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TEACH YOURSELF PUBLIC ADMINISTRATION

by
R. R. MARTIN



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PART I

Public Administration At Home

CHAPTER ONE

WHAT PUBLIC ADMINISTRATION MEANS TO THE CITIZEN AT HOME

THE government of the country seems to the ordinary citizen to be something very remote. In spite of the fact that Cabinet Ministers talk to him through the microphone and explain very often in conversational tones some of the problems with which they are coping on his behalf, it is not easy for him to realise how closely connected are the activities of these remote gentlemen with his own home. (The Cabinet is the fount of authority which enables public administration to function.) Here again, "public administration" seems to be something abstract, something we talk about and hear about but never see. None the less, public administration is something intimately connected with our homes and our everyday life.

(No one feels that an Inspector of Taxes is an empty abstraction. After all, he is responsible for sending you every year a printed form on which you have to tell him every detail of your income. And you are so conscious of his reality that you would not dare to state anything but the truth upon the form. Now this Inspector is a public administrator, and this form he sends you is a piece of public administration.)

Every citizen whose children are being educated at an elementary or secondary school is benefiting from the administration of the Education Act by the officials of the Ministry of Education.

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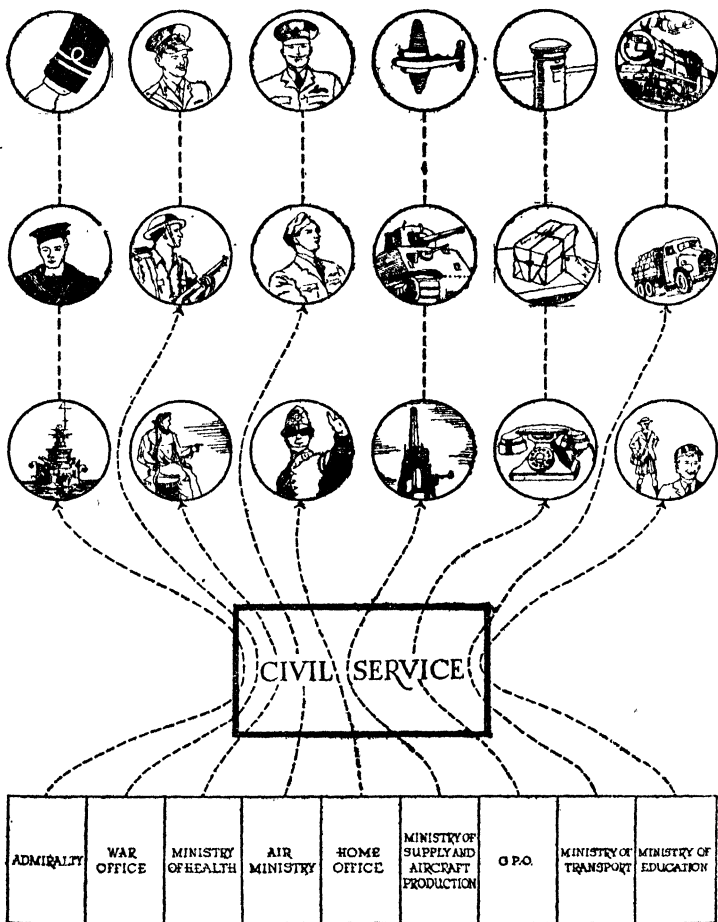
Every citizen has, during this twentieth century, learnt in the hard school of experience that he cannot rely on being left to pursue his lawful occasions unmolested by foreign Powers. For this reason he no longer begrudges as he did during the nineteenth century, expenditure upon the armed forces. On the contrary, he stipulates that everything necessary shall be done to man and equip the Navy, the Army and the Air Force.

What has this to do with Public Administration ?

Probably the best way to impress upon the reader the degree to which public administration bears upon this question of national defence is to ask him to stand in Trafalgar Square and look towards the Mall. He will see in front of him the Admiralty Arch, and he will notice that the Arch has many windows. Behind these windows there are many rooms, and in these rooms are Government officials carrying out the orders of the Board of Admiralty.

Having taken a good look at the Admiralty Arch, if the reader will then turn south along Whitehall he will come to a gateway on the right hand side flanked with columns of Portland stone blackened with age. This gateway leads into a courtyard, and if one walks across this courtyard one comes to the main entrance of the Admiralty. This courtyard and this building have been there for several hundred years. The famous Pepys, who wrote the equally famous *Diary*, was Secretary to the Admiralty in the days of Charles II, and no doubt he could have been seen in those days, morning after morning, walking across the courtyard to enter the building and take up his duties as Secretary to the Admiralty. Throughout the centuries also, many famous admirals whose names loom large in history have walked across that same courtyard.

If one were permitted to enter this building and



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circulate freely within, a permission which certainly would not be granted, one would come to a room where the Sea Lords sit in conclave, presided over by the First Lord of the Admiralty, and rule the "King's Navy." In this room are initiated those decisions which determine the organisation, strategy, tactics and constitution of the fleet. Here is decided the vast expenditure which Parliament is asked every year to approve for the purposes of naval defence. From here emanates the authority on which are based naval construction, naval engineering, naval ordnance, and stores and victualling.

From the same source originates the authority on which a great number of government officials negotiate contracts for the construction of warships, the purchase of materials, and of food. From here, also, comes the authority upon which is based the administration of naval dockyards round the British coast and throughout the seven seas. The shadow of the Admiralty stretches across the world to Portsmouth, Plymouth, Gibraltar, Malta, Hong Kong and Singapore.

The Navy must have ships, the ships must have coal or oil, guns, ammunition, radio and other electrical equipment, dockyards, repair shops, stores. The officers and men must have food and uniforms. They must be paid and their families must be provided for.

Some one must decide the types of ship needed to enable the Navy to carry out its part in national defence at any given time, having regard to the conditions prevailing in the world and to the latest developments of science. The numbers and qualifications of the officers and men needed to man the ships, and the financial cost of ships and men must be settled. (It is this "Deciding" and the carrying out of the decisions which constitutes the essence of Public Administration.)

Now a decision implies a person or persons who make

that decision, and a person or persons who carry out that decision. These are the people we refer to when we speak of "administrators." Their work we call administration. In the case of a private firm it is the directors and executives who perform these functions. In the case of the Navy it is the Board of Admiralty and the officials working under their authority who operate. Because they derive their authority from Parliament and through Parliament from the Public their functions are described as public administration as distinct from the private administration of the directors of businesses.

The members of the Board are appointed by the Government and are presided over by a member of the Government who is known as the First Lord of the Admiralty. The other members of the Board are naval officers and civilians and their appointments are non-political.

Under the direction of the Board comes the various departments whose business it is to see that the Navy is supplied with ships, coal, oil, guns, radio and other electrical equipment, dockyards, repair shops, stores.

Let us for a moment imagine we are touring Portsmouth Harbour in a motor boat. We see huge battleships, cruisers, destroyers, fleet auxiliaries and submarines. None of these would exist but for the planning of the naval construction department of the Admiralty. Naval architects, draftsmen, technical experts and clerks combine to produce the designs upon which the great ship-building firms base their construction of the warships.

Before the firms can commence work on the ships, contracts must be negotiated with them by admiralty officials. These contracts, owing to the complexity of the job, are necessarily complicated and can only be

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negotiated on behalf of the Board by officials with long training and experience behind them.

Everyone takes it for granted that a warship must have engines, electrical equipment, and armaments. The builders of the warships obviously cannot be allowed to decide at their own sweet will what types they are going to put into the ships. These matters must be decided by the Board of Admiralty, which delegates these functions to the departments of the Engineer in Chief, Electrical Engineering, Naval Ordnance and Armament Supply.

The naval dockyards do not come into being at the whim of anyone who chooses to build one. So the Dockyards department arranges for the building and maintenance of dockyards in accordance with the requirements of the fleet.

The country cannot afford to leave the feeding of the crews of its warships to the vicissitudes of the ordinary commercial markets. The victualling department estimates the requirements of the fleet and sees the supplies are available as and when required.

Every warship needs to be kept supplied with stores of every kind, from ropes to rivets, and it is the function of the Naval Store Department to see that these stores are available wherever and whenever required.

It will now be apparent that there could be no navy without the vast worldwide administrative machine which we call the Admiralty. It will also be apparent that the navy and the administrative machine must be paid for. The financing of this great organisation is another aspect of Public Administration.

Where does the money come from? How is it collected? How is it distributed?

Every year Parliament allocates a sum of money to the Admiralty to be spent on the Navy. This money

is of course part of the national revenue and is disbursed by admiralty officials. Every small business needs its cashier, its book-keeper, its banking account, in order to deal with its receipts and payments. It is easy to imagine what a vast administrative machine the Admiralty needs in order to deal with its huge financial transactions.

The administrative problems arising out of the necessity of maintaining an army are in many respects similar to those arising out of the maintenance of the navy. Many differences arise from the fact that the men are moving in a different medium. The land has its problems distinct from those of the sea.

In such matters however as clothing, victualling, finance, the problems are fundamentally similar.

For a moment, let us return to Trafalgar Square, and again walk down Whitehall. On the opposite side to the Admiralty gateway above referred to will be seen a large imposing building whose entrance is also flanked by columns, not, however, blackened with age, like those of the Admiralty, for this building was only erected at the beginning of the twentieth century. This edifice is the War Office, where sits the Army Council presided over by the Secretary of State for War. This body controls the army.

We are all familiar with the sight of soldiers and officers walking about in khaki battledress and service dress, we are accustomed to see serjeants stripes, the stars on officers' shoulders, and the red tabs on colonels and brigadiers. Army cars and lorries are familiar sights on the roads, and in war time we used to see tanks, armoured cars, gun carriages and ammunition stacked along the roadside in the country. Everyone knows about Bailey Bridges, troop trains and troop ships.

Someone has to arrange for the army to be provided

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with all these things. Finance has to be provided and audited. Contracts have to be made, storage and distribution has to be arranged, barracks and Nissen huts to be built, and similarly ordnance factories. Raw materials have to be provided, and scientific investigation and research carried out and accommodated and paid for. All these services are performed by government officials and soldiers on civilian duties in the War Office and Ministry of Supply.

We are all accustomed to the sight of R.A.F. planes passing over our heads in the sky, and here again there is a government department whose administration renders possible the existence of those planes. This department is the Ministry of Supply and Aircraft Production, whose offices at Adelphi and Shell-Mex House may be seen dominating the Thames Embankment.

The control and general administration of the R.A.F. is in the hands of the Air Ministry.

Now all these services of national defence cost money. If the reader will once more return to Trafalgar Square and proceed to walk down Whitehall, he will, after passing the entrance to the Admiralty, come to a building which houses a government department known as the Treasury. This is the headquarters of the Chancellor of the Exchequer, who controls the national finances on behalf of Parliament. Under him, the Permanent Secretary of the Treasury is a government official who is responsible for seeing that the decrees of parliament issued to him by the Chancellor of the Exchequer are carried out. It is this permanent official assisted by other permanent officials who administers the national finances. Estimates are prepared by all other government departments and submitted to the Treasury, which revises them and approves them and submits them to the Chancellor of the Exchequer who places

them before Parliament. Every penny of the hundreds of millions of pounds spent every year by the government is controlled by the Treasury. If our reader will now continue his walk down Whitehall, he will come to Downing Street, and if he turns up this street he will find on the right hand side a house numbered ten. This is the official residence of the Prime Minister. On the opposite side of the street, he will see the Foreign Office. Here again, we have a considerable number of officials whose business it is to conduct all negotiations with foreign nations.

In these days it is rare for the morning newspapers to contain no reference to the dominions. Everyone is aware of the great help rendered to this country during the war and of the supplies of food and other necessities which are being sent to us now, in times of peace. Here again, the constant negotiations on various subjects taking place between the British Government and the various Dominion governments require an office. This is known as the Dominions Office, and this important branch of public administration clearly has an intimate connection with the everyday life of the citizen, affecting as it does every housekeeper's budget.

The colonies constitute another immensely important part of the British Empire. Those portions of the empire which are not self-governing are called colonies. These are administered by a government department known as the Colonial Office. Vast stretches of territory in Africa, and other territories in the West Indies and in the Far East come under this category of public administration.

Continuing our walk down Whitehall, we come to a huge building with colonnades. This is the Home Office, presided over by the Secretary of State for Home Affairs. It administers the criminal law, the inspection

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of factories, alien immigration, acts of parliament affecting children, animals, etc. This department is also responsible for the administration of the laws governing explosives and dangerous drugs, and for the supervision of the police.

Most homes are familiar, directly or indirectly, with unemployment insurance, and few have failed to experience the control over employment exercised by the Ministry of Labour during the war. Furthermore, the labour exchanges are familiar buildings in every district. This important aspect of public administration is one with which most citizens have had contact direct or indirect. The functions of this department have been greatly extended since its pre-war days, including as they do the whole field of demobilisation and training.

Reference has already been made to education, and here again a government department, viz. the Ministry of Education, has in addition to its responsibilities in regard to elementary and secondary schools, the duty of administering technical and continuation schools, training colleges, and evening schools.

Every sensible person in these days attaches the greatest importance to health. Here again, we find public administration reacting closely upon our domestic lives. The Ministry of Health is responsible for the supervision, maintenance, and improvement of the health of the nation. These functions are administered by a considerable number of officials, including doctors, dentists, bacteriologists, sanitary engineers, salvage inspectors, inspectors of alkali works, inspectors of milk and inspectors of the welfare of the blind. This department is also responsible for the supervision of local authorities, and exercises a general control over these bodies, in so far as they operate in the promotion of health and sanitation. Through its auditors it exercises

general supervision over the financial transactions of the municipalities.

It is hardly necessary in these days to remind any citizen of Great Britain of the existence of the Board of Trade. It is probably not an exaggeration to say that this department exercises a greater influence over our domestic economy than any other branch of the administration. Of its many branches, the Raw Materials department affects in its administration one of the fundamental factors in the nation's prosperity. Through his control of raw materials, the President of the Board of Trade exercises a dominating influence over a large and all important sphere of British business. The direction of the great export drive is in the hands of the Board of Trade, and this is a branch of public administration which has come into being as the result of the economic crisis which has followed the war with Germany. The decisions of the Government in this respect must be administered by the President of the Board of Trade, acting through the officials of his department. A familiar aspect of this administration, and one which is manifest in every home, is the clothing coupons.

The interruption of the free flow of international currency has made it impossible for individual traders to do business with other traders in foreign countries, as was possible before the war. As a result, it has been necessary for the Board of Trade to undertake extensive negotiations with the governments of foreign countries for the interchange of their products with British products. In consequence, when we look at the various articles and materials which surround us in our homes, we are contemplating the results of yet another branch of public administration.

In addition to these functions, the Board of Trade administers the laws governing the registration of

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companies, patents and trade marks, weights and measures and a considerable number of other laws affecting the details of trading.

We are all familiar with public parks, such as Hyde Park, Green Park, St. James's Park, and with royal palaces and royal parks. These have to be maintained, and therefore administered. The government department responsible for this is the Ministry of Works and Buildings, which however has great and important functions in other directions, including the requisitioning of land and buildings on behalf of other government departments, and the allocation of building materials.

It is a matter for speculation how many people are conscious of the importance to their daily lives of the woods and forests of this country. This importance is acknowledged by the fact that there is a department of the Commissioners of Woods and Forests. The responsibility for seeing that the supplies of timber in the country are maintained by scientific planting and replacement lies with this department, which is also responsible for administering Crown lands.

Another very homely aspect of public administration is Fuel and Power. There have been times when this subject was daily referred to in public radio announcements, and it seems likely that it will continue to play a large part in the daily life of the citizen for many years to come. The administrative functions of the Ministry of Fuel and Power may be summed up by saying that this department is responsible for seeing that the national resources in coal, electricity, gas, oil and petrol, are developed to their utmost capacity, and fairly distributed among the citizens of the country according to their needs. One of the most important administrative functions of this department is the inspection of mines, and the promotion of the health and welfare of the miners.

It is also responsible for promoting scientific research with a view to developing the country's resources.

Every home in the country will be affected by the administrative activities of the Ministry of Social Security, with its family allowances, sickness benefits and old age and widows' pensions.

When you post a letter you normally take it to a pillar box. Pillar boxes do not grow out of the soil like plants. Someone has to make arrangements for the pillar box to be built and painted. Similarly, if you have occasion to buy a postal order or money order or postage stamps you will go to the local post office. Sometimes these post offices occupy parts of buildings which are being used for some other purpose, and the premises therefore have to be rented. In other cases, a building must be erected. Someone has to make the arrangements either for renting a portion of some premises already in existence, or alternatively, to have a building erected.

The letters which have been posted in the pillar box do not emerge from there on their own power, and fly to their destination. We have all of us seen the postman with his bag opening the pillar box and collecting its contents. Someone has to arrange for the manufacture and supply of those bags. The many thousands of postmen all over the country have to be selected from the applicants for the job, and arrangements have to be made for their wages to be fixed and also for them to be paid. Furthermore, these postmen have to be provided with uniforms. All these matters are dealt with by the officials who constitute the Personnel of Public Administration. In this case, of course, the government department which makes all these arrangements is the General Post Office.

We have above referred to postal orders and money

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orders. Public officials have to arrange for the paper to be made available for this purpose, and for the necessary printing to be done. When you buy a postal order or money order you pay money over the counter, and some officials, somewhere, have the job of appointing the staff serving behind the counter and arranging for the disposal of the money which they collect. Other officials are responsible for making the necessary contracts with the builders, for the erection of post offices, and also for their maintenance. And someone has to arrange for these buildings to be furnished and for the counters and grilles to be erected.

When you send or receive a telegram, telegraph boys and other postal servants are brought into action. If you run a savings bank book, someone has to arrange for the books to be made and printed, and also for the necessary records to be kept. If you wish to send a letter by air mail, it doesn't just fly to the plane which is going to carry it overseas. Someone has to arrange for a plane to be available at the appropriate place and for the letter to be delivered to the plane.

Thousands of letters are poured every day into the letter boxes and are collected in bags and taken to a building known as the Sorting Office. Some officials somewhere have had to arrange for the erection and equipment of that sorting office, and also for the appointment and training of the necessary number of sorters. These men have to work in shifts day and night sorting the thousands of letters into the different compartments of the sorting tables which represent the districts to which the letters have to go. Mail vans have to be manufactured and purchased, and supplied with petrol in order that these masses of letters may be conveyed to their destinations. This involves arrangements with railway companies for the provision of mail wagons and

mail trains. All these arrangements have to be made by administrative officials.

This vast organisation did not just come into being miraculously but had to be built up, and its building up was an act of public administration, as is its continued maintenance and expansion.

In addition to the above services, there is the all-important telephone service. A separate department of post office administration arranges for the telephone services. Here again, someone has to arrange for telephone instruments to be purchased and installed in our homes. And once installed, both the instruments and the wires connecting them with the exchanges have to be maintained. An engineering service spreading its network over the whole country had to be set up and organised for this purpose. The engineers had to be appointed and allotted their respective tasks.

It is impossible to run a vast organisation of this type without making provision for the health of the staff, and for this purpose a medical branch of the Post Office was brought into being. To deal with the various buildings above referred to there is an architectural department. A number of other headquarters departments have to deal with the organisation and co-ordination of the various activities above referred to, among which are two more to which we have not referred. It will be obvious that large quantities of stores must be accumulated and housed and kept sorted so as to be readily available to meet requirements. To organise this branch of the administration there is a Central Stores department. Activities on such an immense scale cannot be carried on without legal questions arising, and in order to cope with these there is a Solicitor's Department.

The vast sums of money which are needed to carry

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out this great branch of public administration are collected by the Post Office from the proceeds of its sales of postage stamps, postal orders, money orders, and from the proceeds of its charges for the use of the telephone system. Generally the Post Office is self-supporting and does not have to ask Parliament to finance it from taxation. The millions of £s which are involved in the running of this colossal enterprise require to be managed and the income and expenditure audited. This function is carried out by the Accountant's General's department of the Post Office.

Most people living in London are familiar with a building which stands out prominently on the north bank of the Thames between Waterloo and Blackfriars bridges. It is an old building with many collonades and pediments. Everyone knows that this building is called Somerset House. It is the home of the Inland Revenue department. It is the function of this department to collect that portion of the country's income which is acquired by taxation. Every year in the spring the Chancellor of the Exchequer presents to Parliament what is known as his Budget. This is an estimate of the amounts which the government proposes to spend during the following year, and of the amounts which it expects to collect in order to meet this expenditure, and furthermore, the manner in which it proposes to raise this money. A large portion of the income thus acquired by the government to meet its expenditure is raised from Income Tax. The amount of the tax to be collected from each citizen according to his income having been fixed, it is the duty of the Inland Revenue department to collect this tax. For this purpose the country has been divided into districts and an Inspector of Taxes who is an official of the Inland Revenue department has been appointed to each district. It is the duty

of this Inspector to collect from every citizen in his district the necessary information regarding that citizen's income to enable the Inspector to decide and inform him as to the amount of income tax to be paid by him. The tax is collected by income tax collectors who are also officials appointed by the Inland Revenue department.

Here again it is obvious that income tax inspectors and income tax collectors and their staffs do not grow out of the ground like plants. Someone has to appoint them. This duty falls upon the headquarters staff of the Inland Revenue department. The inspectors and collectors must be provided with offices and furniture. They are far too busy to spend their time finding and equipping offices. A separate branch of the Central Administration has to cope with these problems.

Everyone knows that there are such things as death duties. These have to be assessed and collected, and for this purpose the estate duty office of the Inland Revenue department exists. A considerable amount of revenue is collected from the stamping of legal documents, the registration of companies and business names, and the office of the Controller of Stamps deals with this aspect of public administration. It will be appreciated that when dealing with estates it is necessary for valuations to be made, and for this purpose the office of the Chief Valuer of the Inland Revenue department exists.

We have so far dealt with some of the principal branches of public administration, and shewn how intimately they are bound up with the everyday life of all of us. But hitherto we have been dealing with those sections of public administration which carry out the wishes of Parliament functioning through the central government. Many things, however, which are necessary to our well-being are carried out by the local authorities,

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that is to say, the borough councils, rural districts councils, and county councils.

In order to appreciate what is done for us by these authorities a glance back at the Middle Ages is instructive. The towns in those days had no sanitation of any kind, garbage and what in these days goes down the drains were just thrown into the street or any other convenient dumping ground. As a result, the towns were at intervals afflicted with virulent epidemics. There was no organised provision of street lighting, and people found it necessary to have heavy doors to their houses with strong bolts, and it was dangerous to venture into the streets at night owing to footpads and cut-throats. There was no regular police force, and in the country there were no roads as we understand them to-day, only just cart tracks which were often impassable in winter. Now the roads with which we are all familiar in these times are provided for us by our local authorities, under the general direction of that branch of Central Public Administration known as the Ministry of Transport. Many of our local authorities supply us with trams and buses and others provide the necessary facilities for these services to be run by public companies. Our garbage is collected by dust carts provided by the local council. The widespread and elaborate system of drainage is organised by the same people. These local authorities did not of course spring suddenly into existence. It has actually taken many centuries for the local government organisation as it exists to-day to evolve. (The English people have always been opposed to interference with their private lives and in the earliest times before the Norman Conquest in 1066 the Saxon townships were governed by what were known as Moots. These were little local councils elected by the citizens of the town. As conditions changed throughout the

centuries there resulted a vast number of small local authorities performing all sorts of functions. During the nineteenth century parliament found it necessary to start reorganising local governments with a view to introducing some order into chaos. The general supervision of the local authorities on behalf of the central government was entrusted to the local government board, a department in Whitehall. This department was eventually merged in the Ministry of Health. But the general policy has been as far as practicable to allow the local authorities to manage their own affairs.

Subject to the general control of the Ministry of Health, which is only exercised when it is considered that it is demanded by the national interest, the local authorities provide the following services :

- (1) Upkeep of footpaths, rights of way, etc.
- (2) Water supply.
- (3) Fire services, libraries, street lighting, cemeteries, etc.
- (4) Education.
- (5) Sanitation.
- (6) Isolation and other hospitals.
- (7) Clinics.
- (8) Road maintenance.
- (9) Housing and town planning.
- (10) In certain cases, supply of electricity and gas.
- (11) Administration of Acts of Parliament relating to drugs.
- (12) Police.

In addition to the local councils, there are a number of bodies who have been granted authority by Parliament to carry out certain public administrative functions. Foremost among these is the Corporation of the City of London, which has its own police force, is the Sanitary

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Authority for the City, and controls the great historic market places of Smithfield, Billingsgate, Islington, Deptford and Leadenhall. The Corporation adopts measures to secure the purity of the goods that pass through these markets, and sees that they are sold under hygienic conditions. It has also taken steps to maintain open spaces outside the London area. Epping Forest, for instance, was acquired by the Corporation of London for this purpose. Open spaces have similarly been preserved by the Corporation in West Ham, Burnham Beeches, West Wickham, and elsewhere.

Another important Corporation set up for a special purpose is the Metropolitan Water Board, which in 1902 absorbed all the various private companies who had hitherto been responsible for the water supply of London. Thus the water of the rivers Thames, Lea, the New River and various wells and springs is serviced to the citizens of London.

In 1925 the Joint Electricity Authority was constituted by Act of Parliament and made responsible for co-ordinating and developing electricity services throughout the country. These services are provided by a large number of electricity companies. The Act of Parliament provides that by 1971 all these companies will have come under the full control of the Joint Electricity Authority.

London is still the greatest port in the world, and its vast system of docks and the great estuary of the Thames are administered by the Port of London Authority, which was established in 1909, and took over the duties of the Thames Conservancy Board which had hitherto been responsible for looking after the river.

Trinity House is another special body entrusted with the duty of providing pilotage and for placing the necessary buoys at the appropriate spots on the river.

It is also responsible for the maintenance of lighthouses round the coast.

The Thames Conservancy Board still functions independently in seeing that navigation facilities are maintained and improved and for the prevention of pollution.

Another great Corporation set up by Parliament with special authority is the Mersey Dock and Harbour Board, which is responsible for the maintenance and improvement of the Mersey, one of the greatest centres of shipping in the country.

CHAPTER TWO

PUBLIC ADMINISTRATION AND THE WORKER

MOST workers, whatever class they may belong to, would find it difficult to carry on their jobs without the transport services supplied by the various public authorities, public corporations, and public companies who run buses, trolley buses and trams, to say nothing of railways. In London the passenger transport services are run by the London Passenger Transport Board, a public corporation constituted by Act of Parliament. The constitution of the corporation is carefully controlled by the Act and the whole field of its operations covered. In other parts of the country the road transport services are in some cases administered by the local authorities and in others by limited companies. In all these cases the central government has considered it necessary to intervene in the interests of the public, in the administration of these services either by laying down the conditions under which they were to be carried out, or by placing them in the hands of a local government body.

In addition to the safeguarding his means of transport, the worker has experienced the intervention of public administration in many other spheres in modern times. Among the most important spheres where this intervention has taken place are National Health Insurance administration, Factory Acts, safeguarding the health, safety and welfare of the worker, and the employment of women and young persons. Important legislation has

over a period of years affected the administration of the mining industry. Other legislation has affected labour management, wage regulations by the institution of Trade Boards, industrial negotiation affecting the relations between employers and employed. Another important sphere in which public administration has affected the worker is that of Unemployment. During the first half of the twentieth century employment exchanges, unemployment insurance, and the setting up of the Ministry of Labour and National Service, are outstanding features, whilst the institution of old age pensions and family endowments and widows' and orphans' pensions, as well as war pensions, has been and is of vital importance to the worker.

A century ago the conditions in factories and workshops were very bad. Apart from a few enlightened employers, practically no regard was ever paid to the human requirements of the workers. Some occupations are such that it is not necessary to pay much attention to this aspect. This applies to open air occupations, such as agriculture, where the problem has been wages, rather than physical conditions. Other occupations are apt to have an injurious effect upon the worker, among these are lead glazing, file making and some chemical industries. Apart from these, questions of ventilation, sanitation and hours of labour, affect all industries.

The industrial revolution which began in the eighteenth century and was rapid and sudden, witnessed appalling conditions in the factories which sprang up everywhere. Infectious fevers broke out in many places, and the Manchester Board of Health held an enquiry. They found that close confinement, bad air, night labour and excessive hours were undermining the health of the workers. As a result, the first Factory Act known as

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the Health and Morals of Apprentices Act, 1802, was passed by parliament. This Act limited the hours during which apprentices could be employed and introduced certain regulations regarding sanitary conditions. The Act was quite inadequate, but was the beginning of a movement which eventually led to a great improvement in conditions. In due course, as a result of the activities of Robert Owen, a mill owner in New Lanark who ran his own mills on improved lines, acts of parliament were introduced which provided that no child under nine was to be employed in the mills and limited the working hours of persons under eighteen.

Subsequently, the cause was taken up by Lord Shaftesbury who was the great protagonist of factory reform. He succeeded in securing the passage of the Factory Act, 1833, which extended legislation to all textile factories and introduced further limitations on the employment of children. In 1842, the Mines Regulations Act prohibited the work of women and of boys under fourteen below ground. An Inspector of Mines was appointed. This, and other legislation, culminated in the Factory and Workshop Act, 1878, which consolidated factory legislation and applied it to non-textile as well as textile factories and workshops. Sanitary accommodation became compulsory in all factories and workshops, and an Inspectorate was set up. This important branch of public administration has since that time played an increasing part in securing proper working conditions. The Truck Acts, 1837, 1887 and 1896, constitute a further important development of administrative control over working conditions. These acts made compulsory the payment of wages in currency, and abolished what had hitherto been a grave abuse. A number of amending acts were subsequently introduced with a view to ameliorating conditions.

These culminated in the Factories Act, 1937, which consolidated all the previous acts and provided for considerable improvements.

The administration of these acts has necessarily involved the appointment of a considerable number of officials to see they are carried out. Before the World War of 1939-1945 the responsibility for the administration of factory legislation was in the hands of the Home Office. Since then it has been transferred to the Ministry of Labour and National Service. The Factory Inspectors who previously had been officials of the Home Office are now officials of the Ministry of Labour and National Service, and upon them as well as officials of the local authorities rests the responsibility for the enforcement of the provisions of the Factory Acts. These officials must be thoroughly conversant with the acts and all the regulations which govern their administration. The Inspectorate includes a number of technical officials who deal with the medical, electrical and engineering aspects. These consist of qualified engineers and chemists who deal with the questions of safety and mechanical ventilation. There are now a considerable number of women inspectors. Some of the more important matters dealt with by the Inspectors are the following: Cleanliness, Overcrowding, Temperature, Ventilation, Lighting, Drainage, Sanitation, Medical Supervision, Safety.

The provisions for safety are very important, and include the fencing of machinery, and the provision of devices whereby power can be promptly cut off and the machinery stopped in case of accident. With a view to protection of the workers, important provisions have been introduced regarding the construction and sale of new machinery. Other protective provisions relate to vessels containing dangerous liquids, automatic machines,

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the cleaning of machinery by women and young persons, the training and supervision of young persons, hoists and lifts, chains, ropes and lifting tackle, cranes, and other lifting apparatus, dangerous fumes, inflammable dust and gas, steam boilers, means of escape in case of fire, fire prevention.

The provision for the welfare of the workers in the Act of 1937 takes the form of granting to the Secretary of State the power to make welfare orders. The making of these orders is now the function of the Minister of Labour and National Service. As a result, the responsibility for making regulations dealing with the welfare of the workers lies with the Minister and his officials, whose duty it is to carry out a thorough inspection of the factories and see that everything possible is done to promote and improve satisfactory conditions. These regulations cover such things as the supply of pure drinking water, suitable sitting accommodation, cloak-room accommodation, first aid, protective clothing, separate canteen accommodation. Many employers, although not compelled by Act of Parliament to do so, nowadays appoint welfare supervisors.

The administration of these acts had, in addition to the appointment of Inspectors and Clerks and the definition of their duties, required that legal powers should be conferred on their inspectors, granting them not only legal right of entry and inspection but the authority to conduct a prosecution in his own person in a Court of Law. The mining industry has, during the last hundred years, constantly attracted the attention of parliament. Coal mining is admittedly a dangerous occupation. The danger not only results from liability to accident, but also liability to disease. For this reason, parliament has shown an increasing desire to bring the mining industry more and more within the



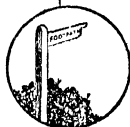
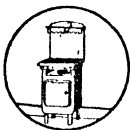
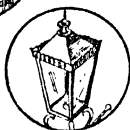
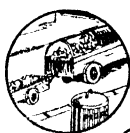
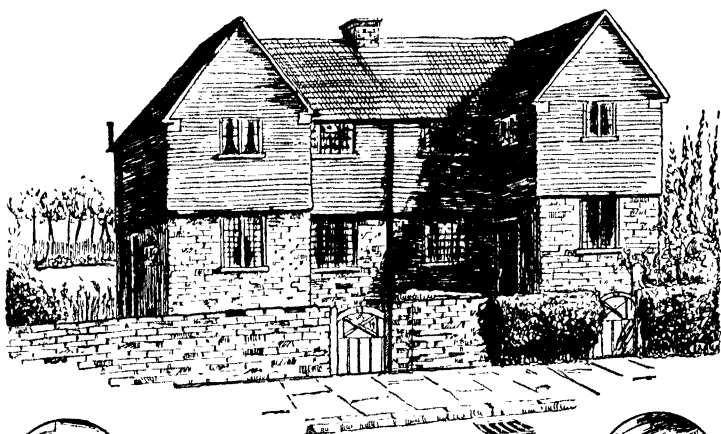
WORKING PARTIES	LABOUR EXCHANGE	FACTORY INSPECTION DEPARTMENT	MINISTRY OF HEALTH (WELFARE)	COAL BOARD	EMPLOYER'S LIABILITY	PLIMSO LINE
BOARD OF TRADE	MINISTRY OF LABOUR	MINISTRY OF LABOUR				

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field of public administration. As already indicated, the employment of females and children in mines was forbidden in 1842. Mining legislation culminated in the Ministry of Fuel and Power Act, 1945, which established this ministry as a permanent state department. Since then, the mines have been brought under the direct control of the State, and are now administered by the National Coal Board.

An important development in public administration in relation to occupations was the passing of the Trade Boards Act, 1909. These Boards were established to deal with what were known as sweated industries. That is to say, industries where the wages were such as to make it impossible for the workers to obtain adequate food, clothing and housing. At the same time when the Act was passed many employers were finding that the steady increase in wages resulting from the activities of the Trade Unions could be circumvented by farming work out to people to do at home. By this means, they were able to pay very low rates.

The administration of the Trade Boards Act was first entrusted to the Board of Trade, but later transferred to the Ministry of Labour, whose officials were granted the power to enter workshops and inspect wages sheets and institute prosecutions. The original Act only applied to a limited number of trades, such as tailoring, the making of boxes, machine made lace, lace curtain finishings, chain making. The Act empowered the Board of Trade to make orders extending the application of the Act to any branch of trade where the wages were exceptionally low. In this way the Act was extended to cover sugar confectionery, food preserving, shirt making, hollow ware making, linen and cotton embroidery. The provisions of the Act were further extended by the Trade Boards Act, 1918. Since then, the operations of



MUNICIPALITY

GAS COMPANIES

ELECTRIC SUPPLY COMPANIES

JOINT ELECTRICITY AUTHORITIES

METROPOLITAN WATER BOARD

L.P.T.B.

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the Act have been extended to cover a much wider field of administration.

An important new development in the administration of wages was the Wages Councils Act of 1945, which introduced wage regulations throughout industry by instituting both voluntary and statutory machinery to establish standard wage rates throughout the country. During the war many industrial councils had been established throughout the country with a view to regulating wages and generally securing co-operation between workers and management. The purpose of the Act was to secure the maintenance and extension of this principle in times of peace.

The development of public administration in relation to employers and employed has been manifested in trade union legislation and the setting up of administrative machinery to deal with trades disputes. Various endeavours have been made by parliament to set up machinery for minimising the effect of trade disputes. Among the most important of these are the Industrial Courts Act, 1919, which sets up a permanent court of arbitration to hear and decide trade disputes between employers and work people, and empowers the Minister of Labour to appoint a court of enquiry. The industrial court is a permanent tribunal to which disputes can be referred by the consent of both sides.

In order to avoid danger and inconvenience to the community which might be caused by strikes or lock-outs in the transport services, certain Acts of parliament have been passed, introducing administrative machinery to avoid or minimise the effects of such disputes. The Road Traffic Act, 1930, enables working people in the passenger transport industry to represent grievances to the Traffic Commissioners. The Road and Rail Traffic Act, 1933, extends the provisions of the previous Act.

The Road Haulage Wages Act of 1938 established a Central Wages Board authorised to submit to the Minister of Labour proposals concerning wages. Since the war the functions of the Ministry of Labour and National Service have been greatly extended in relation to conciliation in industry.

An important development subsequent to the 1939-1945 war, has been the establishment of Working Parties under the auspices of the Board of Trade. The purpose of these Working Parties is to secure the greatest possible co-operation in industry between workers and management. The administration of these Working Parties has been widely extended throughout industry, and the officials of the Board of Trade perform important functions in the setting up and operation of the system.

One of the most important examples of the influence of public administration upon people's occupation and their individual jobs is to be found in the Employment Exchanges. They were first introduced by the Labour Exchange Act of 1909, which came into operation on the 1st January 1910. The National Employment Exchange Service is administered by the Ministry of Labour and National Service. In addition to finding employment for those who are seeking it, and finding employees for employers, the employment exchanges play an important part in the administration of unemployment insurance. Another important function of the employment exchange service is the establishment of Training Centres which since the 1939-1945 war has reached very large dimensions.

Another important manner in which public administration has intervened on behalf of persons in employment has been the creation of a legal liability on the part of employers to pay compensation to workmen injured in the course of their employment. This was first

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established under the Employers Liability Act, 1880, and extended by the Workmen's Compensation Acts, 1897-1945. In these Acts we find a direct intervention by State administration through the introduction of definite legal obligations. The effect of this legislation is that where a man is killed or meets with an accident arising out of or in the course of his employment, it becomes the legal obligation of his employer to pay compensation.

We have so far dealt with those occupations and jobs which are performed by what is known as the working class. This expression is very misleading, as it only applies to one section of the working community. A very large proportion of the population of the country is working on jobs which are essential to the life of the community and involve long hours and the expenditure of much energy and intelligence, but are none the less not included when one is referring to jobs performed by the "working man." These jobs include all those who are engaged on clerical work and those performed by the professional classes. To these should also be added managerial and directing jobs. Every factory in the country has its managers, assistant managers, accountants and clerks. The thousands of ships which ply in and out of British ports and carry British goods to all parts of the world and bring back goods which are essential to the life of the nation are owned by shipping companies. These companies have their offices with their administrative staff. These offices are concerned with the organisation of the company's business, with the appointment of the officers and crews of the ships, with the ordering of new ships to be built, with providing the stores for the ships, and attending to finance.

Now all these administrative and clerical people find

themselves in contact with public administration in the performance of their duties. The public department with which they have to keep in touch is the shipping department of the Ministry of Transport, which administers the Marine Mercantile laws, and furthermore, in times of national and international stress has to decide questions of priority. Among other things, the directing and secretarial staffs must see that the company complies with the provisions of the Companies Act, and the requirements of the Registrar of Companies. The captains and officers and crews must be familiar with and act in accordance with certain laws and regulations governing their conduct, and navigation. Every ship must comply with the law in regard to loading. The famous Plimsol Line limits the extent to which a ship may be loaded. The inspectors of the Ministry are empowered to enforce and do, in fact, enforce, this rule. Another important contact between the shipping community and public administration is the Customs Department.

Other sections of the shipping community are the ship brokers and stevedors. The brokers must be in constant touch with both the Ministry of Transport and the port authorities. The broker's job is to arrange for goods to be shipped on behalf of exporters, both from their own country and from countries abroad. They secure space in ships for the goods and in doing so have to make arrangements for these goods to be at a certain port at a given time. In some cases they actually charter a whole ship and when doing this must make certain that she would be allowed by the Ministry to be available for this particular cargo at the particular time required.

Thousands of people are employed in banks. The Bank of England, which is nationalised, is a branch of

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public administration, and controls the banking policy of the country so that every person employed in a bank is directly or indirectly concerned with this branch of public administration. If you are a farmer, or anyone engaged in the farming industry, the Ministry of Agriculture and Fisheries is concerned with you and you are concerned with the Ministry. Your activities are directly or indirectly affected by the Ministry's interest in the technical side of agriculture, in plant pathology, in land drainage, in feeding stuffs, in animal health, in veterinary matters, land fertility, and statistics. If you are engaged in any way in the fishing industry, you are affected by the administrative activities of the Fishery department. Both as an employer and a wage earner, you are interested in the Agricultural Wages Board. Possibly you may be employed, or in your job you may be in touch with the Royal Botanic Gardens at Kew, which are under the administration of the Ministry of Agriculture and Fisheries. Those whose employment involves land surveying are interested in the Ordnance Survey Department of the Ministry, and everyone connected with agriculture is deeply concerned with the Agricultural Research Council and the activities of its scientific staff.

Persons who are engaged in jobs connected with civil aviation find public administration looming very large in their lives in the shape of the Ministry of Civil Aviation. The pilots and others engaged in the operation of the plane must comply with the safety and other regulations. Those who are manufacturing planes for civil use must comply with the Ministry's policy in matters of design. The airfields throughout the country are under the Ministry's administrative control.

If you are engaged in some form of scholarly research, you will have occasion to use the library of the British

Museum, and the public libraries throughout the country are at your disposal. If you are actively concerned with zoology, entomology, geology, mineralogy, or botany, the Natural History Museum at South Kensington and the Zoological Museum at Tring are at your disposal. If you are employed in connection with a charity organisation, your activities will bring you into contact with the Charity Commission. Those whose occupations are connected with the law must make frequent use of police courts, county courts, and the various ramifications of the administration of the law. Those who go abroad, and all traders concerned with export and import have dealings with the Customs Department. Manufacturers of alcoholic liquor and owners and managers of public houses must, in conducting their operations, take into account the Excise Department. Clergymen of the established church can hardly fail at some time in the course of their careers to come into contact with the administration of the Ecclesiastical Commissioners. Members of the teaching profession are governed both as regards their scales of salary and their methods of teaching by the Board of Education, whose inspectors see that the Board's policy is carried into effect. Thousands of people throughout the country are employed in electrical and gas undertakings, all of which are affected by the policy of the Ministry of Fuel and Power. The far-reaching ramifications of the administration of the Ministry of Food and their effect upon employed persons everywhere are too obvious to require any comment, excepting perhaps to point out that this branch of public administration intimately affects the work of everyone employed in jobs connected with the production and distribution of food. The government department known as the Registry of Friendly Societies administers certain Acts

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of Parliament laying down rules as regards registration and management which must be observed by a large class of societies. People, therefore, who have jobs in Friendly Societies, Benevolent Societies, Working Men's Clubs, Building Societies, Industrial and Provident Societies, Loan Societies, Trade Unions, and Trustees Savings Banks, must take account of the administrative functions of this department.

Doctors are familiar with the panel system, controlled by the Ministry of Health. They are also deeply concerned in that Department's policy in relation to the establishment of a national medical service and the control of hospitals. The same applies to the large body of people who are engaged on jobs in hospitals, whether voluntary or municipal. Prison officials, N.F.S. officials, persons whose jobs involve the control of animals, the welfare of children, the handling of explosives, or drugs, come within the orbit of administration of the Home Office.

Thousands of people are employed in the profession of Accountancy. These are either professional accountants, or their clerks and assistants. The activities of the accountancy profession cover practically every aspect of the nation's economic life. These jobs consequently bring those who are engaged in them into contact with many aspects of public administration.

All businesses of any size or importance employ accountants to assess their income tax and conduct the necessary negotiations with the Income Tax Inspector. It is also the accountant's duty to see that the requirements of the Companies Act are complied with in the matter of preparing balance sheets and keeping books. In the case of those numerous businesses which are executing contracts on behalf of the government, it is the duty of the accountant to see that the requirements

of the government department concerned are complied with in such matters as costing, and computation of profits.

Builders, chemists, those engaged in the production of food, timber, the laying out and maintenance of roads, the purification of water, all have an interest in the Department of Scientific and Industrial Research. The same applies to persons who are employed in the electricity, radio, metallurgical, engineering, and aerodynamic industries. Those who are engaged in the manufacture of paper and its sale, printers, manufacturers of printing plant, the binding industry, publication and book selling, are all brought into contact with the Stationery Office. Persons following occupations in the following industries are intimately associated with the Ministry of Supply and Aircraft Production; the manufacture of munitions, instruments, mechanical equipment, clothing and textiles, rail, road and air transport, production and importation of raw materials, and machine tools. Persons engaged in the export trade have very close relations with the Commercial Relations and Treaties Department and Export Licensing Department of the Board of Trade. Businesses of all kinds are apt to have occasion to make use of the Bankruptcy and Companies Winding Up Departments of the Board of Trade. Those who are concerned with the establishment of patents must do so through the Patent Office. Railway employees of all grades, road haulage firms, and all road users, are affected by the administrative activities of the Ministry of Transport. Builders and architects, engineers, land owners, surveyors, manufacturers and traders in building materials, are concerned with the Ministry of Works and Buildings.

An important sphere in which the administration has associated itself with business is that of Trade Associa-

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tions. The growth of these has been a marked feature of economic development during the twentieth century. In 1919 there were five hundred trade associations, whilst the numbers have since risen to something in the neighbourhood of three thousand. They vary considerably in size and influence on the national economy. You have such great associations as the British Electrical and Allied Manufacturers' Association on the one hand, and on the other, the Association of British Manufacturers of Needles, Fish Hooks and Fishing Tackle. These associations have been referred to in various reports of Government Committees, such as the Balfour Report of 1927-8, and the Report on Restraint of Trade.

A Trade Association is a voluntary non-profit making association of business enterprises formed to protect and advance the trading interests of its members. A firm which joins a trading association does not sacrifice its independence. The associations usually relate to a particular product or group of products. A trade association may be set up as a company limited by guarantees, not having share capital, but of necessity governed by a Memorandum and Articles of Association. On the other hand, it may be unincorporated, having specifically laid down Objects, Regulations and Bye-Laws. These associations have, since the 1939-45 war, become so closely associated with the Board of Trade that they can be regarded as an aspect of public administration.

The existence of these trade associations carries with it a considerable number of jobs fulfilling certain offices such as that of President, Vice-President, Treasurer, Director and Secretary. There must, of course, be a staff as well. This staff will vary in size and an association such as the British Electrical and Allied Manufacturers' Association would have a fairly large staff,

whilst small associations might even have only one assistant. In many cases the affairs of associations are looked after by firms of solicitors or accountants. The tendency however, has been for associations to employ more and more full time secretaries.

One of the results of the establishment of these associations is the promotion of standardisation. This has affected the engineering industry, and one of its objects is to eliminate waste, facilitate production, and assist industry to meet foreign competition. The government is naturally very interested in this function of trade associations. The Cable Makers' Association has been very active in the sphere of standardisation, and so has the Society of Motor Manufacturers and Traders. Progress has also been made in building materials, such as glass, bricks and cement, and the metallurgical trades. Among the indications of support given by the Board of Trade to standardisation has been the establishment of a special certification mark under the provisions of the Trade Marks Act. The Merchandise Marks Act enables the Board of Trade to make marking orders in regard to imported products on the application of an industry, and associations have been formed for the purpose of making such applications. Trade associations also carry on research work with the approval of the government. Research associations have been established with the support of the Department of Scientific and Industrial Research, which has received grants from Parliament for the purpose of subsidising research associations.

Associations carry on discussions and negotiations with the administrative officials of government departments, and this is one of the most important activities of trade associations, some of which have been founded under government auspices for the purpose of arranging

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the equitable distribution of materials. Others have been founded at the request of government departments in order to facilitate relations between these and the trades concerned. As indicated above, trade associations are nowadays concerned with the public administration on a very wide range of questions, including the allocation of materials, concentration, limitation of supplies, labour direction, price control, and utility specifications. Another sphere in which associations have co-operated with the government has been in the setting up of exhibitions, advertising campaigns, and educational propaganda by means of lectures and film shows.

One of the most important activities of Trade Associations relates to price control. This is conducted by means of agreements which sometimes are formal and take place at full meetings of the association concerned. They are sometimes supported by sanctions such as the forfeiture of deposited sums of money or securities, and sometimes by rebates. Prices are often regulated by informal understandings. An important means of regulating prices has been the control by manufacturers and distributors of the means of distribution of the commodity.

As indicated above, there has been a great growth in the number of trade associations, and this has been accompanied by increased activity on the part of the associations, which were usually in the first place established mainly for the purpose of negotiating government departments, or holding exhibitions. In due course, however, the contacts established between different firms in a trade have resulted in co-operation on technical issues such as standardisation and research, which in due course have been supported by government departments. Another activity which has in due course

received intensive government support has been the promotion of exports. The retail trades were the last to adopt the method of association, but in due course they began to form their associations which not only provided their members with many services, but also carried out negotiations with manufacturers for fixing minimum resale prices and for allowing price margins of a remunerative character. Here again, since the war, the government has become vitally interested.

Having indicated the various ways in which public administration impinges on the numerous occupations which people follow in a modern community, we propose now briefly to review the field we have covered. (It will have been made clear that the incursion of legislation into private life has rapidly developed during the twentieth century.) During the Victorian age what is known as the *Laissez Faire* policy had a strong influence on parliamentary policy. As a result, governments were very reluctant to interfere in any way with the private life of citizens.) The greatest possible pressure of public opinion was needed to induce the government of the day to pass the Factory Act and the Education Act. During the twentieth century governments have no longer shown themselves reluctant to adopt state control and state interference. (This tendency was visible before the 1914-1918 war, and showed itself in the Health Insurance and Unemployment Insurance legislation introduced by the Liberal Government.) The war itself gave a great impetus to the tendency in the direction of government interference owing to the fact that the government which was in charge during the war found itself compelled by sheer necessity to introduce control of industry on a very large scale. During the war of 1939-1945 the government's control over the private life of the citizen was extended to an unprece-

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dented degree. Every adult citizen was brought under the direction of the State as regards his or her employment. The rationing of food, clothing, furniture, raw materials and all types of manufactured goods became universal. The Essential Works Order laid it down that the majority of employed persons should not leave their work without the permission of the Ministry of Labour and National Service under pain of severe legal sanctions. Similarly employers were not allowed to dismiss their employees without the permission of the Ministry of Labour and National Service, again under pain of severe penalties.

(Since the election of 1945 the extension of government control over industry has been maintained and in some directions, extended.) Whereas the controls over employment were to a great degree relaxed, the government have found it necessary to some extent to re-introduce them under the stress of economic necessity. Owing to the world wide nature of the economic crisis and the necessity imposed upon Great Britain to balance her trade budget, it has been found necessary to extend government control to cover the organisation and management of certain industries and professions such as the coal industry, inland transport, manufacture, importation and distribution of raw materials, the banking and medical professions.)

(Among the more familiar instances of state interference with the liberty of the individual, which are a common feature of modern life, are the following : Income Tax, National Health Insurance, Unemployment Insurance, Compulsory contributions to provide for Old Age, Maternity and Family Allowances, Means Tests, Liquor Licensing, Restriction of Shops Hours, Compulsory Acquisition of Land and Buildings, Notification of Infectious Diseases, Workmen's Compensation,

Car Taxation, Driving Licences, Food and Drugs Regulations, Milk Inspection, Inspection of Mines and Factories, Food Subsidies, with consequent partial control of Agriculture, and distributive trades.)

PART II

The Instruments Of Public Administration

CHAPTER THREE

THE CONSTITUTION

It has been said by an American scholar that “The English constitution has made the circuit of the globe and become the common possession of civilised man.” In consequence of this world wide influence of the British constitution, it has inevitably affected public administration in many parts of the world, but of course it has nowhere affected it so intimately as in Great Britain itself. The constitution may be said to be the invisible central machinery on which the whole administrative life of the country depends. We have described it as invisible because there is actually no written British Constitution. It is a body of ideas and conventions and laws which have evolved throughout a period of about a thousand years. The origin of the constitution is very aptly summed up by Bagehot as follows: “We have made, or rather stumbled on, a constitution which—though full of every species of incidental defect, though of the worst workmanship in all out of the way matters of any constitution in the world—yet has two capital merits: it contains a simple efficient part which, on occasion, and when wanted, can work more simply and easily, and better, than any instrument of government that has yet been tried;

and it contains likewise historical, complex, august, theatrical parts, which it has inherited from a long past—which *take* the multitude—which guide by an insensible but omnipotent influence the associations of its subjects. Its essence is strong with the strength of modern simplicity; its exterior is age. Its simple essence may, *mutatis mutandis*, be transplanted to many various countries, but its august outside—what most men think it is—is narrowly confined to nations with an analogous history and similar political materials.”

The Roman occupation, although it lasted four centuries, had very little influence on the subsequent political development of Britain. The basic principles on which the constitution is founded were born during the ages which followed the withdrawal of the Romans and ended with the Norman Conquest. The constitution might therefore be said to be Saxon by birth. As students of history know, the original population of Britain was either overwhelmed or driven westward by successive waves of Teutonic and Scandinavian invaders who settled in the country and introduced their own tribal administration which was based on the family and the tribe and was antagonistic to autocratic government. From the earliest times the Anglo-Saxons favoured the idea of government by periodical meetings of Elders and were hostile to what in modern times we call dictatorship. In spite of the autocratic character of the Norman kings and some of their successors, the principal of government by Assembly was never entirely lost; in fact, the monarchy and the idea of government by popular vote evolved simultaneously.

Before the Norman conquest the Anglo-Saxon kings could only ascend the throne with the approval of the Witan, an assembly of the Principle churchmen and aristocracy. The idea of hereditary succession did not

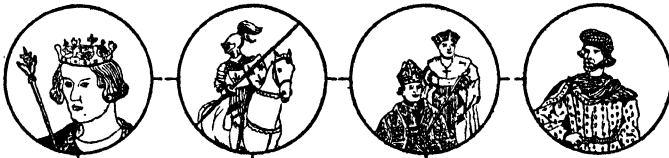
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take shape until a much later date, i.e. the beginning of the seventeenth century, when the House of Stewart in the person of James I, claimed the hereditary title to the throne by Divine Right. The strength of the old idea of government by assembly was shown when the revolution overthrew Charles I. Thereafter no king could ascend the throne of England without the approval of Parliament.

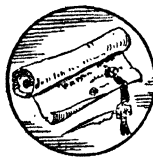
The hereditary principle had been in force since the Norman conquest, but the notion of Divine Right did not appear until its short lived introduction by the House of Stewart. The Norman kings were careful not to interfere with local institutions. The Feudal system, whilst establishing the king as the supreme fount of authority, recognised not only the duties of his subjects, but his responsibilities towards them. One of the striking features of this system was the resolution of the delegation of authority by the king to his subjects through various stages. One of the most striking administrative achievements of the Norman kings was in the realm of the enforcement of justice. This they accomplished by the system of itinerant justices, which survives to this day in the Assizes. This system protected the citizen from the tyranny of the local lords and enabled them to appeal to the authority of the monarch through the judges who toured the country, as they do to this very day.

During this period the king was assisted in the government of the country by a body known as the Great Council, called The Magnum Concilium, and the King's Council or Curia Regis. These were not democratically elected bodies in accordance with modern democratic ideas, but consisted mostly of the king's tenants in chief who were the leading churchmen and barons. The Great Council replaced the Anglo-Saxon Witan. The

THE MODEL PARLIAMENT - 1295



BILL OF RIGHTS - 1689



TWENTIETH CENTURY



THE KING

THE HOUSE OF
LORDS

HOUSE OF
COMMONS

THE
GOVERNMENT

THE
PRIME MINISTER

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OSMANIA UNIVERSITY

King's Council was a smaller body appointed from the members of the great Council and was a sort of Cabinet.

The first step towards the establishment of a Parliament in the sense in which it is understood to-day, was taken (by Edward I, who in 1295 called the Model Parliament. Much of the credit for this forward step must be given to Baron Simon de Montford, who in the previous reign defied the king and called together a parliament which for the first time included representatives from some of the boroughs.) In the Model Parliament there were three groups; the Nobles, the Church, and the Commons, who were described as the Lords Spiritual and Temporal on the one hand, and the Commons on the other. This early parliament met at Westminster Hall, which is still standing within the precincts of the modern Houses of Parliament.

In the sixteenth century the Tudor monarchs in the persons of Henry VIII and Queen Elizabeth ruled as absolute monarchs, but were careful to cultivate popularity and so secure the support of the people where necessary against the nobles. It was the foolish policy of the first two Stewart kings, James I and Charles I, which brought about the final downfall of the absolute authority of the king and the beginnings of true democratic parliamentary government. (This, for the first time, took statutory shape in the Bill of Rights which in 1689 finally established the supremacy of parliament on the accession of William of Orange and his wife Mary. In the following century, George III made unsuccessful attempts to re-establish monarchical authority. It was during this period that the Cabinet came into being as an integral part of the constitution, and at the same time the Party system arose. (Neither the Cabinet nor the Party system have ever been established by law, but by a process of natural growth they have become

the pillars of the system of government in Great Britain.

(The fact that the constitution has, apart from the Bill of Rights which defined the relations between the monarch and parliament, never been embodied in any statute or statutes, has resulted in our constitution being termed Fluid. As a result, it has been possible to adapt it to the varying conditions of the times.)

The actual work of government is carried out by ministers chosen from, and with the authority of, parliament. They are members of the political party which secured the majority of seats at a General Election, which now by law takes place at least every five years. As a result, there are periodical changes in the personnel of the Ministry. (The continuity of administration was, however, secured when entry to the Civil Service by open competitive examination was introduced in 1855, and in course of time superseded the old method of appointment by favour of the Ministry.) Until the 1914-1918 war the principle posts in the civil service were held by permanent civil servants who had entered by open competition.) Inroads have, however, taken place as a result of the two wars owing to the necessity of making temporary appointments.

Both wars caused a very great inflation of the personnel of the civil service, and for many years after the 1914-1918 war process of open competition was suspended. Then a further and even greater inflation took place during and after the 1939-1945 war. It is difficult to avoid the conclusion that these changes in the method of recruitment of the civil service, however inevitable, must affect the stability of the administration. (The distinction between administration and policy is real and important. The Ministry decides policy in accordance with the principles of the political party from which it is chosen, but the carrying out of

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that policy is in the hands of the civil service. It is quite a mistake to suppose that the country is, as is sometimes alleged, governed by the civil service. The country is governed by the Ministry chosen from the political party which was successful at the last General Election, and has a majority in parliament. Since the introduction of open competition in 1855, and until the inroads upon that principle resulting from the two wars began to take place, a proportion of the best minds in the universities and secondary schools entered the civil service. As a result, each successive government had at its disposal a sufficient number of administrative officials of the highest ability.

THE MINISTRY.

A modern ministry is made up as follows :

The Prime Minister and First Lord of the Treasury.

The Lord President of the Council.

The Lord High Chancellor.

The Lord Privy Seal.

The Chancellor of the Exchequer.

The Secretary of State for Home Affairs.

The Secretary of State for Foreign Affairs.

The Secretary of State for the Dominions.

The Secretary of State for Colonies.

The Secretary of State for War.

The Secretary of State for Air.

The Secretary of State for Scotland.

The First Lord of the Admiralty.

The President of the Board of Trade.

The Minister of Health.

The Minister of Food.

The Minister of Education.

The Minister of Agriculture and Fisheries.

The Minister of Labour and National Service.

The Minister of Works and Buildings.
 The Minister of Social Service.
 The Minister of Town Planning.
 The Minister of Supply and Aircraft Production.
 The Minister of Transport.
 The Minister of Fuel and Power.
 The Minister of Pensions.
 The Chancellor of the Duchy of Lancaster.
 Attorney-General.
 Solicitor-General.
 Postmaster-General.
 Paymaster-General.

JUNIOR MINISTERS.

The Civil Lord of the Admiralty.
 The Financial Secretary to the Treasury.
 The Junior Lord of the Treasury.

UNDER SECRETARIES OF STATE.

The Under-Secretary of State for Home Affairs.
 The Under-Secretary of State for Foreign Affairs.
 The Under-Secretary of State for Dominions.
 The Under-Secretary of State for Colonies.
 The Under-Secretary of State for Air.

PARLIAMENTARY SECRETARIES.

The Parliamentary Secretary to the Secretary of State for War.
 The Financial Secretary to the War Office.
 The Parliamentary Secretary to the Board of Trade.
 The Parliamentary Secretary to the Ministry of Fuel and Power.
 The Parliamentary Secretary to the Ministry of Food.
 The Parliamentary Secretary to the Admiralty.

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The Parliamentary Secretary to the Overseas Trade Department.

The Parliamentary Secretary to the Ministry of Agriculture and Fisheries.

The Parliamentary Secretary to the Ministry of Labour and National Service.

The Parliamentary Secretary to the Ministry of Education.

The Parliamentary Secretary to the Ministry of Health.

The Parliamentary Secretary to the Ministry of Transport.

The Parliamentary Secretary to the Ministry of Social Service.

The Parliamentary Secretary to the Ministry of Town Planning.

The Parliamentary Secretary to the Ministry of Supply and Aircraft Production.

MINISTERS FOR SCOTLAND.

The Secretary of State.

The Under-Secretary (Health).

The Lord Advocate.

The Solicitor-General.

POLITICAL MINISTERS OF THE ROYAL HOUSEHOLD

The Treasurer of the Royal Household.

The Comptroller of the Royal Household.

The Vice-Chamberlain of the Royal Household.

The Lords in Waiting (Political) (2).

Captain Gentlemen at Arms.

Captain Yeoman of the Guard.

There are three distinct groups in every ministry.

The senior ministers are grouped to form the Cabinet, which varies in size. In wartime it has been the practice to form a small Inner Cabinet exercising supreme authority. This might consist of as few as six ministers. In peacetime the cabinet is usually made up of about eighteen ministers. Next come the senior ministers who are not in the Cabinet, and then the junior ministers including the Under-Secretaries of State and Parliamentary Secretaries.

Immediately after a General Election a new government is formed as previously stated from the members of the political party which has secured the greatest number of seats at the election. It is the constitutional practice for the Prime Minister of the defeated government to hand in his resignation to the King, and advise him to send for the leader of the victorious party and ask him to accept the office of Prime Minister. The sovereign has no discretion in the matter and is bound to offer this post to the man chosen by Parliament. It then falls on the Prime Minister to select his ministers. The procedure followed on these occasions is traditional and is described in Morley's *Life of Gladstone* from which the following extract is taken :

“ On the afternoon of the first of December, Gladstone received at Hawarden the communication from Windsor. ‘ I was standing by him,’ says Mr. Evelyn Ashley, ‘ holding his coat on my arm while he in his shirt sleeves was wielding an axe to cut down a tree. Up came a telegraph messenger. He took the telegram, opened it and read it, then handed it to me, speaking only two words, “ Very significant,” and at once resumed his work. The message merely stated that General Grey would arrive that evening from Windsor. This meant, of course, that a mandate

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was coming from the Queen charging Mr. Gladstone with the formation of his first government. . . . After a few minutes the blows ceased and Mr. Gladstone, resting on the handle of his axe, looked up and with deep earnestness in his voice and with great intensity in his face, exclaimed, "My mission is to pacify Ireland." He then resumed his task and never said another word till the tree was down.' General Grey reached Hawarden next day, bringing with him the letter from the Queen."

As well as choosing the government and superintending its work and directing its policy, it is the business of the Prime Minister to advise the King regarding a number of non-ministerial appointments. These appointments include archbishops and bishops and other churchmen ; the appointment of judges is also the prerogative of the Prime Minister. In addition, it is his duty to recommend the award of honours. The Prime Minister, moreover, can never forget that he can be called upon by Parliament to justify all his actions.

PARLIAMENT.

Every inhabitant of London and every visitor to the metropolis is familiar with the Houses of Parliament. At one end of this great mass of buildings is the tower with the clock known as Big Ben. At the other end is the tower of the House of Lords. Parliament consists of two chambers : The House of Commons and the House of Lords.

The House of Lords.

The members of this House fall into five groups :

1. The Princes of the Royal blood. These members very rarely take any part in the debates in the house.

2. Hereditary peers. These members hold their seats on the principle of *primo geniture*. They are the heirs of deceased members of the House of Lords. The heir to a peer is a commoner until the peer dies and the heir succeeds him. The title Lord as applied to a member of the family of a peer is a courtesy title which does not carry with it the right to sit in the House of Lords. Members of a peer's family can be elected as commoners and become members of the House of Commons. But such a member must on the death of the peer to whom he is heir, resign his seat in the House of Commons and take up his seat in the House of Lords.

3. Representative peers. The Scottish peers elect sixteen of their number to represent them in the House of Lords. Since the Act of Union, 1707, no new Scottish peers have been created, and the number has shrunk to thirty-two. A number of Scottish peers hold peerages of the United Kingdom as well as their Scottish titles, and these have seats in the House of Lords.

4. Lords of Appeal. Seven eminent judges and lawyers are appointed for life as Law Lords, and constitute the final Court of Appeal.

5. The Lords Spiritual. These consist of bishops of the Church of England. A bishop is not a Lord Spiritual by the fact of being a bishop. The permanent Lords Spiritual are the Archbishop of Canterbury, the Archbishop of York, and the bishops of London, Durham and Winchester. Twenty-one other bishops are Lords Spiritual. The Lords Spiritual are actually the successors of the abbots and cardinals of earlier times, who were members of the older parliaments.

During the Victorian age, the Prime Minister and many members of the cabinet were not infrequently

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members of the House of Lords. It is now accepted as a principle that the Prime Minister must be a member of the House of Commons. By law, one Secretary of State and one Under-Secretary must be a member of the House of Lords. The Lord Chancellor is the Speaker of the House of Lords.

The duties of the House of Lords are as follows :

1. The examination and scrutiny and, if necessary, amendment of, Bills sent up by the House of Commons. In modern times the pressure of business in the House of Commons has often been so severe that the House of Lords has been able greatly to assist the other House by the recommendations it has been able to make as the result of careful scrutiny of the Bills sent up.

2. The initiation of Bills of a non-party character. These usually deal with administrative questions which are not the subject of political controversy.

3. At times the House of Lords can delay the passage of a Bill if it is felt that before it is passed into law the nation should be given an opportunity of ventilating its opinions.

4. An important function of this House is the discussion of questions of foreign policy. These discussions are frequently very valuable as a means of keeping the public informed regarding the issues involved.

The House of Commons.

In contrast to the mainly hereditary character of the House of Lords, the House of Commons is solely elected. Any person of either sex above the age of twenty-one is eligible for membership of the House of Commons, with the exception of peers of the realm, civil servants, government contractors, lunatics, bankrupts, and aliens.

Members of the House of Commons receive a fixed remuneration. They cannot resign their seats without following a certain fixed procedure. The method of resigning is to apply for the Stewardship of the Chiltern Hundreds, an ancient office which was set up many centuries ago for the purpose of dealing with robbers in the forests which used to cover the Chiltern Hills. The holders of this office cannot hold a seat in Parliament. If, therefore, a member of parliament is appointed to this office, his seat in parliament automatically becomes void. The only other circumstances under which a member's seat can become vacant are by his death or through his being unseated by a vote of parliament itself on proved grounds of corruption.

How Parliament Works.

If the reader studies the reports of the proceedings on any particular day in the House of Lords, he will find that the report opens as follows: "The Lord Chancellor took his seat on the Woolsack at — o'clock." The term Woolsack applied to the seat occupied by the Lord Chancellor is believed to derive from the fact that during the reign of Edward III (1327-77) woolsacks were placed in the House of Lords to remind the peers of the importance of the wool trade. As already pointed out, the Lord Chancellor acts as Speaker of the House of Lords. This means that in effect he acts as Chairman during their debates. He is the sole judge of the order in which the peers are allowed to speak, and his judgment is final as to whether their speeches are in order or are not.

The main business of the House of Lords is to deal with bills which have passed through the House of Commons and have come up to the other House to be passed or otherwise, and if passed to go to the Sovereign for final endorsement before they become law. Bills

have to go through what are known as three Readings. The first Reading does not amount to more than the giving of permission by the House of Commons for the Bill to be printed. At the second Reading the principles on which the Bill is based are discussed. When the Bill, having been voted upon, has passed its second Reading, it goes through what is known as the Committee Stage, when every clause and sometimes even every sentence is discussed in detail. Having passed the Committee Stage, the Bill is once more placed before the House with all the amendments which have been passed. This is known as the Report Stage of the Bill, which now receives its third Reading. If the vote on the third Reading secures a majority for the Bill, it has now passed through the House of Commons and goes to the House of Lords. The upper House then debates the Bill, which passes through stages and procedure similar to those in the House of Commons. If a Bill contains clauses dealing with finance, the House of Lords is not allowed to interfere with these clauses, as this would constitute an infringement of the privilege of the House of Commons.

The reports on proceedings of the House of Commons open with the phrase "The Speaker took the Chair at — o'clock." As in the House of Lords the Speaker of the House of Commons controls the debates. The office is ancient. Sir Thomas Hungerford in 1377 was the first member of the House to hold the title of Speaker. He represented the House of Commons in its dealings with the king and the House of Lords.

At the opening of each Parliament the Speaker is elected, and holds office during the life of that particular Parliament. But it is no longer the practice for the Speaker always to be a member of the party which secures a majority at the General Election. Whatever

party the Speaker may have belonged to, the House usually re-elects him to the office. Although when first appointed it is usual for a Speaker to be chosen from among those members of Parliament who support the government of the day, once he is in office he accepts the age-long tradition that the Speaker is not a party man. His position is one of considerable difficulty and requires great tact. His is the decision as to which member shall be permitted to address the House. There is no established rule governing the method by which a member shall endeavour to secure the Speaker's permission. The practice has grown up by which members seek to "catch the Speaker's eye." This requires considerable experience and knowledge as to how to set about it. The Speaker endeavours to see that all parties in the House should have a fair chance to express their views. He is also careful to see that any members who are known to possess special knowledge of the subject under discussion should have an opportunity to give their views.

Although it lies with the Speaker and the Speaker alone to decide who shall or shall not speak, he has no power to intervene once a member has started speaking, provided that member speaks about the question under debate. As is inevitable in any assembly, occasions arise when a member is either too fond of the sound of his own voice, or keeps on talking with a view to obstructing the passage of the Bill. As the Speaker has no power to stop him, when members are tired of hearing his speech they use various methods to express their disapproval. In earlier times the House was apt to become uproarious on these occasions and attempts were made to drown the voice of the tiresome member by catcalls and other noises. One of the most important duties of the Speaker is to preserve the dignity of the

House and he has the right to call unruly and disorderly members to order and, if necessary, suspend them and have them removed.

The proceedings in the House of Commons are always opened with a prayer. The members, on entering the House and on leaving, always bow towards the Speaker's chair. This is the relic of an ancient custom. The Chair occupies the site of the altar of the ancient chapel of St. Stephen, where in days gone by, the House used to hold its meetings. The bowing is a survival from the old bowing to the altar. When prayers have been concluded the Mace is brought in and placed upon a table, the number of members present is counted, and if there are not less than forty the doorkeeper calls out "Mr. Speaker at the Chair," and the business of the day can be commenced. If at any time it is found that there are less than forty members present, the sitting must be closed.

Members of parliament have the right to put questions to Ministries, provided they give one day's notice. It is rarely possible for ministers to answer all the questions put to them in the time available, and those which cannot be dealt with orally are answered in writing, or rather, printing, as answers are always printed. A member may ask a further question arising out of the answer he has received. These are known as supplementary questions. Proposed questions are examined by the Speaker and the Clerks of the House to ensure that they do not contravene the procedure of the House.

Among the many questions of detail which have to be handled is the granting of authority for a new member to be elected in place of a member who has died or vacated his seat for any other legitimate reason. In such cases a Writ of Election is issued by the Lord Chancellor to the Returning Officer of the constituency

represented by the vacating member, authorising him to arrange for an election. Another detail which has to be dealt with is the introduction of a new member. This has to be done by two other members. Every new member must take the oath, or make an affirmation, sign the Test Roll, and be presented to the Speaker. The oath runs as follows : " I swear by Almighty God that I will be faithful and bear true allegiance to His Majesty, King George, and to his heirs and successors according to Law, so help me God."

The Bills presented to the House of Commons fall into three classes : Public Bills, Private Bills, and Private Members' Bills. A Public Bill is one which is introduced by the government and deals with matters affecting the whole nation. A Private Bill deals with the affairs either of some particular person or of a corporation or some other body. A Private Member's Bill is a public bill introduced by a member of the House as distinct from the Government.

In order to deal with the voluminous and complicated business which comes before Parliament, the House has divided its Committees, the chief of which are the following :

1. *The Committee of the Whole House.* This deals with general matters, and when these relate to expenditure the committee is known as the *Committee of Supply*. When the committee deals with Revenue questions, it is called a *Committee of Ways and Means*.

2. *Select Committees.* These consist of a small number of members, usually about fifteen, who are appointed by the House to investigate some specific question.

3. *Standing Committees.* There are several of these in existence at any given time, consisting usually of

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between forty and sixty members. They are set up by the House to deal with Bills which have passed through their Reading but are technical and need careful overhauling.

When, as is often the case, a dispute arises between members of opposing parties in a committee of the whole House a vote is taken. At the end of the debate the Speaker puts before the Committee the question on which they are asked to vote and says: "As many of you as are of that opinion will say Aye." When the supporters of the motion have shouted their "Ayes" the Speaker then says "The contrary, No," and the opposition members shout "No." The Speaker then says, "I think the 'Ayes' (or 'Nos') have it." If the Speaker's decision is challenged by a member the order is given, "Clear the lobby." Bells are rung in every room and corridor of the House, policemen call out "Division" and the members proceed to go into the division lobbies. These are the Aye Division, and the No Division. As they enter the lobby their names are recorded and then counted by the Tellers. When voting is finished the Tellers walk up to the table where the Mace is placed, bow to the Speaker, and the Teller carrying the majority vote announces the result.

When the House has finished its business for the day, the Speaker leaves the chair and the doorkeeper steps into the lobby and calls out: "Who goes home." The latter is a survival of an ancient practice whereby members gathered together in parties and were escorted home by Yeomen of the Guard to protect them against robbers and other criminals who infested the roads in those days.

CHAPTER FOUR

THE LAW

Two of the principal functions of parliament are : to make laws, and to see that they are properly administered. These laws are administered by the judges and the courts of law. Throughout the civilised world the law is based upon two great systems. These are Roman law and British law. Roman law was systematised and classified, but English law has never been either systematised or classified, but has grown up as a result of Acts of Parliament and legal decisions by judges. Although it has never been systematised like Roman law, it is possible to distinguish in the vast mass of statutes and decisions three main groups. These are the Common Law, Statute Law, and Equity.

1. The Common Law.

This has grown up throughout the centuries and might be described as "The Universal Custom of the Realm." It has its origin in Saxon times, since when a vast series of precedents have been built up as a result of the contacts between judges and the people. The Common Law of England has aptly been described as "That unrelated mass of precedents, that wilderness of single instances." Commentaries on the Common Law have been written by distinguished judges. England has had the advantage of possessing throughout the centuries many distinguished judges who have laid down principles of justice frequently in defiance of the opposition of the kings. Among the most famous of these were Glanvill (12th century), Bracton (13th century), Littleton (15th

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century), Fitzherbert (16th century), Hale and Coke (17th century), Blackstone (18th century). The United States of America have made the Common Law of England the basis of their legal system, and it prevails throughout the Dominions and the British Empire and in other parts of the world.

2. Statute Law.

This law was originally made by the kings, subsequently by the kings assisted by parliament, and eventually by parliament itself. Statute laws are those passed by parliament. An Act of Parliament is a statute, and statute law is supreme over every other type of law. In other words, an Act of Parliament is the absolute and final authority on any question with which it deals. It should be added that laws can be made by Order in Council pursuant to a statute of the realm, but an Order in Council cannot create new statutory laws but can only give effect in detail to principles laid down in general by a statute. An Order in Council is issued by the Privy Council on the advice of a minister and becomes law as soon as it has been approved by the king and the Privy Council. This, however, is only a formality. It is, in fact, the minister who makes the Order in Council. It was the practice until recently for Orders in Council to lie on the table of the House for from twenty to forty days so as to enable members of parliament to criticise them. It has, however, been found impossible to do this in every case in recent years, owing to the pressure of business in the House. As a result, many laws are now made by government departments on the authority of the minister without the Order in Council being seen first by parliament. It has also become the practice in some cases for an Act of Parliament to contain a proviso laying it down that "The decision of the

Minister is final." In such cases, there is no remedy by appeal to the Courts against the decision of the minister.

3. Equity.

In ancient times in Britain a citizen who felt that he had been unjustly dealt with in a court of law could petition the king for the case to be reviewed. The king referred such cases to the Chancellor, who passed them to the Court of Chancery. The body of law which has grown up in this way is known as Equity.

It is a fundamental principle of English law that cases must be conducted openly in court and that the public must have access to such courts, and furthermore, every party to a case has the right to be represented by a barrister or solicitor. The party first approaches a solicitor who advises him, and if he considers that there is a case to go to court he engages, if necessary, the services of a barrister. A solicitor can only plead in Petty Sessions and County Courts. Only a barrister can plead in the higher courts. Only established facts can be admitted as evidence. In no circumstances can opinion or heresay be accepted. It is the established practice that there must be a jury in serious criminal cases, and judgment must be given orally in open court, and if the defendant loses the case he has the right of appeal to a higher court and in some cases an appeal can lie from one court of appeal to a still higher court. Before a criminal case can be tried, it must be examined by a magistrate who will decide on the facts available whether there is a case for trial. The accused has the right to reserve his defence, and is not obliged to answer any questions during the preliminary examination by the magistrate. No person can be detained in prison indefinitely without trial. This is laid down in the Habeas Corpus Act of 1679, one of the greatest bulwarks

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of British liberty, although under the stress of national danger this rule was varied under the Defence of the Realm Act in the 1939-45 war to enable persons suspected of activities likely to assist the enemy to be detained without trial.

An important classification of the law is to be found in the distinction between civil and criminal law. Civil law deals with disputes between private individuals or groups of individuals where no criminal element is involved. The criminal law deals with punishable offences against person or property, or against the community. Such cases would be murder, assault, theft, treason.

The administration of the law is carried out in the following ways :

1. *Civil Law.* The following courts deal with the civil law :

Petty Sessions, County Courts, Local Courts of Record.

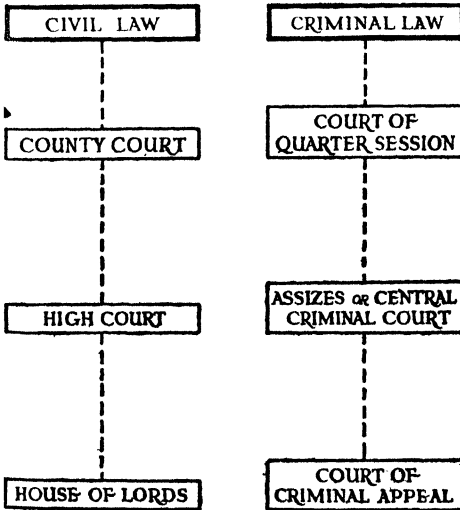
Supreme Court of Judicature, consisting of the High Court of Justice, and the Court of Appeal. The High Court of Justice is divided into the King's Bench Division, the Chancery Division, and the Probate, Divorce and Admiralty Division.

The final Court of Appeal is the House of Lords, where the court consists of the Lord Chancellor and six judges.

A Civil action is in the first instance brought before either a Court of Petty Sessions, a County Court, or a local Court of Record. Petty Sessions are conducted by two or more justices of the peace whose powers are strictly circumscribed. These courts deal with the initial phases of legal proceedings and with the issue of licences. In the big cities these courts are conducted by



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a magistrate known as Stipendiary Magistrate, who is a permanent paid official. The County Courts deal with more important cases than the local courts, and are presided over by a judge.

The local Courts of Record are established by very old charters. The Lord Mayor's Court of London and the Tolzey Pie-Poudre Court at Bristol are courts of this description, and deal with what is known as the Law Merchant, a body of law and custom relating to the carrying trade of Europe which has grown up throughout the centuries. These courts also deal with a number of other matters.

The King's Bench Division deals with the more important civil cases, and used to be conducted by the king himself. As already indicated, the Chancery Division deals with cases of Equity. Above these courts, as already indicated, stand the Court of Appeal and the House of Lords.

2. *Criminal Law.* The criminal law is dealt with by the following courts: The first stage is the Court of Summary Jurisdiction, conducted by Justices of the Peace, or by a Stipendiary Magistrate. Minor offences are dealt with in these courts.

The Coroner's Court investigates cases of death where it is suspected that the cause of death may not have been natural.

The Court of Quarter Sessions is presided over by Justices of the Peace under a Chairman, or, in thickly populated districts, by judges known as recorders appointed by the Home Secretary. At these courts there must be a jury, and before an accused person can be put on trial the case must be investigated by a Grand Jury and if the latter finds a " True Bill " the accused is put on trial.

The next higher Courts are the Assizes, presided over by a judge of the High Court. These deal with more serious criminal cases. Assizes are held at least once a year in the principle towns. In London, the Central Criminal Court at the Old Bailey takes the place of the Assizes. As already indicated, there are above these courts two higher Courts of Appeal which are known as the Court of Criminal Appeal and the House of Lords.

The Probate, Divorce and Admiralty Division has already been mentioned. The Probate, of course, deals with testamentary cases, and the Divorce Division obviously with divorce cases. The Admiralty Court deals with such matters as salvage and prizes.

A new section of the legal administration not in existence prior to the twentieth century, consists of the Juvenile Court, set up to deal with offenders under the age of sixteen. No person under the age of sixteen can be sent to prison, apart from certain very exceptional circumstances. These Courts have the power to send the offender to Home Office schools in order to separate the child from a harmful environment, and to offer training in new surroundings. As an alternative, the child can be handed over to the care of the Probation Officer, whose duty it is to help the child in every possible way. In such cases the child is put on a period of probation during which it is liable to be brought again before the Juvenile Court.

The Police.

No branch of public administration in Britain is more respected nor more entitled to respect than the police. The familiar term "Bobby" as applied to policemen, is derived from the fact that the first police force in London was created by Sir Robert Peel in 1829. Previous to this, there had been no instrument of the law com-

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parable to the present police force. During the eighteenth century and the early part of the nineteenth, riots were not uncommon, and the only force available to the authorities for dealing with them was the Army. The moral effect of calling in the military was usually very bad, and tended to rouse the rioters to fury. The military authorities were naturally accustomed to somewhat ruthless methods, and indeed their training did not fit them for dealing with civic disturbances. The consequence of this was that serious loss of life frequently resulted from the quelling of riots. An instance of this was the famous Peterloo Massacre as it came to be called. On this occasion a crowd was dispersed by the military in Manchester in 1819. Eleven people were killed and about six hundred wounded. In 1780, there occurred the Lord George Gordon riots. Fifty thousand people marched to the House of Commons to demand the repeal of the Catholic Emancipation Act. In the ensuing riots, which were quelled by the military, two hundred people were killed, many wounded, and many more arrested. Nowadays we have a police force which has been framed to deal with civic disorders without the use of firearms and, whenever called upon to do so, has shown the utmost skill and tact. As a result, such tragedies as the Peterloo Massacre and the slaughter during the Lord George Gordon riots are now inconceivable.

In earlier times, when the country was geographically divided into areas called Hundreds, the responsibility for keeping order within its own borders lay upon each Hundred. Every citizen of the Hundred was held individually responsible for seeing that order was kept. In a way, everybody was a policeman. At the present day, it is the duty of every citizen to assist the police when called upon to do so. In time of war, and generally at times when the strength of the police force is inadequate,

private citizens are enrolled as Special Constables. Before the creation of the modern police force, a prominent figure in village life was the village constable, on whom at times the whole responsibility for the maintenance of public order was devolved. At one period, the person entrusted with this responsibility was the Beadle, who wore a cocked hat, a gold-laced coat, and carried a staff. One of his duties was to see that the children did not misconduct themselves in church. The place of the Beadle or the constable was taken at night by the Night Watchman. This official walked through the streets of the town throughout the night calling out the time as each hour struck, and announcing the state of the weather. He carried a lantern, and wielded a large noisy rattle. This sort of thing would be very disturbing to us, in these days, but it was very comforting to our forebears during the dark nights where footpads, rogues and vagabonds wandered abroad. Generally, the watchmen were not sufficiently numerous to deal with marauders, nor were they adequately armed. As a result, groups of business people would employ other men as watchmen, especially to keep an eye on their houses.

At the beginning of the nineteenth century, when the population of Portsmouth was fifty thousand, it only possessed twenty-two officers entrusted with police duties. And Liverpool, with a population of two hundred and forty thousand, had only fifty watchmen. In 1835, the police system introduced by Sir Robert Peel for London, was extended to the whole country, and every borough had its police force.

One of the fundamental characteristics of our police force is that it is a purely civilian body, and in no sense military. The fact that the maintenance of law and order in this country does not depend upon force, has had a very far-reaching moral effect. This does not alter

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the fact that the police have very great powers, but these are kept in the background and only exercised when other methods of securing respect for the law have been exhausted. A policeman can arrest any person who is perceived by him in the act of breaking the law. He can also arrest a person on suspicion if in his opinion that person is about to break the law or commit a breach of the peace. The police are entrusted with the control of the use of explosives and firearms. It is their duty to insist upon adequate fire prevention measures. Among their many duties are the supervision of street trading, the prevention of street betting, the suppression of books or pictures or films, calculated to promote immorality, and the supervision and registration of aliens.

At the present time, the most conspicuous of all the duties of the police is the control of traffic. This has, of course, been rendered considerably easier by the introduction of traffic lights but this does not relieve the police of the constant supervision of traffic, and the taking of such measures as the creation of one way routes and no-entry streets in order to relieve congestion. The duties of the police in this respect are frequently heavily increased for a time during emergencies caused by fire or floods or public processions and other incidents.

Generally, the local authorities control the police organisation in their own districts. The one exception is the Metropolitan Police, which controls the whole of the London area, and is under the Secretary of State for Home Affairs, not under the London County Council or the various London boroughs. The headquarters of the Metropolitan Police Force is New Scotland Yard. Here, also, is stationed the C.I.D. This branch of the police organisation was set up to deal with the detection of

crime, and the running to earth of criminals in the Metropolitan Police area. The C.I.D. do not intervene in local affairs outside the London area, unless their expert assistance is required by the local police. Another important section of the Metropolitan Police is the Thames Police, which patrols the river.

Every County Council and County Borough has its own police force. At the head of this force is the Chief Constable, who is appointed by the local authority, but whose appointment must be confirmed by the Home Office. This department exercises a general supervision over the police forces throughout the country. This supervision is carried out by Inspectors of Constabulary who are officials of the Home Office, which makes a grant in aid of local police expenses if it is satisfied with the administration. The local police are controlled by what is known as a Watch Committee which consists of persons nominated by the county or borough council and of magistrates.

The Civil Service.

Having dealt with the law, and the manner of its administration, and the instruments by which that administration is carried out, we now turn to the other great instrument of public administration, the Civil Service. The importance of the Civil Service has grown rapidly since the beginning of the present century, but it is of a very ancient origin. We find a definite reference to the Civil Service in the fourteenth century, when the famous poet Chaucer, author of the *Canterbury Tales*, was a Collector of Customs. It is a fact that the Civil Service has made exceptional contributions in the realm of literature. Many great poets and literary men have been Civil Servants, including such famous names as Spenser, Milton, and Lamb. In ancient times, the Civil

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Service was recruited by very different methods from those prevailing to-day. The younger sons of aristocratic families were frequently appointed to the Civil Service, and the king himself and his ministers would often make appointments from among persons who had rendered them some personal service. There can be no doubt that in former times it was not infrequent for civil servants to find their posts presented them with opportunities for making money and generally feathering their nests.

The introduction of recruitment by open competitive examination greatly reduced the number of posts which could be filled by patronage, and in due course abolished the opportunities for corruption which undoubtedly existed in the past. In Victorian times it was a popular idea that the Civil Service was a sinecure and it was a favourite gag that the civil servant worked like the fountains in Trafalgar Square, from 10 a.m. till 4 p.m. All this came to an end during the first decade of the present century. During the 1914-1918 war, large numbers of civil servants joined the army, and the responsibilities which devolved upon those who remained behind were extraordinarily heavy. The permanent civil servants who were retained on civilian duty formed the nucleus of the tremendous administrative machine which was needed to organise and supply the fighting forces. After the war, a rapid development of the social services took place. This vastly increased the work thrown upon the civil service. A tremendous expansion took place in the Post Office and the Inland Revenue department, and two great new departments came into being, the Ministry of Labour and National Service, and the Ministry of Health. In addition to these, the Ministry of Pensions was set up to deal with the needs of disabled soldiers and widows and children and other dependants.

The Board of Trade expanded, and the department of Customs and Excise had to cope with the increased work arising out of the introduction of tariffs. The 1939-45 war caused further burdens of a far-reaching character to be thrown upon the Civil Service, and the legislation introduced during the two years following the end of the war has more than made up for the shrinkage of work following the end of the war.

The functions of the Civil Service fall under certain headings, which may be summarised as follows : Administrative, Executive, Clerical, Technical, Professional, Manipulative. In normal times, the administrative, executive and clerical officials are recruited by open competitive examination under the supervision of the Civil Service Commission. During the war, however, vast extension of the numbers of these officials inevitably occurred through the appointment of temporary officials recruited without examination. Open competition has been re-introduced since the termination of the war, but can only deal with a limited number of vacancies, and the bulk of the civil service still consists of temporary officials.

The duty of the administrative staff, the members of which are the highest officials in the department, is to see that the minister's policy and decisions are carried out. It is also their duty to lay down the general principles which must govern the officials who are entrusted with the duty of carrying out the Minister's decisions and giving effect to the Acts of Parliament. This is the responsibility of the executive officials and of the professional and technical staff. The executive officials are recruited by an open competitive examination intended to attract the best boys and girls from the secondary schools who have reached Higher Certificate Standard. It normally sets a very high standard, and

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is highly competitive. Executive officers are trained to occupy important key positions involving organisation and grasp of detail. These officers are usually placed in charge of finance and accountancy work, and the controlling posts in contract and supply departments and inspectorates.

The clerical class officials are, as the name denotes, the clerks of the Civil Service. These officials are normally recruited by open competitive examination, available to boys and girls between the ages of sixteen and seventeen. The standard of the examination is similar to that required for the General Schools Certificate. The possession of the General Schools Certificate is now a necessary qualification for permission to compete in the Clerical Class examination, and the possession of the Higher Schools certificate is necessary for those who wish to sit for the Executive Class examination.

The professional and technical officials are those engaged on legal work, architects, engineers, doctors, chemists, draughtsmen.

In addition to the Administrative, Executive, Clerical^{et} Professional and Technical classes, there is a large^d number of Civil Servants, running into hundreds of^t thousands, who belong to what are known as the Manipulative classes, consisting of Postmen, Sorters, Messengers, Caretakers, Machine Hands, etc.

The Civil Service has its Whitley Councils. There is a Civil Service National Whitley Council representing the service as a whole, and there are Departmental Councils in every department. These Councils consist of an official side and a staff side, corresponding to the employers and employed in the Industrial Whitley Councils. The Civil Service National Whitley Council deals with salaries, hours of work, leave, and conditions of service affecting the Civil Service as a whole, whilst the Depart-

mental Councils deal with such matters as promotion, discipline and accommodation affecting the particular department only.

The Civil Service is in a state of reorganisation, and will probably be in that state for many years. The following list of Civil Service Grades affords some guidance to the functions associated with public administration discharged by government officials :

Administrative Class, including :

- Permanent Secretaries.
- Permanent Under-Secretaries.
- Assistant Secretaries.
- Administrative Principals.
- Assistant Principals.

Executive Class, including :

- Directors of Contracts.
- Directors of Finance.
- Deputy Directors.
- Assistant Directors.
- Chief Accountants.
- Accountants and Examiners of Accounts.
- Chief, Senior and Higher Executive Officers.
- Executive Officers.
- Inspectors of Taxes.
- Officers of Customs and Excise.

Professional and Technical Classes, including :

- Barristers and Solicitors.
- Doctors.
- Engineers and Engineering Inspectors.
- Examiners in the Patent Office.
- Cartographers.
- Traffic Superintendents, Telephone Service.

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Preventive Officers in the Waterguard Service.

Draughtsmen.

Surveyors.

Architects.

Chemists.

Scientists (Scientific Research).

In addition to the above, there are Administrative and Executive posts in the Diplomatic and Colonial Services. These include posts in the British Embassies in various parts of the world, and in the Consular Service.

CHAPTER FIVE

LOCAL GOVERNMENT ADMINISTRATION

WHATEVER may be said in criticism of the age in which we live, this much must be admitted ; that, as far as Britain is concerned the material conditions under which we live have greatly improved since the Middle Ages. In those days, there was no sanitation in the towns, where the atmosphere was in consequence terribly polluted. Rubbish and garbage were thrown in the street and allowed to accumulate until sheer necessity made it necessary to move it somewhere else. There is no doubt that conditions of living were extremely unhealthy and in a large degree accounted for the plagues which recurred at intervals. The towns and villages were without lighting arrangements, and citizens had to bolt and bar their doors at night for fear of robbers and cut-throats who infested the streets and countryside and made it dangerous for anyone to walk in the streets at night. There was no police system, and therefore very little interference with bandits. In the countryside there were no roads in the modern sense of the word, only cart tracks frequently impassable in winter-time and wet weather.

This is not in any sense an adequate picture of the Middle Ages, but it does represent a real aspect of those times. Some of the greatest architecture, the greatest art and literature and philosophic thought has come down to us from those times, but this does not alter facts regarding the dangerous and unpleasant conditions above referred to, which prevailed in the cities long after the end of the Middle Ages. In 1665 occurred the Great Plague of

London, which was in no small measure due to the foul condition of the streets. It has been estimated that between 15 and 20 per cent of the population of London died of this plague.

When you look at our streets and our roads to-day, it is difficult to visualise the conditions which prevailed in those byegone times. Our trams and buses, our free libraries, swimming baths, and public parks are provided by our local authorities and the elaborate system of transport by bus and tram is only rendered possible by the care of roads by the local government authorities. The same bodies are responsible for the laying of the drains, constant supervision of sanitation, lighting, heating and water supply. The causes which lead up to the vast improvement in conditions are complex. Much credit is due to the humanitarians of the eighteenth century, who drew attention to the bad conditions existing at that time. The industrialisation of the country, the rapid increase in population which was doubled during the eighteenth century, intensified the problems of health and sanitation, and resulted in a demand by the workers for some share in local government in order that they might endeavour to improve the state of affairs. Increasing pressure was brought to bear on Parliament and this pressure was intensified as education became more diffused. The rapid strides of science also contributed to the subsequent improvement. As a result, there grew up the local government system now prevailing.

The system of local government is of more ancient origin than the central government. After the departure of the Romans from Britain in the fifth century A.D., the country was invaded by the Saxons and Danes and Norsemen, who brought with them their own way of life. These people settled in different parts of the

country which for centuries was divided up into separate communities occupied by Saxons, Danes and Norsemen. These people lived in scattered towns and villages which were originally family settlements separated by forests and marshes. Communication between the different communities was very difficult, and they had, therefore, to be self-sufficing and self-governing. Where communication was possible between different towns and villages, they formed themselves into groups, each of which was known as a Hundred, and a group of Hundreds was called a Shire. The history of the Shires is frequently revealed in their names. Essex, for instance, refers to what was originally a group of Hundreds consisting of townships inhabited by the East Saxons. Sussex similarly reveals its origin in the townships of the South Saxons, and Middlesex points to the Middle Saxons.

These old townships were governed by bodies known as Moots. The head man of the Moot was the Reeve. The head of the Shire Moot was called the Ealdorman, and sometimes the Earl (derived from the Danish, Jarl). The principal official of the Shire Moot was the Shire-Reeve (nowadays called the Sheriff).

Throughout the centuries these ancient units persisted, but changed their form and in due course their relationships with the Central Government. The latter, however, only intervened when considered necessary and until the nineteenth century there was very little attempt on the part of the central government to intervene in the conduct of local affairs. With the rapid growth of the population, however, and the growing complexity of the national life, parliament found it necessary to intervene more and more in the laying down of the conditions under which local government is conducted. Even then, parliament interrupted as little as possible the continuity of ancient customs and institutions, with the

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result that many of these have survived to the present day and remain embedded in the vast stratum of the new civilisation. As an example of this, you will find in every county a High Sheriff. The functions of this official are now almost entirely nominal, but the office has survived owing to the reluctance of the British people to do away with anything which has been useful in the past.

Since the beginning of the nineteenth century, local government has been brought under the general supervision of the Central Government. This supervision was first entrusted to the local government board which was subsequently merged in the Ministry of Health. The control of the Central Government is rarely exercised through legal sanctions and is usually carried out by Inspectors and by advice given by administrative and technical officers of the Ministry. Control is also maintained through loans and grants in aid which give the Ministry a right to intervene to some extent in local affairs. Generally speaking, local authorities are allowed to manage their own affairs.

The local authorities fall into two classes :

I. Counties, consisting of

Metropolitan Boroughs.

Boroughs.

Urban Districts.

Rural Districts.

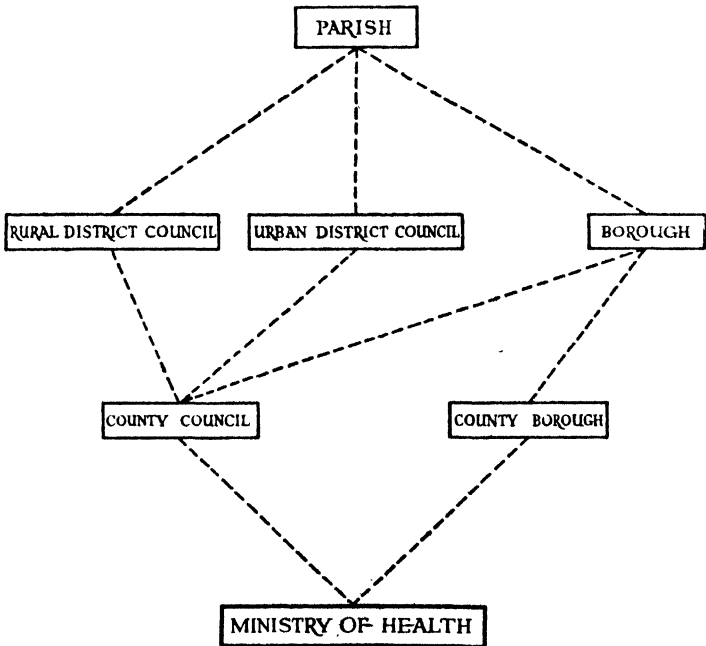
Parish Councils.

Parish Meetings.

II. County Boroughs.

In describing these units of local government we will start with the smallest, and work upwards. We there-

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fore begin with the Parish : this is the smallest of all the units of local government. There are two types, the church or ecclesiastical parish, and the civil parish. In Saxon times, the ecclesiastical authorities divided the country into parishes for the purpose of church administration, and each parish had a priest and a place of worship. The authority of the church in those days was mainly independent of the secular or civil authority, with the result that the geographical delimitation of the parish did not always correspond with that of the township. The power of the church increased throughout the Middle Ages and later, and in the process there was a tendency for administrative authority to be taken away from the township and taken over by the parish. Since the sixteenth century the movement has been in the other direction, and the civil parish has tended more and more to become differentiated from the church parish and to deprive the latter of any functions other than ecclesiastical.

The *Parish Meeting* is an assembly of every voter in the parish and elects the Parish Council, where there is one. Where there is no Parish Council, the parish meeting functions instead, and is responsible for the following :

1. Upkeep of footpaths, rights of way, ditches, etc.
2. Water supply.
3. The operation of Acts of Parliament which give power to local authorities to assume functions if they wish to do so, such as provision of fire engines, libraries, street lighting, cemeteries, etc.
4. Scrutiny of civil charities.
5. Administration of parish property.
6. Other responsibilities which normally fall upon a Parish Council.

Where there is a Parish Council, the functions of the Parish Meeting are as follows :

1. The election of Councillors.
2. Certain rights of veto on highway alterations and the application of Acts of Parliament.
3. Rights of veto in connection with the levying of rates.

The functions of the *Parish Council* are as follows :

1. The same as those of the Parish Meeting where there is no Parish Council.
2. The appointment of representatives to the rating authorities.
3. The maintenance of rights of way.
4. The provision of allotments.
5. The appointment of managers to elementary schools.

The Parish Meetings and Parish Councils are subordinate to :

1. The Rural District Council and the County Council.
2. The Ministry of Health.

District Councils. These form two classes : Urban District Councils and Rural District Councils. The former are for towns, and the latter for country districts. The County Council has the authority to decide whether a district is to be considered urban or rural. The District Councillors are elected for three years, one-third retiring annually. The functions of District Councils cover the following aspects of public administration :

1. Public Health.
2. Roads.
3. Housing and Town Planning Acts.
4. Rates.

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The Urban District Councils exercise the following functions not exercised by Rural District Councils :

1. Some administrative functions connected with education.
2. The provision of allotments.
3. The authority to undertake the supply of electricity and water.
4. Administrative functions under the Shop Acts, the Advertisement Regulation Acts, and certain pension schemes.

The Rural District Councils have the following functions which are not exercised by the Urban District Councils :

1. Water supply.
2. Certain sanitary administrative functions.
3. The exercise of the powers normally attributable to a Parish Council if the area covered by the Rural District Council corresponds with the area covered by the Parish Councils.

The Borough Councils. Centuries ago the kings began to grant Charters to towns and boroughs granting them certain privileges which included a considerable degree of control over their own affairs. When originally granted, these Charters were given as a rule in return for some benefits which the king had received or would receive from the citizens of the particular town or borough to which he was granting the Charter. Charters are still being granted in modern times and the procedure is for a municipality to petition the king requesting the grant of a Royal Charter. This goes before the committee of the Privy Council, and if the petition is approved a

Charter of Incorporation is granted. In effect, the whole business is vetted by the Ministry of Health with which department the decision actually lies.

The members of the *Municipal Council* or *Corporation*, are elected for three years, and consist of Councillors who choose a number of Aldermen from among their number. The Aldermen are elected for six years. The electoral organisation of the borough consists of a number of areas called Wards. The elections to the municipal boroughs take place every November, when one-third of every Council retires every year. Each Municipal Council elects a Mayor or a Lord Mayor, if it is entitled to have the latter, who holds office for one year only and acts as Chairman of the Council.

The functions of the Borough include :

1. The making of bye-laws for the administration of the borough.
2. Sanitation.
3. Municipal enterprises, such as the provision of gas, electricity, buses, tramways, etc.
4. The levying of the rates.
5. Raising loans.
6. Elementary and secondary education.
7. Adult education.
8. Administration of the law relating to drugs, health, pensions, etc.

The municipalities with which we have so far dealt are under the control of the County Council. There are, however, a number of large towns which are known as County Boroughs. These are independent of the County Councils, and combine the functions of County Council, District Council and Borough Council.

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County Councils. The County Councils and County Boroughs are the highest authorities in the sphere of municipal government. Each County Council has a Chairman, Aldermen and Councillors. Its members are elected every three years, and its Aldermen who are elected in the same way as the Aldermen of the boroughs hold office for six years. These authorities administer the areas not covered by the County Boroughs. Their functions include the following :

1. Health and housing.
2. Roads and traffic.
3. Police.
4. Education.
5. Licensing.
6. Pensions and Insurance.
7. Lunacy.
8. Protection of wild birds.
9. River pollution.

The following analysis of the headings under which the normal expenditure of local authorities falls provides an overall picture of the part played by them in public administration.

Education, including public libraries.

Highways and bridges, including maintenance, repair, improvement and scavenging.

Health :

- i. Sewers, removal of house refuse, water supply, parks, baths, cemeteries, isolation hospitals, vaccination, salaries of Medical Officers of Health, etc., Port Sanitary service, other health services.

ii. Maternity and child welfare, treatment, etc. of tuberculosis, diagnosis, etc., of venereal diseases.

iii. Lunacy and mental deficiency.

Housing and Town Planning.

Relief of the poor.

Administration of justice, police, fire brigade.

Other specific services.

General administrative expenses.

Scotland. The local government of Scotland was reorganised by Act of Parliament in 1929. The system is in many respects similar to that which is in operation in England and Wales. The local authorities in Scotland have, however, a greater degree of freedom than in England. That is to say, they are freer from the control of the Central Government which is represented by the Secretary of State for Scotland. Under the Secretary of State there are Departments of Health, Education, Agriculture and Fisheries and Lunacy. In addition, there are the Commissioners of Northern Lights, responsible to the Board of Trade. The principle local authorities are the County Councils and the councils of the large burghs in Scotland. These municipalities prepare schemes for the approval of the Secretary of State for the administration of education, public assistance, public health, lunacy and mental deficiency, and in the case of County Councils, roads and police. The County Councils can delegate their powers to the councils of small Burghs, or to District Councils or joint committees consisting of local representatives and members of County or Town Councils.

In Scotland there are no Urban and Rural District Councils as in England and Wales. Instead, they have Burghal and Land Ward Councils which correspond

approximately to the Urban Districts and Rural Districts of England.

Scotland has three types of town council. The Royal Burghs incorporated by Royal Charter; the Parliamentary Burghs, and the Police Burghs. The Royal Burghs and the Parliamentary Burghs correspond to the English County Boroughs. Edinburgh, Glasgow, Dundee and Aberdeen are known as "Counties of Cities." Every Burgh Council elects a Provost for three years, Bailies who correspond to the English aldermen, and Councillors who hold office for three years. The work of these municipalities is carried out by committees each of which has a Chairman called the Convener.

The powers of the Scottish municipalities are generally similar to those in England. One point of difference is that Scottish Burghs possess a certain amount of property which is called the Common Good. This property consists of land, markets, etc., and the municipality derives a considerable income therefrom, thus reducing the rates. In Scotland the education local authorities consists either of the Town Council of a large Burgh, or of the County Council. There is no parallel in Scotland to the small education authorities such as are to be found in England, and the Scottish local authorities have much greater scope than the English in co-opting persons in view of their specialised knowledge

CHAPTER SIX

EDUCATIONAL ADMINISTRATION

EDUCATIONAL administration was, before the eighteenth century, mainly in the hands of the Church. Originally there were in Britain three kinds of school: Monastic Schools, Grammar Schools and Guild Schools. Every cathedral had its school where education was administered to clergy and laity. To this day, such schools continue to exist. The Grammar Schools were originally founded by private persons, as well as by religious establishments and city companies. These expanded rapidly and appeared in many places throughout the country. They modelled themselves upon the cathedral schools, and eventually became known as Public Schools. The Grammar Schools were endowed financially and their endowment usually contained some provision for the "education of the poor." There was, however, no provision for elementary education. The latter was dealt with in schools which were known as "Dame Schools."

The Society for Promoting Christian Knowledge was founded in 1699. Among its objects were: the education of the poor; bringing back into the fold those who had strayed from the Christian faith; the promotion of religious teaching in the colonies. Some of these schools became "charity schools" and others parochial schools.

In the early part of the eighteenth century, John Wesley and George Whitefield promoted Sunday Schools and Day Schools.

The first Factory Act introduced by Peel in 1802

compelled employers having Poor Law children working in their factories to make arrangements for these children to be taught reading, writing and arithmetic. About this time, Nonconformist schools began to grow up, and the authorities of the Church of England, becoming alarmed at the growth of these schools, set up the National Society for the Education of Children according to the principles of the Church of England. These schools became known as National Schools. Subsequently the Home and Colonial Society was established in 1836, and created further schools for the education of the poor.

The Treasury took the first step towards the state encouragement of education when in August 1833 it made a grant of £20,000 for the erection of schools. The first step in public educational administration took place in 1839, when the Education Department was set up, and Inspectors of Schools were appointed. Grants in aid of salaries were made for the first time in 1846, and capitation grants in 1853. In 1856, the office of Vice-President of the Committee of the Privy Council on Education was created by Act of Parliament and educational administration became the responsibility of a Minister of State.

In 1870, the Elementary Education Act was passed and set up the School Board, whose duty it was to provide education in districts where the voluntary schools were inadequate for the purpose. Between 1870 and 1901, various Education Acts were passed which established the following principle :

1. Compulsory education for all children.
2. Education to be the responsibility of local authorities under the supervision of the Central Government.
3. Schools set up by local authorities to be financed

from rates in addition to grants from the Central Government.

4. The Central Government to make grants in support of voluntary schools.

5. Dogmatic religious instruction to be excluded from schools entirely maintained out of the rates.

6. In the case of voluntary schools which receive support from public funds, dogmatic religion could be taught, but was not compulsory.

In 1902, Parliament passed an *Education Act* which abolished the School Boards. Their place was taken by the County Councils, County Boroughs, Non-County Boroughs with a population of over ten thousand, and Urban Districts with a population of over twenty thousand. Local authorities were compelled by the Act to set up Education Committees. The Act divided schools into two classes, viz : provided schools and non-provided schools. The former were schools set up by the municipality. The latter were voluntary schools, most of which were under the control of the various religious denominations : Anglican, Roman Catholic, Nonconformist and Jewish. A body of managers was set up to supervise each school. In the case of non-provided schools, the managers representing denominational interests were in the majority.

The *Education Act*, 1918, provided for the setting up of Day Continuation Schools. It also extended Medical Inspection to secondary schools, and provided for social and physical instruction. Nursery Schools for children between two and five years old were set up.

The *Education Act*, 1921, consolidated educational legislation between 1870 and 1921. Subsequent Acts were the Education Act, 1936, which provided for the raising of the school leaving age to fifteen in September 1939, and also for the reorganisation of voluntary

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schools and the building of new schools where the existing ones were unsatisfactory. The outbreak of war in 1939 caused the postponement of the carrying out of these provisions.

The Physical Training and Recreation Acts, 1937, set up a national advisory council to promote physical training and athletics under the Minister of Education.

All previous developments of educational administration were brought to a head in the Education Act of 1944, which superseded all previous administrative enactments relating to educational administration, repealed many of the previous Acts, and embodied the following provisions :

1. The reorganisation of the whole educational system with a view to providing primary, secondary and further education.

2. The establishment of nursery schools wherever necessary.

3. The raising of the school leaving age to fifteen forthwith, and eventually to sixteen.

4. Secondary education to be made available to everyone without fees.

5. Religious instruction to be provided on non-sectarian lines.

6. Compulsory part-time education up to the age of eighteen.

7. Technical and adult education.

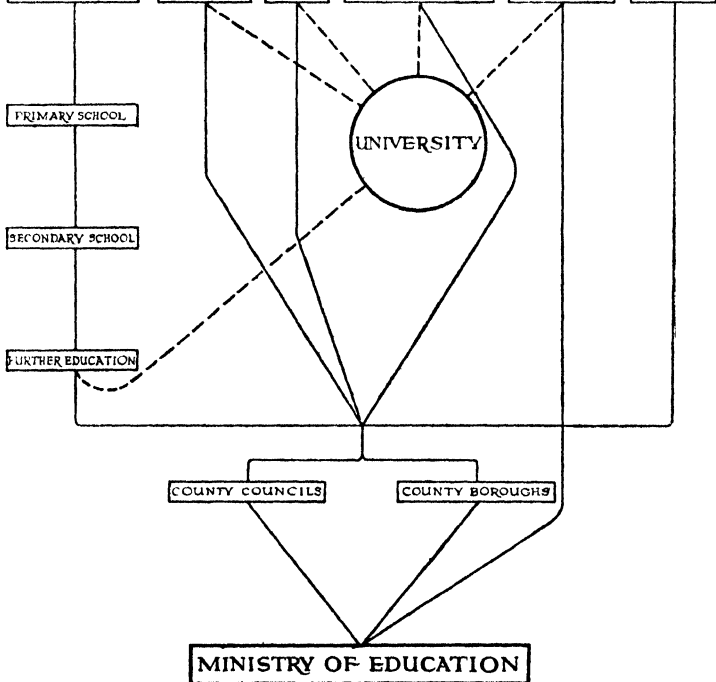
8. Registration and inspection of all schools not provided by the State.

The title President of the Board of Education was abandoned, and the title Minister of Education substituted therefor, and the Board of Education became

EDUCATIONAL ADMINISTRATION



NURSERY SCHOOL FOR UNDER FIVES CONTROLLED SCHOOL AIDED SCHOOL SPECIAL AGREEMENT SCHOOL INDEPENDENT SCHOOL COMMUNITY CENTRE



the Ministry of Education. The duty of the Minister was summed up by the Act in the following words :

“ To promote the education of the people of England and Wales and the progressive development of institutions devoted to that purpose, and to secure the effective execution by local authorities under his control and direction of the national policy for providing a varied and comprehensive educational service in every area.”

The Act provides that in future the educational authorities shall be the County Councils and County Boroughs only. County Councils are empowered to delegate their functions to “ Divisional Educational Executives,” representing one or more districts in the county. This could only be done with the authority of the Minister. The Boroughs and Urban Districts with populations of sixty thousand or more, or where the elementary school pupils numbered not less than seven thousand, were allowed to prepare their own schemes. The County Councils are to provide the money for administration by the Divisional Educational Executive.

The municipalities are compelled by the Act to provide adequately for primary, secondary and further education in their districts. They are to see that schools are set up providing for the three classes of education, as well as nursery schools or classes for children under five. They are also under obligation to provide special educational treatment for the physically and mentally defective, and boarding schools or other accommodation for children for whom it is considered expedient to make such provision. In addition to defective and epileptic children, special education is to be provided for all maladjusted children. The compulsory attendances for special school pupils is reduced from seven to five, and

government grants are to be made to assist voluntary bodies in setting up additional special schools.

The expressions "provided" and "non-provided" are no longer applicable to schools. Where schools providing primary and secondary education are maintained by the municipality, and are not nursery or special schools, they are to be called "county" schools. Where a school is not provided by the municipality it is to be known as an "auxiliary" school. There will be three types of auxiliary school, known as "controlled", "aided", and "special agreement" schools. Where the managers of a school are unable to pay at least one half of the alterations required in order to bring the school up to the standard required by the Act, they will be known as controlled schools. In such cases, the municipality will assume the financial responsibility, appoint two-thirds of the managers, appoint and dismiss teachers. The managers, however, will have the right to be consulted on the appointment of a Head Teacher.

Where the managers are meeting half the cost, the schools will be known as aided schools, and the other half of the expenses will be met by a grant from the Exchequer which will also provide fifty per cent of the cost of new premises. In these cases, the appointment and dismissal of teachers will be at the discretion of the managers, as will religious instruction subject to the rights of parents. Where a school has been built with assistance provided in accordance with the Education Act, 1936, and religious instruction is covered by the Trust Deed, the school will be known as a special agreement school. Private schools, where full-time education is provided for five or more pupils of compulsory school age, and where no financial assistance is received either from the local education authority or from the Exchequer will be known as "independent" schools.

Secondary Education.

At the age of eleven, primary school pupils will be provided with such secondary education as may be appropriate to their abilities. There will be three types of secondary school—grammar, technical and modern. Grammar schools will provide cultural education of a non-vocational character. Technical schools will provide vocational education. Modern schools will combine natural science and the arts with a certain amount of vocational training of a general, as distinct from specialised, character.

Further Education.

Pupils up to the age of eighteen who are not in full-time attendance at school will, as from a date to be fixed by the Minister by an Order in Council, be required to attend a County College. The attendance required will be : one whole day, or two half days a week for forty-four weeks each year, or, alternatively, continuous attendance for eight weeks or two periods of four weeks.

Technical Education and Vocational Training.

The Act makes provision for a wide extension of technical, art, vocational and general adult education. The obligation is placed upon the local education authorities to provide adequate facilities for these. They are also required to draw up schemes in consultation with universities and educational associations, and submit these to the Minister who, if he thinks fit, will order the scheme to be brought into operation.

Special Services.

The Act imposes on the education authorities the duty to provide medical inspection and treatment for all children and young persons attending schools which are

wholly or partly maintained by the State or the local authority. There is to be no direct charge for treatment, unless this is given at home. The Minister is empowered under the Act to order meals and milk to be provided. The Act extends to England and Wales, the power already held by Scottish municipalities to provide boots and clothing where necessary.

Community Centres.

The Minister of Education, in December, 1944, published a report in which he recommended that community centres should be developed on a large scale. The purpose of these centres is to provide a meeting place for people of both sexes and of all creeds and political opinions for social, educational, and recreative purposes. At the same time, a circular was issued by the Minister to local education authorities, telling them that the educational service administered by them included the provision of community centres. Under the Act of 1914 local authorities have the power to provide buildings for this purpose, and to maintain them. It also provides that they can receive grants from the Ministry if their schemes are approved. Members of the community centres are to be charged a small enrolment fee, according to their means. The centres are to be made as self-supporting as possible, by making charges for the facilities provided.

The following may be provided by a community centre established and maintained under the Act: bowls, tennis, whist drives, social evenings, classes for dressmaking, mending, first aid and nursery, music, drama, lectures on general subjects, a canteen. Where the population served is between fifteen thousand and twenty thousand, a building to hold five hundred people should be provided.

It will be apparent that in the field of education a vast extension of the sphere of public administration has taken place during the last century. This extension has been accompanied by an equally great increase in the number of persons engaged in the various activities connected with this branch of administration. A school teacher is engaged in public administration equally with a civil servant. Whilst the latter is entrusted with the duty of seeing that the decrees of Parliament are carried out, it is the teacher's duty actually to carry them out.

The carrying out of a great scheme such as is provided for in the Education Act of 1944, and the various Acts of Parliament which preceded it, requires a great administrative organisation to bring it into being and to maintain it once it has come into existence. This involves the establishment of a kind of Hierarchy of Administrators. The following classified list gives some indication of the relative positions of the various persons whose duty it is to give effect to the wishes of Parliament in the matter of education :

Ministry of Education :

- The Minister.
- The Permanent Secretary.
- Assistant Secretaries.
- The Chief Inspector of Education.
- Inspectors of Education.
- Administrative Staff.
- Executive Staff.
- Clerical Staff.

Local Authority :

- County Council.
- County Borough.
- Education Committee.

Municipal Officials.
Inspectors.

The Schools :

Managers.
Head Master.
Teachers.

It is hoped that it has now been made clear to the reader that education ranks as a branch of public administration second to none in importance.

PART III

Public Administration Abroad

CHAPTER SEVEN

PUBLIC ADMINISTRATION IN THE U.S.A.

ON the 14th May, 1787, a Convention met at Philadelphia. This convention consisted of delegates from the states of the Confederation, which had been set up after the Declaration of Independence when the American Colonies broke away from the British realm. This Assembly drafted the constitution which still is the basis of public administration in the United States of America. This constitution converted what had been a League of States into a Federal State, and set up a National Government with direct authority over all citizens. The constitution did not attempt to set up a comprehensive scheme of government, but allows for a considerable degree of self-government in the federated states. It deals with matters common to the whole nation. These may be summarised as follows :

1. Foreign relations, war and peace.
2. Army and navy.
3. The Federal Courts of Justice.
4. Commerce.
5. Currency.
6. Copyright and patents.
7. The Post Office.
8. Taxation for general purposes.

9. The protection of citizens against unjust laws made by any state.

There is a fundamental difference between the constitution of the United States of America and the British constitution. The British parliament is a sovereign and constituent assembly, which can make and unmake laws, change the form of government or the succession to the crown, intervene in the administration of justice, and, if it thinks fit, deprive the citizen of their rights. Legally the British parliament is responsible to no one, and is omnipotent.

In U.S.A. there is no such sovereign authority. The President and Congress are subject to the constitution, and completely govern by it. The purpose of this constitution was to protect the private citizen against arbitrary interference with his fundamental rights by any body of persons even when these have been elected by the nation to conduct its affairs.

Public administration in America consists of three departments : Executive, Legislative, Judicial.

Executive.

The head of the Executive Department is the President, whose office was created by the constitution of 1789. His powers may be summarised as follows :

1. Command of the army and navy, and of the militia of the States when these are called into the service of the United States.
2. Power to make treaties, with advice and consent of two-thirds of the senators present when the vote is taken.
3. The appointment of ambassadors, consuls, judges of the supreme court, and the highest federal officers with the advice and consent of the Senate.

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4. The granting of reprieves and pardons for offences against the United States except in cases of impeachment.

5. Convening special meetings of both Houses on extraordinary occasions.

6. The power to veto any Bill or Resolution passed by Congress subject to the power of Congress to over-rule the President's veto by a two-thirds majority in each house.

7. To inform Congress of the state of the Union and recommend legislation.

8. To commission all officers of the United States.

9. To receive foreign Ambassadors.

10. To see that laws are properly carried out.

The constitution permits Congress to delegate to the Courts of Law or heads of department the right to appoint officials to inferior offices, and as a result there has grown up a Civil Service partly appointed by competitive examination and partly by nomination.

The Senate.

The legislature of the United States known as Congress is made up of two bodies, the Senate and the House of Representatives.

The Senate consists of two persons from each State, who must be inhabitants of that State. They are elected by each State for a period of six years, and can be re-elected thereafter. One-third retire every two years.

One of the functions of the Senate and the House of Representatives is to pass Bills which become Acts of Congress.

It is also a function of the Senate to approve or disapprove nominations by the President of Federal officers

including judges, ministers of state, and ambassadors.

Treaties made by the President must be approved by two-thirds of the members of the Senate present.

The Senate sits as a judicial court to try cases of impeachment preferred by the House of Representatives.

Alexander Hamilton, writing at the close of the eighteenth century, summed up as follows the purposes for which the senate was created :

1. To conciliate the spirit of independence in every State, by giving each equal representation.

2. To create a Council qualified to advise and check the President in the exercise of his powers.

3. To restrain the impetuosity and fickleness of the popular House and so guard against the effects of gusts of passion or sudden changes in the opinions of the people.

4. To provide a stabilising element in the policy of the nation, and preserve its continuity at home and abroad.

5. To establish a Court which could prevent abuse of power by the executive.

The House of Representatives.

The House of Representatives represents the nation on a basis of population, just as the Senate represents the federated States. The Constitution provides that "Representatives and direct taxes shall be apportioned among the several States according to their respective numbers." Each State is allotted a number of members in proportion to its population at the last decennial census.

The Quorum of the House of Representatives is a majority of the whole number. Members are elected for two years, which always take place in the even years,

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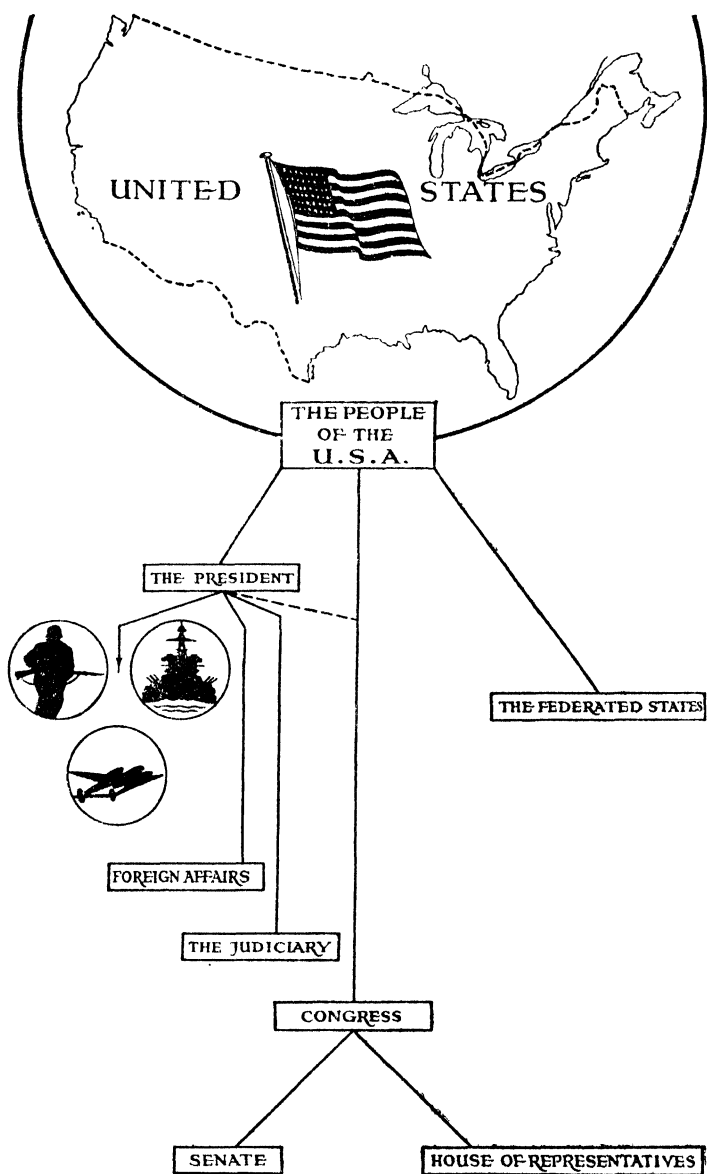
i.e. 1950, 1952, and so on. The result is that every second election to Congress coincides with that of a President.

Finance.

One of the most important functions of Congress is the consideration of financial bills. These fall into two classes: the raising of revenue by taxation, and the expenditure of public funds.

The Secretary of the Treasury makes a report to Congress every year, stating the national income and expenditure, the condition of the public debt, and the system of taxation. He also sends what is known as his Annual Letter, forwarding the estimates of the sums needed for the various public services during the coming year. In this, he is comparable to the British Chancellor of the Exchequer, with the exception that he does not make a Budget Speech but submits his statement to Congress in writing. His similarity to the Chancellor of the Exchequer ends at this point, however, because although the President has the statutory power to examine estimates and make recommendations, financial legislation is carried out by Congress and its Committees.

The raising of Revenue is the function of the Standing Committee of Ways and Means. This committee prepares the bills for continuing the various taxes and imposing new ones. An important difference in the procedure of Congress as compared with that of the British parliament occurs in the investigation and examination by the Committees of Congress of the various financial bills and estimates and reports of public expenditure which come before them. In the British parliament the answers to the questions raised by the various parliamentary committees are given by the ministers themselves. In Congress, there are no ministerial heads



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of departments similar to those in the British parliament, and the congressional committees therefore call before them the officials responsible for preparing the estimates and conducting the expenditure.

The Administration of the Law.

The law is administered by the Federal Courts. These fall into four classes :

1. The Supreme Court, which sits at Washington.
2. The Circuit Courts of Appeal.
3. The Circuit Courts.
4. The District Courts.

The *Supreme Court* consists of nine judges nominated by the President, and confirmed by the Senate. They hold office during good behaviour and can only be removed by impeachment. In this, they differ from the English judges, who can be removed by a vote of both Houses of Parliament. Furthermore, in England it is only the judges of the Supreme Court of Judicature who are secured in this way, and not the judges of county or other local courts. The provisions of the American constitution apply to inferior, as well as superior, federal judges.

The Supreme Court sits at Washington. Six judges must be present for a decision to be made. Every case is discussed by the whole body twice, once to ascertain the opinion of the majority which must be set out in a written judgment ; and again when the written judgment is submitted to the Court for criticism and adoption.

The classes of case falling under the jurisdiction of the Federal Courts may be summarised as follows :

1. " Cases of Law and Equity arising under the Con-

stitution, the laws of the United States, and Treaties made under their authority.

2. "Cases affecting Ambassadors, other public ministers, and Consuls.

3. "Cases of Admiralty and Maritime Jurisdiction.

4. "Controversies to which the United States shall be a party.

5. "Controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state or citizens thereof and foreign states, citizens or subjects."

Each state is in itself a republic which is independent as regards its internal government. There is a remarkable similarity in the character of these governments. They all show their origin in ancient English institutions. They are, in effect, self-governing corporations which have developed into governmental systems modelled upon the English parliamentary system as it existed in the eighteenth century. The evolution of these state governments has been such that it throws much light upon the working of the system at the present time. Their development was as follows :

1. At first there was an English incorporated company. This was a self-governing body with a Governor, Deputy Governor, and assistants chosen by the freemen of the company. The members met in a general Court of Assembly.

2. From these companies evolved the Colonial Government with its Governor and Legislature, consisting of representatives chosen by the citizens who met in some cases in one house, and in others, in two.

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3. From the Colonial Government has evolved the State Government, which is really the Colonial Government evolved and rendered more democratic. The Governor is no longer chosen by the legislature but is now elected by the citizens, and in all cases there are now two Chambers. This form of government now prevails throughout the whole of the Union in every state. It has evolved from the original thirteen states which succeeded the Colonial Government.

The administration of the states may be summarised as follows :

1. The Executive Head, the Governor.
2. The administrative officers.
3. The two Chambers.
4. The Courts of Justice.
5. The Municipalities, viz : counties, cities, townships, villages, school districts.

The Governor and other principal officials are not in modern times elected by the two Chambers. They are, to a large extent, separate from these. Neither the governor, nor any of the officials, is allowed to have a seat in either of the Chambers. The Governor has freedom of action except in so far as the Chambers bring in laws to restrain him.

As indicated above, the Chambers always consist of two Houses, of which the smaller is called the Senate, and the larger, the House of Representatives, although in some cases the latter is known as the Assembly and in others, the House of Delegates. Both Houses are elected by popular vote.

The State Executive.

In every state the Executive consists of a Governor

and, in the majority of states, a Lieutenant-Governor. In addition to these, there are the Administrative Officials. The Governor is elected by direct popular vote, and not as is the case with the President of the United States, by a college of electors.

It is the duty of the Governor to see that the laws of the state are properly administered. One of his most important prerogatives is the Veto. He has, in most states, the power to reprieve and pardon offenders. He is Commander-in-Chief of the armed forces of the state, He has the power to call up the militia, repel invasion, and suppress insurrection. He does not draw up bills or present them to the Legislature.

The Judiciary.

In every state the Judiciary consists of three courts :

1. The Supreme Court, which is a Court of Appeal.
2. The Superior Courts of Record.
3. The Local Courts.

The names of the various courts, and the machinery for dealing with criminal cases varies considerably as between the different states. It is most interesting to note how old English institutions have been incorporated and crop up all over the place. Thus we find " Courts of Common Pleas," " Probate Courts," " Surrogate Courts," " Prerogative Courts," " Courts of Oyer and Terminer," " Orphans Courts," " Courts of General Sessions of the Peace and Gaol Delivery," " Quarter Sessions," " Hustings Courts," " County Courts," etc.

There is no limit to the jurisdiction of the Civil and Criminal Courts, i.e. no appeal lies from them to the Federal Courts, apart from certain cases specified in the Federal Constitution.

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The method of appointing the judges varies as between different States.

In some states, the judges are elected by the Legislature.

In some, they are appointed by the Governor, subject to confirmation by the Legislature.

In all other States, the judges are chosen by the people.

Originally, the superior judges were in the majority of cases appointed for life, and could only be removed on impeachment, or at the request of a two-thirds majority of both Houses. In the great majority of states this system of life tenure has been abandoned. A judge is now elected or appointed for a term of years which varies in the different states.

Finance.

Usually State budgets are small. The reason for this is that the states do not normally finance the internal administration. This is done by the counties, cities and townships. The principal expenses borne by the state government as such come under the following headings :

1. Salaries of officials and judges.
2. Volunteer militia.
3. State lunatic asylums, state universities, agricultural colleges, charitable and other public institutions, etc.
4. Educational grants.
5. State prisons.
6. State buildings and public works.
7. Payment of interest on state debts.

The revenue of the states is usually raised by direct taxation of which the most important is a Property Tax. In addition, the taxes are often levied on particular

trades or occupations in the form of licences, taxes on corporations, railroad stock, and inheritance taxes.

Local Government.

The units of local government fall into three main classes :

1. The town or township.
2. The county.
3. A unit consisting of a combination of town and county.

The town is a small area with a small population. It is governed by an assembly of voters which meets once a year and occasionally more frequently if called upon. This assembly chooses the school committee and executive officers for the coming year. It passes bye-laws and regulations for conducting local affairs. The meeting is presided over by a Chairman called a Moderator, and is held in the town hall, if such a building exists, and if not, in a church or school building, sometimes in the open air. The executive varies from three to nine in number, and consists of persons known as " Selectmen " who are elected annually and manage all ordinary business. There is a town clerk who keeps records, minutes of preceding meetings and is usually also Registrar of Births and Deaths. There is a Treasurer, and Assessors who value property within the town for purposes of taxation. There is a Collector of Taxes and a number of minor officials including Hog-reeves (usually nowadays known as Field Drivers), Cemetery Trustees, Library Trustees, etc. The educational interests of the town are supervised by a School Committee.

The population and areas of the counties vary considerably. The functions of the county authorities are

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generally limited to judicial administration and administration of the highways. The principle administrative officers of the counties are the County Commissioners and the County Treasurer. These officers are salaried and control county buildings, viz: court houses and prisons. They also have authority to lay out new highways from town to town, to grant licences, to prepare estimates of the amount of money needed to cover the expenses of the county, to decide what taxation is necessary to meet these expenses, and apportion this taxation among the towns and cities by whom it is to be levied. The county is, of course, controlled by the State Legislature, by which its functions are clearly defined.

The third type of local government authority which prevails in some of the states of the union is a kind of amalgam of the county and town system. This exists where the people of a county have decided to adopt the township system, and have voted accordingly. In such cases the County Commissioners proceed to divide the County into towns, each of which is invested with corporate capacity to be a party in legal actions, to own and control property, and to make contracts. Under this system the towns and townships are actually territorial divisions of the county.

Comparing local government in the United States of America with local government in England, the following facts are worthy of notice:

In England, the Central Government, i.e. Parliament, which corresponds to the President, Congress, and House of Representatives in the United States of America, maintains a direct control over the local government authorities. This control is exercised through Acts of Parliament which define the responsibilities and duties of the local authorities, and also through the powers

vested in the Ministry of Health, the Home Office, and the Treasury. The exercise of this supervision by the Central Executive is seen both in the supervision of the expenditure of the municipalities and the control of their borrowing activities and in the instructions and advice issued to them by the controlling departments. This control is also implemented by such officials as Inspectors, District Auditors and Medical Officers of Health.

In the United States of America, the Central Government does not exercise any control similar to that exercised in England. Such supervision as is exercised over the American local government authorities is exercised by the State Legislatures and by the State Constitutions, which usually contain provisions controlling the borrowing powers of County, Township, Village, School District or other local area. The constitutions frequently contain provisions limiting the amount of taxation which may be levied by the local authorities.

In England, local rates are levied on immovable property only. In America, local rates are levied on personal property also. The right to vote in municipal elections is not based on property, but depends upon residence. The citizen can only vote in one place. It does not matter how much property a man may have in various cities, counties, and townships, he can only have one vote and that must be exercised in the place where he is deemed to be in residence.

In America, the local rates cover the great part of local expenditure. In some states a proportion of the money raised by the county taxes is allocated to help the school districts, thus causing the poorer districts to receive help from the wealthier districts. Assistance is also frequently granted from State funds. The public

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schools of all grades are free, and account for a considerable proportion of local revenue. They also receive assistance from the revenue derived from lands which have been earmarked for educational purposes by the Central Government or the State.

The chief functions discharged by local government in the United States can be summed up as follows :

1. The building and repairing of roads and bridges.
2. The administration of justice.
3. Sanitation.
4. Education.

The Administration of the Great Cities.

The administration of the American cities was originally based upon that of the English cities but as time went on they approximated more closely to the State governments. In most of the great cities the administration falls into the following categories :

The Mayor, who is elected directly by the voters of the city and is the head of the executive.

Executive officials and committees, sometimes elected directly by the voters, sometimes nominated by the mayor, and sometimes by the city legislature.

A legislative body usually consisting of two Chambers, but sometimes of only one. These bodies are elected directly by the city voters.

The judges, who are usually elected by the voters but are sometimes appointed by the State government and sometimes by the mayor.

In the American cities the mayor looms very large. He is a very important person, and much more so than the mayor of an English borough or the provost of a Scotch borough. He usually holds office for two, three

or four years, according to the constitution of the city which he serves. The four year term is more generally favoured. He is directly elected by popular vote. He usually has the power to veto laws passed by the city legislature but his veto can, as a rule, be over-ridden by a two-thirds majority. It is his duty to maintain the public peace and he has the power, if necessary, to call out the militia.

As a rule, neither the mayor nor the city legislature are allowed to interfere in educational matters, which are entrusted to a Board of Education usually elected by popular vote but sometimes appointed by the mayor. These boards have their own staff and levy their own taxes for educational purposes.

In the large cities the legislature sometimes consists of Chambers, the upper known as the Board of Aldermen, the lower as the Common Council. All are elected by popular vote.

In most of the larger cities the city judges are elected by popular vote. It is the usual practice to have a number of Superior Judges chosen for terms of five years and upwards, together with a larger number of "police justices" or "city magistrates" who are usually appointed for shorter terms of office. In some cases the State does not allow the cities to appoint their own judges, but itself exercises that prerogative.

The Constitution of the United States of America.

In view of the fact that the constitution of the United States underlies and underpins the whole of public administration in that country, it is fitting to conclude this chapter with some remarks upon the character of that constitution, which has acquired for that nation something of the sanctity attributed in ancient days to the laws of Moses and the twelve tables of Ancient Rome.

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The following are the principle provisions of the constitution :

1. All legislative powers to be vested in a Congress of the United States consisting of a Senate and a House of Representatives.

2. The House of Representatives to consist of members chosen every second year by the people of the several States.

3. The Senate to be composed of two Senators from each State chosen by the legislature of the State for a period of six years. The constitution provided that after the first election of the senators they were to be divided equally into three classes. The seats of the senators of the first class were to be vacated at the expiration of the second year, those of the second class at the expiration of the fourth year, and those of the third class at the expiration of the sixth year. As a result of this arrangement, one-third of the senators vacate their seats and an equivalent number are elected every second year.

4. The senators and members of the House of Representatives receive compensation for their services. No senator or member of the House of Representatives can be appointed to any civil office under the government during the period of his membership of Congress.

5. All bills for raising revenue must originate in the House of Representatives.

6. Congress has power to collect revenue, borrow money, regulate commerce with foreign nations, coin money, establish post offices and post roads, create patents, constitute tribunals inferior to the Supreme Court, raise and support armies, provide and maintain

a navy, declare war, and make all laws necessary for the carrying out of its functions.

7. The executive power to be vested in a President of the United States of America, to hold office for four years, together with the Vice-President holding office for the same term. The manner in which the President is elected is defined in the following extract from the constitution :

“ Each state shall appoint in such manner as the legislature thereof may direct a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the Congress ; but no Senator or representative or person holding office of trust or profit under the United States shall be an elector.

“ The electors shall meet in their respective states and vote by ballot for two persons of whom one, at least, shall not be an inhabitant of the same state with themselves. And they shall make a list of all persons voted for and of the number of votes for each, which list they shall sign and certify and transmit sealed to the seat of the government of the United States, direct it to the President of the Senate. The President of the Senate shall in the presence of the Senate and House of Representatives open all the certificates and the votes shall then be counted. The person having the greatest number of votes shall be the President. If such number be a majority of the whole number of electors appointed ; and if there be more than one who have such a majority and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President ; and if no person having majority

then from the five highest on the list the said House shall in like manner choose the President."

8. The President is Commander-in-Chief of the Army and Navy and of the State Militias. He has the power by and with the advice of the Senate to make Treaties provided two-thirds of the Senators present concur. He appoints ambassadors, other public ministers and consuls, judges of the Supreme Court and all other officers of the United States.

9. The President must, from time to time, give to the Congress information concerning the state of the union and recommend for the consideration such measures as he shall judge necessary and expedient.

10. The judicial power of the United States is vested in the Supreme Court and in such inferior courts as Congress may from time to time ordain and establish.

11. The United States guarantees to every state in the union a republican form of government and protects them against invasion and on their application against domestic violence.

12. Congress, whenever two-thirds of both houses deem it necessary, is to propose amendments of the constitution. Alternatively, if two-thirds of the legislatures of the states make application, Congress is to call a convention for proposing amendments which become valid and part of the constitution when ratified by the legislatures of three-fourths of the states or by conventions in three-fourths of the states.

13. Congress may not make any law establishing any religion or prohibiting the free exercise of any religion, or restricting the freedom of speech or of the press or of the people peaceably to assemble.

14. No person or property can be seized or searched

without a warrant, which must be issued with due cause.

15. The right to trial by jury and to speedy and public trial is guaranteed.

During the term of office of the late President Roosevelt, for the first time in its history the government of the United States under the direction of its president intervened in industrial affairs. This intervention was known as the New Deal. Vast public works were instituted and provided work for the enormous number of persons who were at that time unemployed. Hours of labour were regulated by the government and for the first time in American history national schemes of pensions, unemployment and sick pay were introduced. The government recognised the rights of the workers to collective bargaining. The trade unions acquired a new status in the American community and the employers, after a bitter struggle, agreed under pressure from the president, to recognise the status of the unions.

The Supreme Court gave a ruling which rendered much of the President's New Deal illegal. The President took up the challenge and a presidential election took place in which President Roosevelt gained the most overwhelming victory ever gained by an American President.

In addition to challenging the Supreme Court, the President set about to reform American public administration. He appointed a committee on administrative management which endorsed the President's view that a democracy must govern efficiently if it is to survive. The committee decided that great changes were necessary in the administrative machinery of the republic. The following is a quotation from the committee's report :

“ Facing one of the most troubled periods in all the troubled history of mankind, we wish to set our affairs

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in the very best possible order, to make the best use of all our natural resources and to make good our democratic claims. If America fails the hopes and dreams of democracy over all the world go down."

So great are the responsibilities devolving on the President of the United States that it is impossible for one man to carry them out adequately. He is the head of the nation, the leader of a political party, the presiding genius at Congress, the Commander-in-Chief of the Army and Navy, and the head of all the government departments. President Roosevelt's plan was to delegate these responsibilities to others to carry them out in detail, whilst he remained in supreme control.

In order to accomplish this, he appointed as part of his staff at the White House a number of assistants fully qualified to act as intermediaries between him and the great state departments, and the President retained control over the staff of all government departments and over fiscal policy. This control was exercised through the medium of three departments: the Civil Service Commission, the Bureau of the Budget, and the National Resources Board.

The Civil Service Commission was replaced by a Civil Service Administrator, acting with an unpaid board of seven members appointed by the President.

The Bureau of the Budget was within the Treasury. It was under-staffed, insufficiently financed, and overwhelmed with routine work, so the President decided to set up a "Planning Agency." There were at that time in the United States forty-seven State Planning Boards, eleven thousand City Planning Boards, and four hundred County Planning Boards, but there was no permanent Planning Board for the country as a whole. The President, therefore, appointed a National Resources

Board which acted as a Central Planning Board, and was made permanent.

All these measures introduced by President Roosevelt effected a great increase in the power of the Central Government. This was a momentous departure from the policies which had ruled since the formation of the Union. Hitherto the Americans had been very suspicious of any tendency to strengthen the Central Government at Washington. It was the terrible economic and social conditions which followed the great slump of 1929-30 which convinced them of the necessity for the administrative reform introduced by the President.

The British and American Constitutions Compared.

Great Britain has no Minister of State whose office is comparable to that of the President of the United States of America. The nearest approach in Britain to the powers exercised by the American President are those exercised by the Prime Minister. Those powers have greatly increased during the last hundred years, and to-day the Prime Minister is not only the head of the government, but when his party has a substantial majority in parliament, is in practice if not in theory the virtual ruler of the Empire. His position, however, differs fundamentally from that of the President in that he can be removed from office by an adverse vote in the House of Commons, whereas no number of adverse votes in Congress can remove the President. On the other hand, there is no written constitution in Great Britain to limit the legislative powers of the Prime Minister as long as he is supported by a majority in the House of Commons; and there is no third power such as the Supreme Court in the United States, which can render invalid by its decrees the legislative acts of the government and parliament.

CHAPTER EIGHT

THE BRITISH EMPIRE AND THE BRITISH COMMONWEALTH OF NATIONS

IN the summer of 1887, the representatives of the self-governing colonies met in London for a conference. Their visit had two objects: to attend the Golden Jubilee of Queen Victoria, and to discuss with the government matters of common interest. This was the first Colonial Conference. The meeting was presided over by Lord Salisbury, who was at that time Prime Minister of England. Since that time, the self-governing colonies have become independent self-governing nations, and are called Dominions. The Statute of Westminster, which was passed by parliament in 1931, declared that Great Britain and the self-governing Dominions were to be :

“ Autonomous communities within the British Empire equal in status, in no way subordinate to one another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations.”

The self-governing dominions referred to in the Statute of Westminster are the following: The Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, Eire.

Canada has a federal constitution. It is divided up into provinces which are subject to the federal parliament. This parliament is bi-cameral, i.e. it consists of two Chambers: the Senate and the House of Commons.

South Africa is a federal state, and its parliament consists of two Chambers: the Senate and the House of Assembly.

Australia also is a federal state, and its parliament consists of the House of Representatives and the Senate.

New Zealand is governed by a parliament which consists of a House of Representatives and a Legislative Council.

The government of Eire is carried on by a parliament consisting of two chambers: the Chamber of Deputies (Dail Eireann) and the Senate (Seanad Eireann).

The Statute of Westminster, 1931, laid it down that the dominion parliaments would take over such legislation hitherto carried out by the imperial parliament which might apply to the dominions, and it was also laid down that the dominions could, if they thought fit, repeal any such existing legislation. An undertaking was also given to the dominions that no legislation would be carried by the parliament of the United Kingdom and applied to them without their consent. The British Crown is represented in each dominion except Eire, by a Governor-General, who represents the Crown only, and not the British parliament. It is also laid down that the dominions shall be the exclusive advisers of the Crown in the appointment of Governors-General. In 1936, Eire excluded the Governor-General from its constitution.

Except in the case of New Zealand, the Governors-General do not act as the Channels of Communication between the dominion government and the government of the United Kingdom. The dominions have appointed their own High Commissioners and Trade Commissioners and Agents-General.

The dominions have their own Diplomatic Corps to maintain relations with foreign countries, and have their

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own representatives to the General Assembly of the United Nations Organisation.

The following figures indicate the approximate populations of the different dominions :

Great Britain	45,000,000.
Canada	10,500,000.
South Africa	9,000,000.
Australia	7,000,000.
Eire	3,000,000.
New Zealand	1,500,000.

The geographical areas occupied by each member of the commonwealth are as follows :

Great Britain	88,756 square miles.
Canada	3,603,910 square miles.
South Africa	473,000 square miles.
Australia	2,974,581 square miles.
Eire	26,609 square miles.
New Zealand	102,375 square miles.

The rest of the British Empire, as distinct from the British Commonwealth of Nations, consists of the following groups :

The Crown Colonies, ruled direct by the British Government.

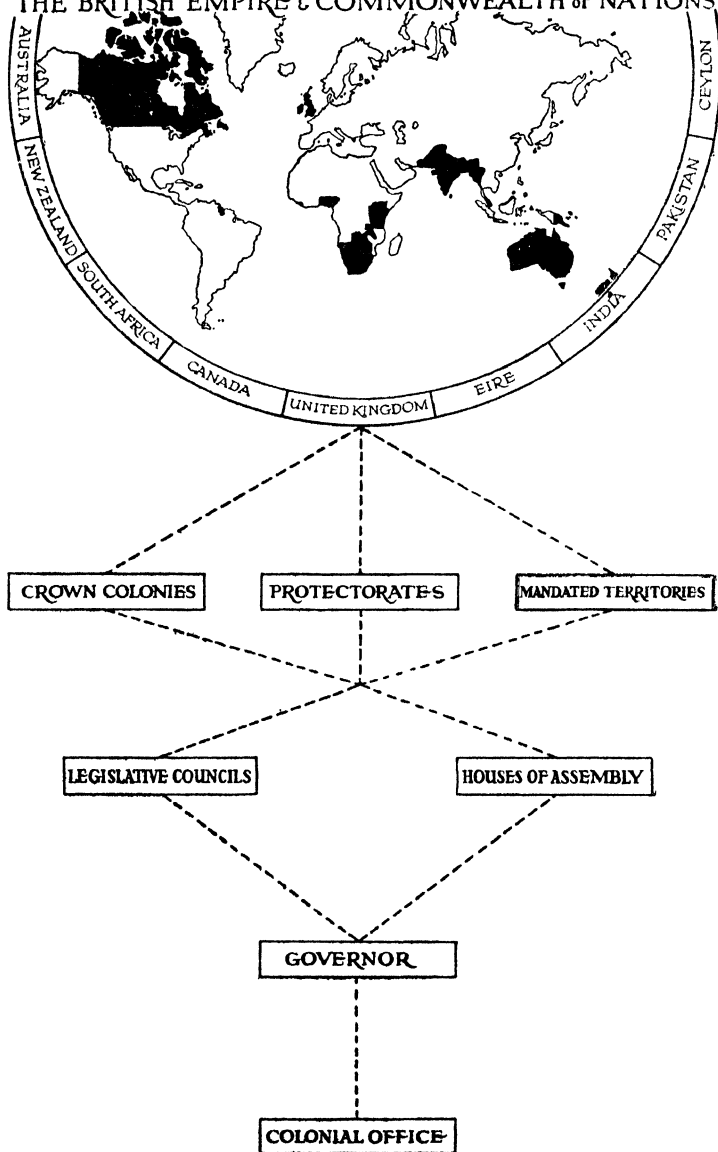
Mandated territories, also ruled direct.

Protectorates, which possess legislative councils of their own under the control of the Colonial Office.

The Dominions.

In New Zealand, the Crown is represented by the Governor-General. In Canada, which is a Federation, the Crown is represented in the federal government by a

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Governor-General, and in the provinces by Lieutenant-Governors. In the Commonwealth of Australia the Crown is represented in the Central Legislature by a Governor-General, and in the constituent states of the commonwealth by Governors. In the Union of South Africa the representatives of the Crown are the Governor-General as regards the Central Government, and Administrators as regards the Provinces. The Governors-General are appointed by the King on the advice of the Dominion Government. The Lieutenant-Governors and Administrators are appointed by the Governors-General on the advice of the Dominion ministers. The usual term of office is five or six years.

There are important differences between the Civil Services of the dominions on one hand, and the Civil Service of Great Britain on the other. The Dominion ministers usually take a greater part in the internal administration of their departments than the ministers in Great Britain.

In Australia, there has been a strong feeling that it was necessary to remove any possibility of political influence in the Civil Service, and in order to attain this object considerable powers were conferred on civil or public commissions in regard to appointments, promotion and discipline.

In the Union of South Africa, measures were also taken to limit ministerial intervention in the Civil Service.

In Canada, the powers of the Civil Service Commission were extended in order to curb political patronage.

In Canada, the basis of election to the Dominion and State parliament is adult suffrage, which includes men and women aged twenty-one who have resided in Canada for one year, and in the constituency for two months.

In Australia, as regards election to the State and

Central Legislatures, adult suffrage, male and female, is the rule.

In New Zealand, adult suffrage prevails but four seats in parliament are exclusively allocated to the Maories.

The House of Representatives of the Commonwealth of Australia has seventy-five members. The members are distributed among the different states, according to population. In the State Legislature the number of members in each House of Representatives is as follows : New South Wales, ninety members ; Victoria, sixty-five ; Queensland, sixty-two ; South Australia, forty-six ; Western Australia, fifty ; Tasmania, thirty.

The number of members in the New Zealand House are eighty. These are distributed between the north and south islands according to population.

In South Africa, the rule is adult male and female suffrage for white persons. This prevails in the Cape, Natal, Transvaal and Orange Free State provinces, and governs both the provincial elections and the elections of the Central Government of the Union. In the Cape Province, there is no colour bar, but educational and property qualifications are insisted upon for non-Europeans. In Natal, restrictions are imposed which effectively exclude from the suffrage African natives and British Indians. In the Transvaal and Orange Free States, non-Europeans are not entitled to vote.

The duration of the Union Parliament is five years, and that of the Provincial Councils three years.

In Canada, the Upper House consists of ninety-six members who are nominated for life by the Crown on the advice of the Dominion Government. The members must be at least thirty years of age, and must possess freehold property and land worth at least four thousand dollars.

In the Commonwealth of Australia, the members are

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elected. The franchise is the same as for the House of Representatives. Each state has six members who hold office for six years, three retiring every three years in rotation.

In New Zealand, the members of the Council were originally nominated for life. In 1891, the term of office was reduced to seven years. In 1914 an Act was passed providing for the election of forty councillors in four districts under the system of proportional representation, and for the nomination of three male Maories by the Governor. There is no property qualification.

In the Union of South Africa the minimum age for a Senator is thirty, and he must have resided within the Union for at least five years ; he must be a national of the Union, and be of European descent, and to qualify for election as a Senator, he must own property worth at least five hundred pounds. The Senate consists of forty members of whom eight are nominated by the Governor, and eight elected by each province under a proportional representation. The Senators hold office for ten years, but the Senate may be dissolved within one hundred and twenty days of the meeting of the Assembly. The Senators nominated by the Governor-General must vacate their offices when there is a change of Prime Minister.

Generally members of the Council are paid. The privileges of the Councils are similar to those of the House of Commons.

The Duties and Procedure of the Parliaments of the Dominions.

In addition to making laws the parliaments of the Dominions have to control public administration. One of their heaviest responsibilities is the control of financial administration, and in particular the construction and

imposition of tariffs. The procedure of these parliaments is along the same lines as in the parliament at Westminster. Where the Upper Houses are elected they are in a stronger position than the House of Lords or the Upper Houses where the members are nominated and the number of members is unlimited. In the latter cases there is always the possibility that, when the Upper House defies the lower the government may swamp the Upper House by nominating new members.

The Law and the Judicature.

In Canada, the judges of the Superior Courts and of the District and County Courts are appointed by the Governor-General. There is a Supreme Court, which is a Court of Appeal, and an Exchequer Court. In addition to these courts, there are Provincial Courts from which appeals lie direct to the Judicial Committee of the Privy Council at Westminster. The judges of the Superior Courts hold office during good behaviour, but the Governor-General can remove them on addresses from both houses of parliament.

In the Commonwealth of Australia, the Governor-General in Council appoints the judges of the High Court and the Federal Courts. These judges hold office during good behaviour and can only be removed from office on the ground of proved misbehaviour or incapacity and on receipt by the Governor-General of an address from both houses of parliament. The decision as to what constitutes proof of misbehaviour or incapacity lies with the parliament of the Commonwealth.

In New Zealand, the procedure both as regards the appointment of the judges and their removal is similar to that which appertains in the Commonwealth of Australia. Appeals may be made from the Court of Appeal and in exceptional circumstances from the

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Supreme Court to the Judicial Committee of the Privy Council at Westminster.

In the Union of South Africa, the procedure for the appointment and removal of judges is similar to that which prevails in the Commonwealth of Australia and New Zealand.

Law in the Dominions.

Throughout the Dominions the laws are mainly based upon English law. It is interesting to note that in Quebec, which was at one time a French colony, the old French common law persists having been preserved when the French capitulated to their English conquerors. The criminal law was, however, assimilated to English law.

In the Union of South Africa, common law is based on Roman Dutch law, which has also permeated Southern Rhodesia and South-west Africa, and the Bechuanaland Protectorate, Swaziland, and Basutoland.

During the year 1947, two new Dominions were created, viz : India and Pakistan. The status of these two new Dominions is identical with that of the other Dominions.

Colonial Administration.

The control of this administration is in the hands of a member of the government of the United Kingdom known as the Secretary of State for the Colonies. This portion of the British community is now generally known as the British Empire as distinct from the British Commonwealth of Nations, the latter title being applied to the United Kingdom and the Dominions only.

The states and territories outside the British islands which form part of the British Empire are as follows :

1. *Southern Rhodesia.* This colony has its own

responsible government controlling most of its internal affairs. The British government has, however, imposed certain restrictions in the interest of the native population. All external affairs are administered by the Secretary of State for the Colonies.

2. *Malta*. This colony has in recognition of its distinguished service to the Empire in the war of 1939-45, been granted full self-government, subject to the authority of the Secretary of State in military and naval matters and foreign affairs.

3. *Ceylon*. Self-government has now been granted to this colony.

4. *Colonies where the administration is under the direct control of the Secretary of State for the Colonies :*

(a) *Bahamas, Barbadoes, Bermuda*. These colonies have an elected House of Assembly and a nominated Legislative Council.

(b) *British Guiana and Cyprus*. These colonies possess a partially elected Legislative Council which, in the case of Cyprus, was suspended in 1931. In both cases the Secretary of State has the power to legislate by Order in Council.

(c) *Mauritius, the Straits Settlements, Fiji, Jamaica, the Leeward Islands, the Windward Islands, Trinidad and Tobago, Sierra Leone, the Gold Coast, Nigeria, Kenya*. These colonies possess partly elected Legislative Councils which have more scope than those of British Guiana and Cyprus. In all these colonies, with the exception of the Leeward Islands, the Secretary of State has the power to legislate by Order in Council.

(d) *British Honduras, the Falkland Islands, Gambia,*

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Hong Kong, Seychelles. These colonies possess nominated Legislative Councils, and in every case except British Honduras, the Secretary of State has the power to legislate by Order in Council, and the majority of the members of the Legislative Council are officials under the establishment of the Colonial Office.

(e) *Gibraltar, Saint Helena, Basutoland, Ashanti, Gilbert and Ellice Islands.* These colonies are administered by the Governor appointed by the Secretary of State for the Colonies, assisted by administrative officials.

5. *Protectorates.*

(a) Those in which the administration is in the hands of officials of the Colonial Office, under the Secretary of State for the Colonies. These consist of :

- i. Nigeria, Northern Rhodesia, part of Sierra Leone. These protectorates possess a partly elected Legislative Council.
- ii. Nyasaland and Uganda, which possess nominated Legislative Councils.
- iii. British Solomon Islands, Kenya Protectorate (a territory distinct from that of the colony), the Gambia Protectorate (a territory distinct from that of the colony), Northern Territories of the Gold Coast, Somaliland, Bechuanaland, Swaziland.

The Central Government at Westminster has the right in all Protectorates to make laws by Order in Council.

6. *Protected States.*

(a) *British North Borneo, Sarawak.* These states possess internal self-government, but the British

Government controls them in regard to foreign affairs.

(b) *Federated Malay States, Unfederated Malay States, Brunei, Zanzibar, Tonga.* The internal administration of these States is controlled by the British Government.

(c) *Sudan.* This is the region of the Upper Nile, and is legally governed by Great Britain in condominium with Egypt, although in actual fact it is entirely under British control.

(d) *The New Hebrides* is administered by Great Britain in condominium with France.

6. *Mandated Territories.* These are administered by Great Britain under the authority of the United Nations Organisation. The authority was originally delegated by the League of Nations. These territories are :

Palestine, under a High Commissioner appointed by the Secretary of State for the Colonies.

Tanganyika, governed by a Legislative Council nominated by the Secretary of State.

Cameroons. The northern part of this territory are administered by the Governor of Nigeria under the Secretary of State ; the southern parts are administered by the Governor of Nigeria assisted by the Legislative Council of Nigeria.

Togoland, which is administered by the Governor of the Gold Coast.

Transjordan. The administration of this territory is semi-autonomous under the Secretary of State.

Although many different forms of government exist in the Crown Colonies, they all have this common factor ; that they are effectively controlled by the Secretary of

State for the Colonies. Whatever its character, the government of the colony must conduct its administration in accordance with the prevailing law. The only modification of this principle lies in the power of the governor to pardon an offender and the right of the law officer to refuse to prosecute. In most cases the overriding authority of the Secretary of State is safeguarded by his power to legislate by Order in Council.

In certain cases, viz : the Bahamas, Barbadoes and Bermuda, there is real representative government. There is also in each case a constitution which consists of the Governor, a nominated Legislative Council, and an elected House of Assembly. In Barbadoes the House is elected annually, in Bermuda every five years, and in the Bahamas every seven years.

In British Guiana, the government consists of a Governor, an Executive Council in which there are three elected members of the Legislative Council, a Legislative Council consisting of ten official members, fourteen elected members and five nominated members.

In the Crown Colonies generally, the Secretary of State is in a position to secure the passing of many laws which he considers necessary in the interests of the colony. This applies even when the Legislature is elected. In such cases the elected element of the Legislature is never sufficiently strong to obstruct the decrees of the Secretary of State.

Where the Council is nominated, as in the case of British Honduras, Gambia, the Falkland Islands, Hong Kong and the Seychelles there is of course no likelihood of the Council disagreeing with the views of the officials appointed by the Secretary of State.

The Colonial Office presided over by the Secretary of State for the Colonies is responsible to Parliament for the administration of the Colonies. No legislation of

any importance must be introduced in a colony without the approval of the Secretary of State. The Governor has no power to assent without seeking instructions from the Colonial Office to a large class of legislation. This legislation includes such subjects as divorce, the grant of land or money to the Governor, laws affecting currency, customs duties, treaty obligations, the discipline of military, naval or air forces, the imposition of differential restrictions upon non-Europeans, laws which might adversely affect the rights of British subjects or the trade and shipping of the Empire.

The most important representative of public administration in colonial affairs is the Governor. This official is appointed by the Secretary of State for the Colonies under letters patent which vest in him the executive authority of the Crown which he is compelled to exercise in accordance with the law and with the instructions of the Secretary of State, which are embodied in a formal instrument of instructions and supplemented by despatches and telegrams. The Governor is assisted in the discharge of his duties by an Executive Council which consists of chief executive officers usually assisted by representatives of the local population.

The chief executive administrative power lies with the Governor. It is, however, his duty to consult the Council on all matters of importance. If he disagrees with the views of the majority of the Council, he is entitled to disregard their advice but he must report to the Secretary of State his reasons for so doing.

The Governor is usually entitled, if he thinks fit, to make grants of land, provided this is done in accordance with the prevailing law. He also has the power of appointment, suspension or removal of officials, and he exercises the prerogative of pardon but in all capital cases he must consult the Council but the responsibility

for the decision lies with him. All appointments and dismissals by the Governor are subject to revision by the Secretary of State.

The Governor has no authority over the military forces of the Empire stationed in the colony, but he is entitled to call for information regarding the state of the military defences and the strength and condition of the military establishment. The Governor has no authority, either, over the navy. He has, of course, the right to request that naval, military and air forces may be sent to particular districts, and in this matter he may communicate either with the Commanding Officer on the spot or the War Office, Admiralty and Air Ministry direct.

One of the most important responsibilities specially imposed on all Governors is to encourage the advancement of religion and education among the natives, and to protect them from interference with their persons, or the free enjoyment of their possessions. He is also under the obligation to see that the natives are not subjected to any form of injustice or violence. The development of the agricultural and industrial resources of colonial areas is now regarded by the British government as of the highest importance, and it is the duty of the Secretary of State to see that everything possible is done to secure that development. As a consequence, it has become one of the most important duties of colonial governments to see that everything possible is done to promote the economic development of the territories under his administration. To assist him in this, the Colonial Office sees that he is assisted by competent administrative officials and experts. The finances of the colonies and protectorates are controlled by the *Crown Agents for the Colonies* under the supervision of the Secretary of State. The business transactions which involve contracts outside the territory of the colony or protectorates are

also dealt with by the Crown Agents under the supervision of the Secretary of State. The office of the Crown Agents for the Colonies is situated in London. The Crown Agents are assisted by a number of administrative and executive officials whose appointments and salaries are assimilated to those of the British Civil Service. The Crown Agents are assisted by engineering and other experts.

The Administration of the Law in the Colonies.

It is the normal practice for a colony to have a Supreme Court which acts as a Court of Appeal, and also exercises jurisdiction in important civil and criminal cases. Usually there is a right of appeal from these courts to the Judicial Committee of the Privy Council. Cases for summary jurisdiction and the less important cases generally are dealt with by District Courts, usually presided over by an official appointed by the Governor under the general authority of the Secretary of State. Colonial law is normally based upon English Common Law. The Colonial Office assists the Colonial Government in its legislation by the drawing up of model laws which the Colonial administration are asked to follow when they are drafting new laws.

Where there is a considerable native population with laws and customs of its own, it is the duty of the Colonial administration in administering and making laws to take carefully into account these local laws and customs.

The reader will find on consulting a map of the world that the countries which are governed by the Colonial Office in London are spread all over the world. The territories so governed are of vast extent, the populations constitute an appreciable section of the whole population of the world, and consist of a great variety of races each with customs and institutions of their own. The adminis-

tration of these colonies constitutes one of the most important aspects of public administration, and involves the appointment of a large number of officials who have to be carefully selected by the Colonial Office and distributed throughout the Empire. The qualifications of every official, his antecedents and his suitability for the job both from the point of view of education and physical fitness must be gone into with great care.

This responsibility for the administration of the Colonial empire and the Protectorates is vested in the Secretary of State for the Colonies. But this Minister is elected to Parliament by the citizens of the United Kingdom, upon whom, therefore, falls the ultimate responsibility for the administration of the Colonial Empire and the Protectorates. A democracy cannot be successful unless it is based upon the intelligent interest taken by its citizens in public affairs, and it is therefore the duty of every citizen of the United Kingdom to keep himself informed as far as possible, not only with the administration of public affairs at home, but also with the affairs of the Colonial Empire and Protectorates for whose administration he is ultimately responsible.

CHAPTER NINE

THE UNITED NATIONS ORGANISATION

GREAT BRITAIN has a predominant interest in the United Nations Organisation, in view of the fact that she was one of the Sponsoring Powers which drew up the proposals at the Conference at Dumbarton Oaks together with the three other Sponsoring Powers, viz : the United States of America, the U.S.S.R. and China. The United Nations Organisation is therefore a branch of public administration in which the citizens of the United Kingdom are vitally interested.

The United Nations Organisation has taken the place of the League of Nations which in the period between the war of 1914-18 and the war of 1939-45 endeavoured to secure co-operation between the nations and the maintenance of peace. As previously indicated the proposals for the formation of UNO were drawn up at Dumbarton Oaks. These proposals were subsequently submitted to a conference of the representatives of fifty states at San Francisco. The object of the organisation, which owes its existence to the initiative of the late President Roosevelt, is to maintain peace and ensure justice for nations and individuals.

The first meeting of the General Assembly took place in London in January 1946, when Dr. Trygve Lie was elected Director-General. The General Assembly consists of delegates of all member states. The executive governing body is the Security Council, which consists of five permanent members, viz : United States of America, Great Britain, the U.S.S.R., France and China.

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The other six members are elected for a two year term by the General Assembly.

In addition to the Security Council, there are the following bodies :

The Economic and Social Council, which consists of eighteen members elected by the General Assembly. The object of this council is to secure the greatest possible degree of co-operation in economic and social affairs between the member states.

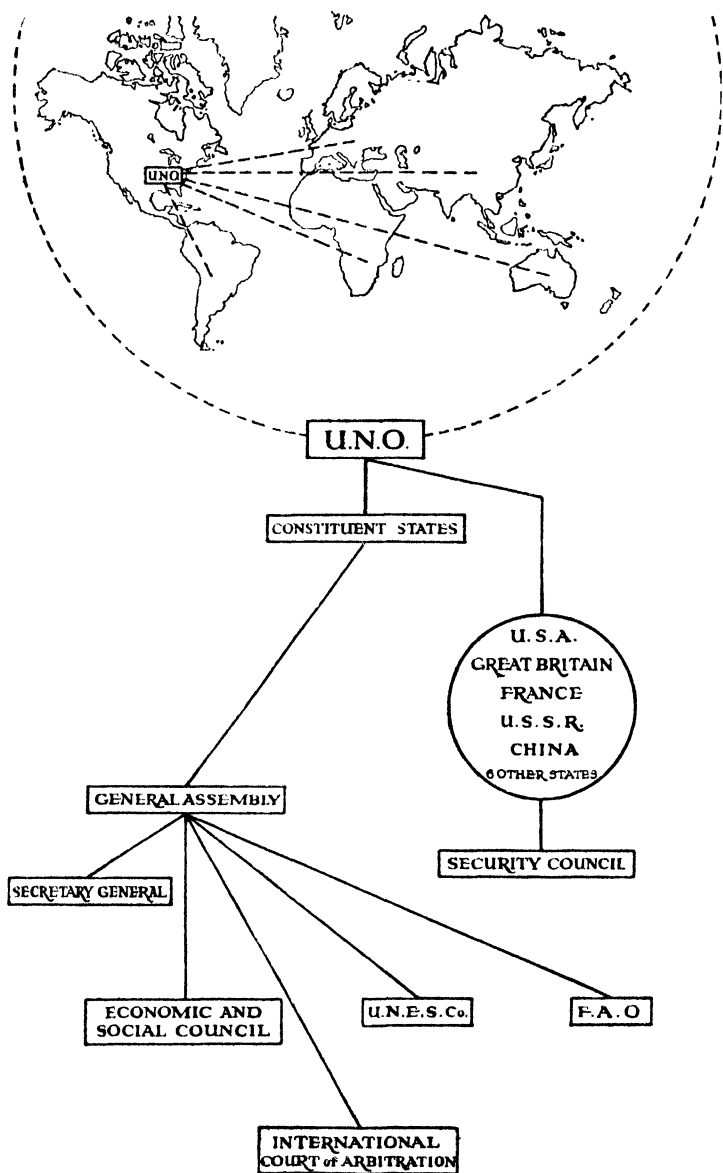
The International Court of Justice, consisting of fifteen judges whose function it is to adjudicate upon cases of a non-political and non-economic character voluntarily submitted to it by member states.

The United Nations Educational, Scientific and Cultural Organisation (UNESCO.).

The Trusteeship Council.

The Food Agricultural Organisation (FAO.) was set up in order to survey the food and agricultural resources of the world with a view to securing the equitable distribution of food throughout the world. Under the chairmanship of Sir Boyd Orr, an exhaustive survey was made and proposals put forward for distribution of the world's food supplies. It was, however, not found possible to secure unanimous agreement to these proposals.

The responsibility for carrying out the administrative decisions of the United Nations Organisation lies with the Director-General, who is assisted by his secretariat, whose headquarters are in America. The responsibility for the appointment of the officials of the Secretariat lies with the Director-General, who must make the appointments on grounds of efficiency and integrity, and on as wide a geographical basis as possible. The appoint-



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ments are open to men and women on conditions of equality. Sections of the secretariat act as a permanent administrative staff for the Economic and Social Council, the Trusteeship Council, and other bodies set up to carry out the purposes of the organisation.

The San Francisco conference drew up a World Charter of Peace, which laid down the purposes and functions of the United Nations Organisation. The purposes laid down in the Charter may be summarised as follows :

1. *Security* : to save coming generations from the scourge of war, to maintain international peace and security by uniting the strength of the member nations for effective and precise action to prevent threats to peace and to suppress aggression.

2. *Justice* : to bring about conditions under which justice, respect for treaties, and international law can be maintained, to develop friendly relations among nations based on the principle of equal rights and self-determination of peoples.

3. *Welfare* : to promote social progress and better standards of life by the use of international machinery for solving economic, social and educational problems.

4. *Human Rights* : to reaffirm faith in the fundamental rights of peoples and individuals in the dignity of human personality and respect for the fundamental freedom of all without distinction as to race, language, sex and religion.

The administrative functions of the various councils set up under the Charter are as follows :

The Security Council. The principle functions of this Council are to promote the peaceful settlement of disputes and to stop or prevent aggression. The Security Council sits continuously, and every member state must

always be represented at headquarters. The Security Council has much greater power than was possessed by the Council of the League of Nations. It has the power and responsibility to take immediate action to keep the peace. The delegation of this power is of the greatest importance because it actually represents a surrender by the constituent nations of the organisation of a part of their rights as sovereign states. These rights they have delegated to the Security Council.

The Economic and Social Council. This Council consists of eighteen members elected by the General Assembly for three years at a time and eligible for re-election. Decisions are taken by a simple majority vote. The Council has its own permanent staff which is part of a secretariat of the United Nations Organisation. The duty of the Economic and Social Council is to promote throughout the world higher standards of living, full employment, and conditions of economic and social progress, solutions of international, economic, social, health and other related problems, universal respect for and observance of human rights and fundamental freedom without distinction of race, language, religion, or sex.

The administrative functions of the Economic and Social Council are very wide. Its business is to carry out the recommendations of the General Assembly in relation to social and economic policy. In carrying out its functions it has to establish and maintain contact with a large number of organisations, some of which are private, some national, and some international. Some of its work is highly specialised, as when it deals with nutrition, foreign trade, financial, industrial and labour questions. It also has an interest in educational purposes, and in this sphere has to maintain contact with the United Nations Educational Scientific and Cultural

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Organisation (UNESCO.). Another body with whom it is bound to maintain close relationship is the International Labour Organisation (ILO.). Further, it has taken over the organisation set up under the League of Nations for the control of the drug traffic. Other bodies with which the Council must keep constant and close contact are the Food and Agricultural Organisation, the International Civil Aviation Administration. The agreements for currency stabilisation drawn up at the Bretton Woods Conference very closely concerned the Council, as does the International Bank established under the Bretton Woods Agreement. Although the Council cannot make laws, it has wide powers of research, investigation, recommendation and publicity.

The United Nations Educational Scientific and Cultural Organisation. The purpose of UNESCO is to act as an agency for the advancement of the sciences and arts in their application to the general welfare. Its administrative power resides in its General Conference, which consists of five delegates from each member state. The conference meets annually. The responsibility for carrying out the decisions of the General Conference rests with the Executive Board, which prepares the programme and the annual budget for submission to and sanction by the conference. The administrative work is carried out by the Secretariat of UNESCO. The head of the secretariat is the Director General, selected by the General Conference on the recommendation of the Executive Board. He is assisted by a staff of men and women drawn from the major geographic and cultural regions of the world. There is a permanent staff, but the Executive Board has the authority to call in experts in connection with the special tasks undertaken. The wide nature of the administrative duties

devolving upon the staff of UNESCO is apparent when it is realised that the headquarters in Paris are intended to provide accommodation for meetings of the bodies with whom UNESCO is destined to work, as well as accommodation for the General Conference and Executive Board, and a wide range of international committees. It is, indeed, intended that UNESCO House is to be an international community centre.

The subjects falling within the administrative functions of UNESCO may be summarised as follows :

1. *Education.*

(a) The setting up of a committee of experts to enquire into primary and secondary education as provided in the schools of various nations.

(b) The encouragement of voluntary organisations for the establishment of reconstruction camps for youth in war devastated countries.

(c) To study the question of the setting up of an international university.

(d) The setting up of an expert committee on health education.

(e) The study of vocational and general education.

(f) To study the problem of handicapped children.

(g) The establishment of a committee on educational statistics.

(h) The publication of an international educational Year Book, and an international educational review.

2. *Mass Communication.*

(a) Reconstruction of educational broadcasting.

(b) Plans for the improvement of telecommunication services.

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(c) A convening of international press conferences.

(d) The setting up of a reference library and information service on mass communication, films, radio transcriptions, etc.

(e) Miscellaneous activities concerned with the improvement of mass communication throughout the world.

3. *Libraries and Museums.*

(a) Establishment of an international clearing house for publications.

(b) The establishment of a World Bibliographical and Library Centre.

(c) The consideration of the extent of the popular library needs of the world.

(d) The promotion and encouragement of the training and exchange of librarians.

(e) The rehabilitation and restoration of museums.

(f) The promotion of international museums.

4. *Natural Sciences.*

(a) Scientific rehabilitation of schools, colleges, universities and research laboratories.

(b) The setting up of an international science service.

(c) The setting up of science co-operation stations.

(d) The encouragement of international scientific unions.

(e) The dissemination among peoples of all countries of information concerning the international implications of scientific discoveries.

- (f) The establishment of international laboratories.
- (g) The setting up of an international institute of the Amazon Basin.
- (h) The establishment of a Marine Biological Station at Naples.
- (i) The establishment of a High-Altitude Physiological Station at Jungfrajoeh.
- .. (j) The establishment of bird observatories on Heligoland.

Human Sciences.

- (a) Collaboration with and promotion of voluntary international organisations in the social sciences.
- (b) The publication of a Year Book on Social Sciences.
- (c) The setting up of a study centre in international relations.

Philosophy.

- (a) The establishment of a clearing house for information.
- (b) To promote the publication of an international bibliography of philosophy.
- (c) To co-operate with the United Nations Commission on the Rights of Man in organising an international conference to clarify the principles on which a declaration of the rights of man could be based.

Humanistic Studies.

- (a) The promotion of the resumption or establishment of international communications between philologists, linguists, archaeologists, literary and art historians.

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(b) The encouragement and promotion of the publication of international books and reviews dealing with humanistic studies.

(c) Enquiry into the position of humanistic studies in education.

8. *Creative Arts.*

(a) The survey of artistic education generally.

(b) The promotion of artistic education through museums, exhibitions, the press, photography and films, broadcasting.

(c) The survey of the needs of artists in regard to raw materials and tools in different countries.

(d) The survey and promotion of travelling exhibitions.

9. *Literature.*

(a) To promote the creation of an international federation of literary clubs.

(b) To promote the establishment of an International Foundation for Writers.

(c) To promote the creation of an international theatre institute.

(d) To establish an annual UNESCO award for the best book for children and young people.

10. *Music.*

(a) To encourage international co-operation in the promotion of concerts and exchanges between artistes.

(b) Co-operation between broadcasting stations.

(c) Survey of the teaching of music.

(d) Survey of music in cinemas.

(e) Survey of religious music.

(f) Survey of the needs of musicians in respect of musical instruments, scores, musical materials, etc.

(g) Survey of the state of musical publications in different countries.

It will be observed from a consideration of the functions of the United Nations Organisation and its various Councils that a new field of public administration has been established in the international sphere. If the United Nations Organisation is successful in establishing itself, the sphere of public administration of which it is the source and the centre will be greatly widened in the course of time. A new class of administrative officials will come into being with a new outlook and functions differing in many important ways from those of the administrative officials of the nations who form the membership of UNO. These officials will, nevertheless, be in a position to benefit by the administrative experience gained by British administrative officials. Britain is probably unique among the nations in having built up over a period of nearly four centuries administrative machinery for the government of many races and many territories spread across the whole surface of the world.

CHAPTER TEN

CONCLUSION

AMONG the principle nations of the world to-day, certain differing types of government are discernible. The public administration which serves each of these different types of government has its own special characteristics derived from the character of the government to which it is subordinate.

The different types of government may be classified as follows :

1. Democratic and parliamentary governments.
2. Imperial colonial governments.
3. The government of U.S.S.R.
4. Fascist autocracy.

In addition to the above, a new international type of public administration based on the democratic principles has come into being under the United Nations Organisation.

Democratic and Parliamentary Governments.

The nations in this group are the British Commonwealth of Nations, the United States of America, France, Belgium, Switzerland, Italy, Norway, Sweden and Denmark, and some of the states of South America.

In this group of countries, a parliament is elected on democratic principles for a limited period. The political freedom of the individual citizen is protected by law. No political organisation has any power to bring pressure,

legal or otherwise, upon individuals to secure their support. There is no secret political police. Peaceful persuasion is alone permissible, and political intimidation is suppressed by law. Governments are subject to parliamentary control, and parliament itself to an unfettered electorate.

In these countries, freedom of the press is jealously guarded, as well as freedom of religious opinion. Education is strictly non-political, and usually non-sectarian. Employment is based on contract, and compulsory labour except in times of national emergency is not tolerated. The higher judiciary is independent of political control, and in some countries of whom Great Britain is one, all courts from the lowest to the highest are entirely independent of political influence. In these countries the armed forces are strictly subordinate to the sovereign authority of parliament.

These are the broad lines on which these countries are governed. Like all human institutions they have their weaknesses. Cases have occurred in democratically governed countries where political "machines" controlled by "bosses" have exercised pressure upon the voters by bribery, direct and indirect, and by even more sinister methods.

The growing complexity of modern civilisation, the vast populations with their multitudinous wants are placing an increasing responsibility upon these democratically elected governments. Parliamentary business is becoming more and more complicated. Parliaments are finding it necessary to delegate their functions to government departments and therefore to administrative officials. There is a growing tendency to regulate people's lives. Legislation for the improvement of social conditions and for the planning of national economy tends inevitably to limit the freedom of the individual.

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The result of these tendencies is to increase the field and scope of public administration, and to render greater the power of administrative officials over their fellow citizens. The tendency in Great Britain to legislate by Order in Council, statutory order and royal warrant, leaving the administration and interpretation of these orders to government officials, has been the subject of criticism by the Higher Judiciary.

Imperial Colonial Governments.

The chief exponents of this type of government are Great Britain and France, who have vast colonial possessions all over the world. The British Empire is much greater in extent than that of France, but the latter country has had long experience particularly in North Africa of the administration of subject races. This type of public administration is carried on by administrative officials appointed by the Central Government. These officials are usually permanent, and their work is seldom affected by political considerations.

The colonial administration of Great Britain and France has been in the main paternal in its relation to backward races. It has also concerned itself with the development of the economic resources of these territories. Great Britain in particular has concerned herself with the education of politically backward peoples within the confines of her empire with a view ultimately to fitting them for self-government. Considerable progress has been made in this direction.

The Union of Socialist Soviet Republics.

The Soviets are committees elected by the citizens of the districts into which the territory of U.S.S.R. is

divided for administrative purposes. This system prevails throughout that vast portion of the globe which stretches from Vistula across European Russia and Asia to the Pacific Ocean.

The local Soviets select delegates for a larger territorial administrative unit known as the Province. The provincial local authority is known as the Provincial Soviet. These choose delegates to the All Union Soviet Congress which meets every two years. The Congress elects a Central Executive Committee which in turn elects the Council of People's Commissars which corresponds to the British Cabinet and constitutes the government of the U.S.S.R. The public administrative body which carries out the decisions of the Council of People's Commissars is The Political Bureau of the Communist Party.

Public administration in the U.S.S.R. stretches its influence far and wide. The government has for many years and still is endeavouring to industrialise the country, and this purpose is being achieved in the main by direct public administration. Every effort is being made to install modern plant and machinery and to institute scientific mass production. During the operation of the famous Five Year Plan before the 1939-1945 war, workers in state factories and farms were kept hard at work for long hours at low wages in order to keep down the costs of production and secure the greatest possible profit from sales. It was the intention that these profits should provide the capital wherewith to carry out the Five Year Plan.

The Soviet government is, broadly speaking, the principle trader within the confines of Russia. It fixes prices and decides what profit can be made on the sale of goods. It strictly administers all foreign trading.

One of the difficulties which confronted the Soviet

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administrators was the peasant problem. Peasantry who have been attached to the soil for centuries are usually difficult people to deal with if you want them to change their ways of life and adapt themselves to new conditions. The Soviet administrators have to stimulate the production of grain and other necessities of life and secure their distribution among industrial workers, and in order to do this they have found it necessary to tolerate a certain amount of private enterprise among the peasants. In the sphere of agriculture, one of the principle achievements of the Soviet administration has been the institution of the collective farm.

It will be appreciated that in order to carry out these vast enterprises it has been necessary to set up a vast network of administrative machinery.

Fascist Autocracy.

There are still a few places in the world where the governments are mainly autocratic in character, and some of these are based on the fascist model. The nearest approach to this model is probably to be found in Spain and Argentina. Dictatorial forms of government also prevail at present in Portugal, and to some extent in Brazil.

In view of its tremendous impact upon world affairs, the student of public administration must have some knowledge of what is meant by Fascism, which first appeared in Italy. The central theory of Fascism is centred round the conception of the corporate state. The alleged purpose is to concentrate the energy of the whole people upon productive work and to put an end to the antagonism between capital and labour. Strikes and lockouts were made illegal, and corporations were set up for every industry in which the industry was represented by a syndicate of employers and a syndicate of

employees. In each industry the syndicates of employers and employees were permitted to enter into collective contracts regarding wages and other conditions of labour, the contracts being sanctioned by law.

In Italy, the governing body was the Fascist Grand Council under the presidency of the Premier. There was also a Senate and a Chamber of Deputies. The Senate was nominated by the King on the recommendation of the Prime Minister. The Chamber of Deputies was chosen in a manner quite different from that employed in the countries where parliamentary democracy prevailed. In Italy, the Chamber of Deputies consisted of four hundred members elected in the following way : a thousand names were submitted to the Fascist Grand Council by the industrial corporation. Of these, the Grand Council selected four hundred names which were submitted en bloc to the electorate, which had to vote for or against the whole four hundred as one unit.

The result of this system was that there was no parliamentary opposition. The fascist view of the function of the Chamber of Deputies was that its function was to discuss, criticise, and approve, but not to oppose. In the fascist view, the ordinary voter is quite unfitted to express any opinion on the complicated administrative problem confronting the government of a modern community. In their view, these problems can only be dealt with by experts. The result was, as everyone knows, a tyranny by those who held office against which the rest of the nation was powerless.

It is probably not an exaggeration to say that the survival of civilisation depends upon the capacity shown by the nations of the world to-day to evolve a system of international public administration which will put an end to war. Such an attempt is already in being. The

United Nations Organisation represents a beginning of such a system. It is, of course, at present in its infancy and time will show whether it is to prove capable of fulfilling this supremely important purpose.

The beginnings of public administration are lost in the mists of antiquity. When primitive men first began to live together in small communities and to organise themselves for defence, public administration was born. As time went on, tribal organisations came into being. Survivals of this type of community are to be seen to-day in parts of Africa, in Australia, Polynesia and America. The primitive tribe was highly organised. Its administration centred on the head man of the tribe, and the priests.

At the dawn of history, some five thousand years B.C., we find highly organised communities in Egypt, Sumeria, and later in Chaldea, India and China. In the latter country, there existed at a very early date a vast network of administrative officials. In India, public administration had a religious basis which was, and is to this day, reflected in the Caste system.

In ancient Egypt public administration centred on the kings (Pharaohs) and was mainly in the hands of the priests. In Chaldea, supreme and absolute power rested in the kings of Babylon. Their administration was based upon military power, and was in the hands of officials appointed by the king. Here, too, the priests took a prominent part in administration.

At a later date, some centuries before the Christian era, we find in Greece a system of public administration based on democratic principles which prevailed in Athens and other Greek city states.

With the advent of the Roman Empire, we find a vast system of public administration governing territories stretching from the borders of modern Scotland

across Europe, Egypt and Asia Minor to the frontiers of India. In the Roman Empire we find for the first time in history an imperial civil service.

From the centuries of chaos which followed the collapse of the Roman Empire, there emerged the Medieval Feudal System. This was an elaborate system of public administration, which worked out in great detail the relationships between the various classes of society ranging upwards from the peasant serf working on the land, through the yeomen farmers and the barons to the king, who was the fount of all authority. During the feudal period there was a second great authority whose power was at least equal to that of the kings, and sometimes superior to them. This was the Roman church. The cardinals and the bishops and the abbots in charge of the monasteries actually administered great territories which were the property of the church. This was, in fact, a system of international public administration which exercised great influence in Europe during this period.

With the break up of the feudal system and the revolt of the northern nations of Europe against the authority of the Church of Rome, the latter ceased to take any part in public administration. Absolute administrative authority became vested in the king, and the modern nation states with their strictly defined political boundaries came into being. All vestiges of international public administration disappeared and it was only after the devastating world war of 1914-1918 that any attempt was made to create an international system of public administration. This was embodied in the League of Nations which, as everybody knows, failed to keep the peace and disappeared after the world war of 1939-1945.

It is hoped that the reader will feel, after reading this book, that public administration is a matter of profound

interest to everyone. He will, it is hoped, decide that it is up to him and his fellow citizens to see that the right kind of administrative organisation is brought into being in both the national and the international sphere.

POSTSCRIPT TO THE READER

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