

**Aspects of the English electoral
system 1800-50,
with special reference to Yorkshire.**

Volume 1 of 2

**Mark Pack
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York University
History Department
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Abstract

Since the Whig orthodoxy was dethroned the historiography of the English electoral system in the first half of the nineteenth century has been somewhat confused, with three main problems. First, opinions differ over the impact of the reform acts of 1832. Second, it is unclear whether the system was opening up or closing down. This goes deeper than disagreements over 1832: different methodologies point in conflicting directions; for example, electorate statistics suggest a system opening up, whilst applications of post-modern critical theory suggest the opposite. Third, the determinants of electoral behaviour are unclear, as epitomised by the debate over DC Moore's deference theories.

This diversity of opinion has been fostered by the absence of a clear national framework: local studies have usually been preferred to the construction of national statistics. This thesis, though, uses Yorkshire not as another case study, but to create and inform a national framework, used to examine the electoral system's vitality.

The thesis first examines the electorate in 1800-50; its size and levels of turnout in particular. Following 1832 participation increased greatly, but with falling turnout and much non-registration. Vitality was significantly enhanced by conflict within electoral elites, which raised registration and turnout. Then deference and corruption are considered, with an emphasis on the complexities of the behaviour involved and the limitations on their impact. Next MPs and candidates are considered. Many MPs did little and were immune to electoral pressure. There was more to being an MP than Parliamentary activity.

The picture is of a system possessing vitality, much of it driven by conflicts between electoral elites. But at the same time wider forces were working to close the system down. Within this, 1832's impact was mixed. It provided great opportunities for increased vitality, but these were often not fully exploited.

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Accompanying material

Enclosed at the back of Volume 2 is a PC formatted computer disk, which contains some of the statistics files used in this thesis. Wherever there is a reference to a data file in a footnote, the file will be found on this disk. The data is saved in Minitab portable format. Each data file has an accompanying explanatory plain text file.

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Any errors that remain are my own fault.

A note on citations

Where a word in a title appears all in block capitals in the original, only the first letter of the word is capitalised when I cite it. Text in square brackets in citations is additional information I have provided, such as the author of an "anonymous" article. Parliamentary Papers are when first cited and in the Bibliography usually given their full titles. Although these titles are often somewhat long, they also contain much useful information as to what information is contained within the paper.

1. Introduction

1.1 Historiographical background

The Whig orthodoxy regarding the English electoral system in the first half of the nineteenth century has long dominated historians' views, and was most famously expounded by Thomas Babington Macaulay and George Macaulay Trevelyan.¹ Their orthodoxy of constitutionalism, liberalism and progress was rooted in the radical critique of the pre-1832 electoral system which had produced many of the first, and most comprehensive, studies of that system.² These radical studies contain such an abundance of information that they are a frequent and vital source of reference for historians, and this aided the passing of the radical critique into historiographical dominance.

As a result a central feature of not only the Whig historiography, but also many of its subsequent critics, has been to take delight in describing the more extreme and grotesque parts of the electoral system, with little attempt to put them into context. Even where buttressing statistics do exist, they have often been uncritically used. For example, tales of mass creation of freemen to pack electorates have been popular, as in the Porritts' work. This has a long and detailed section on freemen boroughs, complete with examples of mass creations, but they are scattered across two hundred years, with no attempt made to estimate how typical they were.³ Rather, individual anecdotes have been presumed to represent wider trends, and any such creations have automatically been assumed to have been bad. The emphasis was on narrative history, not social science history.

The picture was of an electoral system with elections involving only a narrow range of people, a politically unaware public, few electors being able to vote freely and votes often seen simply as a means of earning money at election time. Elections rarely turned on issues or policies, but rather were dominated by local influence, coercion and the distribution of money, goods and favours.

After the "Whig triumph" of 1832 matters were meant to have changed: money mattered less, issues mattered more, electors were freer and the system more liberal and representative. The 1832 legislation⁴ was another example of the beneficial progress and triumph of liberalism that typified Whig histories. It was a

¹ For example, T.B. Macaulay, *The History of England from the Accession of James II*, original edition 1849, Macmillan and Co., London, 1913 and G.M. Trevelyan, *Lord Grey of the Reform Bill: Being The Life Of Charles, Second Earl Grey*, 2nd edition, Longmans, Green and Co., London, 1929. Macaulay was a prolific and avid Whig writer. Elected to Parliament in 1830, in March 1831 he made one of the finest speeches in support of Parliamentary reform. Frequent speaking and writing, along with good connections, meant his views were widely disseminated. They were carried on by his nephew George Otto Trevelyan and great-nephew George Macaulay Trevelyan.

² For example, T.H.B. Oldfield, *A Complete History, Political And Personal, Of The Boroughs Of Great Britain; Together with the Cinque Ports, To which is now first added The History of the Original Constitution of Parliaments, From The Time Of The Ancient Britons To The Present Day. With A State Of The Representations, And An Account Of Contested Elections, &c. &c.*, new edition, B. Crosby, London, 1805, 3 volumes.

³ E. and A.G. Porritt, *House Of Commons: Parliamentary Representation Before 1832*, Cambridge University Press, Cambridge, 1903, p.58-84. Another example is the way estimates of the number of MPs returned by patronage often varied without apparent rhyme or reason, and have been quoted with an undue aura of authority: F. O'Gorman, *Voters, Patrons and Parties: The Unreformed Electoral System of Hanoverian England 1734-1832*, Clarendon Press, Oxford, 1989, p.18-19.

⁴ I use this phrase, rather than "Reform Act," to indicate inclusion of the Boundary Act, that is both 2 Will.IV c.45 and 2&3 Will.IV c.64.

historiography that emphasised the importance of electoral law, and indeed laws generally. For those like F.W. Maitland Whig history was legal history. Progress, inevitable and beneficial, was rooted in statutes. As Cox argued in 1868, "A concise history of English civilisation might be deciphered from the Statute Book alone."¹

Though the Whig view has now been battered from almost every direction, its major early critics - Namier and Butterfield - did not challenge the idea of the pre-1832 electoral system being narrow, closed and a matter for ridicule.² Indeed, they strengthened this picture by, for example, giving emphasis to corruption rather than public opinion in the 1784 election. Revisionists like Namier did not challenge the attitude of those like Butler, who wrote in 1914,

The passing of the Great Reform Bill takes us suddenly into another air ... The old aristocratic system begins to crumble, and the feet of the nation are set in the path that leads to democracy.³

Gash, however, questioned the importance of 1832.⁴ For him, continuity rather than change dominated. Like Kitson-Clark⁵ he stressed the continuities around 1832, and they both clearly sympathised with the Tories, especially Peel, rather than the Whigs.

More recent work has left the impact of 1832 unclear.⁶ O'Gorman, by stressing the open nature of the pre-1832 system, has played down the impact of 1832.⁷ He emphasises global statistics and problems of patron control. Like Joyce and Hanham for later periods,⁸ he stresses the importance of local events over national ones, and continuities over change. By contrast Phillips, examining the behaviour of individual electors, concludes that the debates and legislation of 1831-2 created strongly party-partisan electors. Consistent voting for one party became the norm, and party organisation became an integral part of local contests.⁹

The uncertainty over the impact of 1832 has intensified the uncertainty regarding the electoral system's overall tendency: was it becoming more open or not? This doubt has been exacerbated by Vernon's

¹ H. Cox, *A History Of The Reform Bills Of 1866 And 1867*, Longmans, Green and Co., London, 1868, p.1.

² For example, H. Butterfield, *The Whig Interpretation Of History*, original edition 1931, W.W. Norton, New York, 1965 and L. Namier, *The Structure Of Politics At The Accession Of George III*, 2nd edition, original edition 1928, Macmillan, London, 1957.

³ J.R.M. Butler, *The Passing Of The Great Reform Bill*, new impression, original edition 1914, Frank Cass, London, 1964, p.vii.

⁴ N. Gash, *Politics in the Age of Peel: A Study in the Technique of Parliamentary Representation 1830-1850*, Longmans, London, 1953.

⁵ G. Kitson Clark, *The Making of Victorian England: Being the Ford Lectures Delivered Before the University of Oxford*, Methuen, London, 1962 and *Peel And The Conservative Party: A Study In Party Politics 1832-1841*, 2nd edition, Archon Books, Connecticut, 1964.

⁶ Further, assumptions regarding a relatively smooth and inevitable progression towards a "modern" and "rational" two-party electoral system interestingly became less common after 1970, when the British electoral system began both to lose some of its two-party nature, and to have that nature increasingly questioned.

⁷ Notably in O'Gorman, *Voters, Patrons and Parties*.

⁸ P. Joyce, *Work, Society and Politics: The Culture of the Factory in later Victorian England*, Harvester, Brighton, 1980 and H.J. Hanham, *Elections and Party Management: Politics in the time of Disraeli and Gladstone*, Longmans, London, 1959.

⁹ Particularly J.A. Phillips, *Electoral Behaviour in Unreformed England: Plumpers, splitters and straights*, Princeton University Press, Princeton, 1982 and *The Great Reform Bill in the Boroughs: English Electoral Behaviour, 1818-1841*, Clarendon Press, Oxford, 1992.

application of post-modern critical theory. He argues that more general trends - in particular in the means and language of communicating political ideas and the rise of tightly organised politics - resulted in an increasingly closed system.¹

Finally, besides these doubts over 1832 and the system's tendencies, the question of what motivated participants in the system has also proved problematic. Both Gash and Namier stress the importance of desires to wield power. More recent work on high politics has often taken a rather different view, giving more space to the influence of ideological and religious beliefs.² At the constituency level the two seminal works are those by Nossiter and Moore. Nossiter introduced the idea of a motivational trio of money, influence and issues,³ and Moore put forward his controversial deference thesis.⁴ Both stress the role of factors other than simple cravings for power. Nossiter's approach has, like many an influential methodology, become so widely used as to appear obvious.⁵ It is more a tool than a new explanation, a way of organising evidence without, in itself, answering many questions. By contrast, the theory of deference has had a controversial life and has tried to answer many questions. Debate has focused on two issues: did a belief in a deferential mode of electoral behaviour shape the 1832 reform legislation, and to what extent did actual electoral behaviour fit the deferential model suggested by Moore? Moore suggests the Whig triumph of opinion over influence did not happen until much later in the nineteenth century, if at all.⁶

In part these problems - the impact of the 1832 legislation, the electoral system's tendencies and the motivation of participants - are a reflection of the evidence used. A clear national framework within which to place individual constituencies' experience is lacking. For example, Moore's examples are overwhelmingly drawn from an atypical handful of counties.⁷ Though O'Gorman has begun to construct a replacement, he

¹ J. Vernon, *Politics and the People: A Study in English Political Culture and Communication, 1808-68*, Manchester PhD, 1991, and *Politics And The People: A study in English political culture, c.1815-1867*, Cambridge University Press, Cambridge, 1993. All the citations of Vernon below are of the book rather than the thesis of the similar name.

² For example, R. Brent, *Liberal Anglican Politics: Whiggery, Religion, and Reform*, Clarendon Press, Oxford, 1987 and L.G. Mitchell, "Foxite Politics and the Great Reform Bill," *English Historical Review*, Volume 108, 1993.

³ T.J. Nossiter, *Influence, Opinion and Political Idioms in Reformed England: Case Studies from the North-East 1832-74*, Harvester, Hassocks, 1975.

⁴ Especially D.C. Moore, "The Other Face of Reform," *Victorian Studies*, Volume 5, 1961, "The Sociological Premises of the First Reform Act: A Reply," *Victorian Studies*, Volume 14, 1971 and *The Politics of Deference: A study of the mid-nineteenth century English Political System*, Harvester, Hassocks, 1976. Examples of his critics include E.P. Hennock, "The Sociological Premises of the First Reform Act," *Victorian Studies*, Volume 14, 1971, H.A. Ellis, "Aristocratical Influence and Electoral Independence: The Whig Model of Parliamentary Reform 1792-1832," *Journal of Modern History*, on demand supplement, Volume 51 Number 4, 1979 and F. O'Gorman, "Electoral Deference in 'Unreformed' England: 1760-1832," *Journal of Modern History*, Volume 56, 1984.

⁵ For example, his approach is implicit in the work of both O'Gorman and Phillips.

⁶ Joyce's work on factory towns suggested a strongly deferential picture: *Work, Society and Politics*. However, Joyce only looked at the system bequeathed by 1867 and, as Davis's Buckinghamshire work suggests, deference may have increased after 1867: R.W. Davis, "The Mid-Nineteenth Century Electoral Structure," *Albion*, Volume 8, 1976, p.152.

⁷ Moore's three counties in *Politics of Deference* were Cambridgeshire, Huntingdonshire and Northamptonshire, that is adjacent, southern, regularly polled and heavily agricultural counties. Given this atypicality, unsurprisingly many of his critics have drawn different conclusions from different counties; e.g. R.W. Davis, "Yes," *Journal of British Studies*, Volume 15 Number 2, 1976, D. Eastwood, "Toryism, Reform, and Political Culture in Oxfordshire, 1826-1837," *Parliamentary History*, Volume 7 Part 1, 1988 and E. Jaggard, "Cornwall Politics 1826-1832: Another Face of Reform?," *Journal of British Studies*, Volume 22, 1983. Though Moore recognises that his counties may not be typical, he curiously argues that, "without a contest there can be no poll book, without a poll book there can be no evidence." Leaving aside some minor quibbles - such as the usefulness of canvass returns in place of poll books - the more important critique of this comment is the narrow view of electoral history it implies. Neither is he very helpful as to what the impact of this atypicality may have been. For example, regarding the atypically large number of polls in his sample, he says this may either have served to strengthen electoral blocs, or to have weakened them! See *Politics of Deference*, p.23.

stops in 1832. Without a national benchmark, it is difficult to make sense of the plethora of local case studies:¹ how typical are the events they describe?

By contrast, this thesis is not another set of local case studies. Yorkshire is taken as a useful sample of England as a whole, but this is not exclusively a study of Yorkshire,² nor even of local politics mainly drawn from Yorkshire. Rather, it is a study of the national (English) electoral system, using Yorkshire to *create* and *inform* a national framework. *Create* in that many of the available national statistics are incomplete and ambiguous, needing local colour to fill gaps. *Inform* in that understanding how the system worked in practice, and what views were held of it, also frequently requires local colour. In particular, it will become clear that meanings can be attached to parts of the electoral system that are different from those meanings the Whig orthodoxy attached.

The national framework allows local studies to be put into context and the electoral system to be appreciated as more than the sum of individual constituencies' behaviour. The framework is often heavily reliant on the electoral system's mechanics. In the nineteenth and early twentieth centuries such detailed examinations of the workings of the electoral system were the vogue.³ Since then, the "subjective" side of politics, particularly the cultural background, socio-economic edifices and electoral discourses, have come to the fore. Yet, even for this aspect of politics, an understanding of the electoral system's technicalities can reveal much. Just as there is more to economic history than growth rates, so there is more to political history than the electoral structure. But it is between the mental state of people and their political activities that the system's mechanics intrude. Furthermore, it is only by seeing these mechanics at work and under strain that politics more generally can be put in context.

1.2 Period and place

The period 1800-50 has been chosen as being both narrow enough to be considered within one thesis, yet wide enough to allow 1832 to be seen in perspective. Yorkshire, which mixed bustling and growing industry with remote moorlands, has been chosen as an area rich in evidence, whilst also moderately typical of England. It contained some of the better known parts of the electoral system and had a prominent role in some aspects of national politics. In the famous 1807 election, in 1830 with Brougham's election, and in the West Riding in the 1840s with the activities of the Anti-Corn Law League, Yorkshire elections were national events. Along with its famous highlights, it also had many of the lesser-known foothills. Across the Yorkshire rural hinterland was scattered a mix of boroughs, often market towns, ranging from open constituencies like York to closed boroughs like Aldborough. There were both economically exuberant constituencies like Hull, and stagnant backwaters like Hedon. There was a socio-economic diversity, from

¹ For example, A.C. Bennett, *The General Election Of 1837 In The East Riding Of Yorkshire*, Hull Special Subject Dissertation, 1989, J.A. Jowitt and R.K.S. Taylor (eds), *Nineteenth Century Bradford Elections*, Bradford Centre Occasional Papers No.1, University of Leeds, 1979, J. Markham, *Nineteenth-Century Parliamentary Elections In East Yorkshire*, East Yorkshire Local History Society, Beverley, 1982 and R.K.V. Radice, *Identification, Interests and Influence: Voting Behaviour in Four English Constituencies in the Decade After The Great Reform Act*, Durham PhD, 1992.

² Though the emphasis is upon Yorkshire, it seems unnecessarily pedantic to exclude useful evidence merely because it originates from the wrong side of a county boundary.

³ For example, J. Lambert, "Parliamentary Franchises, Past and Present," *The Nineteenth Century*, Volume 26, 1889 and C. Seymour, *Electoral Reform in England and Wales: The Development and Operation of the Parliamentary Franchise 1832-1885*, original edition 1915, David and Charles, Newton Abbot, 1970.

the rapidly industrialising West Riding, with the likes of Leeds and Sheffield, through the rather more genteel, placid and agricultural North Riding and on to the East Riding, heavily agricultural, without coal, minerals or many fast-flowing streams to provide industrial power. Yorkshire's social and economic diversity meant there were nobles, weavers, gentry and manufacturers aplenty.

Before 1832 England had 196 boroughs returning two MPs, five returning one MP and two returning four MPs.¹ Yorkshire had fourteen boroughs (7% of the total), all returning two MPs. The distribution of franchise types in Yorkshire differed somewhat from the national norm (Table 1.1). Burgage boroughs were over-represented, Yorkshire having 19% of the burgage boroughs. Concomitantly, corporation boroughs were under-represented: only 4% of them were in Yorkshire. Although Yorkshire had no freeholder or householder boroughs this is not a serious drawback as both were few in number nationally. Further, both were franchises dependant on the occupation of property, and hence similar to scot and lot boroughs.

Of the fourteen pre-1832 Yorkshire boroughs, three (21%) were abolished in 1832 (Aldbrough, Boroughbridge and Hedon), two (14%) were reduced to one MP in 1832 (Northallerton and Thirsk) and nine (65%) were left with two MPs (Beverley, Hull, Knaresborough, Malton, Pontefract, Richmond, Ripon, Scarborough and York). In England as a whole fifty-five two-member boroughs were abolished (28% of the 195 two-member boroughs), one one-member borough was abolished (20% of the five one-member boroughs), thirty lost one member (15% of the 195 two-member boroughs) and 110 (56%) were left unchanged. In 1832 three new one-member boroughs were created (Huddersfield, Wakefield and Whitby) - 16% of the nineteen created nationally - and four two-member boroughs (Bradford, Halifax, Leeds and Sheffield) - 18% of the twenty-two created nationally.² Again, then, Yorkshire was roughly representative of England as a whole, though containing as it did areas of industrialisation and urbanisation it did relatively well from the creation of new constituencies.

The county of Yorkshire originally had two MPs, gained two when Grampound was disfranchised, and was split into three in 1832. Each of the three Ridings henceforth returned two MPs. Hull and part of York were counties in themselves, out of nineteen in total in England and Wales.³ Overall, Yorkshire moved from thirty-two MPs in 1831, with fourteen boroughs and one county constituency, to thirty-eight MPs after 1832, with nineteen boroughs and three county constituencies.

Whilst Yorkshire was not an exact microcosm of England - no county was - it was fairly representative, encompassing the diversity of electoral structures on which many national themes were displayed. Both Whig and Tory land-owning families, with large estates and political influence, lived there. The most powerful individual family were the Whig Fitzwilliams. Although they were not typical of large

¹ After Grampound's 1821 disfranchisement there were 195 two member boroughs. Its MPs were transferred to the county constituency of Yorkshire. In total England had 203 boroughs, 40 counties and 2 universities in 1800. After 1832 the figures were 189, 68 and 2. Two boroughs were disfranchised in 1832-67: Sudbury (1844) and St Albans (1852). Their seats were not reallocated to other constituencies until 1861, when, *inter alia*, the West Riding was split in two and received 2 more MPs.

² The twentieth one-member borough created in 1832 was in Wales - Merthyr Tydvill.

³ For more on county boroughs see p.132ff and Appendix 5.

landowners - most notably in the 5th Earl's support of the repeal of the corn laws - the spread of relatives and friends in posts in Yorkshire fits well with Melbourne's comment, "Damn the Whigs, they are all cousins."

Franchise type	Number in England	Yorkshire boroughs
Householder	10	None
Freeholder	4	None
Scot and Lot	39	Aldbrough, Malton, Pontefract
Freeman	91	Beverley, Hedon, Hull, York
Corporation	27	Scarborough
Burgage	32	Boroughbridge, Knaresborough, Northallerton, Richmond, Ripon, Thirsk
University	2	None

Table 1.1: Distribution of borough constituencies 1804-21¹

This diversity was also reflected in the constituency politics of the county. Relatively closed and quiescent boroughs like Aldbrough and Boroughbridge coexisted with the tumultuous politics of Hull and Beverley. The money-laden politics of Hull and Beverley in turn coexisted with the strident religious disputes that were regular features of Bradford, and occasionally county, politics.

I have not concentrated consistently on any particular constituencies within Yorkshire. Rather, depending on the topic involved and the evidence available, I take those which are most appropriate. The problem is one of a diversity of sources and electoral experiences; places that provide evidence for, and are enlightening examples of, one aspect of the electoral system, do not necessarily have appropriate evidence for others. This is not a matter of choosing examples to fit the argument, but rather constituencies with evidence helpful in considering one question do not necessarily have the evidence to consider different ones. Concentrating only on places that have a good overall level of evidence left in the archives would both run the risk of atypicality and would mean some parts of the argument having little evidence or appropriate examples. The existence of many poll books for a particular constituency indicates merely that it went to the polls more frequently than the average. Whilst technically impressive computer-aided analysis can do much with such a run of poll books, any results suffer from the fact that the very ability to produce them is stark evidence of their atypicality. Similarly, regarding different types of evidence, rather than concentrating on family papers, poll books or some other type of evidence *per se*, I have used those most appropriate for the points under examination.

¹ These dates were chosen as in 1804 Aylesbury changed its franchise type and Grampound was disfranchised in 1821. Appendix 1 contains more on franchise types.

1.3 Structure of the thesis

This thesis does not pretend to answer fully all the questions in the electoral arena of 1800-50. Rather, it concentrates on a few, presenting a context and building a framework on which other work can be hung. The framework is focused on the question of the electoral system's vitality. The use of "electoral" rather than "political" is deliberate as, although the two are inter-linked, it is the likes of elections rather than coalitions between factions of MPs, and voting systems rather than monarchical influence, that are dealt with herein.

In Dahl's terminology,¹ electoral vitality is a measure of a political system's inclusiveness or participative nature, whilst political vitality also includes the extent and importance of political competition. Electoral vitality is a blend of how many electors there were, how often they voted (or had the opportunity to vote) and what circumstances caused them to vote or not vote. The meanings and impact, or otherwise, of their votes is not central here, nor is the meaningfulness of the choice between different candidates. Those whom votes were cast for - candidates and MPs - are only considered in as much as they can throw further light onto electoral participation and vitality.

It is through the lens of vitality that the three problems outlined above - the impact of 1832, where the electoral system was going, and the determinants of participants' behaviour - are examined. The vitality of the system is not simply a matter of numbers. Thus, whilst Chapters 2 and 3 largely examine numbers, Chapters 4-6 concentrate on how people behaved: how effective were methods of influencing behaviour, why did people, especially MPs and candidates, participate and, finally, to what extent were electoral activities driven by electoral motivations, or were they subordinate to wider interests and concerns?

Chapter 2 examines the electorate of 1800-50. Whilst it shows that 1832 increased the electorate by about 40%, it then increased by another 40% by 1840, as conflicts within the political elite drove up registration levels. Even then, though, registration levels fell far short of 100%. Thus, whilst 1832 opened up the system, it also provided further opportunities which were only utilised when elite conflicts produced an eagerness to bring more people into the system, and even then many such opportunities were unrealised.

A similar picture emerges in Chapter 3, which examines turnout in 1800-50. Turnout was high before 1832, but subsequently declined. This was despite several aspects of 1832 that acted to increase turnout. Again, elite conflicts often led to electors being mobilised as allies, but those being mobilised were frequently reluctant, and became more so as time passed. Though more people voted, this too was a reflection of elite conflicts, which caused an increased number of polls.²

Emphasis on political elites in these Chapters does not extend to the question of party development. Whether two elites, in different constituencies but with the same broad political labels, should be considered

¹ R.A. Dahl, *Polyarchy: Participation and Opposition*, Yale University Press, London, 1971.

² *Polls* and *contests* have often been used interchangeably. I take them to be different. A *contest* is when there were more candidates than vacancies to fill, even if some of them withdrew before polling. A *poll* is when a poll occurred. An election without a poll could still involve much politics and campaigning, as shown by the virulent 1826 Yorkshire election. Such an election is an *unpolled contest*. Two articles on unpolled contests are P.D. Brett, "The Newcastle Election of 1830," *Northern History*, Volume 24, 1988 and D. Foster, "The Politics Of Uncontested Elections: North Lancashire 1832-1865". *Northern History*, Volume 13, 1977, though as his title shows he uses a different terminology.

as being parts of a unified party, or merely as ships passing in the night, is an interesting question, but not answerable within the limits of this thesis. One can leave its answer open, whilst still arguing for the importance of these elites within their constituencies, in registering and mobilising electors and in causing polls.

Chapters 4 and 5 examine possible impediments to vitality. Chapter 4 studies deference. In addition to looking at some of the more conventional aspects of this debate, attention is paid to the publication of poll books, the accuracy of canvassing and the possibility of a more complicated relationship that both involved landlords sometimes *following* the wishes of tenants, and sometimes having to pay a price to ensure that deferential behaviour occurred. The questions of both poll book publication and canvassing were important props to Moore's arguments, but I claim that his interpretations were too restrictive. The picture, rather, is of a complex phenomenon, with electoral behaviour determined by a multiplicity of motives, often not related to the electoral process and mixed in with questions of local tradition and heritage. The confusion over the 1832 urban penetration clauses shows both how, even if they had wanted to, it was not possible for politicians to pursue only a deference-inspired course, and also the levels of muddle and diversity even within political elites.

Chapter 5 examines corruption, arguing that it has been over-rated as an impediment to vitality. Indeed, on occasion corruption *increased* it, particularly with the creation of freemen. Again vitality was driven by conflicts within the electoral elite, as much as by 1832 itself. Further, the methods of corruption often had other benefits, such as making electors richer without influencing their votes. Behind corruption lay a multiplicity of motives and local traditions.

In Chapter 6 some of the participants in the electoral process are examined - candidates and MPs. The picture is of an electoral elite, but one open to youth, talent and money. The system itself contained sufficient confusion and amateurism to provide scope for individuals to force their way in, and make a difference. Many MPs, however, had motivations other than those of aspiring Cabinet ministers, and were relatively immune to electoral pressure. It is a picture of vitality, mixed motivations and local traditions.

2. The Electorate c.1800-50

2.1 Introduction

Discussion of the electoral system's openness, its degree of popular involvement and other aspects of its vitality relies, in part, on the electorate's size. This is a basis for calculations regarding turnout, registration and the numbers voting. Yet the size of the English electorate in 1800-50 has been somewhat neglected.¹ This neglect of the electorate, especially its size, by Namier and many subsequent historians, has recently been tackled by O'Gorman, who commented:

It is surprising how *little* the electorate figures in Namier's work, which is, after all, a portrait of how the local oligarchy controlled the political system. It is significant that almost all his research on constituencies concentrated upon small and anachronistic strongholds of electoral malpractice.²

The conventional picture has been of a big increase in the electorate after 1832, an increase that was moreover caused by the 1832 legislation. But, there are problems with this picture. The electoral system was not as closed, and as limited in numbers involved, as may appear. This is not only because the interpretation put on the electorate's size is misleading, but also because the numbers and evidence are often erroneous. First, the size of the electorate should not be taken out of context. The number of people involved in, and the health of, electoral systems do not necessarily go together. Assuming that the electoral process rather than the end product is paramount seriously skews historical works by assuming the traditional Tory emphasis on stability and results (rather than process) to be wrong. As Vattel argued,

All legitimate authors who have written on the constitution of government invariably hold that when a government is settled and established - the great desideratum in a state - and it fulfils the ends and purposes of its institution, nothing can justify an alteration in the slightest part of its constitution.³

Whilst the electorate's size is of interest, judging the system overwhelmingly by the size of the electorate is an approach many contemporaries did not take.

Further, the openness of an electoral system is not solely dependent on the electorate's size. Other factors, like the number of contests, restrictions on who can stand and the ease of voting, also affect it. A system of universal suffrage in a one-party state would demonstrate the limits of merely looking at the electorate's size. Indeed, as Chapter 3 shows (p.108), changes in the number of people who actually voted in general elections were not only caused by changes in the electorate's size. Changes in the number of constituencies that went to the poll also had important effects.

Second, not all constituencies were like Old Sarum or Dunwich; the vast majority covered places that had stonework other than ruins, and were not in the sea. It is hard to square the mammoth 1807 Yorkshire election, or boroughs like York and Hull with sizeable and lively electorates, with the stereotypical rotten system. Even small burgh boroughs that appear ripe for mockery, like Knaresborough, often, under

¹ For example, in R.G. Thorne, *The History of Parliament: The House of Commons 1790-1820*, Secker and Warburg, London, 1986 the individual constituency sections contain estimates of their electorates, but very little is said about them, and the figures are not aggregated to provide national statistics.

² O'Gorman, *Voters, Patrons and Parties*, p.2 n2.

³ Porritts, *House Of Commons*, Volume 1, p.88.

closer examination, appear rather different. In this case burgages only granted votes if buildings were in good condition.¹ No piles of stones granted votes here. Similarly, though the burgage borough of Richmond had many non-resident electors, this was not due to electoral manipulation. Rather, burgage houses were bought by farmers to avoid corn tolls.² Also, burgages that had been divided or demolished did not grant a vote.³

Third, people without votes could still influence the outcome. At the most extreme, a mob of unenfranchised people could block or intimidate someone with a vote. Indicative of this is the electoral propaganda that was either aimed at, or came from, non-electors.⁴

Fourth, increases in the electorate after 1832 should not necessarily be directly attributed to the impact of the 1832 legislation. Constituency activity in the 1830s, and the Anti-Corn Law League in the 1840s, did much to increase the total number of entries on registers, as seen below. Whilst the 1832 legislation, with its encouragement to political organisation in its registration clauses, may have been partly responsible for this, there were other forces at work. In particular, there was an important role for conflicts within political elites in making the possibilities offered by the 1832 legislation be (at least partially) fulfilled.

There are major problems with the statistical evidence regarding the electorate. Primary evidence, such as poll books, Parliamentary returns and election results handbooks, usually suffers from one, or both, of two recurrent difficulties. First, the survival rates of documents like poll books and electoral registers are patchy. Second, the evidence often contains errors. In Parliamentary returns and papers, a fruitful but under-used source of information on almost every aspect of the system, there is the particular difficulty that requests for information were often poorly and/or ambiguously worded. There are many traps for the unwary, but it is this that makes a detailed study of one county productive. Using an eclectic range of sources often allows comparisons to be made that highlight errors, and estimates to be made to fill gaps. The need for care and detail is reflected in the frequently inconsistent evidence quoted by historians (illustrated by the range of figures in Table 2.1). Another example of the careless use of numbers is that of the size of the electorate of Gatton, a scot and lot borough and favourite example of a decayed, unreformed borough that is easy to ridicule. Depending on whom you read, it either had two voters or six voters or seven voters, with no evidence or dates for these figures being produced.⁵

Confusion also often arises when the phrases “electorate” and “voters” are used without it being made clear what they mean, or even used interchangeably. In fact they can mean very different things. “Electorate” is often (apparently) used as a collective noun for voters, despite there being a legitimate

¹ MD 6798/1-6, p.6, Sheffield Archives.

² *A Return Of the Number of Resident Electors in each of the Boroughs named in Schedule (B.) of the Reform of Parliament (England) Bill, 1831 (134) XVI.*

³ R.T. Fieldhouse, “Parliamentary Representation In The Borough Of Richmond,” *Yorkshire Archaeological Journal*, Volume 44, 1972, p.208.

⁴ E.g. an 1847 Bradford election poster titled, “To The Electors Of Bradford, In Behalf Of the Non-Electors”: DB13 c35, Bradford Archives. This matter is considered further on p.152152.

⁵ J.A. Phillips, “The Structure of Electoral Politics in Unreformed England,” *Journal of British Studies*, Volume 19 Number 1, 1979, p.100, D.G. Wright, *Democracy and Reform 1815-1885*, Longman, Harlow, 1970, p.7 and E.J. Evans, *The Great Reform Act of 1832*, Routledge, London, 1983, p.4.

distinction between the two. I use *voters* to mean those who actually voted in an election, whilst the *electorate* is those who were qualified to vote at an election. As turnout was normally under, sometimes far under, 100% these two groups are far from identical.¹

After 1832 an additional complication was that not all those who could have registered did. Though formal electoral registers did not exist before 1832, the pre-1832 situation was similar in some constituencies. For example, in freemen boroughs there may have been people who met the necessary qualifications to be freemen, but had not got themselves enrolled, and hence could not vote. So, there is a group, the *potential electorate*, who met all the qualifications, except for being on the required register and doing those things immediately linked with being on the register.

Section 2.2 examines, and estimates, the pre-1832 electorate's size. The estimate is relatively large, larger even than O'Gorman's estimate (which in turn was substantially larger than the previously popular estimate of Cannon). Section 2.3 examines freemen boroughs in the years up to 1832 more closely, and show how a common accusation - that of corrupt freemen creations - does not stand up. Section 2.4 examines the electorate after 1832. A clear increase was caused by the 1832 legislation. However, the legislation made possible an even bigger increase, and it was only as electoral elites fought each other that more of the potential was taken up. The overall picture is one of vitality, but vitality often dependent on elites looking for allies in their disputes, rather than vitality being driven by popular enthusiasm. Indeed, it is a vitality that often waned quickly in the absence of such disputes.

2.2 Size of the electorate 1800-32

For a few constituencies, for a few (usually non-consecutive) years, the size of the electorate is known. From these constituencies typical turnout levels can be ascertained, and applied to other constituencies where only the number voting is known, to estimate those constituencies' electorates. This approach, with a few tweaks, allows the national electorate to be estimated.

For a long time the standard estimate of the 1831 electorate was Cannon's. He provides figures for the highest number of voters (for the period 1800-31) in each constituency.² For counties, and making some adjustments for counties that had no poll in 1800-31, this totals 188,250. He claims these figures are unlikely to exclude many freeholders as, "most of the polls continued ten or fifteen days," and hence turnout would have been nearly 100%. This, though, is a very narrow assumption about why people might not have voted. Moreover, he assumes that not many members of the electorate did not vote (hence he uses highest poll figures), and then argues that estimates of the electorate's size are unreliable as they require, *inter alia*, a guess as to the number that did not vote, though he has just claimed this number was insignificant! Cannon's English borough figure of 156,000 is an average of the sum of the highest poll in each constituency since

¹ An example of the confusion created when "voters" and "electorates" are muddled is on p.105.

² There are some constituencies which had no polls in this period. Numbers for these can be derived by consulting with, and guessing from, wider evidence: see J.A. Cannon, *Parliamentary Reform 1640-1832*, Cambridge University Press, Cambridge, 1973, p.290-1.

1800 (with estimates also used where necessary) - 145,000 - and estimates made by Returning Officers in 1831 - 167,829.¹

For these figures to be reasonable estimates of the electorate not only requires that the highest poll in each county was accompanied by 100% turnout, but also that Cannon's averaging of the borough numbers coincidentally implies the right borough turnout level.² Therefore, instead I employ my turnout calculations

¹ He distrusts the Returning Officer's estimates, pointing out that in 1831 there was an incentive to inflate figures in an effort to save constituencies from the reforming axe. He gives three examples of why such distrust is warranted: Cannon, *Parliamentary Reform*, p.290-2. However, these cases are not straightforward.

In Berwick the Returning Officer estimated an electorate of 1135, with the maximum number of votes cast having (probably) been the 860 of 1826. Cannon finds the difference between 860 and 1135 sufficiently large to believe the 1135 was an exaggeration. Yet, it implies a turnout of 75%, compared to an average freeman borough turnout of 81% (see p.78). This is not unreasonably low.

For Wareham Cannon dismissed the professed electorate of 338, stating that, "the previous highest poll was said to be 20" (sic): *Parliamentary Reform*, p.290. This is wrong. Wareham polled twice in 1715-1832. In 1734 559 votes were cast and in 1747 938 votes were cast: L. Namier and J. Brooke, *The House Of Commons 1754-1790*, H.M.S.O., London, 1964, Volume 1, p.237. Even assuming there were no plumpers, this means comfortably over 250 and 450 voters respectively. In reality, with some plumping, there would have been even more voters. Indeed, the source Cannon apparently cites states, "The number of Votes polled at the contested Election in 1772 was upwards of 700. The present number of Voters at this time is 338,": *A Return of the Number of Voters Polled at the last contested Election for every Borough now returning Members to Parliament, and the probable Number of Voters at this time;- also, A Return of the Number of Freemen in every Corporate Town which now returns Members to Parliament, whether the Right of Voting be in the Freemen or not;- also, A Return of the Number of Persons admitted to their Freedom in those Cities and Boroughs in England which send Members to Parliament in each Year, since 1800 to the present time;- also, the Amount of Fee raised upon every admission, and how appropriated:- so far as the same Returns can be obtained, 1831-2 (112) XXXVI*, p.106. Thus, the claim of an electorate of 338 is reasonable. Further, had one wished to exaggerate the electorate's size, the higher number of voters at previous elections would have provided a convenient cover.

Malton is more complicated. Its highest poll had been 456 in 1807. The Returning Officer's claim in 1831-2 (92) XXXVI (*A Return from all the Boroughs (120) enumerated in the Paper (II) ordered to be printed on the 15th of December, of the following Particulars: the Parish in which such Place may be wholly or partly situate, the Amount of Population, and the Number of Houses, in each Parish, and each present Borough, and each proposed Borough respectively, according to the Census of 1821 and 1831; distinguishing the Number of Houses rated under £10, or at and above £10, Annual Value; with the estimated Extent in Acres of every such Parish, Borough, or proposed Borough, distinguishing in Boroughs the parts built from those not built on; together with the present Number of Electors in the present Borough, and a Summary of what the Returning Officer considers the Right of Voting for such Boroughs;- so far as the said Particulars can be furnished by the Returning Officers*) that the electorate was 809 is on the unsustainable side of high. However, another return - *A Statement of the Number of Houses, in each City, Borough, and Town in England and Wales sending Members to Parliament, and the greatest Number of Electors polled at any Election within the same at any period during the last Thirty Years, so far as the same can be ascertained from the Returning Officers, 1830-1 (204) X* - estimates Malton's electorate at 625. This compares with an electorate in 1807 of 500: E.A. Smith, "Earl Fitzwilliam and Malton: a Proprietary Borough in the Early Nineteenth Century," *English Historical Review*, Volume 80, 1965. An increase of 20% since 1807 is credible as the number of houses in Malton increased by 28% in 1801-31: cf Smith, "Fitzwilliam and Malton," p.53 and 1830-1 (204) X. Now, 625 is certainly less than 809 but it is also rather more than 456. Thus, whilst Cannon is right to dismiss the 809 figure, it does not follow that 456 is a reasonable estimate for the electorate; 625 is plausible.

As can be seen from the Yorkshire constituencies in Appendix 9 some claims as to electorate size made in 1830-1 were high, but they were a minority. In Yorkshire only Pontefract and Malton have such dubious claims. And, against them, must be held the claims for Ripon's electorate in 1831-2 (126) XXXVI (*A Return from all the Boroughs (120) enumerated in the Paper (II) ordered to be printed on the 15th of December, of the following Particulars: the Parish in which such Place may be wholly or partly situate, the Amount of Population, and the Number of Houses, in each Parish, and each present Borough, and each proposed Borough respectively, according to the Census of 1821 and 1831; distinguishing the Number of Houses rated under £10, or at and above £10, Annual Value; with the estimated Extent in Acres of every such Parish, Borough, or proposed Borough, distinguishing in Boroughs the parts built from those not built on; together with the present Number of Electors in the present Borough, and a Summary of what the Returning Officer considers the Right of Voting for such Boroughs;- so far as the said Particulars can be furnished by the Returning Officers: Boroughs of Bletchingley and Ripon*) and Knaresborough's highest poll since 1800 in 1830-1 (204) X, both of which are clearly large underestimates. By no means were all the opportunities to exaggerate taken.

² Cannon did not give turnout as his reason for his averaging, but the averaging may have accidentally given the right answer.

from Chapter 3 (p.78-79) to move from statistics for the number of voters, based on the known highest polls in constituencies in 1800-31, to estimating actual electorates. One could object that my turnout figures are for average turnout, whilst turnout would have been higher than average in one of these polls. I do not find this convincing for four reasons. First, some polls are the highest poll by virtue of being the only poll in the period, rather than being the highest amongst several; in these circumstances there is no reason to believe that turnout would have been abnormally high. Second, some polls are the highest polls by virtue of the only other polls being abnormally low, as when a candidate withdrew during polling; the same argument as for the first point applies. Third, when a constituency had several polls it is only occasionally that one poll saw many more voters than the others. Fourth, my turnout figures (77% in counties and 78% in boroughs) may be a little high anyway (p.78).

The calculation goes as follows. For boroughs and counties I take Cannon's figures for the total of the highest poll in each constituency (with his adjustments for constituencies without any polls in the period).¹ This means I use his borough figure of 145,000, rather than his 156,000 final borough figure. This is in contrast to O'Gorman, who used the latter figure in his estimation of the 1831 electorate. I prefer to use the 145,000 as otherwise one is effectively adjusting for turnout twice as Cannon effectively adjusted for turnout in reaching his 156,000 number, by averaging his *voters* figures with the Returning Officers' *electorate* estimates.

Thus, we get the English electorate in 1831 to be: $(188,250 / 0.77) + (145,000 / 0.78) = 430,000$.² It is unclear how this corresponds to O'Gorman's estimate. He only gives combined figures for England and Wales,³ and some of his explanatory text is obscure.⁴ However, assuming that he made proportionately the same adjustment to Cannon's figures for Wales and England, then his English electorate figure would be 413,100.⁵

My figure, then, is somewhat larger than O'Gorman's, which has replaced Cannon's as the standard estimate. Given the margins of error involved one should not take exact figures too seriously but it is clear

¹ Cannon, *Parliamentary Reform*, p.290-2.

² I only give this figure to three significant figures as, given the margins of error involved, pretending to any greater accuracy is meaningless.

³ O'Gorman, *Voters, Patrons and Parties*, p.179.

⁴ Lambert's estimate for the total English and Welsh electorate was 435,391: "Parliamentary Franchises." (Note, though, that it would appear that he simply lifted this number from Franquet De Franqueville, *Le Gouvernement Et Le Parlement Britanniques*, Paris, 1887 who gives an identical number as his estimate of the English and Welsh electorates. Indeed, Lambert cites this work. De Franqueville ascribes the number to "a statement, prepared for the government during the discussion of the law of 1885 and never published." It is unlikely this unpublished paper contains evidence of much use as, for example, when an estimate of the 1815 electorate was required for *A Return of the Number of Electors in all the Cities and Parliamentary Boroughs in England and Wales, in the Years 1815, 1830, 1832-3 and 1859-60, with the Total Number in each Year, and showing, for the two latter Periods, the Comparative Increase or Diminution, and the Number of Members; also, the Qualification in each City and Borough prior to the passing of the Reform Bill, 1860* (129) LV numbers were simply taken from Oldfield).

O'Gorman quotes the 435,391 figure but describes it as being Lambert's estimate for English boroughs (only), rather than the total English and Welsh electorate: *Voters, Patrons and Parties*, p.180. He then adds 20,000 for Welsh boroughs "like Cannon." In fact, Cannon added 22,000 for the Welsh county and borough electorate, neither of which does he think individually equalled 20,000. Further, O'Gorman calls this sum the total electorate for England and Wales, despite having including nothing for the English and Welsh counties' electorate.

⁵ For England and Wales O'Gorman starts with Cannon's 366,000 and ends up with 439,200, an increase of 20%. Assuming he increased Cannon's individual figures for England and Wales each by 20%, this gives an English figure of 344,250 plus 20%, i.e. 413,100.

that O’Gorman’s figure was an under-estimate. For example, adding one percentage point to my turnout estimates would reduce my electorate estimate to 425,000, a number still above O’Gorman’s estimate. Further, my figure is still somewhat of an underestimate of the true picture: as the electorate was growing in 1800-31, and some of the estimates for 1831 are based on poll figures from before 1831, these estimates will be under-estimates.

The potential electorate would have been even higher than 430,000. In counties voting rested with 40/- freeholders,¹ who had, within the previous six months been assessed or charged for the land tax, with exceptions for redeemed and exempted land.² But not all land was assessed, exempted or redeemed. If a freeholder did not fall into any of these categories and wished to vote they not only had to make an extra effort, but they also risked incurring extra taxes. Hence, for example, in the late 1820s many Manchester freeholders did not have the vote.³ Not all the land that should have been assessed was, both due to the usual problems of variable local officials, and also because there was little incentive to keep up to date with parcels of land that only had a small (potential) land tax yield. This problem was exacerbated by towns like Manchester being assessed at a relatively small quota, so those who were paying did not have any strong incentive to push for a fuller assessment.⁴ Matters were further confused when holdings of redeemed, exempted or land-tax free land were sold on, divided up or merged with other holdings, processes with which land tax records did not keep up.⁵ Thus, land tax assessment lists were not *de facto* electoral registers, though sometimes they were used as such.⁶ In 1827 a Commons committee recommended the creation of county electoral registers as, *inter alia*,

The Land Tax Assessment, which is the only legal List of Freeholders at present existing, has been a very defective criterion since the redemption of the Land Tax was permitted by law; and this imperfection of the Land Tax was permitted by law; and this imperfection is increasing every year, by fresh property being exempted, and by the sale and division of property, on which the Land Tax has been already redeemed.⁷

¹ That is, those with a freehold of a clear annual value of at least 40/-. This was set by 8 Hen.VI c.7 (1429). It did not disturb the residency requirement, for voters and MPs, that had appeared in 1 Hen.V c.1 (1413). 10 Hen.VI c.2 (1432) removed an anomaly in the 1429 act, which permitted someone resident in a county to vote, even though their 40/- freehold was located in another county. From 1432 the freehold had to be situated in the county someone voted in. The residence requirements were repealed by 14 Geo. III c.58 (1774), though the residence requirements for county voters had long fallen into disuse: E. Porritt, “Barriers Against Democracy In The British Electoral System,” *Political Science Quarterly*, Volume 26 Number 1, 1911, p.2-3.

² A law of 1802 (42 Geo.III c.116) allowed redeemed land to grant votes. It was clarified in 1811 (51 Geo.III c.99).

³ M. Brock, *The Great Reform Act*, Hutchinson, London, 1973, p.30.

⁴ Some other problems with the land tax are not a matter of concern in the electoral field. Acts of 1693 and 1798 made people whose estates were valued at less than £1 annual value exempt. However, as 40/- equals £2, only a trivial number of, if not no, people were exempt from the land tax on the basis of value and still managed to sneak in a county vote. Similarly, another problem with the land tax returns - the lumping together of small properties - is unlikely to have led to many potential county electors being omitted from the returns.

⁵ Some freeholds were created free of land tax (i.e. the owner of the principal estate retained responsibility for paying the land tax). But, as years passed, land changed hands and holdings merged and split it became increasingly difficult to prove that a freeholder whose freehold was not paying land tax was a freeholder such as this, as opposed to one who had simply never been assessed for the land tax. The electoral significance was that whilst the former type of freehold could grant a vote, the latter could not.

⁶ E.g. E.A. Smith, “The Yorkshire Elections Of 1806 And 1807,” *Northern History*, Volume 2, 1967, p.75. Further, an act of 1780 required the Clerk of the Peace, or a deputy, to have copies of land tax assessments at county polls to help resolve disputes.

⁷ *Report From The Select Committee on County Election Polls, 1826-7* (349) IV, p.2.

As in counties, there were people in boroughs who could have joined the electorate, but did not. As the next Section shows this is crucial to understanding what went on in freemen boroughs. More generally, though, the evidence is not available to estimate the potential electorate.

2.3 Freemen

Freemen boroughs elected nearly half the English borough MPs before 1832. Supporters of reform frequently alleged, and this allegation has seeped into the historiography, that in freemen boroughs corporations could, and did, manage the creation of freemen so as to influence the result of elections.

Freemen could be created by four methods - by virtue of birth, marriage, by apprenticeship or by order.¹ Boroughs varied as to which methods they allowed. Allegations were most commonly made against creations by order. This complaint was reflected in two statutes. The Durham act allowed freemen created by order to vote only if they had been freemen for at least twelve months before the election.² After 1832 freemen created in the future by apprenticeship or birth could still gain the vote in freemen boroughs, but freemen created by order could not.³ One of the more extreme claims was that of Veitch, who wrote,

Whenever ... an election seemed likely to go against the wishes of the majority of the governing corporation, it was always possible to turn a minority into a majority by creating enough freemen of the right political colour to make up the deficiency.⁴

This claim falls within a well-worn historiographical tradition. It is, even in its own terms, somewhat paradoxical. If this happened frequently, it implies there were many occasions on which local elites faced electoral defeat, which does not fit the general picture of a decayed and closed system that Veitch and similar historians drew. If it did not happen frequently, then it is not a great criticism of the system.

What has been lacking so far is a close examination of the statistical record. Clear *prima facie* evidence exists for a large increase in freemen creations just before elections, as the investigations into municipal corporations in the 1830s found. However, the matter becomes more complex on closer examination. Did such increases really occur? If they did, were they indicative of an electoral elite manufacturing a malleable electorate to suit its ends? Was what happened "bad"?

An analysis of freemen creations is possible due to a Parliamentary Paper containing information on freemen creations in freemen boroughs in 1800-31.⁵ Years with polls saw substantially more freemen created

¹ I use *by order* to include other methods like "by purchase," "by grant" and "honorary." They all share an essential common feature: a person could become a freeman by one of these methods without requiring an additional qualification, in contrast, to, for example creation by birth, where having the right parents was required. "Servitude" is sometimes used instead of "apprenticeship," and "patrimony" instead of "by birth."

² 3 Geo.III c.15 (1763), which was named after an infamous Durham election where the corporation created over 200 honorary freemen. London and Norwich were excluded from its provisions. This act, by requiring Returning Officers to keep records of those entitled to vote, probably contains the first statutory electoral registration requirements. Bills were (unsuccessfully) introduced in 1785 and 1786 to inaugurate county electoral registers. They were briefly introduced in 1788-9 (following 28 Geo.III c.36), but soon were abandoned in the face of administrative costs and difficulties.

³ 2 Will.IV c.45, clause 32.

⁴ G.S. Veitch, *The Genesis of Parliamentary Reform*, with introduction by R. Muir, Constable, London, 1913, p.6. Others examples are Porritts, *House Of Commons*, Volume 1, p.65-8 and Seymour, *Electoral Reform*, p.34. An excellent introduction as to why scepticism is justified is Phillips, "Electoral Politics," p.96-7.

⁵ 1831-2 (112) XXXVI. I have used figures for 66 freemen boroughs, plus 1 householder and 6 scot and lot boroughs where freemen could vote, all of which had at least one poll in 1800-31. H.S. Smith, *The Parliaments of England From*

(continued)

than other years: on average 463% more freemen were created in a constituency in a year with a poll than other years.¹ However, as Phillips pointed out, “an impending election is a motivating influence that can be expected to expand the electorate if it can be expanded; corruption need not be involved.”²

Given the Durham Act, freemen creations by order had to occur at least twelve months before a poll for the new freemen to have been able to vote. There are only a few examples of significantly above average numbers of freemen created in a calendar year before a poll occur. Further, in many of these cases the poll occurred early in the next calendar year, so less than twelve months would have expired since the creations of most of these freemen. Thus, it is unlikely that these peaks were caused by nefarious creation of freemen by order.

This is confirmed by those boroughs where freemen creation figures are broken down by type. The fluctuations in freemen creations in years of polls was caused by increases in the numbers created by birth or apprenticeship. In other words, people who could have been freemen often did not take up the opportunity until an election came along to prod them into action. There were several reasons for someone not becoming a freeman even if able to. First, they may have been living in a different part of the country, or even practising their trade in one of those parts of the City that lay outside the corporation’s jurisdiction. Second, becoming a freeman cost money. Third, participating in corporations’ affairs, even simply by being a freeman, could result in someone being lobbied, pressured or even appointed to an unwanted office, avoidance of serving in which might require a fine to be paid.³

Thus, the picture is not one of the creation of malleable electorates for electoral elites to manipulate, but rather of the interest and generosity generated by elections persuading people to become freemen. Sometimes candidates paid their fees for them.⁴ However, even if freemen’s fees were paid by others, and even if they were attracted largely by the possibility of receiving largesse from candidates in financial and edible form, it is not clear this was “bad.” It resulted in more people being brought into the electoral system, with financial help from the richer part of society. Further, these people were not just anybody; they were people who all met other requirements (such as having a freeman father or having been apprenticed to a freeman). The surge in freemen creations was no more “corrupt” than modern politicians going around with electoral registration forms and signing people up to the electoral register. This system may also have aided social stability, by drawing into the electoral system a wider social spectrum than would otherwise have been

(..continued)

1715 to 1847, compilation of 3 volumes published 1844-50, Political Reference Publications, Chichester, 1973 is my source for whether polls occurred. I have adjusted the years in which Bristol is tagged as having a poll to allow for its figures not being for calendar years, but the twelve months commencing 29 September. No allowance has been made for unpolled contests. For example, the large number of freemen created in Newcastle in 1830 was due to the fierce electoral contest there that year; a contest, however, which was resolved without a poll. Although it would be nice to make such an allowance the amount of research required - there are no convenient lists of contests that did not result in polls - was not practicable. The figures from York come from my own tally of the records (D4, 5 and 25, York City Archives). There are no numbers for Maldon 1800-09 as its charter was only restored in 1810. This (and possibly interest in controlling the new corporation) probably explains the large numbers of freemen created in 1810 and 1811, which I have therefore excluded from my calculations on the number of freemen created in typical non-poll years. Data saved as *fmcre.mtp* and *fmcre2.mtp*.

¹ In only four constituencies is the mean for poll years smaller than that for non-poll years.

² Phillips, “Electoral Politics,” p.96.

³ For some York examples see A.J. Peacock, *York In The Age Of Reform*, York DPhil, 1973, p.25.

⁴ For example see p.153.

the case. Large freemen boroughs like York often were relatively quiet, or at least had peaceful working-class politics.¹

The overall impact, in terms of increasing the size of the electorate, was noticeable. A meaningful estimate is hard to make given that larger freemen boroughs, with larger annual freemen creations on average, were also more likely to poll. The total difference between constituency means for years with and without polls is 7508. Assuming that at a typical general election around 40% of freemen boroughs polled (as implied by Appendix 1), this would mean about 3,000 electors being added at each general election, probably more given the greater penchant of larger freemen boroughs for polling. This is equivalent to adding roughly the size of York's electorate to the English electorate at each general election; a noticeable, though not mould-breaking, increase.

2.4 The reformed system

2.4.1 Introduction

The electoral system's vitality before 1831 was reflected in the electorate's size, which was often increased by electoral contests, precipitated by conflicts within political elites. I now turn to the impact of 1832, and whether a similar picture existed into the mid-century. The first question is: what did 1832 do to the electorate's size? The usual comparison has been that of the 1831 electorate with the electoral register totals for 1832.² However, this comparison falls down in several ways.³

2.4.2 Multiple entries and multiple electors

People could be entered more than once on an electoral register for a particular constituency. If a register were divided into different townships or parishes, and a person had qualifying property in more than one, he was often entered more than once. Similarly, if someone qualified in a borough under both the £10er and the ancient right franchises his name might be down more than once. The number of such *multiple entries* could vary greatly from one year to another. This could so produce misleading trends in electoral register totals, as in Beverley where the number of multiple entries was 2 in 1836 (1062 register entries) and 219 in 1839 (1273 entries).⁴ So, although the register total increased in 1836-9 by 211, the number of *individuals* on the register *declined* by 6 (from 1060 to 1054). The occurrence of borough multiple entries was increased by the fact that freemen lists were assembled by town clerks, whilst the rest of the registers were done by overseers. There was also an incentive to have multiple entries. The more entries a person had

¹ For a different explanation of the lack of violence in Coventry Chartism - another large freeman borough - see P. Searby, "Chartists and freemen in Coventry, 1838-1860," *Social History (Hull)*, Volume 2, 1977. He stresses the importance of lavish charities and how being a freeman divided freemen from other Chartist supporters.

² Electoral registers were in force for twelve months, running from 1 November (later 1 December), and so cut across two calendar years. I refer to registers by the year they came into force. For example, the electoral registers that ran from 1 November 1836 to 31 October 1837 I call 1836 registers. Many others either do not follow this scheme, or are inconsistent, so care must be taken in comparing my figures to others.

³ Also, there is the problem that different sources give different figures for the total size of the electoral registers in 1832.

⁴ Figures from Appendix 9. Multiple entries have been referred to by historians as "double entries" and were often referred to by contemporaries as "joint qualifications." However, on some occasions people were on registers three, or even more, times and "joint qualifications" is easy to confuse with qualifications based on property jointly held by more than one person. Thus, I have coined the phrase *multiple entries*.

on a register, the more likely it was he would be able to vote: a successful objection against one entry did not automatically invalidate the others.¹ Further, the same person might be registered in more than one constituency; such people I term *multiple electors*.²

2.4.3 Administrative difficulties

There was a sharp rise in numbers on registers in the 1830s (p.63-71). It is too sharp to be attributed to rises in population and wealth, and often occurred in the wrong areas for such an explanation, such as those with falling population.³ Rather, whilst the 1832 legislation provided opportunities to join the electorate, many people did not utilise them immediately. This is unsurprising given that traditionally a qualified person could simply turn up and vote, without any need to have registered beforehand. This habit did not die overnight. As the *Edinburgh Review* commented, people “have always voted without being registered and did not see why they should have anything of the kind to do now.”⁴ Additionally, the system was neither clear nor simple to operate - witness the proliferation of registration advice in the press and published manuals - and there was no prospect of a general election in the near future after 1832, so it is unsurprising that not everyone who could get on the register did so at the first possible occasion.⁵

There is a sharp contrast between the design of the registration machinery, drawn up in expectation of many applications from those who were not qualified, and the reality of many who were qualified not applying. The level of enthusiasm for participation in the system was less than expected, but even then the administration often could not cope. An 1843 Commons committee concluded,

From ignorance and inattention, the Parish Registers of Electors have been, in many cases, most incorrectly, and in others not at all made out ... many instances have occurred of great neglect or wilful misconduct ... Frauds of the grossest description were committed by interested agents and by overseers of the poor, and by persons connected with them ... which never came to the knowledge of the Revising Barristers.⁶

Administrative difficulties could increase, as well as depress, electoral registers' sizes. Confusion sometimes resulted from the use of old registers as the basis for compiling a new one. In boroughs a person had to make a new claim each year, even if he was already registered and his qualification had not changed from the previous year. The overseers were meant to compile a new list each year, though, not unreasonably, often relied heavily on the old list. It is not obvious that they were efficient at removing entries for people who had

¹ This could be an objection either at the time of register compilation, or when the person attempted to poll. An objection that someone had received poor relief would, if upheld, stop someone from voting regardless of the number of their entries. However, an objection such as that a piece of property was inaccurately described would only apply to an entry relevant to it.

² “Plural voters” has occasionally been used to mean the same thing, but as it has also been used to mean other things I have coined the phrase *multiple electors*.

³ Moore found no overall correlation between changes in population and changes in number of register entries: *Politics of Deference*, p.250-1.

⁴ Seymour, *Electoral Reform*, p.116.

⁵ There is a further short-term technical reason that was popular with some contemporaries: there was little time between the England and Wales reform bill receiving royal assent and the deadline by which taxes had to be paid in order to be able to register.

⁶ *Report from the Select Committee on Election Expenses; With the Minutes of Evidence and an Appendix, Government, Elections*, Volume 1, 1834 (591) IX, p.xvi-xvii.

moved, died or whatever.¹ The lists also suffered from sometimes being made by unthinkingly copying out the occupiers' column from rate books.² Boroughs suffered further from the lack of provisions in the 1832 legislation for defraying the costs of drawing up freemen lists.³ In counties once someone was on the register, he could stay there without any further actions for ever. He need only take further action if the nature of his qualification changed or was challenged. This meant that each year a large part of the previous register was simply rolled over in counties; this was a method likely to produce an accumulation of out-of-date entries. With the lack of public enthusiasm for participating in the registration process the system was not a recipe for accurate registers, and meant that registration, though nominally done by local officials, in practice was on occasions largely a matter for political organisations to sort out.

Recycling old registers meant there could be one, or even more, defunct entries for a person on a register. As well as providing problems for calculating the size of the electorate, this also provided an opportunity for fraud or personation. Suppose someone moved from one polling district to another, and was registered for both polling districts. As polling for the different districts took place at different booths, if not different places, this meant that even if officials were aware of a person having duplicate entries, it was difficult to stop votes being cast for both entries - how, in an age without telephones, could officials conveniently check when someone came to vote under that name at one booth whether someone had voted under that name in the other? Conversely, at Beverley in 1847 there were three occasions on which someone voted at the wrong booth, and then when people with similar names later appeared at that booth to vote they were refused as the officials believed they had already voted.⁴

Although simpler in intent than the previous electoral system, that ushered in by 1832 was in many ways more complicated, with more idiosyncrasies. This needs stressing as it has been common for historians to make comments like,

The framers of the Reform Bills ... substituted a rational uniformity for the chaotic and arbitrary diversity which had prevailed in the past.⁵

The new system was non-uniform both because property values varied around the country, and also because there were sufficient grey areas for the different practices in different places of officials to make for effectively different franchises. This was a cause of the lack of simplicity of the new system. Whilst for historians it is simpler to, for example, write of a uniform £10 franchise than of the variety of pre-1832 franchises, it was often the case within any individual constituency that the new franchise was more complicated. This was not merely because of the large grey areas, but also because it took time for new local precedents and practices to be generated. Their presence before 1832 had often made the "complicated" and "diverse" earlier franchises clear-cut. Where there were matters of genuine dispute, they had often been

¹ Or even efficient at anything. Many overseers were "very illiterate and uninformed persons": 1834 (591) IX, p.25.

² This problem was sharply brought to my attention when I attempted to locate York electors registered as £10ers in the 1830s in York rate books. Frequently as many as 20-30% of them were not in the rate books for the properties they had qualified for. A significant part of this is explained by the failure of rate books to list every occupier of a property.

³ However, many municipal officers (illegally) claimed sums for their part in the registration process: 1834 (591) IX.

⁴ Beverley 1847 poll book.

⁵ A.S. Turberville and F. Beckwith, "Leeds and Parliamentary Reform, 1820-1832," *Thoresby Miscellany*, Volume 12, 1954, p.45.

settled by the House of Commons, which had the final say.¹ Further, the old franchises were not abolished outright, but curtailed; thus, a new, complicated franchise not merely created its own problems, but had to run in tandem with a different franchise system in constituencies, except for the boroughs newly created in 1832 where there were no ancient righters.

In counties, the 1832 legislation added three new headings under which people could qualify, and while there were many types of freehold pre-1832 they were normally well known and resulted in little litigation.² The legislation of 1832 did little to simplify the question of what was, or was not, a freehold. Indeed, probably the most widespread dispute - over whether dissenting ministers could count their salary as a freehold - occurred after 1832.³ More dramatic circumventions of the spirit of the law, as with claiming a vote in respect of a freehold share in a cemetery or a bridge, were also of increasing popularity *after* 1832. Other, more subtle, difficulties were also added in 1832. For example, leases frequently came into force on Michelmas Day (29 September), which meant that someone had to hold such a lease for 22 months before meeting the legislation's requirements, which nominally required only 12 months. After 1832 there were 576 types of qualifying freehold in counties.⁴ There were 400 different kinds of title that could confer a copyhold qualification and 250 kinds of title that could count as a leasehold.⁵ This was not a simple system.

These complexities and ambiguities were magnified by officials who made interpretations and rulings, often in ignorance of their brethren's decisions and with little outside guidance. This was not conducive to consistency across time or place.⁶ Even things as apparently straight-forward as residency requirements hid many complexities. If it referred to the normal place of residence of a person, it meant they did not actually have to live there, but if it referred to where they actually lived this opened up all sorts of possibilities for disputes over who slept where and when. And did residency have to be of all of the property that qualified someone for a vote, or was residence of only part of it sufficient? Thus, for example, one

¹ Under the Last Determinations Act (7&8 Will.III c.7, 1696, strengthened by 2 Geo.II c.24, 1729) Parliamentary elections had to be conducted according to the last determination of the House of Commons as to that constituency's constituency. This legislation is an example of the often paradoxical nature of the electoral system's vitality. It often clarified and simplified the system, but also entrenched restricted franchises and made challenges to them harder. Thus, for example, the Porritts lament this legislation as safeguarding the grip of borough patrons: "opposition inside the borough from the unenfranchised inhabitants, and opposition from outside by men desirous of breaking down his domination, were effectually warned off": Porritts, *House Of Commons*, Volume 1, p.10. The Last Determinations Act was relaxed in 1788 (28 Geo.III c.52) when it became permissible, within twelve months of the Commons making a last determination for a constituency, to petition against that determination. The twelve months was cut to six by 53 Geo.III c.71 (1813).

² The variety of items which could qualify as freeholds has been a favourite target for historians' ridiculing the pre-1832 franchise. However, the triviality of this question regarding one of their favourite targets - church pews - is demonstrated by the lateness of the major cases on this issue - *Hinde v. Charlton* in 1866 and *Brumfitt v. Roberts* in 1870.

³ If they derived their salary from land or houses and were appointed for life it could be argued this was a freehold which could grant a vote. However, they were often appointed both for life but also only "during their good behaviour." As this meant they could be removed it was arguable that it was not really an appointment for life, in which case it could not grant a vote. This ambiguity produced different rulings in different places.

⁴ Brock, *Reform Act*, p.326.

⁵ Seymour, *Electoral Reform*, p.17-18.

⁶ The difficulty was exacerbated by the infrequency of intense contents or registrations, which meant that most officials built up little experience. It was this problem that made the Yorkshire Under-Sheriff to publish a book after the 1807 contest to pass his experience on: J. Wolstenholme, *An Account Of The Manner Of Proceedings At The Contested Election For Yorkshire, In 1807, Chiefly Relating To The Office Of Sheriff*, J. Wolstenholme, York, 1818. Matters regarding the efficacy of officials were so bad in 1836 that an act had to be passed to legalise a special one-off laxer time-scale for electoral registration: 6 & 7 Will.IV c.101. Checks on officials were also tightened up by, for example, 6&7 Vict. c.18 (1843).

Yorkshire revising barrister was reported in 1833 as deciding that he had been too strict the previous year in interpreting residence requirements.¹ Likewise the ability of trustees to qualify in respect of trust property proved problematic, with differing interpretations of the interaction of Clauses 23 and 26 of 2 Will.IV c.45.

Another example of the electoral system's ability to make almost anything a point of contention was the delivery of objections to those claiming to be on a register. For some years it was debatable whether an objection notice had to be served personally by an objector or if a servant could deliver it;² similarly, did an objection form have to be fully filled-in before it was signed? The difficulties faced by local officials in running the system was exemplified by Baring's lament,

The Overseers of the poor were to fulfil all the provisions of a clause which had puzzled the greatest lawyers in the House.³

These problems were exacerbated by the low performance of many officials.⁴

In brief, the system introduced in 1832 suffered from complexity and relying on officials who often were either ill qualified or did not put in much effort. In some cases this did not matter greatly; if active registration organisations existed then such errors regarding the organisations' supporters were quickly picked up⁵.

2.4.4 Compounding

A somewhat technical feature of the 1832 registration machinery has been a favourite with historians, and frequently flagged as a case where large numbers of people who could (and should) have been in the electorate were deprived of their democratic voice by a quirk of legislative detail.

An 1819 act, along with various local acts, allowed parish vestries to instruct that rates below a certain value be paid by landlords rather than occupiers.⁶ In turn, landlords would add rates to the rent bill for their tenants - *compounding* the two charges. The intention was to save collection costs, and as a result discounts of 20-25% were often given for compounding.⁷ However, it meant that only the landlord's name appeared in the parish rate-book. Yet, in boroughs where poor rates existed they formed the basis for the electoral register.⁸ The 1832 legislation allowed people to demand to be rated, and thereby listed in rate

¹ Markham, *Nineteenth-Century Parliamentary Elections*, p.16.

² Objections could only be posted after 6&7 Vict. c.18 (1843).

³ J. Prest, *Politics In The Age of Cobden*, Macmillan, London, 1977, p.14.

⁴ For example, see J.D. Chambers, *The New Bills For The Registration Of Electors Critically Examined, With A View To The Principles On Which They Should Be Founded, And The Evils And Defects They Propose To Remedy*, Saunders and Benning, London, 1836, p.5-6. It is no coincidence the Graham's 1843 reforms (6&7 Vict. c.18) included provisions for prodding local officials into action. The difficulties were not restricted to Parliamentary elections. In Leeds the Poor Law Commission suspended elections for the Board of Guardians for seven years after the Overseers messed up the 1837 elections: J. Knott, *Popular Opposition to the 1834 Poor Law*, Croom Helm, London, 1986, p.147 and 173 n5.

⁵ Prest, *Politics In The Age Of Cobden*, has a wealth of detail about the workings and non-workings of the registration system.

⁶ 59 Geo.III c.12, clause 19. It only allowed compounding on properties in the £6-£20 rent range.

⁷ Compounding was a genuinely useful administrative measure, and its abolition in 1867 resulted in a wave of protests, and its subsequent restoration.

⁸ The legal situation was more complicated as it could be claimed that a person was rated, but simply using the landlord as an agent, or conduit, for paying. In general, however, though such arguments kept lawyers entertained, not being entered in a rate book was an extremely serious drawback if someone wished to register.

books.¹ This made it harder for compounded tenants to claim a vote, especially after the Court of Common Pleas ruled that an occupier must claim every time rates were due - usually four times a year, though up to six in some areas. Although Clay's 1851 Act² cut this requirement to claiming annually, a problem remained, especially as Clay's Act required people to both make their claims and pay their rates personally.

However, it is unclear how big a problem compounding was. The standard (and much quoted) source in situations like this is Seymour. Seymour thought compounding was a major problem, claiming that, "In general the houses for which the rates were compounded and paid by the landlord ranged in annual value from ten to eighteen pounds."³ Were this true, it would mean compounding could have had a substantial impact in stopping people joining the electorate. However, his source for the above claim - *Hansard's* report of a speech by Clay - actually says something rather different. It reported Clay as saying,

There existed a class in London, and, he believed, in almost every large town in the country, who, though inhabiting houses of the value of 10*l.* and upwards - often as high as 18*l.* - had not their names on the rate-book, and for this reason, that in many parishes the local Acts enabled the owners of houses to compound the rates of the tenants.⁴

Clay was claiming that *some* houses in the £10-18 annual value range were compounded; this is very different from Seymour's claim that, in general, *all* compounded houses fell into this range.

Seymour gave evidence of the supposed seriousness of the compounding problem in several constituencies, drawn from claims made by MPs.⁵ In the absence of other evidence we need to be wary about partisan claims provided without well-sourced supporting evidence, especially as Seymour quotes approvingly a clearly erroneous speech by W. Williams.⁶ Williams compared the numbers rated to the poor at £10 p.a. or more with the numbers registered. However, being rated to the poor at £10 was no guarantee that someone had property with an *annual value* (on which the franchise was based) of £10.⁷ Furthermore, Williams assumed that anyone rated to the poor at £10 would have been, were it not for compounding, able to register.⁸ This ignores women, those who had moved, non-payers of taxes and, in fact, anyone who fell foul of any of the (many) other requirements to register. Even if all these £10 poor-rated people really did have £10 annual value property, many of them would have fallen foul of these other requirements. And even if they did not, they still might not have registered. Thus, the type of calculations that Williams makes - naively comparing the number of people in a particular type of property with the number registered - has little meaning.

¹ 2 Will.IV c.45, clause 30. It is not clear if they were therefore liable to pay the rates they had claimed to be rated for; nor, if they were, whether they had to pay the full amount or if the compounding discount still applied. Finally, there was still the inconvenience of having to pay the sums oneself, and the possibility that rents would not be cut by an amount equal to the rates now being paid by tenants.

² 14&15 Vict. c.14.

³ Seymour, *Electoral Reform*, p.149-50.

⁴ *Hansard*, 3rd series, Volume 113, c.188, 24 July 1850.

⁵ Seymour, *Electoral Reform*, p.150-1.

⁶ *Hansard*, 3rd series, Volume 115, c.902, 2 April 1851.

⁷ Appendix 2 has more details on the different types of property valuation.

⁸ Or rather, he does in the cases where it is clear what he is talking about. In some cases it is not at all clear what his numbers are meant to refer to.

Finally, Seymour's statistics are suspect.¹ He claimed that, "of the entire body of £10 householders before the second Reform Act, more than ten per cent were disenfranchised" because of the compounding issue and their non-use of the legal loopholes.² This is based on a misinterpretation of the evidence. The number of £10 householders he quotes - 644,522³ - was in fact the number of male occupiers at a *gross estimated rental* of at least £10 p.a.⁴ Note again the slip away from annual value to another form of property valuation. The problem of gross estimated rental not being the same as annual value is demonstrated by the case of Hull. In 1866 there were 1143 men compounding at a gross estimated rental of at least £10, of whom only 238 were registered. But, of the others a full 649 were in properties with annual values of *under* £10.⁵

Returning to Seymour's figures, of the 644,522, 95,120 compounded under local acts at a gross estimated rental of at least £10.⁶ Of them 25,004 were registered, and 70,016 were not.⁷ Seymour thus claims the impact of compounding was to disfranchise these 70,016. However, gross estimated rental is not the same as annual value, and not everyone who could register did. To allow for these factors, I take the 1866 English borough electorate - about 500,000 (Table 2.1) - and compare it to the number of men in £10 gross estimated rental properties - 644,522. In other words, about 475,000 (500,000 - 25,004) non-compounders were registered, compared with about 550,000 (644,522 - 95,120) non-compounders with £10 gross estimated rental property. This suggests a hit rate of about 86%. So, if compounding had no effect, one would expect to find about 86% of the 95,000 compounders with £10 gross estimated rental property registered, or about 82,000. Given the actual figures was 25,004 this produces a registration short-fall of about 57,000. This is noticeably smaller than Seymour's 70,116, and is an estimate likely to be too high: compounders were likely to be at the poorer end of society (being in smaller, lower value properties, as those

¹ Brock's figures (*Reform Act*, p.326) have similar problems.

² Seymour, *Electoral Reform*, p.155.

³ Seymour, *Electoral Reform*, p.155 n1.

⁴ *Returns showing in respect of the several Parliamentary Boroughs in England and Wales, the Number of Boroughs in which the Small Tenements Rating Act (13 & 14 Vict. c.99), the 59 Geo. 3, c.12, or any local Act for Rating the Owners instead of the Occupiers, is in force in all or any of the Parishes, distinguishing those Boroughs in which the Small Tenements Rating Act is wholly from those in which it is partly in force, and distinguishing in like manner those Boroughs in which there is a Local Rating Act: The Number of Male Occupiers within the Limits of Value prescribed by those Acts respectively (showing separately the Number at and over a Gross Estimated Rental of £10): And, the Number of Male Occupiers not within such Limits, and the Total Number of Male Occupiers within each Borough, 1867 (136) LVI.*

⁵ *Returns of the Parliamentary Boroughs or Parts of Boroughs under Local Acts for the Composition of Rates: Of the Number of Male Occupiers at £10 and upwards whose Rates are Compounded for in each of them: And of the Number of such Persons Registered and Unregistered respectively, 1867 (305) LVI.*

⁶ 1867 (305) LVI. The actual number was somewhat higher, as Manchester and London's returns were incomplete. Compounding under 13&14 Vict. c.99 (1850) is probably not relevant here as that had a maximum value of £6 rateable value for which property could be compounded, and this is unlikely to have equalled an annual value of £10 in any cases. A different potential problem is compounding under 59 Geo.III c.12 (1819), but *Returns of the Number of Parishes in each Parliamentary City and Borough in England and Wales: Of the Number and Names of such Parishes in each such City and Borough in which the Composition of Poor Rates under any Local or General Act, or otherwise, exists, or has been adopted or allowed; specifying such Act, and the limit of Rateable Value to which such Composition Applies, 1862 (33) XLIX Part 1* suggests this rarely occurred. See also *A Return of the Proportions to the Rent or actual Value at which the Parochial Assessments are made in each Parish or Township within the Limits of the several Places intended hereafter to send Representatives To Parliament; distinguishing those adopted in case of Assessment of Landlords, under the Authority of the Act 59 Geo. III. c.12, from those in other cases; also specifying the Period at which the last General Valuation or Assessment was effected therein; and stating, as far as it may be practicable, whether such Rates are equally and fairly apportioned, or otherwise, according to the Value of Property in such Town or Parish, 1831-2 (444) XXXVI.*

⁷ 1867 (305) LVI.

were the ones that compounding applied to), and it is a common feature of electoral studies in other places and other times that such people take a less active part in electoral politics. Also, the 95,120 compounders in question were distributed amongst merely 21 English boroughs.¹

Though 57,000 is a noticeable figure and many of these 21 boroughs were large places, we should beware of being seduced by the lure of big cities. In some large urban sprawls compounding was a serious problem when it came to registration, but in most places it was a trivial matter. For example, in Yorkshire constituencies in 1862 compounding was not a major issue. In all of Bradford, Halifax, Hull, Leeds, Malton, Northallerton, Pontefract, Richmond, Ripon, Scarborough, Thirsk and York there were only two parishes where compounding both existed and applied to property up to a rateable value of more than £7.²

Further, it is not clear that full use was made of the possibilities available to get around the compounding problems. In 1860 the Clerk to the Birmingham Board of Guardians commented,

It is remarkable, however, that although this Act [14 & 15 Vict. c.39] was passed so long since [1851], until the year 1859, whether from ignorance of the law or from want of appreciation of the privilege, I know not, there were no claims made from occupiers to be rated; but during the year 1859, in consequence of some efforts made, I believe, by gentlemen feeling some interest in the matter, and who made the enactment in question publicly known, as many as 1,360 compound occupiers availed themselves of their right.³

Public apathy had a major role in exacerbating the impact of compounding; to a degree the impact of compounding was a voluntary, self-induced phenomena which it required activity generated by political contests to overcome. Compounding was not as great a problem as often thought, and it is another example of how conflicts between electoral elites could produce an opening up of the system, though in the absence of such conflicts apathy often won.

2.4.5 Costs of registering

The reluctance of many to register was reinforced by the financial charges for registering. Claims to be registered in counties cost 1/-. There was no further cost in future years for a person who retained the same qualification.⁴ In boroughs there was an annual charge of 1/- leviable on all those on the register and the sums were collected as part of the poor rates.⁵ It is hard, and not particularly fruitful, to convert those costs into 1990s prices given the great inequalities of income distribution in the nineteenth century and the great variety in the rises in prices of different goods since then. However, some indication can be given by

¹ Birmingham, Brighton, Bristol, Canterbury, Chatham, Finsbury, Greenwich, Hull, Lambeth, Leicester, London, Maidstone, Manchester, Marylebone, Oxford, Plymouth, Rochester, Southampton, Southwark, Tower Hamlets, Westminster.

² These were the Hull parishes of Holy Trinity and St Mary (£8) and Sculcoates (£10): 1862 (33) XLIX Part 1. I am confident that the usual compounding limit of £6 rateable value did not equate to an annual value of £10. This is not simply because of the gap between six and ten, but also because compounding was designed to include only the lowest properties, whilst the electoral franchise was designed to exclude just such properties.

³ *Report from the Select Committee of the House of Lords on the Elective Franchise in Counties and Boroughs &c.; Together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index, 1860 (455) XII q.2708.* Though Clay's Act made it easier for compounders to register, it had still been possible before 1851.

⁴ 2 Will.IV c.45, clauses 37 and 56 and Schedule II No.1.

⁵ 2 Will.IV c.45, clause 56. This was a charge per elector rather than per register entry, so there was no financial incentive to avoid multiple entries. There were failed bills in 1834 and 1835 to restrict the fee to the first year of an elector's registration.

using wheat prices. In 1780 wheat cost £8.92 per tonne, in 1850 £9.55 per tonne and in 1987 £113.9 per tonne.¹ Therefore, wheat has risen by around eleven-fold since then and the 1/- fee would now be 11 shillings, or just over 50 new pence. But, national income in 1831 was approximately £350 million. It is now approximately £450 billion, or an increase of around 1300-fold. This would make 1/- now equivalent to 1300 shillings, or £65. A third comparison is that the typical English factory operative worked a 69 hour week for 11 shillings in the 1840s.² If we compare this with a weekly wage of £230 in the present, this would make 1 shilling equivalent to nearly £21.

Regardless of the precise size of the charge, it was unpopular. As one local official commented in 1834,

I have found many complaining, and in many instances parties have wilfully refrained from paying their taxes that they might not be on the register ... [Many in my parish] would not give in their claims, because of that charge.³

The collection of the money did not go smoothly. The initial problems were so great that they were one reason for an 1834 Commons committee recommending ending the charges. It concluded: "in many of the Metropolitan Parishes the Shilling cannot be collected," whilst in counties the requirement to send payment in with a claim was, in an age without cheques and credit cards, problematic.⁴ Nevertheless, the money was often paid.⁵

In addition to its financial costs, registering took time, and could cause inconvenience. For example, a claim to be registered might be objected to.⁶ Even if the claim went smoothly, the fact of being registered might increase the interest of political activists in the person. This might not be unpleasant - like the offering of free food and drink - but it might be, particularly if the elector were caught between conflicting pressures. A way to avoid electoral pressure was to not register at all.

2.4.6 Review

Simply comparing the 1831 electorate with the total number of electoral *register entries* in 1832 reveals little: the number of register entries does not measure the number of electors, and using 1832 assumes that the full electorate-expanding effects of 1832 came into reality in the new system's first year of operation. Finally, the electorate would have carried on growing even without the 1832 legislation

Adjusting for multiple entries and multiple electors, and using, say, 1836 rather than 1832, deals with some of these problems. However, even using 1836 does not reveal much regarding how many of the opportunities offered by 1832 were actually taken up. Even in 1836 it cannot be assumed that everyone who could register was actually registered. As contemporaries put it,

¹ H.F. Marks, ed D.K. Britton, *A Hundred Years of British Food & Farming: A Statistical Survey*, London, 1989, p.40.

² C.R. Weld, *Statistical Companion To The Pocket Book*, John W. Parker, London, 1843, p.10.

³ 1834 (591) IX, p.48. By delaying payment of taxes a person could fall foul of one of the electoral registration requirements, fall off the register and save 1/-.

⁴ 1834 (591) IX, p.xvi.

⁵ E.g. see Bradford, Ripon, Tavistock, Thetford and Warrington in Appendix 2 of 1834 (591) IX.

⁶ One exchange in 1834 (591) IX went: "May not the trouble given to electors be sufficient to deter them from prosecuting their votes? - Decidedly": p.78.

Persons who might easily qualify themselves frequently omit to do so, merely from ignorance, forgetfulness, or laziness,¹

and,

You are placed in this dilemma - unless the excitement of a pending contest operates at the moment, voters will not register themselves; and yet the main use of the registry is to have their claims decided when men's passions are not roused.²

Yet, the core of the system - property-based franchises and electoral registration - remained, and was largely unchallenged, except by those who wanted universal suffrage. This core gave rise to numerous problems (what is property? how do you value it? etc.), but it was only these - rather than the core - that reform efforts were directed towards. This suggests that problems were, to a degree, inevitable rather than flaws that can be ridiculed and could have been solved.

Notably, the core of the system was not even challenged in the Hertford bill (1834). This former householder borough, in which freemen had also had the vote, saw great corruption in 1832. The result was a Parliamentary bill, but its terms did not go to the heart of the system. Rather, they were simply to disfranchise householders and introduce the ballot.³

The confusion and complexity outlined above bred opportunity, particularly for the Tories in the 1830s and the Anti-Corn Law League in the 1840s. Faced with many a potential elector who, in Brougham's words, "did not care for his vote and if left to himself would not go to register it," political organisations had great scope to make a difference. Conflicts within political elites produced a desire to work the electoral system to gain favourable results, and hence provoked an opening up of the system and more efforts being made to register people.⁴ It was all done with a jaundiced political eye, and a desire to win political power.

¹ E.W. Cox and S.G. Grady, *The New Law And Practice Of Registration And Elections; Comprising The Representation Of The People Act 1867, The Registration Act 1868, The Corrupt Practices Act 1868; Incorporating The Reform Act and the Subsequent Statutes, The Decisions Of The Court Of Common Pleas Upon Appeals To The Present Time; With Instructions For The Management Of Elections In Counties, Cities, And Boroughs, For The Management Of Registration, And For Returning Officers, With Precedents Of Books, Forms, Etc., And The Law Of Election Petitions*, 10th edition, Law Times and Horace Cox, London, 1868, p.lxxiv on boroughs.

² *Edinburgh Review*, Volume 56, January 1833, p.544.

³ The latter was defeated 82-132 and the whole bill fell with the 1834 dissolution. This interpretation of the Hertford bill is at odds with that in V. Rowe, "The Hertford Borough Bill of 1834," *Parliamentary History*, Volume 11 Part 1, 1992. She claims the bill, "would have given Hertford a franchise different from that of every other borough in the country." This is wrong. Hertford had been the only borough where, before 1832, freemen *and* householders could vote. Thus, after 1832 it had a unique franchise of £10ers plus (some) freemen and householders. The bill, by abolishing householders' votes and with a description of the £10 franchise almost word-for-word identical to that of the Reform Act (cf *A Bill For preventing Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of Hertford, in the County of Hertford, As Amended By The Committee*, 1834 (138) II, clauses 6-9 with 2 Will.IV c.45 clause 127; the differences are semantic rather than meaningful), would have replaced the unique franchise with one the *same* as that of all those boroughs where freemen had been able to vote previous to 1832.

Rowe is also wrong in her interpretation of the clauses 6-9 added in the committee stage of the bill (cf 1834 (138) II and *A Bill For preventing Bribery and Corruption in the Election of Members to serve in Parliament for the Borough of Hertford, in the County of Hertford*, 1834 (11) II). Before the addition of these clauses 2 Will.IV c.45 clause 27 would have applied. Clauses 6-9 repeat this clause nearly word-for-word, and were added simply to permit a registration procedure with different deadlines for the year in which the bill would be passed. After that, and apart from these different dates, there was to be no change from the system of 2 Will.IV c.45. Even the provision that a revising barrister could not serve in Parliament within 18 months of having done this job - which Rowe pokes fun at and ascribes to "a bitter experience for the Whigs in Hertford" (p.101) - was in fact just a repetition of the original 1832 provision (cf 1834 (138) II clause 11 and 2 Will.IV c.45 clause 49).

⁴ Another aspect of this was the creation of votes, as with the Anti-Corn Law League's splitting of freeholds to create county votes. However, a rummage in the recesses of the 1832 legislation reveals an important restraint to this behaviour. For freeholds or tenements worth between 40/- and £10 annually, above all rents and charges, they had to be occupied, or acquired via marriage, marriage settlement, devise or promotion to an office or benefice. This occupation

(continued)

Thus, registration agents often used forms to summarise the revisions to a register, with columns for marking whether someone was Liberal or Conservative.¹ Reports of changes in electoral registers were often couched in terms of Tory and Liberal gains or losses.² As Peel said of registration, it was, “a perfectly new element of political power”.³

The importance of local activity is demonstrated by the great variety of trends in electoral size in different constituencies. The difference a few years of intense activity could make is demonstrated by the large increase in Leeds’ electorate during the 1830s. Though 1833 saw little Tory activity, and the Liberals withdrawing all their objections as a symbol of goodwill, in 1834 the revising barristers sat for 22 days while hearing 1,500 cases and by 1838 over 6,000 cases had to be covered by the revising barristers.⁴ The high annual expense included £600 by the Reformers in 1835. By 1840 there were 2532 objections and 400 claims made in the annual registration process.⁵ Lyndhurst’s comment that in 1835 superior Conservative registration activities had given them MPs in Leeds and Ripon⁶ is reflected in their register totals.

Such rivalry sometimes just increased the work of revising barristers, and sometimes even reduced the electorate. Political activists were not averse to pulling such tricks, as long as their opponents were the losers. Thus, a favourite tactic of the Anti-Corn Law League was to post objections *en masse* and at the last moment, hoping that the Post Office would not be able to deliver them all in time, and so that some of them would be upheld by default. In Leeds in 1834 the net impact of the claims and objections was to knock 658 off the electoral register - the Liberals and Tories were much better at objecting to each other than at entering new claims.⁷ Similarly, whilst the West Riding’s electoral register increase of the early 1840s can largely be ascribed to organisational activity, so can the decline in Tower Hamlets. Nevertheless, political activity (normally) meant that more people were brought into the registered electorate. Even in cases of decline, it is instructive how often it was electoral conflict and organisations that were the catalyst for turning theoretical possibilities into reality.⁸

(..continued)

requirement, like that for sub-lessees and assignees (which were also potentially fruitful sources of vote creation), restricted the possibilities of vote creation. However, vote creation from before 1832 received an effective pardon: a 40/- freehold if seised before 7 June 1832 whether in actual occupation, or only in receipt of rents, could still grant a vote.

¹ Moore, *Politics of Deference*, p.310. The standard election manual Cox and Grady, *The New Law and Practice Of Registration And Elections*, contains an example of a “general register book” to be used for such purposes: p.lxxxii.

² E.g. *Proceedings of Annual Meeting of West Riding United Reform Association: report on activities 1849-56*, DDWA 736-7, Doncaster Archives and list of Rishworth (West Riding) 1835 electors, HASB/B/9/3/2, Halifax Antiquarian Society MSS, Halifax Archives.

³ Evans, *Reform Act*, p.39.

⁴ D. Fraser, “The Fruits Of Reform: Leeds Politics In The Eighteen-Thirties,” *Northern History*, Volume 7, 1972, p.99 and p.101.

⁵ *Report of Committee on defects of Parliamentary and Municipal registration under the 2nd William 4 C45 & 5&6 William 4 C76; Presented to Sub Committee of Leeds Registration Association*, Leeds, 1841, p.5-8.

⁶ D.H. Close, *The General Elections of 1835 and 1837 in England and Wales*, Oxford DPhil, 1964, p.196

⁷ *The Times*, 16 October 1834.

⁸ This role had even been recognised by the Commons committee which had recommend county electoral registers in 1827. It emphasised the purative effect of contests and ease of making objections for removing unwarranted register entries: 1826-7 (349) IV.

As Graphs 2.1-2.24 show, there were many different constituency electorate histories in Yorkshire.¹ However, that some constituencies had declining electorates after 1832 should not be taken as a sign of a general lack of vitality. The overall national picture is stark and clear, as is the impact bursts of electoral rivalry could have. Two examples drawn from these graphs illustrate this point. First, the West Riding electorate only increased from 29,456 to 31,215 in 1835-40, but then hit 36,084 in 1845, an increase in the second five-year period that was almost three times the increase in the first period. The explanation is simple: the Anti-Corn Law League. Though their West Riding registration activities were neglected in many of the early histories of the League, its impact is clear. Second, there is York. Here, the electorate languished around the 2,900 level in 1832-7, but in 1839 was 3,326 and by 1845 3,920. Again, this increase coincided with revived intense party rivalries and organisations.

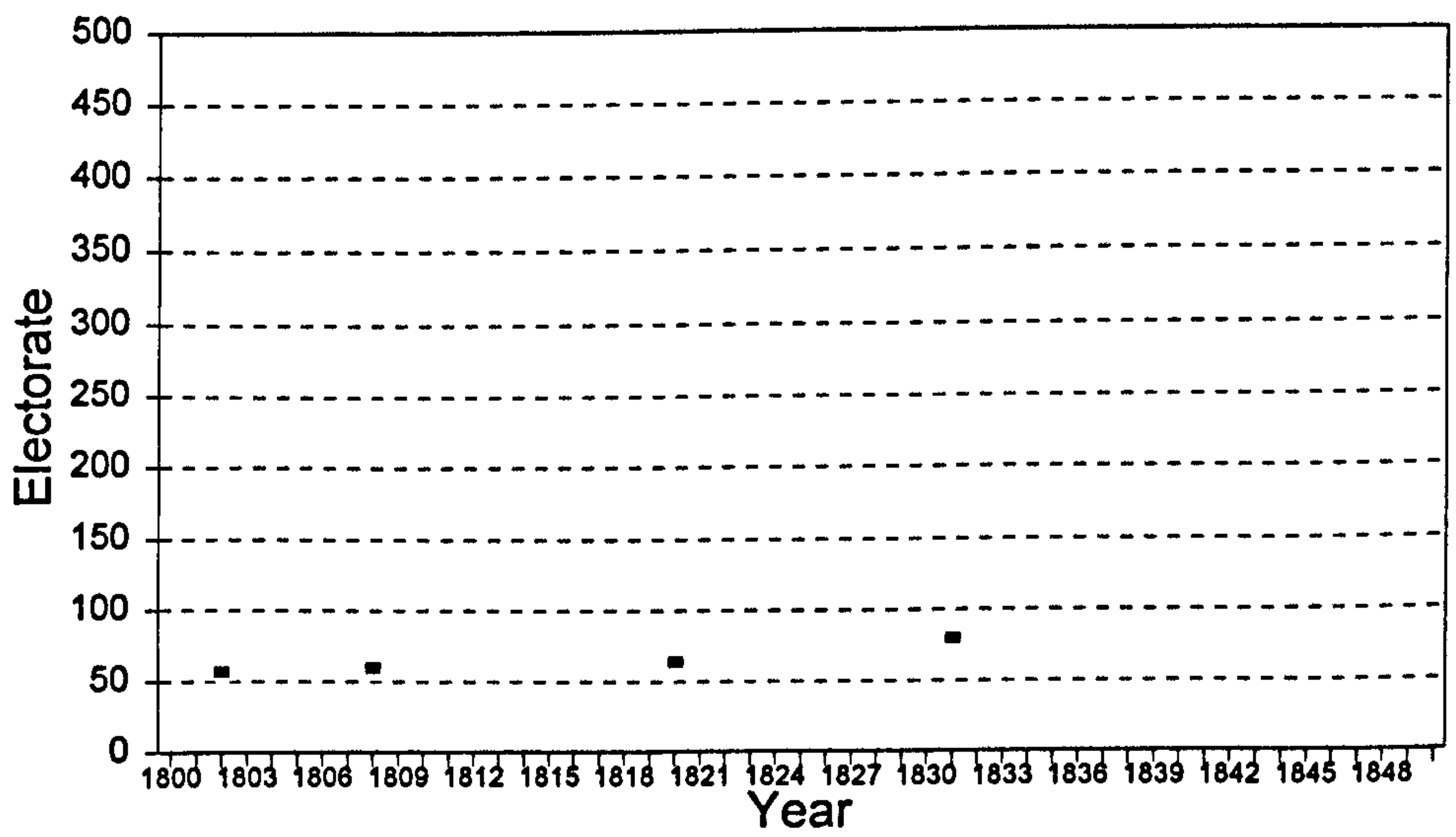
The figures in Table 2.1 should be taken as only approximate - there are some internal inconsistencies, some of the sources are not precise, there is inconsistency over constituencies like Monmouth (is it English? is it Welsh?), the English universities (are they boroughs?), and there are some problems with interpreting the figures given in Parliamentary Papers. Frequently when Parliamentary Papers provide a more detailed breakdown, e.g. of people registered under each type of franchise, the breakdown does not have a total equal to the claimed total electorate elsewhere in the same document. There is the problem of multiple entries. Sometimes local officials returned the number of people on their electoral register, and sometimes they returned the total number of entries. Although some specify the number of "joint qualifications, including those registered under more than one qualification" this does little to clarify matters. Some constituencies did not, or said they were unable to, answer this question. Some took joint qualifications to include people registered more than once under the same type of qualification (e.g. registered twice as a £10), and some did not. There are many other problems, such as misprints and the mixing of figures from different years within one Parliamentary Paper. Given all the problems, a comment from an attempt in 1834 to read the electoral registers' runes is appropriate; the numbers "although not quite accurate, will afford a tolerably correct general view."²

¹ Data saved as *elect.mtp*. For post-1832 the electorate's size is taken to be the number of register entries. Lines are only drawn between points where data exists for successive years.

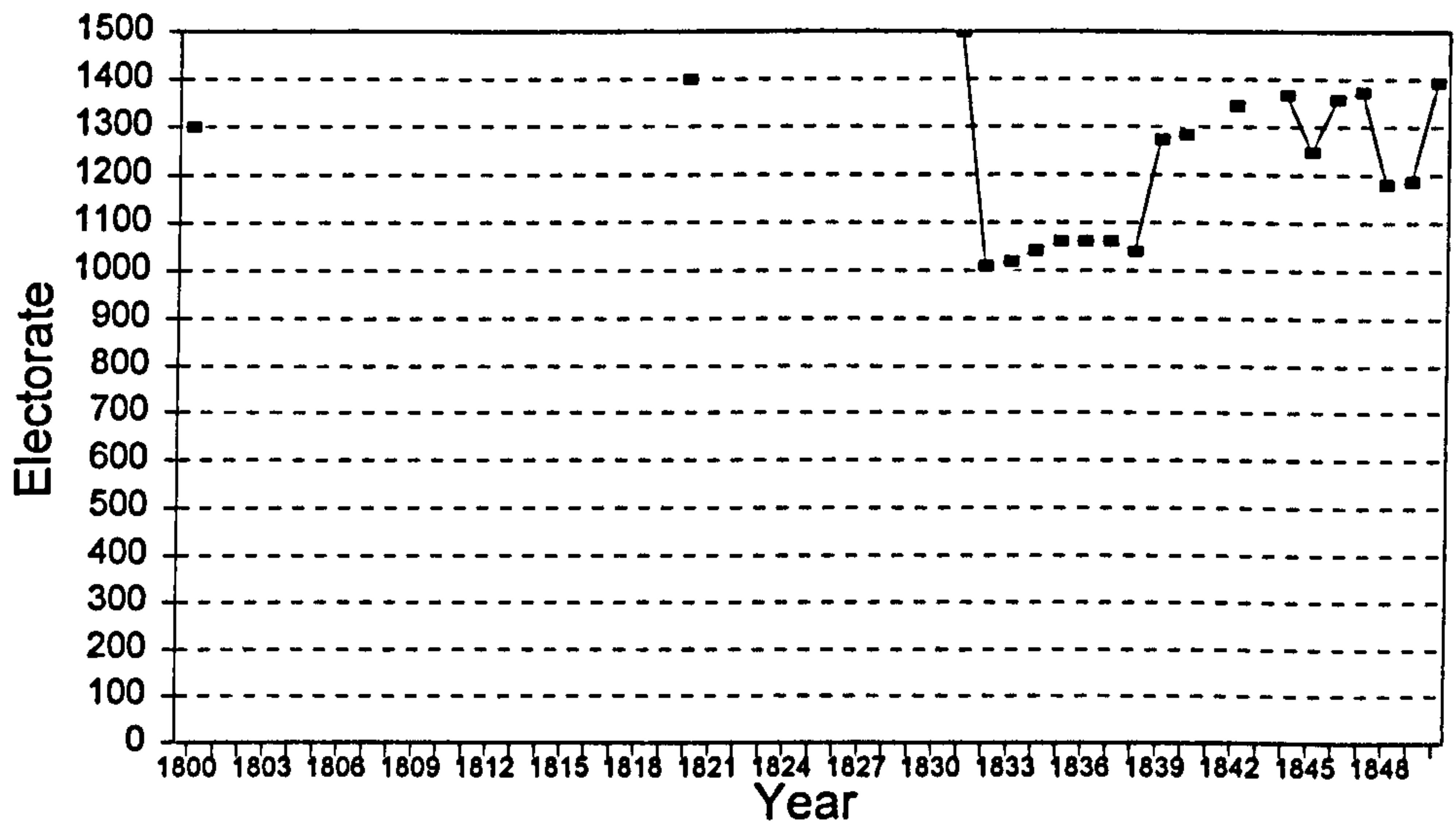
² 1834 (591) IX, p.iv. My figures are given to three significant figures as claiming any greater degree of accuracy is mere fantasy and whimsy. A particularly tricky problem is when figures are given for £10ers, ancient righters and multiple entries. It is frequently unclear whether or not those in the latter category have been counted in the middle category. And if not, one has to add not merely the number of multiple entries but double (assuming they are all double entries) their number to get the total number of register entries. Going awry at this stage can lead to great variations in the numbers.

Graph 2.1

Aldborough's electorate

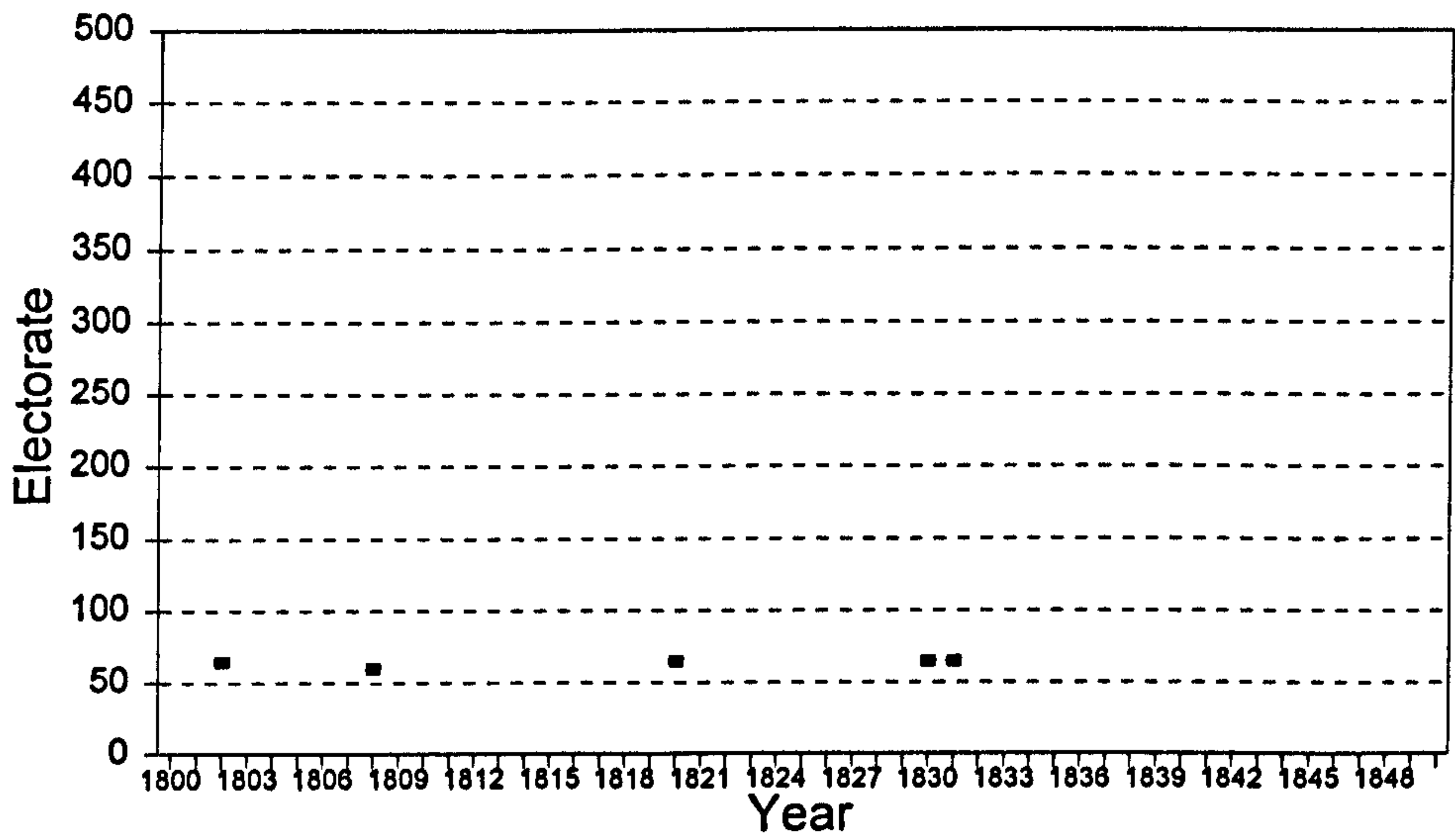


Graph 2.2
Beverley's electorate



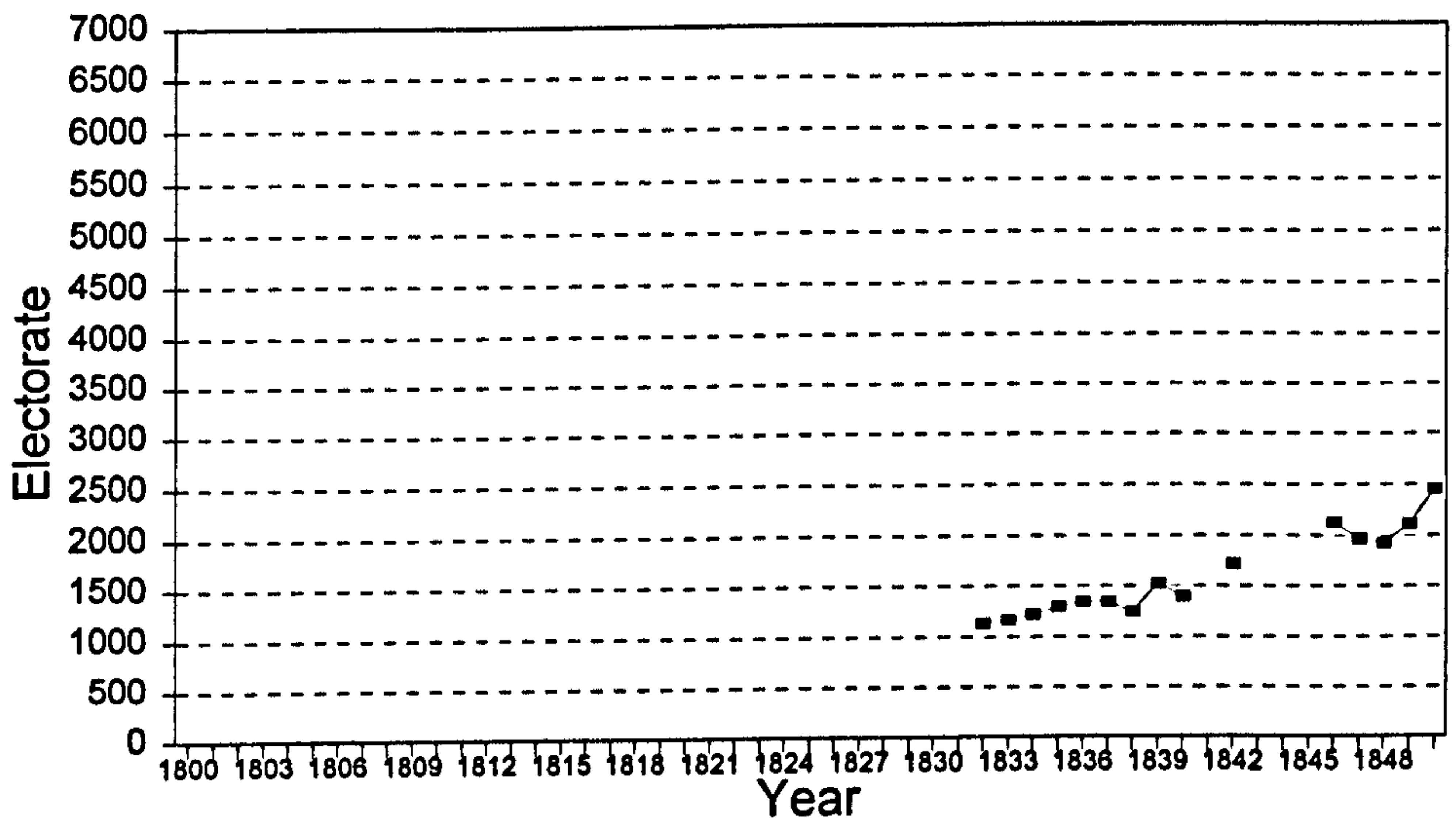
Graph 2.3

Boroughbridge's electorate

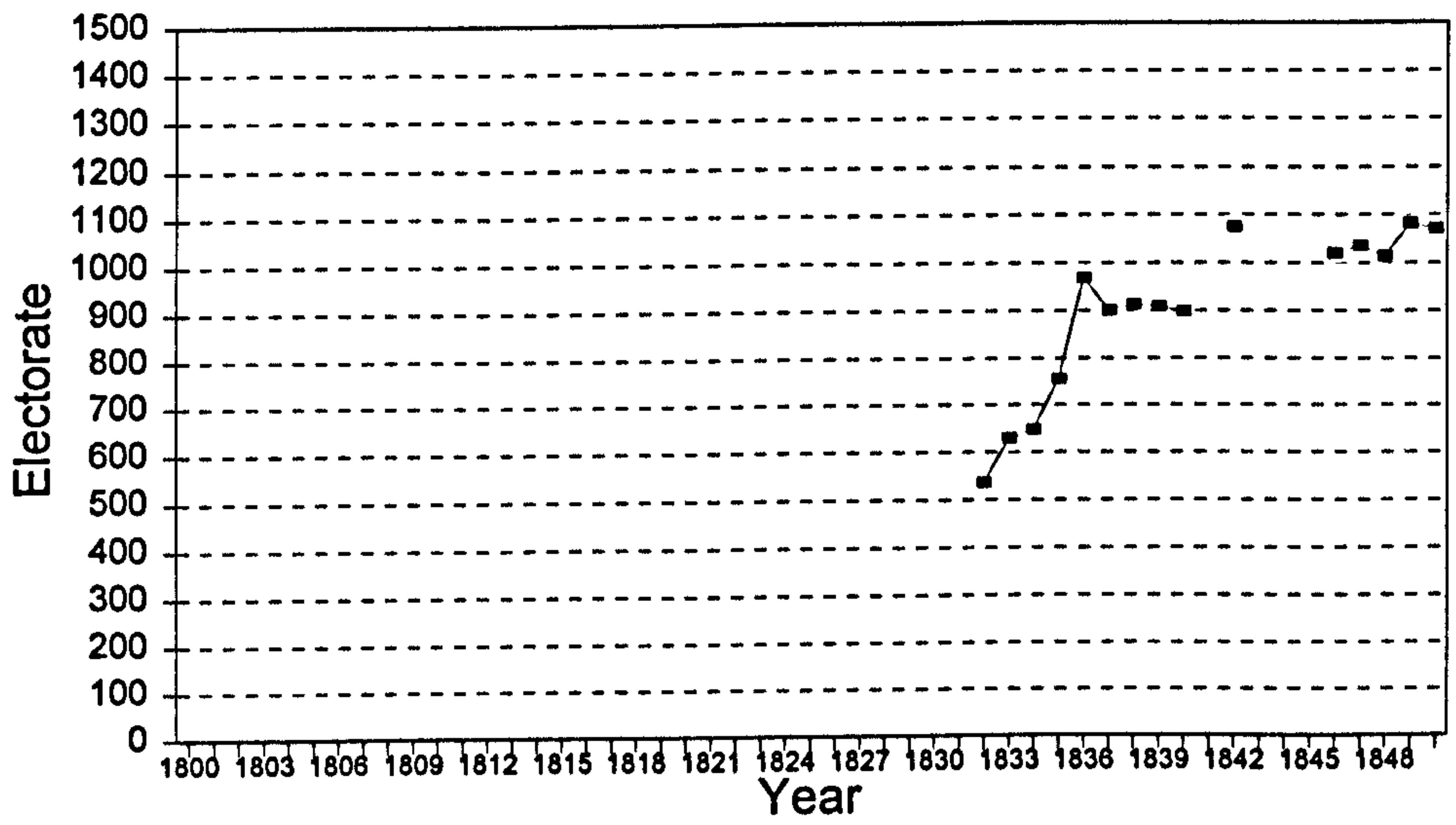


Graph 2.4

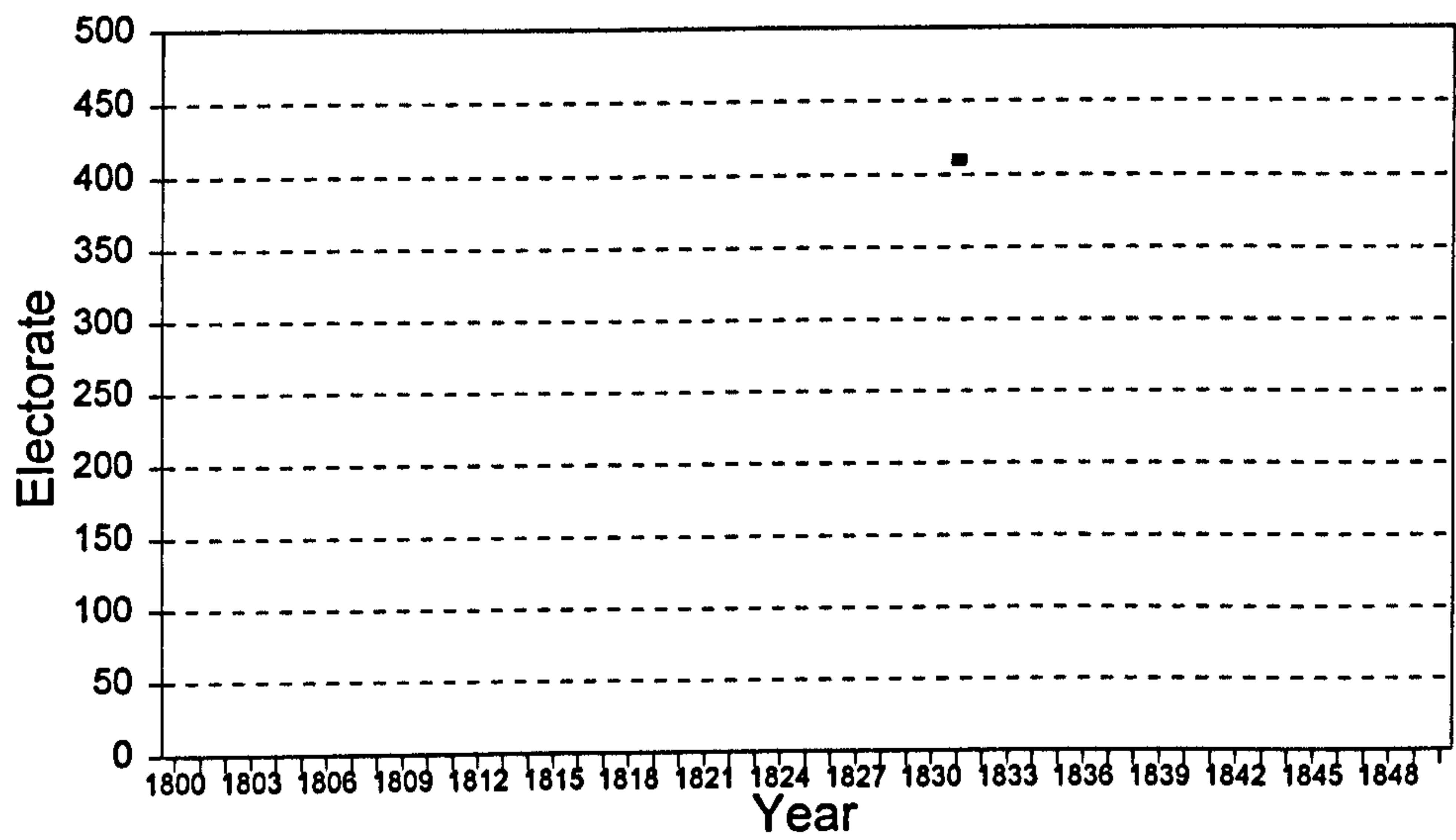
Bradford's electorate



Graph 2.5
Halifax's electorate

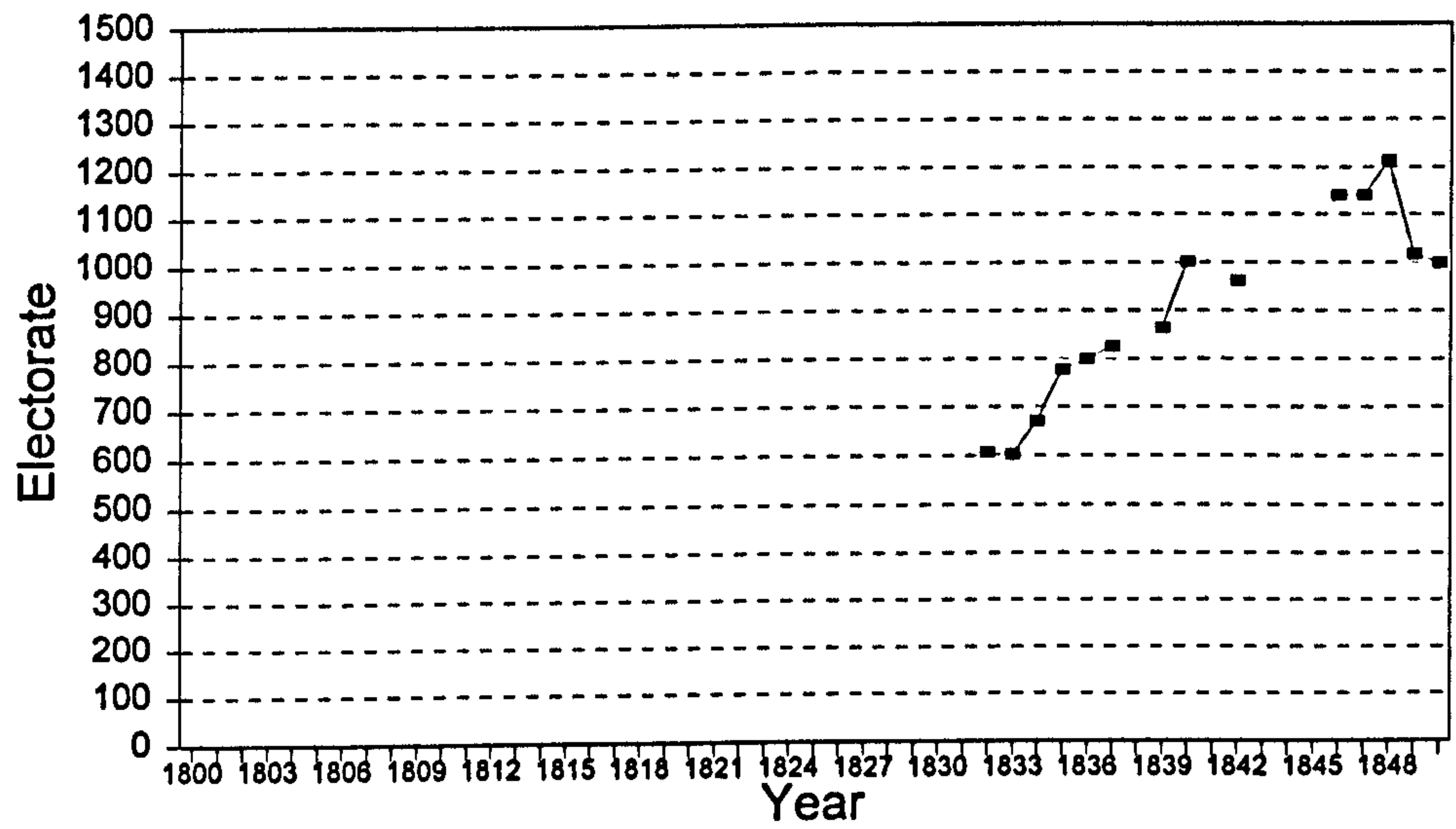


Graph 2.6
Hedon's electorate



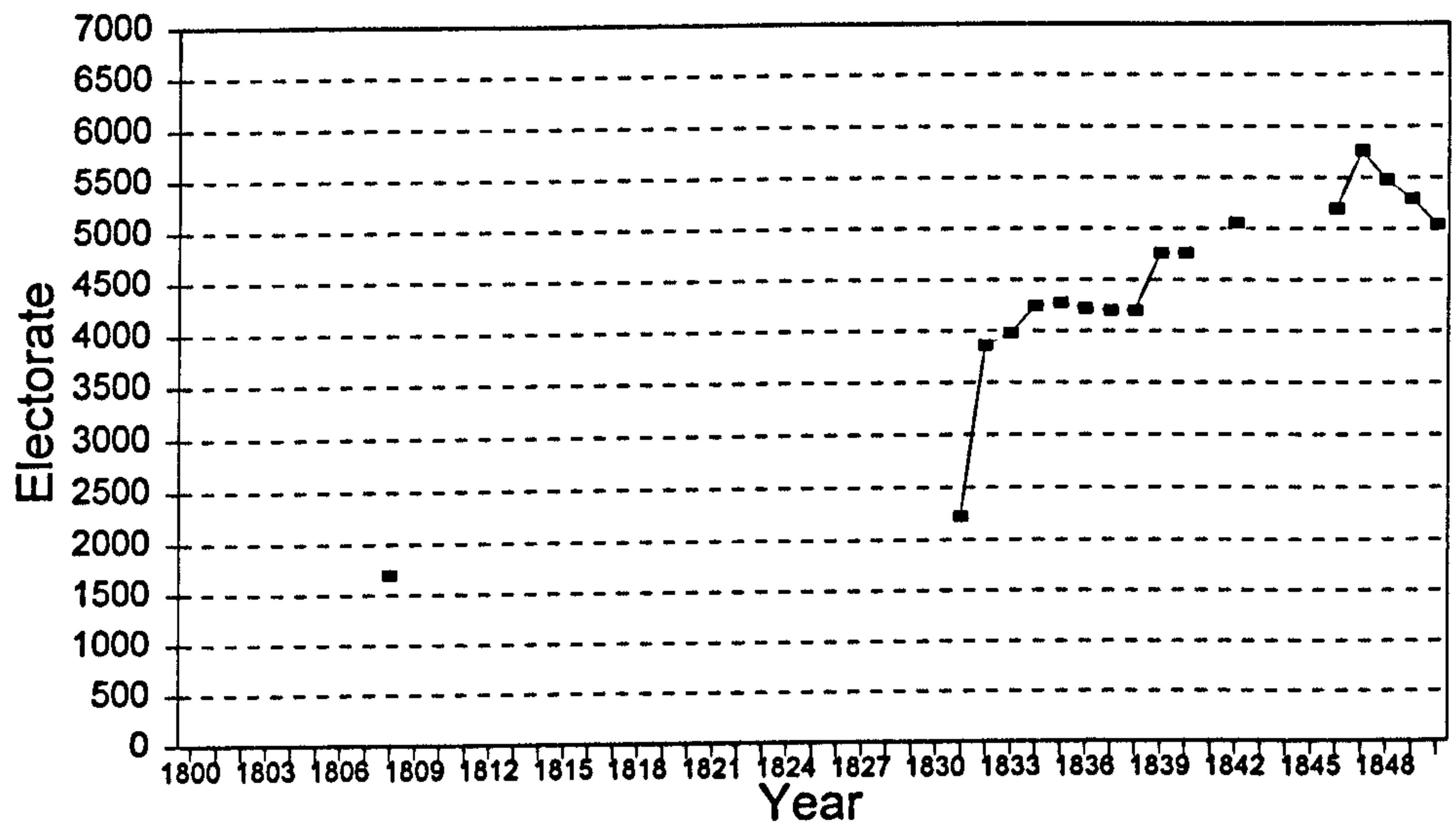
Graph 2.7

Huddersfield's electorate



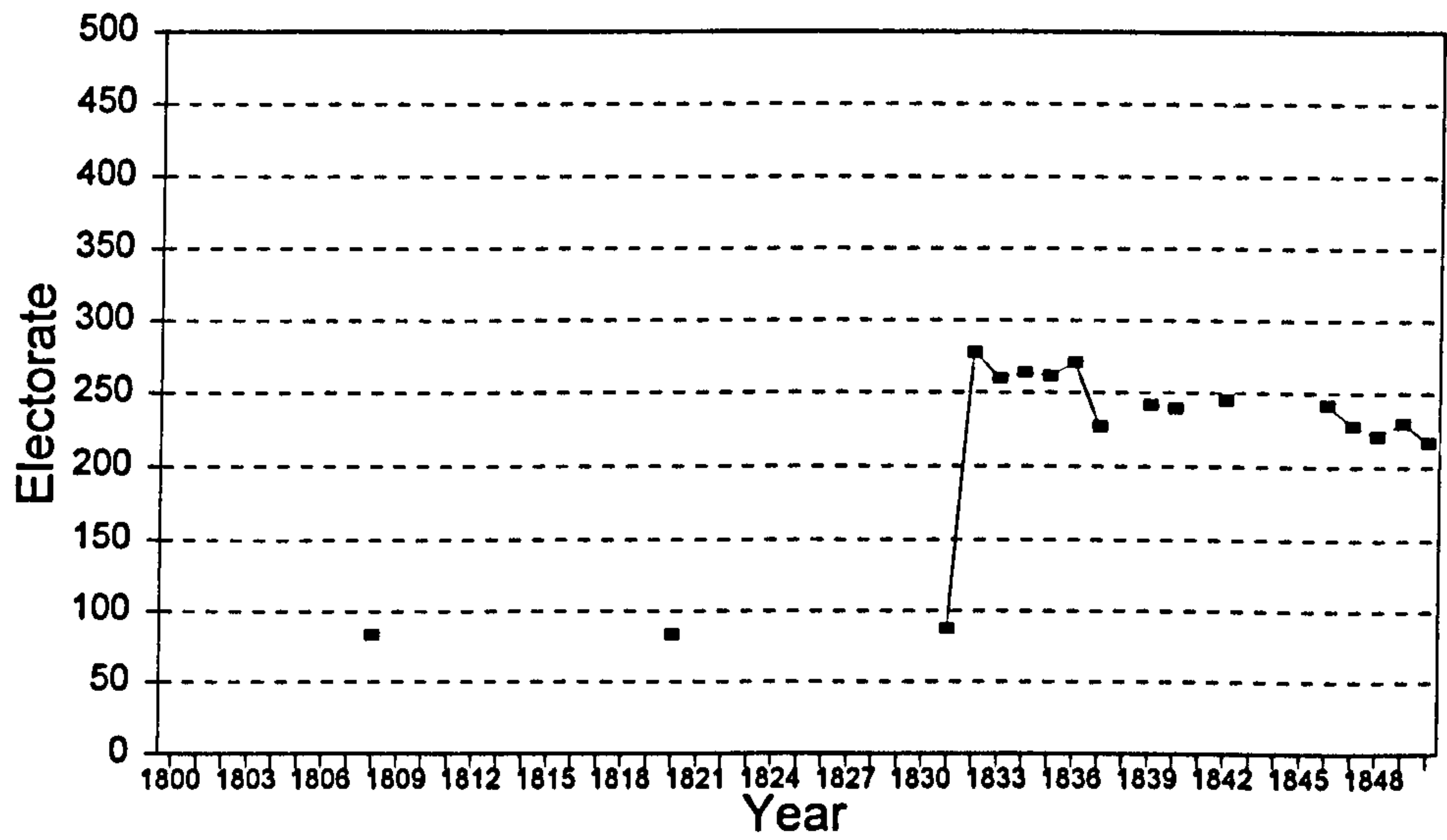
Graph 2.8

Hull's electorate



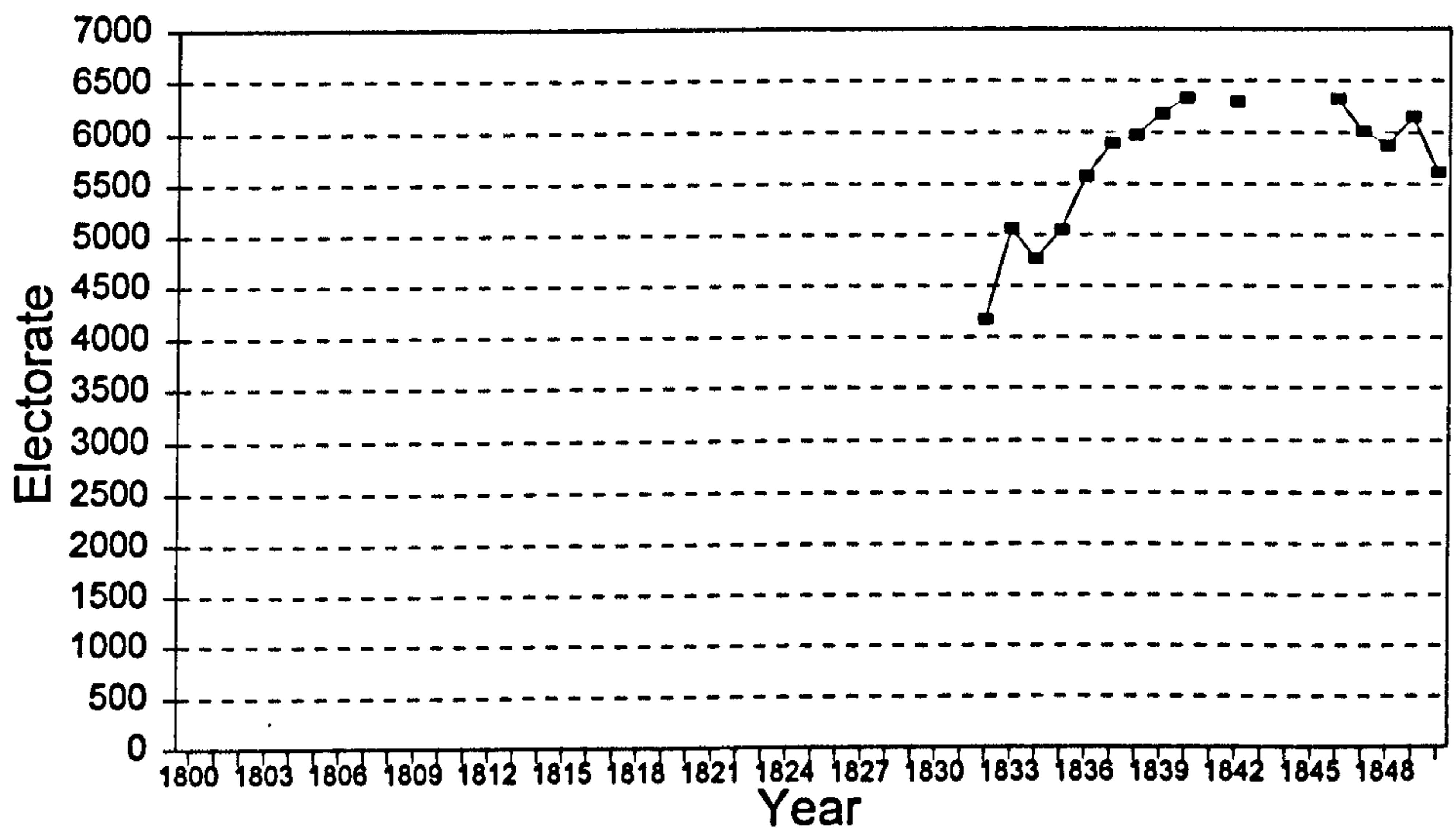
Graph 2.9

Knarborough's electorate



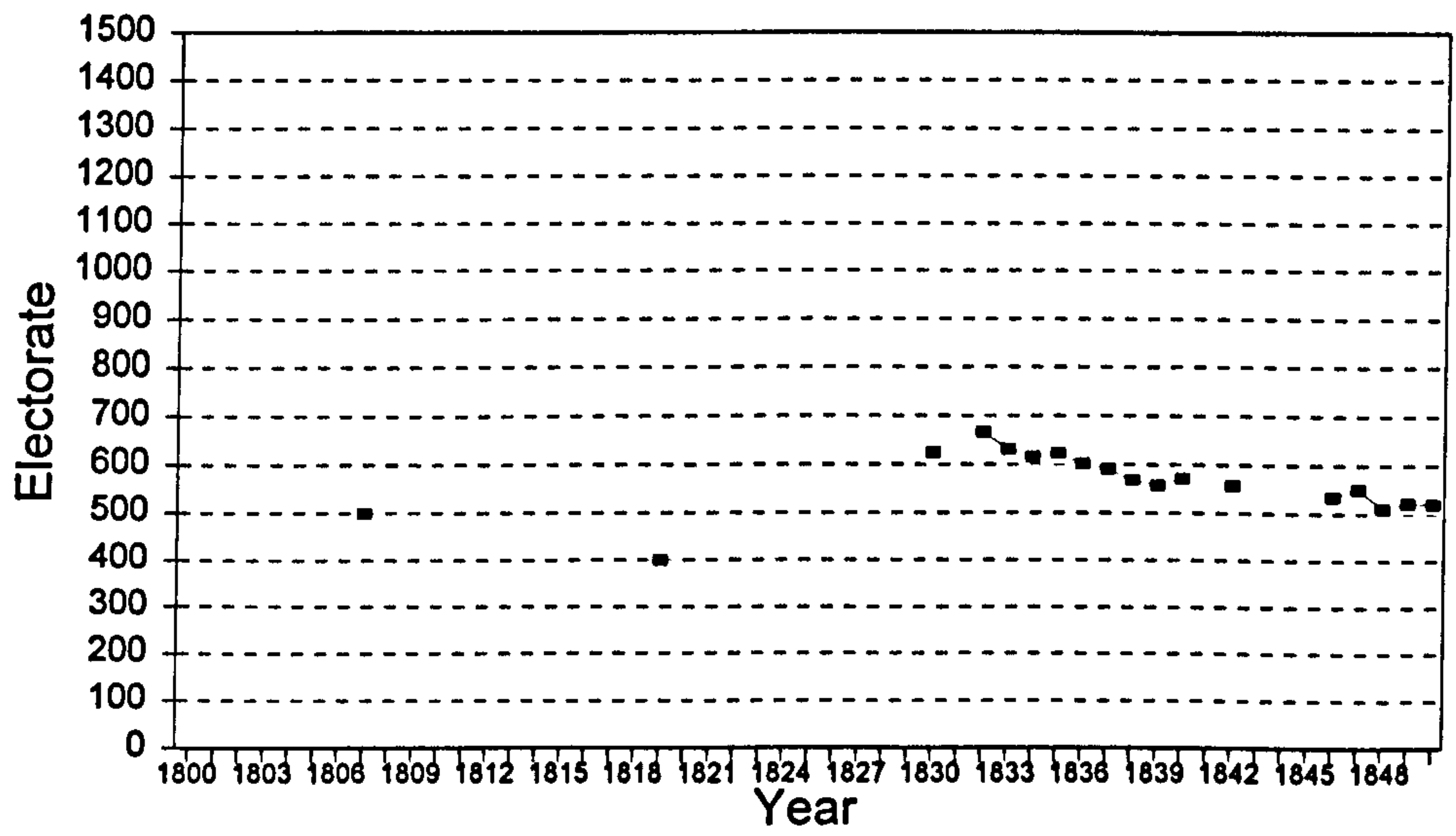
Graph 2.10

Leeds' electorate



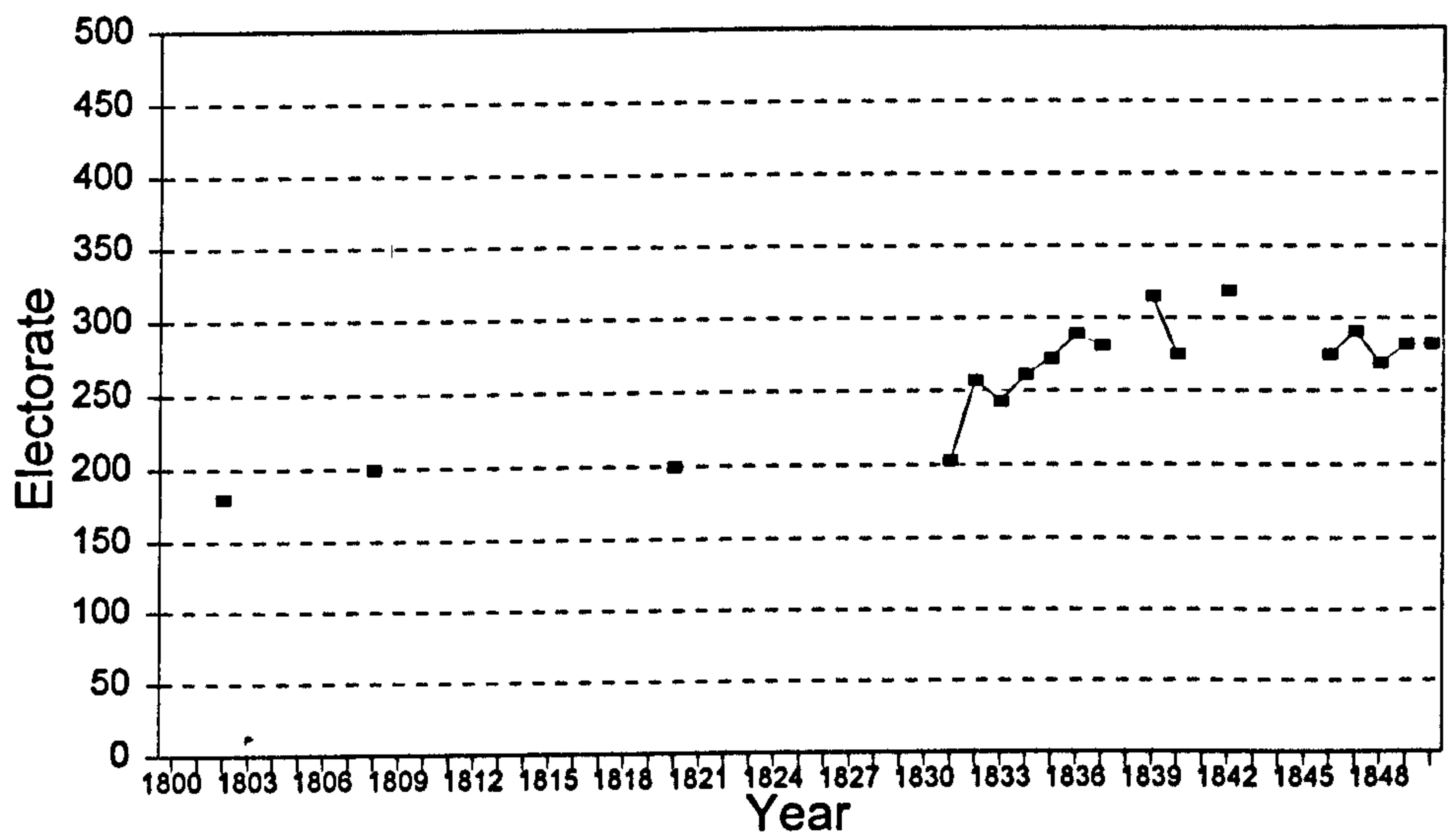
Graph 2.11

Malton's electorate



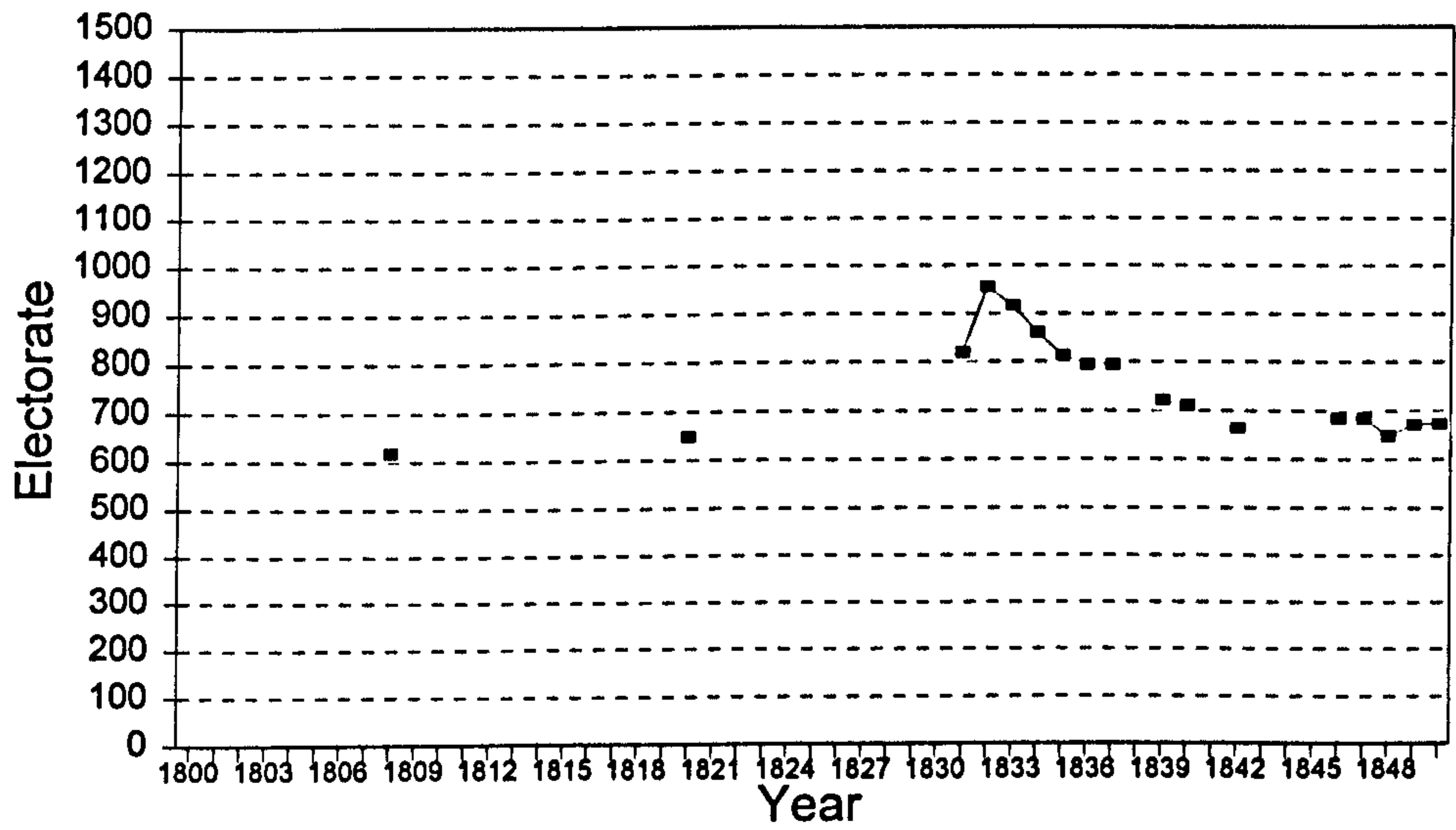
Graph 2.12

Northallerton's electorate



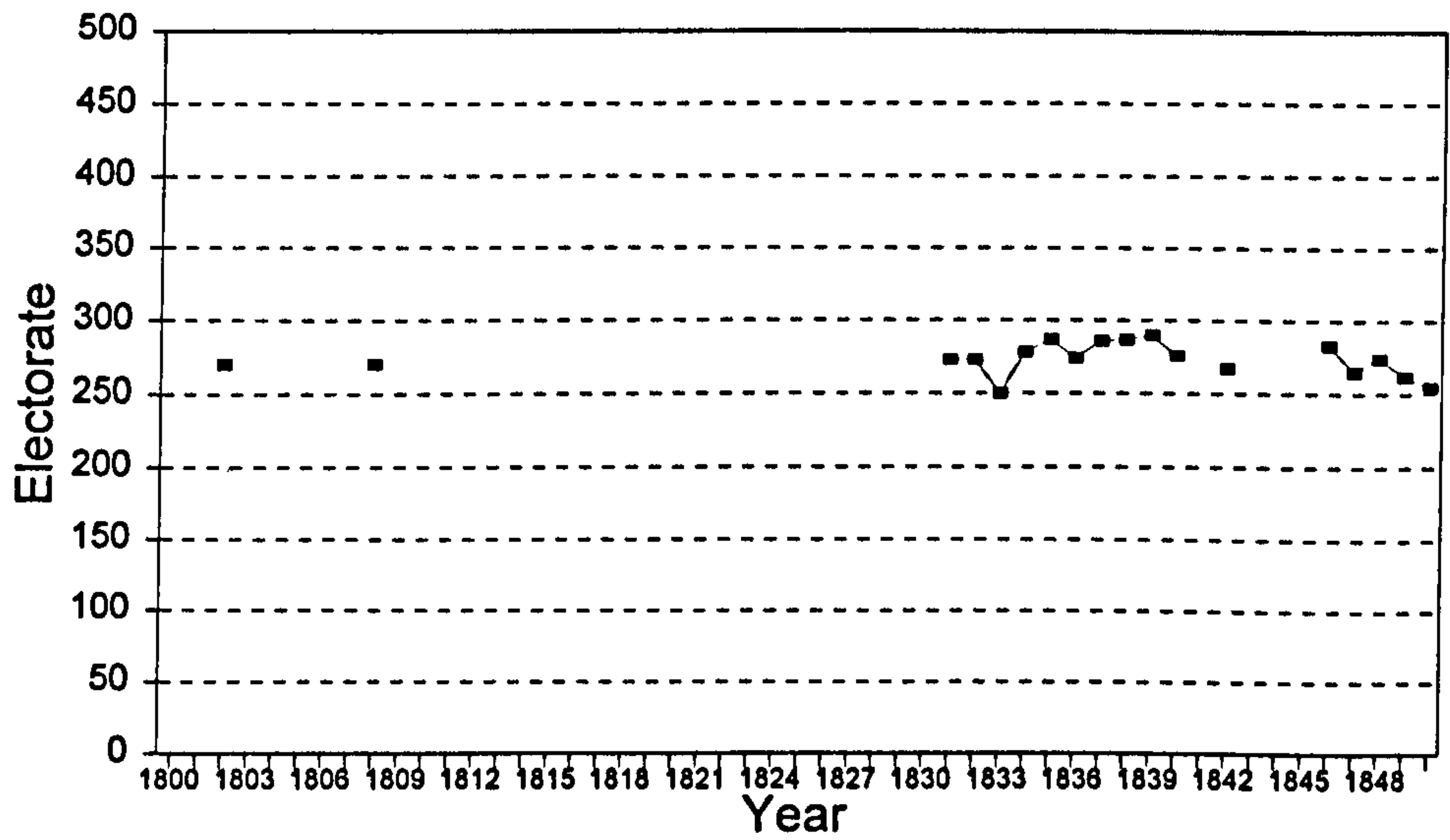
Graph 2.13

Pontefract's electorate



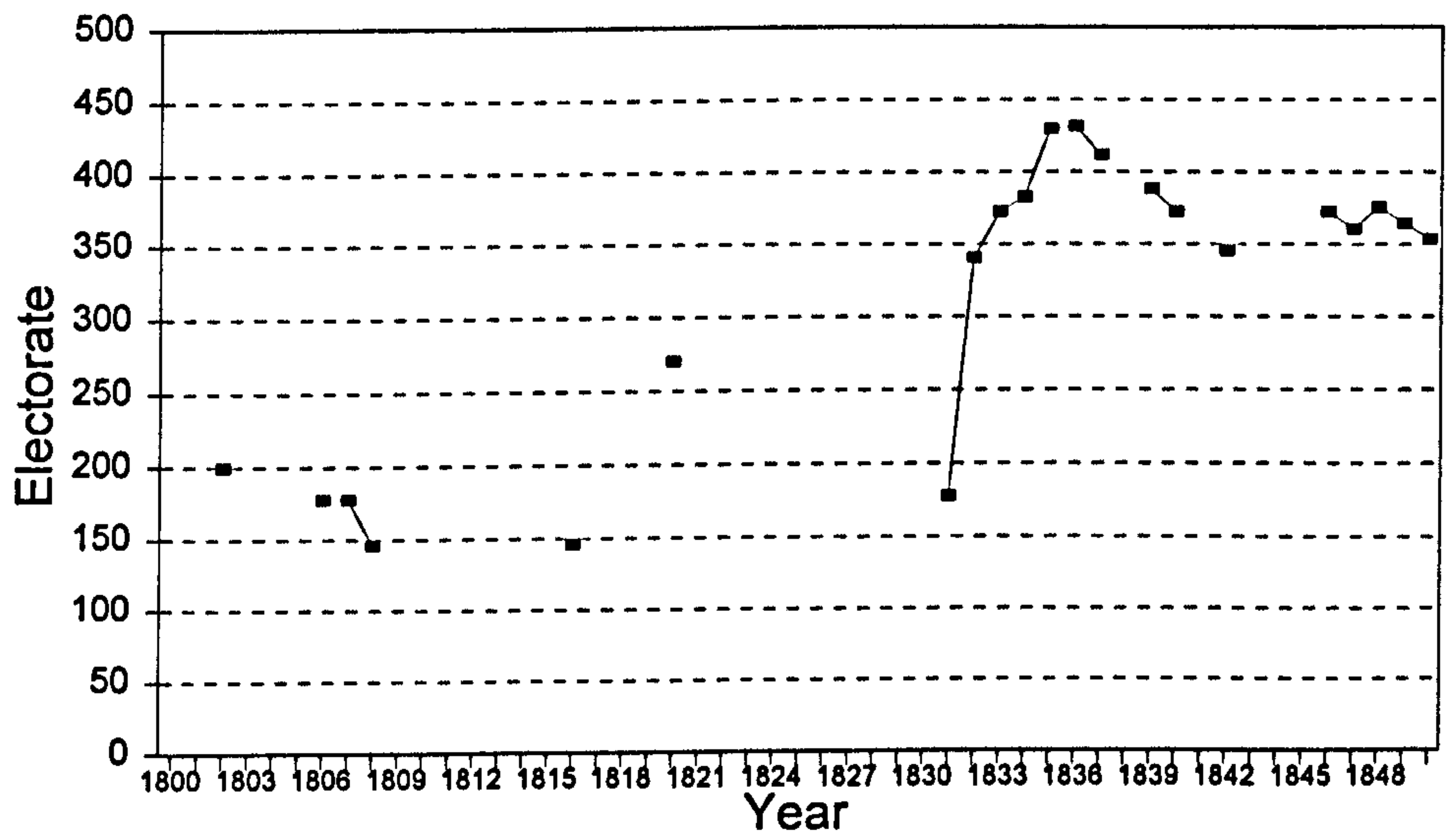
Graph 2.14

Richmond's electorate



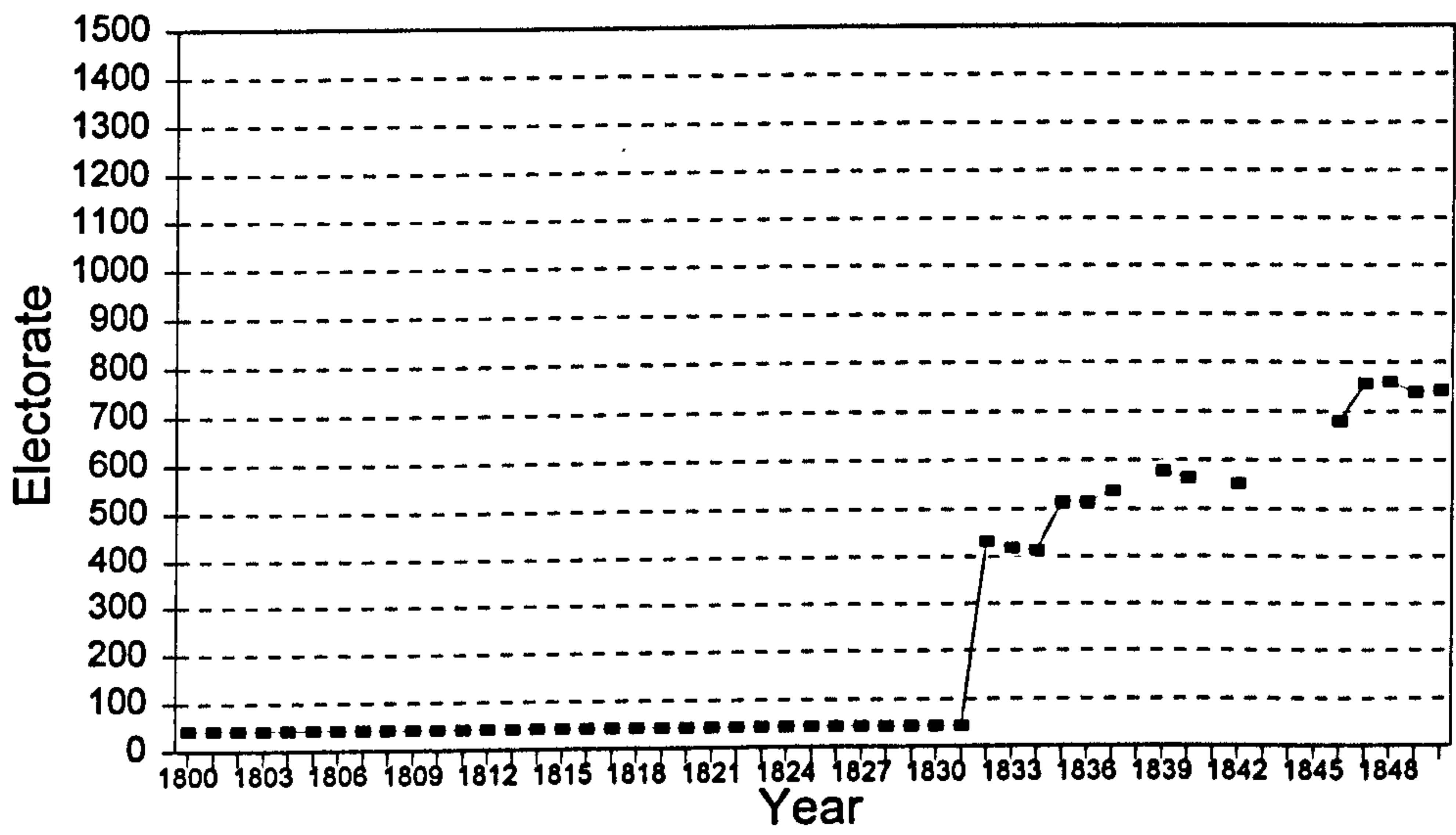
Graph 2.15

Ripon's electorate

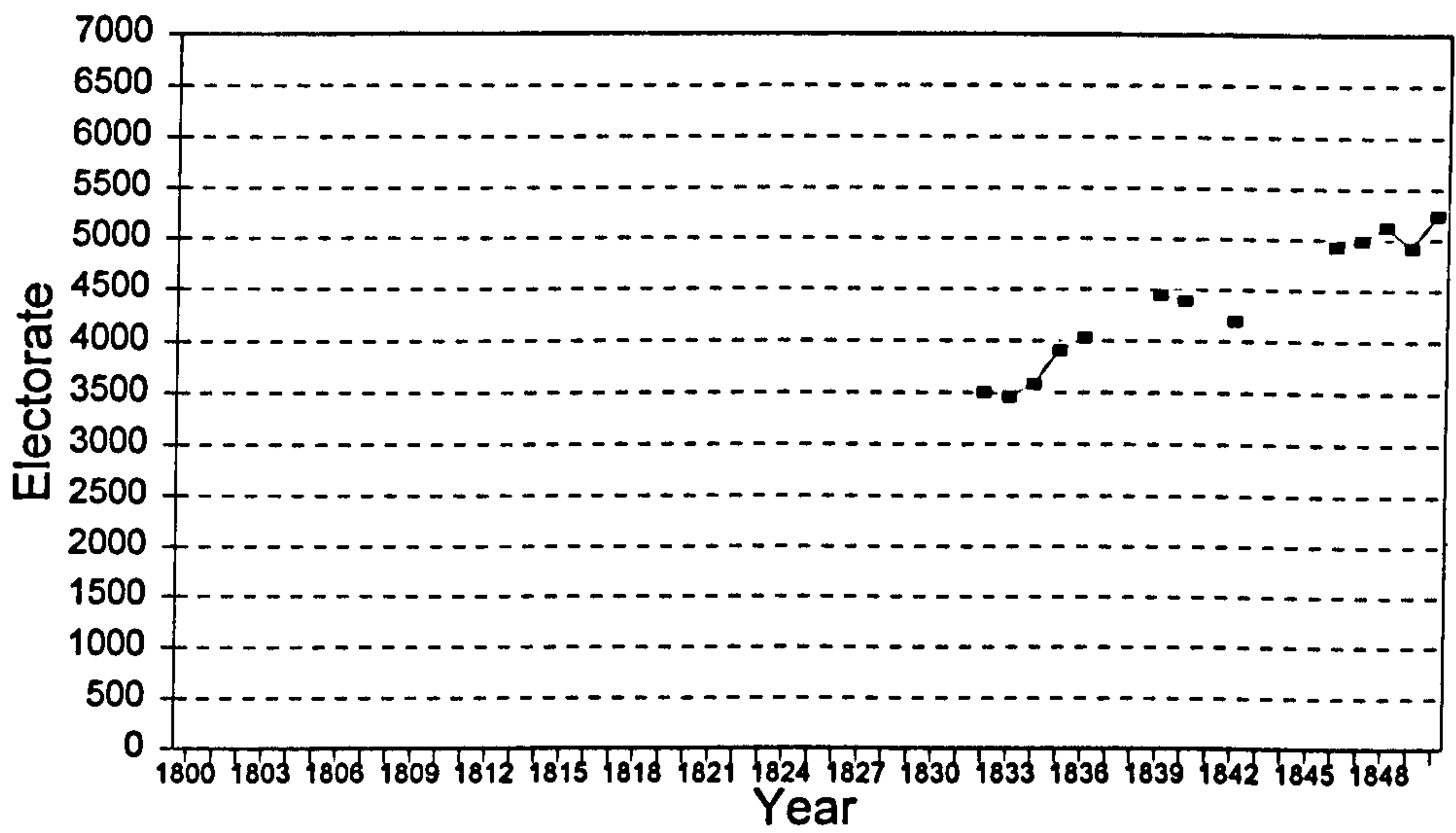


Graph 2.16

Scarborough's electorate

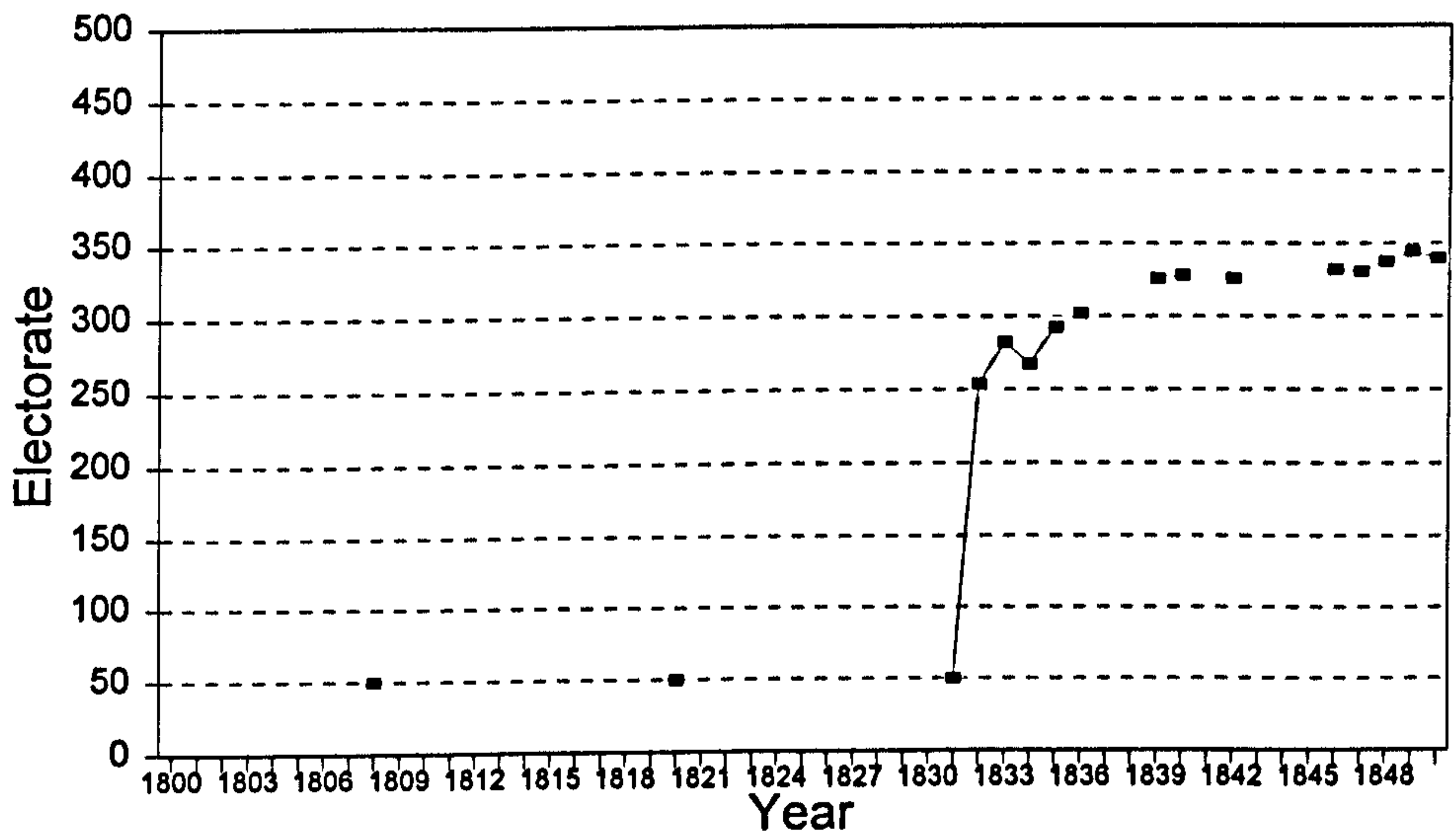


Graph 2.17
Sheffield's electorate

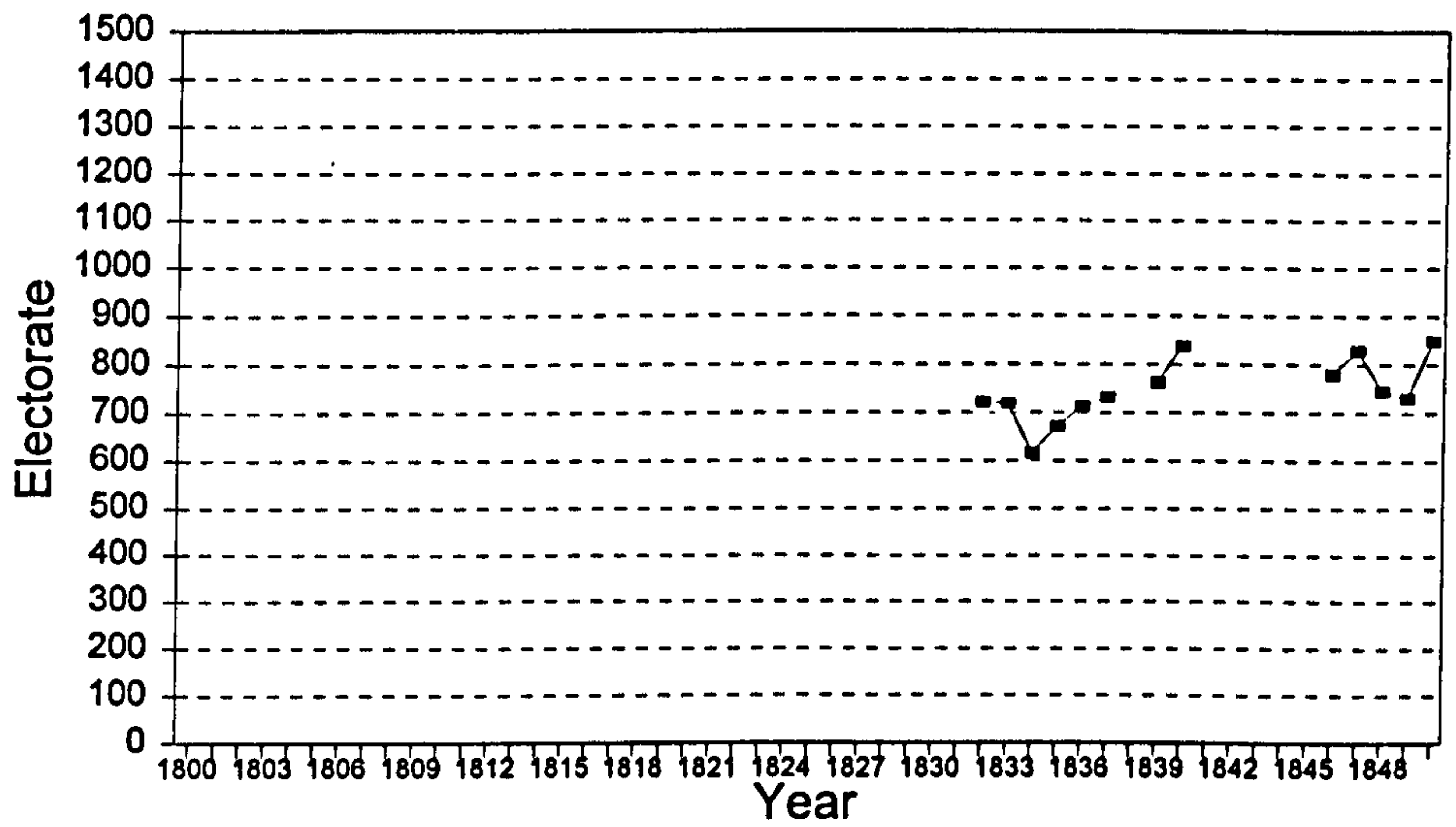


Graph 2.18

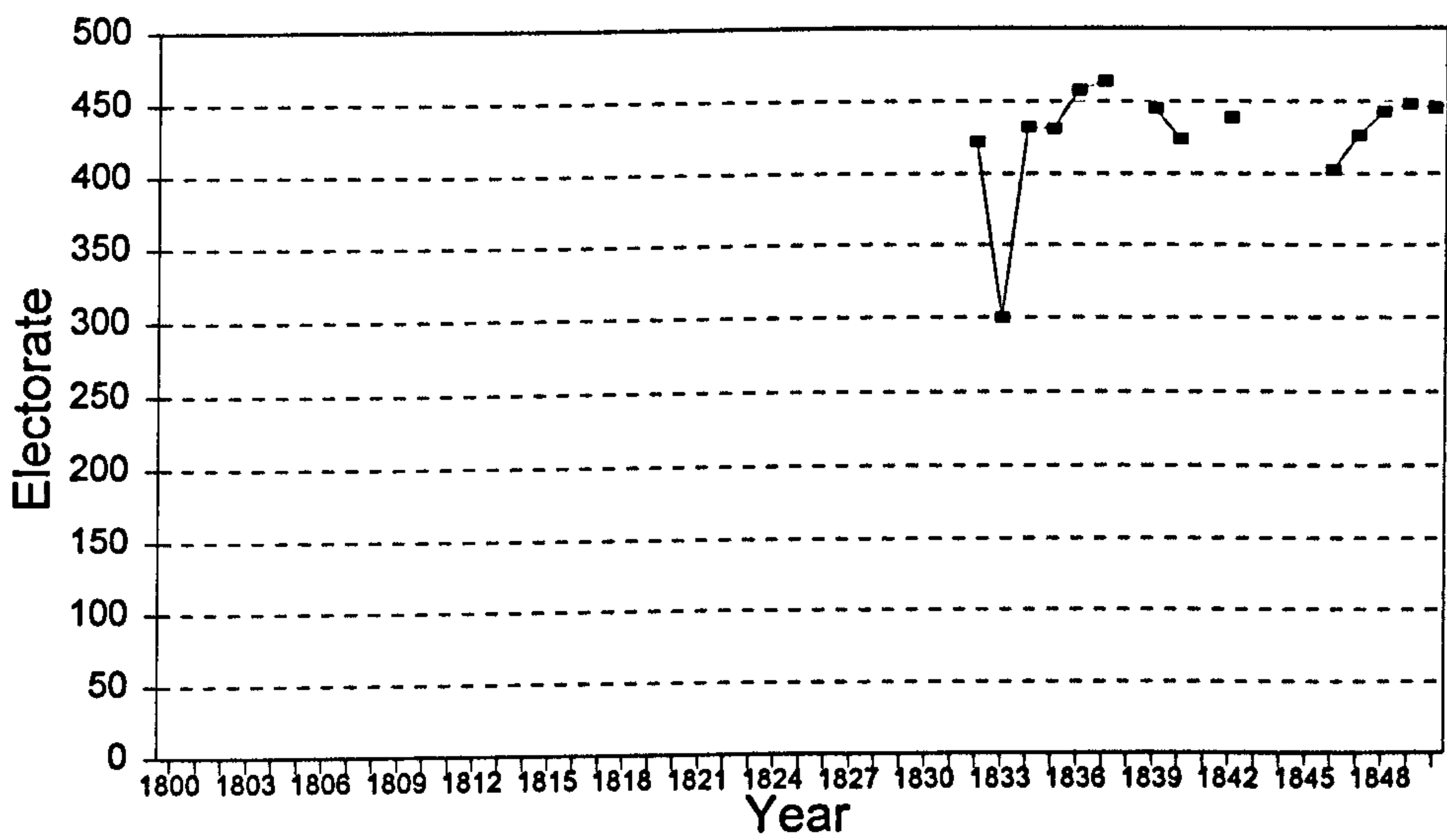
Thirsk's electorate



Graph 2.19
Wakefield's electorate

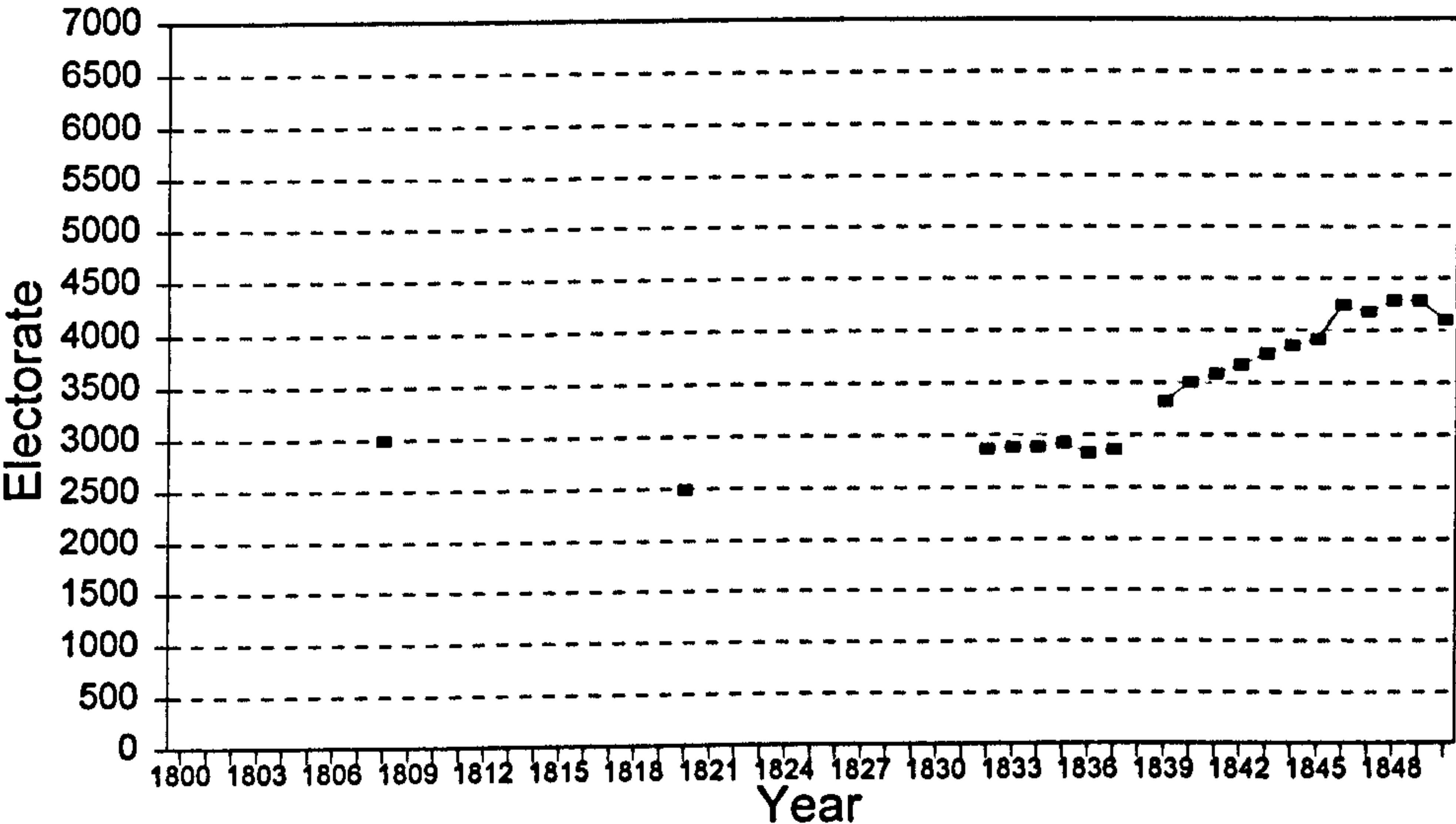


Graph 2.20
Whitby's electorate



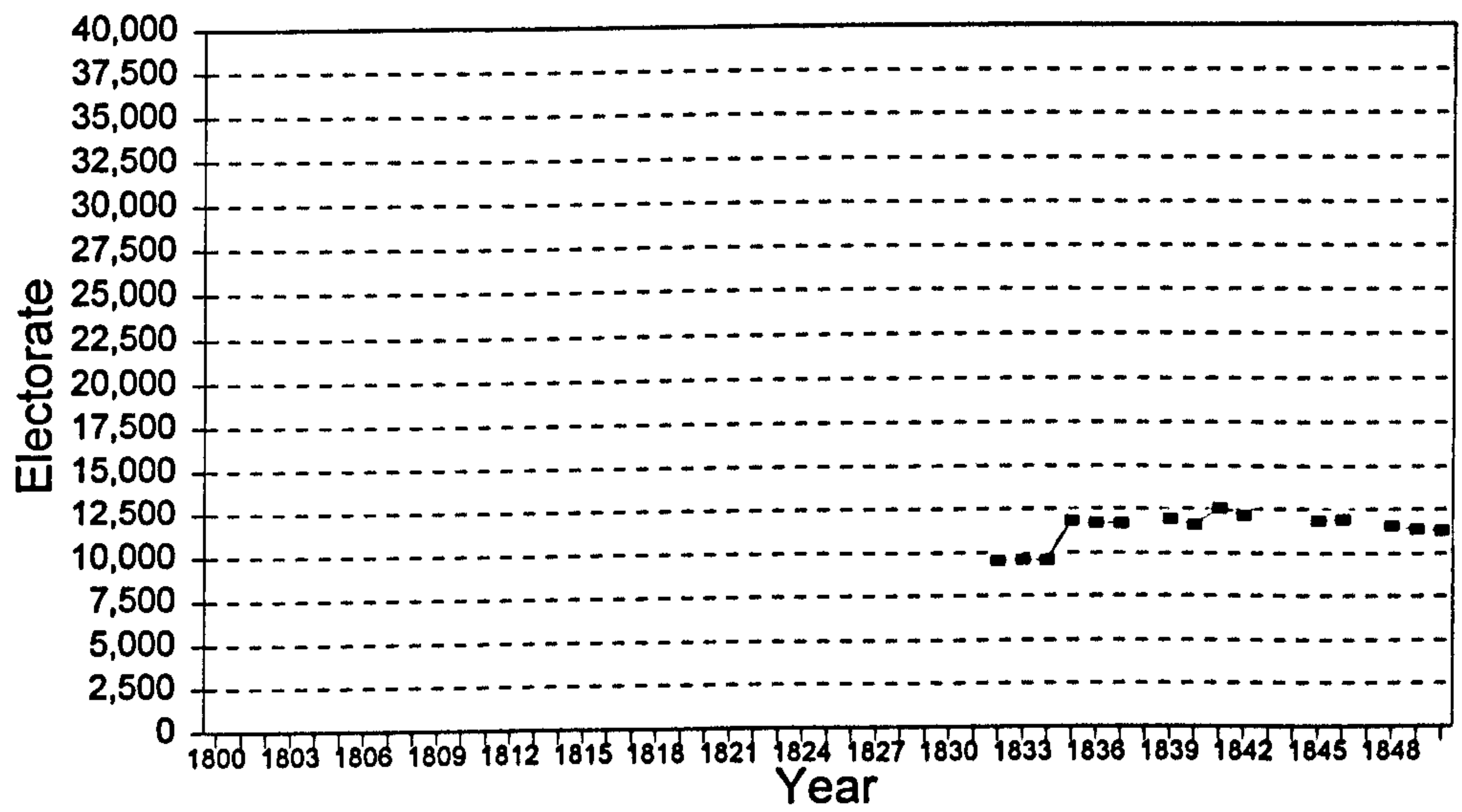
Graph 2.21

York's electorate



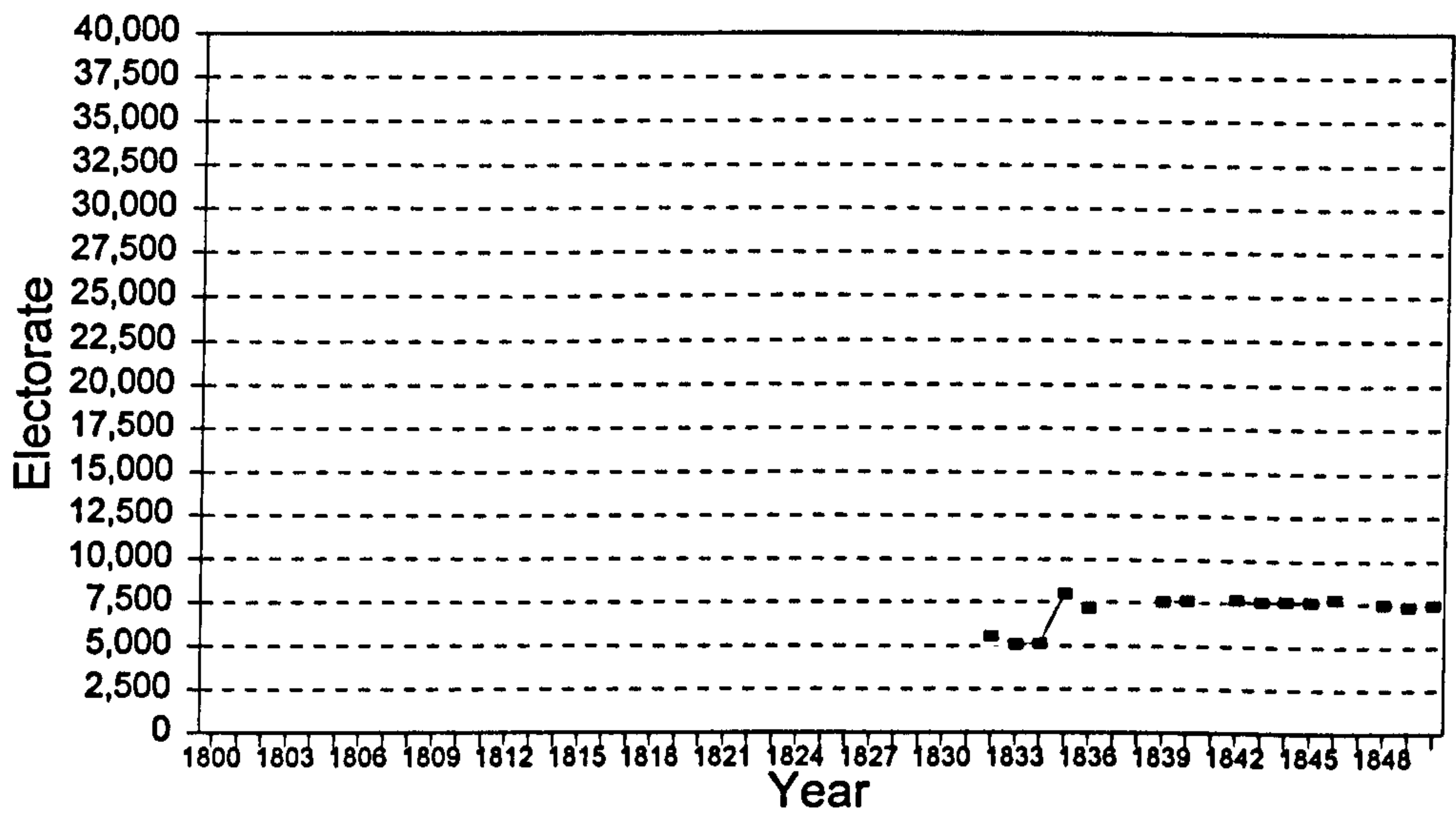
Graph 2.22

North Riding's electorate



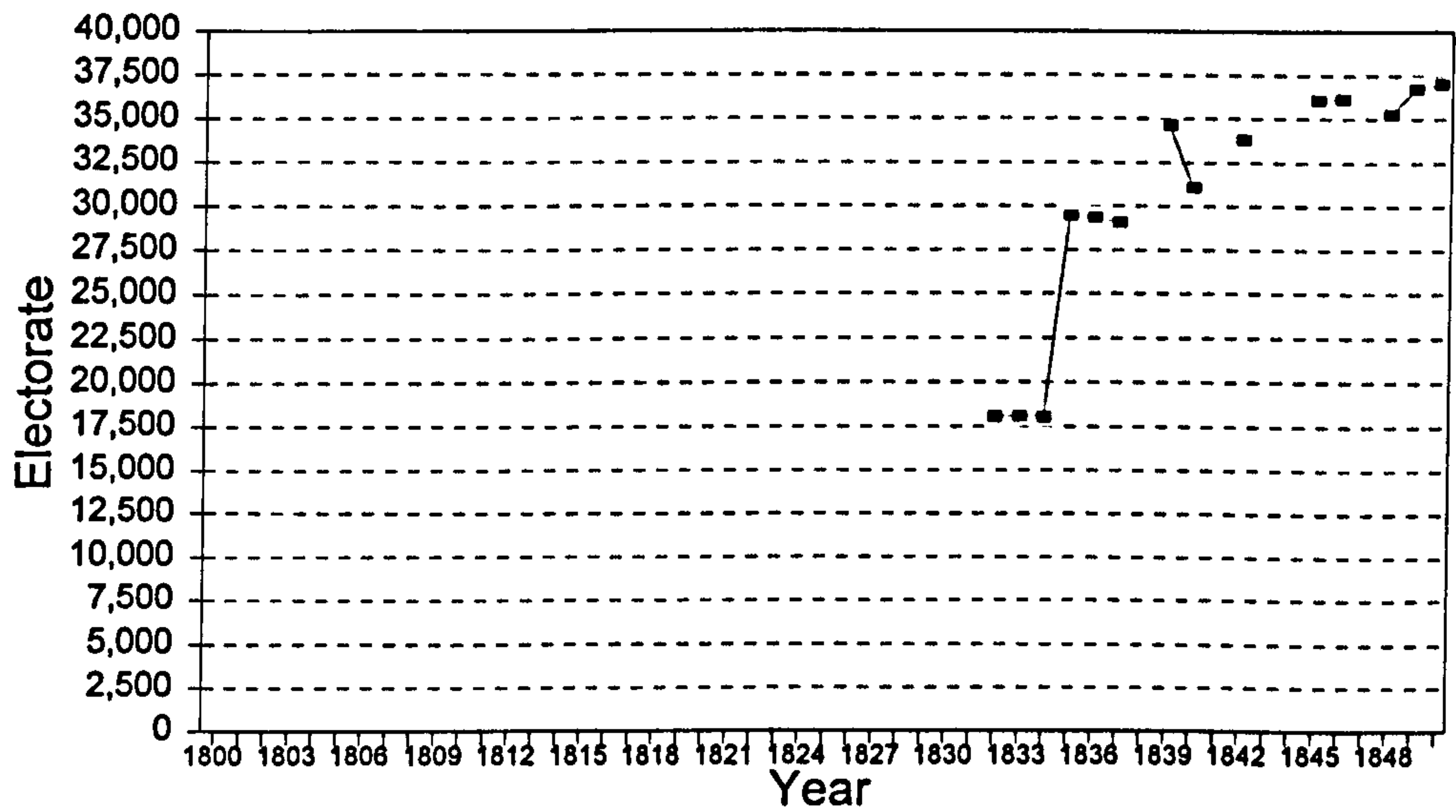
Graph 2.23

East Riding's electorate



Graph 2.24

West Riding's electorate



The totals in Table 2.1 include some adjustments for multiple entries and multiple electors, based on the limited evidence available.¹ The immediate impact of the 1832 legislation was to increase the electorate by around 40%. (Table 2.1's last column indicates an increase of just under 40%, but the 1831 figure is not adjusted for multiple electors and so is a little generous). Whilst the electorate languished at around the same level in the next few years, when electoral and political activity was given new life by the revival in Tory morale and organisation leading up to the 1835 election, the electorate grew sharply, putting on 100,000 in 1834-6. Taking 1836 as our bench-mark for the post-1832 system, this points to an increase of over 63% arising from the 1832 legislation. Across a longer period - 1831 to 1862 - we see the electorate increase by over 100%. This compares to a population growth for England and Wales in 1831-61, according to the censuses, of 44%.

The sharpness of the post-1832 growth, quicker than the increase in population and wealth, suggest that registration rates were initially relatively low and increased during this period. It was only when party organisations became involved in registration tussles in the 1830s in a search for electoral supremacy that registration rose to more respectable levels. Again, it was a matter of public apathy only being overcome when political organisations set to.

All these figures make no allowance for growth that would have occurred anyway in the old system, even if nothing had happened in 1832. A very rough estimate can be made of the importance of this factor. Assuming that the electorate would, had there been no Reform Acts, have increased after 1832 at the same rate as it grew in 1754-1831, the increases caused by the 1832 legislation come down to 62% for 1831-6 and 88% for 1831-62.²

As this image of a large and vibrant electorate is rather different to the picture recently drawn by Vernon,³ it is worth taking a moment to discard his evidence. He reasonably makes the point that 1832 did not occur against the background of a static electoral system, but rather one where the electorate was already growing. However, his evidence for the rate of growth in the electorate before 1832 - a mere two constituencies, and moreover both boroughs - is grossly atypical.

¹ If one wishes to compare such figures to the population it must be remembered that imbeciles, criminals, aliens, peers and various office-holders (such as revenue officers) could not vote. For example, in 1841 there were 1,116,523 paupers, rising to 1,333,245 in 1843 and about 1 in 666 of the English population were lunatics: Weld, *Statistical Companion*, 1843, p.42 and *Statistical Companion To The Pocket Book*, John W. Parker, London, 1844, p.25.

² I have taken O'Gorman's electorate figures for 1754 and 1831 (338,000 and 439,200): *Voters, Patrons and Parties*, p.179. These figures are for England and Wales. I assume the average growth rates in both countries were the same. I use O'Gorman's figures throughout, so that like is being compared to like. The preferred comparison would be of my 1831 figures with 1754 figures calculated in a similar manner, but the latter do not exist.

³ Vernon, *Politics And The People*.

Year	English county electorate register entries	% of whom freeholders, tenants-at-will, and copy/leaseholders	% entries that were multiple entries	English borough electorate register entries	% of whom ancient righters	% of entries that were multiple entries	English register total	English estimated total electorate
1831	244,000			186,000				430,000
1832	341,000-370,000			269,000-286,000	37%		610,000-656,000	595,000
1833	345,000			272,000				
1834	358,000			278,000			636,000	602,000
1835	441,000	70%, 20%, 10%		303,000			744,000	704,000
1836	444,000			297,000			741,000-752,000	702,000
1837	440,000	-, 22%, -		310,000	24%		750,000	705,000
1839	465,000	66%, 22%, 10%		321,000	24%	5%	786,000	739,000
1840							789,000	742,000
1842	485,000	65%, 22%, 10%		333,000	21%	5%	818,000	769,000
1845	468,000-476,000							
1846	473,000-484,000	67%, 21%, 10%	2%	342,000-368,000	21%	4%	815,000-852,000	783,000
1847				364,000-372,000	18%			
1848	466,000			365,000			831,000	781,000

Table 2.1: The English electorate 1800-66

1849	461,000			378,000				839,000	789,000
1851	473,000			399,000		16%		858,000- 872,000	865,000
1852	473,000		- , 21%, -	393,000		15%			
1853	480,000		66%, 20%, 10%		2%				
1854	421,000		68%, 21%, 9%	392,000		15%		813,000	764,000
1856	470,000		67%, 20%, 10%	409,000-426,000	1%			879,000- 896,000	834,000
1858								900,000	846,000
1862	489,000			454,000				943,000	886,000
1865	500,000			500,000		10%	5%	1,000,000	940,000
1866	500,000			500,000				1,000,000	940,000

Table 2.1: The English electorate 1800-66

Notes for Table 2.1 :

1. The 1831 figures are from p.23-24. The other sources are: "Miscellaneous," *Journal Of The Statistical Society Of London*, Volume 1, 1839, p.122, T.C. Anstey, 'Notes Upon The Representation Of The People Act, 1867'. (30 & 31 VICT. C.102.) *With Appendices Concerning The Ancient Rights, The Rights Conferred By The 2 & 3 Will. IV. C.45, Population, Rental, Rating And The Operation Of The Repealed Enactments As To Compound Householders*, William Ridgway, London, 1867, T.C. Banfield and C.R. Weld, *Statistical Companion To The Pocket Book*, Longman, Brown, Green and Longmans, London, 1848, T.C. Banfield, *Statistical Companion To The Pocket Book*, Longman, Brown, Green and Longmans, London, 1852, Brock, *Reform Act*, p.229, p.312 and p.361-2, F.W.S. Craig, *British Parliamentary Election Results 1832-1885*, Macmillan, London, 1977, and *British Electoral Facts 1832-1987*, 5th edition, Parliamentary Research Services, Dartmouth, 1989, p.66-7, De Franqueville, *Le Gouvernement Et Le Parlement Britanniques*, Volume 2, p. 308-9, C.R. Dod, *Electoral Facts From 1832 To 1853 Impartially Stated: Constituting A Complete Political Gazetteer*, original edition 1853, edited with an introduction and bibliographical guide to electoral sources 1832-55 by H.J. Hanham, Harvester Press, Brighton, 1972, p.xvii, Evans, *Reform Act*, p.50, J.R. Fisher, "Issues and Influence: two by-elections in South Nottinghamshire in the mid-nineteenth century," *Historical Journal*, Volume 24, 1981, p.159, Gash, *Politics in the Age of Peel*, p.94 n13, Hanham, *Elections and Party Management*, p.35, Lambert, "Parliamentary Franchises," p.958, Moore, *Politics of Deference*, p.249-50, J.B. Martin, "Electoral Statistics: a Review of the Working of our Representative System from 1832 to 1881, in view of Prospective Changes therein," *Statistical Society Journal*, Volume 47, 1884, Newmarch, "On the Electoral Statistics of the Counties and Boroughs," p.171-85 and p.315-8, Seymour, *Electoral Reform*, p.78 n2, p.83 n2, p.84 n1 and p.533, 1834 (591) IX, 1844 (11) XXXVIII, 1846 (284) XXXIII, 1847 (751) XLVI, 1849 (616) XLV, 1850 (345) XLVI, 1865 (195) XLVII. I have adjusted figures to compensate for missing constituencies and different interpretation of "England."

2. The continuance of large numbers of ancient righters is largely due to the large numbers of freemen on electoral registers after 1832; for example, in 1847 about 80% of the ancient righters on registers were there as freemen. This is explained by the oft-overlooked fact that many freemen created *after* the passing of the 1832 legislation could register and vote. They could do so as long as they were freemen in respect of servitude, or if their right to be a freeman came through a person who was a freeman (or entitled to be one) before 1 March 1831.

The boroughs are Boston and Lewes. In the former the electorate grew by 258% in 1790-1830 and in the latter by 214%.¹ If these two boroughs were typical then, given the 1831 English electorate of 415,000, this would mean that the total English electorate in 1790 was under 125,000.² By contrast, other evidence points to an electorate in 1754-90 of very comfortably over 300,000.³ Thus, we can safely discard the notion of Boston and Lewes forming a representative sample of the pre-1832 system.

Turning to the impact of the 1832 legislation, Vernon claims, “the enfranchisement of £10 copy-holders, leaseholders, and tenants-at-will paying no less than £50 per annum did little more than officially formalise the notoriously generous interpretation of the “freehold” qualification that had long existed within the unreformed counties.”⁴ My calculations give an English county electorate in 1831 of 244,000 and a 1832 county electorate of 340-370,000 (Table 2.1). Even if we are generous to the point of foolishness, by taking the lowest figure (340,000), ignoring those electors who were not registered, and making a generous deduction of 10% for multiple entries, we have the county electorate increasing by 25%. Taking the figures for 1836 - 444,000 - and again lopping off 10%, and adding a generous 10% to the 1831 figure to allow for growth that would have happened without 1832 - gives an increase of nearly 50%. One can tweak these calculations in various ways, but regardless there was a large county electorate increase.

Vernon’s arguments regarding boroughs after 1832 again rely on Boston and Lewes. By 1852 their electorates were back to levels much like their levels of 1831. On the basis of these two boroughs Vernon concludes that, “had the unreformed electorate continued to grow at the same pace it had between 1790 and 1832, there can be little doubt that it would have far outstripped its reformed counterpart by the middle of the century.”⁵ In 1849 the English electoral registers totalled about 840,000 (Table 2.1). Picking 1849 is generous to Vernon’s thesis, as the register totals were much higher even by 1851. Lopping off a generous 10% for multiple entries gives 756,000. This compares to the 1831 figure of 430,000. Thus, Vernon is, in effect, claiming the unreformed electorate would have grown by over 75% in 1831-51, or at an annual rate of about 2.75%. However, it is hard to believe that the unreformed electorate really was growing at this rate. Such a growth in 1790-1831 would have meant, given the 1831 electorate of 430,000, a 1790 electorate of 141,000. This is still unsustainably small, given the existing more reasonable estimate for 1790 of over 300,000 (see above).

¹ Vernon, *Politics And The People*, p.33.

² The mean growth of the electorate in Boston and Lewes was 236% in 1790-1830. An English electorate in 1790 of 123,512 would, if it grew by 236%, have given an electorate in 1830 of 415,000. Note that my 415,000 figure is actually for 1831; the figure for 1830 is slightly lower as the electorate was expanding. However, if we plug a slightly lower number than 415,000 into the calculation, this simply makes the extrapolated figure for 1790 even lower.

³ O’Gorman, *Voters, Patrons and Parties*, p.179 Table 4.3 gives a figure of 338,000 for the English and Welsh electorate in 1754-90. Deducting a generous 30,000 for Wales leaves 308,000. This number is an under-estimate given the generous figure used for Wales, and given my findings that O’Gorman’s later figures are on the low side this one too may need tweaking upwards. Note in this, and following, calculations I make no adjustments for electors who were electors in more than one constituency as this was a factor both before and after 1832. However, even if it this form of multiple-registration was more common after 1832, all my conclusions are sufficiently clear to easily withstand a tweaking of a few extra percent.

⁴ Vernon, *Politics And The People*, p.36.

⁵ Vernon, *Politics And The People*, p.39.

This picture is reinforced by individual constituency figures; not those for a tiny sample, but those for all of England. Craig's figures for the size of the electorate in each English constituency¹ show that between the registers of 1832-3 and 1846-7 the average growth in a constituency's electorate was 870, or 30%. Graph 2.25, a histogram of the percentage changes in constituencies' electorates in this period, reinforces this picture. Some constituencies saw their electorates fall, but they are firmly in the minority. The larger a constituency's electorate was in 1832, the larger its electorate's growth was likely to be (measured in absolute numbers rather than percentages) in 1832-46,² though in terms of percentage growth there was no such clear relationship.³ Thus whilst the mean constituency electorate increased by 37% (2400 to 3279), the median rose by less: 23% (1104 to 1357). Yet even the smaller constituencies grew on average; the dividing value between the first and second quartiles grew by 18% (from 457 to 539), compared to 35% for that between the third and fourth (3676-4955).

Thus, my conclusions are not shaken by Vernon. Indeed, we have seen the utility of having a national framework against which individual constituencies can be compared. Two periods of particularly sharp increase in the national electorate reinforce the picture of vitality. The periods were the mid-1830s and then later in the 1840s. The first period is highly suggestive of initial registration rates being relatively low, with subsequent intense registration activities raising them. The importance of the mid-1830s is reinforced by the behaviour of revising barristers. There was a sharp increase in the number of days they sat at this time (Graph 2.26).⁴ That the growth of the 1840s was subsequently possible suggests - population boom and rapid urbanisation notwithstanding - that noticeable degrees of non-registration persisted. So few people were registered immediately after 1832 that, even after all the mid-1830s activities, there was still much slack that could be taken up in the 1840s.

This leads to the question of how many electors were not registered. It is possible to make some estimates for Yorkshire boroughs as to the levels of registration. This involves estimating the number of £10 annual value houses in Yorkshire boroughs, and making deductions for houses that were occupied by women, occupied by people in receipt of relief, empty etc. and so could not grant a vote.

¹ These figures are not consistent regarding multiple entries, usually including them but sometimes excluding them: see p.88 but also p.99. This would only affect the trend over time if there were significantly more (or fewer) constituencies where he excluded multiple entries in 1846 than 1832, or, if in the ones where he included multiple entries there was a significant trend in multiple entries over time. There is no reason to believe this is the case. Data saved as *craig.mtp* and *elect3247.mtp*.

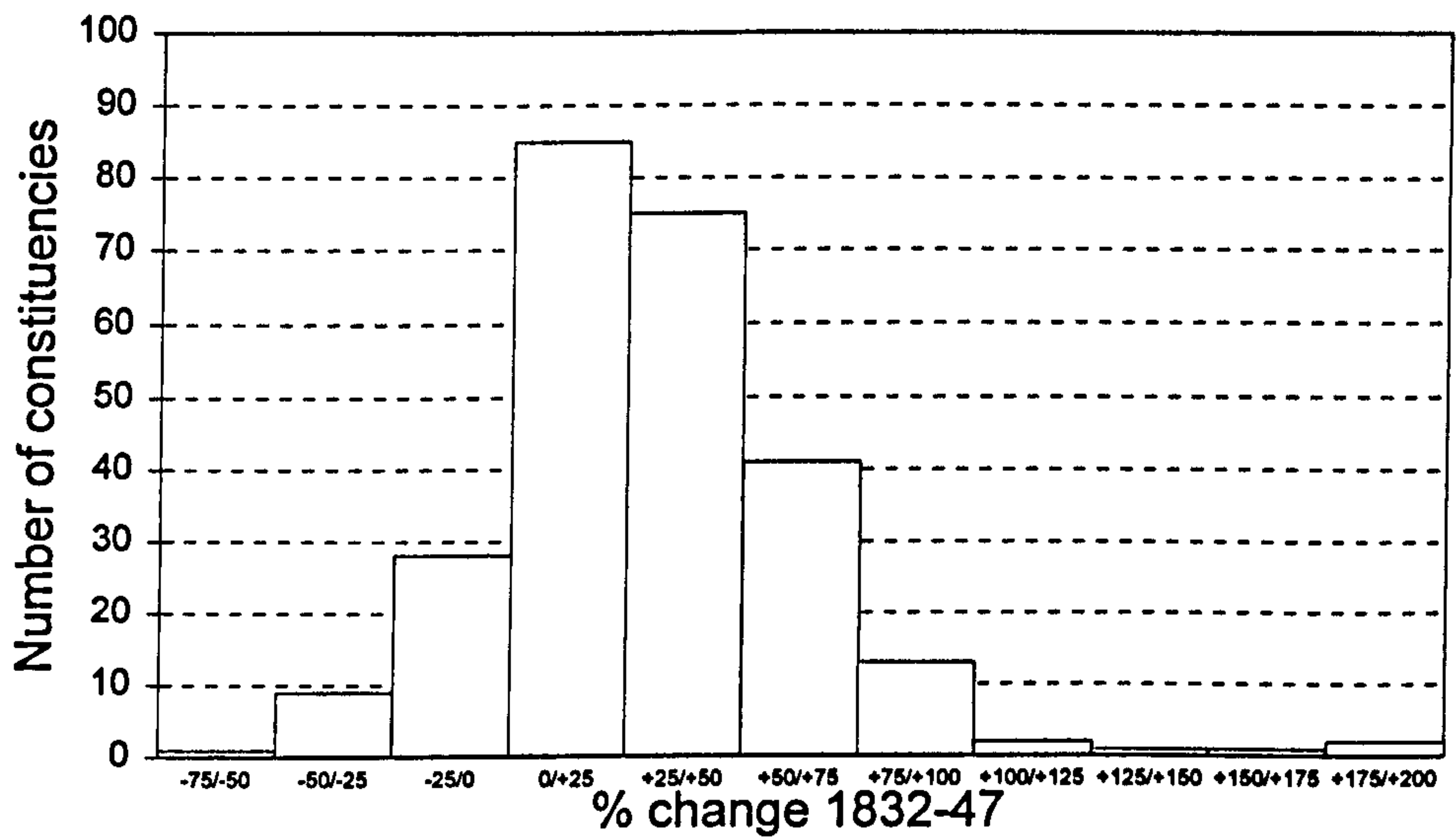
² The regression equation is: Increase in electorate = -195 + (0.443 x 1832 electorate). $R^2 = 42.4\%$, $N = 257$.

³ The regression equation in this case has an R^2 value of only 2.4%.

⁴ Data from *A Return of the Names of Barristers appointed to revise the Lists of Electors in England and Wales, in the Years 1835, 1836, 1837, 1838 and 1839; the Names of the Places or Districts to which the Revising Barristers were respectively appointed; the Number of Days employed in each Place or District, so far as appears by their Accounts; the Amounts of Fees received, and the Amount of Expenses incurred by them respectively, 1840 (120) XXIX, A Return of the Names of the Persons appointed to be Revising Barristers for the several Counties and Boroughs in England and Wales, in the Summer of 1840, arranged according to Circuits, and stating the Name of the Senior Judge on each Circuit, 1840 (Sess. 1) (11) XIII and A Return of the Names of Barristers appointed to revise the Lists of Electors in England and Wales, in the Years 1840 and 1841; the Names of the Places or Districts to which the Revising Barristers were respectively appointed; the Number of Days employed in each Place or District, so far as appears by their Accounts; the Amounts of Fees received, and the Amount of Expenses incurred by them respectively, in continuation of the Return prepared in 1840;- Also, of the Aggregate Amount paid in each Year to such Revising Barristers from the Year 1835 inclusive;- and, The Aggregate Number of Days in each Year for which such Revising Barristers were Paid from the Year 1835 inclusive, 1842 (151) XXVI. Data saved as *revbar.mtp*.*

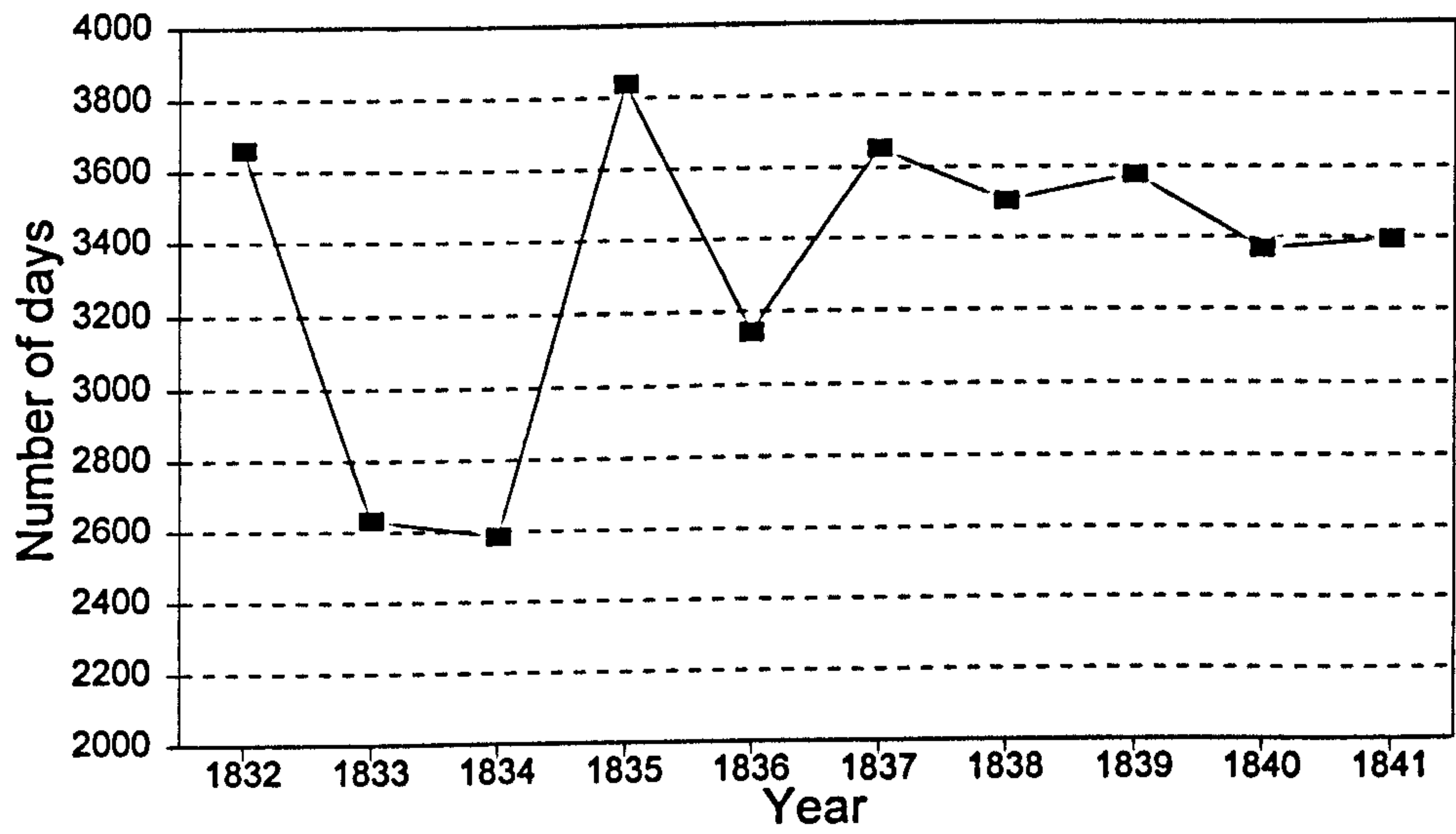
Graph 2.25

This histogram shows the percentage changes in the size of English constituencies' electorates between 1832 and 1847. The first column shows the number of constituencies whose electorate fell by between 75% and 50%, and so on.



Graph 2.26

Days sat by revising barristers



There are various contemporary estimates that exist regarding the appropriate deductions. An 1831 Parliamentary Paper suggests docking 25% from the number of £10 annual value houses.¹ In 1860 it was suggested the figure should be 33%.² Both include an allowance for multiple qualifications for the same person; i.e. they allow an estimation of the number of electors rather than the number of register entries. However, I prefer to estimate the theoretical total on the electoral register, without making any adjustments for multiple entries. This is because that would be too difficult; there is not sufficient evidence and it gets particularly messy when one factors in ancient-rights voters. As the former specifies that 5% of the 25% is for multiple entries, and assuming the 33% included a similar margin for multiple entries, this leaves a best estimate of around 25% being the correct deduction.³

The estimates for Yorkshire constituencies are as follows.⁴ Column [a] estimates the numbers of houses at an annual value of £10, minus the above 25% deduction. Column [b] estimates the number of electoral register entries in respect of the £10 franchise. Column [c] is [b] as a percentage of [a]

		[a]	[b]	[c]
Beverley	1832-4	380	146	38%
	1847	540	449	83%
Bradford	1832-4	1220	1225	100%
	1847	1830	2180	84%
Halifax	1832-4	1000	648	65%
	1847	885	1022	115%
Huddersfield	1832-4	920	671	73%
	1847	870	1142	131%
Hull	1832-4	2350	2584	110%
	1847	2890	3118	108%
Leeds	1832-4	5015	4774	95%
	1847	4670	6300	135%
Malton	1832-4	300	345	115%
	1847	340	451	133%

¹ *Copies Of Further Information Touching the Amount of Population, and the Number and Value of Houses in Towns or Districts now sending Members to Parliament, or proposed in the Reform Bill to send Members in future*, 1831 (68) XVI. The full estimate is 50%, but this includes some factors inappropriate here, as the estimate made there is for the number of new electors in new English boroughs.

² 1860 (455) XII, q.2967.

³ This is at odds with M.H. Rankin's claim that the number of £10 annual value houses is a "tolerably accurate" guide to the number of potential electors: *Present State Of Representation In England And Wales; Being An Alphabetical Arrangement Of All The Counties, Cities, And Boroughs, Sending Members To Parliament: With An Appendix, Containing A Summary Of The Representation In England And Wales, The Reform, And Boundary Acts, And A Copious Index*, Baldwin and Cradock, London, 1832, p.2. However, this is very much a lonely estimate. For example, in 1860 (455) XII various other estimates for deductions are made - first for counties and females; second, for counties and females and unoccupied property; third, for boroughs for multiple assessments, deaths and changes of residence for property of £5-£6. All of these were in the 15-25% range, and well above 0%: q.175, 199, 1402 and 1489.

⁴ Data from Dod, *Electoral Facts*, Rankin, *Present State Of Representation, Accounts of the Number of Houses in each City, Borough and County in England, Wales and of each County, Royal Burgh and Town in Scotland now returning Members to Parliament and of those not returning Members to Parliament distinguishing the Number of Houses Assessed to the Inhabitant Household Duty, from £10 to £19 inclusive, and from £20 to £39 inclusive; and at £40 and upwards*, 1830-1 (202) X, 1830-1 (204) X, 1831 (68) XVI, 1834 (591) IX and Appendix 9.

Northallerton	1832-4	220	230	105%
	1847	230	259	113%
Pontefract	1832-4	390	380	97%
	1847	315	380	121%
Richmond	1832-4	225	260	97%
	1847	225	269	120%
Ripon	1832-4	300	350	117%
	1847	320	278	87%
Scarborough	1832-4	380	385	101%
	1847	710	662	93%
Sheffield	1832-4	3360	3587	107%
	1847	4140	4934	119%
Thirsk	1832-4	235	267	114%
	1847	250	332	133%
Wakefield	1832-4	630	617	98%
	1847	640	780	122%
Whitby	1832-4	355	432	122%
	1847	260	403	155%
York	1832-4	1605	625	39%
	1847	2260	1163	51%

These figures are certainly a salutary warning against glib use of nineteenth century electoral statistics. They consistently contain cases where the number of register entries in respect of £10 properties was greater than the number of such properties. These figures are not the whole story. Part of the explanation lies in exactly what is being measured. Some register entries were in respect of not merely a house (or something similar), but in respect of other property or a combination of property, such as house plus garden. The figures for £10 properties do not appear to be consistent, but often exclude such combinations. Further a property worth, say £20, could qualify two people for a register entry each, but would only appear as one property in Column [a].

These figures, then, are limited. The figures for the number of £10 properties, with deductions for women, deaths etc., are not a reliable guide to the size of the £10er potential electorate (else all the percentages would have been under 100%). However, it is instructive that Column [c] contains 13 boroughs in which the percentage increased, and just 4 where it fell. Assuming that the problems mentioned in the previous paragraph did not change in magnitude between 1832 and 1847, this suggests there was a clear rise in the registration rate. The mean increase in the registration rate is 18%. In other words, if the registration levels of £10ers in 1847 had occurred in 1832 the number of register entries in respect of £10ers would have been 18% higher. It is likely that the number of multiple entries would also have been higher as there is some evidence from electoral registers in places like York that part of the growth was caused by people who had both freemen and £10 qualifications being initially only registered as freemen, but then latter also acquire a £10er register entry. A rough estimate is that, taking this into account, having the 1847 registration levels in

1832 would have resulted in a borough electorate that was 15% larger. These figures compare reasonably to the smattering of contemporary estimates. In 1860 one witness hazarded that,

I consider that a town of that size [Halifax] cannot register within 12 per cent. of its number ... In a large borough the per-centage of those who will not register is always very much larger than in a small borough ... In Halifax I have put the per-centage of those who will not register at 12 per cent., where, as in Bradford, Leeds, and Sheffield, I should put it as high as 20 to 25 per cent.¹

In 1860 the Government estimated that a deduction of 25% was necessary to get from the number of people who might be upon the register (in counties and boroughs) to the number who actually were.² This, however, appears to be a figure that, even if accurate, hides a large degree of variation. In metropolitan boroughs 40% of occupiers at a gross estimated rental of at least £10 were not registered, and in rural boroughs of population in excess of 100,000 the figure was thought to be 12%.³ It is hard to credit all this variation to fluctuations in the relationship between gross estimated rental and annual value.

This leaves the question of the county electorate. My figures do not have a direct bearing on the question. However, the smattering of contemporary comments⁴ I have found do not suggest that contemporaries thought non-registration was significantly less of a problem in counties. There is some emphasis on registration problems in large urban areas, but then some counties, such as the West Riding, contained such areas.⁵ Making a cautious estimate that the comparable figure to 15% for boroughs was 10% for counties, this suggests that, had the 1847 registration levels been present in 1832, the English electorate would have been about 670,000 (rather than 595,000) and that the 1832 legislation would then have brought about an increase of about 55% in the English electorate (rather than 40%).

These figures are speculative, but do reinforce the picture that whilst 1832 increased opportunities substantially, many of those who could have taken part did not. Thus, there was a major role for electoral contests, which provided electoral organisations with the incentive to register and mobilise people who might otherwise not have voted or even registered even in the face of adverse global trends, such as the declining willingness to vote (Chapter 3).

This is also reflected in the numbers of freemen on register, for whom there is a useful 1840 Parliamentary return.⁶ Like many such returns it has serious problems. Not all boroughs made a return. The wording of the request for information was poor. It asked for the "Number of Freemen or Burgesses ... in each Borough ... entitled to vote." This is not the same as asking for the number of freemen or burgesses, registered under such ancient rights, on the electoral registers. Indeed, as the request went to *all* boroughs, a request for the number registered as freemen electors would have resulted in "none" or "not applicable"

¹ 1860 (455) XII, q.1601, 1605 and 1606.

² 1860 (455) XII, q.1633-4.

³ 1860 (455) XII, q.1637.

⁴ O'Gorman has the distinction of being the only historian I have found to give figures for registration rates. They are 67% in Ipswich (1832) and about 60% in Nottingham (1832): *Voters, Patrons and Parties*, p.183 n22.

⁵ E.g. *The Times* commented, 12 September 1832, that in the West Riding, "full one-third have neglected registering." Interestingly, recommendations from a Commons committee for county registers included a note of concern that registration levels might be low: 1826-7 (349) IV, p.3.

⁶ *A Return of the Number of Freemen or Burgesses in each of the Boroughs of England and Wales, entitled to vote in the Election of Members to serve in Parliament for such Boroughs, under the several Registrations of the Years 1836, 1837, 1838, and 1839, 1840* (379) XLI.

responses from most boroughs. But, many places like Bradford (created in 1832, so no ancient right voters), made a return other than “none” or “not applicable.” The numbers in the return were (sometimes) simply the electoral register total.¹ Richmond’s Town Clerk said he was, “uncertain as to what is the meaning of the expression ‘Freemen or Burgesses’,” and queried whether it meant the electoral register total. This confusion arose from the multiple meanings of “burgesses.” In some contexts it simply meant “elector,” as in the 1835 Municipal Corporations Reform Act. Even allowing for all these problems, some of the numbers are wrong.²

However, it is clear that some returns from ex-freeman boroughs were for the number registered by virtue of being freemen or burgesses (either because the number is too small to have been the electorate’s size, or, for Yorkshire constituencies, because the number is consistent with my evidence in Appendix 9). Indeed, for Northallerton the case is quite clear as numbers are given for both freemen and the register total. This is not the only case of supplementary evidence in the return making the situation clear.

It can be assumed that, for ex-freemen boroughs, where the number is not for the total electorate, it is for freemen registered *qua* freemen, rather than freemen regardless of how they got on to the register. This is because the former is readily obtainable from electoral registers, whilst the latter would have required laborious cross-checking of freeman rolls and electoral registers. This leaves the problem of deciding which boroughs were freemen boroughs, given the uncertainties over some borough pre-1832 franchise classifications (see Appendix 1). Looking at individual electoral registers to see whether freemen were registered *qua* freemen would solve the problem of which constituencies had freemen *qua* freemen on their electoral registers. However, electoral registers from this period have only survived erratically, and are scattered across the country. Using this Parliamentary Paper has the advantage that copies of it still exist, and its constituent parts are not scattered across the country.

The problems with this Parliamentary return are a good example of how many of the participants in the electoral process, including MPs requesting information and local officials responding, did not really know very much about the system. It is also an example of the march through fog and over quicksand that lies behind many apparently simple and neat electoral statistics. Something can, though, be drawn from the Parliamentary return (Table 2.2). These numbers fit the global trend already seen, namely that freemen were in secular decline, with the number of freemen registered *qua* freemen falling after 1832, from about 65,000 in 1832 to about 40,000 in 1865.³ However, against this secular movement it is clear that a burst of organisational activity, as in 1837-9, could buck the trend and increase the number of freemen.

¹ E.g. cf Bradford’s return and Appendix 9.

² E.g. cf York’s return and Appendix 9.

³ “Miscellaneous,” *Journal Of The Statistical Society Of London*, Volume 29, 1866, p.160.

Year	1836	1837	1838	1839
Number of such freemen	56,170	54,252	58,178	59,257
Mean number of such freemen in a freemen borough	791	775	819	859
Median number of such freemen in a freemen borough	360	372	381	394
Number of freemen boroughs for which data available	71	70	71	69

Table 2.2: Number of freemen registered qua freemen 1836-9¹

2.5 Conclusion

The electorate before 1832 had many signs of vitality, and was larger than even O’Gorman believed. Further, the creation of freemen should not be seen as a damper on vitality. With an electorate of 430,000 in 1831, 1832 caused an immediate increase of just under 40%, but by 1851 this increase on 1831 was over 100%. Calculations of the potential electorate’s size post-1832 are necessarily tentative, as any calculation of a non-existent entity from erratic evidence is likely to be. Yet, taken with contemporary estimates of levels of non-registration, and the large increase in the electorate in 1833-50 the picture is of initially low registration rates that subsequently rose sharply. In other words, many opportunities to participate were only taken up as electoral conflict intensified. The implications of this for wider interpretations of politics are important. It is against this background of voluntary non-involvement that the politics of Parliamentary reform agitation, Chartism and economic agitation need to be interpreted. In particular, urban areas and the lower end of the social spectrum appear to have seen the highest rates of non-registration. Though this may have been partly due to higher urban mobility rates and a higher incidence of compounding, the latter, at least, could have been circumvented with organisation and effort. Though it is clear that 1832 did not increase the electorate by as much as was believed before O’Gorman’s figures, it is also clear that this failure was largely the result of people voluntarily deciding not to participate: 1832 provided the opportunity and many did not take it up. People were given the franchise and passed it up.

“Progress” was a multi-edged phenomenon. The legislation of 1832 did not rationalise or simplify the system, but that also meant that it provided more scope for political activists, be they party men or pressure group men. This encouraged vitality and diversity, especially in the 1830s with its elections of “unprecedented fury”.² This scope for activity arose from a system with many quirks, many of which have been depicted as being inimical to vitality. However, many of these features have either been over-rated - such as the corrupt nature of freemen creations and the impact of compounding - or were so rare as to be of little importance. For example, whilst holding particular government jobs could stop people from voting, in

¹ Derived from 1840 (379) XLI. Freemen boroughs with no returns were Derby, Exeter, Lymington and Newcastle-under-Lyme. I have excluded a few returns where it was not clear whether the return was for freemen *qua* freemen. The total number of such possible freemen only varies between 498 and 505 for any one year. Data saved as *fmreg.mtp*.

² *London and Westminster Review*, Number 2 Volume 3 & 25, 1836, p.485.

1837 only nine Post Office employees across the whole country were dismissed for having voted.¹ The net effect, then, was to provide far more possibilities for increased vitality derived from political organisation, than the few restrictions the quirkiness also carried with it.

¹ *Return of the Names of Persons in the Employ of the Post Office in Great Britain and Ireland, against whom any Complaints have been made for having voted at the late Election of Members of Parliament; and of those who have been dismissed for having voted, 1837-8 (77) XLV.*

3. Turnout

3.1 Introduction

Turnout has been a hidden factor of nineteenth century elections, largely neglected by contemporaries and historians, yet also influential in the determination of election results. Levels of turnout may explain why the Tories kept on winning elections before 1830, why radical candidates failed to make greater progress in the 1830s or why Peel was able to lead the Conservatives back to power. We do not know. This Chapter is a first step towards banishing such ignorance. Specifically, it focuses on the question of vitality - what were the levels of participation by electors, how did they change and why?

The word “turnout” is superficially straightforward, but, under closer examination, slippery. A casual definition is “the proportion of people who vote”. In an age of universal suffrage the difference between “people” and “electorate” is normally sufficiently small to be ignored. However, for nineteenth century England the difference is sufficiently large to require a more rigorous definition.

For the period before 1832 - i.e. before the introduction of formal electoral registers - turnout is taken to be “the proportion of the electorate who vote.” Evidence, though, for the size of electorates is thin. For the period after 1832 the existence of electoral registers makes matters apparently easier. Here, *crude turnout* is taken to be “the proportion of the electoral register’s entries for which a vote is cast.”

It is *crude* because of the problems inherent in the registers. They were compiled annually, so an election occurring many months after a register’s compilation might result in an apparently lower turnout due to, for example, people on it having died. Dead people could not vote, but their entries could not be removed until the next electoral register. In addition, there is the problem of multiple entries (see p.27). As a person possessing multiple register entries could still vote only once, multiple entries mean that turnout figures based simply on the total number of register entries can be misleading.

Though adjustments can be made for all these problems, the evidence for such adjustments is sporadic. Thus, while a fully adjusted figure may seem desirable, crude turnout has the advantage of being more widely calculable. These problems make a detailed examination of a sample of constituencies, from which national estimates can be derived, productive. This is particularly so since levels of turnout in this period have largely been neglected, and the calculations that have been made have largely been of individual constituencies, rather than of national trends over time. Moreover, the one clear national survey of turnout - that by Craig for post-1832 - is seriously flawed.

Section 3.2 examines turnout in 1800-32; the paucity of evidence means that the net is thrown wider than Yorkshire. Section 3.3 reviews existing knowledge of turnout in 1832-50. Section 3.4 draws on the Yorkshire data to improve Craig’s national picture, while Section 3.5 examines the contribution of political science theory. Section 3.6 examines the Yorkshire evidence in some detail, and Section 3.7 then compares the knowledge constructed of the pre- and post-1832 periods, and considers the impact of 1832.

3.2 Turnout 1800-32

The absence of formal electoral registers before 1832 makes calculating constituencies' electorates, and hence their turnout, difficult. (By comparison, the patchiness of evidence regarding the number of voters in constituencies is a minor problem).¹ The franchise requirements in some constituencies allow the electorate to be calculated. For example, in some the franchise lay with the Corporation. The size of most Corporations, and hence their electorates, is obtainable.² Further, knowledgeable locals sometimes recorded, principally in poll books, of whom the electorate was comprised. These sources are useful, though somewhat inconsistent in whether people disqualified for reasons such as receiving poor relief, or non-residence (where residence was required) are counted as being members of the electorate. It is arguable that such sources are atypical, in that polls with high turnouts (and hence fewer non-voters to list) may have been more likely to result in the recording of non-voters than other polls. However, looking at the range of polls I use this does not appear to be true. In particular, attention should be paid to the number of constituencies where such information was regularly given in poll books. It was not a matter of the effort required that determined the appearance, or otherwise, of this evidence, but rather what the local tradition for the content of poll books was.

I have ascertained turnout for 136 polls in 1800-31.³ There is no discernible trend over time, with turnout habitually over 80% (Graphs 3.1-3.6). But there are clear differences between different franchise types. The mean turnout was 86% in 37 scot and lots polls, 83% in 15 corporation polls, 82% in 5 householder polls, 81% in 75 freemen polls, 77% in 5 county polls and 77% in 5 burghage polls. That turnout was lowest in those constituencies where electors typically had furthest to travel⁴ suggests that physical impediments to voting mattered; enthusiasm to vote could wane in the face of obstacles. A similar picture emerges in scot and lot boroughs that permitted freemen to vote,⁵ where turnout averaged 69%, considerably less than the 85% in scot and lot boroughs overall.

However, it is difficult to disentangle this influence from that of the keenness of contests. Freemen boroughs typically saw intense contests when they polled (and they polled more regularly than most boroughs), and were often also the site of financial largesse. These forces probably acted to increase turnout, and helps explain why turnout in freemen boroughs was not even lower in the face of non-resident freemen often being able to vote.

From these numbers mean turnout at English polls in 1800-32 can be estimated. Given the difference in turnout between different types of constituencies it makes sense to differentiate between different franchise types, and weight the calculation accordingly:

¹ The principal difficulty here is that whilst records for the number of *votes* are fairly good, in most constituencies voters could cast one, two (or more) votes, so there is no constant relationship between the number of votes and voters.

² Principally from *Appendix to the First Report of the Commissioners*, Parts I-IV, 1835 (116) XXIV. There are some further problems, as a Corporation may have been short of its nominal strength at an election, and in some cases it is unclear which part of a Corporation elected MPs.

³ Appendix 3 contains the full list of constituencies and turnouts. Data saved as *pre32to.mtp*.

⁴ Freemen boroughs often permitted non-resident freemen to vote; counties were geographically large and had only one polling place, and burghage boroughs frequently had outsiders as electors (see p.115).

⁵ In my sample these are Gloucester, Leicester, St Albans and Worcester.

Mean turnout = [(number of freeman boroughs × turnout in freeman boroughs) + (number of scot and lot boroughs × turnout in scot and lots boroughs) + (number of burgage boroughs × turnout in burgage boroughs) + (number of householder boroughs × turnout in householder boroughs) + (number of corporation boroughs × turnout in corporation boroughs) + (number of freeholder boroughs × turnout in freeholder boroughs) + (number of university boroughs × turnout in university boroughs) + (number of county constituencies × turnout in counties)] + number of constituencies

In the absence of other information I have treated freeholder and university boroughs like burgage boroughs - in all three cases the franchise required an intimate connection with the constituency, but did not require residence.¹

The actual figures are: [(86 × 0.81) + (44 × 0.86) + (21 × 0.77) + (11 × 0.82) + (25 × 0.77) + (8 × 0.76) + (2 × 0.76) + (40 × 0.77)] + 245 = 78%.² This calculation is fairly robust; for example upping the county turnout to 87% only increases the overall figure to 79%. My 78% compares to O’Gorman’s implied turnout figure of 83%.³

Thus, participation was relatively high before 1832, at least in those constituencies where there was a poll. Further, where turnout did drop this coincided with physical impediments, such as the distance needed to travel in order to vote; hence lower turnouts in counties and boroughs with out-voters. There are signs of vitality here, but signs that could easily wane.

3.3 Turnout 1832-50: what is already known?

Turnout in Parliamentary elections in 1832-50 is a neglected area. After 150 years, with extensive work done involving poll books, registers, Parliamentary papers, computers and a large number of historians, reliable answers to such elementary questions as, “What was turnout in the election of 1837?” are still wanting. The paucity of work suggests a more detailed look at Yorkshire can reveal new insights, especially as the work that does exist has serious problems.

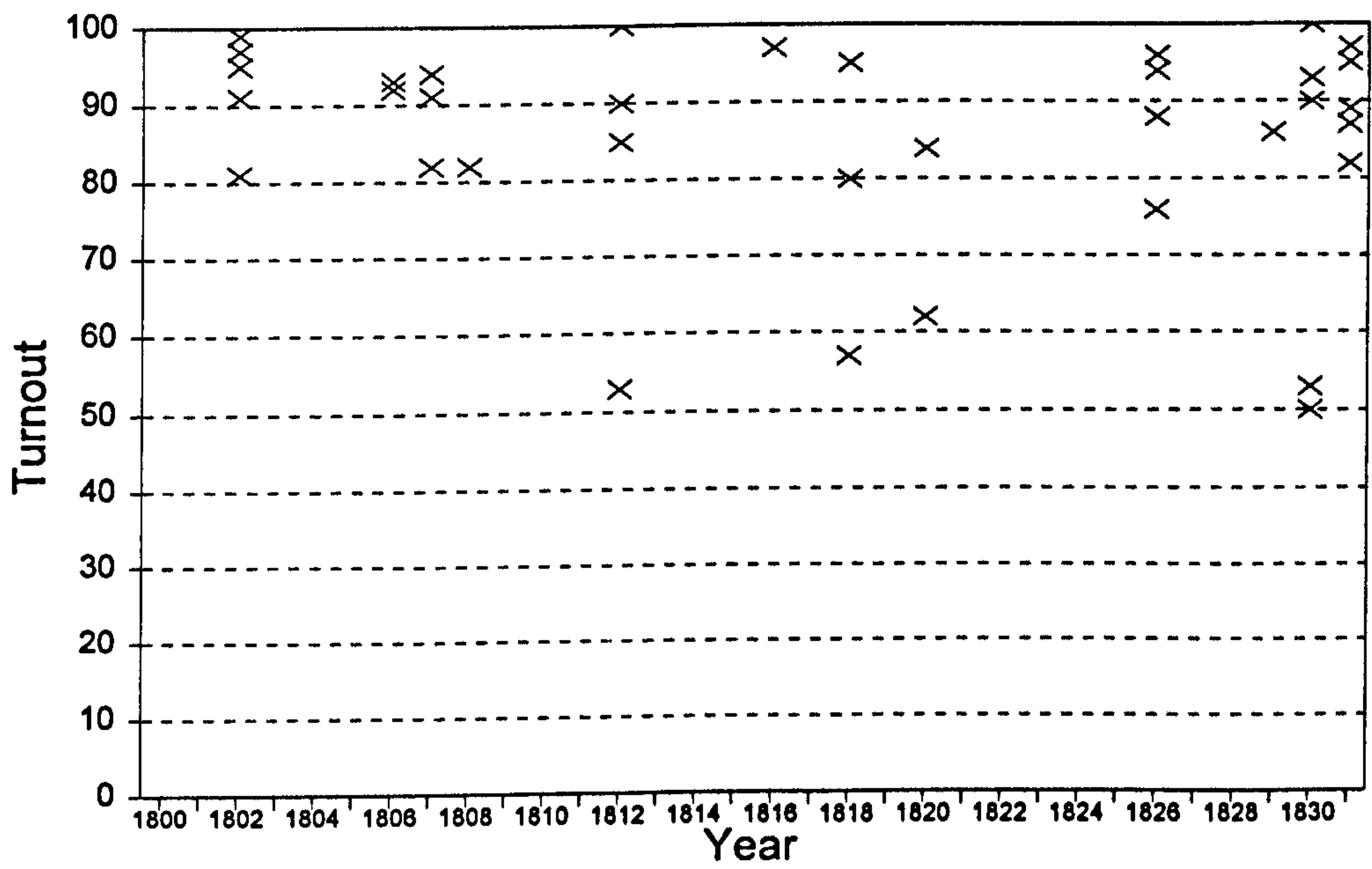
¹ It could be objected that some of the other averages are based on a small number of polls - like the figure for householder boroughs. However, as there were also few boroughs of this franchise type the exact figure used for them makes little difference to the overall result.

² Mean turnout at general elections was not the same, as the different borough franchise types each had different propensities to poll. Weighting the calculation not by the number of each franchise type, but by the number of each franchise type that polled gives, for 1806 and 1818 respectively, 81% and 81%. These higher numbers are because constituency types with higher typical turnouts were also more likely to poll. Figures for the number of each borough type that went to the polls derived from Thorne, *History of Parliament*, Volume 1, p.358-63 and listed in Appendix 1. I have used my franchise classifications rather than his. The average is calculated by method A (see p.89).

³ In calculating the 1831 electorate O’Gorman talks of increasing the number of voters by “at least 20%” to get the number of electors, and he did increase Cannon’s figures for the number of voters by 20%: O’Gorman, *Voters, Patrons and Parties*, p.178-9. So, for example, if there were 200 voters O’Gorman believes this meant there were 240 electors, implying a turnout of 200 + 240 = 83%. Although in this calculation he is talking about the electorate in England and Wales, his evidence for the levels of turnout comes only from England, with nothing said of Wales, so it is likely he assumed England and Wales were similar and so the 83% figure can be applied to England alone: O’Gorman, *Voters, Patrons and Parties*, p.183-191.

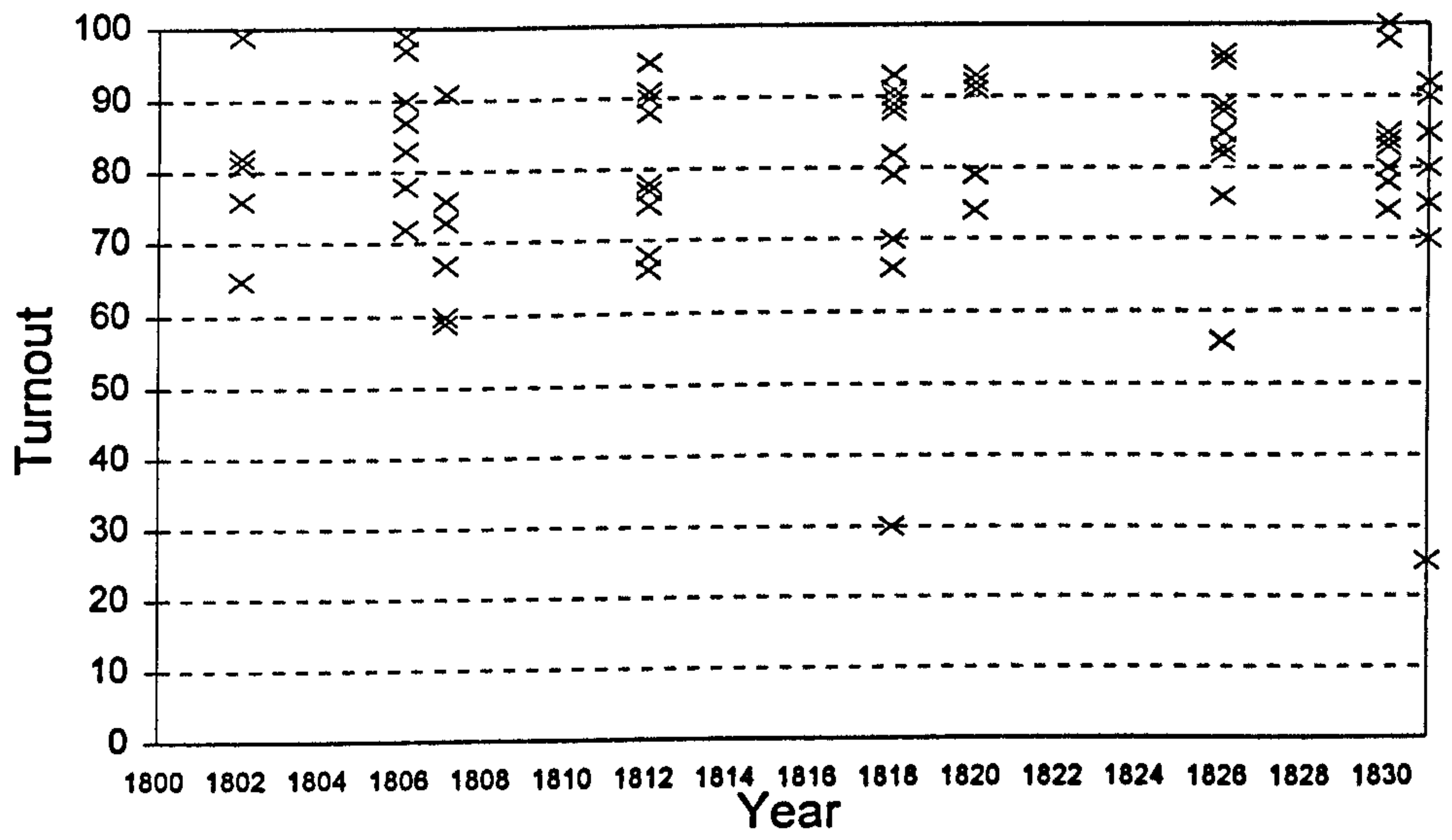
Graph 3.1

Scot and lot borough turnout 1800-31



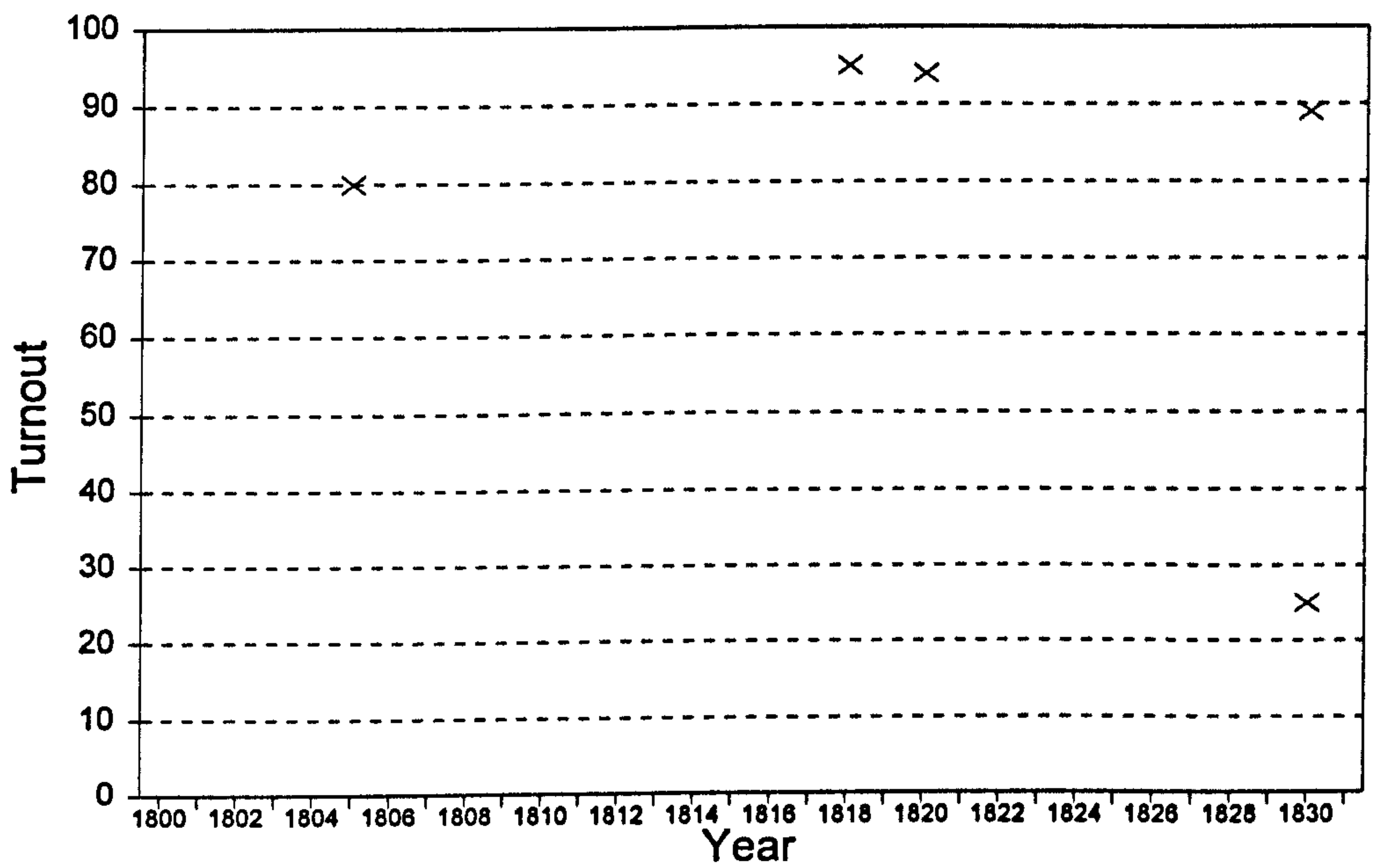
Graph 3.2

Freemen borough turnout 1800-31



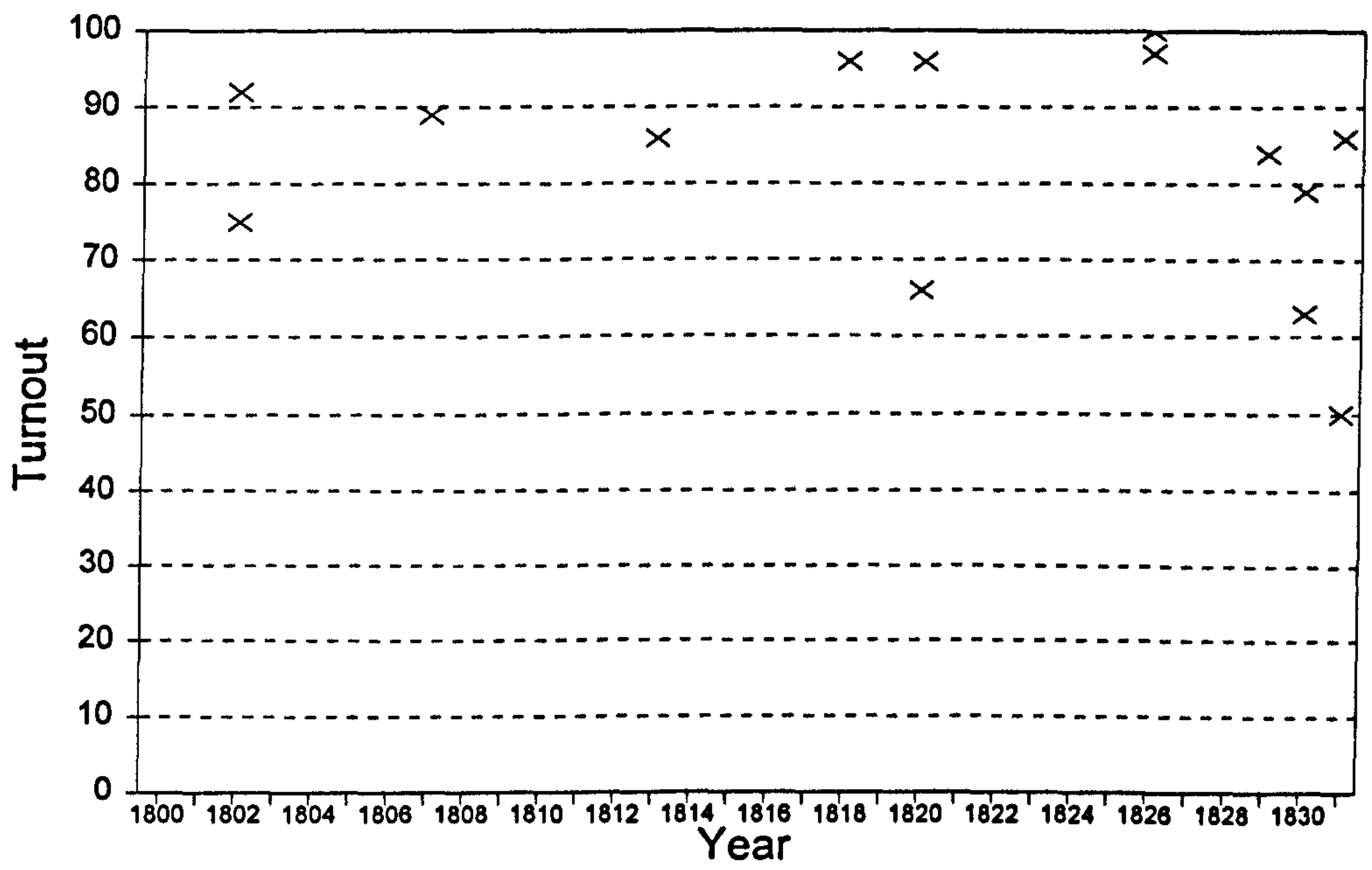
Graph 3.3

Burgage borough turnout 1800-31



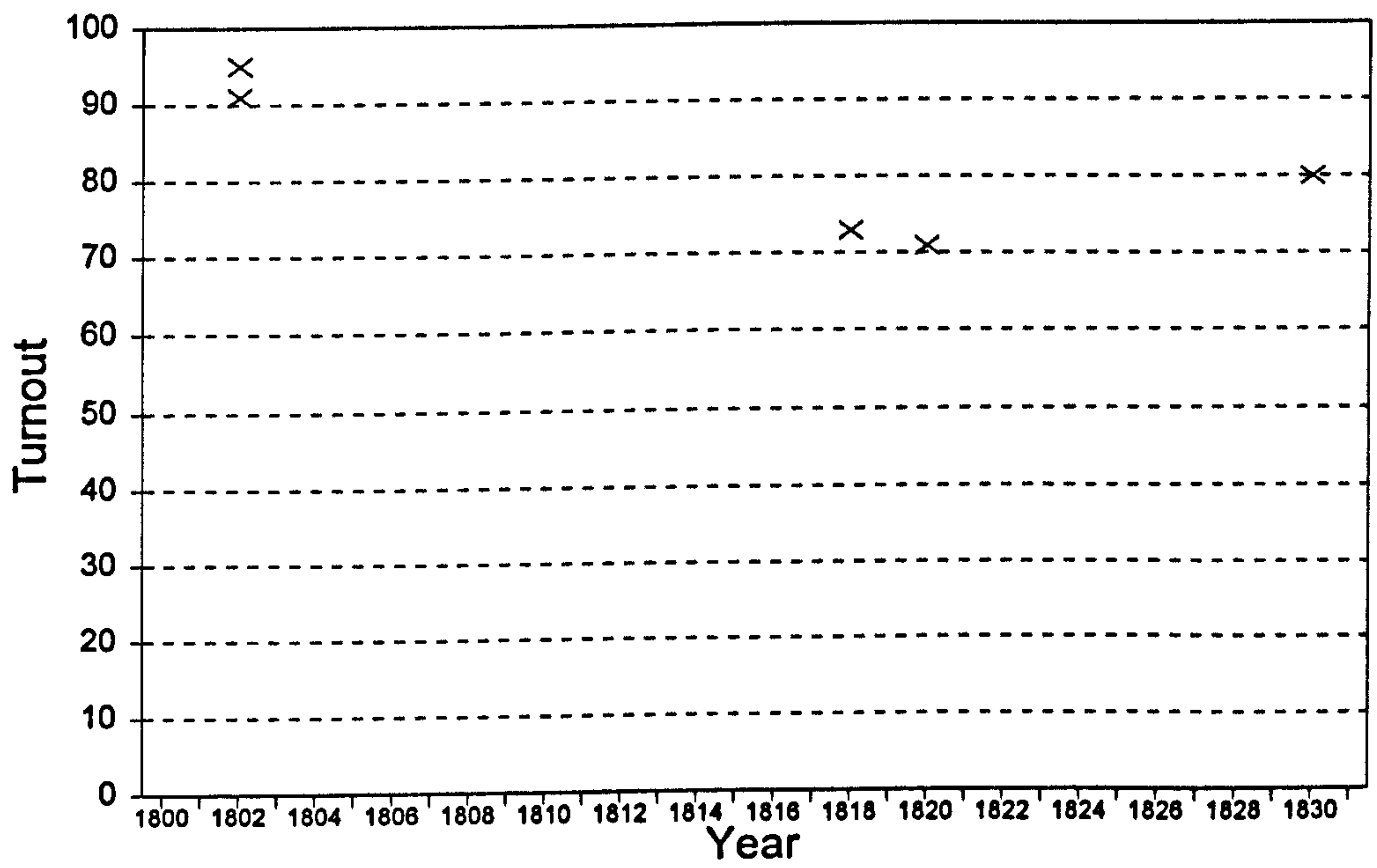
Graph 3.4

Corporation borough turnout 1800-31



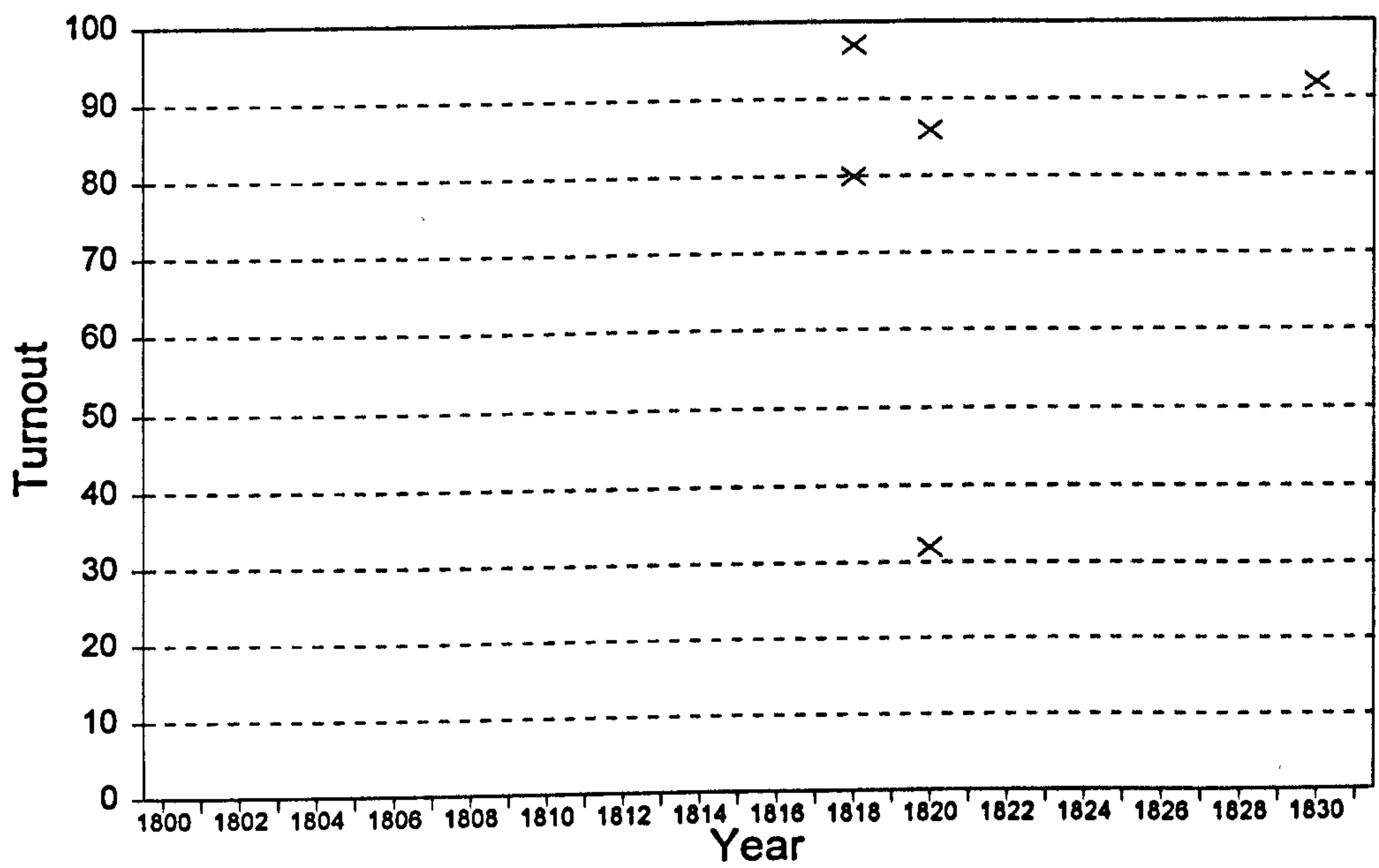
Graph 3.5

Householder borough turnout 1800-31



Graph 3.6

County turnout 1800-31



The literature falls into two parts. First, collections of individual constituency turnout numbers which, though highly variable in their quality, strongly suggest relatively high turnout - usually above 80% - and often no clear secular trend. Second, Craig's national numbers, which suggest a substantially lower level of turnout, and one which was declining.

Amongst the literature of the first type, Nossiter provides the widest, easiest survey. He listed turnout for the six northern English counties 1832-1886,¹ apparently based largely on Bean's work.² Bean's compendium, though a mine of useful information, is also a mine of errors and inconsistencies, and this is reflected in Nossiter's work. For example, Nossiter says his figures are uncorrected for deaths, multiple entries and removals,³ yet gives the 1841 Beverley turnout as being 94.32%. But, an inspection of poll books makes it clear that Bean's figure for electorate size *does* exclude multiple entries, though there is no adjustment for deaths or removals. Calculating turnout for this election in the way Nossiter claims he did - dividing the number of entries on the register by the number voting - produces a figure of only 79%.⁴ The Bradford 1847 turnout is similarly suspicious. Nossiter's figure of 95.62% relies on Bean being right that there were 1871 register entries. However, the 1847 poll book gives the number as 2083, and a Parliamentary Paper gives it as being 2170.⁵ Even taking the 2083 figure, this still makes crude turnout plummet to 86%. Given problems like these, Nossiter's overall picture of turnout normally averaging over 80% at general elections (Table 3.1) is suspect.

General election	1832	1835	1837	1841	1847
Mean turnout (2 member seats)	86.16	82.44	76.82	80.59	81.16
Mean turnout (1 member seats)	84.70	76.79	77.80	80.75	84.88

Table 3.1: Nossiter's turnout figures for the six northern counties 1832-47⁶

Assuming that all of Bean's figures *are* adjusted for dead, multiple and removed does not solve the difficulty: some are adjusted for dead, some for dead and multiple entries, some for multiple entries only, none are adjusted for removed,⁷ and some are plain wrong.

An apparently more reliable source is Mitchell's 1976 thesis.⁸ Mitchell appears to appreciate many of the evidential problems, but rather than provide the raw data his thesis contains only graphs, spread over several pages and scales, of individual constituencies, and, like Nossiter and others, little analysis. His adjustment of turnout figures for death, disqualifications and multiple entries is inconsistent. He found

¹ Nossiter, *Influence, Opinion and Political Idioms*, p.215-7.

² W.W. Bean, *The Parliamentary Representation of the Six Northern Counties of England: From 1603 to the General Election of 1886*, W.W. Bean, Hull, 1890.

³ That is, someone who had lost voting rights by having moved from the property in respect of which they qualified. (Note that in some circumstances it was possible for people to move and retain their voting rights).

⁴ My figures are not given to any decimal places as, with the amount of error and uncertainty in any of these calculations, giving decimal places is not only pointless but imparts a totally spurious veneer of accuracy. Appendix 9 has details on the sources for my numbers.

⁵ Appendix 9.

⁶ Nossiter, *Influence, Opinion and Political Idioms*, p.217.

⁷ Or rather, none in Yorkshire, which are the only figures of his I have dissected in detail.

⁸ J.C. Mitchell, *Electoral Change and the Party System in England, 1832-1868*, Yale PhD, 1976.

turnout in his sample (atypical due to their regular polls) to be consistently over 80%, rising in 1832-41 but then dropping in 1847.

Two more recent, and more limited, sets of calculations have come from O’Gorman and Phillips. O’Gorman claims turnout was static after 1832 in the 80-85% range, as shown by his sample of four constituencies (Table 3.2).¹

General election	1832	1835	1837	1841	1847
Mean turnout (%)	81	85	81	81	83
Number of polls	8	7	8	4	2

Table 3.2: O’Gorman’s turnout sample 1832-47²

Phillips’s four constituencies show similar levels of turnout, though he found “perhaps ... increasing” turnout in Lewes and Maidstone.³ Phillips found turnout typically over 80%, and often much higher in the late eighteenth century and leading up to 1832.⁴ Further, he claimed that after 1832 “turnout rates were even higher.”⁵

More recently, Radice has examined turnout in the general elections of 1835 and 1837, calculating turnout after subtracting multiple entries from electoral register totals.⁶ She concludes that turnout averaged just under 90% in English boroughs. This is somewhat higher than many of the above figures, but unsurprising given that she excludes multiple entries. For counties, she did not find turnout exceeding 90% in any county in 1835, and indeed in a quarter of them it was under 80%. Moreover, in 1837 nearly 60% of counties had turnout under 80%.

¹ O’Gorman, *Voters, Patrons, and Parties*, p.187-8. On p.182 he talks of “the spectacularly high turnouts of the years after 1832.” But, on p.187-8 he writes, “After the Reform Act of 1832, turnout increased to a slightly higher statistical plateau ... Nevertheless most calculations of turnout in the reformed electoral system go no higher than 80-85%. This is not very much higher than the rates of turnout that prevailed before 1832. The different, in truth, is not great.” Given this, it is unclear what he saw as “spectacular” about the post-1832 turnout rates. In a later work (“Reply: The Electorate Before and After 1832,” *Parliamentary History*, Volume 12 Part 2, 1993) O’Gorman claims turnout *dropped* after 1832; however, his evidence is the flawed Craig figures (see p.88-89).

² Calculated from O’Gorman, *Voters, Patrons and Parties*, p.189.

³ Phillips, *Electoral Behaviour*, p.88.

⁴ Phillips, *Electoral Behaviour*, p.88-9 and *Great Reform Bill*, p.32-3.

⁵ Phillips, *Great Reform Bill*, p.33. However, at least one of his numbers is wrong (see p.258).

⁶ Radice, *Identification, Interests and Influence*, p.399-402. The returns *Electors For Counties: Return of the Number of Persons Qualified to Vote for Members Of Parliament, in England, Wales, and Scotland, between 1st November 1835 and 1st November 1836*, 1836 (190) XLIII and *A Return, in Alphabetical Order, from every County, City, and Borough in England and Wales, of the Number of Electors Registered in each, for 1836 and 1837; classifying them under their respective Qualifications. Return of the Number of Electors who actually Polled in every County, City, and Borough of England and Wales at the late General Election; classifying them under their respective Qualifications. Return of the Number of Freeman in each City and Borough in England and Wales on the Register of 1837 as entitled to Vote in the Election of Members to serve in Parliament; specifying the Number of such Freeman who are entitled to Vote by virtue of any other Qualification for Members of Parliament; and the number of such Freeman who are not Municipal Electors. And a Return of the Total Number of Municipal Electors on the Register in each City and Borough returning a Member to serve in Parliament, in England and Wales, after the revision of 1837; stating the Number of such Electors who are not also qualified to Vote for Members to serve in Parliament, and of those who are so qualified as Freeman only*, 1837-8 (329) XLIV give information from which, for many constituencies, the number of multiple entries is clear.

In contrast to others Craig looked at turnout in a national context and over many years. His compilation of electoral results included figures for size of the electorate, and votes garnered by each candidate.¹ In a later work they were used to calculate national turnout figures.² According to him turnout in England fell steadily between 1832 and 1847, and was consistently much lower than the individual constituency figures quoted above (Table 3.3).

General election	Turnout (%)
1832	68.1
1835	65.1
1837	64.0
1841	64.1
1847	57.3

Table 3.3: Turnout at English general elections 1832-47³

However, these figures are problematic. Craig was too good an electoral statistician to not be aware of at least some of the problems, but his caveats are easy to miss. His figures for electorate size are erratic and inconsistent. For example, sometimes they include multiple entries in register totals, and sometimes exclude them: they are excluded from the Beverley figures for 1840 and 1841 but not from those for 1835, 1837 or 1847.⁴ Indeed, he admitted that multiple entries meant his electorate figures,

must, therefore, be regarded as only approximate ... A rise or fall in the electorate of a constituency may merely indicate that duplicate entries had been included or excluded from a particular set of figures.⁵

Further, to calculate turnout one needs statistics not only for the electorate's size, but also for the number of voters. To convert his data for the number of votes cast at a particular poll into the number of voters on that occasion he assumed everyone cast the maximum number of votes possible.⁶ This is untrue,⁷ though for his purposes it was a useful, even necessary, assumption, as it allowed calculation without necessitating further research. When calculating figures for the whole country over many years, not needing to know anything more simplifies matters. Thus, in two-member seats he halved the number of votes cast to get the number of "voters," in three-member seats he divided by three, and in four-member seats by four.

But this assumption is suspect. Consider a contest for a two-member constituency with two people on the register and no multiple entries. If one of them votes, and casts two votes, or if both vote, and each cast only one vote, Craig would have the turnout as being 50%: in both cases two votes are cast, so he assumes that one person voted out of two. However, clearly one desires to get a 50% turnout figure in the

¹ Craig, *Election Results 1832-1885*.

² Craig, *Electoral Facts*, p.xv and p.66-71.

³ Craig, *Electoral Facts*, p.66. England here excludes Monmouth constituencies and the University seats.

⁴ Cf Craig, *Election Results 1832-1885*, p.43 and Appendix 9.

⁵ Craig, *Election Results 1832-1885*, p.xiv.

⁶ Craig, *Electoral Facts*, p.xiv-xv.

⁷ Except in one-member constituencies, where if a person did not cast his maximum number of votes (one) he was not a voter.

first place, but a 100% figure in the second. The possible extent of this problem in reality is demonstrated by a random example from Yorkshire - Halifax's 1837 election. There, in a contest with three candidates for two seats, 793 people voted with a crude turnout level of 82%. However, using Craig's method the assumption is that only 645 people voted (half the total number of votes cast), which produces a crude turnout of just 66%.¹ This suggests that Craig's assumption may produce more than the "slight" underestimate of actual turnout he acknowledged.²

These difficulties - of electoral register size and divining the number of voters - are surmountable, though the amount of research required amongst diverse sources means this is only done for Yorkshire here, with those figures then used to estimate adjustments to the national numbers.

The picture, so far, is unclear. The studies of individual constituencies often have problems, and, though they point to relatively similar levels of turnout they often diverge over what trend, if any, there was. Further, Craig's national figures generally show turnout to be much lower than the individual constituency figures, and show a steady decline until the second half of the century.

3.4 Improving Craig

In this section I improve Craig's figures. It is necessary to clarify what is meant by "average turnout" or "mean turnout" when talking of several constituencies. One can either average the turnout figures for each polled constituency (method A), or total the electorate and number of voters for all polled constituencies and then divide one by the other (method B). Craig used method B.³ The following imaginary example illustrates the difference between the two methods.

Constituency	Electorate	Number voted	Constituency turnout
Otterhampton	80	40	50%
Pallaston	80	40	50%
West Anglia	10,000	7,500	75%

These two methods give very different answers. Method A gives $(50 + 50 + 75) / 3 = 58.3\%$, whilst B gives $(40 + 40 + 7500) / (80 + 80 + 10000) = 74.6\%$. The reason for this large difference is simple: using the former method small constituencies have a larger weight than under the latter method. In effect, method A gives the turnout of a typical constituency, whilst method B gives the chance of a typical elector voting. As Craig used method B, this means that comparing individual constituency turnout figures with Craig's figures is not comparing like with like.⁴ While one can debate in abstract which method of calculating turnout

¹ For details see Appendix 9.

² Craig, *Electoral Facts*, p.xv.

³ He did not make this clear, but I have reworked his Welsh figures, following his own methodology, and it is clear that this is the method he used. As with the hypothetical example, the two methods produce clearly different results: 83.0% compared to 76.3%.

⁴ It also helps explain the difference between Craig's figures and those from others quoted in the previous section. Where I have calculated averages based on other people's figures I have used method A, and they too have probably used method A when calculating typical turnout levels based on their own work.

figures is superior, given the existence of many individual constituency turnout figures and the utility of a national benchmark to compare them to, I prefer method A. It is trivial, though a little arduous, to convert Craig's figures from method B to method A.

First, however, it is essential to calculate the number of people who voted at polls more accurately. As evidence is not available for all English polls 1832-50 as to the number of people who voted, I use my Yorkshire evidence to make some assumptions about plumping, which allows a much superior estimate to be made of the numbers who actually voted in two-member constituencies.¹

To do this, I use the Yorkshire polls of 1832-50 to estimate the levels of plumping in polls in two-member constituencies. A cursory examination of the data reveals a clear difference between contests with three candidates and those with four. This is unsurprising as in a three-way contest, for example, a Whig supporter might be faced with one Whig candidate and two Tories and so plump, whilst a four-way contest is most likely to arise from both sides putting up two candidates. Therefore, I have treated these two types of polls separately.

For the former - three candidates in a two-member seat - there is no clear trend over time (Graph 3.7).² Therefore, I have taken the mean proportion of voters plumping in these polls (41%) to be typical of all such polls. For the latter - four candidates in a two-member seat - there is a slight downward trend (Graph 3.8). Therefore, I have taken best fit regression equation to be typical of all such polls.³ For simplicity, I have assumed that polls in two-member constituencies with more than 4 candidates typically had the same level of plumping as those with 4 candidates.

With three- and four-member constituencies there is the added complication that voters had more than two votes. In a two-member constituency a voter was either a plumper (casting one vote) or cast two votes. However, in three- and four-member constituencies voters could cast either one, two or three, or one,

¹ The equations linking voters, votes cast and plumping rates are trivial. $\text{Votes cast} = (\text{Voters})(\% \text{ of voters who plumped}) + 2(\text{Voters})(1 - \% \text{ of voters who plumped})$, with the percentages expressed as fractions (e.g. 75% = 0.75). Rearranging this gives $\text{voters} = \text{Votes} + (2 - \% \text{ of voters who plumped})$. As the number of votes is readily obtainable - one simply adds up the number of votes that each candidates received - estimating the plumping rates allows the number of voters to be estimated. Data saved as *plump.mtp*.

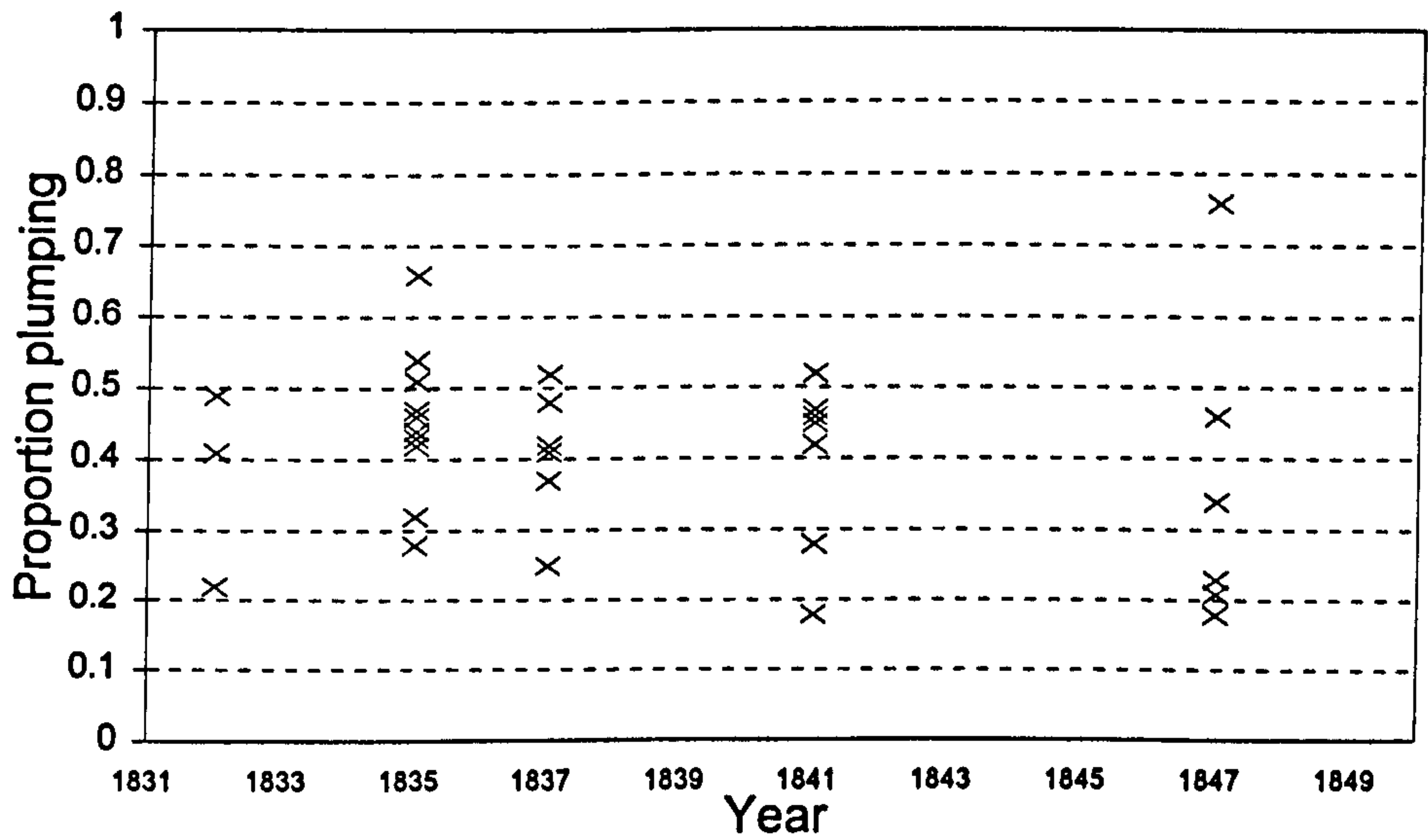
² Regressing the levels of plumping on time for three-way contests gives a very poor fit: $\text{proportion of voters plumping in 3-way contest} = 8.78 - 0.00455 \text{ Year}$ ($R^2 = 2.9\%$, $N = 35$).

³ $\text{Proportion of voters plumping in 4-way contest} = 36.4 - 0.0197 \text{ Year}$ ($R^2 = 24.0\%$, $N = 15$).

Graph 3.7

Plumping in three-candidate polls

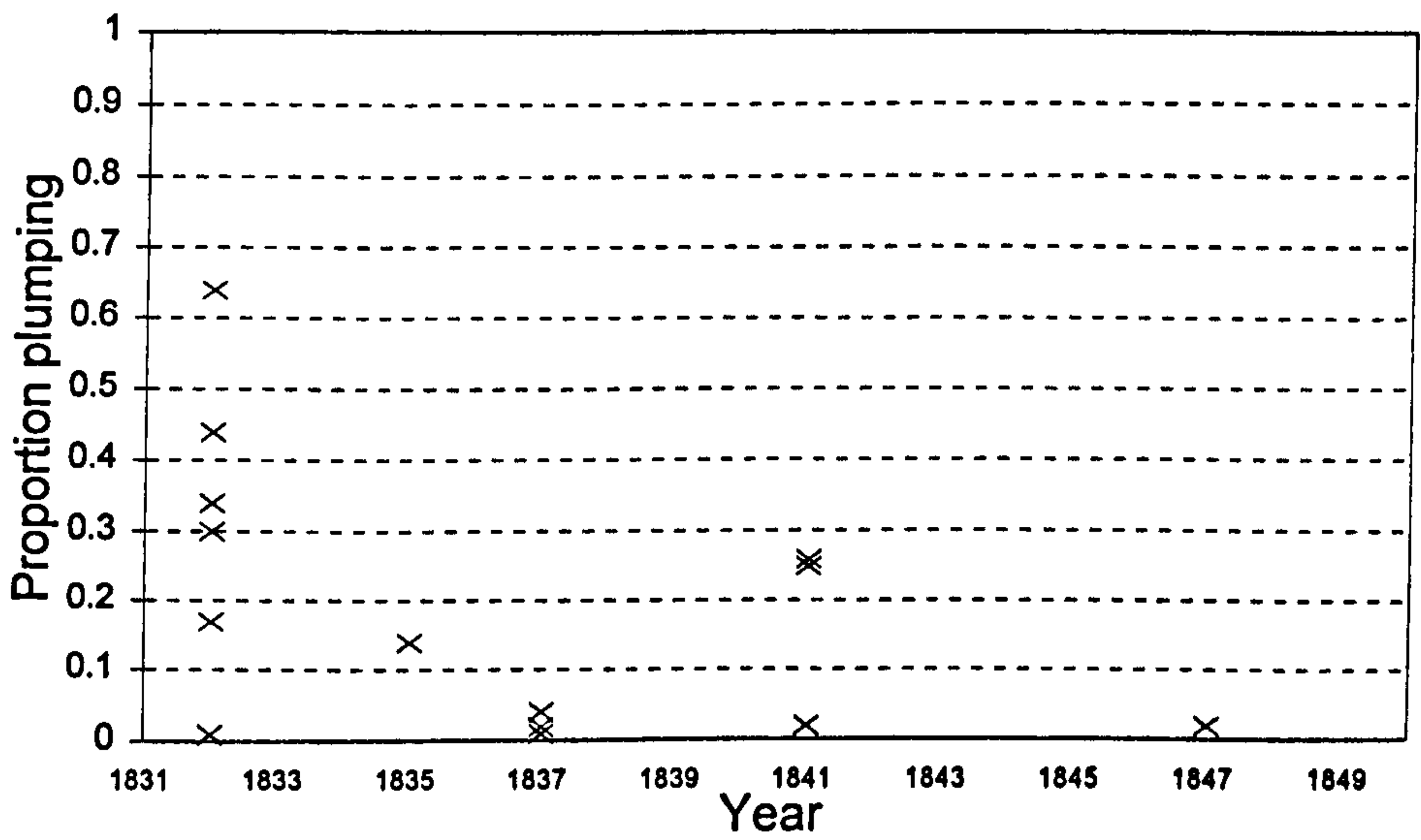
This graph is for all the polls in 1832-50 that took place in two-member Yorkshire constituencies and had three candidates who went to the poll. It shows what proportion of the voters in each of these polls plumped.



Graph 3.8

Plumping in four-candidate polls

This graph is for all the polls in 1832-50 that took place in two-member Yorkshire constituencies and had four candidates who went to the poll. It shows what proportion of the voters in each of these polls plumped.



two, three or four votes respectively. As there are relatively few of these constituencies it is simplest to calculate their actual turnout figures, rather than make estimates of what proportion of voters cast what number of votes.¹

Drawing all this together, I have reworked Craig's figures, adjusting for plumping, converting from method B to method A and adding Monmouth, Monmouthshire and Oxford and Cambridge University boroughs. The results are in Table 3.4, which has turnout numbers much at the levels individual constituency studies have suggested. However, there is also a clear decline in turnout, which indicates a problem with those studies, arising from their concentration on smaller constituencies with higher turnouts.

General election	Craig's figures - initial	Craig figures - adjusted
1832	68.1	88
1835	65.1	85
1837	64.0	84
1841	64.1	81
1847	57.3	77

Table 3.4: Craig's turnout figures adjusted 1832-47²

Hence moving Craig's figures from method B to method A produces national turnout figures that are much more similar to those arising from the study of individual constituencies. A more detailed explanation of what was happening can be provided by examining Yorkshire, but first some theory needs consideration.

3.5 Political science's contribution

3.5.1 Introduction

Throughout this Chapter various *ad hoc* assumptions are made as to what it is plausible may have affected turnout, such as assuming that the harder it was for an elector to vote, the less likely they were to vote. This Section considers if the theoretical contributions of political science warrant such assumptions.

For several decades "economic" models have been applied to aspects of political science. Most notably, in his seminal work Downs argued that aspects of politics could be modelled by, and testable hypotheses derived from, the use of rational, utility-maximising individuals of the type normal in modern economics.³ This assumes people weigh the costs and benefits of different possible courses of action, and take that which will maximise the net benefit to them. Some of these benefits and costs may be financial and

¹ These figures are derived from Smith, *Parliaments of England*. Though like many other contemporary sources this book has many errors and should be treated with caution, it has the advantage of containing more information on the size of the electorate than many of its rivals. In total there were sixteen contests in three- or four-member constituencies, for one of which I estimated the number voting as Smith was silent on the matter.

² *Craig.mtp* contains Craig's electorate and total votes cast for each English constituency at general elections 1832-50. To this I have added my own estimates of the number of voters and the English constituencies that Craig excluded (the Monmouthshire and University constituencies). I have given the adjusted Craig figures to two significant figures as the margins of errors involved make decimal places meaningless.

³ A. Downs, *An Economic Theory of Democracy*, Harper and Row, New York, 1957.

some not. Further, whilst some outcomes are guaranteed, not all are. Thus, the probability of those events has also to be taken into account.

These approaches have been popular in political science, but their application to voting has been troublesome. Explaining why people vote at all has been a stumbling block. The problem, known as the *paradox of participation*, was expounded by Olson.¹ The difficulty arises from the outcome of an election being, in economists' terms, a *public good*.² For example, suppose an election results in a change of Government and hence an increase in spending on the army. This outcome is one which affects everyone, regardless of whether or not they supported it in the first place. Thus, even if someone did not vote for the good in the first place, they can still consume it. And if one can gain the benefits of the outcome of voting, and, moreover, any one person's vote has very little change of affecting the result, then why vote, given that the act of voting incurs some costs of its own?

As people *do* vote, this is a problematic conclusion. Not surprisingly, there have been various attempts to circumvent this. This is because such models appear to have worked well in other areas, yet any definition of rational which cannot encompass voting is, at best, disturbing. Olson himself argued that participation in the political process was driven by a desire to gain benefits only available to participants. Subsequently, this idea has been somewhat modified and extended, to include not simply direct benefits, such as meeting similar people, but also the benefit of a feeling of civic duty fulfilled, and the desire to be personally efficacious.³

Further, the chance of an elector's vote deciding an election is not as small as might first appear. What matters is not the absolute number of voters, but the chance that the result will be sufficiently close for one vote to matter,⁴ or rather the - pre-result - distribution of expected results. So, even, if the result of an election were not close, if beforehand electors thought it would be close this would increase turnout. Thus, this argument expands the definition of a "close" result. Yet, local elections - both in England and elsewhere - frequently have turnouts lower than those for Parliament, yet with a smaller constituency (ward) electorate in local elections, the chance of one vote deciding the outcome is, *ceteris paribus*, higher.⁵ Although this point is largely absent from the literature, it is a serious flaw for such models.

But, whilst the chance of a vote affecting the outcome might be low, it can be balanced by strong feelings about which outcome is preferred: if you really want one candidate to win, you might vote even if

¹ M. Olson, *The Logic Of Collective Action: Public Goods and the Theory of Groups*, 2nd edition, Harvard University Press, Cambridge Mass., 1971.

² "Good" is used here as in "commodity" rather than as in "beneficial".

³ E.g. J.Q. Wilson, *Political Organisations*, Basic Books Inc., New York, 1973, especially Chapter 2.

⁴ Y. Barzel and E. Silberberg, "Is The Act Of Voting Rational?," *Public Choice*, Volume 19, 1973.

⁵ For example, between 1847 and 1854 turnout in Bradford municipal elections has been estimated as varying between about 27% and 95%, with a mean of 60% (A. Elliott, "Municipal government in Bradford in the mid-nineteenth century," p.112-61 in D. Fraser (ed), *Municipal reform and the industrial city*, Leicester University Press, Leicester, p.139; the mean is a mean of the individual ward turnout figures). This compares to 79-86% turnout for Parliamentary elections 1835-47 (figures from above).

you know that your vote is unlikely to make a difference. It is arguable that different levels of turnout in elections for different bodies is, at least in part, a reflection of different attitudes towards their importance.¹

However, even taking these factors into account, any but the most trivial costs would still stop electors voting. Though the literature has focused on twentieth century elections, the situation for nineteenth-century English elections is substantially similar. Indeed, the costs of voting were substantially higher than in the elections considered in most of the literature - with the costs to register, the relative paucity of polling places and the possible rumbustiousness of elections. On the other hand similar rumbustiousness acted as an incentive to vote, by providing a cost for non-voting. Yet, this is unlikely to have been significant as secrecy - either with the Secret Ballot Act of 1872 or in local elections - does not seem to have affected turnout. In addition, motives like money and deference acted as an incentive to vote.

Another batch of explanations is that electors do not think individually, but act as members of a bloc, which forces candidates to move their stance on issues, or at least articulates their view, and that to make this effective a high turnout is required to show the efficacy of the bloc, even if the result of the election is not close.² So, landlords with subservient tenants may have wished to wheel them out, even if it would not affect the result, to demonstrate their own electoral power.

One can expand the benefits to an elector of voting beyond the chance that their vote might alter the outcome.³ Particularly, there might be a wholesome feeling of civic duty, or at least satisfaction from complying with the general social ethic or affirming satisfaction with the political system.⁴ Voting is a way of affirming loyalty and affection to a cause. Elections threw up many pressures and inducements, which can act as either extra benefits or costs. They were more than one long debauched bribery session. Duty, ritual and fun were also motivations to vote. Even apparent costs could be counted as benefits - having to make one's way through a hostile crowd can, to some people, add to the fun of the electoral process.⁵ The last should not be under-estimated. Given the seven-year Parliamentary term, the lack of contests at Parliamentary elections, and the lack of contested non-Parliamentary elections, a Parliamentary contest was a relatively rare occurrence. Given the trappings of the campaign, including free alcohol, insults and gratuitous violence, they could be very enjoyable. Note, though, that the result may have been abstention. Multi-day polling and the willingness of candidates to provide transport mean abstention should not simply be

¹ Indeed, research into turnout in British election between 1966 and October 1974 found higher levels of interest in politics, party identification etc. amongst people who voted most often: Denver and. Hands, *Electoral Behaviour*, p.24-8.

² C.B. Foster, "The Performance of Rational Voter Models in Recent Presidential Elections," *American Political Science Review*, Volume 78, 1984, p.679.

³ The seminal article was W.H. Riker and P.C. Ordeshook, "A Theory Of The Calculus Of Voting," *American Political Science Review*, Volume 62, 1968. Moving beyond narrow cost-benefit analysis is also a major part of the "general-incentives" theory of Whiteley and Seyd: P. Seyd and P. Whiteley, *Labour's Grass Roots: The Politics of Party Membership*, Clarendon Press, Oxford, 1992 and P. Whiteley, P. Seyd & J. Richardson, *True Blues: The Politics of Conservative Party Membership*, Clarendon Press, Oxford, 1994.

⁴ A major objection to Riker and Ordeshook is that saying, "that people vote because they derive satisfaction from voting for reasons entirely divorced from the hope that it will bring the desired results ... may well be true but it does not leave any scope for an economic model to come between the premises and the phenomenon to be explained. Instead, the question shifts back to: 'Why do some people have this kind of motivations more strongly than others?': B. Barry in G.S. Strom, "On the Apparent Paradox of Participation: A New Proposal," *American Political Science Review*, Volume 69, 1975, p.909.

⁵ A more sedate version of this is the persistent tendency of some people to vote in present elections in person, rather than have a postal or proxy vote, to get the full enjoyment out of voting (going to vote, placing the ballot paper in the ballot box etc.) even if physical impediments make it difficult for them.

dismissed as laziness. Abstaining and splitting were ways of reconciling different pressures - for instance from landlord and vicar.

It is also arguable that a voter gains from having voted for a winner, and loses from having voted for a losing candidate.¹ This can be both for “feel good” reasons, and because the winner may have power and patronage to wield. The implication of this for turnout is messy. Whilst the above would imply that an expected close result should produce high turnout, this implies the opposite - the clearer the result, the more sure one can be of voting for the winner, so the more likely an elector is to vote.

An alternative answer is to use a different decision making theory to utility-maximising. One is mini-max regret.² Many problems come from the introduction of probability: given the small probability of a vote being decisive, and the existence of costs of voting, why should anyone vote? Mini-max regret deals with this by ignoring probabilities. In the reality of risk and uncertainty not basing decisions on posited probabilities may be quite reasonable. Rather, the argument is that people decide to minimise the maximum amount of regret that could occur. A vote may very well not determine the result, but, consider an alternative possible outcome: “What if I didn’t vote and my preferred candidate lost by one vote? I’d feel like killing myself”.³ Thus, although this outcome may be unlikely to happen the fact that there is the merest chance of it doing so means that one votes.

The problem with this is that it disregards the probabilities of different outcomes occurring, and would imply higher turnouts than occur.⁴ Further, such a mini-max approach is not widely used by people in making other decisions. For example, travelling to a ballot station nowadays incurs a small chance of being killed or seriously injured in a motor accident, whether as pedestrian, passenger or driver. Assuming electors are not keen on injury, then minimising their maximum possible regret should lead to them all staying at firmly indoors and at home on polling day.⁵ As Ferejohn and Fiorina point out, one should not automatically assume that people use the same decision making criteria in all fields.⁶ Nor should one confuse description and prescription. Merely because a particular decision-making process appears fatuous, it does not mean that it cannot describe how people act. However, the idea that the probability of an outcome has no effect faces severe problems as neatly encapsulated in “A. Wuffle”’s whimsical article.⁷ As s/he put it, the mini-max regret model has, “never been felt to be particularly convincing by anyone other than its propounders.

¹ M.J. Hinich, “Voting as an act of contribution,” *Public Choice*, Volume 36, 1981.

² J.A. Ferejohn and M.P. Fiorina, “The Paradox of Not Voting: A Decision Theoretic Analysis,” *American Political Science Review*, Volume 68, 1974. This is short-hand for “minimising your maximum possible regret.”

³ Ferejohn and Fiorina, “The Paradox of Not Voting,” p.535.

⁴ One would only not vote if the net disutility (or utility) from the actual act of voting is more than the net disutility felt if your preferred candidate fails to win by one vote.

⁵ Similarly, “They [Ferejohn and Fiorina] would have to argue that one should never cross the street to buy a newspaper,”: N. Beck, “The Paradox of Minimax Regret,” *American Political Science Review*, Volume 69, 1975, p.918. Or, “There are many professors of political science who would gladly give their legs to elect a Democratic president, but I do not believe such intensity of sentiment is widely distributed in the population”: S.V. Stephens, “The Paradox of Not Voting: Comment,” *American Political Science Review*, Volume, 69, 1975, p.914. He also points out a serious technical problem: if your favoured candidate loses by one vote, a mini-max regretter would feel better if they abstained rather than voted: in the former case no costs of voting would have been incurred, but there would in the latter!

⁶ J.A. Ferejohn and M.P. Fiorina, “Closeness Counts Only in Horseshoes and Dancing,” *American Political Science Review*, Volume 69, 1975, p.921.

⁷ “A. Wuffle,” “Should You Brush Your Teeth on November 6, 1984: A Rational Choice Perspective,” *PS*, Volume 17.

(Indeed, there is suspicion that at least one of its authors doesn't believe it)."¹ A more plausible alternative to utility maximisation based on cost-benefit analysis is, rather than mini-max regret, that when the costs involved are small, people do not (and indeed it would not be rational to) weigh up costs and benefits - the costs of so-doing are not warranted when the costs of acting are so small. Also, arguably deciding whether or not to vote is not a one-off decision, but a constantly recurring decision, for which emphasis on one-off balances of costs and benefits, rather than tradition and inertia may be inappropriate.²

Another explanation presents itself, in that voting can be seen as a means of expressing oneself, for example expressing solidarity with one's class.³ This seems useful in explaining why candidates without any hope like Chartists stood. This allowed them to demonstrate solidarity, and to make their political points about the electoral process. But, making voting a psychic event makes the explanation so vague as to be not very useful, if one takes this as the sole determinant.⁴

One should not go overboard in using this type of argument to explain voting. Even in Bradford about 20% of electors did not vote (see Appendix 4), though in the decade after 1832 there were four general elections and a by-election, all keenly contested; its first successful newspaper was begun; a succession of political societies were formed; fierce controversies raged over the New Poor Law; and a local dissenter campaign waged against the compulsory payment of church rates, and even a contest for the constable of Horton resulted in carriages being used to transport voters.⁵ What is needed is a mixture, taking into account that there are some factors, such as costs of voting, which influence turnout and changes in which can explain changes in turnout levels.

O'Gorman posited three explanations for his claimed rise in turnout before 1832: improvements in communications, making it easier for electors to get to the poll; more sophisticated organisational techniques; and a more keenly contested electoral system with more political excitement and enthusiasm. According to him turnout was higher in places where party development was most advanced and appears to have been lower where electorates were particularly large.⁶

As all these trends continued after 1832, it is problematic that, rather than continuing to rise, turnout fell after 1832. Indeed, not only did these trends continue, but the legislation of 1832 contained factors favourable to higher turnout. Curbs on out-voting and increases in polling places made voting easier, though there were also curbs on polling hours. The registration system may have increased turnout. That is, by

¹ Wuffle, "Should You Brush Your Teeth," p.578.

² One could attempt to model people's behaviour using multi-round models, like those for the Prisoner's Dilemma: S. Sutherland, *Irrationality: The Enemy Within*, Constable, London, 1992, p.17-19.

³ This is similar to the conclusions of some work on British Parliamentary election turnout for 1966-74 by Crewe, Fox and Alt and for 1987 by Swaddle and Heath. Both found the main determinant to be strength of party identification, and that abstainers were relatively isolated from social networks: Denver and Hinds, *Electoral Behaviour*, p.18-40.

⁴ In Leeds municipal elections at least, it was the local challenge of the Chartists and local internecine Liberal disputes that went with more people voting; see, for example, R. Pearson, "Knowing One's Place: Perceptions Of Community In The Industrial Suburbs Of Leeds, 1790-1890," *Journal of Social History*, Volume 27 Number 2, 1993, p.232. However, this conflict was also be seen as having made the possible gains from voting higher.

⁵ Elliott, "Municipal government in Bradford in the mid-nineteenth century," p.114.

⁶ O'Gorman, *Voters, Patrons and Parties*, p.188-91. He does not believe, though, that turnout was higher in general elections that were particularly partisan.

putting an extra obstacle in the way of joining the electorate it excluded from the electorate those people who were least likely to vote. That turnout actually fell after 1832 suggests that other factors, in particular the more general motivations of feelings of civic duty, democratic enthusiasm etc., were important.

3.5.2 Correlation of turnout and closeness

My emphasis on the importance of keen contests in inducing vitality suggests a possibly interesting statistical correlation, namely between turnout and the closeness of a result. If closeness is taken as a proxy for how close electors expected the result to be when deciding whether or not to vote, then one would expect that a close result would go with higher turnout. Such a correlation could reveal much regarding the importance of narrow cost-benefit analysis in determining turnout.

However, I have not made any such calculations as there are serious problems with doing so. First, an expected close result may produce more organisational activity, such as arranging more lifts to polls or greater canvassing to identify more supporters, and this drives up turnout.¹ Second, as Cox shows, the obvious measure of correlation between expected closeness and turnout is defective.² If the actual majority is used as a proxy for how close a result electors expected, and it is measured as a percentage of total votes cast, one is then correlating turnout (total votes cast over electorate) with closeness (size of majority over total votes cast). As both terms are, *inter alia*, dependent on the total number of votes cast it is unsurprising if one finds correlations! Cox's preferred solution - using the gross majority size, rather than calculating it as a percentage - is not helpful for nineteenth-century England, with its widely divergent constituency sizes. Third, Glazer and Grofman have shown that there are yet further problems. They demonstrate several possible models of voting which produce correlations between the expected closeness of a result and turnout, despite the model not making individuals' decisions on whether to vote depend upon the expected closeness of a poll. For a simple example, consider two different polls. The first is expected to be close, but electors agree that there is little to choose between the candidates. The second is expected to be a landslide, and almost all electors think the likely winner is much better than the other candidate. In the rational voter model the chance of voting depends both on the chance of your voting altering the outcome, but also on the difference to you of the different possible outcomes. Therefore, the latter poll may have a *higher* turnout, the greater value attached to one candidate winning rather than the other out-weighing the impact of the expected large margin of victory.³

Thus, the contribution of political science theory is mixed. Recent work has suggested that statistical manipulation of majorities and turnout figures is of limited use. However, it has also suggested that the ad-hoc arguments used elsewhere in this Chapter regarding turnout being depressed by impediments to voting and increased by organisational activity are warranted.

¹ The seminal work was V.O. Key, *Southern Politics In State And Nation*, Caravelle edition, Vintage Books, New York, 1963 (original edition 1949).

² G.W. Cox, "Closeness and Turnout: a Methodological Note," *Journal of Politics*, Volume 50 Number 3, 1988.

³ A. Glazer and B. Grofman, "A positive correlation between turnout and plurality does not refute the rational voter model," *Quality & Quantity*, Volume 26, 1992.

3.6 Yorkshire's evidence

3.6.1 The overall picture

The crude Yorkshire turnout figures support Craig's claim that turnout steadily declined (Graph 3.9).¹ Indeed, comparing Craig's figures with these crude Yorkshire figures it would appear that Craig's erratic approach to the size of electoral registers is not that important; whilst it does make some of his individual figures misleading, the overall picture is little distorted.

The decline in turnout was, though, far from uniform, as illustrated by the correlations in Table 3.5. The majority of these correlations are negative: the later the year, the lower the turnout was in that constituency. Yet there are exceptions. A different perspective is to examine how individual polls diverged from the mean in that election (Table 3.6). Some of the lowly turnouts are accentuated by the presence of multiple entries depressing the crude turnout figures. However, even if this is adjusted for, large constituencies like Leeds and Sheffield still frequently have turnouts significantly below average.

Beverley	-0.87	Pontefract	0.07
Bradford	-0.14	Ripon	-1.00
Halifax	-0.28	Scarborough	0.12
Huddersfield	0.60	Sheffield	-0.54
Hull	-0.46	Wakefield	0.03
Knaresborough	-0.34	Whitby	-
Leeds	-0.69	West Riding	-0.93
Northallerton	1.00	York	-0.77
North Riding	-1.00		

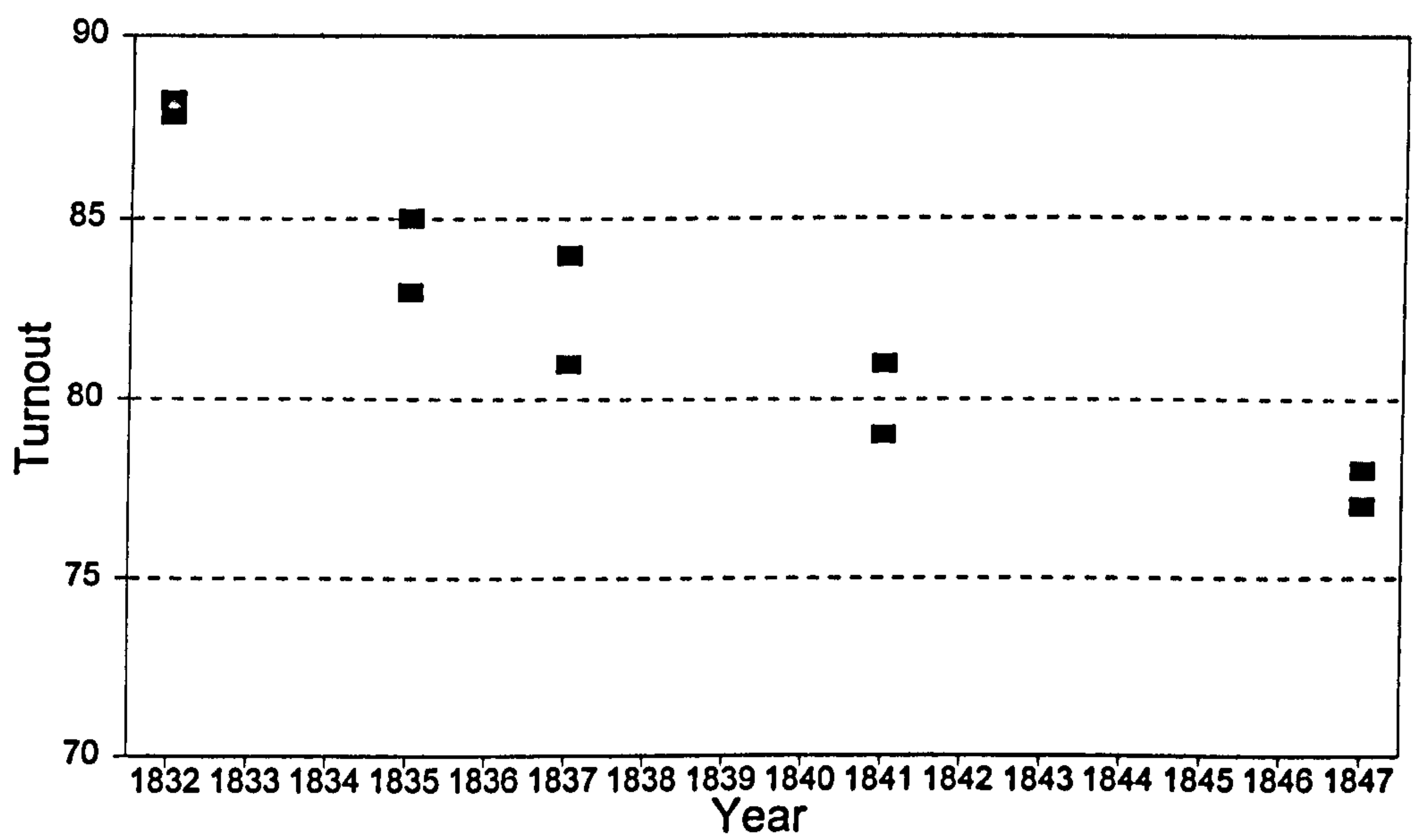
Table 3.5: Correlations between turnout and year 1832-50²

¹ Data saved as *post32to.mtp*.

² There are no figures for Richmond and Whitby as each only one poll each during this period. Northallerton and Ripon had only two polls each during this period. From here on, polls marked P in Appendix 4 are excluded from calculations.

Graph 3.9

General election turnout 1832-47



-■- Mean national turnout (Craig) -■- Mean Yorkshire turnout

Difference from mean	Constituency and poll
+15%	Pontefract 1847
+13%	Knaresborough 1847, Pontefract 1835
+12%	Beverley 1835, Halifax 1847
+11%	Beverley 1837, Huddersfield 1847, Ripon 1835, Scarborough 1841
+10%	Halifax 1835, Pontefract 1847
+9%	Ripon 1832, Northallerton 1841
+8%	Beverley 1832, Knaresborough 1835, Knaresborough 1841
+6%	Bradford 1847, Knaresborough 1832, Knaresborough 1837, York 1837, York 1841, East Riding 1837
+5%	Wakefield 1847, York 1835, North Riding 1835
+4%	Halifax 1832, Pontefract 1837, Scarborough 1832, York 1832
+3%	West Riding 1841
+2%	Bradford 1841, Wakefield 1837, North Riding 1832
+1%	Halifax 1837, Scarborough 1837
0%	Beverley 1841, Bradford 1835, Sheffield 1835, West Riding 1837
-1%	Beverley 1847, Halifax 1841, Sheffield 1832
-2%	Bradford 1837, Huddersfield 1837, Hull 1832, Wakefield 1835
-3%	Leeds 1832
-4%	Bradford 1832, Wakefield 1841, Whitby 1832
-5%	Hull 1841
-7%	Leeds 1835
-8%	Hull 1847, Knaresborough 1847, Northallerton 1832
-10%	Hull 1835, Hull 1837
-14%	Leeds 1837, Leeds 1841, Sheffield 1837
-18%	Scarborough 1835
-20%	Huddersfield 1832
-24%	Sheffield 1841
-31%	Huddersfield 1835
-49%	Sheffield 1847

The figures given here are for the difference between crude turnout in Yorkshire constituencies at general elections 1832-50 and the mean turnout in all Yorkshire constituencies that polled at that general election.

Table 3.6: Differences between turnout and the mean 1832-50

In places like Leeds, Sheffield and the much smaller Huddersfield, political conflict was often fluid, with conflicts within parties (such as over the state's role in education in Leeds during the 1840s) and coalitions across the political spectrum (as with the radical-Tory coalitions behind Michael Sadler¹ and Richard Oastler in Huddersfield).² This meant established political machines did not evolve, or at least often fractured. Thus, come an election, efforts to identify and mobilise supporters were restricted, resulting in lower turnout.

The impact political organisation could have on turnout is also reflected in the placings of county polls roughly in the middle of the table. Counties possessed attributes that depressed turnout - the further distances electors had to travel to vote, and the organisational challenges of the vastly greater number of electors. However, due to their high cost, county polls normally only occurred when all sides were ready and willing to fight an intense battle. This produced middling turnout levels of counties, with the extra obstacles being balanced by the extra campaigning. It is also interesting to note Beverley's high turnouts. For all the possible drawbacks of bribery, the ready availability of money to electors in Beverley appears to have motivated them to participate in the electoral system. This is a theme revisited in Chapter 5. In general, these turnout figures are another example of how it took political organisations to compensate for apathy and produce vitality.³

3.6.2 *An administrative mirage?*

In explaining declining turnout one must beware of an administrative mirage. Beguiling though crude turnout figures are, particularly given their relative ease of calculation, they are only crude measures. At the same time that turnout was dropping it also happens that general elections were tending to occur later and later after the date on which the electoral registers used in them came into force. Whilst being registered was necessary to vote, it was not sufficient. For example, being alive was usually required. Similarly, moving or selling property could, like death, result in a person who had an entry on the electoral register no longer being legally qualified to vote. The more such *deadwood* entries there were, the lower *crude* turnout would be.⁴ However, this would not necessarily mean that, amongst those alive and able to vote, there was any less inclination to vote. Further, the greater the period of time elapsed since the creation of the electoral register, the greater the number of deadwood entries would be. Thus, an apparent decline in turnout could be generated if one compares elections which used electoral registers of different ages.⁵ Evidence is available

¹ Leeds also saw, for example, the radical *Patriot* paper back the Tory Michael Sadler in 1832, because of his support for factory reform.

² Though when Oastler stood in 1837 local Radicals and Tories independently decided to invite him to stand, when the two deputations arrived at this house on the same day they quickly agreed to make a joint invitation: C. Driver, *Tory Radical: The Life Of Richard Oastler*, Oxford University Press, New York, 1946, p.344-5.

³ Organisational activities did not always *increase* turnout. Most famously the Anti-Corn Law League in the 1841 Walsall by-election made great efforts to stop opponents voting. Further, organisational activity which involved mobilising "electors" may have done so in dubious ways, as with polling the dead.

⁴ I am ignoring the trivially small number of occasions when, for example, a vote was cast on behalf of an electoral register entry for a dead man.

⁵ An example of such factors can produce an illusory turnout decline are the British general elections of 1945-1987: D. Butler, *British General Elections since 1945*, Blackwell, Oxford, 1989, p. 55-7 and D. Denver and G. Hands (eds), *Issues and Controversies in British Electoral Behaviour*, Harvester Wheatsheaf, London, 1992, p.15-7.

from poll books and other sources from which the number of dead, or otherwise unable to vote, can be estimated. This potentially allows turnout figures to be adjusted to take into account these factors.

Multiple entries are a form of pseudo-deadwood: like deadwood in that no matter how many entries a person might have had, he could only vote once (so a proliferation of multiple entries would depress crude turnout) but unlike deadwood in that their number was fixed when the electoral register was compiled, and could not change during the course of its one-year life. However if, for example, there were more multiple entries on the registers used in 1847 than those used in 1841, this would depress crude turnout. An increase in multiple entries could explain the decline in crude turnout that did occur in 1832-47. *Prima facie*, such an increase may well have occurred: being entered on the register more than once was, partly, a form of insurance, by making it more likely that one would be able to vote. Given the increasing emphasis placed in the 1830s on registration by political activists there may have been an increase in such insurance. However, against this must be held the gradual decline in ancient right voters who were a ready source of potential multiple entrants.

Chapter 2 (Table 2.1) showed that the proportion of the electoral registers in counties taken up by multiple entries was static between 1846 and 1853 at 2%. This is consistent with the evidence of the North and East Ridings (Table 3.7). (The West Riding evidence is too patchy and surrounded by too many special factors to be meaningful). In boroughs the proportion of multiple entries was stagnant, at 5% in 1839 and 1842 and twitching downwards to 4% in 1846 (Table 2.1). The more detailed, and more reliable, evidence from Yorkshire (Table 3.7) indicates no clear secular trend. Correlating the proportion of register entries taken up by multiple entries and the year, as given in Table 2.7, produces a correlation of merely 0.036. Even if the calculations are refined, no significant correlation appears. Thus, for example, allowances can be made for some constituencies having ancient right voters (thereby making multiple entries more likely) and some being large, urban places where one might find more people owning more than one qualifying piece of property (thereby making multiple entries more likely). However, regression analysis still only provides a poor fit¹ Thus, changes in the proportion of register entries taken up by multiple entries had no effect on trends in turnout over time.

¹ With a dummy variable taking the value 1 for constituencies which existed before 1832 and 0 otherwise, the regression equation is: % multiple entries = -148 + 0.085 Year - 3.11 Dummy variable ($R^2 = 6.7\%$, $N = 71$). If another dummy variable is added, taking the value 1 for constituencies with a population of over 10,000 in 1831 and 0 otherwise, the regression equation is: % multiple entries = -134 + 0.076 Year - 0.95 Dummy1 + 2.93 Dummy2 ($R^2 = 9.7\%$, $N = 71$). These R^2 values are both very low and, at best, indicate an influence whose magnitude is overwhelmed by the margins of error involved.

<i>Bradford</i>		<i>Ripon</i>	
1834	2.3	1835	3.7
1836	3.6	1836	1.9
1839	3.9	1837	1.7
1840	3.9	1839	1.5
1842	5.8	1842	1.4
1846	4.7	1846	6.2
1847	4.8	1847	3.9
<i>Halifax</i>		<i>Scarborough</i>	
1832	0.9	1835	5.1
1835	1.1	1836	5.1
1836	2.8	1837	4.1
1839	4.1	1839	3.5
1840	4.2	1842	2.7
1842	3.5	1846	1.8
1846	1.3	1847	1.9
1847	1.4		
<i>Huddersfield</i>		<i>Sheffield</i>	
1832-50	0	1832	5.7
<i>Hull</i>		<i>Wakefield</i>	
1834	11.9	1839	8.9
1835	6.9	1847	14.7
1839	6.4	<i>Whitby</i>	
1842	8.5	1835	7.9
1846	11.1	1839	7.4
1847	10.0	1842	6.2
<i>Leeds</i>		<i>York</i>	
1834	12.0	1846	4.8
1836	18.3	<i>North Riding</i>	
1837	18.6	1835	0.6
1838	19.7	1839	0.3
1839	19.6	1840	0.2
1840	21.0	1841	0.3
1842	19.3	1842	0.3
1847	17.5	1846	0.6
<i>Northallerton</i>		<i>East Riding</i>	
1832	9.7	1839	0.6
1836	3.8	1842	0.2
1837	3.6	1846	0.5
1839	5.4	<i>West Riding</i>	
1842	5.0	1839	15.0
1846	5.8	1842	6.0
1847	2.7		
<i>Pontefract</i>			
1846	1.5		
1847	1.0		

Table 3.7: Proportion of Yorkshire registers taken up by multiple entries¹

¹ Data saved as *me.mtp*.

3.6.3 Counting the deadwood

Some sources give information on how many register entries at the time of a poll were for people who had died, lost their qualification, etc.¹ Where there are no figures given in a poll book, it is reasonable to assume that this does not reflect there not being any, but simply reflects what the poll book producer decided to include and what not to include, or even did not know. The following regression equation is based on the Yorkshire dead figures that are known and a further sample of forty other non-Yorkshire constituencies, which I have added to the data-set as the Yorkshire evidence alone provides only twenty data-points.²

¹ People marked as “lost qualification” and “removed” (or “removals”) in poll books are counted as no longer possessing the qualification for which they were registered. “Disqualified” are not, as I assume this refers to people who still possessed their qualifications, but either due to having a job like excise officer, or falling foul of some other electoral law, could not vote. They have not been counted as deadwood as there is no reason to suppose that the numbers would increase noticeably during the life-span of one electoral register. For example, in January of a year a register might contain two excise officers and in August of that year it is likely to still contain two. It is possible they were not the same two, but for there to be a change in the total number the size of the excise officers establishment would have had to have risen. At no time does it appear to have grown at a sufficient rate to matter here. A few poll books list those disqualified due to being excisemen etc., and the numbers in such poll books are consistently small.

² These extra forty polls are all the 1832-50 elections for which poll books or newspaper cuttings revealing the number of dead are available in the Institute for Historical Research. The data has been supplemented by Dod, *Electoral Facts*, F.H. McCalmont, *The Parliamentary Poll Book of All Elections 1832-1918*, 8th edition with introduction and additional material by J. Vincent and M. Stenton, Harvester, Brighton, 1971 and Smith, *Parliaments of England*. The elections are: Aylesbury 1848, Banbury 1837 and 1841, Barnstaple 1847, Bath 1837 and 1841, Bedford 1841, Blackburn 1847, Bolton 1837 and 1849, Bridgwater 1837, Brighton 1837, Buckingham 1832, Bury St Edmonds 1832, 1837 and 1847, Canterbury 1837 and 1841, Carlisle 1847 and 1848, Cirencester 1848, Colchester 1837, Coventry 1837, Derby 1832, Durham City 1843, Grimsby 1832, Hastings 1847, Ipswich 1842, Isle of Wight 1835, Kidderminster 1849, Lewes 1835, Maidstone 1838 (two elections), Maldon 1847, Newark 1840, Newport (Isle of Wight) 1847, Northampton 1835 and 1837, Poole 1835, 1841, 1850, Reading 1841, 1847 and 1849, Rochester 1847, Shrewsbury 1837, Sudbury 1841, Warwick 1837, Whitehaven 1832, Wigan 1845, Winchester 1841 and Worcester 1841. Data saved as *dead.mtp*.

My Shrewsbury 1837 calculation is based on poll book evidence that the Parliamentary electorate, at 1473, was substantially higher than that which might be inferred from J.A. Phillips and C. Wetherell, “Parliamentary Parties and Municipal Politics,” p.48-85 in J.A. Phillips (ed), *Computing Parliamentary History: George III To Victoria*, Edinburgh University Press, Edinburgh, 1994. Their figures are, however, somewhat confused.

In Table 1 (p.62) they give Shrewsbury's Parliamentary electorate to be 1,158 in 1835 and 1,231 in 1837/8 (sic). But, Table 2 (p.64) states there were, in Shrewsbury in 1835, 1,102 electors who were in the Parliamentary electorate, but not the municipal electorate (though their breakdown in that table only totals 1,052), and 728 who were in both. This suggests a Shrewsbury electorate in 1835 of 1,830, rather than the 1,158 claimed two pages earlier. However, the same page has yet another figure! In a footnote we are told the Parliamentary electorate in 1835 was 1,248; the same sentence says the municipal electorate was 1,265 (which is the same as the number in Table 1, but not the same as the number implied by Table 2).

As if three different numbers in three pages is not confusing enough, the footnote's explanation offered for the difference between the footnote's 1,248 and Table 1's 1,158 is even more confusing. The 1,265 municipal electorate figures mutates into “the parliamentary [*sic*] registration total.” Further, we are told the difference between this parliamentary registration total and “the parliamentary franchise total of 1,158 in Table 1 stems from the failure of 107 (1,265 - 1,158) qualified electors to vote.”

The reference to “failure ... to vote” suggests that 1,265 is meant to be the electorate and 1,158 the number of voters. This interpretation does face the problem that the 1,158 figure has just been described in the footnote as “the parliamentary franchise total” and that the 1,265 figure was originally meant to be for the *municipal* electorate. However, Phillips and Wetherell are clearly all at sea on this occasion, and this is the neatest way of rescuing some semblance of believability from their figures. Moreover, 1,158 figure is very close to (and only a typographical error away from) the figure of 1,155 voting in 1835 given in Phillips and Wetherell, “Probability and Political Behaviour: A Case Study of the Municipal Corporations Act of 1835,” *History and Computing*, Volume 5 Number 3, 1993, p.140.

This, though, produces further problems as the 1,158 figure was described, in Table 1, as being for the electorate. If this figure is really for the number who voted, what about the rest of Table 1: are its other figures also labelled wrongly? The figures for Beverley are clearly for the electorate rather than for the number who voted (though see p.258 below). On the other hand, the 1837/8 Shrewsbury Parliamentary electorate figure - 1,231 - only differs by a typographical error from that given in the 1837 Shrewsbury poll book for the number of people voting - 1,312. Indeed, the 1,231 figure, that

(continued)

In the regression “age” refers to the age of the electoral register, in days, on the day of polling and is measured from 31 July, which was the main qualifying date for being registered.¹ Electoral registers came into force on 1 November, until Graham’s 1843 Act changed this to 1 December.² The regression equation produced is: proportion of register entries representing dead people = 0.000063 age, which gives a reasonable fit.³ The age of a register was, then, an important determinant as to how many entries were for dead people, though there were other important factors in determining this, such as the socio-economic make-up of different constituencies.

Ideally, having produced one regression equation, I would now produce a similar equation for the number of removed upon a register. However, the evidence for them is too thin to permit any meaningful regression equations. But, where there is evidence for both dead and removed the number of removed was typically three to four times greater than the number dead (Appendix 4). By comparison, Phillips found that, for pre-1832 English boroughs, the death rate was half the rate at which people moved out of constituencies.⁴ As moving within a constituency could deprive electors of their right to vote, having a removal rate that is three to four times the death rate, rather than only double it, is not unreasonable. I prefer the lower end of this range - that is, three times rather than four times - as the evidence from Appendix 4 is heavily weighted towards industrial and urban areas, and boroughs rather than counties. In both cases such a weighting would probably boost the apparent removal rate. Therefore, I estimate the proportion of an electoral register’s entries which were deadwood to be 0.000252 times the age of the register (in days); this is the death rate with the death rate multiplied by three (for removals etc.) added.

(..continued)

in Table 1 claims to be for the electorate, appears again, in Table 3, this time claiming to be the number of voters, as it also does in Table 2 of the *History and Computing* article.

The situation is clearly confused, and it should be clear why I prefer my numbers to theirs. It also demonstrates why I feel it is important to distinguish clearly between *electors* and *electorate* on one hand and *voters* on the other.

¹ There were some other, occasionally important, requirements, such as the need to have paid all taxes, which revolved around other dates. No allowance has been made for leap years and all Februarys are assumed to have twenty-eight days.

² 6&7 Vict. c18.

³ N=60. With a zero coefficient made mandatory there is no R² figure (or rather, its interpretation is very murky). As this is a linear regression I am ignoring seasonal variations in the death rate. One minor source of error is that the regression has attempted to fit a linear line to a non-linear situation. The number of people still alive, I_n , when a register is t_n days old, is: $I_n = (\text{initial register size}) \times [(1 - \text{death rate})^{t_n}]$. The linear equation gives: $I_n = (\text{initial register size}) - [\text{death rate} \times t_n]$. However, this makes only a small difference. For a register with 100 entries, that was 412 days old (the largest t value I have), one respectively gets 97.43 and 97.40 people left alive.

The regression implies an annual mortality rate of 23/1,000 in the electorate. This compares to Phillip’s estimate, for the late eighteenth century, of 29.9/1,000 for an electorate amongst an “average” urban population: Phillips, *Electoral Behaviour*, p.90-1 n21. (In both cases the mortality rate amongst the population as a whole would have been higher, due to the higher mortality rate of children). It also compares reasonably to English county mortality rates, 1841-50, of 19-26/1,000: *Returns of the Rates of Mortality in the Several Counties of England and Wales, in the Two Decennial Periods 1841-50, and 1851-60; also in the Years 1855 and 1865, 1867* (445) LVI and 25/1,000 in 1842 amongst 114 English districts (biased towards urban areas): “Miscellaneous,” *Journal Of The Statistical Society Of London*, Volume 6, 1843, p.271-2.

⁴ Phillips, *Electoral Behaviour*, p.92.

3.7 The overall picture and the impact of 1832

My figures for turnout before and after 1832 produce a striking picture. Before 1832 it was typically at levels found in the mid- to late-twentieth century, but after 1832 rose to historically high levels (Table 3.8). This, though, was followed by decline, with the 1840s seeing turnout return to pre-1832 levels.¹

The blip in the decline - the election of 1837 - reinforces the idea of the key role of electoral conflict. The 1837 election saw the peak of electoral ferocity in the series of elections in which the Conservatives moved from humbled remnant to majority party. 1837 was, for example, an election that had fewer uncontested seats in Britain than 1835 or 1841 and 1847.² It was also reflected in other electoral statistics (Table 3.9). This intensity of conflict came through in the turnout levels.

The 1837 election was the first general election after 1835; that is, after the opportunity granted by the monarch to the Tories had given them (briefly) power, and had spurred a groundswell of organisational enthusiasm to exploit (or close) this opening. This was reflected in the spread of Reform Associations and Conservative Operatives and Tradesmen's societies in the West Riding in 1835-6 and in the founding of both the East Riding Reform Association and the Bradford Reform Society in 1835. It was also reflected in the greater interest taken by publications like *The Times* and *The Spectator* in registration in 1835-7 compared with 1833-4. The 1837 election was also organisationally easier as party lines were clearer. There was less of the blurring that had occurred in 1835 with the friction between Whigs and radicals and coalitions between Tories and radicals.³

Table 3.8 shows how the post-1832 system was different in not only having a much larger electorate and having the constituency map greatly redrawn, but also in having, at least initially, higher turnout levels. After 1832 many of the physical impediments to voting were reduced, with the splitting of counties into more than one constituency, the increase in the number of polling places, the curtailing of out-voting and the introduction of electoral registers, which made it easier for political organisations to locate, and hence mobilise electors.

¹ One might object that declining turnout can simply be explained by an increase in the number and frequency of opportunities to vote, e.g. see B. Grofman, "Models of voter turnout: a brief idiosyncratic review - A comment," *Public Choice*, Volume 41, 1983, p.56. However, in 1832-50 the gap between successive general elections was *increasing*, and though local government reform in the mid-1830s may have produced more contests, there is no reason to believe their numbers continued increasing into the late 1830s and the 1840s.

² There are many different figures for uncontested (*unpolled* in my terminology) seats. For England, including Monmouthshire but excluding the Universities, there were about 172 polled constituencies in 1802, 170 (1806), 174 (1807), 188 (1812), 152 (1818), 172 (1820), 157 (1826), 162 (1830) and 170 (1831): Cannon, *Parliamentary Reform*, p.278-89. In England an average of 27% of constituencies were polled at elections in 1812-30 and 59% in 1832-65 with a trough of 47% in 1847: G.W. Cox and J.W. Ingram, "Suffrage Expansion and Legislative Behaviour in Nineteenth-Century Britain," *Social Science History*, Volume 16, 1992, p.541 and p.557. For all of Parliament about 189 MPs (29%) were elected without a poll from 124 constituencies (31%) in 1832, 275 (42%) from 174 (43%) in 1835, 236 (36%) from 150 (37%) in 1837, 337 (51%) from 213 (53%) in 1841 and 367 (56%) from 236 (59%) in 1847: W.O. Aydelotte, "A Data Archive for Modern British History," p.333-60 in V.R. Lowin and J.M. Price (eds), *The Dimensions Of The Past: Materials, Problems, and Opportunities for Quantitative Work in History*, Yale University Press, London, 1972, p.339, Craig, *Electoral Facts*, p.160 and Vincent and Stenton's figures in McCalmont, *Poll Book*, p.xix. For English MPs it was 24% elected without a poll in 1832, 38% in 1835, 30% in 1837, 45% in 1841 and 52% in 1847: Craig, *Electoral Facts*, p.1-5.

There was a similar decline in the contestation of by-elections, from 60% in 1832-5 to 27% in 1841-7, though the figures subsequently rose: Craig, *Chronology of British Parliamentary By-Elections 1833-1987*, Parliamentary Research Services, Chichester, 1987, p.313-4.

³ For example, in Manchester, Coventry and Huddersfield. The latter was an exception in having a similar coalition in 1837. Whig-Radical friction was evident in Bradford in 1835, where this let in Hardy. But, in 1837 the idea of Tories winning elections facilitated cooperation.

Year	Crude turnout ¹	Change on previous	Turnout adjusted for deadwood and multiple entries	Change on previous
1800-31	81%			
1832	88%	+7	95%	+14
1835	85%	-3	92%	-3
1837	84%	-1	96%	+4
1841	81%	-3	92%	-4
1847	77%	-4	88%	-4

Table 3.8: English turnout 1800-47²

General election	Tory candidates in a poll	Liberal candidates in a poll	Number of polls	Number of MPs elected in a poll ³
1832	197	408	189	352
1835	202	281	154	288
1837	269	293	177	325
1841	227	217	139	256
1847	173	214	121	223

Table 3.9: English candidates and contests 1832-47⁴

However, vitality is not simply a matter of turnout. How many people took part also matters. In this, the number of contested elections was crucial. After all, if a constituency had no poll there could be no turnout. As Table 3.10 shows 1832 again marks a sharp jolt to the system. The 1832 general election had one and a half times more voters in England than all the three previous general elections added together! The differences between the second and third columns of Table 3.10 show the importance of considering the number of polled constituencies in different years. It was changes in this which produced a large part of the change in the total number of people voting. And it was conflicts between electoral elites that drove the number of polls and political organisation (and hence affected turnout), which in turn had a major impact on how many people voted at an election.

¹ The 1831 figure is my calculation for turnout at a typical general election before 1832, rather than my 78% number, which is a figure for turnout in a typical constituency before 1832. The numbers for 1832-47 are the adjusted Craig figures.

² The table contains estimated turnout levels for all of England. The adjustment for deadwood is based on the equation derived above, with a typical register age entered for each election (135 days for 1832, 162 days for 1835, 362 days for 1837, 335 days for 1841 and 367 days for 1847). The adjustment for multiple entries is based on there being 4% in boroughs and 2% in counties, with boroughs tending to poll twice as often as counties. Given that there were 191 English borough constituencies (including Universities) and 68 counties after 1832, this implies an overall multiple entry rate of 3.7%.

³ The maximum figure was 465 MPs.

⁴ Calculated from McCalmont, *Poll Book*.

General election	Number voted	Number of electors in polled constituencies
1826	106,000	130,000
1830	88,000	109,000
1831	73,000	90,000
1832	396,000	475,000
1835	286,000	366,000
1837	398,000	507,000
1841	287,000	384,000
1847	233,000	339,000

Table 3.10: More English electoral statistics 1826-47¹

3.8 Conclusion

Chapter 2 showed that the electorate was large before 1832, grew greatly after 1832 and that electoral conflicts drove much of the growth. The same picture, but for turnout, has appeared in this Chapter. Before 1832 turnout in constituencies was typically a little under 80%, before shooting up in 1832. However just as in the absence of much enthusiasm for self-registration it was often left to political organisations to register people, so it was often left to political organisations to get people out to vote. When organisations faltered, either due to systemic obstacles like geography and overwhelming numbers or due to frequent realignments of factions, so too did turnout. Indeed, with turnout we can extend the argument further. Despite all the political effort, turnout dropped after 1832, at a time when political organisations were continuing to develop; whilst 1832 opened up many new possibilities for public participation, the public turned out to be somewhat reluctant to utilise them. To some extent, political organisations were victims of their own success, being better at getting people registered than at subsequently getting them out to vote. However, that this problem could exist was in itself a reflection of wider disinterest and apathy.

¹ The numbers are derived from D. Beales, "The Electorate before and after 1832: the Right to Vote, and the Opportunity," *Parliamentary History*, Volume 11 Part 1, 1992, Craig, *Election Results 1832-1885*, Smith, *Parliaments of England* and my figures in Tables 2.1 and 3.8. Due to the errors involved, all the numbers have been given to only three significant figures. Note that the number of English Parliamentary constituencies increased in 1832 by 13 (5%), though the number of MPs declined by 18 (4%).

4. Deference

4.1 Introduction

Chapters 2 and 3 showed how manifestations of, and opportunities for, public participation in the electoral system suggest a system possessing much vitality, albeit with many opportunities not being taken or taken only at the instigation of political organisations. Arguably this picture is misleading, in that other factors restrained the opportunities to formulate and express electoral preferences. Regarding deference, one can argue,

The result of any county election in England may be calculated beforehand by calculating the number of great landed proprietors ranged on each side and the weight and influence which each and all of them individually and collectively possess.¹

If this were true, for example, then a large county electorate would have meant little. Therefore, Chapters 4 and 5 examine two possible restraints on vitality: deference and corruption.

The debate over deference (this Chapter's focus), even merely in the political arena, has a long and complex historiography.² This is unsurprising given the difficulties of divining people's motivations and the diversity of the population, which drove a visitor to comment,

I took great pains to discover the moral and intellectual condition of the British for we are used to hearing the most contradictory assertions on this subject. After careful study I found these assertions were all correct.³

The stereotypical, and somewhat old-fashioned, view of electoral deference is exemplified by the story regarding the Duke of Leeds' death during the 1841 West Riding election. His demise produced confusion as to how, or whether, his influence would be exerted. Allegedly, after some delay, a farmer arrived at a market town and announced, "Well, we have got our orders at last, we are all to be yellows this time."⁴ Similarly, an 1830 election squib by William Heath has a borough patron receiving £5,000 from a would-be MP and saying, "Here they are all good votes - ready to vote for my coach horse if I order them - Give me the money and I'll secure you the seat".⁵

¹ Lord Stanley: J.K. Glynn, *The Private Member Of Parliament 1833-68*, University of London PhD, 1949, Volume 1, p.3.

² This debate has generated a substantial literature. D.C. Moore's seminal works have had two strands: a theoretical contribution in the form of *deference communities* and an analysis of electoral behaviour that claims to spot them in action. His most relevant are "Concession or Cure," *Historical Journal*, Volume 9, 1966 and *Politics of Deference*. Criticisms of him are present in almost all subsequent work. Most useful as an introduction are E.P. Hennock, "The Sociological Premises of the First Reform Act," Moore "The Sociological Premises of the First Reform Act: A Reply," and R.W. Davis, "The Politics of the Confessional State, 1760-1832," *Parliamentary History*, Volume 9 Part 1, 1990. Useful for theoretical perspectives are R.W. Davis, "Deference and Aristocracy in the Time of the Great Reform Act," *American Historical Review*, Volume 81, 1976, H.A. Ellis, "Aristocratical Influence and Electoral Independence," O'Gorman, "Electoral Deference in 'Unreformed' England" and D. Spring, "Walter Bagehot and Deference," *American Historical Review*, Volume 81 Number 3, 1976.

³ Gustave d'Eichthal to Auguste Comte, 17 October 1828: B.M. Ratcliffe and W.H. Chaloner (eds), *A French Sociologist Looks At Britain: Gustave d'Eichthal and British society in 1828*, Manchester University Press, Manchester, 1977, p.8.

⁴ Seymour, *Electoral Reform*, p.182-3 n4.

⁵ The squib is reproduced in H.T. Dickinson, *Caricatures and the Constitution, 1760-1832*, Chadwyck-Healey, Cambridge, 1986, p.301.

Section 4.2 challenges such anecdotes, by examining Yorkshire examples of how patrons and electors interacted. This includes looking at limitations on patrons' powers and the influences patrons had exercised on themselves. The picture is of electoral deference having to be worked for and earned by patrons, and even then being limited as an electoral tool. It was sometimes even neglected in preference to non-electoral considerations.

Sections 4.3, 4.4. and 4.5 examine three areas in which Moore claimed to find deference in action: in canvassing, in poll books and in the drafting of certain clauses of the 1832 legislation. With canvassing and the publication of poll books, however, I find factors other than deference to be important, with signs of electoral vitality and limits to the control that deference could exercise on elections. In the drafting of the 1832 legislation I find conflicts between different motivations, and limitations to the ability of legislators to understand what they were doing, or to pursue clear and consistent courses of action. Again, the importance of deference was limited by the presence of other factors and the unwillingness (and inability) of participants to place deference above all else.

4.2 Interactions of patrons and electors

There is much scattered evidence that deference by electors towards patrons was not guaranteed, but rather that patrons frequently had to earn deference by kindly words, good deeds and close attention. Thus, when Lord John Russell described relations between aristocrats and the public, it was not a picture of unlimited and automatic influence:

Wherever the aristocracy reside, receiving large incomes, performing important duties, relieving the poor by charity, and evincing private worth and public virtue, it is not in human nature that they should not possess a great influence upon public opinion, and have an equal weight in selecting persons to serve their country in Parliament.¹

Similarly, Palmerston defended aristocratic electoral influence, so long as it was,

An influence arising from good conduct and propriety of demeanour on the one side, and respect and deference on the other.²

A manifestation of the limits on patron power was the popular belief that electors with two votes were expected to cast only one as their patron wished, and could cast the other as they wished. As Althorp said,

Every gentleman who had been engaged in county elections knew that there were always private and personal considerations which induced electors to give their second vote in a different manner to that in which they had given their first.³

Another manifestation was the efforts patrons made to secure the "right" electoral outcome. An example is Windsor, where before 1832 one (but significantly only one) seat was safely in the Crown's interest. Yet, the King's secretary (Sir Herbert Taylor) wrote to Grey in 1831 that, "Having been member for Windsor, I may

¹ *Hansard*, 3rd series, Volume 2, c.1086-7, 1 March 1831.

² *Hansard*, 3rd series, Volume 2, c.1326, 3 March 1831.

³ *Hansard*, 3rd series, Volume 5, c.1371, 13 August 1831. For further examples see O'Gorman, "Electoral Deference in 'Unreformed' England," p.402 n30. There is some evidence that this was not always the case. Marmaduke Lawson said of his contest for Boroughbridge in 1818 that, "They [his opponents] would tell you that to give both your votes to your landlord is integrity, and a just sense of gratitude for being allowed to pay for a house or field": Smith, "Fitzwilliam and Malton," p.51 n2.

state that the expenses of election will amount to about £1,000 and the annual subscriptions, charities, etc., to something less than £100".¹ Similarly, in Penryn in 1826 the candidates had arranged for the town crier to go around before the election announcing that voters would no longer be made "comfortable" - i.e. given money - and as a result few voted on the first two days. The decision was then reversed and the flow of voters increased sharply.² However, the exchange of such anecdotes is not particularly fruitful; a more systematic approach is needed. For this I enter the lion's den, taking a sample of constituencies in which deference could be expected to be atypically *strong* - all the Yorkshire boroughs in which a small number of people had great electoral influence.

Consider first Aldborough and Boroughbridge, two constituencies within the same parish, separated by the River Ure, sixteen miles north-west of York. The Dukes of Newcastle had a predominant interest, but in the eighteenth century the Wilkinsons were also influential and normally had one of the four seats. Aldborough was quiescent between 1800 and abolition in 1832, with one exception: 1820, which saw a poll, and an (unsuccessful) petition. The substantial margin of victory apparently demonstrates the Newcastles' power. Though victory was due to a number of votes being rejected, these came from people outside the borough, and hence were both not valid, and people over whom there had been no reason for the Newcastles to exercise power. But, 1820 also demonstrates the ends to which the Newcastles had to go in order to retain control. The Returning Officer was a Newcastle tenant, there was only limited publicity given to the existence of the election and there were allegations of bribery. These activities should not be over-stressed: one Newcastle candidate was able to absent himself from the constituency so much that the petition questioned whether he really existed! Yet, winning elections was not an effortless process.

In Boroughbridge, a market town on the main road to Edinburgh, the Newcastles' hold came under greater strain. Although there were no polls in 1715-1818, there were contests in 1818, 1820, 1826 and 1830 before abolition in 1832.³ The Lawsons, having inherited the Wilkinson electoral interest, stood a candidate in 1818, feeling that the Newcastles had failed to recognise their importance.⁴ Marmaduke Lawson (junior) won, aided by success in winning over some Newcastle tenants with kindness and attention and the fact that neither of the incumbents were re-standing. Seeing himself as a Parliamentary failure, Lawson resigned in 1819 amidst rumours of a pay-off from Newcastle. However, his ambitious mother persuaded him to fight the resulting by-election, which he won! The victory did not last, as a resulting petition unseated him in 1820. Newcastle lost again in 1830 when Lawson's brother, Andrew, successfully stood with a colleague against two Newcastle nominees. Newcastle's hold on Boroughbridge, then, was far from secure.

It is tempting to conclude that the contrast between Aldborough and Boroughbridge illustrates how the number of polls was evidence of the strength, or otherwise, of the patron's hold. However, and this is a point reinforced by the other Yorkshire constituencies, whilst the number of *challenges* did act as a good

¹ H. Grey (ed), *The Reform Act, 1832: The Correspondence Of The Late Earl Grey With His Majesty King William IV And With Sir Herbert Taylor From November 1830 To June 1832*, John Murray, London, 1867, Volume 1, p.21.

² *Annual Register*, 1827, History of Europe, p.179.

³ For more details see T. Lawson-Tancred, *Records Of A Yorkshire Manor*, Edward Arnold, London, 1937, p.313-334.

⁴ The Wilkinsons had, in the eighteenth century, managed the local Newcastle property. The male line died out in 1805 with James Wilkinson and the property passed to Barbara Isabella, wife of Marmaduke Lawson. Both he and James Wilkinson were barred from being MPs by virtue of being clergyman. This may well have encouraged Newcastle's attitude that he could now have all 4 MPs.

proxy, the relationship between *challenges* and *contests* or *polls* was variable. Sensing a challenge a patron could take emergency measures, which resulted in a contest and poll being headed-off. That they did not happen would not be a good reflection on the strength of the patron's hold, rather the extent of the emergency measures required would be a better reflection. Thus, the lack of contests and polls in some constituencies should not automatically be assumed to mean that patrons had strong holds therein.

The next constituency is Knaresborough, eighteen miles west of York on the river Nidd, with a spacious market and a gradually declining linen industry. Though of moderate size, with an 1801 population of 3,388, it had a small electorate - under ninety in 1800-32. In the mid-eighteenth century the fourth Duke of Devonshire acquired ownership of the vast majority of the burgages. This left his son, the fifth Duke and usually a Whig, with control of both the seats. Sometimes he was a patron with a light-touch. When during the Revolutionary Wars he backed the government on one occasion, both the constituency's (Whig) MPs offered their resignations. He replied, "I never interfere with your vote - I don't see why you should interfere with mine."¹

In 1784 and 1804-5 his control was attacked by self-proclaimed "independent" interests, who attempted to extend the franchise to resident householders. Further, between 1784 and 1805 elections cost Devonshire increasing sums, resulting in criticism of James Collins, his agent. The costs rose from £160 13s 1d in 1790 to nearly £500 in 1802 and £564 in April 1804.² The 1804 July by-election was disrupted by riots, which were sufficiently virulent to prevent a return being made. They were organised by a small number of people hostile to the Duke's influence (who were successfully prosecuted). However, this was not simply a case of agent provocateurs inciting innocents. Rather, the Duke's new agent - John Carr - had curtailed the types of expenditure Collins had indulged in, and been criticised for, claiming the money had been spent more to make Collins popular than to win elections. The response was a wave of unpopularity that the riot ringleaders successfully tapped.

The contrast between 1804-5 and later elections illustrates the prevalence of a major theme from Chapters 2 and 3. There was much continued hostility to the Devonshires. For example, in the 1806 by-election only an opportune speech from Lord John Townshend (a candidate) stopped the crowd going further than stoning him; at the general election of 1806 both 300 miners and then the Scots Greys had trouble restoring public order; and expenses were continually above £500. However, just as political organisation was important to raise turnout and increase the electorate, so in Knaresborough in the absence of a willing champion of the anti-Devonshire cause, who could organise and lead it, those hostile to Devonshire achieved little beyond upsetting law and order.

Unrest returned in 1830 when demonstrations against the Devonshire candidate made the Duke proclaim he would not interfere again. The expansion of the electorate (to a much greater, though still not large, 278 entries on the electoral register in 1832), and the supplementing of the burgage franchise with the

¹ D.M. Stuart, *Dearest Bess: The Life and Times of Lady Elizabeth Foster, afterwards Duchess Of Devonshire, from Her Unpublished Journals and Correspondence*, Methuen and Co., London, 1955, p.94.

² E.A. Smith, "The Election Agent in English Politics, 1734-1832," *English Historical Review*, Volume 84, 1969, p.28 and Thorne, *History of Parliament*, Volume 2, p.451.

£10 franchise that allowed a wider range of property to qualify people for votes, meant his possible influence was greatly curtailed after 1832 anyway.

Northallerton, a North Riding burgh borough thirty-two miles north-west of York, had such quiet politics that the *History of Parliament* volume for 1790-1820 only manages one paragraph regarding it.¹ It was largely agricultural in character, with a market specialising in general trade like linens and tanning. Though the pre-1832 electorate was larger than many others - around 200 in 1800-32 - the burghs were split between only two interests: the Pierse and Lascelles families. Nevertheless, the 1812 election cost about £500.² With 1832 the constituency expanded, adding a weaving district and losing one of its MPs. The Pierses and Harewoods (as the Lascelles interest had become when a Lascelles became Earl Harewood in 1812) could no longer split the representation. Whilst the Harewood interest did not take up the fight, the Pierse interest was exercised in favour of Charlotte Pierse's son-in-law William Battie Wrightson. That he, unlike the rest of the family, was a Whig did not matter. In contrast to Lawrence in Ripon, she exercised influence for her family rather than her party. Nevertheless, he lost to an outsider, the distinguished sailor John Boss, a man of similar (though more reformist) politics. The only other poll before 1850 was in 1841 when the Harewoods tried to regain "their" MP, but Wrightson (ensconced as MP since 1835) held on.

Richmond, another burgh borough, lay on the edge of the Pennines. It was a market town, lacking indigenous industry. Nevertheless, the population of the parish grew steadily in the early nineteenth century, reaching 3,900 by 1831. Between the late eighteenth and late nineteenth centuries it had the superficial appearance of a Whig pocket borough, controlled by the Dundas family, with thirty-nine years of the nineteenth century passing before a poll occurred, which was then the first poll since 1727. In 1773 Dundas owned 160 of the 273 burghs, and this proportion stayed much the same through until Parliamentary reform.

Yet control was not guaranteed. In 1798 Lord Dundas wanted to bring in Arthur Shakespeare, and persuaded an incumbent, Charles Beauclerk, to make way. But, in late November Lord Dundas had to contemplate travelling down from Glasgow and engaging in electoral manipulations. Though his presence was eventually not required, and indeed Shakespeare too was absent from the constituency, Dundas had written of his concern that,

our worthy Chief Magistrate ... with some of his co-adgitors [*sic*] would have attempted to make disturbance in the Borough, in such an event it would have been advisable that my Hand and Seal should have been within call.³

Later, in 1805, when Dundas was looking for a seat for Henry Grattan he wrote,

I am afraid that my attempting to elect a new Member for Richmond at this particular moment will be attended with danger. You know the discontent the late Enclosure Act has created ... Unfortunately I have no burgh conveyances made out ... and it is quite impossible to get them done soon, for the

¹ Thorne, *History of Parliament*, Volume 2, p.454.

² O'Gorman, *Voters, Patrons and Parties*, p.148.

³ Fieldhouse, "Parliamentary Representation In The Borough Of Richmond," p.211. Though Fieldhouse says Dundas got Beauclerk to resign as Dundas wanted the seat for Shakespeare, it was also reported that Beauclerk sold the seat to Shakespeare for £2,000: Thorne, *History of Parliament*, Volume 2, p.458.

descriptions are long, and must be very particular. Under these circumstances, the independent burgage holders might carry an election against me ... although they are in general friends of mine.¹

The burgage *conveyances* mentioned were potentially tricky pieces of paperwork. Even if someone owned more than one burgage they were only able to vote once (or not at all if they were female). However, by temporarily transferring the burgage properties to friends, tenants, servants and other malleable people, an owner of several burgages could control many more votes than just the one. This was how Elizabeth Lawrence controlled Ripon, where she would temporarily give her tenants from elsewhere burgages at election time. Similarly, the Duke of Devonshire used tenants from his estates at Chatsworth (Derbyshire), Whafedale (near Skipton) and Market Weighton (near Beverley) to be the temporary holders of burgages in Knaresborough.

The technical aspects of conveyances could be difficult. In addition to the task of finding appropriate people to be burgage holders² (and ensuring they did actually vote) there was the need to produce, whilst following the requisite legal niceties, large numbers of watertight conveyances. While neither was impossible, time, money and effort were frequently required. It is arguable that such manipulation of conveyances slips over the boundary into corruption; it certainly shows how “deference” had to be worked for, and that could mean more than just being paternalistic.

After 1832 independent forces still periodically surfaced, though in a different guise. Now it was local Liberals who sometimes wished to look for MPs beyond the Dundas family or its nominees. In March 1840 a local shopkeeper was evicted by Dundas for having proposed an opposition candidate, and in 1841 - when the independent Liberals made a greater effort to get an MP - there were various invitations to, and discussion of, possible candidates, though in the end the idea of fighting the Dundas interest was sufficient to put off possible candidates.³

Ripon, located in the West Riding twenty-one miles north-west of York, was a market town, trading particularly in woollens and spurs, and became a city in 1836 when an Episcopal see was erected. Lying at the northern tip of the network of waterways that led to the Humber, coal and produce from the Dales often passed through. There were also many hotels, inns and taverns: it was a miscellaneous mix of shopkeepers and craftsmen. It was another closed burgage borough. The prevalence of burgage boroughs in this sample is indicative of both their small (and hence more controllable for one individual) electorates, and also the importance of direct ownership by patrons of franchises in exercising control.

Until 1808 the borough was split between two women, the heiresses of William Aislabie. Allanson was his eldest daughter, and had the majority of the estate. Her sister, Lawrence had the rest, and inherited Allanson's share on her death in 1808. Lawrence, probably Britain's richest woman, remained dominant in the constituency until her death in 1845. Her estates, which included Fountain's Abbey and Studly Park, gave her great electoral influence.

¹ Lord Dundas to his son, March 1805: Thorne, *History of Parliament*, Volume 2, p.458. From the above regarding 1798 it is clear that Thorne is wrong to state that this event was “the only whisper of opposition.”

² Who might also require payment, as with Knaresborough in 1775: box 33, parcel 242, Vyner MSS, Leeds Archives.

³ For more details, see Fieldhouse, “Parliamentary Representation In The Borough Of Richmond,” p.213-4.

The 1832 legislation temporarily weakened Lawrence's control, with polls subsequently in 1832 and 1835. As with Knaresborough the addition of £10ers made tight control of electors more difficult. Indeed, in 1832 and 1835 Lawrence's tenants were only, respectively, 86 out of 341 electors and 110 out of 383. Furthermore, the opposition Liberal interest was sufficiently organised to have a solicitor working for them. After the 1832 election Lawrence gave all her tenants notice to quit, including non-electors. She finally forced only about nine to leave, all of whom had voted against her. Forcing even this limited number to quit took time. The notices to quit were not served until eight and a half months after the poll: her tenants were on annual tenancies for which notice had to be given in September to quit at Lady-day. In 1835 all of Lawrence's tenants voted her way, including various new electors created by the building of cow-houses (which temporarily became Britain's most famous cow-houses when a Parliamentary committee's investigations into elections touched on them). Nevertheless, only about fifteen cow houses were built, and the clear majority of the electorate were still not her tenants. Her nominees did, though, win this time, helped not just by this tinkering at the margins with vote creation,¹ but also by Lawrence's generosity towards local charities and local people, backed up by exclusive dealing.²

Finally, there was Thirsk, a borough on the York-Darlington road where it took two Reform Acts to induce its first poll (1868). It was firmly controlled by the Frankland family, who owned nearly all of the burgages. It was a perfect picture of a pocket borough - no polls, no contest, little effort needed by the patron.

However, as can be seen by comparison with the other Yorkshire constituencies considered, this was the exception. Though patrons like the Devonshires, Fitzwilliams and Newcastles exercised great control over certain constituencies, it was not unbridled. It was control that had to be worked at, paid for and earned. Edward Bulwer-Lytton's aphorism is pertinent: "Yield to a man's tastes and he will yield to your interests." A reflection of this was that most patrons lived in or near the constituency they had influence in (or if, like the Fitzwilliams, they had landholdings in widely scattered parts of the country, they employed powerful local agents to, *inter alia*, mind their political interests). This was a reflection of electoral and non-electoral factors. For landowners their electoral influence usually resided where their landholdings were located. Having a home where a landholding was often made sense for non-electoral reasons, such as ease of estate management. However, the additional need for patron proximity to ensure electoral influence was most clearly illustrated by those who had estates in more places than they could live. Difficult elections frequently brought personal visits (e.g. p.114), and conversely absences caused problems. Even where patrons kept on winning, it does not mean that winning was easy.

¹ Throwing opponents out of their homes had not been greatly effective either: the Liberal interest easily rehoused people where necessary after their 1832 victory.

² Much of this paragraph comes from the evidence of James Glynn, *Report from the Select Committee on Bribery at Elections, 1835* (547) VIII, p.190-9 and p.220. Being a Liberal he had an obvious incentive to exaggerate Lawrence's wicked ways, so the relatively limited picture of them he drew is all the more striking.

Patrons had similarly to work for support in larger, more open boroughs.¹ Consider Halifax and York. In Halifax Anne Lister, of Shibden Hall controlled about fifty electors in 1791-1840, and was a prominent Tory.² Her 1832 diary records an example of her exercising influence:

Sent for him [John Bottomley] to get his vote for Mr Wortley. He had signed, he said, for Lord Grey and Milton, but I told him the latter would not come forward, that he, Bottomley, was therefore at liberty and must give me his vote which he therefore did.³

Several months later they conversed again, and he once more promised his vote for Wortley:

They had all been at him and some said they would not employ him again if he would not vote their way, but he told them how I wanted him to vote, and seeming to care nothing about it, but that he thought he ought to oblige me. It is quite useless to leave such men as he uninfluenced. He knows nothing and cares nothing about it, and is literally best satisfied with the idea of pleasing someone he knows.⁴

This need for frequent contact, the limits to patrons' powers and the importance of public promises were all also reflected in Lister's influencing of a Mr. Snowden in 1835. He explained he would have followed her wishes, had he not been canvassed first by the Liberals and promised not to vote. She persuaded him to change, commenting,

Very well, said I, then I will think no more of what has passed - meaning he can keep his farm. Said I would not take a new tenant who would not give me his vote but I had not meant to send away an old one. However I must now consider Snowden as a new tenant and ask his vote. He promised to give it me. I said dinner was waiting, ordered him beer, and came away.⁵

York, like Richmond, saw a combination of a political magnate⁶ and independent activists of the same party label during the existence of the city's Whig Club, principally 1818-30. In 1818 when Whigs were plotting to gain the city's second seat from the Tories it was the Whig Club, rather than the Whig Corporation or Fitzwilliam's agents, which took the initiative. However, when in 1820 the Whigs won both seats, the new MP - Marmaduke Wyvill - though proposed by the independents' choice for candidate at the previous election (Cooke), had most of his expenses met by Fitzwilliam.⁷ There was an open coalition, including joint canvassing, between Wyvill and Lawrence Dundas, the Fitzwilliam candidate.

¹ It was also evident outside Yorkshire, as with, at various times, Sir William Drake and Amersham, North and Banbury, 3rd Marquis of Hertford and Bodmin (where he took over Lord Dunstanville's interest when the latter became tired of the incessant demands on him), the Marquis of Aylesbury and Marlborough, the Marquis of Stafford and Newcastle-under-Lyme (where both seats were lost in 1812 after rents were raised), the 5th Duke of Marlborough and New Woodstock (where one seat was lost in 1820 when the Marlborough tradition of employing about 100 locals as servants at Blenheim was stopped), Fitzwilliam and Peterborough and the Duke of Portland and Wigan (where he disbursed many customary payments, favours and services).

² Though her 1835 support for the then Tory James Archibald Stuart Wortley was as much motivated by duty to her aunt Lady Stuart as by political considerations.

³ Diary for 30 July 1832, reproduced in M.M. Green (ed), *Miss Lister of Shibden Hall: Selected Letters 1800-1840*, Book Guild, Lewes, 1992, p.174.

⁴ Diary for 11 December 1832, reproduced in Green, *Miss Lister*, p.174.

⁵ Green, *Miss Lister*, p.174-5.

⁶ Fitzwilliam inherited the York Whig interest in the 1780s. From then until deep into the nineteenth century, apart from the period when the Yorkshire Association was at its peak (1783-7), at least one York MP was a Fitzwilliam, a Fitzwilliam nominee or met with their approval.

⁷ P. Brett, *The Rise and Fall of the York Whig Club*, University of York, York, 1989, p.15.

As with Richmond one suspects part of the reason for this freedom of activity for local activists was that patrons had interests elsewhere. There were differences of political opinion between locals and patrons, in particular over Parliamentary reform in York, which Fitzwilliam, unlike his son, opposed. Such behaviour allowed these tensions to be resolved without expensive and unpleasant in-fighting that might also, particularly in York, have given success to the common Tory enemy. Further, it was not worth their while to try and control every dot and comma, or rather requisition and bill,¹ of political activity. A more relaxed attitude was less costly and more plausible.

In counties patron involvement was normal, and farmers' well-being was frequently closely linked to that of landlords, who were the obvious channel for the airing of grievances. Thus, for example, numerous East Riding families, like the Stricklands, Bethells, Clifford-Constables, Hothams, Thompsons, Sykes and Duncombes were politically involved and all produced one MP for an East Riding constituency in the nineteenth century. Yet, as in boroughs, so in counties. Patrons' influences were often limited. For example, the minute book of the Bradford committee for one of the occasions the Wortleys contested the West Riding survives. It contains much detailed information on the progress of the campaign. There are some comments like, "Mr Thompson's tenants in Baildon will vote as he wishes," but they are rare.² Farmers and landlords, if of differing political views, could avoid each other; entering into an agreement frequently meant accepting different political views, just like the terms of the tenancy or an obligation to farm an area to usual standards. Further, agreement on the handling of political views was often a *quid pro quo* for other treatment, like low rents. According to one agricultural historian,

The relationship also succeeded, however, because it was rarely put to too much strain. Sensible proprietors refrained from putting excessive pressure on farmers for their votes.³

The limitations to patron influence were reflected in canvassing: though it was normal to ask a landlord's permission to canvass their tenants, refusal did not necessarily mean that canvassing did not occur.⁴ Landlord-tenant relations involved a complex mix of mutual interest and obligation, encompassing more than the mere electoral field, and it is wrong to assume that electoral considerations necessarily predominated, especially if tenants had few political interests or views coinciding with their landlord. Landlords could use threats and evictions to impose their electoral wishes. But, they were constrained by the danger of tenant resentment. Good tenants were not in abundance; why risk income from them over an election? Similarly, there is a psychological cost involved in being ruthless. It is not obvious that all landlords were so inclined, nor what price they were prepared to pay in return for receiving deferential behaviour. Limitations could be self-imposed. As Grantley Berkley put it, he decided not to canvass on one occasion because, *inter alia*, "my family, owning such an acreage in the county, a request from me might be regarded by some as dictation."⁵ Likewise, in 1832 one Knaresborough tenant promised to vote for Cavendish, but,

¹ Three York elections in 1818-20 cost Fitzwilliam £25,000: Brett, *York Whig Club*, p.7.

² Bradford Parliamentary election papers, MM 55/11/1, Bradford Archives.

³ G.E. Mingay, *Rural Life in Victorian England*, Heinemann, London, 1977, p.52-3.

⁴ Evidence of Joseph Parkes, 1835 (547) VIII, p.101.

⁵ G.F. Berkley, *My Life And Recollections*, Hurst and Blackett, London, 1865-6, Volume 1, p.347. Self-imposed limitations were also reflected in the reluctance of some families to hold too many seats. Thus Ralph Lambton stood down from Durham
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with regard to my Tenants, I cannot interfere, as I would wish them to exercise their own judgement and inclination, unbiased by myself.¹

Tempting though it is, one should not be obsessed by elections. Political participation involved trouble and bother.² There was a widespread dislike of electoral disruption, and a heavy-handed wielding of electoral influence could exacerbate this.³ Thus, when James Collins (the Devonshire's Knaresborough agent) was criticised by the chief steward John Heaton for his election activities, it was not merely rising costs which earned him his rebuke, but also his failure to keep order.

Not only was politics not everything, but also electoral and non-electoral considerations often conflicted, particularly over landholding decisions. Though the splitting of landholdings to create votes was a favourite radical target (or Tory target when the radicals or Anti-Corn Law Leaguers were doing it) it made little agricultural sense, and this restricted its occurrence. Another target of electoral suspicion was the position of tenants-at-will, enfranchised in 1832. Though there was a rise in their numbers, this could be accounted for by the fact that price fluctuations, changes in land values arising from enclosure and general instability were incentives to avoid the long-term setting of rent values, particularly where profit margins were low. Further, many parts of Yorkshire had a tradition of requiring six months notice to end annual tenancies and tenancies-at-will, which made tenants more secure than might at first appear.⁴ Moreover, evictions were not always easy to execute; there were legal and social limitations and evictions could easily result in legal and financial entanglements, entailing disruption, money and a loss of face: force was a show of failure. Evictions were further constrained by the rise in *de facto* (and, given the basis of English law, *de facto* could become *de jure*) tenant's rights, such as landlords compensating their tenants for any unexhausted improvements at the end of their tenure. It was relatively rare for landlords to move beyond verbal urgings and warnings into intimidation or eviction of tenants who voted the "wrong" way. This is evinced by the fuss generated by Newcastle's use of evictions following the 1829 Newark election. Newcastle's justification was, "Is it presumed that I am not to do what I will with my own?"⁵ That he was prepared to make such a public comment, albeit a much criticised one, shows the limits of the view that intimidation was a flagrant breach of generally accepted norms: that did not stop some people. However, the singularity of his behaviour is demonstrated in three ways: the popularity of this simple quotation with historians, the occurrence of a debate in Parliament and the burning of his castle by a crowd in 1831. Whilst

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City in 1813 after his nephew was elected for County Durham: S.J. Reid, *Life And Letters Of The First Earl Durham 1792-1840*, Longmans, Green and Co., London, 1906, Volume 1, p.68.

¹ Shawe to Bead, 7 October 1832, Miscellaneous Documents, MD 1859/3, Sheffield Record Office.

² Charles Greville wrote that the new Queen (in 1830), "is by no means delighted at her elevation. She liked quiet and retirement and Bushy (of which the King has made her Ranger), and does not want to be a Queen": E.A. Smith, *Reform or Revolution? A Diary of Reform in England, 1830-2*, Alan Sutton, Stroud, 1992, p.3.

³ This dislike of politics was also reflected in election addresses, which frequently contained apologies for disturbing the "peace" of a constituency. There is also some evidence that very political newspapers were not popular, as with the financial failings of the *Hull and East Riding Times* compared to the *Hull Packet*. Similarly, editors, even when indulging in political squabbles, frequently apologised for them.

⁴ Note that technically more entrenched tenants were not necessarily safer from eviction: the number of conditions which came with leases frequently made it difficult to (remember to) keep them all: *London and Westminster Review*, Volume 3 and 25 Number 2, 1836, p.502.

⁵ A. Heesom, "'Legitimate' versus 'Illegitimate' Influences: Aristocratic Electioneering in Mid-Victorian Britain," *Parliamentary History*, Volume 7 Part 2, 1988, p.283. Newcastle's use of evictions was not only notorious, but also often insufficient to retain electoral control, as with his difficulties in Boroughbridge: p.112-112.

intimidation was not beyond the pale, neither was it the order of the day. More subtlety was usual. For example, in 1868 someone commented on Cheshire politics that,

I do not believe that a Conservative landlord dares to brave public opinion and turn off his tenants, but he allows his agent to go to the tenant, and he allows him to say how much it would please the landlord, if the tenant voted in a certain way, and gives hints that if the tenant does not vote as his landlord wishes, all sorts of petty indulgences, in the shape of small repairs, additional gates, and perhaps a little time to pay his rent, will be withdrawn.¹

The very notoriety of some intimidation cases suggests their rarity. So, for example, in the four northern counties there was only one eviction in 1760-1832.² Similarly, Stoker found, "There is not a single example of a Lowther eviction in the period [1760-1832] by the interest that was probably the most ruthless and determined in the country".³ Likewise, the Duke of Bedford in 1897 could not find any evictions having happened on the Thorney estate since the fens had been drained.⁴

In Yorkshire too evictions for political reasons were uncommon. The two most famous eviction cases in Yorkshire were in Ripon (p.116) and Malton.⁵ At Malton in 1807 a combination of poor canvassing, neglect of the constituency and distraction by the colossal Yorkshire county contest led to the Fitzwilliam interest losing one of the two seats to an independent challenge. Isaac Leatham, one of the independent candidates, had a good record of local service, including providing barley to lower market prices. The Rockingham interest, inherited by Fitzwilliam, was not merely that which could be passed on in a will, but was also rooted in astutely cultivated goodwill and popularity. For example, when Burke had stood a personal letter and a visit occurred. Fitzwilliam, though continuing some practices like rent cuts in hard times and charity donations, ended the traditional election ball, rarely visited, charged for his soup kitchen in 1799-1801 and had, in William Hastings, an unpopular steward.⁶ Nevertheless, of the 500 electors in 1807, 250 were direct tenants of Fitzwilliam, 48 undertenants on his property, and 140 held land or houses of his tenants. In other words, 438 electors were connected to Fitzwilliam directly or indirectly.⁷ Of the 213 who were tenants or undertenants on Fitzwilliam property, with neither freeholds nor tenancies from other landlords, only 101 voted for both the Fitzwilliam candidates, with 84 splitting, 13 not voting and 15 casting both votes for the non-Fitzwilliam interest. A similar picture exists for freeholders who also held tenancies from Fitzwilliam or from his tenants.⁸

After defeat evictions were only one prong of a four-pronged strategy, the other prongs being a petition, property purchases, and punitive measures, like increasing Derwent barge tolls for some and

¹ *Report from the Select Committee on Parliamentary and Municipal Elections, 1868-9 (352) VIII, q.6419.* Although the evidence was given after the passing of the 1867 legislation, it is clear that the witness's comments are as applicable to the period before 1867: no comment is made about 1867 having changed matters.

² O'Gorman, *Voters, Patrons and Parties*, p.238.

³ O'Gorman, *Voters, Patrons and Parties*, p.405 n39.

⁴ Hanham, *Elections and Party Management*, p.13.

⁵ See also Smith, "Yorkshire Elections of 1806 And 1807," p.62-3.

⁶ William Bartindale to Fitzwilliam, 26 October 1807, Wentworth Woodhouse Muniments, WWM F 76/118, Sheffield Archives. Edward Leefe - a key mover in the opposition to Fitzwilliam - was motivated by a personal dislike of Hastings, who had interfered in his professional affairs.

⁷ Smith, "Fitzwilliam and Malton," p.54.

⁸ Smith, "Fitzwilliam and Malton," p.60-1.

selective trading. One local tanner said to Cooke, Fitzwilliam's defeated candidate in 1807 but victor in 1808,

Many repented sincerely and he was sure that what had lately passed would never in his time take place again; that many were led astray by loud talking people ... [others] were induced by the consideration of the deference they ought to pay to the disposition of neighbouring gentlemen, to some of whom they were under obligations in their business, to others, in the part they took as magistrates.¹

After the second election in 1808, caused by Fitzwilliam's successful petition, those who voted for Cooke largely had their eviction notices withdrawn, and river tolls returned to their old level, though a 25% rent increase remained. In addition, customary treats and gifts, suspended in 1807, were reinstated. Traders who suffered from exclusive dealing from Fitzwilliam's opponents had their plight sympathetically considered.

Thus Malton reinforces the picture of the difficulties patrons had, even in closed constituencies, of ensuring that electors behaved as they wished. Malton was normally so quiescent that the next poll after 1808 was not until 1874, and in 1834 the Returning Office reported having received no requests for copies of the electoral register.² Yet, in 1807 Fitzwilliam lost. Force was useful but not all-powerful. In Northamptonshire Fitzwilliam tenants were more malleable than those of other Whig landlords, due to the Fitzwilliam reputation for discipline. But, generosity, usually financial, from patrons normally sufficed to retain control. There were some exceptions. Not all patrons or MPs played by these rules. William Windham wrote to a Norwich constituent in 1802,

I have received your letter, and, in return for the offer which you so *handsomely* make of serving me *upon condition* that I will serve you, by procuring, as I understand it, for Mr. Foster the appointment which he has been soliciting under the Charterhouse, I take the first opportunity of informing you that, having actually obtained that provision for Mr. Foster, and waiting only till the appointment should be made out, I have, in consequence of this letter of yours, actually written to recall my application, and to desire Mr. Pitt to bestow the appointment upon somebody else, not being willing that what I had obtained from motives of sheer good will and compassion, having been ignorant at that time whether Mr. Forster was even a voter for Norwich, should be wrung from me a matter of bargain and sale. You will, therefore, dispose of your votes as you think fit, as I, certainly, shall not seek to gain them by a promise of service which I no longer mean to perform.³

Yet, for those inundated with requests for patronage it was "natural" to give preference on the basis of returning favours. The need for patrons to earn deference was extended in the need for candidates to cause satisfaction, as with the need to purchase freedoms in many corporation boroughs, the need to be generous to charities, churches, and schools, and the need in places like Hedon to be generous to the Iveson family with their influence over the corporation and Parliamentary elections.

Both electors and patrons faced conflicting pressures, with different people favouring different candidates and with electoral and non-electoral considerations conflicting. This interleaving and indirectness of different pressures was complicated by electors also exercising influence over patrons.⁴ Similarities

¹ Smith, "Fitzwilliam and Malton," p.62.

² 1834 (591) IX.

³ 6 June 1802: *The Windham Papers: The Life and Correspondence Of The Rt. Hon. William Windham, 1750-1810, A Member Of Pitt's First Cabinet And The Ministry Of 'All Talents', Including Hitherto Unpublished Letters ... With An Introduction By The Rt. Hon. The Earl Of Rosebery K.G., K.T., Herbert Jenkins, London, 1913, Volume 2, p.192-3.*

⁴ The occasional appeals to women also indicate the indirectness of some electoral influence. For example, a Tory address in Norwich c.1831 called on women to exert their "persuasive influence on the minds of a father, brother, husband or lover; tell them not to seek filial duty, congenial regard, matrimonial comfort, nor tender compliance, till they
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between the electoral attitudes of landlords and tenants were not necessarily the result of influence and pressure flowing from landlord to tenant. Influence could be indirect, and could flow the other way. Thus, for example, good and profitable tenants had leverage over their landlords. Similarly, Croker, when campaigning in Bodmin in 1820, recorded that,

Their [the corporators'] patron is rather their agent than their master; he has no other hold over them than good offices and good will; they jealously elect their own fellow-corporators who must be residents, so that the patron can never get his own private friends into the corporation. Sir John Morshead, a former Lord Warden, was their patron, and on his death or resignation, they placed themselves under the Pitts, Lord Camelford, who had some property in the borough. On Lord Camelford's death, Lord Greville wished to be patron, but some kind of demur took place, and Mr. C. Rashleigh, who was an attorney and a chief manager in the borough, advised them to invite Lord de Dunstanville, which they did.¹

As in Bodmin, so in Buckinghamshire. The Marquis of Chandos was a boroughmonger who supported moderate Parliamentary reform in 1831-2, and owned 300 slaves yet became an opponent of slavery. He,

knew when to bend. This was part of the secret of his success. He also had a good nose for a popular issues, as he demonstrated in his opposition to [Catholic] emancipation and his support of the Corn Laws. These qualities ... were probably more important to his success than his broad acres and his army of tenants.²

Even coercion could work both ways; to quote Gash, "If any class was coerced in 1831, it was the landlords; and some of them equally certainly in 1846".³ The sight of voters driving patrons and candidates to change position is more common after the 1832 changes, with their opening up of the electoral system. For example, in 1847 a letter was written regarding the recent election in Bradford that, "This triumph is what many of us little expected a few weeks ago ... Fortunately however Mr Busfeild gave a little way to the wishes of some of his supporters."⁴ The appearance of third man candidates was also a form of reverse coercion, electors forcing patrons to appease them. The influence of non-electors is returned to on p.152.

If electoral deference had been a one-way and guaranteed process there would have been little need for campaigning in uncontested elections. Yet, even then campaigning often occurred, as with the distribution of an election address from Milton, an 1818 Yorkshire candidate. This behaviour was expected. Similarly, in North Riding certain acts were expected:

At a former election, some years ago, I know that every voter received 5s. for a dinner, and he was conveyed in addition; and at the last election, many of those voters who had had previous experience, asked, "Shall we have our 5s.?" and when they heard that they were not to be allowed it, they were unwilling to go, and they did not go in many cases.⁵

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have saved your country from perdition!": G.J. Holyoake, *Sixty Years Of An Agitator's Life*, 3rd edition, T. Fisher Unwin, London, 1906, p.29.

¹ L.J. Jennings (ed), *The Croker Papers: The Correspondence And Diaries Of The Late Right Honourable John Wilson Croker, LL.D., F.R.S., Secretary To The Admiralty From 1809 To 1830*, John Murray, London, 1884, Volume 1, p.165.

² R.W. Davis, *Political Change And Continuity 1760-1885: A Buckinghamshire Study*, David and Charles, Newton Abbot, 1972, p.98.

³ Gash, *Politics in the Age of Peel*, p.178.

⁴ Edward Kenion to Mr. W.J. Nichols, 2 August 1847, Nichols correspondence, 67D78, Bradford Archives. Busfeild was a victorious candidate.

⁵ 1860 (455) XII, q.987.

It was similar requirements to make at least a minimum of effort that governed the appearance of candidates in Newcastle's interest at Aldborough and Boroughbridge elections. Often they did not appear, as with Henry and William Clinton, but when in 1818 there was some opposition to the Newcastle interest, an express coach was despatched to bring the candidates along.¹

Even when campaigns were of dubious legality - as frequently so in Beverley - it is not clear who was influencing whom. In Beverley there were accepted sums to be paid to voters, and both sides paid these sums. Therefore there was no incentive to switch sides as a result of a bribe. Contestants were not so much bribing to gain votes, but in order to avoid losing them (see p.149). Generosity occurred despite the make-up of Beverley which, at first glance, made it perfect for a borough version of Moore's deference communities. It was small, with a population rising from 5,401 in 1801 to 10,058 by 1851.² After 1832 it had a majority of workers in the electorate,³ and was one of only eight boroughs where artisans were a majority of the population.⁴ Being an administrative and social centre various rich families lived in the vicinity. The electorate in the first half of the nineteenth century was about 1000-1500, and party organisation was weak compared to other places, with it being hard to pin party labels even on some candidates. This combination of smallness (making personal contact easier), the number of workers dependent on employers and customers, yet only limited industrialisation and the presence of aristocracy should have provided fertile ground for deference communities. Still, there was the need to distribute money.

The levelling feature of elections, with importance given to electors regardless of social rank, was reflected in references to the trust and privilege that accompanied the franchise. Three examples are an address from a freeholder for the 1826 Yorkshire election, describing voting as, "one of the most valuable privileges inherent in British subjects";⁵ Buckingham's comment in 1835 to voters that, "You are assembled today to discharge an important duty ...";⁶ and Wilberforce (junior)'s speech at Bradford in 1841: "You hold at this moment the high and responsible office of electors who are about to chose their representative ...".⁷

Likewise, the language of election addresses is that of a candidate being in the hands of the electorate.⁸ John Hardy's 1841 address claimed:

Encouraged by these proofs of your favour [his election in 1832 and 1835] I again offered myself as a Candidate at the Election of 1837, unconscious of having done anything to forfeit that confidence which

¹ Lawson-Tancred, *A Yorkshire Manor*, p.320.

² The growth is slightly inflated by the change of boundaries in 1832. The population of the three parishes comprising the borough - St Martins, St Marys and St Nicholas - was 7432 in 1831; in 1832 part of St John Parish was added, bringing the population up to 8263: J.H. Philbin, *Parliamentary Representation, 1832: England and Wales*, Yale University Press, New Haven, Connecticut, 1965, p.228.

³ Markham, *Nineteenth-Century Parliamentary Elections*, p.11.

⁴ Seymour, *Electoral Reform*, p.89.

⁵ Bradford and Shipley election and political papers, DB13 c1, Bradford Archives.

⁶ Speech at Sheffield nomination meeting 1835, Sheffield 1835 poll book, p.8.

⁷ *Guardian's* report of Wilberforce speech 23 August 1841, Bradford and Shipley election and political papers, DB13 c13, Bradford Archives.

⁸ There are of course some exceptions to this deference, for example Acland's comment, "Burgesses - think, (if you have recovered from the stupor of electoral drunkenness) ..." (Hull poll book for 1832 and 1835, p.82). One is tempted to say, though, that if Acland was doing it it was not normal! The poll book also describes certain voters as "timid traitors," "fools," "worse than fools," "traitors" and "arrant traitors." This was unusual.

a Majority of the Constituency had twice reposed in me ... [On losing] it determined me not to *obtrude myself* again on the attention of the Electors of Bradford.

On the 28th of December, 1839, a Deputation did me the honour to wait upon me with a Requisition by as large and respectable a number of the Constituency, that with a view to a then expected Dissolution, I could not refuse the offers of support, which for the reasons I have given I should not have presumed to *solicit* ... the number and respectability of those who had invited me would not permit me to refuse.¹

In the same vein, Wilberforce (senior)'s letter to the *York Herald* in 1806 apologised that, "I must unavoidably become an Egoist";² J.S. Wortley's 1835 West Riding address said, "I venture to address you as a Candidate for the Honour of your Representative, having thought it my duty to comply with a strong desire to that effect, expressed by a large body of the Electors of this Great District";³ and Henry Wickham's 1847 address started, "Having had this Day the honour of being presented with a Requisition most numerously signed ...".⁴ Though not all addresses were obsequious, even those which showed rather more initiative on the part of the candidate were clothed in similar language. So, E.L. Lister wrote in 1837, "I beg leave once more to offer myself as a Candidate for your Representative,"⁵ in 1837 Milton claimed he felt, "it an imperative duty no less than a natural impulse, to offer you the continuance of my services, till you are pleased to dispense with them,"⁶ and Richard Bethell's 1826 Yorkshire address said that,

Encouraged by the many spontaneous assurances of support which I have received, I now, venture to offer myself to the Freeholders of this great County ... Activated by no views of private interest, deeply sensible of the importance of that trust to which I aspire, and anxious to discharge its duties with diligence and fidelity.⁷

The same style and vocabulary was invoked even where it was patent that the (potential) candidate was taking the initiative. As Charles Duncombe wrote in the *York Herald*,

The flattering manner in which many of my friends have called upon me to know what may be my intentions, under the present situation of the County, demands from me a public avowal of them. I beg, therefore, to assure you that I have no intention to disturb, nor do I feel the necessity of the peace of the County being as present disturbed, but should circumstances occur, which at this moment it is not possible to foresee, I should not hesitate to presume to make an offer of my services ...⁸

The 1832 reforms do not appear to have brought about any change in this language, which is not surprising as the greater openness of the electoral system meant that candidates were more anxious for support, balancing out any shift in the other direction from a less deferential, more partisan style of politics.

In a sense, it does not matter if candidates meant what they said when using the type of vocabulary illustrated above. Rather, that they felt it was necessary to use it in itself illustrates how candidates were constrained by the need to meet expected norms of behaviour, and that these norms included limits to influence over electors.

¹ Bradford and Shipley election and political papers, DB13 c1, Bradford Archives.

² *York Herald*, 1 November 1806.

³ 1835 West Riding poll book (Stanfield), p.6.

⁴ Bradford and Shipley election and political papers, DB13 c1, Bradford Archives.

⁵ Letter to "The Independent Electors," Busfeild Ferrand MSS, 51D79/2, Bradford Archives.

⁶ Letter to "The Electors," Busfeild Ferrand MSS, 51D79/2, Bradford Archives.

⁷ Bradford and Shipley election and political papers, DB13 c1, Bradford Archives.

⁸ *York Herald*, 25 October 1806.

These factors - limitations on patrons' powers, their need to earn electoral loyalty, the influences exercised on patrons themselves and the importance of non-electoral considerations - resulted in a complicated four-way relationship between electors, non-electors, candidates and patrons, in which subtle and intricate patterns of constraints and inhibitions surrounded the simple idea of "deference."

4.3 Publication of poll books

The reasons for, and circumstances of, the publication of poll books in the nineteenth century have received little attention from historians. Yet, Moore hung part of his arguments around their publication, claiming that,

Clearly, poll books could not have been published if, in significant fashion, the information they contain as to how the voters *did* vote offended against the predominant contemporary assumptions as to how the voters *should* vote.¹

This argument has a significant problem. If it is correct, then poll books were published when electors voted as they should have. Given Moore's belief in clear deference communities in determining how electors voted this means that poll books were published when they revealed nothing more than that which a little contemporary knowledge could have supplied. Given the effort and cost involved in producing poll books, why then were they published at all? Tracing landownership and landlord-tenant relationships through local knowledge and contacts would often have been easier than trying to translate poll book information, frequently patchy and inaccurate and inconveniently arranged for the task, into a map of deference communities.²

However, poll books *were* published. Moreover, they were normally commercial ventures, and so had to contain information people wanted and were prepared to pay for. My explanation for this is two-fold. First, Moore is wrong. Voters behaving in contravention of contemporary norms did not result in poll books not being published. Rather, given the utility of poll books as electoral tools, the more unusual voters' behaviour was, the greater the campaigning need for poll books. Upsets to traditional landed control like the Malton 1807 election *did* result in poll books being published. Second, poll books had a wider, local heritage function. They did not simply record votes, they recorded local history.

The use of poll books as electoral weapons explains the increasing popularity of poll books in an earlier period. In the early seventeenth century the Commons disapproved of records of voters' names, believing it would facilitate undue pressure. Thus, in 1628 the keeping of a Yorkshire poll list was severely criticised by the Commons.³ But the Last Determinations Act (1696) required the Clerk to keep, and make available, records.⁴ The increasing popularity of poll books should be viewed,

¹ Moore, *Politics of Deference*, p.2.

² Another difficulty with Moore's view is that it does not explain why secret voting took place in other elections many years before it was introduced for Parliamentary elections (Section 5.7). If, as Moore argues, it was deference communities becoming unacceptable that led to the secret ballot being introduced, why did they become unacceptable in other elections so many years before they did so for Parliamentary elections? Indeed, the ballot could be seen as *supporting* deference, by protecting the legitimate interest of electors against the illegitimate interests of non-electors.

³ S.W. Baskerville, P. Adman and K.F. Beedham, "Manuscript Poll Books And English County Elections In The First Age Of Party: A Reconsideration Of The Provenance And Purpose," *Archives*, Volume 19 Number 86, 1991, p.399.

⁴ 7&8 Will.III c.25, clause 6.

In the context of the renewed drive to mobilise *for partisan advantage* all the electoral resources which deference and 'interest' could command.¹

Poll books were an essential electoral tool, providing information with which future elections could be fought more effectively. Electoral utility meant some poll books included extra information like the names of people who voted other than as they had pledged, or who had been otherwise disreputable.² Likewise, an Acland poll book stated,

The Tories being so far maddened as to threaten a scrutiny, may go mad outright and carry their threats to execution;- wherefore, any information of votes recorded in the names of the absent or the dead, should be communicated WITHOUT DELAY. In order to provide against the insane threats alluded to, the publisher will endeavour to secure the issue of one of these parts daily, until the Poll Book shall have been completed ... I ... earnestly claim the assistance of my reformist brethren in making my Commentary on this Poll-Book as complete an exposé of the tricks of the Hull Tory Corruptionists as may be practicable.³

But, in addition to narrow electoral information, many also included information like lists of constituencies' previous MPs and details of victory processions. These had decidedly limited uses for fighting future elections. Rather, they were part of local history, and poll books, being repositories of local history, recorded such details.

As Table 4.1 shows poll books' own explanations of their existence mixed electoral utility and local heritage. Likewise, the Lincolnshire 1818 poll book included a proposal to reprint the poll book of 1723. Poll books like those of Ipswich (1831), Kings Lynn (1826) and Sussex East (1832) included records of non-voters and records of people demanding that their failed attempts to vote (e.g. due to being late) were recorded.⁴ The desire for accuracy, an important part of being an account of record, was reflected in the preemptive apology for any errors in poll books like Northamptonshire (1806) and Suffolk (1830).

In conclusion, poll book publication was driven by local printers seeing a financially remunerative market; and the information readers were prepared to pay for was both psephological and antiquarian. Their publication was a reflection of the limitations to controls on electors' behaviour (and hence the need for detailed information about their behaviour) and the setting of elections in a wider social and traditional context (hence the local history aspect of many poll books).

¹ Baskerville, Adman and Beedham, "Manuscript Poll Books," p.400.

² E.g. Chester Sheriff 1818, Leicestershire (Cockshaw) 1830.

³ Hull poll book for 1832 and 1835 (Acland), p.2, p.79.

⁴ Another use of "matter of record" motivations was the Bristol 1837 poll book published by the Bristol Liberal Association for use with an election petition.

Poll Book	Reason given in poll book for publication
Banbury 1835	"That every farmer may know with whom he ought or ought not to deal."
Buckingham 1832	"That the real Independent and Free electors may have a right view of the opposition they had to contend with,- and that they may plainly see, the Tenantry of the Grenville Family,- and those immediately dependent upon that family,- cannot bind the shackles of despotic nomination on them, without their assistance."
Chester 1837	"A considerable degree of doubt having been expressed respecting the votes given."
Derbyshire South 1832 (Shore)	"The following pages contain information which will probably be referred to by your children in many years to come."
Essex 1830	"A wish was generally expressed that the Poll be published."
Huddersfield 1834	"That these SHARKS of society [Whigs] may be known, in order to be avoided as much as possible ... [and] so that every PATRIOT may distinguish his FRIEND from his enemy."
Huddersfield 1837	"Behold your opponents in their true colours."
Huntingdonshire 1830	"Been requested by several Gentlemen, FREEHOLDERS of the COUNTY OF HUNTINGDON."
Kent East 1832	"The Publication of the Poll at a contested Election is generally a matter of so much interest, that seldom or ever is it dispensed with ... [1832] introduced a new, as well as a numerous class of Electors hitherto unknown, and who, without the present publication, would probably have continued so."
Liverpool 1812 (Wright & Cruckshank)	"Four Hundred and Seventy-Six errors have been detected in the Poll Book already [published]."
Norfolk 1806 (Bacon)	"A POLL being considered merely a book of reference by which the freeholders' party-opinion may be easily traced, and in the event of a succeeding contest, his abode discovered, the arrangement of this edition has been studiously adapted to these objects."
Norfolk 1806 (Stevenson & Matchett)	"It may be interesting to the local antiquary, and amusing to the village policeman, to trace the change of residents, and mark the development of political predilections, which these humble yet faithful records exhibit ... the curious in election matters may learn from thence how their friends or fathers exercised their franchise."
Westmoreland 1818	"The Friends of Mr. Brougham [a defeated candidate] are most earnestly desired to examine the Poll Book, and make enquiries into the validity of every doubtful vote."
Whitehaven 1832	"Being one of the enfranchised Boroughs under the Reform Act, the election of a Representative was entirely a new feature in our local matters, and will, it is natural to conclude, occupy a prominent situation in the history of the place."
Worcester 1841	"The late Election ... presented so many novel, singular, and unexpected occurrences, both in its progress and result, as to render necessary the publication of a Poll Book ... [it makes clear] the political, and perhaps, in many instances, even the religious opinions, which influenced each elector."

Table 4.1: Publication of poll books¹

¹ These are all the 1800-50 poll books in the Institute of Historical Research with a substantive reason for publication.

4.4 Canvassing

Canvassing was probably the most important single task of election committees, requiring organisation of people, construction and distribution of instructions, writing and distribution of letters of solicitation, production of routes and some sort of central control. Personal meetings and letters were potential substitutes for canvassing, though the latter did not provide the recipients' voting intentions. Canvassing was meant to identify and mobilise support (possibly leading to a decision of whether or not to stand), to make the ritual public bow of subservience to the public and to publicise candidates and issues. Though the relatively small size of most electorates, even after 1832, made total canvassing possible, the existence of out-voters before 1832 made matters harder. Matters became easier after 1832 with the existence of nearly definitive registers.¹ Before 1832 voters had to be traced, a task which could be substantially eased by a poll book for a previous election. Furthermore, the efforts to ensure that a person not only had the requisite qualifications, but could prove them if needed, and the efforts to provide objections to supporters of the other side, were part of registration campaigns after 1832 but were part of election campaigns before 1832.

Though "respectable" people, such as peers and magistrates, were often preferred as canvassers to "mere attorneys," this does not mean canvassing was always a stuffy and "proper" occasion; flags, colours and festivities - like meals and breakfast parties - were common. "Respectable" electors (and wielders of influence) were normally canvassed first. Women sometimes also participated, most famously in canvassing for Fox in the 1784 Westminster election. Lady Milton canvassed in Yorkshire in 1807, and Mrs. Jane Osbaldeston made a name as a keen campaigner in Yorkshire. It was an exercise in social rituals, a way of flattering voters and allowing direct and personal contact; hence the hostility to paid canvassers, who were often seen as a source of corruption, a cloak for bribery, a profession of trouble-makers and a source of intimidation.² There were some who encouraged these criticisms with their behaviour, such as the agents in Yorkshire who happily acted for both sides simultaneously.³ The dislike and suspicion of canvassing, often seen as involving undue influence and treating, and the feeling that canvassing involved unreasonably trying to persuade people to vote against their initial inclinations, motivated some supporters of the secret ballot, who believed it would curtail canvassing.⁴

A pre-emptive strike with canvassing was often liked, for reasons including desiring to get promises, or half-promises, from voters first, making it harder for them to switch,⁵ and the possibility of scaring off other potential candidates. Public promises of votes were valued (e.g. p.181). However, electors might like to hedge and wait, possibly in a desire to maximise the value of their vote, and early canvasses could be accused of causing unnecessary disturbance.

¹ There are only a few isolated examples in Yorkshire in 1832-50 of people not on registers voting: see Appendix 9.

² E.g. *Report from the Select Committee on the Corrupt Practices Prevention Act (1854) &c.*, 1860 (329) X, q.58, q.414-6, 968 and 1654-6.

³ Smith, "The Election Agent," p.29.

⁴ E.g. evidence of Joseph Parkes and of another witness, 1835 (547) VIII, p.105, p.130.

⁵ Hence the Beverley election address of 1830 which commented on rumours about who would stand and said, "Be cautious in your movements - your enemies are on the alert - suspend your promises, and a few days will put the matter beyond doubt": *Beverley Election 1830: A Collection of All the Placards, Squibs, &c. Issued During The Above Election*, G. Scaum, Beverley, [1830?], p.3.

Canvassing is thus relevant to my thesis in two ways: as a reflection of vitality in the electoral system and its implication for the weakness of deference communities and similar limitations on electors' behaviour. Even where canvassing was more a matter of ritual than electoral efficacy it illustrates how electoral influence could not be taken for granted; there were still hoops to jump through. The importance of canvassing and organisation and, by implication, the weakness of Moore's deference communities, is illustrated by Cobden's 1847 election for the West Riding. An unopposed election was expected, with the opposing parties agreeing to split the return between Morpeth and Denison. However, the Tories struck their deal with Fitzwilliam, not the Anti-Corn Law League. The League wrecked the deal by putting up Cobden, on the day of nomination and without any previous warning. This left no time for an election campaign to be organised, so Denison stood down after losing the show of hands. Some saw this as a mournful triumph for electoral bureaucrats, others saw it as a triumph over a "dishonourable coalition."¹

Though canvassing could be accurate, this should not be taken as support for Moore. If clear deference communities existed a few well placed queries would have more effectively and economically provided the requisite information, and there would have been no need for the time-consuming and costly exercise of canvassing. That canvassing could be accurate can be deduced from the reliance some potential candidates placed on it when deciding whether or not to stand. For example, it was alleged that canvass books were used in the metropolis to decide elections: agents, particularly on different wings of the same party, would meet and agree who would withdraw to avoid the costs of a contest and to stop other candidates winning.² Edwin Lascelles' career as a Yorkshire MP began and ended with canvass returns. In 1761 he was elected without a poll, after his opponent withdrew partly because of poor canvass returns. In 1780 Lascelles in turn withdrew, again partly because of poor canvass results. In 1806 Henry Lascelles withdrew before polling, with canvassing returns again playing a significant part.³ A different twist occurred in 1812 when Wortley, worried by the resources of Milton and Lascelles, but desiring election for Yorkshire, tried to frighten Lascelles off with a canvass.⁴ Canvass returns also resulted in the withdrawal of William Duncombe in 1831. This behaviour was not restricted to counties as, for example, with Charles Langdale in 1841 giving up his bid for re-election in Knaresborough after adverse canvassing.

Nevertheless, evidence as to the accuracy of canvassing is far from conclusive. It is easy to find evidence pointing the other way, as with Lister's comment on the 1835 Liberal Halifax victory that it, "burst upon us like a thunderbolt."⁵ Likewise Parkes, commenting on his 16 years experience, wrote to Russell that English borough results, "generally much baffle previous calculations of both parties."⁶ Anecdotal evidence of electors' flexibility over how they voted, for reasons other than changes in the preferences of the heads of

¹ Clark MSS, DDCL/1/4, Doncaster Archives. See also the evidence of Robert Dudley Baxter, 1860 (455) XII, q.1558 (though he confuses 1847 and 1848).

² 1860 (455) XII, q.3179-82.

³ Though Lascelles did suffer from a poorly organised campaign, it was not this in itself that made him withdraw. Rather, he withdrew because of the message from canvass returns - which strongly suggested that, if he stood, either he or Wilberforce would lose - and these reflected his poor organisation..

⁴ In the end it was Wortley who was frightened off, after Lascelles' friends raised over £50,000 within hours of the nomination meeting: R.W. Smith, "Political Organisation and Canvassing: Yorkshire Elections before the Reform Bill," *American Historical Review*, Volume 74 Number 5, 1969, p.1556.

⁵ Green, *Miss Lister*, p.179.

⁶ Close, *The General Elections of 1835 and 1837*, p.229. See also p.504.

their putative deference communities is readily available. Thus it was that the *Proceedings of the Annual Meeting (1857) of the West Riding United Reform Registration Association*, reported that the Liberal majority on the register would only exist,

in any contest fairly turning on some question appealing to their cherished principles, and calling forth earnest and zealous action in their assertion and maintenance. Apart, however, from such an occasion, it would be unsafe to rely upon the numerical majority of Liberals, in a contest for the Riding - so many considerations, quite apart from such as are purely political, social, or economical, governing the votes of a large proportion of the constituency.¹

Moore claimed that a rise in “contested” elections (“polled” in my terminology) reflected “the growing inability of election managers to predict the outcome of a prospective contest.”² If the accuracy of canvassing were a reflection of the importance of deference, and a fall in accuracy occurred, then it would follow that traditional blocs were breaking down. Such breakdown would produce more polls, as in the absence of firm predictions going to the poll would be the only way to know whether or not one had a chance of winning. But, this argument does not follow. It is possible to accurately predict a result by canvassing heavily and well, whether or not deference communities exist. Canvassing’s accuracy depends on a variety of factors, including its extent and the quality of the canvassers.

Moreover, the fluidity of the connection between influence and voting patterns was reflected in expressions of surprise and electoral fluidity found in contemporary comments³ and in Cox and Grady’s election manuals.⁴ They stressed the importance of canvassers not noting as definites those who were actually undecided. That this was sufficiently common to be worthy of note implies that undecided electors and poor canvassers were not rare. Though their 1868 manual also said that (p.lxxxii) effective registration activities would often prevent a contest, “by enabling both parties to calculate their chances with a near approach to accuracy,” it is notable that the accuracy was meant to flow from efficient registration activities, not deference communities. Moore did not overlook undecided electors. But he claimed,

Obviously, the “doubtful” were not the “don’t knows” who figure so largely in studies of present-day electoral behaviour. Rather, they were the men whose effective social identities had yet to be discovered.⁵

This can mean two things. Either Moore is arguing that electors were aware of their “effective social identities,” but canvassers were not. Or, that the electors themselves were not aware of their own “effective social identities”. If he meant the former, Cox and Grady disagree. They said of undecided electors,

It is necessary that you should know how he voted before, or, if he is a new man, what are his political opinions, that you may be enabled fitly to deal with him.

In other words, they did not urge the collection of information that would reveal his “effective social identity”. Further, numerous other election guides stressed the importance of accurate canvassing. That this

¹ Warde Aldam MSS, DDWA Slip 736-7, Doncaster Archives.

² D.C. Moore, “The Matter of the Missing Contests: Towards a Theory of the Mid-19th Century British Political System,” *Albion*, Volume 6, 1974, p.97.

³ E.g. Kenion to Nichols, 2 August 1847, Nicholls Correspondence, 67D78, Bradford Archives.

⁴ The most frequently quoted is Cox and Grady, *The New Law And Practice Of Registration And Elections*, 1868. In this context the 1847 edition is much the same.

⁵ Moore, “Missing Contests,” p.109.

point needed stressing, and canvassers instructed so, suggests that the doubtful were indeed “don’t knows” or at least “undecided.” If the second interpretation of Moore’s comment is taken, then we are left with a rather curious form of deference community, whose members do not even know their own location within it.

In reality, then, Moore’s arguments regarding canvassing and deference communities do not hinder the general argument regarding the limitations to influence and prevalence of vitality and, as I have shown, his interpretation of Cox and Grady on canvassing as giving support for his deference communities is not the only plausible interpretation.

4.5 Urban penetration and county boroughs

4.5.1 Urban penetration

Before 1832 40/- freeholds located anywhere in a county - even within a borough - could grant county votes . There were, moreover, no impediments to a borough elector also being a county elector (except in county boroughs - see below); given the appropriate borough franchise he could even qualify for both in respect of the same piece of property. The county electorate can be envisaged as comprising rural and urban sections, the latter being 40/- freeholders from urban areas which were usually also boroughs.¹ They were not always within boroughs as some urban areas lay elsewhere, and some others had grown beyond borough boundaries.² The presence of this urban electorate in county constituencies was known as *urban penetration*.

Its main significance derived from the belief, and reality, that urban county electors behaved differently from rural electors. The situation was normally pictured as urban penetration allowing industrial interests to encroach on rural landed interests. In Yorkshire there were certainly differences between Whigs/Liberals in the (industrial) West Riding and the other Ridings. Those from Leeds and other industrial West Riding towns were keen on having MPs to cultivate their interests; hence, the candidatures of John Marshall in 1826³ and Brougham in 1830⁴ for Yorkshire. Indeed, of his election in 1830 for Yorkshire Brougham said he,

never thought of canvassing the squires though he had taken great care to canvass the towns ... if you could make sure of two or three large towns, you had an extremely good chance.⁵

¹ Whilst not all borough constituencies covered urban areas it would be inconveniently verbose to talk of ‘borough constituencies (which covered urban areas)’. Similarly, “borough” is taken to mean “a borough Parliamentary constituency,” though there were some boroughs that were not constituencies.

² The notion of a borough constituency “boundary” is somewhat nebulous before 1832. For example, in a freeman borough such as York whereabouts freeman lived did not effect their ability to vote, and therefore the idea of a constituency boundary was irrelevant. However, for some constituencies boundaries did matter - for example if scot and lot payers could vote.

³ John Marshall (1765-1845) was a Yorkshire MP 1826-30. A spinning flax manufacturer, owning several big mills in Leeds and Shrewsbury, he was one of the first to mechanically spin flax.

⁴ The circumstances under which West Riding Liberals foisted Brougham upon reluctant North and East Riding Whigs are described in N. Gash, *Pillars of Government and Other Essays on State and Society c.1770-c.1880*, Edward Arnold, London, 1986, p.77-93.

⁵ Moore, *Politics of Deference*, p.142. Even where urban areas could not grant victory, they could show markedly different voting patterns. For example, the 1837 East Riding poll book shows that in total 3022 split Bethell-Broadley and 2363 plumped for Thompson. But, for electors who qualified in Hull the figures were 109 and 201 respectively.

It was such attitudes that led Brougham to be labelled, “The member for Yorkshire, or rather one should say the member for Leeds, Huddersfield, and Sheffield.”¹ Differences between the West Riding industrial areas and Yorkshire’s wider rural acres meant Yorkshire political discourse frequently contained an acceptance of the idea that industrial and rural areas were different, had different interests and even different politicians. This discourse was even reflected in the statute book, with the awarding of Grampound’s Parliamentary seats to Yorkshire. Whilst technically the seats did not go to the West Riding industrial towns (e.g. a Leeds Parliamentary constituency was not created), in practice they did, as it was widely accepted and expected that the West Riding would have a share of Yorkshire’s now four MPs.

After 1774 Birmingham had similar influence over one of the Warwickshire county seats. In 1829 *Blackwood’s Magazine* opposed the proposed transfer of a seat to Birmingham as, *inter alia*,

the town of Birmingham possesses a prepondering, if not overwhelming influence in the election of members for the county of Warwick.²

Urban penetration was important and also increasing as new urban areas arose and old ones expanded. Urban penetration outside of borough constituencies increased, as urban areas pushed beyond old boundaries and with the tendency in many large towns like Hull for the better-off (i.e. those most likely to have 40/- freeholds) to migrate from town centres to the edge.³

4.5.2 County boroughs before 1832

The situation is complicated by the existence of some cities and boroughs that were “counties of themselves.”⁴ This status was an historical relic, often being a ceremonial honour, but also having some administrative impact.⁵ There were, in terms of the Parliamentary franchise, three types of county boroughs. All of them elected two MPs. In some, 40/- freeholds located in the borough could grant votes for the county borough, but could not grant votes for the surrounding county; I term these *borough-voting-county-boroughs*. In others 40/- freeholds could grant votes for the surrounding county, but not for the county borough; I call these *county-voting-county-boroughs*. Finally, in yet others, 40/- freeholds could not grant votes for either the county borough or the surrounding county; these are *non-voting-county-boroughs*.⁶

4.5.3 The 1832 legislation

There has been controversy over those parts of the 1832 legislation dealing with urban penetration and county boroughs. Moore argued that the intention behind the 1832 reform legislation was to effect a cure

¹ R. Stewart, *Henry Brougham 1778-1868: His Public Career*, Bodley Head, London, 1986, p.245.

² *Blackwood’s Magazine*, Volume 25, May 1829, p.669. It estimated that, assuming the distribution of freeholds was proportional to that of inhabited houses, Birmingham had at least one third of the freeholders entitled to vote for the county. Similarly, in the 1770s in Surrey Southwark businessmen got the radical Sir Joseph Mawbey elected, thus irritating many county gentlemen, and in Middlesex industry won one seat in 1820.

³ K.J. Allison, *‘Hull Gent. Seeks Country Residence’ 1750-1850*, East Yorkshire Local History Society, Beverley, 1981, p.7-8.

⁴ For convenience “county boroughs” is used to describe them, though it is technically inaccurate as some were cities rather than boroughs. This distinction had no effect on the electoral system. Many contemporary sources talk of “cities and boroughs that are counties of themselves.” I call them all county boroughs.

⁵ For example Hull, being a county borough, was exempt from the Yorkshire county rate. Another example is that of the administration of trials, as with 38 Geo.III c.52 (1798) and 51 Geo.III c.100 (1811).

⁶ For a list of the county boroughs see Appendix 5.

in the sense that, *inter alia*, having a constituency representing only one interest would thereby isolate interests and legitimise local elites by identifying them with the interests present in that constituency. This required ending urban penetration, which mixed landed and industrial interests within county constituencies, and produced the steady undermining of landed interests as urban penetration increased. Thus, he argued, the existence of clauses to curb urban penetration are evidence of the importance of the desire to secure a “cure.” However, I will draw a rather different picture from the question of urban penetration, a picture of legislators limited in their abilities and comprehension, and beset by differing pressures, under which urban penetration was only rarely accorded priority.

Moore agrees the top priority of the Government was to abolish nomination boroughs,¹ but also claims that a desire to remove urban influence from county constituencies was, “an obvious, important and hitherto neglected symbol of the sort of political world they hoped to create.”²

The following discussion of various clauses³ is complicated by the renumbering, shuffling and amendments during the 1831-2 process. Table 4.2 summarises how the relevant clauses changed as the legislation passed through Parliament. The county freeholder clause dealt with which freeholds could grant a right to vote in county elections. The county borough absorption clause, in consort with the Schedule indicated, dealt with where freeholds located in county boroughs could grant a right to vote. The borough freeholder clause dealt with what property located within a borough could not grant a right to vote in the surrounding county.

¹ Moore, *Politics of Deference*, p.143. This was also reflected in the curious resurrection of Old Sarum. Abolished in Schedule A, it “reappeared” after a new borough had its boundaries drawn so as to include all of the ex-Old Sarum constituency. Yet, the Government preferred abolishing Old Sarum to redrawing its boundaries.

² Moore, *Politics of Deference*, p.143-4.

³ These are clauses of what became 2 Will. IV, c.45 (“the Great Reform Act”) which applied to England and Wales; hence, the following text is applicable to both England and Wales. The names of the clauses, with the exception of the borough freeholder clause, are of my own devising. “Borough freeholder” is somewhat of a misnomer as it includes property other than freeholds, but is used in most of the literature.

Clause	Original bill (March 1831) ¹	1 st bill ²	2 nd bill (June 1831) ³	Amended by committee (Sept. 1831) ⁴	3 rd bill (December 1831) ⁵	Final act ⁶
County freeholder franchise	p.3 l.11-28	Clause 9	Clause 16	Clauses 16 and A	Clause 18	Clause 18
County borough absorption clause	p.3 l.29-36	Clause 10	Clause 15	Clause 15	Clause 17	Clause 17
Borough freeholder clause	p.3 l.7-10	Clause 11	Clause 18	Clause 18	Clauses 24 and 25	Clauses 24 and 25
County borough Schedule	G	G	II	II	G	G
Contents of Schedule	All county boroughs, except London, Lincoln and Welsh ones	All county boroughs	All county boroughs ⁷	As for the 2nd bill	Non-voting county boroughs	County-voting county-boroughs and non-voting-county-boroughs

Table 4.2: Urban penetration and county borough clauses

The county borough absorption clause, and accompanying county borough schedule, initially allowed 40/- freeholds situated within non-voting-county-boroughs and borough-voting-county-boroughs - except for those omitted from the Schedule - to grant a vote in the surrounding county. (Additionally, it confirmed the right of 40/- freeholders in county-voting-county-boroughs to vote in the surrounding county). This not merely enfranchised 40/- freeholders in non-voting-county-boroughs, but did so by allowing them to qualify for the county, rather than the county borough. Further, 40/- freeholders in borough-voting-county-boroughs, instead of being able to qualify for the borough, were now able to qualify for the county instead. In other words, not only were some qualifications transferred from boroughs to counties, but some new ones located in boroughs were able to grant a county vote. The omission of London, Lincoln and the Welsh county boroughs (all non-voting or county-voting) from the Schedule was quickly rectified.⁸

Thus, in fifteen (and a bit) county boroughs urban penetration was increased. Is this a large number? Cannon thinks so, describing it as “no less than sixteen [*sic*]”.⁹ Though only some electors, in only some

¹ *A Bill To amend the Representation of the People in England and Wales*, [14 March 1831], 1830-1 (247) II.

² *Reform Of Parliament: The Bill as proposed to be amended in the Committee by Lord John Russell*, 1830-1 (O.37) II.

³ *A Bill to amend the Representation of the People in England and Wales*, [25 June 1831], 1831 (22) III.

⁴ *A Bill (In Committee) To amend the Representation of the People in England and Wales*, [August 1831], 1831 (O.29) III, *A Bill (As Amended By The Committee) To amend the Representation of the People in England and Wales*, [7 September 1831], 1831 (232) III and *A Bill (As Amended On The Report) To amend the Representation of the People in England and Wales*, [15 September 1831], 1831 (244) III.

⁵ *A Bill To amend the Representation of the People in England and Wales*, [12th December 1831], 1831-2, (11) III, *A Bill (As Amended By The Committee) to amend the Representation of the People in England and Wales*, [10 March 1832], 1831-2, (265) III and *A Bill (As Amended On Further Consideration Of The Report) to amend the Representation of the People in England and Wales*, [14 March 1832], 1831-2, (277) III.

⁶ 2 Will.IV, c.45, incorporating *Reform of Parliament (England) Bill: Amendments Made by the Lords To the Bill, intituled, An Act to amend the Representation of the People in England and Wales*, 1831-2, (507) III.

⁷ Except Bristol; however it was included in the county borough absorption clause. The effect was no different than if it had been included in the clause.

⁸ However, that they were omitted in the first place strongly suggests this was not an issue of great importance to the Government nor had it been given much thought.

⁹ Cannon, *Parliamentary Reform*, p.249. His reference to sixteen is based on his erroneous classification of county boroughs.

constituencies out of the total Commons, is not much, it was the case that, as Cannon pointed out, county boroughs almost by definition were significant urban areas.

The matter is complicated by the borough freeholder clause.¹ Not only are its changing occupancy requirements important, but the crucial interaction between it and the county freeholder clause has been overlooked by historians. Initially, it stated that a person could not qualify for a county vote in respect of a "house" which, "by reason of the occupation of which ... he or any other person shall be entitled to vote ... for any city or town."² In other words, for properties with clear annual values of at least £10,³ their ability to grant county votes was restricted. There were no such restrictions on freehold of a clear annual value of between 40/- and £10.

The impact was two-fold. First, for non-county boroughs, and for county-voting-county-boroughs, it cut urban penetration from its pre-1832 level (and Schedules C and D meant there would now be more urban areas contained within non-county boroughs). Second, *it reduced the above-mentioned increase in urban penetration resulting from giving county votes to freeholds in non-voting- and borough-voting county-boroughs*. As non-county boroughs were easily the bulk of boroughs, it is clear, even without detailed numbers, that the overall impact was to cut urban penetration from its pre-1832 level.⁴ Note, though, that abolishing some boroughs meant urban penetration was increased compared to what it *would have been after 1832* had they not been abolished: if they had continued to exist, the workings of the borough freeholder clause would have taken some urban freeholders out of the county electorate. But it had no effect on the level of urban penetration compared to what it *was before 1832*. This increase is unlikely to have been large; after all, the professed motivation for selecting boroughs to be abolished was, *inter alia*, small populations and small tax bases.

In summary, urban penetration was cut, though not as much as it could have been, and as one contemporary commented, these cuts meant, "The agricultural interest ... has received another boon by clause xxiv."⁵ Urban penetration was not cut as much as it could have been as this would have caused other problems, though the reasons for this are not straightforward.

¹ An example of the confusing nature of the exact workings of the borough freeholder clause is the graffiti in the margin of one copy of Moore, "Concession or Cure," where one person has written "Devastating" and another, underneath, "If you can understand it!"

² There were some minor changes between the original bill and the first bill. One was a minor drafting clarification, adding county boroughs to "city or town." More substantively, warehouses, counting houses etc. were added to "house." Their initial omission was presumably a mistake (none of the reasons given for having this clause would explain a differentiation between houses and warehouses etc.). That the mistake was made suggests that this was a topic the Government was not familiar with, nor had considered in great detail.

³ This is not quite accurate, as it could be argued that a non-rated £10 property could not grant a borough vote, and could therefore grant a county vote. However, these are relatively minor and esoteric diversions from the main argument.

⁴ This is not to say, though, that urban penetration would not be higher in 1833 than in 1831. Gash pointed out - *Politics in the Age of Peel*, p.91 - that Clause 22 of the final act removed the need for property to be assessed for the land tax, and so - in theory at least - allowed a flood of urban freeholders to join the county electorate. This could have had a substantial impact. For example, Brock, *Reform Act*, p.30 highlighted the fact that because many Manchester freeholders were not assessed to land tax in late 1820s they were not able to vote in county elections.

⁵ J.G. Lemaistre, *How Will It Work? Or, Conjectures As To The Probable Effects Of 'An Act of Parliament to amend the Representation of the People'*. (2d. W.4. chap.45) Passed June 7, 1832, G.A. Williams, Cheltenham, 1832, p.12-13.

Giving votes to freeholders in non-voting-county-boroughs increased the electorate. However, had they been able to vote for the borough, rather than the surrounding county, an electorate increase would still have been achieved but without increasing urban penetration. Further, this would have increased the borough electorate, thereby alleviating problems of undue influence, *faggot votes*¹ and small electorates. However, arguably this alleviation would have been minimal as freeholders may have been more open to landlord influence than £10ers, and landlords could manipulate the definition of freeholds. Moreover, such faggot votes would have been worse in boroughs than in counties, which had larger electorates with which to swamp them (see p.138).² So, though giving freeholders in non-voting-county-boroughs county votes increased urban penetration, there were good reasons for so doing, especially as this increase was moderated by the borough freeholder clause.³ It also preserved uniformity of treatment for county boroughs. It was a convenient means of achieving uniformity given that 40/- freeholders who resided in non-county boroughs would - within the limitations of the borough freeholder clause - be able to qualify for county votes. In effect, then, all boroughs would be of one form: county-voting-(county-)boroughs.

Arguably this desire for uniformity reflected an abstract desire to tackle problems like faggot votes and electoral misdeeds: simple rules leave fewer nooks and crannies to be exploited. The validity of this argument is questionable: in fact, such behaviour could be restrained only by having numerous rules to seal off all these nooks and crannies from abuse.

The abolition of some boroughs meant that urban penetration would, after 1832, be higher in their counties than it would otherwise have been. However, as even Moore agrees that abolishing nomination boroughs was the Government's top priority, this reveals little about the importance attached to curbing urban penetration. Similarly, that urban penetration continued unaffected in counties containing urban areas that were not Parliamentary boroughs reveals little. What *could* the Government have attempted to do to curb urban penetration in such areas. Created even more boroughs? Disfranchised householders simply because the housing density in their vicinity was too high? That the Government did not try to curb urban penetration in such a situation merely reveals that it possessed common sense.

There is a problem in finessing too detailed and intricate a chain of reasoning from the evidence. It is unclear how many people understood what was happening. For example, when Grey wrote to the King's secretary, regarding a meeting with Wharncliffe, Grey seems to have misunderstood one aspect of the issue. He described Wharncliffe as greatly desiring the "exclusion of the freeholders in towns from the right of voting in counties." Grey said he found, "the proposition inadmissible." But his stated reason for so doing was erroneous: he only mentioned the impact on non-resident freeholders in towns, arguing that there

¹ Votes based on manipulation of property specifically for the purpose of granting a vote, as, for example, in the creation of freeholds.

² This faggot vote argument explains why the borough freeholder clause left freeholds between 40/- and £10 with the ability to qualify for a county vote. I find unconvincing O'Neill and Martin's claim that leaving these freeholders in the county is an example of "the poor standard of legislative draftsmanship": M. O'Neill and G. Martin, "A Backbencher on Parliamentary Reform 1831-1832," *Historical Journal*, Volume 23, 1980, p.560-1 n78. There was a good reason for the bill to be drafted as it was, and despite much detailed scrutiny of these clauses during the debates, the Government stuck by this provision. (Also see Grey's exchange with Wharncliffe, p.136).

³ It is important to stress that the county borough absorption and borough freeholder clauses were separate entities. Unfortunately, on one occasion Moore implied that it was one clause which covered both areas: "The Sociological Premises of the First Reform Act," p.330-1 where he covers both topics but simply talks of "the clause."

numbers were trivial, and so such an exclusion would have little electoral impact whilst it would break the principle of not taking away rights without compensation or provision or equivalent rights. He did not mention the fate of freeholders for between 40/- and £10, who would have also been affected by such an exclusion and who were not trivial in number. That he could make such an omission in a letter informing the monarch of an important meeting (it being an attempt to broker a deal to break a legislative deadlock) strongly suggests he did not understand the issue himself.¹ (Nor was he consistent on the issue. When talking to Wharncliffe on 16 November 1831 he said he would reconsider whether, as the bill then stated, borough freeholders should be able to get a county vote if they could not qualify for a borough vote. However, after a Cabinet meeting he told Wharncliffe that any change, "would be quite inconsistent with the principle adopted in the late Bill of continuing persons now in the enjoyment of existing rights.")²

The Government's uncertainty on the issue was reflected in its about-turn in February-March 1831. The King had written to Grey in February approving of the proposed franchise changes,

it being also understood that no person shall in future *acquire* a right of voting for a county by virtue of any property situated in any borough sending Members to Parliament.³

Yet the bill that was introduced in March would have allowed just that. Rather than having a clear aim or course of action, the Government regularly altered its intentions regarding urban penetration as greater acquaintance with the issues revealed more difficulties.

There were several difficult issues, and the inter-working of several clauses made satisfactory drafting difficult. The issues of urban penetration were but one ingredient in a complicated assortment of issues, confusions, prejudices, errors and pragmatism. Althorp described the borough freeholder clause as, "one of the most difficult in the whole Bill to draw up satisfactorily."⁴ Even the Government's own initial bill, let alone the much-amended later versions, was a hasty compromise concocted from competing plans drawn up by semi-amateurs (for example, the £10 franchise was only agreed on a fortnight before the bill was put and Wakefield was left out of the first draft by mistake). It was only in the last week of February that William Adam (a Parliamentary lawyer) and Mr. Stephenson (a Chancery barrister) were summoned to correct the draft bill.⁵ The desire for secrecy restricted consultations over, and refining of, the wording. Thus, for example, there was the fact that leases frequently required rent to be paid quarterly, whilst the legislation assumed half-yearly payments and, as Althorp wrote to his father, "We none of use were aware that the difference was material."⁶

¹ Grey to Taylor, 30 November 1831: Grey, *The Reform Act*, Volume 1, p.452.

² A.D. Kriegel (ed), *The Holland House Diaries 1831-40: The diary of Henry Richard Vassall Fox, third Lord Holland, with extracts from the diary of Dr. John Allen*, Routledge & Kegan Paul, London, 1977, p.445 n362.

³ 4 February 1831: Grey, *The Reform Act*, Volume 1, p.102. However, in November 1831 Grey stated that the original intention had been that no county votes could be had in respect of any property within boroughs (p.467).

⁴ *Hansard*, 3rd series, Volume 9, c.1104, 1 February 1832.

⁵ D. Le Marchant, *Memoir Of John Charles, Viscount Althorp, Third Earl Spencer*, Richard Bentley and Son, London, 1876, p.295-6.

⁶ 30 August 1831, Le Marchant, *Memoir Of John Charles, Viscount Althorp*, p.325.

Details of the clauses can be explained simply by insufficient understanding, or cross-purposes, amongst members of the Government and legislative drafters.¹ Many MPs were confused, bewildered and even bored by the intricacies. One thrust of Ministerial ambition was a simplification of the borough system, albeit tempered by a distrust of uniformity for the sake of it. This logically led to attempting to roll the three types of county boroughs into one. From this it follows that uniformity was prized more highly than curbing urban penetration. Further, given that the choice was between these two, we cannot see the choice made as simply a pragmatic one intended to woo support to get the legislation through Parliament. The key swing votes rested with Tories, and hostility to uniformity was a regular part of the Tory critique. An earlier example is to be found in the *Quarterly Review*. Speaking of the disparity between Gatton and Manchester or Liverpool, it said that this,

may be very offensive to the taste of the lovers of symmetry ... [but unless reform] would secure to the country a more perfect system of legislation, it will be admitted, we presume, to be in the highest degree unphilosophical, for the mere object of correcting an anomaly, to hazard a violent and perilous innovation.²

The second bill included the same clauses as those described above, with one important change. In the borough freeholder clause “shall be entitled” was changed to “may be entitled.” The previous wording meant that someone *must* have got a borough vote in respect of a borough freehold for it to not be able to grant a county vote. Now, however, it was only necessary for it to be *possible* for someone to get a borough vote in respect of it; if, for example, they did not have one due to not having paid the requisite taxes this did not then permit them a county vote.³

On 17 August 1831 Colonel Davies moved that the county borough clause be rejected, claiming that freeholders should vote for the boroughs within which they were located. Althorp argued there would arise a problem of fictitious vote creation in boroughs.⁴ It was defeated by 164-124, though its supporters included some normal ministerialists. Similarly, in February 1832, when the third bill was being debated, a version of the borough voting option was debated and voted on in the Commons. The Tory Praed argued that,

A new class of voters would be introduced, whose inclinations would lend them to use every exertion to prevent the return of Members for the counties connected with the agriculture ... The Knights of the Shire were those who were supposed to represent the agriculturalists, and therefore their return ought not to be influenced by those who had no direct connection with that interest; on the other hand, the cities and towns ought to return individuals to represent the manufacturing and commercial interests. This doctrine was clearly recognised by Blackstone.⁵

¹ An example of the difficulties is a serious drafting problem with the first bill. Clause 11, outlining the borough franchise, said that nothing “herein contained” could take away the right of certain people to vote in counties. If “herein” is taken as referring to the whole act, rather than simply to that clause (and there is no clear legal definition of “herein” to clarify matters), then this largely nullified the borough freeholder clause. This was probably a result of poor drafting rather than a Machiavellian plot. Nevertheless, it suggests that, at the least, historians should be wary at reading too much into the particular wording or impact of a detail of a clause. It also suggests this was not a topic with which the Government was either used to or paying detailed attention to, hence the error. The problem resolved itself with the amendment of the second bill in committee, as the rewriting of the county franchise meant that the meaning of the phrase was retained without those problematic words. There were other reasons for rewriting rather than removing them, so the motivation is unclear.

² *Quarterly Review*, Volume 44, February 1831, p.563-4.

³ See *Hansard*, 3rd series, Volume 6, c.339, 20 August 1831.

⁴ *Hansard*, 3rd series, Volume 6, c.162-72 and 182-3, 17 August 1831.

⁵ *Hansard*, 3rd series, Volume 9, c.1130, 1 February 1832. He appears to have been one of the few MPs to have a good grasp of the topic. He argued on 13 August 1831 for a form of limited voting (i.e. each voter has fewer votes than the

Therefore, he proposed a borough franchise including 40/- freeholders, but with no boroughs property conferring county votes. He was prepared to meddle with the borough franchise to limit urban penetration; indeed, to do so he was prepared to substantially widen the borough franchise. However, he was not in a majority. Russell and the Government opposed this, on the grounds that the agricultural interest would then not only have the counties, but also boroughs "ruralised" by the Boundary Commissioners. Russell claimed he did not believe that there was a sharp county/borough, agriculture/manufacturing division, and that such a proposal would tend,

to create division and a feeling of jealousy between the agricultural and manufacturing interests, the union and combination of which should be the object of the Legislature.¹

Such a franchise would provide a very sharp divide in interests that would not only be potentially divisive but was unlikely to find favour with radicals who wanted something to restrain the old landed interest in counties. (An additional problem would have been the enfranchisement thereby of non-residents for borough elections). Initially, the Government had played with the idea of such divisiveness, in order to court Ultra support, but once it was no longer required switched to worrying about rather than praising it.² Milton too opposed the Tory amendment. *Hansard* reported him saying,

The amendment would tend to the disfranchisement of certain voters which he would wish to find increased rather than diminished. He said disfranchisement, because it was often considered that a vote for the county was more valuable than a vote for the town or borough.³

The amendment was lost 90-181.⁴ Paradoxically though, this lack of enthusiasm for curbing urban penetration shows the Government's desire to preserve traditional rights, and thereby appeal to conservatives - where possible. One can thus take the Government's stance as evidence either for or against importance being attached to aristocratic concerns. The best that can be concluded is that this demonstrates how dangerous divining a particular set of motives from legislative detail is.

Though the initial, first and second bills were essentially identical over urban penetration,⁵ starting with the committee stage of the second bill important changes were made. First, the county franchise was altered. The number of borough freeholders able to vote in counties was not simply a function of the county borough absorption and borough freeholder clauses, but also of the county franchise. Thus, alterations in the

(..continued)

number of candidates to be elected) to allow a minority to stop itself being swamped by the majority. Similarly, he argued during the Committee Stage that a two thirds majority should be required for any changes to the constitution. Neither proposal got much support.

¹ *Hansard*, 3rd series, Volume 9, c.1135, 1 February 1832.

² For example, Hennock, "The Sociological Premises of the First Reform Act," p.326. Indeed, much of their efforts went into balancing rural and urban interests: for examples of balancing changes in the Schedules; see Cannon, *Parliamentary Reform*, p.246. Moore himself, in "The Other Face of Reform," argued that, though the England and Wales reform bill was initially drafted to appeal to the Ultras, once they had rejected reform in 1831 the Government changed tactics to garner support elsewhere.

³ *Hansard*, 3rd series, Volume 9, c.1142-3, 1 February 1832.

⁴ One should be cautious of assuming that all of the minority were following Moore in placing great emphasis on curbing urban penetration, since voting for the amendment was also voting for altering the borough franchise and hence wrecking a central part of the reform legislation.

⁵ However, following the defeat of the first bill in the Lords Russell had suggested moving all town freeholders from the county into the borough. This stringent curb on urban penetration was opposed by Althorp and rejected as it would not gain many, if any, net votes for the bill. It would also produce faggot vote problems in boroughs.

county franchise had a knock-on effect on *urban penetration*; this connection has been overlooked by historians.

The initial county franchise proposals essentially were for 40/- freeholds at present enjoyed by someone, or which might later accrue to someone by any means, to be able to grant county votes. However, matters changed in the second bill's committee stage. For freeholds of at least £10 nothing changed. But for freeholds worth between 40/- and £10, the freehold had to be presently enjoyed by that person or accrue to someone via inheritance (by fee simply or fee tail). Hence, over time, the number of freeholds worth less than £10, in respect of which county votes could be had, would decline, as not all would be passed on to others via inheritance. As this decline would include freeholds in boroughs it meant that urban penetration would, in absolute terms, decline. However, though the number of urban freeholders would fall, so would the number of rural freeholders. The possible impact on what *proportion* of the county electorate that would be urban is unclear. The explanation for this action, then, cannot be unequivocally be put down to curbing urban penetration. Rather, the restrictions on freeholds of under £10 were driven by a desire to curb faggot votes.

Additionally the borough freeholder clause was split. It initially covered all property, but now freeholds were treated separately. For copyholders, leasees, tenants and occupiers other than freeholders the previous wording still applied. That is, a person could not qualify for a county vote in respect of such property if, were it occupied, it could grant him or someone else a borough vote. Such property of between 40/- and £10 could not grant a county vote and as, for such property over £10, this clause applied, so the curb on urban penetration resulting from urban copyholders, leasees, tenants and occupiers other than freeholders was nearly watertight.

However, for freeholders conditions were relaxed. A borough freehold was now disqualified from granting a county vote to someone only if it was worth at least £10 and if it was occupied by him: the "or someone else" condition was dropped so non-occupying freeholders were no longer included. This (probably) *reduced the decrease* in urban penetration, compared to what it would have been with the previous wording. "Probably" because the situation of non-occupying freeholders is unclear. Some of them may have been, for example, farmers with urban property they did not occupy, who were now able to have a county vote in respect of their urban property. Does this really count as urban penetration: the property was urban but the voter was not? On the other hand, for other non-occupying freeholders it was a clear case of urban penetration.

The reason for the change was the problem of non-occupying freeholders, most notably landlords with occupying tenants. Under the original wording, though such people could have had county votes before 1832, they would have now lost them. Yet it could be asked, "What have they done wrong to deserve having their county votes removed?" This was dealt with by the change - their votes were not to be removed. Individual property rights took precedence over curbing urban penetration.

Additionally the county borough absorption clause was amended. Borough-voting-county-boroughs were now to remain so: 40/- freeholders were no longer to have their votes transferred to the county. This *reduced the increase* in urban penetration, though at the expense of breaking uniformity, as not all county boroughs would now have the same franchise.

These changes were the result of a compromise between different imperfect solutions. Lord Holland wrote,

We then discussed in Cabinet the knotty point of giving proprietors in towns (who had no votes for the borough) votes for the County in the character of freeholders, copyholders, and leaseholders on the same qualification as would, if their property did not lay within the borough entitle them by the bill to vote for the county. To this Lansdowne, Palmerston, and Richmond, who was absent, had strong objections founded on the apprehension of town voters overwhelming the land. After much tedious discussion, a middle course recommended by Althorp was adopted, viz to give or rather *leave freeholders* so situated a right to vote, but not to extend that right of voting for the County to Copyholders or leaseholders for land or possessions in a town ... the reason for so altering our former determination was a persuasion that we should hardly be able to carry a provision so injurious to the rights of persons connected with town population.¹

By this stage in the proceedings the Government, faced with the complications and inter-relationships of reality, had given up attempting to produce a simple, consistent and logical bill (quite rightly, given that was impossible).² It therefore would be a mistake to attempt to find such clear logic in it, particularly as participants did not have detailed statistical evidence available to illustrate what the result of different changes would be. What is clear is that urban penetration was to be curbed, though in some cases the curbs were relaxed in the face of other problems. In particular, curbing urban penetration lost out to letting those who previously were able to vote continue to have a right to vote.

There is one important caveat to this picture of curbs on urban penetration being relaxed as problems arose. From the start, the Government wished to give freeholds in non-voting and borough-voting county boroughs county votes, thereby increasing urban penetration. Thus, from the start, some other considerations took precedence over curbing urban penetration. In this case the subsequent changes (to the treatment of borough-voting-county-boroughs) acted to *increase* the curbs on urban penetration, though even then not everything that could have been done was done: freeholds in non-voting-county-boroughs were still to grant county rather than borough votes. Curbing urban penetration lost out to curbing the possibilities for faggot votes.

One other explanation for the Government's willingness to let some freeholders vote in counties was that it was a counter to the Chandos clause, which gave the vote to £50 tenants-at-will. Arguably, these extra freeholders would balance out the danger of illegitimate agricultural influence being wielded over tenants-at-will.³ This is a difficult argument to sustain. First, it meant the Government abandoning the idea of keeping different interests *apart*. Second, the Government voluntarily *increased* the impact of the Chandos clause after it had been passed, by extending its remit from simply £50 tenant-at-will farmers to include

¹ Kriegel, *The Holland House Diaries*, p.29-30. See also J. Milton-Smith, "Earl Grey's Cabinet and the Objects of Parliamentary Reform," *Historical Journal*, Volume 15 Number 1, 1972, p.68. Holland is ignoring county boroughs in this comment; as already explained far from simply leaving freeholders with such a right to vote, it extended the right to other county boroughs. Holland's record makes it clear that it was not Ultra support the government was looking to; had they been, the judgement would surely have been that curbing urban penetration as tightly as possible would be the least injurious course to take. Note that while the attitude of Lansdowne, Palmerston and Richmond might appear to be that of people greatly concerned with urban penetration and separating landed and manufacturing interests, they did not consistently take this attitude. For example, on another occasion Lansdowne argued for the enlargement of smaller boroughs, so "infusing landed interest into town elections": Kriegel, *The Holland House Diaries*, p.99.

² The overall mess was reflected in election law guides, which spent much time explaining the system and sometimes even got it wrong; e.g. a handwritten guide in the Warde Aldam papers (DDWA, Slip 253, Doncaster Archives) stated that in, "the towns which are Counties of themselves, freeholders may vote, as they have been accustomed."

³ Moore, "Concession or Cure," p.53-4.

houses and gardens. Third, the Government supported this freeholder amendment *before* the Chandos clause was. But the Government's hand was forced when this amendment was proposed by a non-Government MP before Chandos came up: it would have courted the worst of both worlds to oppose it and then to oppose Chandos, with the risk of ending up with latter and without the former. This assumes the Government thought it was likely to lose the Chandos vote. However, Brock argued¹ that the Government was going to do it anyway regardless of Chandos being passed; it simply wanted to avoid making an announcement which would antagonise the landed interest before the Chandos vote. Similarly, Wasson argued that the Cabinet decided to change the borough freeholder clause, for other reasons (undue influence, independent electorate and the renting out of property should not result in a vote being lost) before Chandos.² Also, as Hennock stressed, Althorp defended the change in public on the grounds of equity, rather than by reference to Chandos.³ Why should property owners lose their right to a county vote because their tenants could vote in the borough?

The final changes were made in the House of Lords, to the third bill. The county franchise was significantly extended.⁴ Previously, for freeholds worth between 40/- and £10 to grant a person a vote, he had to hold it at present, or acquire it by inheritance. However, the Lords also allowed acquisition by marriage, marriage settlement, devise, promotion to any benefice or office, or simply for the person to be in bona fide occupation. This increased the county electorate, without significantly increasing the risks of faggot votes or undue influence. Thus, it can be seen as strengthening the county interest, but it also increased urban penetration (or rather, *reduced the decrease*) as more urban freeholders would now be able to qualify for a county vote. This indication of a messy situation is reinforced by the previous history of the clause: the initial version of the third bill had dropped inheritance, and then the Commons committee stage had added promotion to benefice, as ways of acquiring freeholds that would still grant a vote.

4.5.4 Further Problems

One problem with giving the urban penetration clauses of the 1832 legislation a significant emphasis is that contemporary descriptions of the conditions that brought about and shaped Parliamentary reform concentrated heavily on concessionary or transfer of power explanations, rather than a Moore-like aristocratic cure.⁵ In addition, contemporary descriptions of the bill and suggested alternatives to its contents are greatly lacking in reference to urban penetration.

Whilst it would be impractical for me to have looked at all the pamphlets produced (searching the British Library catalogue simply for books published in English in 1831 with "Reform" in the title produces over 400 responses) I sampled a wide range, as can be seen from the bibliography, and these provide

¹ Brock, *Reform Act*, p.226-7.

² Wasson, *Whig Renaissance*, p.224-5.

³ Hennock, "The Sociological Premises of the First Reform Act," p.324-6.

⁴ In addition, the borough freeholder clauses were tightened up by the addition of "or any other building" to them.

⁵ For example, Walsh, *The Practical Results Of The Reform Act Of 1832*, John Murray, London, 1860, p.149; Earl Grey, *Parliamentary Government Considered With Reference To Reform: A New Edition, Containing Suggestions For The Improvement Of Our Representation System, And An Examination Of The Reform Bills Of 1859 And 1861*, John Murray, London, 1864 (at best only p.96 has a vague Moore-esque reference, yet even Chapter VII, with suggestions for a reform bill, makes no mention of urban penetration). Similarly, Moore-esque references are not to be found in the correspondence in Grey, *The Reform Act*, particularly Volume 1, p.375-6n, where Grey lists the key features.

evidence for the point.¹ Even Lord John Russell's explanatory pamphlet² when listing the leading questions, p.9-10, and when discussing the franchise, p.20-1, does not mention urban penetration. The only exception is p.22, which quotes from a Lords' protest (signed by amongst others Wellington) that talked of, "an influence so great as must leave in many instances, the representation of counties, and division of counties in the power of voters from the towns." In addition, Cannon has pointed out that he has not seen one letter in correspondence between Cabinet ministers referring to urban penetration, despite these often mentioning the fundamental principles of the bill.³ Urban penetration is conspicuously absent from the arguments in other commentaries.⁴

Even Walsh's pamphlet⁵, which lists "aristocratic" features of the bill (p.41-53) and specifically addressed the question of whether the Ministerial plan would "guard the existing ascendancy of the upper orders," does not mention urban penetration. That he did not believe the ascendancy would be guarded is not surprising, given that he was a Tory, but his reasoning is instructive. It was based on the abolition of some boroughs, the use of single-member boroughs (which precluded different classes from splitting the representation between them) and the, as he saw it, low franchise. These outweighed for him the legislation's aristocratic features: the extra county seats, the abolition of some boroughs where the aristocratic hold was weak and the escape of some small aristocratic boroughs. Urban penetration did not come into it.

These omissions were also a feature of contemporary prints.⁶ Even *Blackwood's Magazine*, which contained some comments on the desirability of curbing urban penetration,⁷ made no mention of urban penetration in its summary of the first bill's contents or of the first and second reading debates.⁸ Similarly, Princess Lieven wrote in March 1832 of the first reform bill for England and Wales,

Its leading features have scared me completely: ... [including] the total number of members reduced by sixty or more, & septennial Parliaments maintained - the two last being the only good features of the bill.⁹

Likewise, a suggested alternative to the bill, which desired to trim its radicalness, made no mention of urban penetration. Indeed, by arguing for a higher borough franchise it would have *increased* urban penetration (by reducing the number of urban freeholders whom the urban penetration clauses would have precluded from

¹ For example, *No Party Man, Pros And Cons Of Lord John Russell's Bill*, James Ridgway, London, 1831, p.5.

² *Letter To The Electors Of Stroud, On The Principles Of The Reform Act*, 2nd edition, James Ridgway, London, 1839.

³ Cannon, *Parliamentary Reform*, p.247.

⁴ E.g. *A Statement Of The Arguments Against Reform, Brought Forward In The Late Debates; With The Answers That Were Given To Them By The Speakers Themselves; By The Speakers On The Other Side; Or By Other Speakers On The Same Side*, James Ridgway, London, 1831 and from the entry for 22 October 1830 in F. Bamford and Duke of Wellington (eds), *The Journal Of Mrs. Arbuthnot*, Macmillan, London, 1950, p.407. *Reform: Not A New Constitution*, James Fraser, London, 1831 and A Member of Lincoln's Inn, *A Cursory View Of Errors On The Subject Of Representation, And The Principles And Means by Which A Just And Safe Representation Of The People Can Be Effected*, Roake and Varty, London, 1831 likewise do not mention the topic..

⁵ J. Walsh, *Observations On The Ministerial Plan Of Reform*, James Ridgway, London, 1831.

⁶ See, for example, Dickinson, *Caricatures and the Constitution*, p.317 and p.325.

⁷ E.g. February 1831, Volume 29, p.243-4 and July 1831, Volume 30, p.33.

⁸ April 1831, Volume 29, p.656-9 and May 1831, Volume 29, p.659-66 and p.736-40 respectively.

⁹ Princess Lieven to her brother, 2 March 1832: Smith, *Reform or Revolution?*, p.52. She was wife of the Russian ambassador in London, and a friend of many leading politicians.

having a county vote).¹ Another alternative reform plan, despite including measures to strengthen county representation at the expense of towns, had no mention of urban penetration.² The five defences of the reform legislation in a contemporary collection of arguments³ did not mention Moore-like arguments or urban penetration. Media reports of the contents of the Reform Bill similarly lacked references to urban penetration.⁴

Another alternative suggestion was the plan produced by Francis Hext.⁵ Hext, a rector in Cornwall, was a member of the very minor gentry and played little part in politics until in 1831. Then, he started writing columns (as "YZ") in the *Royal Cornwall Gazette*, and later produced a reform plan. Jaggard describes the plan as "desperate and unprincipled, it was a last ditch bid so blatant in its motivation that with one exception all of Cornwall's principal Tories shied away."⁶ However, its main components were that no existing boroughs should be abolished, that the borough franchise should vary from one place to another (remember, though, that in practice the flat-rate £10 franchise varied with varying property prices across the country), counties should not be split and Parliamentary candidates should not make pledges on any specific policies (remember Burke's idea of Parliamentary representatives). The plan failed to gain any serious support. The problem was a mirror-image of the usual reformers' problems: any specific plan ran into difficulties, as different anti-reformers had different views on different details. In addition, simple and outright opposition to all reform had both a unifying appeal (though this belief turned out to have been Wellington's undoing) and emotional satisfaction. At a moment of high drama and emotion it is perhaps not surprising that few were willing to muddle through the middle. Still, if urban penetration was a key part of any aristocratic cure, and if such a cure was a key part of anti-liberal support for Parliamentary reform, it is odd that urban penetration did not feature in this plan (and, like one of the above mentioned plans, by increasing the borough franchise it too would have *increased* urban penetration).

Further, other aspects of the Parliamentary Reform legislation indicates that urban penetration concerns did not predominate; in particular, the creation of some big boroughs, with the addition of large rural tracks to make up the number of electors. The various clauses discussed above meant that many freeholders in rural areas thereby had borough rather than county votes. But, as they were *rural*, rather than urban, freeholders this meant that the balance between rural and urban electors in *counties* was shifted towards urban freeholders. Had the Government been determined to curb urban penetration matters could have been different, such as with the abolition of such boroughs or the provision of different constituency

¹ *Rational And Efficient Reform In The Representation Of The Commons House Of Parliament, Consisting Of Plans, By Which That Great Desideration May Be Accomplished With Safety To The Existing Institutions Of The State, And To The Full Enjoyment Of Political Right By Every Man In The Country Who Pays Taxes*, Charles Henry Cook, Newcastle-upon-Tyne, 1831.

² H. Twiss, *Conservative Reform, Being Outlines of a Counterplan, Enclosed In A Letter To Lord Lyndhurst*, S. Sweet, London, 1832.

³ S.E. Brydges, *Expositions on the Parliamentary Reform Bill: April 1831*, Genoa, 1831.

⁴ E.g. *The Spectator*, 5 March 1831.

⁵ F.J. Hext, *Letters On Reform In Parliament, Addressed To Sir R.R. Vyvyan, Bart. M.P. And To The Magistracy And Gentry Of Cornwall, Dates from March 11th to April 12th 1831, And Originally Published In The Royal Cornwall Gazette, With The Signature Y.Z. Together With Views of a Modification of the Reform Bill, abstracted from the Letter to that Gentleman, and reduced to the form of Resolutions, as for submission to a County Meeting*, T.R. Gillet Jr., Truro, 1831. See also E. Jaggard, "Cornwall Politics 1826-1832: Another Face of Reform?," *Journal of British Studies*, Volume 22, 1983, p. 94-6.

⁶ Jaggard, "Cornwall Politics 1826-1832," p.95.

boundaries. Some rural areas were added to boroughs which, with some imagination, could have been avoided. For the borough of Halifax it made sense to have, in addition to the Halifax township, parts of North Oworm and South Oworm, as the town of Halifax extended into these townships. As, however, it only extended into parts of them - and the rests of these townships were rural - a tightly drawn boundary would have produced a sensible borough constituency, whilst at the same time limiting the inclusion of rural areas. However, this was not done. Instead, a wider, though simpler, boundary was used. Likewise, the boundary for the north-west of York resulted in a chunk of rural land being included. In a low-lying area with high hedges the Boundary Commissioners decided simply to draw a straight-line between some tall landmarks. As with Halifax this made a certain sense, but with more effort (planting stone markers?) a more imaginative boundary could have been drawn that would have resulted in rural areas being excluded.¹

Similarly indicative is the absence of urban penetration from rumours as to what the first Reform bill would contain. For example, in February 1831 the *Quarterly Review* speculated that it would give MPs to a few manufacturing towns, disfranchise some of the least populous boroughs, extend the borough franchise to copyholders and householders and possibly shorten Parliaments.² In addition, though the ballot was being much discussed, it believed that radicals were willing to waive it temporarily, believing a reformed Parliament would soon pass it.³ It is not the content, but the general topics, of these rumours that are illuminating. They demonstrated which issues political elites were discussing - lopping off some decayed constituencies, enfranchising some new industrial areas, enlarging the franchise and tinkering with the method and frequency of voting. Urban penetration was not a part of this debate. This omission was not simply on the part of those on the periphery of events. For example, when Brougham wrote to Graham in November 1830, asking him to find out how the Palmerston grouping stood on various Parliamentary reform issues, urban penetration was not one of them.⁴ The memorandum from the Cabinet's drafting committee on the bill did not mention urban penetration either.⁵

A later event reinforces this point. In 1831 a Parliamentary return of resident freeholders in English and Welsh county boroughs was made.⁶ However, it was not printed until 9 August 1831, which hardly suggests this was a major or urgent issue. Further, there were no returns for Canterbury, Carmarthen, Exeter or York. That they should fail to respond, and that no further return to remedy this was demanded, again strongly suggests this was not an issue of much importance.

4.5.5 Conclusion

Moore was right to highlight urban penetration as being important and neglected, but the conclusions that can be drawn are not straight-forward. Urban penetration frequently took second place to a

¹ The major and much under-used source on the activities of the Boundary Commission are the papers in the Public Record Office, PRO T/72.

² Likewise see Croker's letter of 11 January 1831: Jennings, *The Croker Papers*, Volume 1, p.97.

³ It also mentioned some Scottish things. *Quarterly Review*, Volume 44, February 1831, p.575-6.

⁴ C.S. Parker, *Life And Letters Of Sir James Graham, Second Baronet Of Netherby, P.C., G.C.B., 1752-1861*, John Murray, London, 1907, Volume 1, p.96.

⁵ Grey, *The Reform Act*, Volume 1, p.461-3.

⁶ *A Return Of the Number of Freeholders Resident in the several Cities and Towns, being Counties within themselves, in England and Wales, 1831* (150) XVI.

range of other concerns during the production of the reform legislation. Partly this was a result of the complex and convoluted internal logic of the electoral system throwing up surprising interactions between urban penetration and other things; partly it was a result of Government confusion and failure to understand its own legislation; but it was also partly a result of deliberate choices, as in the preference for uniformity over curbing urban penetration in the initial stages and the persistent preference for curbing faggot votes and respecting traditional rights over curbing urban penetration.

It was all rather messy.¹ Partly also it was simply due to urban penetration not being of great concern, as reflected in the drafting, and changing of the drafting, of the clauses, which reveal limited familiarity with the issues and changing views as the debates produced great knowledge. Grey himself articulated the three great principles of the (England and Wales) Reform Bill as being disfranchising nomination boroughs, enfranchising populous towns and introducing the £10 franchise.² Urban penetration was not one of them.

Nevertheless, urban penetration was curbed, and several parts of the legislation can only be explained by a desire to so do. The overall impact of the legislation was to reduce urban penetration compared to what it was before 1832.³ However, on several occasions the opportunity to cut it even further was not taken, and other objectives took precedence. For example, one of the debates over which freeholds worth less than £10 should be allowed to grant county votes centred around the rights of smaller proprietors and the need to avoid faggot votes. Urban penetration was not part of this coterie of arguments.⁴

The framers of the reform legislation did not see the maintenance of deference communities as paramount; deference was not the only issue to determine behaviour.

Conclusion

Deference and paternalism are difficult concepts. Indeed, the *Oxford English Dictionary* (2nd edition) has as its earliest usage example for paternalism a quote dating from as late as 1881. To some extent, these are theoretical constructs retro-fitted onto the early nineteenth century.

The question of how deference influenced elections is complicated, and involved various subtle, counter-veiling trends. With the political arena merging with that of society and personal interactions, and largely the same cast being present in both, electoral deference was but part of a larger picture. It was a mutual process, involving prices being paid by both sides and many non-electoral factors. This helps explain that apparent paradox highlighted by Speck, Grey and Hopkinson.⁵ Talking of the eighteenth century, though

¹ J. Walsh, *The Practical Results Of The Reform Act*, described the reformed system as a mix of public apathy and a deluge of proposals in Parliament.

² Kriegel, *Holland House Diaries*, p.151.

³ However, other factors worked to increase urban penetration in future years, as in North Durham, where by 1864 half the register entries were for boroughs freeholders: Nossiter, *Influence, Opinion and Political Idioms*, p.59. Still, these numbers were lower than they would have been without the relevant parts of the 1832 legislation. The changes to the treatment of land tax also had an effect (see p.135).

⁴ *Hansard*, 3rd series, Volume 9, c.1103-6, 1 February 1832.

⁵ W.A. Speck, W.A. Gray and R. Hopkinson, "Computer Analysis of Poll Books: A Further Report," *Bulletin of the Institute for Historical Research*, Volume 48, 1975, p.64-5.

it also largely applies to the early nineteenth, they pointed to the disparity between the abundance of election literature, with a high issue content, and the correspondence of leading politicians, which rarely mentioned ideas but is full of patronage details. Whilst the former suggests an open, participatory system, the latter suggests a deferential one. In fact the two went together; deference was a participatory process. In canvassing and the publication of poll books this too was reflected: they provided information with which the participatory process could be manipulated. The importance of wider influences is also reflected in the drafting of certain parts of the 1832 legislation: urban penetration could not be isolated from the rest of the system.

Yet we have seen how patrons could have great control over constituencies for long periods of time. It was not automatic control, but control that had to be worked for and sometimes even required patrons to bend to the will of the nominally subservient. As a result, the uncontested return of Graham and Lord Headley for Ripon in 1806 still cost £789 14s 2d.¹ The failures of both Fitzwilliam and Miss Lawrence in individual elections for what should have been their pocket boroughs indicates the occasional fragility of even the most clear-cut situations of landlord influence. Not only, then, was electoral control limited, but non-electoral considerations often took precedence.

Despite this, though, there was a distinct train of thought amongst many patrons that the public at large, and even the electorate - especially the enlarged reformed electorate - was not fit to wield power, and that they needed direction. Deference reflected sense of community - a sense of place and a sense of the past. These were most articulated in the Victorian era amongst the lower middle class.² It was this that motivated Anne Lister to write of one of her tenants,

It is quite useless to leave such men as he uninfluenced. He knows nothing and cares nothing about it, and is literally best satisfied with the idea of pleasing someone he knows.³

It was this intermingling of motives - political and non-political, deferential and non-deferential, that allowed the electoral system to have that vitality which is shown in both the pattern of poll book publications and canvassing.

¹ Vyner MSS 5793, Leeds Archives.

² Pearson, "Knowing One's Place," p.221.

³ Green, *Miss Lister*, p.174.

5. Bribery, corruption and secret voting

5.1 Introduction

In addition to deference, another possible impediment to electoral vitality was corruption and bribery. Or, in the more lurid language of a commentary from 1836,

The Reform Bill, if it has fair play, shall grow up a Hercules to rid the political world of monsters; but already, as it lies in its cradle, has the envious goddess of Corruption sent two most deadly serpents, Bribery and Intimidation, to strangle the baby-giant ... when, for instance, they are for the first time engaged in exercising the solemn privilege of the elective trust ... The rich man is busy, bullying and bribing and drenching every poor wretch accessible to such inducements; and the glorious mob is staggering, roaring, and rioting through the streets.¹

Corruption and other ill-deeds have a prominent place in reports of nineteenth century elections, as typified by the comment of Mr. Rigby's agent in *Coningsby*, "I do not see how we can win; we have polled all our dead men and Millbank is seven ahead." But, in this Chapter I argue two main points. First, much of the corruption and bribery that did occur was not an impediment to vitality. Second, some of it actually *encouraged*, and was symptomatic of, vitality.

There are three major methodological problems, and one empirical curiosity, when one is dealing with the early nineteenth century electoral system, the bribery within it and the system's responses to that bribery. The problems are located in vocabulary and moral judgements, the absence of alternative interpretations and the presence of Whiggism. The empirical curiosity concerns the secret ballot.

First, the usual difficulties of vocabulary and moral judgements are particularly acute. Even relatively banal phrases like "giving money to voters" can in different times and people evoke different images. Is the first thought that occurs one of bribes being disbursed or of voters having free transport to polling booths provided? The payment of *conveyance expenses*² was a regular feature of nineteenth century elections and a regular target of critics' ire. But, the giving of car-lifts to voters is a well-accepted part of modern British elections and not seen as corrupt. The mere provision of services for electors is not corruption, and thus this matter needs closer examination. It is easy to slip into imposing current moral standards on nineteenth century elections; whether or not this is useful is partly a function of what history is seen to be, but equally any such description is less useful than one that also takes into account contemporary moral standards. The vocabulary of corruption and venality, with the assumption that politics should be something higher than trading votes for favours, has been the framework within which historians have operated. Yet, this has meant adopting the discourse of the reformers. Section 5.2 questions some of these traditional assumptions, and looks at some advantages of bribery.

Second, hiding behind the bland yet vituperative label of "bribery" are a multiplicity of different acts and different motivations. Beyond its simple black and white, reproving tone is a vista of grey areas. For example, is paying money to voters bad even if the other side is paying out exactly the same sums - i.e. there

¹ *London and Westminster Review*, Volume 3 & 25 Number 2, 1836, p.488-90.

² That is, the costs incurred by electors in travelling to and from voting. These often included not just transport but also food, drink and overnight accommodation. The dividing line between reasonable provision, and provision that is so generous as to constitute bribery, was, and is, somewhat ethereal.

is no financial incentive for a potential voter to switch from one side to another, and, moreover, it means more people vote? Is complying with local tradition, as with providing a great banquet, corrupt? Section 5.3 looks at the example of Hull, whilst Section 5.4 looks at varying standards regarding alcohol and the giving of money.

Third, implicit, or even explicit, Whiggism pervades many works on the history of “corruption.” The idea is of a steady, almost pre-ordained progress. Partly as a result, the attempts to curb certain forms of behaviour have not been seen in their own terms. Section 5.5 looks at investigations, and election petitions in particular, whilst Section 5.6 looks at legislation.

The empirical curiosity is that of the secret ballot. Section 5.7 shows how the history of the secret ballot, and other forms of voting, often conceived as a counter to either deference or corruption, is varied and rich, and results in some interesting questions being raised.

Given the confusions and difficulties already mentioned, and others forthcoming, it is important to keep a firm grip on terminology. I take a bribe to be a payment (in cash or kind), other than genuine conveyance expenses, *primarily* intended to influence the way a person (not necessarily the recipient of the payment) votes. *Primarily* because there are many actions that may incidentally effect a vote but which it is not useful to call corrupt. This is a nebulous area, but a useful question to bear in mind is, “Would this payment have been made even if there were no election in the offing?” There is a subset of bribery that I term *negative bribery*. Where, for example, both sides in an election are making the same level of payments for support then there is no financial incentive to vote for one side or the other, so this is not straight forward corruption. Likewise, payments may have been made (particularly in the form of bogus employment) simply as preventative measures, to stop someone else bribing the person in question or because the absence of such payments could result in a loss of votes. These payments were not positive attempts to garner votes, but negative attempts to avoid losing them. As Clay found with Hull freemen in 1841, some electors would not vote without their usual fee, “yet they could not be tempted by a very much larger sum to vote the other way.”¹

5.2 What is wrong with bribery?

There were some - like the Duke of Bedford - who saw corrupt election expenses as something that “inflicts a positive injury upon the community”.² However, this view did not go unchallenged: if a good MP is one who looks after his constituents, then possibly the more bribery the better. A continual complaint of opponents of bribery was that too many people - both candidates and voters - were ready to indulge. Often, it was not seen as wrong; providing a meal for someone who had given up their time to vote was, arguably, more a matter of politeness than bribery. Wilberforce said of his first campaign for Hull,

After a successful canvass on the spot, he repaired to London, where about three hundred Hull freemen resided in the vicinity of the river: there he entertained at supper in the different public-houses of Wapping ... *By long established custom* [my emphasis] the single vote of a resident elector was rewarded with a donation of two guineas; four were paid for a plumper; and the expenses of a freeman's journey

¹ Markham, *Nineteenth-Century Parliamentary Elections*, p.15.

² D. Spring, “English Landed Society in the Eighteenth and Nineteenth Centuries,” *Economic History Review*, 2nd series, Volume 17, 1964, p.31.

from London averaged 10l. a piece. The letter of the law was not broken, because, the money was not paid until the last day on which election petitions could be presented.¹

Even in the extreme case of open purchases of votes it should not be automatically assumed that this was bad. Buying votes may lead to rich candidates winning, or those with access to large financial resources (e.g. Wilberforce in 1807 received money from dissenters across the country to fight Yorkshire), but if the definition of a good MP is one who makes constituents better off, then a rich MP who can afford to be generous to local causes fits this category. The willingness to spend money can be taken as a proxy for eagerness for the job. Further, if a society dominated by inherited property is accepted as the norm, where property means respectability, then why should not rich property owners win?

A more potent criticism is that the distribution of money meant electors were distracted from serious issues by short-term gratification. There are two responses to this. One is that people were not forced to take bribes; that bribery was around merely gave them an opportunity to be bribed if they wished. Whilst buying votes can detract from the idea that elections are about rationally evaluating competing arguments, choosing whether or not to be bribed can itself be a rational decision. Second, as elections were frequently seen as local affairs, rather than the election of a national government, there were fewer national issues to be distracted from than might be the case today. In many ways there was little an MP could do for his constituency other than distribute patronage and gifts. John Mitchell, a Hull MP, was criticised in 1818 for supporting slavery and making money from it. He responded:

He was sorry this was the fact, but indeed it was not necessary to regret it much. He was on one account sorry his West Indian connections were not twice as great; for then he should have been enabled to have done twice as much for the prosperity of Hull.²

The susceptibility of electors to bribes also permitted otherwise unlikely candidates to win, as with dissenting and low Church Beverley electing Catholics in 1832 and 1841 (Charles Langdale and John Towneley).

Buying votes may inculcate a demeaning and insulting attitude towards the electorate, with the idea that politics is a competition carried on "above their heads" and discourage the idea that elections are about the representation of interests. However, the role of election rituals, with their participative nature, to some extent contradicts this. Purchasing votes can also be a pragmatic response - there is the irony that many reformist MPs, at least before 1832, sat for "corrupt" seats, presumably on the basis that once in Parliament they could do enough to out-weigh this blemish. Relying on money, whilst closing the system to the poor, opened it to the non-landed rich.³

Indeed, one can justify corruption as a socially unifying force, bonding otherwise discordant groups together. Take the example of the use of charity funds for partial purposes, as condemned by the Charity Commissioners' 1836 Report. By closely linking a political bloc with people's personal lives an intimate link is developed, that strengthens that faction. In Beverley the winter of 1840-1 saw both the Beverley Conservative Association and a Reform Association distribute flour and coal. The Fitzwilliams provided food in Malton outside election time. In a sense these were bribes, but they also aided the maintenance of

¹ [J. Hannay], "Electioneering," *Quarterly Review*, Volume 102, 1857, p.48.

² Markham, *Nineteenth-Century Parliamentary Elections*, p.13.

³ The purchase of seats allowed a wider range of people into Parliament: see p.185.

social order. It is questionable how many of these activities were conducted with explicit electoral motives in mind, rather than paternalistic ones or a desire to preserve order.¹ Though charitable donations and like behaviour could have non-electoral roots and motivations, they could also be suspended or reversed in the face of an electoral reverse, as happened with Fitzwilliam suspending customary treats and gifts in Malton following the defeat of one of his candidates in 1807. One cannot take this argument too far - the mere exchange of cash for services is not necessarily socially binding;² however these activities were more than that. They relied on local traditions, often taking forms decided thus (as with the level of payments in Hull) and often using local conduits, as with the Iveson brothers in Hedon.

Corruption and the frequently concomitant rumbustiousness could encourage intolerance - in particular the use of violence on opponents - and stifle debate. By encouraging the idea that voting, or breaking a window, was all that was required this inculcated a very limited idea of political participation. And the rowdiness and lack of civility such actions equalled meant that, though one can argue they made society more stable, they also *prima facie* had the opposite effect.³ However, it would be wrong to assume that, by contrast, all policy pronouncements were temperate, rational and admirable. Religious disputes in particular frequently resulted in highly aggressive and intolerant invective. Further, bribery and policy pronouncements often accompanied each other.⁴

Though not all the money spent on elections went on bribery - there were Returning Officers' expenses for candidates to cover for a start - it was still true that bribery and treating made Beverley and Hull elections expensive, and could deter candidates.⁵ In Northallerton treating took place, even if there was no contest. Likewise in Ripon Miss Lawrence, who owned property rented by many members of the electorate, gave large sums to charities, including places which were not connected with elections.⁶ In York the Minster campanologists were traditionally given a £5 5s gratuity by candidates.⁷ Such negative bribes quickly added up. Similarly, the Scarborough MP, J.V.B. Johnstone,

was an exceedingly good member for the borough, diligently alive to its interests and laborious in performing the duties his position entailed upon him, irrespective of private opinion.

His activities and generosity included giving stone from his Hackness quarries for the building of a church and museum.⁸

¹ This question of non-electoral motives was considered in Chapter 4.

² Consider prostitution.

³ Rowdy behaviour, however, cannot solely be blamed on elections. Indeed, criticism of the (alleged) public behaviour of some parts of society was a recurring theme, as in the moves to abolish public executions. This was first moved in Parliament in 1841 by Henry Rich. Though on this occasion he received the support of just one other MP, and the motion was withdrawn, support quickly grew and 1868 saw the last English public hanging. There were also attempts to make the process more decorous by increasing the procedure's solemnity. See H. Porter, *Hanging In Judgement: Religion and the Death Penalty in England*, SCM Press, London, 1993, p.67-70 and p.87.

⁴ E.g. as in the Yorkshire 1826 election and the Bradford and Shipley election and political papers, DB13 and the Busfeild Ferrand MSS, 51D79, Bradford Archives.

⁵ E.g. see p.218.

⁶ 1835 (547) VIII, p.190-9 and p.220. Between 85 and 110 electors, out of about 340-390 in total, were her tenants.

⁷ 1837 York election ACC93/5, York City Archives.

⁸ J.B. Baker, *The History Of Scarborough, From The Earliest Date*, Longmans, Green and Co., London, 1882, p.447-8.

Building social stability, whether deliberately or as an inadvertent by-product, could, and did, involve non-electors and activities other than bribery. Borderline activities like conveyance expenses meant electors were able to vote at a lesser cost to themselves and indeed made it easier for them to vote. Benefits can even be seen in an extreme example of under-hand election proceedings, that of kidnapping electors. George Kenman, a leading Bradford Liberal, complained of the 1847 election there that,

The non electors have laboured as if their existence depended on the result ... The most disgraceful features connected with the contest have been the kidnapping of voters. In this business I feel that both parties have been guilty of considerable impropriety.¹

In other words, non-electors were eager and active participants in the electoral process. Similarly, in Halifax in 1832 non-electors formed large crowds, with banners and flags. The raucousness became violence, with windows broken and allegations that some shop-keepers and beer-shop keepers were intimidated.² In both 1832 and 1835 non-electors had a large presence at the nomination meetings, and it was claimed that in 1835 some voters delayed voting, hoping that they would be able to avoid having to do so and so avoid the risk of exclusive dealing. One speaker at the hustings, Mr. Brown, said that he hoped non-electors would show that they had money to spend. Both years saw crowd violence.³ Such involvement of non-electors and violence occurred at other Halifax elections, and though it appears to have been prompted by outsiders, there was also a self-identification, evidenced by the presence in 1835 of a large flag with "Non-electors" on it. Public participation, especially at nomination meetings, could add vitality, but it could also add disorder and violence.⁴

Huddersfield elections likewise frequently saw violent behaviour and involvement by non-electors. This included the reading of the Riot Act in 1832, with the cavalry summoned, and the breaking up of Whig meetings by large crowds in 1837 along with urges for exclusive dealing and the swearing-in of sixty special constables. Again though, this was also a means by which the electoral process became more inclusive - anyone can riot, and indeed workers whose muscles have been built up by long hours of arduous labour could be the best. Even the symbolism in 1837 was inclusive. When the Whig Stansfield arrived he was greeted with pieces of bread and cheese on long poles, a reference to a day's ration in the workhouse. Huddersfield is perhaps unusual in this respect as a theme of its politics in the 1830s was anti-Whig Radical-Tory coalitions, based on such issues as factory reform and opposition to the New Poor Law. Yet the importance of non-electors' influence elsewhere is demonstrated by the opposition of many Chartists to the introduction of the secret ballot on its own, fearing that it would reduce their electoral influence. Non-electors were an essential part of political power in many industrial constituencies. Thus, a Huddersfield poem of the 1830 included the lines,

¹ A. Jowitt, "Dissenters, Voluntaryism and Liberal Unity: The 1847 Election," p.7-23 in J.A. Jowitt and R.K.S. Taylor (eds), *Nineteenth Century Bradford Elections*, Bradford Centre Occasional Papers No.1, University of Leeds, 1979, 87, p.19.

² 1835 (547) VIII, q. 3434-611.

³ Evidence from William Craven, a solicitor who supported the Tories, 1835 (547) VIII, q.199-210.

⁴ This is an example of the double-edged nature of many of the rituals. Similarly, the charring of successful candidates could either be a reconciling gesture and a chance for a community to have a good time, or it could result in scuffles, tumult and further division.

For none can withstand the terrible might,
Of working men votes on a Saturday night.¹

The importance of non-electors is not only illustrated in descriptions such as this one, but also in the breadth of the audience at whom electoral propaganda was aimed. Broadsheets and rhetoric appealing to the “non-electors” and the general population were common.

5.3 Hull

The tales of wealth a candidate could bring to Hull were popular. It was a borough with a reputation of expensive, riotous and drunken elections.² The 1853 Royal Commission unearthed a weighty tome of evidence of systematic and continued corruption in Hull in 1841, 1847 and 1852, concluding,

We find that there is a practice in Hull of expending an exorbitant amount of money at elections for the purpose of satisfying the improper demands of a great body of the constituency; that such expenditure is corrupt, *not to the extent of immediately altering the votes of the persons affected by it*, [my emphasis] but to the extent of producing an improper desire on their part to force on a contest for the purpose of pecuniary advantage.³

This half-hearted conclusion regarding corruption affecting electoral outcomes is particularly striking given that Hull is atypical by virtue of its notoriety and its being investigated, and this conclusion followed from an extensive investigation which unearthed much evidence. This mix of bad reputation, close investigation but mild conclusion makes it instructive to look at some of their findings in more detail.

Though payments to large numbers of voters were discovered and well documented, the earlier Wilberforce quotation (p.149) illustrated how the scale of pay was customary. If both sides stayed true to custom and so offered electors identical sums for identical purposes, then these payments provided no incentive for electors to switch their votes. However, the Commission did unearth large-scale employment of people, with these payments being a form of bribery. Though the pay rate was traditionally set at 5s the willingness of different sides to employ different numbers of people permits the possibility that financial inducements did alter voting. Large sums certainly were spent: in 1852 the Blues spent £3637 2s 5d and the Oranges £5595 10s 2d.⁴ On this matter the Commission said,

Many witnesses gave evidence that after accepting employment and receiving payment from one party, with a knowledge that they were thereby pledged to vote for that party, voters did, either because their employment was curtailed by their own side, or because they saw greater promise on the other side, accept employment from the other side, and vote accordingly.⁵

Some allegations centred around partisans paying for freemen’s admissions - on the understanding that they would vote for the side that had paid; there were even some allegations of written contracts.⁶ The numbers

¹ Jowitt, “Dissenters, Voluntaryism and Liberal Unity,” p.9.

² E.g. J. Symons, *High Street, Hull, Some Years Since, And Biographical Sketches, Interspersed With Historical Accounts Of: The Dock Company - The Town, ancient and modern - Siege, Hospitals - Guilds, &c.*, J.W. Leng, Hull, 1862, p.22-27.

³ *Report Of The Commissioners Appointed under Her Majesty's Royal Sign Manual To Inquire Into The Existence Of Corrupt Practices In The Borough Of Kingston-Upon-Hull; Together With The Minutes Of Evidence, Parts I & II, 1854* {1703} and {1703-I} XXII. The quote is from 1854 {1703} XXII, p.xxv.

⁴ 1854 {1703} XXII, p.xix and p.xxiii.

⁵ 1854 {1703} XXII, p.xxiii.

⁶ 1854 {1703} XXII, p.iv-v.

were not insignificant: in 1839-40 440 freemen had their admissions paid for thus.¹ As the 1840 register had about 4800 entries,² these creations amounted to around one-in-ten of the electorate. But, though after 1832 some newly created freemen could qualify to register, those created by purchase could not. It was not a straight-forward question of money being used to illegitimately boost the electorate. Those who were becoming freemen with Parliamentary votes had to meet other qualifications, such as being descended from a freeman or having served an appropriate apprenticeship. The political parties were then paying the admission fees for some of them. Given this, it is questionable whether such action really was corrupt: such people met the conditions to be an elector themselves, bar the paying of money to the Corporation (how different is this to, for example, nowadays politicians canvassing with electoral registration forms to get people registered?) and it had a beneficial effect (making it easier for poorer people to enter the electorate).³ Indeed, as a significant part of the cost of being admitted as a freeman was the Stamp Duty, paying for the creations made a regressive tax more equitable!

Thus, even in Hull, it is not clear that disbursing money was corrupt or detrimental. Much of the expenditure was traditional and, as it was disbursed in equal sums by each side, did not provide a motivation for electors to switch sides. Further, the availability of money both increased the electorate (with the paying of freemen's admission fees) and provided an extra incentive to vote.

5.4 Different standards

Hedon provides a good example of the difficulties of distinguishing bribery from generosity or normal behaviour. A freemen borough with a small electorate, it had a reputation for venal and personality-based politics. Though abolished in 1832 it lived on as an East Riding polling station, and in 1837 the *Hull Rockingham* commented, "Hedon it will be seen is Hedon still."⁴ Candidates were required to purchase their freedoms, which put money into the local community, or at least the corporation's pockets. Between elections non-repayable "loans" to freemen were common. MPs were generous to local charities, the church and school and in the provision of entertainment. A local attorney - William Iveson - also had limited electoral influence, based on a mix of property, influence with the corporation and financial generosity. Electoral influence was more subtle than the simple wielding of money, and was frequently cloaked in the form of "generosity."

Free food was an established part of civic celebrations, including elections; likewise other forms of generosity. Thus, for example, the Fitzwilliams were patrons to schools, societies, agricultural shows and railway companies linked with Parliamentary constituencies; they were also patrons of others (like the Statistical Society and the British Association for the Advancement of Science, of both of which Charles William Fitzwilliam was at one time President) which garnered no clear electoral benefit.

¹ 1854 {1703} XXII, p.iv-v.

² Appendix 9.

³ Freemen by patrimony had to pay £1 9s on being admitted, whilst freemen by apprenticeship had to pay 1s to be registered in the indenture books and then £1 9s on admission: *Report from the Select Committee on Municipal Corporations; With the Minutes of Evidence taken before them [and index]*, Municipal Corporations, Volume 1, 1833 (344) XIII, q. 6859-76.

⁴ Markham, *Nineteenth-Century Parliamentary Elections*, p.10.

The idea of electors being “transformed into just so many beer barrels”¹ is a firmly entrenched part of the electoral picture. But alcohol itself had an entrenched role in society - the provision of free drinks was a custom in far more than just elections; in 1836 John Dunlop catalogued 300 “drinking usages” in 98 different trades, such as at the sharpening of ploughshares or at the laying of the first joist.² When the commencement of peace was celebrated by means including food and drink in York in 1814, a subscription was held to ensure that the poor could also partake.³

Alcohol was often seen as healthy, with even John Bull being fat and red. Size and alcohol were associated with each other and with health, resulting in teetotaler campaigners often looking for fat people to lead their parades.⁴ Additionally, the narrower range of non-alcoholic drinks available in the nineteenth century, along with the social role of a pub as a meeting place, should be remembered. The use of public houses as venues for electoral entertainment - with the concomitant (allegations of) disorder, debauchery and drunkenness - was forced on some candidates. Whilst generous treaters like P.B. Thompson with Escrick and Richard Bethell with Rise Park, had their own venues for dinners, balls and other events, other, less well endowed, candidates had to turn to public houses.

There is a distinction between alcohol consumption and drunken or riotous behaviour, and indeed between being drunk and being riotous. The first English temperance reformers were opposed to drunkenness rather than alcohol *per se*; it was only from around 1832 that teetotalism became the main principle.⁵ Temperance campaigners did, occasionally, achieve some success in the electoral field. In Bradford in 1841 they canvassed 709 electors, and got 532 of them, plus 100 influential non-electors, to successfully petition the candidates not to use pubs during the election campaign.⁶

Despite this proviso, alcohol did encourage (and encourages) boisterous and unruly behaviour. Thus it was that a Bradford election song had a chorus commencing,

So rump and dump, dump and stump, and stump, stump
And thump, and thump, thump, aye, thump and thump, thump ...⁷

Whilst these lyrics are somewhat lacking in sophistication in the cold light of day, a touch of drunkenness can easily turn the song into a jolly, loud and entertaining song. One may consider much of such electoral behaviour distasteful, but it was also often fun for the participants and *different*.

Like alcohol, the giving of money was a part of wider social behaviour, frequently motivated by non-electoral factors. The giving of money was also often a way of noting public service.⁸ Disbursing money was normal, even beyond the broad confines of negative bribery, as numerous examples in this Chapter have

¹ One Who Thinks Aloud, *The Language Of The Walls: And A Voice From The Shop Windows. Or, The Mirror Of Commercial Roguery*, William Tweedie, London, 1855, p.17.

² N. Longmate, *The Waterdrinkers: A History Of Temperance*, Hamish Hamilton, London, 1968, p.17-20.

³ Peacock, *York In The Age Of Reform*, p.1-2.

⁴ L.L. Shiman, *Crusade against Drink in Victorian England*, Macmillan, London, 1988, p.35.

⁵ Shiman, *Crusade against Drink*, p.9-11 and p.18.

⁶ B. Harrison, *Drink and the Victorians*, Faber and Faber, London, 1971, p.345.

⁷ Songsheet, Bradford and Shipley election and political papers, DB13 c1, Bradford Archives.

⁸ E.g. W.D. Rubinstein, “The End of ‘Old Corruption’ in Britain,” *Past & Present*, Number 101, 1983, p.67.

already illustrated. Expenditures such as those on treating and conveyancing was often seen simply as necessary bureaucratic costs, akin to the costs of erecting hustings etc. Hence on occasions candidates of different sides still agreed to split such costs between them. Treating's sometime acceptable nature was also reflected in it *not* being a common-law (traditional) offence, nor being illegal before the test of the writ.

It was hard for candidates to limit spending even if they wanted to. Generosity was expected and many activists were happy to run up bills, which were hard to control and difficult to disown. For example, James Brown stood for Hull in 1847 after being promised that it would cost a maximum of £1,500-£2,000. He was finally left with a bill for £3,000. There is a hint of hypocrisy in the behaviour of Burdett, who only became "incorruptible" - i.e. reluctant to spend money on elections - once he was bankrupted. One person's corruption was another's generosity; one person's purity was another's meanness.

Even where payments to voters were intended primarily to sway changing their voting behaviour, and where they did achieve this, the levels were not infrequently set by tradition. (Tradition could also demand payments at non-election times). The situation in Hull has already been mentioned. Another example is York, where it was "notorious to election agents" that the going rate was £2 for a plumper and £1 for a split vote.¹ Such generosity was not kept secret. It even advertised in the press. In any case, spending money could be seen as preferable to demagoguery. As Grey expounded,

To give money bribes to electors is not worse or rather not nearly so bad as to court their favour by flattering their passions and prejudices.²

Elections were a break from the mundane, being different and exciting, whilst also a chance to glory in one's importance and traditional freedoms. In this context, free food and drink were a logical part of local heritage, a heritage that was also expressed in printed records, plaques and pottery.³

5.5 Curbing corruption

It would be wrong to take a totally rosy view of bribery and corruption. William Cooke lost the York election of 1818 in the face of such widespread distribution of money by Sir Mark Sykes that over half of those who signed Cooke's requisition did not vote for him.⁴ Likewise, for the 1820 York election Lord Howden's election expenses included sums for 784 voters at 42s each and 66 at 21s each.⁵ The judgement of historians is epitomised by Markham's claim that,

It is indeed a well-established fact that well into the Victorian period the administration of electoral law was notoriously lax.⁶

As shall be seen "lax" is an unfair, inaccurate and over-simple description. There were two main methods of tackling "abuses". First, a scrutiny could be demanded by a candidate and, if the Returning Officers

¹ Evidence of Joseph Parkes, 1835 (547) VIII, p.89.

² Seymour, *Electoral Reform*, p.407 n4.

³ H.J. Hanham, "Politics and Community Life in Victorian and Edwardian Britain," *Folk Life*, Volume 4, 1965, p.5-6.

⁴ Brett, *York Whig Club*, p.5.

⁵ Peacock, *York In The Age Of Reform*, p.80.

⁶ J. Markham, *The 1820 Parliamentary Election at Hedon: A study of electioneering in a Yorkshire borough before the passing of the Reform Act*, J. Markham, Beverley, [1971], p.29.

accepted, the return would be withheld until the scrutiny had been carried out. This meant scrutinising the votes cast to check for any irregularities. However, as the returning officer had to do this before the new Parliament met¹ there was often little time available and a scrutiny only involved questioning the validity of votes.²

Second, a petition could be lodged against the result of an election. Petitions covered three main issues: a constituency's franchise (though this was rarely an issue after 1832), allegations of bribery or corruption and the behaviour of the returning officer.³ Petitioning became, by the mid-eighteenth century, the main means of (attempted) redress, though the rate of petitioning declined in the later eighteenth century. Petitions had to be lodged within fourteen days of the start of a new Parliament, so again there was some time pressure, and there was also the need to find large sums of money for the *recognizances*.⁴

There were three main possible rulings: a ruling on the franchise, a voiding of the election result or the replacement of an elected MP by a losing candidate. This restricted what it was practical to petition over. For example, it was not possible to directly petition against the behaviour of a candidate's supporter. *If* that candidate won, and *if* they could be held responsible for their supporter's activities, and *if* unseating the MP could be a reasonable punishment, then petitioning could be a form of redress. Otherwise it could not. At best, a petitioner in these circumstances could hope that the petition hearings would so reveal the moral turpitude of other participants that the committee might recommend that the Attorney-General prosecute them. This was rare.

The petitioning system was much criticised.⁵ Responsibility for taking up breaches of electoral law usually resided with victors' opponents, who, if they too had carried out activities of dubious legality, often had little incentive to enforce the law. This problem was amply illustrated after the 1841 election, when misdeeds on all sides resulted in deals being struck to "pair-off" ten petitions which were then withdrawn.⁶ Indeed, the cases were so prevalent and blatant that a Commons committee was set up to investigate, and legislation followed. Another example is the York situation after the 1837 poll. Atcherley, a defeated candidate, considered lodging a petition. However, the question of justice was by no means the only matter on his mind. John Holeby wrote to him, reciting various questions posed by Atcherley and responding:

What numbers of votes remained unpolled for me at 4 o'clock after the artificial and shameful delay that was created:- I am not aware of any voters who had to poll ...

¹ This was because they were obliged to have made a return by then. There was no such deadline for by-elections.

² If someone tried to vote and was rejected, they could still ask that their desired vote be recorded even though it would not be counted. This was a *tendered* vote. Tendered votes could also be considered during scrutinies.

³ Though misdeeds by returning officers are popular anecdotes for those wishing to disparage the electoral system only three English elections have been voided due to irregularities by returning officers since 1832: Totnes (1839), Rye (1847) and Harwich (1851). In theory a petition could cover any topic that might conceivably be a reason for overturning a result, but those mentioned were the main three. The only other significant one was to claim that a victorious candidate was not properly qualified to be an MP.

⁴ In effect these were monetary deposits to show that the petitioners were being serious and not merely vexatious.

⁵ E.g. *The State of the Law Of Controverted Elections Examined*, Henry Renshaw, London, 1836.

⁶ The deals included both those over petitions for the same constituency and those covering petitions for different constituencies; it was a deal of the latter sort that allowed Disraeli to keep his seat. This flurry of deal-making followed the passage of 4&5 Vict. c.57 (1841), which allowed investigations to be conducted without agency first being proved. This act was but one in a long line of attempts to curtail the withdrawal of petitions under dubious conditions; e.g. see 53 Geo.III c.71 (1813).

Would a petition be popular or the contrary:- Your friends here think a petition would not be popular ... Barclay made himself unpopular by pursuing the Petition after his defeat and had he offered himself a second time, he would have been rejected ...¹

Petitioning could be slow and costly. In particular, the expense of witnesses and short-hand writers quickly added up and the usual hearing of several petitions in parallel meant that parties to petitions had to retain several barristers in the hope of having one available when needed and, as a counsel might well not attend the committee hearing, further costs were incurred in having to meet afterwards to discuss events. A fully contested petition could easily cost the parties involved hundreds of pounds each.²

Yet, in 1832-52 290 petitions were presented, of which 86 (30%) resulted in elections being ruled undue or voided. Of the others, 32% resulted in elections being upheld and 38% were withdrawn. The pattern of petitions suggests that corruption was worst in boroughs, (no English county had an election overturned in 1800-50) and in boroughs with large number of freemen; only three of those boroughs with a large number did not have at least one election over-turned in 1832-54.³

The 1820 Grampound petition exemplifies how election petition committees could fail to deal with widespread bribery. The committee reported the day after it had been appointed, ruling that the members had been duly elected. Yet, it was this election that caused Sir Manasseh Lopez and some voters to be convicted of bribery, and precipitated the constituency's abolition!

¹ Holeby to Atcherley, 13 November 1837, 1837 York election ACC93/7, York City Archives. The theme that a petition would injure Atcherley who would otherwise win at the next election is repeated in a letter of 16 November 1837 (ACC93/8). However, in another letter (2 December 1837) Holeby wrote, "Who can blame you for taking any legitimate means to obtain that Seat which you ought to have had," (ACC93/15).

² Report from the *Select Committee on Controverted Election Fees; With the Minutes of Evidence, and Appendix*, 1837-8 (50) X and 1860 (329) X.

³ Craig, *Electoral Facts*, p.173 and Seymour, *Electoral Reform*, p.189-93.

Year of election	Constituencies where election voided	Constituencies where MP(s) replaced by a defeated candidate	Comments
1832	Hertford (2), Oxford City (1), Stafford (1?), ¹ Tiverton (1), Warwick (1)	Petersfield (1), Salisbury (1), Southampton (1)	Hertford and Warwick's writs were suspended.
1835	Ipswich (2)	Canterbury (1), Windsor (1)	
1837	Bedford (1), Marylebone (1)	Evesham (1), Hull (1), Ipswich (1), Norwich (1), Petersfield (1), Shaftesbury (1), Tynemouth (1)	
1838	Maidstone (1)*	Devizes (1)*	
1839	Cambridge (1)*, Ludlow (1)*, Totnes (1)*		Totnes was a double return
1841	Ipswich (2), Newcastle-under-Lyme (1), Southampton (2), Sudbury (2)	Clitheroe (1), Lewes (1), Lyme Regis (1), Marlow (1), Thetford (1), Wakefield (1), Weymouth (2), Wigan (1)	Sudbury's writ was suspended. It was disfranchised in 1844. Thetford was a double return.
1842	Ipswich (2), Nottingham (1)*	Newcastle-under-Lyme (1)*	
1843	Durham (1)*		
1846		Bridport (1)*	
1847	Aylesbury (1), Bewdley (1), Carlisle (2), Cheltenham (1), Derby (2), Great Yarmouth (2), Harwich (1), Horsham (1), Lancaster (1), Leicester (2), Lincoln (1), Rye (1)*		
1848	Cheltenham (1)*	Horsham (1)*	

The number after a constituency name denotes the number of MPs unseated. An asterisk indicates that it was a by-election.

Table 5.1: Successful English petitions 1832-50²

Part of the problem was that petitions were considered by a committee of MPs. Though the details of how they were picked and how they worked changed several times in 1800-50 several problems, inherent in such a set-up, remained. Committees were heavily biased towards, and for much of the period legally constrained to, looking at matters shown to have directly affected the return. Their investigative ability could be thwarted by parties compromising on their differences or allegations for mutual benefit, such as lessening the costs.³ Even without collusion, the presentation of a petition did not, and could not, lead to a general

¹ It was probably only R.H. Gronow's election that was voided, though some sources imply that W.F. Chetwynd's election was also voided.

² In addition, some MPs stood down in the face of a petition: p.159 n3. Also a Gloucester MP who saw off a petition in 1838 nevertheless resigned and (successfully) fought the subsequent by-election.

³ Not all deals were nefarious. Desires to reduce expense and minimise strife occasionally expedited justice. For example, the four candidates for Leeds in 1841 agreed to compile a common list of dead and removed electors, to compare with actual voters. If this comparison were to show that someone had been unduly elected then the "bogus" winner(s) would not vote in Parliament and all parties would agree before an election committee to the striking-off of these votes. If the committee did not agree to end proceedings then (so minimising extra costs) the "bogus" winner(s) were to take the Chiltern Hundreds: Warde Aldam MSS, DDWA/P/25, Doncaster Archives.

Further, some deals included MPs standing down, as with the resignation of MPs for Bridgnorth (1838), Woodstock (1838), Great Yarmouth (1838), Bridport (1841), Nottingham (1842) and Weymouth and Melcombe Regis (1847). These are all the cases of such deals I have traced for 1832-50. Also a Sudbury MP resigned in 1837 following upon a

(continued)

investigation of all possible illegalities at that election in question. Thus, for example, if a defeated candidate who bribed brought a petition his activities could not be investigated, unless there was a counter-petition or if his petition had been to get the seat rather than void the election.¹

Even within this limited remit, committees often performed poorly. An 1836 criticism of the petition system claimed,

Nothing, we admit, can be more variable than Election committees. We have not only known two of them dispose of the same case differently, in different sessions, but the very same case adjudicated by the same identical committee in two contrary ways. These were extreme cases, but ...²

This was not a lone voice. The expert Mr. Manning commented,

In looking through the decisions of committees of the House of Commons with reference to the subject of alms it appears very difficult to extract any definite principle of general application. This is not to be wondered at, when it is considered how little committees are bound by precedent or authority.³

The confusion of thought and decision was exacerbated by the mixing of points of fact and law, and by the mixing of statute and common law, and criminal and civil law. There was no court-like division between judge (matters of law) and jury (matters of fact).⁴ As Corbett and Daniell claimed:

This mixture of matter [of law and fact, statute and common] renders the task of the Reporter more difficult than it would have been if he had simply to report the proceedings of a trial at *Nisi Prius*, or an argument *in Bank*, in which the subject of discussion is generally reduced to a few distinct points.⁵

In May 1838 William Wilberforce (junior) was unseated as Hull's MP on petition. He published an attack on the election committee system, arguing it was biased, though he conceded that cases of palpable injustice were rare and rulings were occasionally made across partisan lines.⁶ The cause of problems, he wrote,

... is not, that is to say, the fruit of incorrigible want of principle in those who occupy the seat of judgement, and it must therefore spring from some fault in the constitution of the court. The machinery needs readjustment, and not the judges [MPs] deprivation.⁷

(..continued)

pre-poll agreement that if two candidates of either party were elected, one would resign. On one other occasion a deal was made for an MP to stand down, but they were not able to resign: see p.201

¹ P.A. Pickering, *Remarks On Treating And Other Matters Relating To The Election Of Members Of Parliament And On Some Recent Decisions Of Committees Of The House Of Commons*, James Ridgway, London, 1849, p.60. However, 5&6 Vict. c.102 (1842) allowed committees to request powers to make wider investigations of bribery in limited circumstances.

² *Controverted Elections*, p.19-20.

³ A.J. Stephens, *A Practical Treatise On The Law Of Elections; With Directions For Candidates, Electors, Agents, Returning Officers, Overseers, Claimants, And Objectors; And An Appendix, Containing The Statutes For England, Scotland, And Ireland, With Notes; The Boundary Act; And Forms Of Indentures, Precepts, &c. &c.*, first volume, Shaw and Sons, London, 1840, p.382.

⁴ Libel was one of the few exceptions to this, and indeed libel cases produced many complaints regarding inconsistency and competence.

⁵ U. Corbett and E.R. Daniell, *Reports Of Cases Of Controverted Elections, In The Sixth Parliament Of The United Kingdom*, J. and W.T. Clarke, London, 1821, p.iii.

⁶ W. Wilberforce, *The Law and Practice of Election Committees, in a Letter to the Electors of Hull*, James Fraser, London, 1839.

⁷ Wilberforce, *Election Committees*, p.5.

Committee members had to combine the role of judge and jury and often lacked experience in such matters. Judges could protect juries from the skills of advocates; no such protection existed for election committee MPs. So, Wilberforce asked,

Who will not confess that, in the mutual counteraction of opposing forces, the latent, but constantly existing bias, will generally determine the direction of judgement?¹

This point was also made in the aforementioned 1836 criticism.² It is unsurprising that MPs, facing legal confusion, relied on partisan instincts to sort through conflicting claims regarding fact, statute law, common law, precedence and tradition. As the *Quarterly Review* pointed out in 1843, there was no-one for an election committee to ask direction of if it were puzzled on a matter, no scope for appeal if an error were made in legal interpretation, nor scope for correction of factual errors.³

Not only were decisions often made under difficult circumstances, but the basis on which they were made was often unclear. Wilberforce gave the committee Chairman's response to a request to explain the grounds for one particular decision:

The chairman stated that if all the committee had taken one view of the subject, he should have been very glad to give an answer to the question, but as different members of the committee laid stress on different parts of the evidence, it would be difficult for him to state the precise grounds on which the decision of the committee had proceeded.⁴

Not only were election committees unlike juries in that simple majorities sufficed, but the compacting of several issues into one vote meant decisions could be reached without there being a majority in favour of anything. For example, a majority might think a voter innocent of treating, and a majority might think a voter innocent of being a paid agent, but if there were one vote on whether he were guilty of any misdemeanour there could be a majority in favour.

Many of the problems for petitions resulted from them being judged by MPs - MPs moreover who frequently only did the job once in their career and who might do it reluctantly given the time consumed, and certainly without pay. Though inimical to efficiency these conditions are unsurprising. Given the Commons' history, with its struggles to determine its membership for itself, suggestions to allow outsiders to rule on petitions were not popular. Having a limited pool of MPs to judge petitions might have allowed a body of expertise to accumulate, but random selection avoided bias in the selection process whilst also preventing controversy over the circumstances of the selection of a particular committee. In addition to the lack of expertise, the lack of continuity meant an absence of identity between individual MPs and the quality of committees' decisions, resulting in little incentive for MPs to ensure their committee produced a high quality result. Discontinuity also bred inconsistency. As one commentator put it, defects in laws were greatly aggravated by, *inter alia*, "the extreme uncertainty which prevails in the interpretation of them."⁵

¹ Wilberforce, *Election Committees*, p.12.

² *Controverted Elections*, p.20-1.

³ *Quarterly Review*, March 1843, Volume 71, p.480-4.

⁴ Wilberforce, *Election Committees*, p.25.

⁵ Pickering, *Remarks On Treating*, p.2.

There were various fudges tried to circumvent these problems; for example, Buller's bill proposed having legally informed assessors appointed by the Speaker.¹ An alternative tack was that taken in Peel's bill, to have the Speaker appoint a general committee of six MPs who would then play a major, but not sole, role in the petition process. Similarly Wilberforce in his attack mentioned the possibility of cutting the size of committees so that its members would be more clearly responsible for its decisions. Yet, at heart, Peel's 1842 dictum was not challenged, namely that,

We must take care that we do not throw upon the public the charge of investigating matters of personal rather than public concern. There will be a prevalent desire to shift the whole burden of *mere* [my emphasis] election trials to the public purse.²

Some reforms occurred. At the time of Wilberforce's complaint, parties had to exchange some information as to what allegations they would be making. But, it was only necessary to exchange the names of voters and the broad category of allegation. Categories as broad as "bribed" were acceptable, and the lists had to be swapped only five or ten days before consideration of the petition.³ This made it hard to prepare apposite counter-evidence in time, as with the case of John Savage and the Hull petition. Wilberforce had got advance notice that he would be accused of accepting a bribe, but there was no advance warning that he was going to incriminate himself and no adjournment was allowed to summon the alleged briber as a witness. The problems of preparing evidence were exacerbated by the volume of objections: 836 of the 1514 votes cast for Wilberforce were objected to, but just 23 of them had only one objection lodged against them - 22 had 2, 559 had 3, 108 had 4, 114 had 5 and 10 had 6. All this also worsened the problems of the cost of having witnesses come to London, and possibly have to wait around for several days. Even worse, procedural pedantry often accompanied this procedural inefficiency and incompetence. So, for example, Wilberforce's list of objections was rejected as the Christian name of a party to the petition was recorded wrongly.

Despite these problems though, as Table 5.2 shows, petitioning did result in many investigations. Whilst the process was rather hit-and-miss, and did require large sums of money to operate, it did work after a fashion. The national and Yorkshire pictures suggest that petitions tended to come from constituencies that predated 1832 and had a small electorate and/or a large proportion of ancient-righters on their registers.

¹ Though this post was sometimes an object of party attention; indeed votes on the appointment of the Speaker are a favourite choice for those wishing to analyse partisanship in Commons voting records.

² W.B. Gwyn, *Democracy and the Cost of Politics in Britain*, Athlone Press, London, 1962, p.87.

³ It was ten days for English and Welsh counties, and for all of Scotland. This was partly laid down by 53 Geo.III c.71 (1813), which had tightened matters up for England and Wales.

Constituency	Year of election	Comments
Aldborough	1820	Failed challenge to the franchise and claiming corruption and misbehaviour by Returning Officer.
Beverley	1807	Failed allegations of corruption.
Beverley	1819	Failed allegations of Returning Officer misbehaviour and candidate lacking appropriate qualifications.
Beverley	1826	Alleged candidate not properly qualified. Discharged when recognizances not entered into.
Beverley	1837	Alleged corruption. Discharged when recognizances not entered into.
Boroughbridge	1820	Two petitions alleging Returning Officer impersonated and wrong return made. Also touched on form of franchise. Two MPs replaced by two defeated candidates.
Boroughbridge	1821	Two petitions regarding franchise ruling made above. New franchise ruling made.
Boroughbridge	1830	Failed allegations of Returning Officer misbehaviour and improper interference of a peer.
Halifax	1835	Failed allegations that some votes wrongly rejected and others wrongly accepted.
Halifax	1835	Failed claim that election should be voided because of rioting at the election. As with previous petition failed because of failure of petitioners to turn up at the right time.
Hedon	1820	
Huddersfield	1837	Two failed petitions for inquiry into presence of soldiers at election in contravention of the Commons resolution of 22 December 1741.
Hull	1802	Three failed petitions alleging corruption. Failed as recognizances not entered into.
Hull	1819	Alleged Returning Officer misbehaviour and corruption. Failed as recognizances not entered into.
Hull	1826	Alleged corruption. Failed as recognizances not entered into.
Hull	1835	Failed claim that some votes wrongly accepted.
Hull	1835	Failed petition alleging corruption and personation. Had it not been for the costs involved it probably would have been pursued to a successful conclusion.
Hull	1837	Successfully unseated Wilberforce by alleging that some votes improperly rejected and others improperly accepted. Also claimed corruption and that Wilberforce was not qualified to be an MP.

Table 5.2: Yorkshire petitions 1800-50

Hull	1838	Failed petition from several voters opposing the striking-off of their votes following the above petition.
Knaresborough	1804	Called for Attorney-General to prosecute 7 people. Six were tried in August 1805 for rioting and preventing the conduct of an election; three were convicted and three cleared.
Knaresborough	1830	Committee appointed 21 April 1831 but Parliament dissolved before report.
Knaresborough	1832	Petition withdrawn.
Malton	1807	Petition allowed to lapse.
Malton	1807	Petition allowed to lapse.
Malton	1808	Successfully voided election.
Pontefract	1813	Failed allegations of Returning Officer misbehaviour and corruption.
Pontefract	1826	Failed allegations that some votes wrongly rejected, corruption and a candidate not qualified to be an MP.
Pontefract	1830	Failed allegations of corruption.
Pontefract	1837	Alleged corruption. Failed as recognizances not entered into.
Pontefract	1838	Failed call for investigation into practice of paying head money.
Ripon	1833	Failed call for election to be voided because of disorder and error in register.
Wakefield	1841	Two petitions. MP unseated for also being Returning Officer. Also alleged that some votes unduly accepted.
York	1834	Alleged candidate not qualified to be an MP. Failed as recognizances not entered into.
York	1835	Two petitions. Failed allegations of drunkenness and corruption.

Table 5.2: Yorkshire petitions 1800-50

5.6 Electoral legislation

There was a large amount of legislation passed by Parliament in 1800-50 regarding elections. There was also a large amount that did not pass.¹ While many of the measures are not of great interest or importance - for example, the formal renewal of legislation or the location of elections in Glamorgan - there is a constant stream of legislation tackling the major contemporary questions of cost, undue influence and how investigations should be carried out.

There was more legislation on controverted elections after 1832 than before. While it is tempting to see this as evidence of the 1832 legislation's failure to achieve its stated aims, there is another explanation. An 1839 Act² had an expiry date on it, and required regular renewal. Only in 1848 were expiry dates abandoned.³ These renewals rarely included significant changes to the legislation. More significant was the

¹ Appendix 8 lists all the electoral legislation which reached that statute book in 1801-67.

² 2&3 Vict c.38

³ 11&12 Vict c.98

increasing tendency for legislation to subsume most, if not all, previous legislation on that topic. This, in a somewhat haphazard and limited way, produced some codification of the law (or rather, of statutes; common law and precedents were another matter). Some of the legislation also became clearer, due to measures such as increasingly useful (and more accurate!) marginal notes, the introduction of clause numbers in bold and more professional drafting. The simplification was, though, limited even by the end of the century:

The changes made by these acts [1832, 1867 and 1884] have been very great, but the law as a whole has never been codified or restated; one has still to consider the law as it stood before these acts and to see exactly in what respects it has been modified by them, also to see how the earlier acts have been patched and tinkered by the later.¹

Electoral contests were largely conceptualised as private affairs. The state might lay the groundwork, but it was up to candidates, agents or voters to take further action. For example, the Returning Officer might be sued for damages by an aggrieved party. A major problem was that partisan political motives, rather than a desire to ascertain the truth or enforce the law, dominated. Petitioning was restricted by fears of raking-up one's own dubious activities and political calculations as to whether a petition, even a successful one, would be politically advantageous. And, as a further disincentive, petitioning involved heavy costs. These problems were reflected in gradual, haphazard moves to restrict the ability to withdraw a petition as part of an inter-party deal, to make petitioning more effective by allowing corruption to be investigated without agency first being proved,² to widen the grounds on which a petition could be made³ and to allow for the setting up of election commissioners.

The stream of legislation contained serious attempts to tackle the problems perceived by legislators. The system was not inflexible. Even in the early nineteenth century there was tinkering aplenty. The main obstacle to change was often the House of Lords - particularly when it came to suggestions to disfranchise somewhere. There was, though, a certain lack of imagination by Parliament. As Section 5.7 shows there was a great diversity of "secret" voting systems used in non-Parliamentary elections, in contrast to their absence from Parliamentary elections. Without conceding the full-blown secret ballot, there were other steps that could have been taken. Similarly, the problem of treating could have been limited by curbing out-voting by permitting proxy voting, as was allowed in a variety of other elections.⁴

Despite the numerous complaints regarding the registration procedures (or the problems of proving a qualification pre-1832) there was little legislation, or attempted legislation, regarding it. Partly this was because much of the problem lay not with the law in theory, but the law in practice. For example, the 1865 amendment to the registration system required Overseers to be reminded every year as to what they were

¹ F.W. Maitland, *The Constitutional History Of England*, Cambridge University Press, Cambridge, 1908, p.352.

² 4&5 Vict. c.57 (1841) allowed evidence regarding bribery to be taken without it first being necessary to prove that the alleged briber was acting as agent for a candidate. Allowing this evidence to be taken made it easier to subsequently prove agency.

³ Principally due to 5&6 Vict. c.102 (1842), which allowed petitions alleging general bribery. The act also allowed election committees to examine the cause of the abandonment of petition allegations, and to recommend an inquiry if a corrupt compromise was believed to have taken place. This mechanism was, though, only used twice in 1842-62.

⁴ 1834 Poor Law Amendment Act and the 1848 Public Health Act.

meant to be doing.¹ This was part of a long struggle with overseers; thirty years earlier an act had even had to be passed to permit registration to go ahead, despite their errors.²

The volume of legislation fluctuated greatly. This was only between zero and six acts a year, yet it is notable that the surges of legislation in 1801-3 and the 1840s both followed major constitutional upheavals, the Act of Union and Parliamentary Reform respectively. In both cases there were many loose ends to tidy up. This is unsurprising given the electoral system's complexity. For example, the standard late eighteenth-century reference works on county and borough elections respectively indexed 323 and 365 legal cases, along with 26 and 36 statutes.³ A flavour of the technical difficulties, let alone political difficulties, involved in reforming this system was illustrated by the problems with urban penetration (p.132-142).

There were persistent attempts to improve the system. Within the frame of reference used by legislators bills were often well thought out and possessed a reasonable chance of success. There were, though, many problems to overcome. For example, 6&7 Vict. c.18 (1843) was a collection of technical problems with the 1832 system, such as whether the 7 mile residence limit encapsulated in the 1832 legislation should be measured as the crow flies or the highway-man walks.⁴ Faced with eager political activists even the most diligent and expert legal draftsman had little hope of covering every possible ambiguity and loophole.⁵

There was an increasing tendency to centralisation. It came in two forms - increasingly detailed instructions to local officials to ensure they did their jobs properly, and a move towards Government concern for the electoral system rather than aggrieved individuals. Changes were dominated by attempts to make the system work as it "should" - e.g. remove undue influence, or get on to the register those who should be there - rather than to change it fundamentally.

5.7 Use of the secret ballot and similar voting systems

The secret ballot question in the nineteenth century is somewhat odd. For several years in the 1830s it was a major issue, with there being a significant chance in the eyes of contemporaries that a change in the law would soon occur. Given that it was a matter of real debate, and there were minds to be swayed on it,

¹ 28&29 Vict c.36

² 6&7 Will.4 c.101

³ S. Heywood, *A Digest Of The Law Respecting County Elections. Containing The Duty And Authority Of the High Sheriff, From The Receipt Of The Writ To The Return Thereof; And The Mode Of Proceeding At County Elections, Whether Determined By The View, The Poll, Or The Scrutiny. Together With, The Qualifications, And Personal And Other Disqualifications, Of The Voters*, Joseph Johnson, London, 1790, and S. Heywood, *A Digest of so much of the Law respecting Borough Elections, As Concerns Cities and Boroughs In General, Their Representation, And Returning Officers; The Carriage and Delivery of the Writ; The History, From, Conveyance, and Delivery of the Precept; The Duty of the Returning Officer, previous to the Election; The Form and Effect of Decisions and Last Determinations; The Right of Electors for Boroughs in general, And of Burgage Tenants, Freeholders, Leaseholders, and Copyholders in particular*, J. Johnson, London, 1797.

⁴ This was settled in favour of crows by 6&7 Vict. c.18 (1843).

⁵ Another example of the important yet obscure technicalities is that of house numbers. In *Bartlett versus Gibbs* (1843) it was ruled that if a street had house numbers, then house numbers had to be included in electoral register entries (else the description of properties was legally not adequate). However, whilst a revising barrister could usually amend a register entry in order to add a house number, he could not do so if an objection had been lodged against that entry. This was reversed in 1846 (*Lucknett versus Knowles*), which allowed revising barristers to alter entries even if they were objected to.

one might reasonably assume that the arguments used in the Commons were ones people thought would be persuasive. These arguments often revealingly touched on aspects of ritual, as with claims that openly declaring a vote was part of being a fine, upstanding, free Englishman. However, many other arguments, such as that the ballot was un-English and impractical, were argued as if the secret ballot was not already being used in England for other elections. However, the secret ballot was in fact being widely used for elections well before 1830.

The systems considered here were not all straight forward secret ballots. Some were variations on the theme, using different techniques to achieve one (or more) of the claims that the secret ballot made and ranging from genuinely to partially or occasionally secret. Although Vernon has noted the existence of some of these, and claimed they were significant, he goes little further.¹ As he implies, it is highly misleading to concentrate only on the *secret* ballot for *Parliamentary* elections. There was a far richer and wider debate over electoral systems, with secrecy being only one part. This is not surprising if one remembers that secrecy for secrecy's sake was hardly ever employed as an argument. Rather, secrecy was seen as a (possibly unpleasant) cure for other problems, such as undue influence, and other cures to these problems were also discussed.

Secret ballots were used in clubs and indeed the phrase "black balled" comes from the use of black balls in such ballots. Book clubs also used ballots for selecting new members and new works.² More significantly, some English towns started using the ballot in the fourteenth century. In Lancaster it was normal by 1362, in Norwich by 1415, in London in the sixteenth century and in 1637 Charles I forbade corporations to use it after the Merchant Adventurers had thereby elected men he disapproved of. Not everyone obeyed this ban.³ James Harrington's *Common-Wealth of Oceana* described a mythical state which used a secret ballot and three months after his death in 1677 Lymington borough decided to use a version of his system. However, this only lasted seven weeks, possibly because of monarchical disapproval.⁴ Other advocates at the time included the first Earl of Shaftesbury.

The *Eighteenth Century Short Title Catalogue* contains few items with "ballot" in their title, and many refer to American elections.⁵ However, two of these are insightful. The first, from 1701, uses "ballot" (without the word "secret") on the first page, without explaining the term. This suggests that as early as 1701 the use of the secret ballot, or at least arguments over its use, were common enough to make "ballot" in itself a clear and meaningful phrase.⁶ (It is clear that "ballot" does mean "secret ballot" from other comments, such as the criticism of the idea that the "vote of every Elector [be] known to all the World," and the comment that

¹ Vernon, *Politics And The People*, p.276-302.

² 1835 (547) VIII, p.189-90.

³ B. Keith-Lucas, *The English Local Government Franchise: A Short History*, Blackwell, Oxford, 1952, p.140-2.

⁴ S. Hyland, *Curiosities from Parliament*, Allan Wingate, London, 1955, p.159-62.

⁵ Though as American was a colony for the bulk of the eighteenth century, the presence of "ballot" in political discourse regarding American governance is still significant for British purposes.

⁶ *Enquiry Into The Inconveniences of Public, And the Advantages of Private Elections, With the Method of a Ballot*, A Baldwin, London, 1701. It supports the secret ballot for Parliamentary elections, and also for (London's) Common Council, arguing the latter should take a lead in spreading use of the ballot.

a voter is, “expos’d to the Influence of a great many Passions, which cou’d not move him, if his Vote was known to none, but himself.”)¹

The other, from 1705, also uses “ballot” without using “secret” and without explaining the term.² Other parts of the work, again, make it clear that “secret ballot” is what is meant. It also highlighted some who had used the ballot in England: the Lords, and companies and other financial organisations (notably the East India Company). Somewhat plaintively it then states,

We cannot suppose the People can value a little Drink more than their Birthrights, or that they are ignorant that they have often paid dear enough for a drunken Bout or two with their Votes, that they should be so fond of an old Custom, as not to let it go for the greatest Advantage.³

Whilst it goes on to describe “the Method of the Ballot” at some length this does not invalidate my key argument. That the method needed describing certainly suggests that “ballot” was not *that* commonly understood. However, that “ballot” rather than “secret ballot” sufficed as the descriptive label for this method of voting also strongly suggests that “ballot,” in contexts such as these, can be taken to mean “secret ballot.” If this were not the case, then why did the work only use “ballot”? This is particularly so as the work also refers to the use of “the Lot” (p.8, 10). Had “ballot” been ambiguous this would have made matters most confusing. Thus where we find “ballot” on its own it can, in contexts like these, be taken, with some confidence, to mean “secret ballot.”

Even the Commons occasionally used secret voting. The *Journal* for 12 April 1694 notes that the Commons selected seven people to be Commissioners on a matter after voting by “lists given in by the Members of the House.”⁴ A similar procedure was used on 20 April 1711, when the *Journal* uses “ballot” to describe this procedure.⁵ The same procedure was used the following day when, “The Clerk, and Clerk Assistant, went on each Side of the House with Glasses, to receive from the Members the Lists.”⁶ On 29 March 1742 a tie resulted from such a procedure, which the Speaker had to resolve. The *Journal* records, “Mr. Speaker said, That ... having ever disliked the Method of Ballot, except in Cases of Necessity; the Openness of acting here, being, in his Opinion, one of the great Pillars of Security to the People.”⁷

The Commons also briefly used the ballot to settle election petitions. On 18 February 1707 a resolution was passed that, “all Questions at the Trial of Elections shall, if any Member insist upon it, by determined by Ballot.”⁸ A report four days later on the method to be used, involving balls and a box, makes

¹ *Enquiry Into The Inconveniences of Public, And the Advantages of Private Elections*, p.4. The book’s full title, and p.16, are also highly suggestive.

² *The Patriot’s Proposal To The People of England Concerning The Ballot, The best way of choosing their Representatives in Parliament*, London, 1705. Given the nineteenth-century denunciations of the secret ballot as being un-English, it is interesting to note the stress on patriotism and making England a better place in this *pro*-ballot work.

³ *Patriot’s Proposal*, p.7.

⁴ Volume 11, p.158.

⁵ Volume 16, p.606.

⁶ Volume 16, p.609.

⁷ Volume 24, p.154.

⁸ *Journal*, Volume 15, p.551.

it clear that “ballot” here meant secret voting.¹ The possible use of the ballot was abandoned on 22 November 1708.²

Though in the case of my above examples, the context and/or corroborating detail makes it clear that “ballot” was being used as in “secret ballot,” this is not always the case. If “ballot” was used on its own, it arguably should be interpreted as meaning “by lot” rather than “secret ballot.” For example, Parliament did use lots on occasion, as with the selection of Grenville election committees. The word “ballot” has a somewhat opaque history. For example, the *Oxford English Dictionary*,³ gives *inter alia* the following definitions:

1. A small ball used for secret voting; hence, by extension, a ticket, paper, etc. so used (first use 1549).
2. The method or system of secret voting, originally by means of small balls placed in an urn or box (first use 1549).
3. A method or drawing lots by taking out small balls, etc., from a box; hence general lot-drawing (first use 1680).

Similarly, the verb “ballot” is given as both meaning secret voting and drawing of lots, and a “ballot-box” is “a box in which voting ballots are deposited, or from which, in drawing lots, small balls are taken out.” Picking names by lot was a well established method, dating from at least Athenian times when lots were used to fill many offices. Some of the money distributed under Queen Anne’s Bounty was allocated by lot. The names were “drawn in the same manner as the State Lottery.”⁴ Ballot as lottery first appeared on the statute book in eighteenth century legislation regarding the militia, for which men were to be chosen “by Ballot out of the List returned.”⁵

It is possible that where “ballot” is used, in conjunction with who could vote, that an election process existed whereby names were put in a box, and then one, or more, names were drawn to indicate the person(s) chosen. Similarly, ballot or voting papers could be used *without* votes being secret, though the details of electoral administration may have produced *de facto* secrecy. (Likewise, though, almost any voting procedure could be put into practice in a manner so as to produce *de facto* secrecy).

For example, the Birmingham Poor Law Guardians were elected by votes marked on “tickets” (ballot papers) which also contained the voter’s name. Tickets were handed in and counted. Depending on the attitude of officials and access to the submitted tickets, this could, but did not necessarily, mean that voting was secret.⁶ This uncertainty was not unique to Birmingham. As the Poor Law Commissioners’ report put it, “the votes shall be given or taken in writing, collected and returned in such manner as the said Commissioners shall direct.” Their directions were, “that voting papers ... shall be left by parochial officers

¹ *Journal*, Volume 15, p.559. An example of the actual use of this system was the Ashburton election petition, 26 February 1707: p.577.

² *Journal*, Volume 16, p.7.

³ CD-Rom version, 2nd edition, 1992.

⁴ A. Savidge, *The Foundation And Early Years Of Queen Anne's Bounty*, S.P.C.K., London, 1955, p.56 and p.60-1.

⁵ Though “lottery” had appeared in other legislation, such as 30 Geo.II c.5 (1757) which set up a national lottery, this legislation did not use the word “ballot.”

⁶ 1835 (547) VIII, p.103 and p.248-9.

at the house of each rate-payer.”¹ The exact means of collection determined the degree of secrecy, but they were not specified.

Before that, the corporation of Pontefract’s charter stipulated the use of the secret ballot to elect the Mayor; the charter was adhered to, and burgesses wrote (or caused to be written) a name on a piece of paper (which was not to have the voter’s name on it) which was then placed in a bag or box with the ballot papers being burnt after the count.² Ripon’s corporation was also elected by ballot, though without any requirement in its Charters.³ The Municipal Corporations commissioners reported that,

The Lights [i.e. those nominated] are presented to the assistants, a majority of whom choose one of the Lights for mayor. This and all other elections are by ballot.⁴

The phrase “a majority of whom” strongly suggests that election by lots was not what was happening.

Soham, Cambridgeshire, elected its parish officials and surgeon by secret ballot, and, intriguingly, on at least one occasion use of the ballot was only decided upon at the last moment, upon the suggestion of a friend of a candidate.⁵ The Corporation of London only stopped using a secret ballot in its Common Council shortly before 1835. Both Portsmouth and Wisbech corporations used the ballot.⁶ For Portsmouth, the Municipal Corporation Commissioners recorded a method of nominating candidates for mayor and electing justices that involved some secrecy and also the use of a secret ballot method with balls for actually electing the Mayor.⁷ Of Wisbech, the Municipal Corporations Commissioners reported, “The votes remain unknown, and the secrecy appears to give general satisfaction.”⁸ But, a historian of Wisbech described the method of election as, “rather singular and unusual, and indeed has been called whimsical.” Each elector went to the hustings to vote and was, “entitled to make one mark against any name on the poll list.”⁹ All these marks accumulated on one list. It is unclear from this whether voting was secret, and if they were then at least the second voter would know how the first had voted! The Commissioners also found the ballot being used in Boston, Deal, Lincoln, King's Lynn, Rochester, Romney, Southampton¹⁰ and Swansea.

¹ *First Annual Report Of The Poor Law Commissioners For England And Wales*, W. Clowes and Son, London, 1835, p.25-6.

² The Charter was 4 James 1. *Appendix to the First Report of the Commissioners Parts I-IV*, 1835 (116) XXV-XXVII, Part 3, p.1674.

³ 1835 (547) VIII, p.199 and Ripon Charters 2 James 1 and 2 James 2.

⁴ 1835 (116) XXV, Part 3, p.1708.

⁵ 1835 (547) VIII, p.16-17. The witness did not give a date, but from the context it would appear that it was a recent, if not a continuing, practice.

⁶ 1835 (547) VIII, p.106-7.

⁷ 1835 (116) XXV, Part III, p.803-5. The secret ballot was used from at least 1680, if not earlier. The actual use of it is confirmed by the instruction for conducting elections in CE 3/52, Portsmouth City Records Office.

⁸ 1835 (116) XXV, Part IV, p.2552.

⁹ W. Watson, *An Historical Account Of The Ancient Town And Port Of Wisbech, In The Isle Of Ely, In The County Of Cambridge, And Of The Circumjacent Towns And Villages, The Drainage Of The Great Level Of The Fens, The Origin Of The Royal Franchise Of The Isle Of Ely &c.*, II. and J. Leach, Wisbech, 1827, p.228-31.

¹⁰ Under the local act 13 Geo.III c.50 (1773) regarding the Guardians of the Poor.

The Whitehaven harbour trustees were elected by ballot,¹ and St Martins-in-the-Fields, for the election of Poor Law guardians, distributed ballot papers to electors. This is a good example of the problem of defining “secret” - the ballots had to have the voter’s name on the back, but they could be sealed and if they were counted face up would then remain secret. Essentially, the behaviour of officials determined its secrecy.² St Matthew, Bethnal Green, used the ballot, without any apparent statutory requirement.³ The situation was the same for St Luke, Chelsea.⁴

Hobhouse’s Select Vestry Act,⁵ with its provision for the secret ballot was amongst others taken up by Marylebone, St Pancras and St George, Hanover Square. In the latter two, coloured ballot papers were prepared by each side.⁶ For St Mary, Newington (Surrey), the statutory position was permissive. The local act of 1814 stated that vestry elections were to be conducted, “by Poll or Ballot, or in such Way of Election as shall be deemed most proper and convenient.”⁷ There is some difficulty over language here, as it is arguable exactly what “ballot” meant. No details of the electoral mechanics were given, but clause 75 described using a ballot, under some circumstances, to decide which creditors the parish should pay. The description here makes it clear that, at least for the purposes of this clause, “ballot” meant drawing by lot. Certainly the lack of mechanical detail suggests that the meaning of “ballot” was well understood and indeed that its operation was not a rarity. The real problem is deciding whether “ballot” meant “by lot”. Although clause 3 states who “shall be entitled to a vote, or have Voice at or in any Vestry” this does not make it clear what “ballot” meant, as a pedant with missionary zeal could argue that the number of votes a person had was the number of bits of paper they could put into the lottery.

The situation for Paddington is clearer. Here, the local act of 1824 was explicit, stating that vestrymen were to be elected,

by Ballot, by putting the Names of the Persons to be voted for by each Elector into a Balloting Glass or Box, to be afterwards drawn out, and the Number of Votes for each Person determined by Scrutineers ... and each Inhabitant and Occupier, ..., qualified as hereinafter mentioned, shall be entitled, on such

¹ The local act 22 Vict. c.14 (1859), clause 19 stated that, “any Five Voters may then and there ... demand a Poll, which shall be taken by Ballot.” Although clause 22 provides for deciding (by lots) an election which results in a tie, this is not conclusive evidence that “Ballot” here does not refer to election by lots as this may simply have been a provision that covered the possibility of a tie resulting from a poll which was not by ballot.

² Information on methods used from 1835 (547) VIII, p.427-31.

³ The local act 53 Geo.III c.113 (1813) required 3 Geo. III c.41 and 13 Geo. III c.53 [need to check] regarding the filling of vacancies amongst governors and directors of the poor. Also, clause 37 required the use of picking by lots to select which creditors to pay off, under some circumstances, and although the lottery method is clear from the description of the mechanics to be used, the whole process is labelled as a ‘ballot’. The local act 4 Geo.IV c.21 (1823) repeals the parts of previous legislation dealing with the re-appointment of governors, directors of the poor and vestrymen. The replacement system included clause 9, which stated, “Elections for Vestrymen and all other Questions shall be determined by a Shew of Hands, but whenever a Shew of Hands is not satisfactory, a Ballot may be demanded, and acted upon accordingly.”

⁴ The local act 1-2 Geo.IV c.67 makes no mention of whether lots, ballots, shows of hands or anything else should be used, although clauses do cover the selection of vestry committee-men (especially clause 2) and auditors (especially clause 43).

⁵ 1&2 Will.IV c.60 (1831).

⁶ E.g. 1835 (547) VIII, p.497.

⁷ The local act 54 Geo.III c.113 (1814), clause 3.

Ballot, and on all other Ballots for the Election of Vestrymen as herein-after provided, to the same Number of Votes as are authorised under [58 Geo. III c.69].¹

Though this is not a description of election by lot, clause 129 talks of using the ballot to decide which borrowed monies should be paid off, which suggests in this context selection by lot. It appears likely that “ballot” was used with a variety of different meanings, but that contemporaries knew which was to apply in certain circumstances.

By the 1830s many were using “ballot” to mean “secret ballot,” and not, for example, drawing by lots. Indeed “the ballot question” was one of the most common, if not the most common, ways of referring to arguments over whether or not secret ballots should be used in Parliamentary elections.² This suggests that simply using “ballot” was considered to be sufficient to make one’s meaning clear. This cannot have been because there was only one use of the word that was current - we have seen the lottery use in clauses dealing with paying-off creditors - but only because in any given context there was only one current meaning.

If ballot did not mean lot, then this means the ballot, as conventionally defined, appeared on the statute book long before Hobhouse’s Act. Further, the lack of definitions of ballot suggests that it was sufficiently widespread in use - though not necessarily for Parliamentary or local elections - for this to be unnecessary. However, against this must be balanced the very detailed questioning over the mechanics of the ballot in other countries in many Commons committees of the 1830s and latter. Nevertheless, such a widespread use of the ballot would help explain why Hobhouse’s Act, and in particular its clause permitting the ballot to be demanded, slipped through with little debate.³ The passage of this secret ballot legislation is puzzling. It is not strange that Hobhouse, a radical, should have proposed the ballot, but it is strange that comment on, and opposition to, the proposal was almost completely absent. Yet the bill was not a trivial affair, the question of select vestries was long-running and frequently controversial, and debates over using the secret ballot for Parliamentary elections were frequently lively and prominent. The bill, which was originally introduced before the 1830 general election, did not pass until after the 1831 general election. It did not slip through quickly. Nor did it slip through without any attention. Wellington was recorded as, in one of its debates, referring to, “the excitement which at present existed on this subject.”⁴ However, the legislation apparently passed largely unnoticed. When Hobhouse presented the report of the Vestry Committee (1 April 1830), it was at 2:30am and with only one other MP present.⁵ The following February he recorded that, “I dined in Berkeley Square, and was too late at the House of Commons to bring on my Vestry

¹ The local act 5 Geo.IV c.126, clause 3. Clause 19 states that annual elections were to use this procedure, and clause 13 that it was to be used for the election of auditors.

² Another example is the letter from Henry Warburton to George Grote (an active Parliamentary supporter of the secret ballot) of 18 January 1831: H. Grote, *The Personal Life Of George Grote*, 2nd edition, John Murray, London, 1873, p.76-7. Warburton uses the phrase “ballot” without “secret,” though from the context it is clear that he meant “secret ballot.” There are other letters making the same point throughout the book, including one from Mrs. Grote to Mrs. Gaskell, 24 December 1836, p.109. It also refers to the “Ballot Union” and “hearty balloteers” (note the absence of “secret”).

³ *Hansard* appears not to have any mention of the secret ballot clause. For example, see the committee stage of 30 September 1831: *Hansard*, 3rd series, Volume 7, c.879-891.

⁴ *The Times*, 12 October 1831.

⁵ Lord Broughton [J.C. Hobhouse], *Recollections Of A Long Life: With Additional Extracts From His Private Diaries*, edited by his daughter Lady Dorchester, John Murray, London, 1910, Volume 4, p.14-15.

Bill, the only time I was ever too late in my life. A sad business!"¹ But it was not only his eating habits that the bill's timetable conflicted with. It also conflicted with the passage of the Parliamentary reform legislation. For example, Hobhouse's diary recorded passage of the committee stage at the same time as the Reform Bill was facing defeat in the Lords, and subsequently the rest of the vestry bill's passage through the Commons being overshadowed by the Lords again debating the Reform Bill.²

The normal explanation is that Parliamentarians were distracted by the Parliamentary reform debates. However, given that the possibility of the ballot was a factor in many of the rumours, and that the controversy led to a heightened interest in electoral reform, this argument is a little odd. A partial explanation may be that little attention was paid simply because using the ballot in local elections was already common.

Ballots continued to be part of local government. The Whigs' Municipal Corporation Reform permitted councillors, auditors and assessors to be elected by a method that required ballot papers to be cast. Such papers had to include voters' names and the location of their qualifying property.³ Thus this was not a secret ballot in the straight forward sense, especially as Clause 34 of the act permitted a voter to be asked, "Are you the Person whose Name is signed as *A.B.* to the Voting Paper now delivered in by you?" However, the degree of secrecy could approach that of a secret ballot, simply depending on the technicalities of how an election was conducted (e.g. what happened to the ballot papers, and who was allowed to see them).

All this makes somewhat odd the claims that the ballot was un-English, cowardly, sneaky or unmanly. It also makes somewhat baffling the extreme rarity of references to its use (except in English clubs) in Britain during debates over the introduction of the secret ballot for Parliamentary elections.⁴ There is a particularly striking contrast with the arguments over universal suffrage, where radicals and others were extremely ready, even eager, to delve into Anglo-Saxon history to provide historical roots for their contentions. Partly for this reason, Vernon is wrong to attach much significance to the ballot as a precedent, even in his rather skimpy description of early use of the ballot. If it was of significance why did contemporaries not mention it? And if one wishes to find a link between the early limited use of the secret ballot and its introduction for Parliamentary elections in 1872, it is necessary to explain why the seventeenth century dalliances with it did not produce such a result much earlier. Vernon does not explain.

Nevertheless, the existence of the ballot in so many forms and places illustrates the diverse nature of the electoral system, and the apparent ignorance of many MPs.

5.8 Who was to blame for bribery?

The question of where the blame should be allocated for bribery and corruption needs to be considered. Given the costs of elections, especially if contested, and particularly if they went to a poll, it is perhaps not surprising that the enthusiasm for spending money often came from members of the electorate

¹ Broughton, *Recollections*, Volume 4, p.85-6.

² 30 September 1831 and 3-6 October 1831: Broughton, *Recollections*, Volume 4, p.133-5. The report stage occurred at nearly 2:00am.

³ 5&6 Will.IV, c.76 clauses 32 and 37.

⁴ For example, the Commons debate on Grote's 1835 motion does not - as reported in *Hansard* - have any such references: *Hansard*, 3rd series, 2 June 1835, c.369-472.

rather than the disbursers of it. Indeed, on occasion candidates co-operated in order to *reduce* the levels of food and drink and sundry paraphernalia surrounding an election. Thus, for example, a letter on the 1847 Bradford election said,

We have avoided the opening of inns & beerhouses, and the excessive intemperance which would have been the natural result.¹

Just as candidates could pressure electors to vote one way or another, so electors could pressure candidates to indulge in financial generosity. Thisleton, who was involved in Clay's 1852 Hull campaign testified that,

Very few got paid before voting: only those who could be depended upon. The person would say, "You know I am going to vote for your party, but you must put me down as a runner."²

Likewise, it was said of the payments to out-voters in Hull and payments to them,

There was evidence of the custom, and that the voters would not vote without the customary payment.³ In Knaresborough, similarly, Devonshire's agent James Collins was criticised in 1804 for the rising costs of election - the implication being that the public rather than the agent was the driving force. The 1790 election had cost £160 13s 1d, but this rose to £500 in 1804, including £400 for innkeepers.⁴ This is despite Devonshire owning all the burgage property.⁵ In Malton William Hastings, Fitzwilliam's steward, wrote in 1805 regarding the by-election,

We found it necessary in order to keep all things quiet and in order to promote Lord Milton's popularity to increase the allowance to a guinea a man which with twenty or twenty five guineas given to the young men of the town and some other small extras kept all in good humour.⁶

Corruption, particularly in an age of lower material living standards, shorter holidays and longer working hours, could produce admiration, amusement and enjoyment as much as, if not more than, condemnation.⁷ Elections were often like a cross between an England football match and Prime Minister's Question Time. The somewhat bizarre brew of serious political acts, communal festivities and raucous behaviour is reflected in the *Illustrated London News*' illustration of 7 August 1847, showing a placard-wielding crowd at a hustings. The placards read, "Who Stole His Grandmother's Pocketbook," "Where's Your Wife" and "Liberty And No Stale Potatoes."⁸ As Cox and Grady put it,

The license of an election is eagerly seized by the non-electors for the indulgence of an English taste of noise and fun.⁹

Uproarious behaviour does not necessarily require censure.¹⁰ Just as Rubinstein has argued more generally than simply for the electoral system, the use of money and kind in the electoral process was essential to its

¹ Kenian to Nicholls, 2 August 1847, Nicholls Correspondence 67D78, Bradford Archives.

² 1854 {1703} XXII, p.vi.

³ 1854 {1703} XXII, p.vi.

⁴ Smith, "The Election Agent," p.28.

⁵ Seymour, *Electoral Reform*, p.92.

⁶ Smith, "Fitzwilliam and Malton," p.57.

⁷ The Anti-Bribery Society, founded sometime in the 1830s or 1840s, was a short-lived obscure organisation, which issued leaflets and encouraged investigations. Its failure is also an example of this moral ambivalence.

⁸ The illustration graces the cover of Markham, *Nineteenth-Century Parliamentary Elections*.

⁹ Cox and Grady, *The New Law and Practice Of Registration And Elections*, p.cliii.

operation, and there was often little pressure from public opinion (be this either widely or narrowly defined) to change: the system worked, and people accepted it.¹ The *Westminster Review* said in 1862 that a man,

known to have bribed, nay, actually convicted of bribery, is not the whit less respected by the majority of the House.²

As another commentator put it,

Society deals with political seduction much as it deals with seduction in private life. It ostracises the victim, and pardons the seducer. It smiles on the briber, and denounces the bribed.³

Or, as Grenville put it (with Liverpool constituency in mind),

Here comes the difficulty of Reform, for how is it possible to reform the Electors?⁴

Behaviour and the political climate were shaped by more than incomplete statutes, and with "corruption" often viewed as standing by your friends and justly thanking your supporters. Traditional modes of behaviour overcame legal niceties.

5.9 Conclusion

Much of the historical analysis of anti-corruption legislation has been somewhat Whiggish in outlook, or at least implicitly Whiggish, as in seeing the early nineteenth century as a period on the way to a modern, free system. Further, surveys that deal with post-1850 events have tended to treat pre-1850 events as only preliminary staging posts on the way.⁵ As a result, much of this analysis is more interested in how the law changed, rather than how it worked. Further, little consideration has normally been given to the impediments to effective legislation.

Money was not all powerful, as was demonstrated in 1812, with Brown's failure to build up a semi-permanent election machine for the Fitzwilliam interest in Yorkshire by offering general retainers. Too many people refused, as there might be circumstances under which they would not wish to act for Fitzwilliam. Vitality, moreover, went wider than this. Not even before 1832 was electoral corruption some untouched monster; rather, there was an on-going struggle to banish, or at least tame, it that frequently resulted in something reaching the statute book.

For a variety of reasons electoral laws were often far from effective, but understandably so. English law, and much else, was based not on codified written documents, but an accumulation of precedents. This meant the law was often open to a wide variety of interpretations. Election committees suffered from this

(..continued)

¹⁰ This ambivalence is also demonstrated in the often tolerant and good humoured description of electoral behaviour in English fiction; see H.G. Nicholas, *To The Hustings: Election Scenes From English Fiction*, Cassell, London, 1956, Introduction,

¹ Rubinstein, "The End of 'Old Corruption,'" p.72, p.75 and p.77.

² Gwyn, *Democracy and the Cost of Politics*, p.72.

³ S.H. Walpole, *The Electorate and the Legislature*, 2nd edition, Macmillan and Co., London, 1892, p.81.

⁴ 2 December 1830: Strachey and Fulford, *The Grenville Memoirs*, Volume 2, p.77.

⁵ Two useful studies are Gwyn, *Democracy and the Cost of Politics* and C. O'Leary, *The Elimination of Corrupt Practices in British Elections 1868-1911*, Oxford, 1962. They both suffer from these problems, particularly - as its title suggests - O'Leary's work.

too, with the further problem that, for quite understandable historical and constitutional reasons, petitions were often tried in a highly partisan and lax manner. Elections, and the policing of their purity, were largely seen as a matter for individuals, and it was up to candidates and supporters to decide whether to (attempt to) enforce laws and take up legal cudgels. Yet, the costs involved and an unwillingness to rake up everyone's misdeeds often acted as restraints. Hence, the frequent lack of successful legal action against abuses should not be seen as a failure of only the electoral mechanics. It was also a reflection of the problems of conceptualising elections as private affairs. Thus in 1842 Peel opposed the idea of state-paid election commissioners, arguing it would be wrong to "throw upon the public purse the charge of investigating matters of personal rather than public concern."¹ Petitioning was one reflection of how deeper legal and traditional dilemmas inhibited curbing corruption; another was the ability of witnesses to refuse to answer questions on the grounds of possible self-incrimination.

As Erskine May estimated in 1850 for Britain,

The statute book contains at least 241 statutes relating to the election and return, and to the sitting and voting of members of the House of Commons, which have not been expressly repealed by any later acts.²

This voluminous and fragmented statute book was supplemented by precedents, traditions and case law, and this was reflected in the full titles of contemporary election manuals (see Bibliography). The legal corpus dealt with many topics many times, often without reference to the other treatments of the same topic. This frequently vague and inconsistent corpus³ often had to be employed at short notice, and by people who were not masters of its intricacies and had partisan axes to grind.

The idea of starting again from scratch and drawing up a codified, clear and consistent set of laws went against the normal English constitutional tradition. Even the 1832 legislation deliberately avoided introducing uniformity or removing all local traditions. A typical comment illustrative of this was made by George Johnstone, in a debate on Curwen's bill on 19 May 1807. He was reported as saying,

The constitution, under which we enjoy so many blessing, is not the work of human wisdom alone, but, has been produced by a happy combination of circumstances, during the lapse of ages; and to hazard the safety of such a fabric by measures of dangerous reform, whose consequences the house cannot calculate, seems to be the heights of folly and presumption.⁴

Vitality was manifest not merely in the stream of legislation, but also in the infrequency of corrupt returning officers, the diverse motivations for "bribery," the inclusive nature of much electoral activity and the spread of a variety of voting methods.

Professional drafting of laws dates from the mid- to late-nineteenth century. Until then drafting was often amateurish, and it shows. Yet, even with professional drafting drawing on many years of expertise present-day electoral law is still easy to circumvent. Moreover, even a codified set of laws, clear and consistent, would have left grey areas. It was, and is, problematic distinguishing bribery and corruption from

¹ A.J. Heidenheimer, *Political Corruption: Readings In Comparative Analysis*, Holt, Rinehart and Winston, New York, 1970, p.363.

² T. Erskine May, *On The Consolidation Of The Election Laws*, Butterworths, London, 1850, p.4.

³ Erskine May, *On The Consolidation Of The Election Laws*, p.8-20.

⁴ This quote is from the debate as reported in *Cobbett's Parliamentary Debates*, Volume 14, 19 May 1809, c.649-667.

generosity and normality, particularly when “bribery” and “corruption” are not timeless, value-free phrases. Bribery and corruption were not simply aberrations derived from lax morals and a malfunctioning system. Rather, they were often a way of coping with the system’s existing state (and so were pragmatically justified), or even claimed innate rights.¹ For example, if giving a dinner was acceptable, as it normally was, what about distributing free food? Or free food tokens? No law can cover all possible ingenious possibilities, but rather has to depend on vague statements like “undue influence” or “corruption.” The problems of constructing watertight legislation was partly acknowledged in 1831-2. In the words of the proverb, “A coach and four may be driven through any Act of Parliament.” The favoured solution of 1831-2 was largely to swamp problems by numbers. Thus, for example, to define strictly the residence qualifications for claiming a right to vote was not possible, but the hope was that any problems with the definition would be so few in number, compared to the registered total, that even if laws were bent for partisan ends the bending would achieve little.

The impact of 1832 was mixed. Whilst larger electorates, more polling places and some technical changes in franchise qualifications acted as a restraint on corruption, there were few direct attempts in the legislation to tackle corruption and a system of more contests and more electors provided more opportunity, and more productive occasions, on which corruption could be exercised.

One should not let staid moralising prevent an appreciation of elections as entertainment, with the concomitant activities such as eating and drinking. Stories about freemen travelling from London to Newcastle to vote being diverted to Ostend, or freemen travelling to Berwick being deflected to Norway,² certainly reflect the unscrupulous nature of elections, but they are also amusing anecdotes which reflect the importance of elections in local heritage and their entertainment value. When elections are conceptualised as community entertainment, the merry disbursement of food, drink and money becomes a traditional, inclusive activity, and an obvious corollary rather than a heinous crime.³

¹ For an example regarding treating see Pickering, *Remarks On Treating*, p.29: “Those who call it an offence, deem it the most venal in the world. Those who call it hospitality, deem the refusal of it an offence of the graver character.”

² J. Grego, *A History Of Parliamentary Elections And Electioneering From The Stuarts To Queen Victoria*, new edition, Chatto and Windus, London, 1892, p.328-9. Likewise, Sidney Smith recalled of 2 voters in the 1841 Walsall by-election, “One was asked his name and on giving it a man exclaimed, ‘Why that man is in America!’ When the second gave his another cried, ‘I buried that man on the third of last month!’”: N. McCord, *The Anti-Corn Law League 1838-1846*, George Allen & Unwin, London, 1958, p.157.

³ Cf Peel’s defence of treating in Tamworth: Rowe, “The Hertford Borough Bill,” p.98.

6. MPs and candidates

6.1 Introduction

Studying MPs and candidates has a two-fold purpose.¹ First, they, their behaviour and their backgrounds are important parts in themselves of the electoral system. Second, they are reflective of other aspects of the system. Whilst much work has been done on biographies of successful candidates (i.e. those who were MPs), and on utilising Parliamentary voting records to trace party cohesion over time, there has been less work on who candidates were and what their backgrounds and their motivations.² For example, little is known about why people wished to become MPs or stopped being MPs. Even in pre-1832 Yorkshire, where there were many relatively closed boroughs and few contests, there was a steady turnover of MPs. Electoral defeat was by no means the only way for MPs to go. Yet, as Namier wrote,

We have written about Parliamentary leaders and great administrators, and more or less ignored those whom they led and with or through whom they had to do their work, the individual members of Parliament, the Civil Servants etc. ... we want to know about the life of crowds, to hear symphonies and not arias ... how much do we know about the real political life of the country, even about that body which before the eyes of the nations has for centuries shaped its joint existence?³

Appealing though this vision is, it contains, as shall be seen, some misleading implications, especially the implication that MPs were part of the “real political life of the country.” Whilst *de jure* this is true, in practice many contributed by doing almost nothing, rarely speaking or voting in Parliament. Rather, a wider conception of “real political life” is needed to understand why they stood for election.

Section 6.2 looks at the necessary qualifications to be an MP, and the variability of their enforcement. Section 6.3 looks at the make-up and fate of MPs, particularly those in Yorkshire. Section 6.4 examines the motivation of candidates. The applicability to Yorkshire MPs of Cox’s argument that speaking and other activities were driven by electoral pressure is studied. Section 6.5 considers MP’s majorities, and how they changed over time. Section 6.6 looks at searches for candidates, and what this reveals of people’s expectations of MPs; a theme continued in Section 6.7 which looks at what definitions of “local links” were seen as acceptable.

6.2 Qualifications

The main requirements for MPs were relatively simply, being based on age and property.⁴ The age requirement was twenty-one.⁵ Some MPs were elected when younger: with Parliaments nominally of seven

¹ The major sources of information on Yorkshire MPs and candidates, which underpin this chapter, are Bean, *Parliamentary Representation*, L. Stephen and S. Lee (eds), *The Dictionary of National Biography: From the Earliest Times to 1900*, Oxford University Press edition, Oxford University Press, London, 1921-2, M. Stenton (ed), *Who’s Who of British Members of Parliament Volume 1 1832-1885: A Biographical Dictionary of the House of Commons*, Harvester Press, Hassocks, 1976, and Thorne, *History of Parliament*.

² The four main exceptions are S.F. Woolley, “The Personnel of the Parliament of 1833,” *English Historical Review*, Volume 53, 1938, p.240-62, G.P. Judd, *Members of Parliament 1734-1832*, reprint of 1955 edition, Archon Books, Hamden Connecticut, 1972, G.W. Cox, *The Efficient Secret: The Cabinet and the development of political parties in Victorian England*, Cambridge University Press, Cambridge, 1987, Chapter 7 and O’Gorman, *Voters, Patrons and Parties*, p.117-126.

³ L. Namier, *Crossroads of Power: Essays On Eighteenth-Century England*, Hamish Hamilton, London, 1962, p.2-4.

⁴ There had been a residency requirement for MPs, but this went long before 1800. The question of women being MPs does not appear to have arisen, and was probably, in this period, sufficiently unthinkable to the political elite for no explicit rules to be required.

years, and the difficulties involved in having a stop-gap MP until a person reached twenty-one, it was tacitly accepted that someone just under twenty-one could be elected, though traditionally they did not vote. Charles James Fox, Lord John Russell and William Charles Wentworth Fitzwilliam (elected for Malton in 1832) were all elected when under-age. Transgressions of this rule were neither widespread nor rare: in the general elections of 1802-31 there were thirteen occasions when someone under twenty-one was elected.¹ Though youthful MPs existed, and their presence was often praised as an example of the electoral system's openness to talent, some candidates were attacked for their youth. In the Yorkshire election of 1807 Milton, who had just turned 21, was nicknamed "the Boy," and at the nomination meeting was presented with a box of toys, to shouts of "let the Boy have his playthings."²

The property qualification was possession of a freehold or copyhold worth at least £600 p.a. for county MPs, or £300 p.a. for borough MPs.³ Neither University MPs nor the eldest son or heir of any peer, lord or anybody meeting the qualification to be a county MP had to themselves meet this property qualification. This caveat emphasises the intention, which was to ensure that only "respectable" people could be MPs. Indeed, the Tory 1710 act was entitled, "An act for securing the freedom of parliaments ...". Its intent had been to keep out (Whig) non-landed rich, who did not have a "proper" stake in the country.⁴ In 1837, when Molesworth tried (and failed) to abolish these property qualifications, the arguments were much the same: without such qualifications people without property could legislate over property, and such an abolition would make justifying property qualifications for voting harder.

The qualifications were somewhat relaxed with Warburton's 1838 act, but were only abolished in 1858,⁵ following the rather unfortunate case of Edward Glover. Elected for Beverley in 1857, he was unseated on petition for not possessing the requisite property qualifications and then jailed for three months for having (falsely) made a declaration that he had the requisite qualifications. This was the only prosecution for making a false declaration in the history of these statutes.

Previous to its abolition, then, the property qualification was of little practical substance. It was full of - used - holes. The Swiss cheese nature of the property qualification was demonstrated in debates over the Scottish Reform Act of 1832, when it was proposed to introduce a property qualification for Scottish MPs, since none was in existence at the time. Several MPs pointed out that the English qualification was not enforced, and so of little point. Althorp responded, "The object was not that they should actually possess the

(..continued)

⁵ 7&8 Will.III c.25, clause 8 (1695).

¹ Judd, *Members of Parliament*, p.82.

² Duchess of Devonshire's recollections in Stuart, *Dearest Bess*, p.157. Pitt had likewise been both praised and satirised for his youth, as in the couplet, "A sight to make surrounding nations stare, A state entrusted to a schoolboy's care."

³ This resulted in the curious situation whereby a copyholder could be an MP, but could not vote in Parliamentary elections in counties before 1832. These qualifications had been introduced in 1710, and modified in 1760 (9 Anne c.5 and 33 Geo.II c.20). The latter required all MPs to take an oath before sitting or voting that they met the requirements of 9 Anne c.5. The not uncommon breaking of this oath contrasts strangely with the later enthusiasm among some for more oaths to curtail bribery and corruption at elections.

⁴ See the quote from Swift in Porritts, *House Of Commons*, Volume 1, p.170.

⁵ 1&2 Vict. c.48 and 21&22 Vict c.26.

qualification required, but that they should be of a sufficient degree of respectability.”¹ Even when property qualifications were scrutinised the result was not necessarily more honesty. John Arthur Roebuck had his fingers burnt after nearly being unseated in 1832 when his property qualification was questioned. His father-in-law had nominally given him a Joshua Reynolds painting, which he in turn nominally gave to Joseph Hume, who in return nominally gave him an Irish estate. Afterwards he was, according to a friend,

particular in affairs of that kind, that he insisted on having all legal forms observed, and he actually brought me bank-notes of the requisite value, which had been lent him by our friend George Grote, and which I, of course, immediately returned to Grote.²

Burke, Pitt, Fox and Sheridan were all often used examples of MPs who only met the property qualifications by bogus means.³ Like the age limit, this qualification was occasionally, though rarely, enforced. Indeed, it was unusual for *any* of the qualification requirements to result in MPs being unseated. This happened only five times in 1832-50.⁴ In 1837 a Marylebone MP was unseated for lacking the property qualification. Joseph Holdsworth was unseated after winning Wakefield (1841) for having been the Returning Officer at the time. Although he had delegated these duties, he still had not been eligible. J. Harris, elected for Newcastle-under-Lyme in 1842, was unseated for acts of bribery by his agent at a previous election. In 1847 an Edinburgh MP was disqualified for being a government contractor, and won the subsequent by-election. In 1849 a Limerick MP was disqualified for having been convicted of high treason.

As the property qualification was enshrined in law, it was available for employment when there was a desire, induced by other reasons, to exclude a person from Parliament, as happened with Feargus O'Connor in 1835. As with much of electoral law, qualifications were not regularly enforced, but were available to be used by sore losers.⁵ The practical lack of impact of the property qualification is demonstrated by the similarity of Scottish and University MPs to other MPs, despite their not requiring a property qualification.

¹ H.E. Witmer, *The Property Qualifications of Members of Parliament*, Columbia University Press, New York, 1943, p.153. A further example of the lack of enforcement is the debate over Warburton's aforementioned bill. A major part of his argument was that a more sensible law would also be an enforced law.

² Witmer, *Property Qualifications of Members of Parliament*, p.126-7. This money was presumably used for a fictitious property purchase.

³ Witmer, *Property Qualifications of Members of Parliament*, p.142. For other evidence of fictitious qualifications see the letter from Robert Southey to Harry Southey, 20 July 1826: C.C. Southey (ed), *The Life & Correspondence of the late Robert Southey*, Longman, Brown, Green and Longmans, London, 1849-50, Volume 5, p.264.

⁴ As O'Gorman states that only ten MPs were excluded for having a bogus qualification in 1710-1858, this implies the figure was five for 1710-1832: *Voters, Patrons and Parties*, p.118.

My figures are somewhat less than Witmer's, but I am using a narrower definition. Witmer claims that after the 1832 general election three MPs were unseated as a result of petitions that *included* complaints over the validity of qualifications (two of these were in Ireland); after 1835 the figure was again three (with two of them from Ireland) and after 1837 it was five (of which one was from Ireland): *Property Qualifications of Members of Parliament*, p.131 n42, p.134-5 and p.151-2. A petition could, for example, include complaints about qualifications and treating, and, as the result of the latter (though not the former) being proved, cause an MP to be unseated. Such a petition would count in Witmer's figures, but not in mine.

⁵ A more bizarre example is that of Southey, elected in 1826, in absentia, for Downton. To avoid having to serve Southey wrote to the Speaker pointing out that he was not properly qualified. A new writ was moved. See Southey, *Robert Southey*, Volume 5, p.271-9 and below, p.220. For other evidence of the weakness of the law see Porrits, *House Of Commons*, Volume 1, p.174-5.

There were other requirements, which excluded clergy,¹ judges,² peers, aliens,³ lunatics, sheriffs and mayors⁴ and bankrupts.⁵ Further, commencing with 4 & 5 Anne c.20 (1705) various Acts prevented holders of some offices of profit and those linked with Government contracts being MPs.⁶

The requirement for newly elected MPs to take Parliamentary oaths acted as a *de facto* restriction on their religious beliefs. These restrictions were relaxed during the nineteenth century. In 1829, Catholic emancipation led to a new oath, compatible with non-Anglican forms of Christianity. The election of a Quaker in 1833, who refused to take an oath but instead made an affirmation, resulted in the Commons deciding to allow affirmations.⁷ In 1858 it became possible for Jews to vote and sit in the House, following the controversy generated by the election of Baron Nathon de Rothschild for London in 1847.⁸ In 1885 Charles Bradlaugh, a self-proclaimed atheist, was finally admitted to the Commons, taking the oath and being accepted, despite his lack of religious belief. The legal situation with Bradlaugh is confused as the refusal of the Commons to seat him had (probably) been in breach of the 1866 Parliamentary Oaths Act, but the courts backed off from a showdown.

In practice the restrictions were nebulous: variable in their interpretation, variable in their enforcement and liable to change under pressure. Pressure usually derived from, or at least was crystallised by, an individual case. Whilst, for example, before 1885 self-proclaimed atheists (probably) did not have the right to be MPs, neither had they challenged the rules through successful election. And when an atheist did, the result, albeit after plenty of drama and strife, was that he was able to become an MP. In other words, once changes in society had occurred that generated challenges to such rules, the rules were changed. Only when the challenges ran ahead of social change, as with Horne Tooke, did they fail.

Another important *de facto* qualification arose from MPs receiving no pay.⁹ Pretending to non-existent wealth could circumvent the qualification rules, but it could not pay the bills. The costs of elections,

¹ This became statutory with 41 Geo.III c.64 (1801), following the dispute over whether or not Horne Tooke, an ex-priest, could be an MP. He was personally excluded from the operation of this act as, according to folklore, his patron threatened that he would otherwise elect a black man in Tooke's place.

² By common law in England, although in Scotland there was legislation from the eighteenth century and in Ireland they were banned following an act in 1821.

³ Aliens were excluded by common law, whilst naturalised aliens were excluded by a variety of statutes commencing with 12&13 Will.III c.2 (1700).

⁴ Sheriffs and mayors could not be MPs for constituencies for which they held these posts.

⁵ The exact fate of a bankrupt MP was covered by 52 Geo.III c.144 (1812): he had twelve months after the issue of a commission of bankruptcy, during which time he could not sit or vote, before a new writ was moved for his seat. This provided extra time for him to become solvent once more.

⁶ Also some ministerial offices of profit required new holders to stand for re-election upon acquiring them. Ministers were, until the later nineteenth century, treated no different from MPs. For example, it was only in the 1890s that the Law Officers stopped being able to practise law privately.

⁷ Under 7&8 Will.III c.24 (1695) Quakers were allowed to make affirmations rather than take oaths, but it was only in 1833 that the Commons interpreted this act as also covering MPs' oaths, over-turning their 1698 ruling. 22 Geo.II c.30 (1748) extended the provisions of this act to Moravians.

⁸ 21&22 Vict. c.48 and a subsequential Sessional Order. The latter became a standing order in 1860, and then a new oath was introduced in 1866.

⁹ Also, it is also often overlooked that on taking his seat a by-election victor had to pay fees of £8 10s: *A Return of the Amount of the several Fees demanded from a Member on taking his Seat in this House, at a General Election, and when returned upon a New Writ upon a vacancy; by what Authority charged, and to what purposes applied, 1837 (48) XXXIX*. There were no such fees for general election victors.

the pressures of a “respectable” social life and the large amounts of time being an MP could absorb (which was not then available for earning money) were not conducive to financial health. By 1800 the practice of constituencies paying MPs wages was long gone. For someone who did not live in London, and yet wished to attend Parliament regularly, a town house - with its expenses - was necessary. However, it should be noted that some MPs, like the eldest sons of peers, would have been living an expensive lifestyle anyway. Though some offices and places could provide an income, tenure was often uncertain and there were only enough for a minority of MPs. Radical abuse could make such income less than a complete blessing. Also, the economical reforms of the late eighteenth century had cut back on the number of places available.

The three most famous examples of financial need were Macaulay - who, having already sold his gold medals from Cambridge, then left the Commons for five years to replenish his finances with a well paid Indian post; Cobden - who needed a £75,000 subscription and a public petition to keep him in politics after the Corn Laws were repealed; and Disraeli - whose motives for marrying a rich widow were often questioned. Though there are several examples of MPs from Yorkshire going bankrupt as a result of their Parliamentary careers, it is hard to judge whether this was primarily due to the cost of the lifestyle or the cost of elections. Thus, there were regular financial crises during the career of John Wharton, Beverley MP in 1790-6 and 1802-26. In 1806 rumours of his financial problems circulated; in 1818 he owed money to his son-in-law Thomas Lennard and there were problems over receiving payment for sale of an estate in 1808; when he lost in 1826 deep pecuniary problems quickly emerged. However, Beverley elections were themselves expensive.

The lack of pay, in combination with the property qualification, reflected the traditional veneration of the “independent politician,” a combination of probity and intellectual independence. The reality, though, could be different.

6.3 Background of candidates and MPs

6.3.1 Introduction

In 1816 the *Quarterly Review* provided a summary of where MPs came from:

A laudable and useful ambition leads into parliament the opulent merchant and manufacturer; the lawyer high in his profession; the man who has returned with affluence from the East or West Indies, and is conversant with the customs, wants, and interests of our conquests and colonies; the military and naval officer, who in the course of their services have acquired a competent knowledge of affairs upon which the legislature must often be employed. It is for the advantage of the republic also that from a like ambition, men liberally educated, but more richly endowed with the gifts of nature than of fortune, should sometimes prefer the service of the state to that of the army or navy, or of the three professions, as an honourable path to distinction.¹

Candidates tended to come from one of four broad categories. First there were close relatives - especially sons - of aristocrats, particularly if there were land holdings near, or in, that constituency. In the early nineteenth century about 20% of MPs were aristocratic.² Second MPs, especially in counties, came from local gentry families, like the Bethells of the East Riding. Third, there were those from professions like the

¹ *Quarterly Review*, October 1816, Volume 16, p.258.

² O’Gorman, *Voters, Patrons and Parties*, p.119 n25.

law and military. By the early nineteenth century they made up about a third of MPs.¹ Fourth, there were those from industry and commerce, particularly in boroughs, who comprised about 20% of MPs in the early nineteenth century.² Candidates came from much the same spectrum as MPs, though they tended to the poorer and lower end.

6.3.2 Age and length of service

In 1734-1831 18% of MPs were, when first elected, sons of peers or peeresses.³ The precedence given to elder sons is demonstrated by the mean age of eldest sons of English peers on first being elected - 23.7 years - compared to that of their other sons - 27.3 years. But, as these eldest sons normally ended up in the Lords, they served fewer years on average as MPs than their younger brothers - 10.7 compared to 15.8.

MPs with an ancestor in the male blood line who had been an MP first entered Parliament aged 31.0 on average, compared to 39.8 years for those without such ancestors. In addition to entering earlier, they served longer - 14.6 years on average compared to 11.8 years. Similarly, those who were initially outsiders by virtue of their nationality or education took longer to enter Parliament (Table 6.1). Not being English and not being a member of that social stratum that sent its sons to public schools resulted in a higher average age on first election. It was not merely closed constituencies that allowed young people to enter Parliament, it was also their family and social ties. As a result, MPs elected for the first time at one of the general elections in 1832-68 were younger in counties than closed boroughs.⁴

Nationality ⁵	Average age	Education	Average age
English	34.5	Public school ⁶	30.2
Scottish	35.6	Did not attend public school	37.3
Irish	37.3		
North American	40.7		

Table 6.1: Average age of MPs on first election 1734-1831

There were many young MPs. In 1790-1820 about 15% of MPs were under 30,⁷ and in 1734-1832 (but excluding the 1832 intake) about a quarter of the MPs were under 25 when first entering the

¹ O'Gorman, *Voters, Patrons and Parties*, p.120.

² O'Gorman, *Voters, Patrons and Parties*, p.120.

³ The figures in this, the subsequent paragraph and the Table 6.1 derive from Judd, *Members of Parliament 1734-1832*, p.79.

⁴ Glynn, *The Private Member Of Parliament*, Volume 1, p.113.

⁵ There were only two MPs whose nationality does not fall into one of these four categories.

⁶ Charterhouse, Eton, Harrow, Rugby, Shrewsbury, Westminster and Winchester. (Merchant Taylors and St Pauls are not included).

⁷ O'Gorman, *Voters, Patrons and Parties*, p.117 n22.

House.¹ This youthfulness accompanied a large number of relatively brief periods of service: about a quarter of MPs in the same period served for no more than six years.²

Though the average age of MPs elected at general elections rose somewhat, this small rise is easily explained by the rise in life expectancy. The average age rose around one and a half years in 1734-1831,³ and then altered little. The upheavals of 1833 and 1847 benefited older MPs, but the average age of MPs elected *for the first time* varied little, being 42 in 1832, 38 in 1835, 1837 and 1841, and rising to 40 for 1847.⁴

Overall, with an average length of service of over a decade, and with 35% having gone to a public school, there was a combined familiarity and frame of reference for most MPs.⁵ This was abetted by the traditions of Parliament and the sense of history they deliberately invoked. It was reflected in common, classical standards of oratory. Many MPs knew each other. The web of friendships and relatives may have been the reason for ending up in the Commons in the first place. As Melbourne said, "Damn the Whigs, they are all cousins." Certainly much of Yorkshire Whig politics can be traced on the family trees of the Dundas and Fitzwilliam families, who were even related to each other. For example, the 4th Earl Fitzwilliam's sister, Lady Charlotte Wentworth, was the mother of Lawrence Dundas, whose sister in turn married Robert Chaloner, another noted politician, and the 5th Earl married Mary Dundas. More distantly the Fitzwilliams were also related to the Howards, of Castle Howard.⁶ The Commons often resembled a club. As the *Quarterly Review* wrote in 1830,

There is something in the very atmosphere of the House unfavourable to bold and uncompromising conduct. It is, *de facto*, a sort of overgrown club. This is the worst part of the business. Things are every day admitted in private among the members, which are studiously denied or concealed in the speeches reported from the gallery.⁷

Further, "There is, and always has been, a very real feeling of fraternity within the walls of the House."⁸ Commenting on his impressions a visitor in 1782 said that,

The members have nothing particular in their dress ... It is not at all uncommon to see a member lying stretched out on one of the benches while others are debating; some crack nuts, others eat oranges, or whatever else is in season.⁹

¹ Judd, *Members of Parliament*, p.23.

² Judd, *Members of Parliament*, p.27.

³ Judd, *Members of Parliament*, p.82.

⁴ Glynn, *The Private Member Of Parliament*, Volume 2, Table 1. These figures are based on statistics for the number of new members that are significantly at odds with some other historians. This is probably because he excludes *retreads*, that is people who had been MPs previously but were not MPs immediately previous to the election in question.

⁵ All statistics, unless stated otherwise, in this paragraph are from Judd, *Members of Parliament*, p.79. See J. Cannon, *Aristocratic Century: The peerage of eighteenth century England*, Cambridge University Press, Cambridge, 1984 p.34-5 regarding a similar common frame of reference for the eighteenth century aristocracy, derived from a common educational background.

⁶ The 5th Earl Howard - Frederick - married Caroline Leveson-Gower, of the Wentworths of Stainborough and Wentworth Castle branch of the Wentworths. The Fitzwilliams were of the Wentworth-Woodhouse branch.

⁷ *Quarterly Review*, January 1830, Volume 42, p.271-2.

⁸ E.M. Mowbray (ed), *Seventy Years At Westminster, With Other Letters And Notes Of The Late Right Honble. Sir John Mowbray, Bart., M.P.*, William Blackwood and Sons, Edinburgh, 1900, p.106.

⁹ Jennings, *An Anecdotal History*, p.53.

In this “best and pleasantest Club”¹ it was not uncommon to see even sleeping MPs.² This informality included seating arrangements, as with O’Connell’s last speech being from the despatch box, and Hume crossing the floor and sitting next to Peel to tell him of Louis Phillipe’s abdication.³

The clubbish atmosphere was reflected in Parliament’s rules. Though procedural rules offered opportunities for delay and obstruction - particularly by repeatedly moving, “That this House do now adjourn,”⁴ by presenting numerous motions, by forcing many divisions and talking at length - these were rarely employed. Only with the Irish nationalists in the later nineteenth century was the full paraphernalia of possibilities exploited. Previously, for example, an informal Speaker’s guillotine (exercised by calling the leading MP from each side) had sufficed. Clubbishness had predominated over procedural purity.

6.3.3 Social background

The 1834 *Black Book* estimated there were 73 MPs who were sons of peers, 78 other relatives of peers and 49 merchants, manufacturers or traders.⁵ These figures are similar to other contemporary estimates. The *Black Books*’ own figures suggest a fall in the number of relatives of peers, as for 1830 it was estimated that 256 MPs were relatives of peers.⁶ A comparison with other sources also suggests a decline: the 1834 estimate of 11% of MPs (73) being the sons of peers contrasts with Judd’s of 20-23% for 1802-31.⁷ Not all of this fall can be put down to the impact of the 1832 legislation as 1831 had already seen the proportion fall to its lowest level since the Act of Union (though only fractionally below the post-1812 general election level).⁸

Though traditionally 1832 is seen as marking the political arrival of manufacturers and merchants, they had found seats before 1832. Their wealth provided the resources to purchase land, influence and/or votes. Thus, Thomas Houldsworth, cotton spinner, was MP for both Pontefract and Newton before 1832. Of the 111 MPs whose seats were abolished in 1832, 22 were merchants or bankers - a higher proportion than that of the Commons as a whole, and evidence of the use of small constituencies by such people to get into Parliament before 1832.⁹

¹ Hope Vere: Jennings, *An Anecdotal History*, p.157.

² One Of No Party [J. Grant], *Random Recollections Of The House Of Commons, From The Year 1830 To The Close Of 1835, Including Personal Sketches Of The Leading Members Of All Parties*, Smith, Elder and Co. Cornhill, London, 1836, p.80.

³ Jennings, *An Anecdotal History*, p.259 and p.251.

⁴ P. Fraser, “The Growth of Ministerial Control in the Nineteenth-Century House of Commons,” *English Historical Review*, Volume 75, 1960, p.448 has some examples of repeated moves for adjournment.

⁵ Woolley, “The Personnel of the Parliament of 1833,” p.246.

⁶ J. Wade, *The Black Book: An Exposition Of Abuses In Church And State, Courts Of Law, Municipal Corporations, And Public Companies; With A Precis Of The House Of Commons*, new edition, Effingham Wilson, London, 1835, p.626.

⁷ Judd, *Members of Parliament*, p.84.

⁸ Judd, *Members of Parliament*, p.79.

⁹ A similar point was made by the Tory *Quarterly Review*, Volume 45, 1831, p.322. It calculated that the Reform bill would unseat fifteen of thirty-nine merchants sitting for boroughs (in England?); four of the ten MPs connected to the West Indies, as proprietors or merchants would go; ten out of twenty MPs who were directors of the East India Company, or had connections from long residence or commerce with Britain’s Asiatic empire would go; fourteen out of the thirty-one city and country bankers or members of the monied interest would go; two out of three shipowners would go; and two out of three manufacturers would). Indeed, William Knibb, an opponent of slavery, on hearing on arrival in England that the reform had

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As a result 1832 had a mixed impact, opening some constituencies, but also making it harder for the newly rich to buy their way in. The 1834 *Black Book* estimate of 8% of MPs (49) being merchants, manufacturers or traders compares to 18% of MPs being involved in commerce in 1734-1832. This apparent, and somewhat surprising, fall, should however be treated with caution. The 18% figure falls to about 13% if bankers are excluded (as they appear to be from the *Black Book* total), and to 6% if “West Indies interest” (but not “West Indies merchants”) are excluded. There was no dramatic change around 1832, and the small increase that probably occurred did not bring the number of merchants, manufacturers and traders to a new high.¹ Even after 1832 landowners averaged around 60% of the new intake at general elections.²

What did change was that manufacturers and merchants increasingly tended to represent constituencies near their residence. With less opportunity to simply buy a seat (which might be located anywhere), there was an increased tendency to be elected for a seat with which they had a link, such as by living or owning land there. Thus James Stuart Wortley was elected for Bossiney in 1831 but for Halifax in 1835 and then the West Riding in 1841. County MPs were different. Even before 1832 it was rare for a county MP to not live in the constituency. In Yorkshire Brougham was the notable exception in 1830, and indeed was attacked by Tories for not owning any Yorkshire land.

6.3.4 Continuity

Many families provided more than one MP; indeed, the majority of MPs had relatives who had been MPs before them. In 1802-31 the number of MPs with an MP or ex-MP blood relative in the male line varied between a high of 414 (1830) and a low of 355 (1802); that is, between about a half and two-thirds of the total number of MPs at any one time.³ There was an infusion of new blood in 1832 (Graph 6.1).⁴ The relatively low 1831 figure is noteworthy. Although this election resulted in a substantially increased number of MPs supporting the government, this mini-landslide was not accompanied by a new breed of people entering into Parliamentary politics. Such an influx had to await 1832, and even then was largely a Scottish and Irish event. After the 1826 elections 94% of the new MPs came from England and Wales, but in 1832 this fell to 73%, though there were nevertheless 37% more new English and Welsh members after the 1832 election than after 1826.⁵ Furthermore, much of the new blood did not last: there were fifty-three Liberal MPs who were first elected in 1831 or 1832 and then were defeated in 1835 and never returned.⁶

(..continued)

been passed said, “Thank God. Now I’ll have slavery down,”: J.H. Hinton, *Memoir Of William Knibb, Missionary in Jamaica*, Houlston and Stoneman, London, 1847, p.139. I am grateful to Jim Walvin for this reference.

¹ Woolley, “The Personnel of the Parliament of 1833,” p.246-7 and Judd, *Members of Parliament*, p.80.

² Derived from Glynn, *The Private Member Of Parliament*, Volume 2, Table 10.

³ Judd, *Members of Parliament*, p.85.

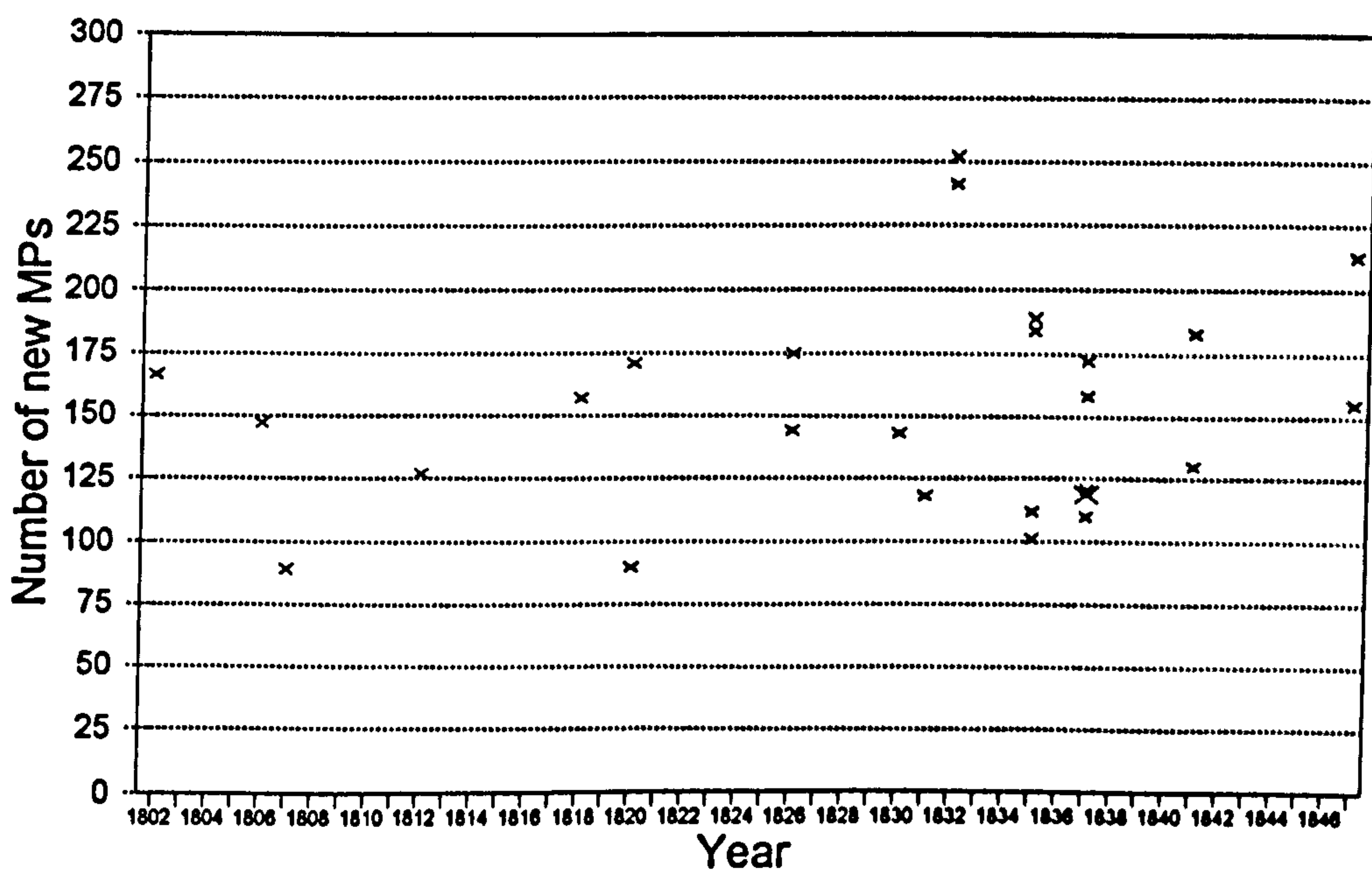
⁴ Cannon, *Parliamentary Reform*, p.197, Close, *The General Elections of 1835 and 1837*, p.4, p.223-5, p.483, Glynn, *The Private Member Of Parliament*, Volume 2, Table 1, G.H. Jennings, *An Anecdotal History Of The British Parliament, From The Earliest Periods to the Present Time. With Notices Of Eminent Parliamentary Men, And Examples Of Their Oratory*, Horace Cox, London, 1880, p.61, Judd, *Members of Parliament*, p.28 n4 and Woolley, “The Personnel of the Parliament of 1833,” p.242. Data saved as *newmps.mtp*. Some years have more than one point, due to inconsistencies in the sources. Some can be explained by different attitudes to void elections etc. and perhaps the more serious ones result from some including as “new” those who had previously been MPs, but were not MPs immediately prior to the election in question (these are known as *retreads*).

⁵ Of the 144 new members in 1826, 135 were for England or Wales, and 184 of 252 in 1830: Woolley, “The Personnel of the Parliament of 1833,” p.242 and Judd, *Members of Parliament*, p.28 n4.

⁶ Close, *The General Elections of 1835 and 1837*, p.224-5.

Graph 6.1

Number of new MPs elected at general elections 1802-47



A more detailed look at what happened in Yorkshire reveals some of the nuances behind these global changes (Tables 6.2 and 6.3). Even after 1832, with a great increase in the number of polls, being defeated in a poll was a rare way for an MP to go; indeed, in 1831 not one MP was defeated in Yorkshire who re-stood in their old constituency. Moving elsewhere, either because the patron of a constituency so desired it or to attempt a more prestigious constituency¹ or for other reasons, was more common. This pattern continued after 1832, though it became less common for MPs to be replaced by their patron or move on to a new constituency. The relatively high incumbency rates suggested that many MPs desired to continue. However, there was a large increase in the proportion of elections that were contested.

Though drawing meaningful conclusions from a small sample is difficult, it is noticeable that for Yorkshire in 1800-32 over one in five contests did not result in a poll.² These figures suggest that there was a significant fringe of electoral activity that can be lost if the distinction between a contest and a poll is not made. As was frequently seen in the Yorkshire county constituency- notably in 1806 - a contest between candidates could be resolved before any polling has occurred. The mere absence of a poll does not mean there was not campaigning, heavy expenditure, free food and drink or a chance for electors to express their preferences (in this case via canvass returns rather than also having the polling booth). The prevalence of non-pollled contests indicates the importance of campaigns in forming and revealing electoral preferences.

¹ It was possible for someone to hedge their bets by standing for both a prestigious constituency and for another one, particularly given the spreading of elections over days, if not weeks. However, it was not common for an MP to be elected twice. This happened six times in 1832-50: Viscount Lowther (1832, West Cumberland and Westmoreland), C. Thompson (1832, Dover and Manchester), Daniel O'Connell (1841, County Meath and County Cork), Richard Cobden (1847, Stockport and the West Riding), J. O'Connell (1847, Kilkenny and Limerick boroughs) and C.P. Villiers (1847, South Lancashire and Wolverhampton). In each case the latter constituency was the one the person chose to represent. This behaviour also occurred before 1832, as with James Wortley being elected for Bossiney and Yorkshire in 1818.

Likewise, some, but not many, MPs resigned from one seat to fight another. In 1832-50 there were ten: Viscount Milton (1833, resigned from Malton to fight North Northamptonshire), F. Goodricke (1837, Stafford and South Staffordshire), J.T. Leader (1837, Bridgwater and Westminster), Viscount Cantelupe (1840, Helston and Lewes), Sir J. Walsh (1840, Sudbury and Radnorshire), W. Thompson (1841, Sunderland and Westmoreland), T.H.S. Sotherton (1844, Devizes and North Wiltshire), Sir H. Seymour (1846, Midhurst and Antrim), Lord Robert Grosvenor (1847, Chester and Middlesex) and Sir J. Duke (1849, Boston and London). As with the twice-elected MPs, it can be seen that, generally, counties and large urban areas were seen as more prestigious than other constituencies.

² This compares with O'Gorman's estimate that the number of contests resulting in a poll in the general elections of 1806 and 1807 was about 30%: *Voters, Patrons and Parties*, p.112.

	Uncontested	Contested (poll)	Contested (no poll)
1800-32	135 (71%)	43 (23%)	11 (6%)
1832-50	61 (44%)	76 (54%)	3 (2%)
Total	195 (60%)	118 (36%)	14 (4%)

Table 6.2: Fate of Yorkshire constituencies 1800-50

The following Table shows what happened to MPs who stood again in their constituency (columns 2 and 3), or, if they did not stand again there, what the reason was (columns 4 and on).

	Re-elected	Lost	Died	Ill	Strain/cost of election too much/ feared defeat	Job ¹	Replaced by patron ²	Stood elsewhere (a more prestigious constituency)	Stood elsewhere (other)	Made way for relative	Other/?
1800-32	171 (54%)	14 (4%)	10 (3%)	6 (2%)	6 (2%)	8 (3%)	21 (7%)	7 (2%)	15 (5%)	5 (2%)	53 (17%)
1832-50	91 (46%)	14 (7%)	8 (4%)	5 (3%)	6 (3%)	11 (6%)	1 (1%)	7 (4%)	8 (4%)	1 (1%)	48 (24%)
Total	262 (51%)	28 (5%)	18 (3%)	11 (2%)	12 (2%)	19 (4%)	22 (4%)	14 (3%)	23 (4%)	6 (1%)	101 (20%)

Table 6.3: Fate of Yorkshire MPs 1800-50

¹ Includes MPs become members of the House of Lords, getting jobs that did not allow them to be MPs and getting jobs that made it difficult to still be an MP (such as military service abroad). Note, though, that not all the MPs who fell into the last category did step down.

² Includes MPs stepping down because of political differences with their patron and MPs stepping down because the term they had purchased from their patron had expired.

6.4 Motivations of candidates and MPs

6.4.1 Introduction

A central problem in explaining MPs' motivations is the mismatch between the effort involved in them being (and staying) elected and their subsequent activity. An excellent example of this mismatch was the second reading of the first Reform Bill, in March 1831. It was probably the greatest Parliamentary event in the lives of anyone then living. A mammoth seven-day debate had occurred on the first reading - elephantine even by the loquacious standards of the eighteenth and nineteenth centuries; there was large scale unrest and disturbance in the country; twenty-three counties met within seven days to petition for the Bill; intense political intrigue circulated; a close result was widely expected, with a majority probably expecting a slim defeat for the government; urgent whips were issued by ministers and much effort made to mobilise supporters.¹ And yet, when the vote came it was only 302-301, i.e. a total of just 603 MPs, out of a complement of 658. True, this was then the fullest House for a division at Westminster in history, but it is hard to imagine circumstances more propitious to MPs voting. Some adjustments need to make this figure useful (Table 6.4), but even then about 18 MPs were absent (though four of them may also have been paired - see Appendix 6), without any apparent "good" excuse.

Voted	603
Speaker	1
Tellers	4
Vacant seats	7
Paired	16
Definitely abstained	2
Definitely ill	7
Absent	18
Total	658

Table 6.4: MPs and the Reform Bill's second reading

There had been talk of MPs intending to abstain, wishing to see the Bill defeated but mindful of their own future prospects, and who would only vote if their votes were necessary to ensure its defeat. Given the general widespread expectation of a wafer-thin result that any of them would have abstained in the end is doubtful.²

¹ For example, Grey asked the King (Grey, *The Reform Act*, Volume 1, p.167-8) to release two MPs who had been due to attend him: Lord Belfast (George Hamilton Chichester) and Colonel H. Cavendish. Both voted.

² This, though, was not the expectation somewhat earlier or amongst everyone. For example, Grey wrote to Herbert Taylor on 19 March 1831, "I still feel assured that there will be a considerable majority on Monday in favour of reform," though he had some doubts over the committee stage, sufficient to ask advice on the King's feelings regarding a dissolution: Grey, *The Reform Act*, Volume 1, p.154; similar sentiments are expressed elsewhere: Volume 1, p.156, p.161 and p.162. But references like these to expectations of a large majority, need to be put in the context of many other expectations of a small majority and a fluidity in expected numbers on both sides. Thus whilst Rickman wrote to Southey on 6 March expecting a majority for the bill of over 46, on 12 March he was expecting it to be lost: O. Williams, *Lamb's Friend the Census-*

Military service abroad is an explanation not contained in Table 6.4, but then none of the sources consulted mention it, which suggests that it was not the cause of any absences.¹ Also missing, however, is the apparent lack of contemporary criticism from opponents of the bill at the failure of some MPs to turn up - even *in extremis* Parliamentary activity was not an assumed necessity of being an MP.²

Two MPs from Yorkshire were absent, neither being listed as ill. They were Frankland and Smith. Sir Robert Frankland, born in 1784 and a moderate reformer, was MP for Thirsk 1815-34. It was a family borough, with Franklands owning the major burgages. He was heavily involved in public service, being not just an MP but a Yorkshire deputy lieutenant and Yorkshire High Sheriff 1838-9. He was absent from *all* divisions on the Reform Bills. The Thirsk electorate before 1832 was relatively small at about 50; both the expectation and result was a fairly large increase - to 254 entries on the 1832 register,³ and Thirsk lost one seat, though the Frankland's grip on the constituency was barely effected. Sir Culling Eardley Smith, born in 1805, was MP for Pontefract 1830-1, and a candidate there in 1837; he also stood in Edinburgh in 1846 and the in West Riding in 1848. He was a religious philanthropist and became known for supporting Protestant principles, being active in the Evangelical Alliance and other Protestant organisations. Pontefract was not due to lose any seats, but its electorate did increase from about 650 before to 956 register entries after the reform legislation.⁴

Both were active people, standing for political office and taking an active role in society. Yet, this was accompanied by missing such an important vote. Perhaps the explanation partly lies with the relatively moderate direct effect of the 1832 legislation on Pontefract, and there is no evidence that people in 1831 thought its impact would be significantly greater than it was. The case of Thirsk is somewhat stranger as, though the influence of the Frankland family on Thirsk elections was not seriously reduced, Thirsk did lose one MP. However, this should be balanced against the desire for a Whig MP to support the Whigs. Possibly Frankland deliberately abstained in order to reconcile these conflicting interests. A similar argument could also be made for Smith - torn between loyalty to the Duke of Wellington and a desire to support reform after

(..continued)

Taker: Life And Letters Of John Rickman, Constable, London, 1920, p.275-6. Rickman, being a Clerk at the Table was no peripheral gossip, but rather well placed to make a learned guess.

Though *The Spectator* expected the second reading to pass with a considerable majority, this was in the context of believing that, "there are precisely the same number against the measure as for it; but there are eighty members whose sentiments are yet unknown or at least unexpressed," 12 March 1831.

¹ Explaining the absence of an MP by his being on military service would be incomplete anyway. The implication is that a person who knew he might be absent for this reason still thought it reasonable to stand, and electors still thought it reasonable to vote for him. Further, the number of MPs who might also have been absent on military service should not be overestimated. In 1832 thirty army officers were in the House of Commons: *Return of the Number of Officers of each Rank on the Effective Strength of the Army, who are Members of The Commons House of Parliament, 1831-2* (676) XVII. In addition, such people - if they knew they would be absent for a long time - could stand down, as a Richmond MP did in 1812.

² E.g. the *Gloucester Journal*, 26 March 1831, commented on the high level of MP turnout, rather than the large number who were absent. Similarly, *The Advantages Of Reform, As Proposed By The Present Ministers*, 9th edition, Roake and Varty, London, 1831, which (despite its title) attacked the bill, blamed the passage of the second reading on Calcraft, Francis Jeffrey and Sir Charles Morgan. They all voted in favour but, respectively, switched sides at the last moment, was allegedly not qualified to sit in Parliament and was too frightened to vote otherwise. Absent MPs were not, however, normally bemoaned. Even when *The Spectator* (12 March 1831) commented that, "there are always good excuses for absence when a member seeks them," it too was not censorious of absent MPs.

³ Figures from Appendix 9.

⁴ Figures from Appendix 9.

the experience of Catholic emancipation being passed by an unreformed Parliament, and against the popular will. But, even to abstain when such a close result was expected, and escape mention in contemporary literature, is still intriguing.

6.4.2 *More inactivity*

This lack of activity, despite the costs of becoming and remaining an MP, was common, before and after 1832, and amongst both backbenchers and ministers.¹ Lord John Townshend was a Lord of the Admiralty (1782 and 1783), a Joint Paymaster General of the Army and a Lord of Trade and Plantations (1806-7). Yet he was a poor attender of Parliament and one of the main reasons for Devonshire replacing him as an MP for Knarborough in 1818 was a desire for a more active MP. Likewise, Althorp was first elected in 1804, became a county MP in 1806 (for Northamptonshire) and was a Lord of the Treasury for thirteen months in 1806-7. He did not make his maiden speech until March 1807, and according to a biographer, "The first instance that I can find of Lord Althorp's showing an interest in politics, was ... 1809."² For some MPs even minimal political activity did not appeal, yet they went through the electoral hoops. Squire Osbaldeston said of being elected for East Retford,

[I] was returned, but not without paying dearly for the distinguished honour, as it is deemed. I did not consider it an honour at all; I thought it a great bore.³

He left few traces:

One of the few proofs remaining that he was ever a Member of Parliament is the inscription beneath a gay young figure with a bat which is preserved in the pavilion at Lord's ... The Squire was evidently trying to do his duty though his heart was elsewhere ... Though he was actually a Member for about five years, until the dissolution, he could not stand the House of Commons for more than a few sittings, and it was only his mother's ambition that he should take up a family seat which made him try.⁴

Similarly Mytton, another sporting eccentric, was elected in 1819, yet, "That he visited the House of Commons but once and then only briefly did not occur to him as doing less than his duty."⁵ Neither did it stop him standing again (unsuccessfully) in 1831. One of the more eccentric examples is that of Christopher Atkinson. He was MP for Hedon 1780-3 and 1796-1806, yet only spoke once during all that time, and on that occasion only spoke because he (wrongly) thought that someone else was referring to his conviction for perjury, and anyway he was ruled "completely out of order" by the Speaker.

MPs varied greatly in their regularity of attendance, speaking and voting. Long service was no guarantee that they would either speak or vote. MPs were easily distracted from attending and voting. One contemporary wrote that,

¹ Nor was it new to the nineteenth century. In the eighteenth century "attendance was erratic even on major political issues": P.D.G. Thomas, *The House Of Commons In The Eighteenth Century*, Clarendon Press, Oxford, 1971, p.122. Also see J. Hatsell, *Precedents Of Proceedings In The House Of Commons; Under Separate Titles, With Observations*, 3rd edition (Volumes 1 & 2), 2nd edition (Volume 3) and 1st edition (Volume 4), T. Payne, London, 1796, Volume 2, p.94-5.

²² Marchant, *Memoir Of John Charles, Viscount Althorp*, p.92.

³ E.D. Cuming (ed), *Squire Osbaldeston: His Autobiography*, The Bodley Head, London, 1926, p.26. His agent was T.H.B. Oldfield, the radical author.

⁴ Cuming, *Osbaldeston*, p.viii. His mother, Jane Osbaldeston, was a keen electioneer, famously canvassing for the Fitzwilliam interest in the elections of 1806 and 1807.

⁵ D. Sutherland, *The Mad Hatters: Great Sporting Eccentrics of the Nineteenth Century*, Robert Hale, London, 1987, p.58. Another sporting enthusiast, Astley, was persuaded by his friends to stand, and on losing at the subsequent elections said, "so at last I was free, not to say kicked out": p.91.

There were many other members, who made a point of “looking in to see what’s doing” almost every evening; but they soon left the house again.¹

Another recorded that a fellow MP, “informs me he shall not go to town at the meeting of Parliament unless something very urgent occurs.”²

The number voting in divisions on the Catholic question in 1805-27 averaged 437, with a high of 549 and a low of 229.³ Whilst this shows the relative importance of the Catholic question to MPs, it also shows that even on such an issue a high number consistently did not participate. Yet these participation rates were historically high: when in June 1807 505 MPs assembled for the King’s speech the *Annual Register* commented this number was, “the greatest, it was supposed, that have ever been assembled on any occasion.”⁴ In 1816 Parliament voted to abolish income tax, an important and emotional issue (it was also decided to destroy all income tax records) and one which went against the Government. However, only 444 MPs voted. For a set of four votes in 1821 the *Annual Register* gave a list of voters and pairs. On Tavistock’s motion regarding Queen Caroline 502 voted and 23 (*sic*) were paired; on Plunkett’s motion for a committee on law effecting Roman Catholics 448 voted and 50 were paired; the second reading of a bill to abolish the Malt Tax had 386 voting with 30 paired; and Hume’s motion for army cuts saw 137 voting, with 12 paired.⁵ In the 1821-2 session 89 MPs did not vote at all.⁶ The second reading of the first Reform Bill (for England and Wales), which has already been considered, was not the only important vote to take place during the reform debates, yet all those other votes (including the ones that precipitated dissolutions and Prime Ministerial resignations) had lower turnouts.

Matters were similar after 1832. Tavistock’s 1833 motion to repeal the Septennial Act had only 213 votes cast against, with 164 in favour. The election of the Speaker in February 1835, seen as a trial of party strength, saw 622 vote, and the amendment to the address 7 days later saw even fewer - 611 - vote. In 1836 there was a vote on amending the Tithe Commutation bill, which Russell had told Hobhouse would, if passed, cause him to abandon the bill, but the vote was merely 78-70.⁷ The May 1839 Speaker election - another party trial - saw 616 vote. Two no-confidence motions in 1840 (January and June) saw 595 and 623 vote respectively, and on the latter the Government was defeated by one. The crucial vote on the repeal of the Corn Laws on 15 May 1846 saw 600 vote. As a final example, the third reading of the Corn Importation

¹ Grant, *Random Recollections*, p.6.

² Henry Broadley’s Diary, 8 January 1840: J. Markham (ed), *The Diary Of An Honourable Member: The Journal of Henry Broadley MP 1 January 1840 to 17 March 1842 - The everyday working life of an East Riding MP*, Humberside Leisure Services, Hull, 1987, p.19.

³ Derived from *Blackwood’s Magazine*, July 1828, Volume 24, p.93-4. These figures, like all the voting figures in this and the following paragraph, are simple voting totals, not even adjusted for tellers and the Speaker.

⁴ *Annual Register*, 1807, p.236.

⁵ *Annual Register*, 1820 (*sic*), p.600-13. Interestingly, “pairing” is explained here, suggesting the practice was not widespread.

⁶ R.E. Zegger, *John Cam Hobhouse: A Political Life, 1819-1852*, University of Missouri Press, Columbia, 1973, p.105.

⁷ Brent, *Liberal Anglican Politics*, p.10-11. As the Tory leadership stayed out of the controversy what is surprising is the paucity of the number of government supporters, rather than the total number voting. This lack of interest and activity, though, was not confined to backbenchers alone. When the English Tithe Commutation bill was discussed by Ministers on 1 February 1836 it had neither been read nor given thought beforehand: A. Aspinall, “The Cabinet Council,” *Proceedings of the British Academy*, Volume 38, 1952, p.188.

bill was passed in May 1846 by 327-229. When tellers, the Speaker and forty paired MPs¹ are added this makes a total of 601 MPs, out of a house of 656.²

Important issues could bring large numbers of MPs out to vote, but even on such issues there was a consistent and noticeable degree of non-participation.³ It was not yet the case that a no-confidence motion would, as a matter of routine, result in a near 100% turnout.⁴ Being an MP and voting did not necessarily go together. This is reinforced by the work of Ginter on division lists for 1761-1820. Just over 11% of MPs are not recorded in any of the division lists (or documented as being paired, abstaining, ill, caught in the wrong lobby, shut out or absent either abroad or at home), and one in four are listed or documented no more than twice.⁵

The bulk of my evidence so far is regarding voting. Speaking and attending are other matters. Indeed, an MP could be a good attender, but, as with Henry Broadley (East Riding 1837-51), only rarely speak. Speaking is dealt with below (p.203-213). Records of attendance do not exist, but the evidence that does survive suggests a picture similar to that which is implied by the levels of voting and speaking. Generalised complaints about poor Parliamentary attendance were frequent, though not common, and even election committees could suffer from low attendance, causing the consideration of petitions to be delayed.⁶ Nevertheless, it was uncommon for Parliament to be adjourned at 4pm due to inquoracy (quorum being forty); the number of times this happened each session only varied between zero and ten in 1831-50.⁷

6.4.3 Pairing

It was not all disinterest and inactivity. There was an eagerness among some to get into the Commons, as evinced by the number of carpet-baggers and opportunistic stabs at seats that took place. An

¹ W.O. Aydelotte, "The Country Gentlemen and the Repeal of the Corn Laws," *English Historical Review*, Volume 82, 1967, p.53 n1.

² Sudbury, a two-member borough, had been disfranchised in 1844, and had not had any MPs sitting for it since a successful petition shortly after the 1841 general election.

³ The history of the publication of division lists also reflects the mixed attitudes to voting's importance. Though the publication of official lists was commenced in response to complaints about the inaccuracy of privately printed lists (which suggests MPs' voting records were a matter of concern), this did not happen until as late as 1834.

⁴ Low numbers of MPs voting also resulted in some legislation slipping through. The Combinations Acts's repeal (1824) followed Place persuading colleagues to not speak in debates, to avoid provoking opponents of repeal into action; "The result was that the bill passed almost unnoticed," D. Miles, *Francis Place 1771-1854: The Life Of A Remarkable Radical*, Harvester Press, Brighton, 1988, p.2. In 1853 the advertisement duty was repealed. A motion to abolish it had been defeated 116-106, but later that night an amendment was moved to alter its rate from 6d to 0d! This passed 77-68: Holyoake, *Sixty Years Of An Agitator's Life*, Part One, p.283-4. Similarly, in 1857 Palmerston pushed the Divorce Reform Bill through, "although it meant keeping Parliament in session for an unprecedented time into the summer, forcing members to endure the burden of debating from noon to two in the morning every day in the broiling heat of one of the hottest summers in living memory, and ignoring the daily attrition of members drifting back to the cool and peace of their county seats ... It was said that by the end seven-eighths of the MPs had already left, and that government was getting its way thanks to the presence of a solid block of a hundred placemen in the House of Commons whom it was forcing to stay in London until the bill was passed": L. Stone, *Road to Divorce: England 1530-1987*, Oxford University Press, Oxford, 1990, p.378-82.

⁵ D.E. Ginter, "Unofficial Division Lists of the British House of Commons 1761-1830: A New Database and its Implications," in J.A. Phillips (ed), *Computing Parliamentary History: George III To Victoria*, Edinburgh University Press, Edinburgh, 1994.

⁶ For example, see *Cobbett's Parliamentary History*, Volume 35, 18 March 1801, c.1203-4.

⁷ *Return of the Number of Days on which The House Sat in each Month of each Session from 1831-2 to 1881, inclusive, stating the Number of Hours Occupied, and the Number of Hours after Midnight; also, Table of Quinquennial Periods showing,- (1), The Average Number of Hours of Sitting Annually; (2), The Average Number of Hours of Sitting after Midnight Annually; and (3), The Average Length of Daily Sittings during such Quinquennial Periods, 1881 (445) LXXIV*

extreme example is Beverley in 1806. At the election one of the MPs elected was Richard Vyse. About three weeks later reports of the death of a freeman called "Old Vyse" led to several candidates hurrying off to Beverley, including John Prinsep and William Smith. Smith later told Lady Holland what happened:

Old Vyse, who still lives to be a general entered the town in very good health, and in very great wrath with the poor alderman [Prinsep] for thus daring to trespass on his manor, on the presumption only of his being defunct; and if the alderman had not made a rapid retrograde movement there is no knowing whether the old warrior's fury might [have] sent him on a very unexpected journey in a quite different direction.¹

The second reading of the Reform Bill illustrates how factors such as being ill or paired, or the vacancy of some seats can artificially inflate the number of apparently absent-without-good-reason MPs (Appendix 6). This, and other technical explanations, help explain the low levels of activity.

A paired MP was both absent but also participating in votes. Pairing was an agreement between MPs on opposite sides of a vote that neither would vote, thereby allowing them both to be absent without affecting the result.² It originated in the eighteenth century, and in 1743 a resolution was even passed to ban it (it was defeated 171-139). By 1844 Erskine May commented that pairing, "has for many years been resorted to."³ As pairing was initially fairly informal, and always remained unofficial, the evidence as to its extent in this period is thin. There are, though, some indications. Henry Broadley's diary has several entries on pairing, suggesting it was not a rare event:

Wrote to Bethell to ask whether he wished his pair to be extended.

I had paired for dinner.

[Wrote to five newspapers] stating I had paired with Mr. Slaney on the 27th Feb.

Paired with Towneley.

Wrote to Bethell to tell him he was paired last night with old Byng and desiring him to write to Byng to renew the pair for tomorrow or the end of the debate.

Note from Bethell to get a pair tomorrow.

I had paired off to get something to eat.

Paired for the night and then to Strand Theatre.⁴

These suggest that pairing was organised in a relatively relaxed, but not comprehensive or mercenary, manner. His reference to writing to the papers is reassuring, in that it suggests that newspapers are, at least on major votes, reasonably good sources for pairing levels.

A series of detailed vote records in the *Black Book* suggest similarly prevalent but not widespread levels of pairing in 1833-4: 26 were paired on the ballot (315 voted), 4 and 5 (*sic*) were paired on West Indian slaves (241 and 183 voted), 17 (*sic*) were paired on the Corn Laws (471 voted), 15 (*sic*) were paired on repealing the Septennial Act (420 voted), 5 were paired *for* Ingilby's malt duty motion (170 voted for), 2 were paired *for* Cobbett's malt duty motion (201 voted), 8 were paired *for* Ripon's motion on bishops in the Lords (187 voted) and 1 was paired *against* on the 3rd Reading of the new Poor Law (52 voted against).⁵

¹ Thorne, *History of Parliament*, Volume 5, p.458.

² Except in some procedurally esoteric cases where quorum featured.

³ T. Erskine May, *A Treatise On The Law, Privileges, Proceedings And Usage Of Parliament*, 1st edition, Charles Knight, London, 1844, p.221.

⁴ Henry Broadley's diary, 5 February, 14 February, 3 March, 26 March, 7 April, 5 May 1840, 18 March, 14 May 1841: Markham, *Diary Of An Honourable Member*.

⁵ The slavery vote had only one teller on each side, and in the Septennial Act vote two MPs were shut out, as was one MP on Cobbett's motion as one on Ripon's motion: J. Wade, *Appendix To The Black Book: An Exposition Of The*

6.4.4 Other explanations

There were some technical aspects of Parliament, and voting, that may have put off MPs. It was sometimes difficult for MPs to vote. Absence caused by military service has already been noted (p.192). Contemporary accounts have a smattering of references to MPs being shut out and unable to vote, for example on the 1830 Civil List vote that brought Wellington's ministry down.¹

Poor ventilation, over-crowding and a polluted Thames could make the Commons chamber unsavoury.² This both deterred MPs from attending Parliament, and meant that even if they did they were more likely to not be in the chamber, and so run the risk of missing a vote, especially in an age without division bells to warn of an impending vote. Professor John Playfair wrote to Lord John Russell in 1813 that the Commons, "is certainly most trying to the health."³ Similarly, Russell wrote the following year that, "My health is hardly good enough yet to attend zealously to the H. of Commons."⁴ Conditions were exacerbated by the problems of over-crowding in the Chamber, including resultant disputes over whether or not seats could be reserved, which explain the "many and very serious debates" on a topic which otherwise "must appear ridiculous".⁵ Poor conditions and protracted sittings could tire MPs. As one put it, "I divided once or twice but was so worn out that I came away to Club."⁶

Yet, to some extent the lack of space was deliberate. It is indicative that the capacity of the Commons chamber, even after it was rebuilt following the 1834 fire, was significantly less than the number of MPs.⁷ Indeed, when the Hume committee looked at the question in 1833 it only asked for accommodation for 600 MPs, whilst the 1835 committee setting specifications for the new chamber only wanted sitting space

(..continued)

Principles And Practices Of The Reform Ministry And Parliament: The Church And The Dissenters; Catastrophe Of The House Of Lords; And Prospects Of Tory Misrule: With Tables Of Ecclesiastical And Election Statistics, And Corrections Of Former Editions Of The Black Book, 6th edition, Effingham Wilson, London, 1835, p.94-111.

Some of these pairing figures are dubious - it is hard to believe that where a figure is given for the total number paired on a vote it can be an odd number. This would have required, for example, two MPs on one side to agree to pair off with *one* MP on the other. However, there is no reason to believe that, even if occasional MPs are left out (hence the odd numbers), the overall picture is significantly distorted.

¹ L. Strachey and R. Fulford (eds), *The Grenville Memoirs*, Macmillan, London, 1938, Volume 2, p.59-60. See also the previous footnote.

² E.g. Grant, *Random Recollections*, p.2 and 7n and S.C. Hall, *Retrospect Of A Long Life: From 1815 To 1883*, Richard Bentley & Son, London, 1883, Volume 1, p.20.

³ Playfair to Russell, 4 December 1813: R. Russell (ed), *Early Correspondence of Lord John Russell 1805-40*, T. Fisher Unwin, London, 1913, Volume 1, p.176. Similarly, the *London and Westminster Review*, No.2 Volume 3 & 25, 1836, p.414, commented that, "The mortality among the members of the House of Commons is already greater than among any similar number of men belonging to the same rank in life," and talked of the "anxieties, fatigue and later hours." Further, regular attendance at Parliament required living in London, or near by, for at least part of the year. When the Grotes considered moving from Dulwich to London so Grote could more easily regularly attend Parliament, his wife was reluctant - "I knew that London would prove injurious to my health": Grote, *George Grote*, p.107.

⁴ Russell to Horner, 28 October 1814, in Russell, *Lord John Russell*, Volume 1, p.180.

⁵ Hatsell, *Precedents Of Proceedings*, Volume 2, p.87n.

⁶ Henry Broadley's diary, 3 July 1840: Markham, *Diary Of An Honourable Member*.

⁷ On the old chamber see Grant, *Random Recollections*, p.2 and Hall, *Retrospect*, Volume 1, p.20. The modern chamber's shortage of capacity can be seen on TV on budget day, despite there now being seven fewer MPs and three more deputy Speakers. It was claimed that the new chamber encouraged vice as MPs, unable to find a seat, made their way to the smoking room or sat in the Library instead: R. Quinault, "Westminster And The Victorian Constitution," *Transactions of the Royal Historical Society*, 6th series, Volume 2, 1992, p.94-5.

for 420-460 MPs in the body of the House.¹ The poor ventilation, and lack of space when full, led some to call it a second black hole of Calcutta.² This was somewhat of an exaggeration; conditions were much superior to those many of the population had to work in, attendance was, at most, a part-time job³ and attending a debate was not necessary to vote in it.

It was not simply nature that made the Commons unpleasant to sit in; the behaviour of many MPs worsened the situation. Thus Peel complained that,

it really was not worth a man's while to be there for so many hours every night. The sacrifice was too great. He said the Radicals had brought the House into such a state that no man could do business but themselves.⁴

The degree of decorum fluctuated over time, both with the ability of the Speaker to control MPs, with the number of unruly members and with the intensity of political conflict. The real change came with appointment of Lefevre as Speaker (1839-57). Previously,

the discipline of the House was relaxed, and there was a great want of decorum. Cock-crowing and other disorderly interruptions had been not uncommon. Lefevre changed all that.⁵

Despite the problems of conditions in the chamber the (often late) hours of sitting and voting did not necessarily depress activity. This is despite the fact that carriages were normally not available for hire after midnight, which then made returning home from Parliament difficult for many.⁶ The evidence from seven sessions in the 1840s is, however, strong.⁷ For these sessions votes on public bills had a mean turnout of 163 (and median of 140) if conducted before midnight, against a mean of 215 and median of 186 for votes after midnight.⁸ As the main reason for voting late was to permit a longer debate (i.e. it was an important matter) this is not a comparison of like with like, but it is clear that late sittings were not *necessarily* a significant

¹ M.H. Port (ed), *The Houses Of Parliament*, Yale University Press, London, 1976, p.13 and 312.

² Quinault, "Westminster And The Victorian Constitution," p.79. However, Hume failed to persuade the House in 1833 that a new chamber was needed to ease congestion: W.J. Rorabaugh, "Politics And The Architectural Competition For The Houses Of Parliament, 1834-47," *Victorian Studies*, Volume 18 Number 2, 1973, p.159-60.

³ In 1831-50 the length of the Parliamentary session varied between 93 and 176 days: 1881 (445) LXXIV.

⁴ 16 June 1830: Lord Colchester (ed), *A Political Diary 1828-30 By Edward Law, Lord Ellenborough*, Richard Bentley and Son, London, 1881, Volume 2, p.270-1. His feeling doubtless were later exacerbated by the behaviour of the Opposition during his 100 days Ministry, when there were frequent attempts to filibuster and drown him out with foot stamping, groaning and beating of sticks on the floor: N. Gash, *Sir Robert Peel: The Life of Sir Robert Peel after 1830*, new edition with revisions, Longman, London, 1986, p.111-2.

⁵ Mowbray, *Seventy Years At Westminster*, p.116.

⁶ Grote, *George Grote*, p.140.

⁷ *Abstract Return of the Number of Divisions of the House Of Commons in the last Session: stating Subject of Division, Date, Numbers divided, &c.*, 1843 (55) XLIV, ... *Return of the Number of Divisions in the Session of 1844 Stating the Subject of the Division, and the Number of Members in the Majority and Minority, Tellers included; also, the Aggregate Number in the House on each Division; Distinguishing also, the Divisions on Public Bills from Private; and also, the Number of Divisions before and after Midnight ...* [and other statistics], 1844 (628) XXXVIII, ... *Return of the Number of Divisions in the Session of 1845 ...*, 1845 (659) XXVI, ... *Return of the Number of Divisions in the Session of 1846, Return of the Number of [private] Bills introduced, and of [private] Acts passed, since the Year 1838 ...*, 1846 (723-II) XXXIII, ... *Return of the Number of Divisions in the Session of 1847 ...*, 1847 (746) XLVI, ... *Return of the Number of Divisions in the Session of 1847-8 ...*, 1847-8 (740) LI, ... *Return of the Number of Divisions in the Session of 1849 ...*, 1849 (616) XLV. However, the number of votes for which voting numbers are given is not always the same as claimed total number of votes; though the number missing is never significant here. Data saved as *sessions.mtp*.

⁸ Private bills have been excluded as there was only one vote on one of them after midnight. Figures do not include tellers, Speaker, pairs etc.

hindrance. Nor were they common: with the exception of 1831-2 and 1833, no Parliamentary session in 1831-81 had more than 12% of its hours occur after midnight.¹

Parliamentary timetabling was relatively flexible, and advance warning of business often erratic. An occasional attender in the Chamber could easily be caught by surprise. So could more assiduous MPs as Henry Broadley found in 1840: "The House met at one to carry up the address. I did not know of it." Later that year he recorded that there had been a, "morning sitting of ... which I had forgotten until late and it being very rainy I did not go."² Yet, it is hardly surprising that MPs regularly went off for dinner, or were otherwise engaged given that, at least for the overwhelming majority being an MP, or even a politician, was not a full-time job - and even they had to eat.³ However, Berkeley claimed that, "When a man is in Parliament the business of the House is always an excellent excuse for not being at home."⁴ We have also already seen (p.184) the clubbish nature of Parliament.

Holyoake, later in the nineteenth century, was an MP's secretary, and in his memoirs recorded a slight twist to the problem of advance knowledge about timetabling.⁵ His concern was that a surprisingly early end to a day's sitting resulted in many MPs who had left to dine wasting time in a fruitless journey back to Parliament, only to find that the day's business had ended. This situation was eased by, on his suggestion, a limelight being placed at the top of Big Ben to indicate whether or not a sitting had ended.⁶

Many votes were, in themselves, of little importance. For example, granting leave to introduce a bill was only the first stage, in only one of the two Houses of Parliament, on the road to the statute book. Indeed, many such items of business were frequently agreed to without a vote. Occasionally such votes acquired symbolic importance, as with the votes on the secret ballot in the 1830s, which were seen by both sides as a trial of strength. When in latter years these votes were vested with less importance, fewer voted. Indeed, on one occasion the pro-balloters won, yet still nothing materialised on the statute book. Further, a Government defeat had less import that it does now; whilst nowadays a Government defeat on any whipped vote is of note, the defeat of the line taken by Cabinet in the nineteenth century was only of note if the issue itself was of importance. Anyway, whipping - to which space permits only little reference⁷ - was, even by 1850, fairly undeveloped. Indeed, the Tories had a Commons Whip in William Holmes who was not even an MP during

¹ 1881 (445) LXIV.

² Henry Broadley's diary, 20 January and 21 July 1840: Markham, *Diary Of An Honourable Member*, p.19. Likewise, on the Reform Bill's third reading (19 September 1831) many MPs, including Burdett, Peel and Wetherell, missed voting due to its timing being a surprise. It appears that the relative ease of fitting all business into Parliamentary time allowed a greater flexibility in timetabling, and so more votes without several days notice, than later in the nineteenth century.

³ Lord Worcester missed voting in the Civil List vote that brought Wellington's ministry down because he left the dinner he was at too late to get to the Commons in time: Le Marchant, *Memoir Of John Charles, Viscount Althorp*, p.257n. Until the 1850s Bellamy's Kitchen was the only eating place within the Palace of Westminster.

⁴ Glynn, *The Private Member Of Parliament 1833-68*, Volume 1, p.180. Against this should be held Robert Southey's reasons for not wishing to be an MP which included, *inter alia*, the separation from his family for several months that living in London would entail: Southey to Robert Inglis, no date, in Southey, *Robert Southey*, Volume 5, p.277.

⁵ Holyoake, *Sixty Years Of An Agitator's Life*, Part Two, p.146-8.

⁶ This was useful: initially only the west face of the clock was illuminated, but complaints from South Bank MPs led to all the faces being illuminated in 1893: Quinault, "Westminster And The Victorian Constitution," p.95-6.

⁷ For more information, see A. Aspinall, "English Party Organization In The Early Nineteenth Century," *English Historical Review*, Volume 41, 1926, p.396-400 and N. Gash, "The Organization of the Conservative Party, 1832-1846: Part 1: The Parliamentary Organization," *Parliamentary History*, Volume 1, 1982, p.145-156.

all of his tenure. Whilst by the mid-1830s pre-session party meetings had become common, attendance at them was variable and meetings to encourage turnout on specific issues were still rare.

Against the incidental reasons for not voting should be held a similar one *for* voting. Voting in Parliament was initially done by one side leaving the chamber whilst the other remained seated.¹ Thus, inertia, apathy, illness, sleep or a desire to keep one's seat could all result in a vote being cast.² Further, abstaining could be difficult: this method of voting plus the locking of the doors meant that an MP, if then present, could only avoid voting by hiding.³

There were some Parliamentary mechanisms for raising attendance (namely the ability to send out the Sergeant at Arms to summon MPs, and the ability to pass a motion that the House "be called over"). They were of limited efficacy. A call might raise awareness but, despite various fierce-sounding sixteenth and seventeenth century resolutions it was, by 1800, in practise never enforced. Similarly, though a mid-eighteenth century committee had looked at raising attendances, its suggestions were soon abandoned.⁴ The overall bias of systemic factors was towards reducing participation.

6.4.5 Motivational explanations

Despite my emphasis on inactive MPs, it should not be imagined all were idle. There were some claims that being an MP - an unpaid occupation - was time consuming. In 1820 the Commons debated regulating the Irish Chancery, and an amendment was adopted that no Master in the Chancery of Ireland could be elected an MP, as the duties of Master and MP were incompatible due to their calls on time.⁵ The *London and Westminster Review* commented on the inconvenience of Parliament's location for those who had business to transact at the law courts.⁶ John Hardy had to resign as Recorder of Leeds in 1834 to have time to deal with Parliamentary business, and John Marshall gave as a reason for not re-standing in Yorkshire in 1830 that,

The time and attendance which the Representative of a large County ought, in my opinion, to devote to his Parliamentary duties, and which is has been my determination to give as long as I filled that honourable station, are such as I cannot, at my time of life, pledge myself to the continuance of.⁷

In 1830 the *Quarterly Review* commented,

The duty of members of parliament has, indeed, become so severe, that no man who is actively embarked in a profession, and few men of property who choose to attend to their own affairs, will voluntarily undertake it. The number and length of the sittings of committees is beyond all example; and

¹ There were some exceptions to the use of this mechanism, as when the Commons was in a Committee of the Whole (when the ayes moved to one side of the chamber, and the noes to the other). Division lobbies were introduced after the 1834 fire.

² "The right to seats is also lost on a division (except by the Tellers) which makes it material, in questions otherwise indifferent, which side are to go out": Hatsell, *Precedents Of Proceedings*, Volume 2, p.88.

³ Abstaining was, though, possible and did occur. E.g. see Henry Broadley's diary, 8 February and 20 September 1841: Markham, *Diary Of An Honourable Member*. For some examples of hiding places used by MPs see Hatsell, *Precedents Of Proceedings*, Volume 2, p.186-9 and Thomas, *The House Of Commons In The Eighteenth Century*, p.245-6.

⁴ Hatsell, *Precedents Of Proceedings*, Volume 2, p.90-3 and *House of Commons Journal*, 4 December 1761, Volume 29, p.63.

⁵ *Annual Register*, 1820, History of Europe section p.43.

⁶ No.2 Volume 3 & 25, 1836, p.414-5. The *Annual Register*, 1826, History of Europe, p.106 argued that Parliament had to meet in London as, *inter alia*, the Attorney- and Solicitor-Generals (and Brougham!) needed to be able to appear in court.

⁷ *Hull Advertiser*, 9 July 1830.

they collect, print, and circulate masses of matter, in the shape of reports, which set all possibility of perusal and comprehension at defiance.¹

Being an MP could be an onerous duty to be fulfilled. Indeed, it was this conception of being an MP that lay behind the inability of MPs to resign. As the still valid Commons resolution of 2 March 1623 put it, "a man, after he is duly chosen, cannot relinquish." MPs being human, though, meant various contrivances were created to allow MPs to resign, as with the office of the Chiltern Hundreds. It being an office of profit under the Crown, the holder of which could not be an MP, an MP who wished to resign simply had to be appointed to it. By the nineteenth century being appointed to the Chiltern Hundreds, or a similar office, was almost always a formality.²

Being a conscientious MP by these standards was more than some Members were prepared to undertake, and the above technical explanations only go so far. Some people stood for reasons other than desiring to be involved in the Parliamentary political process, for Parliament was more than merely a political arena. It was also a gateway to status, career enhancement, interest protection, approval, honours, profit, and - only if one really wanted - politics. It was the best club in the land and being an MP had an appeal, snaring the vain and the voracious.³ For barristers, for example, it was seen as a potentially major step towards becoming a judge or attaining other judicial posts.⁴ For aspiring politicians, membership of Parliament (though not necessarily of the Commons) was necessary to be a Cabinet minister.⁵ Being an MP also gave access to social circles of "important" people. As Admiral Rodney, a former MP, wrote in 1780, "To be out of Parliament is to be out of the world."⁶ And as a "Young English Peer" wrote, the Commons of the 1840s was,

The best club in England ... whatever a young man's rank and position, it was strengthened by the addition of M.P. to his name. To other men not favoured by fortune ... it was the golden key to open the doors of the most exclusive clubs.⁷

¹ *Quarterly Review*, January 1830, Volume 42, p.270.

² However, in 1842 the office was refused to one MP who admitted to wanting to resign as part of a deal to settle an election petition: see B. Kemp, "The Stewardship Of The Chiltern Hundreds," in R. Pares and A.J.P. Taylor, *Essays presented to Sir Lewis Namier*, Macmillan, London, 1956, p.213.

³ Macaulay's comment is apposite: "The curse of England is the obstinate determination of the middle class to make their sons what they call gentlemen": J.M. Bourne, *Patronage and Society in Nineteenth-Century England*, Edward Arnold, London, 1986, p.85. Likewise, Russell, on introducing the Reform Bill was reported as saying that at present there were some MPs, "who entered parliament for the mere name, or the fashion of being members of the house - (cries of oh, and cheers), - who spent their time in foreign countries, and who never, or scarcely ever, attended the house,": *The Standard*, 2 March 1831. *The Spectator* reported Russell slightly differently: "when Parliament is reformed, so many members will not enter Parliament, merely for the sake of the name, and as a matter of style and fashion. (*Murmurs.*) Some members spend their money in foreign countries and never attend the House at all,": 5 March 1831. These two quotes also illustrate the dangers of taking the exact words of Parliamentary reports too seriously.

⁴ About 12% of MPs were barristers or solicitors in 1832-47, the majority of whom, "were 'status seekers' and 'legal careerists'": D. Duman, *The English and Colonial Bars in the Nineteenth Century*, Croom Helm, London, 1983, p.193. See also Duman, *The Judicial Bench In England 1727-1875: The Reshaping of a Professional Elite*, Royal Historical Society, London, 1982, p.75-8 and p.93-6 on politics being a way for ambitious barristers to gain appointment to legal offices. As p.78 points out 59% of judges appointed in 1790-1820 and 52% of those in 1820-5 were MPs or ex-MPs.

⁵ However, William Fitzgerald became President of the Board of Trade in 1828 and did not enter Parliament until March 1829.

⁶ Namier, *Structure Of Politics*, p.1.

⁷ *Fortnightly Review*, Number 216 Volume 36 (new series), 1884, p.797.

Its social status was the reason for Christopher Atkinson seeking election in 1796 for Hedon. Having been expelled as MP for Hedon in 1783 and then convicted in 1784 for perjury in the handling of corn supplies, re-election would be rehabilitation.¹ Occasionally, candidates like William Bell in Hull (1802), stood not to win but so that they could lodge a petition against the return. The possibility of Parliamentary immunity² also resulted in occasional candidates such as Robert Christie Burton, who was in Fleet debtors' gaol when he stood for Beverley (1818), and there is strong suspicion that the hope of immunity was his only reason for seeking election. Similarly, when Devonshire rescued Lord Ossulton from debt in 1806, part of this involved getting him elected for Knaresborough.

The attraction of having an MP's status was also reflected in the lure of those constituencies that came with a high reputation. For example, in 1826 J. Marshall had wanted to enter Parliament, and negotiated election for Petersfield for 5,000 guineas. But when the opportunity came to be a Yorkshire county MP he passed Petersfield to his son and went for the glory, but much more work, of being an MP for the grandest county constituency in the land.

Standing could simply be a way of making a point, as with the Chartists in the West Riding in 1848 when Samuel Kidd considered standing:

He was not going to poll, as he would not have stood the slightest chance of being returned, but intended to use the occasion for bringing his principles before the public.³

For some it was a matter of family honour and status. If large land holdings existed within a constituency it was usual for that family to participate in its representation. James Maitland was elected for Camelford in 1806 mainly because his father wanted a son in the Commons, and Lord Robert Manners served for over thirty years in the Commons, for Scarborough, Leicestershire and North Leicestershire, all of which contained family interests, despite preferring field sports to attending Parliament. Similarly, the Dundas family regularly had members in Parliament who said or did little. As Grey revealingly wrote to Holland in 1807,

We shall have the satisfaction of making what are called "good divisions," when the more important business of Fox-hunting, etc., does not prevent.⁴

Being an MP could be seen as a great honour to have bestowed on someone. Althorp talked of,

The most honourable situation an Englishman can enjoy - that of being the representative of a large and independent county.⁵

But, James Scarlett, on contesting Lewes in 1812, described his ambivalence over being an MP:

I know not whether a seat in Parliament be really an object to me. But I think it can do me no harm and my vanity perhaps has not been proof against the temptation of coming in independently of all party and upon the strength of my own character.⁶

¹ He took the name Saville in 1798. He was convicted in 1784, but exonerated in 1790.

² Though a bankrupt could not be an MP, an MP could not be arrested for debt: Walpole, *The Electorate and the Legislature*, p.97-9.

³ [B. Wilson], *The Struggles Of An Old Chartist; What he knows, and the part he has taken in various movements*, John Nicholson, Halifax, 1887, p.14.

⁴ Trevelyan, *Lord Grey Of The Reform Bill*, p.162.

⁵ Althorp to Georgina Spencer, 17 February 1793: E.A. Wasson, *Whig Renaissance: Lord Althorp and the Whig Party 1782-1845*, Garland Publishing Inc., London, 1987, p.32.

During his career he refused several offers of a Commons seat from both Whigs and Tories, who wanted him for his potential debating talent. As with Cobden and T.P. Thompson, there were some candidates whom people wished to see in Parliament because of their political skills and views. However, as Scarlett's comment shows, recipients of such approbation were sometimes equivocal as to its value, though also responsive to flattery. In the 1840s Cobden felt that being asked to represent the West Riding was such an honour that he had to accept, though he would have preferred to represent a smaller constituency.¹

For some the Commons was a training ground for the Lords. The eldest sons of major aristocratic families were expected to, eventually, take their seats in the Lords and at least occasionally vote or speak. Early election to the Commons provided them with training. Mahon, speaking in 1832, was reported as saying,

I do think it of the highest importance, if we are to have a House of Lords at all, that those who are to compose it should be trained in the habits of business ... Of all the many eminent statesman who are to be found in the House of Lords at present, I only remember one - Lord Holland - who has not received his political education here.²

All these motivations, not directly linked to being an active Parliamentarian, help explain why people became MPs, but not active.

6.4.6 Political science explanations

One can attempt to construct a more rigorous model to explain MPs' behaviour. The major work in this area is that of G.W. Cox.³ The essence of his argument regarding MPs' behaviour is as follows. First, the number of MPs listed in the *Hansard* sessional index - that is those who had on at least one occasion spoken, moved a motion, or otherwise addressed the chair, and been recorded as so doing in *Hansard* - rose steadily between the sessions of 1820 of 1852-3 (Table 6.5). Similarly, participation in voting increased (Table 6.6).

(..continued)

⁶ Thorne, *History of Parliament*, Volume 5, p.104.

¹ Kitson-Clark has emphasised the importance of habit and a desire to "do the right thing" in explaining why people became MPs: Kitson Clark, *The Making of Victorian England*, p.213.

² Judd, *Members of Parliament*, p.31-2.

³ His major work is Cox, *The Efficient Secret*. Cox is one of the leading members of what can be termed, for want of a better name, the "new new" political history. Its practitioners, mainly American, use rational-choice models which, though sophisticated compared to what historians have used in the past, are relatively crude compared to the work of economists like Graham Loomes on rational-choice. Statistics and institutionalist approaches are widely used.

Session	MPs listed in sessional index	Duration of session (months)	MPs listed as % of all MPs
1820	201	7	30.5
1822	235	6	35.7
1825	241	5	36.6
1828	241	6	36.6
1833	395	7	60.0
1835	378	6	57.4
1852-3	385	6	58.5

Table 6.5: Number of MPs in Hansard 1820-53¹

Year	Total number of divisions	% of divisions participated in by average MP	Number of divisions participated in by average MP
1836	187	22.8	43
1850	329	26.8	88

Table 6.6: MPs' participation in voting 1836 & 1850²

However, not only is this average participation rate low, even if one looks only at divisions on major issues there were still low rates of participation (p.194). Though Cox does not address why speaking and voting rates were so low, he does suggest several explanations for his figures.³ Expansion of the press may have motivated MPs to be seen to do things. It did become increasingly common for MPs to give the press written versions of important speeches to encourage their reporting. The role of the press was symbolised by the new building opened after the 1834 fire, which introduced a gallery specially for reporters. However, behind these explanations lies the idea that, "only if constituents reacted to the behaviour of their MPs in Parliament and MPs cared about re-election would increased press coverage have stimulated legislative prolixity."⁴

According to Erskine May, obtaining pledges from candidates first became sufficiently widespread to get public notice in 1774.⁵ Yet these were by no means normal, and anyway giving a pledge on a particular issues could often be honoured by only a couple of votes. But Cox has other evidence. MPs who

¹ Cox, *The Efficient Secret*, p.53.

² Cox, *The Efficient Secret*, p.54. These figures are derived from A.L. Lowell, "The Influence Of Party Upon Legislation In England And America," *Annual Report Of The American Historical Association*, Volume 1, 1901, who used the printed division lists for these years. They do not include tellers or paired MPs (p.322 n.b); further, unanimous votes are excluded (p.322) - but such a vote would almost certainly not have resulted in a division being called in the first place. Indeed, Lowell's main reason for excluding unanimous votes derives from his American statistics. (p.322-3).

³ Cox, *The Efficient Secret*, p.54-61.

⁴ Cox, *The Efficient Secret*, p.55.

⁵ T. Erskine May, *The Constitutional History of England Since The Accession Of George The Third, 1760-1860, With A New Supplementary Chapter, 1861-71*, 9th edition, Longmans, Green and Co., London, 1889, Volume 2, p.70-1.

sat for constituencies created in 1832 were more than twice as likely to take part in debate than had been MPs sitting for constituencies that had lost one or both members in 1832. MPs from small constituencies were less likely to participate - partly because larger constituencies generated more casework, and partly because, Cox argues, the larger the constituency the more important the politics of opinion were (and the less important influence, bribery and patronage were) and so the more important Parliamentary activity was. Larger electorates went with more active MPs. Thus, between 19 February and 19 March 1835 23.5% of MP from boroughs with an electorate¹ of not more than 2,000 spoke, whilst 51.5% spoke from those with electorates of more than 2,000. Similarly, in counties 16.4% of MPs from constituencies with electorates not more than 5,000 spoke and 28.6% spoke from those with electorates of more than 5,000.² However, Cox is assuming that the causality runs from big electorates, via more Parliamentary participation being required to win re-election, to more talking. Certainly one nineteenth century commentator agreed with Cox:

The populous modern constituency has a natural desire to exert its own weight in the House of Commons. It can only do this through its representative; and it consequently regards with favour the representative who takes an active part in parliamentary proceedings ... Thus some members speak not for the purpose of producing any effect on the House, but the purpose of creating a favourable impression on the constituency which they represent.³

It is possible that a different causality was at work. For example, radical MPs *ipso facto* talked a lot - they were keen on doing things - and also tended to come from large constituencies (where they could get elected). If there is a correlation between A and B, it may not be that one causes the other, but that a third factor - C - causes both A and B. If this is indeed the case, then Cox's figures may simply be a reflection of another factor connecting large electorates and talkativeness. Further, it is not necessarily the case that because a constituency had a larger electorate, it was less safe.

The evidence from Yorkshire suggests this was the case. I have compared the number of speeches that Yorkshire MPs gave to the size of their majority at the preceding election. For 1800-31 I have collected the data for every session. For 1832-50 I have the data for 11 sessions. Graphs 6.2 and 6.3 show the raw data. Where an MP was elected in an unpolled contest their majority is plotted as being 100; it is plotted as being 110 where they were elected without any contest. The number of speeches made is measured as the number of entries in *Hansard's* index for speeches by that MP over approximately the number of days that Parliament sat in that session (the number of days is measured as the number of days between the first and last sittings of the session, with deductions for breaks, as over Christmas, but without any deductions for Saturdays, Sundays etc.).

As can be seen, there is no clear relationship between size of majority and number of speeches made. Indeed, the graphs make it clear why any such relationship is unlikely - there are too many MPs who were elected without a contest or did not speak for there to be any consistent relationship between size of majority and speaking rate. However, even if we ignore those MPs who were elected without any contest,

¹ Cox does not make this clear, but presumably all these figures are unadjusted for multiple entries etc.

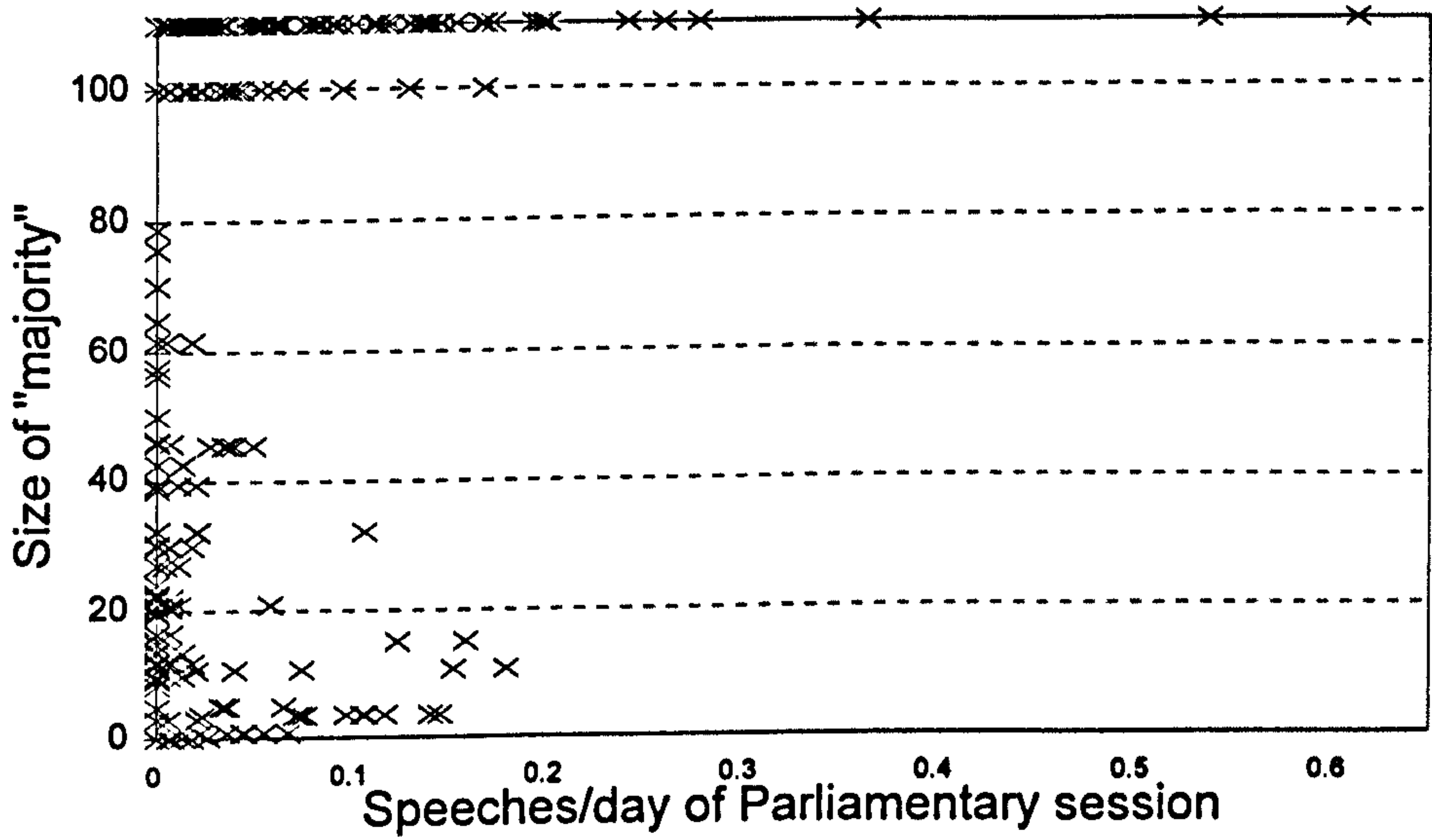
² Cox, *The Efficient Secret*, p.58. MPs from larger constituencies also introduced more bills and asked more questions: G.W. Cox and J.W. Ingram, "Suffrage Expansion and Legislative Behaviour in Nineteenth-Century Britain," *Social Science History*, Volume 16, 1992, p.552-3.

³ Walpole, *The Electorate and the Legislature*, p.132-3. He traced the development to 1832, but with 1867 and 1884 further extending matters.

there is still no clear relationship: a regression of speeches/day on majority size for these only gives R-squared values of 8.4 (1800-31) and 2.7 (1832-50).

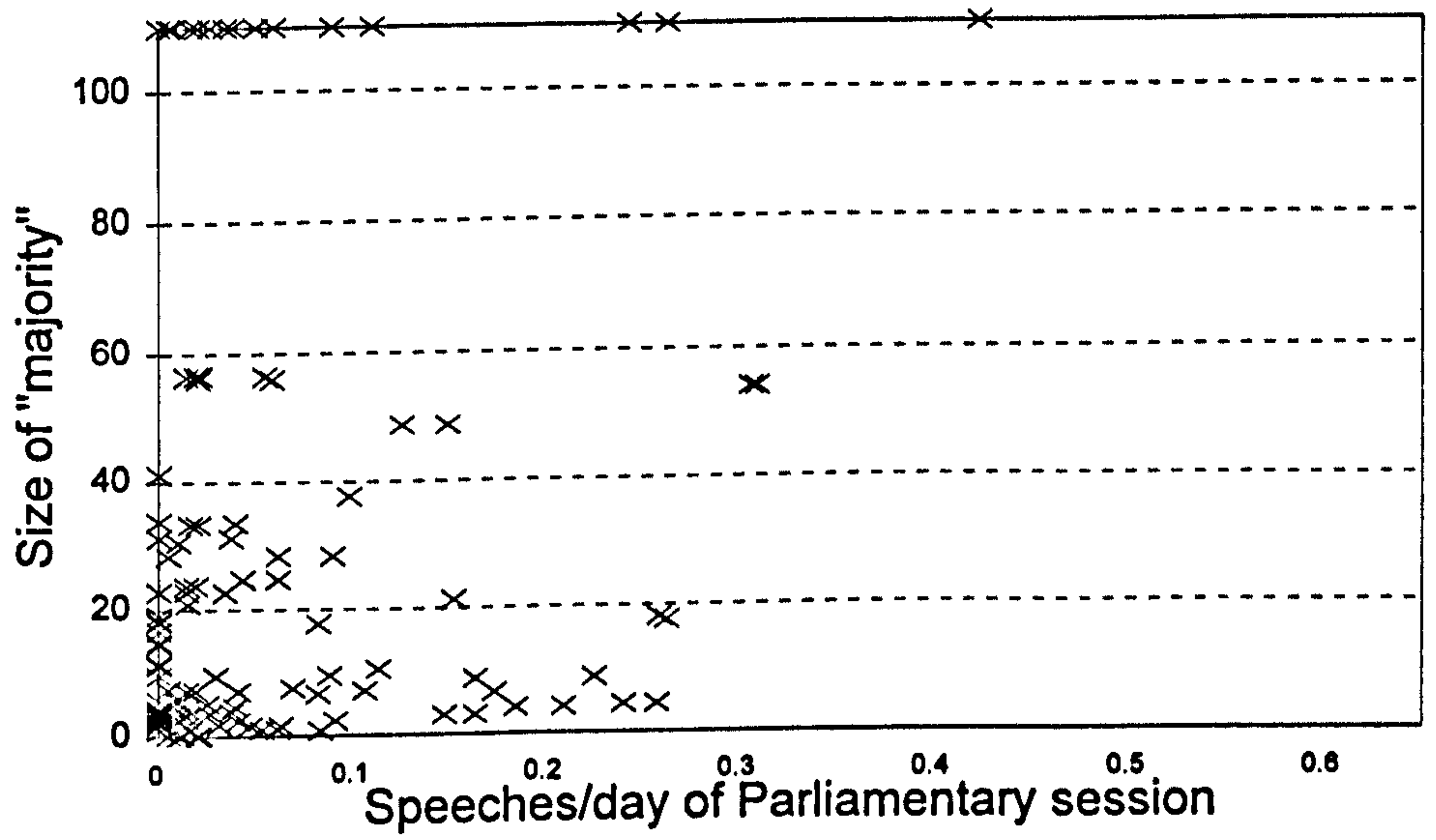
Graph 6.2

Speeches and majorities 1800-31



Graph 6.3

Speeches and majorities 1832-50



Simple causal models do not explain MPs' behaviour. The search for purpose, rationality and logic needs to be supplemented by one for apathy, laziness and inertia. The great variety in frequency of speaking and voting has also been shown by Glynn and Aydelotte (Tables 6.7 and 6.8).

Session	Never spoke	Spoke once a year	Spoke between once and five times a year	Spoke more than five times a year
1833-4	35%	17%	19%	29%
1835-7	34%	20%	22%	24%

Table 6.7: Frequency of speaking amongst all MPs¹

Year	Total number of divisions	% of MPs who voted in under 100	100-199	200-299	300 or more
1836	187	36.9	43.3	11.8	8.0
1846	106	41.5	32.1	17.0	9.4

Table 6.8: Frequency of voting amongst all MPs²

Instead of an electoral factor, an explanation needs to be found elsewhere for the increase that did occur in MPs' activity. The most likely explanation - and this is backed up by the pattern of private members' bills - is that Parliament could do, and was expected to do, more. As a result, it carried out more business, which resulted in more speeches and votes. Or to put it more precisely, had the electoral situation been identical, say, in 1844 to that in 1824 the number of votes and speeches would not have been the same. In addition, a more detailed look at the figures used for the above regression analysis shows that, irrespective of size of majority, MPs from seats such as West Riding, Leeds and Sheffield spoke more than other MPs. 1832 had increased the number of such seats activist MPs - usually though not always radicals - were both attracted to and were more likely to get elected in.

Though Cox accepts that industrialisation and the creation of new problems resulted in an increased demand for Parliamentary activity, he plays down its possible impact, arguing that if it had been a factor then one would have expected Parliamentary business to have ebbed and flowed with Britain's economy. As he points out 1832 (and also 1867, though that is not a concern of this thesis) mark the changes, not economic cycles. However, it is hard to see why, for example, one should expect the call on legislative time caused by increasing central government and Parliamentary involvement in public health to have varied with the economic cycle. Cholera did not necessarily come with depression, for example, and to expect politicians to react immediately - or react with a consistent timelag - to health problems caused by economic problems is unwarranted. Similarly, he does not make it clear what he thinks the link would have been - economic good times resulting in more social legislation as funds were available, or bad times resulting in more as the need

¹ Glynn, *The Private Member Of Parliament 1833-68*, Volume 1, p.207.

² Aydelotte, "Data Archive," p.345.

became more pressing? And, if one takes the latter view, this could have been balanced by other measures - such as railway bills - which were more popular during economic good times.

The figures regarding the number and type of private members' bills are very confused, varying significantly from one source to another.¹ Despite the great variety in the evidence, some common trends can be discerned. In particular, there are few clear secular rises or falls, with the striking exception of the number of private members' bills regarding railways, which took off in the mid-1840s (and, as a result, procedures for dealing with them were changed in 1844, 11 years before the procedures for all others were changed). There was no great change brought about by 1832, as Cox also concluded on another occasion.² The growth in railway bills was associated with factors other than electoral ones. That is, had the electoral situation been identical in 1844 to that in 1824 the number of private member bills for railways would have been the same in this hypothetical 1844 (without electoral reform in 1832) as the number in the real 1844 (with 1832).

Cox is not the only person to have made arguments that this Chapter contradicts. Schonhardt-Bailey has argued for the importance of economic factors in influencing constituents, and for constituents to have influenced MPs' behaviour.³ However, although she has constructed intricate statistical models they include basic assumptions that she does little to justify.

She assumes that the electoral system acted as an efficient and effective transmission mechanism for turning economic desires into Parliamentary action. Given the widespread re-election of MPs without polls, or even contests, there is a clear *prima facie* case for arguing that many MPs much of the time were insulated to the electoral consequences of economic desires. As Aydelotte put it, regarding 1841-7, the lack of polls and the behaviour of MPs elected in polls makes it "difficult to argue that contests were an important element in the exercise of control by constituencies."⁴ This judgement is reinforced by my figures in Tables 6.2 and 6.3. Although she addressed the issue of the prevalence of polls, her argument is unconvincing. She claims that, "Gash has argued that the proportion of contested versus uncontested elections was 'large by comparison with elections before 1830.'"⁵ There are two problems with this use of Gash.

First, strictly speaking what she claims Gash is saying is not relevant. That the proportion of elections which went to a poll is higher after 1830 than before tells us little about the actual level after 1830. For her statistical construct to be valid it requires that there were sufficient contests for the electoral system to act as an efficient and effective transmission mechanism for economic desires. Knowing that the proportion was higher after 1830 does not tell us if it was high enough.

¹ Cf, for example, F. Clifford, *A History Of Private Bill Legislation*, original edition 1885-7, Frank Cass and Co., London, 1968, Volume 1, Appendix A with G. Crosby, *Crosby's Parliamentary Record Of Elections In Great Britain And Ireland: With Select Bibliographical Notices And Speeches Of Distinguished Statesmen, &c.*, George Crosby, Leeds, 1849, Volume 2, p.556 and 1846 (723-II) XXXIII.

² Cox and Ingram, "Suffrage Expansion," p.542-4.

³ C.M. Schonhardt, *A model of trade policy liberalization: Looking inside the British 'Hegemon' of the nineteenth century*, University of California at Los Angeles PhD, 1991, C. Schonhardt-Bailey, "Specific Factors, Capital Markets, Portfolio Diversification, and Free Trade: Domestic Determinants of the Repeal of the Corn Laws," *World Politics*, Volume 43 Number 4, 1991 and C. Schonhardt-Bailey, "Linking Constituency Interests to Legislative Voting Behaviour: The Role of District Economic and Electoral Composition in the Repeal of the Corn Laws," in J.A. Phillips (ed), *Computing Parliamentary History: George III To Victoria*, Edinburgh University Press, Edinburgh, 1994.

⁴ W.O. Aydelotte (ed), *The History of Parliamentary Behaviour*, Princeton University Press, Princeton, 1977, p.240.

⁵ Schonhardt-Bailey, "Linking Constituency Interests to Legislative Voting Behaviour," p.91.

Second, her use of Gash is a highly misleading distortion of what he actually said. She has ignored the first three sentences of Gash's preceding paragraph, which stated that,

It may be observed as a generalization that the composition of the House of Commons in the age of Peel was decided almost as much by the elections that were not contested as by those that were. After the Reform Act there were 401 constituencies that returned members to Parliament. In the five general elections that took place between 1832 and 1847 the average number of those that were contested was only just over half.¹

Further, her quotation of Gash is cut short. After the comment about comparisons with before 1830 he continued,

Nevertheless it is a singular reflection that at the general election of 1841, which installed in office one of the most memorable ministries of the century, the electors were only called upon to record a vote in about 190 constituencies.²

She attempts to bolster her argument by pointing out that, "even where there were no contests, there were 'electoral verdicts' (i.e., compromises between the two parties to split the representation)." This meant that, "Even where no voting occurred, an electoral process can be said to have existed which was akin to the contemporary notions of contestability."³ There are two problems with this. First, she does not state what she thinks "contemporary notions of contestability" were. Second, she again distorts Gash, whom she again refers to as the authority for her claims. She makes no explicit claim as to how often she thinks contests occurred without their being a poll, but the implication of her saying, "Even where no voting occurred ..." rather than, "Sometimes where no voting occurred ..." or, "Often where no voting occurred ..." is that if a constituency did not have a poll then it almost always had a non-poll contest. But, this is not what Gash claimed. He stated that the occurrence was "often" (p.240) but also "not infrequently" (p.240). Faced with these two vague qualitative statements, one cannot reasonably leap to assuming they occurred almost always. Again, then, we are left with a blind assumption, devoid of supporting evidence, that there were sufficient contests (be it in the form of polls or non-poll contests) for the electoral system to act as an efficient and effective transmission mechanism for economic desires.

She also relies on "the initial assumption is that MPs pursued, as a predominant (albeit not singular) goal, their reelection."⁴ Yet, the evidence of this Chapter points strongly towards this being an unwarranted assumption and that MPs' behaviour was motivated by a far wider range of desires.

Finally, whilst she shows a correlation between how MPs voted and portfolio diversification by their constituents, this correlation suffers from the same problem as Cox's. She does not tackle the possibility that the causality ran other than from constituents' economic interests, via electoral pressure, to changing MPs' behaviour.

Still, there was some link between Parliamentary activity and constituency pressure. Greville wrote of a Parliamentary speech by T.S. Duncombe,

¹ Gash, *Politics in the Age of Peel*, p.239. Like Schonhardt-Bailey he uses "contested" where I would use "polled."

² Gash, *Politics in the Age of Peel*, p.239.

³ Schonhardt-Bailey, "Linking Constituency Interests to Legislative Voting Behaviour," p.91.

⁴ Schonhardt, *A model of trade policy liberalization*, p.47

Tommy came to Henry de Ros and told him that his constituents at Hertford were very anxious he should make a speech, but that he did not know what to say, and begged Henry to supply him with the necessary materials.¹

The admittedly conservative *Blackwood's Magazine* commented in 1833 that there had been a,

vast multiplication of popular constituencies by the Reform Bill, which has augmented two-fold that class of orators who spend their breath and not their money in securing their places, and whose seat is held by the most precarious of all tenures, that of pleasing a giddy and inconstant multitude.²

William Aldam (Leeds MP 1841-7) was warned in 1847 that some of his supporters were querying why, “they never find your name in the Newspapers as taking an active part in the procedures of Parliament.”³

Another contemporary commented that after 1832 governments required a body of over 400 MPs to be sure of a majority at all times, as the presence of MPs was, “now so rigidly enjoined and expected by their constituents”.⁴ However, this incentive derived from constituents’ desires came into conflict with MPs being intimidated by the idea of speaking in the Commons. This was an age when Parliamentary speeches were taken seriously and were a large part of the political process. For example, “J.D.,” a retiring MP, wrote in 1826,

I was mortified by perceiving that my language never did justice to my thoughts, nor conveyed them fully and fairly to others; and my dread of failure in public, rendered highly probable by my experience in private, has sealed my lips in the senate [Parliament] for almost half a century.⁵

Another MP sent his speeches to *Blackwood's Magazine*, saying,

I feel, at present, an unconquerable reluctance to open my mouth. Three several times, on the first night of the Session, I was half out of my seat, and once stood up, remaining on my legs full a quarter of a minute; but “Mr Speaker” fell from my lips in such a dying murmur, that the chair (to speak technically) did not catch my voice, and I did not catch his eyes. Since that time, I have made eleven more attempts, and “Mr Speaker,” in a whisper, was all that my tongue could utter, in four out of the eleven; while the other seven were confined to that curvature of the back which boys make when playing at leap frog.⁶

Parliamentary oratory was taken seriously, and indeed was a standard for others to be compared to. Thus it was that when a Wiltshire MP complemented a Leeds meeting on the Corn Laws for its quality of speeches he said that several of them, “would not have disgraced the best speakers in the House of Commons.”⁷

However, whilst such oratorical limitations and high expectations might explain why MPs did not speak more, it does not explain why such people became, and remained MPs. In 1830 one MP estimated that only about 400 MPs were “talkers” - and this was in the context of lamenting that too many talked, and so slowing business down!⁸ He does not appear to have found it odd that around one in three MPs were not “talkers.” Of Henry William Paget, MP for Caernarvon 1790-6 and Milborne Port 1796-1804 and 1806-1810, it was said,

¹ He did. Greville writing on 25 February 1828: Jennings, *Anecdotal History*, p.207.

² *Blackwood's Magazine*, November 1833, Volume 34, p.780-1.

³ Baylden to Aldam, 10 June 1847, Warde Aldam MMS, DDWA/P/5, Doncaster Archives.

⁴ Publicus Severus [J. Dillon], *Horae Icenae; Being The Lubrications Of A Winter Evening, On The Result Of The General Election, 1835*, Part One, [1835], p.2-3.

⁵ *Blackwood's Magazine*, August 1826, Volume 20, p.352.

⁶ *Blackwood's Magazine*, April 1830, Volume 27, p.608.

⁷ Turbeville and Beckwith, “Leeds and Parliamentary Reform,” p.21.

⁸ *Blackwood's Magazine*, July 1830, Volume 28. p.59.

It does not appear that he ever made a speech in the Commons in all the years of his membership of it, though his letters to his parents and brothers show that he had decided views on some of the great questions of the day.¹

He explained his behaviour, saying, "I have no facility of expressing myself - the thing does not come naturally to me."² He did vote. More bemusing are the examples of ministers who, even in times of need, did not speak. Mrs Arbuthnot wrote in 1830, when the Tories were ruling, "We must try and make Calcraft and Croker speak. Both are eminently capable ... none of the Cabinet will *utter* except Peel."³ Peel himself in 1830 was "disgusted" at the failure of three Cabinet Ministers to speak in reply to Brougham in a debate (Peel himself had already spoken): "If the three mutes will not speak, it is clear they will not remain in very long."⁴ Though there was pressure, in various guises to speak, it was greatly limited in its efficacy.

6.4.7 *Problems with Hansard*

Much of the above evidence - both my own and that of other historians - assumes *Hansard* is a complete record. If an MP is not mentioned in *Hansard*, then he did not speak. But, taking a random day - 3 February 1806 - suggests this is not always warranted. The *House of Commons Journal* lists twenty-one items of business for that day. But, only nine of these are mentioned in *Hansard*. Further, of these nine there are two which are recorded in *Hansard* without any MP being mentioned in connection with them. There are a further five for which an MP is mentioned, but without this mention indexed in either the Sessional or cumulative 1803-30 index. It is only the other two items of business that *Hansard* reports, there are only two for which MPs are mentioned in *Hansard*, speeches reported and entries made in the indexes.

Further, there are the twelve items of business that are mentioned in the *Journal*, but not in *Hansard*. These fall into two categories. First, those which it can be imagined did not involve any MPs (the Speaker excepted)⁵ speaking: the second reading of a bill (three items) and a miscellaneous resolution. Regarding the other eight items, it is hard to envisage no MPs (the Speaker excepted) speaking. Two petitions were presented which resulted in leave being granted to introduce a bill, another two petitions were presented and referred to a committee, the House thrice went into committee and, finally, there was one occasion of papers being presented to the House, the *Journal* naming the MP who presented them. How, for example, could a petition be presented and referred to a committee, whose membership moreover is recorded in the *Journal*, without anybody saying anything?

Thus, there are two problems. First, those items of business which are not recorded in *Hansard*, but nevertheless some of which almost certainly involved MPs speaking. Second, those items of business mentioned in *Hansard* which also almost certainly involved MPs speaking, but do not leave any traces in *Hansard's* indexes. *Hansard* apparently indexed only its reports of speeches, and moreover these were not all the speeches made. Those speeches that were not reported or indexed may often have been fairly brief, but they were speeches nonetheless.

¹ Marquess of Anglesey, *One-Leg: The Life and Letters of Henry William Paget, First Marquess of Anglesey K.G. (1768-1854)*, Jonathan Cape, London, 1961, p.38.

² Thorne, *History of Parliament*, Volume 4, p.709.

³ 4 November 1830: Bamford and Duke of Wellington, *Journal Of Mrs. Arbuthnot*, p.398.

⁴ 3 November 1830: Colchester, *Political Diary 1828-30: Volume 2*, p.413-4.

⁵ He presumably spoke frequently, if only to make procedural announcements.

However, it is reasonable to assume that *Hansard* was good at recording substantive speeches.¹ This assumption rests on the evidence taken before, and reports of, a Parliamentary committee which investigated the reporting of Parliament. Though it dealt at length with how individual speeches were reported - both by *Hansard* and newspapers - and whether they were verbatim accounts or not, the question of whether or not someone was reported at all was not raised.² Therefore, though these figures do have some problems,³ they do appear to be reasonable as a record of who made substantive speeches, and so can be used to make broad points about activity levels.

6.5 MPs' majorities

Although the majority an MP had at one election is only a rough guide to how safe a seat was (in particular changing political alignments within constituencies could alter safeness greatly, and the more volatile the electorate the less safe any level of majority is), the impact of 1832 on MPs' majorities is of interest.⁴

The measure I prefer is the difference between a victorious candidate's number of votes, and the number of votes gained by the highest placed loser, as a percentage of the number of people who voted.⁵ In all Yorkshire constituencies, the mean majority at polls 1800-32 was 24.1% (median 20.0%, N=73) falling to 15.0% (median 11.0%, N=128) for 1832-50. New borough constituencies were little different, with mean majorities of 15.9% after 1832 (median 11.0%, N=53).

This clear drop in mean majorities suggests a system that was opening up. However, as variations in majorities did little to alter MPs' Parliamentary behaviour (p.205-209), this drop was limited in its impact on vitality. Yet, put alongside the increase in the electorate, it is a salutary warning that not all was decay and decline.

¹ That is, recording that they occurred. The question of how close *Hansard* came to being a verbatim account for those speeches it did report is another matter. For example, see Namier, *Structure Of Politics*, p.74 n1.

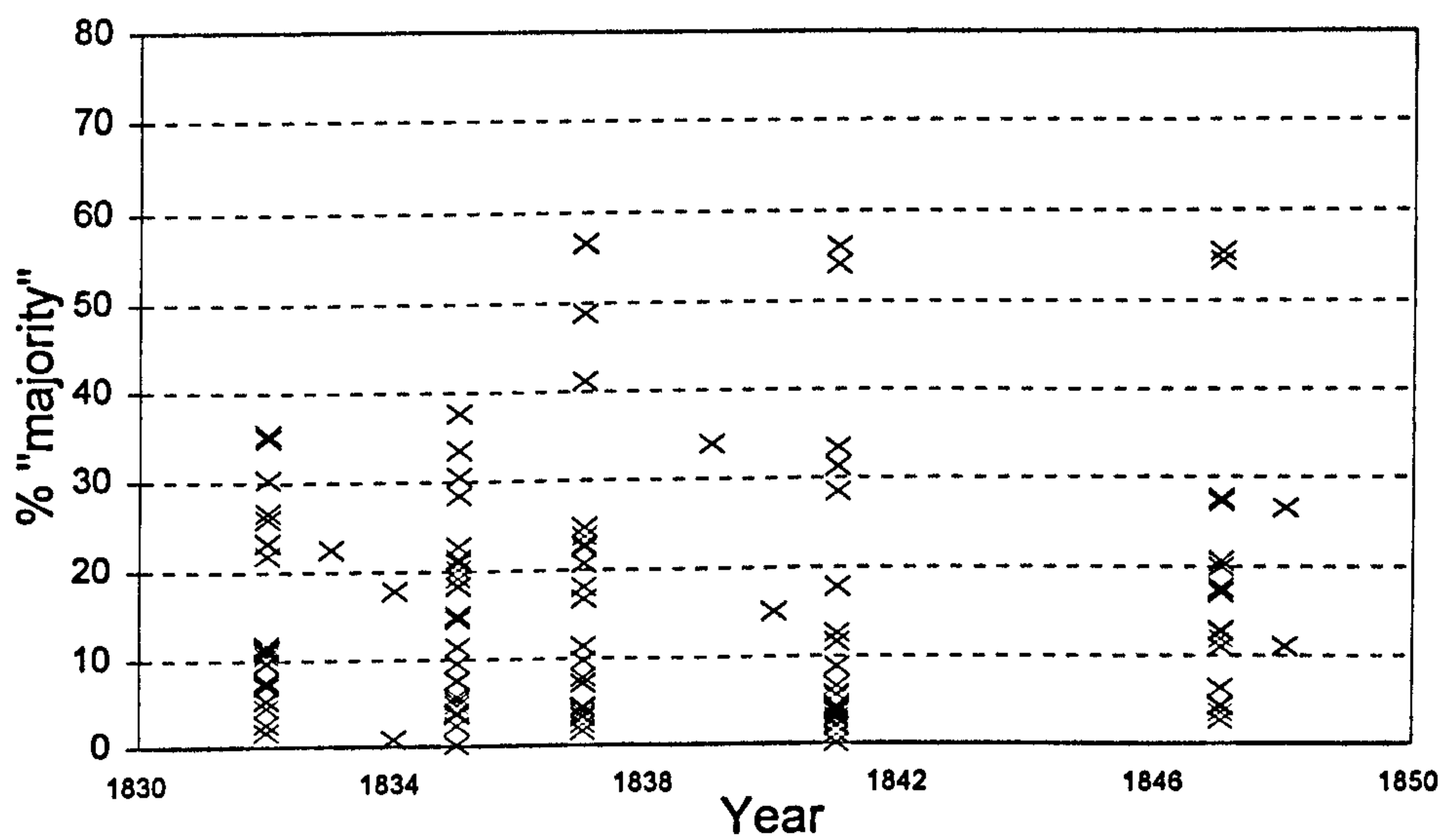
² *Report From The Joint Select Committee Of The House Of Lords And The House Of Commons, On The Cost And Method Of The Publication Of The Debates And Proceedings In Parliament; Together With The Proceedings Of The Committee, Minutes Of Evidence And Appendix*, 1888 (284) X. A major reason for this investigation was, however, disquiet at the deterioration in the quality of reporting of the contents of speeches.

³ Indeed, according to Glynn, "Hansard records no debate in the House on about half of all the private members' Bills passed during this period [1833-68]": Glynn, *The Private Member Of Parliament 1833-68*, Volume 1, p.232.

⁴ Data saved as *majority.mtp*.

⁵ I prefer using the number of people who voted to using the number of votes cast. However, both involve complicated assumptions regarding levels of plumping, what type of contests were expected at the next election, how varying the number of candidates affects the likelihood of each of them being elected and so on. Thus it would be silly to claim that my preferred measure is theoretically superior in all circumstances; rather, it is the best choice for the particular evidence under examination.

Graph 6.5
 Yorkshire MPs' majorities 1832-50



6.6 Finding candidates

The mixed reasons for becoming an MP, as reflected in voting and speaking records, are also apparent in the efforts made to find candidates. The mix of ambition and duty was reflected in the language of many electors when asking particular people to be candidates. Such requisitions, and responses, were usually couched in language implying that it was a great honour to be asked. Though this requisition/honoured acceptance formula was sometimes simply a ritual to be enacted, it often represented a real procedure. Typical was the following request from York in 1837:

We the undersigned Freemen and Electors entitled to vote in the Election of Members to serve in Parliament for the City of York consider at this momentous crisis that all Constituencies who adhere to the principles of the British Constitution are solemnly called upon to use their united and energetic exertions that such Members only shall be returned to Parliament as will maintain the true principles of the Constitution - promote the welfare of the Community - defend the legitimate Prerogatives of the Crown and the two Houses of Parliament - and resist any measure which has a tendency in its immediate or ultimate effects, to weaken the efficiency, or impair the usefulness, of the Protestant Established Church.

That in the opinion of your Requisitioners, the principles of true Conservatism actuate a large majority of the electors of this ancient City and therefore it is their duty to return to Parliament two Representatives, in whom they can confide the defence of the sacred Institutions of our Land.

That having a high estimation of your talent and patriotic zeal and feeling assured that your principles are in accordance with ours, we do therefore respectfully request that you will allow yourself to be put in nomination as a Candidate for the Representation of our ancient city at the next Election and we do pledge ourselves to give you our Voters and Interest.¹

Though the public request and reply may have been pre-arranged, that is not to say the whole procedure was bogus. One of the subtleties is revealed by Peel's comments in 1830,

I have had a letter today from Mr. Porter of Liverpool stating that there had been a meeting, and that a requisition was preparing calling me to stand as a candidate for Liverpool. As my resolution is fixed not to stand in any event, and as there would be great awkwardness in their encouraging an offer to be made to me which I meant to decline, I have written to them stating that I have no leisure to perform the duties of member for Liverpool and therefore at once notifying my intention to decline the honour.²

Though such protestations may sound insincere, the large financial and physical strain that could be involved in a contest suggest otherwise. Thus, some such exchanges were a matter of a potential candidate needing to be assured that they had a real chance of winning.³

The return of MPs at no expense to themselves, such as Macaulay in Leeds and two Whigs in Edinburgh in 1832, suggests both genuine reluctance on the part of candidates to stand, and genuine enthusiasm on the part of electors to have that person as MP. Macaulay, for example, had local supporters from his opposition to slavery and the friendship between his father and Wilberforce. A different example of how candidates may genuinely have been dragooned into standing against their inclinations is that of William Joseph Denison. After being a Camelford MP (1796-1802) he stood in Hull in 1802, at Fitzwilliam's instigation and with little personal effort, though not at little cost. He was defeated, and refused an invitation from Fitzwilliam to stand again in 1805, but stood and won in 1806. This was after being nominated without

¹ 1837 York election, ACC 93/2 a-d, York City Archives.

² G. Peel (ed), *The Private Letters of Sir Robert Peel*, John Murray, London, 1920, p.125.

³ E.g. the exchange between T.P. Thompson and a local committee regarding him contesting Bradford in 1847: T.P. Thompson MSS, DTH 3, Brynmor Jones Library, Hull University.

his consent by Fitzwilliam's agents. He had to pay £5000 in costs, and resigned in 1807. He was nominated for Liverpool in 1807, and disavowed the nomination. The reluctance of some candidates was also reflected in the vocabulary, with the frequent use of "offering," as in a candidate offering himself for a constituency, which sounds rather more self-effacing than "standing".

It was common for a deputation to be despatched to London to invite, interview or simply enquire after a candidate. Latterly, the Carlton (founded 1832) and the Reform (founded 1836) were used as clearing houses for candidates. Good candidates were often difficult to find. The strain that a constituency could exert is demonstrated by Beverley. It polled all but five times at elections in 1722-1831, and was fought at every election between the first and second Reform Acts. At no two elections in the nineteenth century were the same pair of MPs elected. The Whig John Wharton, who returned in 1818 just in time to pay off his debts from the previous election before winning again, spent the last years of his life in a debtors' gaol, much of his wealth having gone into the pockets of Beverley voters. R.C. Burton went further and announced his 1818 candidature whilst in gaol for debt. In 1820 James Graham decamped from Hull to St Ives, in order to avoid the heavy costs of a Hull seat, and desiring instead a seat where natural influence could replace financial exuberance.¹ T.P. Thompson, bruised by previous experiences there, refused an invitation to stand in the 1854 Hull by-election, saying he, "would sooner think of selling his daughter for a concubine at New Orleans".²

This emphasis in candidature affairs on matters other than Parliamentary was also reflected in the types of people who became Yorkshire MPs. Most Yorkshire county MPs stood for the first time in the county, rather than having a borough apprenticeship. In other words, previous Parliamentary experience was not seen as necessary to represent even such a great constituency as Yorkshire. Rather, the emphasis was on local links and qualifications. Indeed, many Yorkshire MPs stood for boroughs only after being a county MP. This was partly to ease financial and constitutional strains. It may also have reflected the fact that, having had a chance to make a reputation as a Yorkshire (county), continuing to be an MP for a prestigious constituency was less important.

6.7 Local links

Given that there were important attributes other than previous Parliamentary experience that made someone an apparently good choice for Parliament, the low levels of voting and speaking in Parliament are less surprising. Such activity did not always feature in the model of what an MP should be. Local, honourable, respectable, a history of local service, control of some local patronage, preferably a good speaker and rich are traditional descriptions of the preferred characteristics of a candidate. Hence, there was sometimes detailed interest in the family history and links of a candidate. For example, a witness to a Commons committee said of Charles Barkley, who finished bottom of the York poll in 1835, "Being a stranger and not stating what family he was, it had an influence against him".³ When the Anti-Corn Law

¹ Parker, *Life And Letters Of Sir James Graham*, p.52.

² Markham, *Nineteenth-Century Parliamentary Elections*, p.13.

³ Gash, *Politics in the Age of Peel*, p.110.

League decided to fight all elections in September 1843 it quickly ran into problems finding candidates, and its reliance on obvious outsiders damaged its prestige.¹

However, there were plenty of exceptions and complications. "Local" is somewhat of a misnomer. It was more a matter of having some connection with locals rather than being a local oneself. Owning local property could suffice, as could being a local landowner's son or nominee. Other links - particularly national fame on an issue that was important locally - existed. For example, George Hadfield, famous nationally for his dissenting views, contested Bradford in 1835, and was invited explicitly because of these views. In the jaundiced views of an opponent it was,

an insult to the Borough ... to force upon the constituents of this Borough an entire stranger to the town and county, whose sole recommendation and fame was founded on a letter widely circulated throughout the country containing sentiments totally subversive of the constitution.²

This attack typifies the balancing acts that occurred. As the established Church was a major issue, and given the views of one of the incumbents (John Hardy), it made sense for dissenters to invite a leading figure such as Hadfield. But, though inviting an outsider to stand (albeit unsuccessfully in this case) was acceptable to some, it was not so acceptable as to be beyond reproach from opponents. Likewise, in York in 1837 David Atcherley - a law sergeant and stranger - stood. It was not simply his family home that was attacked. One of the pieces of publicity attacking him went,

A Law Sergeant has addressed you as a Candidate. I ask you, What claim has he upon this City? Is he even a Yorkshireman? Does he contribute to our Charities - to our Benefit Clubs? Will he be found to support our City in any way?³

As with Hadfield, so with Sadler in Huddersfield in 1834, where a Tory-radical coalition was based on factory reform, though radicals split between Sadler and a conventional radical candidate.⁴ Given his involvement in factory reform Sadler was an obvious candidate, lack of local roots notwithstanding. More debatably, his Wesleyan background may have gained some favour with local Evangelicals, at least those who were not Whigs. Issues also predominated in the West Riding in 1846, when Fitzwilliam preferred a prominent opponent of the Corn Laws (Cobden) to his own son as candidate.

In 1843 Bradford Liberals invited T.P. Thompson to stand, should Hardy retire. The invitation was driven by William Byles, editor of the *Bradford Observer*. He firmly supported free trade and Corn Law repeal, issues on which Thompson's record was strong. However, this was not his only appeal. As a generally well-known radical, he was a good choice to join a balanced radical-moderate ticket that would keep dissenters, Liberals and radicals united. In this respect Thompson had no special policy-based local appeal that other possible radical candidates lacked. Rather, the local link came from one person (Byles) having particular personal admiration for him, an admiration based on Thompson's national fame.

A man of different political complexion, but invited to stand for similar reasons, was the Chartist Ernest Jones. He stood in Halifax (1847, 1852), Nottingham (1857, 1859) and Manchester (1868). As a

¹ McCord, *The Anti-Corn Law League*, George Allen & Unwin, London, 1958, p.157

² Jowitt, "Dissenters, Voluntaryism and Liberal Unity," p.11.

³ Letter from An Elector, 20 July 1837: 1837 York election, ACC 93, York City Archives.

⁴ This is unsurprising since, in addition to being a Tory, Sadler had been Newcastle's candidate for Newark in the infamous 1829 election.

nationally prominent Chartist, it was these activities that provided the link between him and the constituencies where he stood. Similarly, Brougham moved around the country in the course of his career as an MP, standing at various times in Camelford, Inverkeithing burghs, Knaresborough, Liverpool, Westmoreland, Winchelsea and Yorkshire. He was invited to stand in Yorkshire in 1830 precisely because he was a nationally famous figure. It did cause Tory comment, though this was largely aimed at his lack of Yorkshire land holdings, as he was the first Yorkshire MP to not own land there.

In constituencies that were heavily influenced by one person the policy stance of a candidate could also appeal, though in this case appealing to the patron rather than the electors mattered. For example, Robert Southey was elected for Downton in 1826 as a result of Lord Radnor liking his *Book of the Church*. He was so keen that Radnor not merely procured Southey's return whilst the latter was absent in Holland, he also did it without telling him and only informed him after the election by means of an anonymous note! Radnor wrote that he was,

Quite delighted with the summary on the last page of that work, and ... has therefore been anxious that Mr. Southey should have a seat in the ensuing Parliament; and having a little interest, has so managed that he is at this moment in possession of that seat under this single injunction:-

Ut sustineat firmiter, strenne et continuo, quae ipse bene docuit esse sustineida.¹

Only once Southey discovered his fate was he able to point out that, "A seat in Parliament is neither consistent with my circumstances, inclinations, habits, or pursuits in life," and that he did not possess the required property qualification.²

Even if a candidate had local links, they may only have played a tangential role or only been poorly utilised. Though William Beverley was a magistrate and deputy lieutenant for the East Riding for thirty years his main qualification in 1812 to stand for Beverley was a willingness to do so. When he stood again in 1818 - after friends nominated him - he actually spent his time at the other end of the country, cultivating Weymouth and Melcombe Regis (though in the end he did not stand there), and did not appear in Beverley. Charles Forbes was another Beverley MP (1812-18). Though in 1818 he moved off to the less turbulent pastures of Malmesbury, his friends still canvassed for him in Beverley. Similarly, though the Ramsden family had considerable land-holdings in Huddersfield they preferred Malton, to which they were connected via marriage to the Fitzwilliams, to the more tempestuous politics of Huddersfield, though a more prestigious county seat, if possible, could be preferable to either.³

A more pecuniary form of local link was evident in Hedon. MPs and candidates were expected to be generous to local charities, the church and school and in the provision of entertainment. Much attendance was required.⁴ However, once this level of local concern was demonstrated, electors were generous in their interpretation of "local". George Johnstone, Hedon MP 1802-13, who only moved to Hedon because he needed a new seat after the patron of Aldeburgh wished to elect someone else, claimed "lineal descent" from

¹ Radnor to Southey, 10 July 1826: Southey, *Robert Southey*, Volume 5, p.261. Roughly translated the Latin says, "That he should uphold firmly, strenuously and continuously, the things which he has shown well should be upheld."

² Southey to Richard White, 1 July 1826: Southey, *Robert Southey*, Volume 5, p.262-3.

³ John Charles Ramsden was MP for Malton 1812-31, Yorkshire 1831-2 and then Malton again 1833-6, when he died. He was also a candidate for North Riding 1832. When he became a member of Brooks' he was nominated by Milton.

⁴ E.g. see John Hall to Hotham, 7 February 1820, Hotham MSS, DDH10/8, Brynmor Jones Library, Hull University.

former Hedon MPs. This, as a claim to having a local link, was somewhat tenuous, though it did not appear to do him any electoral harm.¹ Similarly, Anthony Browne, Hedon MP 1806-18, had the money to be generous and was introduced by George Johnstone, without having any other significant local claims. Likewise, Charles Duncombe, a failed candidate in 1807, thought only having weak local links was not sufficiently problematic to preclude an opportunist stab for the seat.² Another example is that of John Broadhurst, Hedon MP 1813-18, who needed a new seat after being unseated from Weymouth and Melcombe Regis on a petition. Though his family had land all around the country, and he inherited estates in Derby, Nottingham and Northumberland (but not Yorkshire), his main qualification was the £4000 he paid to local attorney William Iveson. If someone was prepared to be suitably generous with their money, what matters it where they come from? Local generosity could substitute for localness. Candidates who had made, or could plausibly promise that they were making, a fortune - normally in commerce - could promise on this basis to bring more prosperity to a constituency. Though this can be seen as coded language for, "I have lots of money to pay for free food and drink" it did refer to the possible genuine advantages of having MPs with good commercial contacts, and who would be expected to do business themselves in the constituency and be generous to local charities and subscriptions. In Hull tales of the wealth candidates had, and could bring to inhabitants were always popular, though even here politics could intrude. Acland, a candidate in 1832, was a noted radical, and a strolling player and wandering teacher. On arriving in Hull his radical activities quickly made an impression. For him, his supporters and his opponents, his politics, rather than where his ancestors were born or owned land, were defining characteristics. This flexibility of attitude had also been demonstrated in 1812, when George William Denys stood in Hull. Hull electors, desperate for a third man, stopped him on his way to Beverley, where he was intending to stand and persuaded him to switch to Hull. His links with either were scanty at best; though he was a deputy lieutenant that was for Essex, and though he had served in yeomanry cavalry that was in Northamptonshire.

Beverley, like Hull and other constituencies such as Amersham, Morpeth, New Shoreham and Reading, often saw *third man* candidatures³ James Graham was a third man at Hull in 1818. He was unknown in the constituency, but no-one else could be found. Some letters of introduction were produced, but could not hide his roots. He turned it into a matter of principle: "I offer myself to you as a 'third man', to give you an opportunity to exercise your rights as Englishmen and your privileges as burgesses".⁴ Further, whilst he wished to be an MP for his native county, standing in Hull offered him the chance to be an MP for a constituency where the electors agreed with his views on political issues. Others, like Denys and Blackman in the Hull 1812 election, simply brazened it out and made little pretence to be anything other than opportunistic third men. The decorous explanation was that bringing in third men forced MPs to justify their behaviour; a more honest one is that it brought about a contest, with all its accompanying food, drink, entertainment and other disbursements.

¹ It did however harm his peace of mind as Christopher Saville, a Hedon MP 1802-6, was so irritated by these claims as to frequently issue challenges to a duel.

² His uncle had been a Yorkshire MP, and the family home was Duncombe Park.

³ Candidates - usually strangers - brought in to ensure a contest, and whose qualification was their willingness to undergo this.

⁴ W.M. Torrens, *The Life And Times Of The Right Honourable Sir James R.G. Graham, Bart., G.C.B., M.P.*, 2 volumes, Saunders, Otley, and Co., London, Volume 1 p.93.

Some candidates were greatly lacking in any personal contact. Indeed, the Marquess of Buckingham wrote to Windham, on the latter's candidature for St Mawes,

The only political tenet to which your St Mawes electors will bind you is the belief that the Pilchard is the best of all possible fish, which, as long as you are not obliged to taste it you may undertake for their sake to believe.¹

Indeed, during the Aldborough petition arguments in 1820 the very existence of one of the recently elected MPs, Gibbs Crawford Antrobus, was questioned; he had gone to America shortly before the election. In the nearby constituency of Knaresborough the then patron (the Duke of Devonshire) went so far as to discourage the appearance of candidates, lest it give the impression that the constituency was an open one!² When Palmerston was first elected, for Newton (Isle of Wight), one condition was, he said, "That I would never, even for the election, set foot in the place. So jealous was the patron lest any attempt should be made to get a new interest in the borough."³ When Tierney and Mackintosh were MPs for Knaresborough a publication said, "The members never appear at the elections, and it is the constant practice to chair two old paupers by way of proxies."⁴ More keenly contested constituencies did, though, generally require more attendance. Thus, in 1826 Viscount Morpeth, desirous of attending the Tsar's coronation, turned down Fitzwilliam's offer to elect him for Yorkshire, and instead was returned for Morpeth.

In the East Riding variations between constituencies show the nuances in the mosaic. Hedon usually had a strong local flavour to candidates. Not so in Beverley - factions were sometimes forced to look outside for someone willing to stand and face the cost. In Hull local links were often non-existent. Between T.P. Thompson's election in 1835 and Norwood's election in 1865 no local was elected. Even Thompson's links were dated: "Forty years ago I believe I knew almost every man in the streets and every man and boy knew me."⁵ He was a local who had moved on. There was also the tradition of bringing in a third man.

Local factors allegedly impinged far more than national issues. As these issues often had little direct meaning for constituencies, a candidate's general attitude could be more important than detailed policy positions (if they even existed). Given the number of MPs who were reelected but then did little, politics cannot have been the be-all and end-all of their election. However, religious attachment often resulted in a national issue - such as Catholic emancipation or the Maynooth grant - becoming a fierce local issue, as happened with Trollope's 1868 Beverley candidature; and Richard Bethell withdrew as a candidate for Yorkshire in 1826 because of his inability to agree with other Tories over Catholic relief. Local factors included doing your duty; some stood because they felt it was the concomitant of their status. For example, Althorp refused an offer to stand for Glasgow in 1832, preferring instead an expensive and risky contest for the county (Northamptonshire) in which Althorp Park was located. Doing otherwise, he said, "would be running away from my natural position."⁶

¹ Buckingham to Windham, 8 July 1802: *The Windham Papers*, Volume 2, p.195.

² Thorne, *History of Parliament*, Volume 2, p.451.

³ Jennings, *Anecdotal History*, p.268-9.

⁴ Jennings, *Anecdotal History*, p.397.

⁵ Markham, *Nineteenth-Century Parliamentary Elections*, p.18.

⁶ Althorp to Brougham, 2 September 1832 (?): E.A. Wasson, "The Spirit of Reform, 1832 and 1867," *Albion*, Volume 12, 1980, p.169.

The interaction of national and local issues, national issues and local personalities and national issues and local circumstances was complex. For the 1832 Leeds election the Liberals picked two candidates - Marshall and Macaulay - who, incidentally, were opposed to factory reform. It was as a son of the flax-spinning Marshall family and as a bright political star that they were picked. But, one consequence was that some Tories and radicals went into collaboration to support Michael Sadler, a prominent proponent of factory reform, though also qualified by virtue of his local residence, involvement in Leeds corporation and the support of Newcastle.¹ The combination of the staunchly Tory, anti-Catholic, anti-Parliamentary reform Sadler with the radicals made sense in the context of two anti-factory reform Liberals. It was this combination of local circumstances and personalities that made factory reform, but not other national issues like religion, prominent at the 1832 election. As one put it,

Why talk about Tories and Radicals [*sic*] and such like while Oastler and Sadler and them'll stand up for us, I care nowt about what colour they wear; it's not blue nor yellow at makes 'em either better or warse [*sic*].²

The amount of carpet-bagging, at least by prominent political figures, further questions the importance of local links and what voters' attitudes to MPs were. For example, Viscount Duncannon³ stood, at various times, for Higham Ferris, Kilkenny County, Knaresborough, Malton, Nottingham and St Albans. Similarly, Sir James Graham stood for Carlisle, Cumberland, Cumberland (East), Dorchester, Hull, Pembroke, Ripon and St Ives.

This point, however, should not be over-stressed. For example, Thirsk, though being firmly in the Frankland's grip, consistently had MPs with strong local links. In 1839 Graham was looking for a seat and had some hopes for Thirsk, being friendly with Frankland (who had taken the name Russell in 1837). But this fell through. According to Graham, writing afterwards, "As to Thirsk the difficulty is to find a Yorkshire candidate: I am sure Sir R. Russell would support any good Conservative connected with the County who was agreeable to his neighbours".⁴ A large number of nationally known or government members passed through a Yorkshire constituency at some time. There was the problem for governments that ministers had to be re-elected on appointment, and there were fewer proprietorial boroughs after 1832. For example, a major reason for Peel dissolving in 1835 was the problem of getting his ministers into the House of Commons, and, indeed, given this problem, getting people willing to serve.

In addition to obvious carpet-baggers, there were numerous candidates who, superficially, had better local credentials in places far away from where they were standing. Many were magistrates etc. in other counties. David Atcherley, York candidate in 1837 and 1841, was a magistrate in Lancaster, Chester, Durham, Salop, Denbigh and Flint (where he was also a deputy lieutenant). Yet, it was only in York that he stood for Parliament. According to Gash, "Not merely the tradition but the actual profession of the borough-monger was still alive in early Victorian England. Without the costly and often notorious methods employed at Stafford, Nottingham, Ipswich, or Sudbury, there were yet ways of entering parliament by judicious

¹ Though this was also a source of criticism. See also p.219.

² From a radical pamphlet: Fraser, "The Fruits Of Reform," p.92.

³ Also known as John William Ponsonby. He was a Whig whip from 1815, and held various government posts in the 1830s. He is probably most famous for being a member of the four-man committee that drafted the Reform Bill.

⁴ Gash, *Politics in the Age of Peel*, p.225.

negotiation and adequate payment.”¹ The extent of local links, to some degree, appears also to have depended on the degree of national partisanship. At times of particularly keenly contested elections from the national perspective more effort went into finding candidates to contest seats, which resulted in more non-locals standing. According to Glynn the percentage of new members without local links (through birth, education, marriage, residence, property ownership or location of work in or near the constituency) was 16% in 1832, rising to 25% for both 1835 and 1837, falling back to 22% in 1841 and hitting 32% in 1847.² Those that were non-local were largely from professions like the law.³ These did not provide strong local links with anywhere.

Though candidates might not be local, traditions were. Thus, for example, people did not have colours, constituencies did: candidates’ colours depended largely upon the colours similar candidates had used in that constituency in the past. Thus, one might talk of Tories using crimson and the Whigs orange in Beverley. What did not happen was that a particular colour accompanied a particular person around the country. Candidates might not have been local, but it was local traditions into which they had to fit.

Having strong local links did not necessitate being involved or standing locally, as three examples show. First, although Lord Carlisle, of Castle Howard, used exclusive dealing to back Fitzwilliam in Malton and had sufficient influence in Huddersfield for there to be some concern in 1831-2 at the thought of enfranchising it, the Howards did little politically in the locality. That is not to say they were not active locally, nor were not political. Frederick Howard (5th Earl), a friend of Fox, held various minor government posts. His son George (1773-1848) was a Cabinet minister. His son, George William (b.1802) was a Whig MP elsewhere, Chief Secretary to Ireland 1835-41 and Chancellor of the Duchy of Lancaster. This family was of the same politics as the Fitzwilliams, and so there was no reason for them to fight the Fitzwilliam interest. Further, with interests elsewhere, like their estates near Carlisle, there was no compelling reason for the Howards to be politically active in Yorkshire.

Second, the Ramsdens of Huddersfield were influential locally, being Lords of the Manor and having acquired the market rights in 1672. Though the Improvement Commissioners set up in the late eighteenth century were an alternative source of local power, relations between them and the Ramsdens were harmonious and it was only in the latter nineteenth century, with calls for incorporation, that things began to break down. But when it came to being MPs Ramsdens looked elsewhere. Family links with the Fitzwilliams were utilised, and John Charles Ramsden was first MP for Malton and then Yorkshire.

Third, Sir Walter Stanhope of Canon Hall (five miles from Barnsley) and with estates at Horsforth (near Leeds) had electoral influence in the West Riding.⁴ Yet, he was at times MP for Hazelmere and Carlisle, constituencies in which his relative Sir James Lowther had great influence. Personal links, once again, predominated over localism.

¹ Gash, *Politics in the Age of Peel*, p.164.

² Glynn, *The Private Member Of Parliament*, Volume 2, Table 14.

³ Glynn, *The Private Member Of Parliament*, Volume 1, p.41.

⁴ A.M.W. Stirling, *Annals Of A Yorkshire House: From The Papers Of A Macaroni & His Kindred*, John Lane The Bodley Head, London, 1911, Volume 2, p.183.

Despite the variability of local links, candidates were normally introduced to the electorate - implying that at the least acquaintance was required - and they were preferably accompanied by local notables. This was especially true for young candidates, who usually had to rely on personal recommendations rather than any track record. Such recommendations could easily overcome any drawback arising from inexperience. Indeed, criticism of candidates for inexperience was rare. More common was criticism of their lack of knowledge of, and links with, a constituency. Youth simply meant more effort was needed to get know, and personal recommendations, aristocratic background or family links were often sufficient to overcome this. It was, though, still possible for candidates to be absent. In addition to the above example of Antrobus and the Aldborough election of 1820 (p.222), there were other candidates who were notable by their absence. For example, in the 1818 Beverley election neither William Beverley nor Burton appeared. Burton did at least have the good excuse of being in gaol!

The main impact of the 1832 reform legislation was that, by trimming some of the extremes of the system, being able to claim some link with a constituency became increasingly important. However, this occurred at the same time as an increasing emphasis on policies meant that the definition of what constituted a link became looser. Prominent views on policies relevant to a constituency could qualify as a link, rather than just family or residential connections. In 1826 the Duke of Devonshire wrote to Lord John Russell,

I find that my alternate nomination to the borough of Bandon is still at my disposal, and I have the greatest satisfaction in offering it to you. It may be necessary to name the member before your answer can have arrived, therefore I hope you will not be dissatisfied at finding yourself *elected*.¹

It was this type of behaviour that fell by the wayside.

6.8 Conclusion

For centuries it has been the goal of English manhood, and besides those who found seats in it on the strength of a tradition or of a quasi-hereditary right, there were in every house many scores of men for whom its membership set the crown (and often the coronet) on achievements and success in other walks of life,

according to Namier.² However, this was but one aspect of being an MP. For some it may have been true, but for others being an MP was not a crowning achievement, but a step on the road to other achievements and successes, particularly in the non-Parliamentary sphere. Indeed, in 1832-50 around 15% of MPs were, when elected for the first time, under twenty-five.³ Similarly, Glynn was misleading to write,

The middle class Members had first to prove their worth. To them membership of the House was but a crown to an otherwise successful career.⁴

Rather more accurately Namier wrote that, "the seat in the House was not their ultimate goal but a means to ulterior aims."⁵ Being an MP could be a crown to a career, but it could also be a means of achieving that career. Or, as Alexander Pulling put it in 1866:

¹ Devonshire to Russell, 15 November 1826: Russell, *Lord John Russell*, Volume 1, p.254.

² Namier, *Crossroads of Power: Essays On Eighteenth-Century England*, p.3.

³ Derived from Glynn, *The Private Member Of Parliament 1833-68*, Volume 2, Table 1.

⁴ Glynn, *The Private Member Of Parliament 1833-68*, Volume 1, p.151.

⁵ Namier, *The Structure Of Politics*, p.2.

The position of M.P. ... brings to men of mere wealth a social position they could in vain aspire to before ... No matter how insignificant a figure the person elected may cut within the House, he must be singularly deficient or wrong headed to whom the designation of M.P. does not bring great advantages in the world ... he at all events gains a 'title'.¹

In some cases it was less a matter of aspiration than expectation. In particular, for the eldest sons of nobles and large landowners, a Parliamentary career was a matter of course, flowing naturally from their position in society. Though Pulling goes on to claim that, due to the attractiveness of having an M.P. as a company director, being an M.P. "affords the prospect of a speedy and profitable return" this appears to have been the exception, and only really applied to railway companies before the late nineteenth century. With this status came financial strain and intimidation. The quietness of many MPs is less surprising when the importance attached to Parliamentary oratory is remembered. The psychological pressure that had driven Gibbon to write in 1775, "I am still a Mute; it is more tremendous than I imagined; the great speakers fill me with despair, the bad ones with terror,"² did not end with the end of the century. Parliamentary oratory was a serious business. This was evidenced in numerous ways, including the dominance of Parliamentary speeches and proceeding in political reporting, the praise attached to good maiden speeches, the number of people urged to become MPs because of their oratorical ability - like James Scarlett - and the different verbal culture. Hour-long speeches were a normal mode of communication, and soundbites - humorous quips aside - the exception.

The status and social benefits of being an MP required time to fully enjoy: why go to the effort of obtaining such an entrance to (London) society, if one did not enjoy it? These benefits, then, help explain the absences of MPs from their nominal job. In particular, dinner cleared out the Commons - it was no coincidence that a poor Parliamentary orator like Burke was nicknamed "The Dinner Bell". Membership of the Commons certainly gave possibilities for political participation, but they were often passed up in favour of enjoying the benefit of status, and the expression of successful candidates' superiority in their constituencies.³ Being an active Parliamentarian could allow one to cut a dash; as Holland commented in the 1820s, "It is the fashion among the young one to attend to Parliamentary business."⁴ Those unattracted by such fringe benefits were less likely to have become MPs in the first place for, as Grantley Berkley put it when asked to stand, being elected would,

break in on my home, its retirement, and my amusements; and ... occasion me such an increased expenditure as would at once force me to discontinue my hounds.⁵

The importance of non-political motivations, resulting in the behaviour of MPs that we have seen, was also reflected in the rules regarding MPs. Thus it was that when the rules on free postage for them were tightened in 1802⁶ the perceived abuse was not MPs using free postage to wage political campaigns, but MPs

¹ Glynn, *The Private Member Of Parliament 1833-68*, Volume 2, p.258 n1.

² Gibbon to Holyroyd, 25 February 1775: P. Johnson (ed), *The Oxford Book Of British Political Anecdotes*, Oxford University Press, Oxford, 1986, p.85.

³ Such benefits could even be gained by losers. William Dyott wrote of his son's candidature in 1837, "If he was not returned, the application of so influential a list of electors would naturally introduce him to the county, and place him in a situation of high respectability": R.W. Jeffrey (ed), *Dyott's Diary 1781-1845: A Selection From The Journal Of William Dyott, Sometime General In The British Army And Aide-De-Camp To His Majesty King George III*, Archibald Constable, London, 1907, Volume 2, p.258.

⁴ L. Colley, *Britons: Forging The Nation 1707-1837*, Yale University Press, New Haven, 1992, p.188

⁵ Berkley, *Life And Recollections*, Volume 1, p.345.

⁶ 42 Geo.III c.63.

using free postage for their social correspondence, for their friends and relatives and for their business activities.¹

Yorkshire was a mix of a few active MPs and interested families, and, rather like an iceberg, a much larger, submerged and hidden bulk of MPs. Still, it was perhaps not typical of the whole country in having several families who regularly wished to have a representative as a county MP, though such ambitions were frequently restrained by a lack of money. In contrast, Olney wrote of Lincolnshire that,

There was, in fact, little competition for the honour of representing the county. More often it was a question of impressing his public duty upon some less than willing victim.²

Though attendance is not possible to measure directly, the voting figures suggest strongly that frequently many MPs were absent. Though both Houses of Parliament had resolved on 25 January 1709 that, "such Members as absent themselves without leave be reputed deserters to their trust and neglecters of the duty they owe to the House and the country," the reality was rather more relaxed. MPs became MPs for a great variety of motives; being an MP was about more than exercising Parliamentary power, as indeed illustrated by the frequent apologies for disturbing a constituency with a contest.³

The number of MPs who did not vote, and the lack of decline in their numbers over the years, not only strongly suggests that electoral pressures did not lead to speechifying - as my regression equations also suggest - but also that if parties were becoming more pronounced then for many MPs either this process passed them by or they did not see many, if any, Commons votes as relevant to party partisanship. In particular, a large number of MPs never spoke - regardless of what greater trend was also taking place, be it electoral reform, social unrest, party development or the growth of railways. Though attendance is harder to judge than voting records, the evidence suggests a similar story. For example, Macaulay wrote of the Reform Bill's second reading,

The House when only the Ayes were in it [302 plus possible 4 tellers and the Speaker] looked to me a very fair house - much fuller than it generally is even on debates of considerable interest.⁴

There was no fundamental change in the make-up of candidates or MPs following the 1832 reform legislation. The impact of 1830 and 1831, followed by the landslide of 1832 meant that there was bound to be an apparent change in personnel, simply due to one side having won a landslide. This was exacerbated in contemporary eyes by the psychological impact of Peel being displaced from his usual seat by Cobbett, O'Connell and the Radicals. This resulted in comments such as that of the *Annual Register*,

There was a great dislocation of old connections and former interests; an extensive removal of acknowledged talent and worth to make room for ignorant and bold empirics or for unprincipled knavery.⁵

¹ 3&4 Vict. c.96. These postage rights were lost in 1840.

² R.J. Olney, *Lincolnshire Politics 1832-1885*, Oxford University Press, London, 1973, p.232.

³ Although this was part of a wider social phenomenon, evidenced by the "I am very sorry to disturb you but ..." tone of the prefaces to many publications, particularly pamphlets, addressed or dedicated to a particular person.

⁴ Macaulay to Ellis, 30 March 1831: Johnson, *British Political Anecdotes*, p.115. He thought there were less than 300 in the Chamber at this time.

⁵ *Annual Register*, 1832, p.299.

It was more a change in individuals than in type. Many of the new constituencies had MPs and candidates of the traditional type. Indeed, sixteen (seventeen after a by-election) of the sixty-five places for new constituencies were filled by people who had previously been MPs. Of the 111 MPs whose seats were abolished in 1832, forty-eight returned to Parliament eventually - twenty-six in 1832; usually it was for somewhere near their place of residence.¹ Whilst when Parliament assembled in 1833 it may have included the newly elected Cobbett, it also had the newly elected Beauclerk, the great-great-grandson of Charles II.

There was no great influx of financiers, merchants and manufacturers - arguably none - nor of radicals. Lumping all the radicals - from O'Connell to Cobbett via Hume - together gives a total of around 40. Amongst the 150-odd Tories returned were such die-hard opponents of the 1832 legislation as Vyvyan (elected for Bristol, a borough constituency with a substantial electorate) and Baring (elected for North Essex). MPs continued to come from an open, though not very diverse, cross-section of society, into which money could buy access. The resulting clubbishness had its advantages, making theoretically impracticable Parliamentary procedures work and facilitating a flexible interpretation of the rules.

What did change after 1832 was MPs' behaviour. They became more active. Thus in comparing the first and second editions of Erskine May's guide we find a significant addition in the latter's text, which stated that, "a member is often called not because he was up first, but because the house desire to hear him."² In other words, as more MPs desired to be called to speak, the old convention that "first up, first called" could no longer work, regularly faced with several MPs standing (near) simultaneously.

There was a great increase in participation by MPs, though this was not driven by electoral pressure. There were many aspects to growth - such as the boom in railway private members' bills - which had other causes, and were a reflection of the changing role of government. It was governmental rather than electoral changes that changed MPs' behaviour. Though the more active MPs did come from large constituencies (where one might expect electoral pressure on MPs and gains from Parliamentary activity to be higher), it was not desire for re-election that motivated their activity. Changing majorities did not produce changing levels of activity. Rather, it was that large constituencies attracted those types of MPs, frequently radicals, who were also, but coincidentally, those who made more active MPs.³

Being an active MP was, like being local, a useful bonus, but not essential. So, requests to people to become candidates were neither dominated by, nor ignorant of, their Parliamentary records. So it was that appeals to Lord Hotham to succeed Bethell for the East Riding both mentioned his record in Parliament, but also his large land holdings and pro-agriculture stance.⁴

Even with the growth in activity that there was, there remained many MPs going to the effort of being elected and then doing very little, if not nothing. Politics seems to have frequently had only a small

¹ Woolley, "The Personnel of the Parliament of 1833," *English Historical Review*, 1938, p.255-6, 259.

² Erskine May, *Law, Privileges, Proceedings And Usage Of Parliament* 1844, p.193 and *A Treatise On The Law, Privileges, Proceedings And Usage Of Parliament*, 2nd edition, Butterworths, London, 1851, p.242.

³ Not all radical MPs were active. The *London and Westminster Review* lamented in 1836 (No.1 Volume 3 & 25, p.276) that, "The Radical Party in Parliament has, with few exceptions, preserved its accustomed torpidity. Those who had formerly done something have done more than usual; but those who are accustomed to do nothing, have done it still."

⁴ Hotham MSS, DDIHO 8/17-18, Brynmor Jones Library, Hull University.

role to play in the electoral field. As a result, though there were many young candidates, for only a few was politics a lifelong obsession, and even then it normally derived from the expected behaviour that went with their position in society. Those that came from an area outside politics that did involve speech-making, namely the law, did generally make talkative MPs.¹ The ideal of a grand Parliamentary career, particularly for young talents like Pitt, Peel, Gladstone and Disraeli was often articulated, both in fiction like that of Trollope's and in real life. But this was largely a romantic ideal in which only a few, the best, could participate. The more general attraction was that, as Trollope put it,

To sit in the British Parliament should be the highest object and ambition of every educated Englishman.²

Or, as Disraeli said,

I love fame; I love public reputation; I love to live in the eye of the country; and it is a glorious thing for a man who has had my difficulties to contend with.³

Given this diversity of motives, it is not surprising that there were frequent complaints about the quality of MPs and claims that it was declining. In 1830 the *Quarterly Review* complained that MPs,

are not only found inferior to many private individuals among their contemporaries, but one seldom recognises the grasp of mind and statesmanlike qualities which the representative of a free and enlightened country might be expected to possess.⁴

In a like vein, *Blackwood's Magazine* claimed in 1822,

The old brilliant reputation of Parliament as a place of intellectual distinction, has past away since the war.⁵

But such complaints should be treated sceptically. It is a constant refrain in English politics that the previous generation of politicians was better, and indeed the last great political orator dies every ten years or so.⁶

Still, there was a distinction between active and non-active Parliamentarians, for whom being an MP was not a means, but an end (possibly incidental in itself), even manifest in the Cabinet, with a demarcation between those who held "efficient offices of real business" and those who were "sleeping partners in the firm."⁷ In the case of the Cabinet the motivation of the sleeping members is more obvious; not only did they have the chance to take part in Cabinet decisions, but posts such as the Lord Privy Seal and the Duchy of Lancaster came with pay. But inactive MPs are no odder than silent committee members. They make up the numbers and are seen to be involved without actually having to do a great deal.

¹ For example, Glynn, *The Private Member Of Parliament 1833-68*, Volume 2, Table 90.

² P. Riddell, *Honest Opportunism: The Rise of the Career Politician*, Hamish Hamilton, London, 1993, p.259.

³ Riddell, *Honest Opportunism*, p.14.

⁴ *Quarterly Review*, January 1830, Volume 42, p.270.

⁵ *Blackwood's Magazine*, April 1822, Volume 11, p.468. In November 1834 it lamented a decline in quality of debate since the 1832 reforms: Volume 36, p.674.

⁶ In the days of Pitt the Younger the likes of Pitt the Elder were praised; in the days of Brougham the likes of Pitt the Younger were praised; in the days of Palmerston the likes of Brougham were praised; in the days of Gladstone and Disraeli the likes of Palmerston were praised; in the days of Salisbury the likes of Gladstone and Disraeli were praised, and so on. Similarly, on Jo Grimmond's death in 1993 it was him; when Michael Foot dies it will be him; when Enoch Powell dies it will be him; after that Tony Benn will doubtless get the title on his death, only to be followed in due course by Michael Heseltine. For an example of a lament for the "good old days" see Hall, *Retrospect*, Volume 1, p.22.

⁷ The phrases are respectively Grenville's and Mrs. Canning's: Aspinall, "The Cabinet Council," p.151.

7. Conclusion

Three problems, each aspects of vitality, were raised at the beginning: was the electoral system opening up, what was 1832's impact and what determined participants' behaviour? Examining them has produced a somewhat mixed picture. Frequently high and/or increasing vitality coexisted with low and/or decreasing vitality, as the range of forces at work did not all move in the same direction.

Increases in vitality were often driven by conflicts within electoral elites, producing larger electorates, higher turnout and more polls. Not only did elites, in the face of electoral vibrancy, have to struggle and organise to win,¹ but their very struggles increased vitality.

However, this occurred against a background of some reluctance on the part of the wider population to take advantage of the openings offered by the electoral system's vitality. Thus, non-registration rates remained high, and turnout declined after 1832. Legislative reforms like those of 1832 could grant more opportunities for participation, but could not force people to take them.

It is these two contrasting forces - conflict and apathy - that explain the apparent paradox and confusion at the heart of the electoral system. Whilst in many ways the system was open, at the same time in other ways it was not. Hence the contrast between the rumbustious world of polls and the quiescence of uncontested backwaters, and between the intensity of the Reform Bill debates and the frequent absence of MPs from those very debates, and even from the votes.

The elite itself had signs of vitality. Whilst certainly it was an elite, and this was not an age of mass politics, there were openings for those with money, time, talent or simply a good lawyer and an election manual. This relative openness was partly a reflection of the system's complexity, frequent poor administration and amateurishness. It was also a reflection of how easily elites were distracted from electoral politics by other considerations. Enthusiasm and participation accompanied, and even were made easier by, apathy and non-participation. This left plenty of room for experts, competent people or the plain enthusiastic to join in. With energy, persistence and information many MPs were not only better informed than the bulk of their peers, but also able to set the terms of the debate or achieve their aims on the sly. Yet this scope was often accompanied by ignorance. As with the urban penetration clauses in 1831-2, ignorance and confusion meant the outcome was not really in anyone's hands as no-one really knew what they were doing.

The complexity and poor administration were exacerbated by often poor, vague and unenforced statutes and customs. Many were only utilised when a particularly fierce conflict led to participants looking for all possible implements to use. The complexity increased after 1832. Ostensibly 1832 replaced a variety of local franchises with national uniformity. The reality was different. Not only were the rules open to a wide variety of interpretation (and even misinterpretation), but also within most constituencies the franchise was settled before 1832; change simply produced uncertainty. But, above all, 1832 introduced electoral registration to England. This was a veritable heaven for electoral lawyers and enthusiastic pedants, but a legalistic quagmire for the rest.

¹ In Disraeli's words, "Politics is organised opinion."

Simplifications and improvements of the system were restricted not merely by all the usual arguments against change,¹ but also by the embedding of many of the problems in deeper social and political norms. Thus the historical bequest that only the Commons should determine its own membership greatly restricted the scope for reform of the petitioning procedure. In addition, there were many unsolvable problems (how do you unambiguously define and value property?), and the traditional image of elections as a private matter between the contestants restricted the role of the state in regulating them. This fostered the erratic enforcement of electoral law,² it being largely left to participants, beset with partisan motives, to ensure its enforcement.

The complexity and amateurishness also produced some surprising nooks and crannies, as with the use of the secret voting around the country long before even Hobhouse's Select Vestry Act.³ The breadth of secret voting is also a warning against assuming that participants were collected, rational and able to spot the obvious. During the secret ballot debates of the 1830s one of the most common hostile arguments was that secrecy was unmanly and foreign. Yet, supporters of the ballot did not use the apparently obvious counter-argument, that secret voting was already working smoothly in many parts of the country. Further, its opponents in these set-piece debates failed to oppose secret voting when it entered the statute book through a variety of means, like Hobhouse's Act.⁴

The capricious and fragmented nature of the system, and changes to it, brings to mind Lloyd George's famous criticism of 1915 that, "We have been employing too much the haphazard, leisurely, go-as-you-please methods." Even Cabinet meetings - a body without even secretarial support before 1914 - were frequently amateurish in execution:

Business was not conducted with the smooth efficiency that might have been expected of the ablest statesmen of the day. No agenda was prepared. Often enough, Ministers, including the Prime Minister, had no idea why they were being summoned, or who had sent out notes. No great pains were taken to ensure that each Minister received the summons. Sometimes the Prime Minister announced that he

¹ For example, Canning, commenting on one of Russell's reform motions, proclaimed that, "If this House is not all that theory could wish it, I would rather rest satisfied with its present state, than, by endeavouring to remedy some small defects, run the hazard of losing so much that is excellent": *Annual Register, History of Europe, 1822*, p.76.

² Arguably this was a wider social phenomena. For example, during the eighteenth and early nineteenth centuries the death penalty, in theory, applied to a large number of crimes, but was actually carried out much less frequently. Further, at times of particular stress a more literal interpretation of the law, involving the execution of more people, frequently occurred. For example, see H. Porter, *Hanging In Judgement: Religion and the Death Penalty in England*, SCM Press, London, 1993, especially p.6-10. It is tempting to draw a parallel between the erratic implementation of electoral laws and the views of William Paley on the judicial system. He argued that to deter crime one should have the death penalty for many crimes, but only to carry it out occasionally, it being this uncertainty that allowed a reconciliation between wide deterrence and avoiding cruelty, which would follow from fully enforcing death: Porter, *Hanging In Judgement*, p.13-14.

³ 1&2 Will.IV c.60 (1831).

⁴ It would be wrong, though, to attach too much importance to administrative details in isolation. For example, the use of "male person" in both the 1832 legislation and the Municipal Corporations Reform Act has led some to conclude that this was a deliberate move to exclude women from the franchise. However, both clause 18 of the England and Wales Reform Act - which defined the important county freeholder franchise - and all of the Scottish Reform Act did *not* use "male person." The use of this phrase on some occasions is indicative of meaningless drafting inconsistency, rather than any deeper motive; if the latter were the case one would have to explain why there was no move to exclude women from the county franchise or from voting in Scotland. "Male person" was occasionally used, but did not (in this period and context) signify anything significantly different to "person" or "man." Hence, when the county franchise was described in 1831-2 (92) XXXVI, "male person" was used on one occasion, though more normally the franchise was described without the use of this phrase.

would not trouble to attend. Only on rare occasions was any record made of decisions reached, and even when a formal Minute was drawn up, copies were not usually circulated.¹

This was partly a reflection of the fact that participants, even Cabinet ministers, were rarely full-time politicians with no other life. Rather, the electoral system was riddled with occasions when non-electoral considerations predominated. Thus, for example, being an assiduous MP gave way to enjoying the social life and other concerns. This was exacerbated by roles being assumed out of a sense of duty rather than enthusiasm, such as sons of great families standing for Parliament because that was what was expected.

Brock argued that, "Few people outside aristocratic and parliamentary circles understood politics, or took a continuous interest in them,"² but even many within those circles behaved similarly. Behaviour, whether it be MPs not voting, deference in a Yorkshire contest or bribery in a Hull election, was often driven by a variety of motives, with non-electoral considerations prominent. Local tradition, desire for a quiet life and economic self-interest all influenced behaviour. In this respect one of the most striking pieces of evidence is the amount of campaigning that occurred even when there was no contest, had been no contest for years and no-one expected a contest this side of the millennium. The speeches, balls, food and drink were not to sway votes, but the fulfilment of social norms, the recognition of mutual debts and aids to social restfulness. Elections and electoral politics did not dominate most people's lives.

Elections mixed decorum and tumult, duty and apathy, enthusiasm and part-timeism, all bundled up in frequent rough and tumble, exemplified by the appeal to Conservative electors at the end of an 1835 nomination meeting, "England expects *every* man to do his duty. Up Lads and at 'em."³ Elections were *fun*. In the words of one song,

'Twas glorious to carry a flag,
'Twas glorious to carry a drum,
'Twas glorious to guzzle from barrels of ale,
And follow the banners and drums ...
'Twas glorious to fuddle our noddles with ale.⁴

That was why poll books, prints and (at least after about 1815) novels⁵ revelled in recording electoral activity, frequently in humorous fashion. As one contemporary put it,

Electioneering is not only a political activity, and a social one - it is an art, and it is even a game. It illustrates our constitutional history, but it illustrates also our private life.⁶

Or, as the Duke of Norfolk asked,

What greater enjoyment can there be in life than to stand a contested election for Yorkshire and to win it by one?⁷

¹ Aspinall, "The Cabinet Council," p.187-8.

² Brock, *Reform Act*, p.16.

³ Bradford election broadsheets, DB3 c50/3, Bradford Archives.

⁴ *Beverley Election 1830*, p.49.

⁵ Nicholas, *To The Hustings*, Introduction.

⁶ [J. Hannay], "Electioneering," *Quarterly Review*, Volume 102, 1857, p.32.

⁷ R. Coupland, *Wilberforce*, 2nd edition, Collins, London, 1945, p.288.

The multiplicity of motives is one reflection of the need to understand the electoral system in context. The context did not merely shape the system, it also shaped interpretations of it. Thus, whilst the idea of judges ruling on election petitions was initially seen as a form of monarchical control, and inimical to Parliamentary purity, by the mid-nineteenth century it was increasingly seen as a way of ensuring Parliamentary purity. Similarly, whilst Parliamentary reporting was initially seen as inimical to free speech, as the monarch would know what everyone had said, by the nineteenth century it was seen as an essential part of free speech.

In understanding the context of the electoral system, it becomes clear that the traditional Whiggish tale of smooth progress to a liberal and democratic constitution is now, at one level, little more than an Aunt Sally.¹ As Williams said,

Victorian historians assumed that the eighteenth-century political system was a dress rehearsal for their own polished performance, and condemned any divergence they found as failures to come up to the demands of the script.²

Such divergences are now both commonly seen and not condemned. But, the Whig orthodoxy also provided a framework within which meaning and import were attached to particular political and electoral actions. At this more subtle level it still holds significant sway, in particular in the hostility to - and crude definition of - bribery and a lopsided attitude towards the size of the electorate. It is arguable to what extent present-day values and judgements should be, or can be, avoided in studying history. But a failure to understand both what many contemporaries thought and believed and the difference between description and prescription, leaves judgements on loose foundations. So, for example, Christie has described the system as being one of "illogical absurdities"³ and Evans talked of the borough franchise being "irrational and arbitrary".⁴ One can just as well call it "diverse and traditional". Indeed,

It is not clear that moral indignation is not a dispersion of one's energies to the great confusion of one's judgement.⁵

There are four clear departures from Whiggish assumptions that many contemporaries held, departures which it is necessary to understand in order to interpret electoral and political behaviour in the light of the meanings attached to actions by those carrying them out.

First, elections were largely seen as a private affair by many across the political spectrum, though some also saw them as a means of restraining the monarchy. Second, many saw innovation as being, in itself, dangerous. One may think this judgement wrong, dangerous, muddleheaded or bad, but if one accepts that people did believe it, it is clear why so many "oddities" and "absurdities" of the electoral system persisted: the gain from cleaning them up would have been outweighed by the inherent danger of innovation. (Further,

¹ A further problem with this idea of smooth progress is encapsulated in the economists' theorem of the second best. This theorem, originating with economic analysis, at its most simple states that if there are several conditions for an optimum result, and one of those conditions is not met, then the second-best optimum result may be obtained by departing from other of the conditions too. For example, in the absence of universal suffrage, many Chartists opposed the secret ballot.

² E.N. Williams, *The Eighteenth Century Constitution 1688 - 1815: Documents And Commentary*, Cambridge University Press, Cambridge, 1960, p.xv.

³ Veitch, *The Genesis of Parliamentary Reform*, Introduction.

⁴ E.J. Evans, *The Forging of the Modern State: Early Industrial Britain 1783-1870*, Longman, London, 1983, p.209.

⁵ Butterfield, *The Whig Interpretation Of History*, p.1.

as the confusion over urban penetration shows, it was often hard to forge simple and logical rules). Third, results rather than the process mattered. So, for example, it was not the number of electors in a constituency, but the quality of its MP, that mattered. Though this point of view was undoubtedly more popular with Tories than with others, it did occur elsewhere. Most notably, Brougham was wary of the large-scale attack on small constituencies carried out by the 1832 legislation for this very reason; he felt that small constituencies often provided high quality MPs. Fourth, equality does not have to mean one man, or even one person, one vote. This is certainly a system of equal input for different people, but equal output and equality between different groups of people do not necessarily follow. So equality of interest groups could be, and was, used to justify constituencies like Whitby with small electorates: the electorate may have been small, but the interest they were electing an MP for was large. Indeed, the anti-democratic potential of majority voting and means of dealing with it, was at the heart of much of the debate between Mill and Bagehot,¹ and of the invention of electoral devices like the single transferable vote later in the century.

The picture, then, is mixed. Not everything was vibrancy and participation, as a letter written by Philip Francis shortly after his election for Appleby in 1802 reminds us:

Yesterday morning, between 11 & 12 I was unanimously elected by one Elector, to represent this Ancient Borough in Parliament ... There was no other Candidate, no Opposition, no Poll demanded, Scrutiny or Petition. So I had nothing to do but to thank the said Elector for the Unanimous Voice by which I was chosen. Then we had a great Dinner at the Castle, and a famous Ball in the evening for that part of the Community which my lady calls the Ragamuffins. On Friday morning I shall quit this Triumphant Scene with flying Colours, and a noble Determination not to see it again in less than seven years.²

By contrast, Wright has claimed,

The extraordinarily intense quality of Victorian borough politics was a consequence of the 1832 Reform Act, reinforced by social and economic changes. It could be argued that between 1832 and 1885 there was greater popular interest than there has been since.³

The difference between these two pictures is only partly explained by the intervention of the reform debates and the 1832 legislation. Wright's picture is rather like thinking that football consists only of World Cup semi-finals, and neglecting Rotherham versus Barnsley on a wet Wednesday evening. The other aspect is that of non-registration and declining turnout. This semi-detachment between the political elite and the wider population was also reflected in MPs' behaviour. There was little link between their activity and their electoral situations. Not only did electors not see any vital link between Parliamentary activity and being a good MP, but many MPs similar saw no vital link between being an MP and doing things in the Commons.⁴

Despite signs of vitality - the increasing electorate, the scope for individual action, the spread of secret voting, the nuances behind deference and corruption - the point should not be over-emphasised.

¹ J. Roper, "Party and Democracy in Nineteenth-Century Britain," *Parliaments, Estates and Representation*, Volume 3 Part 1, 1983, p.24-8.

² To Harriet Frace, 7 July 1802: Williams, *The Eighteenth Century Constitution*, p.169.

³ Wright, *Democracy and Reform*, p.103. Similarly, see Markham, *Nineteenth-Century Parliamentary Elections*, p.38.

⁴ In this sense, Parliament was somewhat similar to Oxford and Cambridge. In 1833-68 four-fifths of those who were elected to Parliament for the first time at a general election, and had been to Oxford or Cambridge, had left either with only a pass degree or without any degree at all: Glynn, *The Private Member Of Parliament*, Volume 1, p.85. As with Parliament, the social attractions, despite their cost, seems to have outweighed the importance of the institutions' avowed purpose.

Vitality there was, but in the case of Philip Francis, it lasted less than a week. Vitality, participation and enthusiasm, often driven by conflicts within electoral elites, existed against a background of exhaustion, apathy and non-electoral considerations.