

**THE ORIGIN AND DEVELOPMENT
OF LOCAL SELF-GOVERNMENT
IN ENGLAND AND THE UNITED
STATES**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649250004

The Origin and Development of Local Self-government in England and the United States by
James M. Bugbee

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Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

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AN ADDRESS
BY
JAMES M. BUGBEE,

READ AT THE ANNUAL MEETING OF THE AMERICAN SOCIAL SCIENCE ASSOCIATION IN BOSTON, 14TH JANUARY, 1880.

BOSTON:
A. WILLIAMS & CO., PUBLISHERS,
283 WASHINGTON STREET.
1880.

ADDRESS.

An eminent historian has said that the institution of municipal corporations contributed more, perhaps, than any other cause to the emancipation of Europe from the thralldom of feudalism. If we may believe all that the prophets of evil have to say about the condition of local self-government in the United States, the future historian will trace the destruction of liberty in the great republic to the development of those corporations, the original institution of which brought light out of darkness.

The more conspicuous instances of misgovernment have been dwelt upon with such force, and to such an extent, that there is some danger of breeding a spirit, which, instead of seeking a remedy consistent with the preservation of the rights of self-government, will be content with nothing less than the destruction of those rights by the establishment of a centralized system of administration, such as exists in republican France. There has been a significant change during the last quarter of a century, and more especially since the late war, in the feelings with which the people of this country exercise what may be called their minor political duties. Compare De Tocqueville's description of the spirit which actuated the American townsman of fifty years ago with

the spirit which actuates him now in the exercise of his political rights, and it will be seen that local self-government, "once his father's pride," is no longer regarded as an unmixed blessing.

Whether the tendency to a centralization of administration, a tendency brought about by the inefficient and wasteful rule of the town-meeting and city council, and by the contempt into which local self-government has in consequence fallen, can be prevented from assuming proportions that will ultimately threaten the continuance of democratic government, is a question which can be adequately discussed only from the stand-point of a wide experience.

If we would arrive at a correct understanding of the present tendency of our government, we must study its origin, and ascertain what institutions, customs, and traditions were brought here by the first settlers of this country; and we must compare the changes that have since taken place with the changes that have taken place during the same period in England. What we need is—if I may use a phrase unpleasantly familiar just now on the other side of the water—the establishment of a "scientific frontier," which will serve as a sort of starting-point from which we may proceed to deal with the various propositions brought forward from time to time as a sure cure for all our political evils.

The historical method, which I have chosen to adopt, has this advantage, that it possesses attractions and has a value apart from the deductions which any individual may choose to make from the facts pre-

sented. If you do not agree with the comparisons that are instituted, or assent to the inferences that are drawn, the material is furnished by which you are enabled to institute other comparisons and draw inferences of your own.

I cannot venture, of course, within the limits of this paper to give anything more than an outline—a very imperfect outline, I fear—of the origin and development of the municipal systems¹ in England and the United States. If I appear to be covering familiar ground, especially so far as the sketch of our own municipal institutions is concerned, I may say, by way of explanation, that if some of the facts here presented are already well known to you, and if others appear to have little if any bearing upon the future, they will all be found, I think, necessary to a correct understanding of the peculiarities which distinguish the institutions in different sections of this country. It is a somewhat remarkable fact, to which reference has been made by recent English and American historical writers, that there is no work, not even an essay, on the growth of the municipal system in the United States. The difficulties attending the preparation of such a work, and some doubts perhaps as to its value when completed, may have deterred those who felt an interest in the subject from undertaking it. During the last few years I have occupied what busy men are wont to call their leisure time in collecting the

¹ The terms "municipal institutions," "municipal system," and "municipal government," are here used to designate the forms established for the management of local affairs in cities and towns or townships. "City" is used to designate a municipal corporation under the government of a mayor and aldermen or city council.

material for a short history of municipal institutions in this country and Europe. The historical part of this address is merely a summary of what was intended as one division of a more extensive work.

Recent investigations have shown that the Teutonic communities of freemen described by Cæsar and Tacitus, and from which Montesquieu said the English borrowed their idea of political government, were substantially the same as the village communities found among other races at a certain stage in their social development. Traces of the institution are discoverable everywhere from China to Peru.

"The constitution which was the common heritage of the Teutonic race was," says Freeman, "a heritage which the Teuton shared with his kinsfolk in Greece and Italy. Turn to the earliest records of European civilization. In the Homeric poems we see a constitution essentially the same as that which is set before us in the Germany of Tacitus, established alike in the Achaian camp before Ilios, in the island realm of Ithakê, and even among the gods on Olympus. Zeus is the king of all; but he has around him his council of the greater gods; and there are times when he summons to his court the whole assembly of the divine nation; when gods of all ranks gather together in the court of their chief; when, save old Ocean himself, all the river gods were there; and when we are specially told — a fact which might perhaps be pressed into the service of very recent controversies — that not one of the nymphs stayed away."

Whether the ancient Teutonic mark is the basis of

our polity has lately been questioned; but it is clear that the principle of the mark is to be found in the Anglo-Saxon township on which the New England township was based. The mark, or *march*, was the smallest political division in the Teutonic organization, and was, as its name denotes, a place marked out by boundaries. It was generally divided into three parts: *First*, the mark of the village, where the members of the community had their dwelling-places. *Secondly*, the common mark used for wood and pasturage, which was undivided. *Thirdly*, the arable mark, which was divided into as many lots as there were householders. The community of families or households settled on such plots of land and forest was, says Kemble, "a union for the purpose of administering justice or supplying a mutual guarantee of peace, security and freedom for the inhabitants of a district. In this organization the use of the land, the woods, and the waters was made dependent upon the general will of the settlers, and could only be enjoyed under regulations made by all for the benefit of all."¹

If the writer had been describing the communities which were established a dozen centuries later on the shores of Massachusetts Bay, he might have used the same words.

¹ See Kemble's *Saxons in England*, v. I., p. 36, *et seq.* The homestead of the original settler, his house, farm buildings and enclosure, 'the toft and croft,' with the share of arable and appurtenant common rights, bore among the northern nations the name of Odal or Edhel; the primitive mother village was an Athelby, or Athelham; the owner was an Athelbonde; the same word Adel or Athel signified also nobility of descent, and an Adaling was a nobleman. Primitive nobility and primitive landownership thus bore the same name. — Stubbs' *Eng. Constitution*, I., pp. 52-53.

Vestiges of this primitive system are to be found to this day in out-of-the-way places in Germany. And whoever will visit the Canton of Uri, or the "little land of Appenzell," in the mountains of Switzerland, on the first Sunday in May, can see the Germans of Tacitus with his own eyes; can see an assembly which "bears the marks of immemorial freedom."¹ There on the green meadows, or the hillside market-places, the freemen and their magistrates come together each year as they came together in the days of Tacitus,—the magistrates to account for the exercise of their trust and to lay down their office; the freemen to revise their laws, to select their magistrates, and to pledge themselves anew to obey the laws which they have themselves established.

The village commune of Russia, as it exists to-day and as it has existed from time immemorial, has all the characteristics of the primitive associations of householders found among the Teutonic races. Cavour has been credited with the statement that the strength and cohesion which this communal system gives to Russia will some day make her master of Europe. But wherever in Europe this system is still practised,—in Russia, in the southern Slavonic countries, and in Switzerland,—it is beginning to show signs of disintegration. It represents a primitive stage of development which, however much it may excite our admiration for the relations which it establishes between the members of a community; however much it may be held up as a solution of the great problem of the nineteenth century, namely, the distribution

¹ Freeman, *Growth Eng. Constitution*, p. 10.