CHAPTER II

THE FURTHER TRANSITION TO DEMOCRACY

The Reform Bill of 1832 is commonly conceived to mark the close of the period of aristocratic government. Such a view is accurate enough if the Bill be considered in connection with all the consequences it implied; but it would be a mistake to suppose that from the year 1832 the influence of the aristocracy ceased to predominate and was superseded by that of the middle class. On the contrary, the supremacy of the governing class was preserved and was intended to be preserved. Their force was weakened, but it was far from being destroyed. The idea of the Whig reformers, as has been already pointed out, was not to destroy but to repair the existing frame of government; to remove the anomalies and abuses which circumstances and time had introduced, but to retain the substantial predominance of property and birth. The middle class was to be admitted to a certain share of political power, but their influence was to temper, by no means to control, the government. It was in accordance with this

conception that the Bill of 1832 was framed. Its main provisions were as follows:—

(1) It disfranchised, wholly or in part, 86 of the smaller boroughs.

(2) It distributed the seats thus obtained partly among the counties, partly among the great towns.[1]

(3) It enfranchised the 10*l.* householders in the boroughs.

(4) It enfranchised certain copyholders, leaseholders, and occupiers in the counties.[2]

Let us consider how these provisions affected the power of the aristocracy. The disfranchisement of the smaller boroughs was, no doubt, a serious blow to their ascendency, yet not so serious as might at first appear. The number in which their influence prevailed was still considerable; a list of over forty may be made out, with the name of the patron of each;[3] and not only are Radical reformers perpetually dwelling on the fact,[4]

[1] There were 143 English seats to distribute, of which 63 went to the counties, 62 to the boroughs. Of the 18 seats remaining, 8 were given to Scotland, 5 to Ireland, and 5 to Wales.

[2] The following were enfranchised in the counties:—(*a*) 10*l.* copyholders; (*b*) 10*l.* leaseholders for a term originally created for not less than sixty years; (*c*) 50*l.* leaseholders for a term originally created for not less than twenty years; (*d*) occupiers of any lands and tenements liable to a clear yearly rental of 50*l.*

[3] C. R. Dod's *Electoral Facts from* 1832 *to* 1852.

[4] Alexander Mackay (*Electoral Districts*, 1848, p. 12) gives the number of pocket boroughs as 42, returning 69 members as representatives of a population of 370,200. These 69 members, he adds, counterbalance the representatives of 36 great boroughs with a population of 4,638,000. 'The constituency of Ripon returns two faithful

but even the Whig Lord Russell stated in Parliament that 'it is said, and said certainly with great truth, that with regard to many of the smaller boroughs not only does the influence of property prevail, and not only does property influence the elections, but that the property of individuals is so overwhelming in many of them that they approach the character of those boroughs in which direct nomination formerly prevailed.'[1]

Further, the representation of the disfranchised boroughs had been transferred in part to the counties, and in the counties the influence of the landlord, which had always been predominant, was further increased by the enfranchisement of leaseholders. 'Brothers, sons, nephews, uncles,' says Cobden, 'aye, down to the third generation, if they happened to live upon the farm, were all made to qualify for the same holding, and swear, if need be, that they were partners in the farm, though they were no more partners than you are.'[2] Thus, if property in land lost, it also gained by the Bill;

representatives of a respectable old lady. And, under our happy constitution, Liverpool, Lambeth, and Mrs. Lawrence enjoy precisely the same amount of representation.'—*The Reform of the Reform Bill*, by W. Ewart (1837), p. 8.

[1] See *Hansard*, vol. cxix., p. 263 (1852). This influence is the easier to understand if it be noted how small was still the number of electors in many boroughs. In the speech quoted, Lord John Russell states that there are 14 boroughs with less than 300 electors, 30 with less than 400, and 67 with less than 500 electors. *Hansard*, vol. cxix., 264.

[2] See Morley's *Cobden*, vol. i., p. 304. The division of the counties was said to work in the same direction. 'The Tories,' says Place, 'knew well that the division of counties and the 19th and 20th clauses would give a great preponderance to the rich landowners

and the same may be said of property in general. In many constituencies, to increase the number of electors was only to increase the opportunities for bribery, and a series of reports of commissioners and Acts of Parliament point to the prevalence of an evil which it has taken years of continuous effort to control.[1] But since the venality of electors involved a corresponding expenditure on

at no long period over all the other interests of the country taken together, and would enable them, by undue influence and terror, to return a decided majority to the House of Commons. They also knew that Lord Grey and his colleagues intended it should be so.' (*Add. MS.* 27795, f. 193.) It may be added that Radicals had a means of influence in the opposite direction by encouraging their followers to purchase small freeholds, and so flooding the counties with town voters. See Morley's *Cobden*, vol. i., p. 305.

[1] See, for example, the Report of the Commission of 1852 on the conduct of elections at St. Albans (*Rep. Com.* 1852, vol. xxvii.), where it is stated that of the 483 electors on the register, 308 are in the habit of taking money for their votes; that the new 10*l.* electors are more venal than the freemen; and that since 1832 3,000*l.* on the average had been expended at each election. 'No man,' said one witness, 'can get into any borough on purity principles.' The report of the Select Committee on bribery at elections, 1835 (*Rep. Com.* 1835, vol. viii.), contains over seven hundred pages of evidence, on which the committee judiciously refrain from commenting. It is especially interesting on the subject of the indirect pressure exercised by customers on tradesmen, by magistrates on the publicans dependent on them for their licences, &c., &c. Lord Derby, speaking in 1867, states, on the evidence of a parliamentary commission, that at Totnes 21,000*l.* was spent between December 1862 and August 1865, principally in corruption, among 421 voters; and that in the election of 1865 at Lancaster, 14,534*l.* was spent in a constituency of 1,465, of whom 971 were scheduled as corrupt. At Yarmouth 528 electors out of a total of 1,645, at Reigate 346 out of a total of 730, were scheduled as corrupt. (*Hansard*, vol. clxxxviii., pp. 1797–8.) The Select Committee on parliamentary and municipal elections, 1869, collected a mass of evidence to the same effect. (*Rep. Com.* 1868–9, vol. viii.) One witness states that, in a certain borough, 'there were 800 freemen, and they stood up 100 at a time, and at a certain stage they were to have 5*l.* each;

elections,[1] it is clear that in a number of boroughs the necessary qualification of a candidate was wealth; and that even those who were not controlled by the landlords were none the less controlled by

but the next batch of 100 required so much more' (see q. 855). The increase in the number of election petitions is also instructive. Bright gives the following figures (*Hansard*, vol. cxxviii., p. 216):—1833, 33 petitions; 1835, 30 petitions; 1838, 60 petitions; 1841, 43 petitions; 1847, 40 petitions; 1853, 67 petitions. In 1857 six members were unseated for bribery and undue influence; in 1866, thirteen. Evidence as to the extent of intimidation is, of course, more difficult to obtain. Speakers in the House of Lords, in the discussion on the ballot, treated it as practically non-existent (see, e.g., *Hansard*, vol. ccxi., pp. 1451, 1466, 1477). On the other hand the following notes from an election agent's book, quoted by Mr. Berkeley in 1853, are amusingly suggestive:—'John So-and-So, publican, votes against us. *Mem.*: Put the screw on him through Mr. So-and-So, the spirit merchant, with whom he is in arrears.' 'Thomas So-and-So, beer-shop keeper, refuses to promise. *Mem.*: Canvass him in company with Mr. So-and-So, the licensing magistrate.' 'Peter So-and-So, cheesemonger, splits his vote. *Mem.*: Put the cheesefactor upon him to make him plump.' 'Abel So-and-So, tailor, votes against us. *Mem.*: Makes Sir Thomas So-and-So's liveries. Apply to Sir Thomas to compel him to split, or not vote at all.'—*Hansard*, vol. cxxviii., p. 158. Mr. Bright stated, in the same debate, among other facts, that, at the borough of Lisburne, in Ireland, of those who voted against the Marquis of Hertford's candidate, 27 had received notice to quit, 6 had been evicted, and 7 who did not vote had received notice to quit. (*Ibid.* p. 220.)

[1] 'In many, especially the more important boroughs, the cost of an election to each candidate varies from 1,000*l.* to 3,000*l.* or 4,000*l.*'—W. Ewart, *Reform of the Reform Bill*, 1837, p. 10. In an *Address to the Electors and Non-Electors of the United Kingdom*, by W. Williams, 1849, p. 23, the following figures occur, taken from the report of a select committee on the election of 1841: 'At the election for Harwich the two Tory candidates expended 6,300*l.* for 94 votes, and the two Whig candidates 2,000*l.* for 84 votes, and left from 300*l.* to 400*l.* unpaid. At Nottingham, the two Whig candidates expended 12,000*l.*, and polled 529 votes; the Tory candidates disbursed from 4,000*l.* to 5,000*l.*, and received 144 votes. At Lewes, 411 voters voted for the two Whig candidates, at a cost of 5,000*l.* (2,000*l.* for treating and 1,500*l.* for bribery); 407 voted for the two Tory candidates, at a cost of 2,000*l.* for treating;' and so on.

property. The House of Commons, in fact, was still the House of a class, and, to a great extent, of the landed gentlemen; and if these were in part replaced by wealthy and unscrupulous men from outside the addition was not altogether such as to contribute to the general benefit of the State.

If now we turn to consider the numbers enfranchised and the distribution of seats under the new Act, we shall be led to similar conclusions as to its effect on the balance of power. Although the number of voters had been considerably increased by the Act, they were still but a small fraction—not more than one twenty-fourth part—of the population;[1] and in the apportionment of members among the electors there had never been any intention or attempt to apply the principle of numerical proportion. By the transference of the representation of rotten boroughs to the counties and the great towns some of the more obvious inequalities of the old system were redressed, but there was no attempt at a redistribution on the lines of property or population. From this point of view the new settlement was as open to criticism as the old, and the opening was industriously developed by Radical reformers. They showed how half of the borough population was contained in sixteen towns, which returned only thirty-three

[1] In 1832 the number of electors in the United Kingdom was 930,000, out of a population of over 24,000,000; in 1867 it was 1,300,000, out of a population of over 29,000,000. (James Murdoch, *Hist. of Const. Reform*, 1885, p. 164.)

of the three hundred and twenty-three borough members; how half of the whole House represented an aggregate population of three millions, and the other half an aggregate population of twenty-four millions; how a majority of the House might conceivably represent no more than one-eighth of the population; how the boroughs, with an electorate of five hundred thousand, returned four hundred members, while only two hundred and fifty were returned by the counties, with an electorate of seven hundred thousand; and how one-fourteenth of the property of the country had a larger representation than the whole of the remainder.[1] The figures were indisputable, and all pointed to the same fact—the predominance of political power secured to the boroughs over the counties, and among the boroughs to the smaller over the larger; that is to say, the predominance of wealth, and especially of the landed proprietors. The natural influence of property was artificially increased both by the limitation of the electorate and by the distribution of seats, and after the Reform Bill, as before it, the government remained in the hands of a class.[2]

[1] For these and similar statements see, e.g., *Parliamentary Incongruities*, by James Acland, 1855; *An Address to the Electors and Non-Electors*, by W. Williams, 1849; *Electoral Districts*, by Alexander Mackay, 1848; *The Franchise: What shall we do to it?* 1858.

[2] A pamphlet called *The Rotten House of Commons*, issued by the Working Men's Associations in 1836, gives the following as the composition of the parliament then sitting: Noblemen, 56; Right Hons., baronets, knights, &c., 146; army and navy, 167; law, 60: bankers, &c. 35; East and West India proprietors, 49; placemen, 51; patrons

In its immediate effect, then, the settlement of 1832 was not, and was not intended to be, democratic. Yet it was to democracy that it ultimately led, and the question therefore arises, By what means was that transition achieved?

It would seem that the transition could never have been deliberately intended by the governing class, for the maintenance of the constitution as it was, in the form of a balance of the three powers, continued after the Reform Bill to be the accepted creed of both the great parties, and either would have deprecated such an accession of strength to the representative House as should make it in effect the dominant factor in the State. 'I wish to disclaim entirely,' said Lord John Russell, on introducing the Reform Bill of 1860, 'I wish to disclaim entirely any intention to frame a new constitution. I disclaim such a project for two reasons. One reason is that I have no wish to alter the constitution of this House, the other is that if any such alteration were sought I should feel totally unable to propose anything that would stand in the place of the ancient and glorious constitution of the country.'[1] The sentiment is typical of the attitude of the great Whig chief,

of church livings, 84. Mr. William Williams, *Address to the Electors and Non-Electors of the United Kingdom*, p. 26, analyses as follows the parliament of 1849: Placemen, 49; army and navy, 88; close connections of peers, 182; patrons of livings, 76: barristers, 77; railway directors, 38; East and West India proprietors, 22.

[1] Hansard, vol. clvi., p. 2050. The Whigs never identified them-

and it was echoed with equal emphasis by Disraeli. 'We think,' he said, 'that the English constitution is not a mere phrase. We believe that we live under a monarchy, modified in its action by the co-ordinate authority of estates of the realm.'[1] Elsewhere he distinguishes 'popular privileges' from 'democratic rights.' The former belong to an unequal, the latter to an equal society; the former are compatible with a monarchical government, the latter postulate a democracy; and 'under a democracy,' he emphatically adds, 'we do not live, and I trust it will never be the fate of the country to live.'[2] Mr. Gladstone's Bill of 1866, no less than Mr. Disraeli's of 1867, was introduced with a clear declaration that it was not intended to democratise the constitution;[3] and even the authors of the Bill of 1884, if they tacitly understood, at least did not openly avow, that the effect of their proposal must be to destroy the balance of the powers.

Yet now, at only ten years from that date, few, it may be supposed, would deny that the govern-

selves with the Radical programme of reform. 'With the Radicals,' said Earl Grey in 1835, 'I must regard our difference as no less decided, and ought to be as strongly marked, as with the Tories.'—*Melbourne Papers*, p. 241.

[1] Hansard, vol. clxxv., p. 230. [2] *Ibid.* clxxxvi., p. 6.

[3] To call into existence a majority of working-class electors 'has never been the intention of any Bill proposed in this House. I do not think it is a proposal that parliament would ever adopt. I cannot say I think it would be attended with any great danger, but I am sure it is not according to the present view or expectations of parliament.'—Gladstone's speech, 1866, Hansard, vol. clxxxii., p. 52.

ment of the country in fact is democratic; that the House of Lords continues to exist by sufferance rather than by logic; that the elements of the constitution which are not representative, so far from being established beyond question, are obliged to come forward and defend their right to exist; that, in short, the theory of the constitution has been, unconsciously, so completely transformed that it is a tacitly accepted hypothesis that power, to be legitimate, must be deputed by the people, and that power which is otherwise derived either cannot be defended at all, or must be defended at best on grounds of practical expediency.

How is it possible that so great a change should have been produced? How is it possible that the governing class, so firmly established even after 1832, should have permitted such developments to proceed as have ended in a complete reversal of their whole conception of the State? The first reply which suggests itself is that they did not permit, but were compelled; that they yielded, always under protest, to popular pressure from without, responding not to argument or conviction, but simply to superior force. Such a view, however, is not borne out by the facts. Popular pressure indeed there was, and that of an extreme kind; but it was met and repelled with complete success. The first enemy with which the government had to contend after 1832 was the Chartist

agitation for the famous 'six points'—universal suffrage, the ballot, annual parliaments, payment of members, abolition of the property qualification, and equal electoral districts. Here was a complete and uncompromising democratic programme; and it was backed not merely by the constitutional machinery of public meetings and petitions, but by the threats and even the abortive application of armed force.[1] The 'physical force' party was represented not only on the platform and in the crowd, but in the conventions of 1839, 1842, and 1848;[2] and these conventions, which were the

[1] See the speeches of Stephens and others reported in the *Northern Star*. For example, 'We want good workmen and good masters, good priests and good people, the servant to do what is right, and the master to do justice to the servant. Then I ask the Whigs and Tories, will you give it to us? All will be well. If you do not we will take it, we have the power to do so, and we will use it.' 'I do not advocate violence, but with it, or without it, the people's wrongs shall be redeemed, for God is great and good and just, and his blessing is upon them. If peace gives law, then am I for order; but if peace gives not law, then I am for war to the knife.'—*Northern Star*, November 10, 1838. 'If with me you are ready to fight it through, and fight it out, you will have, and you shall have, peace and plenty yourselves, and they shall have nothing but war, war, war, until they be exterminated from off the face of the earth.' The effect of such rhetoric may be illustrated from the following Chartist handbill: 'Nothing can convince tyrants of their folly but gunpowder and steel, so put your trust in God, my boys, and keep your powder dry. Be patient a day or two, but be ready at a minute's warning; no man knows to-day what to-morrow may bring forth: be ready then to nourish the tree of liberty WITH THE BLOOD OF TYRANTS. . . . Now or never is your time; be sure you do not neglect your arms, and when you strike do not let it be with sticks or stones, but let the blood of all you suspect moisten the soil of your native land, that you may for ever destroy the remembrance of your poverty and shame.'—*Life of Charles James Napier*, vol. ii., p. 29; cf. *ibid.* pp. 18, 23.

[2] See, for example, the *Proceedings of the Convention of* 1848 (Brit.

accredited organs of the cause, though they never went so far as to formulate a definite plan of insurrection, were prepared to paralyse the industry of the country, in the hope that the ensuing confusion would lead to the consummation they desired.[1] But the Chartist movement was a failure. It collapsed partly by the inherent defects of its own organisation and methods, partly by the rallying of the middle class to the support of order and law. The government emerged with double strength from the crisis of 1848; economic prosperity came to confirm their political victory, and it seemed as though the agitation for parliamentary reform were dead. Year after year, during the period when successive Whig and Tory governments were introducing their Reform Bills in the Commons, we come across the frank admissions of prominent politicians and competent observers that there is no demand for any such measures in the country. 'Is it not a proof,' writes Cobden to Bright in 1851, 'that the country is not ripe for any really great measures of reform, that there is no spon-

Mus., pamph. 68), speeches of Messrs. Hitchin, Buckley, and others. 'Moral force,' of course, is also strongly represented. Mr. Wilkinson, especially, protests that 'when he heard some persons talk of guns, pikes, and swords with such coolness, his blood chilled within his veins.'

[1] In 1839 they carried a motion (afterwards rescinded) advocating a general strike for a month. In 1842 an attempt was actually made to carry out this measure, and for fifty miles round Manchester all factories were stopped. In 1848 we hear no more of the general strike; but in case of the rejection of the petition a 'national assembly' is to be summoned, to bring the queen and the government to their senses. The 'National Assembly,' in fact, did meet—and dissolved itself.

taneous movement for it?'[1] The next year Lord John Russell on introducing his Reform Bill refers to the absence of any excitement on the subject in the country;[2] a statement which is borne out by the remark of Greville that 'at this moment, while there is a general prosperity and content, the country is in a conservative humour and does not wish for organic changes.'[3] Two years later the same writer refers to the 'great indifference in the country,' adding that 'nobody wanted any measure, and the few Radicals who do, do not care for the particular measure Lord John Russell proposes.'[4] In 1858 Mr. Bright made a vigorous attempt to rouse the country, but apparently with little enough success,[5] for in 1859 Cobden writes to warn him against the futility of his agitation: 'If you are intent on reform, you will have a hearty response from the meeting and little beyond it. . . . Were I in your place, I should not dwell too much on the Reform topic.'[6] The introduction of the Conservative Reform Bill in the same year produced 'neither zeal nor union on one side or the other;'[7] and Lord John Russell's measure of 1860 was received with such 'profound indifference in

[1] Morley's *Cobden*, vol. ii., p. 94, ed. 1881.
[2] Hansard, vol. cxix., p. 252.
[3] Greville's *Journal*, 1837–1852, vol. iii., p. 470.
[4] *Ibid.*, 1852–1860, vol. i., pp. 143, 138.
[5] 'Bright's speeches have evidently been a failure,' *ibid.*, vol. ii., p. 213.
[6] Morley's *Cobden*, vol. ii., p. 348.
[7] Greville's *Journal*, 1852–1860, vol. ii., p. 234.

the House and in the country,'[1] that on one occasion in the debate on the second reading the House was actually counted out. The next year Mr. Baines in his speech on the borough franchise refers to the fact that 'the public mind is unusually free from excitement.'[2] And about the same time Bernal Osborne writes, 'Reform is at a discount, its name is never heard; our lips are now forbid to speak that once familiar word.'[3] In 1866 and 1867 there was a more serious agitation in the country under the auspices of the National Reform League; yet even then Mr. Gladstone admits that the government 'had to deal, as it was obvious, with a state of the public mind that was not clear, definite, and resolute, but rather bewildered, or at the least indecisive;'[4] and both he and, in the following year, Disraeli support their measures of reform, not on the prevalence of an imperative popular demand, but on the fact that so many abortive Bills have been introduced that it is becoming necessary, for the credit of the House, to settle the question once for all.

From all this it is clear that the disturbance of the settlement of 1832 and the series of measures

[1] Greville's *Journal*, vol. ii., p. 294. Cf. Molesworth's *History of England*, vol. iii., p. 229, ed. 1873. 'The people, though by no means indifferent, did not feel strongly on the subject, and did not give the government a very warm support.'

[2] Hansard, vol. clxii., p. 353.

[3] Quoted by Sidney Buxton, *Finance and Politics*, vol. ii., p. 5, ed. 1888.

[4] Hansard, vol. clxxxii., p. 21.

which culminated in the Reform Act of 1867 are to be attributed not to popular pressure from without, but to the free and spontaneous action of the governing class. We have, in fact, the remarkable phenomenon that in a time of profound repose, after the collapse of the revolutionary Chartist movement, and in the midst of the political indifference induced by comparatively prosperous economic conditions, the Legislature begins of its own accord to bring forward measures of reform. Conservatives vie with Liberals in their zeal for organic change; Bill succeeds Bill with startling rapidity; till at last, in 1867, a Conservative measure is introduced which emerges from committee as radical an Act as any but the extremest reformers had even ventured to desire. The phenomenon, curious though it be, might no doubt be explained as a natural result of the manœuvring of parties. It might be shown how the few Radicals in the House forced the hand of the Whigs, and how the Whigs were 'dished' by Tory artifice; and such a story no doubt will one day be told by the political historian. But what concerns us at present is the more fundamental attitude of mind that underlay all such party intrigues. Previous to 1832 it would have been impossible that such a question as the reform of parliament should have been treated merely as a weapon in the political game. After 1832 it appears this had become possible. And here we come upon the

real significance of the first Reform Act. Its importance was less in what it immediately did than in what it logically involved; it did not directly revolutionise the constitution, but it tore it away from its fixed roots. Let us examine this point more closely.

The strength of the aristocratic position had been its reliance on the *status quo*. It had rested less on a theory than on an assertion of fact, and was thus as strong as the fact which it asserted. 'The system in operation did, on the whole, in spite of its defects, work well, and it was impossible to prove that any other system would work better,'—such, in brief, was the thesis of the Duke of Wellington and his allies; and its only possible refutation was the destruction of the system on which it reposed. But that destruction was begun by the Act of 1832; the *status quo*, having once been disturbed, might well be disturbed again; the argument from the fact to the continuance of the fact had become impossible by the violation of the fact; once for all, movement had begun, the principle of reform had been admitted, and the question henceforth was merely how much and how far.

Lord John Russell, it is true, had explicitly declared, in 1837, that as far as he himself was concerned the settlement of 1832 was final. 'Having now only five years ago,' he said, 'reformed the representation, having placed it on a

new basis, it would be a most unwise and unsound experiment now to begin the process again, to form a new suffrage, to make an alteration in the manner of voting, and to look for other and new securities for the representation of the people. I say, at least for myself, that I can take no share in such an experiment.'[1] But in fact the 'finality' had no basis to rest upon, and this was early recognised by both the great parties. For though the theory of the constitution, professed by Whigs and Tories alike, was substantially the same as that which they had maintained before the Act of 1832, it had now to be interpreted no longer in connection with a venerable and almost sacred prescription, but in relation to a new and arbitrary settlement made by one of the parties in the face of the opposition of the other. Consequently, whatever stability the new arrangement was to possess, it must possess by virtue of the theory on which it was supported, not of any prescriptive sanctity attached to itself. But the theory in question was essentially a theory of motion, not of rest; and, though it was invulnerable to criticism based upon democratic postulates, it possessed in itself the principle of its own destruction. This will be made clear by a recapitulation of its main points, as they constantly appear in the speeches of the political chiefs.

The watchwords of Whigs and Tories alike,

[1] Hansard, xxxix., p. 70.

during the period with which we are concerned, were, on the one hand, the 'competence,' on the other the 'varied character,' of the electorate. 'Competence' was measured by the double test of education and property; and by 'varied character' was understood the proportional representation of the 'interests' of the country, together with the admission to parliament of independent men, whose abilities were likely to be of special service to the State. 'You want,' said Disraeli, 'a representative assembly that is the mirror of the mind as well as of the material interests of England. You want in this House every element that obtains the respect and engages the interest of the country. You must have lineage and great territorial property; you must have manufacturing enterprise of the highest character; you must have commercial weight; you must have professional ability in all its forms; but you want something more—you want a body of men not too intimately connected either with agriculture, or with manufactures, or with commerce; not too much wedded to professional thought and professional habits; you want a body of men representing the vast variety of the English character; men who would arbitrate between the claims of those great predominant interests, who would temper the acerbity of their controversies.'[1]

[1] Speech on introducing the Reform Bill of February 1859. Hansard, clii., p. 979. For Lord John Russell's statement of the view see, e.g., Hansard, vol. cv., p. 1214; vol. cxix., p. 258; vol. cxxx., p. 496.

Such a theory as this was not really hit by the ordinary criticism of the Radicals. It might be true—and it doubtless was true—that the House of Commons, as reformed, did not fairly represent either the numbers or the property of the nation. 'But,' the supporters of the system might reply, 'it was never intended to do so. What it was meant to, and does, represent, imperfectly no doubt, is the varied mind and the varied interests of the country; and for this purpose it is better adapted than any arrangement based on population and wealth.' The answer was at least as good as the attack; and if Radicalism had been the only enemy the system might have held its ground.[1] But in fact it was the theory on which it rested that contained the principle of change. The settlement was not really a point of equilibrium; it was a line of direction for motion. Both the watchwords of the accepted creed, 'competency' and 'varied interests,' were perpetually demanding new definitions to accord with new circumstances. Granted, for example, that in 1832 the exact measure of competence was 10*l.*, yet there was nothing absolute or final in the number ten—10*l.* in 1832, but twenty years later why not 7*l.* or 6*l.*? The devolution was inevitable. 'There is no knowing,' writes Lord Melbourne as early as 1832, 'to what

[1] Disraeli meets the Radicals with a *reductio ad absurdum* of their own case. The population of London, he points out, is equal to that of Scotland; its property is half as much again as hers. Does it follow, then, that London ought to have as many members as Scotland?

we may be led by circumstances; but at present I am determined to take my stand here, and not to advance any further.'[1] By 1852 the 'circumstances' have already arrived, and Lord John Russell is introducing the first of a series of Reform Bills. Intelligence has spread; it has reached the working class; and the time has come to lower the limit of competence.[2] Tory opinion follows the same course. 'I, for one, am no advocate for finality,' said Disraeli in 1848; and in 1852 he declares, with the full authority of his party, that the exclusion of the working classes is a fault of the settlement of 1832, and that no measure of reform can be satisfactory which does not remedy that defect.

The 10*l.* limit of 'competency' was thus rejected by both parties. They felt that it must be adjusted to circumstances, and when the circumstances came they proceeded to adjust it. And the same want of finality attached to their other criterion, the adequate representation of varied interests. For what were these interests, and in

[1] *Melbourne Papers*, p. 147.

[2] See Lord Russell's speech in 1854, Hansard, vol. cxxx., p. 505. 'I think it most desirable that the middle classes should have a great influence in the making of the laws by which the country is governed; but seeing the high character the working classes of this country generally maintain, seeing the skill and intelligence for which they are so remarkable, and seeing, too, how much the wealth of the country depends on their exertion and their industry, I think the time has come when we ought to endeavour to make the door wider than it now is for their admission into its representative rights.'

what relations did they stand to one another? Did the existing division of political power between the counties and boroughs fairly meet the respective claims of agriculture and commerce? Had labour an influence adequate to its economic weight? Were intelligence and ability present in the due proportion to material force? Such questions have only to be put to make patent the impossibility of a reply. No such measurements can in fact be made, and therefore no system purporting to rest upon them can be stable. At any moment it was open to any individual or any party to urge an alteration of the franchise in favour of some neglected 'interest.' 'Varied character' was a test as shifting as 'competence;' and the orthodox theory of the constitution turned out to be implicitly a theory of change.

We come then at last to the real meaning of the Act of 1832. It had destroyed stability. Anything but revolutionary in itself, it had prepared the way for revolution. The question was no longer whether to reform, but when to reform; the principle had been tacitly conceded, and the rest was a matter of opportunity and time.

Such being the general attitude of the governing class towards parliamentary reform, it is not hard to anticipate the course of action they will adopt. Prompted by various motives and aiming at various ends, largely inspired, no doubt, by the sense of justice and public good, but not omitting

from the calculation immediate party gains, they will allow themselves to preside at developments which will amount, in their ultimate effects, to revolution, and to glide imperceptibly into the democracy against which they have never ceased to protest. And this, in fact, is what we find occurring. The history of the series of Reform Bills, from 1852 to 1884, is that of the gradual substitution, reluctant in so far as it was conscious at all, of the basis of population for that of 'competence and variety.' All that was intended, when the extension of the franchise was first proposed, was the readjustment of a limit which was never meant to be swept away. The property qualification was still to be maintained, only it was to be diminished in amount; and it is with this end that the provisions of the earlier Bills are framed. In 1852 the proposition is a 5*l.* (rating) franchise for the boroughs, and 20*l.* (rating) for the counties; in 1854 it is 6*l.* (rating) for the boroughs and 10*l.* for the counties; in 1859, 10*l.* for the counties; in 1860, 6*l.* for the boroughs and 10*l.* for the counties; in 1866, 7*l.* for the boroughs and 14*l.* for the counties. It was not till the Bill of 1867 that a bolder step was made, and that was due to a Conservative minister. Perceiving the want of finality in any numerical test, Disraeli proposed to admit to the borough franchise all householders. He hoped in this way to secure a permanent settlement, but without the least intention that it should

be a democratic one. By insisting on the personal payment of rates and a residence of two years as a necessary qualification for the vote, he would have excluded from the suffrage the large majority of artisans, and limited the number of the newly enfranchised to something like 100,000 ; [1] while at the same time he endeavoured to provide against the predominance of mere numbers by the addition of special franchises and a dual vote for property.[2] But of these restrictions every one was swept away in committee. The period of residence was reduced to a year; the additional franchise and the dual vote were abandoned; compound householders[3] and 10*l*. lodgers were admitted to the vote; and an addition of over two millions made to the borough electorate. The Bill was thus completely transformed in its progress through the House. It

[1] So Mr. Gladstone calculated. Hansard, vol. clxxxvi., p. 494. So also Bright: 'You are about to re-enact the virtual exclusion of the working classes from the franchise.'—*Ibid.* p. 635.

[2] Householders paying 20*s*. in direct taxation were to have a second vote.

[3] Compound householders are those whose rates are paid by their landlords. They would have been excluded by the original draft of the Bill, which made the personal payment of rates a condition of the franchise. But by a clause introduced in committee compounding was abolished; all householders henceforth were to be rated in person, and, therefore, if they had paid their rates, would be admitted to the franchise. Practically, however, the abolition of compounding was found to be so inconvenient, that by the Poor Rate Assessment Act of 1869 the system was re-established; but the compound householders were allowed to retain their vote. Thus the test of the personal payment of rates was swept away, so far as the legislature could do it. In practice, I suppose, the tendency is for the occupier really to pay by an addition to his rent.

was carried through by the government, but it was not the government Bill; it was accepted by the Conservatives, but under protest, after three of the ministers had resigned;[1] it can hardly have been approved by the Liberals, for it was on radically different lines from the measure they had introduced when they were in office the year before.[2] It was not, in short, the deliberate work of either of the great parties, but the half-accidental result of the balance of forces in the House, and of evolutions of attack and defence performed on a swamp of party expediency.

Here, then, was a great step in the direction of democracy, taken, not with forethought and deliberation, but, as it were, by a stumble and a fall. The Act of 1867 was opposed to the policy of both parties as indicated by the measures they had brought forward right up to the previous year. They had been aiming at the adjustment of a limit; it swept the limit away; and that, not because of any avowed change of principle, but because it was

[1] General Peel, Lord Carnarvon, and Lord Cranborne. General Peel declared that he had learnt three things in the course of the debate:—'the first is that nothing has so slight a vitality as a "vital point;" the second, that there is nothing so insecure as "securities;" and the third, that there is nothing so elastic as the conscience of a cabinet minister.'

[2] Bagehot, writing immediately after the passage of the Bill, declares that 'many, probably most, of the intelligent Liberals were in consternation at the Bill,' and that 'many Radical members, who had been asking for years for household suffrage, were much more surprised than pleased at the near chance of obtaining it.'—*English Constitution*, introd. to 2nd ed.

difficult in practice to fix the point where the line should be drawn. No one had adopted in theory the democratic idea, but that it was being adopted in practice was clear to at least a section of the House. 'We have arrived,' said Mr. Lowe, 'at the point of a complete revolution in our constitution, at an alteration so vast that no one seems to have been able to bring his mind to measure its extent, and that without the consideration we are in the habit of bestowing on the principle of the smallest and most insignificant measure.' And he proceeds, with a courage and a foresight which in general were conspicuously wanting in the House, to characterise the new electors and to indicate their future policy; to predict the abolition of indirect taxation, the graduation of the income tax, and the restriction of the hours of labour by law; and to prophesy the devolution of both Tories and Whigs into 'two parties of competition, who, like Cleon and the Sausage-seller of Aristophanes, will both be bidding for the support of Demos.'[1] Whatever may be thought of the attitude of Mr. Lowe, there is no doubt about the clearness of his vision. Almost alone in the House, he saw what the House was really doing, and, if his warning passed unheeded, it was not that it was not feared, but that it was not believed. Neither of the parties was prepared to face the developments which he denounced. They simply could not, or

[1] See his speech, Hansard, vol. clxxxvii., p. 781.

would not, see that the developments were bound to ensue, and, while protesting their respect for the constitution and for the social system on which it was based, they proceeded, under cover of a cloud of words, to pull it about their ears.

For the work of 1867 could not be undone, neither could its logical implications be set aside. What had been done in the boroughs must be done sooner or later in the counties, and opinion was rapidly organised to demand the completion of the work. The caucus was established at Birmingham, and developed into the National Liberal Federation. The formulation of political programmes was transferred from the House to the constituencies; and the extension of the suffrage in the counties was put in the front of the Liberal demands. Nor was it repudiated by the Conservatives. They did, indeed, oppose the Bill of 1884, but not directly on its principle. It was not the extension of the franchise against which their efforts were urged, but the attempt to deal with it apart from the question of the redistribution of seats. Mr. Goschen alone opposed the principle of the Bill; and even he was obliged to confess that he 'had not seen any political forces inside or outside the House which associated themselves with his opposition.'[1]

[1] 'The Conservatives in this House, as a party—I think they will acknowledge it themselves—have not opposed the principle of an extension of household suffrage to the counties.'—Hansard, vol. cclxxxix., p. 1444.

Were both parties, then, prepared for democratic government? Were they prepared for the reform or the abolition of the House of Lords? For the predominance of labour in the Commons, and an age of socialistic legislation? Not in the least. They were merely involved in the irresistible logic of facts. They have enfranchised the town artisans, why not the agricultural labourer? They have created a lodger franchise, why not a service franchise too? They are merely completing in 1884 what they began in 1867. There is no new creed, no change of principle. Mr. Gladstone in 1884, like Lord John Russell in 1832, takes his stand, not upon the abstract right, but upon the presumed capacity, of those who are to be admitted to the vote. 'The enfranchisement of capable citizens,' he says, 'gives an addition of strength to the State.'[1] This is nothing but the old orthodoxy of the Whigs. But so elastic are the articles of the creed, so vague its terms, that the formula which in 1832 had excluded the great majority of householders, in 1884 not only admits them all without distinction, but further includes their lodgers and their servants. The principle of universal suffrage, it is true, we have not even yet accepted, but the tendencies of the time are unmistakable. The admission of another batch of electors by an amendment of the

[1] Hansard, vol. cclxxxv., p. 207. Cf. the speech of Sir George Trevelyan (*ibid.* p. 447): 'The vote should be given to every intelligent and independent man. And what is the test of intelligence and independence?—the test of resident occupancy of a house.'

registration laws has been already embodied in a Bill by the Liberal Government; the enfranchisement of paupers is demanded by the Socialists;[1] that of women even by prominent Conservatives; and it would not be very rash to predict that by a process similar to that which we have been examining we shall find that the complete democratic creed has been adopted in fact even while we still continue to repudiate it in theory. However that may be, the achievement of the past is incontestable. Under the name of reform, and under the protection of a professedly Conservative theory, has been effected what is seen in the retrospect to be nothing short of a revolution.

The extension of the franchise has necessarily involved the reversal of the other principle to which both Whigs and Tories endeavoured to cling—the principle of variety of representation. In all the earlier Bills that were introduced by both the great parties it had been proposed to enfranchise certain special categories of citizens, with a view to give appropriate weight to thrift and education. In 1852 Lord John Russell proposed to admit to the vote all who paid 40*s.* a year to the assessed taxes or the income tax. In 1854 he was for adding to these a number of other categories—those who were receiving annual salaries of 100*l.*; those who had 10*l.* in the funds, in the Bank, or in Indian stock; depositors in savings banks to the

[1] *Fabian Tracts*, no. 11, p. 6.

amount of 50*l.*; and graduates of any university in the United Kingdom. Similar provisions were adopted in the Conservative Bill of 1859, with a further attempt to increase the political importance of the educated class by enfranchising not only graduates, but ministers of religion, members of the legal and medical professions, and schoolmasters holding a certificate from the Council. In the Bill of 1860 the extra franchises do not appear, but in that of 1866 it is still proposed to give a special vote to depositors in savings banks. The Bill of 1867, as originally proposed, would have enfranchised all who paid 20*s.* a year in direct taxes, all depositors up to 50*l.* in a savings bank, and all who answered certain educational tests. But these provisions, together with every other limitation and check, were eliminated from the Bill in committee. Plausible arguments could be brought against them all, and, what is worse than argument, epigram. They were obscure, they were complicated, they were uncertain in their operation; above all, they were 'fancy franchises.' That finished the matter. Radicals rallied with enthusiasm to the 'good old English' rule, and the 'innovations' succumbed without a struggle to the simpler plan of counting heads. No attempt was made to revive them in 1884, and the principle of variety of representation was quietly laid aside.

This indeed was inevitable, but is none the less instructive. However sound in general the

principle may have been, in any particular application it was shifting and insecure. To secure a distinct voice in the State for particular interests and classes might be in itself a wise and laudable aim; but to determine who was to be favoured, and with what proportion of influence and weight, was a task beyond the power of calculation. Any particular proposal must be necessarily open to attack; its friends must be half-hearted, its enemies truculent; and a theory which, considered in itself, may be still regarded as just, was abandoned in despair of the possibility of giving it a satisfactory practical effect. The question, What are the interests, like the question, Who are the competent? was found, in fact, to admit of no definite answer, and the supremacy of numbers was admitted, not so much by any conviction that it was just, as by the mere collapse of the opposing alternative.

But the extension of the suffrage, and its extension to numbers instead of to classes and interests, immediately brought into prominence a new and important point. Under the system which was being gradually adopted it was clear that the particular sections of the electorate, about which both Whigs and Tories had been specially solicitous, would tend to be completely extinguished under the numerical mass. The question was therefore raised whether special protection should not be given to minorities. Under the present system, in any given constituency, a party

that may be in a minority by only one vote cannot return a representative at all; and while particular minorities thus are virtually disfranchised, it may yet be the case after all that it is only a minority of the whole electorate that is represented, on any particular question, by the majority in the House.[1] This is clearly opposed to the democratic principle, which claims for every citizen an equal share of political power, and still more was it opposed to the principle of 'variety' and 'competence.' Attempts, accordingly, were made to remedy the defect; and first, as early as 1854, by Lord John Russell. In the counties and towns to which he was about to give three members, he proposed that each elector should have only two votes, so that a minority of one-third might be certain of returning a representative. The Bill of 1854 did not pass, but the same provision was introduced by the Lords into the Act of 1867. A more drastic attempt by John Stuart Mill to secure the same

[1] See Mill's *Representative Government*, chap. 7. Sir John Lubbock, in his speech in 1884, gives concrete examples of the absurdities of the present system:—'In Belgium, at the election of 1882, the Liberals had a majority of 40 in Ghent, and returned all the 8 members. If the other party had polled 21 more votes, the majority in the Chamber would have been reversed, and the government changed.' In Kent 'we polled in the three divisions 13,000 votes against 16,000 given to an opponent, and yet they have all the 6 seats. Taking the county as a whole, we polled 32,000 votes against 36,000, yet they have carried 16 members and we 2.' In 1874 the Conservatives polled 1,222,000 votes against 1,436,000 and were in a *majority* of 50. In 1880 the Liberals and Home Rulers polled 2,880,000 votes against 1,418,000 Conservatives. They should, therefore, have had a majority of 370 to 280; what they had was a majority of 414 to 236. Hansard, vol. cclxxxv., p. 449.

end by the adoption of Mr. Hare's scheme of proportional representation, was received as novelties are wont to be received by an English House of Commons. The arguments in favour of the scheme were as conclusive as they proved to be ineffectual. The House listened, declined to understand, and dismissed almost without discussion this statesmanlike attempt to perfect the machinery of the democracy into which they were on the very point of stumbling. Meantime, the amendment of the Lords to secure a representation for the minority in certain constituencies returning three members, though it was accepted by the Commons, disgusted the Radicals. To enfranchise the minority they regarded as equivalent to disfranchising the majority, and the Birmingham caucus was formed with the express intention to defeat what Mr. Schnadhorst, with unconscious humour, described as 'that odious attempt to defraud the constituency of its rights.'[1] Such a reception was not favourable to a further prosecution of the idea; but still it was revived in 1884 by Mr. Goschen and Sir John Lubbock. It was proposed that in all constituencies returning more than one member each elector should have as many votes as there were members, and should be allowed to give them all to one candidate; but the effort was vain. The National Liberal Federation, with a splendid audacity, declared that 'the

[1] *Nineteenth Century*, vol. xii., p. 13.

attempt to secure the representation of minorities by special legislative enactments is a violation of the principle of popular representative government,'[1] and the House not only rejected the proposition of the cumulative vote, but even withdrew the concession made in 1867 by enacting that all towns returning more than two members should be divided into wards, and each ward return a single member by a bare majority. The 'odious attempt to defraud the constituency of its rights' was formally abandoned, and the system which Mill had proved to be essential to a true representative government, and which the National Liberal Federation had declared to be a violation of its principle, was finally dismissed from the region of practical politics.

While the basis of the House of Commons was being thus transformed in the popular sense, changes in a similar direction were being effected in the distribution of seats. The Act of 1832, though it disfranchised a number of the smaller boroughs and transferred their representation to the counties and the great towns, made no pretence of adopting the principle of equal electoral districts. Boroughs were disfranchised, not because they were small, but because they were corrupt; others were enfranchised, not because they were large, but because they had as good a claim to representation as any other place. But

[1] *Sixth Report*, 1883, p. 15.

through all these changes the general view was maintained that, whatever the size of a place, it was sufficiently represented by two members, and that the share of political influence should be the same for the larger as for the smaller towns. The constituencies were regarded as spokesmen in a national parliament, not as forces opposed or combined in a pitched battle, and the decision of one was entitled to as much weight as that of another.

There were, however, points in the new settlement which were incompatible with this general view. In the first place some fifty of the smaller boroughs were left with only one representative; in the second place a number of counties were divided, and their representation doubled, and four new boroughs were created in the capital. This was to admit, in contradiction to the general theory on which the Bill was based, that one constituency, because it was small, might be docked of political power, another, because it was large, might claim an exceptional preponderance. And here, as in other respects, 1832 was the beginning of the end. The exception admitted into the first Reform Bill was developed in later Acts to the subversion of the original principle. The Conservative Redistribution Bill of 1868 further extended the innovations of 1832. From 35 boroughs it took one member, selecting those whose population was less than 10,000; to 4 great towns it gave 3 representatives

instead of 2; and it subdivided several of the counties. Far more sweeping was the Act of 1885. By merging in the counties the smaller boroughs, to the number of 79, it deprived them of their independent representation; from 36 boroughs it took 1 member; 2 it disfranchised altogether; and the 132 seats thus secured it distributed among the counties and towns in proportion to their population. Thus, for example, to London are assigned 61 members, to Liverpool 9, to Birmingham 7, to Manchester 6, to Sheffield and Leeds 5 apiece, to Bristol 6, to Bradford, Hull, Nottingham, Salford, and Wolverhampton, 3; 19 towns return 2 members each; and the remainder only 1. Such an arrangement, taken in connection with the extinction of the smaller boroughs, is a clear admission of the principle that political weight is to be measured by population. For equal electoral districts, it is true, we are not yet prepared, and they were even formally condemned by the government that was responsible for the present arrangement;[1] but no one can doubt that it is in that direction we are moving. Quietly, and without any expression of a definite change of view, the whole basis of the legislature has been transformed. The member for a constituency is no longer conceived as the spokesman for a particular district; he is regarded as the trustee of a certain definite amount of political power,

[1] See Hansard, ccxciv., p. 372.

determined by the measure of a certain definite population. The process of redistribution has been, like that of the extension of the franchise, a transition, half reluctant and half unconscious, to the democratic principle.

While thus the control of the State has been surrendered by the governing class to the majority, almost all that legislation can do has been done to make that control effective. The bribery laws and the ballot are an important supplement to the Reform Acts. The continuance, and even the increase, of bribery and corruption after the settlement of 1832 has been already noticed; and it is clear that while such influences are strong the power of the majority is little more than a name. The real government will rest with those who are most successful in applying pressure, and must always reside in some section or other of the propertied class. Long before the Reform Bill of 1832 attempts had been made to cope with the evil by legislation,[1] and after that date the efforts were redoubled. From 1842 to 1883 a series of increasingly stringent Acts were passed. Election petitions were transferred from a committee of the House to the Judges; the return and publication of all election expenses were enforced by law; corrupt and illegal practices were fully and minutely defined, and, finally, by the Act of

[1] A list of the Acts passed from 1696 to 1835 is given at vol. viii. p. 715 of the *Parliamentary Reports of* 1835.

1883, were made a criminal offence, punishable at discretion by fine or imprisonment.[1] This latter Act appears to have been, for the moment at least, as effective as it was extreme; for whereas 'after the election of 1880 no less than 95 petitions were presented, impugning elections on the ground of some form of corruption—after the election of 1886 there was not a single petition.'[2] After the election of 1872 petitions again appear, but not more than nine were brought to trial;[3] and there seems reason to suppose that the evil, at least in its cruder forms, is being suppressed.

To the same end has contributed the Ballot Act of 1872. By providing for the absolute secrecy of the vote, and by prohibiting the hourly publication of the state of the poll, it has, at any rate, put serious difficulties in the way of intimidation and bribery. How far these are overcome

[1] Acts were passed in 1842, 1852, 1854, 1858, 1863, 1868, 1879, 1883. The chief were as follows:—(1) That of 1852 providing for the appointment of a commission on an address of both Houses of Parliament, to inquire into any case where bribery or corrupt practices are alleged. (2) That of 1854, providing for the appointment of public auditors, by whom election payments should be made and election accounts published. Providing also that persons convicted of bribery should be struck off the register of voters. (3) That of 1868, transferring the trial of election petitions to the Judges. (4) That of 1883, providing for the appointment of election agents, by whom election payments shall be made and election accounts returned. Providing also that corrupt and illegal practices shall be punished by fine or imprisonment, as well as by certain civic disqualifications.

[2] See Bryce, *American Commonwealth*, vol. ii., p. 522 note.

[3] See *Annual Register*, 1892, p. 163.

in practice only election agents can say; but the Legislature at least has done its best. It has endeavoured to protect the elector not only against his landlord or employer, but against himself; to make it as impossible for him to be bought as to be coerced in the disposition of his vote, and to secure him in the free exercise of such judgment as he may be supposed to possess. Not only, then, has the governing class transferred its power to the mass; it has done what legislation can do to make effective the exercise of that power. It has renounced not only its monopoly but its oblique control of power, in so far as such renunciation can be effected by positive law. It has not only invited the democracy; it has compelled it to come in.

One other point must be noticed before our survey is complete. The series of changes which has just been described has involved a further consequence as little intended by Whig or Tory reformers as any other part of the transformation. According to the theory of the constitution held by both the great parties, a member of parliament was regarded, not as a delegate but as a representative; he enjoyed, or was supposed to enjoy, the general confidence of his constituents; but on any one particular point he was free to act as he chose. 'Your representative,' said Burke to his constituents, 'owes you not his industry only but

his judgment, and he betrays instead of serving you if he sacrifices it to your opinion. . . . Parliament is not a congress of ambassadors from different and hostile interests. . . . It is a deliberative assembly of one nation with one interest, that of the whole, where not local purposes nor local prejudices ought to guide, but the general good. . . . You choose a member, indeed, but when you have chosen him he is not a member of Bristol but a member of Parliament.'[1]

But this is a view that has been tacitly abandoned in the process of parliamentary reform. No sooner, indeed, was the Bill of 1832 passed, than an attempt was made to establish the system of exacting pledges from candidates. A committee of the liverymen and of the new electors of the City of London drew up resolutions to be submitted to a general meeting of the electors, binding them to vote for such candidates only as will support certain definite measures, and pledge themselves to act 'at all times and in all things conformably to the wishes of their constituents deliberately expressed.'[2] The Council of the National Political Union adopted a similar policy, which was also supported by the 'Morning Chronicle.' But the movement, though significant, was somewhat premature. Even Radicals of the time were opposed to a general exaction of pledges.

[1] Burke's speech on his election to Bristol in 1774.
[2] *Add. MS.* 27796, f. 47.

James Mill wrote to that effect in the 'Examiner,'[1] and his opinion was afterwards elaborated with yet greater force by his son. 'A man of conscience and known ability,' says John Stuart Mill, 'should insist on full freedom to act as he, in his own judgment, deems best, and should not consent to serve on any other terms.'[2] And if this was the view of the philosophical Radicals, still more was it that of the statesmen of the governing class. That it was their function to lead, not to follow, and to lead without pressure or direction from the mass, was, and continued after 1832, the faith of both Whig and Tory chiefs. 'In pursuing a course of salutary improvement,' said Earl Grey in 1833, 'I feel it indispensable that we shall be allowed to proceed with deliberation and caution; and above all that we should not be urged by a constant and active pressure from without to the adoption of any measures the necessity of which has not been fully proved.' And twelve years later, when Sir Robert Peel is preparing to rescind the corn laws, we find him deliberately refusing to appeal to the constituencies on the ground that the question is too important to be prejudged at the hustings. 'I thought,' he says, 'that such an appeal would ensure a bitter conflict between different classes of society, and would preclude the possibility of dispassionate consideration by a parliament, the members of which would have

[1] *Examiner*, July 1 and 15, 1833.
[2] *Representative Government*, chap. xii.

probably committed themselves by explicit declarations and pledges.'[1]

Such was the attitude of statesmen in the period that immediately followed the first Reform Bill. But during the latter half of the century it has been so completely reversed that it is a clear and recognised article of the theory and practice of both parties, that no measure of first-class importance must be introduced into Parliament, unless it has received, or can be supposed to have received, the sanction of the constituencies. The change was an inevitable result of the progress of democracy. Already, as early as 1867, Mr. Lowe is noticing the fact that the representative is being converted into a delegate,[2] and the Reform Bill of that year precipitated the transition. The 'caucus'[3] was established in Birmingham, and rapidly spread over the whole country; its organisation was brought to a focus by the Liberals in the National Liberal Federation,[4] and by the Conservatives in the National

[1] *Memoirs*, by Sir Robert Peel, vol. ii., p. 166, ed. 1857.

[2] See Hansard, clxxxii., p. 156.

[3] The machinery of a 'caucus' is, roughly speaking, as follows. The constituency is divided into wards. In each ward all Liberal electors have the right to attend to elect members, (*a*) to the Ward Committee, (*b*) to the General Committee, (*c*) to the Executive Committee. The candidates for the constituency are selected by the General Committee.

[4] 'The National Liberal Federation' was established in 1877. Its machinery is: (1) A '*Council*' composed of delegates from the federated associations. The number of delegates sent by each association is determined in proportion to its population. The Council receive the annual report of the General Committee, and frame resolutions declaring the general policy of the party. (2) A 'General Committee,'

Union of Conservative and Constitutional Associations,[1] and by means of these institutions a complete transformation has been wrought in the relations of members of parliament to the electorate. In the first place the candidates for a constituency are selected either by the local or by the central association, and only on condition that they adopt the party programme; and this system, if it has not become, is rapidly becoming

similarly composed, but less numerous, to carry on the general business of the federation. (3) A 'General Purposes Committee' (established in 1890), composed of the officers of the Federation and of not more than 20 members selected by the General Committee. This committee 'shall consider representations from the federated associations, shall decide the place and time of the annual meetings, shall prepare the business for meetings of the Council, and shall generally carry on the business of the Federation.'—13th Report, p. 8. So rapid was the progress of the association that the report of 1880 was able to declare that 'in boroughs especially, the older methods of private and irresponsible party management have practically come to an end.'—2nd Report, p. 7. And in 1888 the more sweeping statement is made that 'to-day the Liberal organisation throughout England and Wales and Scotland is based solely upon the popular principle.'—11th Report, p. 12.

[1] The 'National Union of Conservative and Constitutional Associations' was founded in 1867. Its executive is a council, elected annually, and consisting of: (1) The President and Trustees of the National Union, the Chairman of each of the divisions of the National Union, one of the parliamentary Whips, and the principal agent of the party; (2) twenty-one members elected annually by the Conference from the members of the National Union; and (3) three members elected annually by each of the divisions of the National Union. It holds an annual Conference, consisting of: (1) The President, Vice-President, Trustees, Members of the Council, and Honorary Members of the Union; (2) one elected representative from each subscribing Association and Club; (3) all officers and members of the Council of each division of the National Union, also the principal paid Conservative agents, or paid Secretary of each constituency in each division; (4) special delegations, each consisting of twenty representatives, elected by the chief or central Conservative organisations of Scotland and Ireland respectively.

universal.[1] In the second place, the elected member is under constant pressure from his constituents. To organise simultaneous protests, addressed, at critical points, to members who show signs of a dangerous independence, is one of the recognised functions of the National Liberal Federation. 'If the caucus had existed in 1866,' says Mr. Schnadhorst in a burst of confidence, 'the Cave of Adullam would have been almost untenanted;'[2] and later examples show that the boast was justified. In 1881, for instance, there were signs of wavering in the Liberal ranks on the question of the Irish policy of the government. Instantly, a circular was issued by four officials of the Federation, calling upon the Liberal associations to put pressure on their representatives. 'The time has come,' they announced, 'for Liberal constituencies to declare that proceedings which involve such danger to the nation, and to the Liberal Government, cannot be tolerated.' 'The circular,' we are told, 'produced the effect which the committee hoped to secure,' and the Liberal Government was saved, to save the

[1] 'As late as the general elections of 1868 and 1874, nearly all candidates offered themselves to the electors, though some professed to do so in pursuance of requisitions emanating from the electors. In 1880 many—I think most—Liberal candidates in boroughs, and some in counties, were chosen by the local party associations, and appealed to the Liberal electors on the ground of having been so chosen. In 1885 nearly all new candidates were so chosen, and a man offering himself against the nominee of the association was denounced as an interloper and traitor to the party. The same process has been going on in the Tory party, though more slowly.'—Bryce, *American Commonwealth*, vol. ii., p. 418, note, ed. 1888.

[2] *Nineteenth Century*, vol. xii., p. 24.

nation.[1] Similar tactics were adopted with equal success in 1883.[2] The member for Brighton ventured to introduce an amendment on the machinery of the closure; the amendment was unacceptable to the party as a whole, but there were certain Liberal members whose support it seemed likely to secure. The Federation accordingly took action. 'Resolutions, appeals, remonstrances, warnings, rained down upon the heads of the unhappy members who were thought about to stray,' and the amendment in question was thrown out.[2]

Enough has been said to illustrate what is hardly open to dispute—the conversion of the representative of a constituency into its obedient and passive delegate. Admitted as a candidate only by the choice and approval of the Caucus, controlled by the opinion of his constituents instead of guiding them by his own, he is returned to support a programme to which he is previously pledged, and for any deviation from which he is held to be guilty of a breach of trust.

But this transformation, important as it is, is no more than an inevitable corollary of the whole process of development which it has been the object of this chapter to expound. By successive extensions of the franchise, and concomitant abolition of tests, both of property and of residence; by

[1] *Fourth Report*, pp. 14, 15.

[2] *Nineteenth Century*, vol. xi., p. 962; and *Fifth Report* (1882), pp. 10, 11.

the restriction of bribery; by the introduction of the ballot; and, lastly, by the party organisation which has been at once the cause and the effect of these, a House, which even after 1832, was mainly controlled by the landed aristocracy, has been converted into a democratic chamber, returned by something approaching to universal suffrage. And so far is it from the fact that this conversion has been opposed by the governing class, that it may almost be said that they led the way. No doubt it would have become impossible, in time, to resist the movement of opinion; but they made no attempt to resist; on the contrary, they were eager to forestall it. It was at a season of general apathy that they introduced the first of their series of Reform Bills; and the Act of 1867, which finally determined the democratic policy, anticipated, rather than lagged behind, the opinion of the average man. Nothing, therefore, could be more mistaken than the idea that the aristocracy have obstructed reform, or that they have conceded it only under the pressure of an overwhelming popular demand. In 1884, it is true, such pressure was brought to bear; but it is 1867, not 1884, that is the turning-point of the movement; and the Bill of 1867 was introduced not so much in deference to public opinion, as in pursuance of a series of measures which had originated in the House itself, and in redemption of the voluntary pledges of a succession of governments.

On the other hand, it was never the intention of those who initiated reform that it should lead to the point at which we are actually arrived. To admit to the electorate competent citizens, and to the House representatives of all the interests of the country, was the only object of Whigs and Tories alike; and if in pursuance of that policy they are being led by degrees to manhood suffrage, that was by no means the end they desired to reach. Still less did they intend or anticipate such a preponderance of the representative House as would endanger the functions and the existence of the House of Lords. They believed in the theory of the constitution as a balance of the three powers, even while they were doing their best to render its realisation impossible; and what they really effected was not only not part of their plan, but was in direct antagonism to their principles and their will.

If, then, we review the process from 1832 to 1884, it may be presented briefly somewhat as follows:—A governing class in which the landed aristocracy is the preponderant influence, retaining its substantial power, but shaken in its tradition and its faith, without the deliberate intention to move, or at least to move towards a definite end, has yet by mere absence of conviction been unable to stand still. Torn up from its root of prescription it has not succeeded in fixing itself afresh. Confronted not by superior force, nor by irresistible popular pressure, but by a general trend of opinion

with which it was partly in sympathy, it yielded because it contained in itself no principle of resistance. Motion, in the abstract, it admitted; of the velocity and the direction it lost control. The limits and checks it was prepared to impose it was equally prepared to abandon; and without determination, without approval, almost without perception, it abdicated its functions to a democracy against which it had never ceased to protest.

And the revolution above described in the central government has been accompanied, as was naturally to be expected, by a similar transformation of local institutions. To attempt anything like a history of this process, or to describe in detail the conditions actually existing, would be beyond the purpose of the present work. It is necessary, however, to supplement what has been said about the development of the House of Commons by some account of the general character and result of the corresponding changes in local administration.

Under the aristocracy the whole internal government of the country (with the important exception of the towns incorporated under charters) centred about the office of justice of the peace. This office was confined to the rich by a property qualification, and was given on the recommendation of the lord lieutenant of the county. Practically, it was exercised by the country gentlemen, so that the same class who were supreme at Westminster were also supreme in the parish and the county; and it

is to this fact that certain historians have attributed the strength and efficiency of the eighteenth century system.

For the function of the justices of the peace was not only judicial but administrative; not only did they constitute then, as they do now, the tribunal for the trial of all minor offences, but they managed the whole of the public business of the county. Hospitals and prisons, highways, forests and fisheries, the regulation of wages, the grant of licences, the supervision of the police, and generally the care of public health and discipline, all this was entrusted to the commission of the peace; and on the whole was so creditably performed that it is rare to find, even in the bitterest attacks upon the government of the aristocracy, any serious and comprehensive indictment of the probity or the capacity of the unpaid magistrate. Abuses, no doubt, there were, especially in connection with the administration of the game laws; the Allworthys, as we know from Fielding, had their foil and their complement in the Westerns; but history, on the whole, has not challenged the ancient sentence of Coke that the authority of the justice of the peace is 'such a form of subordinate government for the tranquillity and quiet of the realm as no part of the Christian world hath the like if the same be duly exercised.'[1] In confirmation of this verdict it

[1] I do not think this estimate has been seriously disputed. But of course there is much to be said by way of modification, though

may be noted that the transference of the administrative powers of the justices of the peace to elected authorities has been accomplished rather in obedience to the general theory of representative government than from any idea that the administration under the old system had proved to be either inefficient or corrupt.[1]

rather on the judicial than the administrative side. Fielding's portrait of Squire Western, for example, gives occasion for much reflection; and there is a passage from another of his works which may be worth quoting in this connection. 'In some counties, perhaps, you may find an overgrown tyrant, who lords it over his neighbours and tenants with despotic sway, and who is as regardless of the law as he is ignorant of it; but as to the magistrate of a less fortune and more knowledge, every riotous independent butcher or baker, with two or three thousand pounds in his pocket, laughs at his power, and every pettyfogger makes him tremble.'—H. Fielding, 'An Inquiry into the Cause of the late Increase of Robbers, &c.,' *Works*, vol. x., p. 345. Reference may also be made to Brougham's speech of February 7, 1828 (Hansard, xviii., 166), in the course of which he says 'there is not a worse constituted tribunal on the face of the earth, not before the Turkish cadi, than that at which summary convictions in the game laws take place.'

[1] The following extracts from the debate on the Local Government Act of 1888 will illustrate this point. Mr. Ritchie, referring to the fact that there was no 'pressing demand' in the country for the measure, attributed this circumstance 'very largely to the belief on the part of the public that the duties of the existing county authorities are well performed, and that there does not exist any amount of dissatisfaction in the public mind with the way they are performed.'—Hansard, cccxxviii., p. 1642. Sir Walter B. Barttelot quoted a remark of Mr. Cobden's: 'The one thing that strikes me of all others is the way in which the county magistrates do their duty. The care and attention which they pay to their work, especially to matters of finance, entitles them to all credit.'—*Ibid.* cccxxiv., p. 1138. Mr. Fowler 'thought it would be a great calamity to the country if it were to be deprived of the services of those who . . . had for so many years devoted themselves gratuitously and with the greatest efficiency and economy to the administration of local affairs.'—*Ibid.* p. 1148. Mr. Gardner, speaking as a Radical, 'would point out that the Bill swept away the administrative qualities of the Quarter Sessions, about which as to

When, however, we turn from the administration of the county to that of the towns, we are met by an altogether different order of facts. Here it may fairly be said that before the date of the first Reform Bill the existing institutions had completely broken down. The boroughs incorporate under charters did, in fact, afford a better example of the disadvantage of government by a privileged class than is to be met with anywhere else under the aristocratic system. But in this case the privileged class was not the aristocracy, but a body of magnates of the middle class.

The report of the commission on municipal corporations, issued in 1835, contains a minute and detailed exposition of the abuses which had grown up under the existing charters. Favourable exceptions, no doubt, were to be found, but on the whole the report is an uncompromising and unanswerable indictment. It appears that the corporations, as a general rule, were 'separate and exclusive' bodies, comprising a governing council, which was commonly self-elected, and a number of freemen small in proportion to the total population of the town and frequently drawn from its poorest and most venal class;[1] that the councils were

economy of administration much might be said, and retained their judicial qualities, which were the real cause of the popular outcry against "the great unpaid."'—*Ibid.* cccxxv., p. 51.

[1] At Ipswich, for example, the freemen were one fifty-fifth of the population; of these more than one-third were not rated, and of those rated many were excused payment. About one-ninth were paupers. More than eleven-twelfths of the property of the place belonged to

commonly of one political complexion, and that, in particular, it was rare for a dissenter or a Roman Catholic to find a seat upon them; that as a result of this constitution numerous abuses had grown up; that there were cases, for example, where the corporate offices were treated as matters of patronage, where the magistrates, elected by and from the councils, were incompetent and partial,[1] and where the police were insufficient, even in quiet times, to maintain the most elementary conditions of order; while generally, the lighting, paving, and other services of the towns had been so neglected by the corporations that they had been transferred to special commissioners.

These general statements may be illustrated by their particular application to the town of Leicester. There the corporation and all its officials, in every department, were rigorously Tory, and no dissenter had ever been admitted to the corporation or allowed to share in any of its charities. A full statement of the accounts of the corporation was refused, and it had not been the custom to publish them; but it was clear that there had been illegitimate expenditure,

those who were excluded from the corporation. All the inhabitants whose rent exceeded 4*l.* were taxed for municipal purposes, and of those so taxed less than one-fifteenth were freemen of the corporation. *Reports of Commissioners*, 1835, vol. xxiii., p. 33.

[1] At East Retford a witness who had been clerk to the magistrates 'on one occasion saw the magistrate fighting with a prisoner, and struggling with him on the floor.' 'At Malmesbury the magistrates are often unable to write and read.' 'At Carmarthen verdicts are frequently given against justice, from party bias.'—*Ibid.* p. 39.

and that corporate lands had been alienated to the profit of individual members of the corporation; 'as administrators of public funds,' say the commissioners, 'it is impossible to speak of the corporate authorities except in terms of unqualified censure.' The town was insufficiently watched and lighted, the accommodation of the gaol was defective, and the police were so imbued with the political opinions of their employers that 'every man of opposite opinions believes he sees in a peace officer an armed adversary.' The corporate charities were reserved for those who supported the candidates of the corporation at elections. The competency of the magistrates was doubtful, and there was a general belief that their political opponents did not get fair play.

If these were the conditions within the limits governed by the corporations, still worse was the state of the great towns, or suburbs of towns, which had grown up without any provision being made for their government at all, beyond the ordinary organisation of the parish and the county. In Bedminster, for example, a suburb of Bristol with a population of 13,000, the only police was a head constable, a petty constable, and five tithing men, and there was no Act for lighting and paving any part of a parish twenty-one miles in circumference.[1] Toxteth Park, a suburb of Liverpool, with a population of 25,000, had 'only four

[1] *Reports of Commissioners*, vol. xxiv., p. 1186.

constables, no select vestry, and no regulation for watching, lighting, or paving the streets;' it had become 'the resort of the worst ruffians of Liverpool;' and its state was described 'as amounting almost to one of immunity for crime.'[1]

But the most striking case of this kind was that of the metropolis. The huge and populous suburbs which had grown up about the city of London had no other organisation, till towards the close of the eighteenth century, than that of any ordinary county district. Law was administered by unpaid justices of the peace; police, by the constables of the various parishes. The result was a complete break-down of the system. Justice fell into the hands of an inferior class of men, who, receiving no salary for their labours and having no sufficient private means, were driven to make up an income by extortion. They were known as 'trading justices,' and their procedure is graphically described by a witness examined before the committee of 1816. 'At that time it was a trading business; and there was justice this and justice that. Justice Welch, in Litchfield Street, was a great man in those days, and old Justice Hyde, and Justice Girdler, and Justice Blackborough, a trading justice at Clerkenwell Green, and an old ironmonger. The plan used to be to issue out warrants and take up all the poor devils in the street, and then there was the bailing of them, 2*s.* 4*d.*, which the magis-

[1] *Reports of Commissioners*, vol. xxvi., p. 2715.

trates had; and taking up 100 girls, that would make, at 2*s*. 4*d*., 11*l*. 13*s*. 4*d*. They sent none to gaol, the bailing them was so much better. It was a great blessing to the public to do away with those men, for they were nothing better than encouragers of blackguards, vice, and plunderers; there is no doubt about it.' [1]

Equally inefficient and unsatisfactory was the state of the police. Its regulation was left to the inhabitants of each parish; with the result that 'while in some few parishes the watch is well regulated, in others it is very imperfectly constituted; and in many there appears no regular establishment of watch whatever.' In Spitalfields at the beginning of the century 'there were such depredations, people could not go along the streets, and the police of the district were not sufficient for the protection of the district;' and the Kensington district, with a circumference of fifteen miles, was supplied with a staff of only six constables.[2]

So serious, indeed, was the evil that years before the first Reform Bill it had occupied the attention of the government. In London the first police offices were established in 1792, and in 1827 the Metropolitan Police was organised in its present form. Elsewhere it had been the custom for the towns to apply for local Acts, whereby their light-

[1] *Reports of Commissioners*, 1816, vol. v., p. 140.
[2] *Ibid.* 1828, vol. vi., pp. 22, 25, 27.

ing, paving, police, or other public services, were entrusted to the care of special commissioners. In this way the most pressing necessities were met. But a complete reshaping of the whole system of local government was not attempted or contemplated by the aristocracy; it has been the task of a succession of reformed parliaments.

One of the earliest steps in this transformation was the Municipal Corporations Act of 1835. By this Act the old corporations, with their privileges and exemptions, were swept away; the municipal franchise was extended to all inhabitant ratepayers; and the government of the corporate towns entrusted to councillors chosen by the new electorate, and to aldermen selected by the councillors. The democratic principle was thus more fully admitted in the constitution of these new corporate bodies than in that of the reformed parliament. Still, it was modified by the introduction of the ratepaying test, and of a high property qualification for councillors and aldermen. And even so the Municipal Corporations Act is an exception to the general policy adopted for half a century after the Reform Bill. In almost every department of local government, right up to the year 1888, two tendencies are clearly to be detected. The first, to increase rather than to diminish the administrative powers of the justices of the peace; the second, in the case of popularly elected bodies, to give a preponderating influence to property.

With regard to the first point, we find that the justices of the peace were made *ex-officio* members of the Boards of Guardians established in 1834; by the identification of the Boards of Guardians with the Rural Sanitary Authorities (1872) they came to hold the same position on the latter; they also sat *ex officio* on the Highway Boards, erected in 1862; and they were entrusted with the supervision of the county police, established in 1856.

With regard to the second point, we find that on the creation of any new elective authority it was usual to introduce the system of plural voting —that is to say, to give to each elector a number of votes (not, however, exceeding six) in proportion to the amount of property on which he was rated. This system was applied, for example, to the election of Local Boards, of Boards of Guardians, and also to any elections made by Vestries. The only notable exception to its operation was the Elementary Education Act (1870), under which all ratepayers alike, whatever their property, have as many votes as there are members of the board to be elected.

The same care for the interests of property is shown by the regulations as to those who might hold office. For guardians of the poor, for members of local boards, and for town councillors (under the Act of 1835) there was a property qualification established; and in the two latter

cases it increased in proportion to the population of the district to be governed.

Clearly, then, for fifty years after the passing of the first Reform Bill, there was no attempt at a full and consistent application of the democratic theory to local government. On the contrary, it was the practice, on the one hand, to preserve and extend the aristocratic authority of the justice of the peace; on the other, to secure to the inhabitants, in the case of elected boards, an influence proportional to their liability to contribute to the rates.

But within the last ten years this practice has been completely reversed. The Local Government Acts of 1888 and 1894 are acts of disestablishment for the country gentleman and the ratepayer. The justices of the peace have been deprived of almost the whole of their administrative functions; they have been displaced from their *ex-officio* position on various boards; they have been deprived of the appointment of overseers in rural parishes, and, in part, of the control of the police;[1] and out of the whole of the public business which formerly passed through their hands they retain but a few, and these, with one exception, unimportant items. The exception is the grant and transfer of liquor licences.

Further, the whole system of plural voting has been swept away. Neither electors nor members

[1] The county police is now controlled by a joint committee of Quarter Sessions and the County Council.

of the County, District, and Parish Councils are subject to any kind of property qualification; and every elector has one, and only one, vote. The District Council takes the place, in both urban and rural districts, of the sanitary authority formerly elected on the system of plural voting; for rural districts, the district councillors are also the guardians of the poor; and for urban districts the guardians are elected on the same franchise as the district councillors.

The total result of these changes is briefly as follows. The administrative powers of the justices of the peace have almost ceased to exist, and the whole public business of the parishes and counties, and to a great extent also of the towns, including the relief of the poor, the care of health and sanitation, highways, hedges, asylums, industrial schools, music and dancing licences, together with the levying of the poor rate and of all other local taxation, has been transferred to a hierarchy of popular representative bodies, of which neither the electors nor the elected are subject to a property qualification. Locally, as well as centrally, the landed aristocracy has been disestablished; so has the wealthier section of the middle class; and whatever superior influence is still retained by property is exercised, not directly by sanction of the law, but indirectly by social and economic weight.