

**ON THE EVILS OF DISUNITY IN CENTRAL
AND LOCAL ADMINISTRATION,
ESPECIALLY WITH RELATION TO THE
METROPOLIS AND ALSO ON THE NEW
CENTRALISATION FOR THE PEOPLE**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649503292

On the Evils of Disunity in Central and Local Administration, Especially with Relation to the Metropolis and Also on the New Centralisation for the People by Edwin Chadwick

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

EDWIN CHADWICK

**ON THE EVILS OF DISUNITY IN CENTRAL
AND LOCAL ADMINISTRATION,
ESPECIALLY WITH RELATION TO THE
METROPOLIS AND ALSO ON THE NEW
CENTRALISATION FOR THE PEOPLE**

CENTRAL AND LOCAL ADMINISTRATION

Blind flat

17 m 12

ON

THE EVILS OF DISUNITY IN CENTRAL AND
LOCAL ADMINISTRATION

ESPECIALLY WITH RELATION TO THE METROPOLIS

AND ALSO ON THE

NEW CENTRALISATION FOR THE PEOPLE

TOGETHER WITH IMPROVEMENTS IN CODIFICATION
AND IN LEGISLATIVE PROCEDURE

BY

EDWIN CHADWICK, C.B.

LATE COMMISSIONER OF POOR LAW ENQUIRY, OF FACTORIES ENQUIRY, OF METROPOLITAN
SANITARY ENQUIRY, AND CHIEF EXECUTIVE OFFICER OF THE FIRST
GENERAL BOARD OF HEALTH; CORRESPONDING MEMBER
OF THE INSTITUTE OF FRANCE

LONDON

LONGMANS, GREEN, AND CO.

1885

CONTENTS.

	PAGE
PREFATORY	
REMEDY FOR A THREE-CHAMBERED LEGISLATURE	1
ORGANIC PRINCIPLE OF UNITY BY CODIFICATION	1
UNITY IN PENAL PROCEDURE	2
" IN SANITARY ADMINISTRATION	3
" IN THE ADMINISTRATION OF RELIEF TO THE DESTITUTE	7
INTERNAL COMMUNICATION ADMINISTRATION BY ROADS	10
ECONOMY OF UNITY OF THE POLICE SERVICE	11
DISUNITY IN LEGISLATION AND BAD CENTRALISATION TO PARLIAMENT	15
EFFECT OF DISUNITY IN NARROWING THE LABOUR MARKET OF IRELAND	20
EVILS OF DISUNITY IN CIVIC OR COUNTY LOCAL ADMINISTRATION	20
UNITY IN LEGISLATION BY IMPROVED AND ADMINISTRATIVE PARLIAMENTARY PROCEDURE	34
ADVANTAGES IN LOCAL AND SANITARY ADMINISTRATION OF UNITY OVER DISUNITY	62
ADVANCES IN SANITATION UNDER MILITARY UNITY	64
FALLACY OF THE PHRASE 'LOCAL SELF-GOVERNMENT'	72
THE NEW CENTRALISATION FOR THE PEOPLE	77
BAD CENTRALISATION IN FRANCE, AND BAD LOCAL ADMINISTRATION IN AMERICA	80
BINDING FORCE OF CODIFICATION FOR THE COLONIES	90
ON UNITY AS AGAINST LAISSEZ FAIRE IN LEGISLATION	95
EFFECT OF UNITY ON LEGISLATION	99
CONTRAVENTIONS OF THE CORRECT PRINCIPLES OF CENTRAL AND LOCAL ADMINISTRATION FOR THE PEOPLE	107
APPENDIX.—I. THE LOCAL UNION AS A UNIT OF ADMINISTRATION	
" II. CONSTITUTION OF THE CENTRAL AUTHORITY	118

PREFATORY.

THE outlook of legislation by Parliament, as tending to constitutional disintegration appears to render it incumbent on me to submit principles of amendment, conducive to unity and economy, founded on official experiences and observations during half a century.

I had prepared the following papers with that object, and was waiting an opportunity to submit them when the movement arose, with general public support, for a closer union with our widely expanding Colonies. To that great object, the existing conditions of home legislative disunity, and as it appears to me of disintegration, must present serious obstructions, and I would invite the attention of the promoters of federal union to the principle of legislation, and of administration for which I contend as eminently conducive to it, and indeed as necessary to its attainment, as well as to the more immediate improvement of home legislation and home administration.

I hope that the statement of the home experiences of the evils of local disunity may be of service for their avoidance by Colonial statesmen.

The papers were written on separate occasions and contain repetitions, but those repetitions are with variations, and those variations are submitted for additional consideration.

EDWIN CHADWICK.

EAST SIKEN, February, 1885.

Principle of Codification for National Unity

*One Policy, One Government, One Country, the Remedy for
a Three-Chambered Legislature, and National and
Provincial Unity of Legislation and Administration.*

We have been going on, even with ordinary affairs, under the condition of what is practically a three-chambered Legislature: an English Chamber, an Irish Chamber, and a Scotch Chamber—a condition which has grown up since the time of Queen Elizabeth, when the affairs to be administered were under unity, for a population little more than that of Scotland, or more than that of the present metropolis. Each of these Chambers represents a local legislation and administration, which has been allowed to go on, more or less distinct in form, with apparently distinct and incongruous interests, now requiring distinct appropriation of the time and attention by the Legislature for meeting the ever-growing needs of the affairs of each separate population. Whilst the affairs belonging to one chamber are proceeded with, it is, at the expense of time, and commonly must be, therefore, to the injury of the two others. We have had experience that by the exigencies of the factious requirements of one, the affairs of two others, representing a population numerically seven times greater, have been delayed and seriously injured. It may be urged for consideration that with the growth of the affairs of the United Kingdom and of the empire, the pressures and the injuries of delay of legislation and of business must increase, until an irresistible case is made out for what is called disintegration, by separate home rules, which indeed is now proposed for Local Boards, with increased powers of local taxation, as a relief to Parliament.

Increasing
evils of three-
chambered
legislation.

Organic Principle of Unity by Codification.

I venture, after my experience, now of nearly half a century, in relation to long-tried organisations for local administration, to submit as a remedy the application of a master principle for obtaining unity in legislation.

The master principle of legislative and judicial organisation

laid down by Bentham, is *always to do the same thing in the same way, choosing the best, and always to call the same thing by the same name.**

Example of Unity in Penal Procedure.

Basis of remedy in the principle of unity of codification.

I would submit, for examination and consideration, some illustrations derived from my own experience to show how far the application of the fundamental principle stated would serve to the attainment of unity of legislation, and the restoration of a single-chambered Legislature.

Example of advantages of unity in penal procedure from Scotland.

Under the commission of inquiry for the better organisation of constabulary forces, I learned from the chief English police officers serving in Scotland who had also served in England; that what is done in Scotland under the general direction of the public prosecutor by precognition taken by the Procurator Fiscal, the examination by the Sheriff, and the trial by jury, in which unanimity is not required, and what may be called an intermediate verdict of 'not proven' is allowed, affords greater security to the innocent, with less of additional sacrifice to the injured, and more certainty of punishment, than is afforded by the penal procedure in England.

Superiority of codification, by outside consultations of varied lay experiences, over codification from the closet.

It is illustrative of the state of the legislation by the separate Chambers, as I call them, that the New Criminal Code (the indictable offences) Bill, prepared by Sir James Stephen, is proposed for England and Ireland only. But if it be good for England and Ireland, why is it not good for Scotland too? I have great respect for the ability and the acuteness of Sir James Stephen; but his experience and observation will have been as to the procedure within the Courts. There are, however, many experiences of officers out of Court, affecting procedure, which do not come under observation in Court. Moreover, Sir James Stephen's experiences may be taken to have related to only one system—the English system. Now I have a confident opinion that, if such experiences as those of the English officers serving in Scotland which I consulted—experiences very much

* I may observe that in my service I have never followed any one, not even Bentham, but have deduced my conclusions not even from Bentham's but solely from close and important collections of evidence. On a comparison of various penal procedures I had, however, arrived independently at a conclusion in accordance with that which he had above enunciated. On some depreciatory remarks as to Bentham's authority, it is just to state that Mr. Herbert Spencer has much to learn upon it; and that he and others may learn of it from Professor Austin's 'Province of Jurisprudence Defined,' and of his authority in codification, in the eminent practical success of the Indian Civil Code drawn upon his lines, on which the authority of Sir Henry Maine may be relied on.

of it outside that of the Scotch Courts—the penal law and procedure in Scotland would be found better, and therefore more eligible for adoption than that proposed for England and Ireland. I have no doubt that Bentham himself would have gladly acknowledged the advantages of a procedure of codification based upon the collection of evidence and the public comparison of masses of lay experiences, over any obtainable by the best meditation of the jurist on such isolated cases as he would be likely to be able to look into in his library, or by the judge reasoning on the experiences, generally confined to his Courts.

Experiences of Unity in Sanitary Administration.

I postpone the consideration of the gains derivable from the consolidated organisation and action of police forces. I pass by the question of the gains derivable, on one side or other, by the unity of civil procedure with which I am little conversant. I proceed to the topic which has hitherto engaged but little of the time and attention of the Legislature, but which may be said to be now advancing to its proper position of paramount consideration, viz., the best way of dealing with the health and strength of the population. Under the first Public Health Act the General Board of Health had jurisdiction in Scotland, and had the power of making orders with a summary jurisdiction, to be enforced by all magistrates during the prevalence of extraordinary epidemics; and we exercised that authority during the extraordinary epidemic of cholera. In deference to the assumed feeling in Scotland of jealousy of a central English authority, it was first proposed to centralise our administrative arrangements for Scotland in its capital, Edinburgh, but we soon found that this arrangement excited dissatisfaction at Glasgow, Aberdeen, and other places, where it was treated as an indignity that they should be left subjected to a minor or secondary authority, and it was insisted that they should be allowed to communicate direct with the superior central authority in England. The considerations of practical experience and the economy of time and force by direct action induced us at once to act upon this feeling. Local office-bearers, who are averse to any change, and local office expectants, are naturally led to assume that the feeling of the population is in favour of the provincial law which they administer. I had an opportunity of testing the feeling of a body of the wage class in Scotland on the question, when I

Example of advantages of greater collectivity for sanitary science under unity.

Unity most popular.