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### Local Government in Great Britain

Thomas M. Cooley

*University of Michigan Law School*

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# LOCAL GOVERNMENT IN GREAT BRITAIN.

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As the local institutions of Great Britain have very largely been remodeled in our day, it seems desirable to give some brief account of them, as they exist at the present time. England was always celebrated for the freedom of its local government, and though this was probably more complete during the Saxon period than at any time afterwards, it is made very apparent by the account which is given of the local magistracy in the preceding pages, that the power to regulate their local affairs through the agency of local officers, has been left at all times in the hands of municipal corporations and districts. The following summary will give the means of comparison between the old system and the new, and will serve to show that while some reforms have been introduced, changes have also been made, which have become necessary in consequence of the great increase in population, and the wonderful growth of modern towns.

The primary division of the realm for local purposes is into parishes. The parish is called by Prof. Stubbs, the ancient township in its ecclesiastical form. When the parish is spoken of the civil parish is commonly intended, and this is defined by Stat. 29 and 30 Vic. c. 113, as "a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed." The civil parish is therefore the Poor Law parish, though there are also by custom some highway parishes, which are not identical with the others. There are about 15,000 civil parishes in England and Wales. The corporate organization consists of the vestry and overseers. The vestry "is the ratepayers of the parish in vestry assembled," the minister of the parish presiding, if present. By custom, there are special vestries in some parishes, consisting of a select number of ratepayers, and by statute parishes having more than 800 ratepayers may have select vestries. The powers of the vestry are small, and are limited in the main to managing the parish property and charities. The overseers are nominally overseers of the poor. They are appointed by the justices, but the churchwardens are also *ex officio* overseers, when the civil is an ecclesiastical parish as well. They make and levy the poor rate, and they also prepare the jury list, and the lists of voters for parliamentary and municipal elections.

Of ecclesiastical parishes there are 13,000 in England and Wales. Since compulsory church rates were abolished, ecclesiastical parishes have been of little importance in local government. Their affairs are controlled by the vestry, which is composed of the minister, churchwardens, and parishioners. The minister has custody of the church, and makes records of baptisms, marriages, and burials. The freehold of the church-yard is also in him, but he can no longer as formerly control the burials in it; the act of 1880 authorizing

burials there without the intervention of the minister, and with or without religious services, as the friends may direct. The churchwardens are two in number, and are chosen annually by the minister and parishioners. Their duties have become nominal, and so have those of the parish clerk, who once was an important officer.

A more important division for poor-law purposes is the union. This commonly consists of several poor-law parishes, though in some cases a single parish constitutes a union. The whole number of unions is between six and seven hundred. The governing board is a board of guardians, of which the justices within the union are *ex officio* members, and others are chosen annually by the ratepayers and landowners. The number to be chosen is determined by the local government board. The chief function of the guardians is the administration of the poor relief fund, and the appointment of local officers connected therewith. In rural districts they are also the sanitary authority, and in some cases the highway authority also.

The boundaries of unions and of parishes may intersect those of counties and of boroughs, and in many cases do so.

Of counties there are forty in England, and twelve in Wales. The officers are the lord-tenant, who is appointed by the crown, and is commonly *custos rotulorum*, or keeper of the records, and as such the chief magistrate of the county. Next to him is the sheriff, also appointed by the crown. As presiding officer of the county court, his functions were once of high importance, but that court has now little more than a nominal existence. The chief duties of the sheriff now are to summon juries, to act as executive officer of the courts, and to enforce their judgments. He appoints an under sheriff, for whose acts he is responsible. The custody of prisons was taken from the sheriff in 1877, and transferred to the central government. Each county has its coroner, and some counties have several. For the most part they are elective by the freeholders, but by custom in some districts they are appointed by the lord of the manor, or some other authority. The chief duty of the coroner is to hold inquests over the bodies of persons who have been killed, or have died in prison, or suddenly from unknown causes. In this he calls a jury to his assistance. Justices for the county are appointed by the crown on the recommendation of the lord-tenant, and the number is indefinite. They have police powers for the county, and appoint the chief constable. The chief constable appoints the subordinate police force. The justices have the duty of maintaining county bridges and pauper lunatic asylums, and they appoint inspectors of weights and measures, and an analyst of food and drugs. County expenses are paid by an assessment upon the parishes, called a county rate. The treasury refunds to the county one-half the cost of the police force.

The subdivision of the realm into sanitary districts is now exceedingly important. Of these there are two classes, the urban and the rural. The rural are identical in territory with the poor-law unions, except as the urban may be carved out of them, and the guardians are the rural sanitary board. The sanitary authority in the urban districts is the town council, or some other local board. The sanitary organization begins with the public health act, 1848, which created a general board of health, whose members were to be

appointed by the crown, and who had power to create local boards of health. The name indicates the duties. The duty of general supervision was transferred to the local government board in 1871. The local boards are corporations, with power to make by-laws, and besides the ordinary functions of sanitary bodies, they are given authority to construct sewers and gas works when necessary, and the urban boards may open, construct and repair streets. In the seaports there are local sanitary authorities constituted by the local government board.

The division of England into school districts dates from the passage of Mr. Forster's elementary education act of 1870. Prior to that act voluntary schools received occasional aid from public moneys, but the duty of educating the people was now assumed as a public duty. The prominent features of the act as since amended are these: It is declared to be the duty of every one standing *in loco parentis* to a child to see that he receives efficient elementary instruction in reading, writing and arithmetic. In every school district adequate public school accommodations must be supplied for this purpose, and if there is neglect by the local authorities, the education department of the government must see that the duty is performed. In general every borough or city constitutes a school district, and so does every parish and part of a parish not within a borough or city. The whole of the metropolis is one district. The local authority in a district is either a school board or a school attendance committee. A school board is created by the education department on the application of the local authorities, and the department prescribes the number of members. The term of office is three years. They are chosen by the ratepayers, and each voter has as many votes as there are persons to be chosen, and may distribute them as he pleases, and give two or more to one candidate, if such is his choice. The school board appoints the teachers, and has certain powers to compel attendance of children upon the schools. A child who refuses may be sent to an industrial school. Certain fees are paid for attendance by such of the parents and guardians as are able, and to the extent that the fees fail to meet the expenditure, the deficiency is made up by a rate levied as a part of the borough rate, or, outside of the boroughs, as a part of the poor-rate. On an average the rates exceed the aggregate of fees as three to one. Where there is no school board, a school attendance committee is appointed by the borough council, or some other local authority.

The highways in the main are kept in repair by the parishes. For this purpose, however, the parish may not be the same as the poor-law parish, as a particular hamlet, which is a part of a poor-law parish, may by custom be a separate parish for highway purposes. The quarter sessions have authority to combine two or more parishes into one or more highway districts. In rural districts the highway authority is either a parish surveyor, a parish board, a district board, or the guardians. In urban districts the sanitary authority is also the highway authority. Formerly there were many turnpikes in the hands of trustees, who kept them in repair, and collected tolls for their use. Nearly all of these have now become free highways, and the cost of keeping the main roads in repair is shared by the county and the parish or district.

**LONDON: THE METROPOLIS.** London in government is an enigma to people of other countries, as no doubt it is also to some extent to the people of the United Kingdom, except so far as from their youth they may have been made familiar with its peculiarities. In any reference to the government, it is always essential to distinguish between the city proper, the ancient corporation known as the city of London, and which embraces, but little more than a mile square of territory, and the vast metropolis, which has grown up about the city, and which in common parlance, and in the commercial and political intercourse of the world, takes the name of London, though never in law a part of it. The city was an important town during the period of Roman supremacy, but the extent of its powers as a corporation it would be impossible now to determine. In subsequent periods, we know the city, first, as an association of tradesmen and industrial societies united for mutual protection, and exercising important powers for that purpose under claim of right, and with general public acquiescence. These powers were such as properly pertain to corporations; and whatever may have been their origin, they in time became rightful by prescription. The societies or guilds were severally composed of persons of one industrial calling, and their purpose in organizing was to ensure proficiency in the members, and to protect themselves and the public against frauds and impositions. They were also to some extent charitable societies, and accumulated funds as such. The authority of the guilds was not strictly confined to the territorial limits of the town, but by custom was extended outside, in some cases for several miles; and they were permitted to seize and destroy fraudulent or defective goods, and to fine and imprison persons guilty of violating their regulations. No one was suffered to pursue an industrial calling, until he had been made free of the proper guild, and this he became entitled to by serving an apprenticeship and paying certain fees. The guilds gradually became wealthy and powerful, and their customs were so far modified that it was no longer essential to membership, that one should serve an apprenticeship, or follow any particular calling; but membership might be obtained by purchase, and it would also pass from father to son by descent. Distinguished lawyers and statesmen became members; an illustration of which we have in the case of Lord Chancellor Hatherley, who was a member of the guild of fishmongers. The following will give some idea of the government of these guilds. Each guild has a court of assistants, composed of a master warden, wardens and assistants, who are chosen from and by the liverymen. Neither the voters nor those whom they select for these offices are required to be residents of the city, but they are required to possess a property qualification within it. The guilds expend their accumulated funds at discretion, and they own expensive halls and are accustomed to give costly entertainments. By custom their members constitute the citizens of London, and the government of the city is therefore in their hands. The first charter of the city was granted by William the Conqueror, but it was a very simple instrument, and constituted little more than a recognition of an existing corporation. (a) From that time the corporate bounds have never been extended, except by the small addition of the ward of Bridge Without in the reign of Edward IV. The govern-

(a) See Stubbs, Const. Hist., ch. XI.

ing body of the corporation is the Common Council. This is composed of 26 aldermen, chosen in as many wards, and 240 common councilmen. The aldermen are not only local legislators, but they are also judicial officers with limited powers. They are not required to reside within the city, and in 1876, there were aldermen residing in all parts of the United Kingdom from Stoke-upon-Trent to Brighton, and not one of the aldermen had a city address, though the majority lived within the metropolis. The chief executive officer of the city is the mayor, who is chosen in common hall from the aldermen. He has the title of Lord Mayor, and is allowed within the city to assume regal pomp and ceremony.

The city is only the nucleus of the vast metropolis of 4,000,000 people, which embraces parts of four counties, and includes the city of Westminster, and the parliamentary boroughs of Southwark, Finsbury, Marylebone and Tower Hamlets. The local government is consequently varied and without unity. The whole area is about 125 square miles. The common authority for the whole is a board of public works, chosen by the vestrymen. Besides this there are numerous local boards in separate districts for lighting and paving purposes, and there are also, as elsewhere, guardians, governors, and trustees of the poor. There is also a metropolitan police district, but this is much larger than the metropolis itself, being made to embrace so much of the surrounding territory as seems necessary to a complete and efficient system. The city proper is not included within this district, but has its own police.

**Борювона.** Up to 1835, the boroughs of England and Wales were without uniformity in history, organization and powers, and many of them were close corporations, with authority defined only by prescription. The local abuses were very great, and the corruptions notorious. These were remedied by the Municipal Corporations Act of that year, the purpose of which was to bring them all under one general system, with the control in the hands of the citizens in general. To that end the franchise was made uniform, and was based upon ratepaying residence within the borough or within seven miles of it. The government is now strictly representative, and any burgess is eligible to all offices. The governing body is the borough council, composed of the mayor, aldermen and councillors. The councillors are chosen by the burgesses by ballot, for a term of three years, and they choose the aldermen for a term of six years. They also choose the mayor. The mayor has judicial as well as executive powers, and there are also other local judges appointed by the Crown. The police force is under the control of a watch committee of the council. The franchise for local and for parliamentary purposes is not the same, and in local elections women are voters, if possessing the ratepaying qualification. The boroughs have authority to contract debts for ordinary local purposes, on obtaining the consent of the local government board mentioned below, or, in a few cases, of some other central authority; but for any other purposes, it would be necessary first to secure special legislation. It is also essential to have the assent of an absolute majority of the common council, and also of the ratepayers. It is customary, before the local government board or the legislature grants permission for contracting debts, to have special inquiry made into its necessity.

All boroughs which are or have been the see of a bishop are called cities; (b) but their organization is the same with that of other boroughs.

**LOCAL GOVERNMENT BOARD.** Since 1871, the central authority, which has had general supervision and control in matters of local government, has been the board with the above title. This board consists of a salaried president appointed by the crown, and the following *ex officio* members: The Lord President of the Council, the several Secretaries of State, the Lord Privy Seal, and the Chancellor of the Exchequer. The powers of this board are in part advisory, and in part compulsory, and vary with the subjects. One of the most important duties is to keep the local authorities from contracting unnecessary or burdensome debts, and when consent to indebtedness is given, it is only in connection with provisions for payment by annual instalments, or for setting apart an adequate sinking fund. This board also audits the accounts of the local boards, and may disallow such as are unauthorized or illegal, and charge the sums over to those who improperly incurred them. In poor law and sanitary matters the control of the board is very complete, and the supervision of the Rivers Pollution Acts, the Adulteration Acts, and the Vaccination Acts are specially committed to its superintendence.

(b) 1 Bl. Com., 114.

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