhibited certain special characteristics. This question of the control of the streets leads to another form with quite different characteristics. It has been found by experience that it is never possible to have several competing traders engaged in supplying the public with commodities conveyed in pipes laid under the streets. We may buy our milk or our lamp-oil<sup>1</sup> from whom we choose; we *must* take our gas and water from the one company or public body in power. In London there was at one time an attempt to encourage competition between the various gas companies. But the plan would not work, for several reasons. In the first place, the inconveniences to the public caused by the increased taking up and laying down of pavements would have gone far to counteract the advantages of competition. In the second place, competition was to the companies themselves so ruinous a process that there soon showed itself an irresistible tendency to amalgamation, or to

<sup>1</sup> Lamp-oil is perhaps rather an unfortunate example. For it, too, is a monopolised article, produced almost solely by the great Standard Oil Trust, one of those huge combines whose existence in modern industry raises many problems somewhat similar to those presented by the so-called natural monopolies of the cities of to-day.

an arrangement whereby each company occupied a particular area and did not trespass on its neighbour's territory. We all agree now that competition in the supply of gas and water and electric light and (we may add) tramways is bound to be illusory, and we talk learnedly of natural monopolies. But many people cling to the fond hope that competition in the sphere of telephonic communication is going to work wonders. Any one, however, who has studied the history of the supply of gas or water sees clearly that in telephones also there is bound to be a monopoly so soon as it becomes customary to lay the wires underground. For a time there may be competition, as at present in Glasgow, but before long one of the competitors will swallow the other.<sup>1</sup>

We see, then, that in such trades as these there can from the nature of the case be no competition, and therefore many of the arguments against municipal trading based on the advantages of competition fall at once to the ground. The question is not between competition and monopoly, but between a public and a private monopoly—a question which is harder to settle, for its solution depends on factors which vary with each case. But one thing at once appears. An unregulated private monopoly tends always to be backward in enterprise and oppressive to the public. For it has neither the force of public control nor yet the spur of competition to urge it on. Accordingly this condition was also tried and proved a failure. An unregulated monopoly has the public absolutely at its mercy; it gives bad gas, bad water, dirty and inadequate tramway service, and charges what prices it pleases. The Government saw that

<sup>1</sup> This has already happened in London and in Tunbridge Wells.

this system would not work, and therefore our monopolist companies are now bound to adhere to certain regulations: they may not charge more than a certain price; they must supply gas of a certain quality; they must run a certain number of tram-cars per day. In some gas companies the amount of the permitted dividend is regulated by the price of the gas. The lower the latter, the higher the former. Other companies are forbidden to pay more than a certain fixed dividend; any surplus must be expended on improving the service.

Such regulations have been very useful, and under them the companies have been of great service to the community. And doubtless wherever business ability is absent from the local authority<sup>1</sup> a regulated monopoly is still the best method of meeting the needs of the public. But in other cases there are strong motives urging the council to take the last step and pass to complete public management of the municipal monopolies. These are—(1) the desire on the part of the town to have full control of its own streets; (2) the belief that a well-managed public monopoly will serve the citizens better than one in private hands; and (3) to some extent the desire to tap a new and valuable source of revenue. But the last motive can have little influence in Scotland, for it is only rarely that the profits from municipal enterprises are used to relieve the rates.

We see, then, that this form of municipal trading differs in many important respects from that considered in the previous chapter. Such enterprises as model lodging-houses are—

<sup>1</sup> So, too, if the municipal civil service is corrupt and inefficient, as in so many American towns, private management is probably preferable.

1. Undertaken from a desire to improve public health ;
2. Are not monopolies. The private trader still remains ;
3. Rarely yield a profit, and usually have to be supported partly from the rates.

Such enterprises as the supply of gas or telephonic communication, on the other hand, are—

1. Undertaken in order to keep the control of the streets in the hands of the local body ;
2. Monopolies ;
3. Usually yield large profits ; in any case are never for any length of time<sup>1</sup> supported by the rates.

The question of water-supply seems to fall to some extent into both classes. It concerns the public health, but is a monopoly. Occasionally it yields a profit : thus Bolton makes about £40,000 annually by its water-works, which it hands over in aid of rates. But more generally the water-charge is calculated simply to cover expenses, and to form a reserve fund. But in other instances the line of division between the two classes is fairly distinct. And it is evident that quite different lines of criticism should be applied to them. Roughly, we may indicate the difference by saying that a town council enters on an undertaking of the one kind because private traders are unable to supply a sufficiently good article at the current price. Therefore in the interests of the health of the community the local authority steps in. It must not make a profit, and is often quite justified in

<sup>1</sup> Electric-lighting enterprises are usually unprofitable during the first year or so. But a company does not expect to pay dividend for some little time, and a municipal department need not be dismayed at a temporary deficit.

subsidising the enterprise from the public purse. In the other case, if the council cannot make a profit or greatly improve the service at no cost to the community, there can be no justification for municipalisation. But the question is discussed again in Appendix C. At present the reader is only asked to observe how closely the question of municipal trading is connected with the management of roads and streets.



## CHAPTER XII.

## THE RELIEF OF THE POOR.

THE history of poor relief in Scotland is another of the many subjects awaiting for its adequate treatment the appearance of the skilled investigator. It presents many unusual and interesting features—*e.g.*, the refusal of relief to the able-bodied, the prevalence of outdoor relief, the preference for a long period of the employment of voluntary offerings over compulsory rating. There is, indeed, one book<sup>1</sup> on the subject which is not without its importance. But it was composed in order to defend the Scottish system against a series of attacks by doctrinaires holding the principles of the present Charity Organisation Society, and therefore, while interesting and doubtless of great practical value at the time of its publication, it is rather an argumentative pamphlet in defence of the *status quo* than an unbiassed history, and passes without notice over many important epochs in the development of the system. It is to be hoped that if the Carnegie Trustees make provision for the institution of Research Fellowships in Economic History in the Scottish universities, one of the fellows will early turn his (or her) attention to this important subject, and

<sup>1</sup> The Scottish Poor Laws. By R. P. Lamond. New edition. Glasgow, 1892.

will produce an authoritative history based on examination of the original documents.

The present writer can do no more than indicate very briefly the main points in the development of the Scottish poor law and the most important respects in which it differs from English methods.

As in all other countries, the need for an organised system of poor relief first became apparent in Scotland at the end of the middle ages, and was almost coincident with the period of the Reformation. Previous to this date the poor were cared for by the Church; indeed under the feudal system, while there was much hardship and oppression, there was not the same chance of absolute destitution as under a more individualistic state of society. The aged serf was not in so hopeless a position as the modern labourer when past the power of work.

The earliest statutes were devoted to repressing rather than assisting poverty. They contain many savage penalties against those who beg while able to work, but the only method of providing for those who had no resource but alms is by the grant of a licence to beg. Thus an Act of 1535 provides that "no beggars be thoiled to beg in ane parochin that ar borne in another." Each beggar, that is to say, is to be restricted to his own parish—a beginning of the perhaps necessary but extremely complicated mass of tangled law dealing with "settlement," by which it is decided which parish is liable for each individual pauper.

The principal Act, however, which is still, so far as regards the right to relief, the foundation of our poor law, was passed in 1579, and is clearly, save in one important respect, copied from an earlier English Act. It begins with enactments against vagabonds: all

between fourteen and seventy found wandering were to be brought before a bailie or a justice, and if found guilty were to be scourged and burnt through the ear.

Among vagabonds are included "the idle people calling themselves Ægyptians; all minstrells, sangsters, and tale-tellers not avowed in special service be sum of the Lords of Parliament or great burrows,<sup>1</sup> or be the head burrows and cities for their common minstrells; all common labourers, being persons able in bodie being idle & fleeing labour; all vagabond scholars of the Universities of St Andrews, Glasgow & Aberdeen not licensed be the Rector & Deane of Facultee of the Universitie to ask alms."

Having thus disposed of the able-bodied rogues, the Act goes on to say, "Charitie wold that the pure aged & impotent persones suld be as necessarily provided as the vagabonds & strong beggars repressed." For the attainment of this laudable end recourse was to be had first to any institutions then existing. The Lord Chancellor was to hold an inquisition into "the erectiones of all hospitalles," and reduce them as far as is possible "to the first institution as may best serve for the helpe and relief of the saidis aged impotent & pure peopil." But further and more decided measures were necessary to make adequate provision for the poor, and, following the example of the English Act of 1572, there are directions that a register of the poor is to be made up by the magistrates within burghs and the justices in landward parishes—the same persons, it should be noticed, who were to inflict punishment on the able-bodied vagrants. They are to consider "their needful sustentation, and to tax and stent the hail inhabitants within the

<sup>1</sup> *I.e.*, burghs.

parochin according to the estimation of their substance,<sup>1</sup> without exception of persons, to sik charge and contribution as sall be thocht expedient and sufficient to sustain the saidis pure people."

Power to license beggars and to regulate the hours of begging still remained, notwithstanding the power of assessment.

The Act has a very strong resemblance to the English Act of a few years earlier. It follows the plan there adopted of laying the care of the poor on special persons appointed in each town and parish, and gives to these persons the right of taxing the inhabitants for the upkeep of the poor. But it differs in two very important respects, and this variation causes the Scottish poor law to take a completely different course of development from the English. The Act guards very carefully against giving relief to the able-bodied. It is aged and impotent people alone who are to be registered and sustained by the bailies and justices; to aged and impotent alone that licences to beg may be granted; consequently there is no machinery provided for "setting the poor on work." The English overseers of the poor were to provide stocks of wool, hemp, and flax, and to insist on the performance of work by the paupers. The laudable object of those who framed the English law seems to have been to provide work for all who could not find it in the open market. The *effect* was to extend the system of relief to the able-bodied. Hence arose another distinction. Workhouses were provided in England; in Scotland, however, no such institutions were contemplated. There were, it is true, charitable almshouses, and in the present century the erection of

<sup>1</sup> Words important in another connection, for their bearing on the development of local finance.

poorhouses has become general. But the Scottish poorhouse existed for a different reason from the English workhouse. It was not a place of labour and detention for the semi-criminal, but a house of refuge for those unable to be cared for in their own or their relations' homes. Therefore to this day out-relief is more common in Scotland than in England, and does not carry with it the same disadvantages. Scottish independence seems to be due mainly to this absence of a provision for "setting the poor on work," and I would suggest a careful comparison between the poor-law systems of the two countries to those who in times of depression of trade advocate the establishment of relief works by the municipalities or county councils. There can be little doubt that the apparent greater harshness of the Scottish law in refusing to find work or give relief to the able-bodied saved Scotland from many abuses, and has ultimately made possible a greater kindness in dealing with those entitled to relief under her system.

The Act of 1579, however, was by no means put in force over the whole of Scotland. It conferred, indeed, a right to relief, and therefore is still the foundation of the pauper's legal position, but the machinery for providing relief was soon changed. It passed from the hands of the justices of the peace to the ministers and kirk-sessions; and the rate was only to be imposed when the collections taken for charitable purposes at the church door were insufficient.

Throughout the seventeenth century begging and destitution continued to be a very great evil. Fletcher of Saltoun shortly before its end drew a very gloomy picture of the hosts of vagrants infesting the whole country, and indeed he was so concerned at the condition of the poorest classes that he seriously proposes

the institution of a modified system of slavery as a lesser evil than starvation. And one Act did indeed provide that a pauper child could be apprenticed to any master willing to take him until the age of *thirty*, which appears to mean ten years of practical serfdom. A Privy Council Proclamation of 1692 directs that the kirk-session and heritors shall meet twice a-year to make up a list of the poor. Expenses were to be met in the first place by church-door collections, and only supplemented when necessary by a rate. The union of the Parliaments was followed by a cessation of legislation, and during the eighteenth century we find little discussion of poor-law questions. But the terrible state of the English system of poor relief at the beginning of last century directed attention to the methods followed in Scotland, and there are various books and reports—several by the Assembly of the Established Church—on Scottish conditions. But these are all thrown into the background by the report of one of those epoch-making commissions of the early Victorian era. It was appointed in answer to a petition from a group of gentlemen who were concerned at the frequent inadequacy of relief in Scotland. They addressed a memorial<sup>1</sup> to Sir R. Peel on the subject; the writer has vainly endeavoured to find a copy of this memorial. It was certainly printed, but can be traced neither in the British Museum nor in the Advocates' Library in Edinburgh. The Commission was appointed, and in 1844 its report

<sup>1</sup> Memorial addressed to Sir R. Peel by the Edinburgh Association for obtaining an official inquiry into the poor laws in Scotland. Several of the reports of this Association are preserved in the library of the Literary and Philosophical Society in Newcastle-on-Tyne. Doubtless copies are also stowed away in the recesses of the Advocates' Library, but the officials of that institution professed to be unable to discover them.

appeared, pouring a flood of light not merely on the poor law, but on economic conditions in Scotland generally. The Commission examined many witnesses, and also addressed a long list of questions to the minister of every parish in Scotland. The answers are all published, arranged, as we have already noticed, not in order of counties, but of synods and presbyteries, an indication of how closely the administration of poor relief was bound up with the Church. From the evidence and report we learn that while every parish was bound according to the law of 1579 to make proper provision for its own poor, it was not bound to do so by a compulsory assessment as in England. The church-door collections were the first source to be drawn on for the necessary expenses, and only where these failed was recourse to be had to the rates. There was a very strong feeling against the imposition of an assessment. The evils of the lax administration in England had made themselves so apparent that Scotland prided itself greatly on its stricter system. The rate was of course fiercely opposed from merely financial motives, exactly as in England to-day the imposition of a school rate is resented in rural areas. Moreover, one cannot help believing that the clergy were loath to be deprived of the importance and patronage which was lent to them by the fact that they were the usual dispensers of relief in landward parishes. At all events, the ministers usually (though not invariably) opposed the imposition of an assessment, while doctors and others who were obliged to visit among the poor held that the system of church-door collections was most unsatisfactory. There is a curious resemblance to the arrangements for education in England prior to the Education Act of 1902. Each parish was obliged to see that all its children

were educated, and if necessary to impose a rate and set up a school board for the purpose. But if voluntary contributions kept up a school, there need be no compulsory rate. So in Scotland each parish was bound to support its own poor, but could if it pleased depend on money given for charity. And there is, in fact, a double comparison. In Scotland from 1696 the provision of education from public funds was compulsory, but poor relief might be kept up by charity; in England the expenses of poor relief must be met by a rate, but those of primary education could until 1902 be defrayed by voluntary contributions. About half the parishes in Scotland were assessed in 1842 (451 out of 878).

In the unassessed parishes a curious custom prevailed of "voluntary" assessment. When it became clear that the church-door collections were no longer sufficient to meet the calls upon them, the resident landowners frequently agreed among themselves to supplement them by donations in proportion to their property, in order to avoid the expensive machinery requisite for the collection of a rate. Railway companies in England occasionally gave large subscriptions to the voluntary schools for much the same reason. But in Scotland the plan did not usually work well. Some big landowner would refuse to contribute, and the others, in order to force him to pay his share, would give up their attempts to ward off a compulsory assessment.

The administration was usually quite amateur; few parishes employed a paid official like the English relieving officer. The ministers and elders visited the paupers and gave them their doles. In the towns relief was sometimes administered by the parochial authorities, sometimes by the magistrates from the



burghal funds. In Glasgow both systems existed at once: the sessional poor (the less serious cases) were cared for by the kirk-sessions; the hospital poor and the permanently incapacitated were looked after by the town authorities, and often admitted to the town's hospitals or almshouses. It seems to have been in a rough way a division between outdoor and indoor relief. The handing over of the work to voluntary almoners is sometimes praised, as leading to natural and kindly relations between rich and poor and to careful investigation; sometimes blamed, as giving rise to stinginess and negligence.

The consequence of this method was that outdoor relief was all but universal. Workhouses in the English sense did not exist, and in country villages the paupers all lived among their own relations or friends. In a few towns there were poorhouses, but these were rather almshouses for old people, and sometimes schools for children, than refuges for all the destitute indiscriminately. Pauper children and lunatics were usually boarded out, and as the former attended the parish school and consorted familiarly with their foster-parents' children, they grew up without the "pauper taint." The case of the lunatics, however, was not so fortunate. A dreadful picture is drawn of the condition of Arran in those days, where so many Glasgow lunatics were planted among the cottars that some inhabitants declared the roads were unsafe, and timid women were unable to walk alone. Of medical relief there was little or none, and this is the more remarkable, because at that date there was no provision for the care of infectious diseases save by the poor-law authorities. One doctor who gave evidence before the Commission said that in practice attendance on the sick poor was a special

tax on his class. From motives of humanity they could refuse neither advice nor medicine. Thus the avoidance by the community of its obligation towards paupers resulted in a heavy burden on one small section. It is specially mentioned that women of the poorer classes suffered greatly from lack of care at childbirth. We should not perhaps be unjustified in the suspicion that during the last sixty years we have in this one matter progressed but little. And even ordinary outdoor relief was very usually inadequate. It was natural enough that this should be so, for the amount of relief was fixed not by the needs of the paupers but by the money in hand.

Concerning Inverness we learn, "The kirk-session funds being, with about £200 annually at the disposal of the magistrates of the burgh, the only sources of *public* charity, afford but mere pittance, and that but to a *portion of the poor*—generally not exceeding £2, the greater number getting only £1 per year."<sup>1</sup> In the parish of Alness the allowances varied from one to three *farthings* per week, or 1s. to 3s. per annum.<sup>2</sup>

The hopeless insufficiency was reiterated by many witnesses before the Commission. One, for example, says: "I think the present allowances miserably deficient. In many cases the poor require double what they receive, and in many instances people have no choice but to steal or starve. I may be allowed to add that I know the system has a most immoral effect, a most injurious effect, on the habits of the people."

When asked if the small allowances promoted, as

<sup>1</sup> Quoted on p. 11 of the Report of the Association for obtaining an Official Inquiry into the Pauperism of Scotland.

<sup>2</sup> *Ibid.*, p. 16.

was usually believed, a spirit of independence among the people, he replied, "I think the very reverse, and I shall tell you why,—because they are obliged to resort to begging, which can never promote the spirit of independence among the people." In fact, it is clear that the help given was rarely intended to do more than supplement what could be obtained from other sources. And unfortunately, as is hinted in the quotation given above, begging was very commonly practised. The system of licensing beggars was still kept up: the licensed beggar is one of the common features in Scottish novels of the period. The most famous example is Scott's Edie Ochiltree, who appears in the 'Antiquary.' In the Highlands beggars were exceedingly common, and indeed the grant of a small allowance was considered mainly in the light of an acknowledgment of pauperism, and as conferring a right to beg. In Shetland a curious custom prevailed, known as "quartering." Paupers were boarded out with the inhabitants, passing on from one house to another after a fortnight's stay.

All the evidence given tends to show that a system which had worked fairly well at a time when all the life of Scotland was concentrated in the Kirk, and when contributions to its poors' funds were liberal, was at last on the point of breaking down. Moreover, outdoor relief and the visits of ministers and elders were all that could be expected in a little country parish. Illness was rarer there, and could not well be treated otherwise than at home. Pauper children and lunatics were looked after by the neighbours. In the Highlands the long continuance of the clan system had made poverty, if not less severe, perhaps more endurable.

But now a new era had begun. The sterner

questions of the great towns demanded solution. More scientific methods of treating disease, both bodily and mental, were available, and should therefore be made use of. The Established Church had lost its unique position. For many years secessions had gone on, and the great Disruption of 1843, which resulted in the formation of the Free Church, was a fresh difficulty, and a new sign that the administration of poor relief must be secularised. And the opening up of the Highlands and dissolution of the clans made it essential that fresh methods should be introduced there. Accordingly the report of the Commissioners resulted in the great Act of 1845, which still rules the function of poor relief. But before going on to describe its provisions, one or two small points must be noticed.

Of these the first is the question of settlement. Each parish is required to support its own poor—that is, those who lived there all their lives, and those who by residence acquired a settlement. The period necessary for the latter varied: it was at one time seven, at another three, and is now five years. There is a very curious and complicated mass of law bearing on the question of “settlement.” Parishes have often carried on long lawsuits to decide which of them was liable to the support of a special pauper. The difficulty was particularly annoying when in one town there were several adjacent parishes, and has certainly been one of the factors leading to amalgamation. Both in Edinburgh and Glasgow there is now only one large city parish, although in the last-named city the parochial and municipal boundaries still differ to a considerable extent. At the period we are speaking of it was common to send paupers from the parish where they first applied for relief to the parish

of settlement. They were given "passes," and each parish traversed was required to forward them on their journey. This was a great evil: it simply led to a huge system of licensed vagrancy, and was frequently the cause of fraud. For it was not difficult to forge a pass. But one very evil feature of the English law has never been found in Scotland. In England there existed formerly the power of removing a person likely to become chargeable in order to prevent his securing a settlement. Naturally this operated in the direction of keeping a man tied to the parish in which he was born and prevented the development of mobility of labour. But in Scotland the poor-law authorities could at no time interfere with a man unless he actually applied for relief. Probably this is one reason, combined with others, why the Scottish peasant has maintained a higher character for independence and adaptability to circumstances than his English neighbour.<sup>1</sup>

The fact that in many cases the function of poor relief was intrusted to voluntary agencies and the expenses defrayed from voluntary contributions made it specially necessary to safeguard the interests of the pauper, and accordingly we find that appeal to the law courts was provided. Any person who was refused relief could appeal *in forma pauperis* to the Court of Session, and expenses, whichever side won the suit, were paid by the parish. This power naturally gave an opportunity for unlimited blackmail. It is said unscrupulous lawyers often took up cases simply in order to fill their own pockets, and it was admitted that the power of appeal to the Court of

<sup>1</sup> Even to the present day this difference remains. I am informed by a colliery manager that miners in Scotland move from one pit to another with much greater readiness than in England.

Session was an unmitigated evil. Yet the parishes must be controlled. It was evident that they were not under the circumstances safe judges of a pauper's requirements. We shall see how the difficulty was met by the new law.

It was observed a few pages earlier that modern changes had made a remodelling of the Scottish poor-law system inevitable. Its three main points were the preference of voluntary to compulsory contributions, its employment of voluntary agents as dispensers of alms, and the prevalence of outdoor relief. It was fairly evident that the dislike to a compulsory assessment would have to be overcome and a rating system like that of England adopted. The tendency to give inadequate allowances when the church-door collections were the only funds to draw on was too patent to be denied. But the other two features might well have been retained: the minister could have been replaced by a secular official, and his assistants, the elders, by citizen helpers. We should then have reached a system somewhat similar to the much-praised Elberfeldt scheme, which now prevails in many German cities, where hundreds of citizens under the supervision of an official act as town almoners, devoting to their two or three cases as much care and attention as our modern workers of the Charity Organisation Society. And outdoor relief was much less of an evil in Scotland than in England, since the refusal of relief to the able-bodied removed many of its greatest dangers. Hence there was not the same necessity of insisting on the "workhouse test"; there was not the same need to make poor relief hateful and degrading to the recipient in order to prevent those able to work from sponging on the parish.

The famous Dr Chalmers recognised these two latter facts, and earned much renown and success by acting on them in his two parishes—first in Fife and then in Glasgow. He appointed young men of his congregation to act as almoners and investigators, giving to them the title of deacon. Each had under his charge a very small district, and was expected to make himself thoroughly acquainted with the circumstances of every person applying for relief who resided in that district. The deacons were directed to give help—at least material help—very sparingly, and to use every effort, first to induce the applicant to work for himself, and then to get relations or former employers to give assistance. Only as a last resource were the funds of the parish to be drawn on. Dr Chalmers claimed that his system of careful investigation greatly reduced pauperism, and this without either undue harshness or a too heavy burden on the deacons. And there can be little doubt, looking to subsequent German experience and to the efforts of the Charity Organisation Society, that much can be done to help poverty and prevent pauperism by this use of numerous voluntary helpers. It is a harder way than the mechanical employment of the workhouse test, and demands greater wisdom, self-denial, and sympathy from the nation. But ultimately its success is greater.

Unfortunately both Dr Chalmers and the leaders of the Charity Organisation Society confuse this question of careful investigation and the employment of citizen volunteers as assistants in poor relief with another which, though allied, is not identical, and should be kept apart. Both, influenced by observation of the evil effect of a too lax granting of poor relief in England during the

eighteenth century, hold that maintenance of the deserving poor should be met by voluntary contributions; that a public system of poor relief carries with it such grave dangers that it should be kept within as small dimensions as possible. The Charity Organisation Society believes that the poor law should support only semi-criminal loafers under such harsh conditions that paupers would not apply for relief save under stress of most stringent necessity. Cases of destitution arising from undeserved misfortune—*e.g.*, the death of a husband, illness, or old age—ought, they believe, either to be provided for by savings or to be helped by private charity. Therefore they oppose a State system of old-age pensions. Similarly Dr Chalmers believed that the church-door collections alone should be available for the poor of the parish, and that a compulsory assessment was necessarily connected with the degradation of pauperism.

But these thinkers set themselves against the inevitable trend of social development. We may grant that the working classes are better off under our modern development of capitalistic industry than under the mediæval system. But yet they are in a far less secure position. A modern factory hand makes large wages, it may be; but if he falls ill the wages stop: it is no one's business to look after him. If he dies, his wife and children are left helpless. When he grows old the inexorable economic machine casts him forth as useless. Society as a whole has benefited—has, in spite of every drawback, benefited enormously by the modern methods of industry. Therefore society as a whole must help those on whom its progress presses hardly, and if society evades this responsibility by avoiding a compulsory poor rate it will merely throw its bur-



den on some special section ; as, for example, the absence of a proper system of medical relief practically created a special tax falling solely on doctors. And in Germany the compulsory poor rate exists side by side with the employment of citizen volunteers as almoners. This, indeed, is the ideal system : the pecuniary cost should be met from public funds ; private charity should be embodied not merely in subscriptions to charitable societies but in personal service. However, our English and Scottish poor law has taken quite a different trend, and it is hard to see how the introduction of the Elberfeldt system is possible now. It might, however, come about through the abolition of the *ad hoc* body, the transference of poor relief to the town councils, and the granting of power to co-opt members for special purposes to the committee on poor relief.

To return, however, to Dr Chalmers. He gave evidence before the Commission, and described the success of his methods in his Glasgow parish. He laid great stress on his appointment of deacons, and showed how careful investigation and advice kept down the cost of poor relief. But with this he coupled his dislike to a compulsory assessment : he thought it possible to do away with relief of the poor from public funds altogether. In fact, so strong was his feeling on this point that we are astonished to discover that he thought begging a lesser evil. He would permit begging under licence in the pauper's own neighbourhood perhaps once a - week. His views seem, however, a little inconsistent. Though stating at one point that he believed it possible to abolish all poor rates, he was yet of opinion that disease should be provided for ; had not the least objection to an assessment for the

support of the blind, deaf and dumb, lunatic, and fever cases; and would not like to say harshly that there should be no provision for orphans. This seems to include almost every case of poverty arising from "impotence" or lack of bodily strength save old age. And one is tempted to wonder, considering the refusal of relief to the able-bodied under the Scottish law, whether there was so great a difference between Dr Chalmers's recommendations and the methods which were *legal* (whether or not they were practically in use) as he himself believed.

At all events the Commissioners, who were evidently greatly concerned at the frequent inadequacy of relief throughout Scotland, refused to listen to the recommendation that legal poor relief should be abolished, and failed to appreciate the importance of the system of voluntary assistants. Being greatly influenced by the study of English circumstances, where at that time a harsh administration by officials was absolutely essential to lift the nation from the degradation into which it had fallen, it was natural, though perhaps regrettable, that they should fail to see that different methods would have been quite practicable in Scotland. Their report appeared in 1844, and was followed by the Act of 1845, whose provisions we must now describe.

The parish, burghal or landward or mixed, was made the area, and the many advantages which would have followed from the division of mixed parishes were lost. The influence of English conditions is clearly traceable in the power given to parishes to combine if they pleased. A great feature of the English reforms of 1835 was the substitution of the union for the parish as the poor-relief area.

But, as we have already noticed, the power of combination was little used in Scotland, and was indeed not needed.

It is sometimes believed that the Act of 1845 established compulsory assessment. But this is a mistake. It merely hastened a development which was already in progress. It did not insist on the abandonment of the church-door collections, but provided that, where recourse was had to a rate, a more representative body, known as the parochial board, should take the place of the kirk-session. The constitution of this assembly has been already described and discussed in the chapter on the Parish, and need not be further mentioned. The really important changes introduced by the Act were of another character. They were (1) the appointment of paid officials by every parish, and (2) the establishment of a system of central control. In each parish the appointment of two officials was made compulsory. The inspector of poor was intrusted with the direct management of poor relief. He was to visit regularly all the poor on the roll, and was made criminally liable for the death of any one who applied for relief and was refused. It is clear that the Legislature intended by this method to prevent the possibility of negligence, cases of which were suspected to have occurred under the old voluntary management. The inspector was appointed by the parochial board, but could be dismissed only by the new central authority. He could thus perform his duties without fear of undue interference by local spites and prejudices.

Each parish was also required to appoint and pay a medical officer, who should visit all cases of illness. Power was given to borrow for poorhouses, and

parishes were allowed, if they pleased, to combine for this purpose only, while retaining individual control over outdoor relief—a plan which is frequently followed in landward parishes.

But the most far-reaching change was the institution, practically for the first time in Scotland, of a system of central administrative control. A body was established having its offices in Edinburgh, and entitled the Board of Supervision for the Relief of the Poor. It had a very curious constitution. There are several English boards which are boards in name only. The Local Government Board consists in theory of a President, of the Lord President of the Council, all the Principal Secretaries of State, the Lord Privy Seal, and the Chancellor of the Exchequer; but the only active member is the President. The Board of Supervision, however, was and is really a board. Its members did occasionally meet round a table and come to a corporate decision. It consisted of the chairman and two other members appointed by the Crown, the Lord Provosts of Glasgow and Edinburgh, and three sheriffs. There was no express provision for giving it a parliamentary head. And indeed there was some difficulty in deciding whether it was the duty of the Home Secretary or the Lord Advocate to answer questions bearing on the work of the Board. The difficulty has since been overcome by the appointment of a Secretary for Scotland.

The English Poor Law Commissioners were endowed with remarkable powers of regulating the proceedings of the subordinate authorities. They could, for example, forbid the granting of outdoor relief to a particular class of paupers. The Scottish Board has less power of direct regulation. It can, however, inspect and investigate the administration in any

parish. It can advise a local authority with regard to any difficulty which may arise, can issue general recommendations, and in some instances has the power of regulation. Its control over the inspectors of poor, for example, enables it to frame rules concerning the performance of their duties by these officials. An inspector must, *e.g.*, answer every application for relief within twenty-four hours.

Regulations with regard to poorhouses are only valid when confirmed by the Board; here, again, it has considerable power of control. It may prosecute a defaulting authority before the law courts. But although this power is useful as a weapon in reserve, it is rarely made use of.

The Board immediately established a periodical system of inspection. At present Scotland is divided into four districts, over each of which is set a superintendent. He visits each parish, looks over the roll of paupers, and inspects the poorhouse—where it exists. By this means there is a constant criticism of the local bodies, and the annual report of the Board of Supervision contains an account of the general condition of poor relief throughout Scotland and any suggestions which the superintendents have to make with regard to the local administration.

Other reforms introduced by the Act were the abolition of the system of passes and the restriction of the right of appeal. Relief was now to be given in the parish where the application was made, and the expense was ultimately to be recovered from the parish of settlement when that was discovered. The right of appeal to the Court of Session against inadequate relief was only to be exercised with the consent of the Board of Supervision,—a change which practically gave the Board the power of deciding what

amount of relief was adequate ; for the parish did not venture to carry the case to the law courts when the decision of the higher administrative authorities had gone against it. A new power of appeal was introduced,—to the sheriff against unjust refusal of relief. Possibly it was necessary at the time, but public opinion seems now to condemn it. The sheriffs usually give the decision in favour of the pauper, and the influence of their power makes frequently for lax administration.

The effect of these reforms very soon made itself felt. The need for more careful administration and more adequate relief caused a steady increase in the number of assessed parishes. Thus at the time of the passing of the Act about half the parishes were unassessed ; some returns, indeed, give a higher proportion, but the facts were not easy to ascertain, as a parish sometimes imposed an assessment for a few years and then dropped it again, if the voluntary contributions rose or the number of paupers diminished. In 1894 there were only forty-six unassessed parishes, and at the present date there are still five parishes in Scotland where the church-door collections continue to suffice for the expenses of paupers.

The rates increased steadily : the new system of management made this inevitable ; but it caused considerable perturbation in the minds of a few people, who were unable to see that increased expenditure on poor relief need not necessarily mean a pauperisation of the nation, but merely the open giving of sufficient relief where formerly the allowance had been inadequate and had been supplemented by secret begging. The Board's influence was exerted in the direction of greatly increased expenditure on certain objects. They urged the parishes, for example, to be fairly generous

in that most remunerative division of poor relief—medical and sick relief. Shortly after the passing of the new Act the Government gave a grant of £10,000 in aid of medical relief, and its distribution was intrusted to the Board of Supervision. The regulations were deliberately framed to stimulate expenditure. A scale<sup>1</sup> was drawn, according to which the parishes were put in different classes in proportion to their density of population: for each class a certain minimum expenditure per head on medical relief was fixed, and no parish received a grant unless this minimum was attained. The parishes were also urged to make adequate provision for sick-nursing in hospitals. The method of distribution of the grant was subsequently altered, but not until it had achieved its end of stimulating expenditure on medical relief.

The Board also used its influence to urge on the establishment of poorhouses, and insisted that it was desirable that outdoor relief should be replaced by the offer of the "house." This raised a great controversy. As we have hinted, it is possible that there was not in Scotland so great a need of the workhouse test as in England, owing to the absence of relief to the able-bodied. Children and lunatics were commonly boarded out; out-relief to the aged cannot be very severely condemned; and it was urged that the proper function of the Scottish poorhouse is to be a temporary receiving-house, a hospital, and a home for any who are not fit objects for out-relief—*e.g.*, old paupers who have no relations to look after them. But it was very properly pointed out in answer to this, that even with the safeguard of rejection of the able-bodied, there remained some classes who should not too easily be accorded outdoor relief—men, for example, who

<sup>1</sup> See p. 329.

through drunkenness had made themselves chronically unfit for work, and women burdened with illegitimate children. It was the practice of some parishes to offer indoor relief to a mother of one illegitimate child, but where there were more, to permit out-relief in order to save the greater expense of poorhouse accommodation—a system which was a direct premium on misconduct. Again, the offer of the poorhouse was desirable in cases where it was doubtful whether the applicant might not, even though to some extent incapacitated, manage to earn his own living, or where his relatives might support him. But it appears from this line of argument that accommodation of two kinds is desirable—(1) Of a better class for the deserving poor, to whom, for the reasons indicated above, out-relief cannot be given; and (2) accommodation involving the hardships of the English workhouse for the undeserving or doubtful class. This system of classification is now being tried in Govan poorhouse, and is said to be working fairly well. In addition to the ordinary wards, there are rooms set apart for old men and women of a better class, where more freedom and greater comfort are allowed. There was no reason why, under the Scottish system, such a method of classification could not have been sooner adopted. But the Board of Supervision in its earlier years endeavoured to introduce the English system, with its attempt to minimise outdoor relief and its strictly, not to say harshly, administered workhouse.

Naturally the reforms of 1845 resulted in a considerable increase of expenditure, and this aroused great discontent. In the Highlands the rates were sometimes very high, and amounted on one occasion in a certain parish to 12s. in the £. And in 1868 was reached the high-water mark of Scottish pauperism. There



were in that year over 106,000 paupers, as contrasted with 46,000 in 1846. This great increase caused considerable uneasiness to men of Dr Chalmers's school, and an agitation against the prevalent poor-law methods was set on foot.<sup>1</sup> This, together with the dislike to the increased expenditure and the unpopularity of the poorhouses, was sufficient to secure the appointment of a Committee of the House of Commons, which reported in 1871. The report was entirely in favour of the continuance of the existing system, and its wisdom has been justified by the fact that since 1868 pauperism has declined. The Committee was greatly struck by the system of boarding out pauper children. In 1844 poor-law reformers still believed strongly in the workhouse for all sorts and descriptions of paupers, old and young, deserving and undeserving. Twenty-five years later the disadvantages of a workhouse training for the young were beginning to be generally recognised. It was found that pauper children, though well fed and cared for, were liable to disease, and showed a great lack of independence of character. Accordingly the Scottish boarding-out system, by means of which the children grew up without the pauper taint, and were naturally absorbed into the general population, attracted considerable attention, and was subsequently imitated in England. But unfortunately difficulties arose there of which we have never been conscious in this country. The foster-parents often ill-treated the children who were committed to their care, and did not consider them as part of their own family, as they are said to do in Scotland. And now the English Local Government Board maintains women inspectors, whose special

<sup>1</sup> Mr Lamond's book, noticed on a former page, was written in connection with this controversy, and in defence of the existing system.

work it is to examine into the condition of boarded-out children. There has never been a suggestion of such abuses in Scotland ; but when one learns that the children are only visited occasionally by the officials of the boarding-out parish, one is tempted to wonder whether there is really sufficient supervision of the condition of the boarded-out children.

Since 1870 poor relief in Scotland has continued on the same lines. There was, indeed, a change in the governing body in 1894, when the parish councils were introduced. The old nominated and *ex officio* members disappeared, and poor relief was handed over entirely to a democratically elected body. There was some doubt expressed as to the wisdom of this step. It was thought that it would be likely to give rise to laxity. But these fears were not justified: the methods of administration have not noticeably changed.

We will, then, conclude this chapter by an account of the various classes of persons who are now in receipt of relief, and by a notice of certain difficulties which are presenting themselves. It should be observed, in the first place, that there is in Scotland no relief to the able-bodied. A certain ambiguously worded clause in the Act of 1846 left it for some time uncertain whether the poor-law authorities could not, if they pleased, give relief to those able to work, while yet it remained certain that the latter had no *claim* to relief, no matter how destitute they might be. But finally the question was decided by the law courts in the negative. This distinction, however, is not now of such importance as formerly, since poor relief in England is at present, not by legal enactment, but practically, through the use of the "workhouse test," confined to the impotent in mind or body. And of course if a man is long out of work

he sooner or later becomes "impotent." But one result of the distinction is that there are no casual wards in Scotland. The travelling vagrant must pay for his own lodging;<sup>1</sup> in some cases he obtains for the night shelter in the police office. And in Scotland it could never, as in England, be a matter of doubt whether workmen on strike were entitled to relief.

Of causes of impotence the four most important are old age, orphanhood, sickness of body, and feebleness of mind. Aged paupers are in Scotland very commonly helped by outdoor relief, and not obliged to go into the workhouse unless they are alone in the world and so feeble that they cannot safely be allowed to live alone.

For sickness there is more and more provision made. The big town parishes provide hospitals and dispensaries, and also medical attendance on paupers in their own homes. Glasgow has recently decided to erect two large district hospitals, having come to the conclusion, as one official somewhat callously put it, that it was cheaper to cure a workman than to support his wife and children. These hospitals will be fitted up in the best modern manner; they will be apart from the poorhouse, and there is every prospect that the working classes will avail themselves of their accommodation without the reluctance shown at receiving ordinary poor relief. And in this prospect we need see nothing to alarm us: it is wasteful and absurd to endeavour to nurse a man attacked by pneumonia in the ordinary room-and-kitchen house. His chances of recovery will be greatly increased by proper attention and surroundings suitable to illness. The community will benefit by the care given to its

<sup>1</sup> Is this the reason why several Scottish towns—e.g., Glasgow and Leith—have been active in providing municipal lodging-houses?

sick workers, and there is no reason why the community should not insure itself against illness by collective provision of hospitals. It already does so with regard to infectious diseases, and there seems to be no good argument against a similar course, with due precaution against malingering, in the case of non-infectious diseases. The nation loses by them quite as truly, though perhaps not so evidently, as through an epidemic of smallpox. But if this course is to be followed, two reforms should be introduced. The acceptance of sick relief should cease to be a disqualification for the franchise, and it should be no more of a disgrace to be treated for peritonitis in the poorhouse infirmary than for scarlet fever in the municipal hospital. In England already the acceptance of sick relief proper carries with it no disqualification, and it should not be difficult to apply the same law to Scotland. And in the second place, arrangements should be made for receiving a small payment from those able to afford it, and possibly for giving them in return a somewhat better style of accommodation. We have periodic complaints about the frequent use made of hospitals and dispensaries by well-to-do people. But it is not realised in how difficult a position the middle class finds itself with regard to skilled medical attendance. A man can afford perhaps a moderate fee, and would willingly pay it, but can by means of it obtain only very mediocre services; whereas his poorer neighbour, by getting an order for a hospital (I am speaking here rather of the voluntary hospitals than the workhouse infirmaries), has the greatest skill available at his disposal. A case of this kind came under the writer's own notice. A lady whose daughter suffered from a mysterious ailment, whose cause her ordinary physician had been

unable to discover, wished to consult a very eminent surgeon, but was obliged, on account of the expense, to give up the idea and employ instead a much less skilful man. A few days later, while district visiting, she learned that the daughter of a woman whom she went to see was then in a hospital being operated on—of course quite free of charge—by the very doctor whom the lady had wished to consult concerning her own daughter. Working people can obtain for nothing skilled services which are quite beyond the reach of even the higher ranks of professional men, and we need not therefore be surprised that in our free hospitals and dispensaries are to be found persons quite able to pay for medical attendance—of a kind. Some system is needed by which members of this class could have, on payment of a small sum, the advantage of skilled medical advice which the poorer sections of society get for nothing. At present the injustice of their position is apparent to any one who considers the matter for a moment.

In country districts there are greater difficulties in regard to hospital accommodation: the poorhouse, owned usually in combination with several other parishes, contains sick-wards, but many parishes have also set up village sick-rooms, to which urgent cases of illness can be taken at once. In some cases the sick-room comes to be used simply as a casual ward, and therefore a certain amount of care is necessary in its management.

Persons afflicted in mind may be cared for in three ways. They can be sent to the ordinary lunatic asylum,—a course which is followed when they are dangerous,—or they may be kept in the licensed wards of poorhouses, or boarded out. Harmless lunatics and imbeciles are usually boarded out in Scot-

land: it is a cheaper way of maintaining them, and, moreover, several authorities hold that a person merely feeble-minded is often happier and less troublesome when among surroundings and persons of the class he is accustomed to than when under the restraints and ceremony of a big institution. But there is one danger in this connection. The lunatics should be carefully scattered. There are a few villages—*e.g.*, Scotlandwell in Kinross-shire—to which so many imbecile paupers are sent that they form a considerable proportion of the population. This state of things can neither be good for the lunatics nor for the other inhabitants—and especially the children—of the village.

The parishes do not meet the entire cost of pauper lunacy. The district lunacy board is responsible for the provision and upkeep of asylums, and the poor-law authorities pay merely the expenses of maintenance of the patients whom they place therein; and in the second place, there is a parliamentary grant, which defrays about half the maintenance charges. Therefore the parish, whose authorities are responsible for placing lunatics on the roll of paupers, really is relieved from the greater part of the cost—a situation which is said by several experts to be the cause of the apparently alarming increase in pauper lunacy. Every other class of paupers is decreasing in number; this alone is increasing. It certainly seems to be the case that the rate of increase has accelerated since the institution of the grant.

Next in importance among the divisions of paupers are children— orphan or deserted or whose parents are paupers. We have already said that they are rarely kept in the poorhouse, but are planted out

as soon as possible with respectable foster-parents. Hence in Scotland we have never known either the barrack-schools or the village-home system. Even when children are kept in the poorhouse they very frequently attend the ordinary parish school. In the year 1899-1900 there were 6143 pauper children in Scotland, and of these 5446 were boarded out.

One is glad to learn that the Local Government Board (successor to the old Board of Supervision) is now recommending a generous treatment of widows with young children. Frequently the allowances have been so small that the poor women have been obliged to supplement them by work, and so have been driven to neglect their children. In future the recommendation is that sufficiently large allowances should be granted to enable the mother to give her children all the care they need.<sup>1</sup>

And now we approach one of the difficult problems of poor relief. We have in Scotland no casual wards, so that the vagrant as such does not come under the cognisance of the poor-law authorities. There is, as

<sup>1</sup> Widowers of the working classes with young children dependent on them have great difficulties to contend with. The children cannot be left alone; from lack of means an efficient housekeeper is out of the question. Consequently some "feckless" woman is called in, and the children grow up undisciplined and ill-trained in the midst of discomfort and discord. The Glasgow town council has recently established a "family home" for this class. Each man has a sleeping room for himself and his children beyond infancy. There are common kitchens, dining-rooms, and nurseries. The children are taken care of, washed, fed, and sent to school. The scheme is a good one, and it is greatly to be hoped it will succeed. But one learns with regret that so far the "home" is not self-supporting, and that it is difficult to get the men to take an interest in their children's progress. And in the little private rooms it is hard to imagine any family life. But the sight of the common nursery, with its crowd of well-cared-for babies, is enough to make one overlook any difficulties when one remembers what would be the lot of these tiny motherless creatures had not the city magnates bestirred themselves to build up an institution to take the dead mother's place.

we have noticed, some tendency to use the parish sick-room as a refuge for vagrants, but this tendency is carefully watched and checked by the Local Government Board. Many, however, of those applying for relief on account of ill-health are unable to work, not because of accident or unavoidable illness, but by reason of drunkenness and debauchery. They enter the poorhouse for a short time, have a bath and a rest, and then take their discharge and return to their old courses. For this reason they are called "ins and outs." It is the same class which is known to the police as "habitual offenders," and which through its destructive and dirty habits causes the housing problem to be far more difficult than would otherwise be the case. When such people inhabit a house they soon turn it into a mere dirty den; they offend the better-behaved neighbours; and if two or three families of this character live in one tenement, the respectable tenants leave it, and it soon becomes a positive slum. The writer saw a group of the Edinburgh municipal houses which, through lack of discipline and the absence of an efficient caretaker, had for a time fallen into the hands of this class, and though recently erected with the utmost attention to all details, the tenement was already beginning to have a disreputable and slummy appearance. In these three branches of local administration the "residuum" presents a perpetual problem, and many of the difficulties of our local administration would disappear could we find some means of controlling the "ins and outs," the "habitual offenders," those who live in perpetual dirt, drunkenness, prostitution, and disease. And yet our action must not be vindictive. This class has perhaps always been present in our social system, but its greater prominence now is due to our



changed industrial methods. Our demands for intelligence, industry, and sobriety are more stringent now than at any previous time, and a man who falls below the standard is cast back into a hopeless hand-to-mouth struggle for existence, which saps his vitality and leaves him an easy prey to drink, to begging, and to all manner of parasitism on society. This class must perhaps exist. It is the dark side of our progress. The race must be to the swift, and it is well for us all that the tension should be keener and the pace swifter than of old. But yet society is a unity, and no one of its members can live in hopeless vice, misery, and disease without all suffering. Hence our problem is, without impairing the beneficent effects of the struggle for existence, to save those who fall out of the fight from the worst effects of their failure—to help them perhaps to their feet again; in any case, to lay them aside in some sheltered spot where the rest of their life may ebb away without harm to the community and with little hurt to themselves. Possibly this end might be attained by the establishment of farm colonies, to which the "ins and outs" and habitual offenders could be committed for a lengthened period; after release any relapse would be followed by a still longer term of detention. At present we save this class from absolute starvation by our poor-law system; but we have the cruelty to leave them in their vice, and they repay us by producing children who will intensify for our descendants the problem which we now neglect. In Glasgow the authorities have been for some time discussing the problem, and it is to be hoped some system will be suggested which will work successfully. But at this point there is very great need of co-operation and harmony between all the branches of the parochial and municipal ad-

ministration. It is useless for the parish council to treat the "ins and outs" with strictness, if the magistrates dismiss the habitual offenders with short sentences and the health authorities erect splendid houses where they are comfortably housed, largely at the cost of the ratepayers. For success one policy should be decided on and steadily pursued by all divisions of the local governing bodies who come in contact with these "people of the abyss," as Mr H. G. Wells has named them. They are not criminals,—though our prisons are largely recruited from their ranks,—and therefore there is necessary for them treatment which shall be kindly but strict. Moreover, if they could be sifted out from the ranks of paupers, we could easily treat—as we ought—with greater generosity the old and the sick who for the larger part of their lives had supported themselves. In short, the crying need of our poor-law system is the introduction of classification of paupers, together with greater harshness to some, greater kindness to others.

## CHAPTER XIII.

## EDUCATION.

FROM the poor law, from the branch of administration which cares for those who have failed in the race of economic life, we turn now to the branch which trains up the young citizen for his part in that race—namely, to education. And here, too, to find the beginnings of the system of to-day, we must go far back in the history of Scotland. So long ago as 1496 was passed the first Scottish Act concerned with education. It ordained that all burgesses and householders of substance should send their eldest sons and heirs to school “from they be eight or nine years of age to remain until they be competentlie founded and have perfite Latin.” The historian Burton says of this law that, like many other Scottish enactments, it was hortatory rather than legislative; but yet it deserves mention as probably the earliest instance of an attempt at State regulation of school attendance.

But the foundations of the Scottish school system were really laid at the Reformation by John Knox, though the scheme put forward by him did not obtain realisation for many years—in fact, we are only now, after more than three hundred years, attaining the end which he long ago laid before his countrymen. In his work, the *Boke of Discipline*, he outlines a

plan which, though it attained but a late and mutilated fulfilment, did yet, more than anything else, lift Scotland from its bog of misery and set it among the most advanced and civilised nations of the world. Knox proposed that the confiscated wealth of the Roman Catholic Church should not be poured into private hands, but should be devoted to the Reformed Church and to the advancement of education. His plan is, as we said, astonishingly complete, and even curiously modern in some of its details. It is the work of a man who could see far into the future. We give his own words :<sup>1</sup>—

“Of necessitie we judge it that every several Kirk have a schoolmaster appointed, such a one as is able at least to teach grammar and the Latin tongue, if the town be of any reputation. If it be Upaland, where the people convene to doctrine but once in the week, there must either the Reader or the Minister there appointed take care over the children and youth of the parish to instruct them in the rudiments and especially in their catechism. And further we think it expedient that in every notable town be erected a college in which the Arts, at least logic and rhetoric, be read by sufficient maisters for whom honest stipends be appointed ; as also provision for those that be poor and not able by themselves nor by their friends to be sustained at letters, especially such as come from landward—Last, the great schools called Universities shall be replenished with those that be apt to learning ; for this must be carefully provided that no fader [father] of what estate or condition that ever he be use his children at his own fantasie especially in their youth-head.” He goes on to say that the rich must be compelled to send their

<sup>1</sup> First Book of Discipline. Laing's edition. Vol. ii. pp. 210 and 211.

children to school "at their own expense, because they are able." But the children of the poor must be supported and sustained. "And must discreet learned and grave men be appointed to visit all schools for the trial of their exercise, profit and continuance." "A certain time must be appointed to reading, &c., and a certain to that study in which they intend chiefly to travell [*i.e.*, labour] for the profit of the commonwealth."

Thus Knox drew up a plan for the establishment of a primary school in every parish, and a secondary in the larger towns, for free education, for scholarships and compulsory attendance, for a system of examination, and for technical instruction. If we divest it of its antiquated terms, and leave out of consideration the theological bias, his plan bears a striking resemblance to our modern system. What would have been the effect on the development of Scotland had the scheme been at once and fully carried out?

However, there is no need to say that it was not carried out. The Church revenues fell into private hands, and were not available for the education of the people. Still there were many attempts during the seventeenth century to set up a public system of instruction, and after several abortive Acts there was finally passed—in 1696—the Act for Settling of Schools, to which, next to the union of the Parliaments, Scotland owes its increase in prosperity during the eighteenth century. It is interesting to note that it was one of the last Acts of the Scottish Parliament, which thus left a magnificent legacy to the nation whose government it was a few years later to relinquish.

The execution of the Act was laid directly on the

meeting of minister, kirk-session, and heritors, which also managed poor relief, but provision was made in case of their failure to act. In such a case the county administration—the Commissioners of Supply—had power to step in and appoint a schoolmaster. This enactment also has a curious resemblance to modern methods. At present it is urged in England that most of the supervision of minor authorities now performed by the central departments should be transferred to the county councils. Already a county council has power to insist on a proper provision of hospitals and a proper upkeep of roads by the rural and urban district councils. At all events, it is agreed that one reason why the Schools Act of 1696 succeeded while those preceding it failed, lay in the power of the Commissioners of Supply to take the place of a defaulting parish.

The Act provided that in every parish the heritors and minister should appoint a schoolmaster, who was to hold his office *ad vitam aut culpam*; they were also bound to supply a school with dwelling-house and garden attached. In addition to this accommodation, the master was to receive the children's fees and to be paid a very small salary. The necessary funds were to be found by the heritors, who imposed on themselves a rate, but were entitled to recover one-half from their tenants: this is an early example of the method of rating common in Scotland, by division between owner and occupier.

So was founded the famous system of the Scottish parochial schools, which endured practically unchanged until 1872. Each landward parish had at least one school; when population increased, and in the huge parishes of the Highlands, extra schools were sometimes necessary, and they were called "side-schools."

In some cases also special schools for girls—heritors' girls' schools—were set up, but, as a general rule, co-education was and is prevalent in Scotland.

The great feature in the system was the position and personality of the schoolmaster. He held his office on an almost permanent tenure, and could only be got rid of for persistent ill-conduct by a legal action. Schoolmasters had frequently been students in one of the four Scottish universities, and were usually men of considerable culture. Often, indeed, they were "stickit ministers," who through lack of ability or perhaps of funds had been unable to complete their divinity course. They often retained vivid memories of their university days, and were never so happy as when preparing promising pupils for a bursary "at the college." Such a man, set down in a remote village, with a secured though often pitifully small income, was a perpetual influence, leading his pupils to higher learning. Even the poorest lad in Scotland might, if he showed ability, hope by means of his teacher's help to win a bursary, go to college, and finally reach the pulpit, or that even higher position, a professor's chair. And the result was the astonishing statistics with regard to matriculation in the Scottish universities. About 1 in every 1000 of the population—it was calculated by the Schools Commission of 1865—matriculated; while in Germany 1 in 2600, and in England only 1 in 5800, was a university student.

But there was another side to the picture: while the security of the schoolmaster's position made it attractive even to a university man, and made it possible for him to wield a great influence in his parish, where he ranked in importance just below the minister and doctor, yet if he were incapable, the position of the parish was very difficult. Instances

were brought before the Schools Commission of 1865 where the parish dominie had through his incapacity practically no pupils, and yet continued in comfortable possession of his dwelling-house and stipend;<sup>1</sup> and even with a conscientious man the system made for attention to the brilliant pupils and neglect of the dull. There was no system of inspection or examination beyond a yearly visit from the presbytery—the Church Assembly midway in importance between the synod and the kirk-session; and though, doubtless, the children's annual performance before the ministers and elders was a pleasant function, yet it was of little value as a test of progress or efficiency. And it is to be feared that many children passed through the dominie's hands having learned little save to read and write in a stumbling fashion: their chief gain was probably that of obedience to discipline and a respect for the knowledge that they themselves could not attain, which has for so long been characteristic of the Scottish working man.

The schools were in close connection with the Church, —not, however, the Church as a sectarian and proselytising body, but as a national institution. The very fact that the schools were supported from public funds seems to have kept them from the denominationalism so characteristic of the English voluntary schools. Even as far back as the beginning of the last century it was observed that many Roman Catholic children attended the parish schools, but that attempts at conversion were strictly discouraged. The schoolmasters were indeed subject to a religious test, and were examined by the presbytery; but this was

<sup>1</sup> For a time the presbyteries had a certain jurisdiction over the schoolmasters, with power to suspend if necessary, but in the end the masters regained their earlier position.



abolished in the course of the nineteenth century. The dissenting Churches, of which the chief was the Free Church, did in some cases establish special schools, but there was no great distinction in doctrine, —at least in matters that could be understood by children, —and hence the voluntary schools never attained any great importance. And in Scotland there is not the keenest reason for the English rivalry between the Church and Dissent—the existence of a social cleavage. Practically there is no difference in social position between those who attend the Established Church and those who prefer one or other of the seceding bodies.

The parish schools existed, however, only in the landward parishes. In many burghs there were burgh schools, supported by the Common Good. Those actually existed in 1865 in fifty-four burghs. Some of them, such as the High Schools of Glasgow and Edinburgh and the Burgh School of Ayr, reached a very high standard. They were, of course, non-residential, and the pupils' attendance often terminated at a very early age compared with that of the English grammar-schools. But the work done was real and energetic; the teachers were men of intelligence and vigour; and the life, though perhaps rough and in a sense uncultured, turned out boys accustomed to hard work and of keen mental energy. Not infrequently girls were also admitted to the burgh schools. Certain of the writer's fellow-students at Glasgow University had never in their lives attended a girls' school proper. Both primary and secondary courses had been taken in a mixed school.

The English Commission on Secondary Schools heard of the fame of the Scottish burgh schools, and one of the assistant-commissioners was instructed to examine and

report on the system. He was very greatly struck by what he saw. Englishmen have a way of ignoring the doings of their northern neighbours, and then suddenly discovering that Scotsmen have solved a difficulty which has long baffled themselves; then their astonishment is so great that they confer on the Scottish methods quite absurd and undeserved eulogiums. So in Mr Fearon's report is to be found the following enthusiastic passage:<sup>1</sup>—

“. . . The class-room of a Scottish burgh school, crowded with 60 or 100 boys *and girls*, all nearly of an age, seated in rows at desks or benches, but all placed in the order of merit, with their keen thoughtful faces turned toward the master, watching his every look and gesture, in the hopes of winning a place in the class, and having good news to bring home to their parents at tea-time. The *dux* seated at the head of the class, wearing perhaps a medal, the object of envy and yet of pride to all his fellows, fully conscious both of the glory and the insecurity of his position; and taught, by the experience of many falls, the danger of relaxing his efforts for one moment. In front of this eager, animated throng stands the master, gaunt, muscular, and time-worn, poorly clad and plain in manner and speech, but with the dignity of a ruler in his gestures and the fire of an enthusiast in his eye; never sitting down, but standing always in some commanding posture before the class; full of movement, vigour, and energy, so thoroughly versed in his author or his subject that he seldom requires to look at the text-book, which is open in his left hand, while in his right he holds the chalk or pointer, ever ready to illustrate from map or blackboard, or perhaps flourishing the ancient 'taws,'

<sup>1</sup> Schools Inquiry Commission. Vol. vi. p. 51 [3966 v.] of 1867-68.

with which in former days he used to reduce disorderly new-comers to discipline and order. The whole scene is one of vigorous action and masterly force."

Mr Fearon also displays some astonishment at the educational position of the girls. He mentions one girl who stood up with a class of boys and answered in very good style questions on mathematical problems. But though astonished, he seems to approve of co-education, believing that it was advantageous to both sexes. This, as we shall see, was a view not shared by the members of the Scottish Schools Commission.

The burgh schools were to a large extent supported by the town's funds. The municipal authorities were bound to supply school-buildings and keep them in repair; sometimes they paid the salary of the rector or head-master. But working expenses were usually met by fees which, though low when regarded from the English standard, were yet considerable in comparison with the income of the parents.

In some towns dissatisfaction was felt with the burgh schools. Some parents believed that the course of study was not sufficiently practical for business men, or wished to remove their sons from contact with those of the lower classes. Consequently in many places "academies" on more modern lines were instituted, under the care of a board of directors.

But, as a whole, the provision of secondary education in Scotland was sparse and unsystematic. Some schools reached a very high level, and Mr Fearon must have seen these only. Other burgh schools were little more than primary schools, with a few lads in a secondary department. They approximated, in fact, to the type of the parish school. And in the

country districts there was no provision for secondary instruction beyond the special attention of the parish dominie to a promising pupil. Consequently a great burden was thrown on the universities. Raw youths came to them direct from the country schools, expecting to be grounded in the very rudiments of a classical education. The present writer began in the junior mathematical classes of Glasgow University with the first proposition of Euclid, and until quite a short time ago the universities were prepared to teach the elements of the Greek and Latin grammars. The professors were paid, not by salary, but by fees, and welcomed all students, prepared and unprepared, fit and unfit, to their class-rooms. It must therefore be admitted that the universities were turned aside from their proper function of advanced teaching and original research, and took to a large extent the place of secondary schools.

Still, with all its defects, it was a magnificent scheme of education. Possibly no very high standard of culture was attained; but to what culture the land possessed even the poorest could make his way, provided he had ability. And tremendous sacrifices were made for education. The now too short session of the universities—from October to March only—dates from the time when the students worked at their books during the winter and returned to the paternal farm or forge in the summer. And from the top to the bottom it was thoroughly democratic: on the benches of the parish school lairds' and labourers' sons (and often daughters) sat together; in the universities neither wealth nor birth gained esteem as did ability. And no one who has passed through a Scottish university can ever lose the memory of that magnificently turbulent democracy, of those

classes of 60 or 100 where on the same benches are gathered together men (and since 1892 women also) of all ranks and of all ages. True, the size of the classes prevents individual teaching, prevents close intercourse between professors and students. But yet, on the other hand, the knowledge that no help in one's work is to be looked for save in steady attention to lectures, and in one's own labour and intelligence in thought and reading, has a wonderfully stimulating effect.

But to return to the system of education prior to 1872. It had many good points, and differed markedly from the English system. There was already a public provision of instruction, and this was by no means confined to elementary teaching, as theoretically were school boards in England. In many parish schools there was a certain amount of work leading directly to the universities, and in a few towns there were quite efficient secondary schools. And the management of these schools was in the hands not of *ad hoc* bodies but of the ordinary authorities. The meeting of kirk-session and heritors had indeed been gradually losing its administrative powers, and was becoming a purely ecclesiastical assembly; still educational administration was a long-established local function in Scotland. The religious difficulty hardly existed at all. The parish schools had indeed been in close connection with the Established Church, but there was no bitter feeling against them, as in England against the schools set up by the Church of England. Finally, as we have already said, co-education was common: it probably arose, as in New England, from a mere desire to save expense. A parish could not afford two schools: the girls therefore had to be taught with their brothers or remain

uneducated. But the custom had firmly established itself in Scottish life. The Scottish Schools Commission, however, felt considerable distrust of it; and we are startled to discover that they believe it may be a partial cause of Scotland's high rate of illegitimacy. But many other causes can be assigned for this fact. The Scottish law by which marriage legitimises children born previously, cannot be without its effect; and we must also take into consideration the habit of night courtship, and the low standard of housing, which differs so considerably from that which holds in England that reformers are somewhat astonished at the one- and two-roomed municipal houses shown to them with pride as a great advance on previous conditions. On the whole, it seems rather far-fetched to attribute the higher rate of illegitimacy to mixed schools. And there can be no doubt but that co-education has many good results: it has certainly been the cause why women have been so easily and with so little self-consciousness received into the Scottish universities.

This system of education, then, like the system of poor relief, had admirably suited Scotland during the eighteenth century; but changed social conditions demanded a change in administration. The change was preceded as usual by a Royal Commission, which was appointed in 1865, and whose report is our main source of information on Scottish schools in the middle of last century. The parish schools, while strong in the rural districts of the Lowlands, did not exist in the towns, and were always feeble in the Highlands. There had been some special parliamentary grants for Highland schools, but there was a need for a stronger local system. In the towns the conditions were often deplorable: the

report on Glasgow contains accounts of some terrible dens which were used as schools. Altogether the Commissioners found that there were 92,000 children not in attendance at school.

Again, even in the Lowland parish schools very many children received an insufficient education. The clever ones were helped forward, the stupid ones neglected; and there was a considerable number of incompetent schoolmasters who could not be got rid of owing to their permanent tenure of office. In all probability these were increasing in number, for the salaries remained stationary while the value of money fell and the standard of comfort rose. The position of a village schoolmaster, which in the previous century had been but a little below that of the minister, had now ceased to attract able men.

And finally, although the religious difficulty was never so acute as in England, it was an anomaly and an inconvenience that schools supported by public funds should continue in such close connection with the Established Church. In education, as twenty-five years earlier in poor relief, the need for secularisation was making itself felt.

The English Education Act was passed in 1870, and was followed two years later by that for Scotland. In this instance also we must notice the unfortunate influence of English conditions on Scottish legislation. In England the institution of a special educational body was justifiable, as there was at that time such confusion in the local governing authorities that it was impossible to select any one to whom to confide the charge of education. But in Scotland it would not have been difficult to hand over the care of schools in land-

ward areas to the elective parish body, the parochial boards, and to continue the royal burghs in the work they were already doing, with increased powers of rating and of compulsion. But England had got school boards, and therefore Scotland must have them too; doubtless in the next year or so (I write in the summer of 1902) this step will be reversed, and the care of education transferred to what we have named the general governing bodies.

School boards, then, were instituted in Scotland in 1872: their constitution was the same as in England, and has been already described. But in other respects the Scottish Education Act differed considerably from that of England. In the first place, as the public provision of instruction was already universal in Scotland, the school board was set up in every parish; it did not merely come in as a supplementary authority when private associations failed. Every royal burgh and every parish had its own board, even when it had no school, and mixed parishes were divided into two portions.

In the second place, there was no sort of restriction to elementary education. The English conception of public instruction at that time was to give to the "children of the labouring classes" such meagre share in the culture of humanity—or rather such merely mechanical instruction in the arts of reading and writing—as should assure to them the very minimum of knowledge necessary for civilised existence. But the Scottish conception was more generous. Knox's ideal of education, publicly provided for the whole nation, had never quite died away. All classes had attended the public schools, and all grades of instruction had been provided in them. Accordingly the school boards were not re-



stricted in their work, and there is in Scotland no possibility of a Cockerton judgment.<sup>1</sup> The burgh schools were all handed over to the new bodies, the town councils being obliged to make an annual payment for their upkeep from the Common Good. Most of them became merely ordinary public schools; nine, however, were made into "higher class public schools" solely for secondary education. It was forbidden for some years to defray their expenses from the rates; but the prohibition was absurd, and was subsequently revoked.

Thirdly, as there was no religious difficulty, there was no need of a "compromise," with all its possibility of future strife; accordingly the wise course was taken of leaving the question of religious instruction entirely to the local bodies. A school board may in Scotland give what religious education it pleases, and may teach even the tenets of Roman Catholicism. The policy of intrusting this delicate matter to the localities has been entirely justified by the results. The religious problem is one of those matters whose difficulty vanishes when it is faced at close quarters.

This Act of 1872 made school attendance compulsory in Scotland; in England this further step was not taken till some years later, when public opinion had been developed by the new educational system.

For some years Government grants had been given in Scotland on almost the same terms as in England, and now they were naturally extended and accompanied by increased supervision and control. A special Board of Education had for some time its

<sup>1</sup> By the Cockerton judgment it was decided that the provision of secondary education by the English school boards was illegal.

headquarters in Edinburgh, but it was admittedly only a temporary institution necessary for getting the system into working order. When this was accomplished the Board was dissolved and its duties transferred to the Education Committee of the Privy Council. The Secretary for Scotland is now vice-president of the Committee and virtual head of the Scottish Education Department. This Department issues codes, which must be followed by those schools who wish to receive a grant. But the grant is not now given in accordance with a rigid test of each scholar or even each class, but on the general report of the inspector on the condition of the school (the "block-grant" system).

Under the methods introduced by the Act of 1872 considerable advance was made in education. Schools were provided where before there had been too few, and the existing schools were brought up to a higher level. Buildings and the supply of teachers were greatly improved; and an elementary education was insured to every child in Scotland. But this result was not attained without some sacrifices: it was a frequent matter of complaint that the old excellence of the Scottish system, the special attention to promising pupils, had disappeared under the necessity of grant-earning. The general level was higher, but the peaks were lower. It was not so easy as before to pass from the village schools to the universities.

This state of things showed the need for that link in the educational chain which had always been absent in many parts of Scotland—a system of secondary schools. In a few places, indeed, secondary education continued in the parish schools. This is the case in Aberdeenshire, where Latin is commonly

taught—stimulated by the existence of an Educational Trust which gives bursaries tenable at the universities to the pupils of the public schools. In other places special secondary schools were established. The “higher class public schools,” including a certain number of the old burgh schools (*e.g.*, the High Schools of Edinburgh and Glasgow) and others, which were newly established by the school boards, provided higher instruction only. But they were hampered by certain restrictions with regard to grants, which retarded their natural development. Some towns have established “higher grade schools” with a three years’ course preparing for the universities; in other cases the ordinary schools have an “advanced department” with a one year’s course. Such a development, however, was only possible in the towns. The country school boards provide a fairly efficient elementary education, but they have too small an area to be able to do much for secondary work. So much was this felt that there was at the time of the institution of the county councils a desire expressed in some quarters that they should be made the authorities for education in landward areas.

The position of the teachers was entirely altered. Formerly the master of the parish school held his office on an almost permanent tenure, and, as already pointed out, this had come to be felt as so great an evil that the framers of the new Act adopted precisely the opposite system. They made all the teachers liable to dismissal at the will of the school board, believing that this would make for efficiency and diligence. In a big town where the board is large, and composed of business-like and cultivated men, there is little complaint. But in a small parish where only one or two teachers are employed, and where

there is ample opportunity for petty spite and jealousies, the position of the teacher is far from enviable. And so many were the cases of unjust dismissal, that finally an Act was passed providing for a complicated procedure which must be followed before the dismissal of a teacher is legal—with the intention, of course, of preventing hasty action by a few members of the board who happen to snatch a majority. But the teachers are still not satisfied, and demand a veto on their dismissal from the Education Department. This difficulty is a consequence of the departure of the school board from the established pattern of British local authorities. There is no permanent executive official to stand between the volunteer administrators and the subordinates. It is impossible for the Education Department to undertake the power of veto desired. It could not conceivably make itself acquainted with the circumstances attending every dismissal. Were, however, the areas of the educational authorities larger, and consequently their number fewer, and if each appointed a permanent director of education, the Department might well possess a veto on dismissal of the latter. This official would practically appoint and dismiss, with the approval of the committee, all the teachers. Such a system works admirably in the case of police and health administration, and there is no apparent reason why it should not be applied to education.

The power to give religious instruction was taken advantage of, and though doubtless there were some discussions of the matter, it seems generally to be settled without much difficulty. In country places one is sometimes told that there are too many ministers on the board, and that secular education suffers in consequence; but, as we have already said, there

is little difference in doctrine between the various Churches, and the religious difficulty never became serious. The Free Church schools were handed over to the boards, and consequently there are to-day very few voluntary schools in Scotland: they number a little more than a tenth of the public schools, and are mostly Episcopal or Roman Catholic. And in one or two cases tolerance is carried so far that the school board provides Roman Catholic instruction in its own school. There are no statistics available on the question, but the writer is informed on good authority that in eleven schools in Scotland a Roman Catholic teacher imparts the tenets of that religion to pupils whose parents desire it. And there is said to be one school board district, in a remote part of the Highlands, where Roman Catholicism has never yielded to Protestantism, whose school is entirely Roman Catholic. Therefore when we come to remodel Scottish education one great difficulty, the bugbear of the English reformer, will be almost entirely absent. There will be little acrimonious sectarian discussion to obscure the real issues of the reform. The effect of the Act, then, was to very largely increase the provision for elementary education, and therewith, of course, the cost. In some parishes of the Highlands the expenses were so heavy, in proportion to the means of the inhabitants, that the boards could not raise sufficient money, and were unable to do their work efficiently. For them a special grant was obtained from Parliament, restricted since 1895 to Ross and Inverness.

Small fees continued to be charged till 1889, when a certain grant was applied for their abolition instead of being devoted to relief of rates as in England. Elementary education was made entirely free in 1892.

We have already noticed that, save in the large towns, the school board is a bad instrument for managing secondary education, and the case is even worse when we come to technical instruction. The need for this made itself greatly felt after 1880, and an Act was passed enabling school boards to set up technical schools. But it was little taken advantage of; the cost would have been heavy; moreover, the question of area would have been a difficulty. The children of one parish occasionally attend the school of another, but not so frequently as to raise a serious difficulty. It would, however, have been impossible to set up a technical school—say in Glasgow—which would not have been largely attended by scholars from the suburban and county districts, whose education would in consequence have been paid for by the inhabitants of Glasgow. The problem has already been felt in regard to secondary schools. In the Girls' High School, which is one of the schools of the Glasgow board, there are many pupils from without the city. And of course the small country boards could and did do nothing for technical education, with the exception of some evening classes.

Accordingly it became evident that the satisfactory provision of secondary and technical education could be undertaken only by authorities commanding a larger area and wielding greater resources than the school boards. The development of such authorities is as yet far from complete, and may have advanced an important step soon after this work is in print, but a short account of the first stages may be useful.

The very first stage came about almost by accident. In 1890 a bill was introduced for the reform of the public-house licensing system, accompanied by a scheme for a considerable measure of compensation

for those who were deprived of their licences. But the latter was so vehemently opposed that the bill failed to pass, after provision of the funds necessary for the proposed compensation had been made by the Chancellor of the Exchequer. Accordingly the Government was left with a large sum of money on its hands which was destined for no particular purpose. They proposed to distribute it among the local authorities, to be used in various ways,—the balance to be applied in relief of rates. But certain members interested in education contrived to insert a clause making it lawful to spend the residue on technical education as well as on relief of rates. And thus the burghs and county councils became possessed of considerable funds which could, if they pleased, be used to promote technical instruction.

This function is, however, purely permissive; there is no compulsion on the authorities to concern themselves at all with the matter. And unfortunately Scotland has here lagged behind England. The grant goes very commonly in aid of rates: at one time 33 per cent was thus spent as against 12 per cent in England. One reason for this difference is that in England the grant is received only by counties and the county boroughs (those over 50,000 inhabitants). The smaller towns are under the county council, and have no share in the administration of the grant. In Scotland it goes to all burghs, big and little, royal and police. Some receive each year sums as small as £5 or £7, and seventy-five burghs receive less than £25 each; naturally they add this ridiculous amount to the general finances of the town, for it can do nothing to promote education. But even the big burghs are very backward. Glasgow for many years applied the grant to bolstering up the Mitchell Library,

thus warding off the institution of free rate-supported libraries. Glasgow is doing better now, and gives the whole grant for educational purposes. Edinburgh and Leith, however, expend the bulk on relief of rates : the latter, for example, received in one year £1100, and gave £200 for education. And in Edinburgh absurdly small donations are given to very unsuitable institutions, which only by a stretch of the imagination can be supposed to do educational work. None of the Scottish towns have really risen to their opportunities in connection with this grant, and they compare most unfavourably with English towns, several of which—*e.g.*, Sunderland and Liverpool—expend the grant on the establishment and maintenance of magnificent technical schools. The reason probably is the greater powers of the Scottish school boards, which in towns are real and not merely formal, and the frequent existence of endowed institutions like the Heriot-Watt College in Edinburgh. But still there can be no doubt that it is time to apply compulsion to towns with regard to the provision of technical education : the present state of things is most chaotic and unsatisfactory.

There is, however, a pleasanter tale to tell when we come to the counties. Some of them apply the whole or part of the grant in relief of rates, but by far the larger number (twenty-six out of the thirty-three) devote it entirely to technical education. It is said that at first many mistakes were made : highly educated scientific men were engaged at great cost to deliver lectures on the chemistry of farming to labourers. The lectures were good, but were hopelessly over the heads of the audience. Now experience has taught better ways, and there is no doubt that many counties are greatly benefiting by the technical in-



struction provided for their young workers. Several authorities have engaged experts to act as directors of technical education, and in one county (Fife) the director or secretary gives up his whole time to the work. It is his office to draw up a scheme, to engage teachers, to superintend the various classes, and generally to act as the committee's executive officer. It will be remembered that we noted the absence of such an official as the characteristic defect of the school board organisation.

The provision of technical education takes, of course, different forms in different places. The writer had, however, the opportunity of getting considerable information as to what was done in the county of Mid-Lothian, and proposes to give a short account thereof. It can hardly perhaps be taken as a sample of the other counties, for Mid-Lothian is among the most advanced, but it will give some conception of the elaborate organisation which is growing up almost unnoticed in our midst.

The county council, in the first place, pays the fees and railway fares of county students attending central institutions in Edinburgh, such as the Heriot-Watt College. That institution also receives a direct grant. In a few outlying parts of the county, whence students cannot conveniently reach Edinburgh, advanced classes are held. The principal industries from which the students come are mining and paper-making.

Secondly, more elementary classes are held in various villages throughout the county in general scientific subjects, such as physics, mechanical drawing, &c., and there are also classes in wood-carving and ambulance work.

There are special courses for women in dressmaking, laundry work, and cooking. Two permanent women

lecturers are engaged for these subjects, and they travel about the country, spending a fortnight or three weeks in each village.

The county council also holds special Saturday classes for teachers in such subjects as nature knowledge and drawing. The Education Department pays three-fourths of the expenses, but the county council has the entire organisation and management.

With regard to instruction in agriculture, a very interesting movement has developed, which seems to show that even the county is not a sufficiently large area for some forms of technical education.

The various county councils are combining to form colleges of agriculture. Thus to the East of Scotland Agricultural College there contribute nine counties and also other educational authorities. The college has a name but not a local habitation. All the existing facilities afforded by the University, the Heriot-Watt College, and the Veterinary College are taken advantage of, and supplementary courses organised in order to offer a complete two years' course. In addition there are short extension courses given in the various country centres, and an experimental station is to be equipped. There is a similar organisation for the West of Scotland, and round Aberdeen the counties have combined to form an agricultural department in the university.

It is interesting to learn that the authorities contemplate the establishment of a similar institution for instruction in mining, thus affording a complete course of study, instead of the present isolated sets of lectures taken by the students in any order they please. For this also various counties would combine, and we thus see that for the most advanced technical education, preparing for a semi-professional career, a larger or-

ganisation than the county is necessary. Probably we shall see the rise of institutions somewhat similar to the "regional" universities of France, in which various *départements* or counties are combined for the purposes of higher education.

Many county councils persuade the small burghs to hand over their residue grant, and then give to their inhabitants all the benefit of the county technical classes. Thus in Fife twenty-six burghs hand over to the county councils sums amounting to over £1000.

Another point to be noticed concerning this grant is that it is distributed in proportion to the relative valuation of the areas—a most unfortunate system, since by it the wealthiest towns get most, and the sparsely populated country districts, where the expenses of organising classes are far heavier, receive less in proportion. Edinburgh and Glasgow, with their suburban burghs, receive over a quarter of the whole Scottish grant. And yet these burghs are well supplied with endowed institutions for technical education, and need pay no travelling expenses, which is a serious item in the budget of the counties and the smaller towns.

Thus we have begun to fill up the gaps in the school board system with regard to technical education. The advance with regard to secondary education came a few years later, and took a rather different form. Since 1892 a grant of £60,000, which has since been increased, has been handed over to the Scottish Education Department for the promotion of secondary education. £3000 of this sum is set aside to provide for the leaving-certificate examination open to all pupils of secondary schools and to defraying the cost of the inspection of such schools. The leaving-certificate examination is on the same level as the university preliminary, and is accepted in lieu of it.

There is thus a direct gradation from the secondary schools to the university. Higher class private or semi-public schools, such as the Glasgow Academy, can also apply to the Department to be inspected and reported on—a privilege which is largely appreciated and made use of. Thus the Education Department has by this system of official examination and inspection obtained a considerable influence over all the most important secondary schools of Scotland, public and private alike.

The remainder of the grant is allotted to secondary education committees, constituted as described in chap. viii. Secondary education is in different ways connected with both elementary and technical, and it was therefore necessary to have the authorities for both grades represented on the committees. Accordingly we find both county councils and school boards sending members; in addition an inspector is nominated by the Department, who usually acts as secretary. In the six towns which have secondary education committees of their own, in addition to the school board and the town council, educational trusts are represented. The work of these committees is not to directly provide instruction, but to fill up gaps in the existing system. This is accomplished by grants to selected institutions, by the establishment of scholarships, and the payment of travelling expenses. In one or two cases the county council hands over the residue grant also to this committee, so that both technical and secondary education are administered by the same body. Such a course has its advantages, as it means greater harmony and co-operation between the grades; but it prevents the appointment of a permanent secretary for technical education—that great step towards expert instead of amateur administration.

Taking in order the different grades of education, we find that for elementary instruction alone is there throughout Scotland a complete and systematic provision of schools. The town schools are probably as good as they need be, but in the country districts the area is too small to allow of that grading and division of labour among the teachers which is necessary even in the elementary stage. For example, all certificated mistresses are required to teach sewing, and every teacher in the normal colleges knows well how greatly the work of the women students is interfered with by the necessity of learning fine sewing and cutting out. Special subjects of this nature ought to be taught by a visiting mistress who divides her time between various schools; but that is, of course, impossible in a parish of one school only.

Thus we see the need, admitted by all, of a larger area for educational administration.

The provision of secondary schools is sporadic. Sometimes a considerable amount of secondary instruction is given in the ordinary primary schools. And large towns have their higher class and higher grade schools. There are in addition endowed schools, such as the Merchant Company's schools in Edinburgh, and private schools. By scholarships and grants the Secondary Education Committee endeavours to supplement existing agencies. But there are many localities where the secondary schools are both few and inefficient.

So, too, with regard to technical education. Some towns have endowed institutions, but many of these are struggling vainly with antiquated buildings and insufficient funds. Some counties frame well-thought-out schemes of technical instruction; others leave the matter alone. And there is great need of technical

*schools*, not colleges nor yet evening classes. The present secondary schools prepare pupils rather for the universities than for a scientific or business career. In this respect Scotland lags behind not merely the Continent but even England. The Scottish evening school code, on the contrary, is exceedingly advanced and well framed, provision being made for many scientific and semi-technical subjects.

The training of teachers is still in a somewhat anomalous condition. It is undertaken by denominational institutions, and the old connection between the elementary schools and the universities has been much weakened. During the last few years, indeed, there has been an attempt to combine normal training with attendance on university classes, and not a few of the teachers possess an M.A. degree. But it is absurd that sectarianism should linger here when it is disappearing elsewhere. There have been proposals to establish training colleges as adjuncts to the universities, and doubtless this step will be taken before long.

Thus there are gaps in the educational system and some possibility of overlapping—*e.g.*, in the provision of evening classes by both school boards and county councils. An enlargement of the area in the country, the commission of all grades of education to one authority, the abolition of the *ad hoc* body, are reforms which are sure to come about before long. Scottish education requires considerable reshaping before it can be pronounced satisfactory. But the problem is far simpler than in England, for several reasons. Of these, perhaps the greatest are the absence of the religious difficulty and the small number of the voluntary schools. Education is throughout Scotland public, and paid for from the rates. In the

second place, there has long been a tradition of the public provision of secondary instruction, which is absent in England. And the fact that one Department inspects schools of every grade up to the universities is likely to be of great importance for future developments. Practically there are now no schools in Scotland not reported on by the Department save a few "ladies' schools," many of which are held in private houses, and, with a few notable exceptions, compare most unfavourably, alike with regard to instruction, discipline, and care for the pupils' health and comfort, with many public schools. We seem to be within reach of the time when we shall permit no school to be opened unless its teachers and premises reach a certain level. One can hardly doubt that the abolition of the private school would mean a great improvement in the education of middle-class girls.

Doubtless a bill for the reorganisation of Scottish education will form part of the programme of legislation before many sessions are past. The foundations are already marked: we may hope that a worthy structure will be reared thereon.

## CHAPTER XIV.

## THE PROVISION OF RECREATION.

It will appear to many that to include this as one of the functions of local bodies is rather anticipating the future than describing the present. And it must be admitted that much of this chapter can discuss only sporadic attempts, now in one town, now in another, to provide healthful amusement for the people. And yet when these sporadic attempts are all summed up they make a fairly important total. And, moreover, it is not difficult to anticipate a great extension of this work before long, nor to find in the changing constitution of society a reasonable justification for the incursion of municipalities into the new field.

There is, however, one opportunity for recreation which ought, we are all agreed, to be provided for the citizens of every town—namely, parks and open spaces; and yet it is comparatively recently that this has been freely admitted to be a proper municipal function. It is only since the middle of the century that burghs have entered regularly on this work. Now, however, every burgh of any importance has its park, and since 1894 even parish councils have been entitled to acquire ground for the purchases of communal recreation. But of this



power very little advantage has been taken: in 1900 only twenty-three parish councils applied any of their funds to the maintenance of recreation-grounds. The writer has been told that one reason for this apparent unreadiness to make use of their powers is not due to any absence of desire for public open spaces, but to the fact that it is not possible for a small parish to bear the heavy legal expenses necessary for compulsorily obtaining the land. In one parish of Mid-Lothian, for example, there is a piece of unoccupied land eminently suitable for a small village green, but the proprietor refuses to part with it.

In the towns parks are of various kinds. There are, first of all, the parks of ordinary size, with gravel walks, well-tended lawns, and flower-beds. Here children come for walks, here on Sunday evenings are the favourite resorts of young men and maidens. Glasgow is specially well provided with this class of park. In no part of the city is one far from the gates of such a town garden. Often greenhouses are provided as an adjunct, and in one Glasgow park there is a pond well stocked with wildfowl of home and foreign kinds.

Considerably smaller are the little open spaces often laid out in the very heart of crowded areas on the sites of old graveyards. These are, perhaps, more characteristically the haunts of the working classes on summer evenings. The larger parks demand a Sunday toilet; small children cannot reach them with ease. But the open spaces are crowded all day by precisely those who need them most. Often a small piece of ground is acquired and fitted up with swings, parallel-bars, &c., for the use of children. Sometimes a caretaker is put in charge

to guard against danger and to prevent quarrelling among the children.

These are all useful enough : the park provides a pleasant promenade, the open space an agreeable resting-place on a summer evening ; and the gymnastic apparatus is greatly appreciated by the children, whose only other opportunity of exercise is often enough in playing games in the streets. But yet none really give the citizens country air and scenery, and rarely in such Scottish parks may the visitors lie comfortably and rest under the trees. The parks are really formal gardens of considerable extent—not without a certain polite charm of their own, but yet in no way bringing the country into the town. In some cases—*e.g.*, at Glasgow Green—one is permitted to walk on the grass, with disastrous results. For so comparatively small an area close to so crowded a population attracts innumerable visitors, and the grass is constantly trodden down.

What is needed is the purchase of a large area of rough country, which should be left pretty much in its original condition. Drain swampy places, care for the trees, place a few seats here and there, and then give the people free access to a park as much like the unspoiled country as possible. This has been done in the one town in Scotland which perhaps needed it least—in Edinburgh. No one has yet told of the charms of Edinburgh's wild parks. Arthur's Seat forms part, of course, of a royal park ; but in addition two of the rugged hills near the city have been acquired by the municipality. On one a golf-course has been laid out ; the other is left quite wild and unspoiled, save that on some steep hillsides flights of steps

have been cut. The car lines have been carried to the entrance, and here on Saturdays and Sundays come crowds of the dwellers in the musty tenement houses to sit amidst the bushes of broom and to breathe the fresh air. This example should be followed by every large town. A tract of land should be obtained a mile or so from the city limits (farther in the case of a rapidly expanding town), and cheap access provided by electric cars. And the council should see that adequate provision is made for a supply of light refreshments. If the right to provide these is leased to any restaurateur, he should be bound to supply them at a reasonable price and of good quality. Often enough, under such circumstances, the food is as poor and as badly served as that provided at many station refreshment-rooms, and for the same reason—it is the subject of a monopoly, and, moreover, a monopoly of what is, practically speaking, a necessity. Therefore the authorities should exercise special supervision over the refreshments. Such wild parks are often provided in America by the tramway companies, and the increase in traffic receipts is said to refund easily the outlay on the park.

Another source of amusement which is now practically recognised as rightly provided by town councils is the public performance of music. In Glasgow and Edinburgh bands play during the summer months twice weekly in each park, and that they meet a great public want is shown by the crowded attendance. Moreover, one is glad to notice how the public taste in music is rising. Our bands do not perhaps reach the high level of those controlled by the London County Council, which perform music that is nearly classical in character, but yet we are

learning to appreciate finer things than popular dance music and music-hall songs.

These opportunities of recreation we provide for summer. Then the working man and the tired shop-girl can walk or rest in the parks, and on certain nights there is music to entertain them. True, that desirable adjunct, light refreshment, is absent; in many parks even the cup of tea, so beloved by women, cannot be obtained. Still, the town dweller in summer-time has at least some opportunity for healthful recreation. But so far the provision of music is sanctioned only under local Acts. A royal burgh may, of course, do what it pleases with its Common Good, but a police burgh may not use the rates for such a purpose. Nor may the landward parish councils incur expenses in connection with the upkeep of a village band. Since a cause commonly put forward for the decline of the rural districts is the dulness of life there and the lack of amusement, there seems no reason why the parish councils should be discouraged in the desire some of them have shown to provide music for their inhabitants.

And even in towns there is little attempt to supply winter recreation. The most important form of recreation available in the winter-time is probably the public library. Here, again, the East of Scotland beats the West. Edinburgh and Dundee have both handsome and comfortable buildings; Glasgow has so far been served only by a number of old-fashioned endowed institutions, noisy, stuffy, and badly housed. Now, however, this defect is to be corrected, and Glasgow will soon possess several small district libraries with reading-rooms attached. In some cases they are to be connected with the local baths and wash-houses—a system already in vogue in Dundee.

Novels, of course, form the bulk of the reading at libraries, and we have therefore classed them under recreative rather than educational agencies. The classes who use them most are worn out by daily work, and can hardly be expected to do much severe reading. And yet there can be no doubt that they are a source of culture to many who would otherwise remain without it. Such books as 'The Origin of Species,' and many books on political and social subjects, are in fairly constant use.

In many towns the libraries are supplemented by museums and art-galleries. In Edinburgh both are State and not municipal institutions. But Glasgow possesses a wonderful collection of pictures, comprising many old masters, and has, moreover, several museums. The pictures have hitherto been inadequately housed in an old gallery near the centre of the town, but are soon to be moved to the new galleries, erected largely from the profits of the exhibition of 1889, and situated in one of the west-end parks. Here, in addition to the exhibition of the pictures, lectures will be given and music provided, and it is hoped the new galleries will be a real source of communal pleasure to the citizens.

Glasgow has made several experiments in the furnishing of winter amusements. The corporation provides Saturday afternoon entertainments in many of the public halls: there is sometimes an organ recital; often a gramophone or cinematograph is hired, and there are songs and recitations. The price of admission is very low (1d. or 3d.), and the concerts are said to pay their way. It is not, however, stated whether any of the proceeds go to the corporation as payment for the hire of the halls, or whether their use is given for nothing. There is, at all events, always a crowded

attendance and very appreciative audiences. Another Glasgow institution which has attracted some attention is the People's Palace. It was erected on Glasgow Green, close to one of the poorest and most crowded districts, for the express purpose of providing wholesome amusement for the inhabitants. It contains a small picture-gallery and museum, and a winter garden, where a band plays on Saturdays. The building cannot be said to be architecturally a success, but it is a great boon to the neighbourhood, although it has been found necessary to use some vigilance for the suppression of rowdiness.

Thus we find the municipalities providing parks, libraries, art-galleries, and musical entertainments. In all these ways some towns make fairly ample provision for the rest and mental recreation of their poorer citizens, though much more could be undertaken. But when we turn to physical recreation there is less to be said. The children's playgrounds have been mentioned. In some parks provision is made for games. Thus many towns in Scotland possess public golf-courses, for which a nominal admission fee is sometimes charged. On the Meadows in Edinburgh cricket is played, and it is a charming sight to see the small barefooted and often ragged urchins enjoying their game, although their wickets and bats are of the most antiquated description. The suggested wild park would, however, be a fitter place for these games than the town gardens, and in fact there might well be co-operation between the municipal and school board authorities to ensure the children of the town opportunities for proper physical recreation in the open air. In some towns in America the library and school authorities work hand in hand in the guidance of the school children's reading, and a similar co-oper-

ation in regard to physical exercises would be most valuable. Here once more we see how the division of the various branches of local government between different bodies is likely to put difficulties in the way of harmonious action.

But one exercise almost every large town provides for its citizens—swimming. The plunge-baths may be looked on as a part of the public health work of the city: they make for cleanliness only, and are not a form of recreation. But a swimming-pond is a very frequent adjunct to the plunge-baths. It is curious that the opponents of municipal action have taken so little exception to these establishments. Although it would be outrageous for a town, even on payment of a fee, to provide cricket- or tennis-grounds or cycle-tracks, it is perfectly permissible for it to set up swimming-baths. The reason of this illogical distinction appears to be the connection of swimming with cleanliness: the latter, being a disagreeable moral duty, the municipality may if it pleases endeavour to encourage; and yet it is to be hoped that the users of swimming-ponds do not depend solely on their dip for cleansing purposes.

To sum up, we find public bodies providing parks and music, libraries, art-galleries, and museums, and in some cases lighter entertainment, as in Glasgow. As far as physical exercise is concerned, only two sports receive much attention at the hands of municipalities—golf and swimming. But to these may be added the work of physical training in the public schools, which is often of a recreative character, and the small playgrounds fitted with gymnastic apparatus which are found in most large towns.

This is not a very imposing list, and though many of the items can fairly be classed as recreative, they

can hardly be termed amusing. A municipality keeps fairly close to the educative side of recreation, and, save at the Glasgow Corporation Recitals, rarely condescends to provide for its citizens food for laughter,—except unintentionally by a disorderly meeting. Doubtless many of my readers will see no reason why it should enter on this field, and though they will probably approve of parks, libraries, bands, and baths, they will see no reason why any further attempt at amusing the people should be made, and will indeed discover in the suggestion a dangerous approach to the policy of “panem et circenses.” And yet here once more the course of economic development will afford us an argument for an amount of collective action which might earlier have been dangerous. The growth of machine industry, accompanied by the crowding of workers into the towns, and their consequent removal from the means of healthy recreation easily obtained in the country, has doubtless been attended with a very considerable increase in the amount of their wealth. The standard of food and clothing has risen very greatly. But it should never be forgotten that this progress has been attained only by the sacrifice of much real though intangible well-being. Formerly a workman might live on “sowens” and milk, and be clad in the roughest of materials; but he had abundance of fresh air, and usually opportunities for rest and exercise. Now, in all manner of material wealth we have made great progress, but our workmen live in crowded unhealthy tenements; their children’s only playground is the street; their wives cannot get rest in the open air save by a wearisome train journey, dragging with them their babies. Moreover, the higher strung nervous system of the townsman makes more and better organised amusement



wellnigh a necessity for efficient and intelligent work. With regard to old-age pensions we argued that, since society as a whole has benefited by that speeding-up of industry which brings about earlier superannuation, therefore society should be ready to compensate the aged for their premature ejection from the ranks of labour. So, since society benefits by the evolution of production on a large scale, and from the consequent aggregation of the workers in large towns, society should make collective provision to overcome the drawbacks of that aggregation—should go even further in the direction of collective recreation, the beginnings of which are described in the present chapter, than has yet been thought desirable. Each town (each district of a large town) should have its library, its baths, with reading-rooms and club-rooms attached. The provision of parks, playgrounds, and public gymnasia should be liberal. Glasgow's attempts at establishing Saturday afternoon and evening entertainments might well be followed. And perhaps London's appreciation for street pageantry might prove to be existent in the provinces, if the town councils were to make the experiment of organising processions on suitable occasions. And possibly a municipal theatre might bring about the revival of the old-fashioned stock companies. Such a policy might help in the solution of two other problems. In the 'Temperance Problem and Social Reform' Messrs Rowntree and Sherwell have pointed out (quoting an earlier writer, the head of a famous university settlement) how the dull life and narrow quarters of the average workman drive him to the public-house.<sup>1</sup> Provide him with other and more innocent places of recreation, and one motive at least leading to drunkenness would lose its

<sup>1</sup> See pp. 380 ff.

force. In the second place, the physical degeneration of town dwellers is arousing much anxiety and attention at the present time. Here, again, a proper provision of the means of physical recreation would be at least one way of combating this evil, and—as already suggested—in the case of children the municipal and school authorities should co-operate. The one should provide the ground, the other the necessary supervision and instruction. It is by no means necessary that these undertakings should fall entirely on the rates. There is great need of collective organisation, but it by no means follows that there is need of collective payment. In many cases this will be the simplest plan: libraries and parks are always, museums and art-galleries usually, free. But for the use of baths, of club-rooms, for admission to entertainments, and in some cases for the use of grounds for games, it is wise to make a small charge, if only to ensure proper organisation. And by this means we might furnish public recreation of a really educative and uplifting character without entailing a very heavy burden on the rates, or leading to the pauperisation of the people.

**DIVISION III.**

**FINANCE**



## CHAPTER XV.

### FINANCE.—THE COMMON GOOD. FEES, FINES, AND TOLLS.

WE have now reached the end of the second main division of the subject. In the earlier chapters we discussed the organisation of local bodies in Scotland. In chaps. ix.-xiv. we described how the local bodies guarded the public against force and fraud, how they provided means of communication, how they protected the public health, how they succoured the poor and infirm and prevented their becoming a nuisance to the citizens at large. Next we described the gradual growth of the system of education, and finally we showed how municipalities are beginning to enter upon the provision of public recreation and amusement. We have touched upon many matters arising out of the questions discussed, but so far we have spoken only incidentally of a very important subject—namely, how the funds necessary for all these activities are obtained. We must now turn our attention to the Scottish system of local finance.

It is, indeed, a very complicated subject. There are many rates levied in many different ways, and there exist all manner of curious devices for securing equality of incidence which demand far more careful and detailed study than the present writer has been

able to bestow on them. There are also many curious historical survivals, which, though of small importance with regard to the amount of money obtained, are often interesting from an antiquarian standpoint. Again, the Scottish system of grants-in-aid is quite different from that of England. But one important matter in Scotland is both simply and efficiently managed. The methods of valuation, introduced in the middle of the last century, have been entirely successful, and are much superior to those adopted in England.

The income of Scottish local bodies comes from the following four sources: (a) Corporate property; (b) fees, fines, tolls, &c.; (c) rates; (d) grants-in-aid or imperial subventions.

Of the first class the only important item is the Common Good or ancient patrimony of the burgh. It is, of course, possessed by royal burghs only: police burghs, being modern and purely statutory institutions, draw their funds almost entirely from the rates. The Common Good consists mainly in land and houses, and was formerly far more extensive than at the present day. Many of the most valuable areas of Glasgow, for example, belonged to the corporation in mediæval times, but were alienated by the corrupt councils of the beginning of the last century. But there is still quite a considerable revenue from this source. The Glasgow Common Good gives a yearly income of £54,000<sup>1</sup>; the town of Dunfermline is fortunate enough to be in possession of land on which coal has been discovered, and in consequence nearly one-fifth of its total revenue is drawn from corporate property (£7109 out of £40,658). The "Common Good" can be used for any communal purpose, and the disposal of the income arising from it is absolutely

<sup>1</sup> Report on Municipal Trading, Q. 2837 (Parl. Paper, 305 of 1900).

at the discretion of the council. Thus it provides banquets and entertainments for distinguished visitors, furnishes donations to charities, gives funds for fire-works and decorations in celebration of any important national or municipal festivity. Sometimes it keeps up the parks or provides music; in other cases these expenses are defrayed from the rates. It is rather interesting to observe that Edinburgh spends the same annual sum (£800) on the payment of bands in the parks and on the provision of lunch to members and officials of the corporation. One may safely assert either that the lunches are too lavish or that the supply of music is somewhat scanty. It is frequently said that extravagance is manifested in the matter of entertainments, and certainly the ratepayers should watch this branch of the municipal accounts. And yet a big city ought not to show stinginess in such matters. The value of a stately city life is greater than may appear on the surface. But the Common Good is often devoted to more unusual objects. In Glasgow, for example, the tramway debt is secured, not on the rates, but on the Common Good. There is no possibility there of a rate to meet a tramway deficit—a contingency which appears to be not beyond the bounds of possibility in some other Scottish cities. Glasgow's Common Good has also given a considerable sum to endow a lectureship in Social Philosophy at the university. In Edinburgh the Common Good supports a town observatory and town astronomer, and also partly defrays the cost of the famous one-o'clock gun, whose sudden "boom" causes daily a pause among the crowds in Princes Street while all compare the time of their watches with the time of the gun.

On the whole, the possession of a Common Good is

of great advantage to a town. It makes possible many "municipal luxuries" which could not be provided from the rates. It sheds a grace over the city life which is not undesirable in modern times. And indeed so convenient is it that some police burghs have attempted to fill its place by a voluntary assessment. This is unobtrusively entered on the demand-note with the other rates, and is usually paid by the innocent ratepayer in complete unconsciousness of the fact that he is not legally liable for the total amount.

The roads of a burgh are part of its Common Good, of the municipal assets. Hence in many cases the tramway company is charged a rent for their use. In Leith the tramway company pays a rent of £600 a-year; in this case, however, it does not go to the Common Good, but to the Roads and Bridges Account. In Glasgow the former tramway company paid a mileage rent; and now the tramways department pays a lump commutation sum of £9000 a-year to the Common Good. It is sometimes said by the opponents of Glasgow's municipal activities that this is really indirect relief of the rates; but such a statement is incorrect. The Common Good is not used for purposes to which the rates can be applied (though doubtless, were the Common Good absent, powers would have been obtained to meet from the rates some at least of the expenses which it now defrays), and this payment does not represent the profits of the old company, but rather a fixed annual rent-charge. Indeed, as the company's payment depended on the number of miles of car line in existence, and as the present department has never raised the commutation sum from the amount at which it was first fixed, notwithstanding the extension of traffic, it has been urged that the payment is too small and prevents a fair



comparison between the finances of the company and the department, and there has been some talk of raising it.<sup>1</sup>

The next class comprises fees, fines, and tolls. It also is, on the whole, unimportant. Fees for the various licences discussed in chaps. ix. and x.; fines taken in the burgh police court; payments from the relatives of paupers; fees for analysis of suspected articles of food,—these are typical instances of the funds under this head. They are all rather accidental receipts than deliberate attempts at raising revenue. Two items under this head are, however, of special interest, though for quite different reasons: in the one case the receipts deserve attention because of the antiquarian associations attaching to them; the other interests us mainly because of its modern and increasingly important character. The latter is the revenue from municipal enterprises; the former is the Petty Customs.

The Petty Customs are indirect taxes on merchandise passing into the town; they are, indeed, very similar to the French octrois. Together with the Common Good, they were formerly the main source of income of the burghs, where rates or "stents" were rarely levied. They are, of course, of small importance to-day, and are indeed not even mentioned in the recent report on Local Taxation in Scotland, nor is their amount indicated in the annual local taxation returns. But they continue to exist in twenty or thirty burghs. Inverness, for example, raises £2000 annually by its Petty Customs. In Edinburgh there is a charge of 4d. a-head on horse and oxen entering the town for sale, 1d. on sheep, 2d. on swine. The total amount reached

<sup>1</sup> I understand that this has now been done.

nearly £3000 in 1901. A slight knowledge of local history would have saved a certain eminent, though somewhat dogmatic, upholder<sup>1</sup> of free trade from publicly making the incorrect statement that the movement of trade between London and Edinburgh is absolutely unfettered. If he endeavoured to drive a herd of cattle into Edinburgh for sale, he would speedily discover his mistake. In some cases these Petty Customs are collected by the town's officers, in other cases—*e.g.*, at Cupar—they are farmed out. The cost of collection is said to be relatively very heavy. Railway companies usually pay a commutation fee. A somewhat curious dispute arose at Haddington. The Petty Customs, being established by charter, can only be levied within the area to which the charter applies—*i.e.*, the royalty or original area of the burgh. The town council of Haddington wished to levy the Petty Customs dues on corn on a large brewery which had been established in the outskirts of the town. The managers of the brewery refused to pay, not on the grounds that the tax was unjustifiable, but because they claimed that, though in the present Haddington, their premises were not situated in the ancient royalty. There can be little doubt but that the tax is exceedingly annoying to traders, and very costly and cumbersome to collect. Every burgh is at liberty now to abolish its Petty Customs if it pleases, and to replace them by a rate, and this should certainly be done. But there are two difficulties. In the case of a market town there seems to be some justification for taxing the surrounding farmers, who receive considerable advantages from the neighbourhood of a convenient trading centre:

<sup>1</sup> Mr Harold Cox, in a recent letter to 'The Times.'

it will, of course, be urged that the Petty Customs fall not on the producing farmers but ultimately on the consumers—*i.e.*, the townsmen. Untaught people, however, always tend to believe that a tax “sticks where it falls,” and the agitation for the abolition of the Petty Customs is carried on mainly by the farmers and landlords. The inhabitants of the burghs do not feel inclined to replace it by a rate on themselves, when they believe that the farmer already receives many advantages from the existence of their burgh and from its provision of streets and policemen. The second reason for the continued existence of the Petty Customs is somewhat similar. In many cases they are complicated by the provision of markets, and frequently it is not easy to distinguish between market dues proper and Petty Customs. And no one denies that the farmers may justly be called on to pay the former. But the question is of course of very minor interest, and doubtless a few more years will see the gradual disappearance of the Petty Customs.

The other item under the heading fees, tolls, &c., is of much greater importance, and has connected with it many hot and vigorous controversies. We have already pointed out in chaps. x. and xi. the nature of the motives impelling local bodies to enter into what was formerly held to be the sphere of the private trader. If any matter is so closely connected with the public health that it is dangerous to intrust it to a person whose main idea is not to provide healthy conditions but to make a profit, then the town council will tend, first, to issue regulations, and, secondly, to undertake the supply itself. Such a course of development has occurred with regard to water, lodging-houses, and slaughter-houses. But

this class of municipal enterprises rarely makes a profit. It is rather a charge on the rates than a source of their relief. It is far otherwise with the second class of municipal enterprises, the natural monopolies. Here the necessity of using the streets, of laying pipes or wires beneath their surface in order to supply certain commodities or services, inevitably brings about an amalgamation of the various competing bodies and the rise of a monopoly. And so, as we pointed out, the many advantages of a public over a private monopoly occasion a movement for municipalisation. The writer believes that in Scottish towns, as a general rule, the desire to make profits out of the trading concern has not been a leading motive in the acquirement of the right of working the "public service utility," to use the convenient American phrase. In the case of Glasgow such an intention is publicly denied. "We conduct them simply in the interests of the citizens," said Mr (now Sir Samuel) Chisholm before the Committee on Municipal Trading.<sup>1</sup> But if a municipality acquires from *any* motive such trading privileges, it usually finds that a profit does arise, and the question then presents itself, What is to be done with this surplus? Three courses are before the municipality: it may so lower the charges or improve the service that the profits are swallowed up; or it may use the profits for general municipal purposes, and so lower, or avoid an increase in, the rates. A third possible course is to use the profits from one department of municipal trading to balance the loss on another. Of this procedure an august example is set by the Imperial Government, which meets the deficit on the telegraphic department by the surplus

<sup>1</sup> Parliamentary Paper, 305 of 1900. Q. 2653.

gained by the conveyance of letters; and it is followed, for example, by the town of Paisley, which saves the gas surplus to meet the electric lighting deficit. It is often strongly urged that the two latter courses are mistaken policy, and should be forbidden, each department being put on an independent basis. This view finds most of its representatives among those who hold a brief for the private trader, but not a few advocates of municipalisation have given utterance to the same opinion. This policy of using profits solely in improvement of service or reduction of charges is consistently followed by Glasgow. None of that city's municipal enterprises have ever contributed to the relief of the rates. We noted above that the case of the £9000 paid annually to the Common Good by the tramways department is not really an exception to this policy, for the sum represents a rent for the use of the streets, not a contribution from the profits. It is a little curious, in view of these facts, that the fable current among irresponsible American newspapers of the British city that meets all municipal expenses by the profits on its trading enterprises should have attached itself especially to Glasgow. It is not, fortunately or unfortunately, true of any British town; but Manchester or Birmingham comes nearer to such an ideal than Glasgow.

It is claimed that this policy of keeping down profits results in a greater net gain to the inhabitants, and also removes a certain pettifogging spirit of trading from the council-chamber, while at the same time it puts finances on a sounder foundation. It prevents extravagance, which might otherwise go undisturbed and unchecked, because defrayed from a sum beyond the citizens' immediate cognisance; it removes a

motive which might otherwise lead to undue parsimony with the depreciation and sinking funds. Such a stipulation will also, the private traders evidently believe, lessen the temptation to municipalise. The councillors will no longer desire to lay hold on the profits of electric light or tramways in order to escape the raising of rates which would otherwise be necessary. And in fact it may be admitted that the policy of expending the profits on improvement of the service is more straightforward, and should, as a general rule, be recommended. Accordingly we are not astonished to discover that private Acts now commonly contain a provision forbidding the municipality to make a profit on its various trading enterprises. Thus Dundee has recently acquired the right of working its tramways, but any surplus that may arise is not to be applied to relief of rates, but to the improvement of the service. There is an Act of 1876 permitting any Scottish burgh for which a gas company has not already obtained a local Act to supply its own gas. But, again, the Act contains a clause forbidding the application of the profits to relief of the rates.

Thus we may agree that the profits are, as a general rule, most wisely used in improvement of the service. But there seem also to be reasons why this rule should not be made absolute, and why a certain discretion in the matter should be left to the town councils. The question is, after all, very analogous to the controversy as to the relative merits of direct and indirect taxation. If a town is lowly rated, the people will benefit more by good and cheap water, gas, or trams than by a still further reduction of rates. If, on the other hand, the rates are already high, if there is pressing need for public improvement, then it would be folly for town councils to throw away, from pedantic scruples, a valu-

able source of revenue, and it would be still greater folly for an outside agency (Parliament or a Government Department) to force them to such a course against their will. The city of Wolverhampton, for example, is in great need of funds to open up some narrow and badly built streets. But its rates are already high, and any improvement scheme that involved an additional penny in the £ would be fiercely opposed by the ratepayers. The health officers and committee, and also those in charge of the streets, realise the importance of these proposed improvements, but know that the suggested scheme will be immediately rejected by the citizens if its cost must be defrayed from the rates. But Wolverhampton has recently acquired its own tramways, from which, if fares remain at the old level, a handsome profit is anticipated. In this case it appears that the citizens will benefit more by the carrying out of the improvement scheme than by a reduction in the tram fares; and as, owing to the resistance to a rise in the rates, the tramway surplus is the only source from which the necessary funds can be attained, there is good ground for its application to the improvement scheme rather than to the reduction of the fares. So in national finance direct taxation is to be preferred to indirect. But if the direct taxes are high and their burden severely felt, if at the same time the necessary expenditure is increasing, there will be great justification for the imposition of an indirect tax, and still more for the retention of one already existing. The best methods of taxation are to be decided, after all, not merely by abstract principles but by expediency. Therefore we may conclude that it would not be wise for the Imperial Government to lay down any hard-and-fast rule forbidding the utilisation of profits from a municipal enterprise in aid

of rates : at the same time we shall agree that a wise town will use them for such a purpose only under stress of great necessity.

There remains, however, one case in which the question is more complicated still. We referred in chap. viii. to the difficulties which arose with regard to municipal trading when the boundaries of what we may call the "natural" town area do not coincide with the legal area. Thus on the shores of the Forth we find an aggregation of houses artificially divided into Edinburgh and Leith ; on the banks of the Clyde a similar aggregation divided into Glasgow, Partick, Govan, Kinning Park, and we may add Rutherglen. Now, in such circumstances the supply of commodities dependent on a natural monopoly cannot be undertaken by each separate area. No advocate—even the most ardent—of municipalisation wishes to see each burgh supplying its own water or tramways. The separate jurisdiction in the tramway systems of Edinburgh and Leith causes untold annoyance and inconvenience every day. In the same chapter we pointed out the drawbacks of joint-boards. It follows, therefore, that we must in many cases be content to see one local authority operating within the area of another—supplying to it electricity or telephones, or running trams through its streets. It may, perhaps, be urged that in such a case amalgamation is the proper course to pursue, rather than the placing of local bodies in so anomalous a position ; and we must admit that the difficulty under discussion adds to the arguments for facilitating, and in some cases even enforcing, amalgamation between two neighbouring towns. But even with amalgamation the problem would remain. The proper area for water-supply extends in many cases far beyond the town proper and into the



suburban villages. We ought not merely to permit but to encourage municipalities to run trams far beyond their boundaries into the country. And if the movement for municipal telephones continues, it is clear that the area should include not merely the town but also the residential villages<sup>1</sup> dotted round the city. Thus even if amalgamation of contiguous towns were secured, this problem would still remain.

Now, as at Glasgow, the surrounding authorities may willingly surrender the rights of municipal trading to the main city provided the principle of "no relief to rates" is adhered to. The inhabitant of Renfrew is quite willing to have Glasgow work his tramways, for he knows that the fares are fixed at lowest cost price. The question would, however, be very different if Glasgow made a large profit and applied it to defray its own expenses. Then the Glasgow corporation in Renfrew would be practically in the position of a private trader, and would be levying a tax on the latter community which would be expended for the benefit of the people of Glasgow alone. Such a position would be intolerable, and therefore all the arguments against relief of rates by municipal enterprises are reinforced if the municipality trades outside its own area. It is not, however, necessary to conclude that precisely the same price should be charged to consumers within and without the area. Thus the Glasgow corporation charged in 1900 a rate of 5d. per £ to its citizens for water and 10d. to outsiders. But there is a

<sup>1</sup> By this term the writer does not mean such suburban areas as Partick, which are really part of the city and ought to be united with it for all purposes, but rather such detached residential places as Bearaden. The latter ought to manage the greater part of their own affairs, but the Glasgow trams should certainly connect them with the city, and possibly they should be included in the municipal telephonic area.

further public water rate within the city which reduces this—at first sight somewhat astonishing—difference between the inside and the outside rates to  $2\frac{1}{2}$ d. This course is justified by the fact that the city bears the entire risk, for which it should receive extra compensation. In the case of gas, however, such discrimination is forbidden by the local Act, and it certainly seems desirable, while the outside areas are unrepresented, that their interests should be guarded. Yet they cannot be exploited in the interests of the supplying community to any considerable extent so long as the surplus is applied to an improvement in the service. And thus we find another reason for concluding that the counsel of perfection is “no application of profits in relief of rates,” while yet we may believe that it is not desirable for Parliament to lay down a hard-and-fast rule to be applied in every case.

There is, however, one reform which the Imperial Government ought at once to bring about—an annual audit of all municipal undertakings by a skilled accountant, who should report to the Government on the general correctness of the accounts, describe the town's policy in regard to profits, and discuss the adequacy of the depreciation allowances. Such a report would, of course, be reproduced and commented on in the newspapers, and thus the citizens would have easy access to complete and unbiassed information concerning the finances of their town's undertakings.

## CHAPTER XVI.

FINANCE—*continued*. RATING AND VALUATION.

WE turn now to what, after all, is and must remain the most important source of revenue for local bodies—*i.e.*, the rates. And we find that in Scotland, as in England, the parochial rates have formed the pattern on which all others have been modelled, although the model has not, on the whole, been so closely followed on this side of the Border. There is a much greater variety in the methods of raising and apportioning the rates in Scotland than in England. But the parish rates form the starting-point of all later developments, and accordingly we begin with them.

The Act of 1579 was the first to provide a rating machinery. It enacts that the poor-law authorities are “to tax and stent the hail inhabitants within the parochin *according to the estimation of their means and substance*, without exception of persons, to sik charge and contribution as sall be thocht expedient and sufficient to susteine the seidis pure people.” The words italicised quite clearly contemplate a local income-tax, and may be said to indicate the ideal which for many years Scottish local financiers cherished, and which they have only relinquished with the greatest reluctance.

We have little information on the question of how

this taxing provision worked in practice, but we know that rates were often not imposed at all—the expenses being met, as described already in the chapter on Poor Relief, by voluntary contributions. Some parishes, however, were always rated, and some injustice in taxing all the inhabitants on the same scale appears to have been felt; for a statute of 1663 transfers one-half the assessment in landward areas to the heritors or landowners (whether inhabitants or not), leaving the other half to be raised by the “tenants and possessors according to their means and substance.” But the history of poor relief in the seventeenth and eighteenth centuries is obscure in the extreme: there are no Royal Commissions dealing with the subject, no Board of Supervision issuing annual reports, and even the few books which do exist treat rather the principles that govern relief than the methods of taxation employed to raise the necessary funds. Our knowledge must remain fragmentary until the future investigator, after careful study of the original local documents, shall issue a companion volume to Dr Cannan’s ‘History of Local Rates in England.’ But with the middle of the nineteenth century more information is available. The Royal Commission of 1844 states that almost every burghal parish had “some peculiar established usage as to the mode of carrying the general law into effect.” In those landward parishes which had an assessment the rate was usually divided between the heritors and the other inhabitants. In many cases a practice had grown up of dividing mixed parishes and assessing separately the burghal and landward portions. The reason for this was, besides administrative convenience, that in a homogeneous community any system of taxation works out with

reasonable fairness; in a heterogeneous community, on the other hand, it is very difficult to devise any method that does not press unduly on some class. To take the commonest example: assuming that the apparent is the real incidence of a rate, it is unfair to take rent of land and houses as the basis of taxation in a parish which includes farmers, professional men, and labourers. The farmer's rent will bear a far higher proportion to his income than will that of the doctor or lawyer; while the labourer will also pay more, for the cost of house accommodation is commonly larger in proportion to the income the smaller that income becomes. But in a community composed entirely of farmers, if our object is to attain a fair system of rating as between members of that community alone, the rent of the farm will be a fairly good criterion. Unfortunately the division of mixed parishes was declared illegal, and Scottish legislators had to devise other methods of attaining the same end.

It is, of course, a matter open to discussion whether the apparent is the real incidence of the tax in this case, but the Scottish people seem always to have assumed that the burden was not shifted. And accordingly the Poor Law Act of 1845 contains a very complicated system, whose working we must now describe.

Four methods of rating were permitted:—

1. One-half on the owner, one-half on the occupier; the net rent being taken as the standard.
2. One-half on the owners of land and houses in the parish; the other half on the other inhabitants according to their means and substance.
3. As an equal percentage on the annual value of lands and heritages, and upon the estimated annual income of the whole inhabitants from means and sub-

stance other than lands and heritages situated in Great Britain and Ireland.

4. According to the provisions of any local Act or established usage.

The methods under headings 2 and 3 involve a continuation of the local income-tax, supplemented by a tax on the rental of lands. It is a system for which Scotland has always had a fondness, and it continued for many years. As it is to this day occasionally advocated by short-sighted reformers as a means of making personal property contribute to local funds, we may discuss the causes why it was finally abolished. It was, in the first place, an income-tax without any clearly defined method of determining the income to be taxed. None of the elaborate machinery of the Imperial Government was at the disposal of the parochial board. The estimation of the "means and substance" was based on guesswork alone, and in the case of an excessive estimate the ratepayer's only remedy was to disclose his private affairs to the Board, which consisted always of curious neighbours and not infrequently of business rivals. It was, in fact, an oppressive and inquisitorial system. In the second place, rating according to means and substance failed, as time went on and the industrial system increased in complexity, to reach certain important sources of wealth. In a small town of the eighteenth or early nineteenth century practically all the wealth produced in its area was also spent there. The farmers, work-people, professional and business men who worked in a certain parish usually resided there also. And what manufacturing industry existed would be managed by the local employer, who would combine in himself both capitalist and *entrepreneur*. The landlord might, it is true, be an absentee, but in any

case the owners of land, whether or not they were inhabitants, were required to pay half the poor rate. In a modern manufacturing district conditions are very different. Much wealth is produced not by local employers resident in the parish, but by companies, abstract corporations, which are not inhabitants, and which cannot therefore be taxed on their means and substance. We learn that this was one of the strongest reasons leading to the abolition of the system. Greenock, for example, found that it was unable to tax the railway company and the harbour board, both of which were drawing much wealth from Greenock, and ought therefore to contribute to the upkeep of the poor. And this brings us face to face with the great difficulty of a local income-tax: the income must be taxed not at its source, but at its destination. The Imperial Treasury does not wait until the income reaches the hands of its ultimate owner; it takes its quota beforehand from official salaries, from dividends, &c., and only taxes in the hands of the possessor income which it cannot reach by other means. A local body cannot do this; nor, on the other hand, can it adequately investigate the income at its destination. The local income-tax is therefore a cumbrous and unfair system. And, moreover, the changed economic conditions give rise to another difficulty: the "inhabitant" of a parish was a clear enough conception in the simpler society of sixty years ago. But now a man may reside in two or three parishes in the course of the year; may work in one and live in another and spend lengthy holidays in a third. In which is he to pay poor rates, if as an inhabitant he is to be assessed on his total "means and substance"? We learn with interest that the manager of a life insurance company was held liable to be assessed, in respect of his salary,

in the parish in which the company's office, where he performed his duties, was situated, although he resided in another parish. The question came to a climax when the Lord Chief-Justice of England was called upon, in a Scottish parish where he had a shooting-lodge, to pay rates on his total official salary. This glaring unfairness, so forcibly presented to an influential authority, led to the passing in 1861 of what is known as the Baxter Act, whereby all parishes which had adopted rating on means and substance subsequent to 1845 were required to relinquish it. Those, however, in which the system was an "established usage" in the terms of the Act could, if they pleased, continue to adhere to the system, and it lingered on in a few towns for some years longer. It was finally abolished by Greenock, the last to cling to "means and substance" as a method of assessment, in 1880. Since then all rating on behalf of the poor in Scotland has been on rental alone. The scale of assessment for Greenock is still preserved, and is rather remarkable:—

*Means and Substance.*<sup>1</sup>

				s.	d.
£35 was assessed at	.	.	.	3	0
40 " "	.	.	.	3	6
45 " "	.	.	.	4	6
50 " "	.	.	.	6	0
55 " "	.	.	.	8	0
60 " "	.	.	.	10	0
65 " "	.	.	.	13	6
70 " "	.	.	.	16	0
80 " "	.	.	.	19	0
90 " "	.	.	.	23	6
100 " "	.	.	.	30	0

<sup>1</sup> Royal Commission on Local Taxation, Question 14,294 (Parl. Paper, c. 9319 of 1899).



Above £100 the rate was £2, 5s. per cent, or nearly 6d. in the £. It is curious to note how very small are the incomes assessed and how strongly progressive is the scale up to a certain point. It rises from a little over 1d. in the £1 to 6d. Evidently the financial authorities of Greenock treated with slight attention those arguments against a progressive income-tax to which our present governors attach such weight.

Rating by means and substance then disappeared, and throughout all Scotland the poor rates were levied on rental only. But even yet complexities were left, whose object was still to ensure a payment in proportion to income, the assumption being always that the man directly rated really bore the incidence of the tax. In any parish the parochial board was at liberty, with the approval of the Board of Supervision, to introduce a classification of lands and heritages, and to assess the occupiers on different rates. It should be noted that the system of classification applies to occupiers only; the owners paid their half on their full net rental, precisely as under the "means and substance" assessment. For this reason the owners of unlet property in Scotland to-day are liable for their share of the rate as though the property were let and bringing in a return. The object of the classification system was to get a rate from each man proportional to his net income. The first report of the Board of Supervision contains some words of advice to the parochial authorities which are sufficiently interesting to be worth quoting:—

"In a parish which was wholly urban or wholly rural, where the property was of one denomination, the rent paid by tenants of land in the one and of houses in the other offered a ready means of estimating with tolerable accuracy the means of each

inhabitant. It was less accurate than the modes contemplated by the statutes (*i.e.*, rating according to means and substance), but it was less vexatious to the ratepayers and less troublesome to the parochial authorities. . . . The lands or houses occupied by the inhabitants were held to indicate with sufficient accuracy the relative amount of their means and substance. But in parishes partly urban and partly rural an equal rate laid upon all tenants in proportion to their rents would have fallen upon the two classes<sup>1</sup> very unequally in proportion to their means." And the writer contrasts the income indicated by a dwelling-house and a farm whose respective rents are both £100. He goes on: "Even in parishes wholly urban an equal rate on the rent of all houses, without classification, would fall unequally in proportion to their means on the different classes of householders, for shops are presumed to represent a smaller amount of means in proportion to the rent paid for them than dwelling-houses. So likewise manufactories and places of business give a less accurate measure of the means of their occupants than the houses in which they dwell."

The writer of this passage might well have added that, as the rents paid by the poorer classes bear a larger proportion to their incomes than do those paid by the rich, there is injustice in taxing the smaller houses at the same rate as the larger and more expensive, a view which has brought about some experiments in burghal rating which are to be noticed later. In parochial rating this special point was neglected, but the Board of Supervision suggested a classification which it believed would meet the other considerations set forth. It took this form—

1. Dwelling-houses paying full rates.

<sup>1</sup> *I.e.*, the holders of land and the holders of houses only.

2. Shops, manufactories, railways, mines, and quarries paying two-thirds.
3. Agricultural land paying one-fourth or one-fifth.

It is now clear what is the object of this curious system. It is directed to the relief of the agricultural occupier, or rather is designed to prevent undue burdens ever being imposed upon him. But the relief is procured in a fashion quite different from that many years later introduced into England. There the farmer is relieved by throwing a heavier burden on the imperial tax-payer: the Treasury makes certain payments from its funds to the local exchequer. The question of these grants-in-aid, as they are called, is very complicated, and falls to be discussed in the following chapter. In the meantime we can only say that there are many objections to such subventions, and that this particular grant is the faultiest of all. It really deserves the name of "dole," that question-begging epithet so often bestowed by the ignorant politician on all grants alike. In Scotland at a much earlier date it was seen that the farmer suffered under some injustice; but a quite different scheme of relief was adopted. He was assessed at a proportion only of his rental, with the result, of course, that a heavier burden was thrown on the occupiers of houses and business premises. Here the relief comes from the holder of personal property (for the income of the occupant of a heavily rented house will usually be derived from that source), but from within the parish only. Now here is a method of removing the injustice under which the farmer is said to labour, by a system which possesses none of the drawbacks of the grant-in-aid. Give power to the rating authorities to introduce, under adequate supervision, a proper system of classi-

fication ; the farmer will be relieved, yet local control of the revenue, and therefore of the expenditure,<sup>1</sup> will continue.

It is, however, somewhat unsatisfactory to be forced to admit, in view of these apparent advantages of classification, that in practice the system has fallen into disuse. Yet it seems certainly true that the agitation of the English farmers for relief has found but a faint echo in Scotland. No such widespread feeling of discontent seems to have existed, and one may perhaps venture to declare that had it not been for English influence no grant to the agricultural occupier would ever have been made. But evidently when English rates are being subsidised from the Exchequer to which Scotland and Ireland equally contribute, they must share in the grants made to the predominant partner.

The system of classification seems theoretically very valuable, but it has been spoilt in Scotland by unintelligent administration. True, the first introduction of classification required the approval of the Board of Supervision ; but, on the other hand, the Board could not compel the adoption of classification, nor insist on a change when industrial conditions had so far altered as to make the old scale inapplicable. Moreover, any parochial board could abandon classification if it chose without the approval of the Board.<sup>2</sup> The Board's powers were thus somewhat limited. But even granting this, they seem to have been exercised very slackly, for some of the scales of classification were ridiculously complex. This, for example, is the scale

<sup>1</sup> Cf. p. 348.

<sup>2</sup> With the single exception of the score of parishes who were compelled by the Baxter Act to relinquish in 1861 the system of rating according to means and substance. They were ordered to set up instead rating in accordance with rental, based on a scheme of classification.

introduced by Greenock in 1880, when it abandoned rating by means and substance:<sup>1</sup>—

*Tenants and Occupiers.*

- Class I. Shops and dwelling-houses at one-fourth of Class III.  
 „ Ia. Harbours, tramways, railways at one-fourth of Class III.  
 „ II. Lands used for agricultural purposes, quarries, mines, at one-sixteenth of Class III.  
 „ III. Banks at full rate.  
 „ IV. Counting-houses and offices at three-fourths of Class III.  
 „ V. Stores, manufactories, building-yards, foundries, workshops, gas-works, water-works, schools, and all other premises not embraced in Classes I.-IV., at one-half of Class III.

This is an absurd classification: banks, a very small class of rateable property, are assessed at the full rate, while all other property is assessed at some fraction, thus making necessary an extraordinarily complicated method of account-keeping; shops and dwelling-houses are assessed at the same rate.

Another comic classification was in force in the parish of Ferry Port-on-Craig:—

- Class I. Farms and salmon-fishing.  
 „ II. Ferries.  
 „ III. Houses.

This classification was evidently framed when the

<sup>1</sup> Royal Commission on Local Taxation. Memorandum by the Scottish Office, p. 114.

parish was a purely agricultural area, including a few fishing properties. Under such circumstances the classification was not unjust. But unfortunately it was not changed to meet the developing industrial conditions, and considerable difficulty was felt in determining in which class the railway should be placed. Finally the case was taken before the law courts, where it was decided that the docks, wharves, &c., of the company fell to be classed as "ferries," the railway, exclusive of stations, as "farms and salmon-fishings," and the stations as "houses."

Classification has never been very largely adopted in Scotland. In 1897, 162 out of 877 parishes were classified; but a much higher proportion of mixed parishes adopted it than of the purely landward or purely burghal areas.<sup>1</sup> It has now nearly disappeared, as the grant to the agricultural occupier contributed from the Imperial Treasury has made its further existence to a large extent unnecessary.

It is quite probable, however, that this grant, which has given rise to so much criticism, may disappear in the readjustment of local taxation, and then the question of classification may come forward again. Although it has not been extended in practice, it has been praised by many experts. Mr Myles, for example, county clerk to the county of Forfar, told the Royal Commission on Local Taxation, "I approve of the principle of classification"; and this opinion was echoed by several other witnesses. Most, however, insisted that for classification to be successful a uniform system must be adopted, and many suggested that a statutory classification would be found to be the solution of the difficulty. Against this, however, it may be urged that we do not want an excessive rigidity in

<sup>1</sup> For of the 162 classified parishes, 90 were mixed.

local finance. We do not want Parliament to lay down fixed regulations which cannot be altered without a lengthy process of legislation. The next chapter will point out what unfortunate results have come about with regard to grants-in-aid through the stereotyping of administrative regulations as statutory law. In all probability the desired uniformity could be obtained by giving greater powers to the Scottish Office or Local Government Board. One of these bodies should be called on to approve all proposed systems of classification, and the approval should be no mere form, as too often in the past. It should have power to insist on the introduction of classification where it seems desirable, and on the alteration of an old scheme which by reason of industrial development no longer suits the circumstances of a given parish. These classifications might really be a means of securing greater justice in our methods of local taxation, without subsidising one special class in the community from the pockets of the general ratepayer.<sup>1</sup>

So much for classification. But we have not yet completed the account of the complexities of the Scottish parochial rating system. The assessment is on the net rental, and therefore certain deductions are made from the gross amount. And as different kinds of property demand different scales of deduction, we find that deduction is often so used as to amount to classification. For obviously it makes no difference whether you assess a property at three-fourths of its value or allow a deduction of 25 per cent. There is, however, one distinction between classification and deduction: the former applied to the occupier's half

<sup>1</sup> This remark does not, however, imply that all grants-in-aid are to be condemned. For grants to a specific local service there is much to be said.

of the rate only, the latter applies to owner and occupier alike. But it is in many cases carried much too far. The following table<sup>1</sup> shows the rates of deduction allowed in certain parishes of Mid-Lothian on various classes of property in the year 1897 :—

Parish.	Land.	Houses, &c.	Manufactories.	Water-works.	Railways.
Cockpen . .	10	20	20	25	35
Cranston . .	12½	20	...	12½	35
Duddingston .	16¾	16¾	16¾	25	40
Newton . .	7½	15	20	25	40

Here, in one county, the lack of uniformity is astonishing. There seems no reason why water-works in Cockpen should pay rates on 75 per cent of their value, while in Cranston they are assessed at 87½ per cent. The deductions seem to follow no sort of plan or system; they simply come about haphazard, in accordance with the chance views of the rating authorities and the amount of resistance put forth by the class rated. The reformers who hold that a fixed system of classification should be introduced hold also that classification "should exhaust deduction" — *i.e.*, that the classification should state at what percentage each class of property should be rated, and that no further deductions from this percentage should be allowed. In a parish where both classification and deduction were in use the parochial accounts were extraordinarily complicated, and it was almost impossible for the ratepayer to understand on what principle he was assessed.

In other cases deduction has been used in a way which defeats its own end. It is in some cases customary to write 10 per cent off the value of all property indiscriminately,—a proceeding which simply means higher rates per £ all round. In some High-

<sup>1</sup> Parl. Paper, c. 9319 of 1899, p. 197.



land parishes fixed deductions of 25 per cent are in use,—a fact which partially explains the apparently high rates in Shetland.

It should be noticed that the total poor rate is paid in equal sums by the classes of owners and occupiers : since occupiers' rates are not paid on empty property, the occupiers' rate is usually slightly higher. In county rates, on the other hand, it is the rate and not the total sum which is divided. Many other rates levied by the parochial authorities follow the same method as the poor rate—*e.g.*, the registration of births, &c., rate, the education rate. But it is said that in some parishes where a system of classification prevailed, the classification was disregarded in levying these supplementary rates, which were assessed simply half and half on owners and occupiers.

County rates are not quite so complicated as parish rates. They are levied on the gross value; no deductions whatever are allowed. Up to 1889, the date of the establishment of county councils, the bulk of the county rates were paid by proprietors only; the main exception was the road rate, which was laid half on owners and half on occupiers (but rates for the making of new roads were paid by the owners only). This system of rating was one of the difficulties which lay in the way of the establishment of county councils. It was obviously necessary to introduce popular administration of local matters into the rural districts of Scotland, and therefore the old administration by the Commissioners of Supply, the local landlords, had to be abolished. Yet the classes hitherto unrepresented were not so anxious to participate in the work of local government as to be willing to pay a greatly increased tax. It was at first proposed that after the institution of the councils

the county rates should be in future equally divided between owners and occupiers. But the suggestion was very unpopular among an influential section of Scottish members, who wished to leave matters as they were. Finally a clumsy compromise was agreed upon. The sheriff was directed with regard to each branch of administration to discover what had been the average rate for the preceding ten years. This amount, called the stereotyped rate, was in the future as in the past to be paid by the owners alone; any excess was to be met by an equal rate on owners and occupiers. Doubtless this scheme was necessary in order to overcome the opposition to the bill; but it has many drawbacks. It involves much unnecessary book-keeping, and as the stereotyped rate is different for each branch of administration, it prevents consolidation of county rates. Its abolition is demanded by the Association of County Councils, and is recommended by the Royal Commission on Local Taxation. It will certainly disappear with the next Act dealing with county administration in Scotland, and all rates will be levied as the road rate—simply half on owners and half on occupiers.

Road rates, however, and public health rates are not levied over the whole area of the county, but within the districts of the district committees; the special rates for water-supply and drainage are levied within the "special districts." For some time the public health rates followed the poor rates, and were levied on net value subject to classification. This anomaly is due to the fact that prior to 1890 public health was administered by the parochial authorities. But it caused much inconvenience, and finally in 1897 the public health rate was placed on the same basis as the road rate.

Of burgh rating we can say little, for the system varies greatly with regard to different rates. The assessment is on the gross value—there are no deductions. But there is a statutory classification of certain kinds of property: canals, railways, and tramways, underground gas- and water-pipes, bridges, salmon-fishings, and agricultural land are rated at only one-fourth of their value. If water is supplied under the Burgh Police Act, shops pay water rate also on one-fourth only of their gross valuation. Some rates are paid by the owners—*e.g.*, the sewer rate in burghs. Others are paid by the occupiers only, as the burgh general assessment. Others again, as the lunatic asylum rate, are paid half by owners and half by occupiers. Many rates may be levied on either of the two latter methods, according to the decision of the town council. Thus the road rate in burghs may be paid either entirely by the occupier or partly by the owner and partly by the occupier. But by far the larger amount of burgh rates are paid by the occupier, the proportion being about 1 to 3 (owners £552,109, occupiers £1,627,627 in 1900-1901).

Some burghs have introduced a differential system of rating, not as in parishes in respect of the character of the property, but in respect of its value. Thus in Glasgow occupiers' rates on property under £10 annual value are in many cases half what is charged on houses over £10. This is another attempt to make rates proportioned to income, for the rent paid by members of the community who dwell in small houses is higher in proportion to their total income than in the richer classes. And therefore, assuming that the first incidence of the tax is the ultimate one, it is just to make some allowance for this fact by levying on the former lower rates than on the latter. Glasgow finds

the system work well, and some members of its council are anxious to extend it by raising the rent beneath which lower rates are assessed to £12, and by making it apply to all rates, instead of, as at present, to police and sanitary rates only.

In Edinburgh no occupiers' rates at all are charged on rents below £5 annual value, but at the same time the occupiers of such houses are disfranchised. This is not now a provision of very great importance, as there are few houses—even of one room—for which a lower rent than £5 a-year is paid.

We have already remarked that in Scotland the compound householder is rarely found. With occasional exceptions, rates are collected directly from the owner and from the occupier, and for reasons discussed in chap. iii. we may agree with Mr Patten MacDougall, who says in a memorandum prepared for the Local Taxation Commission: "I would deprecate any proposal to collect from the owner both his own and the occupier's rates. I think that our system is much to be preferred to that which exists in England." The occupier feels his responsibility for local government more keenly if he pays rates directly; and we should continue the system for this reason, although it is cumbrous and laborious in comparison with the English system of collecting the rates on small houses direct from the landlord.

It is common in Scotland to find a definite limit set to the amount of a rate. Thus the burgh general assessment is limited to 2s., unless a water-supply is introduced, when 4s. is the maximum. The public health rate is limited to 2s. 6d. But if there is need, the Local Government Board may permit this maximum to be raised. This limiting provision does not,

however, apply to the larger burghs, which are governed by local Acts, and are exempt from the laws laid down by the general statutes.

To sum up this account of Scottish local finance,—there are three groups of rates, parochial, county, and burghal. The two latter are on the gross annual value, the former is paid on the net rent. Parochial rates are now divided equally between owner and occupier; county rates fall more heavily on owner than occupier. In burghs the division is different in the case of different rates, but of the total sum two-thirds is paid by the occupiers, one-third by the owners. There is, however, a movement towards the adoption in every case of the equal division between owner and occupier, and of an equal rate on each (as in county rates). And in all probability this system will be uniformly followed throughout Scotland as soon as Parliament can find time to pass the necessary legislation.

A similar uniformity should be set up with regard to the question of deduction and classification. There is no reason why for the purposes of poor rates repairs should be deducted from the rent of a house, while for the upkeep of roads the gross rent should be taken. The Commission on Local Taxation recommends that the net value should be adopted in every case, but that the scale of deduction should not be left as at present to the discretion of the smaller local authorities, but should be drawn up by the valuation authority and entered in the valuation roll. Such a scheme would put an end to many of the absurdities of the present methods of deduction. Classification with regard to the value of property is found only in Glasgow, and to a certain extent in Edinburgh; classification based on the character of the rateable property exists to a small extent in burghs, and was formerly common in

parochial taxation. In counties it is found in connection with the relief to agricultural occupiers: a farmer now pays only three-eighths of his rate, the remainder being made up by a contribution from the Imperial Government. Classification has been disappearing in Scotland, but yet there is reason to think that under more careful supervision it might afford a better way of relieving certain classes of tax-payers than a Government subvention. Perhaps also better results would be obtained if the making of the classification were transferred from the parish, too small and inefficient a body for the work, to the county and the burgh.

Scottish experience has shown that a local income-tax is unworkable, but it should be noticed that this applies mainly to a locally assessed and collected tax. It throws very little light on the question whether it would be possible to make a local addition to the imperial tax, to be collected and paid over by the central authorities. Even in this case, however, the difficulty of apportioning a man's income between the town in which he works, the suburb in which he lives, and the country village where he takes his holiday would remain.

The discussion of one matter has been left till this point which should logically, perhaps, have come first—*i.e.*, the methods of valuation of property for rating purposes. Here, if nowhere else in the Scottish system of local finance, we find simplicity. When the new poor law was passed, necessitating the imposition of rates in many parishes which up till then had been unassessed, there was much discontent felt with the arbitrary and amateur methods of valuation employed by the parochial boards,—a discontent which resulted in the Valuation Act

of 1854. It provided for the appointment of a valuator or assessor for every royal burgh and every county in Scotland. It is his work to make up annually the valuation roll, in which are entered the names of the owners and occupiers of all lands and heritages, and the gross annual value of the said lands and heritages. There is an appeal from the decision of the assessor to the valuation committee of the council, and a further appeal to the Lands Valuation Appeal Court, which consists of two judges of the Court of Session. And certain classes of property—railways, canals, tramways, and gas-works—are not valued by the local assessors at all, but by a central functionary having his headquarters in Edinburgh, and entitled the Assessor of Railways and Canals. The valuation roll so made up is absolutely final, and from it is drawn up the electoral roll. So that in Scotland we find one system of valuation, carried out through fairly large areas by a responsible official, reviewed every year, and forming the basis for all local rates. The poor-law authorities may indeed, and usually do, allow deductions from the gross value as entered in the roll, but for that gross value the amount given in the roll is absolutely conclusive.

But there is a further peculiarity of the Scottish system. The local authorities are permitted, if they please, to appoint a Crown Surveyor of Taxes as their own assessor, in which case there is but one valuation of property for both imperial and local purposes. In 1898 this system had been adopted by 24 counties out of the total 33, and by 44 out of 86 royal burghs. The police burghs, it should be remembered, form part of the county for valuation purposes. Thus the valuation of Partick is in the hands of the county council of Lanark. The royal burghs which appoint their own

official are usually the very small and inefficient towns, and in such case the Inland Revenue people complain that the valuation is badly done. This is another proof of the need of a revision of the burghal constitution of the smallest towns. Glasgow and Edinburgh also appoint their own assessors, but as they can afford to employ competent men, their valuation is usually satisfactorily carried out. We can therefore say that to a large extent the valuation of Scotland is in the hands of the imperial authorities, and is done by thoroughly trained men, who from their secure position are very unlikely to be moved by corrupt local influences. There is a strong feeling that the valuation should always be done by the Crown Surveyor of Taxes. And in every case the valuation of railways and canals is taken out of the hands of the local authority and performed by one official for the whole of Scotland. There are many difficulties connected with the valuation of these undertakings, but the discussion of them is too technical for our purpose. On the whole, the Scottish valuation system works with great success.

One further matter remains to be described—*i.e.*, the collection of rates. Roughly, one may say the collecting authorities are parishes, counties, and burghs. School boards collect their own rates only in unassessed parishes, of which but five remain. In other cases they send a requisition to the parish council. Within royal burghs the same system is followed in regard to county rates. The amount required is notified to the town council, and is collected and paid over by it. In police burghs, on the other hand, the county council collects its own rates. There is, therefore, in police burghs a threefold collection of rates—by parish, county, and burgh. In landward districts rates are



collected by the parish and the county, in royal burghs by the parish and the burgh. It is, on the whole, a fairly simple system, but there have been efforts made to abolish the duplicate collection of rates. The county of Aberdeen collects all its rates through the parish collectors. In Dumfries the opposite system is followed: nine parishes have their rates collected by the county authorities with a most astonishing diminution in expense. In these parishes the cost of collection is about  $\frac{1}{2}$  per cent; in parishes which collect their own rates the cost may rise to 7 per cent or even 10 per cent. The Act of 1894 contained an adoptive provision for the joint collection of parish and county rates, but so far it has been taken little advantage of, because the parishes are unwilling to surrender their power of patronage. The Local Taxation Commission recommends that the consolidation of rates be made compulsory, and that the county councils and the burghs be made the collecting authorities. We may hope in burghs to see ultimately a consolidation not only of rates, but of local bodies: in the meantime, however, to intrust the town council with the collection of all rates would be a partial reform that should be carried out as soon as possible.

To this account of the laws and customs governing rating we may add a few words on the subject of loans. In England it is almost an invariable rule that a local body cannot, save by a local Act, borrow money without the consent of some central department, usually the Local Government Board. The same rule holds in Scotland with regard to loans for public health purposes. Burghs and district committees must submit their schemes for hospitals or water-works to the Board, and may only borrow with its approval. So, too, the approval of the

the decision to borrow rests with the whole council. In a few cases the device has been found to be an obstacle to progress. One case was reported where the standing joint-committee refused its consent to the borrowing of money for the construction of a much-needed water-supply. And the refusal was the more vexatious because in a matter of public health the consent of the Local Government Board to a loan is also necessary, and had in this case been obtained. This occurrence took place in one of the southern agricultural counties, where the Commissioners of Supply consisted entirely of the long-settled local landlords with no intermixture, as in Fife or Lanark, of business men, who attain that position by the purchase of estates. In such a county modern health considerations would be regarded as absurd by the landowner, and his main endeavour would be to keep down rates. The veto of the standing joint-committee is thus, as a general rule, either unused or mischievous, and should probably be abolished.

It should be noticed that the chief towns of Scotland, those six which are governed by local Acts, stand outside the laws regarding borrowing which we have described. Glasgow's borrowing powers, for example, are entirely regulated by her own Acts, and the statutory maximum of thirty years is frequently exceeded. Practically in the case of such local Acts there is very little supervision of any description over the financial proposals. The attention of the Select Committee, whose duty it was to consider the bills, was not specially directed to them; for they affect no private interests, and no Government department reports at length on Scottish local bills. Reports were rarely received from either

the Local Government Board or the Scottish Office. Scottish financiers are generally cautious; but it is a little startling to discover that while in Scotland the average rate per head in 1900-1901 was lower than in England (£1, 1s. 10d. against £1, 6s. 3d.), the amount of indebtedness per head was greater (£10, 6s. 9d. against £9, 16s. 5d.) Possibly, however, the explanation of this may be the greater proportional amount of municipal trading in Scotland, which necessarily involves a larger debt.

## CHAPTER XVII.

FINANCE—*continued.* GRANTS-IN-AID.

THERE remains for final discussion the important and much-debated subject of grants-in-aid. All the other sources of revenue we have described carry us back to mediæval times. But the system of imperial subventions to local funds is entirely modern, and is probably to be traced to the greater uniformity in national conditions caused by the improvement in means of communication.

The earliest Scottish grant which still exists was voted in 1847, when £10,000 was provided by Parliament in aid of the expenditure on poor-law medical relief. It will be remembered that the Commission of 1844 was greatly struck by the stinginess apparent in the granting of relief in Scotland, and were specially impressed by the inadequacy of the medical relief. Accordingly, on the first establishment of the grant the regulations for its distribution, which were left to the Board of Supervision, were deliberately framed to stimulate expenditure in accordance with a rather curious scale. A minimum expenditure per head was fixed for each parish according to its density of population, and no parish received a grant unless this minimum was exceeded.

The table was as follows :—

Class.	Population per square mile (census of 1841).	Minimum expenditure per head. d.
I.	1-25	2
II.	26-50	1½
III.	51-100	1¼
IV.	101-200	1⅓
V.	201-400	1⅔
VI.	401-1000	1½
VII.	1001 and upwards	1¼

Edinburgh and Glasgow were treated exceptionally, being placed in the first class in view of the large number of casual poor applying to them for relief. The noteworthy point about this system of distribution is that, in the eyes of those who founded it, the relief of rates is quite evidently a subsidiary matter. Instead, the desire is to stimulate expenditure in a certain definite direction. The object is to increase, not to diminish, local expenditure, but to increase it on a branch of administration hitherto neglected. Another condition for participation in the grant was that each parish should appoint duly qualified medical officers, who should be bound to obey the regulations made for their guidance by the Board of Supervision. In 1882 the grant was increased to £20,000: after 1885 half of it was to be applied to the cost of trained sick-nursing in poorhouses, and the remainder was distributed in accordance with the vouched expenditure on medical relief. But the condition of attaining a certain minimum expenditure was still kept up. The Local Government Act of 1889 stereotyped these regulations by enacting that the grant of £20,000 should henceforward be distributed in accordance with the scale in force in 1885. This was a most unfortunate

step, as conditions are bound to alter in the course of time, and the raising of administrative regulations to the dignity of statutory law frequently keeps an obsolete system in existence and ties the hands of the central administrative officials. How this may come about is shown by a matter discussed in the Report of the Local Government Board for 1900. The poor law medical officers in the Highlands suffer under a grievance, in that the parish councils which employ them refuse to allow any leave of absence for holidays. They appealed to the Board, and it replied that the grievance was quite real, and that it would gladly aid the medical officers in their controversy with the illiberal parish councils. But its powers are limited, for the only method in which it can influence the relation between the councils and their officials is by means of this grant: formerly it could have changed the conditions of participation therein. Now, however, these conditions are fixed by the Legislature, and the Board is powerless until new legislation can be obtained. This question of holidays is not of great importance save to the unfortunate doctors; but it may serve as an example of the way in which Parliament, all unwittingly, turned a wisely flexible into an absurdly rigid regulation.

In 1857 there appeared another grant—that for the pay and clothing of police. This has been already discussed in chap. ix. It will be remembered that the Imperial Government insisted in 1857 on the establishment of police forces throughout the country, and contributed at first one-quarter, and later one-half, of the cost in the case of every burgh or county which submitted to inspection and was declared efficient. The result has been that the number of inefficient

forces has steadily declined, until in 1900 all received the grant. Here also the grant was not in relief of rates, but to stimulate expenditure on a specific object.

In 1875 the pauper lunatics' grant originated. The Imperial Government undertook to pay one-half of the cost of maintenance of pauper lunatics, the sum not to exceed 8s. per week per patient. This grant differs from the two preceding; it is, indeed, for a specific purpose, but no conditions for participation were laid down. All pauper lunatics, whether in asylums, in poorhouses, or boarded out, are counted, and there is, for the purpose of deciding who shall participate in the grant, no supervision by the central authorities of the condition of those placed on the roll. When we remember that, if lunatics are placed in asylums, the expenses of maintenance only of the paupers, and not the cost of the upkeep of the asylum, fall on the poor-law authorities, and when we add to this the fact that even of the cost of maintenance half is met by a grant-in-aid, we need not be astonished to learn that the number of pauper lunatics is rapidly increasing. Here administration and the payment of the necessary expenditure seem to be dangerously divorced, and we observe in this grant the possibility of that encouragement of extravagance which is often believed to be inseparable from all kinds of imperial subventions.

In 1882 a sum of £30,000 from the Imperial Exchequer was allotted to Scottish roads. The amount of this grant has varied very greatly: rising in 1888 to £70,000, it is now fixed at £35,000. It is distributed to road authorities in proportion to their expenditure, only main roads in burghs being counted for the purpose of the grant. No conditions of efficiency are imposed; all authorities—good, bad, and indifferent—receive their share. The grant is very

small, amounting to only 1s. 5d. in each £ expended on road maintenance.

In 1888 a sum of £30,000 was allotted for the purpose of special relief to the Highlands, where local rates for both poor law and school purposes were very high, since the cost of providing an efficient service fell very heavily on these poor and thinly populated areas. Of this amount £2000 was handed over to the Education Department for necessitous school boards, and the remainder was distributed according to a somewhat complex scheme drawn up by the Scottish Office. The object was to relieve parishes where the rates were abnormally high. Now the excessive rate is due to the scarcity and poverty of the population. And this latter factor, it was believed, would be shown by the average rent of land. In a rich county rents are high; in a poor one they are low. Accordingly the grant was distributed directly in proportion to population, and in inverse proportion to the amount of rental per head. The following table explains how this was accomplished:—

Class.	Rent per head.	Amount of grant per head.	
		s.	d.
I.	Not more than £1 12 0	1	8 $\frac{3}{4}$
II.	£1 12 0 to 3 0 0	1	8
III.	3 0 0 to 6 0 0	1	6
IV.	Exceeding 6 0 0	1	3

In addition to these there existed also the elementary education grants; but for some reason these have never been classed with the grants-in-aid, properly so called. They were allocated from 1861 on a scheme providing for a payment for each child in accordance with the progress that it made from year to year; subsequently the method of distribution was changed to that of "block grants."



For many years, then, these grants had grown at haphazard. Some of them were certainly established for the purpose of relieving expenditure and reducing rates. This was the case, for instance, with regard to the roads and the pauper lunatic grants. Others were given, not in relief of rates, but to stimulate expenditure on certain specified objects—*e.g.*, the police and the medical relief grant. But the system had developed piecemeal. The grants were paid in different ways to many different authorities. And it was very difficult to discover what sums did actually pass out of the Imperial Exchequer to the local authorities. All that was known was that the sum was large, and was steadily increasing. Many eminent authorities looked on it with great distrust. At that time the control of the central authorities over the proceedings of the local bodies by means of the grants was not understood,—save in respect to primary education,—and it was thought that the expenditure of large sums of money by bodies which were not responsible for levying and collecting them was gradually creating a dangerous breach between representation and taxation. Naturally a town council would tend to become extravagant if it received funds from sources not controlled by the electors. And the system touched another question. The English rates fall entirely on the occupier. During the past forty years local rates have tended to grow heavier. Now, we have already pointed out with what unfairness the first incidence falls upon the farmer. He is called on to pay the same rates on a farm worth £100 a-year as a business man on a house of the same value, although there can be no comparison between the incomes of the two men. Therefore the farmer in England loudly demanded

relief, and the desire to reduce his rates certainly influenced the Government on several occasions when grants were introduced—notably in 1847 and in 1875. This agitation for relief of rates has been strongest in England. In Scotland the machinery of classification, and the division of rates between owner and occupier, certainly appeared to place the farmer in a more favourable position. Accordingly, it may be doubted whether the grant-in-aid system would have developed in Scotland had it not been for the influence of England. But, naturally, when a grant is made from the common Exchequer to one part of the United Kingdom, it must soon be extended to the other also.

Now, this system of relief to the farmer was opposed by the Liberal party. It, as a general rule, is guided by an assumption with regard to the rates of land different from that which we found in Scotland. It assumed that a rate on land is not paid ultimately by the occupiers, but is shifted to the owners. Accordingly it held that to relieve the farmer is really to raise his rent, and so present an extra rental to the landlords. Accordingly the grants-in-aid were attacked as “doles” to the wealthy proprietors of land.

Still, it could not be denied that local rates were very high, and that one class of the community was paying less than it ought. Local rates were all laid upon real property; in Scotland, as in England, the attempt to rate personal property had broken down. It was, therefore, commonly agreed that the existing system of grants-in-aid was very faulty: it was unsystematic, and needed reform. Yet it was also admitted that personal property ought, if possible, to contribute more to local rates. And it was loudly asserted that the grants-in-aid paid direct from the Imperial Exchequer relieved not the farmer but the

landlord, and caused extravagance on the part of the local authorities.

We have not space to discuss fully the many plans of reform proposed, nor the various arguments advanced for them. In 1888 the Government introduced in its Local Government Bill and in the Finance Act of that year a scheme based substantially on the considerations set forth above. Grants-in-aid, it was said, were now to cease; there were to be no more direct subventions from the Imperial Exchequer. They were to be replaced by a fund raised from the taxation of personal property. This fund was to be called the Local Taxation Account, and was to be derived from two sources: (1) one-half of the probate duty, and (2) the revenue arising from the sale of certain licences—*e.g.*, for dogs, guns, game, male-servants, &c. In thus establishing the Local Taxation Account, the Government was following the precedent set several years earlier with regard to the Local Loans Fund.<sup>1</sup> Confusion had arisen through the grants-in-aid with regard to the sums raised and expended for national and local services. The grants, being raised by one body and spent by the other, made clear understanding of either local or national finance very difficult. By passing over all the grants to a Local Taxation Account, it was intended to do away with this source of misunderstanding.

In England an attempt was at first made to localise the proceeds from the specified licences. Each county borough and each county was to receive back what was collected in its own area, and provision is even made in the Act for permitting the council of the

<sup>1</sup> Before the establishment of this fund it had been very difficult to distinguish the amount of indebtedness of the imperial and local authorities respectively.

borough or county to collect the licence fees itself, although Mr Goschen declared it would be unconstitutional to give the councils the right of varying the amount of the licences. But further consideration of the bill showed that strict localisation would result in great injustice to the country districts; and in the end an adjustment between the counties and the boroughs had to be made, which completely destroyed the value of the endeavour to find a new source of *local* revenue. Similar difficulties confronted the Government when they considered the question of the distribution of the other portion of the Local Taxation Account — the probate duty. A distribution in proportion to valuation was proposed, also one in proportion to population; other members put forward complicated schemes of distribution, in which the changes were rung on area, rateable value, population, arranged according to various mathematical relations. The House grew more and more bewildered, and finally the Government compromised by adopting a plan which they had earlier declared to be impossible and unjust, and distributed the grants in accordance with the amounts received by each county and county borough in the previous year. Throughout the whole discussion one is struck with the absurdity of permitting these administrative details to be decided by a legislative assembly, the members of which cannot possibly be familiar with the circumstances relating to the necessity for the grant and the work which it is meant to do. In such a case each member simply presents the point of view of his own constituents, who naturally favour whatever plan will give their locality the largest share: in the contest the claims of justice and of sound administrative principles completely disappear. And there was a further difficulty:

we have seen that the importance of the grants-in-aid lay not merely in the relief which they afforded to the ratepayer, but in the control over local administration which they secured to certain Government departments. Now if that which was set forth as the object of the measure—the complete separation of local and imperial finance—had been attained, this control would have disappeared. But the departments appear to have stated their case to the draftsman of the bill, and there are accordingly, though they attracted little attention, provisions that no locality shall receive its full share of the subventions unless it comes up to the necessary standard in police, poor law, and public health. And so we may say that the Act as finally passed did not bring about that localisation of all the revenues of local bodies which was its original aim. The localities only received their full share of the Local Taxation Account on the certificate of a Government department, and even then the amount received bore no relation to the amount collected in their respective areas. The system of grants was not discontinued; the separation from the Imperial Exchequer was purely fictitious; and to all existing complexities was added the further riddle of the Local Taxation Account.

This account of the English system is necessary in order to understand why reform was needed, and in what way that reform was carried out in Scotland. Fortunately a much simpler scheme was adopted than in England, and there was no attempt at localisation of the new revenues.

Scotland received her own licence duties and  $\frac{1}{8}$  of the probate duty collected in England. This proportion is based on the total contributions both make to the imperial funds: had the probate duty alone

been taken as a basis, Scotland's share would have been only  $\frac{1}{3}$  that of England. From this fund certain fixed amounts were allotted for each grant, based on the amounts paid in the previous year.

Thus the police grant was fixed at £155,000; the roads grant was £35,000; the pauper-lunatic grant £90,500. Finally, when all the charges had been met there remained as balance a considerable sum—£277,000. The corresponding sum in England went simply in relief of rates; but in Scotland the need for relief was hardly felt. Many Scottish members objected on principle to subvention of local funds from imperial sources, and in the end the surplus was applied to payment of school fees: the result was that free education was secured in Scotland three years earlier than in England.

The Local Taxation Account for Scotland was brought into existence at the same time as the corresponding English account—*i.e.*, in 1888; but as the Local Government Act establishing county councils only passed the following year, the account did not take its permanent form, as described above, until 1890, and in that same year it received an unlooked-for addition. The Government had introduced a Temperance Bill, providing for a reduction of licences, and for compensation for their holders. To raise the money to be paid as compensation Mr Goschen had imposed an extra tax on beer and spirits. But the Temperance Bill was thrown out, and consequently the motive which thus had called into existence the new taxes had disappeared. The obvious thing was to give the revenue derived from them in aid of rates. But certain people interested in technical education saw their opportunity, and suggested that the money

should be devoted to the latter purpose. Strings were pulled, members buttonholed, every possible influence brought to bear, and finally, when the bill for the allocation of this addition to the Local Taxation Account came before Parliament, an amendment was passed allowing the county and burgh authorities to apply the money at their discretion to technical education. However, the new division of the account was burdened with certain fixed charges; the residue only was at the disposal of the authorities for educational purposes. It is known always as the "residue" grant or "whisky-money." The fixed charges were £40,000 for police superannuation, the same sum in relief of school fees, and £15,000 towards the cost of medical officers and sanitary inspectors. The working of these various new grants will be discussed shortly; we must first finish a brief historical sketch of the growth of the Local Taxation Account. The first change arose from the introduction of free education. A fee grant for England was voted in 1891, and Scotland received her share in 1892. Thus the balance of Division I. of the account (Probate and Licence Duties) was again set free and needed fresh allotment. An addition was made to the pauper lunatics' grant of £25,000, raising it to £115,500. The universities received £30,000, and secondary education was allotted £60,000; sums of £50,000 and £100,000 were paid to parochial boards and to county and burgh councils respectively, to be applied by them in relief of rates. These two latter items are known as the "equivalent" grant, because they are equivalent to Scotland's share of the new fee grant.

In 1894 a fresh charge on the customs and excise duties emerged. The Local Taxation Account had been made liable to provide part of the compensation

money paid under the Contagious Diseases (Animals) Act, and the first claim was made in this year. It amounted to £10,000, and therefore the "residue," the money devoted to technical education, was reduced. This curious dependence of education on the health of the domestic animals of the kingdom was wittily described as the "unholy alliance" between technical education and swine fever. In the same year the probate duty was abolished; henceforth a part of the new estate duty was paid into the Local Taxation Account.

In 1897 there came another addition to the Local Taxation Account. The scheme of relief put forward in 1888 had not benefited the farmer to the extent that had been hoped. The amount of relief given was very considerable, but as it was in aid of rates generally the agricultural occupier had not found his particular burden materially lighter. In 1896 was passed an Act giving to him special relief: one-half of the farmer's rates in England were henceforth to be paid by an imperial subvention. In Scotland many of the rates were paid wholly or in part by the landlord, and as it was not intended that the latter should receive any share of the relief, the occupiers' rates were paid in a higher proportion ( $\frac{2}{3}$  instead of  $\frac{1}{2}$ ). As in some parishes the farmers were already relieved by the system of classification described in the preceding chapter, in such cases the approval of the Secretary for Scotland for the classification had to be obtained before the subvention was paid. Practically this amounted to an abolition of classification. The Act was to be in force for five years only, but it has been subsequently extended for another four years.

The funds necessary for this grant were obtained from the estate duty. The amount for England was



calculated on the basis of the rates, and a sum was set aside sufficient to pay  $\frac{1}{2}$  the occupiers' rates. But in Scotland, instead of applying the same system, the grant was based on the Scottish "equivalent"—*i.e.*,  $\frac{11}{16}$  of England's share. This led to some discontent, and in 1898 it was conceded that Scotland's share should be calculated in the same way as in England—*i.e.*, on the basis of the rates actually paid. Thus in 1898 there appeared a fourth division of the Local Taxation Account. Parts III. and IV. were intended primarily for the relief of the farmer, but both were burdened with several small grants for other purposes, of which the most important are the grant of £15,000 for the assistance of congested districts in the Highlands, and a further grant of about £37,000 in aid of secondary and technical instruction. And this completes the development of the Scottish Local Taxation Account. There can be no doubt that further changes will be introduced before long, but they will certainly be based on existing circumstances; therefore the account given above of the growth of the Account may not be without its value. The table on p. 342 shows the payments into and out of the grant for the last year for which information is available.

Now, having described the development of the Local Taxation Account, we can turn to what is really the more interesting side of the subject—the working of the separate grants, and their effects on local administration. Many of the grants remain practically unaffected by the changes of 1889. The road grant, for instance, is now distributed exactly as before the Local Government Act. And the fact that it is drawn from the Local Taxation Account, and not from the Consolidated Fund, makes no difference whatever to the authorities who receive it. In other

## LOCAL TAXATION (SCOTLAND) ACCOUNT.

*Financial Year ending 31st March 1901.*

Payments into—	Payments out of—
<i>I. Probate and Licence Duties.</i>	
1. $\frac{11}{100}$ of probate (or estate) duty grant . . . . . £300,091	1. Relief of rates in Highlands and Islands . . . . . £10,000
2. Proceeds of licences 370,533	2. Cost of roads . . . . . 35,000
	3. Cost of police pay, &c. . . . . 155,000
	4. Poor-law medical relief . . . . . 20,000
	5. Pauper lunatics . . . . . £90,500
	Additional . . . . . 25,000
	115,500
	6. Secondary education . . . . . 60,000
	7. Universities of Scotland . . . . . 30,000
	8. Parish councils, &c. (relief rates) . . . . . 50,000
	9. Cattle pleuro-pneumonia account . . . . . 3,000
	10. Counties, burghs, &c., relief of rates 146,933
	11. Balance—relief school fees . . . . . 45,191
<u>£670,624</u>	<u>£670,624</u>
<i>II. Customs and Excise Duties.</i>	
1. $\frac{11}{100}$ of proceeds of certain excise duties . . . . . £150,395	1. Police superannuation . . . . . £40,000
2. $\frac{11}{100}$ of proceeds of certain customs 24,053	2. Relief of school fees . . . . . 40,000
	3. Medical officers and sanitary inspectors . . . . . 15,000
	4. Counties, burghs, &c. (relief of rates or technical education) . . . . . 79,448
	£174,448
<u>£174,448</u>	<u>£174,448</u>
<i>III. Estate Duty.</i>	
$\frac{11}{80}$ of grant to England under Agricultural Rates Act, 1896 £182,499	1. Burgh land tax relief . . . . . £7,990
	2. Congested districts in Highlands and Islands . . . . . 15,000
	3. County and parish councils' relief of agricultural occupiers . . . . . 159,627
	£182,617
	<u>£182,617</u>
<i>IV. Consolidated Fund.</i>	
Additional grant towards relief of agricultural rates £97,626	1. Additional contribution in relief of agricultural rates . . . . . £20,000
	2. Additional contribution to cost of pay and clothing of police . . . . . 25,000
	3. Marine superintendence . . . . . 15,000
	4. Residue to secondary or technical education . . . . . 37,795
	£97,795
	<u>£97,795</u>

The receipts and expenditure under heads III. and IV. do not correspond, owing to some misunderstandings with the Treasury. The total receipts were £1,125,197; the total payments £1,125,484.

cases, as we have noticed,—*e.g.*, in the poor-law medical relief grant,—the Act of 1889 introduced an undesirable rigidity, which practically eliminated the supervisory power of the central departments. In other cases the Act brought about changes of a different character. The police grant had up to this time been one-half of the total expenditure on pay and clothing, and as it came direct from the Consolidated Fund it could be easily increased from year to year. But under the new system the sum that was available every year was absolutely fixed at £155,000. Naturally the police expenses of the local authorities continued to increase with the normal increase in population, and the grant in 1898 amounted to only 42 per cent of the expenditure instead of 50 per cent. A certain amount of complaint has arisen over this relative decrease in the grant, and it certainly seems undesirable that the grant to this service, which is really to a large extent national and not local, should vary to so great a degree. In 1898 it was increased by £25,000; but still in the year 1900 it stood at 9s. 2½d. in the £, instead of the 10s. which was paid prior to 1889, and this proportion will inevitably become smaller as time goes on.<sup>1</sup>

We find a somewhat similar state of affairs in regard to the pauper lunatics' grant. Previous to the establishment of the Local Taxation Account it also was paid to the amount of 50 per cent of the expenditure. But in 1889 a fixed sum of £90,500 was allotted to this service, and in place of 10s. we find only 9s. 4d. per £ paid to the local authorities in 1891. When the introduction of free education set at liberty the "equivalent" grant, a portion of

<sup>1</sup> Final Report of the Royal Commission on Local Taxation, Scotland; p. 97.

it was devoted to bringing up this grant to its former level, with the result that the grant jumped to 11s. 7½d. per £ of the expenditure. The proportion has, however, again decreased, and is at the present time 9s. 4½d.<sup>1</sup> Now, doubtless, the old system of grants direct from the Exchequer had its evil side: it held up the imperial resources before the local authorities as an inexhaustible source of revenue. But yet it can hardly be so demoralising as the present methods, by which the local authorities cannot count from one year to another on the proportion of their grants. From this point of view a fixed proportion of their own expenditure rather than a fixed total sum should be aimed at.

The Highlands grant was reduced by the new legislation from £30,000 to £10,000; and the carefully thought-out mode of distribution was abolished and the unfortunate method followed in England was adopted. The grant is apportioned among the Highland counties in proportion to the grants paid out of the Exchequer to the county authorities in 1888-89. Thus every year each county receives a fixed sum irrespective of the possible changes in its capabilities and needs. There is now a further grant to the Highlands of £15,000, which, together with a direct vote of £20,000, is administered by the Congested Districts Board, and is applied to aiding migration, fishing, agriculture, &c.

We may now take up the various new grants introduced. Of these probably the most useful has been the sanitary officers' grant. For this purpose a sum of £15,000 was allotted by the Act of 1889, to be distributed in accordance with "such regula-

<sup>1</sup> Final Report of the Royal Commission on Local Taxation, Scotland, p. 99.

tions as may be prescribed by the Secretary for Scotland." In place of being stereotyped by the Legislature, the method of apportionment was left to the administration—with the most fortunate results. The Board of Supervision, whose parliamentary head is the Secretary for Scotland, held a conference with the local authorities to discuss the allocation of the grant, and a very interesting section of the preface to Sir John Skelton's 'Handbook of Public Health' gives an account of the proceedings. Several delegates expressed a wish that the grant should be distributed in proportion to the population, but the Board pointed out that this was far from being a fair test. Such a method would send the bulk of the grant to the large towns: Glasgow and Edinburgh would together receive one-fourth of the whole. Very little would go to the poor and sparsely populated districts, which were specially in need of assistance. Finally it was decided to apportion the grant on the basis of approved salaries and travelling expenses, under certain conditions. In the chapter on Public Health we have already discussed these conditions—*i.e.*, that the districts should employ the county officer, and that the medical officer should not engage in private practice (a rule in force for a time only), and have pointed out how they helped to build up a strong system of public health administration in Scotland. When, for example, the county of Haddington wished to appoint its chief constable to act as sanitary inspector, it was told that the Local Government Board did not consider him a fit person for the post, and that it would be reluctantly compelled to withhold the grant if the county council persisted in the appointment. The county council in the end gave way.

Another interesting grant is that allotted to secondary education. Its distribution is carried out on yet another scheme. Each authority receives a fixed sum of £200, and the remainder is divided in proportion to population. In this case also we may notice the wisdom of leaving the details of distribution to the administration. The constitution of the secondary education committees was discussed in chap. viii. ; from that discussion it will be evident that the Education Department was able, when framing the minute governing the distribution of the grant, to take into consideration local circumstances which no legislative body could have grasped.

There is another grant largely applied to educational purposes. This is the residue grant, the remainder from Part II. of the Local Taxation Account (Customs and Excise Duties). Unfortunately it varies to a considerable extent from year to year. It is, in the first place, a residue, a balance, and we therefore find precisely the opposite condition of matters from that which exists in the case of the police grants. There the evil is that the amount of the grant is too rigid ; in this case the amount is too variable. The returns from the customs and excise duties naturally increase from year to year ; as the other items are fixed, the residue increases in even greater proportion. It was £48,000 in 1890-91 ; £87,600 in 1899-1900 ; £79,400 in 1900-1901. In some years it fell to £35,000, because, as mentioned above, Part II. of the account was liable for part of the compensation for animals slaughtered under the Contagious Diseases (Animals) Act. But after 1898 this liability was transferred to Part I., and the "unholy alliance" was dissolved. In the second place, the grant is distributed on a very absurd basis. It goes to every county and burgh in

Scotland, and is allotted on the basis of valuation—a system which results in the wealthiest places getting the largest share, and is exceedingly unfair to the country districts, where rents are low. Thus in 1900-1901 £85,351 was the residue grant for the whole of Scotland: of this sum £9325 went to Edinburgh and Leith, £17,228 to Glasgow and its three suburban burghs. Over one-quarter, therefore, was obtained by these two towns. Obviously, if the real aim of this grant is to stimulate technical education, the counties should receive more and the burghs less in proportion, because (1) technical education is more cheaply and easily organised in the towns than in the country, and (2) because existing facilities are greater in towns. But these educational grants were fully discussed in the chapter on Education,<sup>1</sup> and we need say no more of them save to notice that nearly one-third of the residue grant is spent in relief of rates: to this extent it comes under the head of the grants we are next to discuss.

All grants hitherto described have been “earmarked”—that is, allotted to one specific branch of expenditure. Some have been given only on condition of the attainment of a certain standard of efficiency; others have been distributed without any such condition. But now we come to a group of grants which are given simply in relief of rates generally. Of the grant in aid of agricultural occupiers we need say little. There appears some reason for thinking that under the existing system undue burdens were laid on the English farmer; but the proper way of relieving him was not by a subvention from the Imperial Treasury in aid of one special class of ratepayers, but rather by a system of classification, drawn up for

<sup>1</sup> See chap. xiii.

each parish under the strict supervision of a central department.

Two other grants (in addition to one-third of the residue grant) go in relief of rates. The parish councils receive £50,000 yearly, which is distributed in a somewhat complex fashion: the share of each authority is calculated on the basis of population alone and then on the basis of valuation alone, and the mean between these two is taken as the share of the parish. The "equivalent" grant is the balance of Part I. of the Local Taxation Account (Estate Duty and Local Licences), and is distributed in the same manner as the parish councils' grant to county and burgh councils. The sum received by each authority varies considerably, because (1) the valuation of the county or burgh varies, and (2) the amount of the total grant varies. In 1892-93 it was £100,000; in 1900-1901 it was £147,000. Now, it is these grants alone that deserve the obnoxious name of "doles." They come to the local authorities with no exertion of their own—are simply flung into their hands to use as they please. This is undoubtedly a direct incentive to extravagance. The average citizen knows nothing of the existence of the grants; when grumbling at the height or rejoicing at the lowness of his rates, he never, good honest man, asks what was the amount of the equivalent or residue grant this year. And his ignorance is the more unfortunate because these particular grants, being balances, vary continually, and as a general rule increase with the increase of the national revenue. The utmost that can be said for them is that they afford to the local bodies a convenient reservoir to draw from for any exceptional purpose. Thus Leith when starting a municipal lodging-house spent the equivalent grant on it for the first year, and gave it so good a start that



it has been a success ever since. But the writer has been told by one parish official that his council "got no good" from its share of the grant; and it will be found that municipal administrators, while they express almost unanimous approval of the efficiency grants, are all a little dubious about the effect of the grants-in-aid, properly so called. Mr Patten Mac-Dougall, in his evidence before the Royal Commission on Local Taxation, says: "We feel very strongly that if subventions are to be given they ought to be earmarked, and that there ought to be a very strict audit of some kind to ascertain how they are spent. One instance of that I may give. There may be an answer to it. By the Equivalent Grant Act of 1892 £50,000 was given to the parish councils in order to be applied to the rates. That has been applied, I believe, almost invariably to the poor rates, but one is not sensible of any diminution in the poor rate. The rates are compared with the rates of previous years, and no account seems to be taken of any subvention or any grant-in-aid that is given." "I think ear-marking the [imperial subvention] to any specific purpose to which the Legislature may say it should be applied is what we should do. I think that giving generally in aid of the rates is a system which does not tend to the best administration."<sup>1</sup>

From this brief account of the Scottish grants some general conclusions may be tentatively drawn. It is evident, in the first place, that no discussion of the system of grants can be of value unless their effect on the administrative bodies, as well as their financial aspect, is kept in sight. And yet this consideration has been completely neglected by many (even eminent) writers on the subject. Thus Lord Farrer unhesi-

<sup>1</sup> Parl. Paper, c. 9319 of 1899, Q. 18,004 and Q. 18,117.

tatingly condemned the imperial subventions, yet we find him saying: "There is one administrative difficulty which should be noticed. Help has often been given from the public purse in order to induce local authorities to make administrative improvements which they would not make unless their expenses or a part of their expenses are paid. If local funds are wholly separated from imperial funds, this form of help would cease. I am not sufficiently acquainted with the details of local administration to know how far help and interference of this kind is really necessary." Yet possibly the administrative aspect of the grants may far outweigh in importance the financial. The facts brought forward in preceding chapters concerning the working of the grants for police, public health, poor-law medical relief, and education show how greatly they have hastened the progress of our local bodies. The conditions, for example, on which the public health grant is given have secured the employment of men of high professional skill as medical officers of health and sanitary inspectors, and have stimulated the progress of Scottish sanitation to an astonishing extent.

On the other hand, there is an almost universal agreement that the grants in relief of the rates have a bad influence. Even if it be admitted that they are given quite justly from the purely financial standpoint, and in order to secure a contribution to local rates from personal property, still their administrative effect is bad. They tend to extravagance and to laxity. Therefore all grants should be turned into efficiency grants; they should be "ear-marked" to a special service, and given only when certain conditions of efficiency are attained. The residue grant should be certainly devoted to education. For the

equivalent grant many uses could be suggested. Some think it also should be devoted to education. There are, however, two other branches of administration which are greatly in need of supervision. The road administration is absolutely in the hands of the local bodies, and in chap. xi. it was shown what great variations in efficiency resulted from this. Half of the equivalent grant might well be added to the present small grant for roads, and be distributed to the authorities on the condition of their attaining a reasonable level of efficiency. We might then hope that the wretched cobble-stones of Haddington would be replaced by a modern macadamised strip sufficient at least for through traffic. A portion of the road grant should be devoted to establishing a department of roads to which the local authorities would go for advice, and in whose hands could rest the distribution of the grant.

The other half should be expended partly on establishing a Rivers Purification Department of the Local Government Board, and partly on subventions to those local authorities which initiate prosecutions of offending manufacturers, and which take steps to purify their own sewage. It has been pointed out how very lax the health authorities are in this matter, and how the conflict of their double duties, in view of their responsibility both for the drainage of their districts and the purification of rivers, inevitably renders them inert. It should be the work of the department to force reforms on reluctant burghs, and incidentally it might employ a staff of trained chemists and bacteriologists, who should experiment and make periodical reports, thus keeping the very latest discoveries before the local bodies.

Next, the course of events in Scotland seems to

show that grants are most successful when the method of their distribution is not fixed by Parliament, but is left to the discretion of the department concerned. Our legislators may rightly lay down the general rules which are to guide the allotment of the grants, but being amateurs they cannot bring to the discussion that knowledge of minute details which is necessary for the successful solution of the difficulties connected with the distribution. Whenever Parliament has stereotyped the regulations, it has always impeded the usefulness of the grant. Thus the system of allotment in proportion either to valuation (residue grant) or to the sums paid in a definite year (Highlands grant) is absurd; on the other hand, the regulations framed by the Local Government Board for the distribution of the Highlands grant prior to 1890 were admirable. We can say the same of the secondary education grant, of the poor-law medical relief grant, of the police grant, of the sanitary officers' grant. In every case the department concerned, being more familiar with the circumstances, and being relieved from the pressure of constituents earnestly pleading for a distribution which will benefit their own town, is likely both to select and to have the will to carry out the wisest method of distribution. And it should be noticed that the best method will be different in the case of different grants. Thus in many cases where we wish to stimulate expenditure, as, for example, on police and on sanitation, we should give the grant in proportion to the approved expenditure. But if the grant is very small—*e.g.*, the present sanitary grant—it will be better to allot it in proportion to the salaries of officials, and to lay on them the duty of keeping the local authorities up to the mark. But in poor-law matters (other than sick

relief) this method is too dangerous ; there is reason for the suspicion that the pauper lunatics' grant is partly responsible for the growth of lunacy in Scotland. The writer was, at all events, informed by an eminent authority that the increase showed itself mainly in the ranks of the pauper patients. In this case we want some other criterion. Probably the best would be—distribution in direct proportion to population, and inverse proportion to rateable value per head. By this method the poorest and most populous districts would receive the largest grants, which is exactly what we desire.

The agricultural rates grant, we have seen reason to believe, should be abolished, and relief to the occupier procured by classification carried out under the careful supervision of the Scottish Office.

There remains one further question : Should the Local Taxation Account be retained, or should we revert to the former methods of giving grants direct from the Consolidated Fund ? It must be admitted that the Local Taxation Account has not brought about the reforms which were expected. It has not resulted at all in local taxation of personal property. It has not separated imperial and local funds. The Scottish Account receives now each year a certain amount (Part IV.) direct from the Consolidated Fund, and in return certain items formerly borne by the Imperial Treasury, and having no connection with local matters, have been transferred to the account : such are, for example, the grant to the universities and that for marine superintendence. On the other hand, it has perhaps, in Scotland at least, brought about a certain simplification of account-keeping ; and it may be that the knowledge that local relief can come from certain selected items only, and not from

the whole imperial revenue, may prevent that greedy clamouring for help which so many politicians seem to have observed prior to 1888. The question, however, is too complicated for adequate discussion here, and is really of more importance to the imperial than to the local bodies. The latter get their grants in any case, and the questions of the levy and collection of the necessary funds touch them only indirectly. If, however, we retain the Local Taxation Account, some reforms are urgently needed. The present method by which some grants are fixed in amount, while others, being balances, vary very largely from year to year, is undesirable. Would it not be a better plan to fix, not the amount of each grant, but its proportion to the whole? Then, as the Local Taxation Account increases from year to year, each grant would increase also, and we should not find, as at present, the police grant decreasing in proportion to expenditure. Nor, on the other hand, would the various balances (residue and equivalent grants) grow out of all proportion to the natural rate of increase. If the account is retained, some such reform must certainly be introduced. Probably, however, it would be wiser to abolish the account and retransfer the grants to the Consolidated Fund—permitting them, however, to be distributed only under the careful control of various central departments. If this control were strict, it would not be dangerous for the Imperial Treasury to defray year by year a certain fixed proportion of the expenditure of the local bodies, save perhaps in poor relief matters.

Our conclusions, therefore, are—

1. That grants should be given only in relief of expenditure on certain defined services.
2. That the distribution of the grant should be

in every case carried out under the direction of the department supervising the branch of administration to whose expenses it is allocated, and should depend on the attainment of a certain standard of efficiency.

3. That, on the whole, it would be wiser to abolish the Local Taxation Account and retransfer the grants to the Consolidated Fund. But that if this is not done, the grants should be, not a *fixed sum*, but a *fixed proportion* of the revenue allocated for local purposes.

It should be noticed that, in addition to the grants derived from the Local Taxation Account, there are certain others which have continued to be voted by Parliament direct from the Consolidated Fund. Of these the most important are the elementary education grants and the science and art grants. The latter, formerly administered by the Science and Art Department, are now transferred to the Education Department, and distributed in accordance with its regulations. For some obscure reason no reformer has ever desired to see the expenditure on education derived entirely from local sources, nor has described the education grant as a "dole."





## **CONCLUDING CHAPTERS**



## CHAPTER XVIII.

### CENTRAL CONTROL.

THIS subject has already been frequently touched upon in the treatment of the various administrative services, and the present chapter will do no more than gather together the various facts and considerations concerning central control which have been previously discussed.

Local bodies, it was pointed out in the second chapter, have merely delegated powers. The central government does, it is true, in our country leave to them considerable local autonomy; but yet to it they owe their existence, and their constitutions and functions are defined by it, and may be altered by it at any moment. Being subject to the law, they are necessarily also under the jurisdiction of the law courts. And the central government, in order to keep local bodies within the limits of the law, and to prevent their falling below the minimum of efficiency which it may consider necessary, may force them to submit to the supervision of administrative departments. And thus we get the three divisions of central control—legislative, judicial, and administrative. To these we may add a fourth—financial control. It is really a division of the administrative, but its

importance warrants us in placing it in a division by itself.

The Legislature lays down the general law under which local bodies work; prescribes in detail their constitution, and in Anglo-Saxon countries their functions also. Moreover, general Acts not infrequently insist on the observance of certain rules concerning the conduct of business, fix the quorum, decide what majority shall be needed for a resolution on a given subject, &c. In short, the Legislature often not only prescribes the constitution of the body, but to some extent enacts its standing orders. Thus if a burgh council wishes to acquire lands for recreation-grounds or baths, a very complicated procedure must be adopted. The resolution must first be passed by a two-thirds majority of those present at a specially summoned meeting. It must then be advertised in the local papers, and finally only become binding if confirmed by a subsequent meeting, and if no objections from the ratepayers are presented. Under the latter circumstances there is an appeal to the ratepayers by means of a poll. Thus the Legislature interferes in methods of procedure as well as in general constitution and in the delimitation of function.

It is a common complaint that purely Scottish bills receive scant attention in the House of Commons, and are passed with very little comment. But possibly this may not be so great an evil as it seems. For in consequence the bills, carefully drafted by the administration, have been passed without alteration by private members: to this fact may be due the undoubted greater simplicity of the Scottish system. And it has in many cases resulted in giving a freer hand to the administration, which, in matters requiring knowledge of details, is a decided advan-

tage. An example of this was given in the last chapter with regard to the distribution of grants. This greater responsibility has in turn a good effect on the administrative departments themselves. Though under-staffed as compared with the English boards, they carry out their work with remarkable intelligence, and preserve very cordial relations with the local bodies whom it is their duty to supervise.

Great discontent was felt for years with regard to one division of the legislative control—the passing of private and local Acts. The Legislature lays down certain general laws, within whose limits local bodies must confine themselves. But this general law is often under special circumstances incomplete. For many purposes the compulsory power of acquiring property is necessary; but this can be obtained only by a special Act of Parliament or by a provisional order. Or power to provide unusual privileges for the public is desired—*e.g.*, Glasgow's common lodging-houses. Or, again, a town may find itself forced to make special by-laws to meet some new or unusual grievance or difficulty within its own borders. Thus, again, Glasgow was compelled to apply for power to regulate overcrowding by reason of its large number of one-roomed houses. Now, whenever an unusual power of this description is required, the local body is compelled to have a special local Act of Parliament applying only to its particular case. The procedure governing private bills is very complicated, and need not be described at length, because, as we shall see shortly, it is now only rarely in use in Scotland. The bills must be deposited in the House of Lords and the House of Commons by the middle of December in each year, and are read through and commented on by the Lord Chairman of Committees in the House of Lords

and his counsel, and also by the Chairman of Ways and Means in the House of Commons and the counsel to the Speaker. These gentlemen discuss the bills and strike out any clauses which seem to them objectionable, giving, however, an opportunity to the promoters to state their case. They decide in which House each bill shall originate, and receive reports from the various Government departments which may be concerned—*e.g.*, the Local Government Board or the Home Office.<sup>1</sup> The bills must be sent to the Examiner of Private Bills in order that he may assure himself that the various standing orders governing the introduction of private bills have been attended to. And some bills must go also before the Police and Sanitary Committee. If unopposed, the bill then goes straight through the three readings in both Houses, and so becomes law. But if opposed, it is referred to a Select Committee, who hear evidence, often at considerable length, and finally report. There may be an inquiry before Committees of both Lords and Commons. This system had many disadvantages. The impossibility of introducing a bill save at one period of the year; the necessity of summoning many witnesses to attend in Westminster; the expense of railway fares and hotel bills, intensified by the uncertainty as to the exact date at which the committee would require a particular witness,—all these difficulties were felt very keenly, and led to another system, that of provisional orders. A provisional order is practically a private Act, granted for a special purpose and under special conditions, by a Government department.<sup>2</sup> The Board of Trade grants provisional

<sup>1</sup> Scottish departments, however, rarely reported on private bills.

<sup>2</sup> Thus the provisional order procedure really belongs more properly to the administrative control of local bodies, but inasmuch as it is so closely connected with the granting of private Acts, it may more conveniently be considered here.

orders for the construction of tramway lines; the (English) Local Government Board for the acquisition of gas- or water - works. The inquiry, in the case of provisional orders, is local, but is conducted by an official of the department concerned. The provisional order must be confirmed by Parliament, and thus there is occasionally a second inquiry by a Select Committee.

Neither of these methods of procedure was entirely satisfactory. The private bill procedure is cumbrous and expensive to a degree; the possibility of demanding a second inquiry is often taken advantage of by opposers of the bill when all objections have really been threshed out before the first committee. The fact that the inquiry must be held at Westminster makes the attendance of promoters and witnesses an expensive matter, and it is also inconvenient that inquiries can only be taken while Parliament is sitting. The provisional order is cheaper. But to it there are other objections. The officials are often apt to take a less sympathetic view of the necessities of the local authority than does a parliamentary committee, and then, too, they are often hampered by the limitations of the Act establishing the special form of provisional order under which they work. The Board of Trade, for example, can never grant compulsory powers of acquiring land, nor may it permit a local authority to supply gas outside its own area. If a town, therefore, wishes to supply gas not only in its own area but in its adjacent suburbs (which are often quite willing to be supplied by the parent body), a private bill must be promoted, since no such power can be given by provisional order. For many years it was difficult for a corporation by provisional order to obtain power to work as well as construct its tramways. Under these

circumstances it was not wonderful that, notwithstanding the superior cheapness and quickness of the provisional order procedure, local authorities continued to show a preference for local Acts.

The inconveniences of the system were felt in England, but they pressed doubly on the Scottish towns. Owing to the greater distance from Westminster, a Scottish local Act demanded a greater expense of both time and money. Therefore it is not surprising that the most urgent demand for reform came from Scotland. The obstacles, indeed, to Scottish private legislation gave to the agitation for Scottish Home Rule the greater part of the very meagre vitality which it ever possessed. The discontent gave rise to several parliamentary inquiries and to some abortive bills. But finally in 1899 the Private Bill Procedure (Scotland) Act was passed, which now governs the promotion of all Scottish private bills.

The first point to be remarked is that bills (now entitled petitions for an order) may be deposited twice a-year, not once only. There are various regulations concerning the giving notice to any bodies or persons who may be concerned in proceedings proposed in the petition. Plans, documents, and fees have to be deposited with various authorities—*e.g.*, the Secretary for Scotland, parliamentary offices, and whatever Government departments may have supervision of the matters dealt with in the petition. The petitions, together with any dissent or objection, are then sent before the two functionaries who are of so much importance in the case of ordinary private bills,—the Lord Chairman of Committees in the Lords, and the Chairman of Ways and Means in the Commons; and it is their duty to decide which shall proceed by the new method and which shall go before a Select Committee. They are



directed to base their decision on three grounds. If the petition refers to England or Ireland as well as Scotland, then the new method is not applicable. And if its proposals are either of great magnitude or raise a new question of policy, it is held right that Parliament should decide the question. The general result of these regulations is that all Scottish private legislation of a routine character is removed from the direct jurisdiction of Parliament, but that it retains cognisance of matters of extraordinary importance.

The next step for the promoters is to prove before the Examiner of Private Bills compliance with the general orders regarding the giving of notice, the deposit of plans and documents, &c. If the petition is unopposed, the Secretary for Scotland may make the order, subject only to supervision by the Government departments. This latter provision is intended to make it impossible that powers going beyond the general law should slip through unnoticed and un-discussed. Confirmation by Parliament follows, and the third reading only is taken where there is no inquiry.

It is, however, when the petition is opposed that we find the greatest innovation on the old system. If there is opposition the Secretary for Scotland must order an inquiry to be held, and he may order one, if he thinks fit, where there is no opposition. The inquiry must always be local, and is held by persons appointed by an entirely new method. There are two "panels" or lists of persons from which the committee of inquiry may be drawn. The parliamentary panel is chosen by Parliament, and it must be exhausted before recourse is had to the other panel. This is known as the extra-parliamentary

panel, and consists of twenty persons nominated for five years by the two Chairmen and the Secretary for Scotland. Its members receive no salary, but their travelling expenses are paid. Each committee consists of four or five persons drawn from these two panels, and it holds the inquiry, which must be local, and must be held in public after due advertisement. The committee takes evidence and then issues a report, in accordance with whose terms the order is finally granted by the Secretary for Scotland. Where there has been opposition the order comes up for confirmation by Parliament in the ordinary way; but in no case can there be more than one inquiry before a Select Committee.

This method of procedure, besides bringing about great simplifications, has many of the advantages of both the methods which it replaces. The inquiry is local, but is not held by an official who is hampered by working under prescribed limitations. In all probability the presence of the members of the extra-parliamentary panel may prove to be very useful. Hitherto, indeed, their services have been little taken advantage of: members of Parliament have so far shown no unwillingness to act. But possibly this is due to the curiosity felt in a new piece of governmental machinery, and also to the fact that proceedings in Parliament have not of late years reached their usual level of interest. In all likelihood the future will see a change in this respect.

The *personnel* of the extra-parliamentary panel is interesting. We find on it several ex-provosts and lord provosts and several county councillors. It is perhaps not too much to expect that the presence of men who have had actual experience of munic-

ipal administration may cause among the members of the committees a better appreciation of those difficulties in the management of modern communities which lead so often to demands for new and unusual powers.

This new procedure has not been in force for more than a very few years, and its success or failure cannot be definitely proved for some time. But so far no difficulties have been experienced, and all officials of local authorities unite in asserting that it has resulted both in greater cheapness and in greater speed. The town clerk of one burgh, indeed, told the writer that he had been quite amazed at the ease with which he got through a certain important bill which happened to be unopposed.

The second method in which the proceedings of local authorities are controlled by the central government is the judicial control. A local body is set up by law: it is bound to do certain things, and not authorised to do others. If, therefore, it exceeds its powers, or fails to carry out its duties, it can be sued before the law courts. Thus it is not uncommon for road authorities to be sued if their neglect of the roads under their care causes damage to any members of the public. In Anglo-Saxon countries the local bodies and their agents are sued in the same courts as private persons, and their actions are interpreted by the same general principles. On the Continent the case is different. In France, for example, if a police officer exceeds his duty and enters a private house without proper cause, he is not judged as would be a private person under the same circumstances, but by a special code. In England and Scotland, on the other hand, the moment a constable exceeds his duties he becomes

in the eyes of the law a private person, and is liable to be punished for any illegal action precisely as if it were performed by a private person. In France and Germany, again, if the local authority comes into conflict with a private person in any question of local government—*e.g.*, public health—the case is referred not to the ordinary tribunals but to an “administrative court” on which sit administrative as well as legal officials. But in Scotland there is no distinction of the sort; all cases bearing on the work and position of the local authorities are settled by the ordinary courts and by the ordinary principles of law.

The judicial control can never be very strict, for it can be exercised only on the motion of some person who considers himself aggrieved and brings the offending authority before the law courts. But a local body must nowadays be exceedingly inefficient before its negligence strikes a citizen with such a keen and vivid sense of injury as to make him willing to undergo the trouble and spare the time necessary for starting a prosecution, to say nothing of the chance that he may ultimately lose his case and be liable for costs. Nor, again, has the court any effective machinery for enforcing its decision against an offending corporate body.

The consequence is that in this country, as in every other of importance save the United States, the administrative control is gradually superseding the judicial. In Scotland, indeed, the special powers exercised by the sheriff are increasing, and may appear to form an exception; but it seems a truer view to hold that in this case the sheriff is acting really as a branch of the administration, and not as a legal official at all.

A certain tendency to central administrative control appears very early in Scotland, but it never developed. It may be remembered that the Poor Law Act of 1579 contained a provision that the Lord Chancellor should inquire into "the erectiones of all hospitalles," and reduce them as far as possible "to the first institution as may best serve for the helpe and relief of the saidis aged impotent & pure peopil."<sup>1</sup> This might have proved the germ of a control of the poor law system. Similarly in Mary's reign there was an Act passed providing for the auditing of burgh accounts by the central government; but it too was inoperative. Both these laws, in fact, belonged to the class of hortatory rather than legislative enactments, which, as Burton says, were so common among the Scottish Acts.

And therefore central administrative control practically begins with the institution of the Board of Supervision in 1845. It had a very curious constitution: on it there sat the Lords Provost of Edinburgh and Glasgow, three Sheriffs Principal, the Solicitor-General for Scotland, and three members nominated by the Crown, of whom two were respectively chairman and secretary of the Board, and received a salary. Its work was to supervise poor relief, and after 1856 also public health. It was, as pointed out on p. 230, really a board; there was for some time considerable doubt as to who was its parliamentary head. In 1894 the Board of Supervision was abolished and its place taken by the Local Government Board for Scotland. Its constitution is much simpler. It has three active members—(1) chairman, (2) the legal member, (3) the medical member. Practically these three gentlemen discharge all the business of the Board, but three *ex*

<sup>1</sup> See p. 213.

*officio* members may be consulted on occasion. These are the Secretary and Under-Secretary for Scotland and the Solicitor-General. The question of the parliamentary head is now definitely settled. The Secretary for Scotland takes that position.

The office of the Secretary for Scotland was instituted in 1885. Previous to that time many matters dealing with Scottish administration—*e.g.*, police, registration of births and deaths, rivers pollution, &c.—were regulated piecemeal by various English departments, whose officials were often unacquainted with Scottish legal procedure and the social habits of the people. Naturally this condition caused much discontent, and gave a certain impetus to the efforts of those agitators who demanded Scottish Home Rule. Other politicians, however, took a wiser line, and advocated the institution of a department to deal with all Scottish matters connected with local administration. In 1885 their demand was granted by the establishment of the Scottish Office, at whose head stands the Secretary for Scotland. To him were at first intrusted only certain specified branches; but the system proved successful, and in 1887 there was transferred to the Secretary for Scotland the supervision of all administrative functions of Scottish bodies, with a very few exceptions—*e.g.*, the inspection of mines and factories, and of reformatory and industrial schools. These matters are still dealt with by the Home Office.

The Secretary for Scotland is also Vice-President of the Committee of Council on Education in Scotland, and is thus practically head of the Scottish Education Department.

Thus we have three bodies all connected through the possession of the same parliamentary head:—

1. The Local Government Board for Scotland.
2. The Scottish Office.
3. The Scottish Education Department.

The latter body is in the form of a committee of the Privy Council, and its nominal head is the President of the Committee of Council on Education—*i.e.*, the President of the English Education Department. There was for some time a Board of Education for Scotland with headquarters in Edinburgh; but it existed only for a temporary purpose, that of bringing into operation the Act of 1872, and was dissolved in 1878. The Local Government Board is situated in Edinburgh; the Scottish Office has its headquarters in London.

The Local Government Board and the Scottish Office divide between them the duties of the English Local Government Board and the Home Office, though it should be noticed that the division by no means coincides in the two cases. The duty, for example, of supervising the prosecutions under the Rivers Pollution Act falls to the Local Government Board in England and to the Scottish Office in Scotland.

There are other bodies which exercise supervisory powers of a less important character in Scotland. These are—

The Commissioners in Lunacy.

The Home Office (it inspects reformatory and industrial schools, which are sometimes managed by local authorities).

The Board of Agriculture.

The Board of Trade (it grants provisional orders for gas, water, tramways, &c.)

The Harbours Board, &c.

The Congested Districts Board has jurisdiction in the

Highlands. It administers a grant of £15,000 and a direct vote of £20,000 for aiding agriculture and fishing, &c., in the Highlands. It may be mentioned here, but it is really rather a directly administrative than a controlling body.

These bodies, where not identical with, bear a strong resemblance to, their English prototypes. But in Scotland we find one official whose position and power as a central authority are quite unique. This is the sheriff. He is now a resident county judge appointed by the Crown. Although the office originated in the same manner as the English shrievalty, it has developed in an entirely different manner. It was introduced from Anglo-Norman law, with the object of having in each county a person charged with the duty of representing and upholding the king's authority. But the course of constitutional development in Scotland, instead of increasing the king's power, tended to diminish it, and to set up instead the feudal lords. Accordingly, the position of sheriff fell into their hands, and was used as a means of strengthening local jurisdiction. It became in many cases hereditary in certain families, a state of things which continued till after the last Stuart Rebellion. But in 1748 the last hereditary jurisdictions of the Scottish law were abolished, and the sheriffs were henceforth legal officers appointed by the Crown.

There are two classes—the sheriffs principal or depute (so called because they were looked on originally as deputies of the hereditary sheriffs) and sheriffs-substitute. The first class act mainly as appeal judges. They are only fifteen in number, are not debarred from private practice, and, save the sheriff for Lanark, need not reside in the counties to which they are appointed. On the sheriff-substitute falls



the bulk of the work and responsibility. There is usually one for each county. He is forbidden to engage in private practice, and must reside within the area of his jurisdiction. He has very many important judicial functions, and his court corresponds more or less to the English county court. As he is a responsible resident functionary, there has grown up the habit of laying on him many duties, not exactly of a judicial nature but connected with affairs in his area that call for speedy decision. Thus he gives orders with regard to the removal of paupers; if called on, he may divide burghs and parishes into wards. He acts as the official for carrying through the machinery necessary for instituting a police burgh. He decides on the boundaries of special districts. A person applying for poor relief who is refused by the parish council may appeal to him. He often holds local inquiries previous to the granting of provisional orders. He approves certain by-laws—*e.g.*, for the regulation of traffic. Until quite recently he appointed the auditors for burghs. Then since the sheriff is responsible for the peace of the county, he has certain powers over the police, and sits on the standing joint-committee which administers police matters. He makes orders for the closing of old burial-grounds. In short, since he is a resident official, trained in the law, and fitted by his position to take an impartial view, a custom has grown up of allowing him to settle many details of administration which are in England under the supervision of the central authorities in London. All English by-laws, for example, must be approved by the Local Government Board. Thus the presence of the sheriff has led to what may perhaps be called a localised central control. It is exercised by an official appointed by

the central government, and responsible to it alone, but permanently resident in the locality.

The administrative control takes very many forms.

1. It is interesting to observe that it was at first supposed that its main influence would be exerted by means of the judicial control. It was recognised that prosecution of defaulting local authorities would rarely be undertaken by private persons, and the proposition was to give the *power to prosecute* to the central boards. Thus the Local Government Board has power to prosecute parish councils and district committees which do not adequately discharge their functions of poor relief and care of the public health. But the power is rarely used. The Board of Supervision prosecuted only twice between the years 1845-70. Doubtless it is useful to have the power in reserve, but central control is now coming to be exercised by less roundabout methods.

2. One of its most important forms is the supervision exercised over the *personnel* of the local officials. The central body may have power (*a*) to *veto an appointment*. For example, a county council may only appoint a chief constable with the approval of the Secretary for Scotland. In the case of the medical officer of health a formal approval is not legally necessary. But the appointment must be reported, and if not approved, the grant may be withheld. Practically, therefore, an appointment is never made save with the approval of the Local Government Board. The same condition holds true with regard to the chief constable in burghs. Here the approval of the Scottish Office is not necessary for his appointment, but as the grant would be withheld were he not approved, no local body will venture to defy the Secretary for Scotland.

(b) Again, the central authority may have power to *veto a dismissal*, as in the case of the chief constable, medical officer of health, and sanitary inspector.

(c) Or the local authority may have no power to dismiss at all. The inspector of poor, for example, can be dismissed by the Local Government Board and by it only. We have already frequently pointed out the great advantage of this power over appointments. It prevents a corrupt connection between the council and the electors; for the permanent official appoints his subordinates, and his independent position permits him to present a barrier to the exertion of illegal influence on the councillors by their electoral supporters. So, too, in many cases he can oppose private interests on behalf of public, can insist on a rigorous administration of the sanitary by-laws, or vigorous action with regard to badly conducted public-houses, even when his council contains many publicans or owners of slum property. In fact, such a functionary is half a local, half an imperial official, and conciliates more or less the possibly divergent interests of the nation and the locality. There are two classes of officials whose position is not thus safeguarded—teachers and poor-law medical officers. And both are now demanding that the central departments should have a veto on their dismissal.

3. The central authority may have power to *issue positive ordinances* which the local bodies are bound to obey. For example, in the case of epidemics the Local Government Board issues stringent regulations concerning whitewashing, the flushing of drains, &c. There are also regulations with regard to the management of poorhouses. But, speaking generally, this power to issue regulations is much smaller in Scotland than in England. The English boards order, the Scot-

tish advise. In poor-law matters, for instance, the English Local Government Board can issue an ordinance declaring that outdoor relief shall not be given to a certain class of paupers—say, women with illegitimate children. The Scottish Board in such a case could only recommend, not order. But there seems reason to believe that this nominal restriction means greater real power. In England there is a certain amount of friction between the central and local authorities, due partly to the English Board's power of arbitrary enactment, partly to its greater control of financial matters. In Scotland relations between the Board and the sanitary authorities are almost invariably harmonious, and those between the Board and the poor-law authorities generally so. A striking example of this, and at the same time of England's ignorance of Scottish conditions, was given at the Housing Conference held in Glasgow in 1901. At that conference a resolution was proposed condemning the action of the Local Government Board in restricting the progress of municipal housing. The Scottish delegates were bewildered, for, so far from finding their Local Government Board obstructive, they had rather been accustomed to look to it to back them up in their fight against local inertness and indifference. Thus the Scottish Board, though it only persuades and does not order, has, as a matter of fact, great influence over the progress of local administration.

4. One of the most important ways of exercising this influence is by *approval of by-laws*. All by-laws touching sanitary matters must be submitted to the Local Government Board; those concerned with more general matters, such as the control of traffic, go before the sheriff; others require the approval of the Scottish Office.

5. Another method of control is by *inspection* of the local bodies by officers of the central department, and by *reports*. All the parish councils, for example, are systematically inspected every year by the poor-law superintendents, and the result of these inspections is summarised in the reports published as supplements to the Local Government Board Reports. The Education Department, of course, inspects and reports on all the public schools and many of the private secondary schools. The inspector of constabulary visits each year every police force and issues a report on its condition of efficiency, which report contains also any recommendation which the inspector may wish to make. In sanitary matters this systematic inspection is not yet developed; but there is attached to the Board an official whose duty it is to visit any locality where the sanitary administration appears from the high death-rate or any other circumstance to need reform, to inquire into the methods of sanitation, to confer with the local council, and to make any suggestion which he sees reason to think would improve the health conditions of the district. This power of inspection and report, even when unaccompanied by further powers, is valuable as securing impartial criticism and a certain amount of publicity with regard to the doings of local bodies. For example, the Local Government Board in its report for 1901 noticed especially the cases of various councils who were giving with too great laxity aid to widows who possessed other means of subsistence. It also called attention to the cases of the health authorities who had not adopted by-laws regulating various health matters, such as the construction of buildings; it contained a list of those authorities which had not appointed inspectors for enforcing the

Foods and Drugs Acts. But the power gained by this method of inspection is greatly increased when it is coupled with the right of distributing grants, and of laying down the regulations in accordance with which they must be appointed. Grants are so distributed both in police and educational matters. But in the branches of public health and poor law the grants are given irrespective of the reports of the inspectors.

6. Closely connected with the power of inspection and report comes the *power of giving advice*. For example, the Local Government Board gives much advice relative to the management of paupers. It has recently issued a circular recommending parochial authorities to be fairly generous in their allowances to young widows with children who have no other means of support. For the Board holds that in such a case the woman should receive enough to live on, and, while her children are small, should not be compelled to go out to work. Or, again, the Board frames model by-laws, which it brings before the notice of the local authority. Such are, for example, the model by-laws concerning the conduct of tripe-boiling establishments within burghs. In many cases the central authorities advise the local bodies concerning the buildings which they are called on to erect. Thus there are suggestions concerning hospitals and their sites. The Board even wrote to the Astronomer Royal and asked him to calculate to what point of the compass a hospital should face in order to obtain the maximum amount of sunlight. In many ways the central authority supplies to the smaller bodies information concerning the advances made in the sciences dealing with their particular branch, and brings to their notice improvements in administration carried out by

other local authorities. The English Board, equipped with an able professional staff, even carries out experiments on its own account. But in Scotland lack of funds has hitherto prevented that development.

In short, the Local Government Board is a sort of clearing-house of information concerning local administration, and this is certainly not the least important, though it is perhaps the least apparent, of its duties.

To sum up, the central administration control is exercised in Scotland by power—

1. To prosecute ;
2. To control the appointment of officials ;
3. To issue regulations (of less extent than in England) ;
4. To approve or disapprove by-laws ;
5. To inspect and report ;
6. To give advice or information.

The importance of 2 and 5 is greatly increased when backed up by the power to give or withhold grants.

The services which are subjected to central control are the four main branches of local administration—police, poor law, education, and health. But in each of the three last the control is defective. The Board has not a sufficient control over the appointment and dismissal of poor-law medical officers, and the method of administration of the pauper lunacy grant is faulty. The control over primary education is strong, over secondary education is growing, over technical is practically non-existent. The sanitary control is imperfectly developed. The Board can insist on the appointment of properly qualified officers. It can and does exercise coercive powers with regard to the supply of water and hospitals, and in times of epidemic. But it cannot give a grant in accordance with the

general standard of efficiency attained, and no way other than the cumbrous method of prosecution is available for dealing with an authority that fails to remedy nuisances, that passes no by-laws for the regulation of building operations or of noxious trades, that permits pollution of the atmosphere or of rivers to go on unchecked. But yet great results have followed from the appointment of thoroughly competent men as health officials, even although the Board possesses no further powers of compulsion.

The important service—road administration—is not controlled in any way.

There remains for discussion one last form of the central control, which really falls within the administrative control, but is sufficiently important to demand separate notice. This is the financial control. There is always a great temptation to local administrators to misuse the funds in their hands. Before the reforming Act of 1833 there was often not merely laxity and extravagance, but corruption. Land was sold to members of the council at an absurdly low price; in the absence of popular control such "deals" could not be prevented, or even strictly proved, though they were frequently suspected. Several proposals were made that the obsolete law of Mary's time, providing for the audit of burgh accounts, should be revived. But to this the answer was made that it would be wiser to reform the method of electing the council rather than to introduce such a scheme of centralisation. A few years later the reformed method of election was made law, but, though doubtless it caused a great improvement, it has not been found entirely adequate for the control of expenditure. Fraud, perhaps one may say, nearly ceased to exist: this was partly the effect of the regulations forbidding



a member to hold a place of profit under the council or to make a contract with it. But extravagant and illegal expenditure continued. Town councils gave themselves elaborate entertainments; parochial boards spent sums illegally on treats to their paupers. And in the end the financial control from the top as well as from the bottom had to be introduced. And now all the local bodies in Scotland, save the burghs under special Acts and the district lunacy boards, are audited by persons appointed by the central departments. The parish council accounts are under the supervision of the Local Government Board, and county council accounts under the Scottish Office. In both cases there is a power of surcharge—*i.e.*, the auditor may remove from the sum to be defrayed by the rates those items which have been illegally expended, and may “surcharge” them—that is, cast the responsibility for them on the individual members authorising the expenditure.<sup>1</sup> School board accounts are audited by the Accountant for Scotland, who reports to the Education Department; he, however, has no power to surcharge.

In burghs till recently the auditor was appointed by the sheriff: there have never been elective auditors in Scotland. In the six burghs under private Acts the sheriff still appoints an auditor for some departments—*e.g.*, for the Improvement Trust in Glasgow. But in the burghs under the general Act the auditors are now appointed by the Secretary for Scotland; they have no power of surcharge. The system of Government auditors giving their whole time to the work has not so far been developed in Scotland. These auditors are all accountants engaged in private practice, and are almost invariably members of one or other of the

<sup>1</sup> In the case of county councils the approval of the Secretary for Scotland must be obtained before a surcharge is made.

Scottish societies of professional accountants ; but care is taken to appoint a man who has no business connections in that town the audit of whose accounts he is to undertake. In the half-dozen big burghs exempt from the general law, the corporations, as a rule, appoint the auditors, who are usually professional men. Not infrequently the different accounts are divided among different firms, and the audit is almost continuous. Nothing but praise is heard of Glasgow's system of account-keeping, but in some quarters it is believed (and the same view is more strongly held in Edinburgh) that as a matter of principle the auditors should not be appointed by the council, but by an independent public authority.<sup>1</sup>

On the whole, the audit appears to be wisely conducted, and one hears few complaints of unreasonable strictness. It is true that the audit prevented landward parish councils from providing music in their recreation-grounds, but in such a case the proper thing is not to permit them to defy the law but to amend it. In other cases illegal expenditure on workhouse treats has been detected and stopped, with considerable saving to the ratepayers. In fact, there can be no doubt as to the value of the system, and it ought certainly to be introduced, as the Minority Report of the Local Taxation Commission recommends, for the accounts of all the local authorities throughout Scotland. It is true it is sometimes cramping ; for example, a public health official informed the writer that the auditor had objected to the purchase of scientific treatises for the use of the sanitary staff. And perhaps the existence

<sup>1</sup> The recent report on Municipal Trading (Parl. Paper, 270 of 1903) recommends that auditors should be appointed by the corporations (and perhaps also by county councils) for a period of five years, subject to a veto by the Scottish Office.

of a small fund which, like the Common Good, should be absolutely at the disposal of the authority, may be useful. The difficulty may be met in towns where the Common Good does not exist, and in other bodies, by permitting the levy of a small voluntary rate to be applied to the cases which are bound to arise from time to time, where a small expenditure, which seems desirable, is not legalised. Even here the auditor should examine into and report on such expenditure, in order to prevent the councillors treating themselves too frequently to champagne lunches. And in the case of trading enterprises the accountants' audit should be accompanied by a report on the condition of the plant and the sufficiency of the arrangements for sinking and reserve funds.

Financial control also exists over the selling of property and over borrowing. Parish councils, for example, may not alienate any of their property without the consent of the Local Government Board, nor school boards theirs without the consent of the Education Department.

The control over borrowing is not very strict in Scotland. A parish council may only borrow on certificate from the Local Government Board that due provision for sinking fund, &c., has been made. Borrowing for health purposes requires the consent of the Local Government Board, but save in this matter, county councils and burghs may borrow as they please, subject only to certain statutory restrictions concerning the relation of the debt to the rates, and with regard to its repayment in thirty years. We saw reason in the last chapter to believe that these rigid statutory requirements should be replaced by the more flexible methods of central approval.

## CHAPTER XIX.

### SUMMARY AND CONCLUSIONS.

WE have now considered local government in Scotland from various points of view. We have discussed the organisation and the development of the various bodies, the growth of the different functions, the system of finance, and, lastly, the methods of central control. The present chapter will be devoted to pointing out various tendencies which have shown themselves during the last century, and to forecasting possible future developments.

The first and apparently most remarkable feature of the recent history of local bodies in Scotland is the steady progress of a democratic method of election. The beginning of the nineteenth century saw corrupt oligarchies, based on obsolete associations of craftsmen, in power in the towns; the parishes were ruled by the Church; county government was in the hands of the resident landowners. To-day in all divisions of local administration the council is elected on a wide franchise. The members of county, burgh, and parish councils are chosen by the parliamentary electors, with the addition of properly qualified women and peers. School boards are also elected on a wide though somewhat different franchise, while the members of most of the indirectly elected bodies are

designated by the four direct authorities. Thus lunacy boards (save where the parish council is invested with the rights and powers of a lunacy board) are nominated by the county and burgh councils. Secondary education committees are chosen by the county councils and the chairmen of school boards. The trusts or commissioners for the provision of commodities subject to a natural monopoly—*e.g.*, the Water Trust in Edinburgh—are elected by the councils of the various areas concerned. But a few remnants of their earlier powers remain to the former authorities. The trade-guilds still send one or two members to the town councils of Glasgow, Edinburgh, Dundee, Perth, and Aberdeen. The Commissioners of Supply appoint one-half of the standing joint-committee. The Church of Scotland has more completely lost her earlier power. Both poor law and primary education, which at the beginning of the last century were almost entirely controlled by her, are now managed by popularly elected bodies. But the kirk-session continues in a few towns to send members to semi-public bodies. In Dundee, for example, the kirk-session elects a member of the Education Trust. In some cases a tendency is appearing by which representatives to certain bodies are chosen by an electorate based, not on geographical area, but on a special interest or function. Thus millowners are specially represented on River Purification Boards, shipowners on Harbour Boards. Possibly this tendency may increase in the future, but at present the most important feature of the method of election of our local bodies is the final triumph of democracy—a triumph marked by the abolition of parochial boards and the institution of parish councils in 1894.

Democratisation is, we may safely say, now com-

plete. Save perhaps in the extension of the franchise to married women, little remains to be done in this direction. But two other tendencies have been at work which have not yet by any means fully developed. Of these the first is the transference of various functions from the small to the large area. In many directions the district or the county is superseding the landward parish as the instrument of administration. Public health is indeed the only branch in which this movement is completely accomplished. In 1889 the district committees completely took the place of the landward parishes as the organ of public health management. But traces of the same tendency can be detected in other divisions of local government. The school board, which in landward areas is distinctly a parochial body, continues to manage primary education; secondary and technical education, however, are now administered by the secondary education committee and the technical education committee of the county council respectively. And it cannot be doubted that the new English system will soon be introduced into Scotland, and the county council, or perhaps the district committee, replace the school board as the authority even for primary education. The smaller burghs are handing over their police forces to the county. In poor-law matters this tendency to substitute the larger for the smaller area as the unit of management is not so marked, and what signs of it are to be found showed themselves at an earlier date. Thus a very few parishes have formed combinations for all purposes, and a larger number for the maintenance of poor-houses alone, while to some extent the district lunacy boards have replaced the parishes as authorities for constructing asylums. In England road management

also is passing from the charge of the parish to the district, and in some cases to the county. But in Scotland the tendency is to some extent, in this one instance, reversed. The county was formerly the authority for road management; that function passed to the district in 1878, the county continuing to exercise a general supervision. Since that date even the smallest police burghs have obtained the right of managing their own main roads, and many of them have unfortunately exercised this right. Recently, in some few cases, the smaller burghs have shown a willingness to relinquish this privilege, but the absence of any compulsory power in either the county or a central department makes progress slow. With this single exception, the tendency for the larger body to absorb the powers formerly belonging to the smaller is steadily increasing. At the same time, it must not be forgotten that fresh powers and duties are being laid on the latter. The parish can now provide footpaths, sign-posts, libraries, baths, recreation-grounds. And therefore, although it loses its former control over public health and education, it receives fresh power in other directions. Also in many cases a committee of the parish council is appointed by the district committee for the management of drainage or scavenging under the "special district" procedure.<sup>1</sup> The smaller burghs are shortly to lose their jurisdiction over the granting of public-house licences.

The other line of development which is still in progress is the gradual disappearance of the *ad hoc* body. Its rise and fall is almost wholly a story of the nineteenth century. The opening of that century saw in power in Scotland burgh councils in towns, Commissioners of Supply in the counties, the meeting

<sup>1</sup> See pp. 95 ff.

of kirk-session and heritors in the parishes. But the misgovernment of the towns by the craft-guilds led to the appearance, side by side with the burgh councils, of bodies of police commissioners. The parochial board was instituted for the care of the poor law, superseding the burgh councils in many towns; school boards arose; in the counties appeared county road boards and contagious diseases of animals' committees. Wherever any special branch required attention there was instituted a special body for its management. But during the last thirty years this tendency has been dying away, and the present movement of the age towards reconstruction and consolidation is making itself felt in local government as in many other departments of the world's work. In burghs the reformed town councils gradually absorbed the police commissioners, while in 1900 the authorities in police burghs, who had previously borne only the inferior names of magistrates and commissioners, were endowed with the full dignity of the titles of provost, bailies, and council. The county council is gradually superseding all the various authorities in the counties, although the county road board continues a semi-animate existence as a special committee. The parish council in landward areas, which was on its first institution as parochial board a purely *ad hoc* body, devoted solely to the care of the poor, has developed into the general body in charge of the smaller landward area. The special trusts or commissions tend to disappear; in short, the abolition of the *ad hoc* body is only a question of time. The school board is already threatened; the urban parish council will in the end be absorbed by the town council.

Another feature of great importance, which so far has been but little recognised, is the evolution of the



municipal civil service. Formerly many administrative details were intrusted to unpaid citizen volunteers; now the executive work is almost entirely in the hands of paid experts. In poor relief the century has witnessed a complete substitution of paid expert for unpaid amateur administration,—a change which may possibly have been carried farther than is wise. In public health we employ many professional men, the very conception of whose work was foreign to the administrators of the eighteenth century. In road management the amateur “statute labour” has entirely disappeared, and has been replaced by the work of the expert road surveyor and his skilled staff. In Scotland to-day the positions of chief constable, medical officer, road surveyor, gas engineer, tramways’ manager are filled by men of high professional standing, reasonably well paid and with very considerable permanence of tenure, secured to them in some cases by legal enactment and central control, in all cases by public sentiment and opinion. Such officials are selected almost entirely on their merits: they may rise from the subordinate ranks in their own towns to the headship of departments, or a successful man in one town may obtain a post in a larger and more important one. Leith’s present medical officer of health held formerly a similar position in Paisley. The town clerk of Glasgow was transferred from Edinburgh. There is no tendency, as in the United States, to confine incumbency of an important municipal post in any town to its inhabitants only. It would perhaps be safe to assert that Scottish local bodies are served by a civil service superior to that of any other country save Prussia. All subordinate positions are filled by persons chosen by the heads of departments; and since the chiefs

are in no way connected with local politics, do not need to strengthen their position by alliances with one party or another in the council, and have only the object of getting the work under their charge done as well as possible, the opportunities for municipal corruption are much diminished. But to this rule of permanent tenure of office and freedom from interference by local politics there are two exceptions. Both teachers and parochial medical officers hold office at the pleasure of the local body under which they work, and in country districts both alike complain of unjust dismissal on grounds unconnected with their professional duties.

So much we may say concerning changes in organisation. The functions of local bodies do not alter so greatly from age to age. Under every system the poor must be cared for, roads kept in order, and some system of police maintained. And yet, while it is more difficult to shortly summarise the changes in function, it is true that here also there are developments. And perhaps we may say as a rough generalisation that the last century saw three stages, marked not by a complete abandonment of one function and the assumption of another, but by a gradual change in the relative emphasis placed on the different branches of administration. Our local bodies have passed from dealing with the effects of bad social conditions to an endeavour to deal with the immediate cause, and are now gradually turning their attention to the remoter cause. And this has brought an alteration in the relative importance of the various functions. At the beginning of the century poor relief was the most important work of local government; then it was slowly recognised that much poverty arose from causes that admitted of fairly easy remedy—*e.g.*, from

ill-health and lack of education. Therefore remedial public health—*i.e.*, the detection and treatment of infectious disease—and primary education rose into importance. Now we are attempting not merely to cure ill-health, but to provide conditions necessary for good health. We are not only building hospitals, we are enacting building by-laws and overcrowding regulations; in some cases the local authorities themselves provide the commodities necessary for health—*i.e.*, water, model lodging-houses, model dwelling-houses, slaughter-houses, milk (not yet in Scotland); and although the provision of means of communication by local authorities was not undertaken from this motive, but rather from the desire to retain control over the surface of the streets, it is to be hoped that the provision of even unremunerative lines of electric cars may be undertaken as a means of ensuring healthier conditions of life. In police administration the same evolution is visible. At one time the main task of the police was the detection of crime; then they were considered rather to be agents for the prevention of the committal of crime; and now there are many signs that in future their most important work will be the prevention of the cause of crime. Such a development is visible in the greater attention paid by the police to-day to the supervision of public-houses, ice-cream shops, billiard-saloons, and second-hand shops. At the same time, we are coming to realise that to fit children for their work in the world, it is not enough merely to teach them to read and write; we must also equip them with the means of earning their own living. Our administrators, therefore, are turning their attention with greater earnestness to technical education. Thus summarising shortly, we may say that at the beginning of last

century the most important local functions were poor-relief and the detection of crime. Towards the middle of the century interest was keenest in remedial public health, primary education, and the prevention of crime. Now the functions which are rising in importance are preventive public health, technical education, the prevention of the cause of crime. And the change in the relative importance of the functions is to some extent reflected in a change in the relative importance of the different bodies. Town councils and county councils are now usurping the place in the public attention formerly held by parochial boards and school boards.

There are, however, a certain connected group of functions which are an exception to the statement that the work of local authorities changes to a smaller extent than their methods of organisation. Certain modern businesses can only be carried on through the use of pipes or wires laid beneath the streets, or of tracks laid upon the streets. Such businesses tend inevitably to become monopolies, and a progressive town will endeavour to be served by a public rather than a private monopoly. Our burghs are therefore themselves providing water, gas, electric light and power, and telephones. That Scottish towns have been so successful in this field is due mainly to the high standard of the municipal civil service.

The changes in the financial system have been many. The last century witnessed the introduction of a widespread use of rates on land and houses as the most convenient method of raising money for local purposes. The Common Good, the Petty Customs, the voluntary assessment, the assessment on means and substance, have either disappeared or are of much less relative importance. And the rating

system, at first complex and differing from authority to authority, is gradually becoming simpler and more uniform. The tendency is showing itself to levy all Scottish rates one-half on the owner and one-half on the occupier, the net rent being taken as a basis. At present classification of properties and the raising of rates in different proportions from each class is in abeyance owing to the imperial legislation concerning grants-in-aid. But high authorities would welcome its reintroduction.

The history of the grant-in-aid system is too complex to be successfully summarised in a few sentences. Beginning rather as a means of improving local administration than of aiding local rates, it has shown in its later development some tendency to adopt the latter end as its main *raison d'être*. While the introduction of the Local Taxation Account has brought about a certain amount of simplification, it has caused in its turn fresh problems,—noticeably the question of keeping the specific grants at a reasonably steady proportion of the local expenditure, and the contrary difficulty, the disposal of the balance. While it is agreed that the influence of the “efficiency grants” is on the whole beneficial, it is asserted that the grants merely in aid of rates have caused extravagance and laxity in expenditure.

With the question of grants-in-aid is closely connected the system of central administrative control. The other methods of central control, the legislative and the judicial, are gradually diminishing in importance. In Scotland especially the former method is steadily declining. For Parliament, the common legislative body of the United Kingdom and Ireland, and to a lesser extent of the whole Empire, is so overburdened with imperial problems and the domestic

affairs of the other two partners, that quite frequently it merely indicates the outline of Scottish legislation and leaves the details to be filled in by the departments. The granting of private bills, moreover, is now intrusted in Scotland to a new tribunal, to a considerable extent nominated and supervised by the Scottish Office. The judicial control is declining in all parts of the British Empire. The complexity and rapid rate of development of modern civilisation demanded some quicker way of dealing with a delinquent local authority than the cumbrous process of setting the law in motion: there is also the disadvantage that the judicial control can usually only be exercised on the initiative of a private person, while modern conditions require the incessant watchfulness of an impartial public officer.

We find, therefore, that one of the most marked changes which came about in local government during the nineteenth century was the rise and development of our system of administrative control. Local bodies are now inspected and reported on; advice, praise, and censure are meted out to them; their accounts are audited; in some cases (but rarely in Scotland) definite regulations are laid down to which they must adhere; many of their proceedings are only valid after the approval of the central authorities has been obtained; they receive grants of public money if a certain standard of efficiency is reached. In all these ways the nation as a whole is declaring and enforcing its will that a certain standard of education, police protection, sanitation, and poor relief is to be provided for the community governed by even the poorest and most backward local body. But the extent to which central control is exercised varies very much from service to service. It is most rigid in

primary education; it attains its end most fully in police matters. In public health it is increasing, but so far has been limited to the enforcement of a proper provision of water and hospitals, and to a considerable control over the *personnel* of the local staff. In poor law it is fairly efficient, but possibly in this branch the central department is still too much devoted to holding back the local authorities who wish to experiment. In secondary education the main method by which control is exercised is by inspection and report merely. Over road administration and in technical education there is practically no administrative control at all, while the only way in which the central authorities show any interest in the provision of recreation is by repression of the local bodies who manifest a desire to expend the rates for this object.

It will thus be seen that our present system is far from perfect. It contains many gaps and not a few anomalies and redundancies. Still, we can say that there is a system, and not a chaos. The legislation of the end of the nineteenth century laid down a definite plan, in accordance with which future developments must come. What are the reforms most needed?

The first is the abolition of the *ad hoc* bodies: school boards must certainly disappear in a year or two, and probably the functions of the burghal parish council also ought to be handed over to the town council. Moreover, a reclassification of the burghs is desirable. Let only the largest towns have the independent position of a royal burgh; give to the smaller ones the organisation of a police burgh, thus placing them to some extent under the supervision of the county. The very smallest royal and police burghs, whose existence is a blot on the general char-

acter of Scottish administration, should be merged in the county, and endowed with the organisation of a "special district." We should then have a very straightforward scheme, and one easy of comprehension by the electors. In the largest towns the town council would be supreme, and independent of all other bodies save the central controlling departments. By means of committees it would manage its own roads, police, education (primary, secondary, and technical), public health, poor law, and public recreation and amusement. The police burghs could continue to administer their own poor law, public health, primary education, public recreation and amusement. But the county council would have charge of the main roads within police burghs, of secondary and technical education, and of the police system. Royal burghs, therefore, would send no members to the county council; but police burghs could continue as at present to be county electoral districts. In landward areas the authorities would be county councils with the district committees, and parish councils. The parish councils would remain the authorities for recreation and amusement and for poor law. To them might also be committed the upkeep of the primary school buildings. The county would manage police, education (save that in police burghs primary education would be intrusted to the town council, and the parish councils would be responsible for the upkeep of parish schools), roads, (save by-roads in police burghs), public health (but not in police burghs). For some few purposes joint-committees would be necessary. The present lunacy boards might be resolved into standing joint-committees of royal burghs and county councils; and perhaps similar committees might be necessary, as already suggested, for the construction of new roads



and the highest branches of technical education. Minor reforms would be the rectification of parish boundaries so as to abolish the mixed parish and the landward committee, and the admission of women to membership of town and county councils. With regard to the latter point, it might perhaps be wise to introduce the school board system and to insist on no qualifications of candidates save full age and absence of pecuniary interest in the affairs of the council. At all events, when women are made eligible for the membership of town and county councils, not only women electors should be eligible but the wives of electors, otherwise many most valuable members are disqualified. Power should be given to co-opt a limited number of citizens to any committee save that on finance.

In the internal organisation two reforms are desirable: (1) The introduction of a central committee or cabinet, composed of the conveners of all the other committees; and (2) the appointment, under approval of the central departments, of permanent officials in charge of every branch of local administration. Already the latter plan is carried out in police, public health, and poor law; it should be introduced also in finance, in education, and in road administration. To the permanent official should be confided the execution of all details and the appointment of all his subordinates, the approval of his committee being necessary in case of those of highest rank.

The system of central control should be strengthened. In public health a regular inspection of the work of the various authorities should be carried out at intervals; a department of River Purification and Sewage Disposal should be created, with power to distribute a grant to those authorities which adopt

successful purification schemes. There should also be a Roads Department, with power to insist on the construction of new roads where they appear to be necessary, and there is need of greater control over technical education.

At the same time, financial control should be firmer. A regular system of audit of accounts of all local authorities should be instituted, and, in the case of trading enterprises, should be accompanied by a report on the condition of the plant and the adequacy of the arrangements made for depreciation and reserve funds. The present statutory control of loans should be abolished, and should be replaced by the more elastic administrative control.

These suggested reforms would, in truth, make the work of local administration simpler, and would render it easier to attain harmony in the various branches. But even as it is, Scottish administrators have a good organisation at their disposal, and have already accomplished great things. Throughout Scotland the level of administration is high. Our schools are good, although in many towns and counties but little is done for technical education. Our system of public health is much superior to that of England. Our police are usually efficient. In municipal trading we have ventured farther and with greater success than the authorities of towns across the Border. In poor law we provide for our poor more efficiently and yet with less harshness than in England. So far the Scottish people can congratulate themselves on the success of their system of local government.

But the opening century sees us face to face with many problems, brought upon us by the increasing complexity of modern economic developments. Can

we do anything in the government of the landward areas to keep the rural population from flocking into the cities? Can we raise the standard of comfort by stricter health administration, by better schools, and by the provision of libraries and public baths,—luxuries hitherto reserved for the dwellers in towns? And if we turn to the towns themselves even grimmer problems await us. What are we to do concerning the two present difficulties facing poor-law administrators—the position of the aged poor and the terrible problem of the “ins and outs,” the residuum, the unemployed, or rather unemployable? How are we to ensure that all decent citizens are to be reasonably well housed? Are we to encourage our municipalities to build houses, or to make new roads and provide lines of electric car through land suitable for building sites? Or shall we recommend a combination of both schemes? How are we to find some means of recreation and physical exercise for the young in towns and in suburban districts? How are we to combat the love of unhealthy excitement and amusement which makes the public-house and the indecent play and mutoscope exhibition a temptation? These are but a few of the problems which confront town and county councillors, and which must be solved if our country is to progress in civilisation and is not to be demoralised by our crowded, heartless, and agitated modern life.

And therefore we approach our problem in a different temper from those reformers of fifty years ago, who believed that one need but provide universal suffrage, universal education, and universal liberty, and then wait in peace for the millennium to accomplish itself. We must get nearer to our difficulties

and grapple with them at close quarters. We have passed out of the dazzling and blinding light of the dawn of which Wordsworth spoke,—

“Bliss was it in that dawn to be alive,  
But to be young was very heaven”;<sup>1</sup>—

and have come forth into the plain daylight of this our modern world. The earlier reformers had before them only the easy and invigorating work involved in the destruction of mediæval doctrines and institutions. Ours is the far harder, the far less romantic task of slowly and painfully erecting fresh institutions within which this new society, based on the railway, the factory, the coal-mine, may live its life without self-destruction and self-demoralisation. Therefore our programme is less inspiring than the old. Our cries of “Social Reform,” “Efficiency of Administration,” appeal much less to the public than did the old shouts of “Down with privilege!” “One man, one vote.” The old Liberals needed mainly enthusiasm. Our work demands another temper—stern steadfastness, a somewhat cynical acceptance of facts as they are, a distrust of vague idealistic principles, and yet beneath that cynicism a belief that well-made laws and good administration will in time and gradually raise the nation from step to step. It is for this generation to accept the task, and to bring our laws and our administration into line with the newer and more complex organisation of industry and society.

<sup>1</sup> Prelude, Book XI.

## APPENDICES



## APPENDIX A.

### A SELECTED BIBLIOGRAPHY.

*Note.*—There is no existing bibliography which treats the subject at all adequately. The writer has spent some time in endeavouring to remedy this deficiency, and is engaged in putting together what she hopes will be a fairly complete list of publications (books and magazine articles, and Government reports and returns) dealing with local government in Scotland, which have appeared since 1800, together with a few of earlier date. Type-written copies of this larger bibliography will be placed in the British Library of Political Science, Clare Market, London, W.C., and in the Departmental Library of Political Economy, Glasgow University, for the use of future investigators. The present list is designed merely to indicate a few of the more important and interesting sources of information.

#### *Method of Arrangement.*

The few existing sources of bibliographical information are put first. Then come the more important books on the subject, arranged in the following groups:—

- I. General.
- II. Burghs—
  - (a) General.
  - (b) Special burghs—*e.g.*, Glasgow.
  - (c) Special problems.
- III. Counties.
- IV. Administrative functions common to counties and burghs—
  - (a) Police.
  - (b) Public-House Licensing.
  - (c) Public Health.
  - (d) Roads.
  - (e) Lunacy.
- V. Parish Councils and Poor Law.
- VI. School Boards and Education.
- VII. Finance.
- VIII. Central Control.

Within each group law books come first, then general descriptive

books and pamphlets (if any), and finally Government reports and returns. In the sub-groups, date of publication is the usual principle of arrangement, but occasionally for special reasons a book may be put out of its place. The divisions of the bibliography correspond roughly to the chapters of the book, but it has been found impossible to carry out in every case the distinction between organisation and function.

Most of the Government publications are distinguished both by session and number, and by volume and page; but in a few cases only one of these methods is adopted.

#### BIBLIOGRAPHIES.

- Sweet, H. G. Complete Catalogue of Modern Law Books, British, American, and Colonial. 2nd edition. London, 1883. 8vo.  
Serves as a guide to the legal text-books.
- Gross, C., Ph.D. Bibliography of British Municipal History. (Harvard Historical Studies.) London and New York, 1897.  
Excellent as a guide to local history. The references to Scotland can be traced by means of the Index.
- Brooks, R. C. A Bibliography of Municipal Administration and City Conditions. (Issued by Municipal Affairs.) New York, 1897. 8vo.
- Brooks, R. C. Bibliography of Municipal Problems. Municipal Affairs, vol. v. p. 1. New York, 1901.

#### I. GENERAL.

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In addition, the Minutes, Accounts, Reports, &c., printed for their own use by many local bodies, should be consulted. These are, how-

ever, difficult to obtain. Those collected by the writer in the course of her work are now in the British Library of Political Science, Clare Market, London, W.C. The future investigator will also find much information in the magazines devoted to special branches of administration—*e.g.*,

Municipal Affairs. New York.

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## APPENDIX B.

TABLES showing the financial position of local authorities in Scotland during the year 1900-1901 :—

- I. Receipts, classified according to source.
- II. Municipal Trading.
- III. Rates.
- IV. Imperial Subventions.
- V. Expenditure, classified according to purpose.
- VI. Expenditure out of Loans, and Loans outstanding, classified according to purpose.
- VII. Loans outstanding, Gross Rental, &c.
- VIII. Comparison in Population, Gross Rental, Receipts, Expenditure, and Outstanding Loans between Edinburgh and Glasgow and their respective suburban burghs, and all the burghs in Scotland (including Edinburgh, &c.)

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*N.B.*—The accounts of most authorities refer to the year ending May 15, 1901, but in some cases the accounts are made up to different dates.

TABLE I.—REVENUE OF LOCAL BODIES IN SCOTLAND (CLASSIFIED ACCORDING TO SOURCE) DURING THE YEAR 1900-1901.

Name of body.	1 Income from property.	2 Dues, fees, tolls, &c. <sup>1</sup>	3 Rates or asses- ments. <sup>2</sup>	4 Imperial sub- ventions. <sup>3</sup>	5 Unclas- sified. <sup>4</sup>	6 Total.
	£	£	£	£	£	£
Burghs (206) .	264,272	3,594,609 <sup>2</sup>	1,859,218	296,183	143,143	6,157,425 <sup>3</sup>
Counties (88) .	3,781	117,815 <sup>2</sup>	694,489	304,307	34,362	1,154,694
Parishes (876)	23,623	31,115	907,251 <sup>4</sup>	302,282	31,711	1,236,982
School boards (973).	3,204	44,691	961,167 <sup>5</sup>	1,088,135	30,050	2,128,247
Other bodies <sup>1</sup> .	...	912,213 <sup>2</sup>	59,407	1,715	51,352	1,024,687
Total .	299,830	4,700,443 <sup>2</sup>	4,431,532	1,992,627 <sup>7</sup>	290,608	11,763,035

<sup>1</sup> Heritors' meetings, harbour boards (80), district lunacy boards (17), fishery boards (38).

<sup>2</sup> Water rates (£409,145) are, for the purposes of this table, taken out of column 3 and placed in column 2.

<sup>3</sup> These figures include the gross revenue from municipal trading enterprises. For a fuller analysis see Table II.

<sup>4</sup> Education rate not included.

<sup>5</sup> Amount collected for school boards during the year, not total sum paid over by the parish councils.

<sup>6</sup> Grants from the Local Taxation Account and direct payments from the Treasury.

<sup>7</sup> Secondary education grant of £97,000 (see p. 269) is not included in this total.

<sup>8</sup> Sales of property, of manure and town refuse, &c.

TABLE II.—PARTICULARS CONCERNING MUNICIPAL TRADING ENTERPRISES DURING THE YEAR 1900-1901.  
(Gross Revenue and Expenditures, &c.)

1 Enterprise.	2 Gross revenue. £	3 Working expenditure. £	4 Net revenue or deficit. £	5 Payment in respect of debt. <sup>s</sup> £	6 Payments to contingent, &c., funds. <sup>s</sup> £	7 Surplus or deficit. £	8 Loans out- standing. £
<b>B.<sup>1</sup></b>							
Water . . . . .	749,441	257,069	+492,382	506,649	123	-13,390	8,749,615
Gas . . . . .	1,820,385	1,642,820	+177,565	249,603	4,295	-76,333	2,669,031
Electric light . . . . .	217,813	120,668	+97,145	92,961	6,339	-2,176	2,035,430
Harbours . . . . .	928,706	539,846	+388,860	407,871	8,172	-27,183	10,858,459
Tramways . . . . .	604,693	492,698	+104,995	100,225	2,419	+2,351	3,198,053
Total of Class B . . . . .	4,221,038	3,060,111	+1,160,927	1,566,509	21,548	-116,730 <sup>r</sup>	27,523,450 <sup>s</sup>
<b>A.<sup>2</sup></b>							
Baths and wash-houses . . . . .	25,863	41,783	-15,900	15,347	..	-31,247	257,321
Lodging-houses . . . . .	22,398	19,438	+2,960	4,672	491	-2,203	127,004
Slaughter-houses . . . . .	.. <sup>3</sup>	35,043	.. <sup>3</sup>	11,016	..	.. <sup>3</sup>	176,427
Dwelling-houses . . . . .	.. <sup>3</sup>	32,914	.. <sup>3</sup>	76,689	..	.. <sup>3</sup>	1,904,460
Markets . . . . .	.. <sup>3</sup>	10,860	.. <sup>3</sup>	4,882	..	.. <sup>3</sup>	91,339
Total of Class A . . . . .	48,261 <sup>4</sup>	140,028	-12,940 <sup>4</sup>	112,606	491	-33,450 <sup>4</sup>	2,555,551
Total of A and B . . . . .	4,269,319	3,200,139	1,247,987	1,468,915	21,839	-150,180 <sup>r</sup>	30,149,001 <sup>s</sup>

<sup>1</sup> Connected with roads or means of communication.  
<sup>2</sup> Connected with the public health.  
<sup>3</sup> The income from these enterprises is not given separately in the returns. It is probably so small as to be of little importance. A portion of it—e.g., the returns on dwelling-houses—is included in column 1 of Table I.; the remainder is placed under the item customs, slaughter-house, and market dues, which in the case of burghs amounts to £99,114.  
<sup>4</sup> These totals and the totals in the column below do not include revenue from slaughter-houses, markets, and dwelling-houses, but refer only to baths and wash-houses and lodging-houses, and in the column below, to returns from or payments to these enterprises + the corresponding totals from Class B.  
<sup>5</sup> Interest, instalments, and payments to sinking funds.  
<sup>6</sup> Payments to contingent, depreciation, or reserve funds.  
<sup>7</sup> This figure is at first sight somewhat startling. Probably a portion of the deficit is due to the fact that it is difficult to distinguish between private and public expenditure and revenue in the case of gas and water. But see Appendix C.  
<sup>8</sup> Includes, in addition, debts of £24,062 and £55,800 incurred for light railways and telephones respectively. Neither class of enterprises had started at the date when the returns were drawn up, and no items of revenue or working expenditure were available.

TABLE III.—SHOWING TOTAL RATES LEVIED BY EACH CLASS OF AUTHORITIES, AMOUNT LEVIED IN RESPECT OF OWNERSHIP, &c.

Class of body.	Total rates. <sup>1</sup>	In respect of ownership.	In respect of occupancy.	Amount of rate per £ of gross rental.	Amount per head of population.
Burghs . . .	£ 2,179,736	£ 552,109	£ 1,627,627	Burghal authorities. <sup>2</sup> s. d. 2 - 7·9	£ s. d. ... ..
Counties . . .	783,116	506,058	277,058	Landward authorities. <sup>3</sup> 1 - 0·8	... ..
Parishes and school boards .	1,868,418	992,464	875,954	Parochial authorities. <sup>4</sup> 1 - 4·1	... ..
Other bodies . . .	59,407	59,019	388	...	... ..
All Scotland	4,890,677	2,109,650	2,781,027	3 - 5·2	1 - 1 - 10·4

<sup>1</sup> Including water rate, entered in column 2 of Table I.

<sup>2</sup> Burghs and harbour boards.

<sup>3</sup> County councils and district fishery boards.

<sup>4</sup> Parish councils, school boards, and heritors' meetings.

The sums required by district lunacy boards are obtained by requisition from town and county councils, and are included in the rates levied by those bodies.

TABLE IV.—SHOWING AMOUNT OF IMPERIAL SUBVENTIONS TO EACH CLASS OF BODIES, RATE PER CENT OF TOTAL GRANTS, &c.

Class of body.	Amount of grants. <sup>1</sup>	Rate per cent of total grants.	Approximate rate per £ of gross rental represented by grants.
Burghs . . . . .	£ 296,183	14·9	s. d. 0 - 4·3
Counties . . . . .	304,307	15·3	0 - 4·9
Parishes . . . . .	302,282	15·2	} 0 - 11·7
School boards . . . . .	1,088,135	54·6	
All Scotland . . . . .	1,990,907 <sup>2</sup>	100·0	1 - 4·8

<sup>1</sup> Excluding secondary education grant, £97,000.

<sup>2</sup> This total falls short of that in Table I. by £1715; this sum was paid to harbour and port authorities.



APPENDIX B.

TABLE V.—EXPENDITURE (NOT DEFERRED) UNDER EACH HEAD—1. WORKING EXPENSES; 2. PAYMENTS IN RESPECT OF DEBT (INTEREST, INSTALMENTS, AND PAYMENT TO SINKING FUND); AND 3. TOTAL CLASSIFIED ACCORDING TO PURPOSE, AND SHOWING UNDER EACH HEAD—1. WORKING EXPENSES; 2. PAYMENTS IN RESPECT OF DEBT (INTEREST, INSTALMENTS, AND PAYMENT TO SINKING FUND); AND 3. TOTAL.

Name of body.	1 Police. <sup>1</sup>		2 Public health.		5 Trading enterprises, including public health. <sup>5</sup>	6 Roads (including lighting). <sup>6</sup>	7 Trading enterprises involving use of roads and harbours. <sup>7</sup>	8 Poor law. <sup>8</sup>	9 Education. <sup>9</sup>	10 Recreation. <sup>10</sup>	11 Administrative expenses not included in other heads. <sup>11</sup>	12 Unclassified. <sup>12</sup>	13 Total.
	A. Preventive. <sup>1</sup>	B. Remedial. <sup>2</sup>	Total of A and B.	Total of A and B.									
Burghs . . . 1	£ 360,917	£ 184,428	£ 545,345	£ 145,586	£ 594,114	£ 2,474,083	£ 46,165	£ 286,420	£ 192,066	£ 288,161 <sup>10</sup>	£ 59,063	£ 4,890,922	
2	19,981	51,668	71,649	115,647	80,968	860,013	188	59,063	60,780	164,927	1,648,961	1,648,961	
3	370,845	236,096	606,941	261,233	675,182	3,334,096	188	64,123	178,536	249,704	1,664,924	6,364,803 <sup>11</sup>	
Counties . . . 1	£ 311,988	£ 41,835	£ 353,823	£ 449	£ 517,884	£ 45,950	£ 96,675	£ 42,770	£ 28,158	£ 992,099	£ 833	£ 992,099	
2	8,216	18,590	26,806	59	94,834	64,180	363	..	..	50	138,596	138,596	
3	290,164	60,425	350,589	601	512,718	709,130	363	..	..	86,908	1,118,996 <sup>11</sup>	1,118,996	
Parishes . . . 1	£ 29,098	£ ..	£ 29,098	£ ..	£ 3,000	£ ..	£ 1,192,613 <sup>9</sup>	£ 2,079	£ 2,424	£ 15,709	£ 1,165	£ 1,900,086	
2	11,851	..	11,851	..	931	..	29,881	..	..	1,145	..	36,833	
3	16,244	..	16,244	..	2,069	..	1,165,963	..	..	2,569	16,874	1,826,869	
School boards . . . 1	£ ..	£ ..	£ ..	£ ..	£ ..	£ ..	£ ..	£ ..	£ 1,893,925	£ ..	£ ..	£ 1,893,925	
2	..	..	..	..	..	..	..	..	348,207	..	..	348,207	
3	..	..	..	..	..	..	..	..	2,217,132	..	..	2,217,132	
Other bodies <sup>1</sup> . . . 1	£ 49,694	£ ..	£ 49,694	£ 49,694	£ ..	£ 548,018	£ 37,073 <sup>7</sup>	£ 75,560	£ ..	£ 12,848	£ 647,628	£ 647,628	
2	5,377	..	5,377	5,377	..	407,871	75,560	..	..	560	487,968	487,968	
3	53,071	..	53,071	53,071	..	965,889	112,633	..	..	12,468	1,154,596	1,154,596	
Total . . . 1	£ 579,069	£ 175,768	£ 754,837	£ 149,028	£ 1,043,998	£ 3,065,801	£ 1,940,765	£ 1,969,585	£ 1,940,765	£ 180,480	£ 997,899	£ 9,890,810	
2	85,147	65,058	150,205	112,666	105,023	1,387,073	348,411	61,080	348,411	60,985	158,587	2,542,785	
3	607,216	849,875	1,457,091	261,654	1,149,021	4,452,573	1,267,596	2,030,239	2,289,239	181,405	538,959	12,072,395	

1 Heritors' meetings, fishery boards, harbour boards, district lunacy boards.  
 2 Including purposes enumerated in chapter I.  
 3 Registration of births, deaths, and marriages.  
 4 Churchyards and burial grounds.  
 5 For further details see Table II.  
 6 Probably this includes expenditure on vaccination, which (if distinguishable) ought to have been entered in column 2.  
 7 Lunacy expenditures.  
 8 Includes salaries, upkeep and purchase of buildings, cost of registration of voters, of elections, of collection of rates, and of valuation.  
 9 Includes general purposes, public and private improvements, &c. Two items of special interest are—fire brigade, £49,422; ecclesiastical purposes, £29,700.  
 10 Includes contributions to contingent and de-preciation funds, £18,968.  
 11 Lunacy expenditure ought to appear in these totals, but as the returns do not distinguish county and burgh contributions, it is impossible to allocate it, and it is placed in the totals of "other bodies."

TABLE VI.—SHOWING (1) EXPENDITURE OF LOCAL BODIES IN SCOTLAND DEFRAIDED OUT OF LOANS DURING YEAR 1900-1901, AND (2) LOANS OUTSTANDING AT CLOSE OF YEAR, BOTH CLASSIFIED ACCORDING TO PURPOSE.<sup>1</sup>

Class of body.	1		2		3		4		5	6	7	8	9	10	11	12	13
	Police.	£	A. Re-medial.	B. Pre-ventive.	Public health.		Trading enter-prises connected with public health. <sup>2</sup>	Trading enterprises involving use of roads and harbours. <sup>3</sup>									
Burghs . . . 1	7,668	196,970	147,337	843,307	163,544	87,520	3,877,343	..	159,645	..	1,005,130	113,951	174,307 <sup>4</sup>	2,416,354	..	27,066,530	
Counties . . . 2	307,960	1,948,560	713,054	2,660,514	2,554,863	1,116,748	15,589,708	..	..	..	..	1,310,945	2,632,650 <sup>4</sup>	..	..	..	
Counties . . . 2	18,981	83,451	31,246	54,997	109	11,713	143,054	..	..	..	..	17,907	..	..	..	..	
Parishes . . . 1	100,065	333,898	183,201	420,594	688	283,947	1,145,233	..	..	..	..	23,123	..	..	..	..	
Parishes . . . 2	..	16,304 <sup>2</sup>	..	16,304	..	..	..	..	..	..	..	40,625	..	..	..	..	
School boards 1	..	114,998	..	114,998	..	1,203	..	..	..	..	..	204,164	..	..	..	..	
School boards 2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Other bodies 1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Other bodies 2	..	9453	..	..	..	..	..	..	..	..	..	..	..	..	..	..	
Total . . . 1	86,619	245,785	169,533	614,308	163,633	99,263	3,831,975	196,343	375,637	186,843	1,600	128,708	161,845	177,318	4,400,519		
Total . . . 2	408,045	2,308,896	894,855	3,197,151	2,555,551	1,896,897	17,589,450	1,894,545	4,800,509	1,004,516	2,199	1,845,563	2,632,637	13,497	46,396,450		

<sup>1</sup> Item 2 in Table V, payment in respect of debt, may usefully be compared with the figures of this table.

<sup>2</sup> For a further analysis of columns 5 and 7 see Table II, column 2.

<sup>3</sup> Burial-grounds.

<sup>4</sup> Including fire brigades and general burgh expenditure.

TABLE VII.—SHOWING GROSS RENTAL, LOANS OUTSTANDING, AND AMOUNT OF LOAN PER £ OF GROSS RENTAL FOR EACH CLASS OF BODY AND FOR ALL SCOTLAND.

Authorities.	Gross rental.	Loans outstanding.	Amount per £ of gross rental.
Burghal . . .	£ 16,410,576	£ 38,600,253	£ s. d. 2 - 7 - 1
Landward . . .	14,881,593	2,504,414	0 - 3 - 4
Parochial . . .	28,490,856	5,131,783	0 - 3 - 7
All Scotland . .	28,490,856	46,236,450	1 - 12 - 5

The loans outstanding amounted to £10, 6s. 9d. per head of estimated population. But of this total by far the larger proportion is most unlikely ever to be a burden on the rates. A debt of £27,598,450 has been incurred for remunerative enterprises of Class B (see Appendix C), and practically all debt charges are defrayed from the revenue. Another £2,555,551 is incurred for such public health enterprises as are only partially remunerative. Speaking roughly, a debt of £16,000,000 only is a direct charge on the rates. This represents per £ of gross rental about 11s. 6d. only, and per head of estimated population about £3, 12s.

TABLE VIII.—SHOWING POPULATION, GROSS RENTAL, RECEIPTS, &c., OF (1) EDINBURGH AND LEITH; (2) GLASGOW, GOVAN, PARTICK, KINNING PARK; AND (3) OF ALL THE BURGHS OF SCOTLAND.

	Population.	Gross rental.	Total receipts.	Rates. <sup>2</sup>	Imperial subventions.	Total expenditure (not defrayed out of loans).	Loans outstanding at close of year.
Edinburgh (with Leith).	394,898	£ 3,294,111	£ 1,085,606	£ 407,965	£ 54,281	£ 1,145,554	£ 5,632,166
Glasgow (with Govan, Kinning Park, and Partick).	912,033	5,670,908	2,859,623	854,122	126,868	2,939,815	11,483,758
Total of Glasgow and Edinburgh with their adjacent burghs.	1,306,931	8,965,019	3,945,229	1,262,087	181,149	4,085,369	17,115,924
All the burghs of Scotland	2,926,849	15,243,431	6,238,944 <sup>1</sup>	2,179,736	296,183	6,487,941	27,066,539

<sup>1</sup> Includes payments £31,519 from other authorities, not included in column 6 of Table I.

<sup>2</sup> Includes water rate.

## APPENDIX C.

## MUNICIPAL TRADING.

As the preceding pages have discussed this important topic in a somewhat piecemeal fashion, it has seemed worth while to collect into a short note the various conclusions arrived at.

Municipal enterprises fall into two classes: A (those undertaken from considerations of public health, pp. 192 ff.), and B (those entered on to prevent undue interference with the streets and to retain public control over a natural monopoly, pp. 206 ff.); to these may be added a third class—*i.e.*, communal provision of amusements by a "pleasure-city," not for the immediate benefit of its own citizens, but for their indirect advantage through the visits of tourists. In it may be placed such enterprises as the provision of casinos, bathing-machines, &c., by watering-places. Undertakings of this third class are not, however, found in Scotland, and are even in England of much less importance than classes A and B. They will not, therefore, be further discussed.

In the remarks on class A it was shown (p. 194) that enterprises falling under it were not, and could not be, run to make a profit, and a reference to Table II. shows that only in one case is there a small surplus when working expenses have been paid, while the revenue from slaughter-houses, dwelling-houses, and markets is apparently too small for separate statement. On this class, when all debt charges have been met and payments to reserve funds made, there is a deficit considerably larger than half the total revenue. The existence of a deficit is not, however, necessarily a condemnation of municipal action in this case. These undertakings are really a branch of the health administration of the town; the dangers to the community from insanitary markets and lodging-houses, and from the absence of bathing facilities for the working-classes,

are so pressing that every precaution must be taken against them; and while the community may partially recoup itself for its expenditure by a small charge, yet this charge is not calculated to cover the cost of the commodity or service provided. In some local Acts the burghs are actually forbidden to charge more than a certain maximum for baths; yet I was assured by the officials that there would be little, if any, diminution in attendance were the charges raised, for the demand for baths already greatly exceeded the accommodation. Although enterprises of this nature cause in proportion to the capital invested a much greater loss to the ratepayers than the least satisfactory example of Class B, they arouse little keen opposition. For they are not monopolies. The provision by the town council does not (save in the case of slaughter-houses) interfere with the private trader as such, although the town council's regulations may make it impossible for the small or less efficient trader to remain in business. And there is, indeed, much to be said for this class of enterprises. Now that public health is admittedly an important branch of administration, we may agree that it is both wiser, and possibly in the long-run cheaper, to provide people with the conditions of healthy life than to cure diseases caused by bad conditions. To sanitary officials, with their enthusiastic belief that the function of the health department is to keep all the citizens healthy and happy, any arrest in the development of these enterprises will seem totally unjustifiable. But possibly their preoccupation with health considerations may blind them to other aspects of the question. In the first place, the financial side merits more attention. Class A rarely pays its way, and causes frequently a considerable deficit. Now the ratepayers *may* get their money's worth from the burdens thrown on the rates. They benefit by cleaner markets and slaughter-houses, by the extermination of pestiferous slums and the erection of healthy dwelling-houses, and by the greater personal cleanliness in the general population. But obviously this line of development cannot be pursued indefinitely, and the difficult question will be to decide just where to stop. Good and plentiful food is a health necessity; why should not the town council supply it as well as healthy and sufficient dwelling-houses? And this takes us to the second consideration. In so far as the community supplies the work-

ing man with commodities which he cannot purchase himself there is a danger of pauperisation. But this danger varies with the character of the commodity or service supplied. The provision of free education or libraries does not pauperise; there is little degeneration of character to be apprehended in a butcher who uses a municipal slaughter-house which does not pay its way, or in a lad who bathes in a municipal bath, the fee for which is designedly less than would be necessary to make the bathing establishment self-supporting. But a municipal lodging-house might become a mere alternative to the casual ward, or the provision of sterilised milk for babies at less than cost price a form of outdoor relief. On the other hand, it can be urged that decent house accommodation and a practical lesson in the methods of infant feeding are really educative, and may do more to raise than to lower the character. And it is also said that in practice the town council not infrequently introduces improvement in methods of production which serve as a pattern to future private traders. In Glasgow a former employee of the council is now running lodging-houses on the same lines as the corporation houses, and is said to be making a profit. In short, if any extension of these health enterprises is contemplated, many complex considerations must be taken into account, and no hard and fast rules can be laid down.

When we turn to Class B, the necessary considerations are equally complex, but are totally different. It was indicated in pp. 206 ff. that the distinguishing characteristic of this class is that all enterprises included in it are monopolies. Their development involves the disturbance of the public means of communication, and therefore from the nature of the case no competition is permanently possible. Harbours also have been placed in this class, since in each town the harbour company or board is a monopolistic body in charge of a means of communication. On p. 207 we pointed out how great in the case of such monopolies is the justification for public management,—a justification which has no relation whatever to the character of the service in question. Water is a necessity, gas a comfort, electric light and telephones luxuries; all alike are natural municipal monopolies, and may therefore be justifiably supplied by the town council. And their relation to the finances of the town will be entirely

different from that observed in the former case. Enterprises of Class A will usually be subsidised to a greater or less extent by the rates. In Class B, as a general rule, a profit is to be anticipated, and if year after year a permanent deficit appears, then a return should be made to private management (save, perhaps, in the case of water, which is not only a natural monopoly but also a necessity for health). It is true that Table II. shows deficits (save in the case of tramways) even on this class of enterprises, but in every case there is a considerable surplus over working expenses, and it appears possible that the figures, which are collected piecemeal from the Local Taxation Returns, may not really indicate the correct financial aspects of the undertakings in question. It is uncertain whether the interest on sinking or reserve funds accumulated in connection with these enterprises is entered in the property revenues of the town council or in the gas or water revenue. Moreover, it is not clear that the public expenditure on water, gas, and electric light, which is rightfully a burden on the rates, is kept distinct from the expenditure on that part of the establishment which supplies private consumers (see p. xxxiv of Local Taxation Returns, 1900-1901, where no items for the repayment of debt on public lighting are entered, it being stated that they are included under other heads). When these allowances are made, it will be clear that the deficit can be but small. Even when taken as it stands, it bears but a small proportion to the total revenue, and could easily be extinguished by a slight rise in charges.

Indeed, the occasional existence of a small deficit is not unlikely to result from the line of policy indicated on pp. 293 ff. In Scotland the profits from these municipal monopolies are never used to relieve the rates: if a surplus exists, charges are cut down or the service so improved as to swallow up all profits. The endeavour is to make the enterprise just self-supporting, and a small error in calculation may result in a deficit.

It is unnecessary to repeat the discussion on the disposal of the surplus from any municipal enterprise. It may be used to relieve rates, to meet the deficit on another branch of municipal trading, or to give a cheaper and better service. On the whole, the last policy is the best, but should not be



enforced on a town by the central authorities, since at times special reasons may justify other applications of the surplus. If, however, the town trades outside its own area, then the principle of "no relief to rates" is the only admissible line of policy.

It is now apparent how sharp a distinction can be drawn with regard to Classes A and B (1) in their financial aspect, (2) in their relation to the possible pauperising of the people. A town enters on undertakings of Class A because private enterprise fails to supply a commodity necessary for the health of the people at a reasonable price. A profit can never be expected, and considerable subsidies from the rates are often justifiable. With regard to Class B, on the other hand, the impelling motive in municipalisation is the desire to retain in public control a natural monopoly. Subsidies from the rates should never be permitted, and the management of the town must be held to have failed unless (a) there is a surplus, or (b) the service is improved, or (c) the charges are decreased. If any monopoly of this class results year after year in a burden on the rates, it should be transferred to a regulated private company—except the provision of water. Again, in the first class the character of the commodity is the all-important factor in any consideration of the pros and cons of municipalisation. If it is necessary for a healthy life, and is of such a nature that its provision below cost price will not lead to pauperisation, then the case for municipal enterprise is made out. But in Class B the character of the commodity is of no importance. If it is the subject of a natural monopoly, and especially if its supply involves interference with the surface of the streets, then, although it is a luxury, the argument for municipalisation will be strong.

Many arguments against municipal trading are based on the supposition that there is an inherent difference in the organisation of a public and a private enterprise. Formerly, no doubt, this was the case. But now that limited companies are taking the place of the single *entrepreneur*, and that public bodies are learning to employ trained men as their managers, this difference is greatly diminished. The board of directors corresponds to the committee of the municipality; in both cases the actual details of management are undertaken by a salaried official. It

was, indeed, pointed out (pp. 61 ff.) that the employment of electors in the municipal establishments gives some opportunity for inefficiency and corruption, but this can easily be remedied by adoption of the salutary rule that all appointment and dismissal of workmen is to be left entirely to the manager.

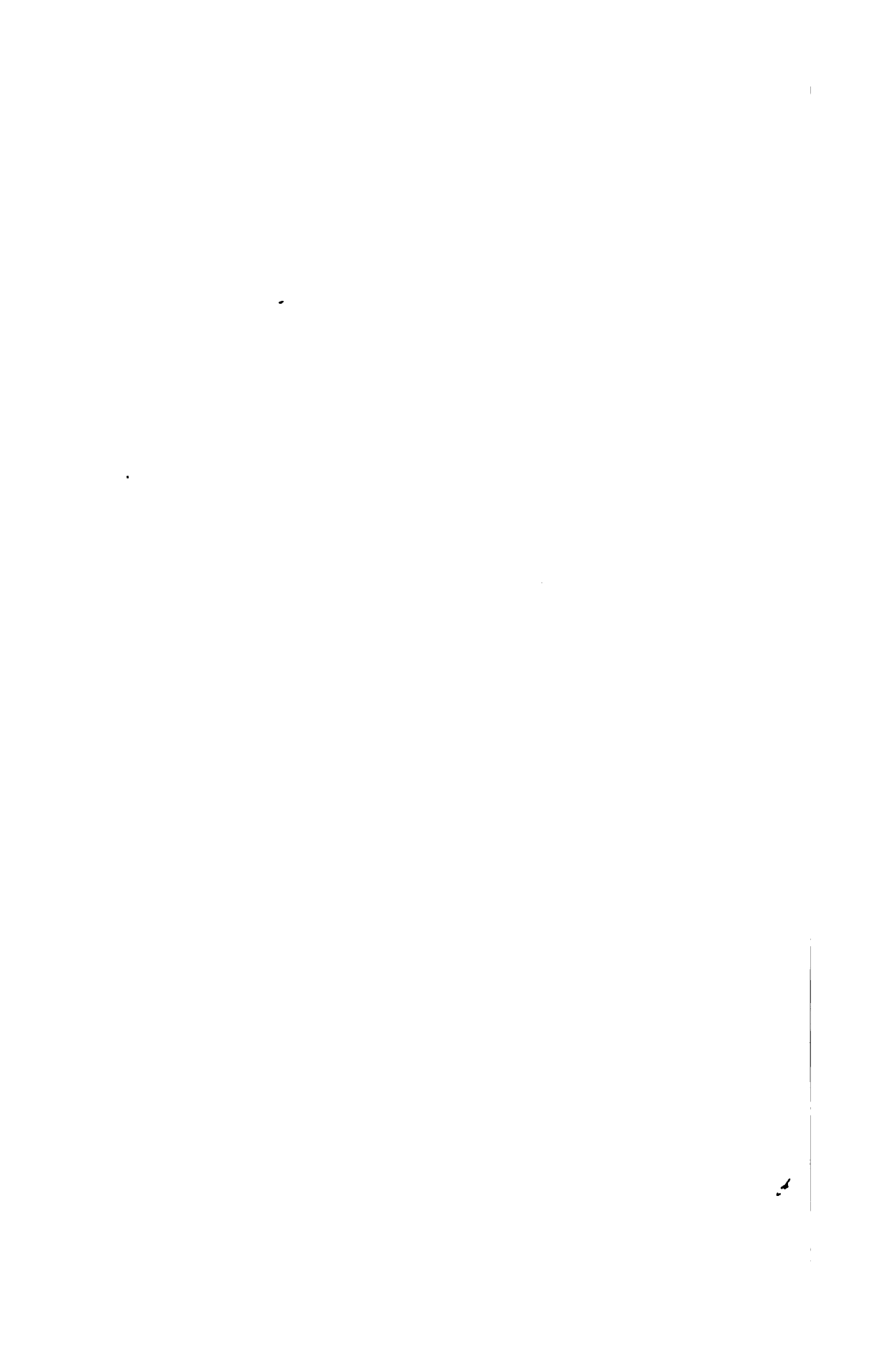
Again, a curious confusion of thought prevails with regard to the money invested by public and private bodies respectively in municipal monopolies. In both cases alike there is an asset and a liability. Gas- and water-works, whether public or private, form part of the nation's wealth, and should be counted among assets. And to establish these enterprises public and private bodies alike must incur debt, the former from the investors in municipal stock, the latter from their shareholders. But in the popular mind the wealth invested in a private enterprise is an increase in the capital of the country, while that invested in a municipal undertaking is a debt. And we find journalists and writers in magazines discoursing in an alarmed fashion of the immense increase of municipal liabilities, without any consideration of the valuable properties in which these sums of borrowed money are invested. The note to Table VII. showed that considerably more than half the local debt of Scotland is invested in remunerative undertakings of Class B.

It is not fair, however, to make a comparison between public and private management of these undertakings without allowance for the different objects aimed at. An ignorant upholder of private enterprise might easily conclude from Table II. that municipalisation has failed in Scotland. But it should be remembered that while in private undertakings the main object is a satisfactory dividend, a public enterprise is run for the purpose of giving the citizens the best service possible at cost price. In Scotland the gas and tramways departments are held to have succeeded if, while they just pay their way, they provide better and cheaper gas and service of trams than the former companies. The real basis of comparison in such a case is not the financial result, but the character of the service. And there can be no doubt that in the cities of Scotland municipalisation comes off triumphant from any such test.

Is public management, then, always superior to private? By no means. There are many cases in which the best results will be attained by a regulated private company. It is not

desirable to put a trading monopoly in the hands of a governing body whose members include no men of practical business training and ability, or whose employees obtain their situations by corruption and favouritism. Thus an American city, with its "political" council and inefficient staff, will obtain a better service from a private company, and a small British agricultural or residential town will be unlikely to possess in its council sufficient business ability to run trading enterprises satisfactorily. But a big industrial city of the North, whose prosperous merchants count it alike an honour and a duty to give up some portion of their lives to public work, and whose civil service contains professional men of high rank and character, will deal successfully with all the municipal monopolies.

In short, we see that in this difficult subject no hard and fast rule applicable to every case can possibly be laid down. Different criteria apply to different classes of undertakings; variations in local conditions must be taken into account; the success of municipal enterprises must not be judged in the same way as the success of private enterprises. But one thing can be said, and said with emphasis: the first essential to a wise policy on this subject is full knowledge of the facts, and it is to be hoped that the recent recommendations of the Select Committee on Municipal Trading will be speedily adopted, and that all accounts of municipal enterprises will be audited by professional auditors appointed either by the central government or, with the approval of the latter, by the local authority. These auditors should issue annual reports, noting specially the existence of surpluses and deficits (*a*) on working expenses, (*b*) when all debt charges, &c., have been met. They should describe the methods of dealing with these surpluses or deficits and their relation to the general finances of the town, and should also indicate the arrangements for the liquidation of debt, and for the accumulation of depreciation and reserve funds. Our knowledge of the trading enterprises of towns would then be complete and accurate, and it would be less difficult to frame and carry out a consistent policy.



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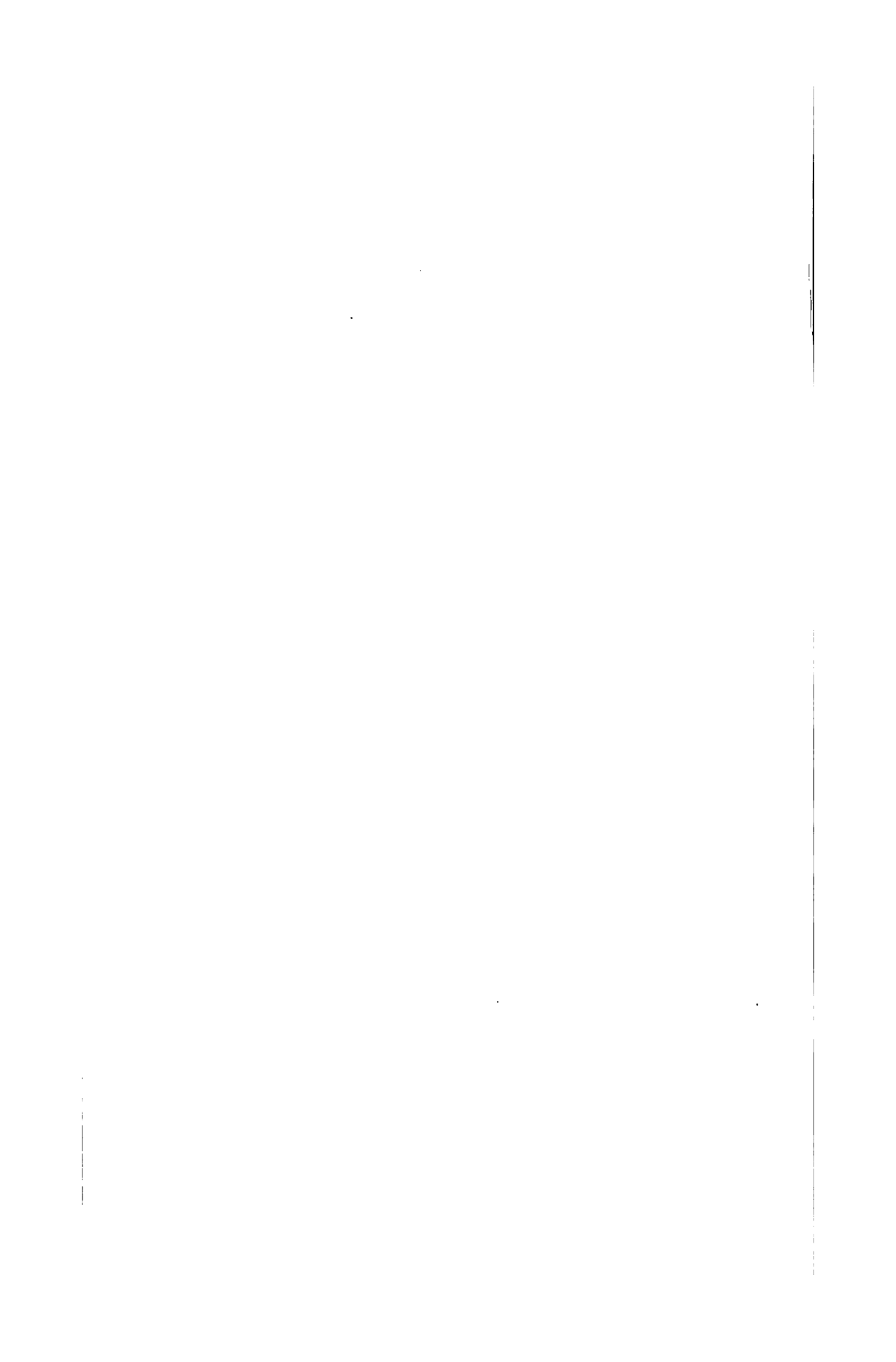
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