Dhananjayarao Gadgil Library

GIPE-PUNE-003722

Parochial Self-Government in Rural Districts.

ARGUMENT AND PLAN

BY

HENRY C. STEPHENS, M.P.

SPECIAL ISSUE.

LONDON:

LONGMANS, GREEN & CO., AND NEW YORK: 15, EAST 16TH STREET. 1893.

All Rights Reserved.

COPYRIGHT.

1893.

HENRY C. STEPHENS, M.P.

First Edition, Royal 4to, 12/6.

Second Edition, Crown 8vo, 1/
Special Issue, for Presentation only.

V3,6A(96).M5 C3 37.22

PREFACE TO THE SECOND EDITION.

This edition of the Author's treatise on Parochial Self-Government has been published in compliance with the suggestion made by most of the reviewers of the first edition—that the work should be issued in a cheaper and more convenient form.

Since the first edition appeared, the Government have introduced into the House of Commons a Bill concerning Parish Councils, and it might naturally be inferred that it is a Bill having objects similar to those aimed at by the draft Bill for Parish Government contained in the present work, but first printed more than four years ago.

In fact, however, there is no resemblance at all between the two Bills. Their principles and machinery are as distinct from and as strange to one another as the Equator and the Poles.

The Author's object is to refer, for as many purposes as practicable, the action required upon parish affairs in rural parishes to the general body of the inhabitants, who are the individuals personally affected, and are in contact with and have under their eyes the facts upon which action has to be taken. The machinery proposed by the Author's Bill practically amounts to a restoration of the old liberty of and powers for administration possessed by the inhabitants in vestry assembled. In those popular assemblies personal rights and property interests balanced their claims if they were found to clash, and, with free discussion and common consent founded upon it, the inhabitants, for at least a century and a half, carried on their parish business with striking and quite incontestable success. Nor did any indications of decay appear until, through the effects of centralizing aggressions, all parochial independence had been gradually extinguished.

On the other nand, the "Bill for Local Government in England and Wales," introduced by the Government, is conceived in a totally different spirit and unfolds an apparently opposite intention to that of the Author. It deprives the Parish of important and responsible powers, and confers none which are not trivial in value or in extent. The effective powers for direct parish management, now possessed collectively by the inhabitants, and the understanding and personal guard of their interests which they obtain from direct management would disappear. As the Bill stands the inhabitants would be forced to transfer their powers for direct management to a very few elected persons, called a Parish Council.

Under such rule the mind and information of the inhabitants as a body cannot be utilized for local welfare. The Parish Council, if elected as proposed for a long fixed term, would be lifted beyond the reach of the inhabitants, whose influence upon it could only be occasional and dubious, while on the other hand, a control over parish affairs of an overwhelming character and immediate and continuous in its action, would, under the Bill, be acquired by centralized authorities.

Parish Councils so constituted would not confer authority upon the inhabitants, but would

really withdraw it from them, at the same time providing a veil for concealing the advance of centralizing methods into Local Government. It is a change of this description which appears to be contemplated by the Government measure.

If the Bill should be passed upon its present basis, it will certainly disappoint the existing expectations of relief and reform. On the one side, the centralization it introduces is of a kind which, far from relieving, must increase the load upon Parliament, and on the other its irritating and wasteful meddling at the root of local administration must weaken instead of developing local faculty.

September, 1893.

PREFACE.

For some years past the Author has worked at the proposal for establishing rural self-government which is embodied in the following pages. He has been impelled to do so from a strong conviction that very great advantages in the past have been, and in the future might be, obtained from the administration of local affairs upon a system which would at once inform the mind, and engage the responsibility, of ratepayers through their practical participation in the work of local management.

A careful study of Poor Law Administration from its commencement to our own day shows how self-government, when confined to areas within which it had the effective understanding conferred by the sight of local facts, achieved most striking successes, while the centralized administration which superseded Parish Management, being dependent upon Report, could not acquire the intimate complete and living knowledge necessary to make its action safe, and thus drifted into a corruption and wastefulness threatening national bankruptcy.

A desire to afford a clear explanation has prompted the Author to present his suggestions for Parish Government in the form of a Bill. The errors and omissions in such a Bill must of necessity be very numerous, but, notwithstanding these inevitable shortcomings this mode of treatment is preferable for clearness of explanation, to methods of a more abstract character in which terms of merely general description are employed.

The Author may at once anticipate some criticism by admitting that he is quite aware of the tolerably obvious risks connected with this mode of handling so large a subject. He is also conscious of having no plea to excuse his presumption, beyond the qualification of much practical experience, gathered from unofficial service over a long period of time in nearly every branch of local administration.

INDEX

							PAGE
PREFACE TO THE SECOND	EDI	MOIT	•	•	•		iii.
PREFACE		•		•			vii.
INDEX	• .				•		ix
TABLE OF CONTENTS .	•		•	•			xii.
· 1	PAR	T I.					
THE PRESENT POSITI	[ON	AND	ITS	DIF	FICU:	LTI	ES.
Chapter I. CAUSES OF	Ext	BAVAC	ANCE	, AN	D M	18-	
managemen with Larg			100AL	AUT	HORIT	IES	1
., II. THE LOCAL			T		•	•	•
1888 .		· SHNME		. ROPO	•	OF.	6
" III. THE EXISTING	в Во	ARDS (of G	JARDI	ANS A	ND	
THE PROPO	SED	Ruba	r Di	STRIC	г Сот	JN-	
CILS .	•	• _	•	•	•	•	9
" IV. THE PARISH			_		-	•	15
" V. THE PARISH	AND	Rur	AL I	EPOP	ULATI	ON	19
" VI. THE PARISH A	day)	Сомро	וומאט	G FO	r Rat	ES	23
,, VII. THE PARISH	AND	Divis	ION (F D	JTIES		27
,, VIII. THE DECEPT	ION	BELON	GING	TO	Pari	SH	
Councils	•	•	•	•	•	•	28

PART II.

CONCERNING DEPARTMENTS OF LOCAL MANAGEMENT.

	AGB
Chapter I. THE PARISH AND POOR RELIEF-	
Division 1. THE EXISTING ASSUMPTIONS ARE BASELESS	36
,, 2. Centralizing Aggressions caused the Breakdown of Poor Relief Manage-	
MENT	43
,, 3. THE CENTRALIZED MANAGE- MENT AT WORK	62
,, 4. The Path to True Reform	78
" 5. OLD AGE PENSIONS	88
,, II. THE PARISH AND PUBLIC HEALTH	91
,, III. THE PARISH AND HIGHWAYS	96
,, IV. THE PARISH AND EDUCATION	99
" V. THE PARISH AND CHARITY PROPERTY .	105
,, VI. THE PARISH AND ALLOTMENTS	108
PART III.	
WHAT IS WANTED.	
THE OBJECTS TO BE SECURED BY A PARISH GOVERN-	
	116
Division 1. ONE RATING AUTHORITY	116
,, 2. ONE AREA	121

PAGE.
Division 3. Direct Self-Management by the Rate- payers
,, 4. DECENTRALIZATION BY THE AGENCY OF COUNTY COUNCILS
PART IV.
A SYSTEM OF
COMPLETE LOCAL SELF-MANAGEMENT
ESTABLISHING
ONE RATING AUTHORITY AND ONE AREA ONLY
UNDER THE COUNTY.
·
Division 1. A General View of the Parish Government Bill
,, 2. Summary of Provisions under the Parish Government Bill 135
,, 3. Draft of the Parish Government Bill 139
PART V.
Appendix of Finchley Vestry Minutes, with Table shewing Assessments, Rates, AND MEETINGS FROM 1780 TO 1841 157
Division 1. Vestry Minutes of Finchley, from
Easter, 1769, to Easter, 1770 163
,, 2. Vestry Minutes of Finchley, from Easter, 1798, to Easter, 1799 174
,, 3. Vestry Minutes of Finchley, from Easter, 1825, to Easter, 1826. 216
,, 4. VESTRY MINUTES OF FINCHLEY, FROM EASTER, 1839, TO EASTER, 1840 258

TABLE OF CONTENTS.

PART I.

THE PRESENT POSITION AND ITS DIFFICULTIES.

Chapter I .- Causes of extravagance and mismanagement among

Local Authorities with large Areas . . Page 1

The ratepayers apathetic and indifferent, and why—Continuous drifting to a bureaucratic system for centralized control—Large Local Authorities not in touch with their practical work—Large local areas a cause of degeneration in local administration—The multiplication of Committees compels blind decisions—Large local areas render administration too exclusively official—Necessity for keeping separately in view the true functions of small and large local authorities.

Chapter II.—The Local Government Proposals of 1888.

Page 6.

Overwhelming details of Local Government Bill of 1888—The entanglement of areas—The extravagance from authorities spending, rating and borrowing independently—The helpless position of ratepayers—These reforms not attempted, but remaining powers of parish extinguished—Rapid legislation assists departments in keeping and acquiring power—Below County Councils the Bill would have imposed centralization—First, by subjecting inhabitants to Local Authority—Second, by subjecting Local Authority to Central Departments.

Chapter III.—The existing Boards of Guardians and the Proposed Rural District Councils Page 9.

The existing Boards of Guardians—The spirit of local self-government broken down—Table of Parishes as distributed among Unions—Union Boards too bulky to manage parishes—Daytime meetings and distant meeting-places prevent desirable persons from becoming Union Guardians—Rural District Councils practically identical with Boards of Guardians, and north useless for local self-government.—Would have reduced the influence of inhabitants to vanishing point.

Chapter IV .- The Parish as the Local Unit .. Page 15.

In old countries new local areas cannot be imposed by central authority—Secular parishes go back beyond record as units of local self-government—Traditional and general customs rooted in parish, hence its persistent vitality—Table of population of Parishes—No valid reason for objecting to small parishes—Parish Committees acted during consent.

Chapter V.—The Parish and Rural Depopulation . . Page 19.

Dangers of rural depopulation—Perverse deportation of local business makes country life dull, but this dulness powers for sound self-government would sweep away—Parish self-government would give to agricultural labourers real opportunity for general improvement—Cultivation in small holdings would arrest rural depopulation, but parish institutions are required.

Chapter VI.—The Parish and Compounding for Rates. Page 23.

Legislation on rate compounding—Compounding lowers self-respect, and destroys parochial order and equality—Evidence of Poor Law Commissioners—By compounding poor save nothing, local authorities lose, and owner pockets an allowance he does not earn—Natural instincts for economy among poorer ratepayers may be depended upon—Parish Government Bill offers safeguards.

Chapter VII .- The Parish and Division of Duties. Page 27.

Better administration obtained by dividing parish duties—Willingness to come forward becomes greater, as parish duties are fairly apportioned.

Chapter VIII.—The Deception belonging to Parish Councils.

Page 28.

Parish Councils upon urban basis completely unsuitable for rural parishes-Modern machinery offers to ratepayers as wire-Fight, but nothing else, whereas self-management in parishes rarely requires election voting-Method of vestry was common consent by common knowledge out of open discussion-Local Management now arbitrarily conducted, and ratepayers excluded from knowledge and control-Old open parish meetings gave inhabitants knowledge of one another, whereas present system stimuz lates electioneering manœuvring, but keeps inhabitants ignorant of one another-Ratepayers' associations are anomalous, but pathetic protest, against long fixed term-To make local managers irremovable for fixed periods would be disastrous innovation, inexcusable in rural parishes-Irremovable fixed periods leave ratepayers with no power to protect themselves, and in state of injurious irritation against local authority-Continuity of management would be REALLY PROMOTED BY NOT BLECTING FOR A FIXED

TERM—IRREMOVABLE FOR FIXED-PERIOD PARISH COUNCILS would displace open deliberation by secrecy and intrigue—Irremovable-for-fixed-period Parish Council would create petty tyranny in parish, and provide effective implement for carrying out extreme centralization.

PART II.

CONCERNING DEPARTMENTS OF LOCAL MANAGEMENT. Chapter I.—The Parish and Poor Relief.

DIVISION 1.—THE EXISTING ASSUMPTIONS ARE BASELESS.

Independent parish management of poor has been the most successful—Central departments instinctively labour against decentralization of control—Charge against vestry management of poor is flatly opposed to facts—Parish administration gave promise of extirpating pauperism—43rd Elizabeth and New Poor Law of 1834 compared—State of country immediately before passing 43rd Elizabeth—Charge for poor did not increase under management by parishes—Important judicial opinion in 1790, preferring small districts on ground of their better provision for poor—Individual care required to cure pauperism.

DIVISION 2.—CENTRALIZING AGGRESSIONS CAUSED THE BREAKDOWN OF POOR RELIEF MANAGEMENT.

Page 43

By 43rd Elizabeth provision for poor made in parish church upon Sunday after divine service-13th and 14th Car: II. Chap. 12 throws light upon actual working-3rd Will. and Mary Chap. 11 prescribed that inhabitants should meet as often as convenient to consider and give relief-Power given to a justice irrelevant and probably unintentional-Poor Law Commissioners in quotation omit words "or as often as it shall be thought convenient," a power essential to working of 3rd and 4th Will. and Mary-Evidence of Poor Law Commissioners affirms that parish management under utmost decentralization gave 100 years of successful administration—8th and 9th Will. III. Chap. 30—For 110 years legislature never intervened except to enlarge control of inhabitants—The Act of 9 Geo. I., though passed to remedy mischiefs arising from power given to justices, and intended to increase parish powers, unintentionally became first step towards disorganization and overthrow of parochial self-government-How destructive degradation of parish responsibility and management brought about.—Power of arbitrary interference conferred upon justices caused respectable persons to cease attending vestries and to avoid office of Overseer—Vestries and overseers thwarted in their plans by inconsiderate interference of justices-Provisions 9th Geo. I. spread very slowly among parishes-With independence and full responsibility, open vestries conducted parish

affairs with thoroughness, order and economy-During 150 years from 43rd Elizabeth, independent parish management had "nearly exterminated pauperism," thereafter centralization by successive legislative steps suppressed independent parish management—22 Geo. III., endeavour to squeeze out all parish control and independence by close centralization-33 Geo. III. presents centralisation proceeding by its normal method of degrading unpaid local service-33 Geo. III. took from parishes power to impose workhouse test, and gave power to magistrates to order relief as they thought fit-By 1796 vestries had ceased to have any responsibility for poor relief-Overseers liable to punishment by magistrates, were induced to behave treacherously to the inhabitants-In 1801 "magistrate-appointed" guardians allowed to force taxation, and to spend and borrow money without consent of inhabitants - 50 Geo. III. Chap. 49 transferred audit of overseers' accounts from inhabitants to magistrates-50 Geo. III. Chap. 50 gave power to force parishes into spider's webb of 22 Geo. III.—Act 55 Geo. III. gave magistrates power to order relief for three or six months-59 Geo. III. Chap. 12 practically recognized that centralization was struggling with evils of its own creation-For more than 160 years direct parish management made rating low, whereas in 40 years centralization of poor relief management caused a crushing taxation.

Division 3.—THE CENTRALIZED MANAGEMENT AT WORK Page 62.

Centralizing bias of 1834 report, shown by omission to refer to Gilbert's Act, intended to stifle all parish independence—Centralization forced impossible duties upon magistrates—Overseers could only furnish magistrates with knowledge by report—"Allowance" system, "Roundsman" system, "Labour rate" system, "scales of relief" system, devised by magistrates and imposed by them-"Scales of relief" and "labour rate" devices set up in substitution for local responsibility-Breakdown of poor relief conclusively attributable to centralizing legislation-Centralization by displacing individual investigation in poor relief increased pauperism enormously — "Roundsman system," parish employment," and other mechanical make shifts, as put in force by magistrates-Singular remarks by Commissioners apparently exhibiting bias-Disastrous consequences, attributable to centralized system, superseding parish control—Laxity of administration and scandal greatest from practice of stipendiary magistrates—At Cholesbury cost of maintaining poor exceeded whole yearly value of land—Flood of pauperism arrested by New Poor Law-For about 170 years out of 230, poor relief managed independently by parishes with low and decreasing expenditure; during next 60 years, as parochial administration gradually broken down, poor rate charges increased enormously.

DIVISION 4.—THE PATH TO TRUE REFORM .. Page 78. In rural parish there are conditions of "everybody knowing every-

body else," which provide knowledge for successful out-door relief...Finchley Vestry minutes exhibit method and particulars of direct management of poor relief by ratepayers in rural parish -In rural parish out-relief best as it is under constant sight. In union out-relief dangerous because beyond supervision-Poor Law orders for prohibition of out-door relief hopelessly struggle against candour and good sense-Parish offers most capable working and most strict accountability for management of poor relief, especially out-relief-Out-relief requires close abundant supervision of recipients at their own homes. Parish can provide it, but impossible for union to do so—"Test employment" is valuable safeguard which parish could freely and economically use, but union helpless about it, because too far away-Distant union administration encourages sporadic charity. Parish could organize all its charity for complete dealing with its pauperism and cure of it-County Council control standing between parishes and Local Government Board would improve both local management and national control-Parish Government Bill proposes arrangements for indoor and outdoor relief in conformity with different requirements for their administration.

DIVISION 5.—OLD AGE PENSIONS Page 88.

"Old Age Pensions" would provide new and important bulwark against pauperism—Knowledge and faculty for adaptation to differing circumstances of locality and industry best provided by County Authority—Parishes recommend themselves for local agency from habit of agricultural poor to engage in co-operative assurance against livelihood risks—With poor relief on parish basis, parish fashion and discipline would powerfully support "Old Age Pensions"—County Council guarantee would be as effective as Imperial guarantee, and self-interested advocacy of parish agency better than Post Office.

Chapter II.—The Parish and Public Health. . . Page 91.

Present Rural Sanitary Authorities are screens for centralized direction—One central authority "all that can be requisite to secure complete local government"—Arbitrary powers given in Sanitary Acts upon inducement of promises which have not been redeemed—Central authority by pretence of assistance has checked local effort—Public Health Act, 1875, sections 15 and 22, has caused waste of millions upon sewage disposal—Inspectorism, expertism, and officialism of "One Central Authority" have largely contributed to existing deadlock in sewage purification—Plan of "Parish Government Bill" gives sanitary powers to parishes, but supervision and control to County Councils.

Chapter III.—The Parish and Highways. .. Page 96.

Two areas for highway management among rural parishes—Act of 1875, Highways Act, 1878, and Public Health Act, 1875, provide management by Parish Surveyor, Highway Board, District Highway Board, or Rural Sanitary Authority—Highways under Local Government Act of 1888—Highways with parochial administration under county control—Scheme of Parish Government Bill.

Chapter IV .- The Parish and Education. .. Page 99

Union Board useless as School Attendance Authority—Through want of time and unmanageable area—It cannot enquire, or administer, or attract, outside assistance—Parish has unrivalled qualitications for perfect discharge of school attendance duties—Larger amount of public money now given to schools makes management more of public trusteeship—One or more self appointed persons provide management—Parish management would place Education Department in far better position for control of every kind—Parish Education Committee acting during consent of inhabitants affords superior administration—Continuity of management better secured by allowing inhabitants constant influence than by fixed-term School Board—Scheme under Parish Government Bill.

Chapter V .- The Parish and Charity Property. Page 105

Statutory enactments and Commissions of Inquiry issued before present century—Lord Brougham's and other Commissions of Inquiry leading to Charitable Trusts Act, 1853—Existing supervision and general powers of Charity Commissioners—Dissipation caused by present management of charity funds would be avoided by direct parish administration under existing audit and control of Commissioners—Management of parish charities according to Parish Government Bill.

Chapter VI.—The Parish and Allotments. . . Page 108

Union Boards useless for provision of allotments—Reasons for introducing so-called Appeal Act of 1890—Causes of failure in both 1887 and 1890 Acts the same—Large areas with their unavoidable centralization make machinery intricate and costly—Obvious course to give power where knowledge and interest lie, because precise appreciation of local facts is an absolute necessity—Parishes have the needed propulsive force—County Councils would beneficially exercise various powers of Court of Control over parishes—Reports of Poor Law Commissioners—Mr. Okeden—Mr. Majendie—Boards of Guardians and Standing Committees of County Councils too isolated and remote for management or for help—Scheme for allotments under Parish Government Bill.

PART III.

WHAT IS WANTED.

The objects to be secured by a Parish Government Bill.

Division 1.—ONE RATING AUTHORITY ... Page 116. Extravagance only preventible by placing expenditure and taxation under one responsibility—Powers over one purse independently exercised by different authorities must induce competitive expenditure—Local Government Board audit pretends much but can effect little—Is power to borrow up to two years possessed separately by each of, or collectively between, local authorities of a district? No reliable answer can be given—Consent of Local Government Board for borrowing a saare—True economy depends upon local knowledge of inhabitants—Instead of independent taxing and spending authorities, parish expenditure should be drawn to one focus, for forecast and regulation under Parish Budget—Parish to govern its expenditure and taxation, under control of County Council.

Division 2.—ONE AREA

.. Page 121.

To establish one area only under County—Parishes with existing powers to unite or sub-divide can furnish convenient areas for all local needs.

DIVISION 3.—DIRECT SELF-MANAGEMENT BY THE RATEPAYERS Page 122.

Why should not rate ratepayers have direct control?—Why fear their direct management of local affairs?—Independent open vestry managed poor relief with extraordinary success—Local self-government versus centralization—Illustration of old basis of open vestry, its methods, meetings, and general work of local self-government—Common consent marked feature of vestry action—Miserable substitution of "plebiscite" voting for direct practical powers—Parish Committees to act during consent of inhabitants.

DIVISION 4.—DECENTRALIZATION BY THE AGENCY OF COUNTY COUNCILS Page 127

If powers for self-management be given to parishes their County Councils must connect with them for supervision and control—Supervision by Local Government Board over thousands of parishes impracticable—Parliament now too overloaded to check official abuses in Departments of Central Government, though

such abuses cannot be otherwise repressed — County Council supervision would help development of parish administration—Local Government enquiry at present dissatisfying proceeding and full of needless secrecy—Contrast presented between hearing before Court of Law and hearing by Local Government Enquiry—County Councils could furnish capable and open Court for local enquiries—County Councils should not only decentralize control over parishes, but also assist towards necessary national control over general local administration.

PART IV.

A SYSTEM OF COMPLETE LOCAL SELF-MANAGEMENT ESTABLISHING
ONE RATING AUTHORITY AND ONE
AREA ONLY UNDER THE COUNTY.

Incorporation of Parish—Meetings of ratepayers and voting—Of chairman of vestry and overseers—Parish Committee paymaster and tax collector—Parish officers—Committees for special purposes—Administration of Poor Laws—Execution of Public Health Acts and Burial Acts—Appeal to Local Government Board against action or default of County Council—Administration of Education Acts—Administration relating to Highways—Charitable Trusts Committee—Allotments Committee—Administration of various Acts—Payments, Accounts, and Audit.

Division 3.—DRAFT OF THE PARISH GOVERNMENT BILL.

Page 139

Short title—Interpretation of terms—Incorporation of Parish—
Meetings of inhabitants in vestry—Meetings how to be called—
Voting at meetings—Poll of parish—Minutes—Election of chairman—Election of overseers—Election of parish committee—Clerk
and treasurer—Appointment of officers of parish—Officers for
joint parishes—Officers not to contract with parish—Officers
entrusted with money to give security—Power to appoint committees—Joint committees for two or more parishes—Administration of poor laws—Overseers and Guardians of parish to form

Board of Guardians—Overseers and poor relief committee to administer outdoor relief-Execution of Public Health Acts by parish—County Council to exercise powers of Local Government Board as to outdoor relief-Works provided for two or more parishes to be carried on by joint committee-Appointment of Medical Officer of Health by County Council—Reports by medical officer to parish and County Council—Parish committee to fulfil duties imposed by Section 17 until appointment of sanitary committee or joint committee-County Council to exercise powers of Local Government Board under Public Health Acts—County Council to appoint judicial committee to hear appeals—County Council to hold local enquiries—Appeal by parishes to Local Government Board against action of County Council-Powers to Local Government Board to interfere in case of default of County Council—Reservation of powers to Local Government Board to make general orders under Public Health Acts as heretofore -Parish to exercise powers and duties of School Board—Parish to exercise powers and duties of school attendance committee-Education Department may invest parish with powers and duties of School Board-Administration of laws relating to highways-Powers of highway surveyor or highway board to be exercised by parish-Administration of parish charitable trusts to be vested in parish—Administration of allotments to be vested in parish-Administration of various Acts to be transferred to parish—Accounts—Half-yearly estimates of expenditure—Rates— Payment of expenses-Audit of accounts-Notice, writ, or legal process upon inhabitants to be served upon vestry clerk, chairman or overseer-Appointed day-Act not to extend to Scotland or Ireland.

PART V.

Appendix of Finchley Vestry Minutes, with table showing Assessments, Rates, and Meetings from 1780 to 1841 Page 15: