

MUNICIPAL GOVERNMENT IN GREAT BRITAIN.

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OUTLINE.

MUNICIPAL GOVERNMENT IN GREAT BRITAIN.

- 1.-Introductory.
- 2.-History of Municipal Organization in England.
- 3.-The Municipal Code.
- 4.-Practical Operation of the Code.
- 5.-Points of Difference between the British and American Systems.
- 6.-The One Thing Lacking.

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Within the last few years events in some of our larger cities have caused no little agitation regarding municipal government and municipal reform. That public attention should be turned to such matters is eminently proper, and in fact, necessary. Good municipal government is essential to the continued good government of a nation. To-day over one-third of our people reside in cities of over eight thousand inhabitants and as the country increases in age the per centage will increase. Anything which so directly affects the welfare of one-third of our population should deeply concern, not only that one-third, but the other two-thirds as well.

Bryce says that there are "two tests of the practical efficiency of the government of a city: What does it provide for the people and what does it cost the people. Measured by these tests, it has become more and more evident in recent years that municipal administration in this country is a disgraceful failure. A failure because the people have paid tens, perhaps hundreds, of thousands of dollars for that which should have cost them thousands only, and have received therefor inefficient police service, defective paving, poor work of every kind. Disgraceful because of the boodling and corruption and viciousness which have caused such extravagance.

It would seem that, although we have given the world what is probably the most perfect form of national government, yet, in this matter of municipal administration we still have much to learn; and in this event it is but natural that we should turn to the older countries of Europe and see in what manner they have solved this problem.

Naturally, in any such study, one looks first to that country from whose institutions are derived, in part, our own principles of government. And there we find a municipal administrative system

which stands in marked contrast to our own. For where we have cities whose government is extravagant and inefficient, the system of Great Britain has developed municipalities which are economically and efficiently administered and which are free from that taint of corruption so prevalent in the United States.

HISTORY OF MUNICIPAL ORGANIZATION IN ENGLAND.

The civil divisions of England, its counties, hundreds, tithings, or towns, date as far back as the time of Alfred. Even in those old Saxon days the towns were governed by the whole body of freemen within their boundaries, and though after the coming of William the Conqueror they were made fiefs of the crown still these towns, or "royal boroughs", as they came to be called, retained for a long time the greater part of their old privileges.

In the fifteenth century these boroughs began trying to secure charters of incorporation, this being usually accomplished by purchase from the crown or by pledge of an annual contribution to the royal treasury.

Perhaps the most prominent element in the town life of this time was the guilds, associations of merchants and craftsmen of the same trade. These guilds were originally organized for purposes of mutual benefit, regulation of apprenticeships, and other matters connected with the trades. Becoming more and more influential, it was generally through them that charters were asked for and obtained, and as all, or practically all, the reputable men of the town were connected with them it became the custom to vest the control of town affairs in the members, or "freemen," of the guilds.

With the securing of these charters the character of the boroughs was materially changed. Previously they had been mere local

agglomerations, without assured institutions or permanent character. They now became corporations, legal personages, with vested rights subject to interpretation by the court. This new town life, with its equal freemen, joined together in a corporate body and having a recognized citizenship, opposed itself to the feudal idea of lordship and vassalage and thus was one step toward modern ideas and conditions.

But though for a time these boroughs may have been fairly representative of the people they eventually became subject to great abuses. Each borough was a parliamentary constituency and this character attracted the attention of the English sovereigns. It was to their interest to make the boroughs as close and non-representative as possible. By one means and another the end was accomplished and finally the majority of towns were governed by a handful of men. As time went on these governing bodies became less and less representative and more and more irresponsible.

The old industrial system was fast falling into decay. Its place was taken by the factory system and in northern England there sprang up the factory towns. These towns drained southern England of its people, leaving some of the boroughs practically depopulated, but still recognized as corporations and still having the right to send representatives to Parliament. Meanwhile the factory towns of the north, without charters, and with no law under which they could obtain one, were without government of any kind. Legally they did not exist. As a result their moral and sanitary condition was awful. Tenements were crowded, disease prevalent; vice flourished in its worst forms, and the whole influence of the towns was degrading.

Matters continued in this state until 1832, when the first great Reform Act was passed. This accomplished the reconstruction of the boroughs, the "rotten" and "pocket" boroughs being deprived of their seats and the large new towns given representation in pro-

portion to their size and importance.

This was followed in 1835 by another reform act, the primary object of which was to secure local self-government. Return was made to the old principle of making householders voters and the close corporations were thus thrown open to the people. This act was supplemented from time to time by other statutes, and finally in 1882 it was decided to unite all into what is now known as the Municipal Code.

THE MUNICIPAL CODE.

The chief provisions of the municipal code, under which all the cities of the two islands, with the exception of London, are now governed, are as follows:

FRANCHISE.---Burgesses (thatis, those having the right to vote) are all those who, being of full age and having lived for twelve months in the borough or within seven miles of it, are also occupants of premises of some kind inside the town limits, have been rated for the poor-relief fund on account of such occupancy, have paid all rates within the proper period, and have meanwhile received no public alms themselves.

Practically, this means that every man of a family living in the town, every woman who is head of a family or of a business, and every man or woman living outside (but within seven miles) who occupies business property inside the town, that all these have the right to vote. Such a provision secures the franchise to those who, from a financial standpoint (and a man is reached most effectively through his "pocket nerve") and from other viewpoints as well, are most interested in having an economical and efficient administration. At the same time, by its practical if not by its theoretical workings, it excludes paupers and others who, for obvious reasons, would be indifferent to the sort of government the town was receiving. While

such a restriction of the franchise would be rather inconsistent with American ideas of freedom of suffrage, yet it would seem to be a significant fact that a large per cent, if not indeed, a majority of voters in an American municipality are men who do not suffer, financially, at least, from any misgovernment or extravagance.

COUNCIL.---"The municipal corporation of a borough shall be capable of acting by the council of the borough, and the council shall exercise all powers vested in the corporation." That is the British municipal system in a nutshell. It is a government of the people, by the council, for the people. All powers are exercised by, and practically all details of organization are left to the discretion of the council. Very different is this from the American plan, by which the council divides power with the mayor, and under which the details of administration are set forth in state law. Another difference which may be noted is that the members of the English councils are, as a rule, more high-minded and more efficient than most of their brethren of America.

As to this council is the Code says it shall "consist of the mayor, aldermen, and council, thus making each an essential part of the complete council.

QUALIFICATIONS FOR OFFICE: COUNCILORS.---As to qualifications for councilors the Code provides that any burgess is eligible and also any person possessing all other qualifications who is resident beyond seven miles but within fifteen miles of the borough; a provision that seems to be a further recognition of the idea that those should govern who have cause to be financially interested in securing good government.

Three disqualifications are named, the two latter of which may account, to some extent, for the absence of corruption from Eng-

lish councils: (a) No clergyman is eligible; (b) no one who holds any place of profit, other than mayor or sheriff, within the gift of the council, is eligible; (c) no one who has, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of the council.

ALDERMEN.---The aldermen are elected by the council. Their number is one-third that of the councilors. They must be, or be qualified to be, councilors. Their term is six years, one-half retiring every three years.

MAYOR.---The mayor is likewise elected by the council. He may be chosen from among aldermen, councilors, or persons qualified to be such, but in practice the honor is generally given to an alderman of long service. The term of office is one year and he is eligible to reelection. Salary is determined by the council; in practice it is nothing, the incumbent often really paying for the honor. In Birmingham, for instance, it costs 3000 Pounds to be mayor one term.

The mayor presides at council meetings but has no veto or appointive power.

This last statement makes apparent a wide difference between the English system and the method prevalent in our own country, where the tendency is to centralize power as much as possible in the hands of the mayor. The English provision relieves the executive of the embarrassments which naturally attend the possession of legislative and patronage powers and thus enables him to give his whole attention to the actual working side of the administration.

OFFICERS OF THE COUNCIL.---The council is to appoint a town clerk, who has charge of all the records and documents of the borough, and also a town treasurer. These officials hold office during the

pleasure of the council. The offices cannot be held by the same person, nor can a member of the council be elected to either office.

Further the Code says: "The council shall from time to time appoint such other officers ##### as the council think necessary, and may at any time discontinue the appointment of any officer appearing to them not necessary to be reappointed." This clause is in agreement with the previous one giving to the council the right to exercise all powers and assures them absolute control of every detail of organization and administration. They may have no officers, governing the city as a body, or they may have any number of committees and officials, with the work parceled out in great detail. The latter plan is followed in probably all cases. In Birmingham the plan is to distribute the power as much as possible, in order to interest and make responsible the greatest possible number of citizens.

The council decides as to the salaries of all its officers and may at any time require an official to give an account of the matters entrusted to his charge.

MEETINGS AND PROCEEDINGS OF COUNCIL.---Four quarterly meetings must be held each year, but the mayor, or in case the mayor refuses, any five members of the council, may at any time call a meeting. Notice of a meeting must be given at least three days before. One-third of the council constitutes a quorum, and matters may be decided by a majority of those voting. This really permits business to be transacted by less than a quorum. The mayor has a vote in case of a tie.

The council is empowered to appoint such committees as they deem necessary, but all acts of a committee must be approved by the council. The number of committees is usually quite large, the municipal activities of British towns being many and the work being much

No member of the council is allowed to vote on, or take part in the discussion of any matter in which he has, directly or indirectly, any pecuniary interest, a provision which, strictly carried out, would quite frequently incapacitate the great majority of "city fathers" in this country.

BY-LAWS.---"The council may, from time to time, make such by-laws as to them seem meet for the good rule and government of the borough" but such a by-law requires the presence of at least two-thirds the whole number of the council at its passage, and further, "such a by-law shall not come into force until the expiration of forty days after a copy thereof ##### has been sent to the secretary of state; and if within those forty days the Crown, with the advice of the Privy Council, disallows the by-law, it shall not come into force." This corresponds to the ordinance power of American councils but is capable of much more restriction by reason of the requirement of review by the Crown. The Crown, or more properly speaking, the Privy Council, might practically annul the ordinance-making power, either in a special case or in all cases, though such an event is hardly probable. However, such a provision insures that by-laws will be carefully drawn, and passed only after due consideration.

ACCOUNTS AND AUDIT.---There are three borough auditors, two elected by the council and one appointed by the mayor. These hold office for one year, and audit the treasurers' accounts twice yearly. At the end of each financial year and after the completion of the audit the town clerk sends into Local Government Board an account of the receipts and expenditures of the corporation for the year.

WARDS.---The division of a town into wards, or the rearrangement of existing wards, two-thirds of the council having agreed,

is accomplished by a petition to the Crown. Thus the council is the real actor in the matter, though nominally it is under the control of the Crown. The number of councilors assigned to each ward must be divisible by three.

NON-ACCEPTANCE PENALTIES.---Penalties are provided for the non-acceptance of an office, although certain exemptions are allowed. These penalties are not to exceed 100 Pounds in the case of a mayor or 50 Pounds in the case of aldermen, councilors, or auditors.

REGISTRATION, NOMINATIONS, AND ELECTIONS.---The names of all persons enrolled as burgesses or claiming the right to be so enrolled are printed on the revised burgess roll, which must be completed by October 20 of each year. Registration is hedged about with many safeguards, so many, in fact that the danger is rather that there will not be a full enrollment than that names will appear on the list illegally.

Nine days before the election, which is held on November 11, the town clerk must post notices on the town hall and in conspicuous places in the various wards.

Nominations are filed with the town clerk at least seven days before the election and all valid nominations are printed on the official ballot paper. A nomination is required to be in writing and must have the signatures of two burgesses as proposer and second-er and eight additional burgesses, all of whom must be enrolled in the particular ward. If but one councilor is to be elected and only one nomination is filed, that nominee is declared elected.

The mayor and aldermen are elected at the quarterly meeting of council on November 9, the mayor's election being the first business transacted.

Women, though admitted to the franchise, are not eligible

CORRUPT PRACTICES.---The provisions defining and fixing penalties for corrupt practices are many and strict. Various disqualifications are provided for. Without going into detail it is enough to say that these provisions and those regarding Parliamentary elections have resulted in that electoral and political purity which has seemed with us to be, indeed, an "iridescent dream."

MUNICIPAL PROPERTY.---In regard to the purchase and sale of lands and buildings, or the borrowing of money for public purposes it may be said that the council, in taking any important step, is required to go through the form of obtaining the Treasury or such other department of the general government as the Code may direct.

FINANCIAL.---The "borough fund" consists of the income derived from corporate property, from fines, and from all sources other than a levy of rates. This is to go as far as possible toward borough expenses and any need then existing is to be met by the ordering of a "borough rate"; such rate being levied against the occupiers of houses and real property, upon the annual rental value.

COURTS OF JUSTICE.---Mayors are borough justices during their term and for a year afterward. County justices have jurisdiction in the smaller communities. In the larger ones, on petition of the council, a separate commission of the peace is granted by the Crown, and justices are from time to time appointed. In Birmingham, for an example, this commission is known as the Board of Police Justices. They number about fifty, serving for life without pay. Justices are nominated by the town council to the Lord Chancellor and appointed by the Crown. The Board is headed by the Mayor and a justice called the Stipendiary. The latter must be a lawyer, and receives a salary of 1000 Pounds a year. Two magistrates clerks are appointed; these are also lawyers and receive 1200 Pounds a year each. They receive infor-

mations, issue summonses and advise the magistrates on points of law. The justices appoint visitors to the prisons, grant licenses for theaters, drinking places, and concert halls, and have other like duties. They have power to control the police in time of threatened or real disorder, and any two justices may suspend a policeman. The office entails hard work and disagreeable duty, but is considered a proud distinction, and the places are held by leading citizens--scholars, editors, merchants, manufacturers, and men of family and leisure.

POLICE.---Police affairs are in the hands of the Watch Committee, which is appointed by the council, and of which the mayor is ex officio a member. This committee appoints borough constables and has entire supervision over them. The watch committee or any two justices may at any time suspend, and the watch committee may at any time dismiss, any constable thought to be negligent of or unfit for duty.

So much for the Code and the system it provides. A look at the practical workings of that system will perhaps bring out some unexpected and interesting points.

PRACTICAL OPERATION OF THE CODE.

FRANCHISE.---The British Municipal Code vests all authority in a council, which is directly representative of the voting body. It is therefore important to learn what limitations the working out of the system may place upon the elective franchise. In Great Britain the franchise, though tending always toward greater freedom and popularity, is nevertheless full of distinctions which make it difficult to understand. To illustrate the point we may take the franchise as it exists in Glasgow.

The qualified electors of Glasgow go to the polls at various times to elect (1)members of Parliament, (2)members of the town council, (3)school-boards, (4)parochial boards for the care of the poor, and (5)members of the Clyde navigation trust. For each of these purposes the franchise is different. Now, which electorate is the broadest? One would naturally think it would be the municipal because of its inclusion of women and of all occupiers of premises, no matter of how small value. But in practical effect it is the school-board franchise which is the broadest. This, because rate-paying is the sole qualification and it is not required that the rate shall have been actually paid. Rates are levied upon all householders; but for the exercise of the municipal and parliamentary franchises it is necessary that they shall have been paid by a date some little time previous to the election, and this provision so operates as to keep about 50,000 householders off the registration roll. The slums evade the tax-collector and sacrifice the franchise, and thus the names of one-third the householders and theoretical voters of Glasgow never appear on the municipal registration list. It is a significant fact that in Glasgow and other Scotch towns the whole body of ignorant, vicious, and irresponsible men have practically nothing to do with the government.

But the rate-paying qualification has no such action in English towns, for the following reason. In Scotland rates are divided between owner and occupier and are collected directly from each. Collection from the poorer tenants is a difficult matter, consequently such are cut off the registration list. In England the whole burden of the rate falls on the occupier. The difficulty of collecting from poorer tenants is met by an agreement with the landlords, by which the landlords advance the rates on all property of less than ten

holders thus arranged for consequently their names on the municipal roll.

The practical exclusion of unmarried men from the franchise is an item of importance. In America this class forms from fifteen to thirty-five per cent of the voting strength. Though the number is probably not so great in England, still they are an important element of the population. Theoretically, by means of the so-called lodgers' franchise, they are entitled to have their names on the parliamentary roll but in effect this franchise is denied them, while municipal suffrage never has been granted them.

To make comparison with the American electorate, which as a rule includes all male citizens of legal age, the British municipal electorate excludes in practice all unmarried men, all floating laborers and lodging-house sleepers, and nearly all the serving class. Furthermore, British politicians do not exploit the slum vote. The severe laws against bribery, direct and indirect, make it next to impossible to get a British voter to the polls who does not view the contest with some degree of interest and intelligence.

ELECTIONS.---The majority of the larger English towns are divided into sixteen wards each, with three councilors to each ward. These councilors elect sixteen aldermen, making a total body of sixty-four, presided over by the mayor.

The method of nomination has already been explained. One might think it would result in a multiplicity of candidates, since any ten men can secure the official announcement of the candidacy of an eleventh and the placing of his name on the official ballot. But such is not the case. Although contested elections are becoming more frequent by reason of the increasing prominence of party questions, yet, taking all the towns together, contests have confined to

a minority of wards. From an American point of view this is remarkable, meaning, as it does, that public opinion was in advance so agreed upon a man that no one was nominated against him. Close examination reveals the fact that a majority of such cases have to do with the reelection of old councilors. Every year a large number of towns return their councilors without a single contested ward.

Party candidates are usually selected by ward committees, candidature being accepted by the people in open ward meeting. Party lines are not emphasized. The councilor from a Liberal ward is likely to be a Liberal but he is probably as acceptable to the Conservatives as to his own party, and in no case will any one stand against him merely to maintain party lines.

The overseers of the poor are the registration authorities. On August 1 of each year the new list of electors is posted on the doors of churches and public buildings, remaining there for a period covering two Sundays. These lists are carefully examined by party agents. All claims and objections must be in by August 20 and these are in turn posted in the same manner and for the same length of time as the original list. The objections and answers are then submitted to a revising barrister, who passes on them in turn, the revised list being ready for the November election.

The actual voting is along the lines of the common Australian system and hence needs no discussion.

Under the English ward system it is not required that the candidate be a resident of the ward; a distinct advantage over the American system in that it does away with strictly local candidates and accompanying ward politics.

ALDERMEN.---Aldermen, as a rule, serve several terms as common councilors before securing the superior rank. Most of them

have served in the council for a long time, some as long as fifty years.

Although any burgess is eligible to the office, in practice the council fills vacancies by promoting councilors of long and efficient service.

An alderman is virtually a fourth ward representative, and is looked upon as a sort of ward "father". Though not positively objectionable, the aldermanic body is altogether needless, and a reconstruction of the system would probably result in its retirement.

OTHER OFFICERS.---The most important official is the town clerk. He receives a large salary and is expected to hold office for life. He is the council's recording officer and legal adviser, the custodian of all records, and the medium of communication with the general government. The only other officer required by the code to be appointed is the town treasurer. As for the rest, "the council shall from time to time appoint such other officers ##### as the council deem necessary."

POINTS OF DIFFERENCE BETWEEN THE BRITISH AND UNITED STATES SYSTEMS.

One of the first differences to be noted is that of the franchise. Passing by other sides of this question, it is interesting to note that the British system works, intentionally or not, to cut out the vote of the slums. It is the people of the slums, a class which has no conception of civic rights or duties, whose vote has in America been responsible time after time for the continuance of corrupt officials in power.

Another point to be remembered is the absence, to a great extent, of political contests, a fact which undoubtedly helps much

toward better government. The extension of the franchise is resulting in more elaborate party organizations, so that the future may see party lines more closely drawn. The great freedom of nomination will, however, prevent party machinery from becoming all-powerful for some time to come.

Any burgess is eligible to the office of mayor but the practice is to give it to some alderman. The office is regarded as an honor, a sort of reward for past services. Carrying with it no appointive or veto power, the office becomes one of mere routine, so that the mayor amounts to little more than a presiding officer with special dignities attached to his office.

The American mayor, on the other hand, is no part of the council or of its organization. He is elected by the people and is an independent authority. There is no logical division of power between the mayor and council. It is not easy to see where the power of the one leaves off and that of the other begins. Definite responsibility thus disappears. The mayor's possession of the veto power divides responsibility for the ordinances. The power of the council to reject appointees relieves the mayor of some responsibility as to the exercise of that power. Police affairs, when left to the mayor and council, are likely to be a cause of much trouble. Thus, city government in America defeats its own ends by its system of checks and balances, its partition of duties and responsibilities, and its grand opportunities for the game of hide and seek.

As a solution some have favored giving the mayor more power and so making him more responsible. But that amounts to an elective dictatorship, is unrepugnant, and still does not harmonize mayor and council.

In the course of time the mayor must swallow the council or the council the mayor. Why not try an all-powerful council and thus bring the government directly home to the people? Such a system amounts simply to government by a citizens' committee; a committee which would have entire control of the city administration, organized and constituted as they pleased. The location of responsibility is perfectly definite. The system is as clear and simple as the American system is complicated and inharmonious. If such a government is bad, and continues to be so, then the people are not good and deserve no better government.

Still another point is the care which is taken in the selection of public servants. Only the most thoroughly qualified men are appointed as superintendents of departments. English towns have, as a rule, undertaken extensive public activities and the number of their employees is consequently quite large. But the average of efficiency is high. At the head of the various departments are to be found trained men, chosen not only because of their expert knowledge but for administrative ability as well, and whose faithfulness is added to by their security of tenure. British municipal government is undoubtedly indebted for a large part of its success to the superiority of these departmental heads.

Party considerations seem to count for nothing in the making of appointments. Positions do not necessarily go to local applicants but a vacancy is advertised and the committee concerned makes its selection from the applications sent in, judging solely by the testimonials and evidences of fitness which the candidate presents. Competitive examinations are, however, never held.

The relationship of the municipal administration to the general government is another interesting feature of the British system, and a feature which has decided advantages. It is no hardship to make the regular reports and to submit money schemes to the Local Government Board, Home Office, or Treasury. And it is undoubtedly helpful to receive, as they do receive through the publications and inspectors of the Local Government Board, knowledge of the doings and experiences of other towns--knowledge which deters from harmful experiments and instructs in the best methods. If the machinery were not thoroughly systematized and impartially conducted it would break down. But it works in the interest of justice and its costliness is balanced by the benefits arising from the thorough sifting given every scheme before submitting it to Westminster, and from the valuable advice which expert central officials are able to give.

To be a member of a British council is to hold a position of honor. The councilors, as a rule, are tradesmen and manufacturers, representatives of the best elements of business life. They are intelligent men, men of character, and of practical acquaintance with affairs. No salary attaches to the office and none but men of worth and good standing are regarded as eligible to the council. Once seated, faithful and efficient service may be counted on to make a man's place secure from term to term as long as he is willing to serve, and he has before him the prospect of aldermanic honors and a crowning year of dignity in the mayor's robes.

The honors of public position are greatly esteemed in Great Britain, and the town-councilorships are, next to the parliamentary seats, the most important places within the gift of the people. The difference between England and the United States in this respect is

quite marked. In an American state the legislature and the executive offices of the state and county offer numerous places for ambitious citizens. In the city itself are places on various commissions--park, police and so on--that rank quite as high as seats in the council. With all these places ranking as high or higher the American council competes for good men at a great disadvantage.

But in England few corresponding places exist and the capable citizen with a taste for affairs directs his ambition toward the council. This condition of affairs surely gives us one reason why municipal government in Great Britain has more dignity, and attracts better men, than in America.

Another reason may be found in the fact that the British cities have had more serious problems to deal with than American municipalities and more men with leisure and ability to bestow upon them.

Again, there is much less to tempt corrupt men to enter the council for purposes of gain. There are no salaries and only remote chance of boodling of any sort. A large per cent of English councilors are men who have retired from business and are glad to devote their time to the service of their communities. A more disinterested or more efficient set of men could not be found.

It is to be remembered that the councilors have all power in the community. The American council is usually limited in every way, and the smaller its responsibilities the less attraction it has for men of the greatest ability.

THE ONE THING LACKING.

Municipal government in the United States lacks much. It is expensive, it is corrupt, it has no logical assignment of powers.

But the one great thing which it lacks is the interest, the intelligent, wide-awake interest, of able and competent men. Julian Ralph has said that "No mere system or routine observance could be devised to produce any model government without there being a deep-seated spirit of what is called civicisim, a broad and enlightened communal spirit, a far-sighted genius of brotherhood." It is this which in a large measure has helped to give England her successful system. Her people are interested in good government. It is said that the English workingman votes more intelligently than any other class. Would that it were so here. The American system--if it can be called that-- is undeniably poor, but any readjustment of powers or organization must fail unless the workingman, the business man, the thinking mass of the people, wake up to their duties and develop "that spirit of civicisim, that far-sighted genius of brotherhood" which characterizes the English nation. "Laws rule, but men make and execute the laws."